

LOWER CANADA,



THE CLOSE OF 1837.

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AT THE CLOSE OF 1837.

ON the eve of an adjournment for its Christmas holidays, a dark account came to disturb the Parliament, and to mingle with seasonable festivities the thoughts of sad events: of flaming villages, of unhoused families seeking the wintry shelter of the forest, and of corpses slain in civil war and stretched upon the snows of Canada.

For thirty years the differences which at last are come to this issue have been continually growing and breaking forth; for the last ten years they have been under the view of Parliament; addresses,

petitions, agents, and delegates from the adverse parties in the province have gone before Secretaries of State and Committees of the House of Commons ; governors and administrators, military and civil, have been sent out and have been recalled in frequent succession ; commissioners have made inquiries and reports ; no variety of interlocutory decree has been refused by the varying Cabinets of the period : the most recent is the appointment of a Guardian ; and the province is put under the care of the Commander of the Forces, and of some additional regiments of the line. It was not before it was wanted that this order was made ; but though it be the latest, it is not final judgment, and the execution of it, even for an interval, requires some consideration.

To some of the Queen's Ministers no faint applause is due in the present state of parties, for the manly and loyal spirit with which they have at once declared in Parliament, that rebellion shall be quelled : but the circumstances are melancholy and

complicated, and the silent crying of the dead, and the imminent perils of the living, have appealed the cause from Ministers, not to Parliament alone, but to the people; nay, to Europe and America: whilst the fate of a body of troops; of the inhabitants of Montreal and Quebec, of the French Canadian race; the power of the Cabinet, and, consequently, the policy of the kingdom; the destinies of the North American Provinces;—seem to be dependent on the degree of firmness and wisdom with which the progress of mischief may be arrested, or the first steps may be taken into that area of politics and war on the dim and bloody threshold of which so many are now standing.

The leading Members and the Speaker of the House of Assembly, men with whom the Governors of Canada have associated both in public and in private intercourse, and whom they have been wont to accost with measured courtesy and to hear with apparent deference, are proclaimed as traitors, are lying in prison under capital ac-

cusations, are driven from their country, or have fallen in conflict with the Queen's troops. The possessions and fortunes of the merchants of both the Canadas—of the commercial, the banking, and the land companies, are staked upon the hazards of a struggle which the less decided party of the Constitutionals at Quebec will deplore with a profound regret, in whatever way it may result ; for, now, it cannot end without having involved in ruin many with whom either lately or formerly, they have acted as members of the same political party, and whom they have numbered amongst their friends. The simple and happy race of French Canadian yeomanry have stood deluded and maddened on the edge of battle with an English general and army ; whilst their homes, and those of British emigrants, and of the Canadians of British descent, to whom the province has become a father-land, have been exposed to the cruel and uncertain events of civil war.

Of the grounds for the arrests and of

the truth of the accusations that have been made in Lower Canada, it would be unjust and wicked to pronounce any decided opinion at this distance from the vicinage. The whole must depend upon the conclusions as to intention, which are to be drawn from facts, by minds not only impartial, but familiar with the circumstances on which the character of the facts must depend. Unauthorized assemblages and trainings of armed men, for any continuance, are evidence of the existence somewhere of treasonable thoughts and designs; but the particular application and conclusiveness of that evidence as to the intentions of any individual cannot be accurately perceived across the Atlantic, and may be qualified by relations between his acts and those of others, and by the state of the society in which both have taken place. All America, at the least, will sit in judgment upon the tribunals by which the questions of Canadian treason may be tried; and all her North American Provinces are not of so much im-

portance to England, as that those tribunals should be competent and impartial, and that their determinations should be calm and solemn—such as will bear the test of a penetrating scrutiny and austere criticism. Let it not be forgotten that the French Canadians are still to be governed, and not as enemies, but members of the British Empire and fellow-subjects. By whatever forms they are hereafter to be associated with us, let them not have any recollections of formal cruelty to brood over; it must not be said that party feelings took the garb of penal justice: their tears will be salt enough; and in the wells which overflow from their hearts there must not be the corrosive drops which rise at the doom of those whom the heart loves or honours, when it is not the law, but their adversaries who pronounce it.

