

THE LIFE OF ROBERT BALDWIN

A STUDY IN THE STRUGGLE FOR
RESPONSIBLE GOVERNMENT

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By

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PREFACE

THE following study was first undertaken as the thesis necessary for all candidates who desire the degree of Doctor of Philosophy at Harvard University. It is now published with the hope that it may add something to our knowledge of a great Canadian and the period in which he lived. It is published not only as a tribute to the Robert Baldwin who was the great protagonist of responsible government, but to the Robert Baldwin who never sacrificed principle to expediency.

While for all its shortcomings the author must accept full responsibility, he would like to acknowledge the advice and assistance without which the study would never have been made. He cannot express too great an obligation to Mr. R. W. Y. Baldwin, who not only placed all the family papers in his possession at his disposal, but at the same time acted as his genial host. He is under a deep debt of gratitude to Mr. Harry Baldwin, who obtained valuable papers from his relatives, Mrs. C. Jones and Miss L. M. C. Jones, of Pembroke Gardens, London. To them, too, his gratitude is extended.

His very sincere thanks are due to Professor Duncan McArthur, who read through the manuscript and made very valuable suggestions. Neither would he willingly forget his debt to Professor William B. Munroe, under whom this study was begun, nor to Dr. W. L. Grant, to whom he owes his first real knowledge of the subject. For courtesies shown when in search for material he would thank the staffs of the Toronto Public Library, the Queen's University

Library, the Dominion Archives and the Library of Parliament, Ottawa. In the latter library he would like to express his particular obligation to Mr. F. A. Hardy and to Mr. M. C. MacCormac.

Lastly, he would like to thank Miss Josephine Shannon, Mr. F. H. Page and Mr. J. G. Adshead, who have most kindly read the proof and assisted in the making of the index.

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The Life of Robert Baldwin

CHAPTER I

FAMILY AND EARLY LIFE

IN the long roll of those who have played a part in the public life of Canada there is no more honourable name than that of Robert Baldwin. Success as a politician was as nothing in his eyes compared with the fact that he should never do anything dishonourable or mean. He would not stoop for office or for power. Power might come to him, office might seek him out, but it would never be because he had compromised with his conscience or done anything of which he himself might be ashamed.

Along with this fine aristocratic sense of honour went a fine aristocratic sense of family. He had received an honourable name, he would pass it on untarnished to his descendants. Not for him any democratic contempt for genealogy! In 1836 he made his one and only visit to Ireland. The journey was for him a religious pilgrimage. When he was not visiting the living he was hunting up the history of the dead. He was determined to bring back to the new home of the Baldwin family as complete a record as he possibly could of their history in the old land. No pains were too great; he wrote to the College of Heralds, interviewed everyone who might give him any information, took endless care in trying to get the correct coat of arms of the family. In order that

his researches might remain as a permanent possession of the family, he bought several heavy brass-bound books which still exist,¹ and in which he entered the results of his investigations and made provision for the future. On his return to Canada he presented the books to his father, Dr. W. W. Baldwin, as "the present head of the senior male branch of the family."

In his "memorandum" that preceded the family genealogy Robert Baldwin traced the family name to a Baldwin, the son of Odoacer of Harlebeck, in Flanders. Later a Baldwin de Redvers accompanied William the Conqueror to England and was given 164 manors and lordships by the King. From him were descended the many branches of the Baldwin family.

Coming to comparatively modern times, Robert Baldwin discovered that a William Baldwin had come to Ireland in the time of Queen Elizabeth with one of the Herberts who had a large grant of land in what was called the island of Kerry. William's son, Thomas, purchased the lands of Lisnegatt in the county of Cork and was the ancestor of the John Baldwin who, in the year 1737, was mayor of Cork. He was the father of the Robert Baldwin who first came to Canada and who, in the annals of the family, is always known as "the emigrant."

Robert Baldwin, "the emigrant," was born in 1741 and married Barbara Spread in 1769. His wife died in 1791 in giving birth to her sixteenth child. Four children had died before their mother, and three others died before the family left for Canada. One son, Henry, entered the merchant marine and another, Augustus, entered the Royal Navy by way of the press-gang. He later rose to be an Admiral and when he

¹ In the possession of Mr. R. W. Y. Baldwin of Paris, Ontario.

retired, followed the rest of the family to Toronto, where he resided until his death in 1866.

The family was in possession of a small estate in the western part of the county of Cork, called Summer Hill, or, more commonly, Knockmore. Unrest was the usual state of the country, but after the outbreak of the French Revolution this unrest became acute. So widespread was the belief that the French were going to land that the Baldwins barricaded their doors every night and armed their servants in order to keep out Bonaparte. But it was more than the disturbed condition of the country that turned Robert Baldwin's thoughts towards the new world. The news that townships of land were being given away in Upper Canada was the deciding factor. One daughter was already married in Ireland to a Mr. Sullivan and remained behind, although she later came to Canada with her son, Robert, who was to play an important part in Upper Canadian politics. It was with two sons, William Warren and John Spread, and with four daughters, that Robert Baldwin finally left his native land.

Adventure did not wait until they had arrived in America, for the ship in which they first took passage sank at the dock at Falmouth and the family had to remain for seven months in Cornwall. This accident ended all chances of obtaining the hoped-for township of land in Upper Canada, as an Order-in-Council had been passed in the meantime putting an end to all such grants.

Robert Baldwin finally obtained passage for his family on the *Grantham*, which was carrying mails and money, and, although armed, had orders to run from everything. She received orders to sail when the Baldwins were on shore, but the captain obligingly

waited out of sight of land until the passengers came on board. The voyage was calm and pleasant, the only real excitement was when they were pursued for three days by a ship which in the end proved to be a British vessel. They stopped at Halifax and then sailed on to New York, which they reached in June, 1798. Then by way of the Hudson and the Mohawk they made their way to York, the capital of Upper Canada. The newcomers were bitterly disappointed. York might indeed be a capital, but to them it was nothing but a straggling village in the wilderness distinguished by "not even a Methodist Chapel."

The Baldwins did not intend to settle here, but proceeded some fifty miles down Lake Ontario in an open *bateau* to a farm that they had taken on what afterwards came to be known as Baldwin's Creek, in the township of Clarke. Being people of substance they immediately became people of consequence in the community. They belonged to the "gentry," not to the class of impecunious emigrants who had to carve homes for themselves out of the backwoods of Upper Canada. They had ten acres of cleared land and lived in a large log house with moss between the chinks. Robert Baldwin was appointed a Justice of the Peace and in that capacity had as his chief duty the marrying of the many couples that came before him. He was a Colonel of Militia and on one occasion, with true Irish hospitality, gave a dinner to all under his command. On the shoulders of his three daughters fell the task of providing for from 200 to 300 men. A great sugar-kettle of venison soup, enormous quantities of meat and pies were needed to satisfy the hunger of the guests. This was not the only entertaining that the Baldwins were called upon to do. There was no inn in the district, so that every-

body passing on the lake stayed for at least one night, while if they happened to be stormbound they stayed so much the longer.

Robert Baldwin's two sons, however, had no intention of becoming farmers. His oldest son, William Warren Baldwin, who was twenty-three years of age when the family came to Canada and who had just graduated in medicine from the University of Edinburgh, settled down in York to practise his profession. After he became established he persuaded his father to come and live with him, and there in 1816, six years after he had moved into town, Robert Baldwin "the emigrant" died.

Dr. Baldwin soon discovered that the health of the people of York was remarkably good and that there was only a very moderate demand for his services. This state of affairs did not hold in the realm of law so he decided to add that profession to the one he already practised. He needed no long period of study. The need for lawyers was very great, the regulations were very simple, and on the sixth of April, 1803, he was admitted to the Bar of Upper Canada. He still continued the practice of medicine, but as the years passed by more and more of his time was given to legal work, although, as he himself admitted on one occasion, he was "only a quack in law." For a time he even followed a third profession. On the first of January, 1803, he opened a private school for boys, the terms being eight guineas per annum, paid quarterly or half-yearly, the entrance fee being one guinea and one cord of wood.

On first coming to York Dr. Baldwin had made his home with a Mr. William Willcocks, an Irish friend of the family, whose daughter, Phoebe, he married in 1803. Like Dr. Baldwin's grandfather, Mr. Willcocks

had been a mayor of Cork, and like his father he had been induced to come to Canada by the hope of obtaining the grant of a township of land. Although disappointed in this hope, he remained in the new country, became a judge of the Home District Court, and became so interested in speculative mill-building that his son-in-law feared he was heading straight for the bankruptcy court.²

Through his marriage with Miss Willcocks, Dr. Baldwin became related to one of the magnates of the young colony, Mr. Peter Russell, a first cousin of his wife's father. Peter Russell was a member of the Irish branch of the Bedfordshire family of Russell and had first come to America as secretary to Sir Henry Clinton during the American Revolutionary War. He was later "Judge of the Court of Vice Admiralty in the Province of South Carolina,"³ and two years later was appointed "Superintendent of all imports and exports to and from the port of Charleston." When the war was over he was appointed "our officer and agent at the port of Hardwicke in the county of Essex."⁴ In 1792 he came to Canada with Governor Simcoe as Inspector-General and lived there for the rest of his life. He was administrator from 1796 to 1799, between the time of Simcoe's departure and the arrival of his successor. He became one of the greatest landowners in the colony, and dying a bachelor in 1818, he left all his property to his half-sister, Miss Elizabeth Russell.

On the twelfth of May, 1804, Robert Baldwin, the subject of this study, was born in the house later

² *Baldwin Correspondence*, W. W. Baldwin to Quetton St. George, July 11, 1810.

³ *Russell Papers*, Ontario Archives, Appointment, May 19, 1780.

⁴ *Ibid.*, Oct. 15, 1783.

occupied by William Lyon Mackenzie and the scene of the riot when his presses were destroyed by the mob.⁵ Dr. Baldwin celebrated the occasion of his son's birth by giving his school a holiday. Four other sons were born to him, but only one, besides Robert, lived to manhood.

Amongst the most vivid recollections of the growing boy must have been the events connected with the war of 1812 and the descent of the Americans upon York. The women of the Baldwin family joined in the making of a flag for the third regiment of York militia. Robert Baldwin's aunt drew the design, while the motto, "Deeds Speak," was supplied by the future Bishop, John Strachan. As the ladies worked they were entertained by the future Chief Justice, John Beverley Robinson, who read poetry to them, while from time to time General Brock came in to inspect and commend the work.

The war was to come still closer. In April, 1813, the Americans sailed into the harbour. Dr. Baldwin returned to his old profession and attended the wounded. The rest of the family left York and sought refuge at the farm of Baron de Hoen some little distance up Yonge St., at that time a corduroy road. Miss Russell filled her carriage so full with necessities that the whole party had to walk. Mrs. Baldwin was there with her four sons, and old Mr. Baldwin, who, in spite of his seventy-one years, wanted to stay behind and fight, but was finally persuaded to accompany the women.⁶ Some of their valuables were concealed in Captain de Hoen's barn, but although they escaped the Americans they were discovered by some of the soldiers of His Majesty King George III,

⁵ Scadding, *Toronto of Old*, p. 38.

⁶ *Memorial of the Baldwin Family*, Canadian Archives, M 383.

who did not scruple to carry off a black silk gown and the silver spoons.⁷

Robert Baldwin's boyhood seems to have been in no way remarkable. He attended the Home District grammar school, presided over by the redoubtable Dr. Strachan, and at the age of fifteen had reached the position of head boy of the school and spoke the prologue at the closing exercises.⁸ On the same occasion he appeared as Mr. Canning in a debate on the College of Calcutta.

From Dr. Strachan's school he passed into his father's law office. Shy, studious and industrious, he yet had time to write poetry and attend dances. A letter from his brilliant cousin, Robert Baldwin Sullivan, gives a glimpse of the young lawyer. "Methinks I see you put on one of your grave looks with half a smile lurking behind it, like an erasure in a sheet of parchment. Methinks I hear you pronounce emphatically, 'What stuff to torment a professional gentleman with on a circuit.' But 'tis all your own fault, why did you not write to me instead of leaving me as melancholy as a lonesome schoolboy in the holidays?"⁹

Robert Baldwin was called to the Bar in 1825, entering into partnership with his father under the firm name of W. W. Baldwin and Son. Two years later he married his cousin, Miss Augusta Elizabeth Sullivan. Her mother was the eldest sister of Dr. Baldwin and had not come out from Ireland until 1819. In 1829 Robert Baldwin's cousin, now also his brother-in-law, entered the firm, which once more changed its name and became "Baldwin and Sullivan."

⁷ *Baldwin Correspondence*, August 18, 1813.

⁸ Scadding, *Toronto of Old*, p. 157.

⁹ *Baldwin Correspondence*, August 11, 1825.

The Baldwins had already become one of the wealthiest families in York. After the disturbance caused by the American invasion in 1813 they had gone to live with Miss Elizabeth Russell at her residence, Russell Abbey. On her death in 1822 all the property passed to the family.¹⁰ That such should be its ultimate disposal had probably been the intention of Peter Russell. He had had Dr. Baldwin draw up a conveyance soon after Robert Baldwin was born, making over property to him in entail, his father, however, to have the use of it.¹¹

On the top of a hill overlooking York and in the midst of his new domains, Dr. Baldwin built himself a residence which he called Spadina,¹² while through the midst of the property he laid out a broad road which is now the Spadina Avenue of the city of Toronto. It was Dr. Baldwin's dream to found a great landed family in Upper Canada. When in 1822 Mr. Bidwell brought in a bill for an equal division of the real estate of persons dying intestate, he found in Dr. Baldwin one of his sturdiest opponents.¹³ It was, the doctor declared, a visionary scheme suitable only in a republican state, but not in a free government. It meant the destruction of aristocracy on which the happy constitution of Great Britain rested. He would not hear of it, yet within thirty years his son was to abolish the law of primogeniture.

It was almost inevitable that the Baldwins should have been drawn into politics. It was difficult for anyone to remain neutral in the York of the twenties,

¹⁰ Some 51,000 acres according to the *Colonial Advocate*, July 5, 1828.

¹¹ *Baldwin Papers*, Ontario Archives, W. W. Baldwin to Peter Russell, July 27, 1806.

¹² Scadding, *Toronto of Old*, p. 66.

¹³ *The Colonial Advocate*, May 29, 1828.

but it was doubly so for a firm of lawyers. The Baldwins did not remain neutral; the remarkable thing is the side they took. Wealthy, members of the Church of England, on terms of friendship with the governing families of York, they should naturally have belonged to the so-called Family Compact party, but such was not the case. Dr. Baldwin was opposed to the official oligarchy and supported the Reform party, which, for the first time, succeeded in electing a majority to the House of Assembly in the elections of 1824. Although he had no desire to oppose the governing class, he was driven to do so by his convictions, and perhaps by his temperament. "Long governed by a regard for social intercourse so necessary to human happiness, I have studied, nay laboured, to impress upon my mind a degree of content with the state of things," he wrote to Attorney-General Robinson. Attributing all measures to the best motives, he had "preserved a public silence" and "never interfered, but when either private or public duty commanded interference."¹⁴

Certain criticisms of Dr. Baldwin on the conduct of the Attorney-General must have reached the latter's ears because he wrote to him and asked him wherein he had omitted his duty. Dr. Baldwin cited the case of the outrage against Mackenzie, when a mob connected with the official party had wrecked his printing establishment. He said that the Attorney-General had failed to reprove his students who had taken part in the affray, and that he had failed to prosecute the rioters. At the same time he did not want John Beverley Robinson to think that he was a follower of Mackenzie. "Mackenzie's conduct was very bad—

¹⁴ *Baldwin Correspondence*, W. W. Baldwin to J. B. Robinson, May 31, 1828.

he should have suffered for his slanders, but not by outrages, especially at the hands of those who ought to know what they affect to hold, the character of gentlemen.”¹⁵ Dr. Baldwin’s lack of sympathy for Mackenzie’s methods did not blind him to the fact that the editor had not received justice at the hands of those who were supposed to be its guardians. Dr. Baldwin’s sense of justice and fair play, a sense which was also very strong in his son, forced him to speak out. ✓

It would be superfluous to give a detailed account of the causes of discontent in Upper Canada in the twenties and thirties of the nineteenth century.¹⁶ Naturally, however, the subject cannot be ignored in a life of Robert Baldwin. There were many complaints but, as the future was to prove, they all originated in the defects of the system of government as set up by the Constitutional Act of 1791.

Although Simcoe had announced that that act conferred upon the colony a form of government which was the “image and transcript” of that of Great Britain, time had failed to prove his statement true. At the head of the executive was a Governor appointed by the Crown, assisted by an Executive Council also appointed by the Crown, but always on the Governor’s recommendation. The legislature consisted of a Legislative Council, appointed in the same way as the Executive Council, and a Legislative Assembly elected by the people.

Under this scheme of government, the real power was in the hands of the Governor and the nominated Councils. They were the government. The Assembly

¹⁵ Ibid.

¹⁶ Dunham, A., *Political Unrest in Upper Canada, 1815-1836*, gives an excellent account.

could criticize; and, in extreme cases try to cripple the executive, but it had no power of changing the composition of the Councils. As long as the Assembly remained inactive or agreed with the Councils all was well, but as soon as the popular House showed a will of its own and tried to make that will law, trouble arose.

All this was not revealed at once. It was only in the years after the close of the war of 1812 that the full defects of the system became plain. Then was to be seen the spectacle of a popularly-elected House at loggerheads with the other branches of the legislature. Two things had happened. Gradually the members of the Councils and the chief office holders in the colony (often the same persons) had come to look on themselves as the properly constituted guardians of loyalty and public order. They had become the so-called Family Compact, an oligarchy who felt that the duty devolved upon them of sustaining the King's rule, the King's religion, and the King's peace. The more their position was attacked, the more they felt that the Empire needed their support.

On the other hand the people in the colony and their representatives in the Assembly had become more and more restive under this system. They became more and more desirous of governing themselves instead of being governed by a body of self-constituted Solons in muddy York. The rise of democracy was making itself felt in Canada just as it was making itself felt in the two countries that most influenced Canada—the United States and Great Britain. The close of the twenties saw Jacksonian democracy triumphant south of the forty-ninth parallel; the early thirties saw the passing of the Reform Bill in the mother country.

The democratic movement in Canada was complicated by a further consideration—the question of status. How could the representatives of the Canadian people govern the country according to the wishes of the people, and the country still remain a colony within the British Empire? Did not the democratic ideal mean self-government and therefore independence? If the Assembly were to dictate to the executive what would become of the responsibility of the Governor to the home government?

It is this fact that explains a curious situation in the Assembly of Upper Canada. The Assembly itself was divided on the very question of popular control. The struggle was not only a struggle between an elected House and the appointed Councils but was a struggle within the Assembly itself. The Family Compact party was able to hold its own at elections, and indeed at the time of the rebellion in 1837 was in control of the lower House. Many an elector felt, even if he might not have been able to formulate his convictions, that there was a conflict between loyalty and democracy. The leaders of the Reform party might preach a plausible doctrine, but behind it all he detected treason to the old land and a desire for independence, or possibly union with the United States.

Amongst the opponents of the Family Compact party there was unity in the desire to extend popular control over the executive, but unity ended when the question was asked just how that result was to be brought about. There were really two schools of thought—those who looked to the United States and those who looked to Great Britain. Those who held to the former were probably the more numerous. Their great solution for the difficulties of the colony

was to extend the elective principle. Democracy was triumphant in the neighbouring state of New York by the simple expedient of making all officials elective. Why should not the same principle be applied in Upper Canada? Accordingly we find most of the Upper Canadian Reformers demanding that the Legislative Council be made elective, and a few extremists even going as far as to ask for an elective Governor. Such demands naturally caused nothing but consternation in the minds of the officials in the Colonial Office.

The other school of Reformers looked for inspiration to the workings of the British Parliament at Westminster. There they saw that the will of the British elector was made effective by the simple expedient of having a ministry (the executive) responsible to the people's representatives in the House of Commons. Once the ministry lost that confidence the government fell. The advocates of this system pointed out that it needed no radical change in the machinery of government as established by the Constitutional Act to introduce the same system into Canada. The Governor had simply to change the Executive Council into a ministry and make it submit to the same conditions as held in the case of the ministry in Great Britain.

This is the system known as responsible government and later advocated in Lord Durham's report. This seems very simple now, but it was not by any means so simple in the days before the writing of that famous report. Neither, as it has been pointed out,¹⁷ was the term "responsible government" so specialized in its interpretation. It was a loose term that might be made to cover a multitude of meanings.

¹⁷ New, *Lord Durham*, p. 336.

It is to the glory of the Baldwins, father and son, that they early grasped the possibilities of "responsible government," that they became its staunch exponents, that they passed on their idea to Lord Durham and that through him it became the corner-stone of self-government, not only in Canada, but throughout the British dominions. To Robert Baldwin belongs the further glory that he had much to do during the forties in the actual working-out of the new idea.

To divide the credit between father and son is not difficult although it is impossible to be absolutely certain in every detail. There is evidence to show that Dr. Baldwin was quite familiar with the idea at least as early as 1828 and was prepared to advocate it as a necessary reform. At this time his son Robert was twenty-four years of age and was only beginning the practice of law. It would seem altogether likely that the senior man had thought out and accepted the principle of responsible government for himself. This conclusion is confirmed by the confession of Robert Baldwin who, some years later, publicly stated that his views had been "imbibed from his father."¹⁸

Between father and son there was the greatest confidence and trust, as is seen in every letter. There were, however, certain differences in the character of the two men. Dr. Baldwin was certainly the more lively, the more "Irish" of the two, and was probably the more fertile in ideas, probably the more radical.¹⁹ While Dr. Baldwin had greater surface brilliancy, his son had greater depth and stability. Robert Baldwin was always sober, almost sad. His was not a brilliant intellect—he had none of the brilliance of his cousin, Robert Baldwin Sullivan—but he had a good under-

¹⁸ Letter to Peter Perry, March 16, 1836.

¹⁹ Sir Francis Bond Head, *A Narrative*, p. 56.

standing, independent, cautious, tenacious. He had in addition, and what was much more important, all the weight that character can give. He was, to a supreme degree, a just man; applying the word "just" to qualities of mind as well as to qualities of heart.

If Dr. Baldwin had first taken up the idea of responsible government it was his son who developed the idea and set it up as the one and only thing essential in order to achieve reform. Dr. Baldwin might demand responsible government, but he never saw its significance with the same clearness as his son. He would simply make it one item in a whole series of demands, all of which, one is sometimes forced to conclude, were of equal importance in his eyes.

Robert Baldwin never made this mistake. He saw the importance of the principle and threw all his energy into stating it with all the force and clearness of which he was capable. He also saw the importance of not confusing it with other issues. He was prepared to take his stand on a platform of responsible government and responsible government alone. Dr. Baldwin used a shotgun. One of his pellets was responsible government. His son used a rifle. His bullet was responsible government.

These developments, however, were still largely in the future. In the twenties the Baldwins were a wealthy and highly-respected family who differed from most of their well-to-do neighbours in being supporters of the Reform party. Apart from their wealth and their social position they had not yet become outstanding leaders in the cause of reform. William Lyon Mackenzie was the most prominent agitator for the cause and with the "peppery little Scot" they had scant sympathy. Their tastes were too conservative and too aristocratic for them to

sympathize with his ideas or with his methods, and yet certain events throw light on the position of the Baldwins and show them taking up a position in open opposition to the leaders of the Tory party.

In 1828 the official world of York was convulsed by a quarrel which, starting amongst the legal profession, extended to society, and finally became an issue in politics. There had been a project at the Colonial Office to establish a Court of Equity for Upper Canada and John Walpole Willis, a rising young lawyer and the son-in-law of an earl, aspired to the post of judge. He received the promise of the appointment if the scheme should be carried out, and in the meantime he accepted the office of puisne judge of the Court of King's Bench for Upper Canada.²⁰ He was sworn in in October, 1827.²¹

Humility was not one of the virtues of the new judge, nor did he underestimate his own legal learning. He thought but poorly of the abilities of Attorney-General Robinson, and his opinion did not improve when they became rivals as possible successors to Chief Justice Campbell.²² In order to forward his own interests he was accused of courting the favour of the leaders of the Reform party.²³

Other circumstances led him in the same direction. Lieutenant-Governor Maitland was no advocate for the scheme of the Equity Court. Lady Mary Willis, the daughter of an earl, and Lady Sarah Maitland,

²⁰ Canadian Archives, Q 349, p. 4, Willis to "The Secretary of State, Colonial Office," April 21, 1828.

²¹ Ibid., Q 348, p. 252, Report of the Executive Council, June 27, 1828.

²² Ibid., Q 349, p. 4, Willis to "The Secretary of State, Colonial Office," April 21, 1828.

²³ Ibid., Q 348. Maitland to Huskisson, July 6, 1828. See also Kingsford, *History of Canada*, Vol. X, p. 262.

the daughter of a duke, quarreled over the question of rank and precedence.²⁴

The quarrel between Judge Willis and the Attorney-General came to a head when the judge allowed Francis Collins, under arrest on a charge of libel, to arraign the latter official for "foul partiality and oppression."²⁵ This was followed by an open wrangle as to whether the Attorney-General was an effective public servant or not.²⁶ Under such circumstances it is not surprising that the whole executive was opposed to the judge.

Judge Willis also found himself in opposition to Judge Sherwood. After Chief Justice Campbell obtained leave of absence the two remaining judges nearly always disagreed.²⁷ Willis undertook to investigate the constitution and powers of the Court of King's Bench and came to the conclusion that the Court could not legally sit unless all three judges were present. Not satisfied with informing the Colonial Office to that effect, he announced his conclusion in open court and then left the Bench.²⁸ This action brought matters to a head. Lieutenant-Governor Maitland removed Willis and appointed Hagerman in his place.²⁹ The struggle was now transferred to England.

The cause of the deposed judge was taken up by the popular party, although according to his own account he had seldom conversed with its leaders, Dr. Baldwin, Mr. Rolph, or Mr. Bidwell.³⁰ That he

²⁴ Dent, *Upper Canadian Rebellion*, Vol. I, p. 170.

²⁵ Canadian Archives, Q 348. Robinson to Maitland (An enclosure).

²⁶ *Ibid.*, Q 349, p. 24.

²⁷ *Ibid.*, Q 348, p. 436. Maitland to Huskisson, July 6, 1828.

²⁸ *Ibid.*, Q 348, Sherwood to Maitland, June 16, 1828. Also copy of the address given by Judge Willis (Enclosures).

²⁹ *Ibid.*, Q 348, Maitland to Huskisson, July 6, 1828.

³⁰ Dent, *Upper Canadian Rebellion*, Vol. I, p. 184.

had not made use of his opportunities and known more of the Baldwins he afterwards regretted.³¹ As to whether his opinion regarding the constitution of the Court of King's Bench was correct or not was a matter of importance to the legal profession. That the matter was open to question was shown clearly by the uncertain answer of Judge Sherwood to an application for his opinion.³² Thereupon Dr. Rolph and the two Baldwins threw off their gowns and left the Court.³³ When Judge Willis went to England a committee which consisted of John Galt and Dr. Baldwin and their wives was formed to look after the interest of his wife. To this committee Robert Baldwin was added as her ladyship's solicitor.³⁴

The more one inquires into this whole controversy the clearer it becomes that the fault was not all on one side. The conduct of the judge was anything but discreet; he was impetuous and vain, and his actions would never contribute to the prestige of the judiciary. The Lieutenant-Governor and the official party were high-handed, although this was not a conspicuous instance of that fact.

To the general public, and to the Reform party, Judge Willis appeared in the light of a martyr. He was a distinguished Englishman who had arrived with the reputation of holding liberal opinions. He had begun by announcing his freedom from party feelings and his determination to administer impartial justice;³⁵

³¹ Ibid., Vol. I, p. 184.

³² Canadian Archives, Q 348, p. 250, Application for the opinion of Judge Sherwood, signed by W. W. Baldwin, I. Washburn and Robert Baldwin, June 17, 1828.

³³ Ibid., Q 348, p. 439. Maitland to Huskisson, July 6, 1828.

³⁴ Ibid., Q 348, Maitland to Huskisson, July 6, 1828.

³⁵ Ibid., Q 348, p. 35. "Totally devoid of all party, all political feeling, it has been, and ever will be, my earnest desire to render to every one impartial justice." (An enclosure.)

he had ended by arousing the enmity of the whole bureaucracy. That this was but another illustration of the law of cause and effect seemed clear. The Reform party had complained much of the partiality of the judiciary, and the appointment of all judges from the English Bar had been one solution advocated.³⁶ The fate of Judge Willis would be the fate of all independent judges. Reform opinion is well expressed in a letter of Marshall Spring Bidwell to Dr. Baldwin:

The arbitrary and ignominious dismissal of Judge Willis, is in my opinion, one of the most flagrant acts of tyranny and oppression by which a free country ever was sullied, and I shall assist with heart and hand in every attempt to procure redress and to bring the authors of this measure to a just and signal punishment.³⁷

Public meetings were held to protest against the action of the Governor, although the state of the roads in Upper Canada made such meetings difficult.³⁸

At a public meeting of which Dr. Baldwin was chairman, it was decided to send a petition of grievances to the imperial government. The actual petition is said to have been written by Robert Baldwin, although it bears the name of his father.³⁹ In it the "violent and unconstitutional" removal of Judge Willis is only one item in the indictment of the governing oligarchy. This one, however, is a "grievance of such magnitude as requires Your Majesty's paternal interference." The removal of Judge Willis enabled the authorities to appoint a new judge "labouring under those prejudices of family

³⁶ *Baldwin Correspondence*, Dr. Baldwin to Jos. Hume, April 2, 1830.

³⁷ *Ibid.*, M. S. Bidwell to Dr. Baldwin, April 8, 1828.

³⁸ *Ibid.*, Bidwell to Dr. Baldwin, December 8, 1828.

³⁹ Dent, *Canadian Portrait Gallery*, Vol. I, p. 29.

connection and party feelings from which Mr. Justice Willis was necessarily and happily free.”⁴⁰

The petition then goes on to give a list of grievances from which the country is suffering. Without directly demanding responsible government, the irresponsibility of officials is made a subject of complaint. The Legislative Council is made up of placemen and members of the Executive Council “holding their office at his (the Lieutenant-Governor’s) mere will and pleasure. Hence arises, in a great measure, the practical irresponsibility of Executive Councillors and other official advisers of Your Majesty’s representative.”⁴¹

E. G. Stanley (afterwards Earl of Derby) was asked to present the petition in the British Parliament. In writing to Dr. Baldwin he said he was sorry that the petition was mixed up with the case of Judge Willis. From such information as he had, and that obtained chiefly from the judge’s own friends, he felt that even if the judge were legally right, he still was open to the charge of indiscretion. Then follows an interesting comment: “on the last, and one of the most important topics, namely, the appointment of a local ministry, subject to removal or impeachment when they lose the confidence of the people, I conceive there would be great difficulty in arranging such a plan—nor are the wishes of the petitioners very clearly expressed, for in point of fact the remedy is not one of enactment but of practice—and a constitutional mode is open to the people, of addressing for a removal of advisers of the Crown and refusing supplies if necessary to enforce their wishes.”⁴² The refusal to vote supplies was finally tried, with what success we shall see.

⁴⁰ *Seventh Report of the Committee on Grievances*, 1835, p. 99.

⁴¹ *Ibid.*

⁴² *Baldwin Correspondence*, E. G. Stanley to Dr. Baldwin, April 24, 1829.

The petition shows clearly enough that the Baldwins had taken up the idea of responsible government. They might be colonials, but they did not belong to the class that believed that any of the rights of British subjects were lost by leaving the mother country. They were constitutional lawyers who wished to make the government of Upper Canada a true "image and transcript" of the British constitution. In England the executive was responsible to the elected representatives of the people. Why should not the same principle apply in Canada? At the same time there is a certain indecision in their demands. Responsible government is not made a solution to all other grievances. It is only one demand among many.

While the petition does not show that the Baldwins had yet come to realize the true significance of the demand for responsible government, a letter written by Dr. Baldwin a short time afterwards does show his realization of this fact. He says that there are six things that those who are dissatisfied with the present system want. ✓The third of these demands is for the "formation of a new Executive or Cabinet Council responsible and removable as the public interest may demand," and then follow the significant words, "which it is anticipated would, of itself, indirectly lead to the removal of all our present grievances and prevent the recurrence of any such for the future."⁴³ The other five demands, which, with this one for responsible government, make up the Baldwin programme at this time, are for the control "over our revenue," the exclusion of judges from all councils, a reorganization of the Legislative Council, no dominant Church, and no legislative interference on the part of

⁴³*Baldwin Correspondence*, Dr. Baldwin to Joseph Hume, April 2, 1830.

the imperial Parliament except as provided in the Constitutional Act of 1791.⁴⁴

While Dr. Baldwin was still the more important member of the family firm, Robert Baldwin was gradually making his way at the Bar. Without any of the showy brilliancy of his cousin, Robert Baldwin Sullivan, his solidity, his judgment and his integrity could not but make themselves felt. It was a recognition of his capacity as well as because of his political leanings, that he was chosen to prosecute in one of the political trials of the day.

Francis Collins has already been mentioned in the quarrel between Judge Willis and Attorney-General Robinson.⁴⁵ Collins as editor of the *Freeman* vied with Mackenzie in the bitterness of his attacks on the official party. This brought down on his head a number of indictments for libel preferred against him by the Attorney-General, which it was hoped would bring about the editor's ruin. It was in this trial that Collins stepped forward and, encouraged by Judge Willis, made countercharges as to Attorney-General Robinson's conduct. Following the judge's advice, he preferred his complaints before the grand jury.⁴⁶ Collins raked up an old scandal. In 1817 a duel had been fought in which Samuel Peter Jarvis had killed John Ridout.⁴⁷ Jarvis had been tried and acquitted, but the connection of other parties with the duel had been ignored. It was on this score that Collins accused the Attorney-General of failing in the duties of his

⁴⁴ Ibid.

⁴⁵ Canadian Archives, Q 348 (Part I) pp. 69-102, Robinson to Maitland (Enclosure).

⁴⁶ Ibid.

⁴⁷ Ibid., Q 348, Statement of Attorney-General Robinson; Account in the *Canadian Freeman*, April 3, 1828; Statement of Samuel P. Jarvis, including letters and other documents.

office. He now appeared before the grand jury and accused H. J. Boulton, a close friend of the Attorney-General, and J. E. Small, with being accessories to murder in the killing of John Ridout. A true bill was returned against the accused.

It was within the rights of the Attorney-General to conduct the case for the prosecution. Collins could scarcely hope that any vigour would be shown under such circumstances and wished to trust the prosecution to Robert Baldwin. The latter applied to the court for the necessary permission, which was granted with the Attorney-General's consent.⁴⁸ The trial took place before Judge Willis and the whole story was revived in all its details. The chief culprit, however, had been acquitted in 1817 and it would have been strange if the accessories had been punished eleven years later. They were acquitted. The trial could not fail, however, to bring Robert Baldwin into prominence. Both because of its semi-political nature and because of the conspicuous position occupied by the accused, it focused public attention.

Dr. Baldwin was already a leader of the opposition in the House of Assembly. It had been on his motion that Allan MacNab had been committed to York jail, and so won the sympathy, as he was later to win the leadership, of the Tory party.⁴⁹ In 1828 his son first entered the political field as a candidate for the county of York. Two members were to be elected, but there were four candidates, one of whom was William Lyon Mackenzie. In the pages of the *Colonial Advocate* its editor was publishing a black list, and if the name of Dr. Baldwin appears more frequently than one might

⁴⁸ Canadian Archives, Q 348, p. 95. Robinson to Maitland (An enclosure).

⁴⁹ *Journal, House of Assembly*, 1829, p. 36.

expect, it was no doubt in order that the sins of the father might be visited upon the son.⁵⁰ When the actual election came off the proceedings were conducted with the greatest order and regularity and without the usual bickering and quarrels amongst the candidates.⁵¹ Robert Baldwin's name was at the foot of the poll.⁵² A second opportunity presented itself a year later when Attorney-General Robinson's appointment to be Chief Justice of Upper Canada left a vacancy in the representation of the town of York. The two unsuccessful candidates of the previous year were again rivals. Baldwin defeated Small, but only to have the return declared void owing to the fact that the writ for the election had been issued by the Lieutenant-Governor instead of by the Speaker of the Assembly.⁵³ In his third election contest, Baldwin had as his opponent Mr. Jarvis, the Sheriff of the county of York. Baldwin won after a keen contest, being aided not a little by the editor of the *Colonial Advocate*. Mackenzie urged his election as showing that the capital of Upper Canada had burst her fetters and was prepared to elect an independent citizen following the example of the capital of Lower Canada.⁵⁴

Baldwin took his seat in January, 1830, but took no conspicuous part in the debates of the session. The death of George IV brought a dissolution and in the new election Baldwin was defeated along with many of his party.⁵⁵ His father was also defeated for re-election for the county of Norfolk.

⁵⁰ *Colonial Advocate*, May 29, July 5, 1828.

⁵¹ *Ibid.*, July 22, 1828.

⁵² *Ibid.*, July 31, 1828. (Ketchum, 869) (Mackenzie, 759) (Small, 544) (Baldwin, 277).

⁵³ Dent, *Upper Canadian Rebellion*, p. 229.

⁵⁴ *Colonial Advocate*, November 19, 1829.

⁵⁵ *The Montreal Gazette*, October 28, 1830.

CHAPTER II

CALL TO OFFICE

AFTER this defeat of 1830, Robert Baldwin and his father retired from politics.¹ They made no attempt to seek election but confined their attention to their legal practice. Their party was in a minority in the House of Assembly which spent its best efforts in trying to exclude William Lyon Mackenzie from its membership. Such action could not but arouse the anger of the Baldwins, without, however, exciting any enthusiasm for the man involved. In 1828 Dr. Baldwin had similarly disapproved of the conduct of Mackenzie's enemies without approving of Mackenzie.²

Between the Baldwins and the future leader of the rebellion there could be but little sympathy. They were whigs, he was a radical. They were constitutional lawyers, he was an agitator, not to say a demagogue. Robert Baldwin made no secret of his belief that little progress could be expected as long as Mackenzie was a leader of the party.³

At the same time the Baldwins had no desire to re-enter politics.⁴ When in 1834 a new election was about to be held, Dr. Baldwin refused to be even a delegate at the district convention. The defeat in 1830 still rankled. He felt that he and his friends had been betrayed by those whose support they had every

¹ Hincks, *Reminiscences*, p. 15.

² *Baldwin Correspondence*, Dr. Baldwin to J. B. Robinson, May 31, 1828.

³ Dent, *Upper Canadian Rebellion*, Vol. I, p. 268.

⁴ *Baldwin Correspondence*, W. W. Baldwin to Robert Baldwin, April 27, 1836.

right to expect. He had "experienced such extreme fickleness of popular opinion" that he was forced to the conclusion "that the great body of the people of this province . . . in no wise ignorant of their rights, or the great value of them, are nevertheless shamefully indifferent into whose hands they commit their preservation and due exercise. Experience alone must teach these people."⁵ Although urged to do so, father and son absolutely refused to stand for any of the constituencies.⁶ The Reform party, however, won the election, and when Parliament met, were once more able to elect Mr. Bidwell Speaker.⁷

Robert Baldwin's private life had hitherto been singularly happy, but he was about to suffer his first great affliction. On January 11, 1836, his wife died, and for the next twenty-two years, on every anniversary of her death he retired to his room to mourn her loss.⁸ It cast a shadow over all the remaining years of his life. But although "his dream of life" was sadly changed, he was yet willing "to recognize in the blow—the hand of a merciful, as well as an overruling, Providence." He could still with confidence say, "I know that my Redeemer liveth, and that all we receive at the hand of God, although it may prostrate our earthly happiness, is directed by unerring wisdom to the insuring of our eternal."⁹

He was not unmindful of the claims that his children now had upon him. "The performance of my duty to them is the great remaining duty which I owe to their dear mother," he wrote to Dr. Baldwin.

⁵ *Colonial Advocate*, March 13, 1834.

⁶ Dent, *Upper Canadian Rebellion*, Vol. I, p. 280.

⁷ *Journal, House of Assembly*, 1835, p. 14.

⁸ Davin, *The Irishman in Canada*, p. 393.

⁹ *Baldwin Correspondence*, R. Baldwin to W. W. Baldwin, London, June 8, 1836.

“This I owe to her memory as the only means I have of showing that I was worthy of her affections.”¹⁰ The education and guidance of his four children was now not only a family but a religious obligation. There was Maria, the eldest, then William and Robert, the first quiet and studious, the other active and irrepressible, and little Eliza, who had more than her share of her father’s affections.

A letter written by Robert Baldwin to his father from Dublin, before the year was out, tells its own story.

It was the morning of this Sunday twelve months ago my poor Eliza and myself commenced the Holy Scriptures as they are appointed for daily lessons in the liturgy, and yesterday I alone completed them. . . . Should the Almighty in his wisdom see fit to call me hence instead of restoring me to my poor children, above all things let them know the comfort and consolation, the happiness, which their parents derived from that blessed religion which the Son of God came into the world to reveal, and offered up Himself to establish. . . . I would wish them to know the thorough conviction with which, after having been when a young man a sceptic—may God forgive me—though I hope not wholly an unbeliever, I arrived at the *absolute truth* of the religion of the blessed Redeemer.¹¹

In spite of family afflictions, and in spite of his refusal to stand at the recent elections, Robert Baldwin was once more about to be drawn into politics. The election of October, 1834, had resulted in a victory for the Reform party, although their cause had not been strengthened by Mackenzie’s publication of Hume’s letter, referring to the “crisis which is fast approaching in the affairs of the Canadas, and which will terminate in independence and freedom from the

¹⁰ *Baldwin Correspondence*, R. Baldwin to W. W. Baldwin, June 8, 1836.

¹¹ *Ibid.*, Dublin, November 27, 1836.

baneful domination of the mother country.”¹² The publication of this letter only confirmed in many minds the suspicions that had been already roused by the publication of Egerton Ryerson’s *Impressions of Public Men in England*. The leader of the Methodists not only had grave doubts as to the character of Joseph Hume and the radicals, but he thought that the party really stood for republicanism, “with the name of King instead of President.”¹³ With republicans and radicals it was as well not to be too closely allied. Many readers of the *Christian Guardian* took the advice of the “arch-apostate” as Mackenzie called Ryerson.¹⁴

The session of 1835 was not unlike previous sessions. The Assembly, though controlled by the Reformers, was almost helpless so long as responsible government was denied. The session was made notable, however, by the publication of the “Seventh Report of the Committee on Grievances,” which is not only an enumeration of grievances, but a mine of information in regard to the points under dispute.

The appointment of a new Governor helped to precipitate matters. Why Francis Bond Head should have been chosen Governor of Upper Canada is a perplexing question. So necessary does some explanation seem, that it has even been suggested that the appointment was the result of a mistake, and that not Francis Bond Head but Edmund Head was intended.¹⁵ The astonishment of the new appointee was quite as great as our own can be. He had had an adventurous career in South America, but his experience of govern-

¹² Joseph Hume to Mackenzie, March 29, 1834. Canadian Archives, pamphlet 1083.

¹³ *The Story of My Life*, Egerton Ryerson, p. 123.

¹⁴ *Ibid.*, p. 125.

¹⁵ Hincks, *Reminiscences*, p. 14.

ment had been confined to acting as poor-law commissioner for the county of Kent. His subsequent career does not belie his own statement that he "was grossly ignorant of everything that in any way related to the government of our colonies."¹⁶ His "simplicity of mind, ill-naturedly called ignorance,"¹⁷ scarcely prepared him for the description of himself he saw placarded on the walls of Toronto as he entered the city—"Sir Francis Head, a Tried Reformer."¹⁸ The surprise was not unnatural in a man who had never joined a political party, had never attended a political discussion, and had never voted at an election.

One consideration which may have had some weight in the appointment of Sir Francis Bond Head was possibly economy.¹⁹ If, however, economy was an object with the Colonial Office they were badly deceived. Sir Francis Bond Head had no false pride when it came to enforcing his just monetary claims—claims because he had been ordered to Canada at short notice and in the winter season, claims for household furnishings, finally claims for an increase in the Lieutenant-Governor's salary to be made retroactive, and to include the two years he had been in Canada. Nor were his efforts fruitless. He finally received some ~~seventeen hundred~~ pounds beyond what he had any reason to expect.²⁰ Besides an increase in salary, the new Governor felt very keenly the necessity of being made a baronet. He had scarcely reached Canada when he threatened resignation if his wishes were not granted. While the Colonial Secretary said he could not advise his promotion on the receipt of his

¹⁶ Sir Francis Bond Head, *A Narrative*, p. 25.

¹⁷ *Ibid.*, p. 32.

¹⁸ *Ibid.*, p. 33.

¹⁹ *Ibid.*, p. 26.

²⁰ Canadian Archives, G 85, Glenelg to Head, April 25, 1838.

first despatches, still he held out hope that such might naturally be the reward of a successful tenure of his office.²¹ Time was not to disappoint the aspiring Governor.

Head's time, however, was not all taken up with thoughts as to his "emoluments" and the desired baronetcy. He considered himself a "political physician" who was coming out to Canada to effect a surprising cure. He had Mackenzie's book of grievances to guide him, and trusted that he should soon be able to report that he had "veni-ed, vidi-ed and vici-ed them."

The Governor was not long in discovering that his task was far from simple. Instead of a grateful people ready to receive thankfully their enlightened Governor, he found himself involved in a constitutional question which might have confused a much abler and more experienced man than Francis Bond Head. He was not long in finding his solution. To remove grievances was not his great mission, but to contend "on the soil of America with Democracy."²² "Strong Republican principles had leaked into the country from the United States," where men were "brought up to reckon that all men are born equal—that the fabric of human society has neither top nor bottom—that the protection of property of all descriptions belongs to the multitude, and that the will of the mob is the real law of the land."²³

The first problem that faced the Governor was the necessity of adding to the membership of the Executive Council. There were only three members in the Council, and in order to have a quorum there had to

²¹ Ibid., G 76. Glenelg to Head, March 22, 1836.

²² Sir Francis Bond Head, *A Narrative*, p. 65.

²³ Ibid., p. 31.

be a full attendance. Not only that, but one of the three members was the Commissioner of Crown Lands and so had the duty imposed upon him of auditing his own accounts.²⁴

It was, however, more than a question of administration that confronted the Governor. It was a question between parties; from which should the Governor make the new appointments? It was still more. It was a question of principle. Whether he wished it or not the Governor found himself involved in the whole question of responsible government. What was the role of the Executive Council in the machinery of government? Was it simply an advisory Council responsible to the Governor alone, or was it a true Executive Council dependent for its authority on the support of the Assembly? That the latter was its true position was the contention of the responsible government party. That, in fact, was what they meant by "responsible government." It was the solution, and a very simple solution of all the difficulties that arose in the government of the colony. It was, moreover, only applying in Upper Canada the system of government as administered in Great Britain.

The question did not present itself in this form to Sir Francis Bond Head. To him it was simply a question of adding new members to a depleted Council. The only problem was from which party should the addition be made. The Tories were standing aloof; and he "did not choose to join the Republicans." Being thus obliged to be independent, he determined that the new members should be chosen from the middle party, instead of from either of the two extremes.²⁵ In a despatch to the Colonial Office,

²⁴ Sir Francis Bond Head, *A Narrative*, p. 54.

²⁵ *Ibid.*, p. 53.

he wrote that, "after making every inquiry in my power, I became of the opinion that Mr. Robert Baldwin, advocate, a gentleman already recommended to your Lordship by Sir John Colbourne for a seat in the Legislative Council, was the first individual I should select, being highly respected for his moral character, being moderate in his politics, and possessing the esteem and confidence of all parties."²⁶ Before taking any action, the Governor consulted the Chief Justice, Mr. Bidwell, the Speaker of the Assembly, and the members of the Executive Council. All gave their approval without reservation.²⁷ For the subsequent negotiations we have Baldwin's own account.²⁸

In their first interview the Governor declared his anxiety to provide the province with "good and cheap" government and asked Baldwin to join the Council. The latter expressed his "extreme reluctance to again embark in public life" but went on to explain his "views of the constitution of the province and the change necessary in the practical administration of it, particularly as I considered the delay in adopting this change as the great and absorbing grievance, before which all others in my mind sank into insignificance—and the remedy of which would most effectively lead, and that in a constitutional way, to the redress of every other real grievance, and the finally putting an end to all clamour about imaginary ones, and that these desirable objects would thus be accomplished without in the least entrenching upon the just and necessary prerogatives of the Crown." Baldwin went on to explain that these opinions were not hastily

²⁶ Ibid., p. 55.

²⁷ Ibid.

²⁸ Robert Baldwin to Peter Perry, March 16, 1836. Canadian Archives, pamphlet 1171, also Q 389, p. 418.

formed, that he had “imbibed” them from his father, “and that they were opinions which the experience of every year had more and more strengthened and confirmed; that I felt convinced that the prompt adoption of these views was the only means of consolidating the connection with the mother country, to the preservation of which no one was more devotedly attached, or readier to make great sacrifices, than myself—that they were nothing more than the principles of the British Constitution applied to that of this province, and which I conceived necessarily to belong as much to the one as to the other.” He explained to the Governor that he was opposed to the demand for an elective Legislative Council, but that the question had only been raised because of the lack of responsible government. “In reply to an objection of His Excellency that the adoption of such a course would be placing the Lieutenant-Governor in a position similar to that of the King, which was inconsistent with the fact of responsibility, I explained—that as far as regarded the internal affairs of the province, the Lieutenant-Governor was in point of fact, as far as this province and its Parliament were concerned, as completely irresponsible as the King himself, as there certainly neither existed, nor in my opinion ought to exist, any legal or constitutional means of calling him to account in this country, for any act of his government—that his responsibility was to the King and Parliament of the Empire; and was perfectly proper and necessary for the preservation of her interests in matters properly and constitutionally belonging to the exercise of that authority; but that what the constitution required was that there should be persons within this country itself, who could be made responsible to the provincial Parliament here, for

the administration of the internal affairs of the province.

“To another objection of His Excellency, that the adoption of my views would deprive the Lieutenant-Governor of all power, and convert him into a cypher, I distinctly denied any such a consequence of my principles, as I fully admitted the Lieutenant-Governor to be constitutionally clothed, as the Royal representative, with the same powers within the province, with respect to its internal affairs, as those possessed by the King himself with respect to the affairs of the Empire at large; which appeared to me to be all that he could desire, and at all events all that the constitution had given him—that he had always the same constitutional right to reject the advice of any of his executive councillors, and that as in England the only alternative for them was to resign when they and the Lieutenant-Governor differed on any point which they conceived of sufficient importance to call for such a step; in which event the Lieutenant-Governor was perfectly free to call to his Council whom he pleased.”

Although the Governor expressed his disagreement, he urged Baldwin to enter the Council and there press his views. This step, however, the latter would take only if he could carry with him the support of the House of Assembly. His individual appointment would not be sufficient. He must have assistance in the Council, and the three councillors in whom he had no confidence must retire.

It was a curious situation. The Governor was offering Baldwin a seat in his Executive Council. Baldwin was demanding that he be allowed to exercise the same rights as the leader of the opposition in England exercised when called upon to form a new government. The Executive Council was his cabinet;

he demanded that all the old members resign and he be allowed to fill the Council with men in whom he had confidence, and in whom he believed the House of Assembly would have confidence. It is not surprising that the Governor refused to agree to any such far-reaching scheme.

At a second interview, however, the Governor showed a willingness to meet Baldwin half-way. To the inquiry as to what assistance he wanted, Baldwin replied that Dr. Rolph, Mr. Bidwell, Mr. Dunn and his father should be in the Executive Council, and that of these Dr. Rolph was absolutely necessary. The Governor, after consulting Mr. Bidwell, offered Baldwin a seat with the understanding that Dr. Rolph and Mr. Dunn should also be appointed. The offer was refused because the Governor would not agree to the second part of Baldwin's scheme, the removal of the gentlemen who were already in the Council.

Sir Francis refused because he considered it would be "unconstitutional and unjust" to give the House of Assembly an "exclusive interest" in his Council; "besides which it would at once connect with party feelings the representative of His Majesty, who ought to stand unbiased, and aloof from all such considerations."²⁹ He could not see that the result of Baldwin's scheme of responsible government would be the very reverse, that it would free the Governor from party politics.

Baldwin had consulted his father and Dr. Rolph before giving his final answer. They agreed with him "that responsible government could alone end discontent" and "that it would be impossible to render the advice of the new Council useful to the Governor or successful in the administration while the gentle-

²⁹ Sir Francis Bond Head, *A Narrative*, p. 56.

men then forming the Council remained in office, "and "that it was absolutely necessary that the new Council should possess the confidence of the Assembly."³⁰

When the Governor now turned to Dr. Baldwin, he found that the father held the same opinions as the son. In their interview the Governor first expressed his disappointment that Robert Baldwin had refused his offer. He had not thought that he was such a party man, but he hoped the father would accept a seat in the Council. Dr. Baldwin explained that he held the same views as his son and "that as to being party men, they had withdrawn from politics several years and were in no wise desirous of returning to them." He recommended Mr. Bidwell, but the Governor thought the fact that Bidwell had been born in the United States was an objection to him.³¹

Instead he turned to Dr. Rolph, who, before answering, asked leave to consult his friends, Mr. Bidwell, Mr. Dunn, and the two Baldwins. "In the course of that consultation," to quote from Robert Baldwin's account, "it was pressed upon me that as the principle of responsibility, although long before the country, had never yet been practically acted upon, and that taking it for granted (as it was but justice to his Excellency to do) that his Excellency, although mistaken in his views of the constitution of the country, might yet be sincerely desirous of governing according to that constitution, and that in that case, all that would be found necessary was to convince him that the views and principles which I had opened to him were just and constitutional to insure their adoption, or the procurement of His Excellency's influence to

³⁰ *Baldwin Correspondence*, Dr. Baldwin to Robert Baldwin, Toronto, April 27, 1836.

³¹ *Ibid.*

obtain their adoption—it would perhaps not be performing our duty to His Excellency or to the country, were we, after his having gone thus far to meet our views, peremptorily to refuse all concession on our part. To this reasoning having given a most reluctant consent,” Dr. Rolph was empowered to tell the Governor that they consented, “as a mere experiment, and one which we feared would fail, to accept seats in his Executive Council, without the retirement of the three gentlemen who were already members of it.”³²

The Governor was naturally elated that Robert Baldwin had come to see the unreasonableness of his first demands. The latter, however, had yielded most unwillingly. His fear then and always was that he should be suspected of compromising with his principles. To be a man of honour was with him no idle phrase. It was not sufficient to act honourably, he must act so that not the slightest suspicion could be cast on his motives. This sensitiveness was both his strength and his weakness. It gave him a tremendous moral force, but prevented him from reaping the advantages of the opportunist. His honour meant more to him than any temporary advantage. There is a stern, perhaps a self-conscious pride, in a letter he wrote to his father regarding some assertions that had appeared in the public press. “I feel perfectly confident that no man who knows me, and whose opinion I consider of any value, *can* believe me capable of an unworthy or dishonourable action. Let those who know me not, only do me *this* justice, to inquire of those who do, before they pass judgment upon me, and I shall rest satisfied of the result.”³³

³² Robert Baldwin to Peter Perry, March 16, 1836, Canadian Archives, pamphlet 1171.

³³ *Baldwin Correspondence*, Robert Baldwin to Dr. Baldwin, London, June 29, 1836.

On the present occasion Baldwin wanted the world to know that he entered the Council with hands free. A short letter from the Governor which was afterwards read in Parliament made this, he hoped, perfectly clear. The note read as follows:

The confidence I shall repose in you will be implicit; and as I have no preliminary conditions either to accede to, or require from you, I shall rely on your giving me your unbiased opinion on all subjects respecting which I may feel advisable to require it.³⁴

Sir Francis Bond Head's handling of the whole affair met with the approval of the home government.³⁵

The Governor, by making no "improper concession," fondly hoped that he had preserved "the happy constitution of the province."³⁶ He soon discovered that his difficulties were not yet ended. He had prevented the dismissal of the three old councillors, but had he settled the question as to whether the Council was responsible to the House of Assembly or not? The House later said that they had presumed the recent changes in the Council had been for that purpose.³⁷ That, certainly, was not the Governor's intention. The "smooth-faced, insidious doctrine," that the Executive Council was responsible to the people for the acts of the Lieutenant-Governor, was one that he intended to resist to the utmost.³⁸ Not so long as he had any control, would the Empire be "soiled" by the introduction of democracy.³⁹

Aware of the fact that the majority of the House

³⁴ Sir Francis Bond Head, *A Narrative*, p. 57.

