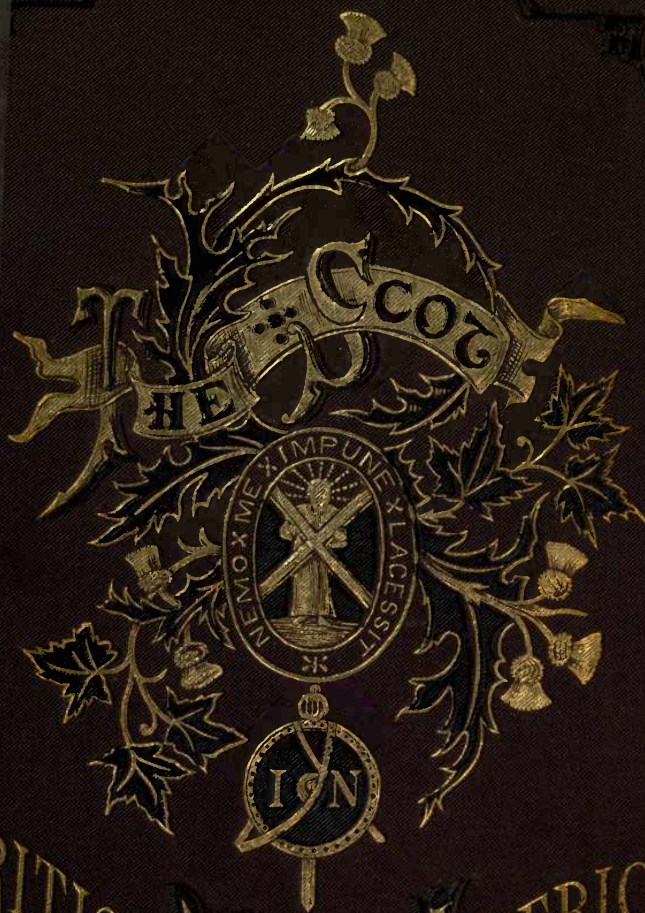


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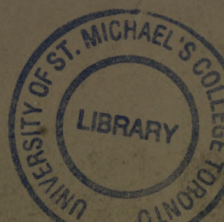
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# THE SCOT

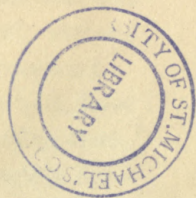
IN

## BRITISH NORTH AMERICA.

BY

W. J. RATTRAY, B. A.

VOL. II.



Toronto:  
MACLEAR AND COMPANY.

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## PREFACE.

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THE prolonged delay in the issue of the second instalment of this work has not been wholly the fault of the publishers or of the writer. It was originally intended to follow up the local bearings of the subject through the entire Province of Ontario. Unfortunately the necessary information has been so long in coming to hand that no course was open to us but to fall back upon the political aspect of the Scot. In dealing with this, it is hoped that a fair measure of justice has been meted out to distinguished Scots of both parties. The purpose of the book is distinctly non-partisan; and, although pronounced opinions have been expressed, it is hoped that they have not been put obtrusively forward. To be measurably neutral, without making the work colourless, has been the aim throughout.

Many names, which might have found a place here, have been omitted, partly from lack of details concerning them, but mainly because they will come in appropriately hereafter. In conclusion, we may state that those who can afford information concerning Scottish settlements, throughout Ontario, north, east and west, will confer a great favour by communicating it at an early date, so that the next volume may be as complete as possible, and reach the subscribers' hands within a reasonable time.

May 16th, 1881.





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the war seems desirable. Special prominence will, of course, necessarily be given to Scots who had a conspicuous share in the events of the time. To all Canadians—including under that term as well those of French as of British origin, natives no less than home-born residents—the war left behind it a legacy rich in glorious and fragrant memories. There are happily still living among us some whose aged blood is even now stirred by reminiscences of that memorable episode in our national history. Certainly no people, so few in numbers, and so sparsely settled over a wide tract of wilderness, ever emerged more triumphantly from a struggle apparently hopeless at the outset. To the brave population of that day, the declaration of war must have come with almost the benumbing shock of a death-warrant. But if the omen of disaster and defeat obtruded itself, it passed away unregarded. Instead of shrinking before the grandiloquent periods of Hull, they rose, as one man, fired by British loyalty and pluck, resolved to o'er-master fate, and hurl the invader, dazed and reeling, from the land which was their own.\* The patriotism of the people rose superior to the difficulties which lay in their path; and these were neither few nor insignificant. The population of the United States, according to the census of 1810, numbered nearly seven millions and a quarter;† that of

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\* Brock's words at the opening of the Legislature in July, 1812, must have inspired many a heart with courage: "We are engaged in an awful and eventful contest. By unanimity and dispatch in our councils, and by vigour in our operations, we may teach the enemy this lesson, that a country defended by freemen, enthusiastically devoted to the cause of their king and constitution, can never be conquered." Tupper: *Life and Correspondence of Brock*. London, 1845, p. 203. The Upper Canada Assembly at once issued a strong appeal to the yeomanry of the Province. Thompson: *History of the late War*. Niagara, 1832, p. 102. Auchinleck's *History*, p. 46.

† *American Almanac* (1880), p. 18.

Lower Canada was 400,000, while in Upper Canada there were about 70,000.\* To defend a frontier of 1,700 miles—of which 1,300 lie between Upper Canada and the United States—including the garrisons of Quebec and Kingston, there were only 4,500 regulars, of whom only 1,450 were quartered in the Upper Province. The militia numbered “about 2,000 in Lower Canada, and perhaps 1,800 in Upper Canada.”† In order to conquer this insignificant array, 100,000 militia were called out in the United States—a large proportion of them from States bordering on Canada. Besides these there were 5,500 regulars already trained and under arms.‡ Moreover, no substantial assistance was to be expected from the mother-country, whose entire resources in men and money were strained to the utmost in the most desperate struggle of modern times. England’s hour of conflict was America’s opportunity. At the outbreak of the French Revolution, the party led by Jefferson clamoured for intervention on behalf of the new-born Republic. Whilst he remained at the head of affairs, Washington and the Federal party strenuously opposed war with England; and yet so vehement was the popular feeling that “the father of his country” was denounced as a traitor and a spy, only less culpable than Benedict Arnold. In 1796, three years before Washington’s death, John Adams was

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\* *Quebec Almanac* for 1816, p. 188. Gourlay : *Statistical Account of Upper Canada*, vol. i. p. 139. The latter, in his General Summary (*ibid.* p. 16), reckons the Upper Canada population at 83,250 some years after the war. See also Surveyor-General Bouchette’s *British Dominions in North America*, vol. i. pp. 75 & 347. McMullen, however, states the Lower Canadian population at only 220,000. *History*, p. 255.

† See Coffin : *1812 : The War and its Moral*, p. 35. James : *Military Occurrences*, p. 52. Christie : *Lower Canada*, vol. i. p. 343.

‡ Thompson (late of the Scots Greys) : *History. Niagara*, 1832, p. 101.

elected to the Presidency, and faithfully adhered to the policy of his illustrious predecessor; but in 1800, and again in 1804, Jefferson reached the highest place in the state, and thenceforward the descent was rapid towards the abyss of war. It would be tedious to trace the various stages of this downward process. Throughout, the attitude of France was insolently aggressive in the highest degree; and yet every indignity was borne by the Washington government in a spirit of abject submission. Bonaparte had already crossed swords with the American Republic in a brief war; and the peace he concluded was perfidiously broken.\* He had engaged to maintain the international maxim, agreed to by the Baltic powers, according to which the flag was to cover the merchandize. Yet he contemptuously violated his obligations and preyed upon the American commercial marine, not casually, but on system.† Nevertheless, the famous Berlin Decrees of 1806 were unresented in America. It was only when the British Order in Council appeared in reply to it, that the eagle's feathers were ruffled and his beak and talons sharpened for the fray. The Milan Decree was dated the 21st November, 1806, and it was received without a murmur of expostulation on the other side of the Atlantic; but no sooner did the retaliatory Order-in-Council make its appearance than a lusty outcry was raised against Great Britain. Nor did Napoleon's Milan Decree of December 11th arouse the indignation of America. Enmity against Britain and abject submission to France were, no doubt, to

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\* Coffin, p. 27.

† In the Prince Regent's speech (January, 1813), we find the following: "All these acts of violence on the part of France produced from the government of the United States only such complaints as end in acquiescence and submission." See Thompson, p. 13.

some extent the fruit of Revolutionary bitterness; but there was also a cool estimate of the profit to be made out of a rupture with the former country. The prize was Canada—the expulsion of Britain from the American Continent, and territorial aggrandizement for the Union.\* The British claim to the right of search was not a new one, and had been exercised by most of the principal European nations. It appeared humiliating no doubt; still it was the usage of the time, and was not mentioned in 1814 in the Treaty of Ghent.† As for the Orders-in-Council, they were repealed before the declaration of war was known in England.‡ The British Government naturally expected that Congress would at once revoke their warlike measures, so soon as intelligence of the withdrawal of the Orders reached America. Mr. Madison stated that had that conciliatory step been taken in time, war would not have been declared by the United States. He had before him, however, the conditional promise of withdrawal given on April 1st. Beside that, Great Britain did not proclaim hostilities until October, four months after Congress had taken the initiative. This hasty and ill-considered action of the Americans was perhaps, to a large ex-

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\* “Everything in the United States was to be settled by a calculation of profit and loss. France had numerous allies; England scarcely any. France had no contiguous territory; England had the Canadas ready to be invaded at a moment’s notice. France had no commerce; England had richly burdened merchantmen traversing every sea. England, therefore, it was against whom the death-blows of America were to be levelled.”—*James’s Naval History*, quoted in *Tupper’s Life of Brock*, p. 117. See also Auchinleck’s *War of 1812*, chaps. i. and ii.; Thompson, chaps. i. to vii.; McMullen’s *History of Canada*, pp. 250-253, and Dr. Ryerson’s *Loyalists of America*, vol. ii., chap. xlvii. and xlviii.

† Lieut. Coffin points out in his work (p. 29), that the last assertion of the right of search was made by Commodore Wilkes in 1861, when he seized Messrs. Mason and Slidell, passengers in the West Indian Mail Steamer *Trent*—an act for which he was rewarded by Congress for the Treaty, see Auchinleck’s *History*, p. 404.

‡ American Act declaring war signed June 18th, 1812; repeal of the Orders-in-Council, June 23rd, 1812; English declaration of war, October 13th, 1812.—Auchinleck, p. 43; Coffin, i, p. 33; Thompson, pp. 39-99; McMullen, p. 253.

tent, due to the fear that some such concession would be made in England. They wished, also, to surprise Canada, and capture the West Indian vessels then on their way homeward. The hostile tone in Congress, as displayed in violent speeches, like that of Henry Clay, exposed clearly, not only the animus of the war party, but also its aims.\* Neither Mr. Madison nor the majority in Congress, however accurately represented the feelings of the sober-minded portion of the American people. Mr. Randolph denounced the war, as also did Mr. Sheffey, both from Virginia. So did the Assemblies of Maryland, Connecticut, New Jersey, &c. At a New York Convention, the delegates, in a series of resolutions, strongly deprecated the war,† and there can be little doubt that it was intensely unpopular amongst the manufacturing and commercial classes in the Eastern States. The electoral vote for President in 1812 shows very clearly the sectional character of the war-fever. Unfortunately no complete popular vote was recorded until 1824.‡ This division in the camp of the enemy was a fortunate circum-

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\* Tupper's *Brock*, p. 237. Mr. Clay called for the extinction of British power on the continent. He thought it absurd to suppose that they could not succeed. God had given them the power and the means, and they ought not to rest until they obtained possession of the Continent. "I wish," said he, "never to see a peace till we do." Two years and six months after Henry Clay signed an ignoble Treaty of Peace at Ghent, as one of the United States' Commissioners, on December 24th, 1814.

† "That we contemplate with abhorrence even the possibility of an alliance with the present Emperor of France, every action of whose life has demonstrated that the attainment, by any means, of universal empire, and the consequent extinction of every vestige of freedom, are the sole objects of his incessant, unbounded and remorseless ambition."—Auchinleck, p. 27; McMullen, p. 254.

‡ The candidates for the Presidency for 1812 were James Madison (second term) and De Witt Clinton, of New York. The vote stood 128 to 89; but Madison received all his support from the South, only Ohio, Pennsylvania and Vermont being in favour of him. For Clinton were recorded the votes of Connecticut, Delaware, Maryland (half-vote), Massachusetts, New Hampshire, New York, and Rhode Island.—*American Almanac*, 1880, p. 261. War was, of course, the prominent issue, and, like all subsequent conflicts waged by, or in, the United States, it was distinctly a slaveholders' war.

stance for Canada, considering her scanty population and military resources. The apathy, or avowed abhorrence of the war, in New England preserved the frontier from invasion over the vast expanse of territory from Halifax to Lake Champlain. The war began at midsummer, and yet no attempt was made to repeat, under more auspicious circumstances, the perilous march to Quebec, in 1775, up the valley of the Chaudière.

The preparations made in Canada to meet the impending shock were directed by the brave and vigorous Brock, who had arrived in Canada, as Colonel of the 49th Regiment, in 1802. From 1806, he was engaged in unremitting exertions to place the Province in a state of defence. In 1807, the first effort was put forth to enrol the loyal Highlanders; and shortly afterwards the men of Glengarry appear upon the scene in which they played so conspicuous and gallant a part. Writing to Mr. Windham (February 12th), Colonel Brock transmitted "for consideration the proposals of Lieutenant-Colonel John Macdonell, late of the Royal Canadian Volunteers, for raising a corps among the Scotch settlers in the County of Glengarry, Upper Canada." He strongly recommended the acceptance of the offer, and the Highlanders being all Catholics, proposed the Rev. Alexander Macdonell as Chaplain.\* In 1811, Colonel Baynes

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\* "His zeal and attachment to Government," he writes, "were strongly evinced whilst filling the office of Chaplain to the Glengarry Fencibles during the Rebellion in Ireland, and were generously acknowledged by His Royal Highness the Commander-in-Chief. His influence over the men is deservedly great, and I have every reason to think the corps, by his exertions, will soon be completed, and hereafter form a nursery from which the army might draw a number of hardy recruits."—*Life and Correspondence*, pp. 32-34. Colonel Macdonell, to whom reference will be made hereafter, became Brock's A.D.C., and fell shortly after his chief at Queenston; the patriotic chaplain was subsequently Roman Catholic Bishop of Regiopolis (Kingston).

writes to Brock of proposals made by "an officer of the King's Regiment, a Captain George Macdonell," to form a corps. He is described as "a relation of the Glengarry priest of the name." In the first instance it was to be a small battalion, with Macdonell as major.\*

War was declared, by the United States, on the 18th of June, 1812; but no intimation of the fact reached Canada until the 7th of July. General Brock, however, was on the alert; and, when the tidings reached him, had already made his preparations. A distinguished Scot, Major-General Æneas Shaw, sprung of a fighting stock, deserves mention here. His father fought for the Stuart, at Culloden,† and the Clan Chattan (Shaw), has always had fighting men in the army and volunteers. The Major-General had served in the Revolutionary war as Captain of the Queen's Rangers (64th Foot).‡ Rising to the rank of Major-General, he was afterwards appointed Adjutant-General and a member of the Legislative Council of Upper Canada. He died of sheer fatigue, in 1813, leaving five sons—all officers in the army§—and four daughters.

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\* We shall hear of this brave Highlander again at Chateaugay. See *Life of Brock*, p. 111.

† *Genealogical Account of the Shaws*, London: 1877, p. 97. At Culloden, said the Provost of Inverness, in 1745, "the brunt of the battle fell on the Clan Chattan," for out of the twenty-one officers of their regiment, eighteen were left dead on the field.

‡ Simcoe was Colonel during the Revolution, and has left a full account of the operations in his *Military Journal*. New York: 1844. Colonel Stephen Jarvis, of the Queen's Rangers, commanded by Lieut.-Colonel Simcoe, in describing several engagements with Washington's army in August, 1777, says: "I was eye-witness to a very brave exploit performed by the Left Division of the Highland Company, under the command of Lieutenant, afterwards Major-General, Æneas Shaw. One of the field pieces, belonging to the Light Infantry, had got fast in a quagmire, and at last was abandoned by the Artillery attached to it. The rebels gave a shout, 'Huzza! the cannon is our own,' and advanced to take possession, when Lieutenant Shaw ordered his Division to the right-about, charged the enemy, and brought off the cannon, which was ever after attached to the Regiment." Colonel Shaw late of the 10th Royals, and Mr. S. M. Jarvis are our authorities in this sketch of the Shaws.

§ It may be interesting to note how the military spirit has run in the veins of the Shaws. The Major-General's eldest son, Alexander, was Captain in the 35th and 69th Foot, and fought in seven general engagements. His son, Captain Alexander Shaw, was an officer in

Brock was at Fort George, when the first attack was made by the enemy. General A. P. Hull crossed the Detroit river, with 2,500 men, landed at Sandwich, and issued a grandiloquent proclamation. It may be remarked here, that no belligerent nation ever indulged so much in brag and bathos, followed by so slender performance, as the Americans during this war. Hull's next move was a march upon Amherstburg, where a very small force of a few hundreds was posted. The first blood was drawn on the River Canard; and the earliest names of wounded officers are those of Scots—Captain Muir and Lieut. Sutherland.\* They had been ordered to attack a village on the American side, and both were severely wounded,—Sutherland was borne off the field, having received a ball in the neck, which passed completely through it. Muir, although twice wounded, insisted on keeping his place in the field.† At about the same time, the important post of Mackinac capitulated, the small British force owing its success largely to the valuable assistance of Scots belonging to the North-West Company. Hull, having found that his supplies and communications were in danger, re-crossed the river, renounced his schemes of Canadian conquest, and entrenched himself at Detroit. The indefatigable Brock had no sooner arrived at Sandwich than he summoned Hull to surrender. The demand was refused, though in a rather tame and unspirited

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the Incorporated Militia and Queen's Rangers, in 1837-8. Alexander's son, Geo. A. Shaw, was, until lately, Colonel of the 10th Royals.

\* These gallant officers belonged to the 41st Regiment.

† McMullen p. 260; Christie, ii. 27; Coffin, p. 42; Auchinleck, p. 57; Thompson (Scots Greys), p. 108; Major Richardson: *Operations of the Right Division*, &c.; Toronto, 1842, p. 19; Tupper; *Life of Brock*, p. 249.

way. The British commander's demand was certainly a bold one, seeing that, whilst the enemy had nearly 3,000 men, fighting under shelter, Brock's force did not exceed seven hundred. However, he probably had some idea of the man he had to deal with, and the event proved that his judgment was correct. With characteristic promptitude, our gallant general at once crossed the river, and Hull lost heart and head at once. Detroit, and the whole of Michigan territory, was surrendered, along with 2,500 men, 33 pieces of cannon, and colours, besides an immense quantity of stores.\*

Meanwhile danger threatened Canada on the lower Niagara, where Major-General Van Rensselaer had concentrated 5,200 men, besides 300 field and light artillery, with 800 more at Fort Niagara. Matters having been adjusted in the west, Brock hurried to the scene. The forces at his disposal consisted of detachments from the 41st and 49th regiments, a few companies of militia, and between 200 and 300 Indians. Nothing strikes one more than the great disparity between the American and British forces, whether on sea or land, throughout the war. It seems almost inexplicable, looking at the true record, instead of the false statistics of American historians, how those little bands of loyal and patriotic men could have stood their ground and repelled for three years a succession of attacks from superior numbers. The American general was not bombastic, in the way of proclamation, like Hull, at the outset, and Smyth, still more ridiculously, at a subsequent stage of the war. Still, Van Rensselaer fancied

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\* Lieut.-Colonel John Macdonell, of the Glengarry Corps, and A. D. C. to Brock, negotiated for the surrender, with Major Glegg; but more of him hereafter.

that the task before him was an easy one. "At all events," said Gen. Dearborn, with a confidence which all the American commanders shared, "we must calculate upon possessing Upper Canada before winter sets in." \* There certainly appeared some reason for anticipating such an event. From Black Rock to Fort Niagara the General in command could count upon no fewer than five thousand two hundred men, exclusive of three hundred artillery and the eight hundred of the 6th, 13th and 23rd regiments actually garrisoning Fort Niagara. On the other hand, the British force of only 1,500 men against over 6,000 was dispersed along the frontier from Fort Erie to Fort George, a distance of thirty-six miles.†

On the morning of the 13th of October, in the gray dawn of a bleak and stormy day, the American troops began to embark for the Canadian shore. The dun and lowering sky was not as yet pierced by the beams of a rising sun when the alarm was sounded. A spy had mistakenly informed Van Rensselaer that Brock had departed hurriedly for Detroit, and the Americans deemed it advisable to attack the enemy in his absence. A small band of British soldiers were at the landing-place ready for the invaders, who rowed across the deep blue waters flecked with whitish foam—the relic of a fiercer struggle up the river. The Canadian ordnance consisted of but one gun on the shore and one on the heights. And yet the gallant defenders of the British soil would have beaten back the enemy, had not some of them discov-

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\* Wilkinson's *Memoirs*, quoted in Auchinleck, p. 101.

† These figures are taken from the General Order Book in MS. The headquarters of the four divisions were at Fort Erie, Chippawa, Queenston and Fort George. Auchinleck (p. 101) states the force at 1,200.

ered a path up the rocks, down which not a few were fated to descend with greater rapidity than they had clambered up. The heights were gained and the single gun captured. At that moment Brock and his aides appeared upon the scene, and his cheery cry, "Follow me, boys," nerved the hearts of his slender command. The odds were apparently against him, but the stout hearts of the General and his gallant following knew no fear. Their watchword was duty, and they were content to leave the rest to God. Brock fell too early in the struggle, where he was always ready to die—at his post. Like the conqueror of Quebec, the hero of Queenston was taken away in the prime of life. Wolfe was only in his thirty-fourth year when he expired on the plains of Abraham; Brock, exactly a week before his death, had but completed his forty-third year. The memories of both are enshrined in the hearts of all true Canadians—green and precious now as when they perished by an untimely death. In both instances victory crowned the dying heroes, but Wolfe's task had been virtually accomplished; the brave and chivalrous Brock's had only begun.\*

The odds in this heroic struggle were heavily on the side of the invader. Thirteen hundred Americans were on the heights, and opposed to them were only two companies of the 49th and about two hundred York militia. To add to the difficulties of defence, Captain Wool with an American detachment, having mounted by the fisherman's path, poured down fresh volleys of musketry upon the devoted band of loyalists. It was in charging up the hill, with the cry of,

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\* For an admirable account of the General's life, the reader is referred to the biography by his nephew, F. Brock Tupper. London: 1845.

"Push on, brave York volunteers," that the gallant Brock met a soldier's death. Not long after, another brave officer, of whom it is proper to speak at length, fell—a companion of his General in the tomb until this day. Lieut.-Col. Macdonell, the faithful and trusted aide-de-camp of Brock, had already seen service with his chief up the Detroit river, and he, with Captain Glegg, negotiated and signed the treaty of surrender by Hull.\* As the foremost Scot at Queenston, he deserves a somewhat extended notice. John Macdonell was born at Greenfield, Inverness, Scotland, in 1787, so that he was only twenty-five years of age when he met his death. His father, Alexander, emigrated to Glengarry, in Upper Canada, in 1790; and his mother, Janet, was the daughter of an aide-de-camp of Charles Stuart, and brother of Lieut.-Col. John Macdonell, of the Royal Canadian Volunteers, and Speaker of the Upper Canada Assembly in 1792.† The family was a large one. The Colonel's brother, Hugh, died at the Scotch College of Valladolid in Spain. Duncan commanded a company at the taking of Ogdensburgh, and at Fort Carrington in 1813, and lived until 1865, having been Registrar for many years. Angus was a partner in the North-West Company and was murdered at Red River during the Selkirk troubles. Alexander was successively M.P.P.

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\* In a letter to Sir George Prevost, published in the *Gazette* in London, Brock says, speaking of Hull's surrender, "In the attainment of this important point, gentlemen of the first character and influence showed an example exceedingly creditable to them, and I cannot on this occasion avoid mentioning the essential service I derived from John Macdonell, Esq., His Majesty's Attorney-General, who, from the beginning of the war, has honoured me with his services as my Provincial aide-de camp."

† The Macdonells were essentially a fighting clan. The grandfather of this John fought at Culloden, escaped to France, and became a colonel in the French service, being on the account excepted from the Indemnity Act of 1747. His son was made colonel of the 76th Macdonell Highlanders in 1777, having previously been a major in the Fraser Regiment. He died, after taking part in the American war, a colonel in the army and a brigadier-general in the Portuguese service.

and Sheriff of the Ottawa District. Donald was also an M. P.P., Sheriff of the Eastern District, Colonel, and, in 1813-14, Assistant Quarter-Master General. The hero of Queenston was called to the bar in 1808, became Attorney-General in 1811, and, at the breaking out of the war, was appointed A.D.C. to General Brock. At Detroit, he received General Hull's sword, and the gold medal commemorative of the surrender was transmitted to the family after his untimely death. Col. Macdonell, who had been stationed some few miles from Queenston, hastened to the scene. He had only two companies with him, but these men, exasperated at the death of their beloved General, rushed valiantly up the steep, bent on vengeance. In the course of the charge, the gallant Macdonell fell, having been wounded in four places. He lived for twenty hours, continually lamenting the death of his illustrious chief.\* It was fitting that this brave young Highlander should repose in death by the side of the hero he loved so well. Gallant and chivalrous in their lives, in death they were not divided. But for the loss of the Colonel† there

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\* "His Provincial aide-de-camp, Lieut.-Macdonell, the Attorney-General of Upper Canada—a fine, promising young man—was mortally wounded soon after his chief, and died the next day at the early age of twenty-five years. Although one bullet passed through his body, and he was wounded in four places, yet he survived twenty hours, and during a period of excruciating agony, his thoughts and words were constantly occupied with lamentations for his deceased commander and friend. He died while gallantly charging up the hill with 190 men, chiefly of the York volunteers, by which assault the enemy was compelled to spike the eighteen-pounder in the battery there."—Tupper's *Brock*, p. 322. See also, James' *Military Occurrences*, i. 90, and the other histories *in loco*, previously cited.

† Earl Bathurst, writing to Sir Geo. Prevost, in December, 1812, speaking for the Prince Regent, observes: "His Royal Highness has been also pleased to express his regret at the loss which the Province must experience by the death of the Attorney-General, Mr. Macdonell, whose zealous co-operation with Sir Isaac Brock will reflect lasting honour on his memory." Early in 1813, the Prince Regent again acknowledged the services of the Colonel; and in 1820, Frederick Duke of York, Commander-in-Chief, transmitted the Detroit medal to his family, "as a token of the respect which His Majesty entertains for the memory of that officer." In 1853, when the Brock Monument was again in process of erection, at Queenston, the Administrator of the Government nominated Colonel Donald Macdonell

can be no question that the invaders would at once have been driven over the rocks, although they numbered at least four to one. As it was, help, unfortunately tardy, was at hand. The reinforcements came from Fort George, and although they amounted to three hundred and eighty, were but a handful as compared with the enemy; still they were strong and valiant enough to drive the enemy across the river. Of these fresh troops the names of Scottish origin occupy a prominent place. Lieut. McIntyre led the advance with the light company of the 41st Foot; then follow, of the militia, Capt. James Crooks, Capt. McEwan (1st Lincoln), with Cameron and Chisholm, of the little Yorkers. General Sheaffe assumed the command, and after one volley the British bayonet was brought into requisition, and the Americans fled towards the Falls. Finding no succour at hand, many of them flung themselves over the rocks, others were observed attempting to swim across the river; but the rest, to the number of between eight and nine hundred, surrendered.\* It is not necessary here to refer to the transparent falsehood of the American chroniclers, who multiply their enemy's army by five and divide their own by three. It may suffice to note that two of them introduce, as pre-

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to represent him at the re-interment. In the Militia General Order, "His Excellency has much pleasure in nominating for this duty the brother of the gallant officer who fell nobly by the side of the Major-General in the performance of his duty as Provincial Aide-de-camp." It may be stated that we are indebted to his relative, Mr. John A. Macdonell, of Toronto, for the information contained above.

\* Van Rensselaer and several boat loads had gone over previously. It may be well to remark here that this unfortunate General was, perhaps, more sinned against than sinning. Personally, he was, unquestionably, a brave man, but he had no strategic ability. With at least 6,300 men between Fort Niagara and Black Rock, he should have done better, considering the well known weakness of the opposing force. Thompson, at that time Secretary of War, tried to depreciate Van Rensselaer's personal bravery; but at Queenston he was wounded in four places. See a defence of the American General by his nephew and aide-de-camp, entitled *Narrative of the Affair at Queenston in the War of 1812*. New York; 1836. There is a great deal of curious information in this book.

sent, the entire 49th Regiment, whereas there were only two companies there.

It is now time to look at the part taken by some other Scots or Scotsmen's sons in the war. No less than three gentlemen destined to be Chief Justices took up arms in defence of their country in the conflict of 1812-15, and of these, two were of Scottish blood.\* Sir James Buchanan Macaulay, C.B., was the son of James Macaulay, M.D., formerly of the 33rd Foot, and grandson of the Rev. Mr. Macaulay, of Glasgow, Scotland. He thus closely resembled in his pedigree the great English historian. His father emigrated to Canada, and was quartered with his regiment at Niagara, in 1792. There, in December of the following year, the future Chief Justice was born. Educated at Cornwall under another Scot, Dr. (afterwards Bishop) Strachan, he entered the 98th Regiment as ensign. When the war broke out, Macaulay longed to assist in the defence of his country, and joined, with that object, the redoubtable Glengarry Fencibles. He served at Ogdensburg, Oswego, Lundy's Lane, and Fort Erie, always in the thick of the conflict. He was, nevertheless, fortunate in never having received a wound. After the war, Macaulay entered upon the profession of the law, and was called to the Bar in 1822. In 1829 he became a puisne Judge of the Queen's Bench; in 1849 the first Chief Justice of the Court of Common Pleas; and in 1856 he was chosen as a Judge of the Court of Error and Appeal. A man of singular ability and of a most amiable disposition, he was a sincere friend to the student as well as to the bar-

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\* The third, Sir John Beverley Robinson, was the son of a U. E. Loyalist, and of English extraction.

rister. The crowning work of his life was perfected when the statutes of the Province were satisfactorily consolidated; and he died in 1859, highly esteemed and deeply regretted.\*

A rare old fighting-stock—the McLean family—must now claim our attention, and here there is almost an *embarras de richesses*.† The clan McLean, or Gillean, seems to have turned out as many sturdy fighters as any of the Highland septs, if not more.‡ So far back as the grey dawn which intervened between legend and history, partaking largely of both§, there was a Gillean to the fore, fighting in the reign of Alexander III. against the Norsemen at the battle of Largs. A Lachlan Môr McLean was bent upon exterminating the Macdonalds, and got the worst of it; his son, Hector, however, redressed the balance and expelled the other Macs, invading Isla, and ravaging it in primitive fashion. A younger brother was one of the Nova Scotia baronets—Sir Lachlan Maclean by name. The clan was devotedly loyal to the Stuarts throughout; they belonged to Mull, and were not likely to be infected with the constitutional theories of the far-away Southron. At Inverlochy and Inverkeithing they fought desperately on the side of Montrose and the Stuarts. At the battle of Killiecrankie, Sir John Maclean was on Dundee's right; in 1715, the clan was again to

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\* He left three daughters, of whom one became the wife of B. Homer Dixon, Esq., K. N. L., of Homewood, Consul of the Netherlands. The above account is mainly taken from Morgan's *Celebrated Canadians*, p. 468.

† The information contained herein is entirely derived from manuscript notes kindly furnished by Miss McLean, Messrs. John McLean (Cornwall), Thos. A. McLean, Allan McLean Howard, and J. T. Pringle (Cornwall), and from a funeral sermon by the Rev. Dr. Barelay, published at Toronto, 1865.

‡ See Keltie; *Scottish Highlanders*, ii. 223.

§ Before us lies a genealogical table of the Clan Maclean, beginning with the founder of the race Gillean (A.D. 1174), and reaching down to the close of last century.

the fore under Mar, and busy at Sheriffmuir. At Cullo-den, where the sun set upon the Stuart fortunes, five hundred of the clan fought for Charlie. It would lead us too far-afield to trace the various branches of the clan; and it is not necessary for the present purpose to distinguish them. Before referring, however, to the McLean who is of special interest in this immediate connection, it seems proper to refer to others who distinguished themselves on the field. Archibald McLean was descended from Hector Mhor McLean, Lord of Duart, and son of Hector of Mull. He was captain of a Loyalist corps, a troop of horse in the New York volunteers, and served under Lord Rawdon in the American Revolution. He especially distinguished himself at the battle of Eutaw Springs, in South Carolina, where he was severely wounded. Removing to New Brunswick after the war, he was for twenty-two years a member of the Legislature. In 1812 he was staff-adjutant of Militia in New Brunswick, and died in 1830. His son, Allan McLean, volunteered with his regiment to go to Canada during the troubles of 1837.\* Major (now Colonel) McLean served with distinction during the Crimean War, and was in Canada with his regiment, the 13th Hussars. He will succeed to the Baronetcy as well as chieftainship of clan on the death of his father, Sir Fitzroy Grafton McLean. General Allan McLean, who defended Quebec, belongs to a branch eminently distinguished for its bravery. "It may be said of them," says our informant, "that they lived by the sword

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\*He was a cousin of the Gen. Allan McLean to be mentioned immediately, and uncle of General Thomas Allan McLean, well known as colonel of the 13th Hussars, also of Rev. John McLean Ballard. Allan McLean Howard, of Toronto, another nephew, is in possession of his sword, pistol-holsters and military accoutrements.

and died by the sword, for they all fell in battle, and there is not an individual remaining in the whole line, so far as I am aware of." Allan's grand-daughter had, in addition, a cousin who was a General, and her husband was also a General. Another McLean (John) was in the Hudson Bay Company's service, and published a work on the North-West. General Lachlan McLean owed his promotion to his good looks. Unlike most of his clan, he did little or no fighting. The Duke of York, Commander in Chief, had a weakness for handsome officers; the consequence was Lachlan's rapid promotion as successively Lieutenant-Colonel, Brigadier-General, Major-General, and Lieutenant-General. At Quebec, as senior General, he secured the post of commandant of the garrison with its emoluments. The Hon. Neil McLean also hailed from Mull. Born in 1759, he entered the Royal Highland Emigrants as Ensign, and was subsequently gazetted a Lieutenant of the 84th. When that regiment was disbanded he remained on half-pay until 1796, when he was made Captain of the Royal Canadian Volunteers, serving at Montreal, Quebec, and York, taking part in the battle of Chrysler's farm. He finally settled at St. Andrews, Stormont, marrying a Miss Macdonald (of the brave Glengarry stock), by whom he had three sons, John, Archibald and Alexander. The eldest was for years Sheriff of Kingston; Alexander entered the Royal Newfoundland Regiment, and saw considerable service in the war of 1812; and he subsequently enlisted in the Stormont Militia, being wounded at the capture of Ogdensburg. He was subsequently M.P.P., and Treasurer of Stormont and Glengarry. The second son is more widely known to the present generation. Archibald McLean (afterwards Chief-Justice of On-

tario and President of the Court of Error and Appeal) was born at St. Andrews, near Cornwall, in 1791. At the breaking out of the war of 1812, McLean was Second Lieutenant in the 1st or flank company of the York Volunteers,\* commanded by a Scot, Capt. Cameron. When Brock inspected the companies he asked for volunteers to accompany him to Amherstburg, and, to his surprise, all offered to go. It was impossible, however, to accept them all, and finally Heward, Jarvis, and Robinson (Sir John) were selected to command a portion of the force. Although it does not bear upon the immediate subject of this work, it may not be amiss to note an incident which shows the patriotic conduct of the "brave York Volunteers." Mr. Jarvis, of the Light Company, had been despatched after Gen. Brock in charge of a few Indians, with instructions to return, after accomplishing his mission. Jarvis had no notion of returning, however, and was temporarily attached to one of the companies. Lieut. McLean was stationed at Brown's or Field's Point, about midway between Queenston and Niagara. When the noise of artillery and the rattle of musketry was heard, McLean at once rushed to the scene of action. He was in charge of the solitary 18-pounder which was placed on the brink of the river. When the early dawn of morning disclosed the enemy, the gallant Lieutenant was anxious to get into the midst of the fray; and when the Americans had gained the heights by the "fisherman's path," he could be restrained no longer. Flinging aside his heavy overcoat, McLean and his little fol-

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\* The Volunteers were attached to the 3rd York Militia, and their officers were: 1st, Captain Duncan Cameron, Senior Lieut. William Jarvis, Junior, Archibald McLean, 3rd Lieut. George Ridout. This being the right flank, now called the Grenadier Company, the Light Company was officered by Captain Stephen Heward, with three Lieutenants—John Beverley Robinson, S. P. Jarvis, and Robert Stanton.

lowing joined the York Volunteers. His captain (Duncan Cameron) was wounded by a spent ball in the elbow, and thus rendered helpless; McLean himself was severely wounded in the thigh. Then followed Macdonell's gallant charge up the steep, and the surrender of the American forces. Macdonell fell close to McLean, and his first cry was to him, "Archie, help me." The reinforcements from Fort George had finished the business; but the victory was dearly purchased by the deaths of Brock and Macdonell. The ill-advised armistice concluded by Gen. Sheaffe terminated the campaign, and McLean returned to York, with a view of prosecuting his studies and the legal profession. Visiting his friends in eastern Ontario, he was commissioned to recruit a company in the battalion which his father, Neil McLean, was about to raise. So conspicuous was the Lieutenant's gallantry, that Sir George Prevost offered him a commission in the line—a tempting offer in those days—but declined by McLean, who fought only for his native land. During his visit, Lieut. McLean came in contact with the good Bishop Macdonell; and the failure of means of transport and the deep snow accidentally brought him once more into the middle of the fray at Prescott and Ogdensburgh. The Bishop was on the ice in a great state of agitation, as the troops had been repulsed, and the whole north shore was exposed to the mercy of the American marauders. There were in the western division only a company of the Glengarry Fencibles and a remnant of the Glengarry Militia. McLean and his brother obtained arms from wounded men, and hurried in haste over the ice-clad river. They, however, arrived too late. The eastern division consisted of a company of the 8th or

King's Regiment, a detachment of the Royal Newfoundland Fencibles, and a number of the Glengarry, Stormont and Dundas Militia. These were almost wholly Scots, or of Scottish extraction. They made a gallant assault upon the works, which were defended by an American force under Captain Forsyth (presumably of Scottish descent). The works were carried; but Lieut. McLean only reached the scene to find his younger brother, Alexander, severely wounded by a round-shot in the thigh. The stores, &c., were carried over on the ice to Prescott. In March, Lieut. McLean returned to York, with the intention of applying for call to the bar. At an interview with General Sheaffe he announced his intention of raising a company of incorporated Militia, as Captain Jarvis had done, but was induced to accept the Assistant-Quartermaster-Generalship of Militia, and consequently was placed on the Staff. He continued in active service until the battle of Lundy's Lane, where he had the misfortune to be taken prisoner, with a reconnoitring party, and, after suffering some hardships, was detained, on parole, until the close of the war. He was at York when it was captured by the Americans, and bore away the York Volunteers' colours during the retreat. His after career is well known. Pursuing his legal course, he eventually became Chief-Justice of Ontario, and died President of the Court of Error and Appeal in 1865.

His wife came also of a distinguished Highland line. Her father, a Macpherson, and her grandfather a Cameron, were amongst the defenders of the Sault au Matelot, when Montgomery assaulted Quebec in 1775. Cameron had followed Prince Charlie under Lochiel in the '45, but escaped to

France. On his return to Scotland with a brother of Lochiel, both were taken prisoners. The latter was executed—the last of the hangman's victims. Cameron was offered a commission in the army, but preferred emigrating to Canada. After fighting bravely at Quebec, he refused any pay for his services, with the characteristic pride of a Highlandman. "I will help," he said, "to defend the country from our invader, but I will not take service under the House of Hanover."\*

Allan McNab was the father of Sir Allan, of Dundurn Castle, Hamilton. His family, like the Shaws and McLeans, were soldiers by hereditary descent. Old Allan's father belonged to the 42nd or Black Watch, was Royal Forester of Scotland, and owned a small property called Dundurn at the head of Loch Earn. The son was originally an officer in the 71st, but during the Revolutionary war, he served as a Lieutenant of cavalry in the Queen's Rangers under General Simcoe. While thus employed he received no less than thirteen wounds. Following the fortunes of his General he repaired to Upper Canada, and subsequently with his son (afterwards Sir Allan, then so young as hardly to be able to carry a musket) took part in the war of 1812. Sir Allan Napier McNab was born at Niagara in 1798, and received his second name from the mother's side, Captain Napier, his grandfather having been Commissioner of the port of Quebec. He was at York when the enemy captured the town,

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\* Before leaving the McLeans, an incident connecting past with present—the old generation with the new—seems deserving of mention. On the 24th of May, 1855, Chief Justice McLean laid the corner-stone of the Sandwich Court-house, and was presented with a silver trowel by "a brither Scot," the contractor, Mr. Alexander Mackenzie, since Premier of the Dominion.

and followed General Sheaffe in the retreat to Kingston. Here he became a "middy" in Sir James Yeo's squadron, and went to Sackett's Harbour where Prevost made so notorious a failure. We next find him in the 100th Regiment under Colonel Murray on the Niagara frontier, with the advanced guard; he was foremost at the taking of Fort Niagara, and received an ensigncy in the 49th as a reward for his valour. At the burning of Black Rock and Buffalo, in retaliation for the wanton destruction of Niagara, he was present with General Riall's command. When this campaign ended he joined his regiment at Montreal, and was again so unfortunate as to be a participant in that other fiasco of Sir George Prevost at Plattsburg. There again Sir Allan was of the advanced guard. Placed on half-pay some years after the war, he devoted himself to the study of the law and rose to the dignity of a silk-gown. His parliamentary career began in 1829, when he was returned for Wentworth,—a seat he occupied during three Parliaments. From that time until his retirement from the House in 1857, Sir Allan represented the City of Hamilton, and he was subsequently (in 1860) a member, and Speaker, of the Legislative Council. The political portion of his career will demand attention in a subsequent chapter, as also his connection with the burning of the *Caroline* in 1837. As leader of "the men of Gore" he always appeared ready to take up arms in the service of his country. A bluff, frank, honest old man, albeit gouty, he was, in spite of the irascibility produced by physical suffering, much beloved by the people of his district, and although, by heredity and education, a strong Tory, never lost the respect of his Reform friends and neighbours.

In 1859, during a brief residence in England, he failed to secure a seat for Brighton.\*

The Hon. James Crooks (father of the Ontario Minister of Education) was one of the earliest settlers in Upper Canada. Born at Kilmarnock in 1778, he established himself at Niagara in 1794.† As a merchant he sent the first load of wheat and flour from Upper Canada to Montreal,‡ and established the first paper mill. Unlike Jack Cade's victim, Lord Say, Mr. Crooks did not lose his head on account of the latter enterprise.§ During the war Mr. Crooks, and at least one of his brothers, distinguished themselves in the field at Queenston and elsewhere on the Niagara frontier. He was soon after elected to the Assembly,|| and subsequently became a member of the Legislative Council. Throughout his public life he was regarded as a singularly upright man, and thoroughly independent. He died so late as 1860, in the 82nd year of his age, on the same property in West Flamboro' where his son, the Minister of Education, first saw the light in 1827. In politics the Hon. James Crooks was a

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\* Morgan ; *Celebrated Canadians*, p. 473. Dr. Ryerson ; *The Loyalists of America*, ii. 202 ; and Simcoe ; *Military Journal*, *passim*.

† Three of the name are mentioned in *Toronto of Old*, all residents of Niagara—William, James and Matthew. The two first-named were in partnership as merchants. In the *Gazette and Oracle* of October 11th, 1797, appeared the following advertisement, which did not look strange at the time ; "Wanted to purchase a negro girl, from seven to twelve years of age, of good disposition. For further particulars apply to the subscribers, W. and J, Crooks, West Niagara. *Scadding* p. 235.

‡ *Celebrated Canadians*, p. 315.

§ That portion of the rebel's indictment against His Lordship must be familiar to the Shakspearian reader ; "And whereas before, our fathers had no other books but the score and tally, thou hast caused printing to be used ; and contrary to the king, his crown and dignity, thou hast built a paper-mill." 2 Henry VI. Act iv. Sc. vii.

|| In a debate on a measure to legalize marriages solemnized by Methodist clergymen, he is reported in the *York Observer* (Jan. 17th, 1822), to have said ; "He thought it was necessary that this Bill should make valid marriages heretofore contracted, and he hoped in God it would take place." In the *York Almanac and Royal Calendar* for 1823, he appears as member for Haldou, residing at Dundas.

Conservative, and therefore came under the notice of Robert Gourlay, of whom hereafter.

The Hon. George Crookshank, in his later years, "the oldest resident of Toronto," was born in the City of New York, in 1773. His father, a native of the island of Hoy, Orkney, had emigrated to Shrewsbury, New Jersey, upon the breaking out of the Revolutionary war. He was a devoted loyalist, and emigrated, early in the troubled time, to New Brunswick. There his sister Catherine married the Hon. John McGill. Mr. Crookshank's brother-in-law had already preceded him to Canada, and in 1796, he was induced to follow, by the offer of an important post in the Commissariat Department. The immediate cause of the migration of the Crookshanks and McGills, was the earnest desire of General Simcoe, when appointed to the Lieutenant-Governorship of Upper Canada, to have some of the old loyalists about him. Mr. Crookshank's chief work was the building of military roads, and the transportation of cannon, &c., for the army. When the town of York was evacuated, he followed the forces to Kingston, and his house\* became the head-quarters of the American General. He retired on half-pay, in 1820, when he also received a grant of three hundred acres of land, known afterwards as the Crookshank estate. The hon. gentleman died a member of the Legislative Council, of many years' standing, on the 21st of July, 1859. He was a warm-hearted and energetic man, a worthy exemplar of the sterling loyalist virtues, and ended

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\* The well-known homestead on the east side of the intersection of Peter and Front streets. "Passing westward," says Dr. Scadding, "we had on the right the spacious home of Mr. Crookshank, a benevolent and excellent man, sometime Receiver-General of the Province."—*Toronto of Old*; p. 62.

a long and eventful life, leaving no blot upon his escutcheon. In those early days when systematized charity was unknown, Mr. Crookshank was eminently charitable upon a rational and well-designed basis. As a churchman, his name is linked with the fortunes of St. James' Cathedral, to the erection of which he largely contributed. After the Union of 1841, he does not appear to have taken any part in political life. The Province he had so earnestly laboured to build up had passed into a new phase of existence, and he could well afford to leave the work of progress to his juniors. Mr. Crookshank was pre-eminently a pioneer, and as the pioneer's work was done, the evening of his days was passed in quiet retirement. His only son had gone before him, and his property fell to his only surviving child, a daughter,\* when he died on the 21st of July, 1859.

On the last day of the year 1834, as we learn from the *Patriot*, of January 20th, 1835, the Hon. John McGill died in Toronto, as little York was by that time called. Mr. Mackenzie's paper, the *Advocate*, announced his decease, in these characteristic words: "Died—yesterday, the Hon. John McGill, an old Pensioner in His Majesty's Government." A correspondent of the *Patriot*, after rebuking the Radical editor, for his want of feeling, proceeds to give an account of the departed official. He was born in Auchland in Wigtonshire, Scotland, at the beginning of March, 1752. Thanks to the admirable parochial system of his native land, he was well educated, and piously brought up. His father apprenticed him to a merchant at Ayr, where he may

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\* His daughter married Mr. Stephen Heward, and to her kindness the writer is indebted for most of the information given above.

have come in contact with Robert Burns. In 1773, his enterprising spirit led him to emigrate to the colonies, and he landed in Virginia, in October. When the storm of revolution broke over the land, Mr. McGill, firm in loyalty to king and country, sacrificed his mercantile prospects, and cast in his lot with what proved to be the losing cause. The rebels, although they loved liberty for themselves, were not over tolerant where the honest opinions of opponents were in question. Mr. McGill was one of those described as "unmanageable traitors," and with difficulty succeeded in making good his escape on Lord Dunmore's fleet. In 1777, he was Lieutenant in the Loyal Virginians, and afterwards became Captain, under General Simcoe, in the Queen's Rangers.\* In 1779, the Colonel and others of the corps fell into an ambuscade, and into the hands of the rebels, by whom they were harshly treated. Mr. McGill offered to aid his superior officer's escape, by taking his place in bed and remaining behind. But the plan failed owing to the breaking of a false key in the door-lock. In 1783, Mr. McGill, with other loyalists, made his way to St. John, New Brunswick, where he remained seven or eight years. During this time he married Miss Catharine Crookshank, a lady of singular benevolence and amiability of character, with whom he lived happily for over thirty years.† Another Miss Crookshank (Rachel) was the second wife of Dr. Macaulay, whose death

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\* A full account of the exploits of the Queen's Rangers will be found in *Simcoe's Military Journal*, originally printed, for private circulation, at Exeter, and published at New York with a memoir, in 1844.

† Mrs. McGill died on the 21st of September, 1819. An obituary notice of her, warmly eulogistic in tone, appeared in the *Upper Canada Gazette* of the 25th, a copy of which lies before us.

is recorded in the *York Observer* of January 7th, 1822. By his first wife the doctor left a number of descendants well known in Toronto.\*

In the winter of 1792, Mr. McGill, at the invitation of General Simcoe, removed to Upper Canada. The founder of Toronto was, throughout, a fast friend to him, and, at the peace of 1783, with other reduced officers, he repaired in company with his chief to New Brunswick. When Simcoe was appointed Lieutenant-Governor of Upper Canada, he, at once, wrote for Crookshank and McGill, in 1791. The latter received the post of Commissary of Stores, &c.,—an office to which, as already noted, his brother-in-law succeeded on his arrival in 1796. The records show that General Simcoe reposed the utmost confidence in Colonel McGill. On the arrival of General Hunter—a brother of the celebrated physician, John, and a Scot,—there appeared to be a pressing necessity for a general supervisor of the Provincial finances. Mr. McGill, therefore, was named as Inspector-General of Accounts, with the munificent salary of £164 5s. currency; he did not accept the appointment, however, until 1801.† His labours in the audit department appear to have been thorough and effective. For forty years, Mr. McGill appears to have laboured with conspicuous ability. He had been an Executive Councillor, early in his public life, having been appointed to succeed a brither Scot, Colonel Shaw in 1796; and in 1797, he

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\* Dr. Macaulay was the father of Sir J. B. Macaulay. Mrs. Macaulay survived her husband for eighteen years, dying in 1840. The residence called Teraulay was on Yonge Street, about where the Church of the Holy Trinity now stands.

† He was certainly no gainer, seeing that he was compelled, out of this paltry pittance, to pay a clerk £126, and furnish office, fire and candles, out of the balance.

was called to the Legislative Council, at the time of his death, being by far, the oldest member of that body.\*

In 1813, Sir Roger Sheaffe nominated him to the Receiver Generalship of the Province. When at the age of seventy, worn out by active service, with impaired sight, and partial paralysis of the right arm and hand, caused by unremitting labours at the desk, he asked leave to retire, and received from the Lords of the Treasury a pension of £450 sterling per annum.† That he fully deserved this mark of appreciation, is evident from the highly eulogistic terms in which contemporaries spoke of his career. On his retirement, Lieutenant-Governor Gore wrote to him from London, thus: "Your long, honourable, and meritorious services, had I the power, should be better rewarded." As an instance of McGill's probity, it may be mentioned that he over-credited the Government with £1,700, from a sensitive delicacy as to what he was legally entitled to as Receiver-General. It was decided in England, at the instance of the Chief Justice, that he ought to be re-imbursed; yet, strange to say, only one-half of it was actually received by him. Mr. McGill owned a large park-lot in what is now the heart of Toronto. His residence stood, until about ten years ago, on the plot now occupied by the Metropolitan Church, formerly known as McGill Square. His name is still preserved by McGill Street, further to the North.‡ Mr. McGill died at the close

\* The particulars in the text are taken from a tribute to the memory of Mr. McGill, by the Hon. Peter McGill, of whom mention will be made hereafter.

† Scadding, pp. 286-7.

‡ Dr. Scadding (p. 260), notes a copy of an advertisement from the *Upper Canada Gazette* for 1793, in which is given some idea of the work of Mr. McGill's first department: "Ten Guineas Reward is offered for the recovery of a Government grindstone, stolen from the King's Wharf, between the 30th of April and the 6th inst. Signed, John McGill, Com. of Stores, &c. Queenstown, 16 May, 1793.

of 1834, at the advanced age of eighty-two, leaving his property to his nephew Peter McCutcheon, who, in obedience to the testator's injunction, assumed the name of McGill.

The Hon. James McGill, founder of McGill University, Montreal, was distinguished for his benevolence and public spirit. Born at Glasgow, in 1744 (Oct. 6th), he came to Canada at an early age, and became a merchant. Having amassed a large fortune, he thenceforth devoted himself to the advancement of his adopted country. He became a member of the House, and subsequently of the Legislative and Executive Councils of Lower Canada. During the war of 1812, so valuable were his services that he rose to the position of Brigadier-general. He was chiefly known, however, for his charity, and the warm interest he took in the cause of education. Towards the close of 1813, he died at the age of sixty-seven, leaving a monument behind more precious and enduring than marble.\* The Hon. Peter McGill, though properly belonging to a later period, and not connected with the war, but afterwards a Colonel of Militia, may be introduced here, in connection with his namesake. His father, John McCutcheon, belonged to Newton Stewart in Galloway, and his mother a McGill. He himself was born at Cree Bridge, Wigtonshire, in August, 1789, emigrated to Canada in 1809, and settled in Montreal. His family name was McCutcheon, but he afterwards changed it to McGill, at the request of the Hon. John McGill, of Toronto, whose heir he became. His firm, that of Peter McGill & Co., was well known throughout the Provinces. From June,

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\* Morgan, p. 316.

1834 until June, 1840, he was President of the Bank of Montreal, and in September of the latter year, died in that city. Like James, he was famed for his philanthropy, and occupied prominent positions in the commercial metropolis. He was a Governor of the McGill University, Director of the Grand Trunk Railway, Governor of the Montreal General Hospital, President of the Lay Association of the Scotch Church, of the Bible Society, and of the School Society, as well as Trustee of the Queen's University, of Kingston. After the union he became a Legislative Councillor (1841), Executive Councillor, and Speaker of the Legislative Council in 1847, shortly after the arrival of Lord Elgin, resigning the following year. He appears to have been a man of the Scottish type pre-eminently—a race representative. Educated only in the parish school, he had gained a position before his uncle's will, in 1824, which made him independent. Possessed of a strong physical constitution, upwards of six feet high, he still looks, with his benign countenance, in photograph, a model of vigour and beaming good nature. Instinctively liberal in his views, he nevertheless appears to have had ingrained in his constitution some stubborn old-world principles, both in religion and politics; still he was not bigoted and knew how to adapt his views to the varying phases of modern progress. Had he been gifted with the superficial graces of far inferior men, he might have made a conspicuous figure; but he could not have done more essential service in his day and generation. Whether as Mayor of Montreal, Master of the Masonic Grand Lodge, President of the St. Andrew's Society, or chairman of the first railway company in Canada (1834)—the St. Lawrence and Champlain

—he was a conscientious worker, a man of whom Scotland may still be proud, though she is affluent in worthy sons, and one also whose memory will not soon be forgotten in the city of Montreal. He had passed the seventieth year when he was called to his rest. Mr. McGill's Reform principles had been tested frequently; differences, to which we shall refer elsewhere, arose from time to time in the Council, and were not healed until Lord Elgin was firmly seated in power. The Hon. Peter McGill was concerned, with more or less prominence, in events which must be traced in their entirety hereafter; meanwhile it is well to draw attention to the sterling character of this strong-headed and warm-hearted Scot, who laboured to do well, and felt ardently the needs of the young Canadian nationality.

Major-General McDouall was another Scottish hero of the last war; but we have failed to get any further particulars of him than are to be found in Morgan.\* It appears that he entered the army in 1796, and, rising through the various steps of promotion, was Colonel during the conflict with the United States. The most notable exploit he performed was the defence of Fort Michilimackinac against a very superior force. In 1841, McDouall was gazetted as Major-General and died at Stranraer in 1848. General Sir George Murray, was born in Perthshire, and educated at Edinburgh University. Entering the army in 1789, at the age of 17, he served in almost all the quarters of the globe. In 1812, he became Brock's successor as Lieut.-Governor, but he had no sooner heard of Napoleon's escape from Elba, than he returned home, and joined the English army in France. Sub-

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\*P. 216.

sequently Murray became Governor of Edinburgh Castle, Governor of the Royal Military College at Sandhurst, Lieut.-General of Ordnance, and M. P. for Perthshire. He also filled the subordinate position of Master-General of the Ordnance department under Sir Robert Peel in 1834 and 1841. He had previously been Secretary of State for the Colonies for a short period in 1828. Captain Martin McLeod, who subsequently lived near Bond's Lake on Yonge Street, hailed from the Island of Skye. He "was a Scot of the Norse Vikinger type," writes Dr. Scadding,\* "of robust, manly frame, and tender spirit; an Ossianist also, and in the Scandinavian direction, a philologist." The eldest of eight brothers—all officers in the army, he served from 1808 to 1832 in the 27th, 29th, and 25th Regiments successively. Early in 1812 he came to Canada with the forces and distinguished himself conspicuously at Plattsburg and at New Orleans. In the Peninsular war, he had received four clasps; but missed Waterloo, having only just completed his American campaign. Three of his uncles were general officers, and his son, a Major, was decorated for gallant service in the Red River Expedition (1870). Before entering upon the next campaign it may be mentioned that in the action on Queenston Heights were engaged the following Scottish officers: Capts. Duncan, Cameron and Chisholm, of the York Militia, Crooks and McEwen of the 1st Lincoln, William Crooks of the 4th Lincoln, R. Hamilton of the 4th Lincoln, Lieutenant Kerr of the Glengarry Fencibles, and Shaw and Thomson, attached temporally to the 49th Regiment.

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\* *Toronto of Old*, p. 466

It is still a moot point whether General Sheaffe was justified in according an armistice to the Americans. The weight of authority is certainly against him, and it seems quite certain that had Brock survived, he could and would have made short work of it on the Niagara frontier. There was nothing to prevent his successor from capturing Fort Niagara, and sweeping the whole line from Fort Erie to Fort George. It is true as Coffin generously suggests, that the force was small;\* still it must not be forgotten that an effective demonstration here might possibly have saved much trouble in the future. The fatal results in the following year, in the western part of the Province, are directly attributable to the armistice. The American commanders had ample opportunity to collect their forces, and revive the drooping courage of the troops already engaged. It is always a blunder for a small army to give breathing time to a foe it has vanquished. All depends upon prompt and unremitting vigour under such circumstances. It is quite probable that the evil genius of Sir George Prevost was at work here as elsewhere; and it may be as well not to press too heavily upon General Sheaffe. The troubles, which ensued in future campaigns, however, are clearly traceable to the false step into which the General was betrayed, and they culminated in the capture of the seat of Government.

Shortly after the battle of Queenston, General Van Rensselaer was superseded. He appears to have been as competent as most of the political commanders of the time, and his conduct has been ably defended by his nephew and aide-de-

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\* P. 65.

camp, against the strictures of General Armstrong, Secretary of the War Department. His successor, on the Niagara frontier was General Smyth, who was simply an incompetent braggart, apparently no less destitute of courage than of military skill. A large force was assembled at Buffalo, and Smyth was eager for the fray ; at all events, he affected to be so. His proclamation to the men of New York was certainly an advance on Hull's at Amherstburg ; that is to say, if a more inflated and bombastic style may be characterized as an improvement. He made one attempt which was repelled by a small detachment of the 49th, and a few companies of militia, and projected another on a more magnificent scale ; but after embarking the troops, his valour appears to have oozed out at his fingers' ends, for a retreat was ordered, and " the invasion of Canada," he announced, " had been abandoned for the season." The American forces were ordered into winter quarters, and so ended the ludicrous fiasco. Even after this display of incompetency, Smyth had the assurance to summon Colonel Bishop to surrender Fort Erie. The answer he received was brief and to the point : " Let your General come and take the fort and the troops."