The justification of the attacks upon the villages of Saint Denis and Saint Charles does not turn upon the degree of previous guilt of Mr. Papineau or of any

one else, nor upon the necessity of arresting them. The now indisputable fact, that those two positions upon the most important line of communication in Lower Canada were occupied by bodies of armed men, who not only did not recognize the orders of the Commander of the Forces, but were prepared to fight the Queen's troops, make it needless to seek any other reasons for the dispersion of them in whatever way and at whatever cost it was necessary to effect it, under the directions of him who had been made answerable for the safety of the province. The decision with which Sir John Colborne and his officers have acted has afforded a chance of saving the country from general ruin.

There is no doubt that those orders of men who have the greatest influence amongst the French Canadians, have for the most part a paternal and affectionate regard for the poorer classes of their own race, and at the same time have interests of their own which are dependent on the pre-

vention of civil war. Neither the seigneurs, who have estates, houses, and mills which might be destroyed — nor the clergy, who justly prize their parochial residences and churches—nor the ecclesiastics of the two seminaries, who, together with their colleges and large possessions, are hostages in the hands of any garrisons of Montreal and Quebec, will permit, if they can prevent it, that, for fancied grievances or speculative advantages, a real war shall be incurred, to the ruin of their property, the desolation of their country, and the destruction of the people whom they love as children ; and when a prompt energy convinces them that there must either be real peace or real war, they will bestir themselves in support of the Government. But if it had been seen that there was a timid, a confused, or an irresolute Commander, the mischievous demagogues who have occasioned this crash might have been allowed to agitate the minds of the inhabitants, and to rouse everywhere swarms of deluded followers, until the

province had fallen into so pestilent a state of disorder and promiscuous conflict, that the utter ruin of the whole by the sword and the torch could scarcely have been prevented.

It is said that the troops of the line are not five thousand, whilst the French Canadian population amounts to four hundred and fifty thousand, of whom, upon moderate and ordinary calculations, from fifty to seventy-five thousand may be men able to bear arms: but the population of British origin in Lower Canada and in the contiguous provinces of Upper Canada and New Brunswick considerably outnumber these, and within four months from this day, a few armed steam vessels and gunboats in the St. Lawrence, the Richelieu, and the Ottawa would have power to destroy the French-Canadian colony with a completeness of destruction from the contemplation of which those who know the scene recoil with dread and sorrow, and to which for the entire suppression of this outbreak it never can become necessary even

partially to resort, unless there should be a further dalliance with Canadian affairs,—or unless America, France, or Russia should make an envious use of the quarrel,—or unless some should be found either in the United Kingdom or in Canada to practise indirect treason after the open exercise of it has been stopped,—or, which is the least probable supposition of all, the British troops should permit such excesses as might inflame with one infuriate zeal of rebellion the whole French-Canadian race. At present they are so far from being in this state, that nine-tenths of them, it may be safely affirmed, would extend a willing hospitality to such even of the troops who are amongst them as they could be assured would make the return of courtesy for kindness; and that they never may in any degree lose this disposition is, next to that of saving the lives of all who may be exposed to danger from insurrection, the point which ought chiefly and most immediately to be laboured.

The population of each of the towns of Montreal and Quebec may be taken in round numbers at thirty thousand, of whom more than a third in each are of British origin. There are four other masses of population, in which those of British descent either outnumber the French-Canadians, or bear such a proportion to them, and have such means of succour at hand, that it is morally certain they will discourage and could defeat any attack upon their lives or property. First, the township-counties, of which Sherbrooke is in some sort the metropolis, and which border on the United States. Secondly, the county of Beauharnois, and some adjoining townships, which also are adjacent to the United States. Thirdly, the townships on the Ottawa, which join Upper Canada, and of which Hull is the principal place. Fourthly, Gaspé and Bonaventure, on the Bay of Chaleurs, which are far removed from and clear of the present disturbances, and are almost as much a part of

New Brunswick as Canada. Altogether, these comprise more than two-thirds of the population of British origin in Lower Canada, which is estimated on the whole at upwards of one hundred and fifty thousand. The rest of it are dispersed in the smaller towns, and amongst the French-Canadian mass which peoples the seigneurial lands.

