

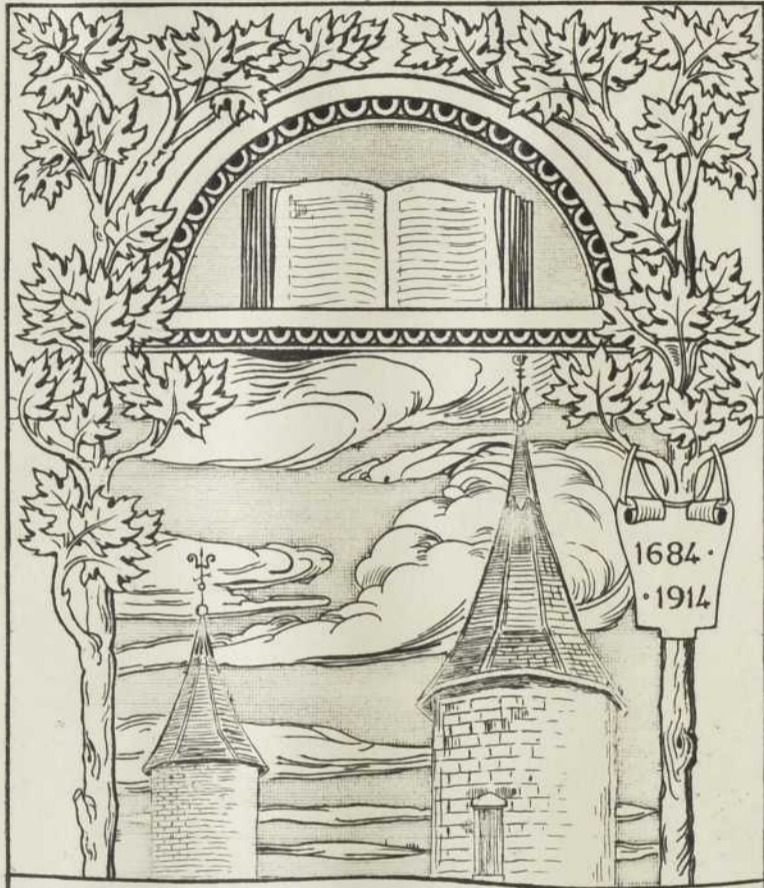
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# THE ARTHUR PAPERS

BEING THE PAPERS  
MAINLY CONFIDENTIAL, PRIVATE, AND DEMI-OFFICIAL

OF

SIR GEORGE ARTHUR, K.C.H.  
*Last Lieutenant-Governor of Upper Canada*

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EDITED BY  
CHARLES R. SANDERSON

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Don de

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# Arthur Papers

[ 1 ] [WRITER AND RECIPIENT NOT STATED]: 16p.

[ 1822 ? ] [Place not stated.]

Remarks on the existing State of things in Canada 1822.

The present difficulties in which these Provinces are found, arise from various causes, a leading one of which appears to be the impracticability of Upper Canada enjoying a just participation of the duties levied on imports, at the Port of Quebec, a very large proportion of which are consumed within that Province.—The only constitutional mode of remedying this great evil, would be the *reunion* of the two Provinces under one Government. Unfortunately The wish and object of the House of Assembly of Lower Canada, however they may pretend to disguise it, is to prevent the Lower Province from being settled by any but French Canadians, or as they stile themselves the "*Nation Canadienne*," and they would willingly keep it a Desert, until their own Population be sufficient to fill it. They are unwilling to afford facilities for improvement, or to remove the obstacles to settlements, or remedy defects in the Laws which are obvious to all, lest a more favorable state of things should people the Country with Emigrants from Great Britain; and they willingly submit to inconveniences, not because they are insensible to them, but because they hope that Strangers may in consequence be deterred from establishing themselves here.

Their expectations hitherto have not been disappointed, for of the many thousand Emigrants which of late Years have come to this country, I do not suppose that 500 have settled in Lower Canada.—The "*Nation Canadienne*," as they call themselves, assert that their preservation as a separate people, in Religion, Laws, Language & Character, is essential to secure the country as a Colony to Great Britain. The House of Assembly, who are the Representatives of the "*Nation Canadienne*" (for the English Inhabitants are not virtually represented) have even made attempts to extend the *feudal* tenure to Lands yet ungranted. (See pamphlet of Andrew Stuart on that subject). Their real object, *that of rearing up a French Nation* in America, is not to be thought surprising, because it is *natural* that they should desire it—at the same time every Englishman is bound to prevent it: and it is absurd to be deceived by their Hypocritical Cant, in pretending that it is for the sake of being a Colony of Great Britain, & out of affection for the English, that they wish to continue so unlike them, in Laws, & language, as well as everything else, & to exclude, as far as they can, all who speak English from the Country. They well know that there is an age of majority for Colonies, as well as for Individuals, and the question, with regard to Canada, cannot be, whether it is always to remain an appendage to what they are willing for the present, to call the Parent Country,—but whether, when it shall take its separate station among the nations of the Earth, it is still to be an English, or a French Country.

That the reunion of the two Provinces, and the settlement of the country by English Emigrants would hasten the period of separation, is an assertion which might justly be denied—but were it even admitted

See Charles R. Sanderson's 8/10/24

to be true, how could the interests of a few years more or less, of the temporary existence of this Country as a Colony, be weighed in the Balance against the sort of eternity during which it must have a separate existence, & during which it ought to be an English Country— All North America ought for ever to be English, altho' no part of it may be for ever a Colony of Great Britain. One great object of a Nation founding Colonies must surely be to extend & perpetuate their own language & institutions;— What have the French done for us, that Great Britain should rear up for them, at enormous sacrifice of blood & treasure, a French Nation in North America? And yet this is likely to happen, if there be no reunion; but it would effectually be prevented by such a happy junction, as it would ultimately give to the English Colonists a majority in the Assembly, disposed to favor improvements & emigration to Lower Canada. This measure must be for the interest of the Inhabitants of the Upper Province, as well as all the Lower Canadians who are not *French*, (or Nation Canadienne) & *they* would be found powerless to prevent it, if it be not too long delayed. Even they, when they found it inevitable would speedily reconcile themselves to the change; and the Upper Canadians, and English Inhabitants of Lower Canada, together with the Emigrants from England Scotland & Ireland, who have all one common language, & must have one Common interest, to cause the country to resemble that of their common Ancestors, would soon form a population sufficient to absorb the others, & without injuring anyone, effect a peaceful and bloodless conquest over the foreign language and Gallican Laws which still prevail here, somewhat to the disgrace of old England.

We must not deceive ourselves,—from the inevitable course of things the natural & & [*sic*] permanent feelings of persons descended from hostile Nations will necessarily be hostile, so long as the descendants of each shall retain the language of their ancestors; for so long their respective education and information will be derived from totally opposite and inimical [*sic*] sources; & so long the sympathies, attachments, habits & associations from the earliest dawn of intellect to the latest period of existence, will be at variance in the respective portions of the Population. Their pride & love of Glory can have no unity of object, their vanity & their national affections no similarity of gratification. It is only the use of the same tongue that can permanently destroy animosities and prejudices, by removing opportunities of misrepresenting each other, & that can unite & attach all as one people, by enabling all to draw their knowledge from the sources of a common Country.

The causes of distrust & enmity being natural & permanent among people of hostile origin & different language, no trust or reliance can with safety be placed upon the continuance of their friendship, however flattering, may be the transient & casual indications of Harmony.

The leaven of hate, which however inactive at the moment, is contained in the composition, will always be ready to rise into fermentation upon the slightest warmth of political discussion (See Note A)[.]

Supposing the reunion of Upper & Lower Canada not to take place, the Imperial Parliament is bound in duty & Patriotism to afford at least some speedy relief to to [*sic*] the English part of Lower Canada.— Lower Canada may be divided into two parts vizt Seigniorial, or French Canada. which lies on the banks of the St Lawrence—extending in a narrow Strip of varying breadth of from—15—to 40—miles on each side of the River,—and English Canada, where the Country has been

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laid out into new Townships & granted in the English tenure of free & common Socage. This latter division or English Lower Canada includes indefinitely the rest of the Province, from the rear of the French Seigniories & is of much greater extent, & capable of containing a much greater population than Seigniorial Canada. At present the New Townships contain about (Note B) 40,000 Inhabitants, who are chiefly Emigrants from the United States, & most of them descendants of the old British Loyalists. They speak nothing but English. In Seigniorial or French Lower Canada there is an English Population of about 40,000 interspersed among the French Canadians (C) But in the Free & Common Socage lands, or English Lower Canada, there are no French Canadians. Nevertheless these latter are not satisfied with seeing the English in Seigniorial Canada subjected to French Laws administered in the French language, which for the present may be tolerated on the ground of the numerical inferiority of the English in Seigniorial Canada, but they labor in direct contradiction to the views contained in the Proclamations & Promises of his late Majesty, as well as in British Statutes (D) to perpetuate the Yoke of the French Laws & Language over the free & common Socage Portion of Lower Canada, where scarce one inhabitant knows a tittle of the Laws, or one word of the Language in which they are contained.

If a feeling, however mistaken, of benevolence & kindness, & there could be no other Motive, induced the British Govt. in 1774 to indulge the French Canadians in Seigniorial Canada with the French laws, (& those Laws were never meant to extend beyond the limits of the Seigniories) surely not merely the same motive of benevolence & kindness, but also Justice, national dignity, patriotism & the sacred pledges of faith & honor wd. require that the Bsh. Govt. shd. grant to the English in the rest of Lower Canada, the benefit of the Laws of their English Ancestors, which have been so often promised to them & to their Fathers.

The Inhabitants of the New Townships do not ask, however reasonable the demand might be, that English Laws should be given to Seigniorial Canada; they only ask that French Laws may not be imposed upon them, An English People, living under English Tenures, in what is at least in name, an English Colony. They do not request, however politic the measure might be, that French Lower Canada should be rendered English, they only beg that English Lower Canada may not be compelled to become French. They do not seek to encroach upon the Territorial limits of the Seigniories,—they only pray that the Seigniorial part of Lower Canada may not be permitted to make any new acquisitions upon English Territory. The French Canadians are certainly sufficiently, if not too much indulged in continuing (to this day, distant half a century from the conquest of the country, & its consequently becoming an English Colony) a separate people, in Language, & Laws, on their own Seigniories, out of which they as yet have no settlements; and it surely cannot be the object of England to allow in addition, (however it may suit the Treacherous system of a french House of Assembly) that the French Language & french Laws, should extend themselves, & make *conquests* beyond the Limits of the Seigniorial part of Lower Canada.

The relief therefore which will be necessary for English Lower Canada, (if the reunion of the Two Provinces does not take place) will be a Statute of the Imperial Parliament, to fulfill the promises express as well as implied, not only of a British King, but of the whole British Legislature, enacting that English Laws & English Courts shall be established in & for

the whole of Lower Canada, except the Seigniories; and either that the english Tenures shall have a competent number of Representatives in the House of Assembly of Lower Canada, which may now be called entirely French, or, that that House of Assembly shall not legislate for them.

(Note A) It cannot therefore be impolitic, when the assembly of the "*Nation Canadienne*" attempt to provide Governmt support for the rising Generation in the French Language, that the other branches of the Legislature should withhold their assent; for it would be the heig[h]th of absurdity to suppose that an English Govt, in an English Colony ought to contribute to an education having a natural tendency to excite prejudices against the Mother Country, or indeed ought to contribute to any but an English Education. If a different education is required by parental fondness or Parental prejudice, it can surely be no hardship to say that Parents must procure it from their own means & not expect it from Govt.

(Note B) It is now only about 30 years since the new Townships began to be settled, in consequence of the Proclamations of the Executive of Lower Canada, promising grants of land to the old American Loyalists. These Settlements would have advanced infinitely faster than they have done, but they are viewed with much jealousy by the French House of Assembly, who, as far as possible throw impediments in their way, instead of aiding their advancement, like the Legislatures of other British Colonies. Among other Evils such is the state of the Laws, that the Inhabitants have no means of ascertaining, when they purchase land, whether their title is good or not, or whether the Land be not incumbered for ten times its amount. The establishment of Register offices would afford a remedy in this particular, and such offices are established universally in all the other English Colonies. But is it to be expected that a French House of Assembly shall pass Laws that would assist English Emigrants, when several of their Members have declared that Lower Canada ought to be settled by none but French Canadians, & should be kept waste until the French Canadians can settle it.—

(Note C) The English in Quebec & Montreal will probably soon equal the French in numbers if they do not already. Upper Canada probably contains 230,000 Inhabitants, all speaking English, seven eight[h]s of whom have settled here within the last 30 years. The New Townships in Lower Canada, about 40,000 all likewise speaking English: Seigniorial Canada may contain about 40,000 English, in all say 310,000 English. The French Canadians in Lower Canada estimate their numbers at 400,000,—hence there wd at present be an excess of 90,000 in the French Population of Lower Canada over the English in both Provinces; but there will probably be no excess in 5 or 6 years, as the Emigrants from England Scotland and Ireland may be estimated at about 15,000 yearly, almost all of whom however *now* go to Upper Canada (in consequence of the insecurity of acquiring property in the Lower Province, for the want of Register Offices) & therefore do not serve to destroy the preponderance of French influence in Lower Canada.

(Note D) See the Proclamation of the 7th. Octr 1763 after the cession of the Canadas in which His late Majesty promises "that *all persons* inhabiting in, or resorting to, our said Colonies may confide in our Royal Protection for the enjoyment of the benefit of the Laws of our Realm of England &a." See also the British Statutes of 1774 vizt Geo. III cap. 83. By this Statute passed eleven years after the before mentioned

Proclamation, the French Canadians are allowed the French Laws in the Words vizt "in all matters of controversy relative to property & civil rights resort shall be had to the Laws of Canada as the rule for decision of the same &a, ["] but even in this Statute regard is paid to His Majestys Promises in his Proclamations, for in the very next clause of the same Statute, we find those promises confirmed & sanctioned in the following words vizt, "Provided always that nothing in this Act contained shall extend or be construed to extend to any Lands that have been granted by His Majesty, or that shall hereafter be granted *by His Majesty his heirs and Successors* to be holden in free & common Socage". Notwithstanding this, by a Legal subtlety# the French Laws are, in practice, actually extended to the new Townships— No English Courts have been Established for them.

#The British Statute of 1774 was passed obviously under the impression & assumption that the English Laws were then *legally* in force throughout the whole Province of *Quebec*, Had this been really the case the restriction of the French Laws to the Seigniories only, under that Statute, would have of necessity applied. But it is held by the Courts, that the English Laws, (altho' they might have been acted upon from 1763 to 1774) had never been *legally* introduced, & therefore that the restrictive clause could have no operation. However correct this doctrine may be, the intent & meaning of His Majesty & of the Legislature, was most plain & obvious, & if the Courts saw from the technical rules of Interpretation to which they were obliged to adhere, that actual effect could not be given to the intent & meaning of the Legislature, would it not have been judicious to have made the Govt. at Home acquainted with the inefficiency of the Law upon that point, to the end that by a positive enacting clause, the difficulty might be removed, & the patriotic intentions of the Imperial Parliament no longer defeated in their operation?—

[ 2 ] [WRITER AND RECIPIENT NOT STATED]:

[ 1822? ] [Place not stated.]

[A tabulation of the dates of five "Capitulations & Treaties relative to Canada", 1759-1783, on a slip of paper watermarked 1820 and endorsed "On the Reunion of U. & L. Canada".]

[ 3 ] ROBERT BAYLY: [RECIPIENT NOT STATED]: A.D.S. 7p.

Oct. 18 Plymouth.

[A memorandum on the legality of Indian slavery in Honduras. "Col. Arthur's appointment of Commissioner to investigate the claims of the Indians . . . has been the means of obtaining considerable information upon the subject, which may be highly useful in the further consideration of the business. . . . He seems to have acted throughout most meritoriously and humanely".]

[The document is incomplete; a portion of it is apparently prior to the date here given.]

[ 4 ] [ARTHUR TO GOULBURN]: Df.A.L. 2p.

1828 [Van Diemen's Land.]

July 2

The last arrivals from England conveyed the information of your return to office, and although in a Department of the Government which

throws me out of the probability of any official intercourse, with you yet, as I have always entertained a very grateful recollection of your uniform kindness & support whilst I administered the affairs of Honduras I cannot deny the pleasure of expressing the sincere satisfaction wh. I have felt on this occasion.

Such have been the vicissitudes of the political world during the last twelve or 18 months that ere this reaches you some further change may render my congratulations a little too late but I hope better things and at all events it cannot alter the sincere esteem which induces me to offer them.

As this rising Country once engaged much of your attention it will not be unacceptable to you to hear that it is making rapid strides in prosperity, and although the troubles & anxiety of a Convict Colony are scarcely to be described, yet there is a satisfaction mingled with one's cares in marking the visible amelioration which in short interval is produced in such a state of society[;] in fact the elasticity of a young Colony in a fine Climate will carry it forward even though it be populated from Newgate. [A cancelled passage reads: "in fact, Englishmen are Englishmen in every Climate even although they pass through Newgate to reach it—"]

[ 5 ] GOULBURN TO ARTHUR: A.L.S. 3p.

Nov. 30

*Downing Street, [London.]* [Marked: "Private".]

I have just received your letter of the 2nd of July & beg to return you my sincere thanks for your congratulations on my return to office. It is peculiarly gratifying to me to think that I am indebted for them to your approval of my conduct in the office which I previously held & that the course which I pursued in that office was as agreeable to your feelings as it was consistent with what appeared to me to be just.

Although removed to another department I still take the strongest interest in the advancement of the Colony over which you preside—I am not surprised at the rapid progress which it has made in mitigation & improvement and I shall be rather disappointed if under your superintendance it does not make still further advances—

[ 6 ] [ARTHUR] TO MAJOR GENERAL [SIR JOHN] MACDONALD: Df.A.L. 4p.

1831

Apr. 22

*Van Diemen's Land, Government House.* [Marked: "Duplicate".]

By the last opportunity for England I was prevented from writing one single private letter or I should not have failed to have offered my congratulations to you on the step you have gained<sup>1</sup> . . . [Macdonald's brother has succeeded Arthur in command at Honduras, and has supported] all those measures which were so sadly abused by my immediate worthy successors Generals Pye and Codd . . . although there are many worthless characters at Honduras, there are some very worthy persons in whose happiness and prosperity I take great interest . . . [Recounts a domestic scandal involving Captain Robertson, a protégé of Macdonald] with Mrs. Shadforth, the daughter of Judge Stephen of New South Wales., Pray consider this, as it strictly is, a private communication for although nothing can perhaps justify the moral criminality of Capt. Robertson's conduct, there may be some redeeming circumstances when his side of

<sup>1</sup>Probably his appointment as deputy adjutant general.

the question is fully brought forward . . . [Asks for an opinion as to an official application for confirmation of the rank of colonel now held for many years;] a *refusal* would be dreadful. . . .

[On the final sheet appears part of a draft in Arthur's handwriting of another document referring to the indiscriminate retaliation by natives upon other inhabitants for outrages committed by convicts. "But, still, knowing that we are the aggressors it is painful to adopt those measures which are absolutely essential to the security of the Settlers—In all other respects the Colony is most prosperous & Emigrants of the lower class have great cause to be thankful that they are exempted from those severe deprivations which have been so much felt at Home."]

[ 7 ]           ARTHUR: [RECIPIENT NOT STATED]: Df.A.L. initialled.

July 15           Hobart.

Since my return from the Interior I have never been able to devote one single day to my Private affairs until this morning & I lament that the account wh. I am indebted to Mr. Pitcairn & Young[?] stands prominent amongst my neglects.

You will, I trust, excuse what is really very rare with me, the omission of immedly purging a debt. You spoke to Mr. Parramour I find upon the subject, but most unfortunately He quite forgot it until it occurred to myself on opening my Private Drawer this morning . . . [Mentions other personal business matters.]

[ 8 ]           M [?] FORSTER TO ARTHUR: A.L.S.

1834           Hobart.  
Apr. 15           [Apologises for neglectfulness.]

[ 9 ]           [ROBERT BALDWIN TO PETER PERRY]: L.

[ 1836 ]           [Place not stated.]

[ Mar. 16 ]           Extract from a letter addressed by Mr Baldwin, 16th. March 1836, to Mr P. Perry MP.P.

"These desirable [*sic*] would thus be accomplished without in the least intrenching upon the just and necessary prerogatives of the Crown which I consider, *when administered by the Lieut Governor through the medium of a Provincial Ministry responsible to the Provincial Parliament* to be an essential part of the Constitution of the Province."

[As in item 15, the watermark of 1839 indicates the above to be a copy made some years later than the original.]

[ 10 ]           HEAD TO GLENELG: L.

May 14           Toronto. [Marked "No. 36".]

I have this morning received your Lordship's despatch No. 43 dated 30 March in which Your Lordship has been pleased (in confirming the appointment of Messrs. Dunn, Baldwin, and Rolph as Executive Councillors) to express your approbation of the course with reference to the conditions attempted to be attached by Mr. Baldwin to his acceptance of the post of Executive Councillor.

I cannot express to your Lordship the satisfaction I have derived from this communication, as it indicates a determination to support me in the arduous duties I have had to perform.

I have no fear whatever of crushing the Republicans in this Province and of reanimating the constitutionists, if I receive from your Lordship a continuance of this support.

[The above appears to have been torn from an official letter book. On the reverse side begins item 11.]

[ 11 ] HEAD TO GLENELG: L. 3p.

May 16

*Toronto, Upper Canada.* [Marked: "No. 37." "Private and Confidential".]

In case Your Lordship should deem it advisable to remove me from the Government of this Province in consequence of the request contained in my despatch of the 5th. February and respectfully repeated in No. 33, dated the 8th. Inst. I am desirous calmly to bring before your Lordship's most serious consideration, the importance and urgent necessity of sending out my successor immediately, as I can practically assure you that nothing can be a greater disadvantage to the Lieut Governor as well as to the Province, than his arriving, as I did, ignorant of all the various branches and departments in which the affairs of this Province are conducted.

I beg leave moreover to observe that not only would my successor reap advantage by having a little leisure for observation and reflection before he be actually called upon to determine upon the important subjects which require his decision, but that I myself am becoming every day seriously embarrassed by the uncertainty in which I exist.

During the three months of suspense which elapsed between the first expression of my requests dated 5th. Feby. and your Lordship's reply, I managed with considerable difficulty to advance against the Republicans, hampered by preparations to retreat at a moment's warning, but I foresee that the measures I shall shortly have to take, must unavoidably assume every day a more decisive character and I therefore hope your Lordship will see the propriety of coming at once to a final decision on my case.

With your Lordship's decision I am perfectly prepared to rest satisfied, but as I feel I did not sufficiently explain the grounds of my request I beg leave to do so by the following short statement.

At the time I was requested to assume the Government of Upper Canada, I was in the receipt of the following emoluments.

|   | £   | s    |
|---|-----|------|
| Salary of An Assistant Poor Law Comr.         | 700 | .. 0 |
| Allowance of £1.1s. per day.....              | 383 | .. 5 |
| Allowance of 9s per day in lieu of travelling | 164 | .. 5 |
| Pay and allowance to my son as Clerk          | 180 | .. 0 |

|  |      |       |
|--|------|-------|
| Total annual income which I gave up at the request of H.M. Govt..... | £    | s     |
|  | 1427 | .. 10 |

The following is a list of fines, fees and expenses which were subsequently imposed upon me

|  | £   | s    |
|--|-----|------|
| For my Commission.....                                     | 212 | .. 0 |
| For travelling expenses for myself and suite with outfit.. | 800 | .. 0 |

|  |                           |
|--|---------------------------|
| Paid Sir John Colborne for a part of his furniture &c.                     | 1050 .. 0                 |
| Extra expenses in England for furniture &c. &c. &c. to be brought out..... | 1000 .. 0                 |
|  | £ s                       |
|  | [ <sup>1</sup> ]2962 .. 0 |
| Deduct allowance granted to me by H.M. Govt. to defray the above expences  | £ s<br>300 .. 0           |
|  | £                         |
| Total amount of fees & expences  | 2762 .. 0                 |

Having given up a permanent income of £1427, and having incurred expences of £2762, I requested in my despatch to your Lordship of the 5th. Feby. that my allowance might be made equal to that of my predecessors, but as that request did not meet with your Lordship's approbation, I abandoned it, adhering to the request of an accession of civil rank free of fees.

If this request be deemed also inexpedient I have begged, and still earnestly desire to be permitted to retire on two grounds.

1st. That I have not sufficient means to enable me to maintain my station, encumbered as I am by a military rank inferior to that of various officers under my command.

2ndly. That in justice to my family I cannot consent to transport them to this country, from which after my services are worn out, I shall return deeply in debt, besides having lost my income and prospects in England.

As far as the public service is engaged, I will pledge myself to tranquilize Upper Canada but I frankly declare to your Lordship that I cannot afford to injure my family, and that the least remuneration I respectfully require, is civil rank free of fees— If this be deemed more than my services are worth, I shall retire from the Colonial service with at least the consciousness of having served it faithfully.

I conclude by again asking your Lordship to do me the favour to inform my family whether they may come to me on the terms I have mentioned, or I to them.

[The above appears to have been torn from an official letter book and begins on the reverse side of item 10.]

[ 12 ] J. B. ROBINSON TO [HEAD]: A.L.S. 2p.

July 9

[Place not stated.]

I must beg that you will have the kindness to peruse the inclosed statement[.] I could not rest satisfied till I had made it—and my brother had no objection, though I trust it will turn out that for any other purpose it might have been spared.

I shall take the liberty of calling at an early hour on Monday, if Your Excellency will allow me; to speak on this subject, and on one or two matters unconnected with it.

[Pin marks in the above, corresponding with others in items 13 (which is obviously the enclosure referred to) 14, 107, and 112, indicate that these letters concerning Peter Robinson's defalcations had been kept together for some particular purpose.]

<sup>1</sup>Error in addition not in the final total.

[13] J. B. ROBINSON TO THE LIEUTENANT GOVERNOR [HEAD]: A.L.S. 10p.

July 9

Toronto.

I have my brother's<sup>1</sup> permission to make to Your Excellency the following statement.

It would be more agreeable to me, if it can be regarded as confidential, unless a necessity should arise for treating it otherwise. That necessity I know will not arise, so far as the security of the Government is concerned. It is in Your Excellency's discretion, however, to rely on this assurance or not; and (as I should at any rate make this communication,) I withdraw all objection to an official use being made of it, if Your Excellency should desire it; and I shall be ready further to give to Your Excellency in any shape such additional information as I may happen to possess, or may be able to procure upon the subject of this letter.

About 12 or 14 days ago my brother was seized with partial paralysis of his left side, the attack being occasioned, as his physician thinks from an unfortunate accident which occurred in the preceding day—He was not only disabled by it from attending to his official duties, but being naturally apprehensive of a more fatal attack following, he was anxious to make such arrangements of all his affairs as the circumstances called for—

Unfortunately my younger brother was detained in the Country by circumstances which it is not necessary to advert to, but which Your Excellency is aware unavoidably kept him there, for some days. Of course I repaired immediately to my brother, and spent with him all the time I could spare from my public duty. It was his anxious desire to put me fully in possession of the state of his affairs, particularly so far as his public offices were concerned. The current half year was just closing, and the accounts had been for some time in preparation—He told me that there would be found no difficulty in closing his accounts as Commissioner for Crown Lands, and as Commissioner for Clergy Reserves, in which latter department the greatest amount of monies had been received—: that the accounts in those departments had been made up at the end of the last half year, and all the monies received up to that time paid in— But with respect to his accounts as Commissioner for woods and Forrests [*sic*], he said that they would require a careful and thorough examination from the beginning—that an error had been lately discovered of an accidental double charge against himself, of more than £1000, and he thought others would be found—that at present he believed there stood a balance against him of about £6000. He then explained to me upon what grounds he was convinced that he could not be actually chargeable with such arrears, if the truth could be exactly ascertained; but that of course he must be answerable for the apparent balance, whatever it might turn out to be.

He referred me to Mr. Hawk[e] for further particulars, gave me a list of his real property, and suggested that it might if the Government desired it, be at once made over to any person they might appoint, as a security for whatever balance might be found due—

Knowing no more of my brother's accounts, nor of the affairs of his offices, than if I had passed the last ten years in another quarter of the world, knowing on the other hand that my brother's income was large, (for he has always had considerable private means in addition to his salary,) I was equally astonished and distressed at this communication

<sup>1</sup>i.e. Hon. Peter Robinson.

which he made to me— My first anxiety has been to arrive as nearly, and as speedily as I could at the truth, in order that I might know the worst, and take measures accordingly, and that I might have at least the satisfaction, if possible, of having no unpleasant doubts remaining which might affect the characters, or involve the feelings of others, when my brother might be no longer able to assist in clearing them up—

I have been urgent therefore with Mr. Hawke to ascertain as early as he could the utmost possible balance for which my brother can be accountable, for I apprehended as it usually turns out on such occasions, that it might much exceed what my brother supposed, though I was convinced it could not be so much more as to involve any risque of an ultimate loss—

Mr. Hawke, and the book keeper in the office have made a hasty minute, from the books & accounts, of the apparent balance which rather exceeds £11,000 Provincial Currency.

They say it will take some weeks to ascertain the balances precisely, and that the further investigation is likely to reduce, but not to increase it, because the receipts are all regularly carried to account at the time, but the disbursements not so certainly and regularly, as many of them require detailed statements and vouchers, before they can be taken into account.—

My brother will not believe that there can turn out to be such a balance against him— In his infirm state of health he has had to depend upon the punctuality of many persons employed by him.— His accounts have been of large amount, and under many heads, and several branches of public service have been at times thrown upon him by the Government, which were not properly part of his duty, and which all increased his responsibility, and chances of loss, and these have been hitherto discharged without any additional remuneration.