Meanwhile the American General Dearborn had collected a force of 13,000 men for the invasion of Montreal. It is hardly necessary to mention that these gallant troops never reached their destination. Small raids were made at St. Regis, where four hundred surprised and captured a picquet, consisting of twenty-three men, together with a Union Jack used on holiday occasions by the Indian interpreter. This the American Major ventured to call " a stand of colours—the

first taken during the war."\* Reprisals, however, were soon taken, for on the 23rd of November, a small force of the Cornwall and Glengarry Scots with a few regulars, commanded by Lieutenant-Colonel McMillan, attacked the Salmon River post, and forced it to surrender unconditionally. During the same month occurred the affair of Lacolle Mills, in which the advance of Dearborn, fourteen hundred strong, was driven back, and retreated once more to Plattsburg. They had enough of war for that year, and, like the redoubtable Smyth, went into winter quarters; so the campaign of 1812 was over. The inequality of the forces engaged, as compared with the signal failure of the enemy, is noteworthy. Dearborn, according to Armstrong, the Secretary of War, had 13,000 men; Sir George Prevost had but 3,000 of all arms; of the American left division from Sackett's Harbour to Prescott, there were 3,000 regulars and 2,000 militia; opposed to them and scattered along the shore from Kingston downwards, were about 1,500 men. On the Niagara frontier there were at least 6,000 men; whilst the British had 1,700 at Fort George, and 600 scattered over 36 miles. Finally in the west, Harrison and Winchester had according to the former's own statement, "eight thousand effective men to overpower Proctor with 2,200, including Indians."

The campaign of 1813 opened auspiciously at both extremities of the line. In the west, General Winchester had, by some fatality, been led to advance to Frenchtown, on the River Raisin, some eighteen miles from Detroit. He had about 1,100 men with him, while Proctor had only between

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\* In this skirmish eight men were killed, including Sergeant McGillivray, who seems to have been a Glengarry man.

six and seven hundred; Winchester, moreover, could hope for reinforcements; his opponent was absolutely cut off from his eastern comrades. Yet, in a brief space of time, the defeat of the enemy was complete. Six hundred, including the General, surrendered, and nearly four hundred were either killed or wounded. Proctor's loss was only twenty-four killed and one hundred and sixty-one wounded.\*

On the St. Lawrence, success was also achieved by Canadian valour. The frontier presented admirable opportunities for raiding, and our people were kept in a state of continual apprehension and alarm. An American captain—Forsyth by name, and, it is to be feared, of Scottish descent—had been plundering and harrying at Gananoque and Elizabethtown (now Brockville), taking back with him cattle, pigs and poultry, and not these alone, but non-belligerents as prisoners. Another Macdonell now comes to the front—the hero of a dashing exploit. This was no less than a retaliatory attack upon Ogdensburgh on the ice. Lieutenant-Colonel George Macdonell—a relative, it would appear, of the patriotic priest afterwards Bishop of Regiopolis—was the hero of the occasion. General Brock had recommended him for appointment prior to the outbreak of the war, and he fully justified the good opinion of his gallant and sagacious chief.† Sir George Prevost was on his way from Quebec to Upper Canada, and was, as usual cautious in the matter of attack.‡ He sanctioned the expedition certainly, but gave

\* A graphic account of this conflict will be found in Major Richardson's *War of 1812*, p. 76. The author was himself a participant in the fight, and describes the affair with characteristic vivacity. Among the British wounded were a number of Scotsmen.

† See Tupper's *Life of Brock*, p. 111.

‡ It is beside our purpose either to defend or expose Sir George Prevost. It is probable that at this stage of the war he was fettered by instructions, for in a letter to Brock (dated

Macdonell to understand that it must not be a real assault, but only a reconnoissance to feel the enemy, not to fight him. As Colonel Coffin observes,\* "like the free lance of former days, he was given to fighting on his own inspiration" only, and was not inclined to obey Sir George Prevost's timid orders. Sprung of the stock of old Glengarry, and, at the head of his Fencibles, he felt himself more than a match for the garrison of Ogdensburgh. Besides that, he had, against his will, been deterred from accepting a challenge to fight on the ice. No sooner, however, was Prevost on his way to Kingston than he went to work like a brave Scot who "meant business." "George the Red," as he was termed, gathered his forces behind the earthworks at Prescott, and prepared for his winter attack on Ogdensburgh across the ice of the frozen St. Lawrence. It was not for them to hesitate, since the season for action had come. They needed no martial address or inflated proclamation. The Highland blood was up, and had been heated to the extreme of fighting ardour by marauding raids on the border. On the 23rd of February, 1813, Macdonell advanced upon the ice with only 480 men, two-thirds of whom were Glengarry Highlanders. Obeying so far the command of Prevost, the Colonel, for some time, played with the enemy. The American Forsyth was at his breakfast, and affected to ridicule the demonstration. The snow lay deep on the ice, and the advance of the little corps was tedious

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July 10th, 1812), he directs him to remain on the defensive for fear of uniting the American people.—*Ibid.*, p. 179. Prevost's Sackett's Harbour and Plattsburgh expeditions were notable failures, not to say disgraceful ones. A strong case is made, with great acerbity against Prevost in the *Letters of Veritas*, and replied to in Auchinleck's *History of the War*.

\* 1812: *The War and its Moral*, p. 90.

and difficult. The enemy was not long in discovering that there was no child's play or mere "British fun" in the business. Macdonell had divided his small force into two columns, and at the first serious onset the Americans fled to their works. The first battery was carried by the Colonel at the point of the bayonet; Eustace forced his way into the main fort; Jenkins had some difficulty in securing his footing against a seven-gun battery, covered by two hundred infantry. The muskets and the guns kept up a continuous fire, and Jenkins fell, wounded by a grape-shot, which tore his side to pieces. Nothing daunted, Lieutenant Macaulay, who succeeded to the command of the company, carried the day. The gallant little band—worthy sons of the Gaelic clans, had nobly vindicated their claim to ancestral valour. Ogdensburgh was theirs, and an end was put to frontier raids from the other side. Macdonell distinguished himself, not less by his intrepid dash on the field, than by his courtesy to prisoners and his determined opposition to plunder. He placed a sentry at every door in Ogdensburgh, and strictly forbade anything in the shape of reprisals. In his despatch to Sir George Prevost, mention is made of the following officers (Scots) who distinguished themselves: Lieut. Macaulay, Ensign Macdonell, Ensign McKay and Ensign Kerr; and also the support given by Col. Fraser and the Newfoundland contingent.\* A Scottish volunteer, then unknown to fame, took part in the affair at Ogdensburgh. The Hon. William Morris—for he was afterwards a member of the Legislative Council and of the Cabinet—was born at Paisley on the

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\* Auchinleck, p. 131; Coffin, pp. 95-6; Christie, ii. p. 71.

last day of October, 1786. He came out with his parents in 1801, and in 1804 was assisting his father in business in Montreal. Business reverses overtook the latter, and he retired to a farm near Brockville. When the war broke out, young Morris received a commission as ensign in the militia from General Brock. In October, 1812, he volunteered, with Col. Lethbridge, for the first attack on Ogdensburgh; and in 1813 he was active in the successful assault under Col. Macdonell, just described. He was highly esteemed for bravery by his comrades, and continued to serve until 1814, when the arrival of troops from England, and the absence of any further danger in Eastern Canada, induced him to retire. In 1820, his political career began as member for Lanark; but that portion of his biography belongs to another chapter. During the Rebellion of 1837, he was senior Colonel of the Lanark Militia, which he was active in drilling. He died at Montreal in June, 1858. The Hon. Alex. Morris, late Lieut.-Governor of Manitoba, and now M.P.P. for East Toronto, was his eldest son, and ex-Alderman J. H. Morris, of the same city, his nephew.\*

Gen. Proctor's operations on the Miami do not call for detailed notice. This expedition had simply, for its purpose, the disturbance of the enemy in their task of erecting works at Fort Meigs, and his force was less than a thousand. Nevertheless, he inflicted a severe blow on Harrison's army, and retired, not because he feared defeat, but from the fact that large numbers of the militia and Indians had left for their homes and wigwams. In his despatch from Sandwich, he

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\* Morgan, p. 429.

mentions especially Capt. Muir, Capt. Chambers, Lieut. McLean, Lieut. Gardiner and Volunteer Laing. The unaccountable inaction of Sir George Prevost had enabled the Americans to equip a considerable flotilla at Sackett's Harbour, and the results were soon apparent. Two thousand embarked under General Dearborn, the vessels being under the command of Commodore Chauncey. After a valorous defence, York, now Toronto, the seat of Government, was taken; but an explosion in the magazine caused a serious loss of life. The Canadian force was in the neighbourhood of seven hundred, and they were compelled to give way to superior force, three hundred of them being made prisoners of war. The American loss was three hundred and seventy-eight; and of these, thirty-eight (including General Pike) were killed, and two hundred and twenty-two wounded by the blowing up of the magazine. Some of the Glengarry men were present on this occasion, but in small numbers. The officers killed were, Capt. McNeal, of the 8th (King's), and Volunteer Donald McLean, Clerk of the House of Assembly. The latter was killed "while bravely opposing the landing of the Americans." The strong box of the Receiver-General had been removed to his house for safe keeping. After his death, it was broken open by the captors, and a thousand silver dollars stolen.\* There was no disgrace in a defeat of this character, since the contest was maintained with obstinate courage for eight hours.† Among the officers

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\* Scadding, *Toronto of Old*, p. 484. Col. (afterwards General) Winfield Scott, although paroled at Queenston, where he was taken prisoner, fought both at York and Niagara.—James' *Military History*, i. p. 236.

† Gen. Sheaffe in his despatch, says, "He led about six hundred, including militia and dockyard men. The quality of these troops was of so superior a description that under less

who were compelled to surrender, there are a number who were probably Scots ; some of them certainly so— Major Allan, of 3rd York Militia, Capts. Duncan Cameron and John Burn, and Ensign Donald McArthur. The number of prisoners was not large ; but there appears a worse feature in the case. The naval stores were at York ; the ships, in an advanced state of construction, fell into the hands of the enemy ; and much of the public property was either carried off or destroyed. It is difficult to acquit both Sir George Prevost and General Sheaffe of wanton neglect of duty. Here, at the capital, within a few hours' sail of the frontier, were not only the public treasury and records, but also the only means at hand of recovering naval supremacy on the lake. All the disasters which befell the Province are distinctly traceable to the culpable inactivity of those properly responsible for the defence of the Province. It was they who left the capital open to the invader ; and the brave men of York were sacrificed in vain.\*

Commodore Chauncey sailed away for the Niagara River, where he expected, on good grounds, another temporary triumph. He had abandoned the original project of an attack on Kingston, as being too hazardous. The Americans had been reinforced from Sackett's Harbour, and had now six thousand men, according to Armstrong, the Secretary of War ; the British force, on the other hand, says James, " amounted to less than a thousand rank and file." The re-

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unfavourable circumstances, I should have felt confident of success, in spite of the disparity of numbers."

\* " Young Allan McNab, a lad of 14 years, whose name has ever since been identified with Canadian story, stood side by side with a veteran father, shattered with wounds, sire and son eager for the fray."—Coffin, p. 100.

sult was inevitable, since the garrison was short of powder. Assailed from Fort Niagara, from the fleet, and by the troops which had landed at Four-mile Creek, General Vincent, after attempting to resist, was compelled to retreat, blowing up the magazines and destroying the stores. The out-lying posts at Fort Erie and Chippewa were ordered to join their comrades by way of Lundy's Lane, at the Beaver-dam.\* Considering that fifty-one broadside guns on the American fleet had been fired almost without reply, the Canadian loss was not so great as might have been expected. At Beaver-dam, with the other detachments, Vincent found himself in command of 1,600 men, and it was deemed necessary to retreat to Burlington Heights. This could not have been effected but for the American General Dearborn's blunder. Had he landed his troops between Queenston and Fort George he might have completely invested the latter, and the whole garrison would have been forced to surrender. Dearborn, however, "who seems never to have been in a hurry," so far delayed the pursuit that no movement along the shore was made until Vincent was in a position to entrench himself on the Heights. In fact, throughout the war, there seems to have been a fatuousness, an incapacity, or a want of dash and courage amongst the American commanders almost inexplicable. Numerically their forces were almost invariably superior; and yet their success was utterly out of proportion to their strength. They had now gained a footing on British soil, and yet failed to make good their advantage. As many

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\* Here for the first time we meet the name of Captain Barclay, R.N., of whom more hereafter. The bearer of Vincent's despatch was Mr. Mathieson, a volunteer on the 27th, to whose conduct the General bears strong testimony.

as 3,500 of them advanced from Forty-mile Creek along the lake shore to attack Vincent. At Stoney Creek, after a march of seven miles they halted for the night. At about midnight 704 British soldiers attacked them, under the veil of darkness, and completely routed them. The Generals, Chandler and Winder, with about 100 officers and men, were taken prisoners, and the rest of the enemy retreated, after having precipitately destroyed their baggage. The conflict appears to have been a desperate one, and the loss on our side was very heavy. On their return to Forty-mile Creek, the Americans were reinforced by an accession of 2,000 fresh troops to their ranks; but the army was thoroughly demoralized, and there was little difficulty in locking them up at Fort George. The affair at the Beaver-dam was a salient instance of American weakness. This was the notable occasion on which Mrs. Secord distinguished herself by marching through the woods, in peril by savages, to warn the officer of a small force of his danger. Here 570 men,\* under Colonel Boerstler, surrendered to Lieutenant Fitzgibbon and thirty men! It is unnecessary to dwell upon the successful raids by Colonel Thomas Clarke,† of the 2nd Lincoln Militia, or Bishop's gallant achievement at Black Rock. By degrees the Americans were cooped up in Fort George, where, as occasion offered, they engaged in forays upon farm-yards

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\* Coffin (p. 147) states the American detachment at 673. Speaking of Mrs. Secord's achievement, he says, "Such was the man (Fitzgibbon) to whom, on the night of the 25th June, there came a warping inspired by woman's wit, and conveyed with more than female energy." Of Mrs. Secord's nationality we know nothing; but she ought to have been a countrywoman of Flora Macdonald.

† "Clarke, a Scotchman by birth, was an Indian trader, and forwarder of goods to the western hunting-grounds, a member of the firm of Street & Clarke."—Coffin, p. 159.

in the neighbourhood. One officer, McClure, made himself conspicuous in this way, and was forcibly driven into the fort by Colonel Murray, with a small force.

The attack on Sackett's Harbour was one of the most discreditable episodes of the war. On the 28th of May, Sir John Yeo, the commodore, with Sir George Prevost as commander, started out with a view of destroying the enemy's stores and dockyard at that place. The first assault was eminently successful; but somebody blundered. The blame is usually laid upon Sir George Prevost, and, from what occurred at Plattsburg subsequently, not without cause one would think. The enemy were thoroughly frightened, and, so far from making a defence, or being capable of doing so, fired their buildings and burned a frigate on the stocks, not long after the British forces had been ordered, much to their indignation, to return to the boats. In fact, it was an anticipation of Bull's Run, half a century later. Of the Scots, those who were eager for the fray were Adjutant-General Baynes, Colonel of the Glengarry Light Infantry, Colonel Young, of the 8th; Major Drummond, and Major Mudie, of the 104th; Captain McPherson, of the Glengarrys, and Grey, of the 8th.\* The American position at Fort George was growing more critical day by day. Yeo had menaced McClure from the lake side, and the gallant American, finding his position untenable, was guilty of a nefarious act. He might have destroyed the fort, which he was perfectly justified in doing, but he pillaged and burnt the town of Newark (Niagara). Colonel Murray made a dash at Fort George, and

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\* James: *Military History*, i. 413.

McClure, without attempting to show fight even with his superior force, fled across the river.\* Colonel (afterwards Major-General) John Murray subsequently followed him over the stream and captured Fort Niagara by assault at the point of the bayonet. Of the force at the storming of this important post there were sixty Indians—one chief, Norton, who volunteered, was, according to James, a Scot. The Scots Greys, or at least the Grenadier company of that regiment, bore the brunt of the assault. The enterprise was a gallant one, and, for the first time, placed the British forces on American soil.

John Murray, though of a Scottish family, was born in Jamaica, where his father resided at St. James's. The future General entered the army, in the ordinary course, as an ensign of the 37th Regiment, in 1792, and distinguished himself in the Netherlands; was wounded early at Ostend, and taken prisoner. He subsequently served in the 4th and 39th. When the 100th Regiment was raised he received the appointment of Lieutenant-Colonel, and was sent to Canada, where he was at once nominated Inspecting Field Officer of the Militia, and in that capacity commanded the advance corps in the Niagara district, to keep in check a much superior force. His occupation of Fort Niagara was a brilliant exploit, according to the General Orders, and "reflected the highest honour upon Colonel Murray and the small detachment under his command." After the peace he returned to England in broken health, and sought relief in Southern France; there he lost his wife, and not long after died at Brighton, leaving an only daughter.† Had General Murray

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\* James, ii. p. 6.  
Morgan, p. 189.

been so fortunate as to have had a wider field for the display of his courage and ability, there can be little doubt that he would have risen to a very high position in the army.

Passing further to the west, we find Gen. Proctor with some nine hundred men, and twelve hundred Indians, assailing Gen. Harrison on the Miami, at Fort Meigs. Batteries were constructed, and Gen. Clay was detailed to assault them with thirteen hundred men, he having arrived to reinforce Harrison. His movements were quick, and he had nearly succeeded, when the reserve troop under Capt. Muir, of the 41st, already famous in frontier warfare, aided by the brave and intrepid Capt. Chambers, charged boldly and changed the fortunes of the day. "This will not do," said Chambers, "we must charge them." Emerging from the wood, his little band of two hundred "rushed upon the right of the enemy's column." The enemy paused, wavered, and gave way, and the whole line was panic-stricken. Before they could reach their boats, six hundred and fifty were killed by the Indians. Amongst the other Scots who distinguished themselves in this affair, were the gallant Lieut Gordon, who, unhappily, was killed, fighting foremost in the fray, Capt. Muir, and Lieut. McIntyre, who were both wounded.

Unfortunately the serious reverses of the war now occurred. The first being the total defeat of the English flotilla, by Perry, on Lake Erie. Commander Barclay, R. N., who had already distinguished himself during the war, found himself in a position of great difficulty. The American force was greatly superior, as usual, and much better equipped. The

British commander was so short of men that he was compelled to obtain the assistance of a detachment of the 41st, since only fifty seamen had arrived to equip five vessels. The Americans had nine ships of a better class, and they were well manned. The disparity between the forces will be better understood in figures. The enemy had 580 men, the British 385; and the weight of metal was 928 lbs. against 459.\* The force arrayed against Barclay was, therefore, almost doubly superior—fully so if the equipment of the fleets is taken into the reckoning. Nevertheless, a hard and bloody struggle was maintained, and Barclay's flag-ship emerged from the conflict a perfect wreck. Notwithstanding the notorious facts, Congress passed a resolution of thanks to Captain Oliver Hazard Perry for "the decisive and glorious victory gained on Lake Erie, on the 10th September, in the year 1813, *over a British squadron of superior force.*" It is to Commodore Perry's credit, that his despatch makes no such allegation. In addition to his own superiority in men and metal, he had also the additional advantage of a favourable breeze—a matter of no slight importance in those sailing days. Captain R. H. Barclay was a Scot, and had lost an arm at Trafalgar. From the time he landed in Canada, he displayed the greatest energy and intrepidity. His difficulties were almost insurmountable; yet he struggled bravely against them, and his defeat, although unfortunate in more respects than one, was inevitable. After the three hours' engagement on Lake Erie, he declined to surrender, until he and all his officers were either killed or wounded, and more than a third of the crew

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\* Auchinleck, p. 211; Christie, ii., p. 106; Thompson, p. 203; Coffin, p. 215; Major Richardson, p. 111; McMullen, p. 285; and James' *Naval History*, *in loco*.

had shared the same fate. According to usage, he was tried by court-martial, and honourably acquitted. The gallant officer died at Edinburgh in 1837, and one can only regret that he had no opportunity, in those piping times of peace, for a display of his valour.

Then followed the crowning reverse of the war. The defeat of Barclay, and the destruction of the fleet, had cut off all hope of supplies or reinforcements for the army of the west. A number of boats had been collected by the enemy at Forts Sandusky and Meigs, to carry over a large force of invaders. Thus in straits, Proctor had no choice for it, but to retreat, so as to keep up his lines of communication with the centre division. He proposed to retire at once on Niagara; but was stoutly remonstrated with by the great Indian warrior, Tecumseth. It was finally decided to evacuate Detroit and Amherstburg, and to retire on Moraviantown, nearly half-way between the latter position and the central out-posts, and there resist the enemy. The result was fatal to the success of Proctor, and lost to us the services of Tecumseth. The British force consisted of 830 men, beside about 500 Indians; whilst the Americans had no less than 5,000. Nor does this represent the figures with accuracy, for previous to the battle, of the 830 or 840 men, "174 had been captured in the batteau, and nearly 170 were either in the hospital or on duty guarding the baggage."\* Thus there were, in fact, only four hundred and seventy-six white men in the field. Only a portion of the American army was engaged; still there were twelve hundred cavalry, nineteen hundred and fifty infantry, and about

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\* Auchinleck, p. 218.

one hundred and fifty Indians, exclusive of officers ; so that Proctor was outnumbered sevenfold. He chose his position judiciously, and the struggle was maintained with desperate valour ; but the odds were too great against us, and the result might have been expected—defeat and disaster.\* Affairs never looked so gloomy as in the autumn of 1813. The Americans commanded the two lower lakes ; York was sacked a second time ; Wilkinson had a large force on the Niagara frontier ; Harrison could do as he pleased in the west, and Hampton, at Plattsburg, was approaching Montreal with 16,000 men, exclusive of 10,000 militia. But the tide was about to turn definitively. Hampton had been ordered to threaten the commercial metropolis of Lower Canada. The troops there were but few, and the defence of the Province was left to the gallant people, French and British, whose country was invaded. There was no hesitation for a moment, notwithstanding the imposing force arrayed against them. General Hampton crossed the frontier with 7,000 infantry, a squadron of cavalry, and ten field-pieces. Wilkinson, according to the plan, ought, at the same time, to have descended the St. Lawrence ; but he was delayed, as American Generals were apt to be, until November, when his 10,000

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\* It is not necessary to enter into the controversy as to who was in fault. Sir George Prevost tried to throw the blame upon the 41st Regiment, and others have blamed Proctor, but the reputation of both the corps and the General was beyond dispute. Major Richardson, who was taken prisoner at Moraviantown, inveighs bitterly against Prevost—"A commander whose imbecility and want of resolution on more than one occasion (reflecting the deepest disgrace on the British arms), had, doubtless, been ordained as a fitting punishment for his arrogant censure of a corps, whose general excellence he was incompetent to appreciate, and whose only positive crime was that of its weakness, its physical disorganization and its utter destitution."—*History*, p. 126. The weight of odium, however, fell upon Proctor, and he was severely censured by the Prince Regent. Major Richardson, it will be remarked, in passing, belonged to the 92nd Highlanders subsequently, and served with the British legion in Spain in 1835, under Sir De Lacy Evans.

men embarked to meet the fate of his coadjutor at Chrysler's Farm.

The force under Gen. Hampton's immediate command has been variously estimated : but it is quite certain that it was overwhelmingly superior to that opposed to him. After some preliminary skirmishing, in which Hampton gave way, the forces went into action at the famous battle of Chateauguay. The chief merit of this redoubtable victory unquestionably belongs to Charles Michel de Salaberry, Seigneur of Chambly. He was not a novice in arms, since he and three brothers had served in the British army. Two died under Indian skies, another perished at Badajoz ; and our brave Canadian defender had fought in the fourth battalion of the 60th, at Martinique and Walcheren,\* He had already been busy, at Lacolle, and was ready now with his Voltigeurs to meet the force marching against him. The American advance had been repeatedly driven in by the Canadian militia, and now came the decisive struggle. It is impossible to read the story of Chateauguay without wondering of what sort of stuff the American army was made up. So early as July, Colonel Murray had worked havoc at the Isle-aux-Noix, in Hampton's immediate neighbourhood, and now the main force was to suffer ignominious defeat. It was on the 21st of October, that Hampton's advance drove in the British outposts ; one brigade, however, which was intended to reach the rear, got bewildered in the woods, and did not reach the field until the battle had been lost. De Salaberry had chosen

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\* Somewhat tardily, yet not too late, our French compatriots are erecting a memorial to the brave old warrior. It would be well that English-speaking men of to-day should contribute to this worthy purpose. De Salaberry makes a grand figure at the turning point of the war, and deserves such posthumous honour as may be given him in sculptured stone.

an admirable position for defensive purposes; since the ground was rough and scored by deep ravines. There he made a triple line of defence by abattis formed of felled trees and brushwood, with a space of two hundred yards between each two. The first line was in the form of an obtuse angle, following the tortuous bendings of the ravine. Still a fresh work was constructed, running across so as to defend the ford. On the right of the river lay a thick wood, which afforded shelter for a picquet; the bridges were destroyed, and the trees felled across the path to obstruct the enemy's cavalry and artillery. At length Hampton appeared with seven thousand men to discomfit about three hundred Voltigeurs, a band of Glengarries under Lieut-Col. Macdonell, and a few Indians. De Salaberry had now recourse to a *ruse de guerre*, of a novel kind. His buglers were dispersed and stationed at wide intervals, so that when they sounded the advance, the enemy imagined the opposing force was at least considerable. Macdonell occupied the post of honour, and met the first brush of the assault. Hampton finding he could make no impression upon the gallant Canadian militia, and not relishing a trial with the bayonet withdrew his forces at three in the afternoon, after a fight which lasted four hours.\* The Highlanders played a most conspicuous though subordinate part in this engagement, and were exceedingly active in harassing Hampton's retreat. The chief merit of this great military achievement belongs to Colonel de Salaberry;† but the Glengarry Scots were as active and gallant as their French comrades. Lieutenant-Colonel Mac-

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\* Garneau, Book 14, chap. ii. McMullen, p. 290, &c.

† See Fennings Taylor's Sketch of De Salaberry in *Portraits of British Americans*, p. 247; Morgan, p. 197; and Lemoine's *Maple Leaves*, 2nd series, p. 146.

donell, "the same who had taken Ogdensburg," was in charge of the second line of defence, and exhibited all his characteristic dash and bravery. He crossed the ford with his force, and drove the Americans off at the first onset, with an impetuosity peculiarly Celtic.\*

An interesting account is given in Colonel Coffin's History (p. 262), of the way in which Macdonell came to be at Chateauguay; and it is worth repeating in a condensed form. The frontier was menaced by both Hampton and Wilkinson, and everything depended on defeating the one before encountering the other. Macdonell was at this time drilling the Canadian Fencibles, and was asked by Prevost when the corps would be ready to set out against Hampton. "As soon as they have finished their dinner," was the Highlander's prompt reply. He had now to find boats, Indians and pilots, with which to descend the rapids; but no difficulties could daunt a Macdonell. In a few hours his brave 600 were under way, reached the Beauharnois shore, and, threading the forest at dead of night in Indian file, arrived at the place of action. Sir George Prevost, who had reached the spot before, inquired next morning surprisedly, "and where are your men?" "There sir," replied Macdonell, pointing to 600 exhausted soldiers sleeping on the ground—"not one was absent." They had travelled 170 miles by water and 20 by land in 60 hours of actual travel! Col. Coffin compares this feat with the marvellous

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\* "Here the bugles indicated the advance, and Col. Macdonell, eager to add to the laurels he had won at Ogdensburg, moved rapidly in the direction of the fire with two companies from the first-second line of retrenchments under Captain Levesque. The Beauharnois militia, defending the ford, had been attacked by Purdy in superior force, and had been compelled to retire. Macdonell ordered Captain Daly, with his Company of the 5th Incorporated, to cross the ford to their support."—Coffin, p. 256.

march of the British Light Division before Talavera, as described by Sir W. Napier.\*

When his superior officer went in pursuit, Macdonell was placed in command of the abattis, as there seemed every probability that the attack might be renewed ; but in spite of his superior numbers, Hampton deemed discretion the better part of valour, and never halted until he reached Plattsburg. Another Scot who particularly distinguished himself at Chateauguay was Captain Fergusson, of the Canadian Fencibles, posted on De Salaberry's right. He took part in the first fire, having three companies under his command, and his intrepid conduct is specially mentioned by the historians.

It has been already stated that General Wilkinson was to have joined Hampton for a combined attack on Montreal. It was not altogether his fault that the junction was not effected. There were difficulties in his way, chiefly arising from tempestuous weather, and it was not until early in November that he and his 10,000 men got under way from Grenadier Island. In passing Prescott, his boats suffered considerably from a heavy cannonade; and, close in his wake, came Colonel J. W. Morrison, from Kingston, with about eight hundred regulars and militia. Being somewhat annoyed by the enemy hovering upon his rear, Wilkinson sent General Boyd ashore at Williamsburg with 3,500 infantry and a regiment of cavalry to exterminate Morrison's force. On the

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\* The Macdonells distinguished themselves on behalf of king and country in the revolted colonies, as well as in 1812. In the King's Royal Regiment of New York, under Sir James Johnson, no less than five Macdonells—Angus, John, Archibald, Alexander, and Allan—were Captains ; in fact, there was only one other Captain not Scottish—Patrick Daly ; Munro and Anderson making up the list. In the same corps Hugh Macdonell was lieutenant, and Miles Macdonell, ensign. Indeed, most of the officers of this regiment were Scots.

afternoon of the 12th of November, Boyd found the Canadian force drawn up in an excellent position, with the river on the right and the woods on the left. The enemy attempted, by repeated charges with their cavalry, to turn the British flank; but in vain. Colonel Morrison had prepared for this stratagem by arranging the men belonging to the 49th and 89th in echelon. The American infantry were then ordered to the charge, but succeeded no better than the horse. Finally, after frequent sallies, Colonel Morrison formed his troops in close column, and drove the enemy to their boats in disorder. The British lost one hundred and sixty-eight killed and wounded; the Americans three hundred and thirty-nine killed, wounded and missing. Thus ended the Battle at Chrysler's Farm, and with it American efforts in Eastern Canada.

There are not sufficient data at hand to decide upon the national origin of the chief actor in this gallant action; yet it seems fair to conclude that he was of Scottish parentage, since he joined a Highland regiment, the 89th. Joseph Wanton Morrison was himself born in New York, but his father was Deputy Commissary-General in America, and to all appearance a Scot. The Colonel served in more regiments than one—he was in the 83rd, the 84th, the 89th, the 17th and 44th; and was engaged in Holland, the Mediterranean, West Indies, Nova Scotia and Canada. For his distinguished exploit at Chrysler's Farm he received a medal, a vote of thanks from the Lower Canada Assembly, and a sword from the merchants of Liverpool. In 1814 he was severely wounded at Lundy's Lane, and it was not until 1821 that he was taken off the half-pay list and sent to India as Lieutenant-

Colonel of the 44th. He was engaged at Arracan and elsewhere, but succumbed to the climate, and died at sea on his way to England in February, 1826. He was a gallant officer in the highest sense, and if he were not the son of a Scot, it is certain that he ought to have been.

On the 17th of November, the Sedentary Militia of Montreal, in which Colonels Peter McGill and McKenzie held commands, were disbanded, all immediate danger being at an end in the East. Early in 1814, the Americans broke up their camp on the Salmon, Wilkinson falling back on Plattsburg, whilst Brown repaired to Sackett's Harbour. The former made a show of renewing the attack, but was repulsed at the first onset, and retreated once more across the border.

In 1814, the sky began to clear, and victory once more crowned our arms. Towards the close of the year, Sir Gordon Drummond assumed command, and the aspect of affairs was rapidly altered for the better. Gordon Drummond belonged to a Perthshire family, whose seat was at Megginch. His father, when Gordon was born, in 1771, was paymaster-General of the forces at Quebec. The son entered the army as ensign, in the 1st (Royals), in 1789. In 1794 he had already risen to the rank of Lieutenant-Colonel, and received the command of the 8th, or King's, Regiment. He served with great distinction in Holland, especially at the siege of Nimeguen, in 1795. In 1800 he was at Minorca, and accompanied Sir Ralph Abercrombie to Egypt, taking part in all the engagements, including that in which his chief fell, until the surrender of Cairo and Alexandria. Returning he proceeded to Gibraltar, where he formed a friendship with her Majesty's father, the Duke of Kent, which lasted during

the life of his Royal Highness. An expedition to the West Indies had been contemplated, and Major-General Drummond was named as second in command; but, for some reason or other, the plan was abandoned, and Drummond served first for a short time in Canada and then in Ireland. In August, 1813, he was despatched to Canada, as second in command under Sir George Prevost, and arrived at Quebec in November. The gallant General lost no time in settling down to his active duties. In December, he stormed Fort Niagara, and captured a vast amount of stores, naval and military. The attack on Black Rock was planned by Drummond, and successfully executed with a small force by Sir P. Riall, who had been an officer of the 92nd Highlanders; but his nationality is not recorded in the authorities.

Operations began rather late in 1814; but, early in May, the military force under Lieutenant-General Drummond, and the fleet under Sir James Yeo, attacked Oswego. A sixty-four gun ship had just been completed, and with the stores, &c., accumulated there made the place a tempting prize, if it could be successfully assaulted. The Americans occupied a strong position on the hill-crest, and the odds were against the assailants; yet in half an hour from the landing everything was in Drummond's hands. The ship was burned, with barracks, store-houses, and all beside. In this expedition, amongst other names, the General mentions especially Lieutenant-Colonel Malcolm, and Lieutenant Laurie, of the Royal Marines, and Captain McMillan who commanded the light company of the ubiquitous Glengarries.\* Another in-

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\* It was in this engagement that the Rev. James Richardson, Bishop of the Methodist Episcopal Church, then a lake captain and volunteer under Sir James Yeo, lost his arm.

teresting episode of the year was the successful defence of Michilimackinac by Colonel McDouall, and the capture of Prairie du Chien by Lieutenant-Colonel McKay.\* In the latter exploit, Captain Anderson was a prominent actor. When it is considered that this distant post on the Mississippi was four hundred and fifty miles from McKay's base of operations, the nature of the feat may be understood.

Sir George Prevost had at last made up his mind to assume the offensive. Reinforcements from England had arrived, and there was no longer any excuse for timidity or half-measures in the prosecution of the war. Drummond was still in want of men, and the enemy were making active preparations for another invasion of Canadian soil. General Brown had been engaged in marshalling his forces during the previous three months; and on the 2nd of July issued a General Order, strikingly modest in its terms, announcing the fifth invasion of Canada.† Next morning, the two American divisions crossed the river, and invested Fort Erie, which was "in a defenceless condition," as General Wilkinson admitted. Its surrender was, therefore, inevitable. General Riall, on hearing that the enemy had landed, despatched five companies of the Royal Scots under Colonel

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\* Lieut.-Colonel McDouall, the hero of this gallant exploit, was afterwards the Major-General already alluded to. His voyage from Nottawasaga harbour (Collingwood) in the Georgian Bay to Michilimackinac occupied no less than twenty-five days, nineteen of which were passed in continual battling with the elements. James: *Military History*, in p. 186. The Americans had previously pillaged and burned St. Mary's (Sault Ste. Marie) under General Holmes. "The brutal Holmes," says *Veritas* (*Letters*, p. 101), "was killed in the attack on Michilimackinac." His "brutality" consisted in wantonly burning a horse to death, and in destroying every edible which he could not carry away.

† It may be mentioned that some slight skirmishing had taken place, earlier in the year, on the Thames, in which the light companies of the Royal Scots, and the 89th with Captain Grigor's Kent Militia, took part—the force which was a small one, under Stewart of the Scots, effected little against a superior force.

Gordon to reinforce the garrison ; but the surrender had taken place before their arrival. Other troops were also hurried to the scene, and a brisk action took place, in which the small force was badly cut up, Lieutenant-Colonel Gordon and the Marquis of Tweeddale of the 100th being wounded, as were most of the other officers. On this occasion another Scot, Major Macconochie, distinguished himself at the head of the artillery. In the engagement known as the battle of Chippawa, about five hundred fell on both sides ; but notwithstanding the reverse suffered on our side not a prisoner, except the wounded, fell into the hands of the enemy. The Americans had at least six thousand engaged, in addition to their subsequent reinforcement, whilst Riall had only fifteen hundred, exclusive of some Lincoln Militia and a few Indians, amounting together to about three hundred.\* The immediate result was a retreat to Niagara, and Brown, the American General, rested quietly at Chippawa for a fortnight.

Meanwhile reinforcements had come in to Riall's assistance ; and yet the odds were against him ; but he once more advanced towards the Falls, bent upon an engagement. General Drummond reached Niagara from York towards the end of July with eight hundred men collected from the various garrisons, and marched to the assistance of Riall. When approaching the summit of the height at Lundy's Lane, he found Riall in retreat once more. Promptly countermanding the order to retire, he formed the troops in order of battle at the rising ground near the end of Lundy's

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\* See Riall's despatch to Sir Gordon Drummond, quoted at length in Auchinleck, p. 314.

Lane, on the road from Queenston to Chippawa. Brown who had been in full retreat until thus interrupted, was engaged in occupying the position; but, although of superior strength, was dislodged in about ten minutes at the point of the bayonet. General Drummond now disposed his forces in fighting form, and thus began the most obstinately contested battle of the war. The combat appears to have been somewhat confused, and for a time the enemy succeeded in gaining possession of the road, and partially turning the British left. The action commenced at six in the evening and lasted until nine without intermission. After a pause another attack was made by the Americans which continued until midnight; then, finding all his efforts vain, Brown retreated to Chippawa, and thence, on the following day, to Fort Erie.\* The American force engaged amounted to about 5,000 men, whilst, as Drummond states, he had only 1,600 until reinforced by Colonel Scott and the 103rd, when they amounted to not more than 2,800 of every description. Of the troops in this action, the chief corps were the head-quarters division of the Royal Scots, under Lieutenant Gordon and Lieutenant Fraser; divisions of the 8th under Colonel Campbell, of the 103rd under Colonel Scott, flank companies of the 104th, some Glengarries under Colonel Battersby, and a body of militia under Colonel Hamilton. The artillery were in charge of Captains Mackonochie and McLachlan; and

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\* "He (Brown) retreated with great precipitation to his camp beyond Chippawa. On the following day he abandoned his camp, threw the greater part of his baggage, camp equipage, and provisions into the Rapids, and having set fire to Street's mills and destroyed the bridge at Chippawa, continued his retreat in great disorder to Fort Erie." Sir G. Drummond's Despatch to Sir George Prevost, July 27th, 1814. The mills were at Bridgewater, hence not inappropriately the American name of the battle.

Major Maule was Quarter-Master-General. It will thus be seen that in this last and severest battle of the war, the "auld fire" of the Scots was still "aye the foremost." The loss of the enemy is stated by Drummond at 1,500; his own was 878.\*

General Drummond then proceeded in pursuit and invested Fort Erie. Here a misfortune occurred which entirely defeated the General's plans. He had planned the attack skilfully, the forces being disposed in three divisions—one under Colonel Fisher, of the Regiment DeWatteville, with flank companies of the 89th Highlanders and the 100th; a second, which bore the brunt of the struggle under Lieutenant Colonel Drummond of the 104th, and acting directly against the fort; the third under Colonel Scott with the 103rd and some companies of the Royal Scots. The two latter divisions assaulted the works. Scott's force was partially turned, but soon rallied, and in the meantime Colonel Drummond succeeded in penetrating the works. Thompson, of the Royal Scots, may be permitted to give the particulars of the catastrophe: "Lieutenant-Colonel Drummond, during the conflict within the fort, performed most extraordinary acts of valour; in the hottest of the battle he would present himself encouraging his men both by example and precept. But in the very moment when victory was declaring itself in favour of the British arms, some ammunition which had been placed under the platform ignited from the firing of guns in the rear, and a dreadful explosion was the result, by which the greater part of the British forces which

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\* Brown states his loss at 858, but several hundred prisoners were taken, and he only estimates the missing at 117. Very little reliance can be placed upon his statement.

had entered the fort, were literally blown into the air."\* It was now impossible to retain the ground which had been won, and the troops retired within their works. By this disaster and otherwise, no less than 904 men were lost, amongst them, unhappily, the gallant Colonels Scott and Drummond.

Colonel Hercules Scott was a native of Brotherton, Scotland, and had commanded the 103rd in Canada ever since the beginning of this campaign. After the outworks had been carried by assault, and the fort by escalade, Scott received a musket-shot in the heart, which was instantly fatal. He was buried the same evening, with the only three officers who had escaped unharmed as his chief mourners. Colonel William Drummond of the 104th—a typical Scottish soldier—was the son of John Drummond, of Keltie, in Perthshire. Early in life he commenced a series of valiant actions. At St. Vincent, when a lieutenant of the 2nd W. I. Regiment, he specially distinguished himself; at the taking of Surinam his commander recommended him as an officer of the greatest promise. In 1804, the Lloyd's committee voted him a sword of 100 guineas' value for his intrepidity in rallying the crew of a merchant-ship so successfully that two French privateers which had attacked her were driven off. During the war on our Canadian frontier, the Colonel occupied a prominent position from the moment of his arrival. Wounded severely at Sackett's Harbour, he subsequently was in action at Chippawa and every subsequent engagement, until his untimely death, just at the close of the war.

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\* *History*, p. 240.

A braver and more self-sacrificing Scot never wore the King's uniform, and his death was deeply deplored by his surviving comrades—indeed by the entire service.\*

Thus ended the war so far as the Niagara frontier was concerned. General Brown occasionally threatened to resume the offensive, but scarcely attempted anything. About the middle of September, an assault was made on the British batteries before Fort Erie, but although the enemy's superior force partly penetrated the works, it was driven out at the point of the bayonet, with a loss of six hundred.† A succession of heavy rains rendered the repair of the batteries impracticable, and therefore, on the 21st, Sir G. Drummond ordered a retreat to Chippawa. Brown affected some intention of harassing the rear, but never came to close quarters, although Drummond tried every expedient to lure him into action. The American General knew that the game was up, and what remained of the large army of invasion, so soon as the British were out of the way, evacuated Fort Erie, and recrossed the river. The energy and skill of Sir Gordon Drummond, had thus cleared Canadian soil of the invaders, and although the last incident of the war was disastrous, the entire campaign was, in the highest degree creditable, both to the strategy of the general and the bravery of the men.‡ As Thompson remarks (p. 243), whatever object the Ameri-

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\* Morgan : *Celebrated Canadians*, &c., pp. 222-3.

† Thompson, p. 242.

‡ It may not be amiss to note that both Sir Gordon's sons died in the service of their country. The younger, Russell Gordon, was killed on H. M. S. *Satellite*, when a lieutenant, during an insurrection at Callao, in 1835. Gordon, the elder, was a Colonel in the Coldstream Guards, and served in the Crimea, where he commanded the Brigade of Guards at the final assault on Sebastopol. He died of fatigue, prematurely worn out, in November, 1856. Sir Gordon himself lived until October, 1854, when he died in London, in the eighty-fourth year of his age.

cans may have proposed to themselves by this last invasion, "it is certain that nothing was acquired, if we except a fresh proof of the loyalty of the Canadian people to their sovereign, and their unshaken zeal to defend their country from the grasp of its enemy, at whatever time he might think proper to invade it."

So far as the old Provinces of Canada were concerned, the last event was Sir George Prevost's abortive expedition to Plattsburg. Into that disastrous affair, our immediate purpose does not call upon us to enquire. The General had a large force and yet failed, sacrificing to his incapacity the lives of a gallant Irishman, Commodore Downie, R. N., and eighty-four of his command. There were in addition ninety sailors wounded, while the land forces, in eight or nine days, lost about two hundred and fifty.\* The capture of Washington by General Ross, and the battle of New Orleans in 1815, are outside our present subject, while the taking of Moose Island, and the Penobscot expedition only concern Canada, in so far as they resulted in the capture of a large part of Massachusetts, afterwards surrendered by the treaty of peace. It is worthy of notice, however, that three of the best admirals on the Atlantic board, Cockburn, Malcolm and Cochrane, were Scots.

The Americans, being now heartily tired of the war, the peace party gained strength day by day. The conflict had been precipitated by Mr. Madison, in the hour of England's difficulty, and now the fall of Bonaparte had freed the right arm of the mother country. Canada was to have fallen

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\* See *The Letters of Veritas*. Montreal : W. Gray, 1815, pp. 111, 122.

an easy prey to the invader, and yet, although not less than fifty thousand men had landed on her shores, in five successive invasions, they had effected nothing, and achieved nothing except defeat and disgrace. The war was pre-eminently a political—indeed a sectional war; the Generals were elevated to the positions they so inadequately filled by partizan influence. New England, New York, and most States on the north Atlantic coast, were opposed to the war, and other States were only half-hearted in their support. Nothing had been won by the enemy, after all his boasting and all his exertions. There was nothing for it, therefore, but to make peace. The plenipotentiaries met at Ghent, and on the 24th of December, 1814, a treaty was signed, which finally ended the war, so dishonourably begun by the one side, and so gallantly conducted on the other. The Orders in Council were repealed by England before the declaration of war was known there, and now in the Treaty, the only other pretext for hostility—the impressment of seamen from American ships, and the limits of blockade quietly dropped out of sight. The United States thus secured no object by their wanton expenditure of blood and treasure, whilst they lost seriously in the weightier matters of national prestige and national honour.

In presenting this slight sketch of the war of 1812, it has necessarily been our primary object to show how prominently Scotsmen figured in those trying times. The record speaks for itself, and does not need special emphasis and enforcement here. From the time when Muir and Sutherland shed their blood on the Detroit river, until the gallant Drummond perished at Fort Erie, their names, and the names of

Scottish corps, regular and militia, appear constantly upon the historic scrolls. Nothing that could be added by way of comment or word would shed additional lustre upon the glorious part they took in Canadian defence. However, although it has been our immediate purpose to deal with the Scot, nothing could be further from the design of the work than to undervalue the inestimable services of the Canadians, French or other, and the gallant Englishmen and Irishmen who fought by their sides. The names which strike us as peculiarly heroic, are those of Brock and De Salaberry ; yet neither of them had much to do with the final issue. The former perished, all too soon, on the field of glory ; the latter freed Lower Canada from the invader, and was only inactive because he was unemployed. No national jealousies troubled the people of those days ; they had a duty to fulfil to king and country, and acquitted themselves like brave men in ardent co-operation, without regard to creed or origin. If, on the whole, the Scots occupied the foremost place in the conflict, the statement of the fact is only a matter of justice to them, and implies no invidious comparison with the worthy deeds of their brethren in arms.





## CHAPTER II.

### COLONIAL GOVERNMENT DOWN TO 1791.

IT is beside the purpose of this work to attempt a constitutional history of the Provinces in full detail. Nevertheless, in order to link together the names and active services of Scotsmen in public life, it appears advisable, in addition to what has already appeared in a previous part of this work, to give at least the thread of the whole story in a connected way. The French *régime*, with its various changes, may be disposed of in a paragraph. During more than a century, the Colony of New France, although nominally a Gallic possession, was practically in the hands of commercial monopolies. Such were the establishments in Acadia under De Monts—"The Associated Merchants," and "The Hundred Associates," a Company chartered by Cardinal Richelieu. In 1663, however, Canada was constituted a Sovereign Colony, governed by a Council consisting of six, then eight, and finally twelve members. Of these the Governor, the Bishop and the Intendant were the chief, being *ex-officio* members. The Governor was the first subject in New France, usually a noble. He had the power of making war and peace, and of entering into treaties, standing, in fact, as the representative of the Crown. In like manner, the Bishop

superintended ecclesiastical affairs, and was supreme within the sphere allotted to him. The Intendant, although he yielded precedence to the Viceroy and Bishop, was practically a more powerful ruler. Usually a lawyer, he was often a spy upon the Governor,\* and conducted correspondence with Versailles on his own account. He presided at the Council-board, and had entire control of finance, justice, police and marine, subject of course, more or less, to the approval of the Council. As a matter of fact, the Intendant acted much as he pleased. The first who held the office was Talon, a man of singularly upright and intelligent character; the last, Bigot, has left an unenviable reputation as a ruler, grasping, extravagant, thoroughly base and unscrupulous.

The land was held by feudal tenure, that system having been definitively established by Richelieu in the Charter of the Hundred Associates. in the year 1627. The seignior was the grantee of the Crown, and became its vassal. In Canada the King and his officers exercised much greater power even than in France. They had in fact an unbounded right of intervention in the seignior's affairs. The censitaire held his land again by an inferior tenure from the lord, and was bound to pay him an annual amount in money or produce, or in both, per acre. He was also liable to the *lods et ventes*, or mutation fines, to be paid, if he sold his title to the land, to the extent of one-twelfth of the purchase money.† In some cases, it may be added, the superior granted land to

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\* Parkman's *The Old Régime in Canada*, chap. xvi.

† *The Old Régime*, chap. xv.

inferior vassals, and these again made grants to their vassals, who were habitants, or regular cultivators of the soil.\* The administration of justice was, on the whole, fair and equitable; yet, as might have been expected, it favoured, in practice, the superior class. The Council issued decrees, being only controlled by the royal edicts and the custom of Paris. Subordinate Courts were constituted in the three judicial districts of Quebec, Three Rivers and Montreal. The seigniors inhabiting the corporate seigniori of Montreal had also the right to settle disputes, but, in course of time their jurisdiction was restricted to small causes.

Thus then lived the Franco-Canadian, for the most part happy and contented. His tastes were frugal, his habits simple, and his wants singularly moderate. He was attached to his Church, and seldom found fault with the occasional rapacity of his rulers. The younger spirits who rebelled against the hum-drum life of the Colony, found a vent to their energies as *coureurs de bois*, or in those interminable struggles with the Iroquois which had been left as a fatal heritage of woe and bloodshed by the folly of the early leaders and viceroys. All was changed by the conquest which ended with the capitulations of 1759-60. Up to this time the Government had been purely despotic, after the true Bourbon fashion. Feudalism was thoroughly interwoven with the social life of Canada, and freedom in any sense can hardly be said to have had an existence. The problem which now presented itself to the Imperial Government was new, and one not easy of solution. A military period of

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\* *Ibid*, p, 245.

transition was inevitable under the circumstances—at all events until the country was formally ceded to Britain, in 1763. Under General Murray, this “despotism,”\* as Garneau somewhat invidiously terms it, the “new subjects” of the Crown enjoyed an amount of liberty they had not known before. But they were firmly attached to the old system, especially in so far as the administration of justice was concerned, and saw, with dismay, the likelihood that their institutions might be superseded by the more liberal and enlightened jurisprudence of England. The British population were few in number, but they had the ear of the mother country, and clamorously demanded the immediate introduction of English laws, pure and simple. Being conquerors, they considered it their right to give laws to the vanquished. Hence a struggle which lasted eleven years. In 1763 King George III. issued a proclamation in which he promised that, so soon as circumstances permitted, General Assemblies of the people should be convened in the same manner as in the American Provinces; and ordained that in the meantime the laws of England were to be in force. “Thus,” says McMullen,† “all the laws, customs and judicial forms of a populous and ancient colony were in one hour overturned, and English laws, even the penal statutes against Roman Catholics, introduced in their stead.” It may be admitted that this measure was “rash and ill-advised;” yet it never was harshly construed, and after a brief struggle the old system, exclusive of criminal and ultimately of commercial law, was re-established. This welcome concession, made

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\* *History* (Bell's translation), Lib. xi., ch. 1. But see Christie; *History*, vol. i. p. 2.  
*History*, p. 192.

in 1774, was embodied in the celebrated Quebec Act of that year.\* Before entering upon the changes wrought by this measure, reference may be made to the establishment of the first newspaper issued in Canada. Messrs. William Brown and Thomas Gilmour, or Gilmore, who were, we believe, Scots, came from Philadelphia in 1764, and established the *Quebec Gazette*. The first number was issued on the twenty-first of June, with a subscription list of one hundred and fifty. This pioneer journal was, in the strictest sense, a newspaper, no comments on political affairs being permitted by Government. Indeed, it was not until 1800 that the Canadian editor ventured to discuss matters of State.† It was not, as will be seen hereafter, until 1791 that even the forms of parliamentary government were conceded to the Canadian subjects of the Crown.

The Act of 1774 owed its inception to Sir Guy Carleton, who was impressed with the injustice of imposing British institutions, laws and language upon the French Canadians, who formed an overwhelming majority of the population. But the British settlers—for the most part of the military class—met the proposed legislation with the most determined opposition. The colonies to the southward were in the early stage of revolution, because the Imperial Parliament had thought fit to tax them without the consent of their representatives. Yet in Canada it was proposed to perpetuate the same system, without even establishing the General Assembly

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\* 14 Geo. III. cap. 83; "An Act for making more effectual provision for the Government of the Province of Quebec." See Sir Henry Cavendish: *Debates of the House of Commons*, &c. First published from his notes, London; 1839.

† Lemoine: *Quebec, Past and Present*, p. 188; McMullen's *History*, p. 192; Morgan *Celebrated Canadians*, &c., p. 80. The *Montreal Gazette* was established in 1778, by James Brown.

promised in the Royal proclamation of 1763. There was yet another grievance. Lord North's Government proposed to restore to the Catholic clergy the right to collect tithes from their co-religionists, thus putting the old Church upon the footing of a quasi establishment. The Corporation of the City of London, which heartily espoused the cause of the British colonists, addressed a petition to the King against the Bill in which the objections to it were concisely set out.\* These may be summarized as follows: 1. That the Bill was subversive of the fundamental principles of the constitution; 2. That it denied British subjects there of the advantages of English law, and especially of trial by jury; 3. That the faith of the Crown had been pledged to those who settled in Canada; 4. That the Bill established the Roman Catholic religion, "which is known to be idolatrous and bloody," contrary to the express provisions of the Act of Settlement; 5. That the legislative power was to be wholly vested in appointees of the Crown. The Act itself now demands attention. It set out that there were 65,000 Roman Catholics in Quebec, enjoying an established form of constitution and system of laws, and these it restores once more. The exercise of their religion was to be free, and the clergy of the said Church might hold, secure and enjoy their accustomed dues and rights with respect to such persons only as should profess the said religion.† To this Lord North added a proviso for the support in like manner "of the Protestant religion." By another clause the criminal law of England was continued in the Province as it had obtained since 1765. The King

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\* This document will be found in Christie's *History*, vol. i., p. 6, *note*.

† Cavendish, p. 216.

was also authorized to appoint a Legislative Council of not less than seventeen, and not more than twenty-three members. This body had limited power to make "ordinances for the peace, welfare and good government of the Province, but no power to levy taxes except for local purposes." In the Commons the Bill was strenuously opposed by Fox, Burke, Barré, Sergeant Glynn and Dunning, and in the Lords by the Earl of Chatham, then upon the verge of the grave. The noble Lord characterized it as "a cruel, oppressive and odious measure, tearing up justice and every good principle by the roots." The Opposition, in everything except ability and eloquence, was weak in both Houses, and the Bill passed by large majorities.\* In pursuance of the Act a Legislative Council of twenty-three members was constituted, of whom eight were Roman Catholics; and in 1775 the Imperial Government promulgated a new tariff, superseding the old French duties.

The events of the next fifteen years may be passed over with the simple remark that under Henry Hamilton the Habeas Corpus Act was passed in 1786. Meanwhile the English-speaking population had increased largely by the influx of U. E. Loyalists from the revolted colonies, and the discontent caused at the passing of the Quebec Act grew louder. At length in 1789, they employed an agent named Adam Lymburner, a Quebec merchant, who was despatched to London to urge a revision of the colonial system on a constitutional basis. This gentleman who appears to have possessed talents of a high order, was a native of Kilmarnock in Ayrshire, and

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\* Watson: *Constitutional History*, vol. i., pp. 25-30. In the Commons the final vote stood, Yeas 56, Nays 20; and, in the Lords, Contents 26, Non-contents 7.

died in 1836, aged 90, in London, after having served for some years in the Executive Council of the Province.\* He succeeded in gaining the ear of the Home Government, and the result was the transmission to the Governor of a draft Bill providing for the establishment of representative institutions in Canada. In the spring of 1791, the measure was introduced by Mr. Pitt, and at once excited strong opposition from the British colonists. The very first proposition was a division of Canada into two Provinces, and to that Mr. Lymburner and his clients strenuously objected. Each Province was to have a Legislature consisting of a Lieut.-Governor, Legislative Council, and House of Assembly. By the same Act, were established the Clergy Reserves, destined in the future to be a fruitful source of trouble and controversy. It was enacted so as to avoid a recurrence of the disputes which had lost England the thirteen colonies that the British Parliament should impose no taxes but such as were necessary for the regulation of trade and commerce, "and to guard against the abuse of this power, such taxes were to be levied and disposed of by the Legislature of each division."†

On the 23rd of March, Mr. Lymburner was heard at the bar of the House of Commons against the Bill. He read a very able and interesting paper of considerable length; and, although he failed to influence the Government majority the document is still worthy of perusal.‡ He urged the propriety of totally repealing the Quebec Act on the ground

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\* Christie's *History*, vol. i., p. 114.

† Pitt's speech in Christie, vol. I., pp. 69-71.

‡ The bulk of it is given by Christie, vol. I., pp. 74-114.

stated in the preamble of Mr. Pitt's Bill that it was in many respects inapplicable to the present circumstances of the Province. As a matter of fact they only repealed one clause of it. What the British residents wanted was "a new and complete institution, unclogged and unembarrassed with any laws prior to this period." Mr. Lymburner strongly protested against the division of the Province as an act of injustice to the British residents in the lower division; nor was it more palatable to the people of the other division who would be cut off from communication with the sea, and dependent altogether on the merchants of Montreal and Quebec. The result in his opinion would be dissensions between the Provinces, hostile tariffs and continual disquiet. The proposal to allow drawbacks upon goods imported for use in the upper Province he regarded as futile, and likely to prove the fruitful source of smuggling and fraud. A further objection was found in the absurd proposal to make the Legislative Council an hereditary body. Mr. Fox had in vain offered an amendment to make the Council elective; but although the clause was carried it fell still-born and never came to anything. Mr. Lymburner's objections to the Bill were concisely stated towards the end of his address. He complained of the erection of two independent Legislatures, of the hereditary Council, unlimited in number; of the small number of representatives; of making the term of the Assembly septennial; of the continuance of laws, etc., supposed to be in force; of the power given to the Lieut.-Governors; and of the claiming of tithes from the Protestant settlers without settling the rate. His constituents, as he called them, prayed for the repeal of the Quebec Act *in toto*;

for a triennial assembly with free admission to Roman Catholics, for a limited number of Legislative Councillors chosen for life by the Crown, for the establishment, as fundamental laws, of the criminal and commercial laws and customs of England, with the Habeas Corpus Act and English common law in the Upper Canada districts.\*

As early as 1755, the question of representative government presented itself in Nova Scotia. In that year, Chief Justice Belcher was directed by the Lords of Trade to inquire whether the Governor and Council could enact laws without the consent of the Legislative Assembly. He decided—and his view was sustained by the Attorney-General and Solicitor-General in England—that they had no such power. The Governor was of opinion that there were insuperable obstacles in the way of calling an Assembly; but his objections were over-ruled. He found that the influence of the Halifax merchants would preponderate in the House; but, as was well replied, that could be no excuse for the exercise of an authority pronounced illegal by the law officers of the Crown. Petitions flowed in praying for the convocation of a Legislature; but Governor Lawrence “almost beseeched” the Lords of Trade not to insist upon it at present. Their Lordships, however, having apparently lost all patience, made their instructions peremptory.† A

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\* One extract from this long and able address may be given as a specimen of its vigorous style: “But sir, if the Province is to be divided and the old system of laws continued; if it is expected that either part of the Province, separated as proposed by this Bill, shall, in its present exhausted and impoverished state, raise the supplies for supporting the whole expenses of government—it will be reducing the Provinces to a situation as bad as the children of Israel in Egypt, when they were required to make bricks without straw. The people will see that the apparent freedom held out by the new system is delusive, and the new constitution will complete that ruin which the former pernicious system had left unfinished.”