³⁵ Canadian Archives, G 76, Glenelg to Head, March 30, 1836.

³⁶ Sir Francis Bond Head, *A Narrative*, p. 59.

³⁷ *Journal, House of Assembly*, Secs. 1836, p. 292, address to Sir Francis Bond Head.

³⁸ Canadian Archives, G 417, Head to Glenelg, March 22, 1836.

³⁹ Sir Francis Bond Head, *A Narrative*, p. 75.

of Assembly were in favour of the principle of responsible government, he expected the attack to come from them.⁴⁰ Much to his surprise it came from the Council.⁴¹ The note to Baldwin on his acceptance of office was dated February 19. The "unexpected document" which the Governor now received was dated March 4, and, what must have been most surprising, it was signed by all six councillors.

Robert Baldwin had followed the Governor's advice to enter the Council and there urge his views. He had succeeded only too well. In their note⁴² to the Governor, the Council said that they "have been undeservedly subjected to the heaviest reproach throughout the country from a prevalent belief that they have been called upon to fulfil the duty imposed upon them by the constitution as advisers upon public affairs."⁴³ They were blamed by the public for all the Governor's acts. Yet "the policy and measures which have led to the present condition seldom passed under the review of the Executive Council."

They then assert that according to the Constitutional Act the Governor must consult them on all government affairs. Only in certain cases is agreement necessary before he can act, but in all cases consultation is necessary. They trust that in future this rule will be followed, "but should such a course not be deemed wise or admissible by the Lieutenant-Governor, the Council most respectfully pray that they may be allowed to disabuse the public upon a misapprehension of the nature and extent of the duties confided to them."⁴⁴

⁴⁰ Sir Francis Bond Head, *A Narrative*, p. 65.

⁴¹ *Ibid.*, p. 72.

⁴² Canadian Archives, Q 389, p. 380.

⁴³ *Ibid.*

⁴⁴ *Ibid.*

Superficially the question raised by the Executive Council seemed a new one. How it might be related to the old was not at first apparent. The Council in their letter to the Governor never mentioned the House of Assembly or any principle of responsible government. They simply demanded that the Governor observe the law and consult them on all occasions, although he need not always follow their advice. This expresses the whole case as it was conceived by the old members of the Council. Baldwin afterwards confessed as much in a letter to the Colonial Secretary.⁴⁵

Nevertheless it was still the principle of responsible government that was involved. Responsible government meant that the Executive Council should be responsible to the Assembly, but it always assumed that the Executive Council did not belie its name. It involved not only the extension of the authority of the Assembly over the Council, but it also involved the extension of the authority of the Executive Council over the actual administration of the government of the country.

Robert Baldwin wished to make the government of Upper Canada a real "image and transcript" of the government of Great Britain. This could be effected without repealing a single law. The only change necessary was in administrative practice. He entered the Executive Council to advocate the need of making this change, but found that the Council was not itself responsible for the actions of the Governor. On many occasions it was not even consulted. Here was a new difficulty, against which, however, the whole Council was willing to protest. They protested, however, not in the name of reform, but in the name of law. They

⁴⁵ Ibid., G 77, Baldwin to Glenelg, July 16, 1836.

were not demanding change, but rather protesting against change.

No attitude could be more typical of the mind and temperament of Robert Baldwin. To him, a conservative liberal, innovation as such made no appeal, but rather the contrary. He could see the need of reform, but both his temperament and his legal training drove him to seek his reasons in the past. If at all possible he must ground his case in law or established custom.

He was, accordingly, violently opposed to an elective Legislative Council as being an unnecessary innovation and contrary to all British tradition. His enthusiasm for responsible government was due, to a large extent, to the fact that he could contend for it in the name of law and custom. It was but applying to Canada an established British practice. Not only, however, was he advocating a British practice, but he believed that he was advocating what was actually the law of the land. It was the opponents of responsible government, not he, who were really the innovators. He argued that the Constitutional Act was intended to transplant to Canada the English system of government which included responsible government. Owing to circumstances this had not been done. In demanding responsible government he was demanding not an innovation but the fulfilment of the law. It was a liberal demand, but made for a conservative reason. Although he had failed to convince the Governor, he had entered the Executive Council and there found that the Council did not play the important role he thought assigned to it by law. The reasoning was so convincing that the old members joined the new in sending a memorandum to the Governor, with whom they had discussed the matter

at least ten days before. They had then discussed it again amongst themselves, before deciding to send in the formal representation⁴⁶ which had taken the Governor so much by surprise.

The Governor did not hesitate as to what action he ought to take. The opportunity was too good to be lost. He immediately informed the Council that they could not retain such principles and his confidence, that they must abandon either the one or the other.⁴⁷ "He will never allow his Executive Council officially to assume that heavy responsibility which he owes to his Sovereign as well as to the people of this province."⁴⁸

On receiving this reply four of the councillors offered to retract, saying that they had changed their minds. Robert Baldwin and Dr. Rolph refused to make any such submission.⁴⁹ "I could not for a moment hesitate," wrote the former, "when the alternative presented to me was the abandonment of either my principles or my place."⁵⁰ The Governor refused to receive back the four penitents, saying that the retraction must be signed by all six councillors and be quite as formal as the attack had been.⁵¹ The reason for his refusal was that he did not wish to dismiss the two popular councillors without explaining the cause, and, in the second place, he felt that a struggle was inevitable, and that he could never hope "to attain a more advantageous position for the contest

⁴⁶ Canadian Archives, pamphlet 1171, Robert Baldwin to Peter Perry, March 16, 1836.

⁴⁷ Sir Francis Bond Head, *A Narrative*, p. 72.

⁴⁸ Canadian Archives, Q 389, p. 382.

⁴⁹ *Ibid.*, Q 389, p. 378.

⁵⁰ *Ibid.*, pamphlet 1171, R. Baldwin to Peter Perry, March 16, 1836. Also Q 389, p. 418.

⁵¹ Sir Francis Bond Head, *A Narrative*, p. 73.

than that afforded me by the ill-written document of my own Council.”⁵²

The Assembly at once applied to the Governor for information regarding the resignation of the Council.⁵³ Having received a copy of the correspondence, they expressed their regret at the resignation of the old Council, and stated that they had no confidence in the new one that had been appointed.⁵⁴ The Governor in his answer said he was open to conviction, but hoped that the Assembly would suspend judgment until it had received the report of the select committee, which had been appointed to look into all the circumstances.⁵⁵

The report of the select committee, however, gave no support to the Governor. Having declared that the appointment of Dunn, Baldwin and Rolph, had given general satisfaction, it went on to say: “The House and the Country were not then aware that the Executive Council had been used as a mere screen for the acts of the Lieutenant-Governor; on the contrary it was generally understood that they were consulted on the affairs of the province. . . . Your committee are forced to believe that the appointment of the new councillors was a deceitful manoeuvre to gain credit with the country for liberal feelings.”⁵⁶

In the debate on the adoption of the report of the committee, Dr. Morrison said that the question was whether or not the advantages of the British Constitution were to be enjoyed by the province, while Peter Perry, the chairman of the committee, called the

⁵² Sir Francis Bond Head, *A Narrative*, p. 73.

⁵³ *Ibid.*, p. 67.

⁵⁴ Canadian Archives Q 389, p. 387, verso (signed) Marshall S. Bidwell, Speaker, March 26, 1836.

⁵⁵ *Ibid.*, p. 388.

⁵⁶ Appendix, *Journal, House of Assembly*, Session 1836, Vol. III, p. 106.

Governor a tyrant.⁵⁷ The report was adopted by a vote of thirty-two to twenty-one, and the House decided as a more effective protest to stop the supplies. As Robert Baldwin was not a member of the Assembly he wrote Perry a letter of explanation which the latter could read in the House.⁵⁸

The Governor's answer to the Assembly was to refuse his assent to all their money bills. On the twentieth of April he prorogued the House, and on May 28 dissolved it. He believed that he was contending with Republicanism itself, and that upon the struggle depended the English possession, not only of Upper Canada, but of all British North America, and possibly the West Indies.⁵⁹ He had the greatest confidence in the outcome. As soon as he should have the opportunity of visiting every county in the province, "and of meeting and conversing with the inhabitants," he felt certain that a burst of loyalty would resound from one end of the province to the other.⁶⁰ He had only one fear, and that was that he would not be supported by the home government. He did not ask for positive support, simply "the negative advantage of not being undermined at home."⁶¹

The Colonial Secretary, Lord Glenelg, took his time in passing judgment on the Governor's actions. While in general approving, he yet advised a more conciliatory tone. He agreed that the Council's demand that the Governor always consult them before

⁵⁷ *Journal, House of Assembly*, 1836, p. 440.

⁵⁸ Canadian Archives, pamphlet 1171, appendix C; also Q 389, p. 418.

⁵⁹ Sir Francis Bond Head, *A Narrative*, p. 92.

⁶⁰ *Ibid.*, p. 79.

⁶¹ Canadian Archives, Q 389, p. 393, Head to Glenelg, April 21, 1836.

acting was quite inadmissible, and he approved the dismissal of the three old councillors. He thought that the three new councillors might have been treated with more indulgence, "due to the novelty of the situation in which they found themselves placed, and to distrusts which a more intimate acquaintance with you might perhaps have promptly dispelled."⁶² Since Baldwin and Rolph adhered to their demands a break with them was unavoidable, but a distinction might have been made in favour of Dunn. Lord Glenelg refused his consent to the dismissal of the latter from the office of Receiver-General as "he is chargeable, neither with the inconsistency of Messrs. Robinson, Markland and Wells, nor with the peremptory adherence of Messrs. Baldwin and Rolph to the demands made in the letter of the fourth of March."⁶³ The Colonial Secretary quite approved of the Governor's action in proroguing, and later dissolving the House of Assembly, as he considered it had no right to stop supplies for the purpose of attempting "to enforce changes in the system of government itself."

The Governor had sent copies of addresses and his answers to them to the Colonial Secretary, on which the latter felt compelled to comment. "I feel pleasure in doing justice to the ability, decision, and ardent zeal for His Majesty's service by which they are, in general, characterized. But I am compelled to express, however reluctantly, a wish that some of the expressions contained in them had been more carefully weighed, and that you had more studiously maintained the temperate forbearance and reserve by which such compositions are distinguished."⁶⁴

⁶² Canadian Archives, G 77, Glenelg to Head, July 25, 1836.

⁶³ Ibid.

⁶⁴ Ibid.

Forbearance and reserve were not what Head thought the occasion demanded. He was convinced "that the only practicable method of breaking the republican party was by opening the eyes of the people to the traitorous designs of those who were leading them insensibly to revolution."⁶⁵ According to his belief it was no ordinary election which the people were asked to decide, but one which would prove whether they intended to retain their connection with the mother country or not. He summoned all to rally round the British flag. His answers to addresses were party manifestos. In one he warned the people not to quarrel with their bread and butter.⁶⁶ In another he speaks of the threat that the province is to be invaded by foreigners, "whose power and whose number will prove invincible." However, the Governor is more than ready to meet any such danger. "In the name of every regiment of militia in Upper Canada, I publicly promulgate, let them come if they dare."⁶⁷

If there was such a threat from foreigners the United States must have been the country from which they would come. Dr. Baldwin sent a copy of the address to Albany and, although Governor Marcy did not feel he could notice it officially, he stated his belief that there was not a single citizen in the state who had any design of interfering in the political affairs of Canada.⁶⁸

By appeals to their fears and their patriotism, and by methods quite as effective but less widely

⁶⁵ Ibid., Q 390, p. 743 (verso), Head to Glenelg, July 8, 1836.

⁶⁶ Read, *Rebellion of 1837*, p. 241.

⁶⁷ Canadian Archives, Q 390, p. 730. Reply to an address from the Home District, May 28, 1836.

⁶⁸ *Baldwin Correspondence*, John A. Dix to Dr. Baldwin, June 17, 1836.

advertised, the Governor won the election.⁶⁹ He might well exult. Amongst the defeated candidates were Mr. Bidwell, Speaker of the House of Assembly, Mr. Peter Perry, "the leading speaker of the Republicans," and Mr. W. L. Mackenzie, "the chairman of the Grievance Report and arch-agitator of this province."⁷⁰

⁶⁹ *Baldwin Correspondence*, Dr. Baldwin to R. Baldwin, July 6, 1836.

⁷⁰ Canadian Archives, Q 390, p. 744, Head to Glenelg, July 8, 1836.

CHAPTER III

VISIT TO ENGLAND

ROBERT BALDWIN took no part in the election. In April he had left Toronto for New York to make his first and only visit to the Old World. He went to London as the unofficial representative of the Reform Party, and his going was duly noted by the Lieutenant-Governor. In a despatch to the Colonial Office he says that, while the statement is made that Baldwin goes for the recovery of his health, it is still acknowledged by his party, that "he will be prepared to answer any question which the government may feel disposed to put to him."¹ Sir Francis strongly disapproved of the government receiving agents from the colonies. "The mere fact of its being supposed that the revolutionary party have an agent at home, who is successfully undermining the character of the Lieutenant-Governor, will give great importance in this country to Mr. Baldwin's residence in London, and I therefore hope that, should he, directly or indirectly, communicate with the Colonial Office, your Lordship will give him that style of answer, a copy of which, transmitted to me, and published in this country, would at once put an end to that sort of left-handed attacks upon the constitution."²

It gave no little satisfaction to Sir Francis that in this "almost single instance," Lord Glenelg "most strictly complied" with his recommendation.³ Baldwin's shadow, as gossip reported the Governor had

¹ Canadian Archives, Q 389, p. 440, Head to Glenelg, April 28, 1836.

² Ibid.

³ Sir Francis Bond Head, *A Narrative*, p. 97, note.

boasted, was not to darken the door of the Colonial Office.⁴ It was not, however, because he did not make the attempt. Baldwin had no sooner reached London than he asked for a personal interview with Lord Glenelg. He wished to state what had taken place in Canada, and to submit what appeared to him to be the only possible means of "preserving the connection with the mother country, which, permit me most solemnly to assure your Lordship, I am most sincerely anxious to perpetuate."⁵

Eight days later the receipt of his letter was acknowledged, with the request that any communication he might wish to make should be made in writing.⁶ Baldwin's answer took the form of a most carefully reasoned argument in favour of the introduction of responsible government into the colony. It stated the case about as logically and convincingly as it could be stated, and was afterwards published as campaign material.⁷ In opening his case Baldwin expresses his strong attachment to the monarchical form of government and his belief that it can only be maintained in Upper Canada by the connection with the mother country. He believes that the connection is now endangered and that it would be criminal for him not to write out his views, although an interview would be more satisfactory.

To settle the differences in Upper Canada, which are of much longer standing than most people think, four remedies, he says, have been proposed. These four different schemes are, to make the Legislative Council elective, to abolish it, to concede certain

⁴ *Baldwin Correspondence*, W. W. Baldwin to Robert Baldwin, August 27, 1836.

⁵ Canadian Archives, G 77, Baldwin to Glenelg, June 20, 1836.

⁶ *Ibid.*, G 77, Jas. Stephen to Robert Baldwin, June 28, 1836.

⁷ *Examiner*, January 15, 1840.

isolated points, or to grant responsible government.⁸ Baldwin takes up in succession the four remedies suggested. He thinks the first two, if not inexpedient, are wholly insufficient to accomplish the objects desired. An elective Legislative Council is inexpedient as introducing a system different from the mother country. And why, he asks, change the constitution before the present one has been put into "full and efficient" operation, which cannot be said to have been done till the Executive Council is practically converted into a provincial cabinet. The reformers may be driven to demand an elective council, but it will only be as a means to an end. Even if granted it is no remedy. It would merely convert the Council into an additional instrument of hostility against the executive government, but would never supersede the necessity of the concession of the principle of responsible government.

The proposal to abolish the Council is worthy of only passing notice. A second House is needed, and besides there is no demand in Upper Canada for abolition. The third proposal, the making of special concessions, is obviously no permanent solution. Such concessions are usually wrung from the government and result only in increased ill-feeling.

This conclusion brings Baldwin to a consideration of the fourth remedy, "which consists of nothing more than having the provincial government, as far as regards the internal affairs of the province, conducted by the Lieutenant-Governor as representative of the paramount authority of the mother country, with the advice and assistance of the Executive Council acting as a provincial cabinet, and composed of men possessed of the public confidence, whose opinions and policy

⁸ Canadian Archives, G 77, Baldwin to Glenelg, July 13, 1836.

would be in harmony with the opinions and policy of the representatives of the people. This, as I have before said, I look upon not only as an efficient remedy, but as the only efficient one that can be applied to the evils under which the province is at present suffering."⁹ He will, he says, leave out of consideration the question as to whether such a system was not required by the Constitutional Act, but points out that there is certainly nothing in the Act to forbid its application. It should be granted if only on the ground of expediency. It is the English system, and Canadians "very naturally ask why are not our representatives to be paid as much attention to by the King's deputy, as the representatives of our fellow-subjects in England by the King himself?" "By refusing what no one can deny to be an English principle, the same upon which your Lordship and your colleagues were selected to fill the high and important situations which you hold in His Majesty's Councils—the same by which you continue to retain those places, you may indeed divert their attention to another direction, and drive them to call for the power of electing their own government and their own executive, but you never can persuade them to abandon the object of obtaining more influence than they now possess through their representatives in the administration of the executive government of the colony." The granting of responsible government involves no sacrifice of any constitutional principle. It raises no embarrassing questions like the proposal for an elective Legislative Council.

Baldwin is too honest to assert that the granting of responsible government would remove all possibility

⁹ Canadian Archives, G 77, Baldwin to Glenelg, July 13, 1836.

of conflict between the mother country and the colony, but he does contend that it would postpone that conflict to the utmost limit. The intermediate steps of a change in the Executive Council, and an appeal to the people by a dissolution, would at all events give the home government the great advantage of not itself coming into collision with the people until the last moment. "The utmost that can be done by the most perfect system is to guard against the probability of difficulties." That virtue he does claim for his system. In answer to the objection that the granting of responsible government would deprive the Lieutenant-Governor of patronage, Baldwin asks the very pertinent question if that is the reason why Great Britain desires to retain Upper Canada. He answers various other objections and closes his letter with three recommendations: that the Executive Council be turned into a provincial cabinet, that a specific clause to that effect be inserted in the general royal instructions, and lastly that Sir Francis Bond Head be recalled, and a successor be appointed who shall have practical acquaintance with the working of a free representative government.¹⁰

Needless to say, Baldwin's recommendations were not followed: it would indeed have been surprising if they had been followed after the news of the result of the election in Upper Canada reached England. Sir Francis Head could assert that the majority of the electors upheld him in his interpretation of the constitution. Baldwin had to admit to the Colonial Secretary that he had never expected the Governor to obtain a majority, but he insisted that that fact made the principle of responsible government as

¹⁰ *Ibid.*, G 77. Baldwin to Glenelg, July 13, 1836.

necessary as ever, and that Head's action in appealing to the people proved it.¹¹ He even attempted to turn the situation to good account, by suggesting that the result of the election in Upper Canada offered an unusual opportunity for the introduction of the new system.

Baldwin had been refused an interview by Lord Glenelg, which circumstance had aroused his father's ire if not his own.¹² To a second request for information as to what had been decided in regard to certain practical questions,¹³ he was informed that, as he was invested with no public or official character, "his Lordship cannot enter into any explanation" with him.¹⁴ At the same time the desire was expressed of showing him all proper courtesy. Baldwin's answer showed that Dr. Rolph's fear that he would be "humbugged in Downing Street"¹⁵ was quite groundless. "Sir George Grey expresses your Lordship's desire to manifest towards me, personally, respect and courtesy. While acknowledging your Lordship's politeness in this particular, you will excuse me for expressing my full consciousness of respect and courtesy being both, as your Lordship admits, my due."¹⁶

Mackenzie had told Dr. Baldwin that he did not think that "Mr. Robert would effect anything useful in England."¹⁷ Mr. Robert must have felt only too keenly that such was the case, but he could not feel

¹¹ Canadian Archives, Baldwin to Glenelg, August 12, 1836.

¹² *Baldwin Correspondence*, W. W. Baldwin to R. Baldwin, August 27, 1836.

¹³ Canadian Archives, G 77, Baldwin to Glenelg, July 28, 1836.

¹⁴ *Ibid.*, G 77, Grey to Baldwin, August 4, 1836.

¹⁵ *Baldwin Correspondence*, John Rolph to R. Baldwin, July 29, 1836.

¹⁶ Canadian Archives, G 77, Baldwin to Glenelg, August 12, 1836.

¹⁷ *Baldwin Correspondence*, W. W. Baldwin to R. Baldwin, July 30, 1836.

that it was through any fault of his own. In concluding his correspondence with the Colonial Secretary he could write: "I feel, however, that I have now discharged my duty, and your Lordship will, I am sure, be my witness that I have omitted nothing which was in my power, that could tend to impress His Majesty's government with the importance which I attach to the principle" ¹⁸

While Baldwin was unable to obtain an interview with Glenelg he was more successful in the case of a future Colonial Secretary, Lord John Russell. With the latter he discussed the question of responsible government. Russell raised the objection that a responsible ministry in Canada might object to taking part with England in a foreign war in which she might be engaged. Baldwin, who impressed Russell as a man of "sense and ability," assured him that Canadians had no such pretensions, but wished to manage only their local affairs. Russell says he was satisfied with this assurance and acted on it when he was Colonial Secretary, although he did not entirely concur with Baldwin's theory. ¹⁹

For the most part Baldwin found the greatest ignorance in regard to Canada. Joseph Hume was very cordial and at his home he met people who had some acquaintance with colonial affairs. "At all events they seemed to know that there was such a place as Canada and that it was not in the southern hemisphere."

Baldwin's friends wrote to him expressing the hope that he would be able to visit Ireland, France and Italy, but he was not fortunate enough to be able to do so. He at first intended to return home immediately, but

¹⁸ Canadian Archives, G 77, Baldwin to Glenelg, August 12, 1836.

¹⁹ Earl Russell, *Speeches and Despatches*, p. 153.

it was impossible for an Irishman to return to Canada without visiting Ireland.

Ireland came up to his expectations. "With respect to the country itself, nothing that I can say can possibly do it justice. From the moment I set my foot on it I felt at home—the faces seemed more familiar, the children seemed more like my own—the accent so soft and agreeable, the voice of every one I met sounded like the voice of a friend."²⁰ He admits that he is prejudiced, but adds, "I hope I always will be in favour of this dear land of my parents and of my own Eliza (his dead wife), and if it makes me a worse philosopher, I shall be satisfied if it makes me a better Irishman."²¹ Knowledge of the people did not lead him to change his opinions. "When I got to the south of Ireland I found it a matter of some difficulty to get away—my circle of friends and relations seemed to be every day increasing, and all wanting, with true Irish hospitality, to have me to themselves."²²

Besides working industriously at constructing a correct family genealogy Baldwin erected, on behalf of his father, a monument over his grandparents' graves. A copy of this monument was later erected over his own grave in St. James' Cemetery, Toronto. Baldwin walked almost in the shadow of death. It was never far from his thoughts. A sense of mortality only made his friends more dear whether they were alive or dead. While in London he visited the church in which his classmate in Dr. Strachan's school, Horace Ridout, was buried. He persuaded the sexton to open the vault and he identified the coffin. He was full of deep sentiment. When he left Ireland he took fourteen

²⁰ *Baldwin Correspondence*, Baldwin to Buchanan, London, August 23, 1836.

²¹ *Ibid.*, R. Baldwin to W. W. Baldwin, Cork, September 24, 1836.

²² *Ibid.*, Dublin, November 27, 1836.

relics with him carefully arranged and numbered. Three were sods cut from Summer Hill, Lisnegatt and the cemetery at Temple Martin. Of four bottles of water only one survived the transatlantic trip.

The news from Canada was not such as would add to the pleasure of his visit. Anxiety for the health of his children was added to the disappointment over the political news. Baldwin had not believed that Head could win the election, but as Rolph wrote to him, "Orange violence, bribery and corruption, manufactured deeds, false witnesses, and official misrepresentation, and ultra-Tory returning officers, and the like abuses, together with the aid of a state-paid priesthood, turned the elections against us."²³ Bidwell wrote that there was greater excitement and dissatisfaction than he had ever witnessed before, even at the time of the Alien Bill or the removal of Judge Willis.²⁴ Baldwin could well write that the news filled him with nothing but gloomy forebodings as to the future.²⁵ The dismissal of his father (amongst others) from the Surrogate Court, angered, but did not surprise him, although he called it an "unconstitutional outrage."²⁶ The Governor's only regret, he thought, was that his father could not be made to feel the lash.

He realized that the home government moved slowly and that the success of Head in the election would make it move more slowly still, but he thought the conduct of the executive had been so bad as to force the home government to recall Head or "promote him at least."²⁷ To bring about this result the Reform party despatched Charles Duncombe to England. He

²³ Ibid., John Rolph to R. Baldwin, Toronto, July 29, 1836.

²⁴ Ibid., M. S. Bidwell to R. Baldwin, Toronto, July 29, 1836.

²⁵ Ibid., R. Baldwin to Buchanan, London, August 23, 1836.

²⁶ Ibid., R. Baldwin to W. W. Baldwin, Cork, September 24, 1836.

²⁷ Ibid.

had as little success as Baldwin in obtaining an interview at the Colonial Office,²⁸ and soon came to the conclusion that Canadians would have to look among themselves for the means of producing good government. The Colonial Office cared for Canada only as a source of patronage.²⁹ Duncombe's petition was a complete arraignment of the conduct of the government during the recent elections,³⁰ and was presented in the House of Commons by Joseph Hume. So far as any result was concerned it was effectively answered by Gladstone, who was fortunate in being provided with his material by Egerton Ryerson, who had a seat under the gallery,³¹ and who could afterwards exult in the belief that Hume never again spoke on Canadian affairs.

So far as having any effect on the general policy of the Colonial Office, or in bringing about the recall of Sir Francis Bond Head, Baldwin's mission had been a failure. The success of the Governor's appeal to the electorate had duly impressed the home government. Lord Glenelg wrote expressing his satisfaction that the appeal had been answered in such a manner as to justify the dissolution of the late Assembly, and that the King was "pleased to acknowledge with marked approbation, the foresight, energy and moral courage" with which the Governor's conduct had been distinguished.³² As soon as the charges made in Duncombe's petition could be disposed of, Head's renewed claim to be advanced to the dignity of a baronet would be favourably considered.³³ The

²⁸ Canadian Archives, G 78, Grey to Hume, October 21, 1836.

²⁹ *Baldwin Correspondence*, Duncombe to Baldwin, September 13, 1836.

³⁰ Canadian Archives, G 78, September 20, 1836.

³¹ Ryerson, *Story of My Life*, p. 168.

³² Canadian Archives, G 78, Glenelg to Head, September 8, 1836.

³³ *Ibid.*, G 78, Glenelg to Head, September 8, 1836.

Governor referred the petition to the recently-elected House of Assembly where there could be no doubt as to its ultimate fate. The report of the committee appointed to hear the charges was such that Lord Glenelg was able to write that after every chance had been given to the petitioner, Head's conduct had been proved to have been governed by "a strict adherence to the principle of the constitution."³⁴ The title so long desired could now be conferred upon Sir Francis "as a fit testimony of the high sense which His Majesty entertains of the service which you have rendered in the administration of the government of Upper Canada."³⁵

Success, however, was too much for Sir Francis Bond Head. Before the election he had been very restive at any control being exercised over him by the Colonial Office. After the election his insubordination became so great as to make his further tenure of the governorship of Upper Canada impossible. He felt that it was not for him to receive instructions but to give them. He was open in his criticisms of the policy of the Colonial Office, and finally refused to carry out its commands.

He was very critical of a despatch sent out to the Lieutenant-Governor of New Brunswick, Sir Archibald Campbell, instructing him to choose as executive councillors, men having "the confidence of the people at large."³⁶ This seemed to Sir Francis a betrayal of the very principle for which he had fought, "that the Executive Council is not responsible to the people."³⁷ He assured Lord Glenelg that the British constitution

³⁴ Ibid., G 80, Glenelg to Head, April 17, 1837.

³⁵ Ibid.

³⁶ Sir Francis Bond Head, *A Narrative*, p. 159.

³⁷ Ibid., page 155.

had nothing to fear "from its low-bred antagonist Democracy" in America, if the home government would but give its support.³⁸

The Governor's course of independent action finally ended in open defiance. He had dismissed Judge Ridout from his position on the Bench, and from his offices of Colonel of Militia and Justice of the Peace, because, if not an active member, he appeared like an active member, of the Constitutional Reform Society of which Dr. Baldwin was President. Mr. Ridout appealed to the Colonial Office which agreed that an injustice had been done. Head defied the Colonial Office and refused to reopen the case. The same situation existed in the case of Marshall Spring Bidwell. Head announced his intention never to carry out the instructions he had received to promote the late Speaker of the Assembly to the Bench. Rather than carry out such instructions he would resign; and it is not to be wondered at that his resignation was accepted.³⁹

At the time it appeared that his governorship had been a success. In transmitting his commission to the new Lieutenant-Governor, Sir George Arthur, Lord Glenelg could not do better than hold up for imitation the policy of Sir Francis Bond Head. He warned the new Governor that his conduct would be subject to comparison with that of his immediate predecessor.⁴⁰

Sir Francis still had his part to play in the history of Canada. He had helped to sow the wind, he was not to escape his part in reaping the whirlwind. He was still acting Lieutenant-Governor of Upper Canada when the rebellion of 1837 occurred.

³⁸ Canadian Archives, Q 391, p. 235 (verso), Head to Glenelg, December 30, 1836.

³⁹ Ibid., G 83, Glenelg to Head, November 24, 1837.

⁴⁰ Ibid., Glenelg to Arthur, December 29, 1837.

CHAPTER IV

THE REBELLION AND LORD DURHAM'S MISSION

THE Rebellion of 1837 was by no means a general rising of the Reformers of Upper Canada. It was rather the work of the left wing of the party led by William Lyon Mackenzie. This fact, however, did not prevent the Family Compact party from using the rebellion as proof of their contention that all Reformers were disloyal. The advocates of responsible government had been forced into the open. They had at last shown their true colours, as disloyal subjects of the Queen and traitors to the British Empire. There could be no doubt in the future as to what policy should be followed, or as to who should be trusted in carrying out that policy. There was only one objection to this reasoning. The majority of the Reformers had taken no part in the rebellion. Prominent Reformers like the Baldwins had been no more involved than John Beverley Robinson, or Bishop Strachan. The Rebellion was the work of extremists, and even in their case proof would have to be given that their actions had been without justification. Lord Durham's report failed to give this proof. There was apparently only too much cause for the discontent in Canada.

After his return from England, Robert Baldwin withdrew entirely from politics. According to the Governor he "shrunk into ignominious retirement."¹ He took no part whatever in the agitation carried on during the summer, and his example was followed by

¹ Canadian Archives, pamphlet 1380.

many Reformers.² His statement made before the Committee on Privileges after the rebellion is explicit enough.

"With respect to the insurrection itself," he said, "I had no personal knowledge whatever, of either the conspiracy itself, the intention to rise, or the attack on the city, or the persons said to have been implicated in it, and since my return from England in February last, I have been wholly unconnected with the parties or politics of the province."³

To a mind like that of Robert Baldwin there was no good cause, at least no good legal cause, for rebellion. The Governor's methods in the election of 1836 could not be too severely condemned, but he had succeeded in obtaining a majority in the House of Assembly. In writing to Lord Durham in 1838, Dr. Baldwin could say that "so long as the present House of Assembly co-operates with the present Executive Council, the considerate portion of the Reformers admits that no complaint can properly be made."⁴ Constitutional methods were the only kind that appealed to the Baldwins. If not exactly an appeal from Philip drunk to Philip sober, their appeal was to a people made wiser by time and experience. It was because Mackenzie despaired of such methods that he led the rebellion.

Though Robert Baldwin and his father were convinced Reformers, their relatives were not all of the same mind. After the resignation of the Executive Council in 1836, Sir Francis Bond Head had been able to appoint two members of the family to the seats vacated by the retiring councillors. These were

² Hincks, *Reminiscences*, p. 20.

³ Appendix, *Journal of the Assembly of Upper Canada*, 1836-37-38, p. 406.

⁴ *Durham Papers*, Section 6, Vol. II, p. 35.

Augustus Baldwin, a brother of Dr. Baldwin and uncle of Robert Baldwin, and Robert Baldwin Sullivan, first cousin of Robert Baldwin, his brother-in-law and law-partner.⁵

Family affection was probably the most powerful element in Robert Baldwin's life. For its sake even political differences must be forgotten. "Let us cling to it as the most valued inheritance with which the Almighty has blessed us," he wrote to his father. "Above all things let us not let political differences interfere with the cultivation of it—but on the contrary, where such unhappily exist, always forget the politician in the relation."⁶ He sends his love to his cousin Robert, and, in a qualified sense, his congratulations on his appointment. "If it was unconnected with political difficulties, I should indeed rejoice, although it will deprive me of my partner—and I have been so long accustomed to his, I need not say, powerful assistance, and we have always got on so pleasantly together, that I shall scarcely know how to get on without him."⁷ These were not the feelings of a man who might be considering the possibility of armed rebellion as a solution to political conditions.

While the Baldwins and moderate Reformers stood aside, the more extreme wing had determined on an appeal to arms. William Lyon Mackenzie felt it was their only hope and through the late summer and autumn of 1837 the preparations went on. Some warnings as to what was impending reached the Governor, but were treated with scorn.⁸ So great was

⁵ Canadian Archives, G 417. Head to Glenelg, March 21, 1836. He sends a copy of the "*Upper Canada Gazette, Extraordinary*" of March 14, giving the names of the four new councillors.

⁶ *Baldwin Correspondence*, Robert Baldwin to Dr. Baldwin, Cork, September 24, 1836.

⁷ *Ibid.*, Robert Baldwin to Dr. Baldwin, Cork, September 24, 1836.

⁸ Dent, *Upper Canadian Rebellion*, Vol. II, p. 32.

his confidence, that all the troops were sent to Lower Canada to keep the rebellious French in check.

The original plan was that the rising should take place on Thursday, December seventh. As the time approached the rebels feared that their plans were known, and hurriedly changed the date to December fourth. On the evening of that day, a few score rebels arrived at Montgomery's tavern, some four miles north of Toronto, hungry, weary, and for the most part unarmed. A sudden attack was urged but was postponed until the next day. Captain Anderson was to be their leader, but he was killed by the loyalist Powell, who then effected his escape, made his way to the Governor's bedside, and at last convinced him of the reality of the rebellion.⁹

Panic now took the place of confidence. Frantic efforts were made to defend the city, which many expected would be sacked and burned if taken by the rebels. To gain time it was determined to enter into negotiations with Mackenzie. Sheriff Jarvis at first thought of undertaking the mission, but after consideration it was deemed wiser to send some prominent Reformers who might possibly effect more, and who at least would run no risk at the hands of the rebels.¹⁰

Mr. Price was first approached, but he refused, asserting that he had no influence with the rebels. He urged Robert Baldwin to undertake the task.¹¹ The latter agreed, but on condition that some one be associated with him on the mission. Mr. Bidwell, whom he suggested, refused to go, and finally Dr. Rolph very unwillingly took his place.¹² At this

⁹ Canadian Archives, Q 389, Head to Glenelg, December 19, 1837.

¹⁰ Dent, *Upper Canadian Rebellion*, Vol. II, p. 63.

¹¹ *British Colonist*, October 10, 1843.

¹² Dent, *Upper Canadian Rebellion*, Vol. II, p. 64.

time practically no one suspected him of having any connection with the rebellion.

Shortly after noon on December fifth, the two men, accompanied by a carpenter, who actually bore the flag of truce, met the rebels at Gallows Hill.¹³ The Governor's verbal promise of an amnesty, on condition the rebels disperse, did not seem sufficiently binding. After meeting the rebel leaders, Baldwin and Rolph rode back to get Sir Francis' proposals stated in writing, but by this time the Governor had recovered from his panic and refused to have any further dealings with the insurgents. Baldwin and Rolph felt that it was their duty to ride back and acquaint the rebels with this fact. It was on this occasion that Dr. Rolph remained behind for a short conversation with Lount and Mackenzie.¹⁴ When Dr. Rolph rejoined Baldwin they reported to the Sheriff that they had delivered the Governor's message, and that no further propositions had been made by the rebels. Robert Baldwin then rode up Lot (Queen) Street towards his own home.¹⁵

This incident ended Baldwin's connection with the rebellion. He received no credit from the Governor for the action he had taken. According to the latter, Baldwin undertook the mission when any man of acknowledged loyalty would have been shot down by the rebels. He then stood aloof upon what he called "principle," knowing full well that the rebels would not injure him or his property.¹⁶ His political opponents in subsequent years accused him of having played at least an equivocal part at Gallows Hill. Sir Allan MacNab made such an attack at the opening of

¹³ Ibid.

¹⁴ Ibid., p. 72.

¹⁵ Appendix, *Journal of the Assembly of Upper Canada*, 1836-37-38, p. 406.

¹⁶ Canadian Archives, pamphlet 1380.

Parliament in 1843, thus giving Baldwin the opportunity of vindicating his actions on that occasion.¹⁷ It was not, however, the last time that such charges were made.

Although Baldwin stood completely aside, he was very careful that no suspicion should attach to any of his actions. Marshall Spring Bidwell had been frightened by the Governor into leaving the country, although, as he assured Baldwin,¹⁸ and as subsequent evidence was to prove, he was quite innocent of any connection with the rebellion. He left his affairs in great confusion, and wrote that he might have to ask Baldwin's help in putting them in order. Bidwell's letter was delivered to Baldwin while in court some days later. He sent it under cover to Government House, "that there might not be a shadow of a ground for imagining anything like mystery or concealment in any communication between us."¹⁹ At the same time Baldwin did not refuse to appear as counsel for the defence in the trial for treason of Montgomery and Dr. Morrison.²⁰

The rebellion of 1837, although a military failure, was a political success. The defeat of the rebels could not conceal from the British government the grave nature of the situation in the Canadas. It led directly to the sending out as High Commissioner a man of first-class ability, of large sympathies, and of wide experience. One of England's great coal barons, able to spend £30,000 on an election,²¹ a friend of the

¹⁷ *British Colonist*, October 10, 1843.

¹⁸ *Baldwin Correspondence*, Bidwell to Baldwin, dated "Saturday Night."

¹⁹ *Ibid.*, Baldwin to Bidwell, January 6, 1838.

²⁰ *British Colonist*, April 5, 1838. Long account of the trial of John Montgomery.

²¹ Reid, *Life and Letters of Lord Durham*, Vol. I, p. 136.

Emperor Nicholas, Lord Durham was also a son-in-law of Lord Grey of the Reform Bill, and one of the four men who had done most in framing that bill.²² He was an ex-cabinet-minister, but known amongst the coal-miners as "Radical Jack." The story of his mission needs no further telling. Although it seemed a failure in 1838, Lord Durham nevertheless was successful in producing what was probably the ablest document on British colonial government ever written.

Lord Durham found two fundamental causes for the unfortunate state of affairs in the colonies. One was peculiar to Lower Canada, the other common to all. In the first case there was the racial antagonism between French and English, "two nations warring in the bosom of a single state." He soon perceived that "it would be idle to attempt any amelioration of laws or institutions, until we could first succeed in terminating the deadly animosity that now separates the inhabitants of Lower Canada into the hostile division of French and English."²³ He could not exaggerate the bitterness of this "all-pervading quarrel." The only solution was to kill for ever the national aspirations of the French. "It must henceforth be the first and steady purpose of the British Government to establish an English population with English laws and language in this province, and to trust its government to none but a decidedly English legislature."²⁴ The way to achieve this end was to unite Upper and Lower Canada. Lord Durham had no doubt that "the French when thus placed in a minority would abandon their vain hopes of nationality."²⁵ There were other

²² Ibid., p. 235.

²³ Lucas, *Lord Durham's Report*, Vol. II, p. 16.

²⁴ Ibid., p. 289.

²⁵ Ibid., p. 307.

strong arguments in favour of union, but this was the strongest.

The other great cause for the rebellion was the defective system of government—a defect common to all the North American colonies. Representative institutions had been granted, but without the grant of responsibility. Any real control over the policy of the government was denied to the House of Assembly. To remedy this defect Lord Durham recommended the granting of responsible government in words which recall Baldwin's letter of 1836 to Lord Glenelg.

It needs no change in the principles of government, no invention of a new constitutional theory, to supply the remedy which would, in my opinion, completely remove the existing political disorders. It needs but to follow out consistently the principles of the British constitution, and introduce into the government of these great colonies those wise provisions, by which alone the working of the representative system can in any country be rendered harmonious and efficient. . . . The Crown must . . . submit to the necessary consequences of representative institutions; and if it has to carry on the government in unison with a representative body, it must consent to carry it on by means of those in whom that representative body has confidence. . . . I admit that the system that I propose would, in fact, place the internal government of the colony in the hands of the colonists themselves; and that we should thus leave to them the execution of the laws, of which we have long entrusted the making solely to them. . . . I know not in what respect it can be desirable that we should interfere with their internal legislation in matters which do not affect their relations with the mother country. If the colonists make bad laws, and select improper persons to conduct their affairs, they will generally be the only, always the greatest, sufferers; and, like the people of other countries, they must bear the ills which they bring on themselves, until they choose to apply the remedy.²⁶

²⁶ Lucas, *Lord Durham's Report*, Vol. II, p. 277-283.

It is no coincidence that Durham's recommendation of responsible government is so like Baldwin's letter of 1836. Durham had that letter in his possession and it is really the Canadian who is speaking. While the charge that Lord Durham did not write the report that bears his name has never gained serious credence, there has never been any dispute that the actual text incorporates the work of many men besides himself. Amongst those names the name of Robert Baldwin ought to rank high. From him Lord Durham got the great central idea of his report—the idea of responsible government.

The Lord High Commissioner had but little time for his mission and of that time nearly all was spent in Lower Canada. He did pay a short visit to Toronto and while there had an interview with Robert Baldwin and his father. The time was brief and he asked the two men to write to him and explain their views. Dr. Baldwin complied at once and wrote a long, prolix and curious letter. In this letter Dr. Baldwin gave his reasons for the late troubles in Canada and recommended certain reforms. He enumerated no less than twenty-one grievances from which Upper Canada was suffering, and recommended four reforms, the first of which was that the English principle of responsibility be applied to the Executive Council. In this letter Dr. Baldwin stated his belief that independence would be the ultimate destiny of Canada. This country, however, had not arrived at a state of sufficient maturity, and until then connection with the mother country was essential. He said, what Lord Durham said later in the Report, that the advantage of the connection with the Empire secured the loyalty of the colony.²⁷ The doctor also proved how far he was

²⁷ Ibid., Vol. II, p. 282.

from being an out-and-out democrat by urging the necessity of an aristocracy. One grievance he had against previous governments was that, in order to gain a "little shallow popularity," they had taxed waste and unproductive lands held by private owners. Although the tax was small it was a powerful obstacle in the formation of an aristocracy.²⁸ The fact that Dr. Baldwin was a large holder of wild-lands leads one to suspect that his dislike of the land tax was not wholly disinterested.

Robert Baldwin also wrote to Lord Durham.²⁹ His letter is dated more than three weeks after that of his father, a fact which bears out his assertion, that it was only "with great reluctance" that he had determined to address his Lordship, "with reference to the subject of the interview with which you were pleased to honour my father and myself on your late visit to this province." He says that it is only his sense of duty that induces him to depart from his resolution "of avoiding any further interference in the politics of the province." He also felt that after the "gracious manner" in which Lord Durham requested him to communicate his opinions, it would be an act of ingratitude to refuse to do so. While Baldwin's sentences tend to be heavy and involved, his argument is clear and logical. There is none of the garrulity or irrelevance that marked his father's letter.

Baldwin might have taken as his motto the saying of another Canadian statesman: "A British subject I was born, a British subject I will die." In his letter to Lord Durham he asserts in the strongest manner his conviction of the necessity of the continuance of the

²⁸ *Durham Papers*, Section 6, Vol. II, p. 1-43, August 1, 1838.

²⁹ *Ibid.*, Vol. XXX, Robert Baldwin to Lord Durham, Toronto, August 23, 1838. The letter is published in the Report of the Canadian Archives for 1923, p. 326.

connection between the colony and Great Britain. He does not look on the connection as a temporary convenience, but as one that ought to be permanent. Nothing had pleased him more than Lord Durham's avowed belief in the possibility of that permanence. If the Governor-General can give the country a system of government that will tend to establish and strengthen the connection, he will not only have served his own country well, but "have conferred a greater, far greater, benefit upon these provinces."

Baldwin had one fear, however. He was afraid that Lord Durham might recommend "the establishment of a general Legislative body for all the colonies." He was opposed to any such scheme as "worse than useless." It "would unquestionably tend rapidly to bring about a separation from the mother country." Baldwin was certainly not one of those who looked forward to Confederation. He feared it would mean independence. Six years later in discussing the same question, he wrote to LaFontaine that there was "nothing to be gained by it but separation and I am not for separation."³⁰

Baldwin felt that there was but one thing needful to keep the colony loyal to Great Britain and to remove all grievances—to give the colonists the same control over their government as was exercised by their fellow citizens in the motherland. The grant of responsible government was all that was necessary. In his letter to Lord Durham he did not develop his case for responsible government, but he enclosed a copy of the letter he had written on the subject to Lord Glenelg in 1836.³¹ He says he feels certain that if his advice

³⁰ *LaFontaine Correspondence*, Baldwin to LaFontaine, August 14, 1844.

³¹ *Durham Papers*, Vol. XXX, The Letter appears in full in the Report of the Canadian Archives, 1923, p. 326.

had been accepted then, the "late rebellion would have been prevented," and unless it is accepted now, "England can continue to retain these colonies by means of her troops alone."

Baldwin's desire to remain a British subject, with all the rights of a British subject, is summed up most forcefully in the concluding part of his letter to Lord Durham:

To conclude, my Lord, with all the deference which becomes me when addressing your Lordship, yet with all the firmness which I owe to my children and my country, as a Canadian subject of Her Majesty, I object first, to the alteration of the Constitution in the minutest particular, and secondly to the sacrifice of any single branch of the Royal Prerogative. . . . Both of them are my birth-right, and I claim from your Lordship the preservation of them in all their integrity . . . And lastly I claim to have applied to that constitution and to have used in the exercise of the Prerogative, the same principle of responsibility to the people, through their representatives, which is daily practised in the Executive Government of that mighty Empire of which it is yet my pride to be a subject.

Through all his letter runs Baldwin's intense loyalty to the motherland. Responsible government itself is only a means to an end. He is contending for the British system of government in order to keep the colony within the British Empire. Baldwin's loyalty was quite as much of the heart as of the head. It was part of his temperament. His feet would always walk in the old ways. It is part of the same loyalty which made him mourn all his life for his dead wife. It is part of the same sentiment that made him bring home Irish turf to Upper Canada. This loyalty is the more striking when we see that his father was quite willing to contemplate the eventual independence of the colony. This very feeling makes Baldwin opposed to

any union of the colonies. He does not rise to any vision of a united British North America, strong in its own strength, but still a part of the Empire. On this point Baldwin is quite at one with any member of the Family Compact party. He is afraid that such a plan will finally lead to independence.

Durham's statement in his report of the case for responsible government differs from Baldwin's letter of 1836 in one important respect. Durham tries to draw a line between internal and external affairs, giving the Canadian Parliament full independence in dealing with the former. Baldwin made no such attempt.

Durham was wise in 1838 in making this distinction. It was a strong argument in favour of the scheme he advocated. It seemed to answer the criticism of those who argued that the grant of responsible government meant independence. It gave independence, but only within a restricted area, beyond which the power of the imperial Parliament still held sway. The years since 1838 have, however, only gone to prove that Lord Durham's division was impossible, that, sooner or later, everything that concerned the Canadian people would have to come under the control of the Canadian Parliament. Conflict has only been avoided by the wise yielding of the imperial power. Baldwin saw the possibility of conflict, but he had faith. "The utmost that can be done by the most perfect system is to guard against the probability of difficulties."

CHAPTER V

A SECOND CALL TO OFFICE

LORD DURHAM'S report was at once recognized as a document of the utmost importance. It became the Bible of Reformers, while the Family Compact party damned it with equal enthusiasm. The ministers had made for themselves a pretty kettle of fish, one Toronto paper asserted, "by employing Jacobins and loafers to regulate the affairs of a conservative and loyal people."¹ Between these extremes every note was sounded.

What was not clear in 1839, was whether the report marked an episode or an epoch. Was it merely the report of a brilliant and erratic nobleman, or was it the enunciation of a new policy? The fate of the mission might make the most optimistic pause. Lord Durham was disowned by the Whig government that sent him out and returned to England under a cloud. Was it likely that his report would be accepted as the basis for a new policy? His going was followed by a fresh outbreak in Lower Canada and more measures of repression. It might well have seemed that this was the fifth act of the play which had begun at Jamestown with the coming of the first English colonists to America, and that the fate of Spain was to be the fate of England.

Lord Durham, however, was not cast for the rôle of Cassandra in the drama of the downfall of British power in North America. The imperial government prepared to act on the report, to turn theory into practice. The report included several proposals, and

¹ Hincks, *Political History of Canada*, p. 11.

the question that interested Canadians was how far these various suggestions were to be followed. Of the two great recommendations made in the report, one—the union of Upper and Lower Canada—had no special flavour of liberalism. It was a change which had been attempted before in 1822. To many it seemed reactionary and unjust. The French could not be expected to favour a measure intended to crush their nationality. Moreover, all Lower Canadians might criticize a union which included the assumption of the debts of Upper Canada, while Reformers in both provinces looked askance at a union bill that included the granting of a permanent civil list.²

The other great recommendation of the report was of a different kind. There could be no doubt as to its liberalism. The recommendation of the grant of responsible government put the issue squarely to the imperial authorities. To accept it meant a real change of heart. No wonder if Reformers like Robert Baldwin considered it the touchstone which was to prove the sincerity of the Colonial Office. In it they placed all their hopes. If Canadians had control of their own affairs other grievances would soon be removed. The imperial Government might accept the first of Lord Durham's recommendations without proving anything. There was nothing in it to show that the spirit of Downing Street had changed. It was only the carrying out of the old policy of Lord Bathurst. The attitude towards responsible government was the test.

On June 3, 1839, Lord John Russell brought the Canadian question before the British House of Commons, and in his speech dealt with various recommendations in Lord Durham's report. He upheld the policy of reuniting the two provinces, although the

² Lucas, *Lord Durham's Report*, Vol. II, p. 327.

government had as yet no bill to introduce. He agreed with the policy of making the colony English. He could not, however, express the same agreement with Durham's recommendation in favour of responsible government. He stood by the resolution of 1837 which said that while it was expedient to improve the composition of the Executive Council of Lower Canada, "it is inadvisable to subject it to that responsibility demanded by the House of Assembly of that province. The Governor of Canada is not acting in that high and unassailable position in which the Sovereign of this country is placed. He is a Governor receiving instructions from the Crown, on the responsibility of a Secretary of State. How is he to proceed if he receives instructions which the executive say they cannot propose unless the House of Assembly will adopt them?" The conclusion naturally followed. "Either the Governor-in-Council must take the responsibility, or else must become a mere cipher in the hands of the Assembly and not attempt to carry into effect the measures commanded by the home government."³ Lord John finally concluded, that while he knew no reason why the Legislative Assembly should not be listened to with deference, still he was not prepared "to lay down a principle—a new principle—for the future government of the colonies, that we ought to subject the executive there to the same restrictions as prevail in this country."⁴

There can be no quarrel with Lord John's logic, but at the same time there can be no pretence that this was a speech in favour of the granting of responsible government. No Secretary for the Colonies had ever said that the Legislative Assembly

³ *Mirror of Parliament*, 1839, p. 2634.

⁴ *Ibid.*, p. 2635.

should not be listened to with deference. Hume was justified in his criticism that the noble Lord was still unwilling to grant the benefits of self-government and a responsible executive.⁵ Charles Buller, Lord Durham's very able secretary, regretted that the principle of ministerial responsibility was not adopted, as otherwise responsible government was a farce. However he was convinced that after the union it could not be refused.⁶

Before a bill for the union of the two provinces could be drafted, it was found that so much local information in regard to the details was needed, that it was determined to await the report of the new Governor-General who should be sent out with the same large powers as had been wielded by Lord Durham. The man chosen was Charles Poulett Thomson. He was a member of a family which had long been engaged in the Russian Baltic trade. His personal tastes turned to politics, although he had once hoped for a diplomatic career. He had entered Parliament as the member for Dover in 1826, but later sat for Manchester. He was a free trader, a supporter of Huskisson, and soon showed his knowledge of the world of trade and finance. In 1830 he became vice-president, and four years later, president of the Board of Trade. He carried on the work of his predecessor, and maintained his position as an advanced Whig. After the affair of the ladies of the bed-chamber, his party came back to office in the summer of 1839. Thomson was given the choice of being Chancellor of the Exchequer, or going out to Canada as Governor-General. His choice of the latter position was probably partly due to the unsatisfactory state of

⁵ Ibid., p. 2637.

⁶ Ibid, p. 2642.

parties in England, while Canada offered a "great field" for real achievement.⁷ Another inducement was the fact that the Colonial Secretary was to be Lord John Russell, whom, on his death-bed, he characterized as the noblest man it had ever been his good fortune to know.⁸

On October 17, 1839, Thomson landed at Quebec and immediately plunged into the work of his mission. His social charm disarmed many critics, while all admired the energy and skill with which he set to work. The French were utterly opposed to the policy of union but they were powerless. The matter rested in the hands of the special council, which the Governor-General lost no time in summoning. It met in Montreal, and after several days' discussion agreed to the resolutions submitted to it. Besides union, these affirmed that a civil list should be granted to the Crown, and that the debts incurred by Upper Canada in improving the navigation of the St. Lawrence should be assumed by the united province.⁹

The Legislature of Upper Canada met on December third. The Governor expected opposition, but did not despair, especially as union was more to the interests of this province than to Lower Canada.¹⁰ During the previous session, the Legislative Assembly had adopted resolutions approving of union, but on conditions which, as Lord John Russell said, could not be "reasonably or fairly granted."¹¹ Besides demanding that the capital of the united province should be in Upper

⁷ Shortt, *Lord Sydenham*, p. 147.

⁸ Scrope, *Life of Lord Sydenham*, p. 264.

⁹ *Journals of the Special Council of the Province of Lower Canada*, pp. 7-10, November 13, 1839. Mr. Neilson voted against all six resolutions.

¹⁰ Scrope, *Life of Lord Sydenham*, p. 157.

¹¹ *Mirror of Parliament*, 1839, p. 2336.

Canada, they demanded that only the English language be used, that most of the French be disfranchised, and that the lower province with its larger population be given fifty members to sixty-two for the upper province.¹²

The Governor-General succeeded in defeating demands so unjust, but not "without trouble, and a prodigious deal of management."¹³ It was finally agreed that each province was to have the same number of representatives in the united legislature, a permanent civil list was to be granted, while all the debts of Upper Canada were to be assumed by the united province.¹⁴

The members of the Family Compact were opposed to union and, as Thomson wrote, he had to govern through the opposition.¹⁵ He had no doubt as to whom he had to thank for his success. "It is impossible to describe to you the difficulties I have had to contend with to get this matter settled as it has been in the Assembly. I owe my success altogether to the confidence which the Reform party have reposed in me personally, and to the generous manner in which they have acted by me."¹⁶

The matter that the Governor-General had closest at heart was the gaining of the assent of the Assembly to the union. The matter that most interested the Reformers was his attitude towards responsible government. On that subject the excitement was great,¹⁷ and during the session the Governor was asked to lay before the House the views of the home govern-

¹² *Journal, House of Assembly*, Session 1839, pp. 100, 101.