His manner of living has been by no means expensive, not nearly so much so I am convinced as his income would have warranted,—and though I can account for some considerable sums disbursed by him beyond his current expences, I am utterly at a loss to conceive how he should turn out to be in arrear in any such large sum— The sums to which I allude are fortunately still available being invested in the purchase of real property in the town— It is satisfactory to me to be able to state that as my brother has not been a wilful defaulter, and has dissipated nothing by extravagance, so there is also the fullest certainty that no loss will be sustained by the Government— He owes no body, and has a large property in lands and houses wholly unincumbered, and generally of a saleable description. He can pay £2000 immediately, and I believe his real estate to be moderately valued at £20,000— It was almost all acquired long before he held any of these offices, and however painful it may be to him, after a long and very arduous service in difficult duties, to be under the necessity of parting with it on such an occasion as I have stated, there will of course be no hesitation— The only question can be as to the best means of avoiding a wasteful sacrifice in turning it to account— There are some claims which my brother says he has always intended to urge upon the Government, under certain heads of service, but these must abide the decision of the Governor & Council, or of His Majesty's Government. I must not omit mentioning one other circumstance which I so little thought I should ever have occasion to remember, that until lately I had dismissed it from my mind. I have been under the impression that I became one of my brother's securities

when he entered upon his offices, though I had forgotten the amount, and the names of the persons who were joined with me. When I first learnt the probability of this difficulty I was anxious to know who the sureties were, that I might relieve them by apprising them that they would certainly incur no loss.— I was surprised to find that the bonds which my brother had prepared remained unexecuted—

It was intended I believe that there should be four sureties in £5000 each, and I know that I consented to be one— I am ready now to execute the bond if the government desires it—

[The above is obviously the enclosure referred to in item 12.]

[ 14 ] HEAD TO THE CHIEF JUSTICE [J. B. ROBINSON]: A.L.S. 2p.

July 9

[Place not stated.] [Marked: "Copy".]

I have this moment read your letter of this day's date, which I shall consider as confidential, and shall not even mention its contents to my council, or to any one.

I write to you immediately, as I think it may relieve your brother and yourself from anxiety.

The affair you mention (as regards your brother's accounts as Comr. of Woods and forests) appears to me to be very simple.

You privately tell me that there is a balance against him of about £11,000 provincial currency, but that his real estate at a moderate estimate amounts to about £20,000.

Under these circumstances, it appears to me, that all that is necessary is, that he should be allowed sufficient time to revise settle and balance his accts. and to this, his long services I think entitle him.

Every consideration which is due to him as a public servant he may depend upon receiving from me, and as I feel confident that he has every proper feeling and honorable desire that his affairs should be creditably wound up, I have no suggestion of any kind to offer[.]

It will give me pleasure to see you on Monday mornng[.]

[ 15 ] ROB[ER]T BALDWIN TO GLENELG: L. 54p.

July 13

4 Trinity Court, Charing Cross, [London.]

[A manuscript copy of the well known letter setting out Baldwin's views on Canadian affairs. A copy of this letter was enclosed in Glenelg to Head, Aug. 20, 1836, and is reprinted in the *Dominion of Canada, report of the Public archives for the year 1923 (The Durham papers)*, p. 329; in the corresponding *report . . . for the year 1936*, p. 431; and in *Statutes, treaties and documents of the Canadian constitution 1713-1929*, ed. by W. P. M. Kennedy, 2nd ed., 1930, p. 335.]

[As in item 9, the watermark of 1839 indicates the above to be a copy made some years later than the original.]

[ 16 ] [VAN DIEMEN'S LAND BILL]: 2p.

[ 1837 ]

[A manuscript draft of "An Act to enable the Government for a limited period to remedy Deficiencies in the Circulation by making Treasury Bills a Legal Tender." The act is to continue in force for two years only. It authorises the provision by Proclamation that "all Bills drawn within this Colony by the Assistant Commissary General upon the

Lords Commissioners of His Majesty's Treasury" shall for a specified period not exceeding six months be accepted as legal tender. Arthur is mentioned as lieutenant governor. The Act does not appear in the printed statutes for 1837.]

[Endorsed: "The Clerk of the Councils Copy."]

[ 17 ] [WRITER AND RECIPIENT NOT STATED]: 2p.

[ 1837? ] [Place not stated.]

|   |          |                         |        |
|---|----------|-------------------------|--------|
| Statement of Clergy Reserves of Upper Canada—                           |          |                         |        |
| There have been sold to the end of the year 1836, 368,428 acres of land |          |                         |        |
| for Currency  | £250,655 | at an average of 13s/7d |        |
| per acre.   |          |                         |        |
| Received in part payment . . . . .                                      | 89 597   |                         |        |
|   | <hr/>    |                         |        |
| Leaving due and bearing Interest  | £161,058 |                         |        |
|   | <hr/>    |                         |        |
| Of the sum received in part pay-  |          |                         |        |
| ment for Lands sold vizt. . . . .                                       | £89,597  |                         |        |
| There is invested in English 3 per                                      |          |                         |        |
| cent Stock, in Sterling £62,278   |          |                         |        |
| Add for difference of Exchange 6 675                                    | 68 953   | producing Ster-         |        |
|   | <hr/>    | ling                    | —£1880 |
| Leaving this amount to be accounted                                     |          | add 1/9 difference      |        |
| for . . . . .   | £20,644  | of Exchange             | — 209  |
|   |          |                         | <hr/>  |
|   |          |                         | 2089   |

|   |        |
|---|--------|
| The actual Income for the present is,   |        |
| Interest of £62,278 Sterling equal to   |        |
| £68,953 Currency                        | £ 2089 |
| Ditto of unpaid Instalments of purchase |        |
| money                                   | 2162   |
| Rent of 361,000 acres on Lease          | 2141   |
|   | <hr/>  |
|   | £ 6392 |
|   | <hr/>  |

|  |         |
|--|---------|
| The following Income it is assumed may be produced |         |
| By Loan of the Sum now in the English Stocks,      |         |
| Currency £68,953 in the Province at 6 pr Cent      | £ 4137  |
| By Receipt of Purchase Money due for Land sold     |         |
| £161058—ditto—ditto—                               | 9663    |
| By sale of Land now Leased 361,000 Acres at        |         |
| 12s/ —£189,600—ditto—ditto                         | 11376   |
|  | <hr/>   |
|  | 25176   |
| Suppose the Sum lent at 5 per cent only, then      |         |
| deduct 1/6th.                                      | 4196    |
|  | <hr/>   |
|  | £20,980 |

|  |               |                |
|--|---------------|----------------|
| Total Clergy Expenditure for the year 1836         | £12,317       |                |
|  | <u>£ 8663</u> |                |
| In aid of the Wesleyan Mission                     | £ 900         |                |
| Salary to the Bishop                               | £1000         | £ 1900         |
| (exclusive of House Rent & Travelling Exps.)       |               |                |
| Leaving an unappropriated annual surplus of        |               |                |
| Curry  | £ 6763        |                |
| Remain for the disposal of the Crown in aid of the |               | Sold 368,423   |
| Erection of Churches, support of Clergy and        |               | Leased 361,000 |
| general Education 1,525,245 Acres at 12/- per      |               | <u>729,423</u> |
| acre £915,147.                                     |               |                |

|   |                     |
|---|---------------------|
| Clergy Expenditure for the year 1836                    |                     |
| Missionaries of the Church of England                   | £ 2565.12. 6        |
| Ministers of the Church of Scotland                     | 1541.10. 0          |
| Ministers of the United Presby. & Synod of Upper Canada | 699.19.11           |
| Priests of the Roman Catholic Clergy                    | 1500. 0. 0          |
| House Rent of Lord Bishop of Quebec                     | 180. 0. 0           |
| Clergy Expenditure                                      | <u>£ 6487. 2. 5</u> |

|   |                     |
|---|---------------------|
| Erection of Parsonage Houses                                | 367. 2. 5           |
| *Missionaries of the Church of England                      | 4500. 7. 0          |
| Archdeacon of York and Kingston                             | 600. 0. 0           |
| Secretary to the Clergy Corporation                         | 270. 0. 0           |
| Contingent Expences of the Office of the Clergy Corporation | 92.13.11            |
|   | <u>12,317. 5. 9</u> |
| Independent of the Claim of the Wesleyan Missy Society      | 900. 0. 0           |
|   | <u>£13217. 5. 9</u> |

\*In aid of this Sum the Society for the Propagation of the Gospel pay the Sum of £3800.

|   |                        |          |
|---|------------------------|----------|
|   | Acres                  |          |
| Total quantity of Land reserved                     | 2,254,668              |          |
| Sold and Rented                                     | <u>729 423</u>         |          |
| Remain to be disposed of for the erection of        |                        |          |
| Churches, in aid of Ministry or for general         |                        |          |
| Education   | <u>1 525,245 Acres</u> |          |
| Value of 1,525,245 Acres at 12s/ per acre           |                        | £915,147 |
| Clergy Reserves granted as Endowments to the Church | Acres                  |          |
| of England Clergy Patents for which are completed   | 22931                  |          |
| Ditto—Ditto—Patents for which are not completed     | 4118                   |          |
|   | acres                  |          |
| Ditto set apart as Glebes                           | 21057                  |          |
| of these are included in the Return of              |                        |          |
| Endowments  | 8332                   | 12725    |

[The above is possibly the enclosure referred to in item 60.]

- [ 18 ]      [ARTHUR] to [GLENELG?]: Df.A.L. 2p.
- [ 1837 ]      [Place not stated.]  
[ c. Mar. ]      [As commanded, submits nominations for assistant protectors of  
Aborigines.]
- [ 19 ]      F. W. JERNINGHAM TO ARTHUR: A.L.S. 2p.
- [ 1837 ]      [Place not stated.]  
[ c. Mar. ]      [Refers to conversation the previous day; enquires concerning a  
protectorship of Aborigines; encloses copy of letter sent to Wakefield.]
- [Enclosure:]
- [ 20 ]      [ 1837 ]  
   [ c. Mar. ]
- F. W. JERNINGHAM TO [E. G.?] WAKEFIELD: L. 3p.
- [Place not stated.] [Marked: "Copy of a letter written to Mr.  
Wakefield".]
- [Refers to conversation "the other day" on emigration to  
South Australia. Understands it is intended to establish a  
military force in the Colony; states his qualifications for forming  
the corps; asks that the commissioners recommend his  
immediate promotion to a lieutenancy; discusses the duties  
and prospects.]
- [ 21 ]      MRS. MARIANNE SERJEANTSON TO [ARTHUR?]: A.L.S. 2p.
- Apr. 12      *Wanstead, Van Diemen's Land.* [Marked: "Copy—"]  
   [A widow appeals for intercession in obtaining a grant of land appar-  
ently recommended by Arthur but negatived by the secretary of state.]
- [ 22 ]      ARTHUR TO [CAPTAIN] T. FREMLIN: Df.L. with emendations in Arthur's  
   handwriting.
- May 6      69, *Cadogan Place*, [London.]
- I regret much that I had not the pleasure to see you when you called  
this morning— I wished, particularly, to thank you for your care of my  
Baggage, and for the trouble you gave yourself respecting my Servants—  
   It is a great disappointment to me that you have not included in your  
account what I am indebted to you for the Claret, and small articles with  
which you supplied us— I cannot consent that it should be left un-  
adjusted, & have therefore made a small addition [the following words are  
here deleted: "added twenty Pounds"] to your account which I hope will  
be satisfactory— I have heard that the "Elphinstone" is again taken up  
for Convicts, so that I conclude you will ere long be on your own element  
again, and sincerely hope, if it be the case, that you may have a prosperous  
voyage.—

[ 23 ] J[AME]S BUCHANAN TO JOHN JOSEPH: A.L.S. 3p.

May 10

*On board the Boat on my way to Quebec.* [Marked: "highly Confidential & private".]

I venture to submit this letter to your discretion, as to communicating the Contents to His Excellency or not. I feel confident [*sic*] my Motive will not be Mistaken as the information *might* when I am in London be necessary to me.— I am on my way to Quebec to see Lord Gosford as to my son, who in Consequence of my Brothers absence from ill health has for two years performed the duties of his Majestys Agent for Emigrants—I have obtained Leave of Absence to visit England, and I purpose taking my Wife and Daughter with me, after her late bereav[e]ment, and had in View to sail, (if no circumstance should interpose), about the end of this month.— His Majestys Government some years ago had fixed on placing me as his Majesty[']s Commissioner, to reside in the Provinces to report on all Measures relating to trade, and I was so Selected by the late Marquess of Londonder[r]y, and Lord Wallace then Vice President of the Board of Trade; without any Application on my part, as my being acquainted with the Trade of the United States, and not being in any way Concerned in Trade, were deemed essential qualities. Lord Bathurst— afterward, as the appointment was View'd by Colonial agents, as likely to supersede their offices, had the Matter suspended, & the Marquess of Londonder[r]y died, and Lord Wallace retired from the Board of Trade— The subject it is understood, is again looked to, but under more Extended operation, a copy of which I beg leave to enclose. If it should be acted on (but from the unset[t]led State of the Ministry I have great fear of their holding their ground—) I no doubt I should be Appointed by his Majesty to preside at the Board, and watch over these interests: And I need not tell you, that I am most anxious to get out of this Democratic Atmosphere, the Emolument would not be better— Indeed such is the desire of my Wife to get to Canada, and leave New York; that half my present Emolu[me]nt would induce us Cheerfully to go— There has been much talk about the Appointment of a Post-Master General for Upper Canada, tho' that Appointment is distinct from the Colonial Department, I should for the reasons mentioned willingly exchange for it, provided it did not interfer[e] with any Views Sir Francis may have respecting it, and I Venture to say, under his Excellencys Auspices[?], a Change of that Department, both as to Emolument and Efficiency, would be truly apparent. I am decidedly for all Responsibility as to appointments being Vested in the Supreme Head, two Heads to one body is not according to Nature, and undoubtedly Politically wrong. it does not answer in a house,—a ship, an Army, the Cabinet, nor in fact any where productive of that well founded Efficiency Servicibl [*sic*] to the State or Poepel [*sic*]— The object I have Chiefly; (and if you will do me the favor to believe) Chiefly in View, that in case any such Exchange should be Effected, would it in any way interfer[e] with his Excellencys View, as I beg to assure you, *most distinctly and unequi[v]ocally* that Notwith[st]anding our Anxious Wish to remove to Canada, I would on no account accept the office if in my power, without the fullest Approbation of Sir Francis, and I would Venture to add, no Man will fill it, who would yeild [*sic*] more Efficient Service *in accordance with his Excellency.* than I should do.—

I intreat you my dear Sir, to View this laying open to you my Mind, as a Mark of my Sincere respect, and *fullest Confidence:* however I

may Mistake the Manner, and that if in error you will not suffer it go further . . .

[P.S.] your reply shall be religiously regarded Confidential[.]  
[Enclosure lacking.]

[ 24 ] J[AME]S BUCHANAN TO C. A. HAGERMAN: L. 3p.

June 10

*New York.* [Marked: "Copy of letter addressed to me by Mr. Buchanan, British Consul at New York.— C. A. Hagerman".]

I sail this day wind permitting with my wife and daughter for England in the Packet Quebec for Portsmouth and I am happy to tell you I am likely to be consulted on some matters of importance. I need not say to you that tho' we differ about the Church, yet we are firmly united in promoting British Connection, obedience to the laws and hatred of Democracy— The regulation of the Trade of the Provinces will occupy much of my time. I have your Views fully—the prostration here is without any parallel and depend on it next Decr. will be dark and gloomy. The people are against the manufacture of Money out of raggs & Lampblack—or the Community against the Banks—and universal suffrage will prevail—pray command me—letters sent here will be forwarded to me at the Foreign Office— I purpose returning on the 1st. Octr. My Sons have to complain of the Sheriff of Niagara—his deputy Abr. McLeod levied £60. some time ago and offers him £40 provided he gives a discharge—this differs from withholding to pay over Money— I advised my Son to write to Mr. Hamilton about it—he did so but no reply— I do not wish to bring forward a charge, but any Sheriff who would make such a proposition is unworthy of the office and my View of Sir Francis is, that he will not suffer any Officer [*sic*] to hold an Office—Would you, my dear friend, cause a letter to be written to Mr. Hamilton from your Office as my Son finds it very difficult to get at this deputy Sheriff— I shall *confidentially* drop you a Note from Downing Street when I stand on good ground . . .

[ 25 ] J. C. WORTHINGTON TO ARTHUR: A.L.S.

[ 1837 ] [Place not stated.]

[ Sep. 20 ]

[Refers to the prospective sale by Arthur of apples from an orchard. An accompanying printed sheet advertises the Flower Pot Inn, Sunbury, Middlesex, as having been taken over by John Curtis Worthington, and is marked: "Sep 20 ½ Dozen Old Port £1 4s 0d."]

Sep. 22 HEAD TO GLENELG:

[See item 51.]

[ 26 ] ARTHUR TO MAJOR [F.] CARPENTER: Df.A.L. 3p.

Oct. 7

[Place not stated.] [Marked: "Private".]

Your letter dated the 14th ultimo has followed me in a variety of ways & at length found me Here— I have been travelling in quest of Health having suffered during the last six weeks from a severe relapse of that terrific disorder influenza.

It would afford me sincere pleasure to be of use to you in a pecuniary way if it were in my power—but, at this time, it really is not[.]

Every pound I can command I have urgent occasion for, from circumstances of a most unexpected nature, so that I am obliged again to look for harrassing employment which, by all means, it was my wish to avoid. If I do get an appointment you shall hear from me immediately—not in the way of a *loan*,—but in one that would be far more agreeable to my own feelings.

A man who is on great terms as he says with Mr Bradley has brought an action against me for "Trespass" during my Govern. of V. D. Land & laid his Damages, I hear, at £15,000—rather a pleasant addition to the plague these worthies have already given me—but I expect to get some credit out of the affair though I would readily be spared the annoyance and anxiety of it.

Oct. 7 HEAD TO GLENELG:

[See item 52.]

[ 27 ] F. CARPENTER TO ARTHUR: A.L.S. 3p.

Oct. 12 24 Dorset Place, [London.]

I concluded from the lapse of time which had occurred since the writing of my last letter that you were, somewhere on the wing in the search of pleasure.—and lamented to learn that health was the goddess, whose smiles you were courting . . . [Replies in somewhat florid terms to Arthur's letter of October 7.]

Your letter is full of kindness and friendship—were it otherwise it could not, from the pen of my former friend, have originated . . .

[ 28 ] ARTHUR TO [JOHN] MEASURE: Df.L.

Oct. 18 Oak House, [Feltham.]

I regret very much that circumstances have prevented our attending the happy ceremony this morning; but I beg you will believe me sincere in assuring you, and Dear Charlotte,<sup>1</sup> of our earnest desire that your Union may be productive of much happiness,—and that it may please God to confer upon you every temporal comfort, and, indeed, as much prosperity as may not prove a hindrance to your Christian course . . . [Invites them to visit Oak Hill on returning from Brighton.]

[Endorsed: "dft. of letter to Mr. Measure written and sent 16th. October dated 18th. October 1837."]

[ 29 ] F. CARPENTER TO ARTHUR: A.L.S. 2p.

Nov. 6 24, Dorset Place, Dorset Square, [London.]  
[Again requests financial loan.]

<sup>1</sup>*i.e.* Charlotte de Ferrers Smith, Lady Arthur's sister.

[ 30 ] COLBORNE TO HEAD: A.L.S. 6p.

Nov. 6

*Sorel*. [Marked: "No. 35".]

As to the intentions of Mr Papineau, it is not of much importance, what they may have been; the effect of his agitation however the Province now feels acutely; and disaffection, which has penetrated deeper than you may imagine, brings the agitator nearer his avowed object.

The sooner you put the good men and true of the Upper Province on their metal, the better. Your determination of liberating the 24th Regt will produce the best effect; Sir Colin Campbell will act on a similar principle. I believe he will call on the Militia to do the military duties, till reinforcements may arrive from the Mother Country; and send every company he can spare to Quebec, from Halifax.

The alarm in this District is great, and rapidly encreasing. In fact the counties between Longue[u]il and the upper part of the Richelieu are in a state of revolt. Many persons who have distinguished themselves for their loyalty, and as friends of order are menaced, and compelled to join the disaffected, or permit their property to be injured. I have received several applications for protection.

The grand point, and pivot, is Montreal. I am endeavouring to collect there such a force as will permit the apprehensive to sleep quietly, and enable us to act with vigour when called upon by the Executive Government[.]

I have ordered the 24th Regt to proceed without delay to the Carillon and Montreal. One company however must be left at Fort Henry. Fifty Soldiers composing the garrison of that Fort will not, in any respect, take away from the effect of your plans and policy.

You incur not the least risk, or responsibility in trusting to the good feeling of the Province of Upper Canada. You are fully warranted in making the arrangements which you have notified to me.

The diversion or demonstration which Mr Mackenzie may make in Yonge Street, or *Alway* in the London District will do no good.

If the company of the 24th Regt which had quitted Toronto for Kingston had been recalled, the effect of a timid measure of that description would have been much felt in the Province. . .

[P.S.] I have received two offers from the Upper Province to bear down with Volunteer Corps on the *Rebels*[.]

[ 31 ] [SIR] J[OHN] GARDINER TO ARTHUR: L.S. 4p.

Nov. 7

*Horse Guards*, [London.]

The General Commanding in Chief has received a Communication from The Secretary of State for the Colonial Department, accompanied by an Extract of a Letter which you addressed to Lord Glenelg, as also other Documents, respecting the expediency of measures being adopted for the promulgation, throughout the Service, of the System of Restraint and Coercion to which Convicts are subjected in Van Dieman's Land.

Lord Hill concurs fully in the Opinion offered by Lord Glenelg, that the real condition of a Convict should be thoroughly understood in the Army at large, so long as Transportation is resorted to, as the means of upholding its Discipline.

It has been stated, at the same time, by Lord Glenelg, that, certain alterations in the System hitherto pursued, with respect to transported Convicts, are now in contemplation. It is considered, that, the alterations

proposed are likely to have the effect of rendering the Punishments more uniform, and more effective, with a view to the prevention of Crime, and the Reformation of the Offenders. . . [Is instructed to request that Arthur, from his intimate knowledge of the existing convict system] will duly consider, and state the System and Penalties to which a Sentence of Transportation subjects a Prisoner, & the Regulations generally, so far at least as You may deem them, important, to promulgate to the Army, in the manner and with a view to the objects, you have recommended. . .

[ 32 ] HEAD TO COLBORNE: L. 3p.

Nov. 11

*Toronto.*

I am much obliged to you for the information you have been so good as to give me respecting your "wars and rumours of wars," and it is satisfactory to me that you approve of the peaceful course of policy I am adopting here.

In proportion as you may be driven to adopt forceable measures, Upper Canada should I consider refrain from doing so, as the moral contrast will no doubt have its effect on those who like to live in peace and quietness.—

You will see in print my answer to an address from Kingston to raise a corps of volunteers—it is in fact to tell them I have no authority to sanction their request— You must not think from this that I am lukewarm in your cause, for though I intend to be slow to anger, yet I think I can assure you that in case you should really want help the Militia of Upper Canada shall be once again round their old Master[.]

[ 33 ] COLBORNE TO GOSFORD: L. 2p.

Nov. 13

*Montreal.* [Marked: "Copy".]

The affairs of the Province have in a few days taken a turn so decidedly serious and alarming, that not a moment ought, I think, to be lost in preparing for the worst and for an extensively combined revolt. The Revolutionists are running over a large section of the Country armed, & menacing every individual who hesitates to join them— Dr. Cote in Acadie, Mongeau in Rouville are generally accompanied by five or six hundred persons many of which are armed— At La Prairie St. Francis and St Charles armed parties are actively employed in forcing the Habitans to enrol— If we neglect to profit by the offers from the Upper Province, and those from The Inhabitants of Montreal to assist by raising Corps; while we permit the declared Revolutionists to arm quietly we shall lose the Province.— I propose with Your Lordships sanction to form a Company of Pensioners and to station them at Isle aux Noix.

This Fort must be occupied, for it would have the worst effect to let The Borderers under Dr. Cote, to get hold of it, even for a day: and we cannot spare Detachments from our small Force to lock them up in a Garrison— A Few Corps from Upper Canada might occupy Montreal Chambly and St. Johns during the Winter, and liberate a more valuable description of Force— St. Hyacinthe is I understand to be the Head Quarters of the Revolutionists and it is said that Papineau yesterday was invited to go there and declare himself and that Wd. Nelson is to take the lead in case of his refusal[.]

I have had some conversation with a Methodist Preacher who was brought before Dr Cote when on his route to St. Johns— Cote recommended him not to proceed as he intended to enter the village with four

or five hundred persons, while a party from St. Athanan would pass the Bridge and meet him—

Two Officers of Militia called on Major Trydell of the 83rd Regt. at St. Helens late on Sunday night and requested him to permit them to lodge their Commissions in his hands, as they expected a visit from a party on the La Prairie side to force them to resign[.]

[ 34 ] C. J. FORBES TO COLBORNE: L. 3p.

Nov. 13 *Carillon*. [Marked: "Copy".]

In accordance with my intention to make Your Excellency acquainted with any circumstances that may transpire touching the state of affairs in this District of Country, I have now the honor to submit certain information that I have received from a person in my employ who has just returned from performing the last offices to a deceased near relative at the Grand Brulé, and as it corresponds in all particulars with information I have received from various other quarters I feel assured that it may be fully relied upon—

1st. That the system of enrolment is general throughout the whole of this neighbourhood—

2dly. That great exertions are making to procure Fire Arms, and in repairing such as are found unserviceable among the Habitans—

3dly. That Quantities of Powder is [*sic*] providing for the use of Armed Bodies of Men, and Musquet Balls are casting very extensively—

4thly. That a system of intimidation is generally pursued towards all who dispose of Cattle or Produce to the English, and examples have already been made of some, by injuring, and even destroying their Horses who have had dealings in this neighbourhood.

These are truly alarming symptoms the extension of which to the Counties on the South side of the St Lawrence would lead one to apprehend that one of the principal objects of the Agitators is to cut off the supplies from Montreal during the Winter— This consequence is threatened by our Radicals without the least reserve, as well as the harassing the Troops in this neighbourhood by nightly demonstrations—

How far in the present depressed state of the Mercantile Community at Montreal it will be possible to count upon a sufficiency of flour and grain being laid up in that City for its supply I am not exactly capable of determining; but of this I think we may be fairly assured, that the arrangements of the Merchants will not be found equal to assuring a supply of Forage, Salt Meat, and Cattle for its Inhabitants, and those who may seek refuge there, should the present alarming symptoms not be speedily dissipated— Therefore it may be of the utmost importance that the Communication between The Ottawa and Montreal should be kept open in order to ensure the safe conduct of these indispensable Articles—

That there are many of the Habitans throughout this section of The Country that are well affected to Her Majesty's Government I have strong assurances of, who would gladly assist the efforts of the Executive to put an end to the Insubordination that prevails—but the total want of Magistrates possessing energy to guide the efforts of the well thinking, aided by The Military is a draw back that cannot be conquered— Magistrates much better qualified than those in the neighbourhood invested with the mere power the existing Law gives them would be totally inadequate to the exigencies of The Times— Special Magistrates acting under special Instructions which should be stretched to the utmost Limit would be alone suited to the present Emergencies— And the

sooner such appointments were created the better, in order that the proper investigations may be gone [into], by which the Sedition that now reigns paramount may be laid bare and checked; and before the authority of the Government be entirely lost sight of[.]

I may perhaps be excused for anticipating the intentions of Lord Gosford to create such opportunity & I may perhaps wander still wider from the Mark in concluding that His Lordship may meet with difficulty in finding persons possessing the requisite qualifications for the office, but it can do no injury that I should confide to Your Excellency the name of a Gentleman who for firmness of purpose and intelligence is scarcely to be matched, if he could be prevailed with in case of need to accept the appointment— It is the Revd. Joseph Abbott The Episcopal Clergyman of Grenville, with whose character I am intimately acquainted. And I shall at any time be happy to attempt a negotiation with him upon Your Excellency's suggestion[.]

[ 35 ] THO[MA]S PETERS TO MRS. URLING SENR. A.L.S.

Nov. 13 *13 Serles Place, Lincoln's Inn, [London.]*

[Dison wrote a request to Phillipps, under-secretary of state, to hand over "the Quadruplicate Memorial" to Peters; Everest, a clerk at the Horse Guards, said that all papers sent were undeviatingly retained, but it might be perused and copied; Peters encloses a transcript with answers to the queries proposed by Mason. Refers to "T, N's" last letter.]

[The above is re-addressed to Arthur.]

[Enclosure lacking.]

[ 36 ] COLBORNE TO HEAD: A.L.S. 4p.

Nov. 14 *Montreal.*

The whole French population of this Province are now united against the Government; and in many sections of the country are not only organized; but have already taken the lead in active operation by sending out armed parties of three or four hundred persons, that run over the districts and force every individual to join them. If we do not immediately take active measures to arm and organize our friends, the Province will be lost[.]

From the enclosures you will find that if we hesitate in making arrangements for shewing our strength, in the Upper Province, the Revolutionists will carry on their system of intimidation to such an extent as will give them an advantage over us which cannot be recovered.

I think you could, in this hour of danger, constitutionally select a certain number of companies from the Militia for five months service, and send them down to us, if Lord Gosford will accept their aid.

They might be stationed at La Prairie St John's and Chambly. Their occupying these points, would allow the regular force to act with effect immediately.

The habitans in all parts of the Province refuse to pay their rents; as they have been informed by the leaders of the Revolutionists that they are to have their deeds; and that the Seigniorial rights and tithes are to be abolished. Thus they are all interested in the success of the menaced revolt.

I thank you for your communication of the 11th inst., which Mr Lysons has just delivered to me[.]

[Enclosures lacking.]

[ 37 ] [SIR] W[ILLIA]M MOLESWORTH TO [ARTHUR?]: A.L.S. 3p.