† The entire correspondence on this subject will be found in the Nova Scotia Archives. Halifax, 1865, pp. 700-725.

resolution was, therefore, passed by the Council in May, 1758, calling a House of Representatives, consisting of sixteen members, for the Province at large, "till the same shall be divided into counties," four from Halifax township, two from Lunenburg, and two from each of the other townships so soon as it shall contain fifty qualified electors. The first Assembly met in the month of October, 1758, and elected Robert Sanderson, Speaker. To his surprise, the Governor found that the members were not so given to innovation as he had anticipated, although he took care to complain that some of them were no better than they should be. Of course a large proportion of the House was Scottish, and we may be sure that, loyal though they unquestionably were, it was scarcely likely that they had left their critical spirit or attachment to freedom behind them. At all events, matters appear to have gone on smoothly enough in the first Assembly which ever sat within the limits of the Dominion. Then followed the French war, and the taking of Louisbourg and Quebec. As stated in earlier pages, Lord William Campbell filled the post of Governor from 1766 to 1773, when he was transferred to South Carolina. This brings the history down to the period of the extension of Scottish settlements on the east coast of Cape Breton and in Prince Edward Island, and is simply sketched in hasty outline to preserve connection with what is to follow. It may be added, that after the peace of 1763, Cape Breton and Prince Edward Island—then called the Island of St. John—were annexed to Nova Scotia. In 1770, the latter, when it only contained five resident proprietors, and one hundred and fifty families, was set off as a distinct Province, with a Legislature of its own.

In 1784, Cape Breton again became a separate colony, and remained so until 1820. In the previous year, New Brunswick was also detached from Nova Scotia, and received a Governor, Legislative Council and Assembly of its own.\*

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\* The authorities used throughout regarding the Maritime Provinces are—Haliburton, Murdoch and Campbell's *Nova Scotia*,—Munroe's *New Brunswick*,—Brown's *Cape Breton*,—Patterson's *Pictou*,—Stewart and Johnston's *Prince Edward Island*. The name of the last colony was changed from that of St. John, in 1800, in honour of H. R. H. the Duke of Kent, Her Majesty's father.





### CHAPTER III.

#### CONSTITUTIONAL RULE PRIOR TO 1812.

THE storm of the American Revolution failed to uproot the settled loyalty of the northern colonies. It does not appear that the Stamp Act, or any of those other ill-advised measures which, under Grenville and North, deprived England of thirteen Provinces, excited any commotion in Canada and Nova Scotia. On the contrary, they became the home of those loyal refugees from the south who had cast in their lot, for weal or woe, with the Crown. The effect of the struggle was, therefore, to intensify, rather than weaken, the ties which bound these colonies to the Empire. When peace was proclaimed, in 1783, public affairs began to settle down into normal shape, and under the Constitutional Act of 1791, the Franco-Canadians were, if not quite satisfied, at least tranquil and submissive. The old Province was divided into two, and thenceforward, for nearly fifty years, their affairs flowed side by side, apart, yet not unconnected. Upper Canada, having been freed from all vexed questions concerning French law and feudal tenure, started afresh as a purely British colony. Lower Canada, on the other hand, had been pacified, so far as the French population were concerned, by the establishment of their "religion, language, and laws." That there lingered, for many years,

a feeling of discontent amongst the growing British population may be well supposed. The remonstrances they had pressed, through Adam Lymburner, had been summarily cast aside as unworthy of serious consideration. Pitt cherished, above all things, a desire to conciliate the French population. The threatening aspect of affairs in France, no doubt, urged him to this course, rather than risk having a second Paris on the banks of the St. Lawrence. His suspicions were certainly ill-founded; and yet, on the whole, he acted with sagacity, and in a liberal spirit.

On the other hand, it is undoubtedly true, as Garneau remarks,\* that the new constitution failed to give the Canadian Provinces that full measure of self-government which had been anticipated from it. The Colonial Office in London was too hasty in dictating a policy for the new governments, and the Lieutenant-Governors too often supposed that they occupied an exceptional position as heads of the Executive. The chief officers of the State were arbitrarily chosen by the representatives of the Crown, and so were the members of the Upper House. Responsible government, in the modern acceptation of the term, was unknown, indeed, at first, unsought for. The Assemblies could debate, no doubt; but no one had as yet hinted that the course of public policy, the tenure of Cabinet offices, or the control of public lands and interests, should be in the hands of the people's representatives. At that early period in the history of Upper and Lower Canada, it is by no means certain that any other course would have been prudent. When the agitation for complete self-government began in Lower Canada, as will

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\* Book xiii., chap. i.

be seen hereafter, the French population and their few British allies were evidently struggling wildly, without possessing that prudent balance and soberness of aim which could alone enlarge the basis of the structure without overturning it altogether.

The first years under the new constitution need not be described in detail, inasmuch as sketches of Sir James Craig's administration, and of some of the more prominent Scots antecedent to the time of 1812, were given in earlier pages. The first Lower Canadian Legislature was called together on the 30th of December, 1791. The lists of Legislative Councillors, members of Assembly, and Executive Councillors, contain, from time to time, a number of Scots, of whom little record remains except their names. Hon. Wm. Grant, a Quaker merchant, was an Executive Councillor ; so was Hugh Finlay, who gave his name to the Finlay Market. Sir Alexander Mackenzie, of whom we shall have more to say in connection with the North-west, was originally a Canadian merchant. He was born at Inverness, and represented the County of Huntingdon in 1804. Hon. James McGill, who sat in several parliaments and was an Executive Councillor for some years, has already been referred to at length. There are other names such as those of J. Young, shipbuilder, John Craigie, David Munroe, John Murray, and John Lees. Most of the Scotsmen who attained positions in public life at that time, were engaged in mercantile or shipping houses, at Quebec, Three Rivers, or Montreal. Of course the House was preponderatingly French. In the Assembly of 1800, for example, out of fifty members only fourteen names indicate British origin, and one was Dutch, or more probably

a settler from New York State, all the rest being French Canadians.\* Sir James Craig arrived in the autumn of 1807, and the signs of an approaching storm began to appear upon the political horizon. In the Assembly of 1809, we note the names of Ralph Gray, James Stuart, W. McGillivray and J. Blackwood. The Stuart mentioned, was afterwards Sir James Stuart, of U. E. Loyalist origin; his nationality can scarcely be doubted, as his grandfather was a Presbyterian.

During Sir James Craig's administration, there was a critical struggle between the advanced spirits of the French Canadian party and the Executive. *Le Canadien* was suppressed, and a number of gentlemen arrested. Into this controversy it is unnecessary to enter. The embers of discontent, however, kept alive during the war of 1812, and broke out with renewed fury during the next period of our history. One symptom of this discontent, in its preliminary stages, was a gradual decrease in the number of representatives of British origin. In 1809, only nine were elected. The dissatisfaction at this period arose, not from any defects in the constitutional system, but in the method of its administration. "An irresponsible executive," says McMullen, "was at the root of most public disorders, and as time progressed, it became evident that Lower Canada would pass through the same revolutionary ordeal as its western sister. In both Provinces identical modes were producing similar results, and at nearly the same time."†

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\* Christie, Vol. i. p. 214. Garneau complains that, in the Council, the Canadians were not properly represented, "except at the outset when they were four to eight; but by the year 1799, out of twenty-one members in the Council, only six were Canadians."

† *History*, p. 231. Also Christie, vol. i. pp. 347-50. Garneau, who always takes the ex-

The first years of Upper Canadian history have been briefly sketched in a previous chapter (p. 311). It only remains to indicate the general course of affairs during the early period as far as the limited resources at command will permit. Simcoe's career, as Governor, was too short for the welfare of the Province. He was a man of broad, constitutional views; and, had he remained here for a longer period, the seeds of discontent and disorder would not have so soon brought forth fruit. At the close of the first session of the first Legislature, he said, "At this conjuncture, I particularly recommend to you to explain (i. e. to their constituents) that this Province is singularly blest with, not a mutilated constitution, but with a constitution that has stood the test of experience, and is the very image and transcript of that of Great Britain." How far that view of the colonial system was shared by those subsequently in power will appear in the sequel; meanwhile, it may be concluded from Simcoe's own words, that his views of administration were not reconcilable with the irresponsibility of the executive, as afterwards maintained by his successors. The early grievances of the settlers were not connected with this subject. It was the land system of which complaint was earliest made, as will appear more fully hereafter. The rapid influx of immigrants from Europe and from the United States might have been taken advantage of, had a sound and equitable disposal of the soil been made. This, however, was what the old residents were determined to prevent. They looked upon themselves as the legitimate disposers

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treme French Canadian view, dignifies Craig's term by the name of "the reign of terror." Bell's trans. Book xiii. chap. ii.

of the territory, and proceeded to parcel it out amongst their friends and relatives, simply for purposes of speculation. Actual occupants were thus either driven away, or had to pay fancy prices for their land, in lots separated from one another by forests, as effectually locked up as if in mortmain.\* It was in these early years that the nucleus of the so-called "Family Compact" was formed, chiefly of U. E. Loyalists, half-pay officers and poor gentlemen. These families constituted a sort of ready-made aristocracy, and, in the primitive time of which we are speaking, their influence was largely for good. They monopolized, as was natural, all the culture and polish of the colony, and were therefore not indisposed to look upon new settlers with something approaching disdain. The Government was in their hands, and although Upper Canada secured the form of representative institutions, their power and efficacy were entirely wanting. There was a House of sixteen, and a Legislative Council of six; an irresponsible Executive,† and a judiciary which, while not independent, was made worse by the participation of the judges in political life. The oligarchy was in fact supreme in every department; whilst the people, at that time absorbed in reclaiming the soil, attended but little to public affairs, and cared less. Upper Canada was passing through that primitive stage of colonial society out of which it began to emerge shortly after the war. It is too much

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\* McMullen: *History*, p. 238.

† As Dr. Scadding remarks, offices were then literally held during pleasure. Some Trustees complained to Governor Hunter that they could not get their patents. Hunter, after questioning all the rest, fixed the blame upon Mr. William Jarvis, Secretary and Registrar, and this is how he addressed him: "Sir, if they are not forthcoming, every one of them and placed in the hands of these gentlemen in my presence at noon on Thursday next, by George! I'll un-Jarvis you." *Toronto of Old*, p. 478.

the habit of historians to look at that simple state of politics with jaundiced eyes. They persist in looking at the rude systems of the past through spectacles provided by the present. As will be seen hereafter, great injustice has thus been done to the pioneers in the management of public affairs. Meanwhile it is only necessary to make this remark by the way.

In the *Upper Canada Almanac* for 1803 there is a list of all the public men of the time. The Macdonells appear in great force. Alexander and Angus Macdonell represented Glengarry and Prescott, while another Angus sat for Durham, Simcoe and East York. John Macdonell was Lieutenant of Glengarry county, and Archibald Macdonell, of Prince Edward. In the Militia lists of the same date there were nine Macdonells of the Glengarry battalion—the Colonel, Lieutenant-Colonel, two Captains, three Lieutenants, and two Ensigns. Robert Gray was at that time member for Stormont and Russell, and Donald McLean, Clerk of the House.

Before entering on the next, or as it may be termed the first, political period, some reference must be made to the Hon. William Allan. Concerning Mr. Allan's early career beyond the fact of his Scottish origin we are without information. He first appears as the holder of a number of offices, none of which taken alone could, in those simpler times, have been over lucrative. He was the first postmaster of Toronto, and the office was situated on his own premises on the west side of Frederick Street. South of that on the water side was the Merchants' Wharf, also his property, and

the Custom House of which Mr. Allan was collector.\* Mr. Allan, however, was not a mere office-holder; but a public spirited citizen ready to serve his fellows in any useful work. He was one of the trustees for the Mall, a pleasure promenade which, like its successor, the Prince of Wales' Walk, has disappeared forever. Largely interested in the development of the district he busied himself with road-making, the levelling of hills, the improvement of Yonge Street, and the opening up of Queen Street to the Don. As an ardent churchman he took part in the erection of the first Church of St. James, and was a liberal contributor to the fund for its support. A justice of the peace at an early date, he subsequently became a member of the Legislative Council. During the war he was in active service as Major in the York Militia, and fought, we believe, at Queenston.

The period antecedent to 1812 may now be dismissed as eminently barren and unfruitful. Notwithstanding some fitful efforts after political vitality—merely of the embryo sort—there really was no public life worthy of the name. The struggle for existence, under the pressing necessities of early settlement, absorbed all human activities, and society, if not in the patriarchal stage, approached it in its rude activity. One has only to turn over any of the dingy yellow journals of the period to perceive that the future life of the Provinces, ultimately to form a nation, was only in the making. Trade was in a refreshing state of simplicity, although there seems to have been no lack of vigorous enter-

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\* "We gather also from the Calendars of the day that Mr. Allan was likewise Inspector of Flour, Pot and Pearl Ash; and Inspector of Shop, Stall and Tavern duties. In an early, limited state of society, a man of more than the ordinary aptitude of affairs is required to act in many capacities." Scadding, p. 39.

prise conducted under adverse conditions. The sparse population, devoted to agriculture, was sufficiently occupied with the exigent duty of subduing nature, and politics were abandoned practically to those who made office-holding a profession. Then, as always hitherto in Canada, the lawyers, doctors and other fairly cultured classes monopolized the government prizes. The forms of constitutional rule existed ; yet practically the representatives of the people were chosen from an extremely limited circle ; and the legislatures, after all, exercised but little control upon public affairs. The early settlers, many of whom were tolerably educated, having been officers in the army and navy, or the sons of U. E. Loyalists, mainly gentlemen in the conventional sense, assumed the leading places, and filled all the lucrative offices as a matter of prescriptive right. The Governors naturally depended on them for counsel and support, and, in return, rewarded them lavishly with such gifts as were at the disposal of the Crown. It is easy to cast reflections now upon a state of things which was then more or less inevitable. The country as a whole had not yet been aroused to political activity, and it was certainly better that the country should be ruled by an oligarchy than not ruled at all. On the whole it was well governed, and with the exception of some personal grievances, as well as a few glaring instances of personal aggrandizement at the public expense, there is not much fault to be found with the *régime* preceding the war.



## CHAPTER IV.

FROM 1815 TO 1841.

AT the close of the American struggle, Upper Canada entered upon a new era. The patriotic spirit which had proved more than sufficient, during that rugged crisis, served to quicken the Province into active and independent political existence. The invaders had been driven from the soil, notwithstanding the odds in their favour, and now the country was to reap the reward of its strenuous exertions in the field. Yet, from a political point of view, there should have been misgivings from the first. No sooner was peace proclaimed than immigration set in on a scale hitherto unprecedented. Large numbers of settlers came in from the United States and were naturally regarded with jealousy by the official monopolists. The ranks of the latter had been reinforced by large numbers of regular and militia officers who had been provided for by gifts out of the public domain. The exclusive caste was definitively formed, and it became only a question of time when the conflict between it and the new comers—mainly democrats—should commence. It is the besetting sin of modern historians to survey the attitude of past generations from a modern standpoint. A lost cause has seldom any defenders after the lapse of a decade or so; yet surely the veracious chronicler ought, so far as

may be, to project himself so far into the period he describes as to realize, however faintly, the views and feelings of those who are without literary champions to-day. There is no difficulty in eulogizing the asserters of principles which have since asserted themselves; but so much the more necessary does it seem to be a duty to vindicate the motives of those who come into court posthumously without the benefit of counsel.

In 1815 the position was something like this. The loyal defenders of the country had repelled the invaders of its soil. They were in possession of the choicest Crown lands, and controlled every department of government, executive, legislative, judicial, administrative, and municipal as of right divine. That they should assume that position was not surprising. The burden and heat, not merely of the struggle with the United States, but of pioneer settlement had fallen upon them, and it was not in human nature to abstain from a determination to reap the fruits of what they had sown. So soon as there appeared a danger from the influx of American settlers, the dominant party at once set its foot down upon immigration from that quarter. Free grants of land were refused to all new-comers from the United States, and, in order to prevent the acquisition of lands by purchase, naturalization was abolished. A stringent Alien Act was passed under which any American was liable to arrest and deportation on a charge of sedition—a law which virtually amounted to a suspension of the Habeas Corpus Act. Nor was this all. There was a well-grounded feeling of discontent against the authorities for their partiality in the sale of Crown lands. Large numbers of the volunteers and active militia, who had fought during the war,

found themselves, on some pretext or other, deprived of the grants promised on the faith of the Crown. It is easy to see why the party objected to American immigration; indeed, under the circumstances, one might have expected some such outcome of jealousy on the part of victors who claimed an exclusive title to the spoils. But their treatment of the disbanded troops is explainable on only one supposition, warranted apparently by the facts. The militia of the Niagara frontier especially had, before the war, been intimately associated in trade and otherwise with their neighbours across the river. They were not, in political complexion, therefore, by any means Conservative. But when the struggle came, they proved manfully loyal to the Crown, to their homes and country. The time arrived for carrying out the promise of reward to all who had risked life during the war, and the government at York, in its alarm at a supposed increase of power to political adversaries—then for the most part imaginary—trifled with the claimants, and in many cases withheld the grants of land to which they were unquestionably entitled.

Meanwhile, so early as February, 1815, the British Government undertook an emigration scheme. A free passage was offered to emigrants, with a hundred acres for themselves and for their sons, on arriving at adult age. No great results flowed from this measure, except in one direction to be noted immediately. Mr. McMullen\* very naturally points out that the excitement of the war had unsettled the habits of the people, and that discontent supervened upon it. But it is doubtful whether that be a full explanation of the

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\* *History of Canada*, p. 330.

political change which was imminent. The people had suffered and were strong, not merely in a spirit of national pride, but from the assurance borne in upon every man that he was a unit in the commonweal. The result evidently must be a strong assertion of individualism—an awakening to national life and vigour. Citizen soldiers do not, as our historian thinks, "return discontented to the drudgery of their farms." On the contrary, they come back with a greater zest for the labours of peace, but with an augmented sense of their own personal importance. Like the youth of Greece and Rome, like the apprentices to chivalry in the Middle Ages, they never felt assurance of manhood until they had met the shock of combat. So soon as they had laid down their arms, the Canadian yeomanry felt that the period of adolescence and tutelage was over, and that they were members, active and independent, of the body politic. War is, of itself, a hateful thing; and yet when it takes the dimensions of a struggle for existence—a conflict for home and hearth, wife and children—there can be no better educator for freemen. That which stirs the fibres of the heart and quickens its action healthfully, stiffens the back-bone of the man, and raises his political stature for all time to come.

The war of 1812-15 accomplished both purposes, and so it came about that when the Assembly met in 1817, signs of dissatisfaction with the Administration were forcibly presented to public notice. At that period, it must be borne in mind that the lands of the Province, except in so far as they had been alienated, belonged to the Crown. A large portion had been granted "for the support of a Protestant clergy," and this was to form a bone of contention for forty

years to come. The House found fault with the impediments thrown in the way of immigration, a bad postal system, and the wrongs of the militia. Of course no Executive in those days could submit to legislative impertinences of so pronounced a character, and the Governor hurried down to the House only to send it about its business. A Scot now appeared upon the scene, so unique in character and career, that his life must be sketched at some length.

Robert Fleming Gourlay was born in Fifeshire somewhere between 1780 and 1784. He was evidently a man of keen observation, shrewd and talented. But it must be confessed that he was the victim of a litigious and irritable disposition. The chief materials for his biography are to be found in his collection of occasional pamphlets bearing the singular title of "The Banished Briton and Neptunian." \* That he was in every way an honest and conscientious man is clear from first to last. That he was, at the same time, energetic, painstaking and philanthropic seems equally obvious. So early as the first year of the century he was employed by the Imperial Government to enquire into the condition of the English poor and suggest a remedy for prevailing distress. Upon his report a Bill was introduced as a Government measure, but rejected by the Lords. In personal business he was certainly unfortunate, through no fault of his own. He in-

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\* The latter designation is explained in one of these brochures by the following document written at sea, after a visit to Scotland :

" THE PACIFIC, AT SEA, NOV. 9, 1833.

"NOTICE TO CREDITORS—I hereby intimate that I have sailed for America, not to evade payment of debts, but that all may be paid in full, for which funds are more than sufficient.

" Witness my hand,

" ROBT. GOURLAY,

" Late of Leith, subject to the King.

" ROBT. FLEMING GOURLAY,

" of the Ocean, and subject to Neptune."

herited a bankruptcy, and set himself loyally to work to pay off the paternal debts and carve out a fortune for himself. Unhappily he leased a farm in Wiltshire, in England, on a lease, and expended his earnings in improvements; but he quarrelled with his landlord, a Duke, and finally threw all up and resolved to make his fortune here in America. In 1817 he left England for New York, and was accidentally called to Canada to visit some relatives. Notwithstanding his liberal opinions, he was a thoroughly loyal subject, and the idea at once struck him that if the Upper Canadian land policy were improved, and the resources of the country made known, the tide of British immigration might be diverted hither, with advantage both to the settler and the Empire. On his arrival at York he was at first received cordially by the rulers of the day. But the sudden and, as it appeared to him, arbitrary prorogation of the Legislature, with its business unfinished, gave to his career, most unfortunately for him, a political tinge, not contemplated at the outset.\* "Without the slightest idea of evil," as he avers, "he took the novel step of proposing that a Convention should be called of Deputies from all the constituencies to deliberate upon the propriety of sending Commissioners to England to call attention to the affairs of the Province." It may be readily conceived that such an unusual step annoyed, and may possibly

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\* "In Upper Canada my efforts had no view whatever to a reform in Parliament. The people there have a perfect representation, and before long they will make a better use of it than they have hitherto done. Soon after my arrival in that country I viewed it as the most desirable place of refuge for the redundant population of Britain, and I conceived schemes for promoting a grand system of immigration." *Statistical Account of Upper Canada, compiled with a view to a Grand System of Emigration*, By Robert Gourlay; London, 1822; General introduction, p. vi. It may be mentioned that this introduction is a sort of *pièce justificative*, making a volume in itself of over four hundred pages. The work proper, in two volumes, covers with appendices nearly fifteen hundred more.

have alarmed the authorities. Gourlay's aims were clearly distinguishable from any ordinary form of political agitation; and there can be little doubt that if the Executive had been less arbitrary, and he had been less pugnacious when threatened, the movement would have proved productive of great good. The Convention was held, and so far as appears, its proceedings were not of a character to alarm anyone. It is true they petitioned the Prince Regent, and made some complaints about the Crown land management, and the hostile attitude taken up with regard to immigration; but the Crown lands then absolutely belonged to the monarch, and there was certainly nothing seditious in meeting publicly and adopting petitions to be laid at the foot of the Throne.\* The Government at once commenced to assert its authority. It was announced that the Colonial Secretary had enjoined upon the Governor an immediate allotment of lands to the militia; but that the Provincial Government had determined that no grant should be made in favour of any man who had supported the Convention movement.

As for Gourlay himself, advantage was taken of an Act of 1804, which would have been worthy of Lord Castlereagh at a time of absolute danger, to arrest the prime mover. He was twice tried under it, and on both occasions acquitted. Under cover of a new Act (1816), however, and on a sworn information, savouring strongly of perjury, Gourlay, having refused to depart from the Province, was incarcerated at Niagara, and kept in durance for months. Now there can

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\* Mr. McMullen somewhat sneeringly remarks that "Upper Canada was too young for patriots; and, the public welfare was lightly considered when balanced against personal profit," Page 341. This is to be unjust to both sides; but allowance must be made, no doubt, for what passes as historical impartiality.

be no question about the illegality of the whole proceeding. Gourlay was arrested under a law which applied only to aliens, and he was beyond question a British born subject, and had never been naturalized in the States, and even if he had the fact would not have been recognized by the Imperial Government at that time. The information and commitment bore falsehoods upon the face of them, and if the unhappy Scot chafed under the injustice done him, and used violent language after the arbitrary treatment he had received, who can blame him? The man was in fact driven to the verge of insanity and all that he subsequently wrote proves this conclusively. The opinion of English counsel was taken, and it was clearly against the legality of the imprisonment. Finally the prisoner was once more brought to trial, not on the factitious charge of rebellion, but for refusing to leave the Province, and was forcibly banished to the United States. Thus a man who was a British subject, unconvicted of any offence known to the law, was expatriated under a statute directed against aliens.

Now, whatever may be said in disparagement of Gourlay by literary gentlemen "who sit at home at ease," there can be no doubt that he really laboured with effect in two directions. In the first place he was the first to collect statistical information concerning the Upper Province, and thus recommend it to the world as a suitable field for the emigrant. He had only been a few months in the country when he submitted thirty-one questions to the chief inhabitants of every township, with a view of ascertaining definitely the agricultural capabilities of Upper Canada. There can be no reason for any sinister interpretation of his motives.

Unluckily for himself, however, his final query was interpreted as having a political significance. It would now be considered an extremely innocent one, even had its purpose been political. "What, in your opinion, retards the improvement of your township in particular, or of the Province in general; and what would most contribute to the same?" were the words used. The ruling party, however, at once scented treason in the air, and although Gourlay's intentions were then strictly non-political, he became thenceforth a marked man. Forced into the unsavoury slough of partisanship, to some extent from a feeling of natural astonishment, and still more from the strong stubbornness which characterized him, instead of making his way out of the Serbonian bog as fast as he could, Gourlay floundered and struggled with his enemies until he sank in the manner already described.

It is a plausible account of the matter to attribute the poor man's troubles to infirmity of tempër; but the very laudable attempt he made, apart altogether from party considerations, rendered him obnoxious to the dominant caste. The Imperial Government were on Gourlay's side, without perhaps being conscious of his efforts. An Act had been passed in England to provide facilities for emigration to Canada, another for the naturalization of aliens; and finally, the Upper Canadian Lieutenant-Governor had been commanded to concede grants of land to the complaining militiamen. And yet it was because he sided with the advisers of the Crown in England that Gourlay was arrested for sedition. The party in power at York was vehemently opposed to immigration, either British or American. It must be borne in mind that at this time the population of the Province was

certainly under two hundred thousand, and the influx of settlers had been comparatively small. But the colonial government set its face determinedly against any scheme to augment the population by immigration. Of this there can be no doubt, since the Chancellor of the Exchequer stated in the Commons that "the North American colonies had been so overloaded with emigrants that the Government of Canada had made the strongest remonstrances on the subject." In plain English the ruling clique desired to preserve the Province, not exactly for game, but none the less as "a happy hunting ground" for themselves and their numerous official hangers-on, civil, military, and ex-military. The colonial resistance to settlement from without was quite as strenuous, if not as reasonable, as that of the Australians in after years to the transportation thither of convicts.

Gourlay, in the freshness of his early innocence and enthusiasm, was entirely ignorant of this determined hostility to immigration. He had two objects in view: first, to relieve the suffering poor of Britain during the melancholy years which followed after the great continental war, and secondly, to fill up the wilderness of Upper Canada with a stalwart yeomanry under the Crown. He was an eminently loyal man, and nothing appears to have galled him more than the accusation of treasonable purposes. So late as 1838 he was a bitter opponent of William Lyon Mackenzie, because the latter had proposed as his object "independence of European domination for ever." \* Moreover,

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\* Gourlay addresses Mackenzie thus (*Banished Briton*, No. 2.): "Mr. Hume is a little man, and you, less. During four years in the United States I have witnessed far worse

in the Metcalfe controversy he took strong ground in favour of the Governor-General. It is clear that no abstract theories of government troubled him, and if he had been left alone, Ministries and Assemblies might have done as they pleased. Still his influence, brief though his career in Canada was, had an important bearing upon the future. His Convention—a term he himself disliked because it was American—stimulated the political growth of the colony beyond question. From that time forth there was undoubtedly such a thing as public opinion. The sufferings endured by Robert Gurlay most certainly shook his reason and utterly ruined him: but the fruit of his brief labours remain with us to this day. The Province thus owes to him two inestimable titles to respect. He was the first to lay its claims as a field for colonization before the world in a detailed and systematic form; and the first also to stimulate political activity, and usher in the new era of free responsible government. That he was conscious of no political aim is not at all to his discredit. He was the forerunner of a new dispensation, and, like other forerunners, had only a dim appreciation of its scope and tendency. \* That the treatment he received

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than European domination. You call yourself a patriot, and fly from home, and enlist scoundrels for the conquest of your country. This is patriotism with a vengeance; but God will avenge. I am, more in sorrow than in anger, yours, &c., R. F. G. To Gen. Van Rensselaer, who was mustering the "patriots," he wrote: "David before Goliath seemed little, but God was with him. What are you in the limbo of vanity, with no stay but the devil?"—a sentence eminently Carlylesque.

\* It is only fair to Gurlay, as mention has been made of his opposition to the rebels in 1837-8, and his eulogy upon Lord Metcalfe, to quote his views with regard to Lord Durham's Report, which paved the way for responsible government. "It is highly beneficial to meet and support Lord Durham's Report" (Letter to the *Examiner*, May 25, 1839) "Now that we see his report, I am doubly anxious to give him aid. I read it for the first time this week, and though shortcoming as regards this Province, I am highly delighted with it. From beginning to end, it is candid, fearless, straightforward, and to the

was not merely unconstitutional and illegal, but simply barbarous, has been acknowledged on all sides. In 1836, Mr. Sherwood only contended for a pardon simply because the other alternative was an acknowledgment of the injustice to which he had been subjected. By this time the extraordinary Act of 1816, under which Gourlay was convicted, had been repealed, avowedly because of its unconstitutionality. The sentence of banishment was kindly annulled, but the matter did not rest there. In 1841 Gourlay, in a petition to the House, gave a detailed account of his sufferings. It was referred to a select committee which reported that the petitioner's imprisonment in 1819 "was illegal, unconstitutional and without the possibility of excuse or palliation." It went on to set forth that the refusal of counsel, and especially the trying character of the imprisonment, during part of which Gourlay was confined in a close cell, "for five weeks in the dog-days," were unjust, unconstitutional and cruel. Sir Allan McNab stated, during the debate, that he had heard of the sufferings of Mr. Gourlay, which he regretted as much as any man.\* A resolution was

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point; no useless verbiage—no mystification as in most State papers. In its very style, indeed, we have hope that the age of darkness is over, and that common sense is to have a chance." And then, he adds, looking regretfully back at his own abortive efforts, "Twenty years ago, all this information might have been obtained at one-tenth of the cost had my projects gone into effect; but the fulness of time, unfortunately for me, was not come."  
—*Ibid.*

\* In referring to the case, Dr. Dunlop, of whom mention will be made hereafter, argued that the Act of 1804 was unconstitutional, as no body on the face of the earth, whether King, Lords or Commons of Great Britain, or Governor, Council or Assembly of Canada, had the power to banish a British subject unconvicted and uncharged with crime. More over the statute only authorized the banishment of British subjects who had not resided in the Province more than six months; whereas it was well known that Gourlay had been an inhabitant for more than two years. He pointed out the absurdity of the judge's decision that only a freeholder, and not a tenant, can be an inhabitant—in short exposed the invalidity of all the proceedings.

carried unanimously in both Houses to address the Governor-General praying that the recommendation of the report might be carried out, and to this address Lord Sydenham assented on the following day. In 1842, Gourlay petitioned the House for compensation. The Speaker stated that this petition was informal, and was couched in disrespectful language. To this Dr. Dunlop retorted that it was the natural language of a man who had suffered twenty-eight years' persecution. Sir Charles Bagot granted Gourlay a pension of £50 from the civil list; but he appears to have declined it on the ground that he did not desire to seem a state pensioner, but a recognised creditor of the Government, and entitled to adequate compensation for wrongs inflicted upon him, now acknowledged to be such by the Legislature. That Gourlay's reason was unhinged by the sufferings he had undergone there can be no doubt. Naturally of an irritable temperament, he had endured more than enough to madden a man of the most equable and patient disposition. It was not to be wondered at that such a man, conscious of upright intentions, the victim of acknowledged injustice, should chafe and fume under a sense of wrong. His imprudent writings were the natural safety-valve by which much dangerous emotion escaped without harming anyone but himself. It is to his credit that from first to last, however his personal wrongs may have crazed him, he never burst out into wild schemes of rebellion. The very charges under which he was imprisoned were in his case even technically absurd. No man ever lived who had a greater horror of sedition, lawlessness and rebellion than he. But his life had been wrecked and the whole fair vision of usefulness

to his fellows blurred, and wiped out by the narrowly conceived action of those who might have made of him a valuable servant to the Province. If his life were a failure, for which he was in part to blame, or perhaps his inherited nature, the bulk of responsibility must be borne by those who misconstrued his motives, and were too exclusive in their aims to understand the value of his energy and the manly sturdiness of his nature. In looking over his later utterances no one can fail to be touched by the irrepressible wail of pain which comes up from that rebellious and stricken soul. That his mind was shaken by persecution there is abundant evidence. His protest against the tyranny in London which kept him in confinement for three years and eight months "on the plea of insanity" is sufficient evidence of the fearful consequences of arbitrary rule. Gourlay possessed the consciousness that his motives were pure and patriotic; that he was not, in the remotest degree, guilty of anything that could be construed as seditious or rebellious; it was equally clear that the proceedings taken against him, his imprisonment and banishment, were undoubtedly illegal and unconstitutional, as even his opponents subsequently admitted; and with a man like him a struggle, utterly hopeless as it was, meant the dethronement of reason, at all events for a time. Yet when the fit was off him, in later years, when he ceased to brood over his personal wrongs, no man could be more prescient, more fertile in suggestion, more practically helpful than he. It is not gracious to dwell upon his infirmities of character, because under more auspicious circumstances he certainly would have been a patriotic worker of the highest order. He fell upon evil times, however, and

the energy and fiery impetuosity which might have done effective service in a young country was pent up until it broke its bounds and was dissipated in aimless brawlings, to be finally lost in the bosom of the remorseless sea, where alone it found eternal rest. With the after events of Gourlay's life we are not here concerned. He survived until 1863, when he died in Edinburgh, having attained the age of at least eighty years. Like other men who have passed the prime of life in turbulent excitement, he outlived all the struggles of the past, and nearly all the actors in them, and passed serenely away, with religious confidence, and the sense of old wrongs forgotten. There in the tomb we may leave him, with the simple reflection that, in spite of weaknesses and infirmities of temper, no man in our Provincial history, who intended to do so much for his adopted country, was privileged to do so little. Partly himself at fault, he was only measurably so. He appeared too early, and the enthusiasm of his nature which might have been of so much utility to his adopted country was wasted like a bud in the later frosts of spring. He was at any rate the harbinger of better times to come, and, amongst the Upper Canadian pioneers of progress, there should be a conspicuous niche for poor Robert Gourlay.

Having thus sketched the career of the first Canadian Reformer, it may be well to introduce to the reader's notice a strong, hard-headed, but generous-hearted Scotsman, who made an imposing figure on the other side in the early annals of Upper Canada. It is not so long since the lithe, slight figure of Bishop Strachan was a familiar sight in the streets of Toronto. The dapper little man, clad in orthodox episco-

pal fashion, with knee-breeches and gaiters, must have been amongst the earliest reminiscences of young men still on the sunny side of thirty. The brisk gait of the old Bishop, the cheery greeting, the subdued whistle of "Bonnie Dundee," are amongst the writer's earliest recollections of a man who played no small part in the affairs, ecclesiastical and political, of this country. The biography of the great Upper Canada prelate of the Church of England has been so often presented to the public that it does not appear necessary to do more than sketch it in outline. \* In whatever aspect the character of Dr. Strachan may be viewed, there is no mistaking the strength and consistent earnestness of the man. As Mr. Taylor has well remarked, "men knew where to look for, and where to find him. He took no tortuous course, for he detested all crooked ways;" † it might have been added "with the strong conscientiousness of a Scot." His judgment, may at times, have erred; but he was, above all things, a brave, true man throughout.

John Strachan was born at Aberdeen on the twelfth of April, 1778, and received his early education at the Grammar-school of that city. ‡ His father was a poor man, straitened in circumstances; yet with the characteristic ambition of a Scotsman he had determined that his son should be well equipped for future conflict with the world. Whatever else may be laid to the charge of the Scot, he,

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\* Our chief authorities in addition to the other ordinary histories are Fennings Taylor, Dr. Scadding in a brochure entitled *The First Bishop of Toronto; a Review and Study*;" and Morgan in *Celebrated Canadians*, and the *Bibliotheca Canadensis*.

† *Portraits of British Americans*. Second series, p. 154.

‡ Mr. McMullen sneers at the "the little classical learning" the Bishop picked up there, evidently from ignorance of the thorough drilling which the pupils underwent in those old borough seminaries.

at all events, stands acquitted, by universal consent, of neglecting the future of his offspring. To place the sons in a better position than their father; above all to equip them with a solid education, moral and religious, no less than secular, is the persistent aim of every cotter in the Highlands and Lowlands, who has no other portion to give his children when he sets them adrift upon the ocean of life. But to secure that generous purpose he toils and works without regard to self, and when the fruit of his labour appears in the early successes of his sons, he is willing to thank God, and lie down in death, with his inward vision turned upon a field only now springing up with the promised grain, to see it, in affectionate imagination, whitening to the harvest. \* John Strachan did not complete his education, as the historian supposes, at the Grammar-school. As he himself has stated, he finished his terms at King's College in 1796, and proceeded to a Master's degree.

It was no doubt a proud epoch in the future Bishop's life when he was declared the successful candidate for the parochial schoolmastership of Kettle. He was then an undersized, fresh and sturdy youth of nineteen, and when he presented himself before the Kirk Session, they were somewhat dismayed at the choice which a competitive examination had forced upon them. They did not then know the energy and will-strength of the man with whom they had to deal, and consequently installed him in office with not a few misgivings. There were nearly a hundred and fifty pupils in

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\* Carlyle's *Reminiscences* show how a Scottish son can reverence the self-denying work of a Scottish father; and the perusal of his noble eulogy upon his parent calls to mind another picture of Scottish family life in *The Cottar's Saturday Night*.

the school, among them Sir David Wilkie, the artist, and Commodore Robert Barclay doomed to misfortune on Lake Erie, from no fault of his own.\* John Strachan remained "dominie" of Kettle for three years, when an invitation to Canada came to change the current of his life. It was towards the close of the eighteenth century, that some liberal friends of education, anxiously contemplating the proposed establishment of a high school and university, bethought them of applying to Scotland for a teacher to whom they could confide the training of their sons.† Amongst these the most directly instrumental in securing Mr. Strachan's services was the Hon. Richard Cartwright, a man of enterprise and far-sighted views, the grandfather of Sir Richard Cartwright, the ex-Finance Minister of our own time. Towards the end of 1799, the future Bishop, still of course a Presbyterian, sailed from Greenock, by way of New York; but so wretched were the passage and the means of inland transportation that Kingston was not reached until the last day of the year. Mr. Strachan's first experience of Upper Canada took the form of disappointment. Had nothing more offered itself than the prospect of tutorship, the "dominie" would probably have remained at Kettle, until something turned up in one or other of the universities of his

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\* The Bishop, in referring to this period of his life, said long afterwards of Barclay, "he was a youth of the brightest promise, and often have I said in my heart that he possessed qualities which fitted him to be another Nelson, had the way opened for such a consummation."

† "The families referred to—Hamiltons, Stuarts and Cartwrights—when casting about for the education of their sons appear to have looked toward Scotland rather than England, partly perhaps from national predilection, and partly from a reasonable impression that the economic and primitive university system of Scotland was better adapted to a community constituted as that of Upper Canada then was, than the more costly and more complicated systems of England." Scadding: *The First Bishop of Toronto*, p. 12.

native land. But there was a prospect that he might, within a reasonable time, be placed at the head of an Upper Canada university. Governor Simcoe, with that statesmanlike prescience which characterized him throughout an official term all too brief for the Province, had from the first made the establishment of a university his "first and chief" desideratum.\* Unfortunately the first Governor had been removed before his patriotic scheme was carried into effect, and just when Mr. Strachan arrived at Kingston, there seemed to be no prospect that either the university or grammar school system would be attempted for the present. Mr. Cartwright recognised the trying position of the young teacher, and generously set himself to work on his behalf. He had four sons himself, and his friends could add to the number of pupils and so provide the young Scot with an honourable and fairly remunerative living until the plans of the Government were matured. Mr. Cartwright was a sincere and active member of the Church of England, and, by his advice, the tutor betook himself to the study of divinity. Dr. Stuart who, in some sort, represented the Bishop of Quebec, advised him in the same direction. The result was that the future Bishop received deacon's orders in 1803.

Of course it is open to anyone to say that Mr. Strachan was actuated by personal gain, or even ambition, in taking this step. No one who knew him will entertain the suspicion

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\* On the 20th July, 1796, in a despatch to the Secretary of State, he proposed that one-seventh of the Crown Lands should be sold for public purposes, "the first and chief of which I beg to offer, with all respect and deference to your Grace, must be the erection and endowment of a university from which more than from any other service or circumstance whatsoever, a grateful attachment to His Majesty's Government, morality and religion will be fostered, and take root throughout the whole Province." *Portraits, &c.*, p. 162.

for a moment. Throughout his life he was eminently tolerant in his views, and what is more to the purpose, eminently practical. The prevailing tendency in the Province was towards Anglicanism. He saw that to be useful he would be compelled to surrender inherited views or prejudices regarding church government. So far as essentials were concerned he never changed his views in the slightest degree; nor is there any reason to believe that he dissembled or affected an alteration of theological opinions from motives of wordly ambition. At that time, there was the slenderest prospect of ecclesiastical preferment; but he saw that some of his Scottish friends were Episcopalians, and that so as to be of use to them and their children it would be wise to adopt the formulæ of the Church to which he had been opposed in his youth. It may well be believed that to him it was a sacrifice, not a betrayal. Those who had the fortune to meet him in later years, know well the thorough catholicity of his nature. He never disguised his own views, or simulated belief in opinions his conscience disapproved; indeed, on occasion, he could be rather too outspoken. But he was eminently charitable to all who differed from him, an apostolic churchman, worthy of the primitive age. And it was that essentially Christian spirit which animated him when he left the church of his fathers and became an Anglican. Stern and inflexible in matters of principle, he could fraternize with fellow-believers of every creed, Protestant and Roman Catholic alike. His own opinions were well known, for he never disguised them; the warm geniality of his nature prompted him to recognise the substratum of truth where, to his view, it was overlaid with an unhappy in-

crustation of error. His own theology, like all else that he cherished, was crystalline and clear; but he held, in the depths of a fervid and eminently philanthropic nature a deep regard for all who loved his Master "in sincerity and truth." There was still another reason for the change of denomination. Mr. Strachan's father was an Episcopal non-juror—a champion of the lost cause of the Stuarts, and his earliest recollections of church services were those he attended with his father at Aberdeen, presided over by Bishop Skinner. Subsequently he habitually accompanied his widowed mother to the Relief Church, of which she was a member. He was thus only a Presbyterian by accident. When he arrived at Kingston, and was thrown in contact with the Rev. Dr. Stuart, who, although an Anglican, was the son of a Presbyterian, Mr. Strachan was naturally attracted to the Church of his father. There is no pretext for imputing interested motives to the future Bishop at all, since at the time his future was a sealed book, and there was no reason why he should prefer one communion to the other, except from deliberate choice. That he retained to the last the confidence and friendship of so noteworthy a Presbyterian as Dr. Chalmers, with whom he regularly corresponded until the great Free Churchman's decease in 1847, is sufficient evidence that the rectitude of his motives was recognised by one whose moral standard was confessedly high. The Bishop of Niagara, who was afterwards one of his pupils, at Toronto, has given a graphic description of Mr. Strachan's methods, and of his remarkable success as a teacher. \*

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\* Fennings Taylor; *Portraits of British Americans*. p. 168.

great care was to interest the boys in their studies, and to draw out their latent capabilities by attractive means. To him education meant what its etymology implies, not cramming, but development. Perhaps no instructor could boast of a larger number of pupils who obtained eminence in after-life. Chief Justice Robinson, and his brother the Hon. W. B. Robinson, Chief Justices Macaulay and McLean, Judge Jonas Jones, Dean Bethune, of Montreal, and his brother, Bishop Strachan's successor in the see of Toronto, the Hon. H. J. and G. S. Boulton, Col. Vankoughnet, father of the Chancellor, Donald Aeneas Macdonell \* and others sat at the feet of the ex-dominie of Kettle.

Dr. Strachan† removed to York, at the instance of General Brock, and, in 1812, became rector of York. For the first time he now entered the political sphere, by taking the initiative in forming a loyal and patriotic society. The times were out of joint; war was imminent, and, with characteristic vigour, the new rector came to the fore. There was a strong heart beating beneath the ecclesiastical vestments, and he had an opportunity soon of showing his mettle. When the long expected shock of war came on, there never was a busier or more useful man than Dr. Strachan. It has been remarked that when York was taken, he was "priest, soldier,

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\* Mr. Macdonell only died the other day. Born in Cornwall in 1794, he was an early pupil of the Bishop's. In the year 1812, he was with the Glengarries at Lundy's Lane, Stoney Creek and Sackett's Harbour. Entering the 98th, he served for some years in the piping time of peace, and then returned to Canada. During the Rebellion he commanded a corps, and was returned three times for the United Counties of Stormont, Dundas and Glengarry. After enjoying the Shrievalty for some years he became Warden of the Provincial Penitentiary, an office he filled for over twenty years, resigning in 1869. At the time of his death, he was over eighty-six years of age.

† He was made an LL.D. by the University of St. Andrews in 1807, and a D.D., in the same year by that of Aberdeen.

and diplomatist " all in one. At the capture of York he was incessantly active. After the explosion, by which General Pike was killed at the old fort, the Americans threatened vengeance upon the defenceless town which had been evacuated by General Sheaffe and his forces. The rector, however, was equal to the occasion; and, as a contemporary writer puts it, " by his great firmness of character saved the town of York in 1813 from sharing the same fate as the town of Niagara met with some months afterwards." The sturdy clergyman at once visited General Dearborn, and threatened that if he carried out his threat of sacking the town, Buffalo, Lewiston, Sackett's Harbour and Oswego should be destroyed so soon as troops arrived from England. His earnestness and determination moved the American, and he spared the little Yorkers from any systematic burning and plunder.

But all the danger was not over; marauding parties wandered about the town seeking for plunder, and not unfrequently were confronted by the sturdy little rector. On one occasion two Yankee soldiers visited the house of Col. Givens, who was an officer in the retreating army. The inmates were absolutely helpless, and the marauders made off with the family plate. Dr. Strachan at once went after them, and demanded back the stolen property. Under the circumstances this was a singularly courageous thing to do, and apparently a hopeless one. But the rector was a man of unwavering resolution, and managed at last, without any other weapon than that which nature had placed in his mouth to secure the return of the goods to their rightful owners. The pluck and bravery displayed by him throughout that trying time showed sufficiently the real "grit" of

the man, and the boldness and strength of will shown then, characterized his life. In resolution and determined perseverance, he was every inch a Scot.

In 1818 began Dr. Strachan's public life in the ordinary sense of the term; for he was then nominated an executive councillor and took his seat in the Legislative Council. He remained a member of the Government until 1836, and of the Upper House up to the union of the Provinces in 1841. There was nothing singular in these appointments; nor do they seem to require the elaborate defence offered for them by Dr. Strachan's biographers. The state needed all the available talent at its disposal in those days, much as England was sorely bested in the old days when prelates were Lord Chancellors. Moreover the constitutional theory then in vogue required at least some approach to English theory and practice. That "the image and transcript" was a pale and bloodless simulacrum must be conceded; the forms were there, but the substance was to come thereafter. Dr. Strachan was not then a Bishop, indeed he only became Archdeacon of York in 1825. But, as Dr. Scadding and Mr. Fennings Taylor remark, he was the most prominent churchman at York, and, therefore, naturally came forward as the representative of religion in the councils of the state, on as clear a title at all events as the first Protestant Bishop of Quebec when elevated to the rank of an Executive Councillor in the Upper House upon his arrival.\*

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\* There is another possible reason why the Bishop and Dr. Strachan were made Executive Councillors. Under the old French *régime*, even before their appointment as Bishops, and more than once during an Episcopal interregnum, Vicars-General sat at the Council Board at Quebec as of right. It is at any rate probable that after the conquest, and especially when a new Church establishment was contemplated, the Governors resolved to remain

About the time of Dr. Strachan's appointment as councillor, began the politico-ecclesiastical conflict which was only brought to a close within the memory of the existing generation. By the Imperial Act of 1774, which conceded to the Gallican clergy the right to collect tithes, provision was made for the support of "a Protestant clergy;" and in 1791, one-seventh of the lands was set apart for that purpose in Upper Canada under the name of Clergy Reserves. Dr. Scadding is no doubt in the right when he interprets the intention of the Imperial Government to have been the establishment of the Church of England in the one Province as an off-set to the *quasi* establishment of the Roman Catholic Church in the other. But it is not so much with the aim of Parliament as with the letter of the statute that we have to do. Even though it be taken for granted that by "a Protestant clergy," the Government meant the clergy of the Established Church; the question still remains, which of those which are by law established in Great Britain and Ireland? North of the Tweed, the Presbyterian communion was the State Church and Episcopalians were Dissenters; south of it, the latter formed the establishment. Across the channel, both were endowed, although the Anglican Church maintained the supremacy, with representatives in the House of Lords. If then, in a new country, towards which people of all the great religious communions were tending, by "a Protestant clergy" were meant the Anglican clergy, why was the ambiguous phrase adopted? The Presbyterian faith was established in Scotland and Ireland, and there seemed no valid reason why

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faithful to ancient precedent throughout the Province. After 1791, of course, the same system would naturally be maintained.

it should cease to be in as favourable a position in Upper Canada. Moreover, the Nonconformists, especially the earnest and growing Wesleyan-Connexion, as well as the older Congregationalists could not be excluded under the terms of the land reserve. No one could fairly deny to them the title of Protestant; indeed they were, perhaps, more distinctively Protestant than the Church of England which has always disclaimed the term.

The immigration which set in after the peace of 1815, had been of a somewhat miscellaneous character, and so it came about that grave discontent arose amongst the new settlers, occasioned by reserves and grants of all sorts, especially those set apart for the clergy. They were, for the time, in the dead hand of the Church, obstructed settlement, and where every seventh two-hundred acre lot was thus closed up and fenced about ecclesiastically though not literally, there was certainly some reason for complaint. In 1819, the Presbyterians of Niagara petitioned the Lieutenant-Governor, Sir Peregrine Maitland, for a grant of £100 for the support of a Scottish Church minister, and boldly hinted that the grant should come from the funds arising from the Clergy Reserves. This memorial was forwarded in due course to Earl Bathurst, the Colonial Secretary, who replied that the Reserves were intended for the Established Churches of England and Scotland, and not for "the denominations," referred to by the Governor. This dispatch at once aroused Dr. Strachan, who in 1823 forwarded a memorial protesting against the attempt to distribute funds intended for the Anglican Church.\* The rector of York, to

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\* One extract from this memorial will suffice, "They" (the petitioners) "are impelled by a sense of duty most earnestly, though most respectfully, to deprecate the rivalry to the

be rightly understood, must be viewed from his own standpoint. He had a deep and sincere veneration for the English constitution, and naturally regarded the Anglican Church as one of its chief pillars. The image and transcript of old country institutions could not be regarded as complete, he thought, unless the Church were not merely established, but represented also in the councils of the Province.\* Dr. Strachan was eminently a patriot; such he showed himself to be from first to last. That he erred in his political course we may readily admit; but in so far as he did so, he merely thought and acted like other men who floated on the current of the time, instead of attempting to stem it. His course during the war, and subsequently, when it appeared necessary to meet the false aspersions and mis-statements of American historians, made him the special champion of Upper Canada.

His somewhat narrow creed, political no less than ecclesiastical, may be readily condoned when one contemplates his vigour and patriotic impulse. It is easy to affect contempt for a strong character like his; but it asserted itself during a long life, and bore well the wear and tear of nearly ninety years of unflinching exertion for the public weal, as he regarded it. Certainly on the two great questions about which Dr. Strachan was so keenly concerned, he was doomed to disappointment. The law officers of the Crown decided that

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Church of England and those endless evils of disunion, competition and irritation of which a compliance with the ministers of the Kirk of Scotland cannot fail, in the opinion of your Lordship's petitioners, most widely to scatter the seeds." The memorial goes on to urge the need of unanimity in religion, by "a judicious protection of the English Church establishment already formed, and the completion of the plan already provided by the wisdom of the Government."

\* McMullen, in his history, utters some harsh words about the Bishop, not to be justified by any impartial judge of the spirit of the time. See especially p. 350.

the Clergy Reserves were not intended exclusively for the Anglican Church. As there were two established churches, each equipped with "a Protestant clergy," they were of opinion that the Church of Scotland had an equal right with the sister communion to a share in the land endowment. They went further still, and vindicated the claims of other Protestant denominations, known as nonconformist in England. No sooner was this conceded by Parliament than the entire ground was cut from beneath the feet of those who advocated a monopoly in state support for religion. Before the Union of 1841, no less than sixteen measures which had passed the Lower House for the secularization of the Reserves were rejected in the Legislative Council. The Act of 1840 provided simply for a redistribution; and under it, one-half was devoted to the Anglican and Scottish Churches, and the other to purposes of "public worship and religious instruction, among the remaining denominations, according to the discretion of the Governor in Council." \* As this burning question will thrust itself frequently upon our attention hereafter, it is only necessary to note here that after a series of bitter struggles lasting over more than thirty years, it was finally set at rest by the Act of 1854. During the whole period, Dr. Strachan was faithful to his principles, mistaken as they now appear to everybody to have been. In matters relating to ecclesiastical supremacy he could brook no compromise. Agreeable in personal intercourse, he was stern and inflexible whenever the cause he had most sincerely at heart seemed to be in jeopardy. In 1836 he resigned his place as Executive Councillor, and in 1839 be-

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\* Scadding, p. 44.

came the first Bishop of Toronto. The following year he ceased to be a member of the Legislative Council, and abstained thenceforth from taking any part in public affairs, save in that department which may be termed church politics.

The other subject of intense interest with him was the Provincial University. How the first flush of his hopes had been disappointed has already been recorded. Twenty-eight years elapsed before any attempt was made to carry out the project of Lieutenant-Governor Simcoe. In 1827 a royal charter was granted in favour of King's College. The charter was drawn no doubt mainly on the lines laid down by the archdeacon himself. It was to be essentially an Anglican university. In the four faculties, all the Professors were to be "members of the Established United Church of England and Ireland," and were required "to severally sign and subscribe the Thirty-nine Articles." The only liberal provision in it was an exemption from any religious test on the part of students and graduates in faculties other than that of divinity. King's College was not opened until 1843, and in 1850 all that made it valuable in the Bishop's eyes was eliminated. All that was distinctively Anglican disappeared. The faculty of divinity was abolished and, so far as education was concerned, "all semblance of connection between church and state" proclaimed afterwards in the preamble to the Clergy Reserve Act, was done away.

The venerable Bishop was equal to the emergency, for the old fire was not yet dead, although it burned in an aged bosom which had breasted the tide of life during more than seventy years. His mission to England was a wonderful effort at his advanced age. Yet in little more than

six months he returned with the first fruits—some sixteen thousand pounds sterling.\* In the spring of 1857 the corner-stone of Trinity College was laid, and in the beginning of the following year the building was so far completed as to be fit for occupation. The Royal Charter was secured in 1853. Thus, by the inextinguishable ardour and energy of one zealous prelate was the purpose of his life at last secured. It may be doubted whether the experiment of a rival University was a wise one, since the establishment of a Divinity Hall was all that the crisis required. By the time that Trinity University was established, the people generally—the bulk of the laity certainly—had come to the conclusion that religious training for the clergy was a matter entirely alien from the purposes of state endowment. In a short time after, whether wisely or unwisely it is not necessary to discuss here, the Legislature resolved that no specially professional education should be given in University College, and the faculties of law and medicine shared the fate of the divinity staff. This radical measure may be open to some objection. Certainly it does seem, in one or two respects, to have maimed our educational system. A liberal culture which excludes a fair modicum of instruction in the constitutional history and polity of the country, in its jurisprudence generally, and in the broader facts of physiological and hygienic science, appears to be singularly defective in character.

To Bishop Strachan, the University was nothing if not rounded and complete in all its parts—modelled after the

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\* Dr. Scadding mentions as a noteworthy circumstance that the circular of "the committee of friends" was signed by Mr. Gladstone.

ancient foundations of England and Scotland. He had no patience with lop-sided institutions; and, having determined to make an Anglican university, he resolved that it should be one in fact as well as in name. In other directions, the memorable prelate certainly effected work of unquestionable value. So soon as the severance between Church and State had been formally proclaimed, his administrative and legislative tact was employed in placing the Anglican Church upon a sound governmental basis. To him the laity of that communion owe it that they are represented in the Synods of the church as substantially as with the Presbyterians. The elders of the latter correspond with the lay delegates of the former; they are elected alike by the members of congregations, and have given a stimulus to parochial and church life generally, which cannot be estimated too highly.

The Bishop's later years were passed in efforts to extend the usefulness of the Church to which he was so ardently attached, and to promote harmony amongst the various types of thought, doctrinal and ceremonial, within its pale. He was a warm-hearted man, unspoilt by the fierce contentions, political and ecclesiastical, through which he had passed. Like other ardent spirits, he was at once dogmatic and tolerant; firm, not to say stubborn, in opinion; yet in practice catholic, and systematically benevolent. During the evening of his long and eventful life, the venerable Bishop was universally respected by men of all creeds and political parties. The embers of departed struggles had burned themselves out, and everyone felt respect for the statesman-prelate who served as the chief remaining link between a distant and almost forgotten past, and the new and altered life of

the present. That he had combatted the reforming spirit of progress in the earlier time, and had failed, was no ground for prejudice in men's eyes, now that the battle had been lost and won. It was enough that Dr. Strachan was active, earnestly human and undaunted even when the people had decided emphatically that he was mistaken in his zeal, as well as in his methods. So, at the last, when he was almost alone in the world, bereft of domestic solace, he found human sympathy from the large and liberal heart of the entire community.\* He had lived in the Province and been a conspicuous actor in its affairs from the days of Governor Simcoe to the opening year of confederation, and died on the second of November, 1867, in the eighty-ninth year of his age, manful, energetic and courageous to the last. Funereal pomp is not always the evidence of either respect or regret. Still there was no mistake about the sincerity of the tribute paid to the deceased Bishop. The two universities with whose early fortunes his name was indissolubly associated, the national societies, the clergy of all churches, Protestant and Catholic,† all the civic dignitaries and institutions, were fully represented on the occasion. It was not without significance that

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\* "For several years before his departure hence, however, his well-known form, caught sight of in the streets, or at public gatherings for patriotic or benevolent purposes, had him regarded and saluted with the same kind of universal interest that used to accompany the great Duke towards the end of his career, in the parks and squares of London." Dr. Scadding, p. 66.