¹³ Scrope, *Life of Lord Sydenham*, p. 163.

¹⁴ *Journal, House of Assembly*, Session 1839-40, pp. 57-60.

¹⁵ Scrope, *Life of Lord Sydenham*, p. 163.

¹⁶ *Ibid.*, p. 154.

¹⁷ *Ibid.*, p. 142.

ment. Although he refused to lay any despatches before the House, he answered, "that he had received Her Majesty's commands to administer the government of these provinces in accordance with the well-understood wishes and interests of the people, and to pay to their feelings, as expressed through their representatives, the deference that is justly due to them."¹⁸ In a published despatch of the Colonial Secretary the principle had been asserted that tenure of office was no longer to be during good behaviour, but that officers might be called upon to retire whenever "motives of public policy may suggest the expediency of that measure."¹⁹ This declaration, taken with the Governor's announcement, certainly prepared the way for responsible government, without, however, making any definite concession. Indeed the answer given to the Assembly would not have been disapproved of by Lord Glenelg. For the time being, however, the Assembly had to be content.

Whether they would have been content if the despatch of Lord John Russell on the subject had been laid before them, is another question. On October 14, 1839, the Colonial Secretary had written on the subject of responsible government.²⁰ After referring to the resolutions passed by Parliament in the spring of 1837 he went on to show the impossibility of conducting the government of the colony exactly on an analogy with that of Great Britain. To do so the executive councillors of a colony would have to be advisers to the Crown of England, from whence come the orders to the colonial governor. This is evidently impossible, "for the Crown has other advisers for the

¹⁸ *Journals of the Legislative Assembly*, 1841, Appendix, B.B.

¹⁹ Canadian Archives, G 94, Russell to Arthur, October 16, 1839.

²⁰ *Journals of the Legislative Assembly*, 1841, Appendix, B.B.

same function, and with superior authority. It may happen therefore, that the Governor receives at one and the same time instructions from the Queen and advice from his Executive Council, totally at variance with each other. If he is to obey his instructions from England, the parallel of constitutional responsibility fails; if, on the other hand, he is to follow the advice of this Council, he is no longer a subordinate officer, but an independent sovereign." Having asserted the supremacy of the Crown as exercised by the imperial Government, Lord John softens his doctrine by the statement that "Her Majesty had no desire to maintain any system of policy among her North American subjects that opinion condemns." In spite of its logic, and in spite of the spirit of conciliation in which the despatch was written, it could scarcely satisfy such advocates of responsible government as Robert Baldwin. The Colonial Secretary certainly did not admit that the Executive Council were to be held responsible for the actions of the Governor.

In a previous despatch of September seventh, Lord John had written that it was impossible to reduce "unto the form of a positive enactment" the nature and extent of the control the popular branch of the united legislature would be admitted to exercise over the conduct of the executive government. Still, "the importance of maintaining the utmost possible harmony between the policy of the legislature and the executive admits of no question; and it will, of course, be your anxious endeavour to call to your councils and to employ in the public service, those persons who by their position and character have obtained the public confidence and esteem of the inhabitants of the province."²¹

²¹ Ibid., Appendix, B.B.

Individuals in whom the people had confidence were to be employed in the public service. Whether they were to be responsible for the policy, as well as carrying it out, was a question left unsettled. Robert Baldwin would certainly not be satisfied with any such half-way measure. Francis Bond Head had been willing to grant as much in 1836.

The limits to be placed on responsible government were expressed more emphatically in a letter of Poulett Thomson's dated December 12, 1839. "I am not a bit afraid of the responsible government cry. I have already done much to put it down in its inadmissible sense; namely, the demand that the Council shall be responsible to the Assembly, and that the Governor shall take their advice, and be bound by it. . . . I have told the people plainly that, as I cannot get rid of my responsibility to the home government, I will place no responsibility on the Council; that they are *a council* for the Governor to consult, but no more."²² This sounds remarkably like the doctrine laid down by Francis Bond Head, and which led to the resignation of Baldwin and the other members of the Executive Council.

If these views of the Governor had been known at the time, it is very doubtful, according to one of the keenest of observers, if he would have been able to carry the union.²³ He certainly would have been unable to carry the bill disposing of the Clergy Reserves. The Reformers disagreed with the settlement proposed²⁴ but, as Thomson wrote, "ten members, who have always before voted for education or

²² Scrope, *Life of Lord Sydenham*, p. 143.

²³ Hincks, *Reminiscences*, p. 41.

²⁴ *Examiner*, January 1, 1840.

public works, voted generously for me this time, though they may lose their seats for it."²⁵

The difficulty that the Reformers had to face from the very beginning of Thomson's tenure of office was their uncertainty as to the real views of the Governor-General. Fine words were well, but a little performance would have been much better. At the opening of the Upper Canadian Legislature one of the leading Reformers wrote to LaFontaine: "You will see the answers to addresses which *so far as words go* are all we can wish. The speech is nothing. Privately his Excellency makes *the most liberal promises*, but so did Gosford, Head and Arthur. His Excellency has *done nothing*."²⁶ At the same time it was most important to express confidence in the Governor. It would be the worst of tactics to force him to turn to the Family Compact for support. "He *must displease the Tories*."²⁷

Once it became clear that the union of Upper and Lower Canada was a probable event, the question as to the new alignment of parties became important. How would the representatives of Upper Canada and Lower Canada divide when they met in a United Assembly? One possible answer was that the division in the old Lower Canadian Assembly would be extended to the United Assembly, that is, that the division would be a division of races, French against English. This alignment would make certain the supremacy of the latter, but whether it would have made the country English, as Lord Durham desired, was another question. It would rather have made

²⁵ Scrope, *Life of Lord Sydenham*, p. 169.

²⁶ *LaFontaine Correspondence*, Hincks to LaFontaine, December 4, 1839.

²⁷ *Ibid.*, Hincks to LaFontaine, October 9, 1839.

Canada another Ireland, as O'Connell suggested in the debate on the union.²⁸

The great hope for the future of Canada was that principle would prove more powerful than race, and that the division of the old Upper Canadian Assembly should be extended to the United Assembly. When the Reformers of Upper Canada looked towards Lower Canada, they looked to the French as their natural allies. Both had been opposed to an official oligarchy, both had demanded, though in somewhat different ways perhaps, a responsible government. Why should they not now unite in the new Assembly to further their common aims?

There was one obvious difficulty. While both were in favour of responsible government, they were opposed on the question of union. The Reformers of Upper Canada supported the Union Bill, while the French could not but oppose it. Lord Durham had advocated union to crush French nationality. The Union Bill was, moreover, not only harsh in intention but was unfair in action. It did not give Lower Canada its fair number of representatives. It discriminated against the French language, and it placed the debts of Upper Canada on the united province.

After the rebellion of 1837 the outstanding French leader was Louis Hippolyte LaFontaine. A lawyer by profession, he had been elected to the Assembly of Lower Canada for Terrebonne in 1830, and became a follower of Papineau.²⁹ Bold in his advocacy of the popular claims, he was yet opposed to the rebellion. Shortly after the outbreak of hostilities he and J. Leslie had gone to Quebec to urge the Governor to summon

²⁸ *Mirror of Parliament*, 1839, p. 2643.

²⁹ L. O. David, *Biographies et Portraits*, p. 96 et seq.

immediately the House of Assembly.³⁰ Their request was refused, and a month later Leslie wrote LaFontaine the following letter which tells its own story:

I hope you are now safely launched on the Atlantic Ocean and before the month elapses will be in London, using your exertions with the other friends of Canada in restoring peace and prosperity to your native and my adopted land, which the late and unfortunate ill-judged movement has so materially injured. A union of the Canadas may probably be proposed, and if on fair and equitable principles I see no serious objection to it. Care, however, must be taken that the representation is based upon population, and that the heavy public debt of the upper is not saddled upon the lower province.³¹

One Lower Canadian foresaw what the future was likely to bring forth, but it was injustice, not union, that he feared.

LaFontaine accomplished nothing in London and went on to Paris. A warrant had been issued for his arrest and he was advised to sail from Havre to New York and not to return to England.³² From New York he wrote to the Honourable Dominick Daly, as the only member of the Council that he knew, saying that he was ready to return to Canada and submit his case to any competent tribunal.³³ Later he applied for a trial, but the Governor could not comply with his request owing to the amnesty which had been proclaimed.³⁴

After Lord Durham left Canada new disorders broke out in the lower province. LaFontaine was

³⁰ *LaFontaine Correspondence*, L. H. LaFontaine et J. Leslie à S. Walcott, Secrétaire civil du gouverneur, December 4, 1837.

³¹ *Ibid.*, J. Leslie to LaFontaine, January 6, 1838.

³² *Ibid.*, Ed. Ellice to LaFontaine, London, April 2, 1838.

³³ *Ibid.*, LaFontaine to Daly, June 11, 1838.

³⁴ *Ibid.*, Chas. Buller to LaFontaine, September 21, 1838.

arrested on November fourth and held till the thirteenth of the following month. All requests for a trial were refused.³⁵ But though LaFontaine was denied the opportunity of proving his innocence, his arrest only made his leadership of his compatriots the more secure.

While Robert Baldwin was the most prominent Reformer in Upper Canada, perhaps the ablest politician in their ranks was Francis Hincks. In some ways he was everything Baldwin was not. He had a keen, quick and flexible mind. He was above all things an opportunist. He was never at a loss for a plan, and when one failed was always ready with another. He would never quarrel about the appearance if the substance could be gained. If the mountain would not come to Robert Baldwin, he would not go to the mountain. Hincks would. Baldwin would not go through a political door unless he could take all his principles with him. Hincks would go through and take as many of his principles as the door would allow, always hoping that he might be able to send back for the rest. He was a firm believer in the saying that half a loaf is better than none. Hincks was a politician because he loved politics; Baldwin was a politician because he had a programme to fulfil. To Hincks the means were almost as interesting as the end. To Baldwin the end was the only thing worth while. Baldwin had a certain arrogant disdain of many of the "ways and means" of politics; Hincks was a past-master in their manipulation.

Hincks was born at Cork in 1807, and came to Canada in 1830. The family had come originally from Chester, England, and Hincks' father was a

³⁵*LaFontaine Correspondence*, Petition of LaFontaine and Charles Mondelet to the English House of Commons.

Presbyterian minister. He entered college, but his father finally yielded to his "earnest desire to follow commercial pursuits."³⁶ After five years spent as an apprentice in a Belfast counting-house he set sail for the West Indies. He had made up his mind not to settle there, when accident turned his thoughts towards Canada. He visited Quebec and Montreal and passed the winter in York. He went back to Ireland, and in the summer of 1832 returned with a wife, determined to make Canada his permanent home. He became a close friend of the Baldwins and an active upholder of Reform principles in politics. At the time of the rebellion he was manager of "The Bank of the People," which he successfully carried through the financial crisis of that year.

He was an active opponent of Sir Francis Bond Head and became Secretary of the Constitutional Reform Society of which Dr. Baldwin was president.³⁷ After the rebellion, many Reformers thought of moving to the United States, and Hincks went to Washington to secure land in Iowa for the founding of a colony of Canadian emigrants. His mission was a failure, but any disappointment he might have felt was forgotten when the news arrived that Lord Durham had been appointed Governor-General and High Commissioner. Hincks dated his real entry into public life from the summer in 1838 when he began the publication of the *Examiner*.³⁸ The title-page bore as its motto "Responsible Government" and it was to advocate this system that the paper was founded.³⁹

After the publication of Lord Durham's report,

³⁶ Hincks, *Reminiscences*, p. 9.

³⁷ *Ibid.*, p. 19.

³⁸ *Ibid.*, p. 11.

³⁹ *Ibid.*, p. 22.

Hincks wrote to LaFontaine to get his opinion on it, although at the time he did not know the French leader personally. He asked if the French had national objects and admitted that, if they had, the union killed them. He saw no reason for discouragement, however. "If we all combine *as Canadians* to promote the good of all classes in Canada there cannot be a doubt that under the new constitution, worked as Lord Durham proposes, the only party which would suffer would be the bureaucrats."⁴⁰

LaFontaine had criticisms enough to offer, but was disposed to submit and make the best of whatever happened.⁴¹ Hincks was certain "that if we once had responsible government as in England *without disfranchisement* we should, in a very short time, *obtain everything* we have ever asked."⁴² If the French want to remain a distinct race it would be fairer and better for them to be separate, but "if they would coalesce with the advocates of cheap, honest and responsible government—and if we can act as Canadians for the good of Canada—then a union would be beneficial to the French-Canadians."⁴³ At the same time Hincks assured LaFontaine that he hated the British party in Lower Canada as strenuously as if he were a French-Canadian.

The editor of the *Examiner* was doing his best to win LaFontaine to the idea of union. When the actual terms came to be discussed, he had more difficulty. He admitted that the assumption of the debts of Upper Canada and the restricted representa-

⁴⁰ *LaFontaine Correspondence*, Hincks to LaFontaine, April 12, 1839.

⁴¹ *Ibid.* April 30, 1839.

⁴² *Ibid.*, May 14, 1839.

⁴³ *Ibid.*, September 9, 1839.

tion given to Lower Canada was not fair, but still he thought the terms might have been worse. As for the Tories who were demanding still more severe terms, they "are as corrupt and unprincipled a set of scoundrels as ever drew breath."⁴⁴

As time went on, Hincks' confidence in Poulett Thomson became still less. By the end of January, 1840, he was thinking about the election for the first union Parliament. The Reformers would need to have men of inflexible firmness. The old clique, he feared, would be maintained, and it would be necessary to stop the supplies.⁴⁵

If, like Hincks, many Reformers doubted the intentions of the Governor-General they were reassured when Robert Baldwin accepted the office of Solicitor-General for Upper Canada, succeeding Draper, who now became Attorney-General in place of Hagermann. The latter was elevated to the Bench and some Reformers thought that Baldwin's appointment was made to smooth over his promotion,⁴⁶ but the Governor-General was probably not sorry to part with an Attorney-General who had opposed the Union Bill.⁴⁷

Not only did Baldwin's appointment give confidence, but the advocates of responsible government were elated that he was willing once more to enter political life.⁴⁸ Adam Fergusson, one of the few liberal members of the Legislative Council, hastened to congratulate him on taking his "proper place in public life," and said he perfectly agreed with Mr. Hincks that so long as Baldwin held office they might rest

⁴⁴ Ibid., December 11, 1839.

⁴⁵ Ibid., January 30, 1840.

⁴⁶ *Baldwin Correspondence*, James Durand to Baldwin, February 20, 1840.

⁴⁷ Shortt, *Lord Sydenham*, p. 207.

⁴⁸ *Examiner*, February 19, 1840.

satisfied that Mr. Thomson would not be going far wrong.⁴⁹

Baldwin had certainly proved himself no office-seeker. He had been a member of the Assembly for a few months in 1830, but after his defeat in that year he had never again sought re-election. He had definitely retired from politics as there seemed no opportunity of furthering the cause of responsible government. When there appeared such an opportunity in 1836 he reluctantly entered the Executive Council, but resigned as soon as it was clear that no change was to be made in the method of administration.

It was in this same spirit that Baldwin again accepted office from Poulett Thomson in 1840. His opinions had not changed in the past four years. Shortly before he accepted office his letter to Lord Glenelg had been published in the *Examiner*.⁵⁰ Poulett Thomson had sufficient warning that his Solicitor-General did not consider the Executive Council "a council for the Governor to consult, but no more."⁵¹

Baldwin's attitude was clearly reflected in his answer to an address. "I humbly trust your prayers on my behalf to the great Disposer of Events for His support will not be unheard. It was not without a humble appeal to Him for direction and assistance that I ventured to accept the office which I fill, and I sincerely pray for His gracious guidance not to permit me to retain it should circumstances render such retention inconsistent with those sound English constitutional principles which I have ever advocated, and the practical application of which in the administration of the government of my native country, can,

⁴⁹ *Baldwin Correspondence*, Fergusson to Baldwin, February 26, 1840.

⁵⁰ *Examiner*, January 15, 1840.

⁵¹ Scrope, *Life of Lord Sydenham*, p. 143.

I am satisfied, alone preserve its connection with the parent state on the broad basis of mutual affection and common interest—a connection which, thus based, I have ever been and still am most sincerely desirous of strengthening and perpetuating.”⁵² To one of his friends he wrote that he had accepted office upon principle, and when he could no longer retain it upon principle he would relinquish it, and “certainly without any personal regrets.”⁵³

Whatever Baldwin’s personal inclinations might be, it was imperative that he should accept office if he had the cause of responsible government at heart. The Governor-General might be a deceiver, but it was good policy to assume that he was sincere.⁵⁴ Baldwin had resigned office in 1836 for the cause; it was now quite as necessary that he should assume it for the same reason. To a certain extent his acceptance committed the Governor, while at the same time it tended to alienate the Family Compact. As Solicitor-General, Baldwin would have greater opportunities of advancing the cause than as a private citizen. It also made it difficult to urge, as it had been urged by Sir Francis Bond Head in the election of 1836, that the advocates of responsible government were disloyal. Hincks’ letter to LaFontaine shows how strongly he felt the necessity of Baldwin accepting office, although he feared it might not meet with the French leader’s approval.

You may possibly be both surprised and disappointed at Mr. Baldwin accepting office under present circumstances. Be assured, however, that if our present course turns out

⁵² *Examiner*, June 10, 1840.

⁵³ *Baldwin Correspondence*, Baldwin to Geo. Rolph, March 19, 1840.

⁵⁴ *LaFontaine Correspondence*, Hincks to LaFontaine, August 15, 1840.

ill it is meant *well*. Mr. Baldwin has not sacrificed a *single principle*, and the Governor-General is perfectly aware of his entire want of confidence in those by whom he is surrounded. . . . Had Mr. Baldwin refused office he would have thrown the Governor-General on the Tories, weakened our party, and brought it into collision with His Excellency. Now we have the Tories in collision, and we shall be able to use the Governor-General on *our side* at the next election to promote the return of *good men* and *true*. . . . Come what will, I am anxious that you should believe what I know to be the case, that Mr. R. Baldwin is *incorruptible*. He has taken office *solely from a sense of public duty* and against his private inclinations. By this time you will have met Mr. Thomson. I trust you will endeavour, if possible, *not to come to an open rupture*, even though you should have good cause for it.⁵⁵

Having accepted office Baldwin lost no time in appealing to "the free and independent electors of the city of Toronto." One accusation he wished to guard against, that having accepted office, he had lost his independence. "In accepting office I have made no sacrifice of principle, and I shall continue to retain it only while I can do so consistently with the principles which I have ever held."⁵⁶ As he had anticipated, the Tories urged the people not to elect an office holder.⁵⁷

Baldwin was soon able to make his position still clearer. Henry John Boulton had once been one of the leaders of the Family Compact party. He had been Attorney-General at the time of the expulsion of Mackenzie. Because of the part he played on that occasion he had been removed from office, but was afterwards appointed Chief Justice of Newfoundland. Failing there, he had returned to Upper Canada and become a vigorous advocate of responsible government.

⁵⁵ *LaFontaine Correspondence*, Hincks to LaFontaine, February 22, 1840.

⁵⁶ *Examiner*, February 26, 1840.

⁵⁷ *Ibid.*, February 26, 1840.

“As one of the free and independent electors” he now wrote to Baldwin to ask him a question. Boulton admitted that Baldwin’s acceptance of office increased his opportunities of usefulness, provided the government was carried on in accordance with the principles of responsible government he avowed, “but how you can reasonably hope to accomplish this while you are associated with Mr. Draper as Attorney-General, whose sentiments upon that subject are well known to be diametrically opposite to your own, I cannot well understand.” He then put his question. “Do you, as Her Majesty’s Solicitor-General, hold yourself responsible to the Governor to carry out his views, or to the country to carry out the wishes of the people, should they happen to come in collision?”⁵⁸ Baldwin’s answer was prompt and to the point. “In the first place I distinctly avow, that in accepting the office I consider myself to have given a public pledge that I have reasonably well-grounded confidence that the government of my country is to be carried on in accordance with the principle of responsible government which I have ever held. . . . It should be distinctly understood that I have not come into office by means of any coalition with the Attorney-General or with any others now in the public services, but have done so *under* the Governor-General and expressly from my confidence in *him*.” He trusts that there will be no conflict of views between the sovereign and the people, “but on any such question should the wishes of the Crown and those of the people come so far in collision as to result in a withdrawal of parliamentary confidence, I shall feel it my duty to resign.”⁵⁹ As these two letters were immediately published, there

⁵⁸ Ibid., March 4, 1840. Letter is dated February 26.

⁵⁹ Ibid., March 4, 1840. Letter is dated February 27.

could be no doubt as to where Baldwin stood. He had no faith in the present office-holders, but took office because of his faith that the Governor-General would conduct the government "in accordance with the principles of responsible government."

As time went on Baldwin's "well-grounded confidence" became less. When Lord John Russell's despatch of October 14th was published there was the greatest difference of opinion as to its merits. Hincks thought the text of the Union Bill highly objectionable, especially the granting of a civil list of £75,000, which he considered "monstrous." He wrote a very severe article on the subject, but his friends persuaded him not to publish it.⁶⁰

Hincks' letter to LaFontaine discussing the despatches regarding responsible government admitted the impossibility of deciding their exact meaning. "There is no use in fighting about words. Practice alone will tell us what is really meant." He had arrived at one conclusion, however, "we must try not to come to direct issue with the Governor-General *till after the elections.*" Not that his confidence in the Governor-General was growing. "We are all of the opinion that Mr. Thomson has broken faith with us and shamefully deceived the Reform party."⁶¹

Dr. Baldwin agreed with Hincks. He wrote to his son saying that he did not think he should resign. He had consulted all Baldwin's friends and they were of the same opinion. For the present at least they considered it madness to break with the Governor-General.⁶²

⁶⁰ *Baldwin Correspondence*, Hincks to Baldwin, April 29, 1840.

⁶¹ *LaFontaine Correspondence*, Hincks to LaFontaine, May 2, 1840.

⁶² *Baldwin Correspondence*, Dr. Baldwin to Robert Baldwin, May 6, 1840.

Baldwin felt keenly the uncertainty of his position. He was most anxious to keep the confidence of the Reformers and only asked to be trusted until the meeting of Parliament. "Having taken office under the belief that Mr. Thomson would fulfil his pledges to the country, he could not consistently resign before an opportunity was given to him of acting with the Parliamentary majority."⁶³

Hincks found it more and more difficult to maintain a friendly tone towards the Governor in his paper. His increasing hostility brought a letter from Baldwin expressing his "disapprobation of the tone and temper assumed by the *Examiner*." A policy of collision is not the way to success, but "the harmonious working of the constitution itself, *by means of the new principle* to be applied to its practical administration, coupled with that forbearance, moderation, and firmness on our parts, which is ever the best evidence of fitness for the exercise of political power."⁶⁴ Baldwin also wrote that if the Reform party decided to oppose the Governor-General they were bound to communicate that necessity to him. He was not going to remain in office if the party decided on such a policy. Hincks replied that he would try to be more restrained in future, but that it was the Governor's treatment of the Lower Canadian Reformers that led him to take the tone he did. "I have in a very great degree lost confidence in the intentions of Lord Sydenham. I believe him to be determined to act in a spirit of hostility towards our fellow Reformers in Lower Canada and also to be desirous of overthrowing the

⁶³ *LaFontaine Correspondence*, Hincks to LaFontaine, August 23, 1840.

⁶⁴ *Ibid.*, Baldwin to Hincks, November 7, 1840.

Reform party of this province, unless he can succeed in corrupting or deceiving them.”⁶⁵

Whether Baldwin would be elected for Toronto was a matter of doubt all through the summer of 1840. The city was entitled to two members, and to insure Baldwin's return even Hincks admitted the necessity of running a Tory with him.⁶⁶ When, on January 12, 1841, the corporation party was again successful in the municipal elections, Baldwin determined to withdraw. In his announcement he said that corruption and intimidation were at present paramount, and he had no desire to expose his supporters to personal as well as to political opposition. He confessed no doubts, however, as to the triumph of the principle for which he stood, and took the opportunity of reiterating his conviction, “that the great principle of responsible government as we have always claimed it, not as our opponents through ignorance or design have absurdly misrepresented us as claiming it, is effectually conceded, and that it remains only for the people themselves to convert it into an element of regeneration. It is of the essence of this principle, that those should be employed by the Crown to assist in the administration of the government who enjoy the confidence of the people.”⁶⁷ If he were not elected he would resign office.

There was no danger, however, of Baldwin not being elected. The difficulty was rather in selecting the constituency for which he should stand. The Reformers in no less than five Reform counties prepared to elect him, while the candidates in four other

⁶⁵ *LaFontaine Correspondence*, Hincks to Baldwin, November 25, 1840.

⁶⁶ *Ibid.*, Hincks to LaFontaine, August 28, 1840.

⁶⁷ *Examiner*, January 20, 1841. The announcement is dated January 16.

constituencies expressed their readiness to retire on his behalf. He finally decided to contest two seats,⁶⁸ the county of Hastings and the Fourth Riding of York, although in the case of the latter it caused considerable dissatisfaction on the part of the displaced Reform candidate. Baldwin's election for the York constituency was practically certain, but he was anxious to secure a double return.⁶⁹ Not only would it mean the winning of a doubtful constituency, but it would strengthen his position as the advocate of responsible government. He had been offered Lennox and Addington, Bidwell's old county, but as the requisition called on him "as pledged to support the government," he had refused to accept.⁷⁰

Baldwin's retirement from the Toronto contest gave Hincks "very great satisfaction." Had he been elected for the city, it would have been "by the votes of men who supported him *not for his principles*, but as Solicitor-General." Hincks thought, too, that the Governor-General would have had a hold over Baldwin. But now "he will be returned for one of the ridings of York by a thorough-going radical constituency, who will sustain him in his political course."⁷¹

After Baldwin's retirement from Toronto it had been at first hoped that he might be returned for the county of Norfolk, but the sitting member, Mr. Powell, objected. This refusal led Baldwin to write a letter on the duty of a party securing the return of its leaders, and the importance of party organization.

⁶⁸ Ibid., March 3, 1841, R. Baldwin to Mr. Crouse. Letter is dated February 19, 1841.

⁶⁹ *Baldwin Correspondence*, B. Douglas to Baldwin, February 27, 1841.

⁷⁰ *LaFontaine Correspondence*, Hincks to LaFontaine, February 18, 1841.

⁷¹ Ibid., January 16, 1841.

He had, he wrote, doubts as to his own ability, and would gladly be relieved from the position of leadership in which circumstances had placed him, "but while I continue to occupy it, the party, if they do not rally to support me, will be guilty of a sort of political suicide,—and confirm the doctrine of Sir Francis Head and his friends, that the system of responsible government is not adapted to the state of the colony."⁷² Under any form of popular government "it is perfectly idle to suppose" that party connection can be wholly laid aside. A party must see to the return of its leaders, and if any members refuse to stand aside for the cause, they should no longer be regarded as members of the party.

Although Baldwin had been appointed Solicitor-General he had not been appointed a member of the Executive Council. There was the keenest interest as to who should be appointed, and when. Hincks wrote to LaFontaine canvassing the various likely appointments. He wanted to know whom LaFontaine would support. There was another serious question. "Suppose the Governor should form his cabinet before the meeting of Parliament and even before the elections, and should ask Baldwin to join a Council with such men as I have referred to, (Draper, Sullivan, Harrison, Macaulay,) should he do so in the meantime, or decline at once, and consequently resign?" Hincks feared that this would be the "game of Lord Sydenham." If Baldwin "join such men will he not sacrifice principle? He has always professed to have no confidence in them."⁷³

⁷² *Examiner*, March 3, Baldwin to Mr. Crouse. The letter is dated February 19, 1841.

⁷³ *LaFontaine Correspondence*, Hincks to LaFontaine, December 15, 1840.

What Hincks feared took place. The union officially came into force on February 10th, and three days later Lord Sydenham announced his Council. Besides Baldwin, it included Draper, Sullivan, Dunn, Daly, Harrison, Day and Ogden.⁷⁴ A few days later Killaly was added.

A year before, Boulton had been unable to understand how Baldwin hoped to see responsible government put into practice while he was associated with Draper. Now they were members of the same cabinet. This was certainly not putting the English system into practice. Such a Council could not expect to command the confidence of the Reform, nor indeed of any, party.

Cabinet government was a necessary part of responsible government. The Executive Council must be made up of members bound together by common principles. Only such a homogeneous cabinet could work together or command a majority in the House of Assembly. Baldwin had demanded such a unified Council from Sir Francis Bond Head in 1836. No person pretended that the Council of 1841 held common principles. If the cabinet system was to be followed, one or other section of the Council would have to resign, but until the meeting of Parliament, or certainly until after the election, it was premature to decide which it would be.

Baldwin was determined to leave no doubt as to his view in regard to the new Council. He wrote to the Governor-General that he had "an entire lack of confidence in all of them except Mr. Dunn, Mr. Harrison and Mr. Daly," and that he did not think the administration could command the support of

⁷⁴ Canadian Archives, G 391, Sydenham to Russell, February 16, 1841.

Parliament.⁷⁵ He wrote to his colleagues to the same effect. Draper's answer showed that while they still differed, the latter at least saw no reason why they should separate. After expressing his appreciation of the motives that led Baldwin to write, he continued, "My opinion of some of the views heretofore expressed by you in relation to the administration of the government of Upper Canada is unchanged. I think them impracticable, because inconsistent with a state of colonial relation, and we can have nothing to do with any other state of political existence. I have not perceived anything in the mode of administration pursued since the arrival of the Governor-General up to the present moment, nor in the despatches of the Secretary of State, which leads me to conclude that any new system is to be introduced, involving principles which I have always deprecated and to which I must inevitably be opposed."⁷⁶ Let them rather try to increase the welfare and prosperity of the province, "without seeking points of difference upon any theory of government or looking back to the acrimonious disputes of the past." In a postscript, Draper said he agreed with Baldwin as to making the correspondence known to Lord Sydenham and had transmitted copies to him.

Baldwin's announcement did nothing to precipitate matters. Lord Sydenham took no action and matters remained in suspense as before. The Reformers still had to assume that responsible government had been accepted by the administration. Baldwin urged Hincks not to attack the Governor personally, but his Council, for the actions of the government.⁷⁷ The

⁷⁵ Hincks, *The Political History of Canada*, p. 19.

⁷⁶ *Baldwin Correspondence*, Draper to Baldwin, February 22, 1841.

⁷⁷ *LaFontaine Correspondence*, Hincks to LaFontaine, February 18, 1841.

editor of the *Examiner* found it difficult to refrain, although he admitted the force of Baldwin's argument. Hincks expressed his ideas in regard to the new Council in a letter to LaFontaine marked "Private and Confidential." "I implore your continued confidence in Mr. Baldwin. The Council . . . will never hold together after the meeting of Parliament. Had Baldwin retired *now* he would have damaged our elections. He would have separated himself from Dunn, Harrison and Daly, who, I think, may be all made use of in a liberal cabinet hereafter. On the whole, looking on the appointments as merely temporary, I have myself advised the delay of the split which I foresee."⁷⁸

The elections for the first union Parliament began in March and ended early in the following month.⁷⁹ Baldwin was elected unopposed in York,⁸⁰ but had a strenuous campaign in Hastings. In spite of the fact that it was said that he attended mass twice every Sunday, and that his rival, Mr. Murney, said he was prepared to prove that he had engaged in the late rebellion,⁸¹ Baldwin won the election. Violence at the polls seems to have been rather the rule than the exception. In a riot in Toronto one man was killed and four wounded.⁸² Mr. Price reported that a mob had smashed every window and every breakable article in the house of one of his supporters, while they threatened "to boil his liver to a cinder."⁸³

In Lower Canada, by gerrymandering the electoral boundaries of Quebec and Montreal, Lord Sydenham

⁷⁸ Ibid., February 16, 1841.

⁷⁹ Scrope, *Life of Lord Sydenham*, p. 227.

⁸⁰ *Examiner*, March 10, 1841.

⁸¹ *Baldwin Correspondence*, John Ross to R. Baldwin, February 27, 1841.

⁸² *Examiner*, March 24, 1841.

⁸³ *Baldwin Correspondence*, Price to Baldwin, March 12, 1841.

secured the return of four English members.⁸⁴ The French suffered, however, not only from being "hived," but from actual violence. The most conspicuous defeat brought about by such methods was that of LaFontaine in Terrebonne.⁸⁵ For insinuating that the head of the government had been accessory to such acts, a prosecution of the *Examiner* was seriously considered.⁸⁶

When the results of the elections were examined, it was clear that the French from Lower Canada and the Reformers from Upper Canada, if they worked together, could dominate the House. The French were conceded twenty members, the moderate Reformers twenty, with five ultra-Reformers. The government could count on twenty-four, while the old Compact party had shrunk to seven.⁸⁷ If the French and Upper Canada Reformers could act as a party then a reconstruction of the Council would have to take place as soon as Parliament met.

Hincks was most industrious in his correspondence with LaFontaine and Morin. He urged the importance of the French not taking an extreme course, no matter how deep the injuries they had sustained.⁸⁸ If the French refused to co-operate with the Upper Canadian Reformers and went into determined hostility to the Governor-General, the Reformers would be thrown upon the Tories from Lower Canada. Hincks regretted that LaFontaine had not accepted the office of Solicitor-General of Lower Canada, and followed Baldwin's example of publicly declaring his principles on every occasion. If he had done so, then on the

⁸⁴ Scrope, *Life of Lord Sydenham*, p. 226.

⁸⁵ *Ibid.*, p. 211.

⁸⁶ *Baldwin Correspondence*, Harrison to Baldwin, May 4, 1841.

⁸⁷ Scrope, *Life of Lord Sydenham*, p. 227.

⁸⁸ *LaFontaine Correspondence*, Hincks to LaFontaine, April 6, 1841.

opening of Parliament there would have been a Reform Council in each province friendly to a repeal of the obnoxious parts of the union.⁸⁹ Morin wrote to Hincks that a union with the Upper Canadian Reformers was the only policy he would consider.⁹⁰

The question of the Speakership was much discussed. Hincks felt they must have a Lower Canadian anti-unionist. While infinitely preferring Mr. Morin, Mr. Cuvillier was much more likely to be elected. He was of LaFontaine's mind in regard to the Union Bill, "opposed to the civil list, representation, debt, proscription of language. He is for responsible government and disapproves of the present organization of the government."⁹¹ Baldwin's name had been suggested, but his election would be trumpeted forth in England as a triumph of the administration.⁹² In the meantime Baldwin had gone to Montreal and met the French-Canadian leaders. His conversations with "most of them were very satisfactory and the rest of them tolerably so."⁹³

Baldwin was not only determined that he should not remain in office unless responsible government was accepted, but he included in that programme the admission of the French to a due share in the government. The "unjustly-abused Reformers of Lower Canada"⁹⁴ had always possessed his sympathy. He saw no solution to the difficulties of the country except in a union with the French. When in Montreal he found the English party ready to make great sacrifices

⁸⁹ Ibid., April 6, 1841.

⁹⁰ Hincks, *Reminiscences*, p. 50.

⁹¹ *LaFontaine Correspondence*, Hincks to LaFontaine, April 19, 1841.

⁹² Ibid., Hincks to LaFontaine, May 29, 1841.

⁹³ *Baldwin Correspondence*, R. Baldwin to W. W. Baldwin, May 15, 1841.

⁹⁴ *Examiner*, June 10, 1840. In Baldwin's answer to an address, May 27, 1840.

to secure the co-operation of the Upper Canadian Reformers, but he wrote to his father, "if such a union takes place I shall retire from political life, as I see no prospect of a just or a happy termination of our difficulties."⁹⁵ He set his face like flint against any party combination based on race. He was determined that even if he were deserted by the whole of Upper Canada he would stand by the Reformers of Lower Canada.⁹⁶

The significance of Baldwin's determination can scarcely be over-estimated. Had his policy been different the whole subsequent history of the union would have been different. The French were opposed to union in principle, and violently opposed to certain provisions in the Act of Union as passed. To them it was but a new method of securing the dominance of the Anglo-Saxon. There was every danger in 1841 that the old racial division of Lower Canada might be transferred to United Canada. It was not the fault of Lord Sydenham that this was not so.

The very greatness of the danger is proved by the fact that such a division did finally appear and made the union impossible. In the late fifties and early sixties, George Brown, with his cry of "Representation by Population," divided the races and brought the government to a standstill. The British North America Act was an act of desperation as well as an act of federation.

In 1841 the same condition existed, only that then it was the French who were partially disfranchised. They had also just cause for complaint in the discrimination against their language and their forced

⁹⁵ *Baldwin Correspondence*, R. Baldwin to W. W. Baldwin, May 15, 1841.

⁹⁶ *LaFontaine Correspondence*, Hincks to LaFontaine, May 29, 1841.

assumption of the debts of Upper Canada. As background to these real grievances was the general racial bitterness which had existed before the rebellion, as well as that which had grown out of the rebellion itself. One might have expected bitter and unrelenting opposition to the union and all its works. The French might well have played the rôle played by the Hungarians in Austria some twenty years later. Yet we are confronted with the fact that the forties were more free from racial conflicts than the fifties. The Act of Union was passed when racial hatred was at its height, yet race disappears as a party division only to reappear after a decade. It is no explanation to say that the French accepted an injustice to which the English would not submit. The explanation that in the forties the great issue was the question of responsible government, which tended to unite Reformers regardless of race, is correct as far as it goes. The great question might well have been the repeal of the Union. Mr. Neilson would have had it so. Moreover if the French had accepted such a policy they would have had the support of the Tories of Upper Canada.

It was during this crisis that Robert Baldwin played such an important part. In favour of union and the outstanding advocate of responsible government, he was equally determined to champion the French cause. He had the confidence of the French leaders; he was soon to have the absolute confidence of the whole party. They might have doubts regarding many of the Reformers of Upper Canada; they could never have any doubts regarding the most prominent of all. LaFontaine did not need to apologize to his countrymen when he united with Baldwin in 1842 to form a government. If the latter was going to represent Upper Canada why need any Frenchman object to

union? Baldwin was their representative quite as much as LaFontaine himself.

While Baldwin was in Montreal the Governor-General took the opportunity of swearing him into the Executive Council. Here an unusual difficulty arose. Baldwin "strongly objected" to taking the oath of supremacy. As Lord Sydenham afterwards wrote to the Colonial Secretary in narrating the incident, the Solicitor-General for Upper Canada was "a man of exceedingly strict principles." He objected to that part of the oath that affirmed that no foreign prince, person or prelate had, or ought to have, any authority within this realm. His objections were confined to a matter of fact. He had his doubts as to whether the Pope did not exercise authority in Canada, and whether that authority was not recognized by the British government. The Governor-General referred the question to Baldwin himself as Solicitor-General for Upper Canada and to the Solicitor-General for Lower Canada. They decided that the Governor-General might dispense with the oath, which he immediately did.⁹⁷ Whether Lord Sydenham thought Baldwin over-scrupulous or not, he had at least sufficient warning as to the kind of man with whom he had to deal.

As regards his own political position Baldwin was equally determined not to compromise, although what his stand ought to be he had the greatest difficulty in deciding. He was determined not to act with the Tory members of the Council. Either he, or they, must resign. The difficulty was to determine when to force the issue.⁹⁸ If the Governor-General would not

⁹⁷ Canadian Archives, G 454, No. 69, Sydenham to Russell, Montreal, May 25, 1841.

⁹⁸ *LaFontaine Correspondence*, Hincks to LaFontaine, Toronto, May 26, 1841.

dismiss the Tory councillors, should Baldwin resign at once or await the meeting of Parliament? If he should resign at once, it would be yielding the field to Draper, Ogden, and Day before the battle was fought. It would look like an admission by Baldwin that he expected them to have the majority when the Assembly met. Moreover, if he resigned, he wished the other Reform members of the Executive Council to resign with him.⁹⁹ They must act as members of a party. As Baldwin came to know Dunn, Harrison, and Daly better, his confidence in them grew, and he wrote to Hincks asking that the *Examiner* keep their names before the public.¹⁰⁰ There was still another consideration. Whatever action he took, Baldwin was anxious that it should meet with the approval of the party. It was practically impossible, however, to get any opinion until the meeting of the Assembly. It seemed as though Baldwin's hands were tied until that event. To remain quiescent presented an equally unpleasant prospect. Baldwin felt the danger to his character if he acted with his Tory colleagues for a single day.¹⁰¹ The position of the Liberal members in the Executive Council when Parliament met would be absurd. They would have to speak. They could not declare that they had no confidence in themselves, while at the same time they could not defend the government as constituted.¹⁰²

To consider the situation Baldwin's friends met at his house.¹⁰³ Besides his father, Hincks, Dunn, Park, Small and Price were present. While all declared they

⁹⁹ Ibid., May 29, 1841.

¹⁰⁰ *Baldwin Correspondence*, Baldwin to Hincks, Montreal, May 13, 1841.

¹⁰¹ *LaFontaine Correspondence*, Hincks to LaFontaine, Toronto, May 29, 1841.

¹⁰² Ibid., May 26, 1841.

¹⁰³ Ibid., May 29, 1841.

had no confidence in Ogden, Day, Draper and Sullivan, there was a division of opinion as to the best way of effecting a change. Dunn was afraid of taking an extreme course. Park and Small, it is very interesting to note in the light of subsequent events, were in favour of trying to get good measures from the present Council. Hincks, Price and the two Baldwins were opposed to acting under any circumstances with the present men. In writing to LaFontaine afterwards, Hincks expressed his opinion that Baldwin would have severed his connection with the government before the meeting of the legislature.¹⁰⁴

The first Parliament of United Canada was called to meet on June 14, 1841, at Kingston, where Hincks had already engaged rooms for himself and five others, at four dollars a week with "separate bedrooms and one sitting-room."¹⁰⁵ Baldwin's course was mapped out for him by circumstances. He had to get the opinion of his party before Parliament opened. Such Reformers as could reach the new capital before the opening of the session met to consider the situation.¹⁰⁶ As a result of their deliberations, the Solicitor-General for Upper Canada demanded of the Governor-General that the Executive Council be remodelled, French-Canadians taking the place of the Tory members. Lord Sydenham refused to make any such change, and after some further correspondence, and on the very day of the opening of the session, Baldwin resigned.¹⁰⁷ As Hincks had feared,¹⁰⁸ the other liberal members of the Council did not follow his example.

¹⁰⁴ *LaFontaine Correspondence*, Hincks to LaFontaine, May 29, 1841.

¹⁰⁵ *Ibid.*, May 26, 1841.

¹⁰⁶ Hincks, *Political History of Canada*, p. 18.

¹⁰⁷ Scrope, *Life of Lord Sydenham*, p. 231.

¹⁰⁸ *LaFontaine Correspondence*, Hincks to LaFontaine, May 29, 1841.

Shortly after this event the Governor-General wrote to the Colonial Secretary, Lord John Russell, describing the composition of the Assembly, and giving his account of the episode in which his Solicitor-General had figured so prominently.¹⁰⁹ In Lower Canada, he wrote, there were two parties, Canadians and British, but the former might be sub-divided into extremists and moderates. In Upper Canada a small number represented the "Compact," while a considerable number, though not unconnected with that party, desired a more liberal government.

"There is a large body of men called Reformers who sincerely and anxiously desire to see practical improvements carried on, and there are a few classed under the same name whose views I cannot pretend to define, but whose object seems to be agitation." This extreme party in Upper Canada, a few days before the meeting of Parliament, tried to take the lead of the whole body of Reformers and form a juncture with the French-Canadian party, "either being themselves deluded, or at all events deluding others into a belief, that the French-Canadian party were Reformers too,—a combination that would have proved most formidable to the good government of the country, and have rendered all my efforts unavailing for a time at least. It is needless to say that such a combination could not have stood the test of any long time, for there is really nothing in common between the parties . . . the Canadians are opposed to the union . . . care nothing about the responsible government . . . they want no improvements . . . wish to incur no further debt."

There might easily have been a stormy opening to

¹⁰⁹ Canadian Archives, G 454, Sydenham to Russell, June 26, 1841 (Confidential).

the session. "This was rendered still more probable by the circumstances that my Solicitor-General for Upper Canada, Mr. Baldwin, although a member of the Government, used his best endeavours to promote it. Acting upon some principle of conduct which I can reconcile neither with honour nor common sense, he strove to bring about this union, and at last, having, as he thought, effected it, coolly proposed to me on the day before Parliament was to meet, to break up the government altogether, dismiss several of his colleagues, and replace them by men whom I believe he had not known for twenty-four hours, but who are most of them thoroughly well known in Lower Canada (without going back to darker times), as the principal opponents of every measure for the improvement of that province which has been passed by me, and as the most uncompromising enemies of my administration of affairs there. I had been made aware of this gentleman's proceedings for two or three days, and certainly could hardly bring myself to tolerate them, but in my great anxiety if possible to avoid any disturbance, I had delayed taking any step. Upon receiving, however, from himself this extraordinary demand, I at once treated it, joined to his previous conduct, as a resignation of his office, and informed him that I accepted it without the least regret."

Lord Sydenham's biographer takes a similar attitude, finding it impossible to reconcile Baldwin's conduct with the principles of political honour by which British statesmen are governed.¹¹⁰ At the same time he admits that Baldwin was "a man most honourable and conscientious in his private capacity," and frees him from any suspicion of acting from an interested motive.

¹¹⁰ Scrope, *Life of Lord Sydenham*, p. 231.

That a man so honourable in his private life should be guilty of such political turpitude leads one to suspect some weakness in the argument. Baldwin would soon have furnished it. He did not consider himself a member of a government, but rather as an official holding office until a real government could be formed. On the very first opportunity he had attempted to bring together such a government. Having failed, he had no honourable choice but to resign.

Lord Sydenham considered that a government had already been formed. He was the Premier and Baldwin was one of his ministers. He looked on Baldwin's action much as a British Prime Minister of to-day would view the action of one of his cabinet who secretly negotiated with the opposition for the overthrow of his government. Between Lord Sydenham and Robert Baldwin there was a great gulf fixed; the gulf between two very different interpretations of what was meant by responsible government.

Robert Baldwin's whole career had shown that on that principle he would never compromise. A separation had to come sooner or later. Why it did not come sooner the previous narrative has attempted to show. Baldwin's character prevented its coming later. He had entered the government as a guarantee that he believed responsible government was to be granted. He was in honour bound to resign as soon as he was convinced that that was not the case. Had he been more of an opportunist he might have remained longer in the government to test it by its actions. He had already tested its theory. For Baldwin that was enough.

There is still one question to be answered. Was Baldwin or was Lord Sydenham right in his interpretation of the meaning of responsible government?

In whose favour has time given its decision? A recent writer has pointed out that three things were involved in the grant of responsible government. These were cabinet government, self-government and party government.¹¹¹ Using these as tests it becomes clear that Robert Baldwin was right and Lord Sydenham wrong.

The cabinet is a committee of the dominant party, bound to one another, and supported by that party because of certain principles they hold in common. Lord Sydenham had appointed to office and called to his Executive Council men who disagreed even on the principle of responsible government itself. They could never form a real cabinet although they might form an able bureaucracy under the guidance of the Governor-General, or, as seemed more probable, be the old advisory council of the days before the rebellion. The inability of his Council to fulfil one of the most fundamental necessities of a cabinet—to command the support of a majority of the house—is betrayed by the Governor's admission of the unpopularity of many of its members.¹¹² They had the support, not of the Assembly, but of the Governor. As soon as he was removed they fell.

A second necessity of the new system was party government. A cabinet must be able to command continuous support because of the principles and policy it advocates. Only an organized party can give such support. By reconstructing the cabinet to contain only the Reform interest, Baldwin hoped to bring together the Reformers of Upper and Lower Canada to support it. Lord Sydenham in his despatch says this hope was a delusion as there was nothing in common

¹¹¹ Skelton, *Life and Times of A. T. Galt*, p. 118.

¹¹² Scrope, *Life of Lord Sydenham*, p. 244.

between the two parties. The answer, however, is that the union did take place in 1842 and continued for the next decade. When he attempts to prove his case by the absurd assertion that the French cared nothing for responsible government, it is not surprising that he was mistaken.

One of the weaknesses of Canadian politics in 1841 was the lack of stable parties. Lord Sydenham can scarcely be given credit for supplying that need. He merely postponed the party division that appeared as soon as he was removed from the scene. He spent time and energy in the creation of a party which might have been more effectively spent in guiding the parties which would naturally have arisen if left to themselves.

Lord Sydenham did, indeed, during the session of 1841, demonstrate the necessity of securing support for his Council. They were responsible to the people's representatives, or perhaps, to put it more exactly, Lord Sydenham made himself responsible for securing the necessary majority to support them. By gerrymandering before the elections, by taking advantage of the weakness of party ties, by putting forward an active and progressive policy, by the strength given by the imperially guaranteed loan, he was able to secure a steady majority for his Council. His practice showed the need of party support in the legislature, but it was support he had gained; not a party he had created. As a party it had no inner strength. The centre of gravity was too near the top. As soon as that was moved the structure fell.

The Governor's policy might have worked the greatest injury to Canada. The French had already sufficient cause to dislike the Act of Union. The Governor's policy of exclusion might easily have turned them into uncompromising opponents of the whole

scheme. In support of union he followed a policy which might have made union a party issue. That such was not the case was largely due to Robert Baldwin. The leading Reformer of Upper Canada had resigned when his demand on behalf of the French had been refused. He still, however, remained a believer in union.

There is no doubt that if the Governor-General had accepted Baldwin's advice he would have had a cabinet supported by an overwhelming majority. Near the end of the session, when a certain coolness had grown up between the editor of the *Examiner* and Robert Baldwin, the former could still write that if the ministry had been changed, "there would have been a steady ministerial majority that would have carried every measure that has been carried; some perhaps in a better shape, and some that have been lost."¹¹³

Even if Lord Sydenham had been willing to admit the possibility of this outcome, he would still have vigorously resisted Baldwin's proposed reconstruction. French-Canadians under that scheme were to be admitted into the Executive Council. The Governor was not a man who relished anything like dictation at any time, but to be dictated to in favour of the French was altogether too much. Graciously to offer LaFontaine office¹¹⁴ was one thing, but to have LaFontaine forced upon him was another. While he had no wish to oppress the French, he shared Lord Durham's conviction in the final triumph of the Anglo-Saxon. The Act of Union, with its blow at the use of the French language, had been largely his work. The manipulation of boundaries at the recent election had been designed by his hand. The saying of the

¹¹³ *Examiner*, September 15, 1841.

¹¹⁴ Scrope, *Life of Lord Sydenham*, p. 179.

cynic may perhaps be applied in Lord Sydenham's case: "We find it hardest to forgive those whom we have injured."

It is quite unnecessary, however, to consider any personal bias that the Governor-General may have had against the French. He would have rested his case upon public grounds. The whole success of his mission depended on the successful launching of the policy embodied in the Act of Union. It was impossible "so long as the French-Canadians persisted in uncompromising hostility to the Union," to confide to them a "share in the working of that measure."¹¹⁵ Instead of trying to make the new system work they would have tried to wreck it. If this be a true statement of the case the wisdom of the Governor's course is at once apparent. The only difficulty is to understand how any man of the character and judgment of Robert Baldwin, and holding his opinions, could have opposed it. Baldwin was, moreover, supported in his policy by a man as clear-sighted and astute as Francis Hincks. Both of them were believers in the necessity of union as well as in the necessity of responsible government. Neither of them expected disruption as a result of their policy. Were both mistaken?

Then again, in 1842, LaFontaine became Attorney-General for Lower Canada and the French became supporters of the new ministry. Yet no attack upon the principle of union followed. Are we to suppose that the change of heart was the result of Lord Sydenham's policy of exclusion during the session of 1841? If so, the French were easily cowed, and LaFontaine not the man of resolute character that time was to prove him to be.

The important question is to determine the exact

¹¹⁵ Ibid., p. 233.

attitude of the French towards the union. There was not any such united and uncompromising hostility as Lord Sydenham, and still more his biographer, would lead us to believe. The French of Quebec city, with Mr. Neilson at the head, were indeed "come-outers." Local patriotism strengthened provincial prejudice in their opposition to the "infamous act."¹¹⁶ Its triumph meant that the oldest city in Canada would cease to be a capital. It meant financial loss, as well as loss of prestige.

The opposition of LaFontaine and his Montreal friends was less uncompromising. They were anti-unionists, but with a difference. Their opposition, now that union was an accomplished fact, was not to union, but to the Union Bill. While Mr. Neilson demanded the repeal of the bill, LaFontaine demanded the repeal of some of its clauses. Hincks, in writing to him shortly before the meeting of Parliament, advanced the arguments in favour of electing Mr. Cuvillier to the Speakership. The latter, he says, is of LaFontaine's mind regarding the bill, "opposed to the civil list, representation, debt, proscription of language. He is for responsible government and disapproves of the present organization of the government."¹¹⁷ Hincks would never have misrepresented LaFontaine's opinions in writing to LaFontaine himself.

The French leader's attitude to union is easy to understand. He had denounced it until it became law. He had then, like a practical politician, accepted the principle, but denounced certain applications which he considered unjust to his province and to his

¹¹⁶ Kingsford, *The History of Canada*, Vol. X, p. 526.

¹¹⁷ *LaFontaine Correspondence*, Hincks to LaFontaine, Toronto, April 19, 1841.

race. In his address to the electors of Terrebonne¹¹⁸ he had called the union an act of "injustice and despotism," but at the same time he urged that the representatives of Lower Canada should not pledge themselves beforehand and unconditionally to demand the repeal of the union. The Reformers of Upper Canada have "assumed the responsibility of the Union Bill," and "it is the interests of the Reformers of both provinces to meet on the field of legislation in a spirit of peace, of union, of friendship, and of fraternity."

His views were well expressed by *Le Canadien*.¹¹⁹ "Although we are sincerely opposed to the legislative union, we too well foresee the anarchy, the political and social misery, that any agitation for the repeal of the union would entail upon all parties, not to desire that the two populations should come to some understanding to carry out the brilliant destiny that Nature has placed within their grasp."

After his defeat in the elections of 1841 LaFontaine was goaded into writing a long letter "*aux Electeurs du Comté de Terrebonne*." It would not have been surprising if he had then denounced union and all its works. In this open letter he tells his readers of the Governor's offer of the Solicitor-Generalship for Lower Canada. He refused the office, not because he was opposed to union, but because "*je n'entendais pas le gouvernement responsable à la manière de Son Excellence*."¹²⁰

One thing is clear. The principle of union was not at stake when Lord Sydenham refused to grant Baldwin's request for a reorganization of the Executive

¹¹⁸ *Examiner*, September 16, 1840.

¹¹⁹ *Le Canadien*, November 20, 1840.

¹²⁰ *L'Aurore des Canadas*, Montreal, March 30, 1841.

Council. It is true, however, that if the French had been admitted they would have demanded certain changes in the Act of Union. This Act was largely Lord Sydenham's work. It was only natural he should resist all such demands.

Lord Sydenham's resistance to such changes only reveals his resistance to the third necessity of responsible government, self-government. He was prepared to seek approval, as the coming session was to prove, from the people's representatives. He was not prepared to trust government to the people themselves. His policy might possibly be defended as a temporary arrangement in the unsettled state of politics in 1841. Lord Sydenham, however, never thought of it as anything but permanent. He considered it an absolute necessity that his successor should be "some one with House of Commons and Ministerial habits—a person who will not shrink from work, and who will govern, as I do, *himself*."¹²¹ He objected to the men Baldwin proposed introducing into the government because they were "most uncompromising enemies of my administration of affairs in Lower Canada." Under responsible government as Baldwin understood it, and as time was to prove, a Governor does not refuse ministers who oppose "my administration." In that sense he has no administration. He has discovered that "the demand that the Council should be responsible to the Assembly, and the Governor should take their advice and be bound by it," is not the "inadmissible sense" in which to take responsible government.