[ 1837 ] [Place not stated.]

[ Dec. ]

I feel exceedingly obliged to you for the books which you have been so kind as to send me & I will carefully peruse them. It is the intention of the Committee to recommend that another committee shall be appointed next session & then I think it would be most admirable to reexamine you upon many subjects to which I abstained from referring merely because the wish of the committee was to finish their business as quickly as possible[.]

[ 38 ] JOHN STRACHAN: A.D.S. 4p.

Dec. 2

Toronto.

A Report On the Religious state of the Indians in Upper Canada. . .  
[For a later copy of this report with slight variations, see item 166.  
The present copy may have been an enclosure with item 236.]

[ 39 ] [ARTHUR TO GLENELG]: Df.L. 4p.

[ 1837 ] [Place not stated.]

[ Dec. 6 ]

Observing in the Newspapers of this Morning that a Petition was last evg presented to the House of Commons on behalf of Mr Bryan referring to my intended departure for Upper Canada I take the earliest opportunity of making the following statement for your Lordships information.

The action which has been brought against me by Mr. B. is founded upon my having ordered the removal from his charge of several convict-servants who had been indented to him "on loan". Their removal took place in consequence of my conviction that he was not a proper person to retain that trust[.] In taking this step I acted in accordance with an interpretation of the Law which Sr. G Murray had conveyed to me for my guidance, & which interpretation was founded on the Report of the present Ld Abinger & of Sr. E. Sugden the then Atty & Solr. Genl.

I am not aware that my presence in England or my absence can in any manner affect the [the following words are here deleted: "trial of this action"] or the interest, of Mr. B except indeed in the Event of his recovering[?] a final judgt. against me, he wd. not in my absence be able to execute it against my person. But I do not leave England witht. knowing that the most ample provision has been made to satisfy any damages which can possibly be recovered against me. If I could contemplate as possible the contingency that any such damages would not be immediately paid [the following words are here deleted: "after the plaintiff had obtained a final judgement"] I should hold myself bound instantly to return to meet the demand in person—

[ 40 ] M. S. BIDWELL TO HEAD: L. 2p.

Dec. 8

Toronto. [Marked : "Copy of letter from M. S. Bidwell Esq to Sir Francis Head, in my possession. C. A. Hagerman".]

In consequence of the kind conversation of your Excellency this morning, I have determined to leave this Province for ever[.]

I am aware that the circumstances to which your Excellency alluded, are calculated to give rise to suspicions against me, in relation to this

insurrection, and while they would be likely to render my further residence in the Province unpleasant, they make your Excellencys kindness the more worthy of my deep and lasting gratitude.—

I am confident at the same time, that the investigation which will now of course be made, will fully remove those suspicions from your Excellencys mind, and will prove that any (qu: *no*) such attempt was in contemplation.<sup>1</sup>

[ 41 ] [ARTHUR] TO GLENELG: Df.L. with emendations in Arthur's handwriting.  
6p.

Dec. 9 U[nited] S[ervices] C[lub,] [London.]

I have the honor to inform your Lordship that I shall have completed all my arrangements on Wednesday the 20th Inst and shall be prepared to proceed to New York by the first opportunity that may offer after that day.

I venture to submit to Yr Lordship it is of much importance that the two following subjects should be disposed of before my embarkation[.]

First— As respects the Rectories endowed by Sir John Colborne.— If, on further consideration, the Law Officers of the Crown should be of opinion that the measure cannot be disturbed on the ground of its illegality, the advocates for the [the following words are here deleted: "rights of the"] Established Church ought to be, and I think would be, under such circumstances disposed to come into some reasonable adjustment of the general question of Church Reserves.— If, on the other hand, If the Law Officers shall adhere to the opinion that the titles have been illegally issued,—then the position in wh. the advocates of the Estad. Church will be placed affords some reason to hope that they will on other considerations be still disposed to accede to an equitable arrangement [the phrase here originally read: "disposed to listen to reasonable terms"].

The feeling in the Province is so strong upon this subject, that I am persuaded the foundation for an amicable adjustment of the existing differences should be at once laid in this Country, and I presume to hope, that, with yr. Lordships concurrence, much may be done towards it.

Second. As respects the precise terms in wh. the offer should be made to surrender to the Provincial Legislature Her Mys. territorial and casual revenue.

<sup>1</sup>This is a copy of the letter which Ryerson said had been essentially mutilated when it appeared in *The Patriot* for April 20, 1838. In the completed version which he subsequently printed in *The Upper Canada Herald* for May 8, 1838, the last clause read: "and will prove that I had no knowledge or expectation that any such attempt was in contemplation." John Joseph, Head's private secretary, apparently sent to Vice-Chancellor Jameson an account of Bidwell's final interview with Head, and attached a "true copy" of Bidwell's letter. In two transcripts of this correspondence in the *Robert Baldwin Papers* and in Baldwin's handwriting, the same omission occurs. In one transcript an interpolation (probably by Baldwin) suggests that "'my ignorance' or some such words appear to be omitted" after the words "will prove." Beyond Ryerson's assertion, there is no evidence of mutilation. A more probable explanation of the discrepancy is that Bidwell, in accordance with his own statement, drafted the letter along lines "dictated or at least suggested" by Head; that Bidwell retained this draft, and in making the second or fair copy for Head he accidentally omitted the words later claimed to have been deleted; and that, owing to the stress of the moment, neither party then noticed the omission. The disputed words would occupy about one line of handwriting; the word "that" occurs twice in the controversial sentence; and if it occurred at the beginning of successive lines in the original draft, one complete line may have been omitted in making the fair copy. In any case it is probable that item 40 represents the true official letter.

For the reasons assigned by Sir F Head in his Despatch No. 96. of the 22nd August last, it seems doubtful whether the H. of Assembly will agree to any measure of that nature. but as the question has been mooted in an address from the Lt. Govr. to that House it seems import[ant] that it should be brought to issue by making to the Legislature some more definite proposition!

I take the liberty of adding that the earliest intimation to the Genl. Comg. in Chief of your Lordship's pleasure that I should be appointed a Major Genl. on the Staff serving in U. Cana is very desirable in order that I may be enabled during the very short period before my embarkation, to confer with the authorities at the H. Gds upon that branch of the Public Service.

[An incomplete and cancelled paragraph here reads: "A subject of scarcely less moment than those to which I have adverted will I trust engage Your Lordship's early attention, and lead to the issue of your final instructions to me thereon. It is that of the Monetary policy of the Province as respects the port and".]

[ 42 ] JONAS JONES TO THOMAS RUNCHEY: L. 2p.

Dec. 11

*Government House, Toronto.* [Marked: "Duplicate".]

I am directed by His Excellency the Lieut. Governor to acknowledge the receipt of your letter of the 7th. instant and to express to you his Excellency's satisfaction at the loyal offer it contains[.]

His Excellency is pleased to accept the offer and to authorize you to proceed to raise and organize the men and concentrate them at or near St. Catharines—and to appoint or employ officers temporarily until His Excellency's pleasure respecting such officers can be made known[.]

You will make out a list of officers whom you will recommend for employment.

You will also make a Report with as little delay as possible of what steps you take in pursuance of this communication—and will hold yourself and men in readiness to obey any orders you may receive to march where your services may be required.— You are authorized to incur necessary expences.

[ 43 ] THO[MA]S RUNCHEY TO JONAS JONES: A.L.S.

Dec. 12

*York, Grand River, U.C.*

I beg to acknowledge receipt of your communication of yesterday's date, authorising me to form a Volunteer Corps of Coloured men,— and I beg to acquaint you, that I shall proceed forthwith to act upon that authority.

[ 44 ] GEO[RGE] RYKERT TO JA[ME]S FITZGIBBON: A.L.S. 3p.

Dec. 13

*St. Catharines.*

I commenced writing you two or three times during the past week, but owing to the great excitement, and frequent alarms, could not get time to finish a letter, and even now, cannot say much—as I expect every moment to be called upon again to turn out— Matters here since yesterday are a little more tranquil. A Report however reached us last night that McKenzie and his party had reached Buffalo, (of which I have

no doubt) that a very large Meeting was assembled at that place on Monday night. They say from 1.500 to 2.000 were present, Doctor Chapin took the chair and apologized for Rolph & McKenzie not attending—that they would attend the next night to address them, and explain the grievances they had to complain of, Chapin then brandished a durk & called for “Six brave Sons of liberty” to guard McK—that he was then at his (Chapin's) House— After the meeting dispersed a large number marched up to Chapins House and called for McK. A person came to the door and asked whether it was a mob coming to take him. On their saying No, he told them McK. was ill and in bed— I understand there is a strong feeling of “sympathy” as they state in Buffalo in favour of the “Canadian Patriots”— I am also aware that we have a desperate set here in our rear who are only awaiting the sound of the “tocsin” in some other quarter, to pounce upon us like hungry wolves—to pillage and plunder us— Undoubted information has been received that a considerable number of rebels have organized themselves into a body with Arms in the Short-Hills, ready to turn out in the rebel cause— I am not apprehensive that they will make any attack unless there is a rupture elsewhere—

I have been in favour of our turning out with sufficient force to disarm them, and bring the ringleaders to justice. A majority however of the Magistrates deemed it bad policy at this time, thinking it would create an unnecessary excitement—especially now that their party was so happily and gloriously defeated at Toronto— I am of opinion they will disperse, at same time I am not disposed to slumber at my post—

Disaffection I regret to say prevails to a great extent in the Southern Townships of this District— The Township of Palham has not more than 6 to 8 loyal men in it—Bertie, Willoughby, Arnland, & Humberstone are very little better— And I am persuaded that if the rebels had succeeded at Toronto, a large force would have been collected from those Townships against us—

It behoves us therefore in my opinion to be vigilant [*sic*] in this quarter, and follow up our glorious and timely victory—

There is little doubt of the Fugitives having passed through the front of our district on Friday last,—A boat with 5 persons landed along the Lake Shore a little above the 4 Mile Creek—where they were driven by the severe storm on that day—near where they landed there was a person burning Coal, from whom they enquired the way to Queenston stating they were going there after goods—they had no arms—nor anything with them except a bag containing a ps. of bread a few cold boil'd potatoes and 2 fishes which they warmed upon the Coals and ate— I examined the boat, and also took the description of the persons in writing, which answers to those of McK. & Son, Gibson, Lount and Fletcher, their clothes it was stated, seemed altogether inferior to the station of the individuals who wore them—they left the boat [with] the man, and proceeded towards St. Davids, they [were] tracked to within a short distance of St. Davids, where they crossed the road & went into the woods— And I have no hesitation in saying that in my opinion they were protected and forwarded from that neighbourhood[.] The two smaller ones had on grey clothes—and were subsequently seen with cloaks over them—

I am happy to find that we have a noble set of fellows in this quarter, ready to turn out in a moment in defence of their Country—on our receiving the first report from Toronto of the threatened attack they

were called upon to turn out, to assist you, Mr Clark & myself started with nearly 100 volunteers, leaving Mr. Merritt to bring another lot the next morning— We embarked in the "Brittannia" [*sic*] on Thursday evening at Niagara with our good fellows but the weather was so boisterous that the Boat could not proceed with safety—and after going some 8 or 10 miles she was compelled to put about, and with difficulty got back— We were much annoyed that we could not get over—before we could start the second time, the "Transit" brought the glorious and welcome news of their defeat— Although I have great confidence in the Militia in this quarter, a very strong force can be collected here in a short time, I am sorry to find to[o] great a deficiency in Officers, we have not more than 8 or 10 who can be depended upon, the rest are really a disgrace to the battalion. In addressing an Officer of your experience I feel it unnecessary to comment upon the importance of having good officers to render the Regt. efficient and respectable— In the first place we are greatly deficient in the proper no. Secondly there are some 6 or 8 drinking fellows unfit for office, under whom the men do not like to serve—then again we have about as many disaffected ones who decline attending to their proper duty— You may perhaps deem it a little officious in me, but I do beg of you to take early steps to officer our Militia more efficiently, otherwise it will "go to the dogs", but in order to do so you will require to be exceedingly cautious to prevent ill feeling at this time— I understand there are a few young officious chaps who have been trying to "shove" themselves in, but I trust they may not succeed, as it will give very general dissatisfaction to the Regt—and create a great apathy in their duty— I was appointed to a commission by Sir J. Colborne some 5 or 6 yrs ago, but the commission having never issued, I declined acting as an officer until the late excitement, when I felt it my duty [to] act in any capacity where I could render the best service to my country— I therefore now beg to say that I have no particular desire to take a commission, but am willing nevertheless to act as an officer should His Excellency think proper to appoint me now, at the same time beg to say that at my time of life I would rather act as a private, than to commence as a subaltern—again I am of opinion that if the promotions are regularly made from the time of my appointment by Sir John, that I should now be entitled to a Captaincy—or at least a Senior Lieutenancy— However in this act as you deem best— I shall not be backward in times like the present in acting any part my Country may require—

Should you deem it proper to consult me, I shall be most happy to render you any assistance I can in the selection of proper Men to fill offices—

Steps will of course be taken to remove those who have refused to do their duty—or discouraged others—

Pray excuse this hasty scrawl. I have really not time to read it myself—I hope therefore you "will take the will for the deed".

[ 45 ] GEO[RGE] RYKERT TO C. A. HAGERMAN: A.L.S. 3p.

Dec. 14

*St. Catharines.*

Our district at present is all excitement owing to reports daily reaching us from the other [side] of the River— It seems to be the general opinion here that the fugitive rebels named in the Proclamation (and some other) are now in Buffalo, haranguing and inciting the American rabble to

Arms in the cause of the misnamed "Patriots" of the Canadas— On Monday night a meeting took place at the Theatre, where, I am very creditably informed not less than 2,000 persons attended, it was expected that McKenzie and Rolph would be present to address them— It seems however that the *celebrated* Doctor Chapin took the chair, and apologized for the absence of the two gentlemen (rebels) promising they would attend the next evening— He then brandished his durk and called for "6 brave sons of freedom" to guard McK. that night at his House. After the meeting dispersed a great number marched up to Chapins House, and called for McK, a person came to the door (whom I suppose to have been Gibson) and asked if there were a mob assembled to take him— A very knowing Jonathan replied—"you had better not apply the term mob to the people of this Country" (or in words to the same import).] They were then told McK. was much fatigued and unwell and had gone to bed— Of the result of their next meeting I have not received information upon which I fully rely— It was however reported last evening that a force of about 2,000 are preparing to cross our Frontier—if true, I hope we shall be prepared to receive them in "due form"— My greatest apprehensions however are from a set of rabble in our rear who I am persuaded are only waiting for movements in other parts to pounce upon us like so many wolves hungry for pillage and plunder,— There is no doubt of their having been frequently assembled with Arms, harangued and incited by some reckless villains of our own district to Arm themselves to assist the Papineau Cause[.]

An express has this moment arrived from Mr Merritt at Fort Erie dated yesterday (13th.) saying there is no doubt the Rabble of Buffalo and along the Frontier are arming themselves. that they succeeded yesterday in getting guns &c &c— He requested us to forward immediately all the Men, Arms, Ammunitions &c &c that we can muster here— Thus you see at once the state of things here, and there is no doubt in my mind the next brush will be on the Niagara Frontier— We *must* be prepared to meet them— I trust we shall have some assistance from the other side of the Lake, a few small pieces of Artillery would be of great use, on their attempting to land— When I comd. I intended saying more but the bustle at this moment prevents me— I have great fears that we shall be attacked in rear by the people in the Southern part of our district. . . .

P.S. Our Militia are generally true among us here; but require efficient officers— I hope no time may be lost in organizing them—really our officers are in many respects a disgrace to the Country—we have some 6 or 8 good ones the rest are either drunkards or disaffected—

[ 46 ] [A GROUP OF 88 INDIANS] TO W. J. KERR: L.S. 3p.

Dec. 14 Brantford.

Brother We would respectfully beg you will Supply us with 100 or 150 Guns for the use of our people as very many of our young Warriors are not provided with arms at the present time. . . [A list of 88 names of signatory Indians follows.]

[An Indian name, which apparently reads: "Thakawarentte", precedes Kerr's English name in the superscription.]

[ 47 ] [ARTHUR] TO GLENELG: Df.A.L. 2p.

Dec. 16 London.

[Replies to a letter of Nov. 20 asking for observations concerning an application by John W. Baker for a grant of land in Van Diemen's Land. Recalls Baker went there in 1824, returned to England, and went back again in 1835. Conditions and land values had greatly changed in the meantime. Has the highest respect for Baker; had made him a justice of the peace; commends him; but regrets the application cannot be conscientiously supported. Many claims have been refused on the same grounds.]

[ 48 ] GEORGE HAM TO ASSISTANT ADJUTANT GENERAL CAMERON: A.L.S.

Dec. 16 *Head Quarters, Chippewa.* [Marked: "No. 1."]

The moment the weather allowed of another inspection of Navy Island I again sent Major Boswell & Adjutant Pringle to observe— They have this moment returned & report that two armed sentries are parading on the North Shore of the Island & seven men are in a large scow busily employed with pails &c & axes bailing it & cutting out the ice. From every appearance there is a disposition to make an attack and I am making every preparation to be prepared for it[.]

I have communicated the purport of this despatch to the officer commanding at Lundy's lane[.]

[ 49 ] ARTHUR TO SIR GEORGE GREY: A.L.S. 2p.

Dec. 21 London.

With reference to the Letter which I had the honor to address to Lord Glenelg on the 15th inst., I beg you will be so good as to inform His Lordship that I have taken my passage in the Packet to sail from London on the 27th inst. and to request His Lordship will be pleased to recommend to the Lords Commissioners of His Majestys Treasury that the same allowance for passage money should be granted to me which has been authorised to Sir Francis Head.

The grounds on which I solicit this indulgence are submitted in my Letter to His Lordship to which I have alluded; and I trust the peculiar circumstances of the case will fully satisfy His Majestys Government that my application is quite reasonable—seeing that I am obliged to reequip— & to make provision for a double establishment whilst I am still without funds from the breaking up of my establishment in Van Diemen's Land.

[Endorsed: "Copy".]

[ 50 ] GLENELG TO ARTHUR: L.S. 4p.

Dec. 21 *Downing Street, [London.]* [Marked: "No. 1".]

I have the honor to transmit to you, herewith, copies of two confidential dispatches [marginal notes here read: "22 Septr" and "7th Octr"] from Sir Francis Head representing the necessity of an immediate increase in the Legislative Council of Upper Canada; and suggesting the names of various gentlemen to be added to that House. These dispatches reached me subsequently to the tender of Sir Francis Heads resignation, and I have therefore considered it my duty to abstain for

the present from submitting to the Queen any advice respecting them:  
As Sir Francis Head states that he has not communicated to any of the Gentlemen whom he has proposed for the Council his intentions in that respect, you will come to the consideration of their fitness unfettered by any considerations of a personal nature.

I have to request that you will take the whole subject into your early consideration and that you will report to me whether in your opinion it is necessary that the Legislative Council should be increased, & if so you will transmit to me the names of the Gentlemen whom you consider best qualified to be appointed to that Board—together with such information respecting them as may enable Her Majestys Government to judge of their fitness for the Office—

[Endorsed: "received in England"; further endorsed: "Mr Hugh Willson to be Clerk of the Gore District—John Law dissipated— Mr Willson Inc Militia".]

[Enclosures:]

[ 51 ]

1837  
Sep. 22

HEAD TO GLENELG: L.S. 6p.

*Toronto.* [Marked: "Private and confidential Duplicate".]

The subject of this despatch is to submit for Your Lordship's consideration the necessity which in my opinion exists for an increase to the Legislative Council of this Province, previous to the next meeting of the Legislature.

The Legislative Council is at present nominally composed of 29 members about 13 of whom can generally be assembled by a special summons, altho' there seldom attend more than 7 or 8.

Besides its' [*sic*] ex officio business, the Legislative Council has in this Province extraordinary duties to perform which I think it proper confidentially to explain to Your Lordship.

Your Lordship is aware that the House of Assembly of Upper Canada is composed of 62 members who represent the local interests of the various districts of the Province.

On the meeting of the Legislature each member has generally some particular isolated object which his constituents are desirous to attain, but in which the rest of the community probably feels little or no interest.

In order therefore to be successful, it has practically been found necessary for members to make arrangements among themselves for mutual support, and to such an extent has this practice been carried, that I have been credibly informed the immense undertaking of improving the navigation of the St. Lawrence, was in fact carried, not by the sincere advocates of that measure, but by the claimants for indemnity for war losses, who agreed to vote with the proposers of the Saint Lawrence expenditure (£300,000) if they in return would vote for the payment of the war losses!

Under a system of reciprocity of this nature, the members of the Assembly constantly find it necessary to give their votes in support of measures which they know, and even readily

admit to be worse than inexpedient, but the common apology is "*Yes, but we knew quite well they would be thrown out by the Upper House!*"

The Legislative Council therefore, though it incurs much odium by apparently opposing the House of Assembly, yet in fact affords material assistance to its' individual members who relying on its veto, are enabled to vote with impunity to the Province in the way I have described.

The above reasons will I trust explain the necessity of making the Legislative Council efficient, which it is not at present, as it is often with difficulty that a quorum can be obtained.

As I expect I shall be relieved from the station I have now the honour to hold immediately before the meeting of the Legislature which should be assembled about the middle of January, I have deemed it advisable not to apprise any of the individuals whose names I am about to mention, that I have recommended them to your Lordship. If therefore Your Lordship should deem it better that the selection should be delayed until my successor can become acquainted with the Province, there can be no possible objection on my part to such an arrangement.

The persons I have selected are generally speaking men who have considerable property *to lose*, and who on that account, form I think the best barrier to the members of the House of Assembly, whose constituents generally speaking have their fortunes *to make*.

I have generally selected old inhabitants of the Province; The Honble. Mr De Blaguière [*i.e.* Blaquière] however is an exception to this rule, but he is the brother of Lord de Blaguière, is a very intelligent man, a good speaker, and he is besides almost the only Irishman I can name.

(The Irish have complained and with reason that they have been neglected)[.]

To appoint many new comers to the Legislative Council would certainly be objectionable but now and then to infuse into the old mass a little good blood warm and fresh from the mother country has an invigorating effect.

I am of opinion that if the Legislature of this Province meets again without the Legislative Council being efficient great dissatisfaction will be felt and expressed throughout the country. . .

Names of persons recommended to be appointed to the Legislative Council of Upper Canada, previous to the next meeting of the Provincial Legislature.

F. Boyd—An English gentleman who has been three or four years in the Province possesses large property, is a sensible plain man of business and much respected by all political classes.

James [*i.e.* John] Simcoe Macaulay—A retired officer of Engineers possessing considerable property son of one of General Simcoe's first settlers—has leisure to attend. (A Canadian).

John Willson—Was very many years in the House of Assembly, of which he was speaker. (A Canadian.) [Marginal note in Arthur's handwriting here reads: "resides in Gore District Old."]

The Honble. P. de Blaguere [*i.e.* Blaquière]—A settler who has but lately arrived in the Province— He is brother to Lord de Blaguere, is an intelligent clever man of business and a good speaker. (An Irishman.) [Similar marginal note reads: "resides in County of Oxford at Woodstock recmds (?) for Lt Col: 3d Oxford vice Drew (?) 2 Sons in the Militia".]

Robert C. Wilkins of Prince Edward Island. A wealthy merchant highly respected; possesses great practical knowledge of the Province. (A Canadian).] [Similar marginal note reads: "appd Col of Prince Edward Reg".]

Adam Fergason [*i.e.* Fergusson] of East Flamboro'—A Scotch gentleman, author of a work on agriculture published in Scotland, possesses large property, is generally respected. (A Scotchman). [Similar marginal note reads: "Col of Militia", "Colonel Gore District".]

Isaac Fraser.—A magistrate highly respected; one of the oldest Settlers in the Province. [Similar marginal note reads: "Col. of one of the Addington Regts."]

Thomas Radcliffe [*i.e.* Radcliff]—Colonel of Militia—a British Officer on half pay, intelligent and respectable. (An Irishman.) [Similar marginal note reads: "Col. of one of the 4 Inc Regts (?) & now cmg the Western Rangers at Amersburg" (*sic*).]

David Campbell—A retired Major—possesses considerable property in the Province—a magistrate. (A Scotchman.) [Similar marginal note reads: "Township of Seymour commds 5th Northumberld".]

[52]

1837  
Oct. 7

HEAD TO GLENELG: L.S.

*Toronto.* [Marked "Private and confidential Duplicate".]

In my despatch of the 22nd. ultimo marked "private and confidential" I had the honor to submit for Your Lordships' consideration, the necessity which in my opinion existed for an increase of the Legislative Council of this Province, *previous to the next meeting of the Legislature.*

In addition to the names of the gentlemen I recommended to Your Lordship, I beg leave now to add that of Samuel Street Esqre. of Niagara Falls, who was inadvertently omitted.

Mr Street is considered to be the wealthiest person in Upper Canada, he has considerable influence and is very generally respected.

[ 53 ] F. CARPENTER TO ARTHUR: A.L.S. 4p.

Dec. 21

*Dorset Place, [London.]*

[States circumstances of distress and appeals for financial assistance.]

[ 54 ] THOMAS RUNCHEY TO JONAS JONES: A.L.S. 2p.

Dec. 21

*Niagara.*

I have the honor to acknowledge Your Despatch of the 11th. December, the subject matter it contains I have great pleasure in replying to.

I have proceeded so far as His Excellency has directed me and have met with surprising success[;] the number as yet I am hardly able to ascertain in consequence of Despatching men to different parts of the Country & not ascertaining accurately the number and there not being sufficient time to hear from them, however I shall be able in the course of a few days to report to His Excellency more fully on the subject[.] At present some proportion of my Volunteers are stationed at Niagara & Chippawa under the direction of Colonel Clark. I also beg to state that I found it necessary to purchase for some of them necessary wearing apparel at the lowest possible rate, in order to make the Men fit for service, it would also be very gratifying to me if His Excellency would recommend the furtherance of my object to the Magistrates of the District [.]

The Gentlemen whom I have chosen as Officers are both Sons of U.E. Loyalists and whose Fathers services entitle them to the consideration of Her Majestys Government[.] I have accordingly appointed as my Lieutenant Johnson Clench Esquire Clerk of the Niagara District Court he being as I am informed one of the first who volunteered his services to oppose the rebels from destroying the City of Toronto and was present at the affair at Mountgomerie[?] I have also appointed as my Ensign Mr. Johnson Stewart who is also a very active & Loyal subject to Her Majesty and who was highly recommended to me by Lieut Colonel Servos[.] I may add that those gentlemen have been in command of the Coloured Core [*sic*], previous to receiving my communication and they have kindly relinquished their claim to me and have consented to act under me[.]

[ 55 ] G. F. ANGAS TO ARTHUR: A.L.S. 2p.

Dec. 22

*Park House, Dawlish, Devon.*

I feel particularly obliged by your kind favour of the 11th Inst. written under your present pressing engagements. Instead of Canada I heartily wish you had been appointed to the Government of New South Wales, then, indeed, I am sure I should have ever found in you a true Friend to every benevolent effort to benefit the People in Australia whether English or Natives. But, the present state of Canada demands a Governor of your principles, firmness & long experience & Her Majesty has shown much discernment in the selection. My earnest prayer to God is that you may have strength & wisdom equal to your need, for in the present state of things there I need scarcely remark that it is the most difficult government of any in the Empire. I fear it will ever be so until Upper and Lower Canada are united under one Governor & the French Faction subdued. Alas! how few real Patriots are to be found! "All seek their own and not the things of Christ" is as true now as when Paul uttered the expression. I hope you will be able to mitigate

the violence of religious party. I enclose you a Tract written by Revd. Baptist Noel. If Churchmen & Dissenters would adopt his views there would exist a fraternal Bond of Union amongst all Xtians. So long as the Shibboleth of a Party is considered of more importance than the vital principle of the Gospel and its moral obligations, peace must go far away from us. In the British Colonies where attempts are making to establish a dominant religion I am confident, the seeds of discord will grow luxuriant enough. It is impossible to be otherwise & on this account I consider the present policy of the Government in Australia to be wise & happy as I doubt not the consequences will show. I have no other connection with Canada, except that I hold 50 Shares in the British American Land Co—, am a member of the "Aborigines protection So." Comee—and was one of the Deputation which had the honour of a recent interview with Lord Glenelg on the subject of the removal of the Indians from the Wesleyan Settlement in Upper Canada into the back country by order of Sir F. Head & which I thought an inhuman & cruel measure to the poor Indians—but there was every reason to hope that Lord Glenelg would afford every redress in his power and mitigate their condition, if possible. . .

[Refers to South Australia; aborigines; trade. Sends wishes.]

[56] J. B. ASKIN TO J[OHN] JOSEPH: A.L.S. 3p.

Dec. 22

London, [U.C.]

I have the honor to enclose you a Return of the Prisoners now in Gaol at London, some of whom are fully committed, and others in progress of Examination under charges of High Treason, Seditious and Treasonable practices; and to inform you that Col Radcliff with a detachment of 200 officers and men are doing duty—Guarding the Gaol, under the orders of Col McNabb [*sic*].

I am requested to report that this detachment left their homes without any preparation whatever to enable them to resist the severe cold at this season of the Year; and that they are now in want of many necessaries to keep themselves comfortable in doing the service which they perform, and without means to purchase or pay for many things they cannot well dispense with.

I beg leave to add that the magistrates with whom I am now acting desire me to request that you will lay this communication before His Excellency the Lieutenant Governor and to request that he will be pleased to take this matter into His consideration and Grant an Authority for the payment of Expences which have been, and are daily being incurred in the Service. . .