† Bishop (now Archbishop) Lynch took part in the mournful procession, and his presence there reminded the writer of an incident which occurred some four years before. In connection with a philanthropic movement on foot at the time, it had been resolved that the aid of two Bishops should be solicited. The Mayor and those associated with him, first visited Dr. Strachan, who received them with a cheery smile, and, when informed that the delegation intended to visit the Catholic Bishop, he looked up and said in that hearty, but rather rough Fifeshire accent of his: "Ech, Dr. Lynch is a fine mon, and a great frien' of mine; we often hae a crack thegither." In turn, the Catholic Bishop expressed himself with equal warmth touching his rival in the See, but his friend by the hearth.

the troops, regular and other, lined the streets and that the strains of martial music were heard at the burial of one who was first a churchman of the militant type, and next a patriotic citizen. The new order had succeeded to the old; but the military authorities had not forgotten the brave rector who stepped into the breach, when the invader attempted to sack the town wherein he lived and died. With many, perhaps with most, of Bishop Strachan's earlier views it is impossible to express more than a qualified sympathy; still he was a brave, strong, conscientious man, rough-hewn in some respects, yet worthy of sincere admiration for all the good he accomplished, apart from the theories he held concerning church and state. Scotland has no reason to be ashamed of her prelate-son, since the weaknesses of his policy were frustrated, and only the sturdy, sharply-cut figure of the courageous little Bishop remains as a salient example of good Scottish pluck, energy and perseverance.

We have already alluded to Dr. Dunlop, and this appears as fitting a place as any that may present itself hereafter to sketch a character singularly eccentric and almost bizarre. William Dunlop was born at Greenock, in the last decade of the eighteenth century. He came to Canada with Mr. John Galt—of whom hereafter—in 1826, and took part in the founding of Guelph. He had been an old contributor to *Blackwood's Magazine*, and was intimately acquainted with John Wilson, Maginn, Hogg, and the whole circle celebrated in "The Recreations of Christopher North." He resumed his contributions to *Blackwood* after his arrival in Canada, and their character may be inferred from the title of one of them: "The Autobiography of a Rat." In an article from

*Fraser*, quoted by Morgan,\* we find some interesting details of his early career. He was a surgeon in the Connaught Rangers (88th), of all regiments in the world, for some years, and served in America from 1813 to 1815. Thence he accompanied the regiment to India, where he edited a newspaper, hunted, and lived convivially after the old Edinburgh fashion. At last the jungle fever laid him low, and he was compelled to return home on half-pay. His next move was a characteristically eccentric one. He delivered a course of lectures on medical jurisprudence at Edinburgh, described as a mixture "of fun and learning, law and science, blended with rough jokes and anecdotes, not at all of the most prudish nature." He then went to London and played the editor for a time in his usual jaunty fashion. Sometimes leading articles appeared; at others, the *British Press* appeared without them, especially when he had more serious work on hand. He had a strong antipathy to the French, and, on a significant change of Ministry under the Bourbons, he simply wrote: "We perceive that there is a change of Ministry in France; we have heard of no earthquakes in consequence." He next published an edition of Beck's *Medical Jurisprudence*, and started the *Telescope*, a Sunday paper, "the history of which would be a comedy of the drollest kind." It fared tolerably well; but after a year, he got tired of it, as he did of most other undertakings which involved continuous labour. In 1825 when the stock mania was at its height, Dr. Dunlop was interested in brick, iron, salt, and other companies either as secretary or director. He superintended

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\* *Bib. Canaden.* p. 112.

the salt works in Cheshire. "But," says Fraser, "as the Tiger is an honest fellow—a strictly honest fellow in every sense of the word—it is perfectly unnecessary to state that he made nothing of the bubbles except what salary he may have received." About the same time, he founded a club bearing the peculiarly euphonious name of "The Pig and Whistle."

In 1826 the Doctor came to Western Canada in company with John Galt, and still continued his contributions to the press in England and here. He wrote for the literary and political press—for the former chiefly in the *Canadian Literary Magazine* of York, and the *Literary Garland* of Montreal. In 1836 he founded the Toronto Literary Club, before which he frequently lectured. The first Union Parliament met in 1841 at Kingston, and Dunlop was returned to it from the County of Huron, a constituency he represented until 1846, when he resigned; his death took place in 1848. During his brief public career, the Doctor was a general favourite, partly on account of his well-known eccentricity, and partly from the racy character of his speeches. He was a forcible, but scarcely an eloquent, speaker; yet, no sooner was he expected to speak than the House filled at once.

Dr. Dunlop had a brother almost as eccentric as himself, residing with him, and they kept a housekeeper possessed of means, from whom they had been compelled either to borrow money, or, what was much the same thing, to go in arrears in the payment of her wages, in order to tide them over an emergency. It was found, on an examination of the accounts, that they were hopelessly in her debt; the Doctor,

therefore, startled his brother by stating that the only way out of the difficulty was for one or other of them to marry Betty. This was agreed upon at last, and the Doctor gave his brother a penny with which to toss up for the wife. It is said that the coin had two heads, so that there was after all no element of chance in the matter. The coin went up, the Doctor cried, "heads," and of course head it was. The housekeeper was nothing loth, and the brother was married to her without unnecessary delay. Doctor Dunlop was unquestionably a most eccentric man; but he had a strong practical vein in him, and although somewhat fitful at work, could, on occasion, as in the service of the Canada Company, approve himself a man of vigorous energy and intelligence. No sketch of the man would be complete which did not conclude with a copy of his will. As a mutilated version has often appeared in the press—indeed, it appears to go the rounds periodically—a correct copy is here given from the Surrogate Court records of the County of Huron.\* It reads as follows:—

In the name of God, Amen.

I, WILLIAM DUNLOP, of Fairbraid, in the Township of Colborne, County and District of Huron, Western Canada, Esquire, being in sound health of body, and my mind just as usual (which my friends who flatter me say is no great shakes, at the best of times), do make this my last Will and Testament as follows, revoking of course all former wills:—

I leave the property of Fairbraid, and all other landed property I may die possessed of to my sister Helen Boyle Story,

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\* To the kindness of Mr. John Macara, of Goderich, the writer is indebted for this document, as well as for access to a rare volume of Canadian political pamphlets.

and Elizabeth Boyle Dunlop, the former, because she is married to a minister whom (God help him) she henpecks. The latter because she is married to nobody, nor is she like to be, for she is an old maid, and not market-rife. And also, I leave to them and their heirs my share of the stock and implements on the farm; Provided always, that the enclosure round my brother's grave be reserved, and if either should die without issue, then the other to inherit the whole.

I leave to my sister-in-law, Louisa Dunlop, all my share of the household furniture and such traps, with the exceptions hereinafter mentioned.

I leave my silver tankard to the eldest son of old John, as the representative of the family. I would have left it to old John himself, but he would melt it down to make temperance medals, and that would be sacrilege—however, I leave my big horn snuff-box to him, he can only make temperance horn spoons of that.

I leave my sister Jenny my Bible, the property formerly of my great-great-grandmother, Bethia Hamilton, of Woodhall, and when she knows as much of the spirit of it, as she does of the letter, she will be another guise Christian than she is.

I also leave my late brother's watch to my brother Sandy, exhorting him at the same time to give up whiggery, radicalism, and all other sins that do most easily beset him.

I leave my brother Alan my big silver snuff-box, as I am informed he is rather a decent Christian, with a swag belly and a jolly face.

I leave Parson Chevasse (Maggy's husband), the snuff-box I got from the Sarnia Militia, as a small token of my gratitude for the service he has done the family in taking a sister that no man of taste would have taken.

I leave John Caddle a silver teapot, to the end that he may drink tea therefrom to comfort him under the affliction of a slatternly wife.

I leave my books to my brother Andrew, because he has been so long a Jungley Wallah that he may learn to read with them.

I give my silver cup, with a sovereign in it, to my sister Janet Graham Dunlop, because she is an old maid and pious and therefore will necessarily take to horning: And also my Granma's snuff mull, as it looks decent to see an old woman taking snuff.

I do hereby constitute and appoint John Dunlop, Esquire, of Fairbraid; Alexander Dunlop, Esquire, Advocate, Edinburgh; Alan C. Dunlop, Esquire, and William Chalk, of Tuckersmith; William Stewart and William Gooding, Esquires, Goderich, to be the Executors of this my last Will and Testament.

In witness whereof I have hereunto set my hand and seal the thirty-first day of August, in the year of our Lord one thousand eight hundred and forty two.

(Signed) W. DUNLOP. L.S.

The above Instrument of one sheet was, at the date thereof, declared to us by the Testator, William Dunlop, Esquire, to be his last Will and Testament, and he then acknowledged to each of us, that he had subscribed the same and we at

his request, signed our names hereunto as attesting witnesses.

(Signed)	JAMES CLOWTING,	}	L.S.
"	PATRICK McNAUGHTON,		
"	ELIZABETH STEWARD.		

I, Daniel McDonald, Registrar of the Surrogate Court of the County of Huron, hereby certify that the within is a true and correct copy of the original last Will and Testament of the said William Dunlop, Esquire, deceased.

Given under my hand and seal at Goderich, in the said County, this eighteenth day of April, in the year A.D. 1881.

(L.S.) D. McDONALD, *Registrar*.

To return to the period properly under review, Robert Gourlay, driven to the verge of insanity, had been banished. That he had no special predilection for constitutional change has been seen; but in 1820 another Scot appeared upon the scene, who was destined to play a more conspicuous part, and indirectly to revolutionize the old colonial system of the time. William Lyon Mackenzie was born at Springfield, Dundee, Forfarshire, on the 12th of March, 1796. Daniel, his father, who died within a month of his son's birth, left behind a widow and an only child in rather straitened circumstances. Educated but imperfectly at school, he was obliged at an early age to work for his living.\* His mother appears to have been a woman of singular force of

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\* The chief authority here is *The Life and Times of William Lyon Mackenzie*. By Charles Lindsey. Toronto, 1862. The *Histories* and Morgan's *Celebrated Canadians* have also been used.

character, and it was from her, doubtless, that Mr. Mackenzie inherited the salient qualities in mind and action for which he was afterwards noted. From school, while yet a lad, he went into a draper's shop at Dundee; thence to the counting-house of a wool merchant named Grey, of whom he always spoke with the greatest respect. There the mysteries of the accountant's craft were made plain to him, and by the knowledge thus acquired, he afterwards profited when in a sphere of life he never contemplated in those early times. With Scottish pluck and independence, when only nineteen, he went into business for himself at Alyth, keeping what in America is called "a general store," and also a circulating library. Mackenzie was always an insatiable reader, and he knew good literature from that which was worthless; hence the latter feature in his venture. His business, however, was unsuccessful as perhaps might have been anticipated under the circumstances, yet his creditors were all paid to the uttermost farthing years after he had left the country.

In 1817 we find him in England, in Wiltshire, where he became managing clerk in the service of a Canal Company, and subsequently for a brief time in London. After paying a flying visit to France, in the spring of 1820, Mackenzie sailed for Canada. Although only twenty-four years of age, he was bald from the effects of fever; but his slight, sinewy frame was capable of great exertion, informed as it was by a quick, nervous and resolute spirit. Shortly after his arrival, Mr. Mackenzie was appointed on the survey of the Lachine Canal, but his tenure of that situation must have been brief, for he turns up soon after at Little York (now Toronto). There he was in business with Mr. Lesslie

in the book and drug business. \* The profits of the books, we are told, went to Mr. John Lesslie, whilst Mr. Mackenzie received those arising from the drug business. A second business establishment was afterwards opened at Dundas, placed under the care of Mr. Mackenzie, and conducted by him apparently with profit for about a year and a half.† In 1823 this partnership was dissolved, and Mackenzie removed to Queenstown, on the Niagara, and opened a general store, which, at the end of the year, he abandoned to embark upon the stormy sea of politics. That he did so from necessity is clear, since, as he has himself stated, his business was not highly remunerative. Perhaps that constitutional unrest which followed him through life was the moving cause, since he had hitherto taken no part whatever in public affairs. ‡ At all events, on the 18th of May, 1824, he issued twelve hundred copies of a newspaper called the *Colonial Advocate*, without having, as he himself has left on record, a single subscriber. In a letter, quoted by his biographer, Mr. Mackenzie explained his motives. The “family compact,” to his view were the enemies of immigration, of popular education, of civil and religious lib-

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\* This conjunction of the trades in medicine for the body and the mind was continued to a comparatively recent period by Mr. James Lesslie, who was also the proprietor of the *Examiner* newspaper until it ceased to live.

† Mr. Lindsey writes (p. 36): “In a printed poster I find the firm styled Mackenzie & Lesslie, Druggists, and Dealers in Hardware and Cutlery, Jewelry, Toys, Carpenters’ Tools, Nails, Groceries, Confections, Dye-stuffs, Paints, &c., at the Circulating Library, Dundas.”

‡ Mr. McMullen’s personal description is clearly the portraiture of the man in later life; still it is sufficiently graphic to bear quoting in this connection: “Of slender form, and only five feet six inches in stature, his massive head, bald from early fever, and high and broad in the frontal region, looked far too large for the small body it surmounted. His eyes clear and piercing, his firm set Scotch mouth, his chin long and broad, and the general contour of his features, made up a countenance indicative of strong will and great resolution, while the ceaseless activity of his fingers, and the perpetual twitching of the lower part of his face betrayed that restlessness and nervousness of disposition which so darkly clouded his existence.” *History*, p. 359. Lindsey, p. 35.

erty, and although he might have been united with them on terms personally advantageous, he preferred "at nine-and-twenty to join the oppressed."\*

The truth is, as Mr. Lindsey partly admits, that Mr. Mackenzie employed Rembrandt tints too plentifully in portraying the political landscape of the time, and in his paper he certainly aimed at being a pen-and-ink Hogarth. He had at hand a strong vocabulary, and used it without stint; and the sardonic humour in which he indulged, must have been galling to those who then held power. They had now a second Gourlay on their hands, whom they could not banish, and were not as yet able to silence. After having changed the form of his paper, the neophyte in journalism resolved to beard the dragon in its lair, and removed to York. Already the Government was alarmed; but its organs confined themselves to vague threats and such return of the Mackenzie fire as came to hand.

Singularly enough, the *Colonial Advocate* gave utterance to moderate views on most subjects.† The endowment of religion it regarded as a most laudable act.‡ The University, for which Dr. Strachan was earnestly contending, met with his entire approval. All that he urged in both cases was that there should be no exclusiveness in the matter of en-

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\* This letter is too long for insertion, but as it was written in exile, there are two sentences worth preserving because they show that he was not quite so headstrong and unyielding as is generally thought. "So far," he writes, "as I or any other professed Reformer, was concerned in inviting citizens of this (the American) Union to interference in Canadian affairs, there was culpable error. So far as any of us, at any time, may have proposed that the cause of freedom would be advanced by adding the Canadas to this Confederation, we were under the merest illusion.

† Lindsey, p. 43.

‡ "In no part of the constitution of the Canadas," he writes, "is the wisdom of the British legislature more apparent than in the setting apart a portion of the country, while it yet remained a wilderness, for the support of religion."

dowment. He favoured the levelling up of the denominations, not the exclusive establishment of one. But while Mr. Mackenzie was, on the whole, exceedingly moderate, and even conservative in his general views, he made bitter onslaughts upon the whole official and privileged class or *coterie*, from the Lieutenant-Governor downward. The pen he wielded was hard-nibbed, and there was an excess of gall in his ink. It was this, more than anything else, that exasperated the party in power. They did not so much object to gentlemanly remonstrance as to personal assault. Political discussion, being a sign of nascent vitality in the Province, was distasteful to them; but when it took the form of invective against the Governor, the Executive, the judges and office-holders generally, it seemed time to take alarm. After all, Mackenzie's views were far from being revolutionary in 1824. He was a constitutional Reformer; yet his programme was certainly moderate enough. He was a staunch friend to British connection, opposed to the abortive Union Bill of 1818, and one of the first to propose a British North American confederation. He certainly objected to the Clergy Reserves being monopolized by a single Church, and also wrote against maintaining the right of primogeniture. But on the endowment question in general he was at one with Dr. Strachan at that time, and would have denounced secularization as a monstrous piece of sacrilege.\*

But if the editor of the *Colonial Advocate* did not offend by the extravagance of his political creed, he certainly gave

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\* Lindsey, p. 47. McMullen (p. 360) says; "The very first issue of the *Advocate* awoke the greatest alarm in the minds of the Family Compact. Another prying Scotchman of the Gourlay stamp had come to disturb their repose, and their organ suggested that he should be forthwith banished the Province, and the whole edition of his paper confiscated."

just cause for trepidation in other ways. To begin with, he had made his journal, in fact as well as in name, a newspaper, and this feature in the case irritated the other editors. But his chief offence, we repeat, lay in the restless energy with which he exposed abuses, corruption, official pluracies, nepotism—the final flower and fruit of a primitive and stagnant political life. The language used in the *Advocate* was of the vituperative order, and a native genius for humour and sarcasm had made its editor somewhat callous to the feelings of others whose only crime was that they had enjoyed the good things at the command of the Government, according to the prescriptive order of the time.\* It was clear that the Gourlay experiment could not be tried again; but violence might be employed to silence the agitator. In the ninth Provincial Parliament, the Assembly for the first time contained a Reform majority. To this result Mr. Mackenzie can scarcely be said to have contributed, since only a few numbers of his paper had been issued, and that was not a reading age. Postage was so high as to be an insuperable obstacle to any extended circulation.† By removing to York, the editor of the *Advocate* was on the spot, could report the debates, and beard his political adversaries in their den. It is hardly necessary to remark that no such system as “responsible government” then obtained. The Ministry was in a minority in the House, but had the Lieutenant-Governor and the Legislative Council at its back. Constantly defeated, the Executive paid no attention to the

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\* “He speedily became noted as a grievance-monger and a hunter-up of abuses in the various public departments.”—McMullen, p. 360.

† This was, no doubt, the moving cause of that dead-set which Mackenzie made against the Post Office department.

want of confidence votes of the Assembly. When Mr. (afterwards Dr.) Rolph spoke of Cabinet responsibility to the House, the Attorney-General, afterward Sir John Beverley Robinson, disdained any united responsibility at all.\*

During this time Mackenzie was engaged in stimulating Liberalism at last triumphant in the Assembly; but his paper had not been a success. An effort was made in 1826 to secure him the moderate grant of £37 16s. currency, for publishing the debates. As it appeared in the Bill of Supply when passed by the House, the Legislative Council could not eliminate it; but the Lieutenant-Governor struck out the item with his own pen. The *Advocate* had been published irregularly, and Mackenzie was vacillating in his intentions, when a sudden act of violence restrained him from going to Dundas, to Montreal, or the United States. His residence and printing office were situated on the north-eastern corner of Palace street and Post-office (now Caroline) streets, immediately fronting the bay. On the opposite side was the residence of Col. Allan, the Police Magistrate, and on the same side to the north were the Post-office and the Bank. On the eighteenth of June, 1826, in broad daylight, a number of young gentlemen entered the office and set about the destruction of everything in it. Three pages of the paper, and some other work were upon the imposing stones. The face of the type was destroyed, some of it scattered on the floor, some thrown into a neighbouring garden, some taken boldly down to Allan's wharf and cast into the bay. The press was de-

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\* Mr. Robinson said "he was at loss to understand what the learned member for Middlesex" (Mr. Rolph was then practising at the bar) "meant by a Prime Minister and a Cabinet; there was no Cabinet: he sat in that House to deliver his opinions on his own responsibility; he was under no out-door influence whatever."—Lindsey, p. 67.

molished and the stone thrown on the floor. The respectability of those concerned was one bad feature in the case. They appear to have been all of them—there were fifteen— young men of position, either the sons or subordinate officers of men in place. The Inspector-General had two sons engaged in the exploit; there were the son of a Judge, also the son of a magistrate, and the confidential secretary of Sir Peregrine Maitland, the Lieutenant-Governor, as well as others intimately connected with the family compact. Besides this awkward fact, there can be no doubt that at least two magistrates were eyewitnesses of all that occurred outside the office; for they were noticed on the street during the affair, and certainly saw the type thrown into the bay.

This act of violence, committed during Mackenzie's absence from the city, excited greater indignation than had been anticipated, and the parties against whom the evidence was clear were at once arrested. The Hon. J. B. Macaulay, appeared for the rioters, and made several ineffectual attempts to come to a settlement. Mackenzie, when the terms were made known, rejected them with scorn.\* The truth is that in their endeavour to destroy Mr. Mackenzie's influence, the rioters had added to his popularity, or, as McMullen puts it, made a political martyr of him.† Hence their anxiety to secure peace at the price of two or three hundred pounds.‡ So far as the "personal calumnies" were concerned, it is

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\* Mr. Macaulay (who, of course, only appeared professionally) urged on behalf of his clients, that they had always been willing to pay a reasonable amount of damages, and were only deterred from making an immediate offer because of the clamour, and the exertion used to prejudice the public mind. He further pleaded that the act was "not to be ascribed to any malice, political feeling or private animosity; the personal calumnies" contained in the *Advocate* being a sufficient motive.

† *History*, p. 363.

‡ See Macaulay's letters in Lindsey, pp. 82 and 84.

clear that Mr. Mackenzie did not begin them in the columns of his paper. On the contrary, in one of the earliest numbers he had said: "When I am reduced to personalities, I will bring the *Advocate* to a close." That he criticized official acts with a freedom and warmth to which the ruling class were unaccustomed, must be admitted. But he was generous enough to recognise the good qualities of his opponents, and, until they assailed him personally with a virulence nothing he had written could justify, he never assailed individual character. He even expressed regret for strong language he had used in regard to public acts.\* He had quarrelled with Dr. Rolph, because he thought his assaults on the Government too severe; and there is nothing to prove that, if he had been spared those bitter personal attacks, he would not have maintained his policy of moderation and forbearance.

No settlement having been arranged in the matter of the riot and destruction of printing plant, the trial came off at York, in 1826. It was a civil action, and conducted before Chief-Justice Campbell, with a special jury. Before proceeding with the case, it seems proper to give a slight biography of the judge. Mr. (afterwards Sir) William Campbell was born in Scotland in 1758. He came to America as a non-commissioned officer, or private, in a Highland Regiment to take part in the Revolutionary War, and his career ended with the surrender of Cornwallis, in 1781, when he became a prisoner with the rest of the command. In 1783, he retired

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\* Speaking of Mr. (Sir J. B.) Robinson, he frankly wrote that he had risen in his estimation, and that, having observed him without disguise, and "watched his movements, his looks, his language, and his actions, I will confess it, I reproached myself for having used him at one time too harshly."

to Nova Scotia, and, having obtained his discharge, devoted himself to the study of the law. After nineteen years' practice, he was appointed Attorney-General of Cape Breton, and elected to the Assembly of that Province. In 1811 he was promoted to a puisne judgeship in Upper Canada, and, in 1825, upon the retirement of William Dummer Powell, became Chief-Justice. In 1829 he retired from ill health, and was succeeded by the Attorney-General, afterwards Sir J. B. Robinson. On this occasion he received the honour of knighthood, and died in 1834, in the seventy-sixth year of his age. His funeral was attended by both Houses of Legislature, the Bench and the Bar. He appears to have been a man of great force of character, sterling integrity, and personal worth.\*

To return to the trial. With the Judge were seated, as associates, two Magistrates, the Hon. William Allan and Alexander Macdonell. The evidence, all on one side, proved conclusively that the eight defendants had taken part in the riot. They were defended by Messrs. Hagerman and Macaulay; but after being confined for thirty-two hours, the jury returned a verdict for £625, which was paid not long after by subscription. As Mr. Mackenzie himself said: "This verdict re-established the *Advocate* on a permanent footing." So that the net results of the type-riot were, that an obnoxious journal, which probably would have perished of inanition, received a new lease of life, and its proprietor was at once elevated to a prominent place in the sympathies of

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\* Scadding, p. 131; Morgan, 238. The former quotes from a work by Dr. Henry, the physician who attended him in his last illness. Finding medicine of no avail, he prescribed a diet of snipes. "On this delicate food the poor old gentleman was supported for a couple of months; but the frost set in, the snipes flew away, and Sir William died."

the people. Mr. Mackenzie declined to prosecute criminally; he had already been largely a gainer by the violence of his opponents, and, no doubt, thought that to appear vindictive would do himself more harm than good. But by a singularly complicated series of prosecutions, seven of them were brought to trial criminally, though distinctly against Mackenzie's wishes. Mr. Francis Collins of the *Freeman*, was criminally prosecuted for libels upon the Attorney-General. In 1828 Collins retaliated by laying an information against the rioters, who were tried and found guilty; but they escaped with nominal punishment. Then there was a murder trial, also set on foot by Collins, against two of his opponents, for participation in a fatal duel; but they were acquitted. The next step was to prosecute Mackenzie himself. The accused appeared in his own defence behind a rampart of law books and political authorities; but the trial was first postponed, and afterwards abandoned.\*

In December, 1827, Mr. Mackenzie appealed to the electors of York (County) as a candidate for election to the Assembly. Mr. James E. Small, who had been one of his counsel in the action against the rioters, was his opponent. He had not been a member of the family compact; but rested his claims notwithstanding upon his family influence, and remonstrated with Mr. Mackenzie upon the folly of contesting an election with him. However, the latter was returned. He was elected in 1828, but the House did not meet until January, 1829, when that legislative career began which culminated in the Rebellion. Mackenzie's opponents

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\* Collins was not so fortunate; for in October, 1828, he was found guilty, and sentenced to a fine of £50 and imprisonment for a year.

knew well that he would prove a thorn in their sides, and soon discovered that they had made no mistake. He insisted upon asking questions, and sifting everything thoroughly. At the same time he was exceedingly useful in practical committee work. His report on the Post Office department, especially as regards the defective and costly mail service, paved the way for extensive postal reforms.\* In other important departments he was not less useful; but the party in power, without denying the practical business talent and energy of the man, were shocked by the persistency with which he pried into abuses, and disturbed the ease and serenity of office-holders. The position of the Reform majority in the Assembly, moreover, was sufficiently galling. They could pass such measures as were agreeable to them; but there the power of the House was at an end. Finding their opponents in possession, the Government hastened to deprive them of the only machinery by which they could compel acquiescence in their policy. In constitutionally governed countries the great safeguard of popular freedom lies in the power of the purse; but, in Upper Canada, the Executive was entirely independent of the Assembly. So far from being in dread of so extreme a step as the stoppage of the supplies, it was announced by the Lieutenant-Governor that they need not trouble themselves upon the subject. The territorial and casual revenues, together with a permanent grant of £2,500, made some years previously, were in the hands of the Government, so that, whether "a supply were granted to His Majesty," or not, was a matter of indifference. The

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\* Mr. Lindsey (p. 157) gives some valuable information regarding the enormous postal charges of the time, and the wretched agencies employed in carrying the mails.

Legislative Council could be trusted to veto all Bills distasteful to the party in power, and the lower House was therefore entirely helpless. The only protection afforded by the Constitution to the popular branch against a combination between the Executive and the upper House, had been taken away; and, as "responsible government" was not yet established, votes of non-confidence were met with supreme contempt—ignored, in fact, altogether.

It was against this unconstitutional procedure that Mr. Mackenzie and his fellow Reformers struggled with desperate energy. During this Session the member for York presented his "budget of grievances," formulated in thirty-one resolutions. So far was he from receiving the support of a majority; so far, as Mr. Lindsey points out, were even Reformers from noting the signs of the times, that the resolutions were not even pressed to a division.\* During the only two sessions of this Parliament, Mr. Mackenzie displayed unusual ability in all questions touching finance, revenue, banking and currency, and interested himself in such practical matters as prison reform.

The death of George IV. rendered a general election necessary. The House, which had requested Sir John Colborne to dismiss his advisers, would probably have been dissolved at any rate. The Colonial Secretary had already urged upon the Lieutenant-Governor of Lower Canada "the necessity of cultivating a spirit of conciliation towards the House of Assembly," and the Executive of the Upper Province read the hand-writing upon the wall. All that was left them

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\* *Life and Times*, p. 157. Three of the Executive Council, out of six, were Scots, John Strachan, William Campbell, and James B. Macaulay. *Ibid*, p. 158, n.

seemed to be to secure, by hook or crook, a House favourable to their continuance in power; and they succeeded. Mr. Mackenzie secured his seat for York; but Dr. Baldwin and other prominent Reformers were left out in the cold. The House met in January, 1831, and Mr. (afterwards Chief-Justice) Archibald McLean was elected Speaker by a vote of twenty-six to fourteen. A sort of compromise was effected in the matter of supply. The sum of £6,500 sterling was granted in perpetuity to pay the salaries of the Lieutenant-Governor, the Judges, the law officers, and five Executive Councillors; whilst the rest, amounting to £11,000, was surrendered to the House to deal with as it pleased.

Mr. Mackenzie, nothing daunted by the odds against him, moved for a committee of inquiry into the state of the representation. He pointed out that the members for York and Lanark represented a larger population than fifteen other members, and that the House swarmed with office-holders.\* Singularly enough, the Assembly, whose composition he had so trenchantly attacked, not only granted the Committee by twenty-eight to eleven, but permitted him to nominate them. If this concession were made in the hope that Mr. Mackenzie would rest satisfied, that hope was vain. Emboldened by this measure of success, he at once opened fire upon the majority. Salaries, fees, pensions, perquisites and everything that he could hinge a complaint upon, were paraded to be assailed in order.

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\* McMullen says: "It (the state of the representation) could not well be worse. When he rose to address the House, a Collector of Customs sat at his elbow, the Speaker held the office of Clerk of the Peace at Cornwall, six postmasters occupied seats in the Assembly, which also embraced a sheriff, inspectors of tavern and distillery licenses, county registrars and a revenue commissioner" (p. 376). "A majority of the whole House represented less than a third of the population." Lindsey, p. 191.

The ruling party could endure it no longer, and the resolution was taken to get rid of him at all hazards. Mr. Mackenzie had printed, at his own expense, some extra copies of the Journals, and distributed them to outsiders. The appendix had not been sent out with these copies ; had it been otherwise, Mr. McNab said he should not have been so ready to make it a question of privilege. As it was, a resolution was submitted, declaring that the printing and distribution of these copies of the Journals, was a breach of the privileges of the House. This, however, the majority was not prepared to assert ; and the motion was lost by twenty to fifteen, and so the matter ended for the time. During the recess, Mr. Mackenzie aroused the people of Upper Canada, and secured twenty-five thousand signatures to a petition to the King in favour of "responsible government" and representative reform. This he afterwards carried to England.\* On the 17th of November, 1831, the House re-assembled, and on the 6th of the following month, an article in the *Advocate*, which merely complained of the way Reform petitions were treated by the House, was voted a "gross, scandalous and malicious libel" on a division of twenty-seven to fifteen. Three days after he was expelled from the House.†

The expulsion was a grievous error, even as a matter of policy ; since, instead of extinguishing the man, it made a popular hero of him. He was at once returned again for York, amid the wildest popular enthusiasm, by a vote of one hundred and nineteen, against one for Mr. Street, who, an

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\* Lindsey, i. 202-4.

† The final vote stood—Yeas, 24 ; Nays, 15.

hour-and-a-half after the poll opened, abandoned the contest. Mr. Mackenzie was escorted back to York by a triumphal procession, and appeared to take his seat in January, 1832. The first attempt at re-expulsion failed, because the Attorney-General (Hagerman) saw clearly, probably with the case of John Wilkes in mind, that it would be dangerous to carry the motion without alleging some new ground for expulsion. An amendment was therefore carried by twenty-four to twenty to proceed to the orders of the day. But three days after, the Attorney-General made an article in the *Advocate* of the sixth a pretext for new action, and therefore moved his expulsion, which was carried by twenty-seven to nineteen. It may be added that the motion not merely unseated but disqualified Mr. Mackenzie which was a step utterly indefensible on constitutional grounds. At the next election, he had two opponents, Mr. Small, who professed to disapprove of the Assembly's action, but urged that it would be useless to vote for a candidate who had been declared ineligible; and Mr. Washburn, who approved of the expulsion. The latter retired on the second day, having received only twenty votes; and at the close of the poll the vote stood Mackenzie 628, Small 96. The House had been prorogued however, before the election. At Hamilton, Mr. Mackenzie was the victim of a brutal assault, and a York mob broke up a Reform meeting, proceeded in a body to cheer the Governor, and on their return broke the windows of the *Advocate* office and threatened the life of its proprietor. On this occasion Mr. Mackenzie was compelled to seek safety in the country for several weeks.

In April, 1832, he went to England to present petitions at the foot of the Throne. While there he seems to have thoroughly gained the ear of Lord Grey and of the Whig Ministry and party generally. He procured the dismissal of both the Attorney-General and Solicitor-General, the Imperial veto on the Upper Canada Bank Bill, and also caused a dispatch from the Colonial Secretary which caused a flutter in the dove-cote of the family compact. Nor was that all. The Colonial Secretary had repeatedly expressed very decided objections to the course the Government had pursued towards Mr. Mackenzie. Mr. Joseph Hume was the first to bring the matter under Lord Goderich's notice. Yet notwithstanding his remonstrances, Mr. Mackenzie had once more been expelled during his absence in England. Upon the dismissal, Mr. Jameson received the Attorney-Generalship; he was the husband of a noted writer of considerable literary merit, and was elevated to the Vice-Chancellorship in 1841. Dr. Rolph had been pressed for the other law office; but he was so obnoxious to the dominant party that no appointment was made. Messrs. Boulton and Hagerman went to England and obtained from the new Colonial Secretary, Mr. Stanley (the late Lord Derby), the one a Chief-Justiceship in Newfoundland, and the other restoration to his office of Solicitor-General.

Mr. Mackenzie's absence might have operated against him; but his friends again brought forward his name. This time, in spite of the resolution disqualifying him he was re-elected by acclamation. On his return the Clerk refused to administer the oath, but the matter was of course dis-

cussed in the House. There was something exceedingly illogical in the course of the majority. It was acknowledged that Mr. Mackenzie laboured under no legal disability, and yet they asserted the right to create one by simple resolution; they admitted also the right of the electors of the County of York to return him and yet claimed the privilege of excluding the member they had chosen. In this instance the old resolution affirming ineligibility was once more adopted by a vote of eighteen to fifteen; but the motion for a new writ was only passed by a majority of one. In December, 1833, Mr. Mackenzie was again elected without opposition. When he presented himself at the bar on this occasion he was accompanied by a large body of electors who insisted on seeing that their representative was put in possession of his rights. There was a fracas in consequence, arising from the circumstance that the Sergeant-at-Arms insisted upon it that Mackenzie was a stranger, and bound to retire when the order was given to clear the galleries. The officer tried to eject him by force; but a stout Highlander aimed a blow at the Sergeant. It was finally decided that Mackenzie was a stranger, since he had not taken the oaths, and the process of expulsion was again gone through with, the prominent movers on the side of the majority being Messrs. McNab, Morris and Donald Fraser, all Scots. The vote stood twenty-two to eighteen.

Mr. Mackenzie then addressed the Lieutenant-Governor and requested permission to take the oath before him, in accordance with a provision in the Constitutional Act. The Attorney-General, on being consulted, replied that the oath

must be administered, and that no one commissioned for that purpose could refuse it, "since his office was ministerial and not judicial."\* The oath was taken, but that had, of course, no effect upon the House. Mr. Mackenzie then walked into the Chamber and took his seat. The Assembly was in committee, Mr. Donald A. Macdonald occupying the chair. This time (the fifth) he was forcibly expelled; but a motion to issue a new writ was lost. As to the illegal and unconstitutional character of these proceedings there can be no doubt; and even the active movers afterwards acknowledged their mistake.†

In March, 1834, the town of York was transformed into the city of Toronto, and Mr. Mackenzie elected first Mayor by the Council. He was also the first Mayor in Upper Canada. To him the city owes its arms, with the three I's as its motto: "Industry, Intelligence, Integrity." In this position he displayed characteristic energy. The work of organization was not by any means light, and sagacity and skill were required in arranging the civic finances. During his term Mr. Mackenzie laboured hard for the good of the city and retired amidst the general applause of the people. As Mayor he presided at the police court, and whilst acting in this capacity kept the city stocks fairly employed in the case of incorrigible offenders. Meanwhile the county of York had been divided into four ridings, and Mr. Mackenzie

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\* Lindsey, p. 297.

† "The whole of the proceedings relating to these expulsions were expunged from the Journals of the Assembly, being declared to be subversive of the rights of the whole body of electors of Upper Canada. This was done in the first session of the next Provincial Parliament on the 16th of July, 1835." Mr. McNab frankly confessed that he had been in error, and voted to expunge his own resolutions. Lindsey, p. 310.

was returned for the second by a vote of nearly two to one. At the general election the Reform party once more secured a majority, and Mr. Bidwell again became Speaker. The Assembly, instead of re-echoing the Speech from the Throne gave his Excellency in its Address, a tolerably free expression of opinion on the acts of the Government. It was during this session that a select committee obtained by Mr. Mackenzie made the celebrated Seventh Report on Grievances. In this document everything relating to public affairs from the questions of "Responsible Government" and the Clergy Reserves, down to the smallest details touching fees and pensions, was enumerated. In fact it was the Reform manifesto on the eve of an armed insurrection.

In his instructions to the new Governor, Sir Francis Bond Head (December, 1835), Lord Glenelg in effect replied to the Grievance Report. Into the details it is not necessary to enter here; it may suffice to remark that the Colonial Secretary deprecated the threat to stop the supplies, and trusted that "it would not be made good unless in a case of extreme emergency." In the body of the document appear some grounds urged in extenuation of the Government, and a mild promise that some of the matters complained of would be remedied. The clamour for executive responsibility he avoided rather than met.

The appointment of so inexperienced a man as Sir Francis Head was one of those freaks which seem almost inexplicable. Probably, as Mr. McMullen suggests, he was sent as a supposed Liberal, to reconcile the Upper Canadian malcontents. \* He himself professed to take his cue from the

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\* History, p. 431

Grievance Report; how far he did so will appear in the sequel. At all events he was totally unfit for the position, as he himself admitted afterwards.\* He had been a major in the army, and was, at the time of his appointment, Assistant Poor Law Commissioner for the County of Kent. Such was the ruler despatched to Toronto at a perilous crisis. Parliament met soon after the new Governor's arrival, and the Address from the Assembly rather sharply criticized the Speech from the Throne. Still Sir Francis began well. His nomination of Messrs. Dunn, Baldwin and Rolph, the last two prominent Reformers, to the Executive Council, was hailed with a satisfaction too lively to be permanent. In less than a fortnight the whole Council resigned. Ministers complained that they were held responsible to the people for measures of which they disapproved; whilst the Governor contended that he alone was responsible.† A new Council of four was immediately constituted; but the House at once expressed "their entire want of confidence" in its members, and expressed regret at His Excellency's course. The Governor was at once upon his high horse, and believing it his mission to battle with the "low-bred antagonist, democracy," resolved to withstand persistently "the fatal policy of concession." He appealed to the people by proclamation, replied to addresses, and virtually "stumped" the Province as the avowed antagonist of Mr. Mackenzie. There can be little doubt that the intelligent members of the party

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\* He admitted that he "was really grossly ignorant of anything that in any way related to the government of our colonies." Lindsey, p. 355, n.

† "The Lieutenant-Governor maintains," said he, "that responsibility to the people, who are already represented in the House of Assembly, is unconstitutional; that it is the duty of the Council to serve him, not them." For this he was rebuked by the Colonial Secretary. Lindsey, p. 363.

whose cause Sir Francis had called his own, disapproved of his headlong course; but they were bound to support him at all hazards. He denounced Mr. Baldwin, in a dispatch to Lord Glenelg, as an agent of the revolutionary party; affected to believe that an invasion was imminent; and altogether lost his head. Yet there was a method in his madness, and so ingeniously did he conduct the campaign that, at the general election, an Assembly was secured after his own heart. Mackenzie and other Reform leaders lost their seats. To him the blow was a severe one, and its immediate result was a dangerous illness.

In July, 1836, he issued the first number of a paper called *The Constitution*. The period of despair had set in, and the baffled editor at once struck a new vein. It was clear that with a Governor who could boldly issue an election manifesto, in which he advised the people not to quarrel with their "bread and butter,"\* and proclaimed that his character and the public interest were "embarked in one and the same boat;" and with a system of election obtaining, under which votes were manufactured unblushingly, and known Reformers disfranchised by partizan returning officers on the most frivolous pretences, there was little hope of success by constitutional means. Still, the Opposition made an appeal to the Colonial Office. Lord Glenelg suspected that the Governor had acted most imprudently, yet he could not understand how he had succeeded so well at the polls. So he resolved, for the present, to keep him at his post. The Assembly soon found that the Reform agitation was seri-

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\* Hence the new House of 1836 received the name of "The Bread and Butter Parliament."

ously affecting its popularity, and yet there was some danger that the period of its existence would be suddenly cut short by the death of King William IV. A Bill was passed, therefore, to prevent a dissolution in the event of a demise of the Crown. The session terminated on the 4th of March, 1837, without any premonition of approaching trouble being evidenced in the Governor's Speech. Mr. Mackenzie certainly did not, at that time, contemplate extreme measures, for in the same month he went to New York, purchased several thousand volumes of books, and new "plant" for his printing office. \*

It is clear that no insurrectionary movement would have been attempted in Upper Canada, had not Papineau, Nelson, and their coadjutors in the Lower Province taken the initiative. The leaders there boldly advocated colonial independence, made an appeal to arms, and solicited assistance from the United States. Mr. Mackenzie and his friends were soon drawn into the vortex. Their rage and chagrin at the unconstitutional conduct of Sir Francis Head, at the sinister means by which the late elections had been carried, and at the apparent hopelessness of attempting a reform by constitutional agencies drove them to desperation. The attempt at rebellion was as weak as it was wicked; yet at the time it probably appeared to be otherwise to Mr. Mackenzie. He contemplated a revolution with that sanguine impulsiveness which always characterized him. And, after all, the burden of responsibility for that futile outbreak must rest upon the shoulders of the Lieutenant-Governor. † His extravagant

\* Lindsey, i. 401.

† "In short," says Mr. McMullen, "he (Sir Francis) sowed the wind, by exciting the passions of the masses, and reaped the whirlwind in the petty rebellion, of which he must

language, his arbitrary acts, his undisguised interference with the freedom of election, his sublime self-confidence, taken together, stamp him as at once the rashest, most violent, and yet the feeblest and most incompetent representative the Crown ever had in British North America. To the last moment so little prescience did he possess, that he ridiculed the idea of an armed insurrection. In order to show at once his confidence and his ignorance, when tidings of impending troubles reached him, he despatched every regular soldier to the Lower Province.\* He had evidently not given sufficient weight to the contagiousness of example; so the insurrection awoke him from his optimist dream abruptly to find him with his lamp gone out, and without oil with which to kindle it anew. At this time he was at daggers drawn with the Colonial Office, whose mandates and remonstrances he treated with a contempt by no means silent.

In August, 1837, a manifesto appeared in the *Constitution*, amounting, as Mr. Lindsey observes, to a declaration of independence.† It is a curious fact that Dr. Morrison and Dr. Rolph, both members of the House, demurred to attaching their names to this document on account of their public position. To this Mr. James Lesslie, afterwards proprietor of the *Examiner*, a Scot, demurred, and ultimately Dr. Morrison's name appeared as chairman of the committee. Then commenced a popular agitation of rather a boisterous and inflam-

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forever stand convicted as the chief promoter. Had he taken time to acquire a just knowledge of the condition of the country—had he acted with calm and impartial wisdom, presuming that knowledge to have been acquired, Upper Canada would not have known the stigma of even partial rebellion." *History*, p. 439.

\* Yet when he discovered that he had failed to discern the signs of the times, and that rebellion had actually commenced, he placed his family and all his effects on board a steamer, which was moored out in the harbour, at a safe distance from shore.

† The document may be seen entire in *Life and Times*, vol. ii., Appendix D., p. 334

matory character. Often the meetings were disturbed by the opposite party, and scenes of riot and confusion resulted. Meanwhile Mr. Mackenzie added fuel to the flame by incendiary articles, and attempted a *coup* by instigating the farmers to make a run on the Bank of Upper Canada, the main-stay of the Government.\* The attempt, however, failed, although two other banks found it necessary to close their doors and Sir Francis Head was compelled to call the Legislature to pass a measure of relief. Of course so soon as the rebellion broke out, specie payments were suspended altogether.

All this time a secret movement in the direction of armed resistance was in progress. Early in November, fifteen hundred had subscribed their names as volunteers, and there were weekly drills. After considerable vacillation, on the 18th November, a plan of attack was decided upon. After the withdrawal of the troops, no less than four thousand stand of arms were left unprotected. The Governor, who might have known everything, was living in a fool's paradise. It was therefore proposed to take Toronto by surprise, seize Sir Francis Head, and take possession of the arms. The rendezvous was fixed at Montgomery's tavern on Yonge Street, about four miles north of the city, at a little hamlet now known as Eglinton. It was expected that at least four thousand men would be present at the appointed time, and, with prompt action, the capture of the city might easily have been accomplished in an hour. But the plans of the rebels were disarranged by a divided headship. The attack had been appointed for the 7th, but Dr. Rolph appears

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\* This was adroitly tided over by the device of paying all comers in silver which was counted out; while the friends of the bank mingled with the crowd and also demanded specie, which was sent back in wheelbarrows at night.

to have changed the date to the 4th. The consequence was that there was nothing for it but to make the best of a bad job. In addition to this, the plans of the conspirators had leaked out, so that a surprise was no longer possible.

Van Egmond, a retired soldier from the army of Napoleon I., had been appointed "generalissimo of the insurgent forces," and, under his direction, the movement began. Mackenzie, with five followers, were out to reconnoitre when they met Alderman Powell and Archibald Macdonnell, who were acting as a mounted patrol. The rebel leader informed them of the insurrection, and also of the fact that they must consider themselves prisoners. Leaving them in the hands of two of his party to be conducted to the hotel, Mackenzie proceeded. Powell at once shot his captor dead and escaped to the city, in order to arouse the Governor and the citizens. When the leader returned to the hotel he found that Colonel Moodie,\* who was hastening to reach the city to place his services at the disposal of the Government, had persisted in forcing his way through the rebels, and had been shot down. Further delays occurred, and finally, for the purpose of giving the volunteers, who were expected, time to arrive, a flag of truce was sent out to the rebels, nominally to ascertain what they wanted. The time was auspicious, for the death of Anderson, Powell's victim, had cast a damper upon the rebels, and they were entirely dispirited. The Governor sent with the flag of truce Dr. Rolph and Mr. Robert Baldwin, two men who, he naturally thought, would exert consider-

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\* Colonel Moodie was a native of Fifeshire, and had seen service throughout the Peninsular War. According to Mr. Lindsey, the man who shot him was an Irishman named Ryan, who, after enduring terrible suffering from cold and hunger on the shores of Lake Huron, managed to escape to the United States.

able influence over the insurgents. In reply to the mainquery propounded, Mackenzie replied that they wanted independence.\* A second flag of truce met the insurrectionary party on their way to the city, and delivered their message, which was simply a refusal of the rebel demands. Further advance was delayed until six o'clock, when the forward movement was resumed. About half a mile from the city they received the fire of a picket of loyalists lying in ambush behind a fence. The assailants did not wait even to see the effect of their fire, and a panic seized the rebels. The majority of them, in spite of the vigorous efforts of Mackenzie and Lount, returned to their homes. Two hundred more arrived during the night; but the force now numbered only four hundred and fifty, and the golden opportunity had been lost. Dr. Rolph at once fled to the States to avoid arrest, as the loyal volunteers were pouring into the city.

Early on Thursday, when an attack was expected from the Government force, Van Egmond arrived, and, after detaching a small force to seize the Montreal mail and burn the Don Bridge, settled upon a plan. In the hope that, at night, large reinforcements would come in, it was resolved to stand upon the defensive for the present. The parties met near Montgomery's. The main body of the loyalists was commanded by Sir Allan McNab; Colonel Jarvis had the right and Colonel Chisholm and Judge McLean the left. The conflict was sharp and decisive; and the rebels, although they fought gallantly, were put to flight, after losing thirty-

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\* It is not necessary to enter into the much disputed question whether Dr. Rolph, on this or a subsequent occasion, advised the rebel leaders to come at once into the city. All the parties concerned are long since dead, and therefore no useful purpose can be served by reopening the controversy.

six killed and fourteen wounded. The other side had only three wounded. So ended the Battle of Gallow's Hill. Mackenzie fled, and a reward of £1,000 was at once offered for his capture. The account of his escape to the United States is romantic enough.\* The fidelity with which even political opponents who had given their hospitality to a hunted fugitive, and the ingenuity exhibited in baffling the search, as he passed through a country swarming with armed men in quest of him and of the reward, make up an interesting episode.† After wandering for several weeks, with some hair-breadth escapes "almost miraculous," as he himself remarks, he found himself at Buffalo. Here Mackenzie entered upon a movement which was in no sense justifiable. In Canada, believing that constitutional agitation was of no avail, he had engaged in an abortive insurrection, for which, perhaps, some defence might be offered. But when he initiated, in the United States, a plan of invasion, there is no apology to urge, save the natural exasperation and pertinacity of the man. Dr. Rolph, Mackenzie, and others formed themselves into an executive committee, held public meetings, and freely offered land and other loot to any one who would join them in the attack upon the Province. Van Rensselaer, a son of an General, was made commander-in-chief, "a worthless scamp," as McMullen terms him.

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\* See Lindsey, vol. ii. pp. 102-122, where the narrative is given from Mr. Mackenzie's own pen.

† In what is now the County of Wentworth, the High Sheriff Macdonell, with a posse, searched the house from top to bottom, as well as the out-buildings, "and I the while," writes Mackenzie, "quietly looking on. When I lived in William Street, some years ago, he called on me, and we had a hearty laugh over his ineffectual exertions to catch a rebel in 1837."

The residuum of Buffalo freely enlisted in the service of the patriots, and Navy Island, in the Niagara river, about two miles above the Falls, was at once seized by the party. A Provisional Government of Upper Canada, easily improvised, followed the example of most bodies of the sort in the issue of paper promises to pay. \* Having established themselves there, it was soon found that little or no support was forthcoming from the Province. The exiles were the only Canadians who cared to embark in the enterprise which was to free their country. The rebels had some twenty-four pieces of artillery, of what calibre does not appear, and Van Rensselaer kept them pounding away upon the farm houses with little or no effect. About six hundred men were upon the island; but no attempt was made to cross to the mainland. Cols. Cameron and McNab arrived on the scene, and commenced a desultory fire, but only one man on the island was killed.

Then followed the episode of the *Caroline*, a steamer employed by the rebels to convey men and stores to the island. On the 28th of December, 1837, she was moored to the wharf at Fort Schlosser, when Col. (Sir A.) McNab and Lieut. Drew, R. N., with a party which had gone over in boats, seized and fired the vessel, and sent her adrift down the rapids. † The destruction of the vessel in American waters, naturally caused excitement in the United States, and some angry diplomatic words passed in con-

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\* An engraving of one of these notes is given in Lindsey, vol. ii. p. 48.

† Many fancy pictures have been drawn of the *Caroline* passing all aflame over the Falls; but it would appear that she went to pieces, and was lost to sight long before the abyss was reached. The smoke-pipe, it is said, was distinctly visible at the bottom a few years ago.

sequence. That it was a breach of neutrality there can be no doubt; and, in 1842, Lord Ashburton expressed the regret of Her Majesty's Government at its commission. Early in January, 1838, finding the island untenable, in the face of the constant artillery fire poured upon it from the Chipewewa shore, the rebels withdrew to the mainland. Other attempts were made from the States, one by a Scot, named Sutherland, on Amherstburg,\* and others from lake ports, all of which failed, and the rebellion was at an end.

Meanwhile Sir George Arthur was appointed to succeed Sir Francis Head, and the trials of the many prisoners arrested were proceeded with.† It is not necessary to go into details here. Lount and Matthews were executed, and a large number of their adherents punished by imprisonment and transportation. Mackenzie's troubles were not yet over, indeed they were only beginning. When Van Buren became President, he was arrested at Rochester for a breach of the neutrality laws, and sentenced to thirteen months' imprisonment in the County jail. His property in Upper Canada had, of course, been confiscated, and now he himself, a ruined man, was kept in close confinement in a foreign land, penniless and an exile. During the term of his incarceration, his mother, who had attained the age of ninety years, breathed her last, and it was with the greatest difficulty that he suc-

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\* Amongst those who were lost to the public service by the assaults of these foreign marauders, there was no more promising officer than Col. John Maitland, C.B., a son of the Earl of Lauderdale. Had he lived he would unquestionably have risen to eminence. During the rebellion he commanded the 32nd regiment, and utterly defeated the brigands at Point Pelée Island, in March, 1838. During the march, and from exposure on the island, however, he caught a cold which carried him prematurely to his grave. He had previously served in Spain and Portugal, and was deeply beloved by his men.

† A list of these men, with the result in each case, will be found in Lindsey, vol. ii., p. 373, Appendix I. The proportion of Scotsmen is smaller than might have been anticipated.

ceeded in securing, "by stratagem," an opportunity of seeing her before she died. In October, 1839, he was shot at through the bars of the cell, by some one whose identity was never established.\* On the 10th of May, 1840, he was released from prison, and once more came face to face with the world. It is scarcely necessary to dwell upon the life of Mr. Mackenzie while in exile. His sufferings were certainly trying, and, for some time, he could hardly find bread for his wife and children. Early in 1849, an Act of general amnesty was passed, and the ex-rebel could once more return to Canada.† Six years before, a comprehensive amnesty had been proclaimed; but although Papineau and Rolph were included, Mackenzie was still left an outlaw. In March he visited Montreal, where an untoward encounter took place between him and Col. Prince, in the Parliamentary library. The bluff old Colonel was somewhat irascible, and afterwards regretted that he had acted on the impulse of the moment.‡ Mackenzie then repaired to Toronto, where a mob burned him and Messrs. Baldwin and Lafontaine in effigy, and broke the windows of a relative with whom he was staying. In May, 1850, he finally settled with his family, and took up his permanent residence at Toronto. In April, 1851, he was elected for Haldimand, defeating the late Senator Brown, who was the Government candidate,

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\* All that was known seems to be that "a tall, stout man, with a dog, dressed like a sportsman, had been seen beyond the mill-race."—Lindsey, vol. ii., p. 287.

† It was at this time that he wrote to Earl Grey, entirely abjuring republicanism, and frankly confessing that had he succeeded in 1837, "that success would have deeply injured the people of Canada." Lindsey ii., 291.

‡ The late Mr. Sandfield Macdonald subsequently took him up to the Library, for which act of courtesy he was called to account by his Glengarry constituents. His reply, which fully satisfied the objectors, took the form of a question, "Do you think I would see an Englishman kick a Scotchman, and not interfere?"

and Mr. McKinnon, a Conservative. He sat in the House for seven years, resigning in 1858. In that year he supported the Hon. G. W. Allan as a candidate for the Legislative Council, notwithstanding his Conservative views. During the later years of his life he published, somewhat fitfully, a weekly newspaper, called *Mackenzie's Message*. To the last he was a busy, earnest worker, as he had always been. His political admirers presented the family with a homestead; but Mackenzie died, as he had lived, a poor man. Throughout his second political career, he was an ultra-Reformer, one might almost say an irreconcilable. Although he had seen enough of republicanism to dislike it, he remained a Radical to the last. Had he been so disposed, he might have taken office in the short-lived Brown-Dorion administration; but he loved the freedom of his independent position, and would have proved restive in official harness. Whatever his faults of judgment and temper may have been, he was beyond question an honest, warm-hearted and generous man. That he should be a free lance in politics was to be expected from his antecedents and his temperament; but there was always a *bonhomie* about him, which made even those he opposed most strenuously his warmest personal friends.\* The later years of his life fall without the period under consideration. During these years he suffered severely from pecuniary difficulties, and his buoyant spirits and the almost youthful sprightliness and activity of

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\* The writer remembers hearing him, in the course of an obstructive debate, when he indulged in *badinage* at the expense of the late Sir George Cartier. Mackenzie reminded the Attorney-General East that they had both been rebels in 1837, but that the Government had shown its estimate of their comparative worth by setting a price upon his head of £1,000, whilst Mr. Cartier's was only valued at £300. In reading the proclamation he amused the House by beginning "Victoria Rex."

his nature gave way. When taken ill, he refused food and stimulants, and paid no attention to medical advice, and on the 28th of August, 1861, his troublous life came to a close. In looking back upon a career so unfruitful on the surface, and so unprofitable to him, the natural verdict will be that it was a failure. Still when it is considered that he was the pioneer of reform, the first who formulated distinctly the principle of responsible government, among the first to advocate a confederation of the Provinces, and, above all others, the man who infused political vitality into the electorate, we cannot say that he lived in vain. Like other harbingers of a freer time, he suffered that the community might enjoy the fruits of his labour, the recompense for his misfortunes. When responsible government was at length established, he was chafing as an exile in a foreign land. When he again re-entered politics, the battle had been won, and others had reaped the reward. With all his faults, and he had many, no man has figured upon the political stage in Canada whose memory should be held in warmer esteem than William Lyon Mackenzie.

To resume the thread of the narrative in chronological order. It has been stated that the Navy Island fiasco was not the last attempt at insurrection; but the isolated efforts which followed usually took the form of invasion. The Hunters' Lodges along the American frontier busied themselves with expeditions which were simply piratical. Into the details of these futile raids it is unnecessary to enter; it will suffice to mention simply the assaults upon Prescott and Sandwich from Ogdensburg and Detroit respectively.\*

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\* The former affair was known as the battle of the Windmill, from the fact that the invaders had taken possession of a mill; and the latter was chiefly remarkable for the sum-

Meanwhile, Sir Francis Head had been recalled, and Sir George Arthur reigned in his stead. He was in every sense a better ruler than his predecessor, but only held office for a brief time, and gave place to Mr. C. Poulett Thompson (Lord Sydenham) at the Union. The appointment of Lord Durham as High Commissioner marks a turning-point in the constitutional struggle. After a tour through the Provinces, the noble Earl drafted his famous Report, bearing date January 31st, 1839, returned home without leave, disappointed at the want of support he had received from the Colonial office, and died in 1840.\* The concluding pages of his Report contain the recommendations made by the Earl for the future government of the Canadas. The High Commissioner preferred a Legislative Union of all the B. N. A. Provinces; but as a preliminary step suggested the union of Upper and Lower Canada. Although, however, the Earl's scheme seemed promising, the reasons by which he enforced its propriety were not cogent or far-seeing. His notion apparently was that the French element would be swamped by the measure, and "that the surplus revenue of Lower Canada would supply the deficiency, on that part, of the Upper Province."† On the other hand, Lord Durham exhibited a catholic liberality of view in treating of constitutional questions generally, which must have alarmed both the rulers here and the Conservative Whigs at Home. He proposed a radical change in the constitution of the

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mary justice executed upon the raiders by Col. Prince. "I ordered them to be shot," he wrote, "and they were shot accordingly."

\* The edition of the Report before us, containing 142 closely printed pages, was printed at Toronto, by Robert Stanton, in 1839. The Upper Canadian portion will be found in pp. 64-82.

† Page 132.

Upper House; that all the revenues, except those derived from the Crown lands, "should at once be given up to the united Legislature;" that the independence of the judges should be secured; that the Clergy Reserves should be disposed of; and finally, that "the responsibility to the Legislature of all officers, except the Governor and his secretary, should be secured by every means known to the British Constitution." The Governor should be instructed "that he must carry on the government by heads of departments in whom the united Legislature shall repose confidence; and that he must look for no support in any contest with the Legislature, except on points involving strictly Imperial interests."\* Now, had these concessions been only made three years before, there would have been no rebellion; and it may safely be affirmed likewise that, but for the Rebellion, responsible government would not even now have been granted. At the same time that, of itself, is no justification for the abortive uprising in 1837; since it had never had a prospect of success, and came at last to be merely an outlet for the unruly passions of marauders from the other side. All one can safely affirm is that good was evolved from evil.

The Home Government did not accept Lord Durham's scheme in its entirety. Even pronounced Liberals, like Lord John Russell, rejected the notion of responsible government, as untenable and chimerical. Still, though in a hazy form, the system was acknowledged, yet not with the peremptoriness desired by the High Commissioner. The Provinces severed in 1791 were re-united by the Act of 1840,

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\* *Report*, pp. 138-9.

and Lord Sydenham became the first Governor-General. It is not difficult to lay one's finger now upon the weak spots in the Act of Union. The great object which Lord Durham and the Home Government proposed to themselves was the swamping of the French population, by giving both Provinces an equality in the representation, notwithstanding the obvious injustice to Lower Canada involved in that arrangement. The French protested against the measure in vain ; but there was a nemesis at the heels of the promoters of it ; which, while it did not overtake them, fell upon the state in after years. The sins of the fathers were visited upon the children, as will be seen hereafter.