Lord Sydenham said that Baldwin had acted on some principle of conduct which he could not reconcile with either honour or common sense. The reason must have been that the Governor-General had never taken

¹²¹ Scrope, *Life of Lord Sydenham*, p. 245.

the trouble to discover what were the principles of his Solicitor-General. Baldwin had certainly been at pains to make his position clear. On entering office he had announced that he did so only because of his confidence that responsible government was to be granted; on entering the Executive Council he had very carefully announced his lack of confidence in certain of its members. His letter to Lord Glenelg in 1836 had been published as a campaign document before the recent election.¹²² He could not have stated his case more clearly. The Governor-General could never have read it.

Baldwin's letter to his father is the best answer to the criticisms of Lord Sydenham. "After two more anxious and sleepless nights in the last of which I was not in bed till four, and was up again and at Mr. Dunn's quarters at six, I decided upon my course, and in consequence of having adopted it felt myself called upon yesterday to tender my resignation, which was accepted. The Almighty only knows what may be the result. It was not without frequent and earnest appeals to His throne for guidance and support that I ventured on a decision, and I trust and believe that my prayers were heard, for I have felt a comfortable assurance since, that is paradise to the load which has oppressed me since I came down."¹²³

There was no delay in the answer. "This day's post brought me your affectionate letter of yesterday . . . its perusal was delightful, thanks be to God who gave you strength to resist temptation of worldly honours thrown in your way to seduce your integrity from its purpose . . . your dear mother

¹²² *Examiner*, January 15, 1840.

¹²³ *Baldwin Correspondence*, Robert Baldwin to Dr. Baldwin, Kingston, June 15, 1841.

rejoices in the honest part you have taken and why should not I . . . be assured, my dear Robert, I heartily approve of your resignation, and the consolation you feel in doing your duty is a reward beyond price."¹²⁴ There was even hope that Baldwin might now be able to give up politics. "If they can get along without you, so much the better, . . . the sooner you can return to us the happier we shall be, . . . nothing but a sense of duty to the public could have induced me to add my voice in pressing you to accept office."¹²⁵

One responsibility Baldwin did immediately seek to resign. He wrote to Morin that, "as it was a series of adventitious circumstances, and not the gradual course of political progress, or the call of those with whom I acted, which placed me in the position of leader; and as my ceasing to hold office removes that reason for continuing me in that position, I am earnestly desirous that the leadership should be in older and abler hands. It is not that I wish to shrink from any responsibility or duty that my country may require of me, but I do assure you I feel alarm when I compare my slender powers with those of others, lest I should be found wanting in the crisis of our country's fate."¹²⁶ He was to discover, however, that leadership had been thrust upon him; that there was no escape.

It was well that Baldwin could still command the confidence of his family and friends. There was nothing but rejoicing in the Tory press when the news of his resignation became known. "Every man who values the principles of the constitution and the

¹²⁴ *Baldwin Correspondence*, Dr. Baldwin to Robert Baldwin, Toronto, June 16, 1841.

¹²⁵ *Ibid.*, Dr. Baldwin to Robert Baldwin, July 8, 1841.

¹²⁶ *Ibid.*, Baldwin to Morin, June 14, 1841.

integrity of the Empire must rejoice at the event." It was hoped that his resignation had not been only a resignation in form but "that he has been repudiated from a station, which considering his political ignorance and dangerous principles, he ought never to have occupied for a single hour."¹²⁷ "The secession of Mr. Baldwin in treachery, from an office which he accepted in sincerity, has by some been thought of a degree of consequence that can never attach to any act of his. The best and not the worst consequences will result in the exhibition of the man in his true colours."¹²⁸

Well might the editor of the *Examiner* write that "the violence and malignity displayed by the Tory press in their recent attacks on Mr. Baldwin has been beyond anything that I could have formed a conception of. Every species of misrepresentation has been resorted to, . . . the greatest charge against him among his former political friends is, that he is too honest to be a good politician. It is a melancholy fact that there is but too much truth in this assertion."¹²⁹

Considering the later life of Hincks and Baldwin it can well be doubted if being "too honest" was not to the advantage of the latter in the long run. It was a reputation of the greatest value, which would have stood Hincks in good stead on more than one occasion. Quite apart, however, from any advantage or disadvantage that it may have been for Baldwin, to have leaders "too honest to be good politicians" could be nothing but gain to Canada and to Canadian public life.

¹²⁷ *Montreal Gazette*, June 19, 1841.

¹²⁸ *Montreal Transcript*, June 26, 1841.

¹²⁹ *Examiner*, July 14, 1841. Editor's correspondence.

CHAPTER VI

IN OPPOSITION

THE first session of the first Parliament of United Canada was one of the most important in the history of the country. It was one of the most active; and the amount of work accomplished may well excuse the boyish elation of the Governor-General at the close of the session. "I have now accomplished all I set much value on," he wrote, "for whether the rest be done now or some sessions hence, matters little. The five great works I aimed at have been got through,—the establishment of a board of works with ample powers, the admission of aliens, a new system of county courts, the regulation of the public lands ceded by the Crown under the Union Act, and lastly this District Council Bill."¹ Important and useful as these acts undoubtedly were, the chief interest is not in them, but in the struggle as to the meaning of responsible government. A great problem had to be solved—how to combine "in one Empire, Canadian self-government and British supremacy."²

This problem was not settled by Lord Sydenham. He was able to keep a government of his own choosing in power, but he was unable to do more than fight what was at best a drawn battle on the question of responsible government. Under the circumstances such a result was equivalent to defeat. What Lord Sydenham could not do it was useless to expect his successors to accomplish. The question, nevertheless, was to remain the leading issue in Canadian politics until the governorship of Lord Elgin.

¹ Scrope, *Life of Lord Sydenham*, p. 254.

² Morison, *British Supremacy and Canadian Self-Government*, p. 6.

Parliament met on Monday, June 14th. The first business was the election of the Speaker, and had Hincks not determined to use the occasion for an attack upon the government, the matter might have passed off quietly. His candidate, Mr. Cuvillier, the member for Huntingdon, had been duly moved by Morin, representing the Reformers of Lower Canada, and seconded by Merritt, representing the party in Upper Canada. Hincks, however, insisted on explaining that he voted for Mr. Cuvillier because that gentleman had no confidence in the present administration. The attack brought Cartwright to his feet with an amendment that Sir Allan MacNab be speaker. This motion led to a lengthy debate, some abusing the member for Oxford for his speech, others commending him for his plain speaking, some insisting that Mr. Cuvillier express his views, others urging him to keep his own counsel. He followed the last advice, and Sir Allan MacNab having requested Mr. Cartwright to withdraw his amendment, the member for Huntingdon was declared elected. The new Speaker thanked the House in English and French, which Sir Allan MacNab would have been unable to do, and the Assembly was then ready to adjourn.

Before this could be done, another meaningless debate took place on the question whether Parliament had really met, and therefore could really adjourn. The opposition, however, were unable to persuade the majority that a meeting of the three estates was necessary before it could be said that Parliament had met and therefore before an adjournment could take place.³

Baldwin took no part in the day's debate as he had

³ *Kingston Chronicle*, June 16, 1841, for an account of the day's debate.

not yet received notice that his resignation had been accepted. The opening day proved that there would be an active and vigorous opposition, and some of Baldwin's friends congratulated him on being no longer a member of the administration.⁴ The next day he informed the House of that fact, and promised that when the proper time arrived he would give an explanation of his conduct as well as a full account of his political views. In the meantime he asked his fellow-members to suspend judgment.⁵

On the same day the formal opening of Parliament took place in the Legislative Council chamber. The members of the Assembly having been summoned, the Governor-General read the Speech from the Throne.⁶ It promised a vigorous programme for the coming session. The resources of the province were to be developed "by well-considered and extensive public works," which would affect "the value of every man's property" within the country. Approval was made doubly certain by the promise that the outlay would be substantially reduced by the imperial government guaranteeing a loan of £1,500,000. Further than this, on the important subject of immigration, Lord Sydenham was able to promise that the home government was prepared to assist in conveying the newcomers from the port of entry to a place where labour could be obtained. The announcement of a reduction in the rate of postage, and the promised improvement of the whole postal system could give no cause for criticism. A measure was promised for the extension of local self-government in Upper Canada, and the question of education was recom-

⁴ Dent, *Canada since the Union of 1841*, Vol. I, p. 119.

⁵ *Kingston Chronicle*, June 19, 1841.

⁶ *Journals of the Legislative Assembly*, 1841, p. 7.

mended for earnest consideration. The union was commended. "The eyes of England are anxiously fixed on the result of this great experiment."

The debate on the resolutions in answer to the Speech from the Throne began on Friday, June 18, and continued into the middle of the following week. Two questions were debated, first, what was the attitude of the government towards the principle of responsible government, secondly the Act of Union itself. The first question was brought definitely before the House when Mr. Buchanan, one of the members for Toronto, asked the ministry for an explanation of the principles on which it was intended to carry on the government. Would they recognize the principle of not retaining office when they could no longer command a majority in the House of Assembly? This brought the Attorney-General, Mr. Draper, to his feet with the assurance that he was very happy to give an explanation of his views and those of his colleagues. As the debate continued, however, it became clear that Mr. Draper would be very happy not to give too complete an explanation. Yet nothing could have seemed more candid than his speech. It was not for nothing that he had won the sobriquet, "Sweet William."

He looked upon the Governor, he informed the House, as having a mixed character; in the first place he was a representative of royalty, but he was also one of Her Majesty's ministers, and, therefore, responsible to the mother country. The Governor has responsibility, power must be his also. The speaker himself, when he became an executive councillor, took the responsibility of advocating those opinions and measures which the head of the government might think it his duty to recommend to the country. If

at any time he could not support such measures he would resign. "It is to be desired above all things, that between the government and the people there should exist the greatest possible harmony and mutual good understanding." If, for any reason, this harmony should cease, there are three ways in which it may be restored. The Governor may dismiss his advisers or he may dissolve Parliament. If, however, the source of friction be the Governor himself, then the solution is one "which rests with royalty."⁷

Plausible as was the Attorney-General's speech, his critics were not satisfied. They wanted doctrine more concrete. They were not to be put off with fine phrases. Baldwin in answering the Attorney-General first emphasized the importance of the principle under discussion, "one on which the continuation of the connection with the mother country in a great measure depends." Perhaps he and Mr. Draper were in perfect agreement. If, however, the latter thought that the Council was to give the Governor advice only when asked, then they were in entire disagreement. One thing he very much regretted and that was that no reference had been made to responsible government in the Speech from the Throne. He had one question to ask Mr. Draper; what would he do if instructions came from the home government with which he could not agree? The Attorney-General replied he would resign.

Many other members took part in the debate, but found Mr. Draper quite their equal in the art of fence. He was finally brought to bay by the blunt question of Mr. Boswell. The latter asked if the honourable gentleman meant to say that if the government could not command a majority in the house,—that then a

⁷ *Kingston Chronicle*, June 19, 1841.

dissolution of the House would follow, or that they would resign. When Mr. Draper answered "Yes, yes," his questioner said he was satisfied.⁸

So ended the debate on responsible government. The Attorney-General had been compelled to make certain admissions that seemed to some minds to leave no room for doubt that the principle had been granted. The evident reluctance with which these admissions had been made left others sceptical as to their real value. The *Kingston Chronicle* could write "that we have long dreaded a responsible government,—but on looking narrowly at this monster, we see nothing so very dreadful about the animal at all." If the Tories did not dread the monster, the Reformers might well doubt its vitality.

The debate so far had been mainly conducted by the members for Upper Canada. The Lower Canadians were not going to miss the opportunity of launching an attack of their own against the government. Mr. Neilson of Quebec moved as an amendment to the address, that "there are features in the act now constituting the government of Canada which are inconsistent with justice and the common rights of British subjects."⁹ The government found no difficulty in defeating the resolution by a majority of two to one. Besides Robert Baldwin and Francis Hincks, only four other Upper Canadians voted with the French.¹⁰

The Governor-General might well feel elated. His government had successfully weathered the storm raised by the discussion of the two most dangerous questions—responsible government and the union.

⁸ Ibid., June 23, 1841.

⁹ *Journal of the Legislative Assembly*, Vol. I, p. 64.

¹⁰ Ibid., p. 65. Durand, Hopkins, Price, Small.

If, on the first question, it had bent like the reed in the fable, on the second it had stood up like the oak. In both rôles it had been successful.

Lord Sydenham looked forward to an active session. With a majority at the opening of Parliament there was no reason why it should not be maintained. After the defeat of Mr. Neilson's motion, he need have no further fear from future attacks upon the Act of Union. He was prepared to accept the opposition of the French. His only danger was if they were joined by any large number of the Reformers from Upper Canada. The Governor might feel confident that he could prevent any such coalition. His government was prepared to bring in a progressive programme, while it had shown its willingness to pay its respects to progressive theory. Baldwin and his friends might question the reality of the conversion, but for the time being it remained an academic question. The majority cared less for theory than for practice. So long as they were satisfied with the result, theory might wait.

Robert Baldwin's feelings were very different. During the whole of the session he was in opposition. To him principles came before measures, and in spite of the fact that the Governor commanded a majority in the House, he did not feel that responsible government had been granted. This was not the system as he saw it working in England. Baldwin looked at Lord Sydenham's government in somewhat the same way as that in which Burke had looked at the government of George III. Draper did not make a bad substitute for Lord North. In both cases instead of party divisions in the lower House determining the government that the King, or the Governor-General, should accept, the King and the Governor-General had succeeded in determining party divisions.

Baldwin's chief grievance, however, was against his own party, if indeed it could be called by that name. Party government, as time was to prove, was a necessary part of responsible government, but as yet unity and party loyalty did not exist. Baldwin resigned because the government could not command a majority. His own party had then left him to give that necessary majority.

With the French-Canadians Baldwin and a few of his friends could still work. He supported them in their steady opposition to the government. There were two reasons for his action. In the first place he believed that the French had just cause for complaint against certain clauses in the Act of Union, and against certain acts of the Governor-General. Moreover Baldwin was very anxious that the French should not be alienated from the Reformers of Upper Canada. All his hopes rested on a reunion of the two wings of the party. He once said that he would stand by the French even if he were deserted by all the Reformers from Upper Canada. He was building firmer than he himself knew. His opposition to the government did not injure him with the Reformers from his own province. It certainly won for him the lasting confidence and loyalty of the French. It was also to be an advantage not only to Baldwin but to Canada. There could have been no more powerful check to racial bitterness.

The feelings of Baldwin and Hincks at this time are clearly revealed in a letter of the latter to LaFontaine. "I can hardly be surprised that the Lower Canadian members are disgusted at the conduct of our Reformers. I am so myself—but I feel assured that public opinion will work its way. The people are not corrupt and their interests are the same

in both sections of the province. . . . Our dictator will be gone before another session and public opinion will bring the renegade Reformers back to their first faith."¹¹

During the debate on the answer to the Speech from the Throne, Baldwin gave his promised explanation of his reasons for resigning. He asserted that the fact that a Speaker had been elected who had no confidence in the administration, and yet the administration did not dare propose another, proved that he had been right in his action.¹² The comment of the *Montreal Gazette* reveals the bitterness of party feeling. "Never did the last confessions of a malefactor betray to the gazing multitude such a tissue of treachery, fraud and deception. Indeed the dying moments of such an unfortunate being are much more to be envied than the present condition of Mr. Baldwin. . . . He confesses his faults, it is true, but boasts of them as if they were virtues."¹³

The government had begun the session well. That it could not command a majority under all circumstances, however, was proved by the Lower Canada Election Bill. There was excellent reason for supposing that several seats had been unfairly won in the recent elections. One conspicuous instance had been the defeat of LaFontaine for Terrebonne. Petitions were presented to Parliament against the returns but owing to a technicality they could not be received.¹⁴ A majority of the members felt that to dispose of the question in this way would be a denial of justice. Accordingly, when Sir Allan MacNab

¹¹ *LaFontaine Correspondence*, Hincks to LaFontaine, Kingston, June 29, 1841.

¹² *Kingston Chronicle*, June 26, 1841.

¹³ *Montreal Gazette*, July 16, 1841.

¹⁴ Hincks, *Reminiscences*, p. 71.

brought in a bill which would overcome the difficulty it was carried in spite of the government's opposition.¹⁵ As the *Kingston Chronicle* stated it, Sir Allan MacNab and his allies, the Reform party, had triumphed "over the friends of reason, justice and honour."¹⁶ Their triumph was only temporary. The government had sufficient influence to defeat the bill in the Legislative Council, although Dr. Baldwin could only see in their action the influence of the "powers of darkness."¹⁷

The French-Canadian leader was not to remain out of Parliament. Baldwin had been elected for two constituencies, Hastings and the Fourth Riding of York. His opponent, Mr. Murney, had petitioned against the returns from Hastings, but the committee appointed to consider the case had not only reported unfavourably, but held that the petition was "frivolous and vexatious." This was an unusual triumph which Baldwin very much appreciated.¹⁸ He had already decided to sit for Hastings and now urged his father to stand for the York constituency. Dr. Baldwin was willing, but found his wife "quite terrified" at the thought of his again entering politics.¹⁹

The son realized the family objections, but still felt that his father's coming forward would be "useful on public grounds" and would "keep the riding united."²⁰ Mrs. Baldwin's objections were finally overcome and her husband accepted the nomination. This was before the fate of the Lower Canadian Election Bill was known. On August 10th Baldwin wrote

¹⁵ Scrope, *Life of Lord Sydenham*, p. 242.

¹⁶ *Kingston Chronicle*, July 21, 1841.

¹⁷ *Baldwin Correspondence*, W. W. Baldwin to R. Baldwin, August 12, 1841.

¹⁸ *Ibid.*, R. Baldwin to W. W. Baldwin, August 4, 1841.

¹⁹ *Ibid.*, W. W. Baldwin to R. Baldwin, August 1, 1841.

²⁰ *Ibid.*, R. Baldwin to W. W. Baldwin, Kingston, August 10, 1841.

to his father that there was reason to expect that the bill would be thrown out in the Upper House, and so would end all hope of enquiry into the Lower Canadian elections. "I think it would be very desirable that you should, even though you may have already accepted the nomination for North York, suggest to them the expediency of accepting your retirement and of returning Mr. LaFontaine if he will accept the nomination instead of you. I am satisfied that nothing that could be done at this juncture would have a better effect upon the state of parties in the House than his return just now from North York."²¹ It will "greatly cement the union between the Upper and Lower Canadian Reformers."

Dr. Baldwin entered into the new plan with enthusiasm. He himself went out to the Fourth Riding and laid the proposal before the Reform Committee. At first the strangeness of this proposal made them hesitate, but after twenty minutes deliberation they were unanimous for LaFontaine.²² Baldwin was very anxious that when the French leader came to Toronto he should be entertained by his father and mother. Mrs. Baldwin was very apprehensive that they might not be able to make him comfortable, and it took some scheming between father and son to win her consent. Dr. Baldwin wrote to his son that if he would urge the necessity of inviting LaFontaine in his next letter there would be no difficulty. Baldwin not only did that, but subscribed fifty pounds to the election expenses and promised more if necessary. "In fact let it be what it may, he (LaFontaine) must not be defeated."²³

²¹ *Baldwin Correspondence*, R. Baldwin to W. W. Baldwin, August 10, 1841.

²² *Ibid.*, W. W. Baldwin to R. Baldwin, August 28, 1841.

²³ *Ibid.*, R. Baldwin to W. W. Baldwin, August 29, 1841.

Dr. Baldwin found LaFontaine a large, portly gentleman, familiar with the English language, but speaking it with a foreign accent. Together they conducted the canvass of the riding which the Doctor at least found "most agreeable." LaFontaine was returned, but not in time to take his seat before the close of the first session of Parliament.

That body had indeed been putting through a volume of business, and with a despatch that was most unusual. The fears of the *Kingston Chronicle* that talk would be the chief product of the session were far from being realized. The government launched a vigorous programme of public works backed by the imperial guarantee. The tariff and the criminal law were revised and an act was passed for the establishment of a system of common schools. A Board of Public Works was created and a Naturalization Bill passed.

Probably the most important bill of the session was the one in reference to municipal government. Not only was it a measure important in itself, but it was on a subject which, in the sequel, was to be associated to a peculiar degree with the name of Robert Baldwin. The bill had a further interest. It showed very clearly the growing breach between Baldwin and Francis Hincks. The latter had been violently opposed to the Governor-General and all his works at the opening of the session. As time went on the government's progressive programme more and more won the approval of his keen, practical, opportunist mind. On the other hand, Baldwin's opposition to the government never wavered, although on at least one occasion he found only one Upper Canadian to support him.²⁴

²⁴ Hincks, *Reminiscences*, p. 75.

The lack of municipal institutions in Canada had been most severely criticized by Lord Durham.²⁵ Lord Sydenham had hoped that the necessary legislation would be incorporated in the Act of Union as passed by the imperial Parliament. When, however, these clauses were omitted, as dealing with a subject better left to the local legislature, the Governor-General had had an ordinance passed by the Special Council establishing municipal institutions for Lower Canada.²⁶ Under the ordinance most of the officers were to be appointed by the Crown. There was to be local government, but not local self-government.

Now, during the first session of the united Parliament, the government introduced a bill to establish municipal institutions for Upper Canada. The bill differed little from the ordinance passed by the special council.²⁷ There were at once attacks on it from all sides. Sir Allan MacNab, Cartwright and the Tories were opposed to the setting up of small republics in the country.²⁸ It was a dangerous concession to democracy. Robert Baldwin and the majority of the Upper Canadian Reformers were opposed to the bill because it was not democratic enough.²⁹ It gave the Governor too much power. The French were opposed to any bill proposed by the government. They were, moreover, determined that Upper Canada should receive no concessions that were not shared by Lower Canada.³⁰ Accordingly the ordinance was referred to the committee of the whole on the Upper Canada Bill very early in the discussion.³¹

²⁵ *Report* (Lucas Edition), Vol. II, p. 113.

²⁶ Scrope, *Life of Lord Sydenham*, p. 204.

²⁷ Hincks, *Reminiscences*, p. 63.

²⁸ *Kingston Chronicle*, August 14, 1841.

²⁹ Hincks, *Reminiscences*, p. 64.

³⁰ Turcotte, *Le Canada sous L'Union*, p. 98.

³¹ On August 1, *Kingston Chronicle*, August 14, 1841.

As Hincks very clearly stated both in Parliament³² and in the *Examiner*,³³ there were three courses open. In the first place they might try to get a more liberal measure for Upper Canada without any reference to Lower Canada. A second choice would be to take a bill like the ordinance on an equal, but now unsatisfactory, footing. The last plan would be to secure the repeal of the ordinance and pass a new liberal bill for the whole country. The third course was the one that appealed to the French and to Robert Baldwin.

The linking of the ordinance with the Upper Canadian Bill prevented the government from making any concessions. They threatened to withdraw the bill if necessary. At the same time it was quite clear that the opposition had not the strength to force a repeal of the obnoxious ordinance. Had Hincks' advice been followed the whole strength of the opposition would have been thrown into an attempt to make the Upper Canadian Bill more liberal. After the bill had been passed, Lower Canada might then have demanded, as a right, that the ordinance be amended.³⁴

According to the government's bill, councillors were to be elected in each district, but the warden, treasurer and clerk, were to be nominated by the Crown. When the fourth clause giving the Governor power by letters patent to appoint the warden was debated, Baldwin moved an amendment that such power should be for three years only. The amendment was lost by the casting vote of the chairman.³⁵ This was the nearest that Baldwin came to defeating any part of the bill. Hincks sympathized with Baldwin's

³² Hincks, *Reminiscences*, p. 64.

³³ *Examiner*, August 11, 1841.

³⁴ *Ibid.*, August 11, 1841.

³⁵ *Kingston Chronicle*, August 7, 1841.

wish to make the bill more liberal, but he had no intention of voting against it on that account. He believed that it was better to take the bill as it stood rather than none at all.³⁶

His support of the government led to a gradual estrangement from his former friends. References were made to "expectants of office," and "government influence," until he was forced to defend himself publicly against such insinuations.³⁷ Baldwin, and still more his father, felt the change of attitude very keenly, Dr. Baldwin could scarcely believe that Hincks had voted against his son. It was, he considered, little less than desertion.³⁸ Baldwin, on his part, was anxious to do nothing that might widen the breach. In a postscript to one of his letters to his father, he wrote, "I have not *originated, repeated* or *sanctioned* any imputation upon Mr. Hincks as having *deserted the party*."³⁹

The latter felt himself under no restraint. His somewhat grudging support of the government's measures became more enthusiastic. He considered himself a free-lance, bound by neither duty nor obligation to follow the opposition in a policy of obstruction. For the time being, at least, he saw no reason why the government should be hampered in the performance of good works because there was some doubt as to whether it was firm in the faith. Hincks was a Latitudinarian in politics, Baldwin a Calvinist. The former would have understood Robert Walpole, the latter Oliver Cromwell.

Hincks not only supported the government but

³⁶ *Kingston Chronicle*, August 18, 1841.

³⁷ Hincks, *Reminiscences*, p. 68.

³⁸ *Baldwin Correspondence*, W. W. Baldwin to R. Baldwin, August 19, 1841.

³⁹ *Ibid.*, R. Baldwin to W. W. Baldwin, August 29, 1841.

justified his action. The justification was worse than the offence. He denied that there was any "United Reform party" in the present House of Assembly.⁴⁰ At the beginning of the session he had indeed supported Baldwin in his attempt to unite Upper and Lower Canadians and form a new ministry. The attempt having failed, all parties were compelled to look to the measures of the administration. "We consider that it would have been political suicide, because we were thwarted in our own views, to aid the Tories in embarrassing an administration disposed to carry out Reform measures, although not so fast as we could desire," he declared in the *Examiner*.⁴¹ Moreover, with experience he discovered that it was impossible to act with many of the Reformers from the lower province. "Lower Canadians' politics are indeed a mystery to us; Liberals send Neilson, Aylwin, Berthelot and Burnet; Tories, Day, Black, Dunscombe, Holmes and Simpson."⁴²

Such assertions touched Baldwin to the quick. While he was doggedly trying to unite the Reformers of Upper and Lower Canada, his former friend and supporter could write, "if we are at present unconnected with party it is because we are not aware of the existence of any party unless it be the ministry and their supporters."⁴³ How Baldwin's temper was tried is revealed by a letter which he wrote to Hincks and intended having published in the *Examiner*. The letter was written after reading an editorial which seemed to imply that Hincks was "in possession of something with respect to which it was in his power to exercise forbearance towards Mr. Baldwin." That

⁴⁰ *Examiner*, September 8, 1841.

⁴¹ *Ibid.*, September 15, 1841.

⁴² *Ibid.*

⁴³ *Ibid.*, September 8, 1841.

was an insinuation that the latter would not tolerate for a moment. "Mr. Baldwin, conscious of having discharged his public duties to the best of his judgment and ability, uninfluenced either by personal ambition or private interest, rests perfectly assured that the integrity which has enabled him to brave the assaults of his open and avowed opponents will prove equally effective in protecting him against the attacks of those who have formerly fought in the same political ranks with himself, even though there may be found among the assailants an individual whom he at one time felt happy in believing to be his friend, and from whom he is not aware of having concealed his political opinions in the slightest particular."⁴⁴ At the end of the letter is the note, "shown to Mr. Price and on consultation with him not sent. R. B."

The estrangement from Hincks only made bitter what was at best a disappointing session. Baldwin got none of the joy in the struggle which has compensated many politicians for the failure of their plans. For him it was a matter of duty, and his reward the assurance of duty done. The session of 1841 showed little accomplished. Nevertheless, before it closed, Baldwin was able to strike an effective blow for the cause he had so much at heart. On September 3rd he introduced a series of resolutions affirming the principle of responsible government. The government countered by introducing a series of amendments which, however, changed the sense of the original resolutions very little. Although introduced by Secretary Harrison they are said to have been written by Lord Sydenham himself.⁴⁵ It was a clever

⁴⁴ *Baldwin Correspondence*, Baldwin to Hincks, September 29, 1841.

⁴⁵ Leacock, *Baldwin, LaFontaine, Hincks*, *The Makers of Canada*, Vol. XIV, p. 111.

manœuvre on the part of the Governor. Not only was the edge of Baldwin's resolutions dulled, but the government appeared to concede what otherwise it would have been forced to grant. There was a further advantage. It prevented the public from discovering any real difference between Baldwin and the Governor on the great question of responsible government. Both appeared as equally zealous keepers of the ark.

Harrison's amendments nevertheless placed Baldwin in a real difficulty. His supporters, with the aid of the followers of MacNab and Cartwright, could have thrown them out, but these same Tory allies would then have supported the government in rejecting the original resolutions. Baldwin accordingly followed his friends' advice and accepted the amendments.⁴⁶

The resolutions as amended were as follows:⁴⁷

1. "That the most important, as well as most undoubted, of the political rights of the people of the province is that of having a provincial Parliament for the protection of their liberties, for the exercise of a constitutional influence over the executive departments of their government, and for legislation upon all matters of internal government.

2. "That the head of the executive government of the province, being, within the limits of his government, the representative of the Sovereign, is responsible to the imperial authority alone; but that, nevertheless, the management of our local affairs can only be conducted by him, by and with the assistance, counsel, and information of subordinate officers in the province.

3. "That in order to preserve between the different branches of the provincial Parliament that harmony which is essential to the peace, welfare and good government of the province, the chief advisers of the representative of the Sovereign constituting a provincial administration under

⁴⁶ From a letter of Francis Hincks pasted in a copy of the *Canadian Portrait Gallery* in the Archives Library, Ottawa.

⁴⁷ *Journal of the Legislative Assembly*, Vol. I, September 3, 1841, pp. 480-481.

him, ought to be men possessed of the confidence of the people, thus affording a guarantee that the well-understood wishes and interests of the people, which our gracious Sovereign has declared shall be the rule of the provincial government, will, on all occasions, be faithfully represented and advocated.

4. "That the people of this province have, moreover, a right to expect from such provincial administration the exertion of their best endeavours that the imperial authority within its constitutional limits, shall be exercised in the manner most consistent with their wishes and interests."

Baldwin's original resolutions were little different, although at times more clear-cut and uncompromising. The chief difference was in the fourth resolution. Baldwin's read, "that as it is practically always optional with such advisers to continue in or retire from office at pleasure, this House has the constitutional right of holding such advisers politically responsible for every act of the provincial government of a local character, sanctioned by such government, while such advisers continue in office."

Although one Tory paper⁴⁸ reported that Harrison's amendments left nothing of the original resolutions except the word "that," most people recognized that the resolutions as passed were really Baldwin's resolutions. The *Kingston Chronicle's* report grudgingly admitted it. "Mr. Baldwin rose to move certain unintelligible resolutions. Mr. Harrison moved in amendment some which we might call counter-resolutions, though they were precisely the same, except that the grammar was corrected. Mr. Baldwin very complacently yielded to his rival's superior knowledge of Lindley Murray. Everybody perceived it was a farce and nobody interrupted the performers

⁴⁸ *Montreal Transcript*, September 11, 1841.

by any observation. The Magna Charta of responsible government is therefore now on the journals of the House, understand it who may."⁴⁹ What it did mean had indeed to be worked out in practice.

This was the last important event of a session rapidly drawing to a close; a close made dramatic by the sudden death of the Governor. Lord Sydenham had received permission, first to leave Canada for six months on leave of absence, and then to resign.⁵⁰ He was eagerly anticipating the day of deliverance. "I long for September," he wrote, "beyond which I will not stay if they were to make me Duke of Canada and Prince of Regiopolis, as this place is called."⁵¹ Deliverance came sooner than he expected. On the fourth of September he was thrown from his horse and severely injured; on the nineteenth he was dead. On the day previous the first session of the first Parliament of United Canada had come to a close.

⁴⁹ *Kingston Chronicle*, September 8, 1841.

⁵⁰ Canadian Archives, G 110, Russell to Sydenham, August 18, 1841.

⁵¹ Scrope, *Life of Lord Sydenham*, p. 258.

CHAPTER VII

THE FIRST LAFONTAINE-BALDWIN MINISTRY

THE most important political event after the death of Lord Sydenham was the appointment of his successor. The granting of responsible government might, in the long run, mean a decline in the importance of the office of Governor-General, but no such decline had occurred in 1841. Indeed, under Sydenham the office had grown in importance. The Governor was not only the representative of the Crown, he was Prime Minister as well. About him the whole governmental machine revolved.

It was thus with no little anxiety that all parties in Canada looked to England to see what manner of man their new Governor might be. Sir Allan MacNab and his Tory followers were not without hope. The Whig ministry of Lord Melbourne had fallen and been replaced by the Tories under Sir Robert Peel. Instead of Lord John Russell, Lord Stanley reigned at the Colonial Office. The new Governor-General would be a Tory.

The man chosen was Sir Charles Bagot. He belonged to an old Staffordshire family and had spent most of his life in the diplomatic service. He had been Under-Secretary of State for Foreign Affairs, and afterwards served his country with credit at Washington, St. Petersburg, and the Hague. To him Canning had sent his famous rhyming despatch.¹ Though not a man of brilliant parts, Bagot had learnt much in his experience of life. Shrewd, kindly,

¹Bagot, *George Canning and his Friends*, Vol. II, p. 321.

cultured, old-fashioned, with all Talleyrand's distaste for enthusiasm, the new Governor was not a man easy to deceive. His diplomatic training had taught him not only the value of peace, but the necessity of recognizing the facts of a given situation. A diplomat must be a realist. He must recognize the facts before he can hope to guide them.

In Canada Sir Charles found plenty of scope for his talents. One reason for his appointment had been the strained relations with the United States.² In 1842 the Ashburton Treaty removed the main causes for quarrel, and the Governor-General was never called on to use his diplomatic skill in dealing with the Republic. He found, however, a wide scope for his gifts in Canada itself.

Sir Charles came to his new post by way of New York, Boston and Albany, arriving in Kingston on January 10, 1842. The British Consul in New York was a personal friend of Robert Baldwin, and had taken the opportunity of speaking well of him to the new Governor-General.³ The latter was determined not to identify himself with any party. To a Tory address referring to his "connection with that great Conservative party in whose able hands our Sovereign has been pleased to place, under Divine Providence, the rule of the British Empire,"⁴ he replied with caution, trying, as he said, "to be as conciliatory in language as I am firm in purpose, and to let them see plainly and early that I perceive the traps laid in their addresses to identify me with their party to the exclusion of all others."⁵

² Morison, *British Supremacy and Canadian Self-Government*, p. 128.

³ *Baldwin Correspondence*, Jas. Buchanan to R. Baldwin, New York, March 23, 1843.

⁴ *Montreal Gazette*, January 10, 1842.

⁵ *Bagot Correspondence*, Bagot to Stanley, January 26, 1842.

Lord Stanley had not left the Governor-General without instructions. The sentiments they expressed were generous enough. Bagot was "to know no distinctions of national origin or religious creed, to consult in his legislative capacity the happiness, and (so far as may be consistent with his duty to his Sovereign and his responsibility to her constitutional advisers) the wishes of the mass of the community." He was to invite to aid him, in his "labours for the welfare of the province, all classes of the inhabitants," and endeavour to avail himself "of the advice and service of the ablest men, without reference to distinctions of local party, which upon every occasion he will do his utmost to discourage."⁶ He was further advised to use his influence "to withdraw the legislature and the population generally from the discussion of abstract and theoretical questions, by which the government of Canada had been too often and too seriously embarrassed."⁷

It did not take the Governor-General long to discover that questions of party, and even theoretical questions of government, could not be so easily exorcised as the Colonial Secretary seemed to believe. Even Lord Sydenham had been unable to do it, and as time passed the task became increasingly difficult. As one acute observer remarked, the first session of the united Parliament had been a non-political session because so many practical measures were demanded, but in the next session political questions would come to the fore.⁸

If we look only at Sir Charles Bagot's instructions,

⁶ Canadian Archives, G 111, Stanley to Bagot, October 8, 1841.

⁷ Ibid., G 112, October 8, 1841.

⁸ Ibid., Pamphlet 1516, Appendix, Wakefield to Girouard, August 20, 1842.

we shall form the opinion that the Governor-General was given much greater freedom than was actually the case. Lord Stanley had his own ideas as to parties and politicians in Canada, and as to the way in which the government ought to be conducted. While the Governor was instructed to avail himself "of the advice and services of the ablest men without reference to distinctions of local party," the Colonial Secretary had no wish to see the French, or so-called radicals like Robert Baldwin, admitted to the government.⁹ He still believed that loyalty was mainly to be found amongst the members of the old Family Compact party of Upper Canada. "If you come into difficulties," he wrote to Bagot, "that is the class of men to fall back upon rather than the ultra-liberal party."¹⁰ The Governor's own inclinations lay in the same direction.¹¹

Sir Charles Bagot soon found that his own inclinations, or the prejudices of the Colonial Secretary, offered no solution to the political problem he had to solve in Canada. There might be doubts as to the exact meaning of responsible government, but there was no doubt that the Executive Council, if it were to continue to control the destinies of the colony, must retain the confidence of a majority of the House of Assembly. By his practice Lord Sydenham had admitted that fact. It had, moreover, been solemnly affirmed by the passing of the Harrison-Baldwin resolutions of September 3, 1841.

Sir Charles Bagot also discovered that the existing Council would never be able to secure the necessary support. Something must be done if the ministry were to avoid defeat at the opening of the next session

⁹ *Bagot Correspondence*, August 27, 1842.

¹⁰ *Ibid.*, Stanley to Bagot, May 17, 1842.

¹¹ *Ibid.*, Bagot to Stanley, June 12, 1842.

of Parliament. The day might come when such an event would not particularly concern the Governor-General, but that day had not dawned in 1842. Lord Sydenham had made the ministry too much the expression of his own office for his successor to dissociate himself from their fate. Lord Sydenham had linked the power and the prestige of the governor-generalship with the power and the prestige of the party he had created. If this ministry were defeated the Governor might easily have found himself in an impossible position. The price of responsible government would then be the humiliation of the Governor. His ministers would be forced on him by the opposition. The fact that the chief element in that opposition would be the French did not lessen the dangers of the situation. Lord Sydenham had placed the office he temporarily held in the greatest danger when he became a partisan. He had sown but he had left his successor to reap. The question was whether Sir Charles Bagot could extricate the office from the danger in which his predecessor had placed it.

Bagot did not believe that Lord Sydenham himself could have met another Parliament with any prospect of success.¹² He was, moreover, determined not to use the latter's strenuous methods. "It was only by dint of the greatest energy, and I might add the unscrupulous personal interference of Lord Sydenham, combined with practices which I could not use, and your Lordship would not recommend—that Lord Sydenham managed to get through the session."¹³

He was soon convinced that his predecessor's policy offered no solution. The Governor must seek to be impartial. "Short as the time is, in which I

¹² *Bagot Correspondence*, Bagot to Stanley, June 12, 1842.

¹³ *Ibid.*, Bagot to Stanley (Confidential), September 26, 1842.

have been here," he wrote to the Colonial Secretary, "it has been long enough to satisfy me that I have no choice as to the general character of the policy which I—or any other Governor—must pursue in this country. I must endeavour to hold the balance strictly true between all parties as far as it is practicable to do so. . . . I am convinced that the country is to be held upon no other terms, but I believe that it may be held upon these."¹⁴

The Governor-General turned to the task of strengthening the Executive Council with few prejudices and with a mind intent only on realities. The Council was conscious of its own weakness, and quite as anxious as the Governor to strengthen its position.¹⁵ There were two policies that might be followed. The first one was to try to gain the support of the French as a party. Lord Sydenham had given them no representation in the government and they remained as a sullen opposition. Baldwin had resigned when their claims had been ignored. Soon after his arrival the ministry suggested to Bagot that he introduce some French members into the government,¹⁶ but he was reluctant to take any such radical step.

The second plan was to seek to strengthen the ministry by choosing good men from all parties.¹⁷ By making a judicious selection it was hoped to gain support from every section, Reformers, Tories and French.¹⁸ Sir Charles Bagot agreed to this second plan as being safe and not too far removed from the policy advocated by the Colonial Secretary. It appealed to the Governor for another reason. By

¹⁴ Ibid., Bagot to Stanley, January 26, 1842.

¹⁵ Ibid., September 26, 1842.

¹⁶ Ibid.

¹⁷ Ibid., Bagot to Harrison, July 2, 1842.

¹⁸ Ibid., Harrison to Bagot, July 11, 1842.

bringing about such a coalition, he felt that he would be really putting the union into effect. Lord Sydenham's policy had "involved a public and something like a private quarrel with the French inhabitants of Lower Canada." Bagot felt that the moment had come when he might ignore the past. It was an opportunity that might not occur again. His successor might find that "the moment had passed in which he could hope to extend with safety the patronage of the government to all parties equally without reference to past estrangements."¹⁹ He had hopes also that such a plan might "succeed in paralyzing in some degree, if not in breaking up the old parties,"²⁰ and he would thus be carrying out his instructions.

Not long after his arrival in Canada, the Governor had won golden opinions from the French by appointing Judge Vallières Chief Justice of Montreal, and Dr. Meilleur Superintendent of Public Instruction. The former had been suspended from the exercise of his office after the rebellion.²¹ In his appointments to the Legislative Council, the Governor sought to show the same impartiality. He proposed the names of Baldwin, Neilson and Viger to the startled Colonial Secretary.²² Lord Stanley, however, refused absolutely in the case of Viger, and conditionally in the case of Baldwin and Neilson.²³ He urged Bagot to "consider carefully" before he included Baldwin, and wrote with real relief when he heard that he had been left out.²⁴ The Governor by this time had no objections to leaving

¹⁹ *Bagot Correspondence*, Bagot to Stanley, June 12, 1842.

²⁰ *Ibid.*

²¹ Hincks, *Reminiscences*, p. 79.

²² Canadian Archives, G 458, Despatch to the Colonial Office (Confidential), February 5, 1842.

²³ *Ibid.*, G 113, Despatch from the Colonial Office, April 1, 1842.

²⁴ *Bagot Correspondence*, Stanley to Bagot, May 17, 1842.

out Neilson, "that lover of all mischief for its own sake,"²⁵ as he termed him.

The important question still remained—what appointments should be made to the Executive Council? As early as February, Bagot wrote to the Colonial Secretary that he had "seriously in contemplation to appoint Mr. Hincks of Toronto, the editor of the *Examiner*, by far the best-written paper in the country, to the new and very important office of Inspector-General."²⁶ It is true, he is "at heart radicalissimus," but he had supported Sydenham's government and "he has quarrelled with his friend Baldwin." If he made such an appointment, Bagot said that he intended to counterbalance it by naming Mr. Cartwright, a Family Compact man, for the office of Solicitor-General for Upper Canada.

The Governor appointed Hincks but found his offer refused by Mr. Cartwright. The latter would not sit in the same Council with the new Inspector-General.²⁷ Much to the Governor's relief, Henry Sherwood, a prominent member of the same party to which Cartwright belonged, accepted the proffered office.²⁸ There still remained the question of a French appointment before the Governor's plan for strengthening the executive would be complete. The Solicitor-Generalship for Lower Canada was offered to Mr. Cherrier, who, however, refused it on the score of ill-health.²⁹ Bagot wrote that he intended to offer the office to another French-Canadian.

A month later the place had not been filled and the Governor was almost in despair. Even if he succeeded

²⁵ Ibid., Bagot to Stanley, March 26, 1842.

²⁶ Ibid., February 8, 1842.

²⁷ *The Examiner*, October 5, 1842, Cartwright to Bagot, May 16, 1842.

²⁸ *Bagot Correspondence*, Bagot to Harrison, July 2, 1842.

²⁹ Ibid.

in securing a French Solicitor-General, Bagot found that he would be as far as ever from securing French support. They looked on any individual who accepted office as a traitor. "He is immediately in their eyes '*Le Vendu*,'—and *Le Vendu* he remains. . . . In short, it is perplexing—infinately perplexing."³⁰

Immediately after writing this discouraged and discouraging letter, the Governor had his worst fears confirmed by a private and confidential letter from his "very honest and valuable"³¹ Provincial Secretary. In this letter³² Mr. Harrison confessed that the plan of gaining support from all parties had failed. It had made no impression on the French. In spite of the appointments of Hincks and Sherwood the government would be defeated when the session opened. In that case, he wrote, "you would have to form an administration in accordance with the majority—that would result in taking in the French party with Mr. Baldwin—in fact adopting the very plan I have already shown to have been under consideration,—or throw yourself on the country and seek relief in a dissolution." This last resource would be too dangerous and must at all costs be avoided. The question then becomes a simple one, and the answer in Mr. Harrison's opinion not difficult. "Will it not be wiser to meet the difficulty at once while that controlling power is still in your hands—and do that voluntarily which there is reason to be satisfied must eventually be done by compulsion. . . . I therefore respectfully yet earnestly offer it as my advice to your Excellency, that Mr. Baldwin and an individual of the French party, such as will answer the object, should be at once taken into

³⁰ *Bagot Correspondence*, Bagot to Stanley, July 10, 1842.

³¹ *Ibid.*

³² *Ibid.*, Harrison to Bagot, July 11, 1842.

the government.”³³ Whatever is done, he thinks “it is absolutely necessary that the government should be able to carry with it the bulk of the French-Canadian members.” Draper gave the same advice. “One thing I do not doubt at all, and that is that, with the present House of Assembly, you cannot get on without the French.” That this French support entails still more is shown by the conclusion of his sentence. “It is necessary for me at the same time to declare frankly that I cannot sit at the council-board with Mr. Baldwin.”³⁴ From Murdock, Sydenham’s former secretary, the Governor received the same advice. “No half-measures can now be safely resorted to.” The policy of conciliating the French had been adopted, “it must be carried out to its legitimate consequences.”³⁵

The Governor-General was in a quandary. While he recognized “the necessity of securing the co-operation of the French-Canadians”³⁶ he hesitated before approaching them as a party. He was afraid that if they were asked what they wanted they might demand the repeal of the union.³⁷ In writing to Lord Stanley the Governor said he knew that to admit the French would be against “a fixed and determined policy of your own—certainly in opposition to Lord Durham’s recorded sentiments—and as certainly to Lord Sydenham’s avowed practice.”³⁸ The Colonial Secretary urged him not to surrender. He thought the policy of handing the government over to the French too

³³ Ibid.

³⁴ Ibid.

³⁵ Ibid., Murdock to Bagot, September 3, 1842.

³⁶ Ibid., Bagot to Cartwright, August 16, 1842.

³⁷ Ibid., Bagot to Stanley, July 10, 1842.

³⁸ Ibid., July 28, 1842.

dangerous.³⁹ In any case let the Governor-General remain firm until he is compelled to give way. "You may ultimately be *forced* to take them (the French) but do not take them till the world shall see that you are so forced, and my hope and belief is that that necessity will never arise."⁴⁰

Every day made it more clear to the Governor-General that the necessity would arise and it also became clear that in order to gain the French it would be absolutely necessary to admit Robert Baldwin into the ministry. In some ways this was more distasteful than the necessity of accepting the French. The great protagonist of responsible government was anything but popular with the Colonial Office or with the Governor-General. When Sir Charles first proposed appointing Francis Hincks as Inspector-General, one point in his favour was that he had quarrelled with Baldwin.⁴¹ When the appointment was made some four months later, that argument was again advanced in his favour. Hincks had broken with the former Solicitor-General of Upper Canada "when it became evident that Mr. Baldwin's opposition was directed to procure changes in the constitution and concessions to popular demands inconsistent with the prerogative of the Crown and the maintenance of an efficient government."⁴²

This was the man the Governor had now to accept if he was to save the government from defeat. Both Harrison⁴³ and Draper⁴⁴ recognized the necessity. Dunn told the Governor that neither Cherrier, LaFon-

³⁹ *Bagot Correspondence*, Stanley to Bagot, August 27, 1842.

⁴⁰ *Ibid.*, September 1, 1842.

⁴¹ *Ibid.*, Bagot to Stanley, February 8, 1842.

⁴² *Ibid.*, June 13, 1842.

⁴³ *Ibid.*, Harrison to Bagot, July 11, 1842.

⁴⁴ *Ibid.*, Draper to Bagot, July 16, 1842.

taine, nor any upright French-Canadian would take office without Baldwin. The information came from LaFontaine himself.⁴⁵ The Governor grudgingly recognized the situation. He wrote to the Colonial Secretary that the real difficulty in getting support and honest co-operation from the French was the coalition which they had formed with the late Solicitor-General. "There is scarcely any extremity to which I would not be disposed to submit, nor hazard I might not think it even prudent to incur, rather than see Mr. Baldwin again introduced into the Council—the immediate consequences of which would be the entire, or nearly the entire, dissolution of the present ministry, and the certain loss of Mr. Draper, the present Attorney-General of Upper Canada. But unfortunately the French-Canadians feel so much bound in honour to Mr. Baldwin for his retirement last year from the government on their account, that they would listen to no terms which did not either include him in the Executive Council, or to which he was not at least so far an assenting part as to give his sanction to their entry into it without him."⁴⁶

Sir Charles Bagot would probably have been surprised if he had known that he stood high in Baldwin's estimation. The latter wrote to LaFontaine in his praise and said that they must show the Governor every respect.⁴⁷ At the same time Baldwin insisted that they should treat him as a Governor with a responsible ministry. Whatever action the government may take, they must consider as the work of the Council and not the work of the Governor. In discussing the coming Speech from the Throne Baldwin

⁴⁵ *Baldwin Correspondence*, Theodore Hart to R. Baldwin, Montreal, July 27, 1842.

⁴⁶ *Bagot Correspondence*, Bagot to Stanley, July 28, 1842.

⁴⁷ *LaFontaine Correspondence*, Baldwin to LaFontaine, June 28, 1842.

said that they must hold the ministry responsible for it. The Governor could not commit himself. "For my part, if he was to call us all the worst names that could be selected from the old Tory vocabulary of abuse, I would not let it make the slightest difference in my bearing towards him."⁴⁸

Baldwin hoped for a dissolution and a new cabinet, or even a reconstruction of the old. He expressed his willingness to take office if the administration had the confidence of the Lower Canadians.⁴⁹ He could not do so, however, as long as either Draper or Sherwood was in the government.⁵⁰ The criticism had been made that the French would not support any administration, that they were impracticable. Baldwin wanted them to be in a position to refute the charge, but they must do so as supporters of the provincial administration and not of the Governor-General.⁵¹

Parliament had been called for September 8th and Baldwin wrote to LaFontaine discussing their plan of campaign.⁵² Is the government to be allowed to drag on for another year? If not, when are they to launch the attack, "early in the session or after a few weeks of further forbearance?" As the time approached the Governor was still in doubt what course he ought to take. On the 28th of August he wrote to Lord Stanley saying that he had just arrived in Kingston and was preparing for the fight. He had appointed seven new legislative councillors but he had made no offer to Neilson, Baldwin *et id. genus*.⁵³

⁴⁸ *LaFontaine Correspondence*, Baldwin to LaFontaine, September 1, 1842.

⁴⁹ *Ibid.*, June 28, 1842.

⁵⁰ *Ibid.*, September 1, 1842.

⁵¹ *Ibid.*, June 28, 1842.

⁵² *Ibid.*, July 30, 1842.

⁵³ *Bagot Correspondence*, Bagot to Stanley, August 28, 1842.

Nevertheless it became clear that some offer would have to be made. It was simply a question as to whether the Governor would recognize facts before or after the defeat of the ministry. He could not even rely on the support of MacNab and the so-called Family Compact party.⁵⁴ They were not only willing to see the French admitted to the government, but they were prepared to enter it as their allies.⁵⁵ In MacNab the Governor could put no trust. He considered him an "intriguing, slippery, unprincipled man."⁵⁶ He might have been bought, but Bagot scorned to buy a man, "whom he would have to repurchase every Monday morning."⁵⁷ Moreover, if the French had to be admitted, the Governor was not so certain that it would not be the best arrangement for them to have the Reformers of Upper Canada as their allies rather than the Conservatives.⁵⁸ The two parties to the compact would be more equally matched and the French would not gain a dangerous ascendancy.

The session opened on Thursday the eighth of September. The Governor read the Speech from the Throne, which in itself would give little cause for contention. The Legislative Council passed an address in answer to the Speech immediately, but the Lower House postponed the discussion till the following Monday. When Monday arrived, it was again postponed till the next day.

In the meantime the Governor had been negotiating with LaFontaine. On the day after the opening of the session, Bagot had asked the French leader to

⁵⁴ Ibid., July 28, 1842.

⁵⁵ Ibid., November 11, 1842.

⁵⁶ Ibid., September 13, 1842.

⁵⁷ Ibid., (Confidential) September 26, 1842.

⁵⁸ Ibid., July 26, 1842.

call at Government House.⁵⁹ They discussed the situation on the two following days, without coming to any agreement. Bagot made large offers, LaFontaine hesitated and asked for larger. While the Governor was hesitating in his turn, he received a paper from the Council, giving it as their "deliberate and unanimous opinion" that unless he was immediately successful it would be "impossible that the government, constituted as it was, could be carried on."⁶⁰ They even threatened to resign if the Governor refused to accept their recommendations to admit the French-Canadians.⁶¹

The Governor accordingly asked LaFontaine to call at noon on the 13th of September,⁶² and then made him a proposition in writing, going, as he said, "to the utmost length to meet and even to surpass" his demands. He offered to appoint LaFontaine as Attorney-General for Lower Canada in place of Mr. Ogden, who was on leave of absence; to accept a Solicitor-General for Lower Canada agreeable to LaFontaine's wishes, and to appoint Mr. Girouard Commissioner of Crown Lands in place of Mr. Davidson. The Clerk of the Council should also be appointed on the French leader's recommendation. Sir Charles Bagot also agreed to accept Robert Baldwin as Attorney-General for Upper Canada. "Mr. Baldwin's differences with the government having arisen chiefly from his desire to act in concert with the representatives of the French portion of the population, and as I hope those differences are now happily

⁵⁹ *LaFontaine Correspondence*, Bagot to LaFontaine, September 9, 1842.

⁶⁰ *Bagot Correspondence*, Bagot to Stanley, September 13, 1842.

⁶¹ *Ibid.*, September 26, 1842.

⁶² *LaFontaine Correspondence*, Bagot to LaFontaine, September 13, 1842.

removed, I shall be willing to avail myself of his services,"⁶³ he wrote. The Solicitor-General of Upper Canada, Mr. Sherwood, being absent, the Governor could not speak for him. One condition Bagot attached to his offer. It was to be distinctly understood that pensions were to be granted to Mr. Ogden and Mr. Davidson.

To the Governor's dismay his proposal was rejected. LaFontaine, though "expressing his gratitude almost with tears in his eyes for the generosity of the offer,"⁶⁴ objected to the principle of pensioning members of the Council and to the inclusion of Sherwood in the Council. Baldwin, Bagot says he was given to understand, insisted on the "notion, and term reconstruction, being applied to the new arrangement."⁶⁵ Under ordinary circumstances there might have been no difficulty over the question of pensions, but LaFontaine was naturally reluctant to accept office on condition that he provide a pension for the previous incumbent.⁶⁶ The Governor, however, was quite certain that Baldwin was the cause of the failure of the negotiations. Baldwin would indeed have preferred a complete reconstruction of the government, although he was willing to accept less.⁶⁷ He had, moreover, expressed his determination not to be a member of a government that included Sherwood.⁶⁸

On the afternoon of the same day the debate began on the answer to the Speech from the Throne. There was great excitement, as everybody anticipated

⁶³ *Bagot Correspondence*, Bagot to LaFontaine, September 13, 1842.

⁶⁴ *Ibid.*, Bagot to Stanley (Confidential), September 26, 1842.

⁶⁵ *Ibid.*

⁶⁶ Hincks, *Political History of Canada*, p. 26.

⁶⁷ *LaFontaine Correspondence*, Baldwin to LaFontaine, June 28, 1842.