P.S. I beg to add, amongst those committed a number will be found, to have been induced under most plausible [*sic*], insidious [*sic*], and false representations to take up Arms, and who, since appear most repentant and sorry [*sic*]; and some few of less than 21 years of age, who I think have been completely beguiled into Error,—under such circumstances I would beg that His Excellency would be pleased to permit the Magistrates who act with me, to use such discretion as the particular circumstances of cases of the sort, which I represent may admit, and to allow such as are not most implicated to be allowed admitted to Bail for their Appearance to Answer at the next Court of Oyer and Terminer and General Gaol Delivery, such Charges as may be alledged against them[.]

[Enclosure lacking.]

[ 57 ] J. B. ASKIN TO JONAS JONES: A.L.S.

Dec. 22 London, [U.C.]

With this you will receive my report of the route and operations of the Volunteers from St. Thomas & its neighbourhood, which I am to request you will lay before His Excellency and obtain his sanction to our Acts during that service. I believe that the show of our Volunteers throughout its march has had a most salutary effect, in as much that it has displayed to the Radicals in the Country, that We can at all times thwart them without difficulty & it will I am sure deter them from acts of treason again;

[Enclosure is apparently item 58.]

[ 58 ] J. B. ASKIN TO JONAS JONES: A.L.S. 8p.

Dec. 22 London, [U.C.]

I have the honor to report for the information of His Excellency the Lieutenant Governor, that on the receipt of a communication from Her Majesty's Attorney General on Monday Morning the 11th Inst. at 5 o Clock, to arrest the Editor of the "Liberal" Newspaper and such papers as might be found with him, I immediately consulted with Col Hamilton the High Sheriff, and upon consideration it was agreed between us, that I should wait till the following day, (Tuesday the 12th.) having heard that morning that an attack was intended to be made on the town that night, at about 10 O Clock P.M. intelligence (which I had reason to believe could be relied on) reached me to prepare and to be on the alert at the same time giving me the signal intended to be used by the attacking party for assembling, which was the firing two Guns and to be immediately followed by the blowing of a Bugle, and their place of rendezvous the Scotch Church; this notice enabled me to rouse all the inhabitants that could be relied upon who instantly repaired to the Court House with all the Arms and Ammunition within their reach, in all about 200 strong, who soon put that building in a state of defence, capable of resistance for a period. I am fully satisfied now, that the Zeal displayed by the Loyalist on that night frustrated such plans as might have been in progress of maturity by the Rebels.

On Tuesday the 12th. I proceeded to St. Thomas to arrest John Talbot and found that he had left that place on the Afternoon of Sunday the 10th. at about 3 o Clock P.M. and subsequently heard that he had crossed the Detroit River on Tuesday afternoon the 12th. Inst.

On the Morning of Wednesday the 13th. after seizing the papers appertaining to the Establishment of the "Liberal" I heard that an Express had been received by Col Bostwick from Col Salmon stating that apprehensions were entertained that an Attack would be made by a Large Body of Rebels under Doctr. Duncombe and Eliakum [*sic*] Malcolm Assembled at Scotland, against Simcoe with a view of destroying the Court House there; and also that a large body of well armed Riflemen fully provided with ammunition and provisions [*sic*], had been met on Talbot Street on their march to join Duncomb[e]'s army and beating up for Volunteers: upon learning this I, immediately tendered my services to Col Bostwick, and requested permission to raise a Body of Volunteers, to pursue the Rebels and defeat them, that being granted me I instantly beat up for Volunteers and in less than three hours was on the march for Scotland (in the township of Oakland) which place I reached at about 12 o Clock noon on Thursday (about half an hour after Col

McNab [*sic*] and a very short time after Col Salmons [*sic*] from Long Point) with 260 Volunteers fully ready for action, having travelled a distance upwards of 60 miles within 23 hours, and found that the enemy had fled;—

I want words sufficiently strong to express the Zeal, ardour and patriotism evinced on this occasion by the Loyal Inhabitants of St. Thomas and its neighbourhood Who under every privation and difficulty incident to a turn out without timely notice, to prepare themselves for the Extreme severity of the Weather at this season of the Year, and I beg here to mention that Col Bostwick the Commanding Officer then at St. Thomas, and Assembling the Militia was most active and zealous in forwarding the Volunteers and provisions, in fact he ordered all that could, at the time be got to march instantly.

On the Afternoon of this day nine prisoners were taken by the Volunteers and surrendered to Col Mc.Nabb [*sic*].

On Friday the 15th. having received a General Order from Col Mc. Nabb I proceeded to Norwich and taking a position about a mile to the right of his Division, remained there on the Saturday, sending out parties to arrest the fugitives, who had fled from Scotland, on this day we captured 18 prisoners.— On Sunday the 17th. having been informed that a large Number of men who had been in Doctr. Duncomb[e]'s army were about to surrender, and throw themselves on the Mercy of the Government I remained there, till the afternoon, and moved to Cromwell's Mills on the Otter Creek in Norwich; on Monday the 18th. marched through Dereham, Scouring the Country and reached Richmond, on the Big Otter Creek on Talbot Street, taking several prisoners:—on Tuesday the 19th. marched up Talbot Street, through Bingham, Mallahide scouring the Country to New *Sarum*:—thence, turning to the Front of Yarmouth to Sparta a small village noted as a rendezvous or assemblage of Rebels—on Wednesday the 20th. marched to St. Thomas and dismissed the Volunteers, to enable them to return to their homes to provide for their families, leaving a strong guard over the prisoners;—this day the Prisoners taken by the Volunteers 38 in number were brought to this place and committed to Gaol.

In the performance of this service I beg to remark, that the Whole Country through which I had occasion to move (with the Exception of Norwich and the Village of Sparta,) appeared to me to be most Loyal and ready to serve wherever required by the Government—great numbers requesting to be furnished with Arms and Employed.

I beg to request that His Excellency the Lieutenant Governor will be pleased to give his sanction to this Act of Patriotism on the part of the Middlesex Volunteers and that he will in addition be pleased to grant some authority for the payment of the Expences incurred in the performance of this Service.

[The above is apparently the enclosure referred to in item 57.]

[ 59 ] J. B. ASKIN TO JONAS JONES: A.L.S. 2p.

[ 1837 ] [Place not stated.]

[c. Dec. 22]

I have the honor to submit for the consideration of His Excellency the Lieutenant Governor that the Regiment now on duty, under the command of Colonel Radcliff, are very badly provided with arms and ammunition, so much so, that several accidents have occurred in the use of arms the men are unacquainted with the management of (such as

Rifles, and Guns with Caps and percussion powder,) indeed, I may say, the whole body of Volunteers, as well as Militiamen from different sections of the Country who have turned out, were very ill provided with the means of being effective, from the want of arms and ammunition.

I send Capt Radcliff, who will present the actual situation of the men now on duty, and who is directed to take charge of such arms, ammunition, clothing, &c, as may be intrusted to him.—

I had the honor to submitting to Col McNab [*sic*], that it was absolutely necessary that a quantity of arms ammunition, blankets, and other necessaries, should be forwarded to the London district, which he promised should be done; so that we might at any moment equip one thousand men—(more than that number have tendered their services, and are ready to march to any point of the Province whenever required.)

I have to solicit that you will use your best endeavours with His Excellency the Lieutenant Governor, that he may be pleased to order, that one thousand stand of arms with ammunition and other necessaries may be forwarded, and also swords, pistols, and other implements, for the formation of a Troop of Cavalry of not less than one hundred men. . .

[P.S.] This letter I have shewn to Cols. Bostwick, Radcliff and to the Magistrates in which they fully concur[.]

[ 60 ]      ARTHUR TO SIR GEORGE GREY: Df.L. with emendations in Arthur's handwriting. 3p.

Dec. 25

*Oak House, Feltham.*

I have considered with much attention the question of the Clergy Reserves in Upper Canada, & the various interests therewith connected, & request you will do me the honor to submit the enclosed memorandum for Lord Glenelg's consideration.—

To hope for a satisfactory adjustment of this long debated subject, one point, as a preliminary, appears to be absolutely indispensable, viz the securing to each communion the full extent of aid which is at present afforded to it.—

Whether this aid be, under all circumstances, duly apportioned, depends upon various considerations, into any discussion of wh., however, it will be desirable not to enter, but rather to deal with the case, in this particular, just as it is.

Certainly, the aid derived by the Established Church of England far exceeds that enjoyed by any other communion; but, then, it is to be borne in mind, that in consideration of this very circumstance, under an arrangement with the Govt., the Society for the propagation [*sic*] of the Gospel largely contributed to the support of the Mission to New Brunswick—& further—it is undeniable that, whilst it is doubtful what the claims of the Church of Scotland may be, upon the Reserves—a most munificent provision, intended for the Church of England, is henceforth proposed to be shared by Her only in common with other Communions.

The Revenue, derived from the proceeds of the Reserves that have been sold, & from such as have been leased, amounts to no more than £6392 per annum. It is assumed if the sums of £68,953 now vested in the English Funds were transferred to the Province & there lent at even less than the usual rate of interest—the Purchase Money for Land sold, amounting to the sum of £1610.58 [*sic*] were paid up, & the Lands now leased, viz 361000 acres were sold & the proceeds vested in the Province—

that there would be ample Funds to meet all existing claims whilst large tracts of Land, would still remain to be disposed of in aid of Religious Instruction and Education—

[Enclosure is possibly item 17.]

[ 61 ] F. CARPENTER TO ARTHUR: A.L.S. 3p.

Dec. 25

[London.]

Although I took the liberty of addressing you last week—I cannot resist the feeling of happiness I have of congratulating you on the Appointment to Lower [*sic*] Canada. and the Rank of Major General—which must be so highly gratifying to your feelings as evincing so forcibly the high opinion entertained of your character in many points of view—and the great estimation in the highest Quarters, in which you cannot but be held. . . [Expresses the hope] that your character may ever rise in the opinion of the good and just public, as it has ever stood in the hearts of all who know you. . . [Recounts his own embarrassed circumstances.]

[ 62 ] J. B. ASKIN TO COL. McNABB [*i.e.* A. N. MACNAB]: A.L.S. 3p.

Dec. 25

London, [U.C.]

Duncan McGrigor Esquire<sup>1</sup> is just this moment arrived from Chatham, he states that Hamilton & Douglass left that place on Friday Mornng. at 5 o Clock (the 22d.) for Detroit, from the best information he had, he is fully of the opinion that the persons who were reported to be agitating the inhabitants in the City of Detroit with a view of exciting them to join the discontents from this Province who have taken refuge in the State of Michigan will totally fail in their attempts—he also adds, that Messrs. Prince, Elliott, and Mercer Magistrates in the Western District, had called upon Governor Mason of the State of Michigan who gave them every assurance that he would suppress any attempts made by the inhabitants of that State or others, to invade our Shores, as far as in his power.

Mr. McGrigor adds also that a very great number of persons have been observed passing through the Western District towards Detroit and has no doubt they were fugitives from Toronto and Scotland amongst it is reported that Duncomb[e]—and one of his Gallant Captains (Anderson) were of the lot, it is believed that Gibson and three or four others answering the description given of fugitives from Toronto, had crossed the St. Clair near Sarnia—

P.S. I hold *Ross Robertson* ready to move, the instant I hear from Col Hamilton—

[ 63 ] [ARTHUR] TO GLENELG: A.L. 3p.

Dec. 26

London.

On my proceeding to Upper Canada I have the honor to submit to Your Lordship, that, with reference to the present state of the Lower Province, one of the most important duties which will devolve upon me will be the immediate organization [*sic*] of the Militia.

<sup>1</sup>Probably Duncan McGregor, of Raleigh, a magistrate in the Western District.

With this view, I have the honor to draw Your Lordship's attention to the great advantage which the public service would derive from the appointment of two or three able & efficient officers. And I would more especially urge upon your Lordship, that, one should at once go out with me as a Military Secretary; and such an appointment, being one almost in the usual course, will attract no particular observation.

I presume, without any declaration of such an intention, Her Majesty's Government will have no objection to its' [*sic*] being understood that there is a respectable Militia force in Upper Canada at command if there should be an *absolute necessity* to use it.

As I embark at Portsmouth on Sunday, and sail on Monday there is but barely time for an officer to prepare Himself for the voyage should my recommendation, as I trust it will, meet your Lordships approbation.

[ 64 ] ARTHUR TO SIR GEORGE GREY: Df.L. 2p.

Dec. 26

*London.*

I am exceedingly sorry further to intrude the subject of the Salary of the Lt. Governor of Upper Canada on the attention of the Secy of State; but, with reference to the concluding Paragraph of your letter of the 23rd. instant,—being in possession of the experience and opinion of Sir John Colborne, & knowing the pressing pecuniary difficulties of Sir Francis Head from this very cause—I feel it to be a duty wh. I owe to the Public Service, no less than to my own Family, to beg you will be good enough to express to Lord Glenelg my conviction, that the Salary at present allowed is quite insufficient to support the necessary expenditure of the office— I mean an expenditure that is essential to carrying on such a Government successfully[.]

[ 65 ] ARTHUR TO F. CARPENTER: Df.L. with emendations in Arthur's handwriting.

Dec. 26

*Brunswick House Hotel, Hanover Square, [London.]*

I assure you it has given me as much concern on receiving your letters, in not having it in my power to comply with the request they contained, as it could occasion you disappointment. To enter into explanation of the cause of, I hope, my temporary want of funds would be needless; but, I have acted very inconsiderately, and have suffered a good deal from having locked them up, which you may suppose must have deeply inconvenienced a man with eleven children!— I enclose you a check for £20 of which I request your acceptance.

[Redated from Dec. 4; address changed from *Oak House, Feltham.*]

[ 66 ] [SIR] GEO[RGE] GREY TO ARTHUR: L.S. 3p.

Dec. 26

*Downing Street, [London.]* [Marked: "Immediate".]

I am directed by Lord Glenelg to acknowledge your letter of the 21st Instant reporting that you have engaged your passage in a Vessel which leaves London for New York on the 27th Instant, and requesting that under the peculiar circumstances of your case you may receive the same amount of passage money which was granted to Sir Francis Head.

Lord Glenelg desires me to state that he will take an early opportunity of bringing under the notice of the Chancellor of the Exchequer your

claim to an extra allowance of passage money, but in the mean time his Lordship has no power to direct the issue to you of more than the regulated sum.

His Lordship has accordingly directed a letter to be written to the Treasury requesting that the usual allowance of £300 may be issued to you.—

[ 67 ] H. F. FORSTER, WALTER BUCHANAN, W. H. HAMILTON TO ARTHUR: A.L.S. 3p.

[ 1837 ]  
Dec. 26

*London.*

Some months ago we were requested by Captain Moriarty R.N. and Roderick O'Connor Esqre., (acting on behalf of a numerous and respectable Body of their Fellow Colonists in Van Diemen's Land) to purchase, under your approval, a Service of Plate, and to present it to you as a mark of their high esteem and regard for your Publick and Private character. The sum remitted to us for this purpose amounted to Fifteen Hundred Pounds, which was raised in Van Diemen's Land by Voluntary Subscription.

It has afforded us Sincere Pleasure to have performed the first part of the Duty with which we were honoured; nor is that part, of which we are about to acquit ourselves, in completion of our Duty, less gratifying to our feelings.

We have now the honour to present to you a Service of Plate of the value of Fifteen Hundred Pounds. The Inscription upon the Chief Pieces of this Service was dictated by the Subscribers; and we doubt not that you will accept with proper pride and satisfaction this valuable testimonial of their sentiments, which appears to us to confer equal honour on the Donors and the Receiver.

[Misdated 1838.]

[ 68 ] [LORD] HILL TO ARTHUR: A.L.S. 3p.

Dec. 27

*Horse Guards, [London.]*

There is settled within your Government of Upper Canada a very old friend of mine Mr. Alison late paymaster of the 90th. Rgt. I believe him to be a highly respectable person but he has had a large family to provide for upon very slender means & I much fear you will find him in embarrassed circumstances—If you have any opportunity of befriending him or his Family I shall really feel much obliged— The last letter I had from Mr. Alison was dated from Warwick Upper Canada but his previous place or residence was Toronto[.]

[On the same sheet appears item 69.]

[ 69 ] ARTHUR TO [LORD HILL]: Df.L. 2p.

Dec. 28

[*Place not stated.*]

I have had the honor to receive yr. Lordship's note of last evening & shall take the earliest opportunity after my arrival in Upper Canada to find out Mr. Alison & hope to have the gratification of communicating to Yr. Lordship that it has been in your power to render him some essential service.

[The above appears on the same sheet as item 68.]

[ 70 ] JAMES HAMILTON TO A. N. McNABB [*i.e.* MACNAB]: A.L.S. 3p.

Dec. 28

Windsor.

Since mine of the 25th. I have not much to communicate, further than having aroused the inhabitants from their apathy—and in some measure rather deadened the effects of the excitement on the opposite shore—by the demonstration on this—

I herewith send you a copy of a letter from the Governor of the State of Michigan which is in reply to one from the Magistrates of this District—this last I have not seen—

The reply appears satisfactory but I doubt its sincerity—see my mark  $\theta$  in the accompanying newspaper of the same date—

Mr Prince writes me this evening that our present force is about 150—and from a deficiency of arms &ct ought not to be rated over 60 effective men—that he is in expectation of seeing here tomorrow abt 150 coloured men—principally armed—and that the Canadians generally refuse to turn out—

This evening through the exertions of Mr Dougal of this place we have been enabled to muster 75 stand of mixed arms—exclusive of those first mentioned— *We* have collected also (I ought to say *they*) about 25 Kegs of powder and more than sufficient Lead—

Permit me to recommend the sending from some other District from three to four hundred men fully equipped and for a determinate time—The french Canadians can not be relied on—

Be pleased to inform me more fully in what way I can be of more service or rather what you wish me to do further— From the little bickerings among the Magistracy and jealousy—my situation is not such as I could wish—without any definite object in view— Write me soon. . .

P.S. a Check on the Commissary will be acceptable—  
[Enclosures lacking.]

[ 71 ] ARTHUR TO THE ADJUTANT GENERAL [SIR JOHN MACDONALD]: Df.L.S. 2p.

Dec. 29

London.

In reply to your letter of 26th. instant conveying to me by direction of the General Commanding in Chief Her Majesty's gracious pleasure in appointing me to serve as a Major General on the Staff in Canada, [the following words are here deleted: "but without Staff Pay;"] and requesting me to inform you of the date of my departure, I have the honor to acquaint you that I have taken my passage in the Packet Ship "Samson", for New York, and that it is my intention to proceed to Portsmouth on the 31st Inst. and to embark in that vessel on the 1st. January.

[ 72 ] SIR JOHN MACDONALD TO ARTHUR: A.L.S. 4p.

[ 1837 ]

[c. Dec. 29]

*Horse Guards*, [London.] [Marked: "Private".]

The Bearer the Honble. Lt. West of the 43d. Regt. has (in common with all officers now absent from Canada) received orders to return to his Regt. forthwith, and is anxious to go by the packet which takes you to New York— He is a remarkably fine young fellow, and Lord Fitzroy and I are particularly interested in him[.]

His father (Lord Delaware) wrote to me last night to say that he was very anxious that his son should go to New York with you, and

begged that I would introduce him to you which I have great pleasure in doing, assured as I feel that you will like him exceedingly, and that, whilst you remain together you will shew him all the kindness in your power—

[ 73 ] J. B. ASKIN TO JONAS JONES: A.L.S.

Dec. 29 London, [U.C.]

I have the honor to enclose you a communication received from Col Radcliff in command of the detachment doing duty at this station on guard over the prisoners in Gaol which I am to request you will submit at your earliest convenience for His Excellency's consideration[.]

[Enclosure is probably item 74.]

[ 74 ] THO[MA]S RADCLIFF TO THE WORSHIPFUL THE MAGISTRATES OF LONDON: L.S.

Dec. 29 London, [U.C.]

I have the honor to submit for your consideration the enclosed Letter from Surgeon Phillips pointing out the prevalence of a Disease among the Men with his opinion that Great Coats should be provided for the Men on Guard as a preventative [marginal note here reads: "Number of Great Coats deemed necessary—*Fifty.*—"]— I also beg leave in the strongest Manner to draw your attention thereto and to recommend that the same may be supplied without delay as the Men are at present but very indif[f]erently provided with Clothing to protect them from the inclemency of the Weather on Night Duties[.]

I at the same time beg leave to Submit for consideration a rough Estimate of expense of converting into Temporary Barracks one of the empty Houses in the Village of London—a Measure which is most desirable [*sic*] as well for the better organization of the Troops as the convenience of the Inhabitants of the Village, and as far as can at present be ascertained, will be a saving to the Public.— Also in case of a threatened attack the Men would be in a body ready to repel it—

[The above is probably the enclosure referred to in item 73.]

[Enclosures:]

[ 75 ]

1837  
Dec. 29

THO[MA]S PHILLIPS TO COLONEL [THOMAS] RADCLIFF: A.L.S. 2p.

[London, U.C.]

As Surgeon Pegly has been kind enough to allow the use of a room to be occupied as a surgery for the sick of the Middlesex Light infantry I would beg leave to say that in consequence of there being no fire in it, it is altogether impossible to prescribe or compound Medicine in it[;] you would therefore oblige by making arrangements for a stove and a man to chop fire wood during the hours of attendance— It is also my opinion that there should be watch coats provided for the guard as the prevailing diarrhoea [*sic*] & colds may be chiefly attributed to exposure to the night air without su[i]table clothing[.]

[ 76 ]

[1837]  
[Dec. 29]

D. MC. PHERSON: A.D.S.

*London, [U.C.]*

|   |            |
|---|------------|
| Estimated Expenche of Providing a Temporary Barrack for the Troops in the Village of London. Rent of the House offered by Mr. Richardson for Six Months Capable of Containing one hundred and Forty Men | £ 15..—..— |
| Fifty Double Mattresses @ 7/6 each  | 18..15..—  |
| One hundred blankets @ 15/. -   | 75..—..—   |
| Fifty Rugs @ 5/.  | 12..10..—  |
| 12½ Cwt. Straw  | 1..—..—    |
| 4 Deal Tables 12 feet x 3 feet  | 4..—..—    |
| 8 Deal Forms  | 2..—..—    |

---

 £128.. 5..
 

---

4 Chords of Fuel Wood is [*sic*] estimated as being sufficient for one week  
Cooking utensils—say 6 small Boilers, will be sufficient

The expence of Billeting One hundred men for Six Months will amount to £270..—..—

D. MC. PHERSON

Q.Mr. Mx L. Iy.

[ 77 ]

[SIR JAMES?] MCGRIGOR TO ARTHUR: A.L.S.

Dec. 30

*St. James Place, [London.]*

The name of the Gentleman whom you yesterday permitted me to bring to your notice is Mr. Peter Lawrie [?] he is settled in Lawrieston [?] near Cobourg. in Upper Canada. . . [Sends wishes.]

[ 78 ]

JONAS JONES TO J. [B.] ASKIN: A.L. 2p.

Dec. 30

*Toronto.*

Since the receipt of your letter of the 22nd. I have been to the Niagara Frontier— His Excellency is much gratified with and fully approves of your proceedings as reported— Considering the Western District as a most important point of defence at the present time, His Excellency has ordered Col Radcliff to proceed thither with his Regt or using the most disposable force and directed you (see Genl. orders) to raise the necessary number of men to guard your Gaol— His Excellency trusts to your judt. [?] & discretion in using all necessary & proper means for your security having at the same time a due regard to economy[.]

I refer you to Col. Radcliff for particular information[.] We did all for you in our power—

[Endorsed: "Copy".]

[ 79 ] J. B. ASKIN TO A. N. MC.NABB [*i.e.* MACNAB]: A.L.S. 3p.

Dec. 30

London, [U.C.]

I forward a dispatch received this morning from Col Hamilton, by our friend John Stewart who has instructions to return from Brantford.

On Examination of prisoners in Gaol I find that several of the informations taken against them, have been given up to you, in such case will you cause them to be sent up here or will give your instructions how we shall proceed, in the mean time I shall order such as I represent to be committed for further Examination.

Nothing new here, all is going on very quiet indeed—Hall was not retaken by the last accounts from Oxford[.]

I have not done any thing yet with regard to the Independent Company— I wait for an answer from Toronto with respect to Arms and Ammunition sent for— The Boys at St. Thomas and this neighbourhood are all ready whenever wanted. . .

[P.S.] On being, informed of Elisha Halls escape, I immediately dispatched three persons one to Sandwich another to Bear Creek and one to Sarnia—neither of whom have as yet returned—

[Enclosure is possibly item 80.]

[ 80 ] JAMES HAMILTON TO J. B. ASKIN: L.

Dec. 30

Windsor. [Marked: "(Copy)".]

I have a few moments since heard a Report at all events worth attending to—viz—

That there are about a thousand men organised and equipped and for some time training at Mount Clemens in the interior who intend crossing the Sinclair to penetrate as far as London— They have several peices [*sic*] of Cannon and well supplied with provision— Tomorrow we shall send a confidential person to that Quarter for Information— I detain Wm. Park until I hear more[.]

Prepare yourselves for this district cannot do more than guard its frontier and that only as a check to the Detroit Rabble— You had better have a constant communication with Duncan McGregor at Chatham—

Expresses here are too dilatory and the majority of the Magistrates afraid of doing their duty. . .

[P.S.] I shall meet the Magistrates tomorrow to concert plans ways & means—

[The above is possibly the enclosure referred to in item 79.]

[ 81 ] [STATE OF NEW YORK: MILITARY RETURN.]

[ 1837 ]  
[c. Dec. 30]

[A large printed broadside headed "Annual Return of the Infantry and Riflemen of the State of New-York, for the year 1837." and giving the "Total, commissioned, non-commissioned officers, musicians and privates, present & absent at inspection" as 164,034. The printed date is Dec. 30, 1837. The printed signature is cut out. Marginal comments in pencil, apparently of a later date than that here given, read: "hear is men enough to take Canada without any help from any other State or the Regulars"; "every Boy in the state is Practiceing with the Riffle". A comment on the reverse side, in the same handwriting, reads:

“Durham!!!

“how do you like to have your Steam Boat Burnt Drew or MacNab will git a Bowie knife in thair damd Hart when thay little think of such a thing

“What is the reason that navy Island was not taken if they was so fast for fighting no thay took good care to keep clear of that you would have had a small tast of New Orleans the is a scrap brewing in Newyork with your damd steam ships next thing thay will be Burnt

“God Dam the Queen

“Bill Johnson for Ever”.]

[ 82 ] ARTHUR TO SIR G[EORGE] GREY: Df.L. with emendations in Arthur's handwriting. 2p.

Dec. 31 *Oak House, Feltham.*

On looking with attention into yr. letter of the 26th. instant respecting my extra passage allowance I observe Lord Glenelg has simply instructed you to inform me that He will bring my claim under the notice of the C[h]ancellor of the Exchequer & not that he will strongly or even favorably recommend it—. I do assure you that I believe His Ldship has little idea of the ruinous expense which has attended my removal from one Government to another.

For many years of my life I have prided myself upon being never in debt to any man but now I am forced to place myself under an obligation wh. really quite distresses me— I am sure you will concur with me that this ought not to be the case & that it cannot be required under the most rigid system of economy & I do hope you will do me the kindness to mention the subject again to Ld. Glenelg.

[On the same sheet appears item 85.]

[ 83 ] ARTHUR TO MAJOR GENERAL [SIR JOHN] GARDINER: Df.L. 9p.

Dec. 31 *Oak House, Feltham.*

I have the honor to acknowledge your letter, of the 7th Ultimo, with its enclosure, [marginal note here reads: “herewith returned”] informing me of the nature of the communication which the Genl. Commanding in Chief has received from the Secy. of State for the Colonial Department, on the expediency of measures being adopted for the promulgation throughout the service of the system of restraint & coercion to wh. Convicts are subjected in V. D. Land, and desiring me to state what are the Restrictions and Discipline by which they are controlled.

It is desirable that in the first place, the General Commanding in Chief should understand that a sentence of Transportation subjects the Culprit not only to be deported to one of the penal *Colonies*, but, when there, to be sent to a Penal *Settlement* (a place of especial punishment,) or to be employed at hard labor on the Roads, or on the Public Works, or to be assigned to the service of settlers, by whom they are employed in Agriculture, at their Trades, or as domestic servants, and amenable in these several conditions in case of misconduct to very severe penalties under an Act of the Imperial Parliament, and under Colonial Laws, enacted for the Special punishment of this unhappy class of the Community. In effect, a Convict is altogether deprived of his liberty, and is, to all intents and purposes, a Slave!

By every vessel conveying Convicts to the Colonies, there are forwarded from the Office of the Secretary of State, Lists of the names of all on board, and, in particular, of those whose characters are considered more than ordinarily bad, or whose crimes, in the opinion of Her Majesty's Government, merit more than ordinary severity;—and the latter are, accordingly, either at once removed to a Penal Settlement, or placed in the Road Gangs at hard labor.—

Lord Hill will readily perceive that *Assignment to Settlers* is the most advantageous to, and consonant with the wishes of the Convict; for, altho he is bound, as a Slave, to obey all the orders of his Master and to submit to all the caprices of his Mistress,—his mere animal wants of Food, Clothing and Bedding are amply supplied; while, independent of this condition being less wretched, it holds out a fairer prospect for the Reformation of the Offender.

Amongst this class, Military Convicts are ordinarily placed on their debarkation.— I do not recollect any instance in wh. specific Instructions have been sent out by the Secy. of State to inflict on them any particular degree of severity; and this exemption appears but reasonable and just, for it is to be borne in mind, that a Soldier is actually transported for a class of offences (such as striking a Noncommissioned officer) for which a Citizen would only incur a trifling penalty—

As Assignment, then, is the punishment to which Military Offenders are ordinarily subjected on being landed, it may be proper to remark on the objections that operate against it as a system.—vizt the unequal character and circumstances of the assignees, and the consequent unequal punishment of the Convicts.