It now becomes necessary to turn to the affairs of Lower Canada from the conclusion of the war until the Union of 1841. No sooner had the international conflict come to an end, than discontent once more manifested itself in the Province. The great bone of contention here was the supplies. It mattered very little whether the Legislature voted them or not. The Government collected the money, and used it freely with the consent of the House, if possible ; if not, without it. The French population cared very little at that time for abstract theories of government ; but they saw clearly the importance of securing the power of the purse. Sir Gordon Drummond had, for a short time, held the post of Administrator of the Government ; but in 1816 he was superseded by a regular Lieutenant-Governor in the person of Sir John Cope Sherbrooke.\* This officer appears to have

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\* It has not been thought necessary to refer to the agitation caused by Judge Sewell : because, although it involved the Assembly's right of impeachment, the discussion is only an episode in the general course of affairs.

been sincerely desirous of conciliating the French population, and succeeded fairly well in his object. At that time the Provincial revenues were in a most unsatisfactory state. There were three sources of income, the Crown duties, levied under Imperial statute, the "casual and territorial revenues" arising from the landed property of the Crown, and the provincial duties, paid under local laws, either within legislative control or made permanent by Imperial statute. Evidently under such a system, the control of the people's representatives over the revenue was practically no control at all. It was, therefore, about this point that the battle raged as will appear in the sequel.

Meanwhile we may call attention to two distinguished men who occupied conspicuous positions in public estimation at this time. Mr. James (afterwards Sir J.) Stuart was the son of the Rev. Dr. Stuart, who has been called the founder of the English Church in Upper Canada. The future rector's father was a strict Presbyterian, and had settled in Pennsylvania. After some scruples Mr. Andrew Stuart consented to his son's ardent desire to enter the Episcopal ministry, and he was ordained in 1770. James Stuart was born in the Province of New York in 1780. After studying at Windsor College, N. S., he entered the law office of Mr. Reid, and studied law for four years. He subsequently completed his term with Jonathan Sewell, afterwards Chief Justice, and was called to the bar in 1801. In 1805 he became Solicitor General of the Province, and, in 1808 was returned for two constituencies, but elected to sit for the county of Montreal. Mr. Stuart was a champion of the English party. He used all his eloquence against Chief

Justice Sewell, and yet at the last was abandoned by his party.\* Finding himself, on a division of twenty-two to ten, in the minority, he retired for five years from political life. In 1822, he was sent to England to urge the re-union of the Provinces, and while there was offered the post of Attorney-General which he accepted. In 1827 he became an Executive Councillor, but was suspended in 1831 by Lord Aylmer for the part he had taken in the political conflicts of the time. He subsequently received from Mr. Stanley (the late Earl of Derby) an acknowledgment of the injustice done him, accompanied by an offer of the Chief-Justiceship of Newfoundland. This he declined, and resumed his practice. In 1838, the Earl of Durham made him Chief-Justice of Lower Canada in the place of Sewell, retired.† His services to the Government, however, were not yet concluded. Under Sir John Colborne, he was chairman of the Special Council of Lower Canada, and rendered essential service to the Governor by drafting the Union Act between the Provinces. In 1840, he was created a baronet, choosing as his motto what has been called an epitome of his character—"Justitiæ et propositi tenax." Sir James died in 1853, universally respected. He was a man of singular ability, rare eloquence, and extended usefulness, and, after all his political reverses, was spared to see the scheme he had devised carried, under his own guidance, into practical effect.

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\* "Never was a cause more powerfully advocated nor a more brilliant display of oratory and talents exhibited, than by Mr. Stuart on this occasion, who must have felt that he was contending against the current, and that there was pre-concerted and foregone conclusion on the subject which it was in vain to struggle against." Christie, Vol. ii., p. 289.

† "Public opinion," asserts his Lordship, "with so universal a consent, points to him as the ablest lawyer in the Province, that there cannot be a doubt that it would be injustice and folly to place any other person in the highest judicial office in the Province." Morgan, p. 325 *Bibliotheca Canadensis*, p. 363.

His brother Andrew, who was also one of the minority of ten in 1817, may be briefly noticed in connection with him. He was one of the pupils of Dr. Strachan at Cornwall, and subsequently, like Sir James, was admitted to the bar. In 1810, he was engaged for the defence in the political prosecution of Judge Bedard, and on this occasion approved himself almost the equal of his brother in eloquence. In 1815 he entered the Assembly, and sat there until the constitution was suspended in 1838. During that year he became Solicitor General. In that year also, as Chairman of the Constitutional Association he went to England to press the question of union. Throughout he was a staunch Liberal, yet well-esteemed by all parties; and made his mark also as a journalist and *littérateur*.

The other distinguished man of Lower Canada referred to above, is the Hon. John Neilson, a Scot by birth. Born at Dornald, in Kircudbright in 1776, and educated at the parish school, he was sent out to Canada at the age of fourteen to seek his fortune. His elder brother Samuel, had at that time become proprietor of the *Quebec Gazette*, on the death of his uncle, Mr. Brown. Samuel died in 1793; but so soon as John Neilson came of age, he undertook the editorship, and gave a stimulus to Canadian journalism, by his energy, it had never known before. He at once enlarged the journal and published it twice a week. His editorials were moderate in tone; yet their power was at once felt throughout the Province. It was not till 1818, that he found his way into the Assembly, as member of Quebec. In all discussions concerning the control of the revenue, he took an active part upon the Liberal side. Mr. Neilson was not a violent partizan;

but still the firmness and vigour with which he sustained any cause he felt impelled to espouse, made him formidable. As the *Quebec Gazette* was the vehicle of governmental notices, the proprietor, in order to be unshackled as a member of the Assembly, made over the journal to his son, who became King's Printer. In the following year, however, owing probably to the father's political course, the license was revoked, and the *Gazette* entered upon an independent career. In 1822, a measure had been introduced into the Imperial Commons, to arrange disputed matters of finance between the Provinces. Lower Canada took alarm, and Messrs. Neilson and Papineau were sent to England where they succeeded in inducing the Government to abandon the measure.

In 1828, in company with Messrs. Viger and Cuvillier, he once more went to England on a mission of a different sort. By this time the antagonism between the Provincial Government and the Assembly had become so marked as to call for some speedy remedy. The three delegates were therefore despatched to London, bearing a petition of grievance signed by 80,000 inhabitants. A committee of enquiry was appointed by the Commons, before which the delegates stated the case of those for whom they appeared. Mr. Neilson always repudiated any desire for fundamental changes in the constitution, and in this respect differed widely from the French Canadian Radical school then springing up. He was quite satisfied that the Home Government, if properly approached, would do justice to the colonists. The committee's report recommended greater liberality in the Provincial Government, and the delegates returned contented with the results of their work. In 1830, Mr. Neilson received the thanks of the

Assembly, and was, in addition, the recipient of a silver vase, valued at one hundred and fifty guineas from his Quebec fellow-citizens, for his able exertions for the Province, during the two missions to England.

It was not long before symptoms of disagreement between Mr. Neilson and his French Canadian allies became apparent. There was already a wide divergence of opinion regarding several public questions of importance, and, in 1834, he was deprived of the representation of Quebec county after sitting for it during a period of fifteen years. In the same year Mr. Neilson strongly opposed the celebrated ninety-two resolutions, because he had always set his face against organic changes in the constitution. He became a member of the Constitutional Association, and once more proceeded to England as a delegate to resist the proposed innovations. Nothing practical, however, came of this mission. During 1837 and 1838, Mr. Neilson remained staunch in his loyalty, and although feeling the warmest sympathy with his French fellow-citizens, he never, for a moment, sanctioned the armed insurrection. He opposed the Union Act because he thought it unjust to the bulk of the French Canadian population.

In 1841 he was once more returned for his old constituency, still clinging to the ancient landmarks, and opposing "responsible government" as a revolutionary change on the old system of colonial government. He was invited, in 1843, to accept the post of Speaker of the Legislative Council; but he had resolved early in his career, not to take any office of emolument under government, and firmly declined. In 1844, however, he became a member of that body. A

chill, caught at the Quebec reception of Lord Elgin in 1847, brought on the illness from which he died. Up to the last, however, he was active in the discharge of his editorial duties—his son had died before him. In the *Gazette* of the 31st of January, 1848, appeared two articles from his pen of more than usual earnestness and power. They formed his valedictory, for on the morrow he died in his seventy-second year. In whatever respect the character of John Neilson may be viewed, there appears to be substantial cause for eulogy, and but little reason for blame. His spotless, and unwavering integrity, more than any other quality of head or heart, won for him the sincere respect of all his contemporaries. He was not only a good man, but also a patriot, willing to spend and he spent in the cause of Canada, active, eloquent, able and persistent in all that he set his hand to do. Although he declined to be moved by a hair's-breadth from his convictions, at the bidding of the French Canadian leaders, he loved the race, whose history, customs and institutions fascinated him. In the family, as in public life, he was the same unswerving devotee to duty; only there his affections had full scope, and he loved as he was beloved. It seems a fair subject for regret that a man who possessed so great power, capacity and vigour should, after all, leave so little behind him. His best thoughts lie entombed in thirty neglected volumes of the *Quebec Gazette*. But his name is not forgotten in the Province of Quebec; and to this day the type of an ideally honest, active and independent public man would be recognised there in a moment as the portraiture of John Neilson.

It may be as well here to sketch briefly the career of

several Scots who filled the office of Crown representatives during the period under consideration. George Ramsay, Earl of Dalhousie, a Scottish peer, was born in 1770. He embraced the profession of arms, entering the 3rd Dragoon Guards as a cornet. Having raised a company, he was made captain, and subsequently held a corresponding position in the Royals. At Martinique he was severely wounded. From that time his life was passed for many years in active service—in the Irish Rebellion of 1798, in the expedition to the Helder, at Belleisle, at Minorca, and in Egypt under his fellow-countryman, Sir Ralph Abercrombie. In 1805 he attained the rank of Major-General. After a respite from active duty, during which he married and devoted himself to the care of his estates, Lord Dalhousie once more went abroad. He was at the Scheldt, at Flushing, and in the Peninsula under Wellington, who specially mentioned his services at the battles of Vittoria and the Pyrenees; for his valour, especially in the crowning exploit at Waterloo, he received the thanks of Parliament.

In July, 1815, he was created a peer of the United Kingdom as Baron Ramsay, the title under which his successor votes in the Lords at this day. In 1816, he was sent out as General-commanding in Nova Scotia, and upon the sudden death of the Duke of Richmond, from hydrophobia, became Governor-General of British North America. This office he filled, with an interval of fifteen months, during the years 1820 to 1828.\* During his administration the dead-lock between the two Houses continued, and the Assembly proved

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\* Garneau, as usual, charged the Governor-General with trying to sow seeds of civil and ecclesiastical dissension amongst the Lower Canadians, (See Book xv., chap. ii.) but all his statements where his compatriots are concerned, must be taken *cum grano salis*.

more and more unmanageable. The attempt at a Union of the Provinces exasperated the French population, and interminable disputes between the Executive and the Assembly about the civil list and the Crown lands, kept the Province in a fever of agitation. It was in vain that Papineau was called to a seat in the Council; the battle went on as before. Naturally enough the Governor depended for support upon the British population; but the recognition of popular rights was not exactly what they wanted. It would be uninteresting to enter into details here, because apart from the vexed questions having been fully discussed in published histories,\* they are not pertinent to the object of this work. Earl Dalhousie was a Conservative, though not inaccessible to arguments for change and progress; but he found himself in a strange atmosphere at Quebec, and if he did not succeed in conciliating opposition, he at all events endeavoured to do so. It is altogether improbable that anything that he could have done, or advised, would have satisfied the dominant party in Lower Canada; and that he should have failed was his misfortune rather than his fault. After leaving Canada in September, 1828, he became Commander-in-Chief of the forces in India, but returned after a short time in broken health. He died in the sixty-eighth year of his age at his seat, Dalhousie Castle, on the 21st of March, 1838, "after a noble, an honourable and useful career."†

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\* See Garneau, Christie and McMullen in their accounts of this troubled period.

† Morgan, p. 250. It is worthy of note that it was under Lord Dalhousie's auspices that the first memorial to Wolfe and Champlain was erected on the plains of Abraham. He was no enemy to the French race, although he did not like French Canadian claims to a domineering supremacy.

Sir James Kempt, who succeeded Lord Dalhousie was born at Edinburgh in 1765. He also became a soldier and saw service during the long war. He was engaged at the Helder, in Egypt under Abercrombie, at Naples, and in Calabria. In 1811, he became a Major-General in Spain and Portugal; took a prominent part at the siege of Badajoz, where he was severely wounded, commanded a brigade at Vittoria, and at the attack on Vera, at Nivelle, Orthes, and Toulouse. His military career, after a campaign in Flanders, culminated at Waterloo, where he was again wounded severely. In 1820, he succeeded Lord Dalhousie in Nova Scotia, and in 1828 in the government of Canada, where he remained only two years. The Imperial Government had resolved upon a policy of conciliation, and Sir James Kempt was deputed to carry it out.\* Christie gives a very fair account of the real difficulties in the new Governor's way. He was known to be the friend of Mr. Huskisson, one of the most liberal minded of English politicians; but Kempt "from his previous acquaintance with Lower Canada, the impracticable pretensions set up by the dominant party, must have felt, before entering upon his work, the utter hopelessness of the enterprise."† What could be done to conciliate the agitators he did, apparently going so far as to avoid studiously the leaders of the British minority; but all to no purpose. He even endeavoured to silence the press which had supported

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\* McMullen, p. 336. Garneau on the other hand says, "Sir James Kempt had received very exact directions how to act. He was to play a one-sided part under the guise of the most perfect impartiality. . . He performed the task with great address, and disappeared from the scene in the nick of time when vague professions would no longer serve his masters' turn." Book xvi., chap. i. Comment is unnecessary.

† *History of Lower Canada*, iii., p. 216.

Lord Dalhousie's Administration.\* Nor was this all. A vicious practice had early established itself, under which members of the Legislature were entrusted, not merely with local patronage, but with sums from the treasury, to be used for the benefit of their constituencies. In plain English, the means were afforded to partizans of "nursing" their constituencies, and securing re-election by infusing into the electorate a lively sense of gratitude for favours received. Sir James Kempt resolved to call these public benefactors to account. Meanwhile the Assembly carried matters with a high hand. In 1829, complaints flowed in against the judges; to the Supply Bill was tacked on an assertion of the right of the House to deal with all the Crown revenues; and Robert Christie, the historian of the Province, was expelled from the Assembly for procuring the dismissal of certain magistrates who belonged to the "patriot" party.† Mr. Christie, like Mackenzie, was re-expelled a number of times when re-elected, although even a decent regard for constitutional law was not preserved in Lower Canada.‡ There were other vexed questions of the time which need not engage our attention. The salient event of 1829 was the adoption of a memorial to the Home Government, embodying certain reso-

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\* Garneau, Book xvii., chap. i; Christie, vol. iii., p. 217.

† McMullen, p. 385.

‡ Robert Christie, though a native of Nova Scotia, was of Scottish parentage. Born at Windsor in 1788, and was educated there; originally intended for mercantile life, he studied for the Bar, and subsequently entered the Assembly as member for Gaspé. He was an ardent Conservative, and during the prolonged contest in the Legislature, was strenuously opposed to the "patriots." After his expulsion in 1829, he did not again sit until the Union in 1841. From that period until 1854, when he was defeated in his old constituency, he continued to represent it—a well-known figure in the House. He was a voluminous writer, his earliest work being a history of Sir James Craig's Administration, published in 1818, and his latest "A History of the late Province of Lower Canada," the sixth and concluding volume of which appeared in 1855. He died at Quebec in the autumn of 1856, aged sixty-eight years. Morgan: *Bibliotheca Canadensis*, p. 75.

lutions of the Assembly in favour of reform. So far as Sir James Kempt was concerned, there can be no question that he not only adopted the policy of conciliation from choice, but persevered in it from the sincerest motives. He felt, however, that he could effect little with an Assembly resolute in its determination not to be satisfied. He had estranged the British population without being able to attach the majority to himself. All his efforts for pacification were met by renewed onslaughts from the irreconcilables, and muttered discontent from the oligarchical faction. He had done his best, and failed from no fault of his own. He threw up the ungrateful and unpromising task in 1830, and was succeeded by Lord Aylmer. On his return to England, Sir James was appointed Master-General of the Ordnance, and sworn in a Privy Councillor. His last military promotion bore date 7th of August, 1846, and he died in London in December, 1855, at the mature age of ninety years. So far as Canada is concerned, Sir James Kempt's acts speak for themselves. He had reinstated magistrates and militia officers who had been dismissed for party reasons; he endeavoured to secure for his Executive Council a broader basis by introducing members who possessed the confidence of the majority, and urged the judges, who were members of that body, to retire from the Legislative Council. There can be little doubt that when he retired, it was with the general regret of the majority of those over whom he had ruled. The time was out of joint, and notwithstanding all the Governor's tact and conciliatory temper, his efforts were in vain. The fault, however, was not his; and if he failed it was not because he did not deserve success. As Christie

says, he plainly saw that success was impossible "from the ultra expectations of the party he courted."\*

In 1830, Lord Aylmer, of Balrath, succeeded Sir James Kempt, and pursued the same policy of conciliation in vain. At the beginning of the Session the Governor announced that the Imperial Government intended to surrender the control of Crown revenues to the amount of £38,000, on the condition that a civil list of £19,000 should be guaranteed; the casual and territorial revenues, however, were still reserved. At this time they were estimated at a little over £11,000. The Assembly, however, was not to be conciliated; they would have all or nothing. There were now ten members of the Executive Council French Canadians; the Legislative Council† had been remodelled; the Jesuits' estates were surrendered for educational purposes; and an improved system of Crown lands management was inaugurated. But all to no purpose. The Assembly would be content with nothing short of absolute submission on the part of the Imperial Government. Its object evidently was to obtain control, not only over the Executive Council, but over the Judges and the Governor himself. A demand was put

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\* "There was, it is true, the appearance of harmony, the best of accord and reciprocal confidence between the administrator and the Assembly, but it was on both sides, rather that of courtesy, not to call it hypocrisy, than of cordiality. Distrust lay at the bottom, neither of them, as there is reason to believe, having faith in the professions or sincerity of the other, not that there was any want of candour or frankness in the administrator, for both were characteristic of him, but that he had to perform a part in a drama he must have disliked, feeling that neither success nor gratitude would attend his labours." Christie, vol. iii., p. 287-8. Of course the historian's position as a British Conservative must be taken into account here.

† Amongst the members of the Upper House at this time we find the name of Bishop Stuart, the fifth son of the Earl of Galloway, born in Wigtonshire, Scotland, who was Speaker, Roderick Mackenzie, C. W. Grant, James Kerr, Matthew Bell, John Forsyth and John Stewart; Christie, iii., 303.

forth that the Legislative Council should be elective. In short, nothing would satisfy the majority but the wildest form of democratic rule. The civil list was placed on a very moderate footing; yet the House refused to grant it. In 1833, the Supply Bill was £7,000 short of the necessary amount. Riots occurred in the streets of Montreal, and all the symptoms of a popular outbreak appeared. In 1834, the celebrated "ninety-two resolutions" were passed by a committee and sent in the form of a petition to England.\* At the close of the session this year, Lord Aylmer complained of the parsimony of the House, and stated that the judges and other Crown officers had suffered severely from the course it had chosen to adopt. No Supply Bill had been passed for two sessions, and the Governor had been compelled to make advances from the military chest.

The Assembly at once showed its disposition by voting that Lord Aylmer's censures should be expunged from the journals of the House. On his part, the Governor refused to pay the expenses of the House, and as the majority had for the first time voted payment to themselves, the breach was widened. Lord Glenelg, Colonial Secretary, offered to surrender all the revenues if the Assembly would vote a civil list for at least ten years. He stated that the Home Government would not interfere in the local affairs of the Province, yet, at the same time, declared that it would not consent to make the Legislative Council elective. The Assembly continued its opposition, and affairs were brought to a dead-lock.

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\* Mr. McMullen attributes their authorship to Papineau; but it is generally understood that Mr. Morin drafted them.

A commission of inquiry was sent out, and, on its report, Lord John Russell founded ten resolutions in 1837. The Assembly had voted no supplies since 1832, and it was proposed that the Governor-General should be authorized, without the sanction of the Assembly, to take £142,000 out of the moneys in the hands of the Receiver-General to meet the arrears of the civil list. Against this proposal Lord Brougham, in the Lords, and Mr. Roebuck, the Lower Canadian agent, in the Commons, vehemently protested. They assured Parliament that the effect would be a rebellion and perhaps war with the United States. Lord J. Russell declared that he had no fear for the future; that he did not propose any sequestration of Provincial funds for Imperial purposes, but simply as a matter of justice to the servants of the Crown in the Province; and that, as a matter of fact, the French Canadians had no grievances. He had always objected to responsible government in the colonies, because the executive there occupied a different position altogether from that of a Cabinet in England. In his view the Governor of Lower Canada did not occupy the same position as a monarch of Great Britain. He was responsible to the Crown, and received instructions for his guidance it was imperative upon him to obey, whatever view the Colonial Assembly might take of them. The weakness of this protest against what the Colonial Secretary termed "double responsibility," is more evident to us than it was in 1837. We know that under the system now prevailing, the substance, and not the forms merely, of the British constitution may be secured without any conflict of responsibilities. The

Governor, with us, occupies the position of the monarch at home; and there never was any promise of tranquillity in Canada until this crucial principle was definitively acknowledged. That the Assembly was altogether too exigent and unreasonable, is quite certain. They, and not the Colonial office, precipitated the rebellion; the one party was wrong in practice, the other faulty in theory.

Lord Gosford, one of the Commission, became Governor in 1837, taking up the reins which had dropped from the hands of Lord Aylmer at the moment when the steeds were getting beyond control. In obedience to his instructions, the new Governor once more attempted conciliation; but with the usual result. Papineau inveighed against the Governor and the mother-country from the Speaker's chair. There can be little doubt that dreams of future power as head of a French Canadian nation, free, independent and democratic, had intoxicated his brain. The majority of the Assembly were as clay in the hands of the potter; and it soon appeared that his goal was not the redress of grievances by constitutional means, but rebellion. On the 18th of August, 1837, the Lower Canada Assembly met for the last time. There was nothing for it to do but vapour and threaten. Many of the members appeared in home-spun, and declared their intention not again to use cloth of English manufacture. A dream of a North-west Republic of Lower Canada, about the idlest one can imagine, passed over the fevered brains of the recalcitrants; military drill was commenced, and the law become for the time a dead letter. No jury dared convict any man prosecuted by the Government, and a reign of terror of the wildest type began. The moment this

republican spectre appeared, the Roman Catholic Church entered a protest. Bishop Lartigue called upon all faithful children of the Church to withstand the revolutionary spirit, and he largely succeeded. To his timely interference it was due that the Rebellion, after all, achieved so little success. But Papineau and the other leaders had gone too far to draw back, and at once sank in the vortex of insurrection.

It had been for some time apparent to the Governor and the Colonial Office that the "patriots" were not to be satisfied by concessions. Their leader was evidently bent upon armed revolt, and he precipitated it by every means in his power.\* He had as effective aids Dr. Wolfred Nelson, and his brother Robert, the former of whom has been described as "a Frenchified Englishman." Insurrectionary meetings were held, and secret drill was indulged in. On the 28th of October, a demonstration took place at St. Charles on the Richelieu, called "the Meeting of the four Counties;" violent harangues were delivered, and the resolutions were declared carried by a volley of musketry. Early in November, a conflict occurred at Montreal, where the British Doric Club dispersed, by force, a gathering of the "Sons of Liberty." This precipitated the outbreak, and on the 22nd the forces were face to face with the rebels under Dr. Nelson at St. Denis. The latter were strongly posted in a stone house, and as the loyalists had only one small gun, nothing could be done but

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\* Mr. McMullen thus limns this obstreperous patriot: "It is evident that Louis Joseph Papineau, the great master spirit, had never counted the cost. He had neither a good cause, good counsel, nor money to reward his friends. He was a brilliant orator, but no statesman: a clever partisan leader, but a miserable general officer; a tyrant in the forum, a coward in the field. He excited a storm which he neither knew how to allay nor how to direct." *History*, p. 414.

retreat.\* Meanwhile, Col. Wetherall was on the way to St. Charles, where "General" Brown had a thousand habitants under his command. Their leader fled at the first shot; but the French Canadians made a determined resistance, no less than fifty-six being left dead on the field. The result was a complete defeat of the rebels, and Papineau, consulting his own safety, fled to the United States. Nelson retired from St. Denis, and attempted to escape, but was captured and lodged in Kingston jail.

In 1838, the insurrection broke out again, and the affair of St. Eustache occurred. Finally six hundred habitants re-crossed the border under Robert Nelson, who signed himself "President of the Provisional Government." This force was concentrated at Napierville, in the county of Laprairie, and against it advanced General Sir James Macdonell. Nelson expected aid from the United States, and therefore retreated towards the frontier. He made a final stand in a church, but was immediately dislodged, and fled across the lines, leaving fifty killed and an equal number wounded behind him. Thus ended the Lower Canadian rebellion. The Constitution had meanwhile been suspended, and the Province was governed by a Special Council. On the 27th of May, Lord Durham had arrived at Quebec, and it was upon his departure the final spurt mentioned above under Nelson was made in Laprairie. It should have been mentioned that the rebel post at Beauharnois was taken by one thousand Glengarry militia under Cols. Macdonell and Fraser, with a detachment of the 71st Highlanders. After the

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\* It was at this time that Lieutenant Weir, a promising young Scottish officer, was wantonly murdered while carrying despatches.

suppression of these outbreaks, Lower Canadian history remains a blank until the Union.

In the Maritime Provinces, the course of events was, in most respects similar, with the important exception that the struggle for responsible government was carried on without resorting to physical force. Both in New Brunswick and Nova Scotia, the same system prevailed. The "family compact" party ruled throughout the years succeeding the war, with undisputed authority, yet the progress of freer constitutional views was silent, though not less secure. In Nova Scotia, the earliest efforts of the people were put forth on behalf of material and educational improvement. The letters of "Agricola" in 1818, mainly intended to stimulate scientific agriculture, were written by John Young, a native of Falkirk, Scotland. He had come out to this country in 1815, with his wife and four sons, and settled in Nova Scotia. His letters at once made an impression upon the public mind, and he was toasted by the Governor-General at Halifax, before his identity as the author had been traced.\* Mr. Young filled several important offices in the public service, and died at Halifax in the autumn of 1837. During Lord Dalhousie's term, the Presbyterian College, which bears his name, was founded for the benefit, chiefly, of Scottish Presbyterians. King's College, at Windsor, had been founded upon the firmest Anglican basis,† and all but members of the Church of

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\* At a dinner at Halifax in 1818, the Earl of Dalhousie said that "he rose to propose the health of a gentleman, who though unknown to him, it was certain, from his writings, deserved the appellation of a scholar and a patriot, and whose exertions in the cause of the prosperity of the country, called forth the esteem of every friend to its welfare." After further remarks he gave the toast of "Agricola," and success to his labours.

† Not only were tests required as in England, but one of the by-laws read as follows;—"No member of the University shall frequent the Romish mass, or the meeting-houses of

England were rigorously excluded. In 1805, the Rev. Dr. Thomas McCulloch proposed the establishment of an institution for higher learning, open to students of all denominations. The result was the opening of Pictou academy in 1819, which ultimately became Dalhousie College and University. Dr. McCulloch appears to have been a man of singularly versatile learning; and it may be mentioned that one of his pupils was Dr. Dawson, Principal of McGill University, Montreal. During Lord Dalhousie's term an attempt was made to unite the two universities, but it unfortunately fell through.\*

Lord Dalhousie's administration was of an eminently practical character. His chief aim was to develop the agricultural resources of the Province, and to stimulate road-making and other works for its material improvement. In 1820, Sir James Kempt became Lieutenant-Governor, and remained in that position until 1826. One of the first measures of the Imperial Government, during this period, was the annexation of Cape Breton to Nova Scotia. In 1827, a Roman Catholic member having been elected to the Assembly, by a unanimous vote, the House solicited the Crown to remove the obnoxious religious test. This was two years before Catholic Emancipation triumphed in England. The Lieutenant-Governor pursued the same policy as his prede-

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the Presbyterians, Baptists or Methodists, or the conventicles, or place of worship of any other dissenters from the Church of England, or where divine service shall not be performed according to the liturgy of the Church of England." It is to the credit of the Anglican Bishop (Ingles) that he strongly, though ineffectually, opposed this by-law. Campbell's *Nova Scotia*, p. 236.

\* The negotiations were conducted on the part of Lord Dalhousie by S. G. W. Archibald, Speaker of the Assembly, and the Hon. Michael Wallace, Provincial Treasurer. The Hon. A. G. Archibald, who succeeded Mr. Howe as Lieutenant-Governor of the Province, was a son of the former.

cessor in the prosecution of road-making. Complete surveys of the Province were made, and the timber trade received a powerful stimulus. It can hardly be said that politics, in the party sense, had any existence during the eight years of Sir James' tenure of office. After a brief interregnum, during which the Hon. Mr. Wallace, a Scot, administered the Government, Sir Peregrine Maitland succeeded. He arrived in August, 1829, and in that year a conflict occurred between the Council and the Assembly on the subject of the brandy duties. In 1826, on a revision of the revenue laws, a duty of one shilling and four-pence had been imposed on brandy. By some mistake only one shilling was levied; the House, therefore in 1830, resolved that it should be raised to the intended rate. The Legislative Council demurred to this measure, and asked for a conference. A grave constitutional question was thus raised, touching which neither branch of the Legislature would give way. In the Assembly, Mr. John Young ("Agricola"), the Speaker, Mr. Archibald, and Mr. Beamish Murdock, the historian of the Province, vindicated the right of the Assembly to exclusive control over matters of supply.\* A dead-lock ensued, and the session came to a close. Next year the dispute was renewed, but it ended in a triumph of the House.

It was clear that life had been infused in the body politic of Nova Scotia, and thenceforth we rise above the dead level of the more primitive time. In the autumn of 1832, Sir

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\* During the debate, Mr. Young, in the course of a luminous speech, said: "It was not merely that four-pence per gallon to be imposed upon brandy and gin, for value in money weighed nothing in the balance compared with the constitutional right which the imposition of the duty involved." Campbell, p. 269. Chief Justice Young, it may be noted, was a son of "Agricola."

Peregrine Maitland left finally for England, just before the coming storm fell upon the Province. Another interregnum followed, during which the symptoms of uneasiness became more marked. Events in the Canadian Provinces were rapidly approaching a crisis, and the contagion spread, first to New Brunswick, and subsequently to Nova Scotia. In February, 1833, the Legislature was convoked by the President, and a dispatch read from the Colonial Secretary recommending an increase in the salaries of the judges. Mr. Stewart at once moved a resolution in favour of the increase, but tacked to it a prayer, that whilst the Assembly would concede what was asked, "when required to do so in the manner prescribed in by the British Constitution," his Majesty "would be pleased to make such an order respecting the casual and other revenues of the Province, now expended without the consent of the House, as would render the same subject to the disposal and control of the House." During the debate Mr. (afterwards Chief Justice) Sir William Young, delivered a moderate speech, recommending a conciliatory course. The debates had now become much livelier, and embraced a wider range of subjects. In 1834, Mr. Stewart attacked the Council, and proposed a reform in its constitution, but for the present nothing came of the motion.

At the beginning of July, 1834, Sir Colin Campbell arrived at Halifax and the administration of Thomas Jeffery, President, came to a close. Sir Colin was every inch a soldier and a Highland Scot to boot. Born in 1792, he entered the army as ensign in 1808, and within a few weeks, when yet too juvenile to carry the colours, was engaged with his regiment (the 9th foot) on the heights of Vimiera. He served

during Sir John Moore's campaign and was present at the closing scene, when his General fell at Corunna. He was with the Walcheren expedition, and then back to the Peninsula. At the storming of St. Sebastian, he led a forlorn hope, and was twice wounded, and fought subsequently at Vittoria and the passage of Bidessoa. In 1814 he took part in the American war, then in the West Indies, and in 1842 in China. It was in the second Sikh war, however, that his rare qualities as a general first attracted public attention. At the battle of Chillianwalla, he won by a somewhat rash manoeuvre, and at Goojerat he made a brilliant *coup*, capturing one hundred and fifty-eight guns. In 1851 he was sent against the hill tribes, and forced the Kohat Pass. With only a few horsemen and some guns he forced the submission of the combined tribes—numbering 8,000 men. And yet after forty-four years' service he returned to England a simple colonel. But there was no jealousy in his nature, and he saw carpet warriors promoted over his head without uttering a complaint. He bided his time and, although his friends were more angry and impatient than he, it came at last with the outbreak of the Crimean War. Even then he was only appointed to the command of a brigade, not of a division, and remained a colonel until June, 1854. In the Crimea, Sir Colin commanded one half of the First Division under H. R. H. the Duke of Cambridge. The other brigade consisted of a battalion of Grenadier Guards, one of the Scots Fusilier Guards, and another of the Coldstreams. Sir Colin Campbell had under him the Highland Brigade comprising the 42nd, 79th and 93rd Highlanders. On the 20th of September, 1854, the battle of the Alma was fought. The advance

across the river had been made by the First Division and they were "formed up" on the opposite bank, the Guards to the right, the Highland Brigade to the left. So steadily they marched up the steep, that Lord Raglan exclaimed to his staff: "Look how well the Guards and the Highlanders advance!"\* Sir Colin Campbell had made a brief speech to his men, concluding with the words: "Now, men, the army will watch us; make me proud of the Highland Brigade." That was before the battle; when the onset began, the General had only two words for the Black Watch which was in the advance—"Forward, 42nd." He himself rode with them. He then went forward to reconnoitre, and his horse was twice shot. "Smoothly, easily, swiftly," says Kinglake, "the Black Watch seemed to glide up the hill. A few minutes before, and their tartans ranged dark in the valley—now, their plumes wave on the crest."† How gallantly the battle was won may be learned from the historians. Lord Raglan met Sir Colin, who was on foot, having lost his horse, and warmly congratulated him on the valour displayed by the Highlanders. Campbell only made one request, that so long as he commanded the Brigade, he should be permitted to lead them into action wearing, like his men, the Highland bonnet. Throughout the battles in the Crimea and the weary siege of Sebastopol the Highlanders were "aye the foremost" under their bluff, warm-hearted commander. They had not yet done with war, however. Shortly after peace had been proclaimed, the three regiments of the old Highland Brigade were to-

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\* "The First Division formed up after crossing the Alma, and although they incurred considerable loss, they nevertheless advanced in most beautiful order—really as if on parade. I shall never forget the sight—one felt so proud of them." *Letters from Headquarters.*

† Kinglake's *Crimea*, vol. ii., p. 475.

gether in India to assist in quelling the Sepoy Rebellion, and Sir Colin Campbell was with them. In addition to the 42nd, 79th and 93rd, there was notably the 78th\* and jointly they performed prodigies of valour. At the relief of Cawnpore and siege of Lucknow, Sir Colin Campbell was the conspicuous figure. He remained at his post until the last spark of rebellion had been stamped out. Created Lord Clyde in recognition of his inestimable services in the field, the old Lieutenant Governor of Nova Scotia survived until August the 14th, 1863, when he died shortly before completing his seventy-first year.†

To return to Nova Scotia and 1834. Sir Colin Campbell arrived at Halifax, as already stated, at the beginning of July. The Province was in an exceedingly depressed condition. There had been two bad harvests, the currency was deranged by an unlimited issue of inconvertible paper, and goods and property generally were seriously depreciated in value. But that was not all. In August, the cholera made its appearance, and cut down its victims by the hundred. In November, the Assembly met, and the Governor read a Speech from

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\* Sir James Outram, after one of the many actions of this war, addressed this regiment as follows: "Your exemplary conduct, 78th, in every respect through this eventful year, I can truly say, and I do most emphatically declare, has never been surpassed by any troops of any nation, in any age, whether for indomitable valour in the field, or steady discipline in the camp, under an amount of fighting, hardship and privation such as British troops have seldom, if ever, heretofore been exposed."

† Since this brief sketch of Lord Clyde was written, Lieutenant-General Shadwell has published his biography. A reviewer in *Blackwood* (April, 1881) thus speaks of his last hours: "The writer of this notice was once witness of a touching scene in a village hospital after a great battle. A cavalry trumpeter, whose death was close at hand, sprang suddenly from his bed, seized his trumpet that lay beside him, blew, with thrilling notes, the 'charge,' and then fell back and died. The same spirit moved in Lord Clyde. When the bugle sounded in the barrack square, outside the quarters where he lay, he sprang up and exclaimed, 'I am ready.' Yes, he was ready; ready in life for the call of duty—ready to die as a soldier and a Christian should die. 'Mind this, Eyre,' he said, 'I die in peace with all the world.'"

the Throne, of rather unusual length. The Crown had offered a surrender of the casual and territorial revenues, provided the Assembly gave in exchange a permanent civil list. As, however, the House had not accepted the proposal, Sir Colin stated that he was instructed not to repeat it. The quit-rents, another ground of dispute, were to be surrendered, however, if the Assembly would grant the Crown two thousand pounds a year. This offer was accepted, with the promise that the annuity should be applied to the payment of the Lieutenant-Governor's salary. Thus far the course of political events had been much the same as in Lower Canada, and the appearance of Mr. Joseph Howe in the Assembly of 1837 was the signal for another movement which made the resemblance closer. An agitation for responsible government arose, which was to bring forth fruit in years to come. Meanwhile Messrs. Young and Howe attacked the Council. Both in New Brunswick and Nova Scotia, this body was singularly anomalous in its constitution. It not only possessed legislative, but also executive functions, and its deliberations were conducted with closed doors. In short, what purported to be a second Chamber, turned out in practice to be a sort of legislative Privy Council, responsible to no one, except the representative of the Crown. As an executive body, of course, there was reason for the exclusion of strangers; but in its other capacity there was no excuse for so antiquated a system. Mr. John Young attacked also the Septennial Act, and proposed that general elections should be held every four years. The Council threw out a Bill passed by the House to this effect, but it was forced through in the following year. In 1838,

probably quickened by what had occurred in Canada, the Colonial Office, under Lord Glenelg, reluctantly consented to divide the Council in two, to be styled the Executive, and the Legislative Council respectively. Of course the appointments made by Sir Colin Campbell did not suit the majority in the House, and discontent continued.\* His Excellency spoke like a strict military disciplinarian, and through all his utterances the soldier type of rule peeps forth. Both parties appealed to England, and some concessions were, in consequence, made to the Assembly. In 1840, the Cunard Company put their first steamer afloat on the route between Liverpool and Halifax and Boston. Mr. Cunard, who was a Haligonian, put himself in communication with Mr. Robert Napier, the great ship-builder of the Clyde, and associated himself in partnership with Messrs. McIver and Burns, of Glasgow. The company was essentially Scottish in all but the name. To this period belonged Judge Haliburton (Sam Slick), whose ancestors had emigrated from Scotland in the reign of Queen Anne, and settled in the New England colonies; Charles R. Fairbanks, born at Halifax, and pupil of the Rev. Dr. Cochran, at Windsor academy; and Hugh Bell, who was not only a public man but a philanthropist.

During 1840 political agitation was at fever heat in Nova Scotia. It was a time of general agitation by public meeting and otherwise. Lord Durham's report had given emphasis to the demand for responsible government. Lord

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\* At the close of the Session, the Governor said that it was impossible to give satisfaction to all. Some persons were, no doubt, dissatisfied that they were not named to the Council; but as he was responsible to Her Majesty for the selection he had made, he would firmly resist any attempt to encroach on the Royal prerogative, or to influence him in the fulfilment of his duties. Campbell, p. 325.

John Russell had, notwithstanding his prejudices, partially conceded the principle in dispute. But the Nova Scotia Council ignored the instructions sent to Governor Sir John Harvey, of New Brunswick. In the end, though with great reluctance, the Assembly petitioned for the recall of the Lieutenant Governor. Sir Colin Campbell left the Province in the autumn of the year, personally respected by all parties, even those most at variance with him on public questions.\* Viscount Falkland succeeded, and here the course of events in the Province may be left to be taken up again in a subsequent chapter.

In New Brunswick the course of events ran in much the same groove, with the important difference that the contest was over in this Province before it had well begun in Nova Scotia. Prior to the political period strictly so-called, the efforts of rulers were here also devoted entirely to the material improvement of the Province. The Government was in the hands of a caste, whilst the people were too earnestly engaged in subduing nature to pay much attention to public affairs. Amongst the Governors of New Brunswick we find a number of Scots, chiefly military men, Generals Hunter, Balfour, and Sir Howard Douglas; and the

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\* "The political opponents of Sir Colin Campbell and his administration cherished no vindictive feeling towards him. In their intercourse with him he had been always pleasant and courteous; but the old soldier belonged to an unbending school, and was utterly unfitted by habit and training for the position which he occupied. He deemed it a point of honour to defend the Executive Council, and well nigh sacrificed his honour in his infatuated resistance to the explicit instructions of the Colonial Office." Campbell, p. 345. Sir William Young, in an address delivered at the Centennial of the North British Society in 1868, in referring to past Presidents and patrons said: "Then comes the honoured name of Sir Colin Campbell, our Lieutenant Governor at the time when the new principles of government were first developed in the Province. I differed with him in politics, but he always honoured me with his personal confidence and friendship. He was a manly, true-hearted Scotchman, and the Society did itself honour by the steadiness and enthusiasm with which they sustained him." *Annals of the North British Society of Halifax*. By James S. Macdonald.

Hon. A. Black was President in the interval between the Douglas and Campbell *régimes*, or from 1829 to 1832. In the latter year Sir Archibald Campbell became Governor of New Brunswick. Like his namesake Sir Colin, he was above all things a soldier, and an unyielding champion of prerogative. At that time no doubt there was something to be said on behalf of the military theory of government; but that writers who wielded the pen fourteen years afterwards should, when the entire system had been given up, still plead for it, seems strange to us.\* According the *dictum* of these political writers the rulers, not the ruled, were the best judges of what was good for them. Paternal government was much to their advantage, if only they had known their true interests. Unfortunately the people fancied that they did understand their own interests better than Colonial Secretaries or Governors, who backed, with all the power of the Crown, the small oligarchical faction which had turned the State into a political game-preserve. In the end the Imperial Government was constrained to admit that the people had been all along in the right, and that their own wisdom had proved to be egregious folly.

In 1832 the first step in the path of progress was made by the separation into two bodies of the Legislature and Executive Council. How they ever came to be united is a

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\* See especially Gesner's New Brunswick, p. 335. "Of late years there has been a constant effort of the popular branch to advance upon the rights and privileges of the Sovereign, and which in Canada was carried to an alarming extent. To maintain the prerogatives of the Crown, which, by the Constitution, cannot take away the liberties of the people, and to secure to the subject his just rights, should be the aim of the Government; and there are perhaps no people in the world who have less cause to complain of their rulers than those of the British American Colonies." The refreshing simplicity of this authoritative verdict upon public affairs will be better appreciated when the reader notes that the work was published in 1846.

question not to be readily solved. The Executive was, by its nature, a secret body, the advising council of the Governor, and yet, as in Nova Scotia, possessed Legislative duties, and sat with closed doors. Two branches of the Legislature were thus practically one, and its heads had the entire power of government. The Assembly was utterly powerless, since the only check they possessed upon arbitrary rule was denied them; they could not effectively withhold the supplies until popular demands were complied with. The next ground of complaint was the management of the Crown Lands. No system could have been devised so likely to lead to abuses. The Chief Commissioner was an officer entirely independent of legislative control. He received a splendid salary, which fees and perquisites augmented, and lived in a style of ostentatious magnificence. In 1832, the Assembly called for an account of the revenue derived from this source, and was politely told to mind its own business. Delegates were sent to England to represent the state of affairs to the Colonial Office, and an arrangement, agreeable to the House, was made by Mr. Stanley (the late Lord Derby), at that time Secretary for the Colonies. Through some crooked manœuvring by the back stairs, however, the reform was not carried out. The Land Company was a monopoly of the most objectionable type, and made matters worse. The Joseph Howe of New Brunswick then appeared in the person of Mr. Wilmot (afterwards Lieutenant-Governor). In 1836, he moved for a return of the Crown Land funds, but only received a bald general statement from the Governor. Another deputation visited England with a petition in favour of a surrender of all the revenues to the

Assembly. Lord Glenelg acceded this time, and the casual and territorial revenues were surrendered on condition that a permanent civil list were provided. Sir Archibald Campbell refused to sign the Civil List Bill,\* and resigned. His successor, Sir John Harvey, to whom reference has already been made, succeeded in restoring harmony in 1837, and the crisis was over. The Civil List Bill became law on the 17th of July amidst demonstrations of joy from the Reform party, and its chiefs found themselves now in the Executive Council. The year 1837, which brought the New Brunswick struggle to an end, witnessed, as we have seen, the commencement of another in Nova Scotia.

Public affairs in Prince Edward Island do not call for very minute attention. There the great bone of contention was the land system, of which a fuller account may be given hereafter. The breeze of discontent which affected the other North American colonies from Halifax to Sandwich, was long in making any impression upon the feudal system established in the island. In 1813, so secure were those in power, that Mr. Charles Douglas Smith, the Governor, re-enacted, in a small way the unconstitutional rule of Charles I. In 1813, he prorogued Parliament in a brusque manner, and did without one very comfortably for four years. Three Assemblies were then successively called, all of which were found unmanageable, and therefore sent about their business.

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\* The pretext for this extreme measure was, that the amount (£14,500) was not sufficient to repay the needs of civil government, since some expenses, such as the salaries of the Circuit Court judges, had not been provided for. The truth was, the dominant party dreaded the power conferred upon the Assembly; and Sir Archibald Campbell apprehended that the House might launch out into lavish expenditure, so soon as the large sum of £171,000 odd was handed over to them for distribution. As a matter of fact his fears proved to be well-grounded.

In fact, for a whole decade, there was no such thing as parliamentary government in Prince Edward Island. The Governor took upon himself all the functions of government, collecting the quit-rents, forcing sales, and plunging the entire colony into distress. Then followed riotous assemblages, at which open charges were made against Mr. Smith. A Mr. Stewart, who had protested against these arbitrary acts, only saved himself from arrest by flight. He reached England, and upon his representations and proof of the facts, Governor Smith was recalled. The succeeding Governors were of a different stamp; yet the popular spirit had been aroused, and nothing would satisfy it save the establishment of responsible government; but the time had not yet arrived for that concession. Still much was done in the way of reform. The Catholics were emancipated in 1830; in 1837, the Governor attempted to deal with the land question. The soil of the island was owned mainly by a few absentee landlords, who intended their property to remain in a state of nature, so that they might profit by the energy of those who tilled the land. The House had suggested a heavy tax upon wild lands, and the forfeiture to the Crown of all estates upon which arrears of the tax were due. But the Colonial Office, whose ears the land-owners had gained, would not listen to the proposal. In this state were public affairs in Prince Edward Island at the opening of the year 1841.



## CHAPTER V.

CANADA FROM 1840 TO 1867.

THE abortive rebellions in the two Provinces, like the war of 1812, had the immediate effect of stimulating political activity, and entirely diverting the current of public affairs. The skill and address of Mr. C. Poulett Thompson (afterwards Lord Sydenham of Toronto) surmounted the grave objections advanced in both Provinces against the project of re-union. The Home Government saw clearly enough that there was no prospect of permanent contentment unless by undoing the Constitutional Act of 1791. In Lower Canada, the representative system was under suspension, and the government carried on by a Special Council. The aim of the colonial office, therefore, was by a union of the Provinces, to give the British and loyal population a majority in the Legislature. It was supposed that by establishing, from the outset, an equality of representation, although Upper Canada was really inferior to the Lower Province in numbers and revenue, some security would be given for the ascendancy of the English-speaking race. A minority in Lower Canada, chiefly representing the eastern townships, was British, and it was naturally supposed that they would unite with the members from Upper Canada. It seemed clearly the purpose of the Imperial Government if possible

to swamp the French malcontents, and make the future Parliament predominatingly British. Hence the violent opposition to the union in Lower Canada. However, as the people there had no voice in the matter, their protests counted for little.

In Upper Canada, it might have been thought that the advantages to be reaped from the proposed measure were obvious enough. The finances of the Province were in a woful condition. Lower Canada collected the customs duties at Quebec, and although some sort of provision had been made for an equitable division of the fiscal revenue, as a matter of fact, the Upper Province reaped little or no benefit from it; on the other hand it had no power to levy import duties. The Union Bill by giving each section equal representation, and charging debts upon the Consolidated Revenue Fund of the United Province, gave the west a balance of profit out of the new partnership to which it had no equitable claim. On the other hand, the dominant party saw with dismay the prospect of a coalition, in a single Assembly, of the Reform elements in both Provinces. They well knew that the boon of responsible government vaguely promised would before long be made a reality. They trembled for the loyalty and religion of Canada, and feared that the Union Bill would prove to be a revolution in disguise. It must be confessed that, apart from personal and party considerations, there was no small cause for apprehension. The prospect of having a compact body of French Canadians, ready to throw in the weight of their influence with an Upper Canadian minority was not an inviting one. In after years

the cry of "French domination," however, was heard not from the Conservative, but the Liberal side.

At that time, the loyal party apprehended "the greatest danger to our civil and political institutions, and even to our connexion with the parent state." \* They only yielded because it was evident that the Imperial Government was bent upon the prosecution of the measure. An attempt was made by Mr. Sherwood to expunge the equality clause, and substitute a provision by which Lower Canada would have fifty members, and Upper Canada sixty-two as before. This amendment was rejected by a vote of thirty-six to nineteen. The discussion need not trouble us further here; it may suffice to mention that the measure, as drawn up by Sir James Stuart, passed almost as he drafted it.†

The Governor-General had been raised to the peerage in August, 1840, and on the 14th of June, 1841, he opened the first session of the first Canadian Parliament at Kingston, which had been selected as the seat of government. In the previous year, it should be noted, two important questions were temporarily adjusted. The Clergy Reserves were apportioned amongst the religious bodies, one-half to the Churches of England and Scotland, the other to recognised "Christian denominations," in proportion to their private contributions, vested rights being secured. The other event

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\* From Sir Allan McNab's Address, as Speaker on behalf of the Assembly (13th of January, 1840). Christie, v. 345.

† By far the best summary of the Upper Canada objections will be found in a *brochure* addressed to the Colonial Secretary, Lord John Russell, by Chief Justice Robinson, entitled *Canada and the Canada Bill*, pp. 198. London, 1840. The Lower Canadian case will be found in Christie, vol. v.; Garneau, B. xvi., ch. iii; Turcotte; *Le Canada Sous l'Union*, Introduction. The dispatches of Lord John Russell and Mr. Poulett Thompson are given in McMullen, *History*, ch. xxii.

was the formal concession of the principles of responsible government by the Crown. His Excellency, in reply to an Address from the House, declared "that he had been commanded by Her Majesty to administer the government in accordance with the well understood wishes of the people; and to pay their feelings, as expressed through their representatives, the deference that was justly due to them." Thus for a time, at all events, all burning questions were adjusted. Attorney-General Hagerman, who had opposed the Union Bill, was dismissed, and Mr. Draper appointed in his place.

The new House was largely Unionist and Liberal, and a French Canadian Reformer was elected Speaker.\* The speech from the Throne was eminently practical, being chiefly filled with the recommendation of measures to develop the resources of the country by public works, especially the improvement of river navigation. It announced that the Imperial Government was prepared to guarantee a loan of a million and a half of dollars in aid of public works, and concluded with an appeal in favour of an effective system of elementary instruction for the people. Mr. Cameron moved the Address in reply to the speech from the Throne; but it was not destined to pass without debate and opposition. The Lower Canadians felt that now, at the first opportunity, it was

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\* Amongst the Upper Canada section are to be found the names of James Johnston, J. Sandfield Macdonald, Sir Allan N. McNab, J. McGill Strachan, Malcolm Cameron, James Morris, David Thorburn, E. C. Campbell, John Gilchrist, Donald McDonald, Alex. McLean, and Isaac Buchanan; and from Lower Canada, John Hamilton, Colin Robertson, Robt Christie, Henry Black, David Burnet, John Neilson, and Michael McCulloch, all Scots. Turcotte, p. 66. Of the twenty-four Legislative Councillors, we may note the names of Robert S. Jamieson, William Morris, Alexander Fraser, Peter McGill, James Crooks, John Fraser, Adam Ferguson, John Hamilton (now a Senator), John Macaulay, John Macdonald, Adam Ferrie, and Thomas McKay—exactly one half of the body. *Ibid.*, p. 70.

necessary to protest against the Union, or "forever after hold their peace." The Hon. John Neilson, whose career has been already sketched, was selected as their spokesman. The amendment expressed regret "that the more populous section of the Province, which formerly constituted Lower Canada, by section of an Act of 1791, had not been consulted upon the governmental constitution substituted for that which was established under the said Act; and that there are features in the measure which now settles the Government of Canada, which are incompatible with justice and hostile to the common rights of British subjects." \* Mr. Neilson's speech was marked by its moderation. His motion was supported by the Hon. Robert Baldwin (who had resigned the Attorney-Generalship), and Messrs. Hincks, Price, Durand, and other Upper Canadian Reformers. It was, however, defeated by a vote of fifty to twenty-five. Mr. Neilson made a second attempt on the question of a loan proposed by the Government. This amendment, which was really the double-majority principle in embryo, was supported by Messrs. Baldwin and Hincks. Another made also by the member for Quebec in more general terms, received the support of Sir Allan McNab and Mr. Sherwood, Conservatives, and was only defeated by thirty-four to twenty-nine. At the close of the Session, Lord Sydenham, who had been in delicate health, received injuries by a fall from his horse, which caused his death in September, 1841. He was an eminently wise and conciliatory ruler, and died amidst the sincere regrets of all Canadians without distinction of party.

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\* Turcotte: *Le Canada*, &c., vol i., p. 74.

It now seems well to take up some of the more prominent Scots of the time in order, and trace their careers in biographical form. The first name upon the list is that of a Scoto-Canadian of the true Highland stock of Glengarry. The Hon. John Sandfield Macdonald was born at St. Raphael on the 12th of December, 1812. His grandfather had come to this country in 1786 with one of those Highland migrations which together made up the Glengarry colony. The future Premier had the misfortune to lose his mother at an early age, and, as the future sketched out for him did not please young Sandfield, he struck out a path for himself, with characteristic independence and self-reliance. On two occasions he ran away from home in search of fortune, and was brought back. He finally engaged himself to a store-keeper, with whom he remained two years. At Cornwall, he made a similar engagement; but the fire of ambition burnt fiercely within him, and he determined, by vigorous efforts, to enter a liberal profession. In 1832, although in his twentieth year, young Macdonald entered the Cornwall Grammar School, at that time directed by Dr. Urquhart. By sheer dint of plodding, in two years he was proclaimed "dux" of the school. In 1835, he had passed his preliminary examination before the Law Society, and entered the office of Mr. (afterwards Chief Justice) McLean, as an articulated clerk. When his principal was elevated to the Bench, Mr. Macdonald served the balance of his time with Mr. Draper, the future Chief Justice of the Court of Appeal. In 1840, he was called to the Bar, and commenced to practise in the town of Cornwall.

He was hardly well in harness before he was invited to

the representation of his native county (Glengarry) in Parliament. Mr. Fennings Taylor has remarked that this was no ordinary compliment to be paid to one so little known in connection with public affairs. However, the constituency was not hard to please, and so long as it could secure one of the real old stock, cared very little whether he called himself a Conservative or Reformer.\* Mr. Macdonald never issued an election address, but was returned in 1841 nominally as a Conservative. Parties, however, were at that time in so chaotic a state, that it mattered little what a member styled himself. Messrs. Baldwin and Draper were members of the same Government, and a new member had some difficulty in fixing his political attitude. At all events his first vote was given against the amendments of Mr. Neilson. Sometimes he was to be found with the Upper Canadian Conservatives, and sometimes with the Reformers ; but his general attitude was one of opposition. On the question of responsible government there was, at least, an approach to unanimity. Resolutions on the subject were proposed by Mr. Baldwin, but were replaced by others drawn by Mr. Harrison, and the question was to all appearance finally settled. In 1843, the course pursued by Lord Metcalfe, to which it will be necessary to return again, separated Mr. Macdonald from his old friends, and he thenceforward acted as a Reformer, of the independent sort. At this crisis Mr. Macdonald certainly acted with great courage, since the Glengarry Highlanders were, when aroused, strictly loyal Conservatives. Yet notwithstanding their inclination to the side of authority, their representative carried them with him when he espoused the

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\* *Portraits of British Canadians*, p. 96; Morgan, p. 537.

cause of the ex-ministers. His Gaelic and English harangues fired the Celtic blood, and Glengarry became, like its member, Reform to the backbone. The people of that county, nineteen-twentieths of whom were Highlanders, were not in the habit of doing things by halves, and having chosen their standard-bearer, like their forbears, they were singularly indifferent to the hue of the colours he bore into action.\* They not only returned their old member by a larger majority, but became permanently a Liberal constituency.

It was not until December 1849 that Mr. Macdonald took office. At that date he succeeded the Hon. W. H. Blake, who had been made Chancellor, as Solicitor General West, in the Baldwin-Lafontaine administration. In 1851 when Mr. Baldwin retired and was succeeded by Mr. (now Sir F.) Hincks, contrary to general expectation, Mr. Sandfield Macdonald was not appointed Attorney-General. Whether he declined the office, or, as would appear more likely, was intentionally passed over, is not clear. That he was entitled to the post by traditional usage is certain; and his resignation of the Solicitor Generalship would seem to show that he felt piqued. When a new Parliament assembled in 1852, he was elected Speaker, on motion of Mr. Hincks, by a vote of fifty-five to twenty-three. In 1854, the Houses had not been convened until the latest day allowed by law. A vote of non-confidence on the Address caused an immediate prorogation and the House was dissolved. Hence arose a serious constitutional question. "The law provides that a session must be held within periods not later than twelve months of one another; and Parliamentary usage has estab-

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\* A more extended account of the Glengarry folk will be given hereafter.

lished that, to constitute a session, one bill, at least, must be passed through all its stages of both Houses."\* Mr. Fennings Taylor seems to think that, in protesting against this breach of law and custom, Mr. Speaker Macdonald intended to administer a grave reproof to the Governor-General. It rather appears that he was simply performing his duty as the mouth-piece of the Assembly, although he may probably have had as a secondary and subordinate object to pay off the Government for old scores. They had rejected him as a colleague, and the opportunity now presented itself of snubbing them. In temperate language the Speaker addressed His Excellency at the bar of the Council. "It has been," he said, "the immemorial custom of the Speaker of the Commons House of Parliament to communicate to the Throne the general result of the deliberations of the Assembly upon the principal objects which have employed the attention of Parliament during the period of their labours. It is not now part of my duty to thus address your Excellency," because no act or judgment had been passed. He then pointed out that the passage of an Act is necessary to constitute a session and that Parliament had been prevented from accomplishing this, by the abrupt summons of the Governor-General. "At the same time," he concluded, "I feel called upon to assure your Excellency, on the part of Her Majesty's faithful Commons, that it is not from any want of respect to yourself or the august personage whom you represent in these Provinces, that no answer has been returned to your gracious Speech from the Throne."