⁶⁸ *Ibid.*, September 1, 1842.

the defeat of the government. The debate was bitter and acrimonious, Hincks and Aylwin living up to their reputation for sharpness of tongue.⁶⁹ Baldwin made a speech of nearly an hour's duration, ending by moving an amendment to the address which amounted to a vote of lack of confidence in the government. "We feel it essential that the chief advisers of His Excellency, constituting the provincial administration under him, should be men possessed of the confidence of the representatives of the people; and that we therefore feel it a duty which we owe as well to our Sovereign and our country as to His Excellency himself, to avail ourselves of this, the earliest opportunity afforded us, respectfully to submit to His Excellency that that confidence is not reposed in His Excellency's present advisers." Bagot had meanwhile decided on a bold move. He allowed Draper to read his recent offer to LaFontaine so that the French might "learn how abundantly large an offer their leaders have rejected and the honest spirit in which that offer was made."⁷⁰

Writing ten days later Bagot reported that "the effect was almost electrical,"⁷¹ but at the time he was by no means certain what the result would be. The reading of the offer seemed only to sharpen the attack on the ministers. If a vote had been taken the Governor admitted that they would have been defeated by a large majority. Only further concessions could save the situation and these Bagot was prepared to make. The next morning the negotiation was resumed, while the debate on the address was postponed to the sixteenth. By that time an agreement

⁶⁹ *Montreal Gazette*, September 19, 1842.

⁷⁰ *Bagot Correspondence*, Bagot to Stanley, September 13, 1842.

⁷¹ *Ibid.*, Bagot to Stanley (Confidential), September 26, 1842.

had been reached. The Governor's original offer was modified in two respects. The office of Solicitor-General for Upper Canada was to become vacant as well as that of Attorney-General. Mr. Sherwood was not to be a member of the ministry. The problem of providing a pension for Mr. Ogden and Mr. Davidson was to remain an open question. The crisis was over and the House expressed its approval by a vote of 55 to 5.⁷² Thus came into office the first LaFontaine-Baldwin ministry. Technically speaking, they were not the senior members of the cabinet⁷³ but no one doubted that they were its leaders.

Two circumstances ought to be made clear. The impression is often given that the Reform leaders made impossible demands, but were brought to their senses by Bagot's bold move in having his offer read in the Assembly. Pressure was thus brought to bear on Baldwin and LaFontaine and they were compelled to be reasonable. The fact is that it was the Governor who yielded and accepted LaFontaine's conditions. Sherwood was not to be a member of the government; and the only concession that the Reformers made was that the question of the pensions should remain open. In the long run this, too, was decided in their favour.

In the second place the story is sometimes told as though the Reform leaders, and particularly Baldwin, showed an ungenerous spirit towards the Governor. The impression is given that they were balked of their prey. They felt they had the Governor in their power and then to their great chagrin saw him escape. The truth of the story is rather the reverse. It was they who accepted a reorganization of the government

⁷² Ibid., Bagot to Stanley, September 26, 1842.

⁷³ Hincks, *Reminiscences*, p. 88.

although according to the Governor's own confession they could have brought about its defeat.

Baldwin's position was quite consistent. He refused to contend with the Governor. He believed in acting on the theory that responsible government had been granted and that all the actions of the Governor were the actions of his ministers. The various offers from September tenth on were simply the frantic attempts of this ministry in power to save themselves. The offer of the thirteenth of September, generous as it was, was simply an indication that the executive were *in extremis*. They saw the handwriting on the wall. Draper's sudden solicitude for the French-Canadians was open to only one interpretation, and when Baldwin asked why the conversion had not taken place months before the question was very pertinent.

Baldwin's wish was that the whole question should be fought out as it would be fought out in the imperial Parliament. Had the ministry the confidence of the House or had it not? If it had not, let the ministry resign and let the Governor send for the men who could form such a ministry. At the same time Baldwin was not inflexible in his demand. He was willing, as he had written to LaFontaine, to agree to a reorganization, on the condition, however, that Sherwood should not be in the government.

No person was entirely satisfied. Many Reformers thought there ought to have been more resignations from the Council. Boulton wrote to Baldwin that he had expected one more vacancy at the board before he would sit there, "after such a consistent life."⁷⁴ Baldwin's friends could scarcely believe that Hincks

⁷⁴ *Baldwin Correspondence*, W. H. Boulton to Baldwin, September 21, 1842.

was still in the ministry.⁷⁵ Mr. Price only reluctantly joined an administration "which his (Hincks') presence polluted," but he had hopes "of helping to purge the executive."⁷⁶ There was, however, no real difference between Hincks and the new ministers. He was quite as radical as they. Hincks was an old friend of Baldwin's and their differences had never extended beyond politics. Some months before the reconstruction of the ministry Baldwin had defended Hincks in an important lawsuit.⁷⁷

The party most bitterly disappointed by the turn of events was that of the Tories under MacNab. They had hopes, and many Reformers had fears, that if the government had been defeated they would get in.⁷⁸ This possibility was undoubtedly one influence which led to an agreement between the Reformers and the Governor. Probably the party best satisfied was that of the French-Canadians. Many thought that LaFontaine had thrown away a great opportunity when he rejected the Governor's first offer,⁷⁹ and they could not but be relieved at the successful termination of the negotiations.

The Governor had done his best, although it remained for after years to realize how good his best had been. He had bowed to circumstances, but he was not convinced that those circumstances meant disaster. Lord Sydenham had not completed the union. He had effected the "*fiançailles*." It remained for his successor to perform the marriage ceremony.

⁷⁵ Ibid.

⁷⁶ Ibid., Price to Baldwin, November 28, 1842.

⁷⁷ Hincks, *Reminiscences*, p. 83.

⁷⁸ *Baldwin Correspondence*, W. W. Baldwin to R. Baldwin, September 10, 1842. *Examiner*, September 21, 1842.

⁷⁹ *LaFontaine Correspondence*, Thos. Falconer to LaFontaine, September 14, 1842.

Sir Charles Bagot believed that he had performed it.⁸⁰ He was convinced that what he had done would be to the best interests of the province, "without the least sacrifice of British interests or the least danger to British institutions."⁸¹

The Governor needed all the comfort his own convictions might give him. He received little from the English government. He had asked for his recall if they disapproved of his action.⁸² They refused to take such a step, but at the same time gave a very grudging consent to the accomplished fact.⁸³ Stanley would have preferred the "necessity for a reconstruction of your Council" to have been "made apparent." The Duke of Wellington could not express his disapproval of Bagot's conduct too strongly. The Governor had been "rolling himself and his country in the mire."⁸⁴ If from England the Governor received faint praise, from the Tory press of Canada he received the most violent abuse. He was a "radical, a puppet, a renegade descendant of Old Colonel Bagot who fell at Naseby fighting for his King."⁸⁵ "That the Governor should act with such infatuated imbecility was a matter entirely beyond calculation."⁸⁶

On the twelfth of October, less than a month after the reconstruction of the ministry, the session was brought to a close.⁸⁷ The time was very short, the new ministers were away seeking re-election, so that

⁸⁰ *Bagot Correspondence*, Bagot to Stanley, September 26, 1842.

⁸¹ *Ibid.*

⁸² *Ibid.*

⁸³ *Ibid.*, Stanley to Bagot, November 3, 1842.

⁸⁴ Parker, *Life of Peel*, Vol. III, Chap. XIV, p. 382. Arbuthnot to Peel, October 18, 1842.

⁸⁵ *Bagot Correspondence*, Bagot to Stanley, October 28, 1842.

⁸⁶ *Montreal Transcript*, September 20, 1842.

⁸⁷ *Bagot Correspondence*, Bagot to Stanley, October 12, 1842.

little legislation could be attempted. The most important measure was a new Election Act which removed some of the most glaring abuses in the actual conduct of elections. Instead of a single poll in every constituency there was in future to be a separate poll in every parish, township and ward.⁸⁸ Another interesting measure was the restoration of the old electoral boundaries of Montreal and Quebec. Thus another reminder of Lord Sydenham's régime disappeared.

Both LaFontaine and Baldwin had to seek re-election. The former stood again for his York constituency and was returned with little difficulty. Baldwin sought re-election in Hastings but from the very first it was clear that the opposition would be of the keenest.⁸⁹ To the Tories of Upper Canada, Baldwin was more objectionable than LaFontaine. Draper wrote to the Governor that all the opposition to the new government arose from the fact that Baldwin was included in it. It was very difficult to make people understand that the Governor had been forced to take him in order to gain the French.⁹⁰

In Hastings Baldwin's opponent was his cousin,⁹¹ Edmund Murney, who had unsuccessfully opposed him in the election of 1841. From the very beginning the Attorney-General for Upper Canada had his doubts as to the final outcome. The Tories were making "tremendous exertions."⁹² They intended to bring in voters even from Lower Canada. Before the voting

⁸⁸ *Examiner*, October 19, 1842.

⁸⁹ *LaFontaine Correspondence*, W. W. Baldwin to LaFontaine, September 28, 1842.

⁹⁰ *Bagot Correspondence*, Draper to Bagot, November 9, 1842.

⁹¹ Chadwick, *Ontarian Families*, Vol. II, p. 32.

⁹² *Baldwin Correspondence*, R. Baldwin to W. W. Baldwin, October 1, 1842.

began Baldwin wrote to LaFontaine suggesting that it would be well "for our friends to be prepared for a prompt arrangement for my return for some other constituency in event of my failure here. . . . For my own part I think there would be an advantage in its being for a Lower Canadian constituency."⁹³

All that Baldwin feared happened, and more also. The election turned out to be one of the most disorderly, at a time when disorderly elections were the rule.⁹⁴ The military had finally to be called in to keep the peace.⁹⁵ Unless the poll was kept open by legislative enactment for more than the two days that remained, Baldwin had small hopes of overtaking his rival.⁹⁶ The suggestion was considered by the government but found "inadvisable."⁹⁷ The result was Baldwin's defeat by a narrow margin, although he always maintained that if the election had been peacefully conducted he would have won.⁹⁸

The election had a curious sequel. Murney was dismissed from the office of Clerk of the Peace which he held. It seemed to the Governor and his Council "injurious to the efficiency of the government that such an office-holder should put himself in active opposition to the government."⁹⁹ Murney vigorously protested. His office was not covered by Russell's despatch of 1839. It was simply a case of patronage.¹⁰⁰ The episode is of peculiar interest as it anticipates in

⁹³ *LaFontaine Correspondence*, Baldwin to LaFontaine, October 1, 1842.

⁹⁴ Dent, *Canada since the Union*, Vol. I, p. 248.

⁹⁵ *LaFontaine Correspondence*, Baldwin to LaFontaine, October 6, 1842.

⁹⁶ *Ibid.*

⁹⁷ *Baldwin Correspondence*, LaFontaine to Baldwin, October 7, 1842.

⁹⁸ *Pilot*, April 4, 1845, Baldwin's speech on the University Bill.

⁹⁹ Canadian Archives, G. 459, Bagot to Stanley, November 11, 1842.

¹⁰⁰ *Ibid.*, Murney's letter, Belleville, November 5, 1842.

some ways the quarrel between Lord Metcalfe and his Council a year later. In fact we find that Governor forwarding Murney's petition to the Colonial Office.¹⁰¹

In the meantime Baldwin's friends had tried to elect him for the Second Riding of York, but without success.¹⁰² A constituency, however, was provided in Lower Canada. M. Bonne of Rimouski resigned¹⁰³ and Baldwin was elected without opposition. His new constituents received him with the greatest enthusiasm.¹⁰⁴

By the close of 1842 it looked as if responsible government had been won. The Governor had accepted LaFontaine and Baldwin as gracefully as possible; the British government had acquiesced, not gracefully perhaps, but still they had yielded. Bagot had accepted his new ministers although there is no doubt that he would have preferred the old. He was rather pleased at Baldwin's defeat in Hastings. He thought it would certainly "not better his position" to be driven to find a seat in Lower Canada.¹⁰⁵ Bagot preferred Morin to LaFontaine. The latter had "the sentiments of a gentleman but circumstances have forced him into a position for which he is not fitted."¹⁰⁶

One curious incident occurred which throws light on the relations between the Governor-General and Robert Baldwin. The former asked the latter for a legal opinion on the question of the dismissal of Mr.

¹⁰¹ Canadian Archives, G 460. Metcalfe encloses Murney's petition of September 1, 1843.

¹⁰² Dent, *Canada since the Union*, Vol. I, p. 249.

¹⁰³ *Baldwin Correspondence*, M. Bonne to Baldwin, December 15, 1842.

¹⁰⁴ *Ibid.*, February 6, 1843.

¹⁰⁵ *Bagot Correspondence*, Bagot to Stanley, October 12, 1842.

¹⁰⁶ *Ibid.*, December 27, 1842.

Davidson, the Commissioner of Crown Lands.¹⁰⁷ It was desirable to make the office a political one depending on party support, although heretofore considered an office depending on good behaviour. During the recent negotiations the Governor had at first offered to accept a new Commissioner on condition that Mr. Davidson received a pension. The negotiations had broken off on this point, and when resumed it had been finally agreed that the question of a pension should be left open. The pension was not forthcoming, and Bagot asked Baldwin and LaFontaine, as his legal officers, whether Mr. Davidson could be retired without gaining his consent. Both answered in the affirmative.¹⁰⁸ Baldwin, however, brought into his decision a discussion of responsible government.¹⁰⁹ The Governor was afraid that his Attorney-General might at some future date wish to make some "unwarrantable" use of this fact. Accordingly he "rebutted him in the presence of Mr. LaFontaine for having travelled so unnecessarily out of his record."¹¹⁰ The Governor did no more, for as he admitted, "whether the doctrine of responsible government is openly acknowledged, or is only tacitly acquiesced in, virtually it exists."¹¹¹ At the same time he apparently feared encroachments on the part of his Attorney-General for Upper Canada.

All the forbearance was not on the Governor's side. Appointments were made of which Baldwin highly disapproved. LaFontaine wrote "that every time the government calls you to power to have the

¹⁰⁷ Canadian Archives, G 459, Bagot to Stanley (Confidential), October 19, 1842.

¹⁰⁸ *Bagot Correspondence*, Bagot to Stanley, October 19, 1842.

¹⁰⁹ Canadian Archives, G 459, Office of Attorney-General for U.C., October 11, 1842.

¹¹⁰ *Bagot Correspondence*, Bagot to Stanley, October 28, 1842.

¹¹¹ *Ibid.*

advantage of your talents and influence, their first acts have a tendency to destroy that very same influence with your party."¹¹² At the same time he advised Baldwin not to press the matter considering "the precarious state of the health of the Governor-General."¹¹³ The incident is significant as a foreshadowing of the later quarrel with Lord Metcalfe.

It was highly desirable that Sir Charles Bagot should remain in Canada to guide the policy he had inaugurated. Stanley wrote, "you have commenced a great experiment. It is for your honour that you shall, if possible, remain to work it out."¹¹⁴ The Governor was of the same opinion, and was willing to remain "if it was humanly speaking possible."¹¹⁵ But such was not the case. Death would not wait the convenience of Downing Street. Sir Charles Bagot was not destined to leave Canada alive, or to enjoy the "great send-off" that Wakefield hoped the French and Reformers would give him, thus impressing English opinion.¹¹⁶

The last letter he wrote as Governor betrayed both his hopes and his fears. He wrote to Aylwin that he left his reputation in the hands of his Council. "I know that you will all protect it. I am too exhausted to say more."¹¹⁷

We can take no better farewell of the Governor than by quoting the letter Robert Baldwin wrote to his father after his death. "I regret to have to inform

¹¹² *Baldwin Correspondence*, LaFontaine to Baldwin, November 26, 1842.

¹¹³ *Ibid.*

¹¹⁴ *Bagot Correspondence*, Stanley to Bagot, December 3, 1842.

¹¹⁵ *Ibid.*, Bagot to Stanley, December 27, 1842.

¹¹⁶ *LaFontaine Correspondence*, Wakefield to LaFontaine, February 2, 1843.

¹¹⁷ *Bagot Correspondence*, Bagot to Aylwin, March 29, 1843.

you of the decease of poor Sir Charles Bagot. . . . God grant that his successor may prove *as well* adapted to the station he occupies here as the deceased. I doubt much whether with all his fame he can be more so. I hope, however, for the best. Be that as it may, we owe a deep debt of gratitude to poor Sir Charles Bagot. He had many early prejudices to overcome before he could bring himself to make the great stand he did make. We must not estimate his course by what *we* know of ease and safety, but by what he may, nay *must*, have imagined of its difficulty and danger. I know not that I myself gave him sufficient credit on this score until the day of his successor assuming the government, when after the swearing-in of Sir Charles Metcalfe, he sent for us, and thanked us collectively and individually and took leave of us. He was deeply moved as we all were, and I confess it made a deep impression on me as to what he must have gone through in his own mind, before he took the step of sending for LaFontaine in September last.¹¹⁸

It is pleasant to record that the Governor never saw any cause to regret the step he had taken. He wrote to Sir Robert Peel just before the arrival of his successor: "I do assure you that up to this period I have found no reason to regret my course and that the general tranquillity and content of the country throughout are beyond what I could have ventured to anticipate."¹¹⁹

¹¹⁸ *Baldwin Correspondence*, Robert Baldwin to W. W. Baldwin, May 19, 1843.

¹¹⁹ *Bagot Correspondence*, Bagot to Peel, March 26, 1843.

CHAPTER VIII

THE METCALFE CRISIS

NO matter how able the man might be who succeeded Sir Charles Bagot, the Governor's retirement at such a time was most unfortunate. Bagot had begun a great experiment; its wisdom remained to be demonstrated. The Colonial Secretary did not approve, but he was prepared to give the new system a trial. It was a wonderful opportunity to vindicate the policy which Baldwin had for so long advocated. Bagot's training and temperament made him an ideal Governor under whom to try the new experiment. Still, though it was unfortunate that a successor had to be appointed, no one could well criticize the choice made by the British government. Indeed the more one knew of Sir Charles Metcalfe the greater seemed the good fortune of the country. England was sending of her very best to Canada. Few could have hoped that such a distinguished public servant would have been asked to accept, or would have accepted, the Governorship of the colony. Sir Charles Bagot was delighted with the prospect of having such a successor. No other appointment, as he wrote to the Colonial Secretary, could have given him the same satisfaction.¹

Sir Charles Metcalfe had spent his life in the public service with the greatest honour and success. Entering the Indian Civil Service as a youth, he had risen to be acting Governor-General. "The ablest civil servant I ever knew in India," said Lord Macaulay,²

¹ *Bagot Correspondence*, Bagot to Stanley, February 23, 1843.

² Trevelyan, *Life of Macaulay*, Vol. II, p. 344.

and all the evidence seems to bear him out in his opinion. Metcalfe had since then been Governor of Jamaica, where his success had been quite as conspicuous. He had a most difficult situation to face, but when he left "the universal voice of the colony seemed to be lifted up in a chorus of benediction."³

While Canadians might all be proud to have such a distinguished and able Governor, there was no reason why any party should fear his coming. There was no reason why Reformers should anticipate an attack upon the principle of responsible government. They had rather cause to consider themselves fortunate that such a choice should have been made. Although appointed by a Tory government, Sir Charles Metcalfe considered himself almost too radical to be a Whig. In India his most famous measure had been the freeing of the press.⁴ In England he was in favour of vote by ballot, short parliaments, and a further extension of the Reform Bill.⁵ A man with such a record and holding such opinions was not one to arouse the suspicions or the fears of the Canadian Reformers.

Nevertheless when, later on, Metcalfe came into conflict with his Executive Council, the charge was made that he had been chosen by the Colonial Secretary for the special task of crippling responsible government.⁶ Apart from the lack of proof to sustain the charge, the very character of the Governor makes it most improbable that there should have been any such understanding with Lord Stanley. Moreover he was personally unknown to the Colonial Secretary when the latter determined to offer him the Governor-Generalship.

³ Kaye, *Life of Lord Metcalfe*, Vol. II, p. 439.

⁴ Ibid., Vol. II, p. 260.

⁵ Ibid., Vol. II, pp. 358, 455.

⁶ Hincks, *Political History of Canada*, p. 30.

The situation seems clear enough. Lord Stanley, while he had not disavowed Bagot's policy, had certainly disapproved of it. He considered that the Governor had weakly capitulated when he might have held the fort. He had surrendered when more resolution might have prevented the necessity of doing so. In Sir Charles Metcalfe the Colonial Secretary hoped he had found a Governor of firmness and decision. In his hands he hoped that the power and the prestige of the Crown would be in safe keeping. The choice of such a man as Governor might indeed lead to conflict, but it did not mean a conscious attack upon concessions already made. It was a policy that would appeal to Metcalfe's loyalty and to his sense of duty. It was, moreover, a task which would explain Lord Stanley's use of the phrase, "very arduous duties in the public service,"⁷ as well as Metcalfe's forebodings as to the success of his mission.

Although the letter of the Colonial Secretary asking Metcalfe to call on him was dated January 15th, gossip had already associated Sir Charles Metcalfe's name with Canada. As early as January 2nd Wakefield wrote to LaFontaine that the rumour was circulating that Metcalfe would be the next Governor-General. "I have no personal acquaintance with him," Wakefield wrote, "but he has a high reputation for industry, discrimination, sound judgment and firmness."⁸ At the same time he doubted if Metcalfe would "peril his reputation in a post which has been so fatal to character and even life." A month later he wrote that Canada had a *perfect* new Governor-General and that he was certain that the new order of things in Canada

⁷ Kaye, *Life of Lord Metcalfe*, Vol. II, p. 456.

⁸ *LaFontaine Correspondence*, Wakefield to LaFontaine, January 2, 1843.

would be consolidated. He could not praise Metcalfe too highly. "He is *all* that you can desire."⁹

At the close of March Metcalfe reached Kingston, coming by way of Boston through the snows of an exceptionally severe winter. The new Governor favourably impressed his Attorney-General for Upper Canada. Baldwin wrote to his father that he was pleased with the Governor's beginning. "He seems a cautious man, without, however, any want of decision. From the former the only inconvenience that I apprehend will be delay."¹⁰ Further experience seemed only to bear out Baldwin's first impression. "Sir Charles Metcalfe is going on slowly, and very, very cautiously. He evidently was not prepared for what he finds, whether as respects country, men or parties. He has evidently something to unlearn."¹¹ The Governor's kindness to his predecessor's family enhanced his reputation. Lady Bagot could not speak of him too highly.¹²

Baldwin was probably too optimistic as to the amount the Governor was unlearning. Sir Charles would probably have said that he was learning the true state of affairs in the colony, and that the more he learned the less he liked it. He had been in the country scarcely a fortnight when he wrote to his sister deploring the keenness of party spirit. "My chief object will be to bring all into harmony, but I do not expect success."¹³

Party spirit was not the worst of the story. The

⁹ *LaFontaine Correspondence*, Wakefield to LaFontaine, February 2, 1843.

¹⁰ *Baldwin Correspondence*, R. Baldwin to W. W. Baldwin, April 2, 1843.

¹¹ *Ibid.*, May 16, 1843.

¹² *Ibid.*, May 23, 1843.

¹³ Kaye, *Life of Lord Metcalfe*, Vol. II, p. 471.

more the Governor learned of the whole system of responsible government as understood and practised by LaFontaine and Baldwin, the less he could reconcile it with his own ideas as to the proper relations between the imperial government and a colony. According to the Executive Council, they were the real rulers of the colony, at least in its internal affairs, so long as they were supported by a majority in the House of Assembly. The insoluble problem for Sir Charles Metcalfe was what was to become of the Governor-General under such a system. He had no intention of allowing his office to be reduced to a cipher, which he believed would be the result of the policy advocated by his Council. "The sole question is, to describe it without disguise, whether the Governor shall be solely and completely a tool in the hands of the Council, or whether he shall have any exercise of his own judgment in the administration of the government,"¹⁴ he wrote to Lord Stanley. He was willing to consult the Council, but he also intended to be on guard against their encroachments.¹⁵ He had no intentions of abdicating in their favour although he was prepared to go as far as possible in governing the country according to their wishes. They, on their side, must remain an advisory body, and when they spoke of themselves as "the Cabinet," or "the Ministers," it was nothing, according to the Governor, but pretension on their part.¹⁶ Metcalfe felt that he had stepped into the breach at a most critical time. Durham had written in praise of responsible government "at leisure." Lord Sydenham had put the system into force, but he had "ruled the Council." Under Sir Charles Bagot

¹⁴ Ibid., Vol. II, p. 494, Metcalfe to Stanley, May 12, 1843.

¹⁵ Ibid.

¹⁶ Ibid., Vol. II, p. 478.

the true result of the new system began to appear, but the inevitable contest "was staved off by his illness." Now under Metcalfe came "the tug-of-war."¹⁷

With such ideas, a conflict between the Governor and his Council was inevitable; nor was there much doubt in the Governor's mind as to what the cause of quarrel would be. It would probably be the question of appointment to office.¹⁸ The Governor wished to ignore party, "to make the patronage of the government conducive to the conciliation of all parties, by bringing into the public service the men of greatest merit and efficiency without any party distinction."¹⁹ The Council held that appointments concerned them; that their wishes and party needs must be taken into consideration. They were responsible to the country and to the party, and therefore must be consulted before any appointments were made. From the point of view of administration the Governor had perhaps the better argument, but the question in dispute was not administration but responsibility. Responsible government was being established, party government was an essential part of that system, patronage for better or worse, had to fit into the new scheme. The issue was fairly joined.

The break did not come at once. The Governor expected it, but had no desire "to hasten such an event." There were signs, however, of the coming storm. Metcalfe was not a man to dissemble. Holding the views he did, all cordiality between him and the Council was impossible. He had been in the country little more than a fortnight when Small wrote to Baldwin, that there was a report in circula-

¹⁷ Kaye, *Life of Lord Metcalfe*, Vol. II, p. 479.

¹⁸ *Ibid.*, Vol. II, p. 478.

¹⁹ *Ibid.*, Vol. II, p. 493.

tion of the probability of a misunderstanding between the Council and the Governor-General.²⁰ Less than a month later the Governor wrote to the Colonial Secretary that he was threatened with the resignation of LaFontaine.²¹ Metcalfe could have no illusions regarding the views of the French-Canadian leader. LaFontaine had explained them to the Governor's private secretary, Captain Higginson, and they had, no doubt, been reported to his chief.²² Whether his report was entirely correct or not, it certainly did not lessen the antagonism between the Governor and his Council.

As the summer wore on, Metcalfe made preparations for possible trouble. Amongst others, he consulted the Grand Master of the Orange Order. After the interview Gowan was able to write to a friend not to be surprised "if Baldwin, Hincks and Harrison walk."²³ Time did not improve the Governor's relations with his advisers. They not only represented a party which he considered anti-British,²⁴ they were lacking in proper courtesy to himself as head of the government.²⁵ In letters to his Indian friends, Metcalfe compared himself to an Indian Governor who had to rule through the agency of a Mahomedan ministry and a Mahomedan parliament.²⁶

After repeated prorogations Parliament was finally summoned to meet on the 28th of September. Although the delay was due to the change of

²⁰ *Baldwin Correspondence*, J. E. Small to Baldwin, April 15, 1843.

²¹ Kaye, *Life of Lord Metcalfe*, Vol. II, p. 494.

²² Hincks, *Reminiscences*, p. 93.

²³ Gowan to Harris, Kingston, July 11, 1843. *LaFontaine Correspondence*, enclosed in a letter of Baldwin's of May 22, 1844.

²⁴ Kaye, *Life of Lord Metcalfe*, Vol. II, p. 523.

²⁵ *Ibid.*, p. 520.

²⁶ *Ibid.*, p. 528.

Governors, the opposition had not failed to accuse the government of being the cause, and taunted them with postponing the meeting of the legislature as though it were Black Monday.²⁷ They went further than mere words, for they issued a circular "for the information of the public generally," giving a "list of the present enormous salaries paid by the newfangled responsible government and allowed upon the motion of the radical Inspector-General."²⁸

The Speech from the Throne contained little of a contentious character, but its moderation did not prevent debate. The opposition concerned itself mainly with personal attacks upon members of the government. Sir Allan MacNab attacked Robert Baldwin on the score of his lack of loyalty during the rebellion of 1837. It afforded the Attorney-General an excellent opportunity to relate the true story of what had occurred upon that occasion.

Much useful legislation was passed during the session. Laws were enacted to improve the judicial system of Lower Canada, to improve the School Law, to secure the independence of the Legislative Assembly. So far as the political life of the time was concerned, these laws were not nearly so important as three contentious measures, only one of which actually became law. These were the bills to move the Capital of Canada, to suppress secret societies, and to amend the charter of King's College.

Kingston had failed to give satisfaction as the capital of the province. As Sir Charles Bagot had written to Stanley, there was a universal dislike of the place.²⁹ Almost a year later he wrote that while

²⁷ *Baldwin Correspondence*, H. J. Boulton to R. Baldwin, May 5, 1843.

²⁸ *Ibid.*, J. W. Powell to R. Baldwin, April 11, 1843.

²⁹ *Bagot Correspondence*, Bagot to Stanley, January 19, 1842.

he believed Montreal would be finally chosen as the seat of government, yet he feared that if the question were brought up at the present time many Upper Canadians would only see in it another proof of French ascendancy.³⁰ The question was really one that lay within the power of the British government, but the latter left it to be decided by the Canadian Parliament, with the proviso that the choice should lie between Montreal and Kingston. Toronto and Quebec were "too remote from the centre of the province."

It was a delicate question involving sectional and racial jealousies, but the government did not flinch. Baldwin moved the resolution and LaFontaine seconded it. As had been anticipated, the opposition took the view that the proposed change was a betrayal of Upper Canada. A few Reformers supported them, the most conspicuous being Malcolm Cameron and William Merritt. Harrison, as member for Kingston, thought it his duty to resign, but the rest of the ministers stood firm. No doubt some of them were in the same position as Small, who objected as an Upper Canadian, but as a member of the Council agreed.³¹ Others thought it as well to be absent although personally without any objections to the change.³² The success of the measure was, however, never in doubt. As the *Examiner* exultantly observed, on the most important resolution the government had a majority of thirty-three.³³ The chief anxiety of good party men was not the difficulty of passing the measure but its effect on the next general election.³⁴

³⁰ Ibid., Bagot to Stanley, December 11, 1842.

³¹ *Baldwin Correspondence*, Small to Baldwin, April 3, 1843.

³² Ibid., John Prince to Baldwin, October 1, 1843.

³³ *Examiner*, November 8, 1843.

³⁴ *Baldwin Correspondence*, Andrew Buell to Baldwin, November 14, 1843.

It would be a "powerful weapon in the hands of the Tories."³⁵

The bill met with the most bitter opposition in the Legislative Council but was finally passed. The opposition tried to prevent a consideration of the question on the ground that a resolution had already been passed in favour of keeping the capital in Upper Canada.³⁶ As a matter of fact, such a resolution had been forced through early in the session before the arrival of all the members from Lower Canada.³⁷ When the Speaker failed to sustain the contention of the opposition, thirteen councillors, led by Mr. Morris, left the house.³⁸

A bill which caused even greater bitterness was Baldwin's measure, "for the discouragement of secret societies." There was no doubt as to the intention of the bill. It was a blow at the Orange Order, although in form it applied to all secret societies except the Freemasons. The Irish emigrants who came out to Canada brought their racial and religious differences with them. Orange lodges and Hibernian societies flourished in the colony as they had in the Emerald Isle. In 1843 the strife was particularly keen. O'Connell's repeal agitation was in full swing. In Canada the Irish factions took sides in politics. Orangemen were naturally supporters of Sir Allan MacNab and his party, their Catholic opponents were largely for the government.

It is scarcely possible to exaggerate the disorder. Riots and fights were the order of the day. Every election was a Donnybrook fair, and many fairs were held when there were no elections. Not infrequently

³⁵ *Baldwin Correspondence*, Small to Baldwin, April 14, 1843.

³⁶ *Examiner*, November 8, 1843.

³⁷ *Ibid.*, October 18, 1843.

³⁸ *Ibid.*, November 8, 1843.

deaths resulted from these encounters. The Orange Order set the government at defiance. As one of Baldwin's friends wrote, it was time that peaceful citizens ceased to be "liable to be waylaid, assaulted, abused, wounded, or beaten, by ruffian Orangemen or brutal Orange mobs, armed with dirks, pistols, shillalahs, or other offensive weapons."³⁹ There are many such letters in Baldwin's correspondence. The Attorney-General had had personal experience of the disorder the society caused in "this Orange hole," as he on one occasion called Kingston.⁴⁰ In such a fracas he reported that one person had been killed and several wounded. The Catholics were finally driven to take refuge in the foundation of their new Cathedral.⁴¹

In 1836 the Assembly of Upper Canada had petitioned against the Orange Order. Sir Francis Head had answered that nothing could be done, but the Colonial Secretary, Lord Glenelg, had pointed out to him that the King had answered a similar petition from the imperial Parliament with the promise, "to take such measures as may seem to me advisable for the effectual discouragement of Orange Lodges."⁴² When Sir George Arthur sent a circular to all the magistrates recommending the discontinuance of Orange processions, stating that in his opinion they were likely to cause the greatest mischief to Upper Canada, and that he intended to direct the attention of the government to the gradual suppression of the association, he was highly commended by Lord John Russell. The Colonial Secretary hoped that the Governor would persevere in the course he had begun.⁴³

³⁹ *Baldwin Correspondence*, A. S. Buell to R. Baldwin, April 17, 1843.

⁴⁰ *Ibid.*, R. Baldwin to W. W. Baldwin, August 4, 1843.

⁴¹ *Ibid.*, July 10, 1843.

⁴² Canadian Archives, G 77, Glenelg to Head.

⁴³ *Ibid.*, G 94, Russell to Arthur, September 15, 1839.

Soon after Metcalfe became Governor, Baldwin had urged that executive action should be taken against all Orangemen. He strongly urged the Governor to remove all Orangemen from office and to "put a test to every public servant to make him declare whether he was an Orangeman or not." The Governor refused, although he found Baldwin "particularly pertinacious." Metcalfe was induced to say that he would prefer legislation on the subject, and finally gave his consent to its introduction. When the bill was first drawn up Baldwin mentioned Orange societies specifically, and amongst other disabilities, Orangemen were excluded from the militia. As a result of the Governor's objections both these clauses were omitted.⁴⁴ Even then the bill was drastic enough. Members of secret societies could not hold civil office or serve on juries. Officeholders had to take an oath before a certain date that they did not belong to such societies, and innkeepers who allowed meetings in their houses were to lose their licences.⁴⁵

There was bitter opposition to the bill. The loyalty of Orangemen was stressed. The bill, they asserted, was persecution, and was proposed because the Order was hostile to the administration.⁴⁶ In spite of all that MacNab, Sherwood and Cartwright could do, the bill passed by a large majority, fifty-five to thirteen. The attempt to prove that the Catholics had provided the majority broke down in the face of the fact that thirty-five Protestants had voted for it.⁴⁷ The bill passed the Legislative Council without difficulty. The seceding councillors were still

⁴⁴ Canadian Archives, G 460, Metcalfe to Stanley, June 27, 1844.

⁴⁵ *Examiner*, October 18, 1843.

⁴⁶ *Ibid.*, October 30, 1843, Sherwood's speech.

⁴⁷ *Ibid.*, November 8, 1843.

absent, and this circumstance was one reason later given by the Governor for reserving the bill.⁴⁸ Baldwin and his colleagues did not think that Sir Charles Metcalfe in so doing had treated them fairly, as they thought that he should not have refused his consent after agreeing to the introduction of the measure.

The whole episode had important consequences. It widened the breach between the Governor and his Council, and especially between the Governor and his Attorney-General for Upper Canada. At the same time Metcalfe was henceforth doubly certain of the support of the powerful Order, which the government had now completely antagonized. Baldwin was the special object of Orange wrath. One of his correspondents assured him that his name would be "handed down to posterity as a tyrant," as a "vile traitor" to Protestantism.⁴⁹ Effigies of Hincks and himself were burnt, as his little daughter wrote to him from Toronto, "right in front of the hall door." Hincks, she wrote, burnt easily, "but they could not get you to burn at all."⁵⁰

Another measure that Baldwin had only fairly launched when the explosion came, was a bill to secularize university education in Upper Canada. His measure proposed to establish a new institution known as the University of Toronto, and to make all the existing sectarian foundations colleges in that University.⁵¹ Egerton Ryerson praised the bill highly as "worthy of the most enlightened government,"⁵²

⁴⁸ Canadian Archives, G 460, Metcalfe to Stanley, January 27, 1844.

⁴⁹ *Baldwin Correspondence*, Duke Ormsby to R. Baldwin, December 13, 1843.

⁵⁰ *Ibid.*, Eliza Baldwin to Robert Baldwin.

⁵¹ *British Colonist*, October 13, 1843. Gives text of University Bill.

⁵² *Christian Guardian*, October 28, 1843.

but those Anglicans who followed Bishop Strachan were not of the same mind.

Baldwin had contributed to help build an Anglican church in Brockville. The irate clergyman now wrote, not to accuse him "of treachery and black ingratitude," but to return the money that he had given. He would rather, he said, "never lay a stone than build to God with the money of false brethren." The confiscation of the property of King's College, and the endowment of a "hot-bed of error, infidelity, and Republicanism, the intended University of Toronto," was not only a betrayal of humanity's best interest, *but of the Sovereign*.⁵³ To the Bishop of Toronto such a departure from all that was good was "without a parallel in the history of the world."⁵⁴

But before the University Bill could be passed into law, the LaFontaine-Baldwin ministry was out of office. As the Governor had expected, patronage was the occasion of the final break. It is scarcely necessary to recount again all the details of that famous episode. The facts were clear, but this did not prevent accusation and counter-accusation. It was said that the Governor-General was acting under instructions from England received before he left for Canada.⁵⁵ It was said that the ministers deliberately quarrelled with the Governor in order to extricate themselves from their political difficulties.⁵⁶ It was said that Baldwin had engineered the whole proceeding in order to strengthen his own position. Responsible government was his policy and he now posed as its martyr.

⁵³ *Baldwin Correspondence*, E. Denroche to R. Baldwin, November 23, 1843.

⁵⁴ *Journal of the Legislative Assembly*, November 6, 1843.

⁵⁵ Kaye, *Papers and Correspondence of Lord Metcalfe*, Vol. II, p. 429.

⁵⁶ *Ibid.*, p. 422.

The LaFontaine-Baldwin ministry had become the Baldwin-LaFontaine opposition.⁵⁷

The facts were clear, but their interpretation was the cause of the trouble. Was the Governor or was the Council responsible for all appointments? Metcalfe had no doubt that the responsibility was his, although he was willing to go far to accommodate his Council.⁵⁸ The members of the Council demanded that no appointments should be made without consulting them, which really meant without their consent. The question of appointments had come up before November when the final break came. The Governor had greatly irritated Small by refusing to have a name struck off the list of the Commissioners of the Peace. Small did not see how he could possibly remain in the government after such a refusal.⁵⁹ Hincks wrote to Baldwin that he was anxious not to appoint too many Reform magistrates in the Home District or "we shall get into trouble with Sir Charles, who is really acting very well."⁶⁰ But the necessity of party could not be denied. One prominent supporter wrote to Baldwin that he feared "that too much anxiety to do equal justice to all parties will be the rock on which the present administration will split."⁶¹ It was only losing the confidence of its supporters by appointing Tories to office. Sir Allan MacNab made the characteristic remark "that he would be d——d if he would put any but friends into office if he was in power."⁶² Neither friends nor foes placed the responsibility for appointments on the Governor.

⁵⁷ *Letter on the Ministerial Crisis*, Pamphlet 1470, Canadian Archives.

⁵⁸ Kaye, *Papers and Correspondence of Lord Metcalfe*, p. 424.

⁵⁹ *Baldwin Correspondence*, J. E. Small to Baldwin, June 19, 1843.

⁶⁰ *Ibid.*, Hincks to Baldwin, June 15, 1843.

⁶¹ *Ibid.*, A. N. Buell to R. Baldwin, August 4, 1843.

⁶² *Ibid.*, W. W. Baldwin to R. Baldwin, August 4, 1843.

The specific cases for dispute between the Governor and his Council were of little importance. Whether Mr. Powell was appointed Clerk of the Peace for the Dalhousie district or not was a secondary consideration,⁶³ and was, moreover, only one instance of the Governor's independent action. A more conspicuous occasion had been when he offered the Speakership of the Legislative Council to an opponent of the ministry without their knowledge.⁶⁴ The Governor thought that the Council had no cause for complaint because "most appointments were given away on their recommendation."⁶⁵ At the same time he did not consider himself bound to consult them regarding every appointment, nor to surrender his judgment to their party views.⁶⁶

On Friday, November 24th, Baldwin and LaFontaine called on the Governor-General and stated their position in regard to appointments. The next day the discussion was resumed with the whole Council present. The day following all the councillors, save one, resigned. Both parties hastened to lay their case before Parliament and the public, so that there is little doubt as to what actually occurred. LaFontaine drew up a formal statement on behalf of the ministers, explaining the causes for their resignation. This document was then submitted to the Governor-General who then wrote out a statement of his own.

On their first meeting with the Governor-General, Baldwin and LaFontaine had demanded that "he should agree to make no appointment, and no offer of

⁶³ Dent, *Canada since the Union*, Vol. I, p. 318.

⁶⁴ Hincks, *Reminiscences*, p. 123.

⁶⁵ Kaye, *Papers and Correspondence of Lord Metcalfe*, p. 424, Metcalfe to Stanley, December 26, 1843.

⁶⁶ *Ibid.*

an appointment, without previously taking the advice of the Council; that they should recommend any other at discretion, and that the Governor-General in deciding, after taking their advice, should not make any appointments prejudicial to their influence."⁶⁷ The Governor refused to make any such stipulation. He said he "could not degrade the character of his office, nor violate his duty by such a surrender of the prerogative of the Crown." Although he reaffirmed his objection to the "distribution of patronage with party views," at the same time he pointed to the past and "the great consideration which he had evinced towards the Council in the distribution of the patronage of the Crown."

Baldwin and LaFontaine made it clear that their continuance in office depended on the Governor's final decision, so a full Council meeting was called for the next day. No progress was made at that meeting. Various propositions were made to the Governor, but in his opinion they all meant the same thing, the "virtual surrender into the hands of the Council of the prerogative of the Crown." To the argument that the demand of the Council was only carrying out the principle of responsible government, the Governor entered a spirited protest. He considered it a perversion of the acknowledged principle. To such an impasse there could be but one solution. On the 26th of November the Governor wrote to the Colonial Secretary that he had accepted the resignation of Baldwin, LaFontaine, and all the members of the Council except Daly.⁶⁸

The explanation in Parliament did not occur until

⁶⁷ *Kingston Chronicle*, December 2, 1843.

⁶⁸ Canadian Archives, G 460, Metcalfe to Stanley, November 26, 1843.

the 29th of November, owing to a request for delay, first on the part of the Governor, and then on the part of his only remaining Councillor, Daly.⁶⁹ On that day Baldwin opened the discussion. To him the one question at issue was responsible government. He had entered the government pledged to stay only as long as that principle was carried out. He then read the resolutions passed in September, 1841. He had discovered that the Governor entertained very different views from his own on the new system. If these views had been only theoretical he might have said nothing, but he had found that in practice they led to appointments, not only against the advice of the Council, "but to appointments and proposals to make appointments without even consulting them."⁷⁰ Baldwin gave as a second cause for the resignation of the Council, the reservation by the Governor of the Secret Societies Bill, "without the slightest intimation having been given that it would not be passed in this country." While he admitted the Governor's right to reserve the bill, he held that some intimation of the Governor's intention should have been given. "Otherwise it should be supposed government was insincere in bringing in the bill, or that the bill was introduced without sanction of the head of the government."⁷¹

When Baldwin had concluded speaking, Daly read the minute which LaFontaine had prepared, and then the Governor's rejoinder. The formal statement of the French-Canadian leader added little to what Baldwin had already said. There was a striking difference, however, in the statement prepared by the Governor.

⁶⁹ *Baldwin Correspondence*, R. Baldwin to W. W. Baldwin, November 28, 1843.

⁷⁰ *Kingston Chronicle*, December 2, 1843.

⁷¹ *Ibid.*

Sir Charles Metcalfe protested against the argument that responsible government was at stake. "The Governor-General subscribes entirely to the resolutions of the Assembly of the third of September, 1841, and considers any other system of government but that which recognizes the responsibility to the people and to the responsible Assembly as impracticable in this province."⁷² The Governor gave his account of the specific circumstances that led to the resignation of the Council. It was not any principle of government, but the question as to whether "the patronage of the Crown should be surrendered to the Council for the purchase of Parliamentary support,"⁷³ which was the matter at issue.

Metcalfe considered the explanation given by LaFontaine and Baldwin as little short of dishonest. He wrote to Lord Stanley that LaFontaine's formal document was a "most disingenuous production, suppressing entirely the immediate matter on which their resignation took place, and trumping up a vague assertion of differences on the theory of 'responsible government' as applicable to a colony, which had been expressed in the freedom of conversation as matters of opinion, but not as grounds of procedure, and were, therefore, very unfairly used for the purposes to which this misrepresentation was applied."⁷⁴ Responsible government had been acted on throughout his administration "to the very verge of the extreme view of it." He had protested against LaFontaine's explanation but without result. "Being asked in the House of Assembly whether they had permission from

⁷² Ibid.

⁷³ Governor's Statement, *Kingston Chronicle*, December 2, 1843.

⁷⁴ Canadian Archives, G 460, Metcalfe to Stanley, December 11, 1843.

the Governor to make such a statement to the House, Mr. Baldwin, with that protest in his possession, had the boldness to say that they had. On subsequent days they made other statements suited to their purpose, and on being questioned as to having permission to make such disclosures, they, with the same recklessness, asserted that they had. I had no wish to prevent them stating anything that was true, but their design was to excite a clamour against me on the popular question of 'responsible government' and they were not scrupulous as to the means of accomplishing that object."⁷⁵

If Metcalfe protested against the interpretation which his ex-councillors put on events, he had an interpretation of his own against which they were equally vehement. As time went on the Governor-General became more convinced that the British connection was in peril. It was imperial supremacy that was threatened. Before the break with the Council he had considered the dominant party anti-British.⁷⁶ That party now wanted to "prostrate the British government, and reduce the authority of the Governor to a nullity."⁷⁷ "Whatever may happen," he declared, "I shall not regret the retirement of gentlemen who, from anti-British feelings, are unfit to be the advisers of the Governor of a British colony. And if a majority in Parliament be determined to force them back on me in that capacity, I shall despair of the probability of Canada's long remaining a British colony."⁷⁸

⁷⁵ Canadian Archives, G 460, Metcalfe to Stanley, December 11, 1843.

⁷⁶ Kaye, *Life of Lord Metcalfe*, Vol. II, p. 523.

⁷⁷ Canadian Archives, G 460, Metcalfe to Stanley, December 11, 1843.

⁷⁸ Kaye, *Papers and Correspondence of Lord Metcalfe*, p. 428, Metcalfe to Stanley, December 26, 1843.

The member of the Council who was the most determined in bringing about the break with the Governor-General was the Attorney-General for Upper Canada.⁷⁹ Robert Baldwin had no doubt that the question at issue was responsible government. He was resigning in 1843 for the same reason that he resigned in 1836 and in 1841; but on this occasion, with the single exception of Mr. Daly, he was able to carry the whole Council with him, although most of them, according to the Governor, resigned with reluctance.⁸⁰ Baldwin had none. He wrote to his father, "we have acted in accordance with our public principles and pledges. . . . We could not with honour have continued an hour longer in office."⁸¹

Robert Baldwin and Sir Charles Metcalfe were worthy opponents. In many ways their characters were not unlike. Both were men who believed in principle rather than in expediency. When the issue was one involving principle both were inflexible. Metcalfe believed that he was upholding the rights of the Crown, Baldwin believed that he was defending the rights of the colony. There could be no surrender. Robert Baldwin believed that the Governor must at least consult his Council before making any appointments.⁸² He could be the more insistent in this demand because he was most conscientious himself in seeing that the Council undertook nothing without the consent of the Governor.⁸³ As the Governor had already learned in the dispute over the Secret Societies Bill, Baldwin could be "most pertinacious."

⁷⁹ Ibid., p. 430, December 26, 1843.

⁸⁰ Ibid.

⁸¹ *Baldwin Correspondence*, R. Baldwin to W.W. Baldwin, November 28, 1843.

⁸² *Kingston Chronicle*, December 2, 1843.

⁸³ Hincks, *Reminiscences*, p. 117.

The part played by Baldwin and LaFontaine is very probably reflected in the estimates of the two men as given by Metcalfe's official biographer. This is, no doubt, the reason why the judgment is so far removed from the truth. According to Kaye, LaFontaine, although a just and honourable man, suffered "from indecision and infirmity of purpose."⁸⁴ To those who knew the French leader such a judgment was absurd.⁸⁵ In the opinion of the Governor's biographer, Baldwin was a far abler and more energetic man. He was an enthusiast, a fanatic, thoroughly in earnest, thoroughly conscientious, but "to the last degree uncompromising and intolerant." "He seemed to delight in strife. The might of mildness he laughed to scorn. . . . He was not satisfied with a victory unless it was gained by violence. . . . He made no allowances for others and sought none for himself."⁸⁶

As a final judgment on the character of LaFontaine and Baldwin, Kaye's opinion seems like a caricature. As expressing the attitude of the two men towards the Governor and the particular question in dispute, there is more truth in it. Baldwin took the lead, although Kaye is mistaken if he thought LaFontaine was not whole-hearted for the cause.⁸⁷

If the Governor-General had any hope that the ex-councillors would fail to command the support of the Assembly, he was soon disillusioned. Mr. Price moved an address expressing regret at the retirement of the ministry and assuring the Governor that they were entitled to the confidence of the House. Amendments by Wakefield and Viger were defeated, and the

⁸⁴ Kaye, *Life of Lord Metcalfe*, Vol. II, p. 490.

⁸⁵ Hincks, *Political History of Canada*, p. 16.

⁸⁶ Kaye, *Life of Lord Metcalfe*, Vol. II, p. 491.

⁸⁷ Canadian Archives, G 460, Metcalfe to Stanley, November 26, 1843.

original motion was carried by a vote of forty-six to twenty-three.⁸⁸ A second resolution which meant little, but was intended, as the Governor realized, to be a "soother," was seconded by LaFontaine and carried almost unanimously.⁸⁹ During the debate a "considerable degree of good feeling" was shown towards the Governor, and the outcome was more favourable than he had expected.⁹⁰ Several members of the House came to him seeking to bring about a reconciliation, but from the ex-councillors themselves he received no overtures.⁹¹

Metcalfé had no desire to end the session. There was nothing to be gained by dissolving Parliament. He saw no hope of obtaining a majority in Lower Canada, "although it was probable, if not certain, in Upper Canada." Prorogation would disturb the progress of public business and he had no wish to do so. He sent a message to both Houses expressing "his anxious desire" on the subject, but it availed nothing.⁹² The country could not be governed without a ministry and on the ninth of December Parliament was prorogued.

Although no business could be done, the Governor was not without his supporters in the House of Assembly. The Tories rallied to his aid and won his deepest gratitude.⁹³ He had one minister left, Mr. Daly. The Provincial Secretary for Lower Canada really belonged to the old régime. He had held a

⁸⁸ *Kingston Chronicle*, December 6, 1843.

⁸⁹ Canadian Archives, G 460, Metcalfe to Stanley, December 11, 1843.

⁹⁰ *Ibid.*

⁹¹ Kaye, *Papers and Correspondence of Lord Metcalfe*, p. 431, Metcalfe to Stanley, December 26, 1843.

⁹² Canadian Archives, G 460, Metcalfe to Stanley, December 11, 1843.

⁹³ *Ibid.*

permanent appointment before the union and still looked on his office in the old light.⁹⁴ He had had, moreover, differences with his colleagues in regard to the revenue attached to his office.⁹⁵

A much more striking defection was that of Denis Benjamin Viger. He had long been one of the leaders of the French-Canadians and had suffered imprisonment during the rebellion. Only the opposition of Metcalfe had prevented the late ministry from tendering to him the office of Speaker of the Legislative Council.⁹⁶ While professing his firm belief in responsible government he took the position that the facts did not justify the resignation of the Council.⁹⁷ The Governor-General might well "see great reason to admire his (Viger's) disinterestedness and generous conduct, for he was deserted by his own relatives."⁹⁸

Whether Edward Gibbon Wakefield was as disinterested may well be questioned. He had been one of Durham's helpers, and in 1843 sat for Beauharnois as a supporter of the LaFontaine-Baldwin government, but in their quarrel with the Governor he supported Metcalfe. He was both theoretically and practically interested in land settlement and there is reason to believe that he had been already alienated by the refusal of the Council to adopt his plans.⁹⁹ He had taken an active part in bringing about the formation of the ministry under Sir Charles Bagot and was suspected of being dissatisfied with his failure to exercise the power of "the cabinet maker."¹⁰⁰ Bagot

⁹⁴ Hincks, *Reminiscences*, p. 123.

⁹⁵ *Ibid.*, p. 115.

⁹⁶ *Ibid.*, p. 123.

⁹⁷ *Kingston Chronicle*, December 6, 1843.

⁹⁸ Canadian Archives, Metcalfe to Stanley, December 11, 1843.

⁹⁹ Hincks, *Reminiscences*, p. 109.

¹⁰⁰ *Baldwin Correspondence*, R. B. Sullivan to Henry Sullivan, December 20, 1843.

had not wished him to get credit for the negotiations¹⁰¹ and had no desire to see him remain in Canada. "I wish you could continue to keep him at home, or tell him that he is sadly wanted in Australia,"¹⁰² he wrote to the Colonial Secretary. Metcalfe now found him most useful not only in Canada, but in influencing public opinion in England.

Robert Baldwin had one enthusiastic follower in 1843 who had failed him in 1836 and in 1841, his cousin, Robert Baldwin Sullivan. Sullivan was determined that they should not be parted again.¹⁰³ The ex-President of the Council had no illusions about the future. He expected that there would be no dissolution of Parliament until the public was wearied with the contention, "no formation of a new ministry until corrupt men are wearied with a forced show of patriotism, or until weak men are frightened." As for the final outcome he would not be surprised if it "should turn out very doubtful."¹⁰⁴

¹⁰¹ *Bagot Correspondence*, Bagot to Stanley, October 12, 1842.

¹⁰² *Ibid.*, November 11, 1842.

¹⁰³ *Baldwin Correspondence*, R. B. Sullivan to Henry Sullivan, December 20, 1843.

¹⁰⁴ *Ibid.*

CHAPTER IX

THE FINAL APPEAL

SIR CHARLES METCALFE had appealed from the judgment of his Council to the Assembly, but the Assembly had failed to support him. They agreed with the Council that responsible government was the question at issue. Could the Governor appeal to the electorate with any prospect that it would reverse this decision? Could he repeat the success of Sir Francis Bond Head in 1836? More and more clearly this became the question during the early months of 1844.

The whole country was divided into two opposing camps. The campaign became more and more bitter. Moderation went by the board. There was no limit to the accusations made, or to the language used. Feelings had not been so stirred since 1837, and there were those who feared that the present turmoil might end in a second armed conflict.¹

The Governor saw no present advantage in a dissolution.² He hoped to get together a new Council, meet the present Parliament, and only appeal to the country if the members failed to support the ministers. If, in the election, he failed to secure a majority, "either I must be recalled for the sake of peace in the colony, or responsible government will be practically exploded,"³ he wrote to the Colonial Secretary.

¹ Egerton Ryerson, *Sir Charles Metcalfe defended against the attacks of his late councillors*. Canadian Archives, pamphlet 1515.

² Canadian Archives, G 460, Metcalfe to Stanley, December 11, 1843.

³ Kaye, *Papers and Correspondence of Lord Metcalfe*, p. 427, Metcalfe to Stanley, December 26, 1843.

Metcalf might have thrown himself into the arms of the Conservative party which was prepared to support him most enthusiastically.⁴ He, however, had no desire to be dependent on a single party, and there was the excellent additional reason that Tory enthusiasm would not make up for the lack of Tory numbers. His hope was to get support from the French and Reform parties, as well as from what he called the "British" party.⁵ It was necessary, therefore, to detach supporters from Robert Baldwin in Upper Canada and from LaFontaine in Lower Canada. The latter undertaking was not only the more difficult, but the more necessary, yet the Governor and his supporters were not without hope.