If a Military Convict for instance should have been an Officer's Servant, the probability is that his New Master will employ him in Domestic affairs, &, then, his appearance in a good suit of clothing is, to the Eye, a considerable abatement of the degradation that is intended to form a part of his punishment;—whilst another Military Convict, and perhaps even of better character, is doomed to endure hardship on a Farm, with a Family who are obliged to exact the greatest possible amount of labour from their servants in order to maintain themselves and their Establishment.

It must be admitted that the position of these men is very different; but this inequality nevertheless extends, in point of fact, to the poorer class of life under all circumstances.— One man may fill the office of a Butler, at high wages and on good feeding, whilst his Brother, a better character perhaps in all respects, earns a scanty livelihood by Hedging or ditching.— This, in some measure, reconciles that seeming injustice of the fate of individual convicts. It is not possible to alter this state of things in common life, for who can make that straight wh. God hath made crooked? Again, it is to be remembered that the man who is in Livery today, may be, even "for disobedience of orders," in Irons Tomorrow;—and it is my conviction, that, Transportation, in its mildest form, is a full satisfaction to the offended Laws,—and that it involves as much degradation as is consistent with a prospect of reforming the Culprit,—a great & essential point to be kept steadily in view.— Besides, in reply to those who dwell upon this objection, it should be urged, that whilst one Military Convict is in Livery, ninety nine are at hard work in the Fields.— It would be severe, indeed unjust, to place the Military Convict in a worse condition than any other offender; but, of course, if a different view should be taken of the subject, by those in Authority, it

may be prescribed that no Soldier shall on arrival, be assigned, and so the objection will be obviated. This course, however, will appear the less requisite when it is remembered, that insubordination, Drunkenness, & numerous other offences of the lesser grade at once remove the unhappy Culprit from Assignment to a Road party.—

Looking then at Transportation in its mildest aspect, I think the General Commanding in Chief will be of opinion, that, so far as fear of punishment can deter Soldiers from the Commission of Crime, Transportation is likely to have that effect; and in order that its full penalties may be thoroughly known to the Officer who awards & the Soldier who is to endure it, I submit that the publication of the 17th. and 18th. Clauses of the "Act to consolidate and amend certain of the Laws relating to the Courts of General Quarter Sessions, and to the more effectual punishment and control of Transported and other offenders," passed by the Legislature of Van Diemens Land, on the 4th. of August 1835, wd. be a most beneficial measure.—

It was my intention to have entered far more fully into this subject, but a pressure of business has prevented my devoting the time to it I could have wished. I therefore request you will do me the favor to communicate this circumstance to the General Commanding in Chief, and, at the same time, to mention that in the two letters addressed by me to the Arch Bishop of Dublin [marginal notes here read: "q I am not sure whether he *is Archbishop* W. H. H. Yes he is *Archbishop* C. A:"], of wh. I had the honor to enclose copies to Colonel Egerton for His Lordship's perusal,—I have considered the subject very much in detail.—

[Endorsed: "sent in the 5th Jany. 38—"]

[The above is apparently the enclosure referred to in item 87.]

[ 84 ] [ARTHUR] TO MAJOR GENERAL [SIR JOHN] GARDINER: Df.L. mainly in Arthur's handwriting. 7p.

Dec. 31 *Oak House, Feltham.*

[An earlier draft of item 83, mainly in Arthur's handwriting. On the reverse side appears item 87.]

[ 85 ] [ARTHUR]: [RECIPIENT NOT STATED]: Df.L. with emendations in Arthur's handwriting.

Dec. 31 *Oak House, Feltham.*

I regret very much yr. absence from London has prevented my having the honor to see you prior to my embarkation on Monday Mornng.—as I was very desirous indeed to have had a short conversation with you respectg. Canada[.] I enter upon the administration of the Upper Province under the most adverse circumstances in many particulars & I feel the weight of my responsibility to be very great, but I trust I shall fulfil the expectations of the Govt—you may be satisfied that I shall endeavour to do so!

I had the pleasure of an interview as you wished with Ld. John Russell respectg Transportation on Thursday last— I think you will concur that Sir W. Molesworth has used me exceedingly ill in drawing all the information he cd. from me—expressing himself in terms of high approbation to myself—& then reflecting bitterly upon me before Parliament [.]

[The above appears on the same sheet as item 82 and is cancelled by being scored through.]

- [ 86 ] W. T. LYTTLETON TO ARTHUR: A.L.S.  
 Dec. 31 45 Cambridge Terrace, [London.]  
 [Sends good wishes, and hopes "that your exertions may be rewarded as they so much deserve, with entire success".]
- [ 87 ] [CATHERINE ARTHUR ?] TO [W. H.] HAMILTON: Df.L.  
 [ 1838 ] [Oak House, Feltham?]  
 [ Jan. 1 ] My dr. Papa dictated to me yesterday with a great mass of other Papers the dft . . . of a letter of wh. the enclosed is a copy wh. he begged me before I fairly transcribed it to send it to you . . . with the request that you wd. be so good as to revise & methodise it adding to or subtracting from it as you thought best— Wd. you be so good as to return it to me at yr. earliest convenience as I [am] anxious to send it as Papa desired. I will take care to send or go myself to the Sunbury Post for your answer[.]  
 [The above appears on the reverse side of item 84. Item 83 is apparently the enclosure referred to.]
- [ 88 ] GEO[RGE] RYKERT TO A. N. MACNAB: A.L.S. 2p.  
 Jan. 1 *St. Catharines.*  
 A person by name of James H. Sears of this place has used much exertion to rally the Coloured population of this vicinity in defence of our cause, and succeeded in raising a Company for *permanent service*, (who have been on duty at and about Chippawa under him ever since the Rebels made a stand on Navy Island,) under the impression that he would be appointed to the command of a Company,—  
 He informed me today that a person by the name of Thomas Runchey who has been appointed by the Lieut Governor to the chief command of all the Coloured Corps—is about to take the Company from him, with the view of giving them to some favourite of his own—which under the circumstances appears to me to be exceedingly unjust— I am aware that Mr. Sears has been very zealous in the defence of the Country since the first Alarm—and has done more towards getting out the coloured people than any other individual in our district—and I trust will not be overlooked in confirming the appointments over the Colrd. Companies—  
 Mr. Sears will be perfectly satisfied if he could even succeed to the first Lieutenancy in the Company he raised which is now 40 strong.—  
 I should feel much obliged if you would use yr interest in getting Mr Sears appointed, either as Capt. or 1st. Lieut—as I am sure he justly merits it—  
 Mr. Runchey the *Commander in Chief* I know little of personally, but am informed he is ill qualified for the situation. Mr Sears is not a coloured man—but seems anxious to serve his Country in some way, and I think will be found to be a very efficient officer—  
 Pray has anything more been done respecting our St Catharines Troop— The gentlemen here who have done the duty seem anxious to learn what is to be the result of their application[.] If their Troop be not confirmed, they are desirous of attaching themselves in some other way—  
 I very much regret now that I consented to take the appointment—but having done so, I shall endeavour to discharge the duty to the best

of my ability, provided the appointments are confirmed as we expect, and as in justice they should be— If not I shall be content to lay down my sword and shoulder the musket when occasion requires[.]

If I can get it I will send you a Keg of beer by first team from this—

As you made enquiry of me for a good saddle horse I have desired Mr Benham of this place to take up his— Should he please you in appearance and action, you will find him a very active Animal and I believe perfectly sound—

Mr. Merritt left today for Toronto, but does not I believe intend remaining to legislate—

I shall probably go over between this and the 15th. to attend to the Call on that day—

[ 89 ] H. MITTLEBERGER TO A. N. MACNAB: A.L.S.

Jan. 1

*St. Catharines.*

Before His Excellency the Lt. Governor gave to Mr. Thomas Runchey the command of the entire of the Coloured Men in this District, the Bearer of this J. H. Sears was appointed Lt. pro: tem in command and as he has been active in collecting & keeping the men together—I would beg, after consulting with my Colleagues here, to recommend that he may be put Second in Command of the Cold. core [*sic*] if it can be done consistently—

I believe he will be found competent [*sic*] to discharge his duty faithfully, and if two companies is [*sic*] formed Mr. Sears had inducements held out that he would be second in command by Lt. Col. Clark, Mr. Runchey and the Magistrates—

[ 90 ] HEAD TO COLONEL [C. L. L.] FOSTER: L. initialled. 3p.

[1838]

Jan. 2

*Chippawa.*

I have had a long consultation with Colonel McNab [*sic*], and the several halfpay officers who are here, on the state of the force here. It is composed of about 2000 Militia Men and a couple of Companies of the 24th Regt., one of which can shortly be dispensed with. The Militia appear deservedly attached to Colonel McNab, and I think he will be able to prevent their returning to their homes, which they are much disposed to do.

Under these circumstances I feel quite satisfied with the state of defense of this frontier, but I am I own uneasy at the unprotected situation of the Capital, where are not only deposited our public Documents, the Specie of our Banks, our Stores and the Fort, but where we are encumbered with the charge of 130 prisoners which many are apprehensive it is the intention of the Rebels to rescue.

Their approaching trial will cause very great excitement, and as the principal Body of the 24th Regt will as soon as it arrives at Kingston be there, I have no hesitation in saying that your services & presence at Toronto wd be of more service to me there than here.

At present you are aware that we have at the Capital (on which our maintenance [*sic*] of the Province depends) only one officer in the Army.

For the reasons above explained to you I think it wd be adviseable, and it is certainly my wish that you shd be so good as to keep your Hd Quarter for the present at Toronto.

[Misdated 1837.]

[91] GEO[RGE] RYKERT TO HON. COL [JONAS] JONES: A.L.S. 4p.

Jan. 3

*St. Catharines.*

In order to put His Excellency in possession of some facts relative to the raising of the St Catharines Troop of Cavalry, I am induced to drop a few lines, which I trust will not be deemed out of place at this time—

The gentlemen composing this Troop tendered their services under Mr Merritt, having first obtained his consent to take the command of them—

When the first report reached by express that we were threatened on our frontier by the rabble from the American side, they turned out to the number of from 40 to 50 and were accompanied by Mr Merritt, Col. Clark & myself— Mr McDonald also rode in company but was not considered as one of the number that originally volunteered under Mr Merritt—

At Niagara Mr Merritt & myself were required to Act with the Civil Authority there[;] during this time Mr McDonald *assumed* to himself the Command of the Troops, and on the arrival of Colonel Cameron— Mr Merritt (I think inadvertently) introduced him as Capt. McDonald which at once gave offence—and induced several of them to request that I would call upon Col. Cameron and undeceive him on this point, and state to him that they did not recognize Mr McDonald in their Troop at all, and that they were determined not to act under him—

I waited upon Col. Cameron at Waterloo and communicated to him what they desired— Col. Cameron then told me that he would not recognize McDonald as their Captain, that if he required their services, he would address them as the "St Catharines Troop" with this they all seemed perfectly satisfied—

They then called a meeting of their members and requested Mr. Merritt to attend and inform them whether he still intended to continue in the command or not—they met and as I was since informed, while Mr Merritt was addressing them and giving his reasons for declining the command, Mr. McDonald entered the room with a gang of persons, unconnected with the Troop, and behaved in a most disgraceful manner, challenging and abusing every one, until he succeeded in breaking up the meeting—

The next evening they met at another place and unanimously agreed to continue the Troop provided I would consent to take the command, they waited upon me, and (contrary to my wishes) consented to do so— with the understanding however that it should be first sanctioned by the Head of the Government—

They afterwards informed me they had submitted the matter to His Excellency for approval and also advised Col. Cameron of what they had done—

Mr McDonald on hearing what had taken place, assembled his party and got himself elected Captain, and as we now learn was recommended by Col Cameron for confirmation—

I deem it quite unnecessary to comment now upon the stand hitherto taken by Mr McDonald or on the selection of his Troop, but whatever may be done, it would in my opinion be doing great injustice to those persons who so promptly tendered their services in the hour of danger to allow Mr McDonald now to step in and take the seniority— Indeed

I have every confidence that His Excellency upon learning the facts, will treat the matter justly—

I think it proper however further to remark that this Troop, has almost exclusively done the duty of carrying express to and from Headquarters since the 11th. Ult. without any expense whatever to the Govt—they have not even been allowed provender for their horses.—

Under these circumstances I cannot think that Mr McDonald should be allowed to take seniority—

Should His Excellency be pleased to confirm our Troop, and allow the commissions to bear date before those of Mr McDonalds, I have no doubt the Troop will become a very respectable and efficient one— We now number 41—

I would beg leave to recommend James R. Benson as 1st. Lieut, Charles Robertson for 2d. do William May for Cornet and Samuel Haight for Qr. Master—

[92] J. H. SEARS TO JONAS JONES: A.L.S. 2p.

Jan. 3

*Chippawa.*

I beg to report; that upon the breaking out of the Rebellion I was appointed to the command of the coloured men in the vicinity of St. Catharines, and very shortly afterwards, I was solicited by Mr. Thos. Runch[e]y, through George Adams Essqr, to accept of a Lieut[en]ancy under him, and assist in raising a coloured volunteer corps under instructions from His Excellency the Lieut. Governour [*sic*]; I did accept the appointment, and have, up to the present time, used my best exertions to forward the intentions of His Excellency in regard to the raising of a volunteer coloured corps, and have enlisted forty men for six months service. Mr. Runch[e]y has, however, seen fit to annul my appointment, and for reasons to me entirely unknown. . . [Asks for an investigation of his own proceedings. His men are sincerely attached to him and extremely regret his displacement. A considerable portion enlisted only under the express condition that he was to be their lieutenant. As there are now sufficient coloured men enlisted for two companies, asks to retain command of the men he enlisted "together with the Militia under my charge by the authority of the Magistrates, until His Excellency's pleasure be made known."]

[93] ARTHUR TO H. F. FORSTER, WALTER BUCHANAN, W. H. HAMILTON: Df.A.L.

Jan. 4

*Portsmouth.*

I have the honor to acknowledge your Letter of the 26 Ultimo, presenting to me, at the request of a numerous & respectable body of the Colonists of Van Diemen's Land, with a Service of Plate as a mark of their high esteem & regard for my Publick & Private Character—

It is most gratifying to me that my administration of the affairs of so anxious & difficult a Govern't has been satisfactory to so very large a portion of the community; and I accept this pledge of their kind feelings towards me with gratitude, & with a thankful recollection that it was by their cordial support that I was for so many years enabled so successfully to conduct the Public Affairs which resulted in a degree of prosperity almost without parallel.

Accept my sincere thanks for the trouble you have so readily under-

taken & for the very kind manner in which you have carried into effect the wishes of your friends in Van Diemens Land.

[Endorsed in Arthur's handwriting: "Kate will be so good as to write this out fair on Letter Paper—addressed (*sic*) it on the inside to the three Genln & then put it under cover to Mr Hamilton for 3d Post—as soon as Possible"; further endorsed: "done 8th. Jany. 1838".]

[94] THOMAS RUNCHEY TO JONAS JONES: A.L.S.

Jan. 5 *Chippawa.*

I have the honor to state for the information of His Excellency the Lieutenant Governor that in obedience to a despatch directed to me dated Government Office [*sic*] Toronto 11th December 1837—and signed Jonas Jones A.D.C. authorizing me to raise a coloured corps I have raised since the receipt of the despatch refer[r]ed to a corps consisting of Sixty Six effective Men. . . [Repeats the information concerning the appointment of officers as given in item 54.] I have also purchased clothing for some Fifteen or Sixteen who were absolutely destitute of common wearing apparel. . .

[95] J. [?] WELLESLEY TO ARTHUR: A.L.S. 3p.

Jan. 6 *Newwied sur le Rhin.* [Marked: "Private".]

I hope this letter may reach you before you leave England; It is to recommend to your notice and protection Three missionaries of the Upper Canada Clergy Society, who are laboring among the Destitute settlers in Upper Canada— Their names are The Revd H. H. O Neill, who is employed in the Gore and Delaware<sup>1</sup> Districts, The Revd F. Osler, who is settled amongst the people in the Townships of Tecumseth and West Gwillembey [*sic*], and the Revd F. A. O Meara, who has lately left England to be, like Mr O Neill, a travelling Missionary— They are all three ordained Ministers of the Church of England, and, I trust, men of sound piety and learning— The labours of the two first, have I hope been already much blessed. The Secretary of the Society will forward to you with this, a few printed Documents, to shew the nature & aim of the Societies operations— Its formation was much approved by Sir John Colborne when he was Lieut Governor of Upper Canada, and I feel assured that the Committee will be happy to attend to any suggestions you may make for their future guidance, should you ever feel at leisure to remark upon their labours.

[96] JEREMIAH SMITH AND JOSEPH WALKER TO [HEAD]: 3p.

Jan. 12 *Toronto.*

A statement by Jeremiah Smith and Joseph Walker which they respectfully beg to call his Excellency's attention to. On Monday and Tuesday last we were travelling through King and Tecumseth, the general deportment of the people is any thing but quiet and we are seriously apprehensive that the Men will tumultuously assemble again[;] my servant lives in a Shantee on the tenth line and a general communication is kept up we fully think by this route and line of Country with the Pirates on Navy Island[;] how it is effected we cannot imagine still our conviction is that it is so, the Man says at night-fall Horsemen are

<sup>1</sup>Error for Niagara. *The Church* newspaper, Dec. 30, 1837, said that O'Neill was travelling missionary in the Gore and Niagara Districts.

passing his dwelling swiftly southward towards Albion at other times the way to Lloydtown. The notorious Thomas Browne is returned to his home although he took so conspicuous a part in the last wicked plot; the rebels are leaving their homes[;] we called at many houses, and found no Men at them[;] we consider they contemplate another movement. Browne should be arrested, (with submission to your excellency) what but an assurance of protection by the rebels can make this audacious outlaw at home!! This party has assumed quite another air instead of the pitiful and abject mien they lately wore we now see the bold stare and insolent glance of defiance, and menace. On new year's day a group assembled in Lloydtown and the most serious apprehensions were entertained by the inhabitants: in our conviction these Men are on the eve of rising again, various meetings have been held by them one at Thomas Browne's another at James Doyle's in Tecumseth and a third it has been reported in Adjala. When the Group assembled in Lloydtown (about twenty men) they beat a poor fellow in the most brutal manner at Tyson Mill[;] he subsequently skreened him from further violence by secreting him behind sacks in the Mill, the party then paraded the Village, pulling off their hats twirling them in the air and hurraing for Mackenzie stating they were to be at the same nefarious business again that they had but so lately quitted in this notorious section of Country[;] we are left in the merciless hands of these despicable marauders, without the means of defence—the men disembodied: and many of them have volunteered, and are at this instant in the Garrison[;] these wretched Men are prowling about with feelings malignant and revengeful—thus unprotected having no civil power in the neighbourhood, or indeed any armed or Military force our situation is any thing but enviable and we implore your excellency in your wisdom dispassionately to consider this statement, and that your excellency will be pleased to devise a plan in this sad emergency to better our wretched, and defenceless condition[.]

Feb. 6 [J. B. ROBINSON] TO GLENELG:

[See item 156.]

[97] HEAD TO ARTHUR: A.L.S. 4p.

Feb. 9 *Toronto.* [Marked "Private".]

As we are all waiting for your arrival here with great anxiety, and as it has occurred t me that from the disturbances which have taken place in the Province you may possibly before you leave New York wish to know exactly how matters stand, I have ventured to write to you on the subject.

I am happy t be able to assure you that the Province is as tranquil [sic] as any part of England.

There still exists a deal of disreputable feeling in the United States but the crisis is over and the fever is subsiding—

Against me personally there is a a [sic] most malicious and revengeful hatred, and many people think it would be dangerous for me to attempt to traverse the country of our allies, but Lady Head my sister and my daughter left me three days ago to go to New York by Queenston and thro the United States, and I do not expect they will meet with any difficulty[.]

Towards *you* [the word "personally" is here deleted] there will be no angry feeling whatever, on the contrary those who dislike me will hail the arrival of my successor—

We are and shall be here in the greatest confusion untill you arrive, and I therefore hope you will proceed here with as little delay as possible.

The Steam-boats have stopped and you will therefore (if you come by Queenston) have to come round by Hamilton, but this will only add one day to your journey.

Hoping you may have left New-York before this reaches it. . .

[P.S.] When I came here from New-York I travelled as quickly and as quietly as possible, and I would recommend any one in your state to do the same.

[ 98 ] JAMES WHITE TO ARTHUR: A.L.S. 5p.

Feb. 17

*Plymouth.*

In the hope that ere the season of *planting* arrives in your Government, the sword will be turned or exchanged for the plough share, and that during the period of your absence from your native land, you will no more hear of war; I take the liberty of forwarding some Vittoria wheat from the Caraccas [*sic*], recently transmitted by Sir Robert Kerr [*sic*] Porter . . . believing from its rapid growth it may be worthy of trial in Upper Canada: in the month of April 1835 6th & 11th I sowed some of this wheat; both native & some which I had reared the previous year: the seed ripened and was gathered the 12 & 19th August. . . In No. 354. of the Penny Magazine, will be found some general account of this Wheat in a warmer climate from the pen of Dr Hamilton. . .

At Colchester Lake Erie, resides Major Robt. Lachlan, with his family . . . of his energy, & zeal, it is probably [*sic*] you may hear; by his endeavors to establish an Agricultural & Horticultural Society at Sandwich for the Western District. . . [Recounts Lachlan's experiences in India.]

At Maxwell Lake Huron resides, the family of my cousin Henry Jones; the brother of the Head of Exeter College[.] The three brothers I should expect energetic young men, & whose natural abilities, we had wished fostered in their native land . . . born at Bovey. . . Their parent took them to Scotland. . . The eldest, Henry, went to America at 17 . . . he must have traversed America from New Orleans to Upper Canada & now holds a public situation (for some years held) but whether a govermt. one I forget,—now located at Chatham where he is building a house in consequence.— He is known to & I have reason to believe much respected by Sir John & Lady Colbourne [*sic*]. . . His second brother John has a natural talent for ship or boat building, which he has exercised for his amusement if not combined with more advantageous pursuits. . . The youngest Robert is a the [*sic*] farmer; tho' John has been a cultivator of the Vittoria wheat— All are good shots, & Master Robt. gives due proof of his powers over the bold forresters, [*sic*] when within his range— No 3 bror is a cripple, and doubtless well cared for by his brothers and two sisters who reside on the farm. . . [Comments on weather, health, etc. Mentions two brothers of Jones. Sends wishes.]

[ 99 ] HEAD: A.D. 2p.

[ Mar. ? ]

[Place not stated.] [Marked in Head's handwriting: "Confidential".]  
Executive Councillors

The Honbl. R: B: Sullivan—great legal talent sound judgement particularly on financial questions but in danger timid

- The Hon W [?] Allan— An excellent honest honorable man of high character and sound principles, but not much talent or education; led a little by the Scotch.
- Captain Baldwin An honest English sailor, attached to British Principles, more in him than you would think
- Captain Elmsley A wrong headed man but brave as a lion, and devotedly attached to all that is British—
- Solicitor General Draper— Chairman of the Constitutional Society— a clever lawyer
- The Chief Justice—the ablest and best man in the Colony, but cautious in giving his real opinion, but is said to be the head of the family compact.
- Attorney General [*i.e.* C. A. Hagerman] Able speaker loyal constitutionist but I have no very high opinion of his judgement. Sound, honest.
- Judges.
- Sherwood— old
- Macaulay— most excellent—man & lawyer
- Jones— sound—brave—steady man.
- Maclean— was speaker—much respected no great lawyer
- Strachan—
- Vice Chancellor [*i.e.* R. S. Jameson] modest, able man.
- Avoid Mr. Dunn.

[The succeeding page is headed: "Military", but no entry follows.]

[Endorsed in Arthur's handwriting: "Confidential Memorandum".]

[ 100 ]

[SIR] J[OHN] HARVEY TO C. A. HAGERMAN: A.L.S. 6p.

Mar. 3

*Govt. House, Fredericton.*

An article in a New York Paper has just met my eye in which it is stated that Lady Head has met with incivility in her Journey to that Place and that something of the same kind would probably be attempted towards Sir Francis Head— Without offering any comments upon a transaction which must cause all decent Persons in the United States to blush with shame & confusion & must cover the Perpetrators with execration & indelible disgrace, I write merely to offer through you, to Sir Francis Head, the advice which I have already offered to Lord Gosford, vizt to adopt the Route of these Lower Provinces, vizt by Quebec, the Great Portage, Fredericton & Halifax—where he will be quite sure of finding either a *Ship of War* or one of *Her Majestys Packets* for his conveyance—& where, in the course of his *Journey*, he will be received with every mark of respect, instead of being Subjected to the possibility of indignity from the Citizens of a *Mob* Government.

For myself I shall be rejoiced to receive him & his Suite, (I hope you may be one) in a House in which their reception will expose us to no inconvenience.

I write hurriedly to have the Canada Post, or rather not to delay it.—

You will be glad to hear that I have been the means of getting a Post Communication established *twice* a Week (instead of once) betwixt Quebec & Halifax. . .

[P.S.] NB The distance betwixt Quebec & Boston & Quebec & *this Place* is, by the Kennebeck Road *exactly the same*, vizt 3 days from

Quebec to Bangor (State of Maine) & 3 days from Bangor to *Boston* or to *Fredericton*—from *Boston* to *New York* is also 3 days & from here to *Halifax* the same—the Route in one case laying wholly through Her Majesty's Dominions & in the other through a Country of which it may be truly said the Reigning Power is the *Mob.*—

[ 101 ] [ARTHUR TO HEAD]: Df.A.L. 2p.

Mar. 8

*Samson off New York.* [Marked: "Private".]

As I cannot doubt you will be anxious to be in possession of the earliest intelligence I lose no time in apprising you, by forwarding this note to *New York* by the Pilot Boat of my arrival after a much protracted voyage of 63 days from *Portsmouth*—protracted, by extremely boisterous weather & constant downfalls. The rest of the Packets appear to have been quite as roughly handled & some are still due that sailed before the *Samson*.

I requested Mr *Anderton* to do me the favor to write to you two or three weeks before I sailed begging that you would not consider it necessary to put *Lady Head* to the least inconvenience on my acct— & I now beg to assure you that it will give me real concern if you do so, as a *Ty[?]* *Qr.* will answer every purpose for myself & aid de camp until the arrival of my Family *if they follow me!*

Having of course had the oppy. of reading yr correspondence with the Col: Office I can say sincerely that I most heartily & cordially concur in all yr political views & measures as far as I can collect them from that source & most anxiously desire to maintain them;

I stated as much frankly to Lord *Glenelg* without however referring to the particular point [marginal note here reads: "Mr *Ridouts* affair"] upon wh you are at issue with *the Dept* & I was delighted to find His L was disposed to do the utmost justice to yr services, & expressed great regret at your having found it to be yr duty to resign the Gov.— I beg not to be understood as having volunteered to fight yr Battle—it was not the case—but I thought it honest & straight forward that the Secy of State shd. distinctly understand before I was gazetted that if your policy was condemned mine wd. not be likely to give satisfaction—the result was the unequivocal declaration to which full expression is given in Despatch No 9 of the 29 Decr,<sup>1</sup> of wh. I hope you have received the duplicate[.]

Just before I sailed the information reached Engd. of the insurrection in *Upper Canada* & of yr decisive measures to suppress it. I shall deem it a privilege to give every continuance to those Individuals who may in yr estimation have distinguished themselves, being assured that those who have most cordially supported yr govt are most likely to support mine.

It is not my intention to remain more than two days at *New York*. . .

[P.S.] Having read—not only yr Despatches, but yr Publications I need scarcely add that I have at once addressed you—not as a stranger but as a friend to whom I am indebted for much information & amusement.

[Misdated 1837.]

<sup>1</sup>The despatch in which *Glenelg* commends *Head*, refers *Arthur* for guidance to the original instructions given to *Head*, and instructs him to imitate *Head's* example, promising him the cordial support of the home government.

[ 102 ] J[AME]S BUCHANAN TO [ARTHUR]: A.D.S. 8p.

Mar. 8

[Place not stated.]

Observations on Canada 1836[.]

The following facts cannot be controverted first—

That whatever Measures have been adopted to retain the poeple [*sic*] in a friendly indentity [*sic*] with England have failed.—

That the population of Upper Canada partakes largely of those who were born and educated in the United Kingdom, and their feelings are truly Loyal or they would not have Selected Canada in preference to the United States.—

That the soil Climate and Natural Advantages of Upper Canada are more favorable for acquiring a Competency, and sustaining the respectability of *previous rank* in society than any part of the United States.—

That the Canadas have had the Advantage of large Annual Expenditure of British Capital, supporting the Army, Rideau Canal and other Public Works.

That they are Exempt from any tax for the support of Government, that the Customs are Applied to defray their Munciple [*sic*] Charges, Roads Bridges Administration of Justice &c &c[.]

That the province[s] enjoy the Exclusive advantage of trade with the Empire, while their imports are received fully 25 P Cent Cheaper as to taxation than in the United States[.]

Yet with all these Advantages, Lands in the adjoining States of the same quality, and in no wise possessing more favorable advantages as to trade, or Navigation, produce from three to 500 P Cent more.—

This Statement may be tested by Comparing the Lands *Equidistant* from the Lake Navigation in the adjoining States and in Canada[.]

These facts prov'd: *whence is this the Case*

All answer "the Government"[.]