There can be little doubt that the Speaker was really

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\* *Portraits*, p. 99.

within his right in making this protest. It is said that Lord Elgin showed manifest signs of impatience during the delivery of this address; but that may well be attributed to the vexation felt by an eminently constitutional ruler, at having been betrayed into a false step by his advisers. During the opening session of the new Parliament, Mr. Macdonald showed clearly that it was not the Governor-General but the Premier at whom his shafts were aimed. The elections had left the Government in a minority in Upper Canada, and the new element of opposition in the person and following of Mr. George Brown, had been materially strengthened. On the election of Speaker, the Hincks-Morin Government found itself in a minority of two, Mr. Sicotte being elected over Mr. Cartier, the ministerial candidate. The necessary consequence was the resignation of the Cabinet, and the formation of the McNab-Morin Government in its place.

Mr. Macdonald now became an independent member of the Opposition. He never entirely sympathized with the western section of his party. He was, to begin with, a Roman Catholic, and saw with regret the attitude assumed by those with whom he generally acted, towards his Church. Moreover he was opposed to the principle of representation based upon population, and preferred the adoption of the "double majority," under which the Government of the day must resign or appeal to the people, if it failed to command the support of a parliamentary majority from both sections of the Province. He thus stood isolated from his friends, and the influence he exerted was solely due to his individual force of character. When the two-days' Ministry of 1858 was formed, Mr. Brown selected the honourable gentleman as Attorney General West.

As we shall see hereafter, there was no sacrifice of principle on either part, since the principle of local autonomy was to be granted, with "some joint authority" for affairs in common to both Provinces.

In 1862, Mr. Macdonald playfully described himself as the political Ishmael;\* yet in the same year, when the Cartier-Macdonald administration was unexpectedly defeated on the second reading of the Militia Bill,† he was called upon by Lord Monck to form a Government. Mr. Brown was not a member of this Parliament, having been defeated at Toronto, and Mr. Macdonald was naturally chosen as the leader of his party. This attempt to form an administration was as courageous as that of the late Lord Derby in England ten years before; since it was felt that there was no promise for it in the future. On the 8th of May, 1863, a direct vote of non-confidence was proposed by Mr. (Sir) John A. Macdonald and carried by sixty-four to fifty-nine—a majority of five. The House was at once prorogued with a view to dissolution. Here a fatal mistake was committed—that described by Mr. Lincoln as swapping horses while crossing a stream. The Lower Canada section was entirely remodelled, Mr. Dorion succeeding Mr. Sicotte as Attorney General East. The Cabinet thus acquired a distinctly Rouge and Radical tinge. Moreover, Mr. Macdonald distinctly abandoned his double-majority stand-point by choosing his eastern colleagues from the ranks of the minority. Of course it was open to him to plead that he trusted to obtain a majority in Lower Canada

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\* *Portraits*, n., p. 102.

† The vote stood, yeas 54, nays, 61.

at the approaching elections, but he must have felt that there was little prospect of his doing so.

When the new House assembled it was found that although Ministers were in a majority in Upper Canada, they had made little progress in the sister Province. On the choice of Speaker, Mr. Macdonald had a majority of eight. A motion of want of confidence, pressed to a division, was lost by a vote of sixty-one to sixty-four. By avoiding the shoals in its way, the Government managed to tide over this Session; but in 1864 it became evident that the end was near. The Premier attempted to strengthen the Lower Canadian wing of his party, by making overtures to Sir Etienne Taché; but these were declined. A split in the party on the question of representation by population made matters still worse, and Mr. Macdonald finally resigned, to be succeeded by Sir E. Taché. However, the new Government found itself in as awkward a position as its predecessor, for it was in turn defeated on a trivial question by a vote of sixty to fifty-eight. It was now clear to both parties that a new departure was necessary. Hence the Coalition Ministry, of which more will be said hereafter. The project of a confederated British North America was introduced and carried, Mr. Sandfield Macdonald and thirty-two others voting against it.

In 1867, the first year of the Dominion, a new sphere of usefulness was opened up for Mr. Macdonald. He became Premier of the Province of Ontario, the head of a Coalition Government. For four years he laboured with diligence and ability in the organization of the various departments of legislation and administration. Too little praise has been awarded him for the energy and power he displayed during

this period. Party feeling, however, had again grown high, and after the elections of 1871, finding himself in a minority, Mr. Macdonald bade adieu to office for ever. He remained in Parliament, however, until his death, which took place on June 2nd, 1872, at Cornwall. Mr. Macdonald was tall and spare in frame, and for many years suffered from lung disease. Considering the infirm state of his health, the vigour and strength he displayed were astonishing. That he possessed extraordinary administrative powers will be admitted by all parties. He was eminently blunt and straightforward in the expression of opinion, as became one of the good old Highland stock. Personally he attached to himself hosts of friends; but politically, he was too independent to make a good party leader. That his aims were upright, and his personal character singularly above the suspicion of public wrong-doing, is beyond dispute. At the time of his decease he was "the Father of the House," having sat in it continuously for more than thirty years.

The next Scot of the first Union Parliament of 1841, who calls for special mention, is the Hon. Malcolm Cameron, member for Lanark. His father, Angus Cameron, was a hospital sergeant; he himself was born on the 28th of April, 1808. The future Legislative Councillor had a somewhat romantic youth. In 1816, his father settled at Perth, where he appears to have kept an inn. Perhaps it was there that young Malcolm acquired that distaste for the liquor traffic which made him so prominent an advocate of total abstinence later in life. When only twelve years of age he went on a farm and kept the ferry across the Mississippi River. He was thrown much into the company of Radical Scots, and

soon imbibed their political opinions. On his father's death, he obtained a situation at Laprairie, but, being badly treated, left it in 1824, and made his way to Montreal in the depth of winter. On his arrival there with both cheeks frozen, he was hired as a stable-boy, and thus earned enough to take him home to Upper Canada. He now went to school and studied hard, shortly after being engaged as clerk in the distillery of the Hon. A. Graham. Neither of his parents had been intemperate; but his mother had early trained him in the principles of total abstinence, and he was proof against temptation. He spent four years in this place, occupying all his spare time in study. In 1833, when on business, he visited Scotland, and married his cousin, Miss McGregor, of Glasgow. Three years after, he was elected for Lanark in the Upper Canadian Parliament, and immediately took an active part in the opposition to Sir F. Bond Head. He was a warm admirer of Lord Sydenham, and is said to have been offered the post of Inspector-General in the first Cabinet after the Union. Under Sir Charles Bagot, he effected great improvements in Custom-house management as Inspector of Revenue, and became Assistant Commissioner of Public Works in the Baldwin-Lafontaine Administration of 1848. He was subsequently made President of the Council. In the Taché-Morin Government of 1853, he served as Postmaster-General, and afterwards as Minister of Agriculture. Mr. Cameron sat in the House for twenty-six years, and was elected ten times for various constituencies: Lanark, Kent, Lambton and Huron. In 1860, he was chosen as representative of the St. Clair Division in the Council. Mr. Cameron withdrew from

public life on accepting the office of Queen's Printer, which he held for some years. He subsequently offered as a candidate for one of the ridings of Ontario, but was defeated. Mr. Cameron's connection with the press extended fitfully over many years. He founded the *Bathurst Courier* at Perth in 1834, and conducted it for three years; assisted in establishing the *North American*, edited by Mr. (the Hon.) Wm. McDougall, as the organ of the "Clear Grits;" and the *Huron Signal*, conducted with distinguished ability by Thomas McQueen at Goderich. Malcolm Cameron was proud of his success, and he had some reason for pride. He owed nothing to wealth or connections, but was strictly the builder of his own fortunes. His open, frank countenance and demeanour won for him many staunch friends; his business tact recommended him to party leaders; and whenever the opportunity offered, he was a faithful and diligent public servant. In the temperance movement he was a host in himself, throwing himself into it with more fervid enthusiasm than into politics. He died at Ottawa at the age of sixty-eight, on the sixth of June, 1876.

An account has already been given (p. 347) of Sir Allan McNab's early life and military career. It only remains to sketch briefly his political life. A staunch Conservative, from first to last, he was not a blind partizan; for, on more occasions than one Sir Allan proved his independence, and also a ready willingness to acknowledge mistakes, as in the Mackenzie case. His first connection with political life was, on the surface, ill-omened; but in reality the first step to success. In the year 1829, he was examined before a com-

mittee of the Assembly, in the matter of the "Hamilton outrage" already referred to. Dr. Rolph submitted an awkward question which Mr. McNab refused to answer. This being reported to the House, Dr. Baldwin moved that he had been guilty of contempt, and Mr. Mackenzie followed up this motion by another, that the witness be committed to gaol during pleasure. Of course he remained there until the close of the session; but at the general election, 1830, he was returned for Wentworth with the Hon. John Wilson, as colleague. Up to the time of the Union he sat for the same constituency, and during the last House was its Speaker.

In 1841, he contested the city of Hamilton, with the Hon. S. B. Harrison, Lord Sydenham's chief Minister, defeated him, and continued to represent that city until his retirement in 1857. At the time of the Rebellion he was Speaker, and went into the field in command of "the men of Gore"—the name of the district of which Wentworth and Hamilton formed part. To the affair of the *Caroline* allusion has already been made; it is only necessary to add that Mr. McNab was knighted for his services during the insurrection. He soon after became Queen's Counsel, and conducted Crown business at county assizes. In Parliament after the Union, he was a determined opponent of the Government, and for a time allied himself with the French Canadians against the Government and the Governor. He had been defeated in the struggle for the Speakership, and felt somewhat sore at the time. In September, 1842, the Conservative members of the Cabinet resigned, and the party united under Sir Allan in opposition. Then followed the Metcalfe period, and after the elections of 1844, the result of the Gov-

ernor-General's personal exertions became apparent; since the member for Hamilton was elected Speaker, notwithstanding his ignorance of the French language, in preference to Mr. Morin. In 1848, Sir Allan once more found himself leader of the Opposition, and next year took an active part in the struggle against the Rebellion Losses Bill. When Lord Elgin appended his signature to it, the embittered party despatched their leader to England to secure, if possible, the disallowance of the Act; but he failed. On the defeat of the Hincks-Morin government in 1854, Sir Allan became Premier, with Mr. Morin as his chief Lower Canadian colleague in a coalition ministry. In 1855, Sir Etienne Taché succeeded to the Lower Canada leadership, and in 1856, Sir Allan "not willingly," says Mr. Fennings Taylor, but from some differences of opinion with his colleagues, resigned. The ostensible cause was the failure of the government to obtain an Upper Canadian majority on the question of the seat of government. On an amendment moved by Mr. Holton, Sir Allan had a gross majority of twenty-three, but failed to secure a sufficient vote from the upper Province.\* Messrs. Spence and Morrison at once resigned, and Mr. (Sir) John A. Macdonald followed their example. Sir Allan McNab then retired, making way for his old colleague, the Attorney-General. That he was deeply hurt is shown by a remark made in the House that his colleagues had shown a want of confidence in him. Next year disappointment or ill health, perhaps both, led him to resign his seat for Hamilton, with a view to taking up his perma-

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\* Turcotte, ii., p. 293. The vote stood, Yeas, 70, nays, 47: but of the forty-seven, thirty-three were Upper Canadian members, whilst in the majority there were only twenty-seven.

ment residence in England.\* His farewell address to the constituency was written with much dignity and feeling. It concluded with words which really disclose the brave old knight's generous but sometimes wrong-headed nature: "One word before we part, and that is, if in times of trial and great excitement I have erred, I trust you will kindly ascribe it to an error of the head and not of the heart."† After his futile contest at Brighton, Sir Allan returned to Canada, and was elected to the Legislative Council for the Western Division in the room of Col. Prince, who had accepted the office of judge in the Algoma District. In 1856 he had been raised to the baronetcy, and made aide-de-camp to the Prince of Wales, in 1860. At the time of his death at Dundurn Castle, Hamilton, on the 8th of August, 1862, he was Speaker of the Upper House. Sir Allan makes a grand figure in early Upper Canadian history, and, with all his faults, mostly, as he said, those of the head, his memory deserves to be held in deep respect because of his singleness of purpose, his blunt honesty and goodness of heart.

The Hon. William Morris, one of the Legislative Councillors of 1841, has already been alluded to in connection with the war (p. 364). In 1820, he became a member of the Upper Canada Parliament, and in the same year received a testimonial in plate from the Glasgow creditors

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\* Mr. Taylor says: "In 1857

His battles and the gout  
Had so knocked his hull about,

that he left Canada." *Portraits*, p. 320.

*Apropos* of the gout, an authentic anecdote of Sir Allan McNab may be added. While he and the late Chancellor Vankoughnet were fellow passengers on an Allan steamer, in what was supposed to be imminent danger of sinking, the knight, being unable to move or aid himself on account of the gout, appealed to his friend's sympathy thus: "My dear Van., I know you will not desert me—let us go down together."

† *Portraits*, p. 320; Morgan, p. 473.

of his father as a mark of gratitude for the honourable manner in which he and his brother Alexander, who was in business at Perth, had discharged in full all the debts of the estate. Mr. Morris at once took up his position as champion of the Church of Scotland. He claimed, on its behalf, a fair share in the Clergy Reserve fund, and, as we know, carried his point. After being returned for Lanark, in 1836, he was elevated to the Legislative Council. In 1837, as already stated, he was active in reorganizing the county militia, for the spirit of 1812 was still strong in his bosom. Under Lord Metcalfe, during 1844-46, as Receiver-General, he approved himself a "valuable public servant." For the next two years, he was President of the Council, and retired from public life when his party surrendered in 1848. In 1853, he was stricken down by a painful disease, which proved mortal at last, and died at Montreal, on the 29th of June, 1858, leaving behind him a spotless name for integrity, and a public and private record of which no Scot need feel ashamed.

The Hon. James Morris, a son of the Alexander mentioned above, was also in the Assembly of 1841. He was born at Paisley, in Scotland, in 1798, and was brought out to Canada when only three years of age. In 1837, he was returned to the Assembly. In 1838 he was a commissioner on the St. Lawrence canals, and in 1844 became a member of the Legislative Council. Under Lord Elgin, in 1851, he served as Postmaster-General—the first who held the office after the transference of the postal revenues to the Province. Mr. Morris at once set himself to the work of reform. He visited Washington, and entered into a postal treaty with the United States. The average rate of inland postage had hitherto been sixteen

cents ; he at once established a uniform rate of five cents. In 1853 and 1854, the hon. gentleman was Speaker of the Legislative Council, and in the two days' government of 1858, he again occupied the same position. In 1864, Mr. Morris had an important part in the negotiations which resulted in the formation of the Coalition Government, but did not take office. He died at Brockville on the 29th of September, 1865. A staunch Reformer, he was also a man of unblemished probity and considerable administrative ability.

The Hon. Adam Fergusson was one of the original Legislative Councillors from the Union. He never took office, but will always be remembered in the western peninsula for the stimulus he gave to rational and scientific agriculture. Born at Edinburgh, in March, 1783, he was the son of Neil Fergusson, of Woodhill. The family was of the old Highland stock, long established in Perthshire, and his farmer tastes were hereditary. Like his father, he became an advocate, as many of the gentry do in Scotland, without any intention of practising. His heart was in the country, and, from first to last, the land had the first place in his extradomestic affections. In 1833, he came out to Canada, and, in connection with Mr. James Webster, of Guelph, founded the village of Fergus, in what is now the county of Wellington, at the junction of the Irvine and Grand Rivers. His own residence was in the neighbourhood of Hamilton, where he lived on an estate to which he naturally gave the name of the property, held in right of his mother by his father, Neil. He was known far and wide as "the laird of Woodhill"—a landed proprietor remarkable for his thorough acquaintance with husbandry, as well as for his benevolent and generous

disposition. In person, he was tall, the picture of health and activity, and to the last he adhered to the old-fashioned dress which, a century ago, marked out the gentleman farmer.

In 1839, he was called to the Legislative Council of Upper Canada; in 1841, to the same body under the Union, and he continued to sit there up to the time of his death. In politics Mr. Fergusson was a Whig at home, in Canada he called himself a Constitutional Reformer. He never tolerated, still less advocated extreme measures although he invariably acted with the Liberal party.\* Lord Sydenham found in him an ardent supporter, and throughout his public career he was a moderate Reformer. It is principally, however, as an agriculturist that he will hereafter be known. On the first Board of Agriculture he sat as a Director, and to him, with others, is due the credit of establishing the Agricultural Association, of which he was repeatedly President. To him, also, we owe the establishment of a chair of Agriculture in University College, Toronto. He died on the 26th of September, 1862, highly respected by all who knew him. His son, Adam Johnston Fergusson, may be briefly noticed here. Born at Balthayvock House, Perthshire, in 1815, he came out with his father, in 1833, and became a barrister. In 1849, he was returned for Waterloo, and in 1854 for the South Riding of Wellington, on the partition of the counties. In 1860, he was elected for Brock Division to the Legislative Council, and, in 1863, succeeded Mr. Morris, as Receiver-General. When the Cabinet was re-constructed, in May of

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\* Mr. Fennings Taylor, to whose *Portraits* we are indebted for most of the facts here given, makes the shrewd remark that "the English Whig, like Colonel Prince, for example, will generally be found voting with Canadian Conservatives; while the Scotch Whig, like the subject of our sketch, will as generally be found voting with Canadian Reformers."

that year, he became Provincial Secretary, and retained his office until the fall of the Macdonald-Dorion Cabinet. In 1862, he took the additional name of Blair, on coming into possession of the maternal estates. In 1866, he was once more in office, replacing Mr. Brown, and in 1867, he became a Senator and President of the Council in the Dominion Cabinet. He died in office towards the close of the year.

The Hon. John Hamilton, "the father of the Senate," still lives and attends punctually to his legislative duties. His father, the Hon. Robert Hamilton, was, we believe, born in Scotland. The Senator himself first saw the light at Queenston, Ontario, in 1801. His wife, one of the Macphersons of Inverness, survived until 1873. Mr. Hamilton was president of the Commercial Bank for seventeen years, and also for some time of the St. Andrew's Society of Kingston. Appointed to the Legislative Council in 1841, and to the Senate in 1867, he has now occupied a seat in one or other Upper House for forty years. He is still hale and hearty at the age of eighty years. Another veteran, who passed away some years since was the Hon. James Leslie. His father, Capt. James Leslie, of the 15th Foot, was Assistant Quarter-Master in Wolfe's army at the taking of Quebec. The future Senator was born at Kair, Kincardineshire, in 1786, and received his education at Aberdeen. He was for many years a merchant at Montreal. Served with the Montreal Volunteers during the war of 1812, and remained an officer until 1862, when he retired as Lieutenant-Colonel, retaining his rank. Mr. Leslie represented Montreal in the Lower Canada Assembly from 1824 until the Union, and sat for Verchères from 1844 to 1848, when he was called to the Legislative

Council. In 1867 he became a Senator and remained a member until his death. Mr. Leslie only held office during a brief period, as President of the Council from March to September, 1848, and Provincial Secretary thenceforward until October, 1851. He died in 1873 at the advanced age of eighty-seven.\*

One of the most fiercely contested elections in 1841 was that of Toronto. The candidates were Henry Sherwood and George Monro, Conservatives, and the Hon. J. H. Dunn and Isaac Buchanan, Liberals. There was thus a Scot on each side. Mr. Monro, who only died a few years since, was a well-known and highly respected citizen, who filled in Toronto the office of Mayor during 1840. On this occasion he was unsuccessful, but he was returned for the third division of York, at a by-election, succeeding Mr. J. E. Small. He retained his seat, however, only until the election of 1847, when he was defeated by the late Chancellor Blake. The Hon. Isaac Buchanan has made a more conspicuous figure in public life. He was born at Glasgow on the 21st of July, 1810. His father was a merchant; but the son appears to have been originally marked out for a professional career. He was just on the eve of entering college when accident changed the whole course of his life, and he entered the office of a mercantile firm. The father appears to have been somewhat disappointed; still, with the shrewd common sense of the Lowland Scot, he yielded. Mr. Buchanan entered the service at fifteen, and before he was twenty he had become a partner and the whole of the Canadian department was

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\* Le Moine: *The Scot in New France*, Appendix C.

placed under his control. In 1830 he removed to Canada, after a short residence in New York. His first place of settlement was Montreal; he then, in 1831, established a branch in Toronto. The business was subsequently extended to Hamilton and London. The firm of Buchanan, Harris & Co. was soon well known by its success not only in Canada, but in Great Britain. In politics Mr. Buchanan was extremely moderate. He had no sympathy with the Rebellion, although he held strong opinions about the Clergy Reserves, and was every inch a Reformer. In 1841 occurred the memorable contest for Toronto, already alluded to. Those who remember it are never tired of recalling the stirring incidents of the time. Political passion rose to fever-heat, and not a little violence was the result. In those days party colours were worn, and processions with bands formed a salient feature in the canvass. There was only one polling-place, and it was kept open for the reception of votes from nine on Monday morning until five on Saturday evening. During the whole of that interval the old-time weapons of intimidation and violence were kept in use, as well as another which we can hardly flatter ourselves the country has yet relegated to the museum of political curiosities—bribery. "Who is this Mr. Buchanan?" asked a placard, and answered its own question, "He was only a shop-boy the other day." Mr. Buchanan knew how to turn this reproach to account. Holding up the placard in his hands, he exclaimed from the hustings: "These gentlemen," pointing to his opponents, "accuse me of being one of yourselves."

The result of the struggle was the return of Messrs. Dunn and Buchanan. The latter had no personal object to serve

in entering the House. On the contrary, he became a candidate at considerable sacrifice of private interests. At the opening of the canvass he had publicly offered to retire in Mr. Sherwood's favour, if he would only pledge himself to vote for responsible government. So far from being an extreme partisan, he presided at a dinner given to Sir George Arthur, the Lieutenant-Governor, who was a staunch Conservative. His short career as a legislator—for he resigned early in the Parliamentary term—was marked by sturdy independence. In 1844 he remained aloof, although his sympathies appear to have been given to Lord Metcalfe. In 1854 he unsuccessfully contested Hamilton with Sir Allan McNab; but in 1857, on the gallant knight's retirement, he was duly elected for that city, and again in the years 1861 and 1863.

Mr. Buchanan supported the Macdonald-Sicotte Cabinet, voting with the minority against Mr. J. A. Macdonald's motion of non-confidence. But on a similar motion in 1863 against the Macdonald-Dorion government, he voted *yea*. In 1864 he entered the Taché-Macdonald coalition as President of the Council, but made way for Mr. Brown in the same year. In 1865 he retired from Parliamentary life, and was succeeded by Mr. Chas. Magill. Space will not admit of an extended sketch of Mr. Buchanan. To do him full justice, it would be necessary to give an exposition of his views on the tariff and the currency. From early life up to this moment, he has been a busy man, endowed with singular power of character and indomitable perseverance. It will be matter of surprise to most readers to find that so little advantage has been taken of his rare business and adminis-

trative abilities. That he would have been no mere figure-head in a working department of government is clear from the record of his whole life. Perhaps the strong will which chafes at routine, the love of carrying out cherished convictions on subjects of public importance, and a certain want of pliability in his moral texture, had something to do with this apparent neglect. However this may be, Mr. Buchanan, as the builder-up of his own fortunes, is a man of whom any country may be proud. He has never preferred self to principle, place to the manly independence which he most deeply prizes. Whether one agrees or not with his opinions on currency or other matters, there is no mistaking the sterling earnestness and single-mindedness of the man. It is pleasing to record that now, although he has passed the allotted span of three score and ten, Mr. Buchanan is still in full vigour, active and combative yet, as he was forty years ago when he fought the Family Compact in its stronghold at the chief city of Upper Canada.

In what may be termed Sir Charles Metcalfe's Parliament of 1844, we find, for the first time, the name of John Alexander Macdonald, as member for Kingston. The future Premier of the Dominion deserves a larger notice than circumstances will admit of in this work; still it may be possible, within reasonable compass, to give a sketch of the career and salient characteristics of a statesman who, at this moment, occupies the most prominent position in the Government of Canada.\* The difficulties inseparable from such

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\* The writer has drawn upon Fennings Taylor: *Portraits*, p. 25; Morgan: *Celebrated Canadians*, p. 581; *The Canadian Portrait Gallery*, edited by J. C. Dent, vol. i, p. 5; *Weekly Globe*, Jan. 28th, 1876; *The Canadian Parliamentary Companion*, and the general histories and writings of the period.

an undertaking are by no means small. Most of the biographies already published are loudly eulogistic or largely caustic. Yet it would seem possible to give a fair account of the subject, without yielding to the temptations of partisan prejudice. Sir John A. Macdonald was born in Sutherlandshire, Scotland, on the 11th January, 1815. When he was only in his sixth year, his father, Mr. Hugh Macdonald, removed to Canada, and settled in business at Kingston. There the son was educated at the Royal Grammar School, under Dr. Wilson, and Mr. Baxter. It is noted that at school he was a proficient in mathematics, but gave no promise of future eminence in any walk of life. Having determined to study law, he entered the office of Mr. George Mackenzie, and was admitted to the bar, at the age of twenty-one, in the year 1836. His eloquent defence of Von Schulz, the leader of the rebels at the Windmill affair, first brought him before the public; and in 1846 he became Queen's Counsel.

In 1844, as already mentioned, Mr. Macdonald was elected for Kingston, and continued to sit for it under the Union, and after Confederation, until 1878, when, for the first time, he suffered defeat. In the Assembly of 1844, the new member appeared as a Conservative supporter of Lord Metcalfe. His party considered that Messrs. Baldwin and Lafontaine had misconstrued the principle of responsible government, and were bent upon utterly destroying the prerogatives of the Crown. It is impossible to conjecture what might have happened, had the Governor-General failed to carry the electorate with him at this crisis. The probability is that he would at once have thrown up his commission; if not, he must certainly have been recalled. All, however, went on

swimmingly ; his Excellency had a good working majority in the House, and had already obtained a Ministry after his own heart. Sir Allan McNab was elected Speaker of the Assembly. Mr. Baldwin moved several amendments to the address, in one of which he directly proposed a censure upon the Governor and his advisers. This amendment was lost by a vote of forty-two to thirty-six\*—Mr. J. A. Macdonald voting with the majority. This Session was the first held at Montreal, whither the seat of Government had been transferred from Kingston. The Governor-General was raised to the peerage shortly after, under the title of Baron Metcalfe.

During his first Parliamentary years Mr. Macdonald intruded himself but seldom upon the attention of the House. Like a prudent politician who aims at future success in public life, he was content to serve his apprenticeship, by noting all that went on around him with that keen insight into men and measures which has characterized him throughout his long career. In 1847, he was called upon to accept the Receiver-Generalship, in the Sherwood-Daly administration. On this occasion he was only ten months in office. The general elections of 1847-8 caused a total bouleversement. The first contest took place upon the Speakership. The Conservative candidate was Sir Allan McNab, the former Speaker ; Mr. Morin was put forward by Mr. Baldwin and the Reformers. The latter was elected by a vote of fifty-four to nineteen. A vote of non-confidence was carried by a similar vote, and Mr. Macdonald, with his colleagues,

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\* Turcotte, i, p. 170-173 ; McMullen, p. 500.

found themselves out of office. During the heated discussions on the Rebellion Losses Bill, Mr. Macdonald spoke with vehemence against the measure. But parliamentary opposition was of no avail, and the measure passed by a large majority.

So soon as this storm had blown over, Mr. Macdonald set himself to work at the task of party organization. Circumstances unquestionably favoured his efforts. The retirement of Messrs. Baldwin and Lafontaine was the signal for a schism in the Reform ranks. Mr. Brown entered Parliament at this time, and, with that inflexible sense of principle which always swayed him, proclaimed war to the uttermost against Reformers, who, in his opinion, had proved false to reform principles. For some time the strange spectacle was seen of an Opposition coalition between the Conservatives and the recalcitrant Liberals. In 1854, Mr. Cauchon moved an amendment on the Address, to which a further amendment, friendly, not hostile, was moved by Mr. Sicotte. The latter was carried by a vote of forty-two to twenty-nine. The division list shows that politics, like adversity, sometimes bring strange bed-fellows together. In the majority were to be found Messrs. Brown and J. A. Macdonald, Mr. W. L. Mackenzie and Sir Allan McNab, Mr. Sandfield Macdonald and Mr. Murney. The immediate consequence was a dissolution. The results of the Opposition compact were soon to appear.\*

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\* During this debate, Mr. Macdonald made a trenchant attack upon the Ministry, from which two sentences may be quoted: "It was well known that the system of the present Government had been that of a most rampant corruption, and, appealing to the most sordid and the basest motives of men: in every part of the country their money was for use, and offices were offered in return for offices brought to their aid. . . Now, a Government

The Government candidate, Mr. Cartier, was rejected by a majority of three, and Mr. Sicotte chosen by a large majority. So the Hincks-Morin Government passed away. Evidently no resource was open to the leaders other than a coalition. Sir Allan McNab was therefore chosen as Upper Canada chief of the Cabinet, whilst Mr. Morin, who continued to possess the confidence of his own section remained in office. Of this administration, Mr. J. A. Macdonald was the Attorney-General, West. The Reform element was represented by Messrs. Spence and Ross, the latter a son-in-law of Mr. Baldwin; but the new Upper Canada Reformers, "Clear Grits," as they were termed, were left out in the cold, and opposed the new Government as vigorously as they had opposed its predecessor. In 1855, the *personnel* of the Ministry was changed, so far as Lower Canada was concerned, Messrs. Cartier, Cauchon and Lemieux coming in, and Messrs. Morin, Chabot and Chauveau retiring. The policy of the administration, however, remained the same, and to it the country owes two great measures of reform, the secularization of the clergy reserves and the abolition of the seignorial tenure in Lower Canada. In both cases, vested interests were conserved or paid for, and two subjects which had vexed Canadian political life for many years were removed for ever from the arena.

Thus an Administration, for the most part Conservative, had successfully accomplished the settlement of the two most serious questions before the public—after the Reform party

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should be free from suspicion, and should feel a stain on their escutcheon like a wound on their person." And, again; "There may be Walpoles among them; but there are no Pitts; they are all steeped to the lips in corruption; they have no bond of union, but the bond of common plunder."

had given them up in despair. There can be little doubt that to Sir John Macdonald must be attributed the education of his party on the subject of the reserves. Many of them, no doubt—including Sir Allan McNab—took part in their secularization with reluctance. But the Attorney-General saw, with that unerring prescience which has always been a salient characteristic of his political type and temper, that the popular demand could be resisted no longer. He has often been compared with the late Lord Beaconsfield, in personal appearance and political idiosyncrasy.\* Whatever likeness there may have been in the former respect, there is certainly some reason for tracing the analogy in public life. Sir John has been termed a Tory; but he never really was one, in any strict sense. No public man has ever been more persistent and outspoken in the expression of his own views; yet he has always recognised the demand for progress; in short, he is Liberal Conservative, ready to adopt reforms when the country is ripe for them. Instead of the maxim, "Go a-head at all hazards," his motto is, "Hasten, but 'hasten slowly' and deliberately, *pari passu* with public opinion." In a recent biography by no means favourable, as a whole, is recognised this distinguishing trait in his character; and it points, not only to the reforms already noted, but to the readiness with which he accepted the proposal to render the Legislative Council elective.† In his own governmental department, the Attorney-

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\* Mr. Taylor refers to a conversation with Mr. G. A. Sala, the London correspondent, at the ball given to the Maritime Province delegates in 1864. "Who is he?" asked Mr. Sala, when Sir John entered the room. "How like Disraeli," was his comment. "A very remarkable man, I should think; one would enquire his name anywhere,"

† *Canadian Portrait Gallery*, i, p. 12.

General was equally bent upon necessary reforms. To him were due the Common Law Procedure Act, the remodelling of the County Courts, and other purely legal improvements. No Government, perhaps, within living memory, placed so many valuable measures on the statute-book as this one; for, in spite of modifications, it was substantially the same from 1854 onwards. The merit, as well as the responsibility incurred, belongs, in great part, to Sir John Macdonald, who was at once the head and the soul of the Cabinet.\*

During the period immediately under review, three elements of discord, not by any means connected together, were introduced. The railway era set in, and with it frequent charges of corruption. "My politics," Sir Allan McNab had said, "is railways," and the projectors of lines beset the lobbies of Parliament. The Grand Trunk and the Northern lines were the subjects of more than one investigation from time to time. In the second place, there was a strong sectarian movement at work which evidently affected the electorate of Upper Canada. The Corrigan murder case was, perhaps, one of the chief reasons for a crusade, not indeed begun then, but powerfully stimulated by that notable failure of justice. As early as 1854, the cry was raised against ecclesiastical corporations, separate schools, and other Roman Catholic institutions. Finally, the agitation for representation based on population made significant progress. Even before the results of the census of 1851 were made known, the claim for increased Upper Canadian representation

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\* A list of the legislative and administrative work accomplished by Sir John will be found in any late volume of the *Canadian Parliamentary Companion*.

was raised. The western Province was reaping what it had sowed in 1841, when the equality system was established. It had now the advantage of Lower Canada, both in respect to wealth and population, and demanded that the balance should be at once redressed. Sir John Macdonald could not see his way clear to the immediate adoption of the principle, because the preponderance of his own Province did not yet appear so marked as to call for re-adjustment in the parliamentary system. Moreover, the Lower Canadians beheld in a maintenance of equal representation, the only security for their laws, institutions, language and religion. Abstractedly viewed, they were prepared to acknowledge the justice of the demand; but they wanted guarantees for their cherished privileges as French Catholics.

It was evident from the first that, sooner or later, some change was inevitable; yet it cost years of heated agitation to secure the precise remedy needed under the perplexing circumstances. Mr. Brown, with a western majority at his back, would have nothing but "representation by population;" Mr. Sandfield Macdonald with a small band of followers, advocated the double majority; the mass of the Lower Canadian members with a minority from Upper Canada, voted down both propositions, apparently because there seemed no *tertium quid* which could satisfy both sections of the Province. To the Attorney-General West, the first necessity appeared to be that of carrying on the Government. There was no pretence that any Cabinet formed upon the lines laid down by Mr. Brown would carry a majority with it in the House or in the country. The Rouges or Liberal

Lower Canadians, were almost as unanimously opposed to the new theory of representation as their Bleu opponents. The Eastern and some of the Western members from Upper Canada occupied the same position; and there was nothing hopeful in an agitation which, at best, promised only a dead-lock. This was the Liberal Conservative view of the situation; the other side will be displayed when we come to treat of Messrs. Brown, Mackenzie, and their friends.

But whilst, on the cardinal issue, there was not much hope of a satisfactory adjustment of rival opinions, there were side questions which threatened to put the existence of the Government in jeopardy at any moment. In November, 1857, on the retirement of Sir E. Taché, the Attorney-General West became Premier in name as well as in fact, and the struggle was at once precipitated. At the general election in that year, the Reform Opposition received considerable accessions to its strength, numerical and other. Mr. Brown was returned for Toronto as well as North Oxford, and a number of able coadjutors found their way into Parliament at the same time, amongst them Messrs. T. D'Arcy McGee, Mowat, Connor, Wallbridge, and, shortly after, Mr. Macdougall who was returned for Mr. Brown's Oxford seat. On the representation question, the Opposition leader only mustered thirty-two on a division. Messrs. J. H. Cameron, Buchanan, and Malcolm Cameron voted nay, not because they opposed the principle, but because they considered its discussion premature.\* The Lower Canadian members grounded their resistance to the proposal of Mr. Brown upon

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\* Turcotte, ii. p. 333.

the assumption that the settlement of 1840 was in the nature of a federal compact, which must be adhered to, with the alternative of a dissolution of partnership.

A more favourable opportunity for overthrowing the Macdonald-Cartier Government occurred on the seat of government question. The conflicting claims of Quebec, Montreal, Ottawa, Kingston and Toronto had led Parliament to cut the gordian knot by referring the question to the Queen. Chiefly from strategic considerations, Ottawa had been selected, and then an opportunity was open to all the expectant capitals to unite against the Government. The single claim of any one city was readily disposed of; but when all united upon Mr. Piché's amendment that "in the opinion of the House, Ottawa ought not to be the seat of Government," all the recalcitrants could make common cause, and the amendment was carried by sixty-four to fifty. Of course this was, in no sense, a party vote; still, Ministers regarded themselves as in honour bound to adhere to the decision of the Crown, after Parliament had deliberately invoked it, and at once resigned.

Then followed the episode of the Brown-Dorion Government which only lasted from August 2nd to 4th. To it a reference will be made in a sketch of its Premier. Mr. Brown resigned, because the Governor-General, Sir Edmund Head, refused a dissolution. The House had, in the meantime, passed a vote of non-confidence, in the absence of Ministers, and there was nothing to prevent the old Government returning to office. The necessity of going back to their constituents, however, was a disagreeable one, and

what has been called "the double shuffle" was resorted to. The members of the Macdonald-Cartier Cabinet accepted different offices from those previously occupied; then resigned these, and re-occupied their old positions, the name of the Administration only being changed to that of the Cartier-Macdonald Government. This was done, under colour of an Act, certainly intended to apply only to mere casual transfers from one office to another. According to the text of the statute, however, any member resigning an office and within a month accepting another, was freed from the necessity of seeking re-election; and there was certainly no limit put to the number of those who might so pass from one office to another. If one, why not twelve? It was the double resignation of office and return to it which certainly appeared to shock the moral sense of the community. A biographer says, and we can readily believe his statement, that Sir John Macdonald was entirely opposed to the "shuffle," and only yielded, contrary to his own judgment, when he found his colleagues bent upon it. At all events the Legislature and the judges in both Superior Courts of common law sustained the Ministers, and the affair blew over.\*

In 1859, the question of the seat of government necessarily presented itself once more. Mr. Sicotte had left the Cabinet, because he differed from his colleagues on the subject, and the adverse vote of the previous session remained on the journals. Some of the members of the former majority, however, were brought over, and the Ministry triumphed

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\* Legislative Assembly Journals, 1858, pp. 973-6, 1001; Upper Canada Q. B. Reports, xvii. p. 310; C. P. Reports, viii. p. 479—cited by Todd: *Parliamentary Government in the British Colonies*, p. 537, n.

by a majority of five. The discussion throughout is a salient example of the dangers always imminent when local interests are temporarily united on the surface, even though they are diametrically opposed to each other at bottom. The only striking event of the Session was the refusal of the Legislative Council to adopt the Supply Bill, by a majority of three. The excitement over this novel *coup* lasted but a short time, for the vote was soon after reversed, and the Bill carried by a majority of four.

During the next Session, several attempts were made to oust the Government, on the Budget. A motion of non-confidence was moved, and lost by seventy to forty-four. In May of that year, Mr. Brown introduced the subject of a Federal Union between the two Provinces, in the form of resolutions; but the first was lost by sixty-seven to twenty-six, and the second by seventy-four to thirty-two, only four Lower Canadians supporting the project in its entirety. So far Sir John Macdonald and his colleagues had triumphantly pursued the path they had marked out for themselves; but, in 1861, signs of party dissatisfaction manifested themselves with unmistakable clearness. Mr. Sicotte had formally joined the Opposition, and, as the census returns came in, the representation question once more occupied the attention of Parliament. Mr. Sandfield Macdonald submitted the double majority principle to a vote, but was defeated by sixty-four to forty-six. On a direct vote of non-confidence, Ministers again succeeded, but their majority was reduced to thirteen. Mr. Ferguson, a Conservative member, then introduced a Bill to apportion the representation according to population. A prolonged discussion ensued, in which Attor-

ney-General Macdonald took a prominent part. He said he opposed the project before and should do so on this occasion. He believed that the measure simply meant the overthrow of the existing Union, because Lower Canada would never consent to it. The Opposition could not hope to come into power without abandoning the principle of representation according to population. In 1858, they had abandoned it, and in the Toronto Convention of 1859 they had deliberately chosen another remedy. In his view the only solution of the problem was to be found in a federal union of all the British North American Provinces. The Bill was thrown out by a vote of sixty-seven to forty-nine, only one Lower Canadian member, Mr. Somerville, voting with the minority. The Session was an exceedingly barren one in legislation, so large a part of it having been taken up in constitutional debates.

Some notable changes were effected by the general election of 1861, Messrs. Brown, Dorion, Lemieux, and Thibaut, on the one side, and Messrs. Sidney Smith, Gowan and Morrison on the other, found themselves without seats. The Ministry itself underwent some modification; but it still possessed a majority. On the vote for Speaker, the Government candidate was elected by a majority of thirteen on the 20th of March, 1862. Mr. Macdougall proposed an amendment to the Address in favour of representation by population; but it only received the votes of forty-two, all Upper Canadians. But in May, the Opposition from both sections of the Province, found a common platform on the Militia Bill, and succeeded in securing its rejection at the second reading by a vote of sixty-one to fifty-four. The Government re-

signed, and the Macdonald-Sicotte Cabinet was at once formed. Representation by population was abandoned, and the double majority, in sectional matters, made the cardinal principle in legislation. An account of the new administration has already been given in the sketch of its Premier. It needs only to be remarked here that when Mr. Dorion was substituted for Mr. Sicotte, the double majority principle was definitively given up, and representation by population left an open question. In 1864, Sir John returned to office with Sir E. P. Taché as his chief. Then followed the dead-lock already alluded to, and the formation of the Coalition Cabinet and Confederation. We are not called upon to apportion the relative shares of the men who had the merit of thus extricating the Province from a painful dilemma. The leaders on both sides felt that the time had come when some remedy must be found for the chronic ailments of the body politic. The Conservative leader's part in the negotiations was an extremely honourable one, and it is certain that his tact, ability and address were never shown to greater advantage than at this period. On July 1st, 1867, the Dominion came into being, and Sir John Macdonald found himself once more Premier, this time of a larger Canada than before. There for the present we may leave him, at the head of public affairs. In a future chapter, his subsequent career, so far as it can fairly be the subject of contemporary review in an impartial spirit, may be traced. The prominent features of his character, however, lie before us even now, at this stage.

Whatever may be said of his political course, it is certain that the Premier possesses some of the best qualities of a

statesman of the first rank. Allusion has been made to his wonderful power of adaptability to the needs of the time, as they successively forced themselves upon his notice. No public man in Canada has ever displayed greater acuteness in divining clearly the duty which lay immediately before him. Possessed of an insight into most men and subjects, almost instinctive, he has never been either a fossil Tory or an impracticable Radical. Possessed of no small power of will, and capable of fervent adherence to cherished ideas, Sir John has never failed to yield to the necessities of the case, when once his reason, foresight, or what you will, yielded to the logic of facts. Rigid partisans, who pride themselves on consistency call this flexible temperament by the invidious phrases, pliability or indifference to principle. But that is simply because they fail to occupy the same standpoint, and survey public measures over more contracted areas. After all, the statesmen who have left their mark on the world's history, have been the least consistent of the tribe; and it may well be doubted whether any public man can hope to rise above mediocrity who looks within to the exclusion of what lies about him. To a greater or less extent, a leader cannot successfully command, unless he is also content to be a follower. He merely guides, shapes and measurably alters the course of the ship of state, but supplies none of its motive power. To recognise what is possible, to seize the changeful currents of progress and pass safely by navigable channels is his function; the impulse comes from without, and he best discharges his duty as a statesman who most clearly divines the possibilities at any crisis of affairs.

It is to Sir John Macdonald's credit that he has never

nailed the rudder, or fastened down the safety-valve. Temperate in his views, he has always been in a position to yield to arguments drawn from clear and pressing exigencies, and with all the failings that may be properly laid to his charge, he has never for a moment been a self-seeker at the expense of his country. Mr. Fennings Taylor quotes from a speech by Sir James Graham, in which he tells the electors of Carlisle that the true test of a public man is whether he has been governed by avarice or ambition at the expense of the people.\* Sir John Macdonald is certainly a poorer man to-day than he would have been had he never passed the bar of the House. Thoroughly unselfish, he has always devoted himself to the public interest, as he understood it. As a man, there is no better-hearted or more genial friend, or companion now in public life. Apart from political differences, it may safely be affirmed that he has no personal enemy. His speeches are fluent, sometimes tumultuously rapid, and delivered with that sort of impetuous fervour natural to one of his temperament. He can hardly be styled an orator; yet few men are equipped so fully with an almost magical power of steadying waverers, and startling opponents. Endowed with a singularly mobile temperament, he has always known how to adapt his speech to the audience and to the time. Fertile in illustration, fruitful in ready wit and happy retort, Sir John has always proved a formidable rival in debate. Others may have risen to higher levels as mere

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\* "I tell you, not for myself, but for public men, and in the interests of the public, do not pry too closely into the flaws of character of public men; do not hunt too closely into every particular of their conduct, but look to the general tenor of their lives. Try them by this test: Has avarice or ambition misled them from the paths of public duty? Have they gained honours and advantages for themselves at the cost of the public? Try them by that test."

orators ; he has proved himself a match for every competitor in the unstudied point, pith and vigour of his addresses. At times, he has seemed to rise above himself when the occasion called for unusual effort, and proved that it is possible for him to be truly eloquent, whenever his powers have been fully drawn upon, and strung up to the top of their bent. How far these unwonted bursts of oratorical power have been the result of art, adroitly concealed, it is difficult to say. Certainly Sir John has triumphed most decisively when he has carried the House or the people with him by their firm belief in the perfect spontaneity of his eloquence. It is no part of our duty to hold the balance between the Premier and his political opponents ; but even the latter will admit that a man who has so triumphantly vindicated his title to be a leader of men during over thirty years must possess abilities of a high and rare order. It may be added that the Dominion could miss none of its public men who would leave so universally recognised a gap in the ranks as Sir John Macdonald. When the time, which one may fairly hope is far distant, when his epitaph must be inscribed by the historian's pen ; when the heated passions of the day are chilled by the dank atmosphere of death, the services of Sir John will be rated at their just value. His title as Knight Commander of the Bath was granted for his services at Confederation, although, perhaps, from habit, we have alluded to him prematurely by the name he now bears. He is also a member of the Imperial Privy Council, a D. C. L. of Oxford, an LL. D. of Queen's ; wears also the insignia of a Spanish Order.

John Hillyard Cameron, better known on the whole as a lawyer than a politician, nevertheless filled no inconspicuous position in public life. He was born at Blandesque, near St. Omer, Pas de Calais, France, on the 14th April, 1817.\* His father, Angus Cameron, belonged to the 79th Highlanders, and the son was born during the occupation of France by the allied armies. The family was purely Highland, hailing from Glennevis, Inverness-shire. Mr. Angus Cameron had seen active service both in the Peninsula and at Waterloo. In 1825 he removed with his family to Canada, and became Captain and Paymaster of the Royal Canadian Rifles. John Hillyard Cameron entered Upper Canada College in 1831, and whilst there carried off some of the highest honours in the gift of that institution. There was no University in those days; the next step, consequently, was his preliminary training for a profession. Mr. Cameron studied law first under Attorney-General Boulton, and subsequently under Mr. J. S. Spragge, until lately Chancellor and now Chief Justice of Ontario. With the latter, on his call and admission, he entered into partnership, and commenced a brilliant career in the profession of his choice. From a very early date Mr. Cameron made his mark, notwithstanding the eminent rivals with whom he had to compete. In 1843 the law reports were committed to his care, and for some years he laboured at a digest of Upper Canadian precedents. He was, in fact, the first compiler of regular legal reports. In 1846 he was appointed a bencher of the Law Society, Queen's Counsel, and Solicitor-General. Soon after Mr. Rolland

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\* Morgan gives Beaucaire, Languedoc, as his birthplace; but the statement in the text, with other biographical data, was kindly furnished us by Mrs. Hillyard Cameron.

Macdonald resigned his seat for Cornwall, upon which Mr. Cameron was returned by a considerable majority over Mr. Mattice, a resident candidate. In 1847, when his chief, Mr. Draper, retired to the bench, the Attorney-Generalship was offered to him; but he declined, urging the claims of Mr. Sherwood. As some reward for his disinterestedness and consideration for his party, he was made a member of the Executive Council contrary to established usage. In 1848 he went out of office with his party, and never again entered it.

In the year 1851, he was not a candidate for re-election; but in 1854 he was returned for Toronto, with Mr. Bowes as his colleague. Again, in 1857, he declined re-election; but, in 1858, he opposed Mr. Brown, who had vacated the seat on his appointment to office, but was defeated by a considerable majority. In 1861, he was elected for Peel, and retained the seat until 1872, when he failed again, but was soon after returned for Cardwell, which he represented until his death. At the crisis in the McNab Government, Mr. Cameron was strongly pressed by a large section of the party as the gallant knight's successor, but the movement was unsuccessful, and Mr. J. A. Macdonald succeeded to the vacant place. As a lawyer, the hon. gentleman was *facile princeps*. His opinion was eagerly sought for when any legal knot required untying, and his success with juries was proverbial. As a speaker, when thoroughly aroused by the subject, Mr. Cameron had few equals. There was a fervour and an earnestness in his oratory which never failed to fascinate from his admirable language and impressive delivery. During his life, Mr. Cameron filled innumerable positions in the city of

Toronto: in the volunteers, in joint-stock companies of various sorts, in the Universities, and in the Church Synod. One cannot help thinking that much of the energy which might have been of essential service to his country was, to a great extent, dissipated by these multifarious occupations. There was one obstacle, however, to Mr. Cameron's success as a statesman. He was unyielding in principle, and, unfortunately, represented the losing side in politics. A staunch Conservative of the old school, he opposed to the last the secularization of the reserves, and the elective principle as applied to the Legislative Council. On the other hand, he strongly advocated equal representation at the proper time, and was staunch and faithful where the interests of his own Province were concerned. His legal abilities were always at the service of the Church of England, and he was the right arm of Bishop Strachan in organizing the Synod and establishing Trinity University. Mr. Cameron died at Toronto in the house in which he had so long lived, on the 14th of November, 1876, in the sixtieth year of his age.

It may be well now to turn to the most prominent Scottish representatives on the Reform side. The Hon. George Brown has been so recently removed from our midst, under deeply tragical circumstances, and his long and eventful career presents so many points for controversy that it is an exceedingly delicate task to undertake even a slight sketch of his life and public services. Mr. Brown represents a class of statesmen whom it is most difficult to appraise at their just value, because of the warp of partizanship on one side or the other. A public man of strong will, high principle, and indomitable energy will always be in the thick of the

fight, and at a moment when the smoke of the battle is yet visible between the spectator and the illimitable azure, there is the present danger of misconception, even where none is consciously intended. Some of the political episodes in Mr. Brown's life have been alluded to, with more or less fulness, in previous pages; but he was so marked a figure on the public stage, during nearly thirty years, that, at the risk of repetition, much of the ground must be re-traversed.

George Brown—as he was content to be known during his life—was born in the city of Edinburgh, in 1821. His father, Mr. Peter Brown, whose snow-white hair and venerable form are not yet forgotten in Toronto, was a merchant, and had served, if we mistake not, as a “bailie” in the Scottish capital. At the age of thirteen, like many of his countrymen, young George went to London to try his fortune, little dreaming that, thirty years after, he would repair thither, as a Canadian minister, to be presented at court. Up to the age of seventeen, he followed mercantile pursuits; but business reverses had meanwhile overtaken his father, and the family removed to New York in 1838. After four years' indifferent success in trade, Mr. Peter Brown, in 1842, established a paper in that city, entitled the *British Chronicle*, intended to be the organ of British opinion in the United States. The father, like his son, was a staunch loyalist, and he appears to have criticized American institutions and manners with a freedom not palatable to the New Yorkers. While, in the commercial metropolis of the United States, he published a work, entitled “The Fame and Glory

of England Vindicated," as a reply to Lester's "Shame and Glory of England."\*

Mr. George Brown pushed the circulation and advertising of the *British Chronicle* with untiring energy in the United States, and was engaged in so doing when an event occurred which changed the current of his life. The disruption movement was going on in Scotland, and both father and son threw themselves heart and soul with Dr. Chalmers and the opponents of patronage in the Scottish Kirk. The Clergy Reserve question, in Canada, also attracted their attention, and Mr. Brown went to Canada to extend the circulation of the New York paper, early in 1843. The friends of the Free Church were anxiously looking for some able and vigorous journalist to expound their views through the press. Mr. Brown appeared to be the very man needed. Moreover, the Hon. S. B. Harrison had had an interview with him, and, being astonished with the keen insight into the public affairs of Canada, acquired in so short a time, introduced him to Messrs. Baldwin and Hincks. The result of this visit was the appearance of the *Banner* at Toronto, on the 18th of August, 1843, instead of the New York *British Chronicle*. This journal was primarily a religious organ; still it took an active part in politics, on the Reform side. It soon became evident that the paper was founded on too narrow a basis, and, therefore, on the 5th of March, 1844, the first number of the *Globe* was issued.

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\* Mr. Peter Brown's work, which lies before us, will bear perusal, even at this day, for its trenchant and outspoken defence of the old land against the ignorant aspersions which delighted the Americans of that day. It appeared in 1842, with the pseudonym of "Libertas," and on the title-page are Burns' lines beginning "Some books are lies frae end to end"—the word "ministers" in the stanza being italicized, as Mr. Lester had been in the diplomatic service of the United States,

The times were out of joint, for Lord Metcalfe was at the helm, and it seemed at one time as if the battle of responsible government must be fought over again. The Governor-General could not divest himself of the notion that he ought to be the moving-power in the State. Now, under any system of free parliamentary rule, no principle can be clearer than this, that Ministers are under the unqualified responsibility "of deciding what shall be done in the Crown's name, in every branch of administration, and every department of policy, coupled only with the alternative of ceasing to be Ministers, if what they may advisedly deem to be the requisite power of action be denied them." The Governor, like the Sovereign, cannot "assume or claim for himself preponderating, or even independent, power in any department of the State."\* Now, at this period, Lord Metcalfe had a Cabinet which enjoyed the confidence of the people's representatives from both sections of the Province. It was constitutionally responsible for all his public acts; and yet he chose, of his own motion, and without consulting his Ministers, to make personal appointments from the ranks of their opponents. Mr. Powell, for example, was named Clerk of the Peace, and the Speakership of the Legislative Council was offered to Mr. Sherwood. The Governor-General had, in fact, a nominal and a real cabinet—the latter consisting of the chiefs of the Opposition, his own Secretary and Mr. Gowan being the intermediaries between them. The consequence necessarily was the resignation of his constitutional advisers, when self-respect, as well as constitutional principle alike impelled

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\* Todd's *Parliamentary Government in the British Colonies*, p. 18.

them to seek relief from the false position in which they had been placed. The *Globe*, as well as the *Examiner* and other Liberal journals, battled vigorously for the principle of responsible government, thus placed in jeopardy, but Lord Metcalfe, by personally conducting the canvass, succeeded in securing a majority for himself, and the party for whose triumph he had risked everything, even honour.\*

Meanwhile the *Globe* continued on the even tenor of its way. Until the elections of 1847, it remained in Opposition, and was characterized by the caustic, not to say slashing, style of its editorials. On the formation of the Baldwin-Lafontaine Administration in 1848, Mr. Brown found himself once more on the sunny side of politics. He cordially supported the Government from conviction, and his journal became its recognised organ. In 1849, occurred the riots over the Rebellion Losses Bill, and in the same year Mr. Brown served on a commission of inquiry into the management of the Provincial Penitentiary. When Parliament met in the following May, the symptoms of disunion had begun to manifest themselves in the Reform party. The "Clear Grits" took shape as an independent branch, under Messrs. Malcolm Cameron, Rolph and others, with the *Examiner* and subsequently the *North American*, as their organ. Mr. Brown remained faithful to his leaders, because although he

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\* It is impossible to give more than this brief outline of a memorable crisis. The literature of the subject is voluminous enough. In a volume of pamphlets kindly placed at our service by Mr. Macara, of Goderich, will be found, on the Governor's side, the addresses presented to him, with his replies, as they were sent down to the House, with a special message; and the defence put forth by "Leonidas" (the Rev. Dr. Ryerson). On the other side, are the reply of "Legion" (Hon. R. B. Sullivan) to "Leonidas," the Address of the Reform Association, and an account of its first general meeting. The files of the *Examiner* have also been consulted, as they throw considerable light on this controversy from a Reform point of view.

was quite as staunch in the cause of Clergy Reserve secularization as the new party, he considered that the other "planks" of their platform were ultra-Radical and hinted at dangerous constitutional changes. In 1851, however, all was altered; Messrs. Baldwin and Lafontaine retired from public life, and the reins of power fell to those in whom Mr. Brown felt less confidence. In 1851, he was defeated in a contest with Mr. W. L. Mackenzie, Mr. Ranald McKinnon, and Mr. Case, for Haldimand.\* Towards the close of the year, however, he entered the House for the first time as member for Kent, having defeated Messrs. Larwill and Rankin.† At both these elections, especially at the former, the strong Protestant attitude of Mr. Brown, no doubt, did him some injury. It was the Papal Aggression year in England, and the *Globe* had caught the fever in its most virulent form. Hitherto, the Upper Canadian Roman Catholics had been, for the most part, Reformers; but their ardour was cooled by the hostile attitude of their leaders. Nor did the crusade, which followed, tend to conciliate them. The attacks made upon the corporate institutions of the Church and upon separate schools, still further estranged them.

Mr. Brown took his seat in August, 1852, and, strange to say, found himself suddenly transformed into the leader of the "Clear Grits," against whom he had previously battled. It can hardly be said that there was any inconsistency in

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\* Mr. Case appears to have been a local Ministerial candidate, since, according to Mr. Brown, he had promised support to him; but the votes recorded for both would not have elected the latter. At the close of the poll, the numbers were, Mackenzie, 462; McKinnon (Conservative), 399; Brown, 283; and Case, 113.—*Examiner*, April 16th, 1851.

† The poll at the close stood, Brown, 836; Larwill, 739; Rankin, 486.—*Ibid.*, Dec. 24th, 1851.

his conduct. He had lost the chiefs in whom he reposed confidence, and distrusted Mr. Hincks. At the general election of 1854, it should be remarked, although Mr. Hincks personally obtained a double return for Renfrew and South Oxford, he found himself in a minority. Mr. Brown defeated his Postmaster-General, the Hon. Malcolm Cameron, in Lambton, and there were signs of an impending break-up. Mr. Brown was the recognised leader of the Upper Canadian Reform Opposition, and Mr. Dorion of the French Liberals, while Sir Allan McNab was head of the Conservative Opposition. The Ministry met its first reverse on the Speakership. Mr. Cartier was its nominee, and Mr. Sicotte was proposed by Mr. Dorion. The choice of the Opposition candidate was, in every respect, a shrewd as well as a good one. The member for St. Hyacinthe was known to be able and dignified; and in political opinion he was safe and moderate. On a division he triumphed by a majority of three.\* Mr. Hincks at once retired from office and from public life, which he re-entered years afterwards. The result was that, contrary to Mr. Brown's intention, he found he had only succeeded in placing the Conservatives in power.† He still retained his post as leader of the Opposition, and had a powerful engine in the *Globe*, which had become a daily paper in October, 1853, and exercised great influence throughout the country. Notwithstanding that the Government secularized the reserves, abolished the feudal tenure in Lower Canada,

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\* The vote stood sixty-two to fifty-nine. The majority included all three sections of the Opposition, and the list is interesting if only for its heterogeneous character.

† "Upon such a consummation as this Mr. Brown had not counted, and he opposed the new Government as vigorously as he had opposed the old one." *Canadian Portrait Gallery*, ii., p. 15.

and made the Legislative Council elective, the Opposition leader was not satisfied. Upon his flag was inscribed "Representation by Population," and he nailed it to the mast. Passing over the intervening period upon which we have already dwelt, we may come at once to the defeat of the Macdonald-Cartier Government in 1858 by a majority of fourteen. It was the first session of a new parliament, and as Ministers could hardly demand a dissolution, they resigned.

Mr. Brown was at once called upon by the Governor to form a Cabinet; but in doing so, he warned the hon. gentleman that a dissolution would not be granted him, should he find himself in a minority in the House. It is quite possible that Sir Edmund Head may have thought that it would save after-trouble if he frankly made this announcement in advance. Still it was an unsound step to take, and was aptly met by Mr. Brown in his reply.\* From the tenor of the letter, it seems clear that the proposed Premier had not attempted to make any antecedent bargain with the Governor on the subject of dissolution. In fact, he considered it improper even to enter upon its discussion. Sir Edmund Head's memorandum certainly looks very much like an explicit declaration that he would not accept Mr. Brown and his colleagues, and that they might just as well save themselves the trouble of being sworn in, and the expense and risk of going to the country.