When Parliament was prorogued the Ministry consisted of a single officer, the Provincial Secretary for Lower Canada, but it was not long before Daly was joined by Viger and Draper. The latter were not given offices but were sworn in as members of the Executive Council and, as their new position paid no salary, they had not thereby vacated their seats in Parliament.⁶ At the same time Baldwin was directed to hand over all papers and documents to Draper, who would take charge of them "in the meantime."⁷ The Governor, however, found it very difficult to add to "the triumvirate," as the Reformers in derision referred to the three councillors,⁸ and months passed without any additions being made to the ministry.

The Governor might have added certain Upper

⁴ Kaye, *Life of Lord Metcalfe*, Vol. II, p. 547.

⁵ Kaye, *Papers and Correspondence of Lord Metcalfe*, p. 426, Metcalfe to Stanley, December 26, 1843.

⁶ *Baldwin Correspondence*, LaFontaine to Baldwin, December 23, 1843.

⁷ *Ibid.*, Daly to Baldwin, December 12, 1843.

⁸ *Ibid.*, Dunn to Baldwin, December 26, 1843.

Canadian Reformers to his Council. Harrison and Merritt were not averse to such a scheme.⁹ The chief difficulty was the unwillingness of Reformers to enter a Council with Tories.¹⁰ A plan much discussed was the possibility of Bidwell and Papineau returning to Canada and entering the Council, and it was even reported that Wakefield had gone to New York to invite the former. Sullivan had no doubts as to the results. He might "as well go to perdition and invite the Devil, and with better hope of success on the ground of old friendship and long acquaintance."¹¹

What the Governor most desired was to secure influential French members for the Council. Of the old Council he would have been perfectly willing to receive Morin back.¹² His whole reliance was in Viger, who had published a pamphlet¹³ defending the Governor, and who had great hopes that his countrymen "would come round to reason and justice."¹⁴ He proceeded to Montreal, "but it soon became evident that his presence had not produced any decisive event."¹⁵ He found that LaFontaine was right in telling Baldwin that all their friends in Montreal approved of their action.¹⁶ The Attorney-Generalship of Lower Canada was offered to four leading French-Canadians but was refused by all.¹⁷ Appar-

⁹ *Baldwin Correspondence*, R. B. Sullivan to R. Baldwin, December 21, 1843.

¹⁰ Kaye, *Papers and Correspondence of Lord Metcalfe*, p. 428.

¹¹ *Baldwin Correspondence*, R. B. Sullivan to Henry Sullivan, December 20, 1843.

¹² *Ibid.*, LaFontaine to Baldwin, January 28, 1844.

¹³ *La Crise Ministérielle*.

¹⁴ Kaye, *Life of Lord Metcalfe*, Vol. II, p. 551.

¹⁵ *Ibid.*

¹⁶ *Baldwin Correspondence*, LaFontaine to Baldwin, December 23, 1843.

¹⁷ Kaye, *Life of Lord Metcalfe*, Vol. II, p. 556.

ently the party could not be split and that conclusion was confirmed by Draper who had spent three weeks in Montreal.¹⁸ The support of the French-Canadians could only be gained by the recall of LaFontaine and Baldwin.

In Upper Canada, on the contrary, there was more hope for the Governor. In the first place he was not confronted by any such racial unity as faced him in the lower province. The English in Upper Canada were sharply divided before Metcalfe ever came to the colony. Moreover, so far as race could be made an issue, it was an asset for the Governor. The greater the French unity against Metcalfe, the greater the appeal he made to anti-French feeling. Nor was religion to be left out of the controversy. The cry that Protestantism was in danger was always a means of gaining votes. The Orange Order was violently and unanimously opposed to the ministers who had sponsored the Secret Societies Bill, and the story circulated that Baldwin himself was a member of the Catholic Church.¹⁹ Interprovincial jealousy added fuel to racial and religious hate. The fact that the ex-councillors had moved the capital from Kingston to Montreal made excellent campaign material. If it had not been for that "most unfortunate movement" all would have been well, as one leading Reformer wrote to Baldwin.²⁰ It seemed to prove the charge of French ascendancy, and the way in which Upper Canada was sacrificed to Lower Canada. Lastly and always, there was the cry of loyalty; the plea that the cause of the Governor was the cause of the old flag and the British connection. It had proved the salva-

¹⁸ Ibid, page 552.

¹⁹ *Baldwin Correspondence*, Empey to Baldwin, October 7, 1843.

²⁰ Ibid., Cameron to R. Baldwin, December 22, 1843.

tion of Sir Francis Bond Head in 1836, it had not lost its appeal in 1844.

After Parliament was prorogued Baldwin returned to Toronto and took the leading part in bringing the Reform cause before the electorate. At a public dinner given in honour of the ex-ministers, he was cheered so heartily that Hincks thought he would never be permitted to begin his address.²¹ He was, however, about to face a great personal loss which, for a time, removed him from politics. On the eighth of January, 1844, his father died.²² The son had been constant in his attendance and would not take time to write even to LaFontaine.²³ When at last he was free, he wrote that when he thought of the past which brought his father back to him "as one of the kindest of parents and best of men," he could scarcely realize "that all was indeed past."²⁴ LaFontaine was all sympathy and wrote that he felt Baldwin's loss as if it had been one of his own parents.²⁵

Shortly before his death, Dr. Baldwin had been appointed a member of the Legislative Council,²⁶ but his fears that he should never be able to attend²⁷ proved only too true. What interested him much at the time was Wakefield's and Buller's colonization schemes. He thought that Buller must be out of his mind to propose such a diabolical plan. "Will the government and Parliament of England," he wrote to his son, "never let us alone and permit us to manage

²¹ *LaFontaine Correspondence*, Hincks to LaFontaine, December 29, 1843.

²² *British Colonist*, January 12, 1844.

²³ *LaFontaine Correspondence*, Heyden to LaFontaine, January 2, 1844.

²⁴ *Ibid.*, Baldwin to LaFontaine, January 20, 1844.

²⁵ *Baldwin Correspondence*, LaFontaine to Baldwin, January 28, 1844.

²⁶ *Ibid.*, Higginson to W. W. Baldwin, August 5, 1843.

²⁷ *Ibid.*, W. W. Baldwin to R. Baldwin, September 16, 1843.

our local affairs?"²⁸ It was a sentiment that suited both the speaker and the time.

Baldwin's friends were anxious that he should return to the political fight,²⁹ which every day became more bitter. A Reform Association was founded in Toronto and soon had branches throughout the province. The new society launched its campaign with a huge meeting at which Baldwin was chairman and chief speaker. He opened his address by commending the aims of the association, "for depend upon it," said he, "the day will come when one of the proudest boasts of our posterity will be that they can trace their descent from one who had his name inscribed on this great roll of the contenders for colonial rights." Their objects, he continued, were open and avowed. "We demand the practical application of the principles of the constitution of our beloved mother country to the administration of our local affairs. Not by one hair's breadth short of that will we be ever satisfied." They wanted the British constitution. "By that constitution the ministers of the Crown are responsible to Parliament for appointments to office as well as for every other act of the government."

The Governor-General had said that he believed in responsible government, but that it was a "yet undefined question." "The question before the country was whether they would go back to the old system under the new name, or whether they were to have responsible government in reality as practically acted upon in the mother country." A rose, it was said, by any other name, would smell as sweet, and he would venture to say that the poppy would be

²⁸ Ibid., W. W. Baldwin to R. Baldwin, September 16, 1843.

²⁹ *La Fontaine Correspondence*, Hincks to LaFontaine, January 25, 1844.

equally disagreeable to the sense, though dignified by the name of the queen of flowers. Baldwin went on to warn those who believed in the Governor's protestations that they might some day find themselves in the same position as little Red Riding Hood with the wolf.³⁰

The resolutions passed at the meeting were duly forwarded by the Governor-General to the Colonial Office. To Lord Metcalfe they seemed to demonstrate beyond a doubt the design of reducing "the authority of Her Majesty's government to a nullity."³¹ "Speaking as an Englishman," he declared, "I should have no hesitation in saying that I would rather offer independence and separation to a colony than continue to hold it on terms so preposterous and so degrading to my country."³²

The Reform Association later issued an address to the people of Canada. Its contents only confirmed the Governor's opinions. Responsible government was possible with moderate men, "but with such as Messrs. Baldwin and LaFontaine, or any others who like them will not be satisfied without trampling on the Crown and reducing the Governor to the condition of a mere tool in their hands, and are regardless of any consideration but the assertion of their own exclusive power, the undertaking is perfectly hopeless."³³

While Baldwin and the Reform Association were rousing the Governor's ire in Upper Canada, Francis Hincks had not been idle. He had gone to Montreal and become editor of the *Times*, which paper he hoped to be able to purchase.³⁴ Finding that scheme impracticable he proceeded to found a paper of his own.

³⁰ *The Pilot*, April 5, 1844. Meeting was March 25.

³¹ Canadian Archives, G 460, Metcalfe to Stanley, March 30, 1844.

³² *Ibid.*, April 15, 1844.

³³ *Ibid.*, May 31, 1844.

³⁴ Hincks, *Reminiscences*, p. 124.

That such a paper was needed was commonly agreed, and that Hincks had the necessary ability was also beyond dispute. Baldwin, however, had his doubts. He remembered the policy of the *Examiner* in 1841 and 1842 and thought it might be well if Hincks had a reliable Lower Canadian as a partner.³⁵

Baldwin had a policy for the new paper which sums up his political creed. He wrote to LaFontaine, "I would make the thorough establishment of the principle of responsibility to the representatives of the Canadian people in provincial Parliament in the administration of all local affairs, and the preservation of British connection, the two prominent objects of the paper. They are, depend upon it, the two great objects of Canadian policy which, if attained (and I look upon them as dependent one upon the other), are the only means of keeping Canada from a political connection certainly uncongenial to your tastes and feelings and to mine, and I believe inconsistent with the best interest of our native country."³⁶

On the fifth of March the first issue of the *Pilot* appeared. At the head of the first editorial appeared a quotation from Lord Durham's report. "It is difficult to conceive what could have been their theory of government, who imagined that in any colony of England a body invested with the name and character of a representative Assembly could be deprived of any of those powers which, in the opinion of Englishmen, are inherent in a popular legislature. . . . Since the Revolution of 1688, the stability of the English constitution has been secured by that wise principle of our Government which has vested the direction of

³⁵ *LaFontaine Correspondence*, Baldwin to LaFontaine, January 20, 1844.

³⁶ *Ibid.*

the national policy, and the distribution of patronage, in the leaders of the Parliamentary majority."³⁷ Hincks was not slow in making himself felt, or in justifying his reputation of having a tongue that "cut like a sword."³⁸ He repaid abuse with abuse.³⁹ LaFontaine counselled moderation,⁴⁰ although that was a word completely unknown to Hincks when in the midst of a controversy.

In the spring of 1844 there was a by-election in Montreal which was of more than usual interest. All parties saw in it a test of public opinion. There was some dispute in the Reform ranks as to who should represent the party, but finally Drummond, an Irish Roman Catholic, was chosen.⁴¹ Molson represented the Conservatives. As if there were not enough disputes in Canada already, the question of Irish repeal was injected into the election. Although Hincks did not believe in Canadians interfering in "political controversies in the United Kingdom,"⁴² he attended a repeal meeting "to show his sympathy for Mr. O'Connell and the other victims of Tory oppression and misgovernment."⁴³ Metcalfe reported his conduct to Stanley "to show his character and the character of the opposition."⁴⁴ LaFontaine took almost no part in the election⁴⁵ although he had little doubts as to the outcome "if no tricks nor violence take place."⁴⁶

³⁷ *Report*, Lucas Edition, Vol. II, p. 76 and 79.

³⁸ Kaye, *Life of Lord Metcalfe*, Vol. II, p. 489.

³⁹ *Baldwin Correspondence*, Derbyshire to Baldwin, April 18, 1844.

⁴⁰ *Ibid.*, LaFontaine to Baldwin, March 29, 1844.

⁴¹ Hincks, *Reminiscences*, p. 124.

⁴² *Ibid.*, p. 127.

⁴³ *Pilot*, April 12, 1844.

⁴⁴ Canadian Archives, G 460, Metcalfe to Stanley, April 13, 1844.

⁴⁵ *Baldwin Correspondence*, LaFontaine to Baldwin, March 29, 1844.

⁴⁶ *Ibid.*

There was violence enough, although there was no doubt as to the issue. Drummond was elected by a substantial majority.⁴⁷ Metcalfe believed that the violence was caused by the Reformers, although he admitted that there might be some justification, considering "former elections during Lord Sydenham's administration."⁴⁸ Still he affirmed that "the consequences of the Montreal outrage may increase my difficulties, but cannot shake my determination or alter my conduct."⁴⁹

During the election the Riot Act had to be read and one French-Canadian was killed by the military.⁵⁰ As a result of the "murder" the *Pilot* went into mourning.⁵¹ It was reported that Molson and his friends were dismissing their Irish servants who had not supported him. Retaliation was easy. Molson was a brewer. "The people must resolve never to enter the house of a man who sells Molson's beer. They must avoid such a person as they would one affected with leprosy."⁵²

The Governor-General laid his case before the public chiefly by answers to the addresses that came to him from all parts of the province.⁵³ Two points were always emphasized. Far from the Governor being opposed to responsible government he asserted that he was a more faithful upholder of that principle than his ex-councillors, because (and this was the second point) he understood it in a way that was not fatal to the British connection. Both these assertions

⁴⁷ Hincks, *Reminiscences*, p. 130.

⁴⁸ Canadian Archives, G 460, Metcalfe to Stanley, April 22, 1844.

⁴⁹ Ibid.

⁵⁰ Hincks, *Reminiscences*, p. 130.

⁵¹ *Pilot*, April 23, 1844.

⁵² Ibid.

⁵³ Kaye, *Life of Lord Metcalfe*, Vol. II, p. 531.

stand out clearly in the most famous of these gubernatorial pronouncements, Metcalfe's answer to the councillors of Gore,⁵⁴ in which he exhorted them to "cherish responsible government and the British connection." From the Assembly of New Brunswick came an address expressing satisfaction with the reply.⁵⁵

As time passed the Governor tended more and more to make loyalty the issue. LaFontaine resented this attitude quite as much as Baldwin. "What reason," he wrote, "has he to charge us, and the majority of the people of Canada with disaffection and aiming at separation? Far from thinking of separation, I quite agree with you; and I do not hesitate in stating that I sincerely believe it to be the mutual interest of both England and Canada that the connection should subsist as long as possible, and a good government based upon our managing our local affairs will secure the connection."⁵⁶

LaFontaine finally came to the conclusion that he could not submit to the imputation of disloyalty without taking some action. An address from the county of Drummond had thanked the Governor for resisting the attempt of his late Executive Council "to degrade the representative of Her Majesty into a mere tool, a mere official stamp, to authorize and authenticate measures, and proceedings of a party, tending directly, in our opinion, to the result of separation from British connection and rule."⁵⁷ In his reply, the Governor admitted that he had "abundant reasons" to know that they had

⁵⁴ Kaye, *Life of Lord Metcalfe*, Vol. II, p. 533.

⁵⁵ *Journal, Assembly of N.B.*, 1844, p. 83.

⁵⁶ *Baldwin Correspondence*, LaFontaine to Baldwin, February 15, 1844.

⁵⁷ Hincks, *Reminiscences*, p. 103.

"accurately described the designs of the late Executive Council."⁵⁸

As a protest LaFontaine and Morin resigned their commissions as Queen's Counsel.⁵⁹ Baldwin and Small followed their example,⁶⁰ although the former thought their action a mistake as it made their quarrel with the Governor a personal one. If being a Queen's Counsel was an office, they should have resigned before. If, however, it was only a rank in their profession, why resign? Moreover, the rank was not conferred by Sir Charles Metcalfe, but by his predecessor "for whose memory we, in common with the whole country, entertain so sincere a respect." Baldwin followed LaFontaine's example partly out of deference, as he said, "to your opinions and those of our other friends," and partly "from what in things of this kind I hold to be due to you individually as head of the late administration and the acknowledged leader of the party to which I belong."⁶¹ Baldwin later acquiesced in the expediency of their action because "the un-English course adopted by the head of the government in making himself a party in the controversy" justified it.⁶²

One circumstance that gave the Governor-General much satisfaction and greatly strengthened his position in the colony, was that he had the full support of the home government. The crisis in Canada had been the subject of debate in the English Parliament, where Lord John Russell and Charles Buller had joined with Peel and Stanley in upholding the actions of the

⁵⁸ Ibid.

⁵⁹ Ibid., p. 104, LaFontaine and Morin to Daly, September 2, 1844.

⁶⁰ *LaFontaine Correspondence*, Baldwin and Small to Daly, September 10, 1844.

⁶¹ Ibid., Baldwin to LaFontaine, September 10, 1844.

⁶² Ibid., September 18, 1844.

Governor-General.⁶³ LaFontaine and Baldwin were not surprised as they had expected that the English Government would support Metcalfe as "a matter of course."⁶⁴ LaFontaine had never had much faith in the Whigs.⁶⁵ Baldwin, too, had no illusions. "If the people look to any quarter but themselves for ultimate triumph they will be disappointed."⁶⁶

Amongst his defenders in Canada the Governor found none more powerful than the redoubtable head of Victoria College, Egerton Ryerson. Ryerson had at first been inclined to take the side of the Council,⁶⁷ but was later convinced of the justice of the Governor's cause. That this change of opinion was not entirely disinterested need not be considered, but what added venom to the attacks of the Reformers was that Ryerson was repeating his tactics of 1836. It confirmed many in their belief that, politically speaking, the Methodists were "a corrupt set,"⁶⁸ or to use the familiar expression of the time, "loose fish." Nevertheless, the support of "Leonidas Ryerson"⁶⁹ was a powerful factor in the political strife of 1844.

The Methodist divine found a worthy foeman in the ex-president of the Council, Robert Baldwin Sullivan; and the ability shown in their literary duel clearly distinguishes their writings amid a flood of pamphlet literature. To Ryerson's defence of Metcalfe⁷⁰ Sullivan

⁶³ *Imperial Hansard, Third Series*, Vol. LXXV, p. 38, Stanley; p. 53, Buller; p. 70, Lord J. Russell; p. 74, Peel.

⁶⁴ *Baldwin Correspondence*, LaFontaine to Baldwin, January 28, 1844.

⁶⁵ *Bagot Correspondence*, LaFontaine to Baldwin, January 28, 1843.

⁶⁶ *LaFontaine Correspondence*, Baldwin to LaFontaine, February 24, 1844.

⁶⁷ Ryerson, *Story of My Life*, p. 314.

⁶⁸ *Baldwin Correspondence*, John Ross to R. Baldwin, August 31, 1844.

⁶⁹ *Ibid.*, Derbyshire to Baldwin, June 1, 1844.

⁷⁰ "Sir Charles Metcalfe defended against the attacks of his late Councillors," by Egerton Ryerson, Canadian Archives, pamphlet 1515.

replied under the name of "Legion," adding spice to his argument by the pungency of his wit.⁷¹ That his gibes did not fail to reach their mark is shown by the fierceness of Ryerson's retort to the "unscrupulous calumniator of Sir Charles Metcalfe," "the truthless vituperator of my motives and character." "It will be my business in this and the following pages to expose and hold up to just reprobation the most dishonest piece of political writing that was ever laid before the Canadian public."⁷² Such were the amenities of the time.

No matter what the consequences, Metcalfe was determined to "hold out." "Whether my contest be with the malignant minority, or with the majority of the House of Assembly, or with the whole colony run mad, my duty must be the same. I cannot surrender Her Majesty's authority or the supremacy of the mother country."⁷³ Unless, however, the Governor intended to suspend the Act of Union he had to get together a Council and summon Parliament. Months had passed and still the Council consisted of three members. During 1844 no less than seven proclamations postponed the meeting of the Assembly.⁷⁴ Finally on September 24th Parliament was dissolved.⁷⁵ The Governor had at last got together a partial ministry.

On September 3rd the long-expected announcement was made⁷⁶ of the names of the newly-appointed

⁷¹ *Letters on Responsible Government* by "Legion," Canadian Archives, pamphlet 1512.

⁷² "The Hon. R. B. Sullivan's attacks upon Sir Charles Metcalfe, refuted by E. Ryerson, being a Reply to the Letters of 'Legion,'" Canadian Archives, pamphlet 1514.

⁷³ Canadian Archives, G 460, Metcalfe to Stanley, March 30, 1844.

⁷⁴ *Journals of the Legislative Assembly*, 1844-45.

⁷⁵ Ibid.

⁷⁶ *Pilot*, September 7, 1844.

ministers. After having been refused by six others⁷⁷ the Attorney-Generalship for Lower Canada was accepted by Mr. Smith, a Montreal lawyer, who had never before been a member of Parliament. William Morris became Receiver-General, while D. B. Papineau became Commissioner of Crown Lands. Papineau was a brother of the rebel leader of 1837 and was the most striking addition to the Governor's Council. Daly remained Provincial Secretary, Viger was made President of the Council, while Draper became in name, as he had long been in fact, Attorney-General for Upper Canada. It was decided best to leave other vacancies in the Council unfilled until after the election.⁷⁸ Reformers were not a little pleased that after "a most diligent search" only one member of the party, Papineau, and he a relative of Viger's, could be induced to enter the Council.⁷⁹ They expected that the Governor's child would prove "sickly and short-lived." "There is scarcely a probability that the country will come to its aid."⁸⁰

All parties had been preparing for the inevitable election. Baldwin might have been re-elected for Rimouski if he had so desired. His French-Canadian constituents entirely approved of his conduct⁸¹ and when he visited them in the summer of 1844 his journey was a "triumphant procession."⁸² LaFontaine believed that no one could defeat him in the constituency, not "even Papineau himself."⁸³ This

⁷⁷ Kaye, *Life of Lord Metcalfe*, Vol. II, p. 559.

⁷⁸ Ibid., p. 562.

⁷⁹ *Baldwin Correspondence*, A. N. Buell to R. Baldwin, September 6, 1844.

⁸⁰ Ibid.

⁸¹ Ibid., J. Garon to Baldwin, January 2, 1844.

⁸² *Pilot*, August 10, 1844.

⁸³ *Baldwin Correspondence*, LaFontaine to Baldwin, November 12, 1844.

loyalty, too, was shown to a man, not only differing in race and religion, but unable to speak the language of his supporters.

On his return from Lower Canada Baldwin found that he had been nominated for Middlesex. This tribute gratified him much although he felt that he must refuse the nomination. LaFontaine was planning to return to his old constituency of Terrebonne, and in that case Baldwin felt in duty bound to the North Riding of York which had elected him in 1841. In this letter to the Middlesex electors he urged them to remember that the aim of the party was the welfare of their native land. "I would show to the world that as Canadians we have a country and are a people."⁸⁴ To do so responsible government was necessary. Baldwin was not uncertain as to the outcome. "Of our ultimate success no one can doubt, and for myself I entertain not the slightest misgiving as to our triumph in the immediate struggle. Our cause is not that merely of a party. It is the cause of our country."⁸⁵

LaFontaine decided to seek election in Terrebonne and with regret Baldwin bade farewell to the electors of Rimouski.⁸⁶ The election was most bitterly fought. According to Metcalfe's view the result was to decide "whether the majority of Her Majesty's Canadian subjects are disposed to have responsible government in union with British connection and supremacy, or will struggle for a sort of government that is impracticable consistently with either."⁸⁷ The loyalty cry was effective in Upper Canada and in

⁸⁴ *Pilot*, September 7, 1844. Letter was dated August 10.

⁸⁵ *Ibid.*

⁸⁶ *Ibid.*, October 12, 1844. Baldwin's address.

⁸⁷ Kaye, *Life of Lord Metcalfe*, Vol. II, p. 562.

the Eastern Townships, and the Governor found himself supported by a majority of the members.⁸⁸ But the majority was not large, and one unfortunate result of the election was that the French-Canadians as a party were in the opposition. The old division of 1841 seemed to be revived. It was the irony of fate that the Governor who had so deprecated party feeling when he came to the country, had done so much to revive it, not only politically but racially.

Baldwin won his own election in the North Riding, but recognized very clearly the completeness of the defeat the party had suffered in Upper Canada. The Reformers numbered only thirteen to their opponents' twenty-nine, and of those thirteen not all were to be trusted.⁸⁹ Hincks and Dunn had been defeated and it would be impossible to secure seats for them in Upper Canada.⁹⁰

LaFontaine could scarcely believe the news that came from the western part of the province. He was quite discouraged and wished that he were not a member of the House. What he felt most keenly was the cry of the government newspapers that the opposition had been reduced to the French-Canadian constituencies. They thus hoped "to excite feelings of hostility against us in England."⁹¹ LaFontaine felt his responsibility keenly and hoped to see Baldwin as soon as possible. Political worries were an added burden to his domestic afflictions, the sickness of his wife and the death of their adopted niece.⁹²

⁸⁸ Kaye, *Papers and Correspondence of Lord Metcalfe*, p. 437. Metcalfe to Stanley, November 23, 1844.

⁸⁹ *LaFontaine Correspondence*, Baldwin to LaFontaine, November 7, 1844.

⁹⁰ *Ibid.*

⁹¹ *Baldwin Correspondence*, LaFontaine to Baldwin, November 12, 1844.

⁹² *Ibid.*

CHAPTER X

THE SECOND PARLIAMENT OF UNITED CANADA

THE second Parliament of United Canada was the first to meet in Montreal. It lasted for three sessions, from November 28, 1844, to March 29, 1845, from March 20 to June 9, 1846, and from June 2 to July 28, 1847. On the 8th of December, 1847, it was dissolved, and in the ensuing election LaFontaine and Baldwin won an overwhelming victory.

The history of the second Parliament is not a distinguished one. Metcalfe had secured a majority in his appeal to the people, but from the very beginning the new government was weak. Its majority was always of the most slender kind. On the first division after the election it commanded a majority of three. It was weak not only numerically, but in leadership as well. Daly was not the man to cope with LaFontaine, Baldwin, Aylwin, and Morin. To prevent disaster Draper was compelled to resign his seat in the Upper House and seek election in the Lower. Moreover the government was weak because the party was divided. Draper was unpopular and was continually in danger of being deserted by his Tory supporters. They endured his leadership, but only because there was no other way of keeping the opposition out of office. The government was particularly weak because it was without French-Canadian support. It might obtain individuals, but in spite of the most persistent attempts the French remained opposed to it.

No government could be strong which depended on a single race.

It is no small tribute to Draper's dexterity that under these difficulties he was able to keep the government together. This adroitness, however, sums up his achievement. No great measures were carried by his government. The attempt to settle the university question was a miserable failure. It might be said of Draper's government as Campbell-Bannerman said of a modern English government, that it lived by tactics and it died of tactics. Tactics are indeed the chief interest in Canadian politics from 1845 to 1848.

Metcalfé had won the election but lost his cause. He had broken with his ministry in 1843 because he was determined not to be ruled by them. The Governor-General was above parties, concerned only with the welfare of the colony entrusted to his care. After the election of 1844, the Governor, instead of asserting his independence of parties, had only betrayed his dependence upon one of them. He had no longer any choice. He was more dependent on Draper than he had ever been on LaFontaine and Baldwin. He was a partisan whether he would or no. "He was compelled to sanction a departure from that open, straightforward course of political conduct, which he had all his life been steadfastly pursuing. He fell very slowly and reluctantly into the manœuvring ways common to party-leaders."¹

The British government, however, were well pleased with Metcalfé's success. To show their appreciation and to impress public opinion in Canada² the Governor-General was created a peer, "Baron Metcalfé of Fern Hill, in the County of Berks."

¹ Kaye, *Life of Lord Metcalfé*, Vol. II, p. 566.

² Ibid., p. 583, Sir Robert Peel to the Queen.

When, after a most heroic struggle, disease forced Lord Metcalfe to return to England and Earl Cathcart took his place, the Colonial Secretary could give the new Governor-General no better advice than to follow the example of his predecessor. "Next to the advantage of your own experience and observation, I am disposed to place that which your Lordship will have derived from finding immediately before you, the example of Lord Metcalfe. The favour of his Sovereign and the acknowledgments of his country, have marked his administration as one which, under the peculiar circumstances of the task he had to perform, may justly be regarded as a model for his successor."³

The first session of the new Parliament revealed the weakness of the government. On the vote for the Speakership, MacNab had a majority of only three over Morin.⁴ In the debate on the answer to the Speech from the Throne, Baldwin moved amendments condemning the delay in summoning Parliament and the length of time that the government had been carried on with but one head of a department. It was "wholly inconsistent with the spirit of the constitution and at once injurious to the interests of the Crown, and dangerous to the liberties of the people."⁵ The government defeated the amendments by a vote of forty-two to thirty-five.⁶ As might have been expected, much time was taken up in beating over the straw that had been thoroughly threshed in the months before the election.

The government had in the meantime been strengthened by the addition of two Tory members.

³ Canadian Archives, G 123, Gladstone to Cathcart, February 3, 1846.

⁴ *Journals of the Legislative Assembly*, November 28, 1846.

⁵ *Pilot*, December 7, 1844.

⁶ *Ibid.*

Sherwood was appointed Solicitor-General for Upper Canada, and W. B. Robinson, Inspector-General. Only the latter had a seat in the Executive Council. Undoubtedly the government was further strengthened when Draper resigned his seat in the Legislative Council and was elected a member of the Assembly, for there was now a speaker able to debate with the leaders of the opposition.

The history of the two most important measures that came up before Parliament during the session reveals the fundamental weakness of the government. Baldwin had been unable to put through his University Bill of 1843. The question still demanded settlement, and Draper now brought in a bill for the erection of a University of Upper Canada which in many ways was modelled on that of his predecessor. To such an extent was this the case that many expected that Baldwin would vote for the measure;⁷ and when he failed to do so, he was cited as an example of a man who put party before principle.⁸ While Baldwin agreed with the general principles of Draper's bill, he disagreed with the specific applications.⁹ He might indeed have voted for the second reading, and then have sought to introduce amendments. The reason he failed to follow such a course was that while he had some Tory support in his vote against the bill, he would certainly not have had that support in making the amendments he desired.¹⁰ Baldwin thought that Draper's bill was not sufficiently liberal, that it left the university still in the hands of the Church of England, and he was opposed to the scheme of giving money out of the

⁷ *Montreal Gazette*, March 18, 1845.

⁸ *Ibid.*, March 20, 1845.

⁹ *Ibid.*, March 22, 1845.

¹⁰ *Pilot*, April 4, 1845.

university endowment to the sectarian colleges.¹¹ He therefore joined Boulton in voting against the bill.

The weakness of the government was not wholly caused by the strength of the Reform opposition; it was internal as well. Although the second reading of the bill passed by a vote of forty-five to thirty-four the government made no further effort to proceed with the measure. To do so would have been to invite defeat.¹² Too many members who had voted for the second reading of the bill in order to support the government had no intention of seeing the bill become law.

It was a humiliating position for the ministers. Draper had asserted that the government intended to stand or fall by the measure, and had warned professing friends that if they voted for a six months' hoist they must make up their minds to give their friends a hoist out of office at the same time.¹³ Even the ministers were not united. The new Inspector-General voted against the bill and tendered his resignation which was not accepted until some time later.¹⁴

The bill dealing with the French language was more successful in the Assembly, although it was equally an indication of the weakness of the government. By the Act of Union the official use of the French language had been proscribed. In 1845 the government learned that the opposition intended to introduce a resolution removing the ban. No matter what its fate, such a resolution would be an astute political move. The government decided to anticipate the opposition. In spite of the fact that Lord Metcalfe had instructions to the contrary, he consented to

¹¹ Ibid., March 28, 1845.

¹² Kaye, *Life of Lord Metcalfe*, Vol. II, p. 567.

¹³ *Pilot*, March 28, 1845.

¹⁴ *Montreal Gazette*, March 20, 1845.

Papineau introducing a bill to place the French language on an equality with English.¹⁵ The bill passed unanimously amidst the greatest enthusiasm.¹⁶

When the session came to a close on the twenty-ninth of March, 1845, the government could still boast that they were in office. They had little more to show, and if this fortunate state of affairs was to continue, it was clear to the Governor-General and to Draper that, if possible, the government must be strengthened. That strength must come from Lower Canada. Realizing this necessity Draper entered into a most interesting negotiation with the French party, using Caron, the Speaker of the Legislative Council, as his intermediary. The failure of the negotiation scarcely lessens its importance. It shows the state of party feeling in Lower Canada, the relations between the French and the Reformers of Upper Canada, and anticipates much that finally took place in the next decade. The theory of the double majority was worked out; its advantages and disadvantages canvassed.

Draper had made some advances to Caron earlier in the summer but the real negotiations took place during the closing months of the year. Throughout the whole correspondence there is a note of distrust, which all parties later considered justified. Draper's object was apparently to ascertain just how many appointments would be necessary to gain the support of the French-Canadian party. For that purpose he was perfectly willing to sacrifice Viger and Papineau who had proved quite unable to command it. Beyond this suggestion, the offers of the leader of the government were very vague. "He (Draper) spoke of the

¹⁵ Kaye, *Life of Lord Metcalfe*, Vol. II, p. 567, Note.

¹⁶ *Pilot*, February 8, 1845.

office of Solicitor-General, which he said ought to be filled by one of our origin. . . . He also spoke of the Assistant Secretaryship, the incumbent to which ought to receive handsome emoluments. . . ."¹⁷ Draper, at the same time, expressed his regret that owing to the hostility of the Governor-General, LaFontaine could not be invited to become a member of the administration.

Caron appealed to LaFontaine for his opinion, which the latter, after some hesitation, gave. While he doubted the wisdom of the negotiations, he wished to keep the French united, but he feared that Caron was too favourably disposed to Draper's offer.¹⁸ LaFontaine in his letters to Caron took his stand firmly on the principle of the double majority. He was quite opposed to the appointment of individual Frenchmen "by favour." They must enter the government "by right." "Lower Canada should have what is granted to Upper Canada—nothing more, but also nothing less." The formation of an administration for Lower Canada must be entrusted to a leader of the majority from that province.¹⁹ This demand meant the resignation of all the present ministers for Lower Canada.

Caron wrote to Draper elaborating LaFontaine's letter but making no essential change.²⁰ He received no answer for a month and then little more than an acknowledgment.²¹ Another month passed and Caron received a letter,²² which puzzled his friends not a

¹⁷ Caron to LaFontaine, September 7, 1845.

¹⁸ *Baldwin Correspondence*, LaFontaine to Baldwin, September 23, 1845.

¹⁹ *Ibid.*, LaFontaine to Caron, September 10, 1845.

²⁰ *Ibid.*, Caron to Draper, September 17, 1845.

²¹ *Ibid.*, Draper to Caron, October 16, 1845.

²² *Ibid.*, November 19, 1845.

little, and in no way lessened their suspicions of the writer.²³ Draper expressed his own willingness to resign, but inquired "what offices would require to be vacated or what changes made in the present administration, in order to satisfy the just expectations of the French-Canadians generally, and to secure their support?" That was a question LaFontaine and his friends considered already answered.

A week later Lord Metcalfe had left Canada and the whole situation was changed. Caron wrote to Draper that his services were no longer required. The Attorney-General for Upper Canada could now correspond directly with LaFontaine.²⁴

Baldwin was kept informed as to the progress of the negotiations by both Hincks and LaFontaine. Hincks did not believe that the scheme of the double majority would work, but he professed himself willing to see it tried.²⁵ He believed that it would lead to Draper's overthrow as his own allies would leave him. In Lower Canada it would accomplish wonders. "It would drive the Tories mad, effect a breach between them and their allies in Upper Canada, reunite the Liberal party and give a lesson to the Lower Canadian loose fish that would not be forgotten."²⁶ If the Upper Canadian Reformers did not like the scheme they had only themselves to blame, wrote Hincks, for they would not hold together as a party.²⁷

LaFontaine firmly believed in the principle of the two majorities,²⁸ but there were other forces driving

²³ *Baldwin Correspondence*, LaFontaine to Baldwin, December 2, 1845.

²⁴ *Ibid.*, Caron to Draper, November 26, 1845.

²⁵ *Baldwin Correspondence*, Hincks to Baldwin, September 23, 1845.

²⁶ *Ibid.*

²⁷ *Pilot*, October 3, 1845.

²⁸ *Baldwin Correspondence*, Hincks to Baldwin, September 23, 1845.

him in the same direction. The feeling in Lower Canada was "all but universal"²⁹ for the scheme. With the exception of a few individuals, Lower Canadians placed little reliance in the Reformers of Upper Canada.³⁰ They felt that there was little reason why they should sacrifice their interests for a cause the Upper Canadian Reformers had themselves abandoned. The feeling was particularly strong in the district of Quebec. At the same time LaFontaine doubted if the Governor would consent to a scheme which involved the sacrifice of Daly. The "lily of the valley" had proved too useful.³¹

Baldwin was absolutely opposed to the whole plan. He admitted that LaFontaine had "put the matter upon the only footing upon which the formation of such an, as I conceive it, anomalous political machine could be accomplished with any regard whatever even to the forms of responsible government. . . . But the principle itself is one that I conceive to be inadmissible and indeed wholly impracticable."³² He well understood that a certain deference ought to be shown to majorities from the respective sections of the province, but that was a very different principle from that of having a double cabinet. The weakness of the administration had caused the present offer. Otherwise they had no scruples "about governing by any majority however made up."

Baldwin was confident as to the future. "I have, as you know," he wrote to LaFontaine, "great faith in the ultimate triumph of sound principles. And

²⁹ *Pilot*, October 3, 1845.

³⁰ *Baldwin Correspondence*, LaFontaine to Baldwin, September 23, 1845.

³¹ *Ibid.*

³² *LaFontaine Correspondence*, Baldwin to LaFontaine, October 16, 1845.

however discouraging may have been the result of the last general election, I am always inclined to look further back and compare the present condition of our political principles with that which they occupied ten years ago. And when I do, I am more surprised at what has been accomplished than disappointed at more not having been done. And, come what will, we may justly console ourselves with the reflections that such a resignation as ours was a necessary step in the establishment of our principles, and has, with all its attendant circumstances, greatly advanced them.”³³

In a letter written some ten months later, when the question was again being agitated, Baldwin gave his objections to the double majority system in greater detail.³⁴ The question he considered of the greatest importance, because if the scheme were once adopted it would tend to become permanent. “The arrangement will be viewed as one based essentially on a natural origin distinction, wholly irrespective of political principle. And its ultimate, if not immediate, consequence, will be counter-arrangements of a similar character based upon a similar distinction, and equally uninfluenced by political principles. British and French will then become in reality what our opponents have so long wished to make them, the essential distinctions of party. And the final result will scarcely admit of doubt. The schemes of those who looked forward to the reunion as a means of crushing the French-Canadians, and who advocated it with no other views, will then be crowned with success, and the latter will themselves have become

³³ *LaFontaine Correspondence*, Baldwin to LaFontaine, October 16, 1845.

³⁴ *Baldwin Correspondence*, Baldwin to LaFontaine. The letter appears twice, once undated, the other copy bearing the date August 10, 1846. Internal evidence confirms the date.

the instruments to accomplish it. That this will be the final result of any successful attempt to reorganize the ministry upon such a foundation, I have no doubt whatever. It will not, however, be injurious to the French-Canadian portion of our population alone. It appears to me equally clear that it will be most calamitous to the country in general. It will perpetuate distinctions, initiate animosities, sever the bands of political sympathy, and sap the foundations of political morality."

As the conditions laid down by LaFontaine had not been accepted, Draper had to meet Parliament with a following so weak that many doubted his ability to last out the session. The Attorney-General did finally bring the ministerial bark through, but even supporters admitted it had all but foundered.³⁵ Time and again the government was defeated, although they avoided controversial matters as much as possible, and even repeated the old trick of advocating the policy of their opponents.³⁶

Nothing showed the ineptitude of the government more than their handling of the University Bill. It was once more introduced, but how fictitious had been the majority for the second reading the year before was now apparent. By a vote of forty to twenty it was decided that it was "inexpedient at this late period of the session to proceed any further with the bill."³⁷ Baldwin took the opportunity to rally Draper, "who was not such a bad fellow after all," on the result of the division, to pay his respects to the *Montreal Gazette*, and to answer its article on his vote on the same question the year previous."³⁸

³⁵ *Pilot*, June 5, 1846.

³⁶ Bill dealing with the Civil List.

³⁷ *Journals of the Legislative Assembly*, 1846, p. 287.

³⁸ *Mirror of Parliament*, 1846, p. 202.

The most sensational event of the session was the disclosure of the negotiations between Draper and Caron. The session had scarcely begun when the question was brought forward.³⁹ In spite of protests on the part of the Attorney-General, LaFontaine read the correspondence from his place in the Assembly. Many persons and sections might well feel themselves injured, but none more so than the Tories of Lower Canada. They had good reason to feel that Draper had betrayed them.⁴⁰

On June 9th Parliament was prorogued, and Draper immediately resumed his task "of remodelling the Executive Council." The removal of Viger as President of the Council, and of Sherwood, the Solicitor-General of Upper Canada, he felt most necessary.⁴¹ The Governor-General made no objection⁴² and soon the two offices were vacant, although a successor to Sherwood was the only one immediately appointed. Really to strengthen the government, however, Draper realized that it was absolutely necessary to obtain "a due infusion of gentlemen of the French-Canadian party."⁴³ Again as in previous years he had recourse to Caron.

In the succeeding negotiations certain facts are clear. LaFontaine refused to have anything whatsoever to do with them. He did not even wish to know what was taking place.⁴⁴ He quite distrusted Caron. Draper had been given his answer in Caron's letter of the 17th of September of the previous year. Why

³⁹ *Pilot*, April 3, 1846.

⁴⁰ *Mirror of Parliament*, 1846, p. 54, Speech of Mr. Watts.

⁴¹ Pope, *Sir John A. Macdonald*, p. 43, Draper to Earl Cathcart, June 10, 1846.

⁴² *Ibid.*, p. 43, Earl Cathcart to Draper, June 10, 1846.

⁴³ *Ibid.*

⁴⁴ *Baldwin Correspondence*, Hincks to Baldwin, August 16, 1846.

allow him to make new proposals?⁴⁵ Whatever happened, LaFontaine was determined that Caron should not throw the responsibility on him.⁴⁶

The second fact was the growing differences between the French of Montreal and the French of Quebec. There was a real danger that Draper would succeed in dividing them. Montreal influence was now against a coalition of any kind, the Quebec influence favoured it.⁴⁷ The difficulty, however, was avoided for the present. The specific offer made by Draper was finally refused, and, largely owing to Hincks' influence, no reason was given. He was most anxious that that should be the course followed because they were not agreed as to the reason and would, if any explanation had been attempted, have betrayed their differences to Draper.⁴⁸

Baldwin entered a more vigorous protest than he had made during the negotiations of the previous year. It was now that he wrote his detailed objections to the double majority system already cited. He explained to LaFontaine that he had previously refrained from dwelling on the dangers of the system, partly because LaFontaine had given it his sanction to a certain extent, and partly because "my opinion not being then asked, I thought perhaps it might be viewed as an obtrusion." Circumstances, however, had changed, and he knew that, by LaFontaine at least, his motives would not be misunderstood. Apart from his disapproval of the system, Baldwin considered it foolishness for any of his friends to consent to make shipwreck with Draper in his present trouble. The

⁴⁵ Ibid., LaFontaine to Baldwin, July 26, 1846.

⁴⁶ Ibid., Hincks to Baldwin, September 20, 1846.

⁴⁷ Ibid., August 16, 1846.

⁴⁸ Ibid.

ball was either at their feet or rapidly rolling to them. Draper might be a cunning man but with all his cunning, Baldwin thought he was making "some grand mistakes." He was not contemplating the future with an enlarged view, either to his own fame as a statesman, or to the permanent welfare of his country.⁴⁹ Besides writing to LaFontaine, Baldwin wrote a long letter to Hincks on the same subject, which the latter gave LaFontaine to read.⁵⁰

In the spring of 1847 a third strenuous attempt was made to gain French support for the government.⁵¹ LaFontaine's main fear was that the Quebec members would be willing to accept less than was involved by the double majority scheme.⁵² If they would not, there was little danger of a coalition with the government.⁵³ Conditions had changed in eighteen months. When first made, LaFontaine's double majority scheme seemed a serious danger to the continued union of the Upper Canadian Reform party and the French-Canadians. By the spring of 1847 it had become its chief defence.

There was danger that the defence would not hold. The French were "panting for office,"⁵⁴ and it was freely said that LaFontaine and Morin were sacrificing Lower Canada for Baldwin and his Upper Canadian friends.⁵⁵ Even Aylwin had gone over to the opposition.⁵⁶ Papineau and Cayley conducted the negotiations for the government. Their offer was, as

⁴⁹ *Baldwin Correspondence*, Baldwin to LaFontaine, August 10, 1846.

⁵⁰ *Ibid.*, LaFontaine to Baldwin, September 20, 1846.

⁵¹ *Journals of the Legislative Assembly*, 1847, Appendix I, Correspondence given.

⁵² *Baldwin Correspondence*, LaFontaine to Baldwin, April 11, 1847.

⁵³ *Ibid.*, Hincks to Baldwin, March 25, 1847.

⁵⁴ *Ibid.*

⁵⁵ *Ibid.*, March 29, 1847.

⁵⁶ *Ibid.*, March 25, 1847.

LaFontaine confessed, very clearly made to appear like the concession of the double majority. Caron was himself to take office with the right of appointing two of his friends. The three members so chosen would then decide with the three councillors from Upper Canada as to the filling up of the office of Provincial Secretary held by Daly.⁵⁷

LaFontaine discussed the offer with his friends but refused to give any advice. Caron was not to be allowed to throw the responsibility for the rejection of the offer on the Montreal members and so cause division.⁵⁸ Caron and his friends accordingly met at Quebec to consider the offer of the government, but finally decided to demand the full concession of the double majority principle. Daly must resign.⁵⁹

The negotiations had failed because the government had refused to grant the French all they demanded under the double majority plan. If it had been granted, at least when the negotiations began, the union of Upper Canadian Reformers and of the French-Canadian party would have ended. Baldwin saw the danger, but the only rôle he could have played would have been that of Cassandra. It is clear that both he and LaFontaine realized the possibility of a political separation from the very fact that they assured one another of their lasting friendship.⁶⁰ Draper had not only almost succeeded in splitting the French and English sections of the party; he had come very near to splitting the French party itself.

The government, without French help, prepared to meet Parliament for the third, and, as it proved, the

⁵⁷ Ibid., LaFontaine to Baldwin, April 11, 1847.

⁵⁸ Ibid.

⁵⁹ Ibid., Hincks to Baldwin, April 18, 1847.

⁶⁰ Ibid., LaFontaine to Baldwin, September, 20, 1846. *LaFontaine Correspondence*, Baldwin to LaFontaine, December 17, 1846.

last time. Certain important changes had taken place. Viger had given way to William Morris, Badgley had succeeded Smith as Attorney-General for Lower Canada, and J. A. Macdonald was now Receiver-General. But the greatest change of all was the succession of Draper by Sherwood as Attorney-General for Upper Canada. It was less than a year since the former had dismissed the latter from his position as Solicitor-General. The reorganized Sherwood-Daly ministry met Parliament on June 2nd, 1847. LaFontaine had once written to Baldwin that, no matter how the Tories hated Draper, still without his talents their party during the past two sessions would have been no party at all.⁶¹ Baldwin in return said that Sherwood considered himself quite capable of conducting the affairs of France or England or even both.⁶² However that might be, the difficulties in Canada proved too great for the ministry to accomplish anything of importance.

It was becoming clear that an election could not be far distant. The extreme weakness of the government made it inevitable. Their failure to win French support had left them in an almost impossible position. Papineau was the only French member in the cabinet and the history of the session of 1847 is simply the history of a moribund ministry clinging to office.

The Reformers in Upper Canada were active as well as hopeful. As early as July, 1846, Hincks was urging Baldwin to prepare for an election.⁶³ He told Baldwin that he did not lead enough, and, perhaps as a result, Baldwin made a tour of Western Canada

⁶¹ *Baldwin Correspondence*, LaFontaine to Baldwin, September 20, 1846.

⁶² *LaFontaine Correspondence*, Baldwin to LaFontaine, December 1, 1846.

⁶³ *Baldwin Correspondence*, Hincks to Baldwin, July 14, 1846.

during the autumn of the year. He urged Reformers to stand united, although even their past defeats had been victories. Their opponents had had to accept their cause and work responsible government.⁶⁴ But Baldwin was in no hurry to displace the ministry. As he wrote to LaFontaine it would do no harm if the country "had longer experience of the administrative qualities of the present gentry in office."⁶⁵

The Reform interest was well served by its newspapers. No party that had the Browns and Francis Hincks to advocate its policies could complain of want of vigour. The *Globe* in Toronto and the *Pilot* in Montreal fully sustained the reputation of their editors. At the same time there was not a little ill-feeling between the two party organs, and all complaints were naturally preferred to Robert Baldwin.

Hincks complained that while he had founded the *Pilot* with the understanding that he would receive annual assistance from the party, this promise had not been kept. Unless five hundred pounds was raised at once, he threatened to sell the paper.⁶⁶ He regretted the necessity of doing so, for as he said, he preferred being an editor to being a minister.⁶⁷

Brown, on the other hand, complained that Hincks, having received party help, was able to sell his paper below cost. It not only injured the circulation of the *Globe*, but made its editor feel like a pauper when he asked for his money.⁶⁸ The *Globe*, too, was given party

⁶⁴ *Pilot*, November 27, 1846, Baldwin's speech at the public dinner at Dundas.

⁶⁵ *LaFontaine Correspondence*, Baldwin to LaFontaine, December 22, 1846.

⁶⁶ *Baldwin Correspondence*, Hincks to Baldwin, March 25, 1847.

⁶⁷ *Ibid.*, December 16, 1846.

⁶⁸ *Ibid.*, Brown to Baldwin, July 10, 1845.

assistance.⁶⁹ Besides questions of finance, Hincks believed that Brown was working against him, especially in his former constituency of Oxford. His friends reported that young Brown was a scoundrel,⁷⁰ but, although the enmity remained, no actual clash occurred.

The most uncertain factor in the political situation in 1847, and the one most often canvassed, was the character and policy of the new Governor-General. Lord Cathcart had been primarily a soldier, but with the settlement of the Oregon question there was no longer any reason for maintaining a military governor. In the summer of 1846 the news reached Canada that the man chosen was the Earl of Elgin. Like Lord Metcalfe, he had been a successful Governor of Jamaica.

Although all the reports from England as to Lord Elgin's character were favourable,⁷¹ LaFontaine was apprehensive. He had no faith in the Whigs⁷² and Baldwin shared his pessimism. He placed little trust in the opinions of their English friends about the new Governor. "We had no such commendations of poor Sir Charles Bagot, but abundance of them with respect to his successor."⁷³ The fact that Lord Elgin had married a daughter of Lord Durham was an advantage, but "after all it is upon *ourselves* that we must depend."⁷⁴ Baldwin even thought that they ought to be prepared for another "tremendous political conflict."⁷⁵ He wrote to LaFontaine that he would not

⁶⁹ *Baldwin Correspondence*, Ross to Baldwin, March 6, 1847.

⁷⁰ *Ibid.*, Hincks to Baldwin, September 18, 1845.

⁷¹ *Ibid.*, Dunn to Baldwin, August 28, 1846.

⁷² *Ibid.*, LaFontaine to Baldwin, September 20, 1846.

⁷³ *LaFontaine Correspondence*, Baldwin to LaFontaine, December 17, 1846.

⁷⁴ *Ibid.*, Baldwin to LaFontaine, December 17, 1846.

⁷⁵ *Ibid.*, May 8, 1847.

be surprised if the Governor-General threw himself "into the mêlée, not perhaps as openly in defiance of all constitutional decency as Lord Metcalfe did, but as thoroughly as he possibly can consistently with the forms of constitutional etiquette."⁷⁶

All parties were determined to gain the good-will of the new Governor. Draper saw no reason why the Conservatives should not have it.⁷⁷ Lord Elgin's brother, Colonel Bruce, was fêted by the Montreal Tories,⁷⁸ and Hincks thought it was a great loss to the party that the Reformers paid no attention to the staff.⁷⁹ Baldwin wrote to LaFontaine that it was the duty of the Lower Canadian Reformers to make a good impression on the Elgins,⁸⁰ but the latter was too proud to use such methods. It was Hincks who had to get up an address and it was like "drawing teeth" to get LaFontaine to sign it. Even then he said that he was glad that illness gave him an excuse for not joining in presenting it.⁸¹

As time was to prove, the Reformers had no cause for suspicion. With Grey as Colonial Secretary and Elgin as Governor-General, there would be no interference with the full development of responsible government. Earl Grey had made this fact apparent in a despatch to the Lieutenant-Governor of Nova Scotia.⁸² Sir John Harvey was to make it clear that any change of political power from one party to the

⁷⁶ Ibid.

⁷⁷ Pope, *Sir John A. Macdonald*, p. 46, Draper to Macdonald, March 4, 1847.

⁷⁸ *Baldwin Correspondence*, Hincks to Baldwin, January 8, 1847.

⁷⁹ Ibid.

⁸⁰ *La Fontaine Correspondence*, Baldwin to LaFontaine, December 22, 1846.

⁸¹ *Baldwin Correspondence*, Hincks to Baldwin, January 25, 1847.

⁸² *Imperial Commons Papers*, Vol. XLII, 1847-48. Grey to Harvey, November 3, 1846.

other was not to be the result of any act of his, but of the wishes of the people themselves. While giving all fair and proper support to his Council for the time being, he was carefully to avoid any acts that could "possibly be supposed to imply the slightest personal objection to their opponents." He was to remember that if he refused to accept the advice of his Council they were justified in resigning, and that it was "neither possible or desirable to carry on the government of any of the British provinces in North America in opposition to the opinion of the inhabitants."

It depended very largely on the Governor, however, how far such liberal instructions should be put into practice. Lord Elgin entered fully into their spirit. He was determined to vindicate Lord Durham's memory by working "out his views of government fairly."⁸³ On his arrival in Canada, Draper had tried to induce him to turn his back at once on the French and go any lengths with the exclusively British party.⁸⁴ Lord Elgin had no intention of following such a course. He was not going to join a party, but wished to make it plain that he had entire confidence in the loyalty of all parties in the province.⁸⁵ The Colonial Secretary agreed with him. He believed that Lord Metcalfe had been mistaken "in giving too much countenance to the idea that the home government was more connected with, or had more confidence in, one Canadian party than another."⁸⁶

The patronage question had ceased to exist. Although Lord Metcalfe had parted with his ministers over the question, their successors had exercised over

⁸³ Walrond, *Letters and Journals of Lord Elgin*, p. 41.

⁸⁴ *Elgin-Grey Correspondence*, Elgin to Grey, February 24, 1847.

⁸⁵ *Ibid.*, May 18, 1847.

⁸⁶ *Ibid.*, Grey to Elgin, June 2, 1847.

the patronage a power even more complete. "Mr. Draper's last speech in Parliament giving an account of certain transactions which had taken place between Lord Cathcart and himself, contained the most arrogant assertions of the rights of ministers in this matter ever propounded in the Canadian House of Commons,"⁸⁷ Lord Elgin wrote to the Colonial Secretary. At the same time the new Governor-General did not feel that his power need be seriously lessened by "the surrender of patronage to an executive responsible to the local Parliament."⁸⁸

Lord Elgin was determined to establish a new rôle for the Governor-General, but until that "middle term" was discovered he "must be content to tread along a path which is somewhat narrow and slippery, and to find that incessant watchfulness and some dexterity are requisite to prevent him from falling, on the one side into the *néant* of mock sovereignty, or on the other into the dirt and confusion of local factions."⁸⁹ He considered that it was much more important for Great Britain that the people should be satisfied with the constitution under which they lived, than that he should achieve triumphs over his responsible advisers on the subject of appointments to office. "As matters stand here, there is, I think, more wisdom and more skill in avoiding such contests, than in winning them,"⁹⁰ he wrote to the Colonial Secretary.