Yet let it be borne in Mind, that all who are referred to, and are permitted to inform her Majesty['s] Government, and who represent those factions who complain, or require any Change; such persons will be found in one way or a nother either the promoters or Upholders of those who are Connected with the system of government as at present administered; and who have the preponderance of the Party in the province as their paramount object—their Loyalty being based upon the preservation of their influence and power over the Governor & Province—

The System has so interwoven family Connection, and so spread their influence into every department, that no Governor has been able to carry the poeple with him, hence the Governor is avoided by the few independent Gentlemen in the Province, as they find him always surrounded by the party, whom he has found in place, and Consequently these become his chief associates, and as may be Expected their influence daily encreases, and his Excellencys indifference towards those who will not Succumb [*sic*] to the party who thus surround him Necessarily encreases, so that their apparent want of Attendance on the Governor, is held forth to his Excellency, and is at length placed as opposition to the Sovereign and thereby the party rule triumphant— This has been Manifestly Exemplified in Sir Francis Head, on his arrival his first act was to place himself under the advice of one, if not the most independant Man in the Province, and Consequently the removal of Several of the family governing party and thereby hopes were raised of a Change, but in a short time, his Excellency Nominated to Office one Connected with

the party, and Mr Baldwin remonstrated and retired, and from that hour Sir Francis Head has been led to regard opposition to his Measures as disloyalty to the Sovereign, and in his last Message upon the opening of Parliament he sums up Loyalty to the Queen in the people turning out as they did as Evidence of the people's Approving his Excellency's Measures, yet it is proved that the turning out to resist Mackenzie was to protect their property, and avoid the burning of their houses, from his having burned D Hornes house—

[Marginal note here reads: "1838".] The only test by which her Majesty's Government can come, at the real sentiments of the province, is to give a clear demonstration, that the *party* who have so long domineered in the Province, are not to Control the Governor as to the Patronage as they have done, and Call a New Parliament, holding forth that no Measure but such as is in agreement with the Principles of the British Constitution as acted on in England, shall Receive the Sanction of the Crown—that the Office of Sherriff [*sic*] shall be Amended so as to be Conformable to the British rule— The adjustment of the Clergy reserves upon the basis laid down by Sir Francis Head, the arrang[e]ment of the Legislative Assembly, so as to be a deliberative assembly, and not under the Control of the party as it is, and has been. Under such an administration her Majesty will find a truly Loyal and devoted people— The Expectations raised upon the arrival of Sir Francis Head having been defeated, by his Change of action and promoting the Very Men who defeated his Measures, places his Successor on More delicate ground,— a firm Mark'd determination alone will give Confidence [*sic*]— Men in power *rarely hear truth*; Evidence by actions will alone lead the people after the disap[p]ointment in Francis Head to give their confidence—Sir George Arthur by firmness of purpose, can render more important Service to the Crown than rarely falls to the Lott [*sic*] of Governors— Upper Canada is Loyal, to the Crown, and devoted to British connection—but they resist the dominant party which paralyzes and has retarded the prosperity of the Province, and therefore they are denominated Rebels— Their discontent has led Mackenzie and some who are truly Rebels to take the part they did, but those Men who resist the family Compact—to a Man turned out to oppose the Rebels—yet Many of them have been, and are represented as Rebels by the party—should Sir George Arthur be drawn into the family nett [*sic*], the prosperity of the Colony is destroy'd, no prudent Man will settle in the Province, aware that it must one day or a nother become independent of England, if it is to become prosperous as the adjoining States,— Lands in the adjoining States are fully worth from 3 to 600 P Cent More Valuabl[e] than in Canada—previous to the late Rebellion but now Vast Numbers are determined to leave the Province and Many have done so—

[Cover sheet endorsed: "Upper Canada Observations, as to the Colony upon Sir George Arthurs entering upon the Government—first written in 1836—now Concluded—10th March 1838". The document is dated Mar. 8.]

[103] J[AME]S BUCHANAN TO ARTHUR: A.L.S. 3p.

Mar. 10

[Place not stated.] [Marked "private Confidential".]

I question whether my Loyalty would lead me to take this Liberty, yet did I regard British interests more than my private interests, I would run the risk, of speaking openly for where are [*sic*] your Excellency to look

but to those deeply interested in the success of your Measures,—I have stated no man is more interested in the general prosperity—others have family interests to promote, others have office or power in View, all of these I disclaim but my firm Conviction is, that the Colony will be lost to the Empire, if the people [*sic*] are not led to believe that the Queen Governs, and and [*sic*] not—the family—Independent Men will keep aloof [*sic*] from your Excellency— You have all the tools to work with, which have too long prevail[ed], and without appearing to oppose, they will thwart every act, which is not in accordance with the interests of those who pull the same rope— I feel in the duty I owe my Sover[e]ign and my family, I have done my duty in this Very frank statement; had I done less I might have reproached myself— I ventured to name Mr. Neilson he is too independent and will not obtrude upon your Excellency, but perhaps no other Man in Uppe[r] Canada stands so free from all parties—his determination is to leave the Province unless he sees[?] a change— I do not know who he is acquainted with at Toronto.—his address is The Honl. Robert Neilson Lake View Ston[e]y Creek near Hamilton,— If your Excellency wishes I would write to him to Visit Toronto—he wants no office, favor or Appointment for any, and if he leaves the province the Consequence will be that many will also withdraw[.]

Pardon Sir this letter— I shall never again presume to repeat these Sentiments— I feel I have done my duty,—and I pray your Excellency to pardon the Manner of doing it. . .

[P.S.] The family Compact  
 Robinsons  
 Jones's  
 McCauleys  
 Bo[u]ltons  
 Archdean Strachan } Majors

All men in office in  
 the Province through  
 the above influence  
 Legislative Council  
 Included— } Minors

[104] . H. S. FOX TO HEAD: A.L.S. 17p.

Mar. 11 Washington. [Marked: "Confidential".]

I have detained Mr: Boulton here for a long time, under the expectation that something might occur daily, which would require me to send a special messenger to Upper Canada; and I could not have found any one at this place, fit to be entrusted with such a commission.— I have now, after all,—fortunately,—very little of importance to communicate to you. The crisis of immediate danger is I think passing away; and there is less hazard of war than there has been; though the settling of accounts between Great Britain and America, for all that has passed, may yet give rise to discussions of the most extreme and critical importance. The last intelligence which we have received here from the Frontier, states, that the pirates embodied near Plattsburg, for the invasion of Lower Canada, had been dispersed, without fighting, and had surrendered their arms and ammunition to General Wood, within the American lines; also, that another piratical assemblage had been dispersed near Buffalo; and finally, that the armament from near Detroit had been discomfited by

Colonel Maitland's troops, after having actually entered Upper Canada at a point called "fighting island." It is believed here further, that this last mentioned body of pirates have been subsequently disarmed and dispersed by Colonel Worth and General Brady; but no positive accounts have been received.— It is to be hoped that these occurrences, at various points along the frontier, will put an end to the pirates for the present; but the safety of the Provinces from invasion by Americans from without, will continue all in all to depend upon the increasing evidence of political tranquillity within.— If rebellion or disorder shall again arise in Canada, there exists no power within the United States, capable of restraining the people from rushing in mass across the frontier, for the purposes of plunder and devastation. The United States have presented to us, during the last few months, the extraordinary and revolting spectacle of entire communities, in a state of boasted civilization, devoting themselves to the interests of gangs of outlaws, robbers, and assassins.— The President has no more power of controlling these piratical communities, than the Sultan at Constantinople has generally had over the States of Tripoli and Algiers. With respect to the individual United States Officers now upon the frontier, Generals Scott, Wool, and Brady, and Colonel Worth,—I believe, notwithstanding some suspicious appearances, that they are conscientiously doing their duty; and under circumstances of extreme difficulty and embarrassment. They are not only opposed, and resisted as public enemies, for doing their duty, by the great majority of their fellow citizens along the border; but they are impeded, more or less, by all the State Authorities, whose conduct has been infamous throughout.— The whole force of United States soldiers, which they have under their command, from Maine to Michigan, is under 400 men; and there can be no reinforcement; as there are not in fact any more U.S. soldiers in the service, excepting those employed in Florida.— The President and his Government are I think beginning to act with more honesty, and more vigour, for the restoration of order, than heretofore; but this favorable change again is owing, and wholly owing, to the increasing evidence of the hopelessness of the rebel cause in Canada; and to the noble and courageous front, which all of English origin, throughout the Provinces, have opposed both against domestic treason, and against foreign invasion. The "Neutrality Bill," after useless and vexatious discussion for many weeks, has at length passed through both Houses of Congress; and will I believe immediately receive the assent of the President.— I shall forward to you a copy of the act, when published.— If honestly carried into execution, it will afford much additional power to the Authorities, for preventing the conveyance of arms and ammunition from the United States to the rebels in Canada.— This may still be of considerable importance with respect to Lower Canada.— I hope that you will have safely received the letters which I wrote by Mr: Robinson,—chiefly upon the subject of the Steam Boat Caroline.— I have had no more correspondence upon that business with the United States Government, nor am I likely to have.— I am informed, however, that the President has lately received a large mass of additional depositions, collected at Buffalo and elsewhere, by the U.S. district officers, of course on their side of the question. I believe that the Government persist in their intention of demanding redress from Her Majesty's Government. The demand however will not be made through this Legation, but through the American Legation in London.— I hope that it will be met by an astounding answer. The opportunity ought

not to be lost, of recording, in the refusal of redress, our opinions and feelings with respect to the conduct of the American population, and of the State Authorities, on the Canadian frontier.—

Since writing the above, I am informed that Sir George Arthur has already left New York on his way to Toronto.—If Mr: Boulton arrives at Toronto in time to deliver this letter to yourself, perhaps you will have the goodness, after reading, to hand it over for information to Sir George Arthur.— In the event of your embarking from New York, and having time and inclination to visit Washington, I should derive very great pleasure and satisfaction from seeing you: but I certainly do advise you, if you learn that there is any reason to apprehend personal annoyance from the miscreants within the New York frontier, not to expose yourself to such annoyance. It might do much harm; and could do no good.— You might be molested, under pretence of legal process arising out of the Caroline affair, in a form for which the Government of the United States would be without power to offer redress or atonement. But whether there be any reason to expect such molestation, you will be better informed than I am. . . [Sends wishes.]

P.S. I find that the "Neutrality Bill" received the President's assent yesterday, and was published in the official newspaper of last night.— I forward an authentic copy under an accompanying cover.—

[Endorsed in Arthur's handwriting: "Read before the 'Executive Council 31 March 1838'".]

[ 105 ] H. S. FOX TO HEAD: A.L.S. 2p.

Mar. 11 *Washington.*

I have the honor herewith to inclose to your Excellency an authentic copy of a Bill, commonly called the "Neutrality Bill," which recently passed both Houses of Congress, and which has received the assent of the President of the United States; having for its object to enlarge and strengthen the power of the Executive Government of this Country, for the enforcement of the obligations of neutrality upon the frontier.—

[Endorsed in Arthur's handwriting: "Read before the Executive Council 31 March 1838".]

[Enclosure lacking.]

[ 106 ] ARTHUR TO COLBORNE: L. 6p.

Mar. 13 *Albany.* [Marked: "Copy", "Private".]

I take the earliest opportunity to inform you that I am thus far on my way to Toronto having landed on Thursday at New York after a voyage of sixty one days from Portsmouth.

This morning I had an interview with the Governor of this State by whom I was informed that General Scott had returned last night from the Frontiers—that nothing had lately occurred of importance—that all was quite tranquil—and that it was his opinion there would be no further disturbance—

Much to the same effect I was informed by Mr. Dix the Secretary of this State! To my great surprize two or three hours afterwards the Montreal Gazette of the 9th. Instant arrived in which I found an account of Colonel Maitlands affair on the 4th Inst. at Point Pele Island, and the Governor and the Secretary, having very soon afterwards called upon me, I expressed to them my astonishment of their being unapprized

of so important a conflict. Mr Secretary Dix, I really believe was, as he stated, altogether in ignorance of the affair, and looked to the Governor for explanation. The latter exceedingly confused, said that General Scott had certainly alluded "to the occurrence" in a conversation last evening, but he had not understood it to be an affair of much importance, and would shew him Colonel Maitland's report if I would allow him to take the Paper—to which of course I readily consented.

Without entering into all the details of a pretty long conference or pushing far expressions which fell from Governor Marcy during a visit of ceremony I may venture to add—that the very worst impression has been made on my mind, and if all the unwarrantable proceedings that have transpired have not been openly countenanced by the Authorities it is my opinion that little has been done to prevent them. A merciful Providence has over-ruled their designs on the present occasion; but the understanding between the disaffected subjects in the Canadas and the Citizens of the United States can scarcely be questioned—

The Authorities of New York assured me that a warrant was out against McKenzie, and if he could be met with he would be apprehended and sent to Jail—but, what a farce! for McKenzie arrived in New York on Friday and the Mayor of the City told me that same evening that he had met him in a shop.—

I found on reaching New York a letter from Mr. Fox in which he expressed an earnest desire to see me, but as Lord Glenelg was so anxious that I should proceed to Toronto, I did not feel justified in going to Washington. From Lord Clarence Paget who had just arrived from Washington—ostensibly on pleasure, but, in reality to examine what was doing in the Dock Yard—I found that Mr. Fox's opinion was that our Government would be obliged to go to extremes to obtain satisfaction, and that in two months we might stand in a very different relation with the United States than one of amity— This was not given to me as a message from Mr Fox, but was the substance of his communication to Lord Paget, who had been dispatched by the Admiral for information.—

I have the pleasure to enclose the latest London Paper, and have much satisfaction in congratulating you on the well earned honour which is therein notified to have been conferred upon you by Her Majesty[.] With all my heart I wish it had not been accompanied by the notification of another appointment.—

I shall at all times have the utmost satisfaction in cooperating with you not only as a Matter of Duty on Military Subjects, but shall feel highly gratified by your opinion and advice on the civil affairs of the Colony, of which, no one can possess so much information founded on experience.

Mr. Bidwell called upon me this morning— I declined to express any opinion whatever upon his case, but acceded to hear a long statement from him—and never did I hear a weaker defence than he sets up.—

[On the same sheets appears item 109.]

[ 107 ] HEAD TO CHIEF JUSTICE [J. B. ROBINSON]: A.L. initialled.

Mar. 17 [Place not stated.]

I return to you two letters which passed between us some time ago—and which were endorsed by Henry at the time as you see—

It has never gone out of my private box, and has been seen by no one.

Whenever the matter again comes forward I leave it to you to clear me from having altogether neglected it.—

[Endorsed in Arthur's handwriting: "Chief Justice respecting his Brothers affairs".]

[ 108 ] HEAD TO ARTHUR: A.L.S. 4p.

Mar. 21

*Toronto.*

I have received and read with great satisfaction your kind letter to me written before you landed— I have not heard from you since, and as Mr. Moore told me you were to write I feel sure your letter has been stopped and opened.

I have been anxiously awaiting your arrival here for more than a month, but I write these few lines to tell you that the American *General* Sutherland (as he styles himself) is on trial here at this moment before a Court Martial.

In a moral point of view there can be no doubt whatever of his guilt, and under these circumstances the militia fully expect he will be executed—that fate [the word "sentence" is here deleted] however must depend not on public opinion but on the evidence brought before the Court, upon which together with the sentence of the Court the Lt. Govr must eventually decide.

Now whatever may be Sutherland's fate, I foresee it will not only throw great responsibility on the Lt. Govr. but tend considerably to embarrass him.

If the evidence should be deemed insufficient to execute Sutherland, the militia who see the case quite clearly, and who of course pay little attention to legal objections would be strongly excited against the Lt: Govr. if on the contrary the man were to be executed, I know quite well that the Americans would endeavour to make a second "Caroline outrage" of it and there are not wanting those in England who would be willing to support them—besides this the Lt: Govr. would for ever be exposed to the hatred of the party in this Province, and to the revengeful feelings of their accomplices in the United States.

Under these circumstances I feel convinced that for the good of the service the new Lt: Govr should be spared from commencing his government with this trouble, and I therefore my dear Sir George beg to submit for your consideration the propriety of your awaiting until [sic] you again hear from me, before you proceed to this seat of Government.—the thing must be over one way or other in a day or two, and you shall immediately hear from me, however pray do exactly as your better judgement may direct.

[ 109 ] ARTHUR TO HEAD: L. 2p.

Mar. 21

*Niagara.*

Thank you for your very obliging letter & I am truly sensible of the kind feeling which dictated it.

No one can possibly have less desire than I have to take any part in General Sutherland's affair and I shall be most delighted to have nothing to say to it,—especially as he is being tried before a Military Tribunal.

But having actually arrived within four hours sail of Toronto I do not see how I can stop short merely because a very disagreeable duty is

pending. At the same time, although I should not feel justified in halting in order to avoid an unpleasant duty, I am sure I cannot do wrong in acting with the utmost courtesy towards an officer who has merited so highly the approbation of Her Majesty's Government, and under any circumstances I should have felt it proper to announce my arrival in the Province before I intruded myself personally upon you— My son will accordingly be the bearer of a note to you by the Steamer in the morning and I shall be most happy to be guided by your convenience.

This mode of proceeding will be more agreeable to me for other reasons which I will do myself the pleasure of personally explaining to you.

I am concerned to find you have not received a letter which I wrote to you from Albany— On no account would I wish it to fall into other hands—

[The above appears on the same sheets as item 106.]

[110] RICHARD BULLOCK: [RECIPIENT NOT STATED]: A.D.S.

Mar. 21 [Place not stated.]

Recommendation for promotion in the Queen's Rangers. 21 March 1838.

Lieutt. John. H. Cameron to be Captain vice Hurd, promoted.

Recommended by Colonel S. P. Jarvis Commanding the Regiment.

Approved & Recommended

Richard Bullock

Adjt. Genl

Militia[.]

[111] HEAD TO ARTHUR: A.L.S. 2p.

Mar. 22 Toronto.

I think you are *quite right* in the view you take of Sutherlands trial; and on reflection I admit that you decidedly *ought* to advance without delay to your post—

My note was hastily written from my heart instead of from my head, and it is not the first time the former has made me err— I must tell you that as soon as I had despatched the note, I thought I had done wrong, and before an hour I had determined to recall it, and not to send a duplicate to meet you on the road to Kingston, by which we all heard you were approaching.

You are welcome to Upper Canada, and I shall be delighted to see you tomorrow, at any hour you may find it most convenient to cross.

[112] J. B. ROBINSON TO HEAD: A.L.S. 4p.

Mar. 22 Toronto. [Marked: "Copy".]

I am much obliged by Your Excellency's kindness in returning to me the letter which I had written upon the subject of my poor brother's affairs. I shall take an early opportunity of laying it before Sir George Arthur, for my own sake, and then shall continue as I have done, to do whatever may be in my power for bringing things to a satisfactory close— And the Government of course, will interpose or not as they may feel to be right—

My brother's state of health makes it difficult and painful to me to force business upon his attention— Still I have managed to have all his accounts brought to a close & the apparent balances against him upon all except two, viz: the Clergy Reserves & the Surveyor General of Woods are paid up, leaving those two accounts still open. Upon one of these there stands against him an apparent balance of £4900, on the other £6700.

It has been the earnest desire of my brother to have these accounts thoroughly examined in the hope of detecting errors; and Mr. Ridout, Cashier of the Bank of Upper Canada, and Mr. Turquand of the Receiver General's Office, at my request undertook the duty and were about entering upon it when the confusion began here— Now that the Session of the Legislature is over, and every one is more at leisure, I hope to get them at the work, and I trust besides sums sunk in a manner that most probably will never be discovered, and which must of course be made good, they will find some error or errors in the entries that will materially lighten the difficulty; for I can not believe it possible but that the greatest part of the apparent deficiency is to be thus accounted for, if the truth can be made to appear—

I repeat for Your Excellency's satisfaction that the property owned by my brother before he received any of these offices is sufficient to cover much more than the sum which seems due—and I will answer for it's [*sic*] being faithfully applied—

He has lately sold one part of this property for £4000, but upon a credit for two years; and I have no fear but that he will be able with my assistance to discharge whatever may be found due, by the sale of his property, especially if peace and confidence are soon restored—

In the mean time I feel most grateful for Your Excellency's liberal forbearance; and I must say that I have been much struck with the delicacy shown on all hands, and which I hope and believe I may attribute to the prevailing conviction with all who know my brother's character, habits, and circumstances that he has derived no benefit from the loss which, for the time at least, seems to have been sustained by the public— I wish Your Excellency to keep this letter, in case you should be troubled with any inquiry hereafter.—

[ 113 ] COLBORNE TO ARTHUR: A.L.S. 8p.

Mar. 24

Montreal. [Marked: "Private".]

I beg to thank you for your letter of the 13th inst; I hoped to have had the pleasure of seeing you here en route to the Upper Province; could you have conveniently proceeded to your Government by crossing the St. Lawrence.

I have no doubt that the occurrences which have lately taken place on the frontier of the Provinces will alarm the Authorities of the United States, and induce them to adopt such measures to put an end to the incursions of the Brigands, as will ensure our remaining for some time undisturbed.

The Officers of the United States Army employed to check the movements of the Pirates on the frontier, have acted, I think, honestly and with great vigour and prudence, under very disadvantageous circumstances; having been opposed by the mass of the people of Vermont, and New York, and Michigan, and embarrassed in their duty by the States' Authorities. The American Government must be anxious to

avoid a War; but if we should again have disturbances in either Province, we can only depend on our own force and exertions to defend the Colonies against the attacks which will be made on us by the people of the adjoining states. It is my intention to send two Regiments to the Upper Province as soon as our reinforcements arrive from Halifax.

You will then perhaps be enabled to relieve some of the Volunteer Corps, and send them home. We shall require a respectable regular force in the Western, London, Home and Midland Districts for some years.

I hear from Colonel Foster that much discontent prevails in the Western District, in consequence of the claims on the Military Chest, having remained for some months unsettled. I have been compelled to attend to the representations of the Commissary Genl respecting the irregular payments which have been made, and the danger of allowing the issue of warrants, without vouchers[.]

There is great difficulty in checking profusion and fraud, where the agents employed in making disbursements of the public money are not responsible to Government, and when the Troops are engaged in repelling sudden invasions of the frontier. I hope however that the cause of the complaints to which I advert may be speedily removed[.]

I shall have no hesitation in conveying to you full authority to issue warrants for the payment of all claims on the Military Chest, without reference to Head Quarters; and I think that by your appointing an experienced Assistant Military Secretary, assisted by an Officer of the Commissariat Department, the out-standing accounts might be examined and audited at Toronto, by your authority, and settled.

In the performing of my duties during the late critical period I have unfortunately been drawn into a most unpleasant correspondence with Sir Francis Head. I transmit to you a copy of a letter which I have forwarded to him, in reply to his attack on my conduct. I shall lay the whole of my Correspondence with him and the Commissary Genl, before the Secretary of State for the Colonies, relative to the military affairs of Upper Canada.

I believe you embarked with several of the Officers sent out by Government to Canada, to be placed at my disposal— I have directed some of them to proceed to the Upper Province, imagining that they may be employed as Inspectors of Volunteer Corps at Niagara, Toronto Kingston and the Western District.

There may however be impropriety in their being appointed to this duty, and a dislike on the part of the Officers of the Volunteers to submit to this interference. I shall be obliged by your informing me if you see any objection to the Officers lately arrived from England being thus disposed of:

I shall be at all times most ready to cooperate with you zealously and cordially; and have great pleasure in attending to your wishes and suggestions.

[Enclosure is obviously item 114.]

[114] COLBORNE TO HEAD: L.

Mar. 24 *Government House, Montreal.* [Marked: "Copy".]

I have the honor to acknowledge the receipt of your Letter of the 16th. Instant, with a copy of your Dispatch to the Secretary of State for the Colonies, and to acquaint you that, with a view of repelling your

unjust charges against me, I shall take an early opportunity of transmitting to the Secretary of State my correspondence with you, the Commissary General, and Colonel Foster, connected with the Military Affairs of Upper Canada.—

[The above is obviously the enclosure referred to in item 113.]

[ 115 ] [ANONYMOUS]: TO ARTHUR: L. 2p.

[1838 ] [Postmark: Toronto, Mar. 27, 1838.]

[ Mar. 27 ]

The errors of your predecessors, and more particularly Sir Francis Bond Head, have all originated in holding to a certain party in this Province which has been its ruin. I pray that you may be able to discern that Party, and all other Parties, and avoid them, do equal justice to all act upon the broad Principles of impartiality [*sic*] and you will make us a Contented People, and you will heal the sore wounds which have been inflicted upon this unfortunate Colony by Sir F. B. Head, Hagerman, Draper and Co— You will be surrounded by them, and their cunning devices to intrap you, Beware of them, they are unwise, and treacherous professors full of deceit. They are latent enemies of our enlightened ministry who have sent you here. The Chief Justice is at the head of what is called the Family Compact, which is as overbearing as it is wicked—. You have unsafe Executive Councillors [*sic*], Mr. Sullivan who is the first, is a man without character or influence, who has been amongst the Ranks of the worst of Radicals, elevated by Sir Francis Bond Head from the very dregs of Society, who should not have been any other than the trade of a Tallow Chandler, whose father was in a very small way not many years ago. The Comfort, and prosperity of us depends on you, and if you avoid The Shoals of the Family Compact, you will find your situation a happy one— Beware of the Smooth and Silvery tongue of the Chief Justice, Keep your eye on Hagerman, Draper, Robinson's and Boulton's. Pause, and look well before you act on their opinions, for on every case, rest assured they have their own purposes to serve.— The Chief Justice wrote the "*address to Sir Francis Head*" for the Legislative Council, on hearing of your appointment to this Government, and also the state of the Province, and Hagerman wrote the state of the Province for the Hous[e] of Assembly. Read these documents. In thruth [*sic*] these People plunged the Province into Rebellion, and Sir Francis Head has been a *Tool* in their hands. I warn you again to beware of them, and remember that you have Mr. Joseph about you Son in Law to this Mr. Hagerman. It is a misfortune which the Province hope and trust that you will remove. He is an unfit person for such a situation, all that transpires will be communicated to the Party.

I am in sincerity

Your well wisher and Subject.

[ 116 ] HEAD TO ARTHUR: A.L.S. 3p.

Mar. 29

*New York.*

I have taken my place in the Cambridge Packet which is to sail from here on the 1st April and long more than I can describe to be out of sight this land of liberty.

I shall watch with great interest and anxiety your progress, and I

assure you it is a great satisfaction to me to reflect that I have left the Govern't in your hands—

I hope you will be so good as to comply with my request respecting the little scrap of paper which I left with you—

This note will be delivered to you by Judge Jones who at my request attended me here—when we started he reminded me that he ought to have obtained your permission and I hope you will be so good as to excuse *my* neglect in not thinking of it—

He has been of great service to me and I really think that without him I should have got into trouble— He is a calm brave resolute man of sterling integrity of conduct—

I have got your despatches and private letter to Ly. Arthur both of which I will take especial care of, and if I find I can in any way be of service to Lady A it will give me sincere pleasure—

[ 117 ] J. S. MACAULAY TO ARTHUR: A.L.S. 4p.

*Apr. 2*

*Toronto.*

Recent events have sufficiently shewn the necessity of preparing this Country to become the Theatre of War, for though our neighbours may, for the present, abstain from further attempts to subjugate the Province, yet the fact of their having so readily seized, on the shallow pretext, afforded by the insurrection of the Constitutional Reformers under McKenzie, to attack us, leaves no reason to imagine, that they will have any higher regard for their national honour on any future occasion.

By an inspection of the Map of Canada it will at once be perceived, that the command of the lakes is essential to our protection. The Province, then, could only be entered by the St. Clair & Detroit Frontier on the west, or by the Niagara and Saint Lawrence on the South.

An attack on the extreme western frontier could not be successfully prosecuted, so long as we held possession of Lake Erie: the Niagara Frontier can only be crossed above the Falls, at Queenston or at Niagara: no very extensive system of Fortifications would therefore be required to close this passage into our country, while two or three small forts would sufficiently cover our western extremity.

Kingston is already partially fortified, sufficiently so, to render it safe against other than a regular attack.

On the line of the Saint Lawrence little danger exists, for if an enemy were to cross into the Johnstown or Eastern Districts, he could scarcely hope to maintain his position, open to attack both from the Midland District, and from Montreal.

It would appear then, that having fortified the western frontier, the Niagara, and Kingston, we have only to secure the command on the lakes, and then the inhabitants of this Country might feel themselves safe in the enjoyment of their property.

The description of naval armament best calculated for the service of the lakes would (as I think) be large gun boats armed with 10 Inch or 12 Inch guns for throwing shells. Such vessels might be passed through the Rideau Canal, and would be available for commercial purposes, when no longer required for war. Vessels of war of the above description might be built anywhere along the line of the Rideau, at Kingston, or at Toronto. There can therefore be no great difficulty in securing the command of lake Ontario.

The Port of Penetanguishene is of the first order, well placed to

assure us the command of lakes Huron and Michigan. The expense of transporting naval stores to Penetanguishene would however be so enormous, that it would be well worth the while of the Government to proceed with and complete the projected rail road between this city and that port. That this road would not be altogether unproductive of a return for the money expended, may be assumed from the fact, that a private Company was formed with the expectation of undertaking that work, by whom all requisite Surveys Estimates &c. have been procured, and who have only abandoned their project, because of their lack of means to carry it into execution, the estimated cost being £200,000.

The Project of Messrs. Baird and Killaly for the permanent construction of the Welland Canal, submitted to the Legislature last session, and which embraces the construction of fine harbours on the Lakes connected by that canal, imperatively demands the notice of Her Majesty's Government—

The sum required to complete the project above mentioned is £290,000, a sum which would not I think be exceeded.

To appreciate the importance of this work we have only to consider that it would enable us to command both Lakes Erie and Ontario, with little more than the force required to maintain our superiority on one only. Vessels of the class before mentioned could be passed from one lake to the other in 24 Hours and all the naval force on both lakes could be brought to bear on any one point; an advantage of such great importance as already to have attracted the attention of our neighbours, who are, it is said, now collecting in force on the Niagara frontier with the avowed object of destroying the entrance to the Welland Canal.

If the American people are resolved to have war at all hazards, they could make no more important move, for there can be little doubt, that the Welland Canal even in its present imperfect condition will enable us to destroy all the shipping in the ports on Lake Erie, and command, where, were it not for that canal, we should be constrained to allow the Americans undisputed sway.