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\* In a memorandum dated July 31st, his Excellency had defined his position with tolerable clearness. He would give no pledge or promise to dissolve Parliament; but would, consent, after the granting of a supply, to a prorogation. Mr. Brown, in reply, "submitted that until they have assumed the functions of constitutional advisers of the Crown, he and his proposed colleagues will not be in a position to discuss the important measures and questions of public policy referred to in his Excellency's memorandum."

At the same time it may be a question whether it were prudent of the new Premier to take office under the circumstances. No doubt he thought that to decline the task would appear to be a sign of weakness, and resolved to place the responsibility of refusing a dissolution clearly upon the Governor's shoulders. Sir Edmund, on the other hand, had much to say in defence of his attitude. There was a House fresh from the people; the late government had been defeated by a fortuitous combination of hostile local interests temporarily uniting on a division. There was no proof that the late Ministers had lost the confidence of the House, and there was not the slightest possibility that a general election would place Mr. Brown in a stronger position than he now occupied. The new Ministers were, however, sworn in on the second of August, and their first demand was for a dissolution. This his Excellency peremptorily refused,\* more especially as the respective Houses had at once, and in the absence of Ministers, passed a vote of non-confidence in the Brown-Dorion Government. Upon this fact his Excellency laid considerable stress, pointing out that as there were a hundred and two members present, the votes of the remaining twenty-seven, even supposing them to have voted in a body with the Government, would have left it in the minority still.†

When Mr. Brown presented himself before the electors of East Toronto, he was already out of office; nevertheless he

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\* All the correspondence, memoranda, &c., will be found in Todd : *Parliamentary Government in the British Colonies*, pp. 52C-536.

† For Mr. Langevin's non-confidence amendment seventy-one votes were recorded; against it thirty-one, only four Lower Canadians members being found in the minority. A similar motion was carried in the Legislative Council by sixteen to eight.

was returned by a handsome majority over Mr. J. Hillyard Cameron. In 1859, the Reform Convention was held in the St. Lawrence Hall, Toronto, at which delegates from all parts of Canada were present. It was at once recognised that further agitation in favour of the bare principle of representation according to population was futile. A federal union of the two Provinces was proposed, with two or more local legislatures, and "some joint authority" to which should be committed matters of common concern to all. In February, 1860, Mr. Brown submitted the resolutions to the House; but, as already stated, they were negatived by large majorities. In the following year, the general election took place, and Mr. Brown lost his seat for East Toronto, his successful competitor being Mr. (afterwards Lieutenant-Governor) Crawford. Soon after he was prostrated by the first serious illness of his life, and on his recovery repaired to Europe. While there he married Miss Nelson, daughter of the well-known Edinburgh publisher, Mr. Thomas Nelson. On his return he found the Sandfield Macdonald Government in power, but declined to give it his support through the press. To his mind Ministers had abandoned the Upper Canadian cause, and deserved to be regarded as traitors.

In 1863, Dr. Connor, Solicitor-General West, was elevated to the Bench, and Mr. Brown at once resolved to be a candidate. He was elected by an overwhelming majority for South Oxford, and continued to represent it in the House until confederation. He opposed the non-confidence motion of Mr. J. A. Macdonald, but at the same time, gave Ministers to understand that he only preferred them because he would not aid in re-instating the Tories. His speech on this occasion

was a vigorous attack on the Ministry, and a defence of the resolutions adopted at the Convention of 1859. As we have seen, the Liberals were in a minority of five, and a dissolution took place. In the following year the Macdonald-Dorion Ministry collapsed.

The Taché-Macdonald Government succeeded no better than its predecessor, and, in 1864, it was evident that some radical change of a constitutional nature was imperatively demanded. Party government had been tried and failed; coalitions on the old lines had proved useless; yet now the problem had to be faced by both sides of the House. Mr. Brown, notwithstanding the outcries raised from time to time against him, had produced a state of things in which it became obviously necessary to re-arrange the constitutional relations of the Provinces, so as to secure fair representation to the west. Into the history of the negotiations which took place on this occasion, we need not enter. The basis of agreement between the party leaders was a confederation of all the British North American Colonies. Three seats in the Cabinet were placed at Mr. Brown's disposal. Personally he desired to remain outside, but his presence was insisted upon. He in turn objected to act under Mr. J. A. Macdonald, and Sir Etienne Taché was made Premier, with Messrs. Brown, Macdougall and Mowat, as Reform representatives; but the last named having been appointed Vice-Chancellor, was succeeded by Mr. (Sir W.P.) Howland, in November. In the formation of this coalition, there seems no room for the assertion that either party had abandoned its principles. It was a stern necessity, and the honour due to both for the patriotism displayed throughout must be equally divided. How long

the hopeless struggle might have been protracted, it is difficult to conjecture ; certainly, the time had come, when, for the country's sake, some combined effort was demanded of the hostile camps. That they recognised the gravity of the crisis, and concluded an honourable truce, must always give them an ample title to the gratitude of Canadians.

It happened, fortunately, at this time, that the Maritime Provinces were contemplating a smaller union amongst themselves, and the opportunity was embraced of submitting the larger scheme. Eight members of the Canadian Government attended the Conference at Charlottetown, P. E. I., and unfolded the project they had in view. The narrower measure was abandoned, and the Conference adjourned, to meet at Quebec on the 10th of October. Meanwhile, Mr. Brown and his colleagues addressed public gatherings in New Brunswick and Nova Scotia, and, when the adjourned meeting assembled, a protracted discussion, lasting during seventeen days, took place. During these debates, Mr. Brown was no longer the impetuous agitator of the past. Partizanship had been swallowed up in disinterested public spirit, and he spoke in a dignified spirit of patriotism exceedingly honourable to his nature. The outlines of the scheme were adopted, and Messrs. Brown, Cartier, Galt and Macdonald, after having obtained the sanction of Parliament, repaired to England to secure the necessary legislation. Unhappily, a dispute arose in the Cabinet over the renewal of the Reciprocity Treaty, which would expire by effluxion of time in 1866. It was proposed to send a deputation to Washington to negotiate for a new treaty ; but Mr. Brown objected, on the ground that, as the American President had given notice of his de-

sire to terminate the treaty, any advances should come from the other side. He also disapproved of the terms to be submitted ; because they appeared too favourable to the United States. In consequence of this difference of opinion, Mr. Brown resigned his office in December, 1865, and, for a time, took little or no part in active political life. It is difficult to judge accurately as between the parties concerned here, because the negotiations came to nothing. The American Government and Senate were deeply incensed both against Britain and Canada, and nothing was, from the first, likely to come of it. That being the case, it would seem that Mr. Brown acted hastily in withdrawing his hand from the work of confederation before it was completed. At the most, when the treaty seemed likely to be concluded and ratified, it was open to him to retire without in the slightest degree compromising himself.

At the first general election after the Dominion had been constituted, Mr. Brown contested South Ontario with Mr. T. N. Gibbs, and was defeated, his opponent being returned by a majority of seventy-one. The step was bold even to rashness, and it deprived the House of Mr. Brown's service thenceforth. In 1873, soon after the accession to power of Mr. Mackenzie, Mr. Brown was called to the Senate and remained a member until his untimely death. In 1874 he was despatched to Washington to aid the British Ambassador in negotiating a reciprocity treaty. The attempt was so far successful that President Grant approved of the draft ; but on its submission, according to the American constitution, to the Senate, that body refused to ratify it. The political course of Mr. Brown from 1867 to 1880 will come under

notice hereafter ; meanwhile it may be said that he took no prominent part in public affairs except through the medium of his journal. To it and to his agricultural experiment at Bow Park, he devoted his best energies, working with indomitable energy, and with much of his old fire. On the 25th of March, 1880, the people of Toronto were astounded by the report that he had been shot by a man named Bennett, a workman formerly in the *Globe* press-room. Unhappily the rumour was too well founded. The prisoner, who had been discharged for irregular habits, appears to have repaired to Mr. Brown's office with the intention of intimidating him. At any rate, in the course of the altercation, Bennett was in the act of drawing a revolver when Mr. Brown seized him by the arm. Whether, as the prisoner protested to the last, the weapon was accidentally discharged or not, cannot now be known. Certainly some wild rhapsodical scraps found on his person would seem to show that, under certain circumstances, he contemplated homicide. Much reliance, however, cannot be placed on this evidence, since the man, naturally of a flighty temperament, had certainly been made wilder by dissipation. At all events, the Senator was wounded in the thigh, and although he made light of the injury, it soon became evident that his system had suffered a serious shock. Notwithstanding every effort, he expired on the ninth of May, 1880, in the sixty-second year of his age.

The Hon. George Brown is a singular instance of what will, energy, and firm adherence to settled principle may do for a man who enters life with no extraneous advantages. Whatever may be thought of his persistence in urging measures which appeared at the time impracticable, no one

can now venture to assert that he was not justified by the event. His prolonged agitation in favour of representation according to population was unsuccessful immediately, but triumphed in the end, although not in the way he anticipated. The "joint authority" resolutions were tentative experiments; but when the leaders on both sides recognised the mischief, and combined in seeking a remedy, it was soon found. The constitutional question having been removed from the arena of mere party strife, became a matter of patriotic concern, and the solution dawned upon men with all the power of a new revelation. Had Mr. Brown's public career produced no riper fruit than the confederation scheme, and without his co-operation, its accomplishment was impossible, his claim to the title of statesman would still be unimpeachable. It has been said, and with some truth, that he was at times overbearing and dictatorial—a fault he shared in common with all strong men who have made their mark in history. He was so thoroughly convinced that he was always on the right side, that he never appears to have been able to enter into the convictions, equally strong and sincere, which moved others to oppose him. Hence much of the caustic writing in which he indulged as a journalist, and the denunciatory vein which runs through most of his utterances prior to the Coalition of 1864. As a speaker, he was hardly an orator; yet he possessed a singular power of swaying audiences. Nearly always his opening sentences were hesitating—not to say stuttering; but when thoroughly heated, the flow of burning words was as impetuous as a mountain torrent. The secret of his power lay not in eloquence, but in the earnestness with which he made an

audience feel that conscientious feeling was the motive power. Outside politics, there could hardly have been a more genial and kind-hearted man, and those who had the good fortune to be thrown in contact with him, could hardly realize the fact that he was the fiery and impetuous tribune of the people who, at times, could be lashed into a fury of trenchant and mordant invective.\*

It seems natural to follow up the departed Senator with a slight account of his successor in the Reform leadership, although the more conspicuous work of his public life falls without the period under consideration. The Hon. Alexander Mackenzie was born on the 28th of January, 1822, at Logierait, near the confluence of the Tay and the Tummel, in one of the most picturesque districts of the Perthshire Highlands. His father was an architect and contractor, and he was designed for the same occupation, beginning, as is the practical fashion in Scotland, with a solid grounding in masonry. He had previously finished his preliminary education, for thereafter he was the director of his own studies at the old cathedral city of Dunkeld and at Perth. His father died in 1836, leaving behind him seven sons, all of whom subsequently settled in Canada. Of these, Mr. Mackenzie was the third; another who entered public life, with great promise, Mr. Hope F. Mackenzie, sat for Lambton and North Oxford, but was too early called away. In 1842, he emigrated to Canada, and was joined by the brother just mentioned, in the following year; and four years after the

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\* Our authorities here have been especially the *Canadian Portrait Gallery*, ii., p. 31, with Taylor's *Portraits, &c.*, part x., p. 189, Morgan's *Celebrated Canadians*, p. 769, Turcotte, and McMullen.

remaining five also settled in Ontario. Mr. Alexander Mackenzie's first place of residence was Kingston, where he worked as a journeyman, setting up soon after as a builder and contractor, on his own account. This was at Sarnia, in Western Ontario, and there, at a time when the tide of political passion ran high, he settled down to the serious work of life. A Whig in Scotland, he brought his Liberal principles with him, and naturally opposed the reactionary views of Lord Metcalfe. In 1848, he hailed the accession of Messrs. Baldwin and Lafontaine to office with delight; but, like Mr. Brown, felt dissatisfied with the Hincks-Morin Cabinet which succeeded them. In 1852, the *Lambton Shield* appeared at Sarnia, with Mr. Mackenzie as editor. For two years he fought through its columns, and when the *Observer*—transferred from Lanark—appeared, the *Shield* dropped out of existence. Mr. Hope Mackenzie was the first of the family who entered Parliament. He had been defeated in 1857, by Mr. Malcolm Cameron, but, in 1859, he was elected. In 1861, as his brother, on business grounds, declined re-election, Mr. Alexander Mackenzie entered Parliament for the same constituency. Mr. Hope Mackenzie afterwards sat for North Oxford, if we mistake not, up to the time of his death.

In Parliament, Mr. Mackenzie soon made his mark, not so much by eloquence, as by the plain, honest and firm statement of his opinions. He supported Mr. Sandfield MacDonald, because he saw in his continuance in office the only hope of the Reform party. When the project of Confederation took definite shape, he strongly favoured it; yet so persistent were his opinions that he felt considerable dislike to

the coalition of 1864. Nevertheless, he gave the new experiment a fair trial, for the sake of the principle at stake.\* When Mr. Brown retired from office, Mr. Mackenzie was offered the vacant Presidency of the Council, but declined; simply because he entirely approved of his leader's action. In 1867, on the defeat of Mr. Brown, in South Ontario, Mr. Mackenzie succeeded to the leadership of the Opposition. What followed belongs to a subsequent chapter. Meanwhile, we may note the chief events in the hon. gentleman's career up to the present time. Between December 1871, and October, 1872, he filled the office of Treasurer of Ontario, in Mr. Blake's administration. The passage of Mr. Costigan's Bill directed against "dual representation," forced both leaders to make their choice between the Houses, and they elected to sit in the Dominion Parliament. In 1873, Sir John Macdonald resigned in consequence of the Pacific Railway troubles, to which we shall have occasion to revert hereafter. Mr. Mackenzie, as the leader of the Opposition, became Premier in November, 1873, and held that high office until October, 1878, when, the party having suffered defeat at the polls, his Cabinet resigned. Since then, he has been in Opposition, but continued leader of the party until 1880, when he was succeeded by Mr. Blake.

The salient characteristics of Mr. Mackenzie are not far to seek. The secret of his success in public life has been staunch adhesion to principle, reinforced by an earnest and unwavering advocacy of it. As a speaker, he is, perhaps, seen at his best in the collection of speeches he delivered in

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\* Both the brothers Mackenzie voted for Confederation in 1865, with the majority.

Scotland during his Premiership. They were expository, informing and impressive, glowing with a fervid enthusiasm, essentially patriotic. In Canada, as a statesman, Mr. Mackenzie's temper has often been severely tried by imputations he felt were undeserved, and which he naturally repelled with indignation. When he took office, he was entirely a novice, and yet his practical sagacity and common sense carried him through the bulk of the difficulties which encompassed him. No Minister ever worked harder in his department than Mr. Mackenzie; for it was not in him to "scamp" work. He has often been accused of narrowness of view, and impatience of dissent; but so far as the charge is true, it is a fault of temperament, and not of heart. The most earnest men are not usually the most tolerant; indeed the absence of stern and uncompromising fidelity to principle is as frequently as not an evidence of the absence of principle altogether. The facile spirit which tolerates all opinions is sometimes, though not always, the sign that earnest conviction is not to be looked for. Mr. Mackenzie is a warm partisan by nature and training, and could be no other than he is. His faults lie on the surface, open to criticism; and these have too often been dwelt upon by writers who do not care to sound the depth of solid worth that constitutes his chief claim to public esteem and regard.

The Hon Oliver Mowat naturally comes next in order, because he was, like Mr. Mackenzie, an intimate friend and a staunch supporter of Mr. Brown, and also because he, too, has been a Premier, although not of the Dominion. His father came from the "far awa' north," being a native of Canisbay, Caithness. Like many other parents of distin-

guished sons, he was a soldier, and served throughout the Peninsular war. In 1816 he removed to Canada, his war-like occupation having gone, and soon after settled in Kingston; there he remained until his death. His wife, whom he married here, was also from Caithness, and of their children, Oliver was the eldest. He was born on the 22nd of July, 1820, so that he had arrived at the age of seventeen when the stirring times of the Rebellion awakened the old Conservative city of Kingston. Mr. Mowat was educated at such schools as were accessible at the time, and finished under the Rev. John Cruickshank, who also was dominie to Sir John Macdonald and Mr. J. Hillyard Cameron. He appears to have been an apt scholar, and to have displayed a readiness in learning, and a fondness for it, beyond his years. When the Rebellion broke out, young Mowat became a volunteer, and, judging from his environment at the time, we have a shrewd suspicion that he was, temporarily, a good Tory. Somewhere about this time he entered the office of Mr. J. A. Macdonald, his senior by only five or six years, who had lately been called to the bar. For four years the future Premier of Ontario was an articled clerk to the future Premier of the Dominion. Their paths have diverged politically since; yet one would like to believe that the memory of the old time still serves as a link of connection between them. Mr. Mowat then removed to Toronto, and completed his terms with Mr. Robert E. Burns, subsequently a Superior Court Judge. In 1842 he was called to the bar, and, after an interval of practice at Kingston, again left for Toronto, where he entered into partnership with Mr. Burns. Mr. (afterwards Chancellor) Vankoughnet subsequently joined the

firm, which continued to exist after the retirement of Judge Burns. Mr. Mowat confined himself entirely to equity practice; and when the Court of Chancery was remodelled under the Act introduced by the Hon. W. H. Blake—a measure sorely needed, although it was vigorously resisted by the Opposition\*—Mr. Mowat admittedly stood at the head of its bar.

The future Premier of Ontario did not enter public life until the year 1857, when he defeated Mr. (Judge) Morrison in South Ontario by a majority of nearly 800. In the same year, and the one succeeding, Mr. Mowat served as an Alderman in the Toronto City Council. He appeared in Parliament, for the first time, in February, 1858, and proved Mr. Brown's ablest associate. Within a few months his eloquence and earnestness had brought him to the front rank, and when the short-lived Brown-Dorion Government was formed, in August, he was appointed Provincial Secretary. In 1861, he attempted to dislodge the Premier at Kingston, but failed, and was compelled to fall back upon his old constituency. In consequence of an adverse vote on the Militia Bill, the Government resigned, but Mr. Mowat did not take office at once under Mr. Sandfield Macdonald. He preferred to stand aloof, not being satisfied with the attitude of the new Premier on the representation question. When the Cabinet was reconstructed, in 1863, however, the hon. gentleman became Postmaster-General; but his tenure of office

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\* Mr. W. L. Mackenzie moved a motion, in 1851, which completely changed the complexion of party politics. It was aimed at the very existence of this Court, and, although lost by a majority of four, was supported by the major part of the Upper Canada representatives. Mr. Baldwin resigned in consequence, and Mr. Lafontaine shortly afterwards followed him into retirement.

only lasted for about ten months. Once more, in June, 1864, he became Postmaster-General in the Coalition Government, Messrs. Brown and Macdougall being his Reform colleagues. In November of the same year, however, he accepted the Vice-Chancellorship of Upper Canada, *vice* Mr. Esten deceased. The remainder of his career lies outside our present period. It is only necessary to note here that, in October, 1872, Mr. Mowat resigned his judicial office, and became Premier and Attorney-General of Ontario, a post he still occupies. There was considerable exception taken at the time to the hon. gentleman's action. It was stigmatized as degrading to the judicial office, as tending to destroy public confidence in the independence of the Bench, and so forth. But it must never be forgotten that a judge does not lose his rights as a citizen, and when he resigns his position he ought to suffer no political disqualification because he has been upon the Bench. It was urged that all the Vice-Chancellor's judgments, where partisan bias could be suspected, might be impugned. Yet, in England, the highest judicial seat is occupied by a member of the Government, and no charge of partisanship has ever been made against Earl Cairns or Lord Selborne, or any of their illustrious predecessors for at least a hundred and fifty years. The indignation aroused was caused not so much at the step itself as at the surprise occasioned by it. The removal of Messrs. Blake and Mackenzie had left the Ontario Government party helpless, and when Mr. Mowat appeared from above as a *deus e machinâ*, it was only natural that the Opposition should feel chagrined at a move by which they were checkmated.

Into the policy of the Ontario Government since 1872 it is not necessary to enter here. It may suffice to say that Mr. Mowat has proved a cautious and intelligent administrator, rather conservative in spirit than otherwise. Early in his second public term, the Premier declared that he should endeavour, as a public man, always to act as a "Christian politician." The phrase has been lightly treated by some of his opponents; yet it is hard to detect any impropriety in the hon. gentleman's setting before himself the highest ideal known in a Christian land. In his intentions, at all events, Mr. Mowat has always kept this lofty standard in view, although, like most other leaders, he has not always had his own way. Whatever his faults, he is an eminently conscientious man, endowed with great talents, a facile power of expression, and unflagging industry. That amidst the political crises of nine years he has kept his place in the confidence of the people is a sufficient evidence of the sterling qualities he possesses.

The third Reform member of the Coalition Government of 1864, was the Honourable William Macdougall. Although by birth a Canadian, and the son of a Canadian, his grandfather hailed from the Scottish Highlands, was a U. E. Loyalist, and served in the Commissariat Department of the British army during the Revolution. He subsequently settled at Shelburne, Nova Scotia, but removed to Upper Canada, like other loyal settlers by the sea, when Governor Simcoe arrived. His son Daniel married, and the subject of this sketch was born to him on the 25th of January, 1822. William Macdougall received a tolerable grounding at school, and attended Victoria College for a brief period; but he was

for the most part, self-educated. At the age of eighteen, he entered the law office of Mr. James Hervey Price, subsequently Commissioner of Crown Lands in the Baldwin-Lafontaine Cabinet. In 1847, Mr. Macdougall was made an attorney, and practised for a short time; but he was early lured into the seductive path of journalism, and it was not until 1862, that he applied for his call at the bar. Having a practical knowledge of agriculture, his first venture was the *Canada Farmer*, which he established shortly after entering upon legal practice. This journal was subsequently merged into the *Canadian Agriculturist*, which was also edited by him up to the year 1848.

It was not long before a schism occurred in the Reform party, and Mr. Macdougall espoused the side of the "Clear Grits," led at that time by Mr. Malcolm Cameron and Dr. Rolph. Their only organ was the *Examiner*, edited with distinguished ability by Mr. Lindsey. It, however, hardly expressed the views of the advanced Reformers, and in 1850, Mr. Macdougall launched the *North American*, in opposition to the Government and the *Globe*. At that time the "platform" of the new party seemed extremely radical, yet singularly enough, almost every "plank" has been adopted since. The extension of the elective principle to the Legislative and Municipal bodies, the abolition of any property qualification for members of Parliament, the extension of the franchise to householders, vote by ballot, representation based on population, the severance of Church and State with religious equality, modification of the usury laws, the abolition of the right of primogeniture, a decimal currency, and free navigation of the St. Lawrence, have all been brought to

pass. Mr. Mowat's Judicature Act is the adoption of another; and the only "planks" still unadopted are biennial Parliaments, and the power of regulating commercial intercourse with other nations; of these the latter has been virtually conceded. At that time the Conservatives and orthodox Liberals united in stigmatizing the "platform" as extreme and mischievous. In 1853, Mr. Macdougall represented Canada at the World's Fair in New York.

Next year the Hincks-Morin Cabinet was formed, and the *North American* became its organ, without, however, surrendering its independence or casting away a plank of the platform. It was natural that Mr. Macdougall, whose influence began to be felt in the country, should aspire to a seat in Parliament, and few public men had so early an opportunity of learning the sweet uses of adversity. In 1854 he suffered two defeats—in North Wentworth and Waterloo, and in 1857 in Perth, where he was beaten by Mr. T. M. Daly, a strong local candidate of Conservative politics. During the latter year Mr. Brown and he were reconciled, the *North American* was merged in the *Globe*, and Mr. Macdougall occupied a position on the editorial staff of the latter. In 1858, he first succeeded in entering the House. Mr. Brown had secured a double return, and elected to sit for Toronto, and Mr. Macdougall was returned for North Oxford, over the Hon. J. C. Morrison. During his early Parliamentary career, Mr. Macdougall was a staunch advocate of representation according to population, and other radical reforms, and supported Mr. Brown with vigour and ability. Possessed of a singularly calm and immobile demeanour, a cool head, and logical mind, he proved an able first lieutenant

to his chief.\* His conspicuous debating power was of great value to the party; but, as usual, a spirit of independence caused him to be restive in party harness, and, in 1860, he and Mr. Brown parted company. The honourable gentleman, in 1862, entered the Macdonald-Sicotte Government, and remained with his new leader until the defeat of 1864. In that year he was returned for North Lanark, and continued to sit for it for some years. In 1863, feeling that the struggle for equal representation was fatal under existing circumstances, he formally announced his abandonment of the principle, a step which, of course, widened the breach between him and his old chief. Next year, however, the old allies once more came together as members of the Coalition Government. Mr. Macdougall took part in both the Union Conferences, in Canada, and was present, in London, during 1866-7, when the terms of Confederation were finally settled. He had previously acted as a Commissioner to open up trade with Mexico and the West Indies.

Amongst the subjects which peculiarly attracted Mr. Macdougall's attention was the future destiny of the North-West, and its acquisition by the Dominion. He had visited England with Sir George Cartier on the subject, and succeeded in bringing the negotiations, by which that vast territory was annexed to the Dominion, to a successful issue. It was natural, therefore, that when the new country was organized, Mr. Macdougall should be appointed its Governor. Then arose the troubles which prevented his entrance into

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\* Mr. Turcotte, whose views are always Conservative, or rather strongly Lower Canadian, terms him a worthy adept of his leader—"adepte digne de M. Brown."—*Le Canada*, ii. 411.

the country. The French half-breeds, on the pretext that their feelings in the matter had not been consulted, rose in rebellion, established a Provisional Government under Riel, and forcibly kept the new Governor out of the country. This episode will naturally fall into place when the North-west comes under consideration. Meanwhile, it is only necessary to remark that Mr. Macdougall did all he could to pacify the malcontents, and finally retired from the scene when he found that he had neither a sufficient force, nor the satisfactory backing required, to enable him to assert his authority. In 1870, Mr. Sandfield Macdonald, the Premier of Ontario, appointed him Government trustee on the Canada Southern Railway, and in the following year he was nominated a Commissioner on the part of the Province to adjust its North-Western boundary. In 1872, he was defeated in North Lanark, and in 1873 visited Europe on a two-fold errand: first, to obtain a settlement of the fishery question, and secondly, to stir up the spirit of emigration in Scandinavia.

Until 1875, Mr. Macdougall's voice was not heard in the legislative halls, but in that year he secured election as member for South Simcoe, in the local Legislature of Ontario. During the three years which followed, he opposed Mr. Mowat's Government, and was virtually the leader of his party. When the general election of September, 1878, arrived, the hon. gentleman once more contested a seat for the Dominion House. He was elected for Halton over a strong local candidate by the small majority of eighteen—the result being, Macdougall, 1,708, McCraney, 1690. During the years which have elapsed, the hon. gentleman has prac-

tised law, and although he labours under considerable disadvantages, not to be overcome by one who has followed his profession only fitfully, he has made his mark in connection with *causes célèbres* like the Campbell divorce and Mercer will cases. No one can read his argument before the Supreme Court in the latter suit, without regretting that he did not earlier apply himself to the legal profession. As a legislator, his labours have been fruitful to a degree hardly suspected by those who have not followed the course of public events. It has been said that Mr. Macdougall has many enemies, and this is, in a sense, true. The political free-lance is never regarded with cordiality by party leaders. If independent at all hazards, a public man must expect to be more or less distrusted by those who prize above all things party discipline. Mr. Macdougall, as his whole course proves, has always preferred to think for himself, and he has paid the penalty of his rashness. Certainly he cannot be charged with self-seeking, for he is to-day a poor man, and seems never to have mastered the art of becoming a rich one. He has some notable faults which have probably furnished a pretext for distrust in some quarters. His manner is cold and unsympathetic, and he delights too much in abstract appeals to a logical sense, often non-existent at all, and only occasionally touches the hearts of his auditors. Still, as a speaker, he is singularly clear and incisive; the marble is cold, yet it is marble all the same. With a more genial humour and broader sympathies, he would certainly have stood in the foremost rank as a statesman. In private life, where the judgment is less in play than the affections, Mr. Macdougall is an eminently agreeable friend,

relative and companion; and even in public, where he cannot altogether divest himself of a certain formal stiffness—a cool, logical suit of buckram—he is telling and moving also on occasion. Perhaps in the future the Dominion will yet gather richer fruit from his admitted vigour and ability.

The Finance Minister of the Coalition Government next demands attention. Alexander Tilloch Galt, was born at Chelsea, London, England, the 6th of September, 1817; but, in all but the accident of birth, he is a Scot. His father, John Galt, the well-known Scottish novelist and colonizer, will demand attention in a future volume, when reference will be made to special areas of Scottish settlement. The son early displayed literary ability, and, at the age of fourteen, contributed to *Fraser's Magazine*. But Mr. Galt's career was not destined to be a literary one. His father's connection with Canada directed the sons' attention to this country, and all three of them settled here.\* At the age of sixteen, Alexander became a clerk in the service of the British and American Land Company, whose operations were confined to the eastern townships of Lower Canada, near the frontier. The affairs of this corporation were not in a flourishing condition; but by Mr. Galt's energy they were placed on a most satisfactory footing.†

Mr. Galt entered public life in 1849 as member for the county of Sherbrooke. He was a Liberal in politics; still he opposed the Rebellion Losses Bill, and appeared to have

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\* The only other who still survives is the Hon. Thomas Galt, one of the judges in the Court of Queen's Bench of Ontario. He is a Scot by birth.

† When he retired in 1856, the Directors stated that during his engagement of sixteen years, "the position of the Company was changed from one of almost hopeless insolvency to that of a valuable and remunerative undertaking."

despaired at that time of Canada's future. He was one of the signers of the celebrated annexation manifesto of that year, although he has always been distinctly loyal, and is now an ardent champion of British connection. There can be no doubt that this remarkable pronunciamento was the outcome of temporary irritation on the part of the signers, and by no means expressed their settled convictions. When Toronto became the seat of Government, Mr. Galt resigned his seat, and remained in private life until 1853 when, a vacancy occurring, he was returned for Sherbrooke, which he continued to represent until he once more retired in 1872. During the early years of his second political period, he usually supported the Liberal party ; but in 1857, when the representation and other vexed questions began to be urged with vehemence, Mr. Galt became what may be termed a Conservative Liberal. The hon. gentleman has made himself known by his rare skill in matters of finance, and it was early predicted that he would, sooner or later, be entrusted with the management of the department in which he excelled. He was strongly opposed to radical changes in the constitution, and about this time proposed a union of all the Provinces in an exhaustive and eloquent speech, which, however, produced no immediate effect. The time for that project had not yet arrived.

When the Brown-Dorion Government resigned, in August, 1858, Sir Edmund Head called upon Mr. Galt to form an administration ; but, after a brief trial, he gave up the attempt. So far his attention had chiefly been given to railway enterprise. From 1852, onward, he had been government director of the Grand Trunk and St. Lawrence and Atlantic,

and devoted his conspicuous abilities to their service. When the Cartier-Macdonald Government was formed, in 1858, Mr. Galt became Inspector-General, as the Finance Minister was at that time called, in place of Hon. W. Cayley, and remained in office until the defeat of the Government on the Militia Bill, in 1862. During this period, he had ample room for the display of his ability and fertility of resource. The finances were certainly in a bad way, and no small credit is due to him for the services rendered the state at a trying period of its history. A financial statement from Mr. Galt was always looked forward to as something worth the hearing, from the lucidity of its style, no less than from the plainness of its expositions. He was singularly clear-headed, self-possessed, and gifted with a power of imperturbable good humour that always made its way with the House. In 1864, he found himself once more in office as Finance Minister, retaining it till August, 1866. During this time the hon. gentleman was actively engaged in promoting his favourite scheme of confederation. He continued in the Cabinet after the Coalition, and was a member of the two conferences at Charlottetown and Quebec, and one of the delegates to England. In 1865, he was sent to Washington as joint plenipotentiary with the British Ambassador to negotiate a reciprocity treaty. As before stated, the effort failed, and in the following year he resigned. The difference between himself and his colleagues arose out of the school question. Mr. Galt insisted that, before confederation, the rights of the Protestant minority in Lower Canada should be assured, and his views appear to have prevailed with the Cabinet; but the note of alarm was sounded from

the majority, and the Bill introduced was withdrawn. Mr. Galt at once tendered his resignation. In July, 1867, however, he again became Finance Minister, but only filled the office until the following November, when he finally retired, to be succeeded by Sir John Rose. It has been said\* that the reason for his retirement has never been fully made known, but the cause is not far to seek. The ex-Finance Minister has never been a strong partisan, and may well have chafed under the official restraint put upon his independence. In his own department, for which he was immediately responsible before the eyes of the people, matters do not appear to have gone to his mind. The Pacific Railway and Washington Treaty discussions subsequently show that it was only a question of time when he should leave the Cabinet. Not long after his withdrawal, he moved a vote of censure upon the financial policy of the Government, and there can be little question that the prospect of an unjustifiable expenditure, which he was powerless to prevent, drove him from the Cabinet. In 1872, Mr. Galt declined re-election, and has not since re-entered Parliament. In 1878, he became Sir Alexander Galt, of the Order of St. Michael and St. George; and, in the same year, declined the Ministry of Finance, rendered vacant by the retirement of Sir John Rose. In 1875, he defined his policy in a letter to the Hon. Jas. Ferrier, on the pressing questions of the time. Opposed to the Pacific Railway, he expressed his alarm at the serious increase of the Dominion debt, and advocated what was afterwards known as the National Policy, while still, as he stated, theoretically, a free-trader.

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\* *Weekly Globe*, June 2nd, 1876.

In 1877, he was named a Commissioner, on behalf of Great Britain, on the Halifax Arbitration on the Fishery Question under the Washington treaty, and brought the affair to a satisfactory conclusion. Sir Alexander Galt has been engaged in commercial negotiations with France and Spain which, for reasons diplomatic, have not as yet borne their fruit. He is now High Commissioner of the Dominion in London, where he has been of invaluable service in adjusting questions of finance, emigration, &c., with the Imperial Government.

A man of varied talents, and singular gifts of persuasive address and executive power, one cannot help regretting that he has not been oftener and for longer periods in the Government of his country. In the House, there has never been a more finished debater—during the present generation at all events. Fluent in speech, singularly clear and plain in unfolding facts and figures, he has always commanded the ear of the Assembly. Of a singularly good-natured and placable disposition, he has never failed to attract personally even those whom differences of opinion may have made his political opponents. No more attractive public character will be found in the ranks of our living statesmen, and it may not be too much to hope that, in the future, Canada may enjoy the full benefit of his varied talents and consummate tact. Some of Sir Alexander's best speeches have been published in pamphlet form, as well as one brochure on Canada from 1849 to 1859, and another on the effects of Ultramontaniam in Canada.

The Hon. Joseph Curran Morrison, whom we have had occasion to mention previously, was the eldest son of Mr.

Hugh Morrison, a native of Sutherlandshire. He himself was born in Ireland, but the accident of birth has not prevented him from acknowledging his true nationality, and like his brother Angus, formerly M. P., and Mayor of Toronto, he is a member of St. Andrew's Society. He came to the country at an early age, and completed his education at Upper Canada College. Called to the Bar in 1839, he at once entered into partnership with the late Hon. W. H. Blake, the future Chancellor. He was subsequently, after Mr. Blake's elevation to the bench, a member of the firm of Macdonald, Morrison & Connor, which was facetiously termed "the flourishing concern" by the "Clear Grit" Reformers. He first secured a seat for West York at the general election of 1847, and became an ardent supporter of the Baldwin-Lafontaine Cabinet, but took no office under the Government. In 1851, he suffered defeat; but was almost immediately returned for the town of Niagara in place of Mr. Hincks, who had received a double return but elected to sit for Oxford. When the basis of the Hincks-Morin Administration was enlarged by the introduction of Messrs. Malcolm Cameron and Rolph, Mr. Morrison became Solicitor-General, and retained the office until the defeat of the Government in 1854, a period of nearly nine months. In 1856, he entered the Executive Council as Receiver-General in the Taché-Macdonald Cabinet, and retained the office until February, 1858, when the Macdonald-Cartier Cabinet was formed. He had previously been an unsuccessful candidate for South Ontario (1857), and for North Oxford (1858). In February, 1860, he once more took the Solicitor-Generalship. Up to this time Mr. Morri-

son had been Registrar of Toronto, and was consequently out of Parliament. After suffering defeat in Grey, the hon. gentleman resigned, and finally retired from public life. In March, 1862, Mr. Morrison took his seat on the Bench as a Judge of the Court of Common Pleas. In 1863, he was raised to the Queen's Bench, and in 1877 to the Court of Appeal. He is now the senior puisné judge of Ontario. Judge Morrison has held many important offices in connection with higher education, among others the Chancellorship of the University of Toronto. As a politician, he had few opportunities of distinguishing himself; but he has made his mark at the bar and on the bench, and is highly esteemed by all with whom he has been brought in contact whether in public or private life.

The Hon. Adam Wilson, Chief Justice of the Court of Common Pleas, also for a brief period figured in Parliamentary life. Yet he is above all things a lawyer. Mr. Wilson was born in Edinburgh, and came to this country in 1830. For a time he devoted himself to commercial pursuits, but abandoned them for the legal profession. He studied under the old firm of Baldwin and Sullivan, and after his call to the Bar, 1839, became a partner. He was subsequently at the head of the firms formed on Mr. Baldwin's retirement, the last being those of Wilson, Patterson and Beaty, in common law, and Wilson and Hector in chancery practice. In 1856 he was appointed to the commission for the consolidation of the Statutes of Canada and Upper Canada respectively—a task requiring great legal acumen, and unflagging industry. In the previous year he was chosen an Alderman

of Toronto, and, in 1859, was the first Mayor of the city elected by the people. During this time he had charge of several important cases, such as the prosecutions arising out of the Russell election frauds, and the suits against Ministers in 1858-9 on account of the "double shuffle." When Mr. Hartman died in 1859, Mr. Wilson was returned for North York, Mr. Baldwin's old constituency, and continued to represent it until his elevation to the Bench. In 1861, he opposed the Hon. (now Lieutenant-Governor) J. B. Robinson in West Toronto, but was defeated by a majority of about two hundred and fifty. From May, 1862, to May, 1864, Mr. Wilson was Solicitor-General in the Sandfield Macdonald Government, but retired upon his appointment to a judgeship in the Queen's Bench. After several changes, he is now Chief Justice of the Common Pleas. As a politician, Mr. Wilson was always a Baldwin Reformer, and although he acted with Mr. Brown during his Parliamentary career, his conservative leanings were often apparent. As a judge, he stands above reproach either in respect of learning or integrity. As a man, he is eminently courteous and considerate, a friend and an adviser to all who desire his advice or friendship. He has made little commotion in the political world; indeed he has not cared to do so. Yet in the honest discharge of duty, in strict and undeviating attachment to the principles of justice and upright dealing, few men have ever adorned the Bench who will leave a better record behind them than the Hon. Adam Wilson.

Sir John Rose, Bart., G. C. M. G., was born in Aberdeenshire, in the year 1821. Educated at King's College in the

old city on the Dee, he removed to Canada, and was admitted to the bar at Montreal in 1842. In 1851 he entered Parliament for the commercial metropolis, having as his colleagues Mr. (now Chief Justice) Dorion and Mr. T. D'Arcy McGee. In November of the same year he became Solicitor-General East, and was called to the Cabinet early in 1859, as Commissioner of Public Works—an office he resigned in 1861, retiring temporarily from Parliament. In 1864, he served as Imperial Commissioner on the Oregon matter, but again entered the House as member for Huntingdon at confederation. In November, 1867, he succeeded Sir A. T. Galt as Minister of Finance. This office he held for the better part of two years, when he resigned and was succeeded by Sir Francis Hincks. Sir John Rose retired from public life on account of ill-health on both occasions referred to. A public man of singular ability and unspotted reputation, he found himself unable to stand the wear and tear of official life. For some years past he has resided in England, and conducted business there as a banker at the head of a firm of established reputation. Although removed from amongst us the ex-Finance Minister has been of eminent service to successive Governments of Canada. Shrewd and prudent in business habits, he has always been ready to aid the Dominion with counsel and active assistance, without regard to party differences.

The Hon. James Patton also deserves a brief notice. Born at Prescott, Ont., on the 10th of June, 1824, he was the fourth son of Mr. Andrew Patton, deceased, of St. Andrews, Fife-shire, and formerly a major in the 45th regiment of the line.

Mr. Patton's eldest brother was for some years rector of Cornwall; he himself was brought up to the law, commencing his studies under the Hon. J. Hillyard Cameron. In 1843 at the opening of King's College, Toronto, he matriculated, and graduated in 1847, as B. C. L. Called to the bar, he practised first at Barrie. At an early period of his career, Mr. Patton took a deep interest in politics. The agitation consequent upon the passage of the Rebellion Losses Bill appears to have acted as a stimulus to his Conservative instincts. In 1852, he established the Barrie *Herald* as the mouthpiece of his party, and conducted it for several years. Meanwhile he was engaged also in legal journalism and literature, and, in 1855, aided in the publication of the *Upper Canada Law Journal*. Mr. Patton's political ambition does not appear to have been over-active, since he uniformly declined to become a candidate for Parliamentary honours. In 1856, however, he contested successfully the Saugeen Division (Bruce, Grey and North Simcoe), immediately after the Legislative Council had been made elective.\* As a member of the Upper House, the Hon. Mr. Patton was a staunch Conservative, and it was he who moved the vote of non-confidence in the Brown-Dorion Government of 1858, carried as already mentioned by sixteen to eight. At the ensuing election he was defeated by the Hon. Mr. McMurich, and has not since entered Parliament. Mr. Patton has taken a deep interest in educational matters, particularly in the affairs of his *alma mater*, the University of Toronto. He

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\* The votes recorded were for Mr. Patton, 1712; for Mr. (afterwards the Hon.) J. McMurich, 1469; for James Beaty, 1153.

has served as Vice-Chancellor of that institution, and was first president of the Toronto University Association, a body formed to secure the restoration of the rights of graduates in convocation. Of late years he has chiefly devoted himself to the practice of his profession, as a partner of Sir John Macdonald, and in the spring of 1881 he received the appointment of Collector of Customs at the port of Toronto.

The Hon. John Young\* was born at Ayr, on the 4th of March, 1811, and educated at the parish school, like so many other Scots who have risen to eminence in the world. For some time he was himself a school-teacher in the neighbourhood of his native town; but, in 1826, he made his way to Canada, and began as a clerk in the mercantile establishment of Mr. John Torrance. In 1835, when only twenty-four years of age, he entered into partnership with Mr. David Torrance, at Quebec. Before the outbreak of the rebellion, he took the liberty of representing to Lord Gosford, the Governor of that day, the "breakers ahead," and suggested the establishment of volunteer companies; but his counsels were unheeded. When the storm burst, Mr. Young at once volunteered to aid in raising a regiment, a task accomplished within twenty-four hours. Meanwhile he had removed to Montreal, which, with characteristic prescience, the young Scot saw would be the future centre of trade. In the commercial metropolis he was a member of the firm of Stephens, Young & Co. During the Metcalfe crisis, Mr. Young was returning officer, and at once searched for and seized arms

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\* For many of the particulars in this sketch the writer is indebted to the *Weekly Globe*, June 9th, 1876, and the *Montreal Herald*, April 15th, 1878.

wherever found. His vigorous action secured the peace of the city, and his name was specially mentioned in the Governor's dispatch to Downing Street. It would be impossible here to enter upon all the enterprises with which his name was associated. His heart was thoroughly devoted to the interests of Montreal, its harbour, its railway connections, its trade, and also its culture. In 1846, he espoused the principles of free-trade with ardent enthusiasm, and remained faithful to them throughout life.

In 1851, although he had not been previously a member of Parliament, Mr. Young's administrative ability and knowledge of trade were so well recognised that he was chosen as Commissioner of Public Works on the formation of the Hincks-Morin Cabinet. He found a seat for the city of Montreal, and continued to represent it until 1857, when ill-health compelled him to retire. In 1863, he was unsuccessful as a candidate for Montreal West, but in 1872 succeeded by a majority of 800. In the House of Commons he figured as a member of the Opposition; but, local interests again pressing upon him, he finally retired in 1874. He was President of the Board of Trade, and during the later years of his life filled the office of Harbour Commissioner of the port of Montreal. He was a man of stalwart frame and fine presence, genial, no less than able and vigorous. Unhappily a sunstroke, supervening upon a long-standing affection of the heart, laid him low, and he died on the 12th of April, 1878, universally mourned by all classes in the city he had loved and served so well.

The Hon. James Ferrier is another old mercantile resident of Montreal, who, notwithstanding the brief space at our command, deserves special notice. He was born in Fifeshire, so far back as 1800. When just of age he removed to Canada, and at once entered upon his business career. Like Mr. Young, his affections were bound up in the city of his adoption. In the corporation, in the militia, in the banks, assurance companies, the railways, and institutions devoted to culture, he was always to be found at the post of duty. Nor did he forget his native land, for, more than once, he presided over the St. Andrew's Society, and aided in other benevolent efforts. Perhaps, however, he himself, in the evening of his days, would take superior pride in his work for religion and temperance. A Wesleyan, like not a few of the Montreal Scots, he proved himself a power in his church. For many years he was a Sunday-school Superintendent—perhaps, indeed, he has not yet resigned the position. In missionary effort, no Montrealer has exerted himself with more energy and single-mindedness. His public life has not been an eventful one. A Conservative in politics, he has sat in the Upper House since 1847, and is still a member of the Senate.

The Hon. David Christie was connected with the sister Province. Born at Edinburgh, in the autumn of 1818, he came to Canada, while yet a lad, in 1833. In 1851, Mr. Christie first entered Parliament, as member for Wentworth; in 1855, he was returned for East Brant, but resigned in 1858, to become a candidate for the Legislative Council in the Erie division. He succeeded by the very large majority

of twelve hundred and fifty-nine over Dr. Bown. This seat he retained until the Union, when he was made a Senator of the Dominion. When Mr. Mackenzie succeeded to power, on the 7th November, 1873, Mr. Christie entered the Cabinet as Secretary of State; but early in the following January he became Speaker of the Senate, an office he filled with great dignity and credit until the administration resigned, in October, 1878. Mr. Christie will chiefly be remembered hereafter in connection with Upper Canadian agriculture. As early as 1846, he was active in organizing the Provincial Agricultural Association, and proved its most active spirit for many years, filling the Presidential chair for the last time in 1870. He was one of the prime movers in the establishment of the Agricultural College; but his efforts in the cause of culture did not stop there. He served on the Senate of the Toronto University, and was vigorously active in many other positions of useful activity. Mr. Christie, notwithstanding the early age at which he left the fatherland, was above all things a Scot. Blunt and straightforward in manner, inflexible in matters of principle, he worked hard in every effort to advance his adopted country. In politics unmistakably a Liberal, nevertheless he did not break with the old leaders so early as some of his future allies. "Douce Davie," his recalcitrant brethren used to call him in those days gone by; certainly, however, he never wavered in the course he had marked out for himself, but died, as he had lived, a strict and uncompromising Reformer. Mr. Christie died at Paris, Ontario, towards the close of 1880, in the sixty-third year of his age.

The Hon. Matthew Crooks Cameron, a Conservative, made his mark in public life after Confederation ; still his career did not begin with 1867. The son of a Scot, Mr. John M. A. Cameron, of the Canada Company, he was born at Dundas, in the year 1823, and educated at Upper Canada College. Having studied for the legal profession, he was called to the Bar early in 1849. In 1861, Mr. Cameron first entered Parliament, as member for North Ontario, having previously occupied a seat in the Toronto City Council. In the early part of the same year he contested the Mayoralty of the city, but was unsuccessful. Another general election occurred in 1863, when he suffered defeat ; but he defeated Mr. Macdougall, who had accepted office, in the following year, and retained his seat until the Union. During this period he was a regular supporter of the Cartier-Macdonald Government, and his name appears in the minority for the second reading of the Militia Bill. He opposed the Macdonald-Sicotte Government while in Parliament. Throughout the debate on Confederation, Mr. Cameron voted with the minority, because he thought that justice was not secured under it towards the province of Upper Canada. So soon, however, as the union was consummated, Mr. Cameron gracefully and at once agreed to unite with Mr. Sandfield Macdonald in forming a Government for Ontario. The office which fell to his lot was the Provincial Secretaryship, and he retained it from July, 1867, until the 25th of July, 1871, when he was transferred to the Crown Lands department. The following December, however, the Cabinet was defeated on the railway subsidy question, and Mr. Cameron left office

with his colleagues. During the next four years he was leader of the Opposition, and then retired from public life. Towards the end of 1878, Mr. Cameron was elevated to the Bench, and is now the senior puisné Judge of the Court of Queen's Bench. As a politician, and more especially as a party-leader, the honourable gentleman never seemed altogether at home. His intellect was eminently a logical one, and had been trained in the legal school. He knew nothing of compromises, and was given to the blunt expression of his honest views. There was little pliability in his disposition, and the necessary shifts and expedients resorted to in active political warfare were distasteful to him. As a speaker, he has always been clear and incisive, going straight to the point as finely wrought and well-balanced minds are wont to do. In the Government, he was a hard-working and pains-taking head of department, and he has the singular felicity of being able to boast that no one can lay a finger upon any stain or imputation upon his official integrity. On the Bench, Mr. Cameron has more than fulfilled the expectations formed of him. Whether questions of fact or arguments on law are presented to him, there is evidence, not only of lucidity and mastery in dealing with the case, but also of spotless conscientiousness, and an absorbing desire to do justice between man and man. His speeches in public life were, perhaps, too unsympathetic to attract, and his manner and voice were also against him. On the bench, however, where rhetoric is out of place, Mr. Cameron is in his true element, and it may be hoped that many years of public usefulness are yet before him.

There are other Scots still who entered public life shortly before Confederation; but their active careers will more properly occupy attention in the next volume, in which it is proposed to deal with the Lower Provinces and with the Dominion and its component parts after 1867. Meanwhile it is necessary to turn back upon some of the ground traversed and view the affairs of the old Province of Canada as a whole. Concerning the Metcalfe period, enough has already been said since the chief actors were not of Scottish origin. Earl Cathcart, who became Administrator at the retirement of Lord Metcalfe, was the second Earl; but he inherited the title of Baron in Scotland through a long line, the dignity having been conferred in 1447. He was a soldier and the son of a soldier, and had seen as much active service as any man in the army. Entering an ensign in 1799, he fought with Sir Ralph Abercrombie in Holland; subsequently at Naples, Sicily, the Baltic, Walcheren, and Flushing. In 1811-13, he served in the Peninsular war, at Barossa, Salamanca and Vittoria. In 1815, when the war again broke out, he was on Wellington's cavalry staff, and took part in the crowning victory of Waterloo where, as Lord Greenock, his courtesy title, he greatly distinguished himself, led several charges, and had three horses shot under him. During the long peace, he filled several positions of honour and trust, and, in 1845, was appointed commander of the forces in British North America. When Lord Metcalfe resigned, Earl Cathcart succeeded, first as Administrator and then as Governor-General. The Oregon boundary question at that time threatened to cause a rupture between England and the United States, and his lordship

at once set about the organization of the Canadian defences; but, when the storm blew over, the necessity for his presence was obviated, and he was relieved. The only political event of importance then was the agitation in Lower Canada for payment of the Rebellion losses, but the matter had not yet come to an issue. Years after, Lord Cathcart once more served his country in arms during the Crimean war. He was emphatically an army reformer, and sensitively concerned for the comfort of the soldier. A few years of leisure were left him, and he passed peacefully away at his country seat in the seventy-sixth year of his age, thankful, as he said, that heaven had permitted the continuance of his sojourn on earth to witness his "dearest and fondly cherished hopes so fully realized."

This volume will appropriately close with a sketch of the life and career of the distinguished nobleman, under whose auspices, and by whose exertions mainly, the principle of responsible government was definitively established in Canada. The reactionary policy of Lord Metcalfe had clearly demonstrated that the concession of so great a boon as free parliamentary rule was in itself of little avail, unless some man thoroughly imbued with its spirit were called upon to preside over its practical operation. So long as theorists in high places could, at pleasure, set at naught its plainest axioms, the security for Canadian liberty must necessarily be precarious. The hour had now come when the controversy was to be settled at once and forever; and with it appeared the man.

James Bruce, eighth Earl of Elgin, and twelfth Earl of Kincardine, was born in London, on July 20th, 1811.\* His father was the well-known ambassador to Constantinople, whose name was connected with the Elgin marbles, and most undeservedly held up to popular execration in Byron's *Curse of Minerva*. The family boasted royal ancestry; for the Earl was the chief representative of the stock of Robert the Bruce. The ancestral seat was Broomhall in Fifeshire, and Lord Elgin's father and mother were both natives of that county. After a preliminary education in Scotland, James Bruce went to Edinburgh, and subsequently to Christ Church, Oxford. At the University he found himself surrounded by young men who afterwards made a distinguished figure in public life—Lords Canning, and Dalhousie, the Duke of Newcastle, Lord Herbert of Lea, Robert Lowe (Lord Sherbrooke), Lord Cardwell and Lord Selborne, now Lord Chancellor, and Mr. Gladstone. He appears to have lived a retired life at Oxford, having a few friends who highly prized his judgment and always sought his advice. The family estate had been seriously embarrassed by his father's antiquarian tastes; and he was obliged to make the best of the time at command. One relaxation alone he conceded to himself—and that was in the nature of a discipline—debating at the Union. That he was possessed of rare oratorical gifts we are assured on unimpeachable testimony.† Had he been

\* The chief authority here is Walrond; *Letters and Journals of James, eighth Earl of Elgin*, with a Preface by Dean Stanley. London, 1872. *Canadian Portraits*, ii., p. 97, *Celebrated Canadians*, p. 560, and the histories have also been consulted.

† After his death, Mr. Gladstone wrote as follows: "I well remember placing him as to the natural gift of eloquence, at the head of all those I knew either at Eton or at the University.

either the scion of a wealthy house, or simply a political adventurer, he would have made his way in public life at home. But the burden of a name, linked with encumbered property, weighed heavily upon him; so with conscientious energy he set himself to work to repair the family fortunes. He had intended to compete for double honours, but illness, caused by overwork, compelled him to confine himself to classics, yet he obtained a first class. Having secured a fellowship, he entered at Lincoln's Inn in 1835, but does not appear to have gone farther in the legal profession. The greater part of his time was spent at Broomhall where, in his father's absence, he acted as lord of the estate, commanding a troop of yeomanry, presiding at farmers' dinners, or addressing at the request of Dr. Chalmers, public meetings in favour of church extension. Singularly enough, although a great admirer of Milton's prose works, he was at this time a staunch Tory, and his first political effort was an address to the electors of Great Britain, published in 1834, in which he strongly urged the claims of the Duke of Wellington and the other Tory leaders.

In 1840, he was returned to the Commons for Southampton, as a Liberal Conservative.\* The young member, being in opposition, did not make his maiden speech on the Address, but as seconder of an amendment to it, which was carried.† In consequence Lord Melbourne resigned, and Sir

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\* At a banquet given at the borough, he said, "I am a Conservative, not because I am adverse to improvement, not because I am unwilling to repair what is wasted, or to supply what is defective in the political fabric, but because I am satisfied that, in order to improve effectually, you must be resolved most religiously to preserve."

† From this speech two extracts may be made, in order to show the political leanings of the future Governor; "He should at all times be prepared to vote for a free trade, on the

Robert Peel reigned in his stead. Thus promisingly began young Bruce's political career; but it was destined to be cut short by circumstances beyond his control. His elder step-brother had died in 1840, and was followed next year by his father, so that he found himself a Scottish earl, yet without a seat in either House of Parliament. No prospect could well be more disheartening to a talented and eloquent young man; yet another opening was made for him in a quarter whence he was to gather laurels during a life all too short for the public interests. When not yet thirty-one years of age, in March, 1842, Lord Stanley (the late Lord Derby) nominated him Governor of Jamaica. This voyage ended most disastrously for him, for the steamer struck upon a coral reef and became a total wreck. No lives were lost then; but the shock proved too much for Lady Elgin's delicate state of health. Shortly afterwards she gave birth to a daughter, and, although rallying for a time, there was no permanent recovery, and she passed away in the summer of 1843.

The duties of Lord Elgin's new office were sufficiently onerous and perplexing. The respective spheres of the Queen's representative and the legislature were ill-defined, and the Colonial Office had not yet learned to abstain from dictation to its distant officers. In Jamaica matters were complicated by the emancipation measure. There was the greatest difficulty in making the Assembly understand that

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principles of reciprocity, due regard being had to the interests which had grown up under our present commercial system." At the same time, speaking of the outcry against monopolies, he said, "In a day when all monopolies are denounced, I must be permitted to say that, to my mind, the monopoly which is the most intolerable and odious is the pretension to the monopoly of public virtue."

it owed something to the freedmen. The legislators, in fact, formed a sort of landed aristocracy, tenacious of their own power, yet by no means disposed to employ it for the elevation of those who had been their slaves. They were intent upon discussing constitutional questions at the expense of the weightier social problem which lay before them. The new Governor, whilst endeavouring to conciliate all classes, was anxious that everything should be postponed to "the promotion of the moral well-being of the population, and the restoration of the commercial prosperity of the island." At the outset a difficulty had arisen concerning the tariff adopted by the Legislature. It contravened the new economical principles then in vogue in England, and the Governor was peremptorily ordered to withhold his sanction. He, however, remonstrated with the Colonial Office, and was left unfettered in the matter. The chief aim Lord Elgin proposed to himself was the education of the negroes and their elevation morally and socially. He saw that, sooner or later, they must exercise weight in the electorate, and it was his anxious desire to make them intelligent and industrious men. In order to stimulate agricultural improvement, he offered a prize of £100 for the best essay on sugar-cane cultivation, and promoted the establishment of a Jamaica Agricultural Association. In the cause of religion, then as always, Lord Elgin took a warm interest, not as a mere political institution, but as the very life of any community. To him education, intelligence and ability, without "the motive power," as he termed it, were foredoomed to failure. So he laboured on, with chequered fortunes, mostly of the brighter sort, how-

ever, until the spring of 1846, when, after several requests to be allowed to retire, he was permitted to do so, and went to England on leave of absence, not again to return.

On his arrival home, he found the old Conservative party broken up, in consequence of the Free Trade policy of Sir Robert Peel. Lord Stanley had retired, and had been succeeded by Mr. Gladstone. But shortly after, Lord John Russell was Premier, and Earl Grey, Colonial Secretary. The latter knew nothing of him except by reputation, yet, notwithstanding political differences, his lordship first endeavoured to induce him to resume the Governorship of Jamaica, and then nominated him to the higher office of Governor-General of British North America. Lord Elgin accepted the office, not as an opening to fame, but to usefulness, impressed less by the dignity of the position, than by its responsibilities. It may be truly said of him that no servant of the Crown was ever more completely under the abiding influence of a sense of duty—none more completely under the control of conscience.\* On the seventh of November, 1846, he married Lady Maria Lambton, daughter of Earl Durham, and left for Canada early in the following year. After a stormy passage, he reached Boston on the 25th of January, and arrived at Montreal on the 29th.