Lord Elgin assumed office at the close of January, 1847, and took an active interest in the later negotiations with the French.⁹¹ He hoped that they would agree to a union with Draper's party in Upper Canada.

⁸⁷ Ibid., Elgin to Grey, March 17, 1848.

⁸⁸ Ibid., June 13, 1847.

⁸⁹ Walrond, *Letters and Journals of Lord Elgin*, p. 41.

⁹⁰ *Elgin-Grey Correspondence*, Elgin to Grey, March 27, 1847.

⁹¹ Ibid., February 27, 1847.

If such a union could be arranged, he was confident that he would have a strong ministry.⁹² The negotiations, however, failed, and the ministers had to meet Parliament as best they could. They were in no hurry to do so,⁹³ and it was not until June that the Governor-General opened the last session of the second Parliament of united Canada.

The ministry were barely able to hold their own,⁹⁴ and there was so much party fighting that business made little progress.⁹⁵ It was no great loss to the country that the intense heat of the weather, and the fear of the immigrant fever soon ended the session.⁹⁶ On July 28th the session came to a close, and in December, on the advice of his Council,⁹⁷ Lord Elgin dissolved Parliament.

The Governor-General had no expectation that the appeal to the people would result in any great change in the standing of the various parties in the Assembly,⁹⁸ but he was soon disillusioned. In Lower Canada the Reformers made almost a complete sweep, while in Upper Canada they won a majority of the seats. The latter result exceeded Baldwin's expectations.⁹⁹ The Reformers had a majority in both sections of the province, and as Adam Fergusson wrote to Baldwin, he could now look an honest Eastern Canadian in the face.¹⁰⁰ Baldwin and LaFontaine, however, were agreed that the majority was too large for healthy

⁹² *Elgin-Grey Correspondence*, Elgin to Grey, February 24, 1847.

⁹³ *Ibid.*

⁹⁴ *Ibid.*, June 28, 1847.

⁹⁵ *Ibid.*

⁹⁶ *Ibid.*, June 13, 1847.

⁹⁷ *Ibid.*, December 9, 1847.

⁹⁸ *Ibid.*

⁹⁹ *Baldwin Correspondence*, Baldwin to LaFontaine, January 25, 1848.

¹⁰⁰ *Ibid.*, Fergusson to Baldwin, February 7, 1848.

action. It would require "tenfold caution in the management of it."¹⁰¹

Baldwin was again elected for the Fourth Riding of York although the opposition made strenuous efforts to bring about his defeat. William Boulton managed the campaign against him, and appealed to the electors on the score that Baldwin's election meant French domination and the sacrifice of Upper Canada to Lower Canada. It would be a disgrace if free-born Britons were to suffer themselves and their important interests to be sacrificed to a set of "tobacco-smoking, dram-drinking, garlick-eating Frenchmen who were so stupid as to refuse to be educated," and whom he (Boulton) declared to be "foreign in blood, foreign in race, and as ignorant as the ground they stand upon."¹⁰² Baldwin might well add that a more rabid rant he had never heard.

The election of Hincks caused the Reform leaders more worry, and attracted more public attention than any other. Hincks himself was not in Canada when the election took place. In 1847 he set out for a visit to Ireland after an absence of fifteen years.¹⁰³ Before leaving he had taken the precaution of making out his qualification papers in proper form.¹⁰⁴ Hincks had doubts as to his ability to win the election in Oxford and had considered the possibility of being returned for some constituency in Lower Canada.¹⁰⁵ Baldwin appealed to George Brown, who was campaigning in the western part of the province, to look after Hincks' interests. Brown thought it would be best if he

¹⁰¹ Ibid., Baldwin to LaFontaine, January 25, 1848.

¹⁰² Ibid.

¹⁰³ Hincks, *Reminiscences*, p. 187.

¹⁰⁴ Ibid., p. 187.

¹⁰⁵ *Baldwin Correspondence*, LaFontaine to Baldwin, November 8, 1847.

"should keep clear of Oxford entirely,"¹⁰⁶ but if it were absolutely necessary for the sake of the party, he was willing to contest the constituency and afterwards withdraw "in favour of friend Hincks."¹⁰⁷ Brown had no desire that "friend Hincks" should know anything about his offer, unless it were absolutely necessary. "He would give me no thanks for it, . . . and moreover, it was an offer which tells against one's dignity badly, and I am as proud as my neighbours."¹⁰⁸

Brown was not required to put "his pride in his pocket," but Hincks' difficulties were not at an end. Although he secured the votes of a large majority of the electors, the returning officer declared his opponent elected on the ground that the date of his qualification paper was prior to that of the signing of the writ of election.¹⁰⁹ It was a question which would have to be left to the newly-elected House of Assembly to decide.

There were doubts as to what the proper procedure ought to be¹¹⁰ although there could be little doubt as to where justice lay. Baldwin's letter to Hincks on the subject reveals much of the character of the writer. "I am at all times opposed to the establishment of bad precedents, first because it is in itself wrong to do so, and secondly because they are sure some time or other to be brought to bear against one. We shall probably have strength enough to dispose of it (the disputed election) in whatever way we decide upon. But, so far from this relieving me of doubts, it makes me still more jealous of myself, lest my judgment may

¹⁰⁶ *Baldwin Correspondence*, Brown to Baldwin, November 12, 1847.

¹⁰⁷ *Ibid.*, November 21, 1847.

¹⁰⁸ *Ibid.*, November 26, 1847.

¹⁰⁹ Hincks, *Reminiscences*, p. 187.

¹¹⁰ *Ibid.*

be misled by my wishes. It may be well to have the strength of a giant, but it should not be used like a giant."¹¹¹ When the matter did come before Parliament Baldwin was true to his judgment and voted with the minority.¹¹² No matter how strong the arguments might be for Hincks, he thought the regular procedure ought to be followed and the whole question referred to a select committee instead of being decided by the House.

Although the result of the election had not been expected by the Governor-General, he was not disappointed. Months before, he had written to the Colonial Secretary that he had no fears if such an event did take place that his influence would be weakened, or that he would be less able to carry on the government satisfactorily.¹¹³ Time had not changed his views but rather strengthened them. The old ministry had been too weak to be an efficient government. Lord Elgin wrote that he regarded "with hope rather than apprehension, the prospect of coming in contact with a more powerful party and with men of more decided views."¹¹⁴

Baldwin, too, looked forward with hope to the prospect. Less than nine months before, he had feared the possibility of another "tremendous political conflict,"¹¹⁵ but he now wrote to Hincks that he saw "neither occasion nor propriety" in anticipating "any attempt to obstruct the fair working of responsible government." "I believe Lord Elgin both to understand the principle and to be willing to give it fair play . . . If we, on our parts, act with sincerity,

¹¹¹ *Baldwin Correspondence*, Baldwin to Hincks, January 27, 1848.

¹¹² *Montreal Gazette*, March 3, 1848. The vote was 12 to 40.

¹¹³ *Elgin-Grey Correspondence*, Elgin to Grey, May 18, 1847.

¹¹⁴ *Ibid.*, March 2, 1848.

¹¹⁵ *LaFontaine Correspondence*, Baldwin to LaFontaine, May 8, 1847.

moderation, and firmness, I am perfectly satisfied that the imperial government, whatever may be their inclinations, and I repeat most emphatically that I do not at present distrust them, will in the end find themselves under a necessity to act as if they had been sincere.”¹¹⁶

The question of immediate interest was whether the defeated ministry would resign at once or wait to meet the newly-elected Assembly. They decided on the latter course, much to Baldwin's satisfaction. He felt that the difficulty of constructing the cabinet would be greatly increased if it had to be done before the meeting of Parliament.¹¹⁷ He and LaFontaine carried on an active correspondence as to the best appointments to be made. Baldwin asked LaFontaine to send him a “private” letter that he could show to such as may “be called demi-confidential friends.” It must not be so general as to show that there must be another not shown, nor so particular as to make it of any consequence if the contents should be prematurely divulged.¹¹⁸

Baldwin had no doubt that the Governor would send for LaFontaine when the present ministry resigned.¹¹⁹ LaFontaine hoped that he would not be sent for, but if he were, he wanted Baldwin to come to Montreal at once. To signify his wish he would send him the telegram: “Will you call immediately upon the friend mentioned in my last letter.”¹²⁰

The new Parliament met at Montreal on the 25th of February, 1848. The fall of the ministry was

¹¹⁶ *Baldwin Correspondence*, Baldwin to Hincks, January 27, 1848.

¹¹⁷ *Ibid.*, Baldwin to LaFontaine, June 24, 1848.

¹¹⁸ *Ibid.*, January 24, 1848.

¹¹⁹ *Ibid.*, January 25, 1848.

¹²⁰ *Ibid.*, LaFontaine to Baldwin, January 16, 1848.

inevitable but they wished to fall as softly as possible.¹²¹ LaFontaine was quite willing that they should have their wish. He wrote to Baldwin that they must so act as not to give the other party cause for saying that their majority was too strong.¹²²

The first trial of strength came over the vote for the Speakership. Much to LaFontaine's regret, Morin had set his heart upon the office.¹²³ Accordingly, after Sir Allan MacNab had been proposed by Cayley, the Inspector-General, and been duly seconded by Colonel Prince, Baldwin proposed Morin's name. While admitting that MacNab had filled the office with credit, he pointed out that he laboured under the great handicap of not knowing the French language. There could be no such objection to Morin, who was familiar with both languages.¹²⁴ LaFontaine seconded the motion and the Reform candidate was elected by a vote of fifty-four to nineteen.¹²⁵

On the 28th of February the Governor-General delivered the Speech from the Throne.¹²⁶ When the debate occurred Baldwin moved the amendment to the answer in reply.¹²⁷ The question at issue was really the fate of the ministry, and there could be no doubt as to the outcome. The amendment was carried by a vote of fifty-four to twenty. The Ministry resigned the following day and Lord Elgin sent immediately for LaFontaine and Baldwin.¹²⁸

¹²¹ *Elgin-Grey Correspondence*, Elgin to Grey, March 2, 1848.

¹²² *Baldwin Correspondence*, LaFontaine to Baldwin, February 2, 1848.

¹²³ *Ibid.*

¹²⁴ *La Revue Canadienne*, February 25, 1848.

¹²⁵ *Ibid.*

¹²⁶ *Montreal Gazette*, March 1, 1848.

¹²⁷ *Ibid.*, March 6, 1848.

¹²⁸ *Elgin-Grey Correspondence*, Elgin to Grey, March 17, 1848.

CHAPTER XI

THE GREAT MINISTRY

THE accession to office of the LaFontaine-Baldwin ministry in 1848 marked the final triumph of responsible government. This time there was to be no turning back. Lord Metcalfe had postponed the victory, but he had made it the more complete. He had shown how futile was the attempt to check the full development of the new system.

Sir Charles Bagot had been a timid convert; Lord Elgin accepted the new system fearlessly and with conviction. He had never concealed from his Tory ministry that he was quite willing to accept their opponents as his advisers if circumstances forced them upon him.¹ Accordingly he met LaFontaine and Baldwin in a most candid and friendly way. He assured them that they could count on all proper support and assistance from him, and that he had little doubt if they were moderate and firm that they would be able to form an administration "deserving of enjoying the confidence of Parliament." It was not, therefore, strange that LaFontaine's stiffness began to relax, and that the Governor-General could report that their intercourse was entirely frank and satisfactory.²

Not only was Lord Elgin ready and willing to co-operate with his new ministry, but the English government was quite of the same mind. Lord Elgin was in no danger of receiving any such querulous despatches as Bagot had received from Lord Stanley. Grey wrote

¹ Walrond, *Letters and Journals of Lord Elgin*, p. 40.

² *Elgin-Grey Correspondence*, Elgin to Grey, March 17, 1848.

to him to act with the new ministry if at all possible. The only alternative was force, and force would be an insane policy. He would not even object to Papineau's being in the cabinet, if it were insisted upon.³

There was, however, to be no such request. The new ministers justified the confidence that Lord Elgin had placed in them. They were quite ready to carry out his views "for the maintenance of the connection with Great Britain."⁴ Papineau, before the election, had issued a long manifesto in which, while he supported the Reformers, he condemned the Act of Union, denied the efficacy of responsible government, and showed all his old hostility to England.⁵ Both LaFontaine and Baldwin regretted his pronouncement. LaFontaine considered it "ill-advised and uncalled-for,"⁶ while Baldwin could see "nothing but embarrassment from his being in Parliament after such a manifesto."⁷ He was certain that there was not a single constituency in Upper Canada where a man could be elected on the basis of such an address. Baldwin, indeed, could have little in common with a man who called responsible government a *tromperie*, and who believed in severing the connection with the British Empire. Parliament had scarcely opened when Baldwin and Papineau came into conflict. In a caucus of the party to consider the amendment to be proposed to the answer to the Speech from the Throne, Papineau seized the occasion to denounce Britain "in no measured language." Baldwin entirely

³ Ibid., Grey to Elgin, February 22, 1848.

⁴ Walrond, *Letters and Journals of Lord Elgin*, p. 40.

⁵ *La Revue Canadienne*, December 21, 1847. Adresse aux électeurs, Comtés de Huntingdon et de Saint Maurice.

⁶ *Baldwin Correspondence*, LaFontaine to Baldwin, January 16, 1848.

⁷ Ibid., Baldwin to LaFontaine, January 25, 1848.

dissented "and spoke in terms of loyalty and attachment to the British connection."⁸

One small incident showed that the Metcalfe quarrel was closed. As a protest against the charges of disloyalty that the Governor-General had made against them, LaFontaine and Baldwin, with Small and Morin, had resigned their commissions as Queen's Counsel. Their resignations had never been accepted. Baldwin now felt that it would be "respectful to Her Majesty's Representative . . . to resume at once the professional rank conferred upon us by our patents."⁹

Meanwhile the actual construction of the ministry went on. It was by no means an easy task. Baldwin had sent LaFontaine a list of those "who were deemed by themselves or others to be the material" out of which the ministry would have to be made.¹⁰ There were no less than twenty-one names in the list,¹¹ without counting three others¹² who were not in Parliament, but might well be chosen. Of the various names submitted, Baldwin felt it was "essential" that Price should be in the cabinet, while everything designated Blake as Solicitor-General for Upper Canada. He was in doubt as to Sullivan. The latter was anxious for promotion in his profession and was looking forward to a judgeship. Still Baldwin felt that his experience would be "highly useful" and for

⁸ *Elgin-Grey Correspondence*, Elgin to Grey, March 2, 1848.

⁹ *LaFontaine Correspondence*, Robert Baldwin to J. E. Small, March 9, 1848.

¹⁰ *Baldwin Correspondence*, Baldwin to LaFontaine, January 24, 1848.

¹¹ J. S. Macdonald, Cameron, Merritt, Boulton, Hincks, Price, Blake, Baldwin, Morin, Couchon, LaFontaine, Holmes, Aylwin, Chabot, Chauveau, Drummond, of the Lower House; and Leslie, Sullivan, Caron, Fergusson and Jas. Morris, of the Upper House.

¹² L. M. Viger, Black, Dunn.

a time at least he could ill be spared.¹³ Nevertheless, when the list of names of the new ministers was submitted to the Governor-General the name of Baldwin's brilliant cousin was missing. There were only a limited number of cabinet positions, and there were many parties to conciliate.¹⁴ Lord Elgin, however, urged the wisdom of having a Council as strong as possible in administrative talent,¹⁵ and as a result Sullivan's name appeared in the final list of ministers as Provincial Secretary.

On the eleventh of March the Governor-General was able to send the Colonial Secretary a list of all the members of the newly-constituted cabinet.¹⁶ From Lower Canada came LaFontaine as Attorney-General, Leslie as President of the Executive Council, Caron as Speaker of the Legislative Council, Taché as Chief Commissioner of Public Works, Aylwin as Solicitor-General and Viger as Receiver-General. From Upper Canada came Baldwin as Attorney-General, Sullivan as Provincial Secretary, Hincks as Inspector-General, Price as Commissioner of Crown Lands, and Malcolm Cameron as Assistant-Commissioner of Public Works. In a private letter written some days later, the Governor-General gave his opinion of the ministry: "My present Council unquestionably contains more talent and has a firmer hold on the confidence of Parliament and of the people than the last. There is, I think, moreover, on their part, a desire to prove, by proper deference for the authority of the Governor-General (which they all admit has in my case never been abused) that they were libelled when they were

¹³ *Baldwin Correspondence*, Baldwin to LaFontaine, January 24, 1848.

¹⁴ *Elgin-Grey Correspondence*, Elgin to Grey, March 17, 1848.

¹⁵ *Ibid.*

¹⁶ Canadian Archives, G 461, Elgin to Grey, March 11, 1848.

accused of impracticability and anti-monarchical tendencies."¹⁷

One difficulty remained. Aylwin, Solicitor-General for Lower Canada, was in the cabinet, while Blake, Solicitor-General for the western part of the province, had been excluded. Blake, like Hincks, had been absent in Europe during the late election and did not return until after the formation of the ministry.¹⁸ Baldwin thought that Blake ought to be in the cabinet,¹⁹ while Hincks was quite as decided in opposing the admission of two solicitors-general.²⁰ He suggested a way out of the difficulty—to make Aylwin a judge. Very shortly afterwards this was done,²¹ and at the same time the office of Solicitor-General ceased to carry with it a seat in the cabinet.²²

With the exception of those in the Legislative Council all the new ministers had to seek re-election. It was quite impossible under the circumstances for the session to continue and on the twenty-third of March, less than a month after it had opened, the Governor-General prorogued Parliament. None of the ministers found difficulty in securing their election. Only one met with opposition and he was returned by a majority of seventeen to one.²³ Parliament did not reassemble for nine months and during that time the government had an opportunity to prepare its programme.

Before turning to the work of the new ministry, and particularly to Baldwin's share in that work, one

¹⁷ Walrond, *Letters and Journals of Lord Elgin*, p. 52.

¹⁸ Dent, *Canada since the Union*, Vol. II, p. 120.

¹⁹ *LaFontaine Correspondence*, Baldwin to LaFontaine, April 8, 1848.

²⁰ *Ibid.*, Hincks to LaFontaine, April 13, 1848.

²¹ Dent, *Canadian Portrait Gallery*, Vol. IV, p. 106.

²² Dent, *Canada since the Union*, Vol. II, p. 130.

²³ *Elgin-Grey Correspondence*, Elgin to Grey, April 26, 1848.

question might well be answered. What was the relationship between the two attorneys-general whose names the ministry bore? Was it a ministry with two heads, based in fact, if not in theory, on the principle of the double majority? Was the federal element in the Act of Union being reflected in a federal union of two parties, each calling itself Reform, but more conscious of sectional division than of party union?

Whatever public opinion might be, Baldwin had definite ideas on the subject. As one absolutely opposed to the whole idea of the double majority, he was naturally opposed to the idea of the double leadership of the party. To Baldwin, LaFontaine was the head of the ministry and the leader of the party. In a letter written long after the retirement of both the great Reform leaders, Hincks wrote that Baldwin "never missed an opportunity either in public or in private of acknowledging the leadership of Mr. LaFontaine."²⁴ In 1844 when the question arose as to the wisdom of resigning as Queen's Counsel, Baldwin had yielded to LaFontaine's judgment, "as head of the late administration and the acknowledged leader of the party to which I belong."²⁵

In 1848 Baldwin was in a stronger position than he had been in 1844. He was now the leader of a majority from his own province. Lord Elgin summoned him and LaFontaine as joint and equal leaders of the new administration. Baldwin, however, did not consider that his position had changed. The Governor-General found that he was desirous of

²⁴ In a letter pasted in the copy of Dent's *Canadian Portrait Gallery* in the Canadian Archives Library.

²⁵ *LaFontaine Correspondence*, Baldwin to LaFontaine, September 10, 1844.

yielding the first place to his French colleague.²⁶ In his letters to LaFontaine, Baldwin always spoke of *your* ministry. He wrote that "everything designates Blake as *your* Solicitor-General for Upper Canada," that MacNab would take "a seat in *your* cabinet if he can get it."²⁷

Although anxious to yield LaFontaine first place, Baldwin was the leader of the Reform party in Upper Canada and considered himself responsible for the conduct of his followers from that province. Nothing could bring out more clearly Baldwin's relations to LaFontaine and to his party, as well as his ideas of party discipline, than a letter he wrote to Malcolm Cameron at this time. He began by saying that he had sent three or four notes to Cameron requesting his presence in Montreal. It was not only his wish but the wish "of the head of the administration." Baldwin said that if he himself had received such a communication he "would have left for Montreal by the next regular conveyance at latest. You are not, however, here yet. . . . The mortification that this has caused me has, I assure you, been great." All this delay, too, had been caused not only by the junior member of the cabinet but by "one with respect to whom very serious difficulties were disregarded for the purpose of offering him a seat in it." As though this were not enough, Baldwin says he has heard rumours that Cameron intends to resign and go to Scotland on business. "If you have done so, nothing could more clearly demonstrate that you require the apprenticeship of a non-cabinet office to school you to a full responsibility of a seat in the cabinet."²⁸

²⁶ *Elgin-Grey Correspondence*, Elgin to Grey, March 17, 1848.

²⁷ *Baldwin Correspondence*, Baldwin to LaFontaine, January 24, 1848.

²⁸ *Ibid.*, Baldwin to Cameron, May 22, 1848.

The history of the second LaFontaine-Baldwin ministry falls naturally under three heads. In the first place there is the question of its attitude towards the imperial connection. For over a decade the opponents of responsible government had denounced it as an impossible system, if Canada were to remain a British colony. Now their prophecies were to be put to the test. LaFontaine and Baldwin were in office and responsible government was accepted even by the Governor-General.

In the second place there is the story of the constructive work of the ministry. No other government under the Act of Union initiated and carried through such a volume of legislation. In the single session of 1849 no less than one hundred and ninety-five acts were passed and received the Governor's assent.

Lastly there is the history of the gradual break-up of the ministry before the rising tide of radicalism that divided the government into a conservative and radical wing. Responsible government, having been gained, ceased to be a bond of union. New questions arose that revealed differences of temperament and differences of opinion. There was the great problem of the Clergy Reserves, and the widespread movement, especially in Upper Canada, to assimilate many institutions to those of the neighbouring republic. More and more the left wing of the party found Baldwin and LaFontaine a check to their radical programme. The unity and enthusiasm with which the party had entered office in 1848 had become a thing of the past by 1851, when first Baldwin, and then LaFontaine, retired from politics, weary, but without regret.

The Tories had said that responsible government inevitably meant separation from the British Empire. If that were indeed the secret wish of supporters of

the new system, no year could have been more fortunate for the entry into office of a responsible ministry than 1848. Events favoured such a policy; the ministry had but to drift with the tide. Revolution in France, rebellion in Ireland, economic depression in Canada, apathy in England, all afforded the greatest opportunities to any government that aimed at severing the connection between Canada and Great Britain.

The new government had scarcely taken office when news arrived of revolution after revolution in Europe. Louis Philippe was deposed, and the second French Republic was proclaimed. Metternich fled from Vienna and barricades were erected in the streets of Berlin. Everywhere liberals were filled with enthusiasm. The movement reached Canada and found an ardent admirer in Papineau, who would fain have struck a blow for the cause. The revolution in France could certainly be used to weaken British rule in Canada. Would the new government seize the opportunity?

Lord Elgin wrote that one-half of the people in Canada were French, while of the remainder one-half were Irish.²⁹ The Irish were more powerfully moved by the events of 1848 than their French neighbours. Many of them had been born in Ireland and were keenly alive to all the grievances of their race. They knew of the famine and all its suffering. They blamed all upon the British government. In 1848 the Young Ireland party rose in revolt. Not only did their revolt influence Canada, but there was the great mass of Irish in the United States, ready to strike one blow against England to avenge Irish wrongs, and another for the glory of the republican institutions of their

²⁹ *Elgin-Grey Correspondence*, Elgin to Grey, August 6, 1848.

adopted country. Many of them had served in the Mexican war which had just ended. They were ready to join a new crusade and march north. Lord Elgin feared some such movement.³⁰

French and Irish discontent was, however, no new thing. What offered the great opportunity to a policy of separation in 1848 was the fact that many of the old followers of Draper and MacNab had lost their enthusiasm for the British connection. Men who had denounced the rebels in 1837, and rallied to the support of Lord Metcalfe in 1844, had become sceptical as to the practical value of their loyalty. To many of them the Empire had become a delusion and a snare. Their changed attitude was partly due to politics. They not only found themselves out of office, but found that the British government was quite able to endure that catastrophe. Lord Elgin did not recognize their special claims. He was quite willing to accept ex-rebels as his ministers. The final blow came when the Rebellion Losses Bill was allowed to become law. The loyalists had been betrayed, and by the very government they had served so well.

The great cause for the cooling of Tory loyalty was not, however, political, but economic. The years 1848 and 1849 were years of depression, caused to a large extent by the fiscal policy of England. In 1843 the Canada Act had greatly stimulated Canadian trade and industry. Three years later when the imperial government adopted a policy of free trade all those benefits were lost. Not only did Canadians lose their protection in the British market, but many thought that the money spent in building canals to secure the trade of the West was also lost.³¹

³⁰ Ibid.

³¹ *Montreal Gazette*, January 19, 1849.

The depression was real and widespread and it is not surprising that even Tory loyalty could not stand the test. Lord Elgin believed that the great majority of the commercial classes were convinced that they would be better off if annexed to the United States,³² and he confessed that the peaceful condition of the province was a matter of great astonishment to him.³³ He later wrote that property in most of the Canadian towns, and especially in the capital, had fallen fifty per cent. in value during the past three years, and that three-fourths of the commercial men were bankrupt.³⁴ Certainly if responsible government meant separation from England, economic conditions were ready to second political theory.

Not only were conditions in Canada favourable to separation, but there was little cause to fear the imperial government itself. To the ordinary British statesman of the time colonies were a problematical asset. To many, after the triumph of free trade, the value of colonies had disappeared. They looked forward with equanimity to the time when they would declare their independence. It was only a question of time when the apple would fall from the tree.

Such, then, were what might be called the imperial relations of the colony when the LaFontaine-Baldwin ministry took office. The Governor-General might well compare himself to the captain of a rickety timber ship, which he succeeded in bringing into port when the masters wished to collect the insurance.³⁵ The difficulty was that he had not yet reached the harbour. He had instead just taken on a fresh crew.

³² *Elgin-Grey Correspondence*, Elgin to Grey, November 16, 1848.

³³ *Ibid.*

³⁴ *Ibid.*, April 23, 1849.

³⁵ *Ibid.*, April 9, 1848.

The new ministers had often asserted that responsible government did not mean independence. They were now to prove their case. We have already seen how both LaFontaine and Baldwin disapproved of Papineau's manifesto, and how Baldwin defended the imperial connection against Papineau's attack in a caucus of the Reform party. Papineau, however, soon turned his guns on the French leader of the ministry. His attacks became more and more attacks on LaFontaine rather than on Great Britain. Instead of being revolutionary his speeches became political, not to say personal.

As defenders of the British connection, the new ministry had one peculiar advantage. Only one of its members, Price, was an Englishman. Two were Scots, four were French-Canadians, while five were Irishmen. Four had been born in Ireland, while Baldwin was the son of Irish parents.³⁶

The crisis came in 1849. Annexation was the remedy of all who were discontented. As Elgin wrote to Grey: "No matter what the subject of complaint, or what the party complaining; whether it be alleged that the French are oppressing the British, or the British the French—that the Upper Canadian debt presses on Lower Canada, or Lower Canadian claims on Upper—whether merchants be bankrupt, stocks depreciated, roads bad, or seasons unfavourable—annexation is invoked as the remedy for all ills, imaginary or real."³⁷ The movement took concrete form when the famous annexation manifesto³⁸ was published in Montreal bearing the names of many of the most prominent citizens of the city.

³⁶ Ibid., May 10, 1848.

³⁷ Ibid., March 14, 1849.

³⁸ *Montreal Gazette*, October 11, 1849.

Only a few days previously Baldwin had stated very clearly his position on the subject. He had written a letter to Peter Perry affirming most emphatically his opposition to annexation.³⁹ The question was "one of altogether too vital a character" to leave room for compromise. He believed that the connection with Great Britain might still be made "productive of mutual good to both the colony and the parent state." "All should know, therefore," he wrote, "that I can look upon those only who are for the continuance of that connection as political friends—those who are against it as political opponents." Baldwin did not wish anyone to suppose that he had a moment's doubt on the subject. "Let the declaration which I have above made lead to what it may as respects the relative political position of either myself or others, I feel that I am in the path of duty in making it, and I abide by the consequences."

The government could not ignore the manifesto. It was decided to dismiss all the militia officers and magistrates who had signed it, and to deprive the Queen's Counsel of their silk gowns.⁴⁰ In the session of 1850 the question came up again in a slightly different form. Colonel Prince, one of the most erratic members of the Assembly, had issued a "flaming manifesto" in favour of independence,⁴¹ and when Parliament met he begged to be allowed to present a petition in favour of separation from the mother country.⁴² Baldwin moved that the petition be not received and carried the motion by a vote of fifty-seven to seven.⁴³

³⁹ *Elgin-Grey Correspondence*, Baldwin to Peter Perry, October 4, 1849. Perry was about to contest the seat made vacant by Blake's elevation to the Bench.

⁴⁰ *Ibid.*, Elgin to Grey, November 15, 1849.

⁴¹ *Ibid.*, March 23, 1850.

⁴² *Globe*, May 16, 1850.

⁴³ *Montreal Transcript*, May 21, 1850.

Baldwin was not one of those who believed that while the British connection was, for the present, an advantage to the colony, independence would be the natural development. He believed as firmly in 1850 as he had believed in 1838, when he wrote to Lord Durham, that the connection with the mother country ought to be permanent. Accordingly he felt very deeply the lack of faith in the permanency of the Empire which was so common amongst English politicians. At the meeting of the Council to discuss the case of Colonel Prince, Lord Elgin was made painfully aware of the depth of Baldwin's feelings on the subject. Baldwin had a speech of Lord John Russell's in his hand, in which the Prime Minister of England had spoken of the time when the colonies would sever their connection with England as one that would come in the natural course of events. Elgin wrote that he had never seen Baldwin so much moved. He told the Governor-General that if the anticipations Lord John Russell expressed proved to be well founded, his interest in public affairs was gone for ever. He felt that he, and those who thought as he did, were not treated with justice. "Is it not hard for us while we are labouring through good and evil report to thwart the designs of those who would dismember the Empire, that our adversaries should be informed that the difference between them and the Prime Minister of England is only one of time?"⁴⁴ It was not strange that Lord Elgin considered Baldwin of "more importance to the connection than three regiments."⁴⁵

Although the LaFontaine-Baldwin ministry had taken office in the early part of 1848 it was not until the session of 1849 that they were able to bring forward

⁴⁴ *Elgin-Grey Correspondence*, Elgin to Grey, March 23, 1850.

⁴⁵ *Ibid.*, January 28, 1850.

their legislative programme. In January Lord Elgin wrote that they had a vast number of bills in preparation.⁴⁶ The session lasted from January 18th to May 30th, and proved remarkable, not only for the number of measures passed, but for the bitterness of party conflict.

The Speech from the Throne foreshadowed an active session.⁴⁷ An increase in the representation, the amendment of the School Act for Lower Canada, the revision of the system of judicature in both sections of the province, laws for the regulation of municipalities, the constitution of King's College, canals, immigration, all were matters which were to be taken into consideration. Two announcements were made which particularly appealed to Lower Canada. The clause in the Act of Union which had declared English the sole official language had been repealed, and it was "Her Majesty's purpose to exercise the prerogative of mercy in favour of all persons who are still liable to penal consequences for political offences arising out of the unfortunate occurrences of 1837 and 1838." Parliament was, therefore, asked to pass an act "to give full effect to Her Majesty's gracious intentions."

While the ministry as a whole was responsible for all the various measures introduced, the bills were largely the work of individual ministers. LaFontaine found ample scope for his efforts in legislating for Lower Canada; Hincks dealt with commercial questions, the tariff and railroads; while Baldwin took as his field legislation dealing with his own province. With his work we shall chiefly deal. Two bills of first-rate importance, one dealing with the University,

⁴⁶ *Elgin-Grey Correspondence*, Elgin to Grey, January 4, 1849.

⁴⁷ *Montreal Gazette*, January 19, 1849.

and one with municipal government in Upper Canada, were Baldwin's own particular care. He was also deeply interested in the laws dealing with the judicature of Upper Canada, although the task of formulating legislation was largely the work of Solicitor-General Blake.

That the question of the university would be the subject of legislation had been certain from the time the ministry was formed. Baldwin had been prevented from legislating in 1843 only by the resignation of the ministry during the Metcalfe crisis. In 1845, in 1846, and in 1847, the question had been before Parliament without, however, arriving at any settlement. In 1845 the bill had been dropped after receiving its second reading, in 1846 the government could not command even that support for their measure. In 1847 John A. Macdonald had brought in a new scheme to partition the endowment amongst the various denominational colleges.⁴⁸ This scheme, too, had failed to become law.

Before the opening of the session of 1849, Bishop Strachan wrote to Baldwin to explain the terms that he would be willing to accept as a settlement of the university question.⁴⁹ He considered his conditions "moderate and reasonable" and such as could not be "justly refused." His two chief demands were for the restoration of the charter of King's College with such modifications "as should entirely separate it from the government, and consequently from politics," and the retention of the whole endowment "except what may be absolutely necessary for the maintenance of a medical school." Should these moderate terms be refused the Bishop would feel it his duty, as well

⁴⁸ *The University of Toronto*, p. 32.

⁴⁹ *Baldwin Correspondence*, Strachan to Baldwin, January 15, 1849.

as that of all good churchmen, to take steps for the protection of the National Church. If such a necessity should arise he hoped "to give no just cause of offence." "It is the measure," he wrote to Baldwin, "and not the men that I mean to deal with, and if I speak and write strongly, it should be recollected that no man likes to see the labour of forty-five years destroyed, just as it begins to bear good fruit, without a struggle—and it more especially grieves me that a pupil should be the destroyer."

On April 3rd Baldwin introduced his bill⁵⁰ and on May 11th it was given its second reading.⁵¹ The bill was certainly not one that would win the approval of Bishop Strachan. Indeed the new measure went so far that "John Toronto" now found supporters amongst those who had voted for Baldwin's bill of 1843. The new measure set up a great deal of complicated machinery for the government of the university, but its general proposals were clear. The fundamental idea was the complete secularization of the new provincial university. Even the chair in divinity was abolished. Baldwin hoped that the denominational colleges would affiliate with the new foundation. They were each to be allowed to appoint one representative on the senate, but were to receive no share of the endowment, and were to give up their degree-granting powers except in divinity. The real control was to be in the hands of the government, and special pains were taken to guard against ecclesiastical encroachment. In introducing the bill, Baldwin confessed that his aim had been to divest the university "of all denominational characteristics." Only on such a basis would every class in the province feel them-

⁵⁰ *Journals of the Legislative Assembly*, 1849, p. 205.

⁵¹ *Ibid.*, p. 293.

selves treated with absolute equality.⁵² Although he confessed that he would like to see the Anglican Church, to which he belonged, with a chair of divinity in the university, yet he felt that it would be injurious to the Church itself to grant it any such privilege.⁵³ By relieving the Church from the invidious position it had hitherto occupied he was conferring upon it the best service in his power.⁵⁴

The bill met with surprisingly little opposition in the Assembly. Sherwood thought the subject too threadbare to be worthy of any extended remarks, although he strongly objected to the principle of banishing religion from education.⁵⁵ Boulton (of Toronto) spoke at great length against the bill, and was assured by Blake that the country would be convinced of his sincerity when it was known that he had stood up in defence of religion and the Church of England for three hours.⁵⁶ Various amendments, offered when it was proposed to read the bill a second time, were supported only by the mover and the seconder, Boulton and Robinson.⁵⁷

Bishop Strachan petitioned against the bill.⁵⁸ In his opinion the new university "must become the abhorrence of Christian parents who can look upon it in no other light than an infidel college." Not only did the bill exhibit opposition to religious truth but it implied "peculiar enmity to the United Church of England and Ireland." *The Church* could not find language strong enough to denounce the new scheme.

⁵² *Montreal Gazette*, April 4, 1849.

⁵³ *Ibid.*, May 12, 1849.

⁵⁴ *Ibid.*

⁵⁵ *Ibid.*, May 14, 1849.

⁵⁶ *Montreal Witness*, May 11, 1849.

⁵⁷ *Journals of the Legislative Assembly*, pp. 293, 294.

⁵⁸ *Globe*, April 21, 1849.

It could only point to the dreadful example of the United States. In "decent, orderly, moral, sober, educated Boston," "a salute of thirty guns had been fired in honour of Tom Paine."⁵⁹ Such were the results of "education without religion."

The bill⁶⁰ was finally passed by a vote of forty-four to fourteen.⁶¹ So many objections were raised to the non-religious aspect of the new university that in 1850 an explanatory act⁶² was passed disclaiming any hostile intent towards religion and making provision for religious instruction by the various denominations, provided, however, "that no part of the funds of the said university shall be expended for any such purpose."

Baldwin had succeeded in making the new University of Toronto non-sectarian. This very success threatened to defeat one of the great objects of the bill—the centralization of higher education in one provincial university. The board of trustees of Queen's had petitioned against the bill.⁶³ They protested against the divorce of religion from education, and this very policy of centralization. Baldwin, however, hoped that Victoria could be induced to affiliate with the new university, and he thought that if the government grant were withdrawn from Queen's that college would die of inanition.⁶⁴

Bishop Strachan raised a problem. After the passing of Baldwin's bill, he proceeded to collect money in Canada and Great Britain for the purpose of

⁵⁹ *The Church*, May 17, 1849.

⁶⁰ 12 Vic., C. 82.

⁶¹ *Journals of the Legislative Assembly*, p. 310.

⁶² 13 and 14 Vic., C. 49.

⁶³ Ontario Archives, April 18, 1849.

⁶⁴ *Elgin-Grey Correspondence*, Elgin to Grey, October 25, 1850.

founding a new Church of England College.⁶⁵ He petitioned the British government for a royal charter, but they were unwilling to act without the consent of the provincial authorities.⁶⁶ Baldwin was most reluctant to see the new college given power to grant degrees except in divinity,⁶⁷ but the Bishop was obdurate. He considered it an injustice that the power should be withheld.⁶⁸ The government finally agreed that the granting of a charter with full powers was a "lesser evil than that the Church of England should suffer an injustice."⁶⁹ Accordingly the provincial government passed the necessary act of incorporation.⁷⁰

How great was Baldwin's real interest in education, and how just he could be to one who had been a powerful political opponent, was shown by his actions in regard to the School Act of 1849. Egerton Ryerson had used his great influence in 1836 and again in 1844 against the Reform cause. In no man had Lord Metcalfe found a more powerful or abler defender. He had afterwards been made Superintendent of Education and soon proved the wisdom of the choice. This fact, however, did not prevent his enemies from asserting that the office had been the reward of his political apostasy. They anticipated the time when the Reformers would be in power and able to deal with "some ten or a dozen renegades."⁷¹ In that list Egerton Ryerson's name stood first.⁷²

⁶⁵ Ibid., April 7, 1850.

⁶⁶ Ibid., Grey to Elgin, October 2, 1850.

⁶⁷ Ibid., October 25, 1850.

⁶⁸ Ibid., Strachan to Leslie, January 2, 1851. An enclosure in the Elgin-Grey Correspondence.

⁶⁹ Ibid., Leslie to Strachan, January 24, 1851 (An enclosure).

⁷⁰ 14 and 15 Vic., C. 33 (August 2, 1851).

⁷¹ *Baldwin Correspondence*, Adam Fergusson to Baldwin, February 7, 1848.

⁷² Ibid., August 4, 1846.

When the time for action did arrive Baldwin and Hincks felt that the Superintendent could only be judged by his official acts, and that, so judged, there was nothing to justify his dismissal.⁷³ Malcolm Cameron was not of the same mind, and in his hands lay the task of framing the new School Act. Two drafts for that purpose had already been submitted by the Superintendent of Education,⁷⁴ but the bill finally submitted to Parliament differed greatly from these. That fact was not known, and after being before the House less than two hours⁷⁵ the Bill was passed without a division.⁷⁶ Baldwin had glanced over the Act without giving it close attention,⁷⁷ while a letter Ryerson had written expressing his objections to the bill had been very successfully suppressed by Cameron.⁷⁸ Within three hours of hearing that the bill had become law Ryerson wrote to the Attorney-General for Upper Canada that his office was at the latter's disposal. This resignation was undoubtedly the object of Cameron's bill. It might not be in the best interests of education but it had served its purpose of driving his enemy from office.

Baldwin, however, was now keenly alive to the question at issue. He asked Ryerson to put his objections to the School Bill in writing and address the letter to him. He would then take up the matter with his colleagues.⁷⁹ Accordingly the Superintendent wrote a long letter⁸⁰ enumerating his objections to the

⁷³ Ryerson, *Story of my Life*, p. 424.

⁷⁴ Hodgins, *Documentary History of Education in Upper Canada*, Vol. VIII, pp. 83-94, 214-221.

⁷⁵ *Ibid.*, p. 234.

⁷⁶ *Journals of the Legislative Assembly*, p. 356.

⁷⁷ Ryerson, *Story of My Life*, p. 424.

⁷⁸ Hodgins, *Documentary History*, Vol. VIII, p. 232.

⁷⁹ *Ibid.*, p. 231.

⁸⁰ *Ibid.*, p. 232.

new Act, and also stating that he had never had occasion to complain of the way in which Baldwin had treated him. He regretted that the latter had not taken the subject of elementary education under his care as well as the question of the university.

Baldwin read the letter carefully and then had another interview with the Superintendent. The result of that meeting is best told in the letter Ryerson wrote to Baldwin on the return of the former to Toronto:

I feel that the time and pains you bestowed yesterday (amidst so many calls and engagements) demand of me something more than a mere verbal acknowledgment. You are the first member of any government who has taken the trouble to ascertain by personal inquiry the nature and working of the Education Office as a part of the Common School System of Upper Canada—together with the practical operation of certain great principles in the administration of it. From the attention you have been pleased to give this great question, and from what I now understand to be your personal feelings and intentions, I shall renew my labours with fresh confidence, and prosecute my work as if nothing had occurred and as if nothing would be done to impede it, and leave things to be righted quietly in the manner that you have suggested.”⁸¹

Baldwin took up the question of the School Act with Hincks, who had been absent in England when the law had been passed. The latter thought that Cameron’s action had been “most unjustifiable.”⁸² The cabinet was under reconstruction at the time, and Hincks urged Baldwin to have some understanding with Cameron about the School Act before offering him an office under the new arrangement.⁸³ The

⁸¹ Ibid., p. 244.

⁸² *Baldwin Correspondence*, Hincks to Baldwin, October 30, 1849.

⁸³ Ibid.

government finally took the unusual course of suspending legislation which had passed both Houses, and that without opposition.⁸⁴ The government, however, no longer included Malcolm Cameron.

Baldwin's intervention had not only prevented legislation, undoubtedly unwise, from going into effect; it had also prevented the resignation of Egerton Ryerson. It has been done, too, for one to whom Baldwin could feel no political gratitude, and at the cost of disagreement with a colleague and suspension of legislation which had been a government measure. In 1850 a really great school act was drafted by Ryerson⁸⁵ and became law.⁸⁶ No small amount of the credit for the bill ought to be given to Robert Baldwin.

The Municipal Corporations Act constitutes the second great measure of the session of 1849 which was Robert Baldwin's special work. It was a most comprehensive measure, filling some sixty-eight pages of the statute book.⁸⁷ Its fundamental principle is clear. It was extending to the municipalities of Upper Canada what Baldwin had all his life been demanding for the colony as a whole—responsible government. Local affairs were to be handed over to local authorities duly elected by the people concerned. Baldwin had opposed the Municipal Act of 1841 as not going far enough. He had objected to the appointing of important officials, such as the warden, by the central government. In 1843 his own bill had passed the Assembly but had failed to pass the Council. Now, in 1849, he had no obstacles to fear.

⁸⁴ Hodgins, *Documentary History*, Vol. VIII, p. 247.

⁸⁵ Ryerson, *Story of My Life*, p. 37.

⁸⁶ 13 and 14 Vic., C. 48.

⁸⁷ 12 Vic., C. 81.

The new bill provided for townships, counties, police villages, incorporated villages, towns and cities. Every township, which sub-division now for the first time became an important unit of rural self-government, was to elect five councillors and these were to elect from amongst themselves a reeve, and if the township contained over five hundred taxpayers, a deputy-reeve as well. To this township council certain powers were granted, such as the erection and support of common schools, the construction and maintenance of highways, streets, bridges and the borrowing of money for municipal purposes, etc.

To the county certain definite powers were given, and its council was to consist of the reeves and the deputy-reeves of the towns and townships within its borders. The police village had little power beyond making regulations to guard against fire and suppress nuisances. Incorporated villages were on much the same plane as townships, while towns had more extended powers. The three cities of Hamilton, Kingston and Toronto were treated as counties, but given additional powers. Although the bill occupied so much space in the statute book, it was clear and logical, and is still the foundation of the municipal system of Ontario.⁸⁸ It was perhaps the greatest of Baldwin's legislative achievements and very fitly became known by his name.

The bill met with no serious opposition in the Assembly. The chief arguments against it were that the new machinery was cumbrous, likely to be expensive, and that there was no need of any change.⁸⁹

⁸⁸ Adam Shortt, *Municipal Government in Ontario*, University of Toronto Studies, Vol. II, No. 2.

⁸⁹ *Montreal Gazette*, March 28, 1849. Speeches of Sherwood and Robinson.

It was also proposed to postpone the consideration of the question until the next session, but Baldwin refused to consider the suggestion. If the new bill was founded on a just principle the sooner it was put into operation the better. He admitted that it was not probable that such a comprehensive measure would be found to work well in all its details, but its defects would be discovered in actual practice and could then be remedied.⁹⁰ The bill was passed by a vote of thirty-six to fourteen.⁹¹

Another question that Baldwin had much at heart was the reform of the judiciary system of Upper Canada. He had been interested in the problem many years before taking office in 1848.⁹² The defects of the system had been acknowledged by the legal profession as a whole, and on more than one occasion the Bar had drawn the attention of the government to the necessity of taking some action. In 1846 a petition had been presented, and Baldwin had offered his aid to the government if they would consider the question, but nothing was done. Shortly afterwards Blake had written to Baldwin urging him to take up the matter himself, but the latter felt that he had already done his duty.

After the winning of the election, Blake became Solicitor-General and actually drafted the new bills for the reorganization of the courts.⁹³ Baldwin, however, took full responsibility for them.⁹⁴ The two men did not agree in every detail as to the remedy to be applied, although both agreed as to the greatness

⁹⁰ *Montreal Gazette*, March 28, 1849.

⁹¹ *Journals of the Legislative Assembly*, 1849 p. 305.

⁹² *British Colonist*, July 1, 1851. Baldwin's speech on the occasion of his resignation.

⁹³ *Ibid.*

⁹⁴ *Ibid.*

of the evil.⁹⁵ The bills were not controversial. The government simply attempted to make the reforms considered desirable by the legal profession.⁹⁶ Blake visited all the judges and the projected measures were discussed "with freedom and candour."⁹⁷ The bills,⁹⁸ when finally presented to Parliament, were passed practically unanimously, only one lawyer voting against them.⁹⁹

One of the new measures provided for the reorganization of the Court of Chancery. That Court had become exceedingly unpopular since its first organization in 1837. Baldwin had hesitated as to whether it was better to have a single judge or several at its head. It was finally decided to appoint a Chancellor and two Vice-Chancellors to preside over the Court,¹⁰⁰ and the government lost one of its ablest members when Blake was appointed to fill the first position. If it had been possible, Baldwin very much desired to appoint Marshall Spring Bidwell to this, or to any other judicial position in the gift of the government.¹⁰¹ Bidwell, however, was practising in New York and did not see his way clear to returning to Canada.

While certain bills were Baldwin's own special work, he was not the less interested in the legislation brought in by other members of the government. One bill, which LaFontaine had in preparation before the session opened,¹⁰² was for increasing the representation. The

⁹⁵ *Baldwin Correspondence*, Blake to Baldwin, October 10, 1848.

⁹⁶ *British Colonist*, July 1, 1851.

⁹⁷ *Baldwin Correspondence*, Blake to Baldwin, 1848. (Mr. Draper was absent.)

⁹⁸ 12 Vic., C. 63 and C. 64.

⁹⁹ *British Colonist*, July 1, 1851.

¹⁰⁰ 12 Vic., C. 64.

¹⁰¹ Ryerson, *Story of My Life*, p. 418.

¹⁰² *Elgin-Grey Correspondence*, Elgin to Grey, January 4, 1849.

number of representatives from each province was to remain equal, as before, but instead of forty-two, each province was to have seventy-five members. The total membership of the House would then be the same as the combined representation of the two provinces before the union.¹⁰³ Lord Elgin was much in favour of the bill. With a House of only some eighty members he had found that individual votes became too precious when parties were nearly balanced.¹⁰⁴ He had been keenly conscious of this fact during the Sherwood-Daly administration,¹⁰⁵ but under the LaFontaine-Baldwin government, with its large majority, the evil was not so pressing.¹⁰⁶

There was no doubt that the bill could command a majority, but, according to the Act of Union, to become law it was necessary to secure a majority of two-thirds in both Houses. The Speaker ruled that so far as the House of Assembly was concerned, the bill had passed if it secured a majority.¹⁰⁷ When the vote was finally taken the numbers stood twenty to fifty-five, which was one vote less than the required two-thirds. Papineau voted against the bill, basing his action on his belief in representation by population, and the fact that the present bill was a consecration of the Act of Union.¹⁰⁸ His action called forth hisses from many of his fellow-countrymen.

The question then arose as to the right of the Speaker to vote. If he had that right, and voted for the government measure, it would then have the necessary two-thirds majority. Baldwin "with his

¹⁰³ *Montreal Gazette*, March 23, 1849.

¹⁰⁴ Walrond, *Letters and Journals of Lord Elgin*, p. 144.

¹⁰⁵ *Ibid.*

¹⁰⁶ *Elgin-Grey Correspondence*, Elgin to Grey, February 1, 1849.

¹⁰⁷ *Montreal Gazette*, March 23, 1849.

¹⁰⁸ *Ibid.*

usual moderation," as Lord Elgin wrote¹⁰⁹ to the Colonial Secretary, opposed the scheme. As always, principle came before expediency. He said that he had carefully considered the possibility of such a situation arising, and had decided that the Speaker had no right to vote under the present circumstances. He said he regretted that he had been forced to come to such a decision, as he considered the measure of great importance and had been most anxious to see it carried.¹¹⁰ LaFontaine also had his doubts. Although the bill did not become law, Lord Elgin thought that the moderation shown by the government would do good.¹¹¹ In 1850 LaFontaine introduced the measure again, but again it failed to secure the necessary two-thirds majority.¹¹²

The most famous legislation of the session was the measure, also sponsored by the Attorney-General for Lower Canada, known as the Rebellion Losses Bill. As one Montreal newspaper said, LaFontaine had reserved this "crowning act of infamy" for himself.¹¹³ Fortunately no extended notice of the bill is necessary in a biography of Baldwin. The facts, too, are well known. The bill was "to provide for the indemnification of parties in Lower Canada whose property was destroyed during the rebellion of the years 1837 and 1838."¹¹⁴ Those who had been convicted of treason in the courts, or who "had submitted to Her Majesty's will and been transported to Bermuda," were specifically excluded from the benefit of the act. The government contended that they were but completing the

¹⁰⁹ *Elgin-Grey Correspondence*, Elgin to Grey, March 29, 1849.

¹¹⁰ *Montreal Gazette*, March 23, 1849.

¹¹¹ *Elgin-Grey Correspondence*, Elgin to Grey, March 29, 1849.

¹¹² *Montreal Transcript*, July 2, 1850.

¹¹³ *Montreal Gazette*, May 18, 1849.

¹¹⁴ 12 Vic., C. 58.

work which had been begun under Lord Metcalfe. At that time a bill¹¹⁵ had been passed "to provide for the payment of claims arising out of the rebellion and invasion in Upper Canada." Lower Canada could not be ignored, and accordingly in November, 1845, a commission of five persons had been appointed to inquire into the extent of the losses in the lower province.¹¹⁶ The bill that LaFontaine presented to Parliament in 1849 was intended to translate into action the findings of this commission.

While Lord Elgin felt that the bill proposed by LaFontaine was not "free from objection," he still considered that the ministry had taken the only course possible.¹¹⁷ If nothing was done Papineau would be only too willing to seize the occasion to prove that Lower Canada was not treated with the same justice as Upper Canada.¹¹⁸ The Tories, on the other hand, contended that the intention of the bill was to pay rebels, and they went to all lengths in denouncing the measure, the government, and finally the Governor-General. The government was, they asserted, dominated by the French,¹¹⁹ and Lord Elgin was satisfied to take his orders from LaFontaine so long as he drew his salary.¹²⁰

Baldwin took no part in the early stages of the debate, which naturally led the opposition to interpret his silence as meaning disapproval of the bill. It was not until the 27th of February that he finally spoke.¹²¹ He then explained that he would probably have spoken

¹¹⁵ 8 Vic., C. 72.

¹¹⁶ *Journals of the Legislative Assembly*, 1849, p. 108.

¹¹⁷ *Elgin-Grey Correspondence*, Elgin to Grey, March 1, 1849.

¹¹⁸ *Ibid.*

¹¹⁹ *Ibid.*, April 30, 1849.

¹²⁰ *Montreal Gazette*, May 15, 1849.

¹²¹ *Ibid.*, March 2, 1849.

sooner, if he had not been forestalled by other members. He proceeded to defend the action of the government and the principles underlying the bill. When LaFontaine moved its second reading, Baldwin seconded it.¹²²

Baldwin's first reluctance was perhaps more real than he cared to admit. LaFontaine had not brought the question of the Rebellion Losses before Parliament in the form of a bill, but in the form of seven resolutions.¹²³ These resolutions did not specifically exclude from the benefits of the proposed legislation those who had been convicted by the courts or who had been banished to Bermuda. This proviso¹²⁴ was afterwards added to the fifth resolution as an amendment proposed by H. J. Boulton and seconded by Dr. Nelson.¹²⁵ This amendment meant the recognition of the legality of the acts of the Courts Martial at the time of the rebellion. LaFontaine was of the opinion that the constitution of these Courts had been illegal, but he saw very great objections to declaring their proceedings to be so.¹²⁶ He would therefore, he explained, not oppose the amendment. Papineau, however, was in favour of going back to LaFontaine's original resolu-

¹²² *Journals of the Legislative Assembly*, 1849, p. 122.

¹²³ *La Minerve*, February 5, 1849.

¹²⁴ *Ibid.*, February 22, 1849. See also *Journals of the Legislative Assembly*, 1849, p. 109. The added clause read, "Provided that none of the persons who have been convicted of High Treason alleged to have been committed in that part of this province formerly Lower Canada, since the 1st day of November, 1837, or who, having been charged with High Treason, or other offences of a treasonable nature, and having been committed to the custody of the Sheriff in the Gaol of Montreal, submitted themselves to the will and pleasure of Her Majesty, and were thereupon transported to Her Majesty's Islands of Bermuda, shall be entitled to any indemnity for Losses sustained during or after the said Rebellion, or in consequence thereof."

¹²⁵ *Montreal Gazette*, February 26, 1849.

¹²⁶ *Ibid.*

tions, and accused the ministry of yielding to Boulton's motion in consequence of the public clamour.¹²⁷ It was after the acceptance of this amendment that Baldwin first spoke for the measure.

A letter written by Boulton to Baldwin some ten months later tells what had taken place. It also partly justifies the Tory contention that the government intended to indemnify rebels. Such was indeed LaFontaine's original plan. In 1849 Boulton had good reason to expect that the government was about to elevate him to the Bench. When he discovered that that was not the case, he wrote to Baldwin explaining his claims to the gratitude of the party. His chief argument was what he had done at the time the Rebellion Losses Bill was before Parliament. His letter¹²⁸ tells its own story.