The winter, which sets in at latest by the end of November and lasts till April, covers the whole land with unmelting snow, and puts a stop to all navigation, but improves the roads both for marching on foot and for travelling in sledges. These are easily and cheaply constructed of the wood which is everywhere at hand; and the use of them by all classes of inhabitants causes the country to abound in serviceable, active, and hardy horses. The cold is intense; but the sky is pure, the air usually calm, and absolutely without moisture; the snow, a dry powder; fuel is in plenty, and a screen of logs, or an excavation in the snow, which, by keeping

off the wind, allows the warmth to accumulate ; a roof of boughs, and a fire, have enabled many who have been used to luxuries, and who have counted this as one of them, to sleep in the woods in January and February as long as moose deer could be found for the amusement of shooting. Much further north, the servants and officers of the Hudson's Bay Company pass many nights of every winter in the open air, with the thermometer more than thirty degrees below zero. As the snow is deep enough to cover fences and to fill up hollows, those who can use snow-shoes, and the use of them is quickly acquired, may traverse the country in every direction where it is clear of forest, and paths even for sledges may be formed without much difficulty. Wherever there are houses, there are, after Christmas, ample stores of provision, calculated for the whole continuance of the winter. Meat and fish keep fresh in their frozen state for many months ; and large additions of the latter are made from time to time, partly from

shoals which come from the sea into the frozen rivers, and are taken sometimes in incredible quantities from under the ice, and partly from what is brought on sledges from the open sea-coasts of Maine and Massachussets. There are numerous distilleries in Lower Canada, and still more in Upper Canada and in the adjoining states of the American Union, from which latter, wherever the communication is free, any quantity of provision of every sort which can be required for an army may be obtained at any time by paying for it. It is true that at the setting in and breaking up of the winter, the roads become for a time impassable; but they are almost equally so for all, for bodies of peasantry as much as for soldiers. It is true also, that even while the winter lasts, the snow-roads might be broken up by the country people, and the march of troops, and still more of artillery, might be interrupted. But when it is considered that every village through which a regiment has passed, or to which it is advancing, con-

tains the families of those who by such acts would expose to destruction their habitations and their winter stores ; when each parochial village has also a priest living in it in circumstances of ease and comfort, and a church that has cost a great deal in building, and is kept in good repair and well appointed ; and when the greater part of the private houses are of wood, and would be mere bonfires for an exasperated soldiery, whilst the inmates of them would have to fly through the snow, and to seek at a distance for food and shelter ;—it may be calculated upon with certainty that, except where the population is already in arms, confidence and forbearance would enable one of the Queen's regiments to march along the great lines of communication at any time during the winter without evil consequences.

For that period the British regiments and the loyal inhabitants, even if there should be any fresh spread of insurrection, which is not-likely, will be able, without

much effort, to hold Quebec, Montreal, Sorel, and St. John's, against all comers, notwithstanding that these towns are surrounded by a French-Canadian population, of which those who inhabit to the north of the Island of Montreal have been long considered to be the most liable, of the whole, to evil influences; and it is said that there has been a gathering of them which even now impends over the city like a cloud.

In addition to the holding of these four places, the troops will probably find that they are in sufficient strength to keep open the lines of communication between them and between St. John's and the American frontier where it is entered by the winter-road to New York; and unless opportunities should be presented of defeating rebel forces by movements well ascertained and kept completely "in hand," this is all that will need to be attempted by the employment of troops before the opening of the navigation in the spring, by which time there is great reason to hope that all agi-

tation may have subsided. The communications with Upper Canada or with England through the United States, may possibly for moments become precarious or circuitous, and it may be found impossible to extend everywhere that protection to loyal persons which it would be extremely desirable to be able to afford; but even this is not of so much importance as that no attempts should be made by the Queen's troops which are beyond their strength, or in which there is a risk of failure: and above all, that the French-Canadian population should neither be inspirited by successes, thrown at hazard into the hands of any insurgent assemblages, nor inflamed by any needless harassing of the people in their homes. Wherever their own conduct permits it, it is most desirable that they should be left as much as possible in their ordinary state and circumstances, that so their minds may retain or may acquire such composure as may best dispose them to hear and to appreciate the reasonable pro-

posals, and the consolation and the hopes of perfect reconciliation, which, it is not to be doubted, will be offered to them.