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\* It may not be amiss to give some idea of Lord Elgin's elevated views of a Governor's duty, from a speech at a farewell dinner at Dunfermline. "To watch over the interests of these great offshoots of the British race which plant themselves in distant lands; to aid them in their efforts to extend the domain of civilization, and to fulfil that first behest of a benevolent Creator 'subdue the earth;' to abet the generous endeavours to impart to these rising communities the full advantages of British laws, British institutions, and British freedom; to assist them in maintaining unimpaired, it may be in strengthening and confirming those bonds of mutual affection which unite the parent and dependent states. These are duties not to be lightly undertaken, and which may well claim the exercise of all the faculties and energies of an earnest and patriotic mind."

The reader is already in possession of the state of affairs at the time of Lord Elgin's arrival. Lord Metcalfe's *régime* was over, and Earl Cathcart had meanwhile chosen the attitude of a calm and impartial ruler. When the new Governor-General arrived, he was well received, and in an address to the citizens of Montreal, clearly laid down his views on the part he was called upon to play in the affairs of the Province.\* His genial manners and eloquent gift of utterance, soon made him popular with all classes and both nationalities; but he saw clearly enough the rocks ahead. The Sherwood-Daly ministry was in power, and the Governor-General, true to his settled principles, gave his advisers the fullest confidence.† At all hazards, it was his fixed determination to be true to Responsible Government, and to carry out its maxims in practice at any cost. The parties, however, did not satisfy him, because they were rather sectional than Liberal or Conservative; and the only solution seemed to be a division of the Lower Canadian party into two divisions, one of which could ally itself to a corresponding one in Upper Canada. The party titles he regarded as misnomers, whereas it would be better if they became realities instead of nullities, as hitherto. "The sectional element" he wrote to Earl Grey, "would be merged in the political, if the split I refer to were accomplished."

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\* Turcotte, ii. p.8.

† "The principles on which Lord Elgin undertook to conduct the affairs of the colony were, that he should identify himself with no party, but make himself a mediator and moderator between the influential of all parties; that he should have no Ministers who did not enjoy the confidence of the Assembly, or, in the last resort, of the people; and that he should not refuse his consent to any measure proposed by his Ministry, unless it were of an extreme party character, such as the Assembly, or the people, would be sure to disapprove." —Lord Grey : *Colonial Policy*, i. p. 207, quoted in Walrond, p. 34.

Lord Elgin opened the Session on the second of June, 1847, in a speech in which he announced various concessions on the part of the Imperial Government.\* During the debate on the Address, Mr. Baldwin, leader of the Opposition, very adroitly moved an amendment, congratulating his Excellency upon his alliance with the Durham family, and expressing a hope that the country would owe to it the establishment of responsible government. After a heated debate extending over three days, the Address was finally carried, but only by a majority of two. The elections of 1847-8 completely overturned the Conservative supremacy. In Lower Canada, only five or six Ministerialists found seats, and, even in Upper Canada, Mr. Baldwin was able once more to boast of a majority. Parliament met on the 25th of February, 1848, and the first trial of strength was made on the Speakership. Sir Allan McNab was again proposed by one of the Ministers, Mr. Morin by Mr. Baldwin. On a division, the former only received nineteen votes, the latter, fifty-four. On the Address, the Opposition leader forced a direct vote of non-confidence, which was carried on a similar vote. Mr. Sherwood resigned, and the Baldwin-Lafontaine Government succeeded to power. One has only to contrast the resignations of 1843 with the peaceful triumph of 1848 to mark the profound difference between the policy and tactics of Lord Metcalfe and those of his illustrious successor.

During Lord Cathcart's brief term, as already stated, the question of compensation for losses during the Lower Cana-

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\* In a private letter written at this time, Lord Elgin wrote : " I still adhere to my opinion that the real and effectual vindication of Lord Durham's memory and proceedings, will be the success of a Governor-General of Canada who works out his views of government fairly."

dian rebellion came before Parliament. In the sister Province similar claims had been adjusted by general consent, on condition that a companion measure should be passed immediately for Lower Canada. So long as the old Ministers remained in power, they made no difficulty about it. On the contrary, Lord Metcalfe had appointed a commission of enquiry with a view to an equitable settlement of the question: Mr. Draper afterwards introduced a Rebellion Losses Bill which, had the party continued in office, would no doubt have become law. But the change of government naturally altered the attitude of the Conservative party. The Bill referred to had been framed in order to conciliate support from the French party; but so soon as the general election showed clearly enough that that hope was delusive, the new Opposition tacked its sails, and steered in another direction. The original measure had proposed to secure compensation for "certain loyal inhabitants" of the Lower Province who had suffered in 1837-8; the cry was now raised that the Baldwin Administration proposed to reward rebels as well as loyalists. It is clear from Lord Elgin's private correspondence that he did not altogether approve of the proposed Bill. He called it "a questionable measure, but one that the preceding administration had rendered almost inevitable by certain proceedings adopted by them." The Government measure simply proposed to set apart £90,000, and, by a proviso of the bill, no person who had been found guilty of treason was to be entitled to any indemnity.

Resolutions introduced by Mr. Lafontaine were carried by a vote of forty-eight to twenty-three. During the debate

some violent, not to say incendiary, language was employed on the side of the Opposition. Mr. Sherwood denounced, on behalf of those who had lost parents and near relations, the proposal to recompense those who had been the cause of murders and bloodshed throughout the country. Sir Allan McNab went further and inveighed against the entire French Canadian race, stigmatizing them as "rebels and aliens." The reply simply was that Government would take care by their instructions to the Commissioners that no rebel should receive any portion of the indemnity, and that, on this condition, there was no valid objection to a measure of justice to which both parties were equally pledged. On that side Mr. Blake ventured to essay reprisals, and, in a scathing address, arraigned the "family compact" at the bar of public opinion. The term "rebels" was retorted by the Solicitor-General, and a rencontre between Sir Allan McNab and him was the consequence. The Bill passed in the Assembly by a vote of forty-seven to eighteen—and in the Council by twenty to fourteen.

It was now that his Excellency became most unmeritedly the victim of heated passion in and without Parliament. The course he had marked out for himself clearly allowed him no alternative. Either he must adhere unflinchingly to the principle of responsible government, or adopt the rôle of Lord Metcalfe. The Opposition at once commenced an agitation, and sent in petitions, but not to either House of the legislature, for that would now have been useless. They invoked the exercise of the royal prerogative, either in the form of dissolution or a reservation of the bill.\* His Excellency lis-

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\* At this time he wrote: "The Tory party are doing what they can by menace, intimidation, and appeals to passion, to drive me to a *coup d'état*, and yet the very measure which is

tened to these requests calmly, and without committing himself. It was clear that a dissolution was out of the question. The House was only a year old, elected, moreover, when the Opposition party was in power; and therefore what possible pretext could there be for an appeal to the electorate? No constitutional ruler could hesitate for a moment as to the duty which lay before him in this regard.\* Some of his Excellency's friends in England appear to have thought that he might have saved himself some annoyance by reserving the Bill. He declined to do so, first, because a similar measure relating to Upper Canada had not been reserved; but chiefly because he would, by adopting that course, be throwing upon the Imperial Government a responsibility which ought properly to rest upon his own shoulders. "If I pass the bill," he said in his manly way, "whatever mischief ensues may probably be repaired, if the worst comes to the worst, by the sacrifice of me."

As a question of constitutional principle, there was no path open to him but one. He found an overwhelming majority from Lower Canada in its favour, and of the ten members of British descent from that Province, six voted in its favour, and only four against it. Seventeen Upper Canadian representatives were in the majority also as against

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at this moment the occasion of so loud an outcry, is nothing more than a strict, logical following out of their own acts." In the same letter, he regretted the introduction of the measure, which was only justifiable in his view by its necessity.

\* In order, as far as possible, to allow Lord Elgin to state the case in his own language, we again quote: "If I had dissolved Parliament, I might have produced a rebellion, but most assuredly I should not have procured a change of Ministry. The leaders of the party know that as well as I do, and were it possible to play tricks in such grave concerns, it would have been easy to throw them into utter confusion by merely calling upon them to form a Government. They were aware, however, that I could not, for the sake of discomfiting them, hazard so desperate a policy; so they have played out their game of faction and violence, without fear of consequences."

fourteen. Could the will of the people be more clearly expressed ; and, that being the case, what had Downing Street to do with it ? On the 25th of April, 1849, therefore, Lord Elgin proceeded to the Council Chamber, and gave his assent to the Rebellion Losses Bill, and, by so doing, settled at once and for ever the long-fought contest over responsible government. But the end was not yet. The spirit of mischief hovered in the air. A meeting was improvised, violent speeches were made, and the mob adjourned to the Parliament buildings. The House was in session, but adjourned somewhat precipitately. The windows were demolished with stones, and the building fired. The military appeared upon the ground, to restore order and aid in extinguishing the flames ; but, so far as the latter purpose was concerned, their efforts availed nothing. The outrageous act of vandalism was complete, and the legislative halls, as well as the valuable libraries, were entirely consumed.\* After finishing their barbarous work, the mob marched off with the Speaker's mace, and continued the work of destruction elsewhere for several days. Mr. Lafontaine's residence was wrecked, and a similar fate overtook the dwellings or boarding-houses of every prominent supporter of the Government.

When it next met in Bonsecours market, the Assembly passed an address to His Excellency, eulogizing his impartial administration under both the late and the present administrations. He drove into the city from Monklands to

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\* The scene is graphically described in McMullen's History, pp., 508-10. When the mob entered, firing stones and brandishing sticks, the members and officials disappeared as soon as possible. One rioter took his seat in the chair, with the air of a superloyal Jack Cade, and cried out, " I dissolve this House." In a few minutes the cry of fire was raised, and attempts were made by Sir Allan McNab and others to save pictures and books, but with indifferent success.

the Government House to receive it, and was assailed by the mob with volleys of stones. "When he entered the Government House, he took a two-pound stone with him which he picked up in his carriage, as an evidence of the sorry treatment Her Majesty's representative had received." \* His country residence was threatened, therefore some extra precautions were in consequence taken; and for several weeks, he remained at Monklands, determined not to provoke an outbreak by visiting the city. During this time, according to his valued Secretary, Major Campbell,† he "remained perfectly calm and cool; never for a moment losing his self-possession, nor failing to exercise that clear foresight and sound judgment for which he was so remarkable." He knew that, by a word, he could arouse the French Canadians to his rescue, yet refused to give it. Urged to employ the troops, his answer was, "I am prepared to bear any amount of obloquy that may be cast upon me, but, if I can possibly prevent it, no stain of blood shall rest upon my name." At the same time, while the malcontents were impeaching his personal courage, no one could bend him by an hair's breadth from his determination. To uproar and force he would yield nothing. He thought it, however, due to the Imperial Government, as well as to himself, at once to place his office at their disposal. He had endeavoured to carry out faithfully the principles of constitutional government; yet, if he were an obstacle to the tranquillity of the Province, and could not hope to hold the balance evenly between parties, he was

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\* McMullen, p. 511.

† A Scot, subsequently a Lower Canadian Seigneur, and M.P.P. for Rouville. He was a gentleman of great intelligence, comprehensive views, and elevated character.

willing to resign. Lord Grey would not hear of his resignation, and expressed the determination of the Government to uphold him at all hazards.

The minority then attempted to work upon the British Parliament, but were defeated in the Commons by 141, and in the Lords by three of a majority. Meanwhile addresses began to flow in from all parts of the country, amongst them one from the men of Glengarry, to which he replied with fervour. "My heart warms within me," he began, "when I listen to your manly and patriotic address."\* For a time, the action of the Imperial Parliament lulled the turbulence of passion; but, towards the end of August, the arrest of some parties concerned in the destruction of the Parliament buildings caused the violent spirit to break out anew. Unhappily, during a fresh attack on Mr. Lafontaine's house, a young man was shot, and his funeral was made the pretext for another riotous demonstration. The magistrates represented that nothing could save Montreal but the proclamation of martial law. But Lord Elgin said that "he would neither consent to martial law, nor to any measures of increased rigour whatsoever, until a further appeal had been made to the mayor and corporation of the city." The result was a proclamation from the Mayor which finally quieted the malcontents.

His Excellency's Ministers now represented that the seat of Government should be removed, and the alternate system adopted. Personally, Lord Elgin deprecated the aban-

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\* "One of these addresses, from the county of Glengarry, an ancient settlement of Scottish Loyalists, appears to have touched the Scotsman's heart within the statesman's."—Walrond, p. 87, where the reply will be found entire.

donment of Montreal; and he disliked going immediately to Quebec, because it would at once be urged that the Government was under French Canadian influence. It was finally agreed, after reference to the Home Government, that the next Session should be held at Toronto. During the autumn, his lordship visited the west, without military escort, in order as he said, "to contradict the allegation that he required protection." He was received almost everywhere with enthusiasm, except in some of the cities, where his opponents were able to cause slight disturbances."\*

It was natural, at the time, that Lord Elgin's policy of forbearance should be the subject of angry and impatient criticism. In England, especially, some of the warmest admirers of his general policy censured him for not suppressing the disturbances with a high hand. There seemed to be a lack of "nerve and vigour," whereas, in point of fact, there were the firmest resolution and strength of will. Now that the heated passions of the time have lost all their force, we can see clearly that there was greater courage required in patient submission to unjust reproaches, than would have been shown by any display of force, with its inevitable results.†

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\* The writer, then a boy, witnessed one of these *émeutes* at the corner of Yonge and King streets, Toronto, when stones and rotten eggs were thrown, and a rabble ran hooting with the Governor's carriage.

† Writing two years later, his Lordship, in an interesting letter (Walrond, p. 96), expresses entire satisfaction with the retrospect. "I have been told by Americans 'we thought you were right; but we could not understand why you did not shoot them down.'" And a public man in Canada, out of politics when the letter was written, said, "'Yes, I see it all now; you were right—a thousand times right—though I thought otherwise then. I own that I would have reduced Montreal to ashes before I would have endured half of what you did; and he added, 'I should have been justified too.' 'Yes,' I answered, 'you would have been justified, because your course would have been perfectly defensible; but it would not have been the best course. Mine was a better one.'"

It is easy to accuse men in high station of pusillanimity, when they are only calm, thoughtful, and self-possessed. Sir Francis Head would not have acted so; and the contrast is a sufficient justification of his constitutional successor. It is harder to conquer by moral agencies than by physical force; but the victory, if it be achieved, is ten-fold more glorious, and Lord Elgin succeeded in the teeth of difficulties which would have turned the heads of most Governors, and appalled not a few of the most courageous of them. In the heat of the struggle, he had said to the men of Glengarry: "I claim to have something of your own spirit: devotion to a cause which I believe to be a just one—courage to confront, if need be, danger, and even obloquy in its pursuit—and an undying faith that God protects the right." His confidence, as the event proved, was not misplaced.

In 1849, the annexation manifesto appeared, and among the signatories were magistrates, Queen's counsel and militia officers. Lord Elgin pointed out to Earl Grey, that, whenever any cause of discontent arose, the aggrieved party always proposed union with the neighbouring republic. Whether the British or French party felt ill at ease, or commercial depression came upon the country, the panacea of all ills was sure to be annexation. "A great deal of this talk," he said, "is bravado, however, and a great deal the mere product of thoughtlessness." To put a final stop to these periodical ebullitions of feeling, his Excellency suggested free navigation and a reciprocity treaty with the United States as indispensable measures. At the same time, while contemplating remedial measures, he assented to the dismissal of all servants of the Crown, holding office during pleasure,

who had signed the manifesto. At this time, Lord Elgin was raised to the British peerage, and already had a son and heir to receive the honour after him.

From this time forward Lord Elgin's most strenuous efforts were put forth to secure the two commercial reforms he had at heart. It was only in June, 1849, that the Imperial Navigation Laws were abolished, and the result was an immediate stimulus to Canadian trade. The reciprocity project did not fare so well. It was hardly a national, and in no sense a party question; and, therefore, it was with the greatest difficulty that the American Congress could be induced to entertain it at all. Lord Elgin's attitude was one of neutrality in an economic point of view. He was a modified free-trader; but he could not disguise from himself the exceptional position of Canada. Heartily in favour of reciprocity, he demurred to absolute free-trade. Knowing that Brother Jonathan was a hard man to deal with,\* he trusted, nevertheless, by prudent negotiation, to secure for Canada a treaty fair to both sides. During over three years, the contracting parties were at work without tangible results. Congress played with the measure, discussed it fitfully, and then allowed it to perish with the rest of the "murdered innocents," when the time for adjournment drew nigh. At length, in 1854, Lord Elgin himself was despatched to Washington, and, within a few weeks, concluded a treaty with Mr. Marcy,

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\* Speaking of the annexation movement, he wrote: "They (the Canadians) are invited to form a part of a community which is neither suffering nor freetrading, which never makes a bargain without getting at least twice as much as it gives; a community the members of which have been, within the last few weeks, pouring into their multifarious places of worship, to thank God that they are exempt from the ills which afflict other men, from those especially which afflict their despised neighbours, the inhabitants of North America, who have remained faithful to the country which planted them."

the Secretary of State, which was ratified by the Senate, and continued in force until President Lincoln terminated it in 1866, after the necessary twelve months' notice.

Home politics were early becoming brisk at Toronto. The inevitable Clergy Reserve question had rent the Reform party in two, and a new period of disorganization opened to view. The question of separate schools also rose to the front, and the signs of political tension became more marked. Happily the Governor General was not involved in these controversies. At the same time the regular and easy manner in which vexed questions were discussed up to the point of settlement forms the best possible justification of Lord Elgin's sagacious course from the first. "The true policy," he had written to the Duke of Newcastle, "in my humble judgment, is to throw the whole weight of responsibility on those who exercise the real power." His guiding principle throughout was "to let the colony have its own way in everything that was not contrary to public morality or to some Imperial interest."\* During the unhappy course of the Rebellion Losses Bill he had maintained his point, without swerving in the slightest when he was assailed by reproaches and threatened with personal violence. The hour of triumph had at length arrived, and his Excellency, during the remainder of his term, enjoyed its fruits in the regard and esteem of all Canadians. Whatever their opinions had been in the past, they felt that he was all along in the right, and had suffered injustice from those who should have welcomed the boon he proffered, and in a way forced upon them, with the liveliest gratitude. Unhappily the Provinces had

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\* Walrond, p. 134.

passed through bad hands in the early, and even in the later, time. Of old, the Governor and his self-appointed Council set the popular will at defiance; more recently the Queen's representative had figured as a partisan, identifying himself with his advisers on the throne and at the polls. When the Home Government remonstrated, the dominant party quietly ignored its authority; when popular support was lacking, they rushed as suppliants to Downing Street. Imperial interference was resented when it thwarted their views, solicited when it might strengthen their power of resistance to "the well-understood wishes of the people."

Lord Elgin, on the other hand, refused to invoke the power behind him at every emergency. In his view, parliamentary government, on the recognised basis of executive responsibility, must be accepted without reserve or demur. If it were good for England, it was good for the colonies; but it could be of no benefit anywhere unless it had full scope, and were honestly carried out to the letter. With the Clergy Reserves question there could be no constitutional entanglement. The Imperial Parliament had deliberately handed over the subject to the Canadian Legislature by statute, and the only question was what should be done with it. Meanwhile, however, the new Reform party had carried on an agitation in favour of immediate secularization, without regard to the Imperial Act of 1791. They contended that the Provincial Parliament was endowed with full power to deal with the matter, without an appeal to England.\*

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\* The Governor-General in writing home stated that the strong feeling which had arisen came of an inveterate jealousy of Anglican ascendancy, aggravated by the political course of the Family Compact; and this feeling "allying itself with the voluntary spirit caught

The Government, however, decided to resort to the latter means ; and in 1850, an address to the Crown was adopted, praying that the Imperial Act might be repealed. The motion passed by a vote of forty-six to twenty-three ; but the Upper Canadian vote stood eighteen to seventeen. Of the latter, however, a number were in favour of secularization, although they differed from the Government in matters of detail.\* In 1851, Lord John Russell introduced a Bill to grant the prayer of the Canadian address ; but it was crowded out by more pressing matters of Imperial concern. In 1852, Lord Derby succeeded to office, and refused to take up the question ; but, in the following year, it was settled under the Coalition Government of Lord Aberdeen. During this interval there was no pause in the discussion on this side of the water. The new party, which appeared in considerable strength after the elections of 1851, demanded immediate secularization ; but they failed to move the Government. At length in 1854, the McNab-Morin Cabinet took up the subject, and introduced a Secularization Bill, which, with due regard to vested rights, devoted the reserves to education and other public purposes. During the same year the Seignorial Tenure was also abolished in Lower Canada, and thus two exciting questions were forever set at rest. Another matter, the constitution of the Legislative Council had early attracted Lord Elgin's attention. In a letter to Lord Grey, written in March, 1850, he inclined to the opinion that that body should be made elective. But at that time,

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from the Scottish Free Church movement of 1843, took the shape of opposition to every thing in the shape of a public provision for the support of religion, and the cry was raised for the secularization of the Clergy Reserves."

\* Turcotte, *il.*, p. 143.

Mr. Baldwin was determinedly opposed to the project, and the Imperial Government would not yield its sanction. Three years later, in addressing the Duke of Newcastle, he urged "that the position of the second chamber in our body politic is at present wholly unsatisfactory," and shortly after the Colonial Office succeeded in passing a measure conceding to Canada the right to deal with the constitution of the Council. Lord Elgin, however, had left the Province before the measure rendering it elective was actually passed. It may be remarked, in passing, that the three chief opponents of the Bill were Scots, Messrs. George Brown, J. Hillyard Cameron and John (afterwards Judge) Wilson, member for London.

The season for the Governor's departure had now fully come. He was in the eighth year of his viceroyalty, when the Imperial Government reluctantly agreed to his retirement. During this time, he had passed through a time of storm and a time of peace and general contentment. He had encountered popular rage in the assertion of popular rights, and had conquered by calm persistence and unobtrusive strength of will. Of all our Canadian Governors, he best deserves to be remembered as the ruler who, setting before himself the noblest ideal of free colonial government, realized it in practice without wavering or doubt. When he left our shores there was no more popular man within its limits. The old passions had lost their fire, and from their dying embers a more genial flame had sprung forth. Lord Elgin was a singular instance of what firm devotion to principle may accomplish against all odds. Gifted with a comprehensive and well-cultured intellect, he was born to rule, and to rule equitably, discerningly, and with inimitable sagacity

and forethought. There was in him, not only the intuitive power of genius, but the plodding spirit of routine. He could formulate as well as suggest, devise and fashion as well divine. No statesman was ever less of a dreamer; and yet few have surpassed Lord Elgin in the mysterious power of insight. As a speaker, he had few equals among his contemporaries. The eloquence which impressed Mr. Gladstone at the Union Club was mellowed with the progress of the years. Whether his more elevated utterances were studied or not, there was always, when he spoke, a refreshing feeling that what was said came from the heart as well as the head. The true touch-stone of all rare eloquence is its apparent freedom from restraint, its facility, its copiousness, its spontaneity. When, in the autumn of 1851, his Lordship attended the Boston Railway Jubilee, he was brought into competition with one of the most finished of American orators, Edward Everett. Yet, in the judgment of New Englanders, the Scottish nobleman triumphed. There was no flavour of the lamp in his easy and graceful eloquence. The contrast was so marked between the two eminent speakers as to force itself upon general notice at the moment.

In all that Lord Elgin did there was the same fresh naturalness and Scottish straightforwardness, and he showed clearly by his public course that there is no necessary divorce between these natural endowments and the frankest toleration or the most comprehensive breadth of liberality. Whether in Jamaica, Canada, China or India, his Lordship was always the conscientious servant of the Crown and the people. To learn his duty, wherever he might be placed, was the first aspiration with him; to do it, his firm resolu-

tion. Canada, at all events, has reason to remember his residence here with affectionate gratitude. He suffered amongst us, and was strong ; rather, perhaps, he suffered because he was at once strong and gentle, firm yet facile and placable. Of all the Scots whose names figure in these volumes, the highest place must, in our humble judgment, be conceded to the Bruce, both for what he did in settling our constitutional system, and for what he abstained from doing when weaker heads and less tender hearts would have been betrayed into violent measures. On the 31st of January, 1847, his Excellency had assumed the reins of government, and he surrendered them into the hands of his successor on the 19th of December, 1854. During this prolonged term, Lord Elgin had effectually won not only the respect but the sincere regard of all classes, and in the last month of his Canadian residence, the retiring Governor-General was entertained at two banquets—one at Quebec, the other at Montreal. At the latter place it was impossible not to recall, or be reminded of other days. Yet the distinguished guest in addressing the Montrealers, chose to dwell rather upon his hospitable reception in 1847, and the glow of pleasure which he felt when first the great commercial metropolis, with the noble scenery in which it is set, burst upon his view. It was impossible to ignore a nearer past, not so redolent of fragrant memories, yet he touched upon it with the light and skilful hand of a master : “ And I shall forget,” he said, “ but no,—what I might have had to forget, is forgotten already ; and, therefore, I cannot tell what I shall forget.” After the tempest,

had come a long season of grateful calm ; the bitterness was past, and temporary reverses had been swallowed up in victory. When Lord Elgin left our shores, there was no more popular, or deeply-beloved public man to be found from Gaspé to Sandwich.

When he arrived in England, his Lordship was offered the Chancellorship of the duchy of Lancaster—a cabinet office—but declined it, on the ground that he had only recently taken his seat in the Lords. He addressed the House once or twice in defence of the Lord Palmerston Ministry, but for nearly two years lived quietly at Broomhall, attending to his estates, which were in his eyes not so much a property as a trust. In 1856, the affair of the lorch *Arrow* occurred. The vessel sailed under the British flag ; but it was afterwards contended that it was really a pirate committing depredations under false colours. At all events the period of registry at the consulate had expired, and the Chinese authorities thought themselves justified in boarding the vessel, hauling down the flag, and seizing the Chinese crew. The consequence was not only a quarrel with the Celestial empire, but a Ministerial defeat in England. During the Session of 1857, Mr. Cobden introduced a resolution censuring Lord Palmerston's Government for "the violent measures resorted to at Canton." The great free-trader was supported by what the jaunty Premier called "a fortuitous concourse of atoms." Conservatives, Peelites and Radicals united in favour of the motion, with some recalcitrant Whigs. Mr. Disraeli, Lord John Russell, Mr. Gladstone and Sir James Graham, went into the lobby with Messrs Cobden and Bright, and the motion

was carried by a majority of sixteen.\* Lord Palmerston appealed to the country, and was sustained. Meanwhile Lord Elgin was selected as High Commissioner to Peking, and left England in the early summer of 1857, to be backed by a naval and military force on the spot. He had no sooner reached there than tidings of the Sepoy rebellion arrived from India. His first step was to send every available soldier to the rescue. The narrative of this mission is of great interest. Lord Elgin penetrated to Peking, and in June, 1858, concluded the treaty of Tientsin. Having thus settled a perplexing matter in dispute, and enlarged British liberty of trade with China, his Lordship proceeded to Japan, boldly entered the harbour of Yeddo, which was at that time closed against Europeans, and negotiated a treaty there of "peace, friendship, and commerce" with the Tycoon, on the 26th of August, 1858.† In July of the following year, his Lordship was once more in England, and when, in May of the following year, Lord Palmerston formed a new Ministry, was appointed Postmaster-General. Next year, however, he once more embarked for China, in company with the French ambassador, Baron Gros. They narrowly escaped—the vessel being a total wreck—and all their luggage, papers, &c., were lost. On this occasion Lord Elgin fully accomplished his work in China, and placed the commercial relations with that Empire upon a permanently satisfactory footing.

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\* Molesworth : *History of England*, vol. iii., p. 84.

† A most interesting account of this mission will be found in the *Narrative*, &c., by Laurence Oliphant, 2 vols. Edinburgh : 1859.

He had only been a month in England when the Premier offered him the viceroyalty of India, in place of Lord Caning. The position was one which naturally attracted a statesman not so much ambitious as eager to do his country and the world all the service in his power. He bade adieu—for, alas! he never returned—to the shores of Britain on the 28th of January, 1862, and arrived at Calcutta on the 12th of March. With an absorbing desire to fulfil his onerous duties concientiously and with intelligence, he set out upon an extended tour as soon as the autumn advanced. His constitution was not acclimatized, and he soon felt the effects of his journeyings. In the following year his friends noticed that he had aged much within a few months. Yet on the 12th of October he again was *en route*. Having surmounted a difficult pass and crossed the famous Twig Bridge on the Chandra, he was suddenly prostrated from exposure and exhaustion, and never altogether rallied. Nevertheless, he continued in the saddle until the 22nd, when another attack overtook him, and he was carried by stages to Dhurmsala. A physician was brought from Calcutta, but his efforts were in vain. Lord Elgin died, after lingering, without pain, as a devout Christian and supremely conscientious man would desire to die, at the post of duty, on the 20th of November, 1863, at the early age of fifty-three years. There, under Eastern skies, rests as noble a heart as ever beat within a Scotsman's breast. And Scotland has never failed to show her pride in him. As an intimate friend has said, "Wherever else he was honoured, and however few were his visits to his native land, yet Scotland, at least, always delighted to

claim him as her own. Always his countrymen were proud to feel that he worthily bore the name most dear to Scottish hearts. Always his unvarying integrity shone to them with the steady light of an unchanging beacon above the stormy discords of the Scottish Church and nation. Whenever he returned to his home in Fifeshire, he was welcomed by all, high and low, as their friend and chief. . . . By that ancestral home, in the vaults of the abbey church of Dunfermline, would have been his natural resting-place . . . . He sleeps far away from his native land, on the heights of Dhurmsala, a fitting grave, let us rejoice to think, for the viceroy of India—overlooking from its lofty eminence, the vast expanse of hill and plain of these mighty provinces—a fitting burial beneath the snow-clad Himalayan range, for one who dwelt, with such serene satisfaction, on all that was grand and beautiful in man and nature—

“ Pondering God’s mysteries untold,  
And, tranquil as the glacier snows,  
He, by these Indian mountains old,  
Might well repose.”\*

Lord Elgin stands out of Canadian history since the conquest, as by far the greatest and most conspicuous figure. In comprehensive intellect, and political capacity, no public man can be named, who would not suffer by comparison with him. It is not alone that he divined at once the true policy a wise constitutional ruler should espouse, but that he came to Canada exactly when his abilities were most needed, and adhered to the maxims he had adopted, with unfaltering

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\* Walrond, pp. 465-7.

courage and tenacity. To talents of the highest order, he added the purest disinterestedness in the service of his country, a genial manner, an eloquent utterance, and the warmest affections. That he should have met with rebuffs, where he might have hoped for cordial support and encouragement, was perhaps to be expected at a time when our polity was unsettled, and all things were in a state of transition. He suffered keenly, no doubt, as sensitive and single-hearted natures always do; but he was also bold, and the suffering was swallowed up in victory. Whatever credit may be due to the Colonial Office of the day, it is quite certain that, neither Lord Grey nor Lord John Russell fully realized the meaning of responsible government, or was prepared to accept it to its amplest extent. With a public servant, less clear-headed and peremptory than Lord Elgin, the old programme of Lord Metcalfe might have once more been rehearsed, and the Province brought to the verge of insurrection. The Governor-General, however, was cast in a different mould. Whatever his party predilections may have been, his neutrality, as the representative of the Crown, remains unimpeachable. To act with either party, so long as it could secure the confidence of Parliament and the people, was to him as sacred a principle as any of those which, in a higher sphere, ruled his life and brought him consolation and hope on the verge of the grave.

The change in colonial policy, really wrought by the pupil and kinsman of Lord Durham, may be best illustrated by a reference to two works, the one by a Whig, the other by a

Conservative, statesman of England.\* Earl Grey was Colonial Secretary during almost the whole of Lord Elgin's term; Lord Norton served as Under Secretary of the department, for about two years-and-a-half in Lord Derby's second administration (1866-1868). It will be seen at once, by a comparison of the books, that, whilst there is a difference of opinion as to the merit of introducing the constitutional system, both authors are agreed upon its wisdom and necessity. The Conservative points with satisfaction to the tardiness with which the Whigs acknowledged responsible government. Lord Grey had failed to observe that "the normal current of colonial history is perpetual assertion of the right to self-government."† So slow were the Whigs in accepting the new theory, that Sir G. Cornwall Lewis, in his "Government of Dependencies" (1841, p. 160), wrote: "Since the close of the American war it has not been the policy of England to vest any portion of the legislative power of the subordinate government of a dependency in a body elected by the inhabitants. The only partial exception is in the Canadian Provinces." And yet, in 1841, Lord Sydenham was promising to Canada the full measure of constitutional government, just as General Simcoe, nearly

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\* *The Colonial Policy of Lord John Russell's Administration.* By Earl Grey. 2 vols. London: Richard Bentley, 1853; and *A Review of "The Colonial Policy," &c., and of subsequent Colonial History.* By Sir Charles B. Adderley, K.C.M.G., M.P., &c. London: Edward Stanford, 1869. In 1878, Sir Charles was raised to the peerage as Baron Norton.

† "The fundamental error in his theory of colonial government, and it was the prevalent theory of the time, seems to me to be the supposition that, in English settlements (I am not speaking of Crown governments, or stations for peace or war), the supreme executive has the task of exercising a political control over the people, which must reverse, in their case, the Constitution which we enjoy at home—a control which distance must make all the more galling, and of which the more benevolent and conscientious its exercise, the more fatal must be the effects upon the vigour and prosperity of its subjects."—Adderley, p. 2.

fifty years before, had guaranteed a system which should be "the exact image and transcript" of the British constitution.

Lord Norton throughout accepts the doctrine of responsible government, and seems to reproach Earl Grey with having conceded it so tardily and grudgingly. The latter admits that Lord Metcalfe's course was perilous, but hardly reprobates it with any warmth of expression. His opponent, however, with the new light which had streamed in upon him, denounces the Governor without stint.\* Indeed, going farther back than that, Lord Norton contends that responsible government should have been conceded before or immediately after the rebellion, not by any act of Imperial legislation, but by distinct and peremptory instructions from the Colonial Office. It was not the constitution that was at fault at all, but the imperfect, not to say faithless, working of it. There would have been no opening for Lord Metcalfe's *coup d'état* of 1843-4, had this been done once for all. "Lord Metcalfe," he says, in his address "to his accommodating parliament, stated that 'whilst he recognised the great power and privilege of the people to influence their rulers, he reserved to himself the selecting of the executive—the exact reverse of the maxims of the constitution—the

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\* After stating the difficulty between Lord Metcalfe and his Ministers, and his triumph at the polls in 1844, Lord Grey remarks that this success was "dearly purchased by the circumstance that the parliamentary opposition was no longer directed against the advisers of the Governor, but against the Governor himself, and the British government of which he was the organ." Vol. I., p. 205. Compare Adderley, p. 28: "Lord Metcalfe became involved in difficulties with his Council, on a question relating to the distribution of patronage." "His ministers," says Lord Grey, "retired, supported by a majority of the Assembly." Could the continued absence of constitutional principles from Canadian government be more strikingly described? Lord Metcalfe set up another Ministry, with which, by means of a dissolution in 1844, he brought the legislature into harmony, trampling over the principle of responsibility through the use of its own forms."

Crown exercises its influence aside, while the legislature controls directly the choice of the executive." Lord Norton demonstrates clearly that a constitutional government could be reduced to a mockery, under Lord Metcalfe's system; and quotes Lord Stafford's letter to Charles I.: "By no means abolish parliaments, as a well-governed Parliament is the best instrument for managing a people."

What strikes one as so remarkable in the conduct of the Imperial authorities at the time is, that neither one party nor the other was prepared to concede responsible government without hampering it with conditions fatal to its success. In 1839, Lord John Russell, in a dispatch to Lord Sydenham, professed to see the only way out of the difficulty in an exercise of the Governor's discretion, "only ignoring the responsibility of his Council when the honour of the Crown absolutely requires it"—that is, adds Lord Norton, "when-ever he thinks fit." Thus whilst the English Whigs were willing to concede the shadow, they strove to keep a firm grip upon the substance, of power. Even so late as 1847, in his instructions to Sir John Harvey, Lieutenant-Governor of Nova Scotia, to be referred to hereafter, the same halting policy was adopted. The Crown representative was told not to change his Council, "until it became perfectly clear that they are unable, with such fair support from yourself as they have a right to expect, to carry on the government of the Province satisfactorily." At the same time he was not to be a party man, but a mediator, and yet not to yield "a blind obedience" to his Council. In short, he was to be an active power in the state, without being conspicuously partizan. Of course it is easy to see that Lord Grey intended to estab-

lish responsible government fairly and fully ; but he could not free his mind of the notion that the Colonial Governor, as agent of the Colonial office, must occupy a higher position than the monarch whose representative he happens to be.

There can be no doubt that Lord Elgin set out upon his mission as Governor-General impressed with a similar idea. It had been constantly represented to him that he must do something, not merely superintend the working of the governmental machine. But, to his infinite credit, he discovered, almost as soon as he was on our shores, that every vestige of the paternal theory of government must be flung to the winds. He found Lord Metcalfe's advisers still in power ; and, although it must have been clear that a dissolution would hurl them from office, he extended to them a full measure of confidence. With the general election, the position of parties underwent a complete change. The work of the electioneering Governor-General was utterly destroyed ; and, in a free Parliament, the Reform party could boast of a majority from both sections of the Province. In the orderly course which distinguishes constitutional, from personal and arbitrary rule, without disturbance and without demur, the victors crossed the floor, and took possession of the government. A peaceful revolution followed in the wake of a lawless and turbulent one ; so at last and for all time to come, the will of the people became the supreme law. The retiring Ministers had no fault to find with Lord Elgin. Unlike the viceroy who forced them into power by the sinister use of the means at his disposal to establish a party and pack a House, the new Governor-General kept aloof during the

struggle, and was concerned only with its results. Up to the moment when the Ministry expired—and it died hard—Lord Elgin accepted it loyally, and supported it with counsel and encouragement.

To the new one he at once transferred his confidence, and supported it with unflinching loyalty from first to last. When the troublous crisis came upon them, no shadow of doubt crossed his mind. The Rebellion Losses Bill was a legacy left to his advisers by those who had recently retired; and, even had it been otherwise, his present Council had just achieved an overwhelming triumph at the polls, and been placed in power by an imperative mandate from the people. The minority, chafing under defeat, used strong and bitter language, and, without designing it, provoked their unthinking supporters to acts of violence. That the leaders should, for a moment have supposed that Lord Elgin would yield to their clamour, or that the Home Government would mar the work just commenced by the master-hand, proves how vicious and irrational had been the old system, which, even in its death-throes, was yet vigorous enough to threaten rebellion in the name of loyalty. What, in plain language, was their demand? Simply that the Queen's representative or the Imperial Government should rule Canada, according to the wishes of a portion of its people, represented by only twenty in the House of Assembly. Lord Metcalfe would, no doubt, have met them more than half way; "stumped" the country on their behalf, and employed prerogative to sully the majesty of the Crown, to sacrifice the dignity of his office, and trample upon the liberties of the people. Happily a pilot of another stamp

was at the helm of state—one who, while he did not prate of loyalty, when he meant partisanship, was not less faithful to his sovereign and the empire, than he was unswervingly faithful to the most cherished maxims of the constitution.

Those who were witnesses of the struggles of 1844 and of 1847-8, occurring as they did within a brief period of time, must have felt impressively the notable change which had been so wonderfully and felicitously wrought. The constitution was unchanged; but the practical working of it had passed, as if by magic, through a silent, yet complete and radical revolution. The difference lay in the men who represented the Crown. Lord Metcalfe, trained in India, and inflated by extravagant notions both of prerogative and personal importance, had gone far to produce a state of feeling not unlike that which had brought about the events of 1837-8. Lord Elgin might have laid the coping-stone upon the temple of chaos; but his shrewd Scottish intellect and sensitive conscience had marked out for him the plain path of duty, and he resolved to tread it alone, even though it were strewn with thorns. It was his peculiar merit that he possessed a sure and steady grasp of constitutional principle, and that he fixed his vision upon it and shaped his course by it without deflection to one side or the other, from fear, favour or affection. Unlike others on whom has been thrown the burden of a similar crisis, he lived to see the triumphant vindication of his cause, both in what he stoutly dared, and what he humanely forbore to do. Our gallery of Scotsmen in Canada is a brilliant one; but amongst them

all, to our mind, the most illustrious figure of all covers the canvas from which beam forth, with perennial attractiveness, the intellectual and nobly sympathetic features of James Bruce, Earl of Elgin.

The late Mr. Ellice, well known as the parliamentary spokesman in England of the Hudson's Bay Company, is said to have remarked "that there were three periods in the history of our colonial policy. In the first, we left the colonies to govern themselves; but attempted to make them, by commercial regulations, subservient to our interests at home. In the second, tampering with self-government, colonies were lost, and it was sought to bind the rest more firmly by governing them from home. In the third, the principle of self-government recovered itself, leaving, however, the expenses on our hands, which we are only beginning to throw off." Now, so far as Canada is concerned, we begin with the second stage. At the same time, the description requires some modification. In Lower Canada, at the conquest, even the first colonial system was in vogue, and the peculiar circumstances of the case added complexity to the problem. The conquered race were a high spirited and strongly patriotic people, generous and docile. But they had been reared under the patriarchal system of the Bourbons, and had only the vaguest conception of free government. The military government of General Murray, and the paternal despotism of Sir James Craig were necessary preliminary steps on the way to constitutional rule. The French population had been in leading-strings so long that much care was necessary before the experiment of untrammelled

action could be safely tried. Sir Guy Carleton, with a laudable desire to elevate the Lower Canadian people, and to train them for the judicious exercise of political rights, appears to have acted with a generous but somewhat perilous precipitancy. To him belongs the credit of having pressed through the Quebec Act of 1774; but he does not seem to have recognised the difficulties which beset any complete measure of enfranchisement. Adam Lymburner who, no doubt, was to some extent the victim of national prejudices, with a clearer insight, predicted in 1791 the troubles which would flow from conceding plenary authority to the subject race too soon in a Province where they were overwhelmingly in the majority.

It is a common fault with theoretical, let us say philosophical, reformers, that they insist upon applying the same system under all circumstances, irrespective of its suitability or adaptability. At this moment, men are engaged in reproaching Alexander III. with the atrocious crime of not establishing constitutional government amongst the eighty-five millions of Russians, who, if not as Carlyle called Englishmen, "mostly fools," are, at all events, semi-barbarous, and hardly more qualified for the franchise than the savages of Fiji or Timbuctoo. At the same time, in order to educate a people, as well as a party, some beginning must be made, and, under the circumstances, the Act of 1791 was as promising an effort in that direction as could have been put forth. That the French majority could be kept in a state of political inferiority much longer, was out of the question. That they were not fit, at that time, to exercise, to their

fullest extent, the privileges of free citizens, is certain, because after events proved it to demonstration. It is quite possible that some transitional polity might have been adopted to pave the way to a complete enfranchisement. But the statesmen of England, Pitt and Burke especially, were face to face with the French ogre nearer home, and only thought of the French across the ocean as possible enemies, to whom it seemed advisable to throw a sop. Mr. Ellice's second stage then supervened, and the forms of self-government were conceded, without its essence. The revenues were in the hands of the Crown, and although passionate harangues might be delivered, and violent motions passed, both were absolutely futile. The French people soon discovered that the promised blessings to be reaped from the British constitution but lately conceded to them, were a sham. They had craved for the bread of unshackled liberty and been rewarded with the indigestible stone of prerogative. That the majority entertained the most extravagant conceptions of the sphere of legislation, and the rights of an Assembly, is clear from the pages of Garneau, who can find sympathy with all their *bizarrierie*, and nothing but reprobation for any expression from the Governor, which tended to assert for the Crown of England any concern in the matter. Monarch and subject had, in the popular view, changed places; the prerogative was to be transferred to a noisy and hot-headed body, in many respects like a Paris Convention during the Terror, and the Crown was its servant. In short, constitutional views were quite as difficult to master amongst the French democrats, as amongst the *élèves* of an entirely differ-

ent school, the family compact of Upper Canada. The rebellion in the Lower Province was far less justifiable than the outbreak on the lakes.

The history of Upper Canada begins with the administration of Governor Simcoe. It was the first Governor's ambition to found a purely British colony, conducted on English principles, and equipped with all the free agencies of constitutional government. Upper Canada was but sparsely settled at that time. A narrow fringe along its magnificent water-front was fairly settled; and, by degrees, the population began to creep along the military highways—called streets, after the Roman fashion—which stretched from York to the east, west, and north. As might have been expected, the colonists were chiefly old U. E. Loyalists, retired soldiers, and trusty civil servants who possessed the General's confidence. The system of government was simple enough, the chief business of rulers being to distribute the magnificent territory of Ontario among the faithful dependents of the Crown. There were no political crises in those days, because there was no public spirit, and no material for party divergencies.

With the war of 1812, however, the whole aspect of affairs in Upper Canada underwent a radical change. The loyal men who had successfully repelled the invader, had scarcely reverted to the arts of peace, when they found their supremacy challenged by immigrants from Europe and the United States. It was natural that they should feel alarmed at the outlook, and strive with vehemence, and sometimes with gross injustice, to retain a cherished monopoly in possession of

land, and in the functions of government. When Gourlay appeared upon the scene, avowedly to promote immigration, and break up the close preserve hedged in with so much care and solicitude, the party, or rather coterie, in power, took the alarm. The enterprising Scot was made a victim to its fears; yet he succeeded in leaving behind him the seeds of political intelligence destined to bear fruit in time to come. The Alien Act was tried in vain, and the urgent remonstrances against emigration from Britain proved to be altogether without effect. New comers continued to flock in, among them republican Americans, who had spied out the latent riches of the young colony, and were eager to take advantage of its nascent development.

It was during this time that Dr. Strachan appeared as the champion of the *status quo* in church and state. That he and the family compact were partly in the right may be frankly admitted. Between the moment when popular movements are first begun, and that at which their triumph is, in any sense, desirable, there is a long interval. The friends of conservatism are always right in the early portion of a transitional period; but they grow less and less so, as time passes by, and the body politic emerges through adolescence into manhood. The innovators, on the other hand, are invariably premature, impatient, querulous, and unreasonable at the outset; but their course gathers strength with the popular growth. We must not, therefore, judge those who put down the brakes, in the light of recent years. They had a duty to perform, of inestimable importance to the colony, and they performed it conscientiously according

to the knowledge they had. If they resisted the needed reforms too long, their fault may be balanced against that of the reckless spirits who began too early.

With the appearance of a third Scot—William Lyon Mackenzie—opened a new era. The Upper Province started into life. Constitutional rights began to take the foremost place, and although the leader rashly committed himself to violent remedies, he effectually accomplished his work. But for the rebellion, Canada would not so soon have been blessed with responsible government. The remedy was drastic enough; yet, as the event proved, it was an effectual one. The people of England were, at last, aroused to the fact that there was a young nation born to her in Canada, high-spirited and independent, loyal at bottom, yet determined to be free. From the report of Lord Durham, from the debates in parliament, from the addresses and dispatches of Lords Sydenham and Elgin, we learn how serious and salutary an impression was made upon the British mind by the apparent *fiasco* of 1837-8.

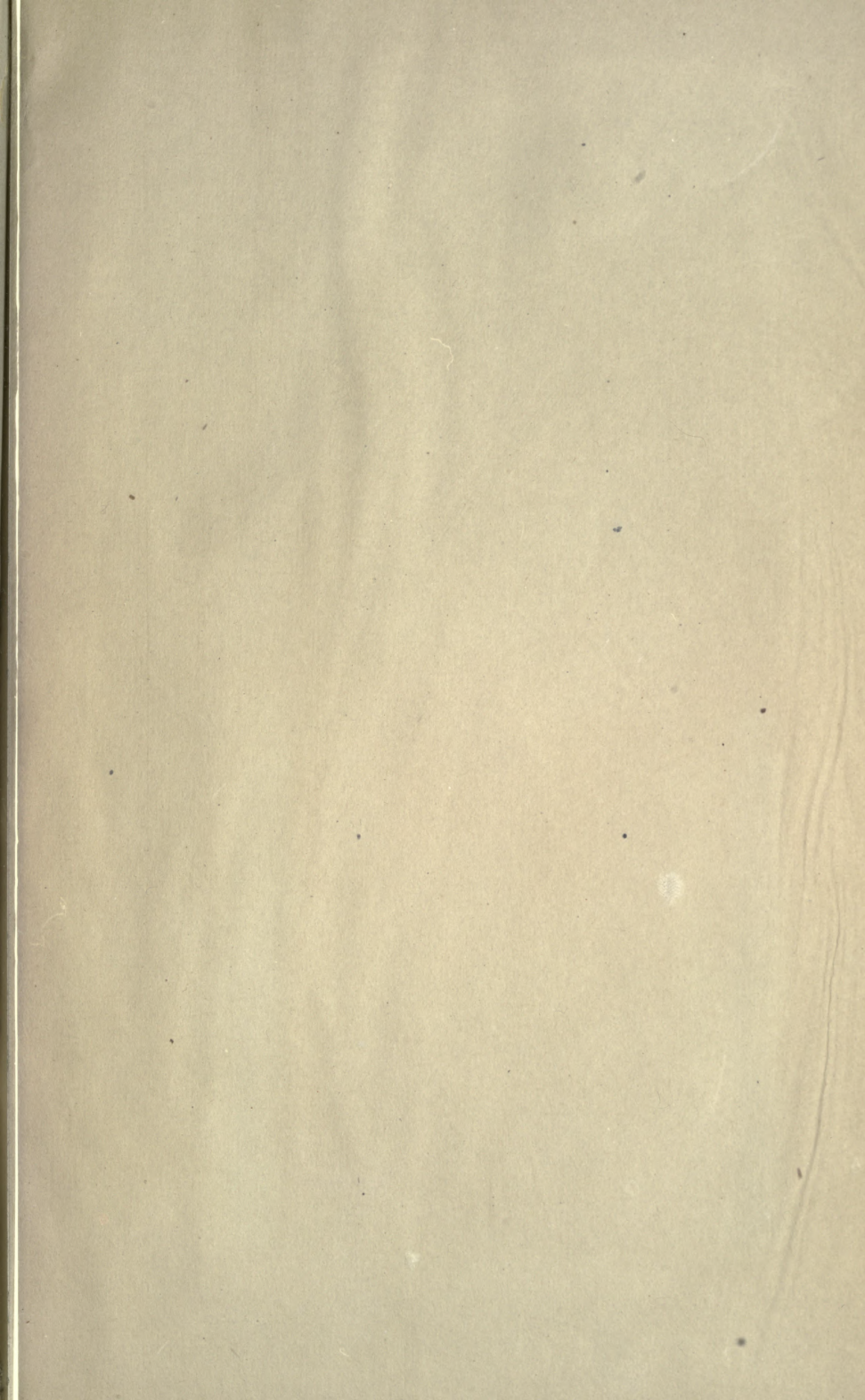
It is not going too far to assert that, but for it, the disastrous reaction under Lord Metcalfe would have finally destroyed the growing germs of self-government, and autonomy could only have been secured by a bloodier insurrection, which might have cost the Crown its noblest colonies. The minority from 1841 to 1849 possessed all the advantages of prestige in their favour. At any moment, as the country saw in 1844, it was open to an arbitrary ruler to challenge, and secure, popular support by raising the facile cry of loyalty, and flinging himself, honour, dignity and all, into the

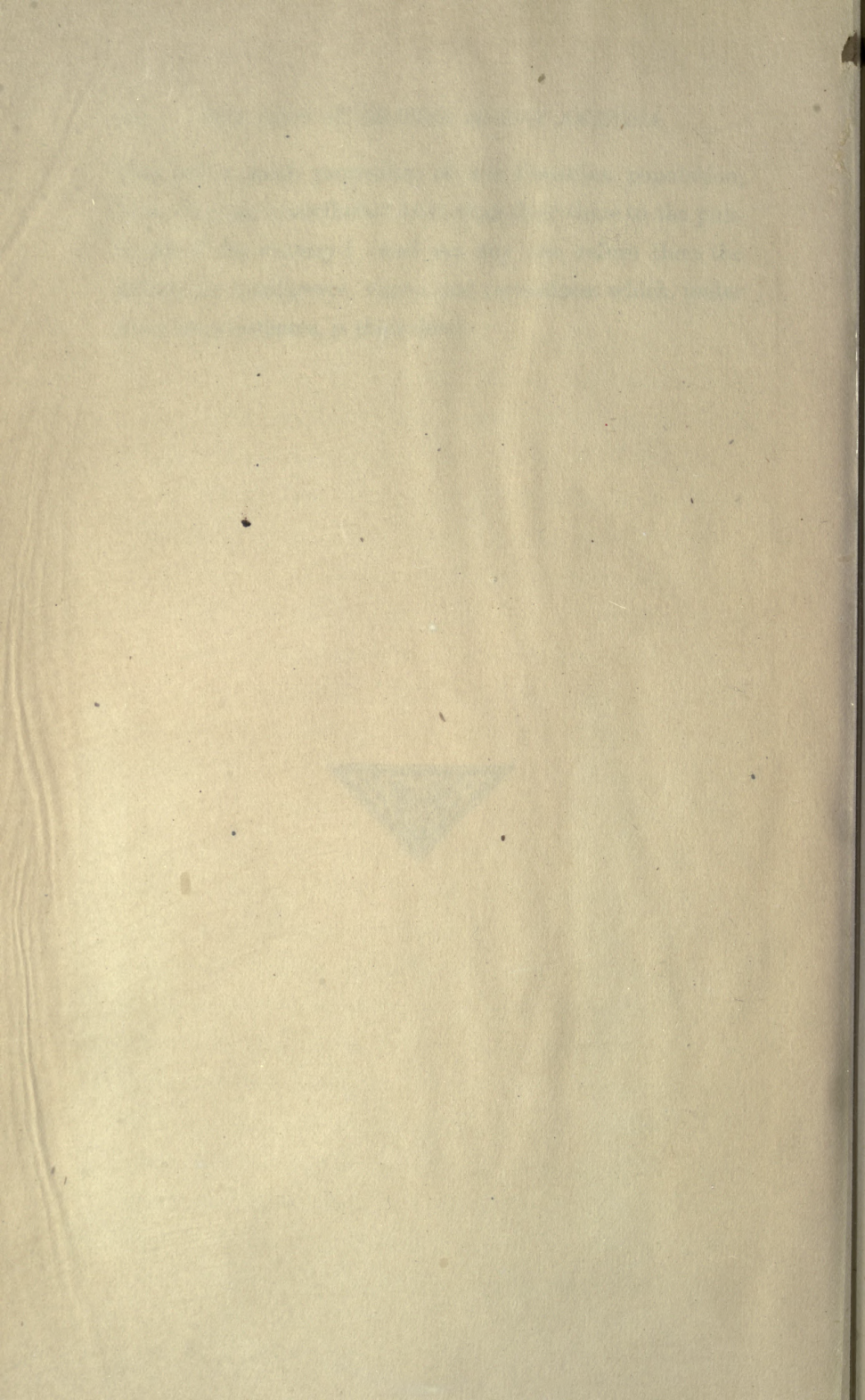
breach. With the arrival of Lord Elgin things were changed ; and to him was due the definitive establishment for the first time, of the substance, as well as the forms, of the British constitution. How persistent the men were who saw power slipping, beyond hope of recovery, from their hands, may be seen in the events of 1849. In a legislature, fresh from the people, their representatives numbered less than a third of the House ; and yet they were determined to resist the majority, to insult the representative of the Queen, and load him with personal insult and obloquy. How they proposed to carry on the government, in defiance of the popular will, has never been made clear to this day. It is only evident that, even at the cost of violence, they were quite willing to overturn the constitution of the country, and revive the personal and oligarchical system which had perished with Lord Metcalfe.

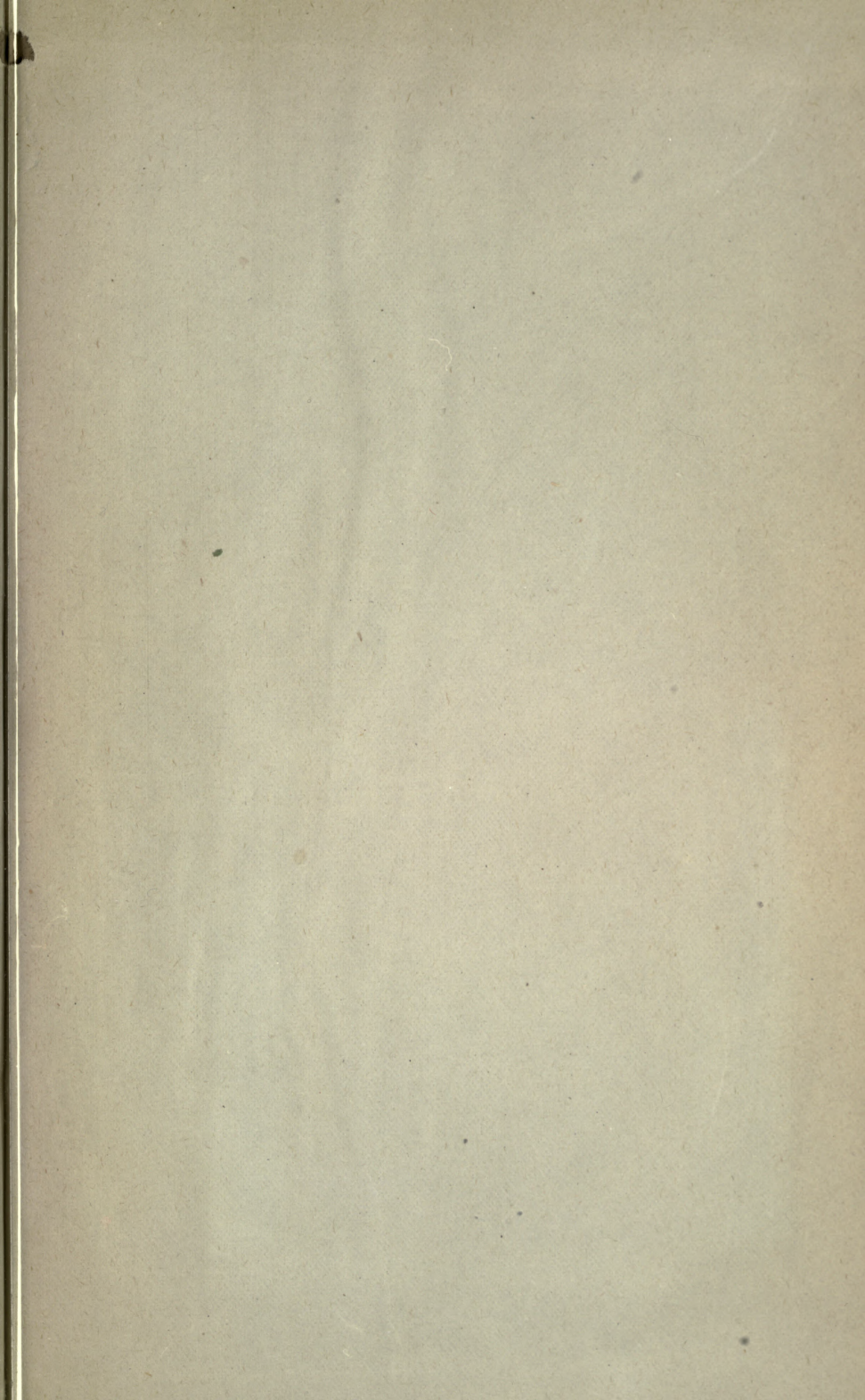
During the seventeen years that followed, the united Province was often torn with political dissensions ; but the cardinal principle, which secured to it peace and contentment, was a key to the solution of every problem. Those who have followed these pages thus far, need not be reminded of the conspicuous part Scotsmen have played in public affairs. From 1856 until 1880, Scots have almost always filled the leading posts, so far as the Upper Province is concerned, both in the Government and the Opposition. Of the twelve Ministers who fashioned the Dominion of Canada, seven (including Sir Alexander Campbell and the Hon. James Cockburn, who are of North British blood) were Scottish by birth or origin. When it is considered that Scotsmen

form but a small proportion of our Canadian population, have they not contributed more than their share to the public life of the country? And can any one refuse them the tribute for intelligence, vigour and earnestness which, under these circumstances, is their due?









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