I have taken the liberty of bringing these projects under Your Excellency's consideration, in the hope that the attention of Her Majesty's Government being attracted thereto, they may be induced to lend the Province, such sum as may be required for the completion of the Welland Canal in a permanent manner, and thereby give assurance to all those who are proud of the distinction of being British subjects, that they shall in no part of this Province be left to the mercy of their Republican neighbours. . .

J. S. Macaulay  
late a Capt in the Corps of Rl. Engrs.  
and Professor of Fortn. at Woolwich.

[ 118 ] [A.] E. RYERSON TO ARTHUR: A.L. 3p.

Apr. 4 *Kingston.*

The Rev E Ryerson presents his compts. to His Excellency Sir George Arthur, & takes the liberty to present, & respectfully begs His Excellency's acceptance of, the accompanying publications.

The plain discourses on "Wesleyan Methodism in Upper Canada" and "Civil Government," &c, contain a summary statement of the religious & political doctrines & sentiments which are inculcated by the Ministry of the Wesleyan Methodist Church in in [*sic*] U. Canada; &

which Mr R. believes, with scarcely any exceptions, obtain among the Members of that Church.

The documents printed by order of the House of Assembly, with the Appendix by the Editor of the Guardian, relative to the U.C. Academy, will fully acquaint His Excellency with circumstances respecting which His Excy. will doubtless wish to be informed.

The Letters on the "Affairs of the Canadas [" were written by Mr R. in England in 1836-7 where he found much ignorance & many errors even in the best informed circles respecting the state of affairs in the Canadas. Mr R. believes these Letters will furnish His Excellency with a more impartial & correct sketch of the rise & progress of Canadian Agitations than is contained in a recent Report of the Select Committee of the House of Assembly. The Report of the House of Assembly does not admit that any acts of the Canadian Executives were ever in the least degree objectionable, & attributes *revolutionary* motives to *all* those who ever complained of the local Executives, & attacks the whole policy of the Imperial Government towards *this province*, as well as towards Lower Canada. A different view is given of these matters in the accompanying Letters, pp 9-14. These Letters were not written under the excitement of recent melancholy occurrences; and His Excellency will perceive from the "Preface," that the correctness of the views expressed in them has been endorsed by the constitutional press of the Canadas.

Mr R. begs most respectfully & cordially to congratulate His Excellency on his safe arrival as the Lt Governor of this Province, & earnestly prays that His Administration of the Government may be crowned with the Divine Blessing, & thus be rendered in the highest degree gratifying to His Excellency and beneficial to the inhabitants of Upper Canada.

[Enclosures lacking.]

[119] ARTHUR TO COLBORNE: LB.1, p. 1-8.

Apr. 5 Toronto. [Marked: "Private".]

I have had the very great pleasure to receive your letter of the 24th March and every day since it has been my intention to write to you; but I have been so much engaged throughout the past week that it really seems to me to have been one continued day containing 165 [*sic*] hours. I regretted much not having it in my power to proceed by way of Montreal; but I could not do so consistently with Lord Glenelg's urgent desire that I should reach Toronto without delay; and I was aware that he would be exceedingly disappointed at the length of my Passage.

With such a body of Prisoners in Jail, and such numbers out on bail; together with the embarrassment which arises from the terms of the Proclamation which have been issued; and the Act of the Provincial Parliament which has been passed—the strong desire of many that the severest punishment should be inflicted, and the wish of others that it should be mitigated—you may imagine that the commencement of my campaign here is at least troublesome and anxious.

After a week's anxious consideration in the Executive Council, I hope a Majority of Members are brought over to the opinion that it is possible, consistently with a due regard to Public justice, to extend Pardons very largely, and not to proceed to trial with the Multitude of cases which have been presented by the Grand Jury. In some cases, however, in which the Prisoners were actually parties to Murder and Arson, the Law

must take its course, and two of the most guilty are now under sentence and will be executed on the 12th Inst.

*General Sutherland* has been tried before a General Militia Court Martial—it was assembled before my arrival and seems interminable, the defence I believe closed last night. It strikes me altogether to be an objectionable proceeding, and there will be so much difficulty in dealing with the case, if he is convicted that I sincerely hope he may be acquitted and then proceeded against for another offence by the Civil Power.

I am glad you think so favorably of the conduct of the Officers of the United States Army. That there was a good understanding between the *Authorities* in the State of New York and the disaffected in this Province I have no doubt. The scene I witnessed between Mr. Bidwell and Governor Marcy was quite convincing on the point to my mind.

I quite agree with you that the American Government must be anxious to avoid a war with us; but how are they to help it if the *People will?*—there are so many circumstances indicative of violent proceedings and agitation in the States generally, that although it may be warded off for a time, there must be an outbreak somewhere at no distant period—and if there be Her Majesty's Government will have cause to regret, I fear that this Province has been left in so defenceless a state as to fortifications.

There are daily reports made to me of the apprehension of fresh attacks as soon as the navigation is open on Lake Erie and a person who has been employed by Sir Francis Head for some months past to obtain information returned yesterday from the States with an account that further attacks are meditated. My impression however is that it is rather talked about by the Americans, than seriously intended at this moment. The only communication I place much dependence upon is one from Colonel Cameron (Late Major in the 79th Regt) who is a very sensible person and by no means an alarmist. He says, that there is a very bad spirit at Buffalo, Lewiston and Lockport, and that as soon as we withdraw the militia from the Frontier we may expect annoyance. In the district you name we certainly require a strong available regular force.

Sir Francis Head persuaded himself that there was a *general* loyal feeling here— Certainly there was a gratifying exhibition of Loyalty at the moment to put down that worthless creature McKenzie; and, no doubt there is a very considerable body of excellent persons well affected towards the Constitution—but, what has become of the Numbers who for years have been known as Reformers, and very disaffected ones too? Where are the persons who returned a Majority of Reformers to the House of Assembly, and elected McKenzie Mayor of Toronto? depend upon it if we ever get the worst of it with the Americans many a Reformer will resuscitate! I have not time, just now, to go into detail upon this subject, nor is it necessary to *you* as you must know the *constitution* of the People here much better than I do.

Colonel Foster has rightly informed you that there is much discontent in consequence of the claims on the Military Chest having remained for so many months unsettled. I am quite aware of the difficulty you labor under, and how important it is that every account should be accompanied with proper vouchers; but, really the distress which some persons, who have furnished supplies are suffering is, as regards their future good will, in cases of emergency—quite alarming! It must have occurred to you, I am sure, that the whole arrangements of the Commisst. Department in this Province is [*sic*] very objectionable.

There is no head of the Department in this Province—each Officer at the several Stations is a direct accountant with the Comy. General at Quebec, so that the Officer Comg. here can get no ready information either as regards expenditure or Supplies or Issues. Some years ago the same system was pursued in the Australian Colonies—but, as soon as it was pointed out to the Lords of the Treasury a district Commisst branch was formed at Van Diemens Land. Although both Colonies were blended in the same Military command. the two Departments of the Comt. were perfectly distinct—the head of each indeed corresponded, and they mutually assisted each other as the exigencies of the Service required—but nothing more! just in the same way the Ordnance branch was conducted—the board of respective Officers being quite distinct. They received their Authorities and Warrants on the spot, and their amounts were at once transmitted to England for final examination.

Subject to your approval I have put Captain Halkett Coldstream Guards in orders as Asst. Mily. Secy. to examine the Pay Lists. I have only appointed him provisionally—that is, in case Major M[a]cphail 98 Regt. does not come out to fill the situation from England— Lord Hill had approved of his accompanying me; but when I was on the point of embarking it was too late for him to make his arrangements.

Captain Halkett was Sir Francis Head's ADC; and as I shall be obliged to do away with some of my Predecessors appointments I shall be pleased at the opportunity of making this a kind of set off.

I am much obliged to you for allowing me to see a Copy of your letter to Sir Francis Head. I had read his correspondence with you, as well as Lord Gosfords upon the same subject. It was hoped in Downing St. that the code of "Instructions" which was prepared for the guidance of all parties in such cases would have prevented misunderstanding—but I was so satisfied such would not be the case that I refused to come out as Civil Governor only. I remember some years ago, when I was Depy Qr. Master Gl. in Jamaica, that the very same difficulty arose between the Duke of Manchester and the Commander of the Forces, as was agitated between Lord Gosford and yourself and I think it was on that occasion that the "Instructions" were framed by the King's Command to which I have alluded. The effect of clashing authority was very visible on my arrival here. Colonel Foster could furnish me with no return of the Militia Force. He could only guess he told me the strength of the Force employed. There was a want of cordiality between Sir Francis Head and himself—the Commissary would obey neither— Persons were handed from Office to Office with their Pay Lists and accounts and the Militia Authorities were half disposed to turn restive. As it is I find many expences have been incurred partly by the authority of Sir Francis and partly by the Authority of Colonel Foster—but, I suppose all will come out square at last.

With respect to the Officers who have arrived from England, I find some jealousy may be anticipated on the part of the Militia Officers. "Colonel McNab" and ["]the gallant Militia" have been so puffed up that I doubt if they think any Troops on Earth are to be compared with them, or that any Officers have the like experience of [*sic*] capacity. But this nonsense will I hope soon be got over—I mean the excess of it, for to a degree, it is most desirable; and I shall be happy to make the best disposition I can of any officers you may think proper to assign to the Upper Province. I wish it were possible to appoint one of them Adjt. Genl. of the Militia, for the Gentleman who was lately selected by my

Predecessor for that situation appears to me by no means competent. There should be a first rate man for it, and if I can contrive to persuade Colonel Bullock that he had better retire, do you think the vacancy in such times as these might be filled up by one of the new arrivals, and if so, would you kindly give me the Services of the most qualified Officer? The whole of the Militia Force requires to be reorganised.

In anticipation of the additional Regular Troops you propose sending into this Province, I should wish *at once* to proceed to reduce such of the Militia as can be got rid of under the engagement that was made with them when they were called out. Numbers are at this season of the year most anxious to get back to their homes, and if we do not get the seed into the ground we shall have no Harvest—and besides this Military life will have a bad moral effect upon the Yeomanry if too long continued; in carrying the measure of reduction into effect, will you have the goodness to let me know whether you wish me to have any reference to the State of Lower Canada— I mean whether you would desire me to keep on Service any number of Militia beyond what may be considered absolutely necessary for the defence of this Province. . .

[P.S.] I must have the pleasure of letting you know as I am sure it will be satisfactory to you if you do not know it already, that the long disputed point respecting the 57 endowed Rectories has been at length adjusted and pronounced to be legal. As soon as I read the despatches on the subject in England, I called upon the Archbishop of Canterbury and having known His Grace well for many years, he obliged me by cordially entering into the subject. So did the Bishop of London. Much depended upon Lord Ripons *Private* Letter to you, and as no Copy of it was in the Office, I went immediately to His Lordship and Mr Hay[?] and they furnished readily the information I required, and the question was again put to the Law Officers, and they then retracted the adverse opinion they had before given. Unfortunately on assuming this Govt. Sir Francis Head reported that the question of the Rectories was most embarrassing, and I really believe that was the cause of their endeavouring to throw it over in Downg. St.

As a Member of the Church of England I thank you most cordially; and although I do not wish to advance my own Church by the repression much less the extinction of others I sincerely wish that the number of Rectories secured had been double 57!

[120] R. A. TUCKER TO ARTHUR: A.L.S. 3p.

Apr. 6

Kingston, Upper Canada. [Marked "(Private)."]

An extreme solicitude to rescue me from a state of poverty & obscurity has, I find, induced my affectionate & too-anxious Sister, Mrs. Lauzan, to endeavour to interest you in my favor: & from her I also learn, that you were pleased to express a ready disposition to serve me, as far as your power of doing so might fairly extend.— I feel it therefore to be due to you, no less than to myself, to hasten to assure you, that *I am not a Candidate for public employment in this Province*; & in making this communication I shall take the liberty of briefly detailing some of the leading considerations which influence me on this head.—

Having held for more than *ten* years, the Office of Chief Judge of the Supreme Court of Newfoundland; & having twice, for a considerable period at each interval, discharged the functions of *Acting Governor* of that Colony, it is obvious, that there are very few, if any, Appointments

under your Government of equal salary, rank, & importance, with those I formerly enjoyed: and you will easily understand, that a retrograde movement is always painful & humiliating.— But to such a mortification I cou'd bring myself, I believe, without much difficulty to submit, if I had merely to struggle against feelings of vanity & pride.— I trust, however, that I am guided by far better principles; & I confidently hope that no privations, or sufferings, to which I may be exposed, will ever tempt me to depart from the resolution I form'd—when a high sense of duty prompted me to *resign* my Official Situation—never to *solicit Office*, nor even to *accept it*, if spontaneously tender'd me, unless the offer of it were in every respect calculated to furnish both a distinct recognition, & an authoritative proof, of the rectitude & propriety of my conduct, as well during my *continuance* in Office, as also in the act of my *retirement* from it.— Of the former, I already have the most gratifying testimonials; in the strong & concurrent approbation of all the successive *Secretaries of State*, from Earl Bathurst to Earl Ripon inclusive, & in the almost universal & unanimous sentiment of attachment manifested towards me by the Inhabitants of Newfld: and, tho' I have reason to suppose, that the circumstances attending my *resignation* were—& probably still are—view'd in an unfavourable light at the Colonial Department, I can never regret a step—whatever its consequences to me may be—which was enter'd on under a sense of what seem'd to me right at the moment of adopting it, & which has since been fully sanction'd & approved by long reflection, & the calm sentence of a cool & dispassionate judgment.

In thus immediately & earnestly repudiating the Character of a *Suitor* for your *patronage*, with which my Sister's intense concern for my welfare has led her to invest me, I am most desirous to convey to you my best acknowledgments for your kind intentions towards me; & to reciprocate your wish to cultivate an acquaintance, if fate shall at any time bring us together.— And, remote as the probability is, that an opportunity of being useful to *you* will ever be afforded me, I will yet add, that it wou'd gladly be embraced by me shou'd it fortunately occur.

[In the original document, emphasis is apparently intended by the use of larger characters than those in the main body of the letter. The larger characters are here transcribed in italics.]

[ 121 ]      ARTHUR TO THE ATTORNEY GENERAL [C. A. HAGERMAN]: LB.1, p. 8-9.

*Apr. 7*      *Government House, [Toronto.]*

I beg to transmit the proceedings of the General Militia Court Martial held for the trial of T. J. Sutherland for your perusal and consideration, and to request your opinion as to the legality of this conviction under the Statute: and also as to the sufficiency of the Charge against the Prisoner and the Evidence produced in support of it—

[ 122 ]      R. B. SULLIVAN TO THE LIEUTENANT GOVERNOR [ARTHUR]: A.L.S. 10p.

*Apr. 7*      *Crown Lands Office, [Toronto.]*

With reference to the Militia recommendations which Your Excellency did me the honor to place in my hands this morning, I beg respectfully to make a few remarks[.]

I know of no objections to the promotions recommended sufficient to authorize a counter recommendation of my part. But serious objections strike me, as to the mode of making these recommendations[.]

1. The whole of the patronage of the militia is thrown into the hands of the Colonels. Yet the Government bears all the responsibility. The promotion in the sedentary militia seems at first view to be a matter of little moment. and perhaps in a military point of view it is really so. but it must be remembered that commissions in the militia—appointments as justices, & Commissioners of the Court of request and the like being open to the whole of the population above the degree of labourers, the jealousy and discontent produced by injudicious selections is much more formidable, than the out cry which is raised against the successful candidate for high office. where the competition and personal disappointment is confined to a few. The Colonel of militia however has all the praise of a judicious selection. all the personal thanks of the successful candidates. but all the slights and wrongs and forgetfulness of former services fall on the Government which hears for the *first time* how very badly it has behaved through the medium of a newspaper. I think therefore that the patronage as well as the odium should belong to Government.

2. In acceding to the recommendations of the Colonels of Militia Your E. knows who[m] you appoint as officers but sometimes, it is only at the *hustings* or in the *rebel camp* Your Excellency finds out who has been rejected: as the complainant says & thinks most tyrannically, cruelly and ungratefully. by a Government which in fact never heard of the names, or knew of the existence of the victim, whose mind is embittered whose life is rendered miserable whose political opinions are utterly changed by what is in reality the most difficult of all wrongs to bear with christian patience, *slight and neglect*.

I therefore think the Government should be made aware of the names of those who apply. but who are not fortunate enough to be recommended, as well as of those who meet with that favor.

The case of George A Clark who called upon Your Excellency at Buffalo. is an instance of the real importance to Government of Careful & judicious management in the appointments to situations of comparatively little individual consequence. That man was loyal, brave, attached to Government as were all his family. he was not perhaps the best fitted for the Magistracy, but he enjoyed the distinction of being a justice of the peace. Upon a false representation by a clergyman of his neighbourhood his name was omitted in a new commission of the peace. The man was prosperous wealthy in the enjoyment of every comfort otherwise. but this one slight drove him to madness and ruin. seperated [*sic*] him for ever from all his relations and from his native country—of which he has become if not an important, at least a bitter enemy.

The instances of discontent as respects militia appointments are innumerable. they must be numerous even if every thing were conducted rightly, but when well founded complaints are made the distrust in the Government and the discontent and insubordination thereby engendered. become truly formidable.

Whatever trouble the actual supervision of these matters may occasion, I think it must be encountered. a Government may from wrong or mistaken views inevitably fall into error. but it should not walk blindfold on difficult and dangerous ground.

Allow me to suggest most respectfully. that the Colonels of militia, should be commanded to acquaint the Government with all applications

for commissions or would it not be well if these applications were made directly to the Adjutant General? The Colonels should be allowed to remark on the respective merits of the applicants, but they should have no power of keeping their names unknown.

As regards the active militia should such a force be considered proper to be continued. The appointment of Officers becomes of great consequence in a military point of view. all applications in my opinion should come directly to the Government and the patronage & power of making these appointments should be kept with the greatest jealousy from the commanders. The power of conferring favors on dependents and friends is a dangerous one, even in the hands of high officers of Government but the force of public opinion is a severe check to its exercise—in the hands of comparatively irresponsible persons. the temptation is too great to be generally withstood and if the recommendation be improper it is not the person who makes it but the Government which suffers.

I think that in the case of appointments to the active militia confirmation of the qualifications of candidates should be fully placed before Your Excellency. The responsibility of giving true information as to fact is a proper one to be incurred by subordinate officers. but that of judging, of the result of applications, & the power of absolutely conferring important favors is obviously not proper to be entrusted in such hands.

One officer in command may be a violent orangeman, another a bigoted catholic, or may be of an easy and conciliatory disposition another severe and unrelenting. one may think a mere difference of opinion in politics or religion a sufficient ground for persecution and disregard. another may overlook these distinctions. How then is it possible for the action of the Government to be uniform and consistent when it is directed by so many discordant influences?

As many evils may arise from hesitation and delay I am not desirous to press upon Your Exy. the adoption of the above course, in the cases now before the Govt. but I am not in possession of sufficient information to enable me to say that in acting upon the recommendations Your Excellency will always be doing justice to the Service, or to the claims of others.

[ 123 ]

[SIR] JOHN MACDONALD TO ARTHUR: A.L.S. 3p.

Apr. 9

*Horse Guards, [London.]* [Marked "Private"]

Allow me to recommend to your kind offices and protection the bearer hereof Mr. Henry Robarts whose family I have long been very intimate with, and whose father (the Head of the Banking firm of Robarts Curtis & Co. in Lombard Street) is my most particular friend.

This young man visits Canada as a traveller, and is accompanied by a friend of his Mr. Bland—a Yorkshire gentleman, with whom I am not personally acquainted, but for whom I must, nevertheless, likewise claim your protection[.]

The Bearer is a smart, intelligent little fellow who has travelled all over Europe, and devotes his whole time to travelling pursuits— I shall be grateful for any kindness you may show him, and his companion— I shall not enter, here, upon any other subject, it being uncertain when my young friend may have an opportunity of delivering this credential to you—

[ 124 ] A. J. WILLIAMSON TO ARTHUR: A.L.S. 4p.

*Apr. 10*

*Toronto.* [Marked "Private and Confidential."]

[Criticises, in high flown language and with theological allusions, Arthur's action concerning a pamphlet submitted by Williamson "with an intimation that I was *very poor*." The reply courteously conveyed by "Lieutenant Arthur" had been that His Excellency "Had no funds for such a purpose." Williamson considers the action a reflection on his poverty.]

[ 125 ] ARTHUR TO THE ATTORNEY GENERAL [C. A. HAGERMAN]: LB. 1, p. 9-10

*Apr. 13*

*Government House, Toronto.*

At a time when you have so many important subjects pressed upon you, I regret much having occasion to trouble you further upon the case of the Prisoner Sutherland; but I am desirous that the proceedings of the Court Martial should not receive final confirmation until they have been most thoroughly sifted. I request therefore you will at your earliest convenience [furnish me] with your opinion upon the following points.

- 1—Is the Act under which Prisoner has been tried unconstitutional.
2. Does he in fact come clearly within the letter and spirit of it.
- 3—Is the charge sufficient—specifying neither day nor place of the Offence for which he was tried, and containing no averment that the traitors to whom he had joined himself, were on the 12th Jany. still trait[o]rously in arms against Her Majesty.
4. Does the Evidence make out each necessary point of proof.
- 5—Could the Court Martial properly sentence to transportation under this Act.
- 6—Is the sentence as to transportation properly passed.
7. Do the British Statutes and Orders in Council embrace such a case as to permit this convict to be sent and detained in V.D. Land.
- 8.—With what formalities must he be sent.—
- 9—Can the sentence be reconsidered— Can the Lieut: Governor change it.
- 10.—Has the Secretary of State or rather the Queen any over-ruling power as to confirming—of course She may pardon.—

[ 126 ] J. B. ROBINSON TO [ARTHUR]: A.L.S. 7p.

*Apr. 16*

*Toronto.*

An enquiry which you made this morning induces me to say a few words to you on a subject which is of some delicacy & of no little consequence to the successful and agreeable conduct of the Government. I have besides a personal reason for availing myself of a fair excuse for addressing some remarks to Your Excellency upon it. You asked me what had been the course usually pursued here in regard to references upon the various public matters that come under the consideration of the Government?—

There is no reason why any peculiar system should prevail in this Province; with regard to references or consultations— What is right in England, or in any other regularly conducted Government will be right here—and no deviation from the proper course can continue long without producing inconveniences and disadvantages of some kind— The Executive Council are of course the proper advisers on questions of policy and expediency; the Crown Officers on all matters that involve legal

considerations—and all persons in charge of departments should be communicated with fully in all matters connected with their departments. When this is not done; they have not the opportunity which they should have, of stating objections; and fancying that they are not confided in they grow unfriendly, jealous, and suspicious—and there is much excuse for their becoming so, for it is a most uncomfortable thing to feel that they are held responsible by the public for measures and arrangements within their department upon the presumption that they must have been consulted, while in truth they may have heard nothing of the matter, and may have had no opportunity of making their wishes or opinions known— Whatever appearance you may have noticed of irregularity or confusion in this respect, you may be assured you will do wisely on every account to avoid it, for human nature in Upper Canada is like human nature every where else—

With regard to myself personally it is fair towards Your Excellency, and but justice to myself that I should leave no room for misapprehension— As Chief Justice I am, like my brother Judges liable to be called on for reports, and opinions and advice in those cases in which recourse would be had in England to the Judges, and in no others— I have no concern in the executive affairs of the Colony, and no claim or wish to be consulted in any of them, except where they have so direct a bearing upon the general administration of justice, as to make such a reference proper— And the more Your Excellency bears this in mind, the better I have no doubt it will be; for it is most desirable in public affairs that every thing should, as much as possible, be made to pass through its proper channel—

I had been 16 or 17 years Attorney General when Sir John Colborne came here, & in that capacity had necessarily & properly been in constant and confidential communication with the Lieutenant Governor— I continued in that office for some months after his arrival, and when I was made Chief Justice, I became (according to the Colonial system of that time,) President of the Executive Council, so that the habit of frequent reference to me was not interrupted. During his administration that system was changed, and I became, as I am now, merely C. Justice, & Speaker of the *Legislative Council*—having in neither capacity any thing to do with the Executive measures of the Government. Still Sir John Colborne did not seem always to bear in mind the distinction; and I was not surprised that he did not; for my long acquaintance with public business gave me of course a good deal of traditional knowledge, which it was desirable the Government should have the advantage of— Most or all of the original officers of the Government, and members of the Council were off the stage, and I was a sort of a connecting link between the first, and second generations, having long acted with those whose experience was no longer available to the Government—

When Sir Francis Head came, I took an early opportunity of explaining to him the relation in which my office and duties placed me; but he had not had experience in Government, and therefore did not perhaps clearly perceive, nor constantly bear in mind distinctions of this kind which can nevertheless not be safely overlooked— It seemed to me that some one had impressed him, before he came, out, with the idea that it would be prudent for him generally to advise with me when he was in doubt,— In the last few months of his residence here the times were such that it was the plain duty of every one to be useful in all things to the utmost extent, & in the hurry & anxiety of the moment Sir Francis

did not consult appearances as much as was desirable; at least I often thought and felt that he did not. In this he was very excusable, but it was nevertheless to be regretted—

I have troubled Your Excellency with this explanation because it may be useful to you, and can hardly be disagreeable; and I will take the liberty of adding that Your Excellency will meet with no difficulty as far as I am personally concerned—I do not affect to be without the common feeling of anxiety that all things may be done for the best in the Country I live in, & therefore, as well as from a feeling & principle of duty any information I possess upon public questions, and my opinions upon points not interfering with the free discharge of my judicial duties are at the service of the Representative of my Sovereign, when he may think proper to desire them—

But my wish is that any assistance of this kind should be sought & rendered in such a manner as shall give the least possible occasion of uneasiness or remark in any quarter.

And I beg Your Excellency to be assured that you need never let the apprehension cross your mind that it is necessary or expedient to refer to me for any other reason than because You wish it, on your own account, or for the public advantage—

I like my own range of duties, and shall always be satisfied in being left to find occupation within it— I desire no responsibility that does not belong to me; and shall take it for granted that Your Excellency will never think it necessary to refer to me, on my own account, except in those cases where it would be reasonably supposed that I must have been consulted, and where consequently I should share the responsibility of any erroneous decision—

I am sure Your Excellency's experience will prevent your misapprehending any thing I have stated, or my object in being thus explicit.

[ 127 ]      ARTHUR TO THE CHIEF JUSTICE [J. B. ROBINSON]: LB. 1, p. 10-12.

*Apr. 17*

*Government House, [Toronto.]*

I had the pleasure to receive your letter of the 15th. Inst. although I have read it through two or three times I am not quite satisfied that I fully comprehend the depth and width of your meaning but I am sadly afraid you have misapprehended the observation you remark upon which I made to you, and must without delay express the hope that you did not for a moment imagine that I supposed *your* services had been unnecessarily called into activity in Executive matters. Nothing I do assure you was further from my thoughts, or, indeed, from the conviction of my mind, quite the reverse—!

A few minutes before I had the pleasure to see you a reference had been proposed to me to be made to a person for information who I thought had no more to do with the subject than the Secretary of State; and, it was therefore that I observed upon the strange manner of carrying on the public duty which had frequently attracted my attention. But as we are all too much in the habit of supposing that things cannot be right because they do not happen to fall in with our former habits and experience I have resolved not to be hasty in making any alterations, for it may be that what now seems to me to be crooked may soon appear quite straight.

I must say that I do like to see all the public officers discharging their own peculiar duties, and I think it most for the benefit of the Public

Service and most conducive to good feeling that reference should be made and information derived from its legitimate service—I mean, respectively, from the heads of departments concerned.

With regard to yourself however, from the office you fill, independant of your great experience and extensive information upon every subject connected with the Province—I cannot think there is a sensible person in the Country who would feel jealous or suspicious because you were consulted on any subject the political bearing of which might appear to me of more than ordinary importance to the interests of the Country. Neither the Members of the Executive Council nor Head of any department ought, I am sure, to feel it to be the slightest reflection—and if there be any person so unreasonable as to make it the subject of remark that the Lieutenant Governor was in the habit of confidentially consulting and conferring with the Chief Justice I must say it would give me very little concern.

In the colony I have lately left two near relatives of my own held the highest offices in the Government—they were remarkably able men and both were Members of the Executive and Legislative Councils; but neither they, nor any other Persons in the Colony ever felt hurt, to my knowledge at the well known fact that I seldom took any very important step without previously conferring with the Chief Justice on whose excellent judgment and information I placed the greatest reliance although I might not always follow his advice—

Having said thus much I will only add that if there are any circumstances peculiar to this Province which made it unpleasant to you to be consulted in matters that do not strictly come within the range of your official duties you may be assured—however much I may feel and regret it—that I can practice sufficient self-denial not to press the Matter.—

To say that the perusal of your letter has not given me much concern would be insincere, but I am quite satisfied you cannot intend any personal unkindness—especially at such a moment as the present when the Governor has to contend with more than ordinary difficulties and every assistance is consequently the more highly appreciated.

[128]      [ARTHUR TO J. B. ROBINSON]: Df.A.L. 5p.

Apr. 17      *Government House, [Toronto.]*

[A draft copy of item 127 with slight variations. Following the third paragraph in item 127, there is a cancelled passage in this draft which reads: "I would not unnecessarily give uneasiness to any one, and I shall be happy to obtain your assistance if you will favor me with it in any manner which may be most agreeable to yourself—but I do hope you do not mean that it is not to be known that I am in the habit of confidentially conferring with & consulting you."]

[129]      ARTHUR TO [A.] E. RYERSON: L.B. 1, p. 13-14.

Apr. 18      *Government House, Toronto.*

I beg to acknowledge your note of the 4th Inst. and to thank you for the publications which accompanied it. In the course of two or three days I hope to peruse the Discourses on Wesleyan Methodism in Upper Canada and Civil Governments—and, also the Documents printed by Order of the House of Assembly relative to the Upper Canada Academy.—

The "Letters" which first appeared in the London Journals, I read with the same respect for the Writer—with the same thankfulness for the information they contained—and with the same conviction of the excellent effect they were calculated to produce in the public mind, or rather I should say upon every unprejudiced mind—which were so generally entertained in England.