Few who entertain these views, and sufficiently estimate such objects, will be inclined to find much fault with the proclamation which was issued by the Governor-in-Chief at Quebec on the 29th of November, because it held out the expectation to those who would return to their homes, that their homes should be as sanctuaries. A proclamation, in such circumstances, is not drawn with the care which is given to a pleading at common law, and there is no court in which a special demurrer will lie against it. It is true that the proclamation could not prevail to the obstruction of legal process, and that in the district of Montreal it has been superseded by a later proclamation. But a little cavilling is the greatest evil which is likely to ensue from these considerations. The feeling which spoke throughout the document of the 29th November was a good one: the preven-

tion of the spread of fury or alarm, and the quieting of the French-Canadian masses, were thoroughly wise purposes, the accomplishment of which would be cheaply bought even by the temporary impunity of some rebels, or by leaving undisturbed for a season the nests in which fresh plots might be hatched.

It was learnt from what was said by Lord John Russell in the House of Commons, that Sir John Colborne had been instructed to proclaim martial law if it should be necessary; and it is now known that it has been proclaimed by the Governor-in-Chief in the district of Montreal. The truth is, that wherever troops are in active and hostile operation, whether it be proclaimed or not, martial law must prevail—or, in other words, all law must resolve itself into the usages of war, and the orders and will of the Commander of the Forces. Discharges of musketry and cannon with ball cartridges are the most unequivocal of all proclamations. Montreal and its neighbourhood, and the line

of communication with the American frontier, probably must all remain under martial law during the winter; but, beyond that sphere of action for the Queen's troops, it is to be hoped that there will be no necessity for any general and long suspension of the ordinary responsibility to the law of all her Majesty's subjects for their conduct towards each other. A suspension throughout the province of the law of Habeas Corpus for one year, or until the end of the next session after the present one of the Imperial Parliament, may perhaps be expedient, if on no other account, yet for the sake of those who lie under accusation, lest the trials of those charges should be hasty, and should take place in the midst of excitement.

As an additional means of keeping the great body of the French-Canadians in tranquillity, every seigneur should be urged by proclamation to reside upon his fief; and both the seigneurs and the parochial clergy might be made to understand that the Government looks mainly to them for

the preservation of the public peace, and expects from them the most active and the most honest exertions to maintain it.

If it be the fact, that some experienced military men not attached to any regiments have been ordered to proceed to Canada without delay by the way of New York, it is a judicious measure. The presence of a staid and shrewd officer, able to converse in French, and unattended by any other troops than two or three orderlies carefully selected, might conduce greatly to the preservation of tranquillity in any French-Canadian district in which the curés and the seigneurs would encourage his residence; and other officers might be employed in the British districts, both in organizing and training for self-defence the well-disposed inhabitants, and in the no less important duty of restraining them from all inroads on their French-Canadian neighbours, or disturbance in any manner of their way of life so long as it should be peaceable.

By these and similar means, and by the

aspect of the British troops under their present commander, there is good reason to hope that, beyond the lamentable occurrences which we already know of, there will be little further evil during the winter, save that many of the British who are thinly scattered in the smaller towns, or amongst the French-Canadian seigneuries, may feel an insecurity or discomfort which may lead them to remove into a garrison town, or to the neighbourhood of those who are of kindred origin. Greatly as the existence of such necessities is to be lamented, all may be thankful that, on such an occasion, the misfortunes which cannot be avoided are not still greater.

One addition to the circumstances of this deplorable case has been imagined to be possible—the re-assembling of the Provincial Legislature according to its present constitution: but it is difficult to suppose that there can be any substantial ground for such an apprehension. That it should take place, indeed, with the existing House of Assembly, of which a great num-

ber of the Members, including the Speaker, have fled from accusations of treason or are lying in prison, is so preposterous a supposition that nothing need be said of it. But, in this country, there may be some who will not so readily admit that it would be an equally pernicious course to dissolve the existing Parliament and to call a new one under the existing law of election. They do not know the utter impossibility, after what has taken place, of inducing the British race to endure with patience even the attempts of a French-Canadian Chamber to legislate for them, and the certainty that, under the present most ill-judged and unfair law of election, any new House of Assembly would be as thoroughly French-Canadian and as decidedly adverse to British interests as any preceding one. It is no idle apprehension, but one that is seriously entertained by those who best know the country, that a proclamation for convening the Provincial Parliament might impel the British inhabitants of the Montreal and St. Francis districts into an

opposition of the measure as determined, if not as turbulent, as that of the French-Canadians against the proceedings of the Commander of the Forces. It would be wrong to mention this if it were a bare possibility; but when it is probable, it would be imbecility to hide the truth.