You (Baldwin) cannot but admit the trouble you were in respecting it, (the bill) when I called at your lodgings after church on the 19th of February (during last session) to represent to you the absolute necessity of modifying the resolutions introduced by Mr. LaFontaine for paying the rebellion losses, and for amending them so as to exclude persons who by the Public Records appeared to have been convicted or banished, and how ready you were to adopt my views if Mr. LaFontaine would consent. . . . He was averse to the chief proposition as it would exclude Dr. Nelson and others named in the ordinances of banishment to Bermuda, and said that he was quite willing to retire, but would not sacrifice his friends. I urged the matter, as it would be most distasteful to Upper Canada, and engaged to procure Dr. Nelson's acquiescence, and get him to second my amendments, and on that undertaking my views were concurred in. I did induce Dr. Nelson to agree to my amendments and it is notorious that those amendments saved the ministry, and that it was solely on arguments based on them that the ministry at home was enabled to

¹²⁷ *Montreal Gazette*, February 28, 1849.

¹²⁸ *Baldwin Correspondence*, Boulton to Baldwin, January 2, 1850.

sustain the colonial Government in the British Parliament, and yet none of yourselves had thought of proposing such modifications.

Boulton may not have been as indispensable as his own recommendation would imply, but there is no doubt as to the importance of the amendment he had proposed. It was Dr. Nelson, however, who had shown real self-sacrifice. It is not surprising either that some of Baldwin's friends thought that he had engineered the whole transaction. Small wrote commending the excellent stroke of policy of having Boulton propose the amendment.¹²⁹

As the bitterness of the debate over the Rebellion Losses Bill became keener, Baldwin took a more active part. Much of the argument, as was natural, dealt with previous history. Not only the events of the rebellion, but the actions of every government since, became the subject of dispute. Baldwin had no little pleasure in pointing out that the previous administration had appointed rebels to office, even from that "sink of iniquity," the county of Oxford.¹³⁰ Sir Allan MacNab drew the attention of the House to his patriotic record and compared it with that of his fellow-colonel, the Attorney-General for Upper Canada.¹³¹

In spite of every device known to the opposition the Rebellion Losses Bill passed the Assembly by a vote of forty-seven to eighteen.¹³² They could not even say that a majority of the members from Upper Canada had voted against the measure. The agitation did not end there. Every attempt was made to

¹²⁹ Ibid., Small to Baldwin, February 27, 1849.

¹³⁰ *Montreal Gazette*, March 12, 1849.

¹³¹ Ibid.

¹³² *Journals of the Legislative Assembly*, 1849, p. 142.

induce the Governor-General to refuse his assent, while appeals were made to the British government to uphold the cause of loyalty should Lord Elgin fail to do his duty. There were riots in Toronto, and Baldwin's effigy was burned in the streets. There was some danger that his house might be attacked by the mob, and Bishop Strachan and his wife visited the family and offered them a refuge in their home.¹³³ The burning of the Parliament buildings in Montreal was but the dramatic climax to a campaign of unexampled violence. The fact that the Governor-General signed the bill and that the British government saw no reason to disapprove of his act¹³⁴ showed how completely conditions had changed since the time of Lord Metcalfe. There could no longer be any doubt as to the reality of the existence of responsible government.

The burning of the Parliament buildings brought up a fresh problem. Should the government remain in Montreal or should a new capital be chosen? It was finally decided to follow the second course, although the members of the government were not agreed on the subject. Baldwin was in favour of the change, while LaFontaine opposed it.¹³⁵ The motion carried, only a few members voting for the proposal to select Kingston or Bytown as the permanent capital.¹³⁶

If Montreal were to be abandoned there was only one alternative. Parliament must meet in Toronto and Quebec. Any government which chose a definite city as capital invited certain defeat.¹³⁷ While Sher-

¹³³ *Baldwin Correspondence*, Eliza Baldwin to Baldwin, May 5, 1849.

¹³⁴ Canadian Archives, G 134, Grey to Elgin, May 18, 1849.

¹³⁵ *Journals of the Legislative Assembly*, 1849, p. 321.

¹³⁶ *Ibid.*, pp. 319-321.

¹³⁷ *Elgin-Grey Correspondence*, Elgin to Grey, August 27, 1849.

wood's motion had provided for the alternative capitals, the question as to where Parliament should first be summoned¹³⁸ was left to the discretion of the government. Baldwin was strongly of the opinion that the first meeting ought to be in Toronto,¹³⁹ since that would be the best answer to the charge that the government was anti-British and under French influence.¹⁴⁰ Although LaFontaine was opposed,¹⁴¹ the government finally decided to call the third session in the former capital of Upper Canada.

When Parliament met in Toronto in May, 1850, there was no reason to believe that the government had lost any of its strength, or that it would be hampered in putting through whatever programme of legislation it might see fit. Three vacancies had occurred in Parliament during the recess and in every case Reform candidates had been returned.¹⁴² The address in answer to the Speech from the Throne was passed by a vote of forty-four to fourteen.¹⁴³ The ministry were on the best of terms with the Governor-General, who had written to the Colonial Secretary that they had given Canada, for the first time since the union, a "really efficient working government."¹⁴⁴

Baldwin was still Attorney-General for Upper Canada, although illness had almost forced his retirement during the winter. For a time he had been compelled to give up all work,¹⁴⁵ and his friends were

¹³⁸ *Journals of the Legislative Assembly*, 1849, p. 318.

¹³⁹ *Elgin-Grey Correspondence*, Elgin to Grey, September 3, 1849.

¹⁴⁰ *Ibid.*

¹⁴¹ *Ibid.*, October 19, 1849.

¹⁴² *Ibid.*, 14, 1850.

¹⁴³ *Ibid.*, May 31, 1850.

¹⁴⁴ *Ibid.*, April 12, 1849.

¹⁴⁵ *LaFontaine Correspondence*, Dr. Nelson to LaFontaine, February 26, 1850.

forced to consider the possibility of his resignation.¹⁴⁶ His breakdown was caused by overwork and anxiety,¹⁴⁷ and his friends wrote to him of the necessity of passing a ten-hours bill.¹⁴⁸ For years Baldwin had not taken the least exercise, a course which Blake had characterized as murder.¹⁴⁹ After his recovery he continued in his old ways. He was all day long in the courts, as he considered it a duty to do all the Crown business in Toronto in person.¹⁵⁰

Although the government passed much useful legislation during the sessions of 1850 and 1851 the chief interest is not in the government programme, but in the growth of new movements within the Reform party. A radical wing developed, especially amongst the members for Upper Canada, and legislation was proposed that met with the approval of neither LaFontaine nor Baldwin. The antagonism finally ended in an open break and the new group, soon to be known as the Clear Grits, assailed the Reform ministry as reactionary.

Amongst other changes, this group demanded that all government officials should be elected, that parliaments should be biennial, that there should be a fixed date for elections and for the meeting of the legislature, that the Court of Chancery should be abolished, and that the Clergy Reserves should be secularized.¹⁵¹ Even when, as often happened, their demands did not differ from those of the Reform party they disagreed with the latter about method. They were impatient

¹⁴⁶ *LaFontaine Correspondence*, Dr. Nelson to LaFontaine, February 26, 1850.

¹⁴⁷ *Elgin-Grey Correspondence*, Elgin to Grey, January 28, 1850.

¹⁴⁸ *Baldwin Correspondence*, John Ross to Baldwin, January 28, 1850.

¹⁴⁹ *Ibid.*, Blake to Baldwin, October 10, 1848.

¹⁵⁰ *Elgin-Grey Correspondence*, Elgin to Grey, November 8, 1850.

¹⁵¹ Dent, *Canada since the Union*, Vol. II, p. 186.

with the slowness with which the government moved. This radical group drew their inspiration from the United States, and particularly from that state that bordered on Upper Canada. It might be said of them, as Lord Elgin said of Merritt, that they took their opinions by the gross from the State of New York.¹⁵²

As early as January, 1849, Sullivan had written to Baldwin that he would have to quarrel with the extreme wing of his party sooner or later.¹⁵³ By 1850 the strength of the radical movement was becoming clear. Malcolm Cameron, now no longer a cabinet minister, was ready to attack his former colleagues for their delay and their conservatism. H. J. Boulton had become one of the most radical members of the Assembly. Once a leading member of the Family Compact, he had now gone to the opposite extreme. During the session of 1849, he had been a loyal supporter of the ministry, but had been bitterly disappointed when the government had failed to make him a judge.¹⁵⁴ He had good reason to expect the promotion, but the government drew back in the face of a storm of protests from its supporters. Richards, who was later to be Chief Justice of the Supreme Court of Canada, wrote that the ermine ought to be kept pure.¹⁵⁵ Peter Perry was a third prominent radical Reformer who was elected to Parliament in 1849 to fill the vacancy made by the elevation of Blake to the Bench. Ill-health, however, prevented him from taking as prominent a part in the debates as he would otherwise have done. The election of Caleb Hopkins in the spring of 1850 not

¹⁵² *Elgin-Grey Correspondence*, Elgin to Grey, April 7, 1850.

¹⁵³ *Baldwin Correspondence*, Sullivan to Baldwin, January 18, 1849.

¹⁵⁴ *Ibid.*, Boulton to Baldwin, January 2, 1850.

¹⁵⁵ *Ibid.*, Richards to Baldwin, December 15, 1849.

only introduced another radical into Parliament, but was a striking manifestation of the trend of opinion in Upper Canada. Hopkins won his election against the ministerial candidate, John Wentenhall. The latter had been appointed to the office of Assistant-Commissioner of Public Works, made vacant by the resignation of Malcolm Cameron, and he was now defeated by Hopkins in seeking re-election.¹⁵⁶ The defeat came at a time when Baldwin's friends were considering the possibility of his resignation. An old friend and steady supporter wrote to him that he must not resign now, or it would be said that "Old Hopkins had turned out the ministry."¹⁵⁷

Baldwin had no sympathy with the radical wing of the party and had expressed his dislike even before Parliament met.¹⁵⁸ It might be an advantage in England to have an extreme party in Parliament, but conditions were not the same in Canada, "either in the circumstances of the countries, the position of those enunciating such sentiments, or the nature of the results pointed at."¹⁵⁹ Just as Baldwin had his heart set on maintaining the connection with England, so he was determined to maintain British institutions. England, and not the United States, was the model he wished to follow. By 1850 he thought that the country had as close a copy of the British constitution as it was likely to get, and so, as Lord Elgin wrote, Baldwin proclaimed, "*Il faut jeter l'ancre de la constitution*" to all proposals of organic change.¹⁶⁰

One proposal, supported, not only by the Clear Grits but by many Reformers, was for an elective

¹⁵⁶ Dent, *Canada since the Union*, Vol. II, p. 185.

¹⁵⁷ *Baldwin Correspondence*, Durand to Baldwin, March 11, 1850.

¹⁵⁸ *Ibid.*, Baldwin to LaFontaine, January 25, 1848.

¹⁵⁹ *Ibid.*

¹⁶⁰ *Elgin-Grey Correspondence*, Elgin to Grey, March 23, 1850.

Legislative Council. Even the Governor-General considered the present Council as worse than useless.¹⁶¹ Baldwin, however, was unwilling to move in the matter.¹⁶² He was still of the same opinion as when he wrote to Lord Durham in 1838, that nothing, unless it were the abolition of the Upper House altogether, could be more fatal to the connection between the two countries than an elective Legislative Council.¹⁶³ In spite of his opposition the government finally decided to bring in a measure to make the necessary change. Baldwin then wrote out his resignation and enclosed it in a letter to LaFontaine.¹⁶⁴ He wrote that he felt it "his duty both to his Sovereign and his country to offer the most uncompromising opposition" to any such change in the constitution.

Although the ministry gave way to Baldwin, the question was brought before Parliament when Boulton introduced a measure for an elective Legislative Council and found a seconder in Papineau.¹⁶⁵ The feature of the debate that followed was Baldwin's speech in opposition to the motion.¹⁶⁶ He said that he would stand or fall by his resistance to any attempt to introduce an elective Council into the constitution of the province.¹⁶⁷ His chief argument against the proposed change was that it was a concealed attempt to destroy the connection "between this province and the mother country." He was absolutely opposed to republicanism, which was really what the bill represented. He had begun life attached to the

¹⁶¹ Ibid., August 27, 1849.

¹⁶² Ibid., March 23, 1850.

¹⁶³ *Durham Papers*, Baldwin to Durham, August 23, 1838.

¹⁶⁴ *Baldwin Correspondence*, Baldwin to LaFontaine, April 10, 1850.

¹⁶⁵ *British Colonist*, June 4, 1850.

¹⁶⁶ *Montreal Transcript*, June 8, 1850.

¹⁶⁷ *British Colonist*, June 4, 1850.

British constitution, he had always desired to sustain that constitution, and he hoped that he would always continue to do so.¹⁶⁸ The motion was defeated by a vote of forty-nine to fourteen.¹⁶⁹

Baldwin also expressed his opposition to a second proposal of Boulton's, which was to set a fixed time and place for the meeting of Parliament. He said that it was part of a scheme to break down, bit by bit, the present constitution. The proposed law would tend to remove the distinction between the system of government as established, and that of a republic.¹⁷⁰

Boulton, indeed, did not hesitate to express his admiration for American institutions and the advantage of imitating them. He said that he considered them much better suited to Canada than those of England.¹⁷¹ On one occasion, to strengthen his argument, he brought two axes, one English and one American, into Parliament and compared them, much to the disadvantage of the one made in England. The comparison of two adzes further strengthened his case. When a member asked if it was in order to bring edged tools into the House, the Speaker ruled that it was not out of order unless they were brandished in a dangerous manner.¹⁷²

During the session of 1850, the great question of the Clergy Reserves became once more a leading issue in politics. On this matter, not only did the government fail to satisfy the more radical Reformers, but they themselves were not agreed as to what was the best solution of the problem. Although it was a member

¹⁶⁸ *British Colonist*, June 7, 1850.

¹⁶⁹ *Journals of the Legislative Assembly*, 1850, p. 41.

¹⁷⁰ *Globe*, May 23, 1850.

¹⁷¹ *Montreal Transcript*, May 25, 1850.

¹⁷² *Globe*, June 27, 1850.

of the government who introduced the question, and proposed a series of resolutions, yet the government itself left the matter an open question. The opposition tried to make capital out of this lack of agreement in the ranks of the ministry, and Boulton introduced an amendment expressing regret that the ministry should so far forget Baldwin's doctrines as to remain in office after they had failed to agree on a great public question.¹⁷³

LaFontaine was in favour of devoting the Clergy Reserves to the purpose for which they were originally intended.¹⁷⁴ He recognized that the Churches had a certain vested right, and on one of the resolutions that seemed to deny that right he voted against Baldwin.¹⁷⁵ His speech made the greater impression as he put forward no claims whatever for the Church to which he belonged.¹⁷⁶

Baldwin refused to make any definite statement as to what he considered the best ultimate disposal of the Reserves. He said that he had no objection to religious endowments as such, although he did object to the union of Church and State. Before the passing of the Act of 1840 he had thought that the best use that could be made of the Clergy Reserves would be to devote them to the cause of education, but the passing of that Act had altered matters and he was no longer so certain as to what was the best solution. At the same time he refused to recognize the settlement of 1840 as final. The act passed by the imperial government differed too greatly from

¹⁷³ *Journals of the Legislative Assembly*, 1850, p. 76.

¹⁷⁴ *Globe*, June 22, 1850.

¹⁷⁵ *Journals of the Legislative Assembly*, 1850, p. 88.

¹⁷⁶ *Globe*, June 22, 1850. *Elgin-Grey Correspondence*, Elgin to Grey, June 28, 1850.

the act passed by the provincial Parliament to be binding on the people of Upper Canada.¹⁷⁷

In 1840 Lord Sydenham had made a great effort to settle the question of the Clergy Reserves by an act passed by the legislature of Upper Canada. That act, however, was held to be *ultra vires*. The British government had then proceeded to re-enact the bill as an imperial measure, but changes were introduced that made the new bill materially different from the colonial bill on which it was based. It was the finality of this imperial measure that Baldwin denied, although he admitted that the bill had removed two of the chief causes for discontent. It recognized the rights of the various Protestant bodies and it also recognized that the Church of England was not dominant in Canada.¹⁷⁸ As long as justice was done Baldwin was not wedded to the Clear Grit doctrine that the Clergy Reserves ought to be taken from the Churches.

While there were differences of opinion as to the best ultimate disposal of the Reserves, the question at issue in 1850 was really the method of procedure. On that question the government was agreed. Indeed, Sherwood might well ask why they introduced the matter as an open question when they all voted for the resolutions.¹⁷⁹ In these resolutions, which were introduced by Price and seconded by Hincks, after citing at great length the previous history of the question, it was proposed that an address should be sent to "Her Most Gracious Majesty," stating that it was the opinion of the Assembly, that the wisest course would be for the imperial Parliament to pass an act,

¹⁷⁷ *British Colonist*, June 21, 1850.

¹⁷⁸ *Ibid.*

¹⁷⁹ *Globe*, June 22, 1850.

which, while guarding the rights of all those who had any claim on the Clergy Reserves, should authorize the provincial Parliament "to appropriate, as in its wisdom it may think proper, all revenues derived from the present investments, or from those to be made hereafter, whether from the proceeds of future sales or from investments on those already made."¹⁸⁰

Even LaFontaine was prepared to support the address.¹⁸¹ He thought that the question was one that ought to be settled by the Canadian Parliament. Not only had the bill passed by the imperial government in 1840 failed to conform to the bill passed in Upper Canada, but Lower Canada had never been consulted on the subject.¹⁸² The more radical members were not satisfied with the method proposed. They recognized that the question would have to be referred to the imperial Parliament, but instead of an address, they wished to pass a bill in Canada, and then send it to Westminster, to be re-enacted by the British government. The only advantage of such a procedure would be to force an early settlement of the question. The great and obvious disadvantage would be the difficulty of getting a bill, secularizing the Reserves, through the House of Lords. The question as to the ultimate disposal of the Reserves would only complicate the question as to jurisdiction. It was, therefore, not surprising that when Malcolm Cameron introduced a resolution in favour of passing such a bill, the motion was defeated by a vote of thirteen to fifty-six.¹⁸³

The session came to an end on August 10, 1850. It had proved much more satisfactory than the

¹⁸⁰ *Journals of the Legislative Assembly*, 1850, p. 88.

¹⁸¹ *Elgin-Grey Correspondence*, Elgin to Grey, July 5, 1850.

¹⁸² *Globe*, June 22, 1850.

¹⁸³ *Journals of the Legislative Assembly*, 1850, p. 80.

Governor-General had anticipated.¹⁸⁴ One question that the government had to decide was whether the present Parliament should be called together again or whether it should be dissolved and an election held. It was still possible to have one more session, and the government finally decided to follow that course. The fact that LaFontaine had declared his intention of not continuing in public life after the dissolution of the present Parliament¹⁸⁵ may have had not a little to do with the final decision.

The third Parliament of United Canada met for the fourth and last time on May 20, 1851. Every member knew that this would be the last session, and it was inevitable that many guided their actions in anticipation of the coming elections. There were other reasons why no active legislative programme could be expected. The government had effected the main reforms to which it stood pledged at its formation, while the coming retirement of LaFontaine made its reorganization inevitable.

The session opened very quietly. The power of the ministry, as one Tory newspaper admitted, seemed secure.¹⁸⁶ The opposition did not move any amendments to the answer to the Speech from the Throne and the whole debate took less than one evening's sitting.¹⁸⁷ Indeed, such was the party calm that not only was the answer to the Speech from the Throne moved, debated and carried, but on the same evening Merritt, "the last hope of the Clear Grits,"¹⁸⁸ gave his explanation for his resignation from the ministry.

¹⁸⁴ *Elgin-Grey Correspondence*, Elgin to Grey, August 2, 1850.

¹⁸⁵ *Ibid.*, November 22, 1850.

¹⁸⁶ *Montreal Transcript*, May 22, 1851.

¹⁸⁷ *Globe*, May 24, 1851.

¹⁸⁸ *Ibid.*

He had a visionary scheme for retrenchment¹⁸⁹ which he had been unable to persuade his colleagues to accept. At the same time he parted from them on the best of terms.

Although the Clear Grits remained in a small minority during the session of 1851, they found a new supporter in William Lyon Mackenzie. The former leader of the rebellion had defeated George Brown for the County of Haldimand.¹⁹⁰ Although Mackenzie called himself an Independent, he belonged to the ranks of the opposition. Quite apart from politics he had a personal grievance against the heads of the ministry. He considered that LaFontaine and Baldwin had prevented the payment of his just claim against the government. In 1850 he had written to the Attorney-General for Lower Canada complaining of his action, and also that his "brother councillor, Mr. Baldwin," had refused to write the few lines that "would have secured my three years' wages as assemblyman in the county which you and he have since represented."¹⁹¹ In the session of 1851 Mackenzie was in a position to make his resentment felt.

Although Baldwin had another attack of illness just before the opening of the session,¹⁹² he was able to appear in Parliament and introduce his last important measure—an act to abolish primogeniture in the case of persons dying intestate.¹⁹³ The new measure was

¹⁸⁹ *Elgin-Grey Correspondence*, Elgin to Grey, December 11, 1850.

¹⁹⁰ *Globe*, April 19, 1851.

¹⁹¹ *LaFontaine Correspondence*, Mackenzie to LaFontaine, August 2, 1850.

¹⁹² *Ibid.*, Nelson to LaFontaine, May 17, 1851.

¹⁹³ 14 and 15 Vic., C. 6. "An act to abolish the right of primogeniture in the succession to real estate held in fee simple, or for the life of another in Upper Canada, and to provide for the division thereof amongst such of the relatives of the last proprietor as may best accord with the relative claims of such parties in the division thereof."

the more welcome to Reformers as it had not been mentioned in the Speech from the Throne.¹⁹⁴

As the session advanced, the antagonism of the Clear Grit party to the government became more apparent, but there was no reason to suppose that their attacks would ever bring the ministry into danger. No doubt radical ideas were gaining ground outside Parliament, but to what extent only the coming elections could disclose. Until then the present government seemed secure. Even when supported by the Tory members of the House, the Clear Grits did not appear a serious danger.

The strength of the government did not prevent various radical schemes from being proposed. H. J. Boulton again introduced a measure to settle the date on which Parliament should meet, but it was declared unconstitutional by the Speaker.¹⁹⁵ The *Globe* expressed its regret that such was the fate of the proposal.

George Brown and his newspaper did not bring the same support to the government as in previous years. The editor of the *Globe* had taken a violently Protestant attitude in the Ecclesiastical Titles controversy which could not but antagonize most of the members from Lower Canada. Moreover, although the *Globe* still supported the ministry and its policy, a note of criticism began to appear amidst its commendation. George Brown was far from being a Clear Grit but he was moving in that direction.

The question of the Clergy Reserves again came before Parliament, and the ministry found its policy supported by an overwhelming majority of the members. The address decided on in 1850 had been

¹⁹⁴ *Globe*, May 22, 1851.

¹⁹⁵ *Ibid.*, June 7, 1851.

transmitted to the Colonial Secretary, and although no bill had been passed, Lord Grey had expressed the willingness of the English government to consent to the introduction of such a measure.¹⁹⁶ The delay was in no way due to Lord Elgin. He had urged the necessity of passing a bill if at all possible.¹⁹⁷ That this was not done was explained by the weakness of the English ministry, their lack of enthusiasm for the measure proposed, and the press of other business.

The Canadian Parliament, however, expressed themselves satisfied with the answer sent by the Colonial Secretary. Price and Hincks moved "a humble address," thanking "Her Most Gracious Majesty" for the gracious manner in which the previous address had been received, and to express satisfaction with the answer of Earl Grey.¹⁹⁸ An amendment moved by Boulton and Hopkins, stating that the best way of communicating the wishes of the Assembly was by passing a bill, was defeated by a vote of fifty-two to five.¹⁹⁹ The original motion was then carried by a vote of forty-five to sixteen.²⁰⁰

The government had to insist on the policy of an address after their action of the previous year. It would have been childish, as Baldwin pointed out, to do otherwise.²⁰¹ But the ministry had no desire to attempt to translate their policy into the concrete clauses of a bill. Not only would their differences then appear, but if any compromise measure were introduced, it would greatly injure the government in the coming elections.²⁰²

¹⁹⁶ Hincks, *Reminiscences*, p. 284.

¹⁹⁷ *Elgin-Grey Correspondence*, Elgin to Grey, April 23, 1851.

¹⁹⁸ *Journals of the Legislative Assembly*, 1851, p. 105.

¹⁹⁹ *Ibid.*

²⁰⁰ *Ibid.*, p. 129.

²⁰¹ *British Colonist*, June 24, 1851.

²⁰² *Elgin-Grey Correspondence*, Elgin to Grey, June 14, 1851.

Only a few days after the triumph of the government in the debate on the Clergy Reserves, the political world was astonished to hear that the Attorney-General for Upper Canada had resigned. The occasion was the debate, and subsequent vote, on the question of the abolition of the Court of Chancery. That court had become most unpopular before it had been reformed by Baldwin and Blake during the session of 1849. Their bill had failed to remove the odium that still attached to the name. An attack had been made upon the Court at the opening of the session in 1850, but on that occasion the proposal for its abolition had been decisively defeated.²⁰³

On June 26, 1851, Mackenzie moved "that a special committee of seven members be appointed by this House, with instructions to report by bill, or otherwise, for the abolition of the Court of Chancery, and for the conferring of equity powers, in certain cases, upon the Courts of Common Law."²⁰⁴ It was not strange that Mackenzie should have proposed such a motion, since he had singled out the Court for special attack in his recent election campaign in Haldimand.²⁰⁵ His love, too, for the ministers had not increased. Only a few days before he introduced his resolution, he had received a letter from LaFontaine that must have injured his pride. He had written to the head of the government to complain about the rulings of the Speaker. LaFontaine replied in a very curt note. "I do not feel myself called upon, nor have I the time or inclination, to enter into any such correspondence as that one which your communication is intended to invite. I see, however, with pleasure, that the rule

²⁰³ *Globe*, May 23, 1850. The vote was 45 to 17.

²⁰⁴ *Journals of the Legislative Assembly*, 1851, p. 117.

²⁰⁵ Dent, *Canada since the Union*, Vol. II, p. 227.

which requires that no member shall speak beside the question in debate has at last attracted your attention, and I have no doubt that your observance of that rule for the future will much contribute to your comfort and leisure.”²⁰⁶ Such a letter was not likely to lessen Mackenzie’s dissatisfaction with the government.

In speaking in favour of his motion to abolish the Chancery Court, Mackenzie cited various cases of hardship that had occurred, asserted that the costs were enormous, and pointed to the experience of Lower Canada and New York. They were able, he said, to dispense with the services of a Chancery Court.²⁰⁷ Baldwin naturally opposed the motion. The Court had been remodelled and was working in a “very improved manner.” No changes ought to be made until the new experiment had been given a fair trial. Otherwise the House would be stultifying itself.²⁰⁸ Hincks, while admitting the unpopularity of the Court, thought that the question was one to be decided by the lawyers. Their opinions ought to be worth more than those of a popular Assembly.

When the vote was taken the motion was defeated by a narrow majority, thirty-four to thirty.²⁰⁹ The smallness of the majority was not the difficulty. It was rather the composition of the minority. Although a majority of the whole House had voted to retain the Chancery Court, a large majority of the members from Upper Canada had voted for its abolition. In other words, a motion dealing with a matter exclusively Upper Canadian had been defeated by the votes of

²⁰⁶ *LaFontaine Correspondence*, LaFontaine to MacKenzie, June 21, 1851.

²⁰⁷ *British Colonist*, June 27, 1851.

²⁰⁸ *Ibid.*

²⁰⁹ *Journals of the Legislative Assembly*, 1851, p. 117.

members from the lower province. No sooner had the result been announced than H. J. Boulton arose to congratulate the Upper Canadians on their vote. Only the intervention of members from the other province had prevented the passing of the motion.²¹⁰ LaFontaine made a few remarks in reply but all debate had become impossible. The excitement and confusion, as one paper reported, had become indescribable.²¹¹

A government apologist might, in part at least, have explained away the recent vote. The Tories had voted for the motion simply to embarrass the party in power.²¹² The regular supporters of the government, who had voted with the Clear Grits on this occasion, did so, not in order to defeat the ministry, but that they might guard themselves against defeat in the coming elections. It was a gesture to secure radical votes, not a move to defeat the government.²¹³ Baldwin, however, felt that there was but one course that he could pursue. He wrote out his resignation and sent it to LaFontaine. "After a careful analysis of the vote of the last evening with its accompanying circumstances, and much consideration upon the probable consequences with respect both to my own position and that of others, I have come to the conclusion that the public interest will be best promoted by my retirement from the office which I have at present the honour to hold in Her Majesty's service."²¹⁴ Lord Elgin had some hope that Baldwin might reconsider his decision,²¹⁵ but he refused to do

²¹⁰ *British Colonist*, June 27, 1851.

²¹¹ *Ibid.*

²¹² Hincks, *Reminiscences*, p. 251.

²¹³ *Globe*, June 28, 1851.

²¹⁴ *LaFontaine Correspondence*, Baldwin to LaFontaine, June 27, 1851.

²¹⁵ *Elgin-Grey Correspondence*, Elgin to Grey, June 28, 1851.

so. He had no sooner decided on his course than he sat down and wrote a long letter to his son-in-law, the Honourable John Ross, giving him an account of what had just happened and explaining the reasons for his resignation.

We had, as you will see by the division, a majority of only four against the motion in a House of sixty-four, and of the thirty-four Upper Canada members present nine only voted with me, of whom four, including the Solicitor-General, were members of the government. And that though I put my resistance of the motion simply upon the ground that the present organization was an act of the present Parliament not two years in operation and one which, as was acknowledged by the mover himself, had been productive of some good. So that my friends were relieved from all responsibility except that of standing out for a fair trial to be given to a measure to which, with the concurrence of men of all parties, Parliament had given its deliberate sanction scarcely two years ago.

Of the twenty-five Upper Canada members who supported Mr. Mackenzie's motion, six (of whom two are members of the Bar) have been heretofore considered supporters of the administration, and were at all events returned in our interest at the last general election. Three others (two of whom were formerly each of them Attorney-General for Upper Canada and the other a silk gown) actually voted for my judiciary measures in 1849. And of the rest, seven (including a former Solicitor-General, one silk gown and one late silk gown) are members of the Bar, and two of them were members of a former administration. Add to which, that the Solicitor-General himself, though he voted with me, by the tenor of his speech substantially threw the weight of his opinions into the opposite scale.

Under these circumstances I tendered my resignation the following morning. My colleagues urged upon me most earnestly to reconsider the matter. I told them that in deference to their wishes, if they pressed it, I could not refuse to do so, but that I owed it to them in candour to say that I could afford no hope that such reconsideration would lead to a different conclusion. They, however,

persevered in urging it upon me and I acquiesced accordingly. The more I thought of it, however, the more convinced I became that even supposing that there did not exist an abstract necessity for my resigning, it was not only justifiable, but that considering all the circumstances of the case I could best serve my country by doing so. I felt that if unable to protect measures such as the Judiciary Acts of 1849 from becoming the sport of demagogue clamour before they had been two years in operation, I could have no hope of being able to sustain any of the institutions of the country, or procure for any measures for their improvement, however deliberately framed, anything approaching to a fair trial. . . . My colleagues seemed to think at first that my resignation involved the necessity of their resigning also. I, however, combated this strongly and urged upon them as a duty not to abandon the views of government, promising them all the support and assistance I could give them either in Parliament or out of it. My resignation was accordingly accepted to-day and I now only hold office until my successor shall be appointed. . . . I do really believe that my resignation will help them rather than otherwise, and that I shall be able, if my health permits, to be of more use to them out of office than in it. I must at all events stick to it now, if I die in the harness, for none shall have any pretence for saying that my resignation on this occasion was a pretext. . . . If the sober mind of the country is not prepared to protect our Institutions it can't be helped. It was at all events, as it appears to me, right that that sober mind . . . should be put upon its guard, in the most emphatic manner that it was in my power to do, against the consequences of that reckless disregard of first principles, which if left unchecked, can lead but to widespread social disorganization with all its fearful consequences. And as deeds speak better than words my resignation seemed to me the best mode of doing this.

On June 30th Baldwin rose in the House to give the reasons for his resignation. He gave a history of the passing of the Chancery Bill in 1849. He stated that the only wish that the government had at the

time was to reform the Court in such a way as would give satisfaction to the legal profession. They had apparently succeeded as only one lawyer had voted against the bill when it was finally passed. There was general agreement that the new Court was a great improvement on the old, but although the old Court had been given a trial of twelve years, they now wished to abolish the new Court after a trial of two. Twenty-five members from Upper Canada, including seven members of the Bar, had voted for abolition of the Court.

Baldwin then went on to say that, as he had been responsible for the bill of 1849, and as it now appeared that he was unable to secure a trial for it, there was little prospect that he would be able "to sustain any of the institutions of the country, or protect them from the consequences of mere demagogue clamour."²¹⁶ As a result he felt that he was no longer fit for the position he held and had, as a consequence, resigned.

Then, in a voice almost choked with emotion, Baldwin took farewell of the House. From former opponents he begged forgiveness for any harsh words spoken in the heat of debate. He thanked his colleagues for their confidence and co-operation, but his final words of thanks were reserved for his friends from Lower Canada. He could never forget the noble and generous confidence they had bestowed upon him.

Various members paid high tribute to the services and character of the retiring Attorney-General. Colonel Prince said there were few men he respected more, and few whom he had opposed more consistently.²¹⁷ He did not think there was any occasion for the present resignation. The previous govern-

²¹⁶ *British Colonist*, July 1, 1851.

²¹⁷ *Ibid.*

ment had remained in office although their majority had often been reduced to four. Sir Allan MacNab expressed his sincere respect for Baldwin, who, he assured the House, was "as good a man and as loyal a subject as ever drew sword."²¹⁸ Higher praise Sir Allan could not give, especially regarding a man whose loyalty he had so often attacked.

The direct cause for Baldwin's resignation is clear enough. He had been deserted by the great majority of the Upper Canadian members, many of them members of the Bar,²¹⁹ on a question for which Baldwin felt a peculiar personal responsibility. He had too much pride to remain in office after such a vote. He did not resign, however, because of his belief in the "double majority" principle²²⁰ which he had himself denounced on more than one occasion.

There was a second reason for his resignation, one so closely related as to be almost inseparable from the first. A radical wing had developed in the party, to whose programme Baldwin was absolutely opposed. The motion for the abolition of the Chancery Court was simply one item on their programme. Baldwin interpreted the recent vote as an indication that he was no longer able to control this element in the party. His resignation was a protest, which Lord Elgin, at least, trusted would not be without its good results.²²¹

There was a third reason that made Baldwin not unwilling to relinquish office.²²² Illness had almost forced his retirement in 1850. He had been ill again

²¹⁸ *British Colonist*, July 1, 1851.

²¹⁹ Hincks, *Reminiscences*, p. 251. Hincks says that Baldwin resigned "because he found himself abandoned by a large number of members of the legal profession."

²²⁰ Hincks, *Political History of Canada*, p. 28.

²²¹ *Elgin-Grey Correspondence*, Elgin to Grey, July 5, 1851.

²²² *Ibid.*, June 28, 1851.

at the opening of the session in 1851, and at the time of the vote on the Chancery Bill he was far from well.²²³ Ill-health would in itself have been sufficient justification for his retirement from office.

Although Baldwin now ceased to attend meetings of the cabinet he continued to hold the office of Attorney-General until the head of the government should appoint his successor.²²⁴ LaFontaine refused to fill the office, and much against his wishes,²²⁵ Baldwin consented to continue to act as chief law officer of the Crown in Upper Canada until the end of the session. Boulton introduced certain resolutions in protest, but they met with so little sympathy that they were not pushed even by their mover.²²⁶

At the time of Baldwin's resignation LaFontaine announced his own coming retirement.²²⁷ Such an announcement would have weakened the organization and discipline of any party at any time. In the summer of 1851 a general election was imminent while the party itself was on the verge of disruption. The session lasted until August 30th, although, as Lord Elgin wrote, the position of the government was far from satisfactory.²²⁸ Hincks was the *de facto* leader of the Upper Canadian section, and by his activity did much to justify the Governor-General's judgment that he had more energy than all the other Canadian statesmen he had met put together.²²⁹ Most of the important legislation of the session dealt with matters

²²³ Ibid.

²²⁴ *British Colonist*, July 1, 1851.

²²⁵ *Elgin-Grey Correspondence*, Elgin to Grey, August 22, 1851.

²²⁶ Ibid.

²²⁷ Hincks, *Reminiscences*, p. 252.

²²⁸ *Elgin-Grey Correspondence*, Elgin to Grey, August 22, 1851.

²²⁹ Ibid., May 7, 1851.

with which the Inspector-General was actively concerned—railroads, commerce and currency.

When LaFontaine did not immediately resign after the prorogation of Parliament, Hincks hastened the event by sending in his own resignation accompanied by that of Mr. Morris, the Postmaster-General.²³⁰ His action precipitated matters. LaFontaine submitted his resignation and that of his government to the Governor-General,²³¹ who at once entrusted the task of forming a new government to Hincks and Morin.²³² The "Great Ministry" had passed into history.

²³⁰ Hincks, *Reminiscences*, p. 253.

²³¹ *La Fontaine Correspondence*, LaFontaine to Lord Elgin, September 26, 1851.

²³² *Elgin-Grey Correspondence*, Elgin to Grey, October 2, 1851.

CHAPTER XII

RETIREMENT AND DEATH

AFTER no little trouble,¹ Hincks and Morin succeeded in forming a government and appealed to the electors at the close of 1851. Amongst the candidates was Robert Baldwin, whose health had rapidly improved after his resignation.² He sought re-election in his old constituency of the Fourth Riding of York.

Baldwin was not without warning that his popularity was no longer what it had once been in that radical constituency. Before the end of the session an inquiry had been made as to whether he intended to be a candidate at the coming election or not. He was frankly told that a majority of his constituents had become quite dissatisfied, and that several had signed a requisition in favour of Dr. Rolph. Nevertheless, "the respect we have for you is such, that we cannot lose sight of you," and they urged Baldwin, if he intended to be a candidate, to make the fact known "as soon as it is practically convenient."³

During the autumn of 1851 when candidates were being chosen in the different constituencies an attempt was made to pledge them in various ways.⁴ Hincks was nominated in Oxford on condition that he would promise to resign his seat when called upon to do so by two-thirds of the nominating convention.⁵ He

¹ Hincks, *Reminiscences*, pp. 253-256.

² *Baldwin Correspondence*, LaFontaine to Baldwin, November 6, 1851.

³ *Ibid.*, Wm. Miller & Henry Pierce to R. Baldwin, August 12, 1851.

⁴ *Elgin-Grey Correspondence*, Elgin to Grey, November 1, 1851.

⁵ Hincks, *Political History of Canada*, p. 47.

refused.⁶ Baldwin was asked, but also refused, to pledge himself on the question of the Clergy Reserves.⁷ He said that if he returned to Parliament he returned as a free man. "I am here," he said, "to declare to you my opinions. If you approve of those opinions and elect me I will carry them out in Parliament. If I change those opinions, I will come back and surrender my trust and give you an opportunity of re-electing me or choosing another candidate."⁸

Quite apart, however, from any refusal to give a pledge, Baldwin had become too conservative for a radical constituency in the Upper Canada of 1851. A man who expressed any doubts as to the best method of settling the Clergy Reserves question, or who opposed, as he did, the popular demand for an elective Legislative Council, could expect few radical votes. The outcome was inevitable. Baldwin was defeated by a Clear Grit, who had then, and still has, no other claim to fame.⁹

Baldwin never again entered politics. He had given up his legal practice in 1848,¹⁰ and now spent the closing years of his life at Spadina, the old family home.¹¹ He wrote to his son-in-law in September, 1851, that the "relief from mental anxiety," which he had experienced since being relieved from the responsibilities of office, daily increased his distaste for public life. He might, indeed, like LaFontaine, have accepted a position on the Bench. In 1853 he was offered the office made vacant by the death of Justice Sullivan.¹²

⁶ Hincks, *Political History of Canada*, p. 47.

⁷ Davin, *The Irishman in Canada*, p. 391.

⁸ *Ibid.*, p. 391.

⁹ Dent, *Canada since the Union*, Vol. II, p. 241.

¹⁰ *The Leader* (Toronto), December 10, 1858.

¹¹ *Globe*, February 10, 1879.

¹² *LaFontaine Correspondence*, W. B. Richards (Attorney-General) to R. Baldwin, April 23, 1853.

Baldwin refused on the ground of ill-health.¹³ Two years later a similar offer was made to him by John A. Macdonald,¹⁴ in words that could scarcely have been more flattering. "On personal, as well as professional, grounds," the writer hoped that Baldwin would be able to accept the office of Chief Justice of the Common Pleas. The government felt that "no more worthy successor" could be chosen to succeed the present Chief Justice. A second time Baldwin felt compelled to refuse.¹⁵ He had, as he wrote the Honourable John Ross, just declined the request of friends in five different constituencies that he should re-enter political life. The duties of a judge would be at least as onerous and the chances of failure greater. The position was one of such importance that he would feel uncomfortable in occupying it "without a full confidence in my being able to bring to it all my energies and all my abilities whatever they may be, together with a reasonable hope of being able to fill it with advantage to the system and satisfaction to the public." In the next sentence Baldwin's innate conservatism and fear of change come out. "Indeed, our judicial system, working admirably as I believe it to be doing, still requires as well the application of the best judicial force within our reach, as the most judicious arrangement of that force to enable it to withstand that love of change and thirst for destruction which ignorance and charlatanism, stimulated by faction, seem to have so much power of exciting."

The most important political event between the time of Baldwin's retirement in 1851, and his death in 1858, was the formation of the Liberal-Conservative

¹³ Ibid., Baldwin to Richards, April 30, 1853.

¹⁴ Pope, *Memoirs of Sir John A. Macdonald*, Vol. I, p. 85.

¹⁵ Ibid., p. 85.

party in 1854 after the defeat of the Hincks-Morin government in that year. That government had been defeated owing to the opposition of the Clear Grits. Sir Allan MacNab and the Conservatives from Upper Canada then agreed to form a government with Morin and the supporters of the recent ministry from Lower Canada. To do so Sir Allan and his followers had to agree to the secularization of the Clergy Reserves. Hincks and his Upper Canadian supporters had then to decide whether they would support the government formed by the union of their former colleagues from Lower Canada and the liberal Conservatives from Upper Canada, or whether they would unite with the Clear Grits who had so recently brought about their defeat. Hincks and his friends agreed to support the first-named combination, and two of his supporters in whom he had "implicit confidence"—John Ross and Robert Spence—entered the government.¹⁶

Such a new alignment of parties could not but interest the retired leader at Spadina. It was asserted by many critics that Robert Baldwin would never have consented to the coalition if he had been in politics.¹⁷ To answer such accusations Baldwin wrote a letter to Hincks, saying that while he could not be certain what he would have done himself under similar circumstances, he nevertheless considered that Hincks had acted "with judgment and discretion" in the interests of both the party and the country.¹⁸ That Baldwin should have approved of the coalition is not strange. It was the best guarantee that the Clear Grits would be excluded from office. Quite apart from any rancour Baldwin may have felt because of

¹⁶ Hincks, *Reminiscences*, p. 321, and p. 337.

¹⁷ *Ibid.*, p. 340.

¹⁸ *Ibid.*, p. 341.

their opposition to the LaFontaine-Baldwin ministry in 1850 and 1851, he was decidedly opposed to much of their radical programme. He had, moreover, a family interest in the new government. John Ross, one of the two Reformers who entered the MacNab-Morin ministry, was his son-in-law. He had married Baldwin's youngest daughter in 1851.¹⁹

Although Baldwin and LaFontaine were no longer united by politics or office, their friendship remained unbroken. In 1853 LaFontaine and his wife were planning a trip to Europe and were most anxious that Baldwin should accompany them. LaFontaine wrote to his former colleague asking him to lay aside his obstinacy for a time, and join their party.²⁰ Baldwin answered, thanking him "most affectionately" for his kind letter, and saying that if anything could induce him to take the trip it would be the pleasure of having LaFontaine for a companion. His health, however, forbade any such journey. He looked well, "but I recollect that the very day before I was struck down in May last, I had been complimented on my good looks. . . . I feel my life hanging by a most precarious thread, and I have no wish to risk having that thread cut in a foreign or distant land far from my family and home."²¹

In the summer of 1853 LaFontaine had been appointed Chief Justice of Lower Canada, and a year later was created a baronet along with the Chief Justice of the upper province. His former colleague sent his congratulations.²² In the same year the Governor-General wrote to Baldwin announcing that

¹⁹ Chadwick, *Ontarian Families*, Vol. II, p. 36.

²⁰ *LaFontaine Correspondence*, Baldwin to LaFontaine, August 21, 1853.

²¹ Ibid.

²² Ibid., September 29, 1854.

he had been made "a Companion of the most honourable Order of the Bath."²³ It was an honour that Baldwin appreciated the more as it came from Lord Elgin himself.²⁴

Baldwin was only forty-seven years of age when he resigned in 1851. Even then his health was undermined. Without any remarkable change taking place he gradually grew less vigorous.²⁵ As he humorously explained to LaFontaine, he belonged to the Durham breed—he manufactured blood and fat too rapidly.²⁶ Yet only a few months before his death an attempt was made to drag him back into public life. In 1856 the Legislative Council had been made elective, and in 1858 Baldwin's friends and those who wished to keep out the Clear Grit candidate united to press him to become a candidate for the York division. Very reluctantly Baldwin consented, "not wishing to shrink from the performance of any duty which I may have it in my power to perform," but on the understanding that he could resign at any time either for reasons of health or otherwise.²⁷

Baldwin was a candidate for only three weeks. He made no speeches and issued no announcement.²⁸ From the very beginning he regretted his weakness in consenting. He was filled with "misgivings" and "oppressed and harassed" at the very idea of being elected.²⁹ He finally wrote to his son-in-law, the Hon. John Ross, who brought his letter to the attention of

²³ *LaFontaine Correspondence*, Elgin to Baldwin, July 5, 1854.

²⁴ *Ibid.*, Baldwin to Elgin, July 13, 1854.

²⁵ *Globe*, December 17, 1858.

²⁶ *LaFontaine Correspondence*, Baldwin to LaFontaine, August 21, 1853.

²⁷ Robert Baldwin to Mr. Richardson, August 12, 1858.

²⁸ *Globe*, September 4, 1858.

²⁹ R. Baldwin to John Ross, September 3, 1858.

the election committee, which had no choice except to agree to his withdrawal from the contest.³⁰ He lived three months longer, dying from an attack of angina pectoris on December 9th, 1858. He was buried at Spadina, but in 1874 his body was moved to St. James' Cemetery.

Robert Baldwin's gifts were not such as lead to great personal popularity. He had neither the magnetism of John A. Macdonald nor the robust self-assertiveness of George Brown. Reformers respected their leader, but found him cold and reserved. Baldwin had a great admiration for Fox,³¹ but he had none of the exuberance and buoyancy that characterized his hero. His reserved manner was always a handicap at elections. He paid small court even to the most prominent of his constituents. Indeed, one reason given for his final defeat in 1851 was that his manner had offended one of the most prominent of his supporters.³²

His personal appearance was not striking. Although tall, a slight stoop and a tendency to portliness gave him the appearance of a shorter man. His complexion was pale, his expression stolid, while his eyes lacked brilliance. In all his pictures there is the same lack of animation.

Baldwin was not a natural orator. He had no great flow of language, although when the question at issue was one that deeply moved his feelings he could be very powerful. This power, however, arose not from any tricks of oratory, but from the earnestness with which he spoke, "an air of caution and solemnity,"

³⁰ *Daily Colonist*, September 4, 1858.

³¹ *Baldwin Correspondence*, R. B. Sullivan to R. Baldwin. The letter is undated.

³² Davin, *The Irishman in Canada*, p. 392.

which could not fail to strike the most casual listener.³³ It was not so much the speaker's skill as the revelation of the speaker's character that moved his hearers.

Character is indeed the secret of Baldwin's life; and to know his character is to understand his life in a way that is true of very few men. The one is but the reflection of the other. His reserved manner was but the defence of a most sensitive temperament. He was deeply attached to his parents and his children. His devotion to the memory of his wife was almost morbid, and every year he set aside a day as sacred to her memory. On one such day in 1845 he sent sprigs of lilac to his aunt and mother from the same tree from which he and his wife had plucked similar sprigs eighteen years before. Those sprigs, he wrote, they "laid aside together, and like the hearts, though alas not the hands that united them, they remain together still."³⁴ Such a letter may explain not only the lack of animation, but the air of sadness that is so noticeable in all Baldwin's portraits. He kept the letters which had passed between him and his wife, both before and after their marriage, with the most religious care. Often when all the rest of the family were in bed he spent hours in re-reading them. He never left home without taking one or more with him as he wished to die with one of them near him. On his death he left these letters, together with copies of them, to his daughter Maria, accompanied by a list of last requests. He asked that the originals might be placed on his breast in his coffin covered with a handkerchief that had belonged to his wife. He had kept the handkerchief that had covered the face of his dead

³³ *The Statesman*, (Brockville) September 11, 1841.

³⁴ *Baldwin Correspondence*, R. Baldwin to Mrs. Baldwin, May 31, 1845.

wife. Might the same handkerchief be used to cover his! The chairs on which the coffin of his wife had rested would be found marked. Might his coffin rest on the same chairs! He asked that his coffin might be placed to the right of his wife's and that a "small iron chain be passed round the two coffins and locked, so as to chain them together." Should he die under circumstances that should render it impossible to find his body, "Let an empty coffin be in like manner placed in the tomb by the side of my E." These last requests, he went on to say, were not made "in the ebullition of youthful grief, but after a widowed bereavement which, as the years have one after another rolled over, have but shown me still more distinctly the irreparable loss which I have sustained."

He had the keenest sense of duty, whether it was in relation to his family or to his country. He injured his health by his attention to the details of his office. When Parliament was in session he attended every meeting. In 1847 a writer could assert that he had never known Baldwin to be an hour absent while the House was sitting.³⁵

His integrity was unquestioned. To say that he was an honourable man does not tell the whole story. Honourable men have retained that title although guilty of political sharp practice. Baldwin believed in carrying into politics the same high principles that governed his private life. Political expediency was no excuse for any deviation from that strict rule. If self-interest seemed likely to disturb the scales of justice, Baldwin's conscience was the more sensitive. He voted against the majority of his party in dealing with the question of Hincks' election in 1848, he opposed the right of the Speaker to vote, although

³⁵ *Globe*, September 1, 1847.

such a vote would have passed the Government bill to increase the representation. Office had no attractions if principle had to be sacrificed. He reversed the usual rôle. He accepted office with reluctance, he resigned with decision. If his principles had been less rigid, or his interpretation of them more flexible, he might easily have retained office on every occasion on which he resigned. Honour, however, meant more than place.

Perhaps the leading trait in Baldwin's character was his sense of justice. One who knew him well wrote that if he had a lawsuit he would be willing to abide by Baldwin's decision, although if Baldwin said he had a case he might find a barrister more capable of handling the jury.³⁶ The same characteristic appears throughout Baldwin's political career. He was an Upper Canadian but he was unswerving in his support of his fellow citizens from Lower Canada. His sense of justice was outraged by Lord Sydenham's Machiavellian tactics. Baldwin was a devoted and loyal member of the Church of England, but no man was more decidedly opposed to every claim of superiority put forth by that Church. Whether the question at issue was the rights of the Anglican Church to the Clergy Reserves, or its right to control the provincial university, Bishop Strachan found no more sturdy and determined opponent than his former pupil.

Baldwin's principles took him into politics, but he was never a politician in the sense that Francis Hincks and John A. Macdonald were. He was too fastidious, too scrupulous, too rigid, to make a real politician. He lacked the zest, perhaps the skill, for political legerdemain. He came into politics, not as the leader of a party, but as the protagonist of a cause. As such

³⁶ *Globe*, September 1, 1847.

he remained to the end. He was always more concerned about the cause of the Reform party than about the Reform party itself.

During his political career Baldwin was called a rebel and a radical. One charge was as false as the other. No man valued the British connection more highly or was more determined to maintain it. He demanded responsible government as the right of every British subject, and as the surest way of maintaining the loyalty of the province to the motherland. He was opposed to all changes in the constitution that might make it different from that of Great Britain. He would resign rather than consent to an elective Legislative Council, although the Governor-General was willing to accept the change. Baldwin loved the past and the things of the past. He distrusted innovations. When he resigned in 1851 Lord Elgin wrote that the Tories had driven the most conservative public man in Upper Canada from office.³⁷

Baldwin had not the talents to strike the popular imagination, but amongst the makers of Canada there is none more worthy of remembrance. The great principle of responsible government gains an added worth from the man who upheld it so unswervingly and so unceasingly. In his relations with his fellow-countrymen from Lower Canada he showed a spirit which might well serve as a guide for future rulers of the Dominion. Even if his political achievements be forgotten, Baldwin's character, his devotion to duty, his high code of honour, his sense of justice, remain an abiding inspiration to his countrymen.

³⁷ *Elgin-Grey Correspondence*, Elgin to Grey, June 28, 1851.

BIBLIOGRAPHICAL NOTE

As far as possible this "Life of Robert Baldwin" has been written from original sources. If for any reason it was necessary to deviate from this rule the fact has been indicated in the footnotes. Accordingly the author has not thought it necessary or even desirable to compile an elaborate bibliography of all the secondary authorities which might have some connection with this subject. All, it is hoped, have been consulted; comparatively few, however, have been used. While the list might be impressive, it would not be a necessary, integral part of the present book.

To the student of Robert Baldwin's career the most important source is the great collection of some sixty-one volumes of Baldwin Correspondence in the Toronto Public Library. Unfortunately there is no calendar of them. In the Ontario Archives there are a few scattered Baldwin papers, but none of great importance. There is a large collection of Russell papers which in some cases touch on the history of the Baldwin family.

A very valuable collection of papers and correspondence is still in the possession of Mr. R. W. Y. Baldwin. These, through the very great kindness of the owner, the author was able to consult. Another small, but very valuable collection of Baldwin letters became available through the kindness of another descendant of Robert Baldwin, Mr. Harry Baldwin. Most of these letters were written either to the Honourable John Ross or to his wife, Robert Baldwin's daughter.

In the Dominion Archives at Ottawa there are various great collections whose value is such that to enumerate them is sufficient. In what is known as Series Q is to be found the Correspondence of the Governors, Lieutenant-Governors and Administrators with the Colonial Office down to 1841. In Series G are to be found the Despatches from the Colonial Office to Governors and Lieutenant-Governors. For the period covered by Lord Durham's Mission there are the Durham Papers. Equally important for the period of Sir Charles Bagot's administration is the great collection known as the Bagot Correspondence. The Elgin-Grey Correspondence is similarly indispensable for the period when Elgin was Governor-General of Canada and Grey was the Colonial Secretary.

Of peculiar interest and importance in any life of Robert

Baldwin is the LaFontaine Correspondence which is in the St. Sulpice Library in Montreal.

The Journals of the Special Council of the Province of Lower Canada, the Journals of the Legislative Assembly and of the Legislative Council and the Statutes of Canada must never be overlooked. Another great source is the contemporary pamphlets. The best collection of these is in the Dominion Archives, although others were consulted in the Library of Parliament, the Queen's University Library and the Toronto Public Library.

It would be practically impossible to write the history of the period without the aid of the newspapers. Not only do they give the news and express opinions, but it is only in them that the speeches made in Parliament, as well as outside of Parliament, are recorded. In almost no case are the files complete, but by far the best collection is in the Library of Parliament at Ottawa. Others were found in the Dominion Archives, in the libraries of the Universities of Toronto and Queen's and in the Legislative Library of the Province of Ontario. Those found most useful were the following:

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The Transcript, Montreal.
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The Pilot, Montreal.
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The British Colonist, Toronto.
The Globe, Toronto.

For further bibliographical detail, the reader is referred to the footnotes, where it is hoped that the source for every important statement has been made plain.

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