When the conduct of the French-Canadian representatives for the last seven years is remembered, and that it has taken place under the most solicitous encouragement to a friendly reliance upon the Government at home, and their instructions to the officers of Government in Canada, what could be expected from the same representatives or the same electors, by their opponents in the province, after what has recently taken place and what is still going on, but bitter defiance or profound deceit?

The case of the present Ministry, arraigned as they are by a party in the United Kingdom, rested mainly, even before this rebellion broke out, upon the supposition that the Lower Canadian As-

sembly, by its manifest and avowed determination in several successive Parliaments to make an abuse of its powers the means of usurping virtually the whole government, had justified and called for an interposition of the Supreme Legislature to take that power out of its hands for a time. If it had not so incapacitated and condemned itself, the Imperial Parliament would have done better to have supplied the Crown with funds for payment of the arrears of the Civil List, by monies raised upon the hereditary revenues either in Canada or in England, or by direct issues from the British Treasury. But where a revocable statute of the Imperial Parliament has given powers to a subordinate and Colonial Legislature which are directed to be exercised only by the agreement and joint act of three distinct bodies and integral parts of that legislature, all constituted by the same statute, and one of those bodies permanently declares its resolution to abuse the share of power which it thus holds, for the purpose of extorting from

the supreme authority by which it was created concessions which would be equivalent to a vesting in that one refractory body alone of the whole authority of the three; surely an occasion has arisen for a removal by the Imperial Parliament of the obligation created by itself of calling annually into action one of the instruments of Government, which has been so altered that it can no longer work without destroying the whole engine. To allay the apprehension of what, it is folly to conceal, would be felt by the British in Lower Canada as the heaviest calamity and most cruel insult to which they could be subjected, one of the earliest measures to be recommended to the Imperial Parliament ought to be that of repealing so much of the Act of the 31st Geo. III. c. 31, as imposes upon the Governor of Lower Canada the necessity of assembling the Legislature once every year. It is at this moment that it should be done; because now the necessity for it is felt, or may be made apparent. Delay would make an

easy step a difficult one. It will be asked for by those only who seek to baffle what they cannot resist by arguments of justice or reason.

At the same time, it would be necessary that a clear prospect should be afforded to all parties of being relieved as soon as possible from this state of abeyance ; and it should be put beyond all doubt that it is intended to reconstruct without delay a civil legislature. What may be the permanent form or powers of that legislature, this is not the moment to consider. There must for some little time be an intermediate state ; and the step best adapted to the immediate occasion would be to appoint a Governor-General of the whole North American Provinces, with powers to make temporary regulations of a legislative character for Lower Canada only, with the assistance of a Council, the members of which might be drawn from all the provinces : and this power ought to extend to the application, during a limited period, of the proceeds of the existing

provincial revenue to any of the charges of civil government which were sanctioned by the last bill of appropriations which was regularly passed by the Provincial Legislature and approved of by the Crown.

With fit restrictions, the most indispensable of which would be that nothing should originate in the Council but through the Governor-General, such a regulating body would have the power of abstaining totally from actual interference with Lower Canada so long as no good could be done, and of leaving the province during that time under its existing laws and command, but of intervening whenever the fit opportunity and season should be seen to have come. No arbitrary or capricious regulations need be apprehended, for none disapproved of by the British Parliament could have an existence of so much as a twelvemonth's duration. The authority as to the other provinces need scarcely extend beyond that of a general inspection and superintendence with a view of more fully ascertaining the

relations and bearings of each to the others—of deriving advice and assistance from all, and of discerning what measures of common interest might be universally acceptable.

These measures would not be a suspension of the whole Constitution of the Province, but a relief from the obligation of calling into activity a legislative body which is incapable of any other than a destructive action. The laws and courts of justice for the protection of persons and property would remain in force everywhere, except where the necessity for military operations and martial law may exist. The Imperial Parliament, which has never ceased to have a right of making laws for the Province, would revoke for a time and absorb into itself the legislative power which it had delegated, but only for the purpose of giving it as soon as possible a fresh existence and more healthy action.

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