Accept my best thanks for your kind congratulations on my arrival, and allow me to hope, that in conjunction with all other Christian Ministers, you will strengthen my hands by inculcating Peace and kindly feeling. Allow me to request you will do me the favor to refer to its true cause my apparent inattention in delaying so long to acknowledge your communication—a very great pressure of business.—

[ 130 ] J. B. ROBINSON TO ARTHUR: A.L.S. 3p.

*Apr. 18*

*Toronto.*

As my desire in writing to Your Excellency was to relieve you from all occasion for embarrassment so far as I was concerned, I am really sorry that I seem not to have made this as plain as I hoped I had, & that I have consequently rather added to your trouble at a most inconvenient moment— My wish was merely to enable Your Excellency to follow, without the least scruple or constraint your own inclination in availing Yourself of any information I might be supposed capable of affording, or in forbearing to do so.— And I thought I could best do this by assuring Your Excellency (as I did with the utmost sincerity,) that I am not one of those persons whom You need fear to make uncomfortable by adhering most rigidly to whatever You might think the proper course, in the matter of which You spoke to me— As to inclination of my own, I have none but to do all the good in my power, and to be as little as possible the occasion of difficulty to those whom it is my duty to serve with fidelity and zeal— It would give me great pain to think that Your Excellency retained an impression that there was any thing in my letter inconsiderate, or unfriendly—

It was suggested by feelings of the very opposite character— I must acknowledge however as my excuse for troubling You, that I wrote it under a misapprehension in some degree of Your Excellency's sentiments; and I shall take some opportunity, when I have the pleasure of seeing Your Excellency, of convincing You that I was far from intending to create a difficulty or to occasion the least unpleasant feeling.—

[ 131 ] [ANONYMOUS]: TO ARTHUR: L.

*Apr. 18*

*Washington. [Postmark: Kingston, Apr. 26.]*

To the Hon Sir George Arthur Lieut Gov &c &c Judge MacAuley Robinson & Others [.] Sirs [.] Since we Left the Upper Province we have had The pleasure of Consulting the Judge of Judges And am Authorised to say to you that the Mosaick Law is the true Law *Life for life Eye for Eye tooth for tooth*[.]

But the gost of uncle Sam sympathiser hung at Kingston says two for One in all cases of Reform[.]

Lount & Mathews[.]

[ 132 ]      ARTHUR TO THE CHIEF JUSTICE [J. B. ROBINSON]: LB. 1, p. 12-13.

*Apr. 19*      *Government House, [Toronto.]*

I am much obliged to you for writing to me again, and assure you your letter is quite a relief to me. Although it is very possible to get through a stormy sea without a good Pilot, yet it is a very great comfort as well as satisfaction to have one. There is something very remarkable in my coming Here—it was much against my own inclination, and I would have avoided it if I could—but, being here, I will do my utmost, whilst I remain, to promote the prosperity of the Country and the welfare of the people: and for your unreserved and cordial assistance and zealous cooperation I shall feel very grateful. I do not mean merely on what are considered great matters and state occasions; the deprivation of comfort which many most respectable families who reside in the woods must daily endure until the earth is subdued and the country brought into better state is a subject to invite every one's warmest sympathy and I shall be glad always to be quietly on the watch to find out means for alleviating their condition; I say quietly because I know one must be discreet and very cautious in not appearing to go before or to overlook your great people in Parliament, and I shall always be very thankful for any observations or hints from you that may enable me with the least possible offence to use to the greatest advantage the little power that constitutionally [blank in MS.; item 133, here reads: "remains"] with the Governor.

[ 133 ]      [ARTHUR TO J. B. ROBINSON]: D.A.L.

*Apr. 19*      *Government House.*

[A draft copy of item 132 with slight variations.]

[ 134 ]      C. A. HAGERMAN TO THE LIEUTENANT GOVERNOR [ARTHUR]: A.L.S. 3p.

*Apr. 19*      *Toronto.*

I this morning transmitted to your Excellency my official Report in the case of Theller, and have—in it,—extended my observations to some points not strictly bearing upon the legality of his conviction—indeed with respects to that question there could be no necessity for saying much;—the Law being too plain to admit of the slightest controversy.—

The embarrassment created in your Excellency's mind arising from the necessity of considering the Policy of allowing the Sentence passed upon the Prisoner to be carried into effect, I am well aware must be very great—especially after receiving the Reports of the Chief Justice and the Executive Council:— With respect to myself it may be proper that I should explicitly state, that in my opinion *Law* and *Justice* require that Theller should be executed;—of the *Policy* of the Measure, it is not my province to offer any opinion beyond what my official Report contains—indeed it is a question that rests altogether with your Excellency and the Executive Council, and will probably be decided upon a consideration of what is most likely to be the view of the Home Government.— I cannot imagine however that, looking to the unprovoked aggressions that have been made upon us by Citizens of the United States for the last four months, Her Majesty will consider it right that persons standing in the situation of the Prisoner, should escape such punishment as may most

effectually guard the people of the Province from a repetition of the lawless outrages of which he has been so clearly proved guilty. . .

P.S.— It cannot be necessary I imagine to require the Judges to give an opinion upon the Law of Thellers case—but your Excellency will find them probably as safe advisers as any you can select on the question of the *Policy* of his execution.—

[ 135 ] J. R. WRIGHT TO [SIR] C. [S.] GORE: A.L.S. 2p.

*Apr. 19*

*Royal Engineers Office, Quebec.*

As it appears from The Reports that I have lately received from The Western District Upper Canada, that a considerable expenditure has been incurred and is still going on in putting the Old Fort at Toronto and the old work at Mississagua Point, Niagara, in a state of Defence; I beg leave to suggest for the consideration of His Excellency The Commander of The Forces, that as the excitement which caused The Officer Commanding The Troops in Upper Canada to authorise the execution of those services has at present subsided, and the Works are of that nature to be unworthy of much expense being bestowed on them; whether it would not be adviseable that the further progress on them should be suspended, until an Estimate can be prepared for His Excellencys information; shewing the expense already incurred and the further expense that will be required to complete the services contemplated to be performed under the authority given by The Officer Commanding: in order that the whole expense to be incurred may be brought under His Excellency's consideration; As I am apprehensive that it may be found to be greater than he would consider adviseable to expend upon Works so constructed & capable of so little resistance[.]

Should this suggestion meet His Excellencys approbation it will be necessary that instructions to that effect should be given to The Officer Commanding in Upper Canada, and that Major Bonnycastle should be directed to prepare the necessary Estimates. . .

P.S. It appears that the sum of £1747 has been already expended on The old Fort at Toronto—I have not yet received any report of the expense incurred at Fort Mississagua—

[The above is probably the enclosure referred to in item 140.]

[ 136 ] PATRICK GALLAHER: D.S. 2p.

*Apr. 19*

*Toronto.*

Upper Canada  
The Queen

v

Edward Alexander Theller

Patrick Gallaher of the  
City of Toronto in the  
Home District

Gentleman maketh oath and saith that He this deponent was at the the City of Detroit in the State of Michigan one of the United States of America in the Autum[n] of one thousand eight hundred and thirty six that during his stay there he became acquainted with the above named Edward Alexander Theller, that at the time deponent was in Detroit as aforesaid an Election was holden for President of the United States, as well as for various State officers, that during the canvassing and election this deponent observed the said Edward Alexander Theller to be an active partisan, that he has every reason to believe that the said Theller was upon that occasion put in nomination for one of the offices

then to be filled by election, as this deponent upon various occasions saw electors place the name of the said Edward Alexander Theller upon their ballot tickets— And this deponent further saith that from all he heard and saw during the stay of this deponent at the said City of Detroit he has every reason to believe that the said Edward Alexander Theller was deemed and taken to be, and to this deponents knowledge was received and accepted as a bonafide Citizen of the United States—

Sworn before me at Toronto  
this 19th day of April 1838.  
W. H. Coswell  
A Commr. in the Kings Bench  
Home District

Patrick Gallaher

[137] C. A. HAGERMAN TO THE LIEUT. GOVERNOR [ARTHUR]: A.L.S.

*Apr. 23*

[*Place not stated.*]

The accompanying letter being on a very interesting subject I take the liberty of sending to your Excellency.—

I do not pretend to much knowledge of matters of finance but Mr MacAulay—(The Surveyor General,)—is a gentleman of much intelligence, and in whose opinions on subjects connected with Revenue former Governors reposed a good deal of confidence.—

[*Enclosure:*]

[138]

1838

*Apr. 21*

JNO MACAULAY TO C. A. HAGERMAN: A.L.S. 10p.

*Toronto.*

I am confounded by the information I got a few days ago at Mr. Dunn's office, that the deficiency in the revenue of the current year will be swelled from £7000 as estimated by the Inspector General to upwards of £20,000—. We are indeed overtaken by the evils which I was sure would one day follow the incautious and uncalculating, I might almost say the reckless legislation of recent Parliaments, and especially of the present Parliament, much sooner than anyone could have anticipated— The first dip was clearly the rush vote of £350,000 for the St. Lawrence before any attempt had been made to ensure the cooperation of the Lower Province— This has entailed on us an expenditure of nearly £400,000 to improve the River at *one point* only, & an unavoidable permanent burthen of £24,000 of annual interest on a work which may never become productive—it being now admitted by the early enemies of the Rideau Canal that by that channel, the trade of the Province may pass with all needful convenience for the next half century— We no more required the work on the St. Lawrence for Upper Canadian trade, than your Coach requires a fifth wheel—(whatever may have been our once pleasing anticipations of alluring external trade to our waters), and the result therefore of the *unholy alliance*

of the East & West, by which the War loss question was carried in connection with Saint Lawrence improvement is most disastrous. It was as I have said our first *dip*. By the legislation, the excessive and extravagant legislation of 1837, we made our great plunge into a sea of financial troubles— Being thus situated, however, our great consideration is how are we to get out, or how shall we provide ourselves with bladders or cork jackets so as to keep afloat— I am sure Sir George Arthur must have been amazed on his arrival here to discover the vast embarrassments with which he has to contend[.] I positively believe that he could have been appointed to no Government under the Crown more arduous than ours, but whatever may be His Excellency's opinions on the subject, it is some consolation for all the loyal people, that an officer of His Experience and, as we may infer from what he has already done, his tact and judgment in political affairs has been sent out at the present critical juncture to help the Province out of its difficulties. The question which presses with me is, what is to be done? How is the revenue to be raised to the expenditure, or the expenditure reduced to the level of the probably reduced revenue? One or the other object must be accomplished— Our state waggon is in the mud, & we are not sure that Hercules, alias John Bull, will come to our aid. Under any circumstances we are at any rate bound to put our shoulders to the wheel, resolutely, & at the same time appeal to generous John, & he may come to our relief.

It has occurred to me in my dreams of last night, that relief may be had in three ways.

1st— I hope that we may depend on obtaining our proportion of the surplus Post office Revenue, as prayed for by the Legislature— There is no just ground for withholding it, and at our present moment of necessity, do you not think it would be advisable for Sir George, to urge the Home Government to a decision on the question— This would give us about £5000 a year—& would pay the interest on £100,000, borrowed in London to redeem some of the present debentures.

2nd— The Penitentiary continues a downright burthen on the Province revenue. This ought no longer to be suffered. The present year's appropriation is £5000. I would like to see the whole burthen taken off the Receiver General's chest, and thrown upon the District Treasuries. *Direct taxation* for the benefit of the *Provincial chest*, is an undertaking you will scarcely venture to recommend to the Lieutenant Governor, for whether it be called *ignorant* or not, there is here as in other countries a generally diffused "impatience of taxation" which we cannot venture to rouse by a direct tax, without ensuring the growth of discontent and disaffection[.]

The people, however, are accustomed to be assessed for local purposes, and therefore I conceive that they would not murmur if they were assessed for the support of the Convicts in the Penitentiary, either to the extent of the number sent from their respective Districts, or (as I think more equitably) to the extent of the whole number sent from the Districts in the Mass.

They know that formerly the burthen of their support fell on the several Districts, while the Convicts were confined in the respective Gaols—and cannot deny that there is some reason in their Districts funds being charged with their support while in the Penitentiary— It may indeed be objected that as the Sentences to the Penitentiary direct confinement for a longer term than was customary under the old system, the hardship is greater as respects the tax on the Districts but against this may be set off the chance of reform among the convicts, and the discouragement of crime afforded by the new system which benefits, so far as they may be realized, are a direct, and general public relief. It appears to me that you might devise for adoption at the ensuing session, a measure on this subject that would entirely relieve the Provincial chest from this burthen— And even if thrown upon the Districts, it cannot be long necessary that they should bear it. If the Justitum is managed with due œconomy and judgment (of which by the way I am not over confident) it ought, as soon as the convicts double their present numbers to become a source of revenue, instead of a cause of expence— On this subject, I believe however, that your doctrines are somewhat *heretical* [.] If however you agree that it is practicable to tax the people by means of a District Assessment for the maintenance of the *Rogues' college* then, here is a relief for Mr Dunn's strong box to the annual extent of 4 or £5000—

3rd Now for my grand project— I have already said that (I fear *for ever*) we have to pay £24,000 per annum for the interest on the capital sunk in the Long Sau[l]t. That capital has been so sunk in an enterprise of equal promise as respects the commercial interests of both the Canadian Provinces—and it surely follows that, under all the circumstances, both should bear the burden— As the Constitution of Lower Canada has been suspended, our Parliament cannot negotiate on the subject with the Lower Canada Parliament, & indeed during the virtual anarchy which has for years past reigned in that Colony negotiation must have been fruitless. But though Jean Baptiste cannot meet us through his favourite *Chambre*, and in no case, owing to his anti-commercial feelings, would be disposed to co-operate with us in the completion of the Saint Lawrence Canal from Lake Ontario to Lake Saint Peter, there is still a hope for us, since an eminent British Peer comes out to rule, with great powers, and in fact will be the Arbiter of our political destiny. Why should not an appeal be instantly made to that nobleman by the Government of this Province? Why should he not be informed of the efforts made by Upper Canada to overcome the impediments in the St Lawrence by a work of equal if not greater benefit to Lower Canada, and of the financial embarrassments to which in its prosecution, from causes which could not all be foreseen, we are now subjected? Would he not sympathise with the truly British spirit in which we embarked in our career of navigable improvement, & be induced to do whatever he might consider practicable to obtain relief for us? Now the relief I think we should suggest would be simply this—to provide a fund to pay the interest of

the Saint Lawrence Debentures. This fund cannot be created here by ourselves in Canada, even if Lower Canada wished it, for the legislature of that Province exists not, or rather is dormant—and in the meanwhile our necessities are pressing—How then is the fund to be created? By an act of the British Parliament—grounded on its pure and plain necessity, & passed, if you please, for two years only, or until repealed by the Legislature of Lower Canada— It appears to me that the least oppressive impost would be an addition of  $2\frac{1}{2}$  per cent ad-valorem on the imported merchandise, which (unless the importing Merchants of Montreal could suggest something better) would yield more than the required sum by a few thousands—but there would be no harm in that. This fund should be specially raised & applied to the payment of the interest on the St Lawrence-canal-Debentures and to no other purpose whatever—and be considered as a fund expended on an object of common benefit to both Provinces— Now I cannot but think if this matter were ably urged upon the attention of Lord Durham by yourself & the Inspector General, he would consent to recommend the measure & that it might be adopted before the prorogation of the Imperial Parliament. And what a relief it would be!

This is the sum and substance of my last night's dreams—, which I give you *currente calamo*, while the subject is on my mind—& it is would be [*sic*] well if on a suitable occasion, you gave your own views of it to the Lieutenant Governor[.]

It is everyone's duty, so far as their ability may serve, to offer their suggestions in a moment of difficulty "*ne quid detrimente respublica capiat*"— I cannot imagine by what other means than I have adverted to, we can escape ultimate public insolvency—unless perhaps we fly to a remedy which may be even more disastrous. . .

[P.S.] In addition to any other retrenchments, or *œconomical* arrangements, I really wish we could adopt the suggestion made in a late Ministerial Pamphlet, in respect to the British Parliament. viz that we could put our Legislature *to sleep* for two or three years. The saving in money would be great, as well as in needless legislation. The propensity of the age is to *excessive law-making*.

[139] ARTHUR TO COLBORNE: LB. 1, p. 15-20.

Apr. 25

Toronto. [Marked "Private".]

When I addressed you officially on Monday last respecting the clamorous claimants for Payment for "Goods delivered and services performed"—I intended at the same time to have sent you a short explanatory private letter—but it was not in my power to do so as I was kept in the Council during the whole of two days upon the capital cases—

Allow me to assure you that nothing but the state of the Province, and the unceasing dunning of the Public Creditors—their increasing personal difficulties and consequent dissatisfaction could have led me to add to your responsibility on money matters.

As you were so good as to mention in your letter of the 24th ultimo, that you would empower me to issue Warrants[,] in the expectation of

receiving that authority I put off the complaining parties from day to day until their increasing importunity and dissatisfaction obliged me to appeal to you in their behalf.

I think it highly possible, indeed, I am well convinced that much more expence was incurred than was necessary, and that there has been fraud and advantage taken of the public necessities—but still it is hard that the consequences should fall upon the Persons who furnished supplies or undertook to execute work or volunteered to serve upon certain conditions distinctly authorized by Sir Francis Head or Colonel Foster.

Although I have felt that the cases of the parties were really hard, I must honestly own that I urged the matter more upon your attention from apprehending that their services might be again called into action at no distant period. The Persons who have left this Province since December last are very numerous, and they have put themselves in connection with a large unprincipled class of Americans on the Frontier Towns, and have indicated more and more the intention of giving us further trouble.

My Predecessor before my arrival had deputed two or three Persons to obtain information in the States— All their accounts concur in stating that large quantities of arms and ammunition have been for some time collecting, and that a very considerable supply have been sent across the Lake and deposited in the Western District where the disaffected are very numerous.

These accounts have been strongly confirmed within the last two or three days from other Quarters.—

Colonel Salmon, whose testimony I am informed may be depended upon has hastened from Port Talbot in order to assure me that he is convinced from a variety of circumstances that another outbreak is intended in the Western District, and that the Reformers will be joined by a far more numerous force from the opposite shore than have yet taken part with the Patriots.—

An affidavit has been forwarded by Colonel Ratcliffe [*sic*] from the Gore District, where he commands made by a man of excellent reputation in which He states that a considerable force was moving from the London District towards Hamilton—that He had been in Company with some of the People who were well armed, and had ascertained that a formidable renewal of hostility against the Government was meditated.

Colonel Kirby who commands on the Niagara Frontier writes, that the communication which has been kept up between Queenston and Lewiston, and the Meetings which are constantly held at the latter place, together, with the information he has received of their proceedings convince him that some plan of operations is in Progress.

Last night a letter was laid before me from a highly respectable Person in Niagara in which He sketches out what the Plan of Operations is to be—namely, to cross in many small parties &c. I enclose you copy of his letter, and although I make no doubt matters are highly exaggerated, yet, it is remarkable, that most of the circumstances stated are corroborated by a Person who has for some time been in the secret service of this Colony—and by a respectable Female who keeps a boarding House at Buffalo—and who, having near Relatives in this Province has thought it worth while to bring the information of the Preparations which are in the progress, and which she has communicated to the Chief Justice to whom she is well known—

It is under these circumstances that I am more than ordinarily anxious

that the monies which are justly due, and can be shewn to have been incurred under authority should be forthwith paid. We are, as it is, daily making our best friends our worst enemies!

In the letter which I had the pleasure to write to you on the 5th. Inst., I mentioned that I propose reducing some of our Militia force, provided, you did not think it necessary to retain it with reference to the State of the Lower Province.

The Men of some of the Companies which had not been called out for any fixed period, and were anxious to return home, were permitted to do so—but I paused in making any further reduction until I should have the pleasure to hear from you.

In the present state of things, of course, further reduction must be suspended, and, indeed I am very anxious for some additional regular Force in the Province. It would do much to quiet the Public mind; and a Regiment of the Line stationed on the Niagara Frontier would perhaps, tend to put an end to the intention of invasion at present, and, hereafter, I shall less regard it as I confidently hope to restore a better feeling in the Province. On the Niagara Frontier I am aware that desertion is always to be guarded against; but, under the late regulations, I should hope it need not be much apprehended in a Corps of high Character.

The Executive Council, the Chief Justice and Mr Justice Jones who were all in Sir Francis Head's confidence are now quite convinced that the disaffected feeling is far wider and deeper than my Predecessor supposed but of course it must be our policy in all our public transactions to regard the community as a Body of the most loyal subjects and to that very effect I am just going to issue a Proclamation.

It would be impossible to give you any just conception of the state of feeling here[;] for many years it was smothered, but the animosity now existing between Loyalists and Reformers is quite shocking.

What a stange mission Mr Vail has been sent upon[;] it is a very plain declaration of the sympathy of the Government of the United States;— The President is playing a deep game and I am surprised Mr Fox acceded to the Mission but as he did I have of course given Mr Vail a courteous reception.

Pray do not be offended at my suggesting whether the instructions under which the Officers from England who have been sent into this Province are acting are calculated to make their services work to the greatest advantage which I am very certain is your object.

For your immediate reference I enclose Copy of the Instructions which Major Anstruther presented to me yesterday.

Information may be obtained of the feeling of the people through other channels far more easily than by any stranger and especially that stranger a Military Officer. Without interfering with his Orders I have recommended by a letter from the Military Secretary to put himself in communication with the Commanding Officers of the Militia and to afford them all the advice and assistance in his power and at the same time I have communicated to them my hope that they will receive it as intended for the good of the Public Service. Experienced Military Officers if their services are not forced will I think be generally well received and if so the advantage will be great indeed.

I have not the pleasure of knowing Colonel Chichester, but if you could spare him for this Province I think he would from his character be a valuable acquisition in looking after our Militia.

Colonel Foster appears to have had a good deal of extra work without

receiving any extra Pay, I do not know whether you consider him entitled to any extra allowance.

[Enclosures lacking.]

[ 140 ] T. L. GOLDIE TO ARTHUR: L.S.

Apr. 25 *Head Quarters, Montreal.*

I have the honor by the direction of the Commander of the Forces, to transmit to your Excellency, a copy of a communication from the Commanding Royal Engineer, in the Canadas, [marginal note here reads: "Quebec 19 April 1838"] on the subject of the great expence incurred, in repairing the Works in the Upper Province.

[Enclosure is probably item 135.]

[ 141 ] [SIR] J[OHN] GARDINER TO ARTHUR: A.L.S. 4p.

Apr. 25 *Horse Guards, [London.]* [Marked "Private".]

I was in great hopes of getting a line from you, on your landing at New York—my present object is merely to send you the enclosures, and if the Individuals they relate to, should come in your way I do hope and trust, that, you will give them the benefit of your countenance and protection— I am not further aware of their views, than, what is to be collected from the enclosures— Lt. Colonel Farquharson, who was always considered an active and intelligent officer, you may find useful. Mr. Welby, I am not personally known to, but his parents Sir W. and Lady Welby are neighbours of ours, and I really should be glad, if circumstances should admit, and the opportunity at any time offer, that, you will allow him to calculate upon your kind consideration of him — I have another request, which is to make known to you, if they should happen to come your way, Captain and Mrs. Daniell of the Coldstream Guards — His father, Col: Daniell, formerly of the Company's Service, is an old friend of mine, you may recollect his brother in the 49th. in Jersey—I do not see how the *Captain* is likely to get into your Govt, but in making the introduction I only fulfil the father's wishes—

I need scarcely say how gratified I shall be to hear from you and to learn, that, you do not find difficulties beyond what you contemplated— I will, when you are more at leisure give you some little history in regard to myself of occurrences [?] since we parted.

[Enclosure concerning Farquharson lacking.]

[*Enclosure:*]

[ 142 ]

[1838]

[c. Apr. 25]

WILHELMINA WELBY TO LIEUTT. GENL. [*i.e.* MAJOR GENERAL SIR JOHN] GARDINER: A.L.S.

8, *Belgrave Street, [London.]*

[Asks that her son who "is extremely zealous in the loyal cause & ready at any time to volunteer any service he can render to it—" may be commended to Arthur. Refers to a letter to her son to be forwarded by Gardiner via Arthur.]

[143] HEAD TO LADY ARTHUR: A.L. 2p.

*Apr. 25* 62 Park St., Grosvr. [Square, London.]

Sir Francis Head has the pleasure of enclosing to Lady Arthur a letter which was entrusted to him by Sir George Arthur on the 23d of last month.

Sir F: Head takes this opportunity of assuring Lady Arthur that as nothing would afford him greater pleasure than to have it in his power to afford Lady Arthur any assistance or information, he hopes that her Ladyship will not hesitate to apply to him for either. and in case Lady Arthur should require any information respecting Toronto from Lady Head, Sir F: begs to say that a letter addressed to Lady Head 62 Park St. Grosvr. Square will be forwarded without delay—

Sir F: Head was happy to see Sir George Arthur and his Son in good health and spirits after their fatiguing journey.

[144] [ANONYMOUS]: TO ARTHUR: A.L.

[1838] [Postmark: Toronto, Apr. 26, 1838.]

[Apr. 26]

Revenge Revenge I Say  
Bee gon Bee gon I Say  
Or I Will Putt you in that  
Place Whare you Will never return  
you shall die a villains deth you  
are marked out for mark that Shall  
Bee onerd by a Pill Whitch Shall make  
Hole in your body

I am  
Sir  
Your  
Most Obedient  
Friend[.]

[145] GLENELG TO ARTHUR: L.S. 2p.

*Apr. 27* London.

I received your private letter of the 9th March from New York, announcing your long & distressing voyage, your arrival at that city, & the hospitable reception which awaited you there. I am much obliged to you for this unofficial communication. I have no doubt you judged rightly in not visiting Washington, altho' if your leisure had permitted you to enter into personal communication with the Chief Authorities of the United States, it would probably have promoted the future success of your administration. I shall at all times be happy to receive information of your proceedings & of your personal welfare, in the form of private letters, when you have leisure & the disposition to communicate with me in that manner.—

[146] COLBORNE TO ARTHUR: L.S. 6p.

*Apr. 29* Head Quarters, Montreal.

In expectation of the arrival of the Commissary General I have delayed writing to Your Excellency upon the subject of the unsettled claims in Upper Canada, and the arrangements that it may be necessary to sanction for their immediate adjustment.

In reply to Your Excellency's letter of the 23rd inst which I received yesterday respecting these claims, and the causes which occasioned them, I have the honor to acquaint you that I think it appears obvious, that the whole of the charges for Pay and allowances authorized by Sir Francis Head, and the debts contracted by certain Officers, and Magistrates, in consequence of the sudden movements of the Militia and Volunteer Corps to the Niagara Frontier, and in the Southern and Western Districts, must be sanctioned however unreasonable and profuse the expenditure may have been; but, the Commissary General would certainly have neglected his duty, had he not called my attention to the irregularities he observed, and endeavoured to check the uncontrolled disbursements—

The Officers of his Department report that they have been requested to settle accounts to the amount of £50,000 in the Western District, and that in many instances no satisfactory vouchers can be produced by the irresponsible agents who demand payment for the expenses incurred— I have no doubt that it has become necessary to satisfy most of these demands under existing circumstances, and that many persons have just reason to complain of the delay which has taken place in settling their accounts—

I am persuaded however Your Excellency will concur with me, with reference to the shameful profusion that Colonel Maitland deemed it his duty to check, on his arrival in the Western District, and to the strong representations of the Commissary General respecting the constant and increasing expenditure, in several Districts, that I could not permit warrants to be issued without enquiry and adopting such means as would justify me in sanctioning the payments in question to be made from the Military Chest.

The Commissary General arrived in Montreal this morning, and I hope to be able to direct arrangements to be carried into effect with a view of settling, without further delay, the outstanding claims referred to in your letter[.]

[ 147 ] R. R. DAVIES: [RECIPIENT NOT STATED]: A.L.S.

*Apr. 30 Longford.*

[Expresses thanks for interest taken in Mr. Sullivan, the eldest of eleven children, whose father was formerly a major in the 85th regiment. "I sincerely congratulate you on Sir G. Arthur's appointments— Such an appointment at such a time only proves how high his services are estimated at Downing Street—"]

[ 148 ] J. B. ROBINSON TO [ARTHUR]: A.L.S.

[ 1838 ] [*Place not stated.*]

[ *May ?* ]

I take it for granted that the Proclamation<sup>1</sup> which you spoke to me about is not intended to be issued until after the actual completion of your arrangements respecting the prisoners— I mean till the Cases are all determined upon & the gaols free, except of those whose cases are necessarily referred to England[.]

<sup>1</sup>Possibly the proclamation dated May 14, 1838 (*Upper Canada Gazette*, May 15, May 17, 1838.)

[ 149 ] R. B. SULLIVAN TO THE LIEUT GOVERNOR [ARTHUR]: A.L.S. 5p.

[ 1838 ] *Council Office, [Toronto.]*

[ May ? ]

The Surveyor General showed me just now the accompanying letter which places the embarrassing question of the Saint Lawrence Canal in a still more perplexing position than ever inasmuch as it exposes in more detail the disadvantages of discontinuing the work.

The Canal is a very short one and only surmounts when finished some of the difficulties of the navigation. both above and below[;] expenditure to an enormous amount would be necessary to make this section available and even when a million of money would be spent in perfecting the line of Canal upon the Saint Lawrence we shall have merely established a rival canal to the Rideau[.]

On the other hand it will be most humiliating and perhaps destructive to the Provincial Credit if the works commenced are permitted to remain and go to ruin and to continue a perpetual monument of Legislative folly & extravagance.

Your Excellency will perceive that the Commissioners of the Canal are prepared to pursue a course which has already been taken by them and other Commissioners of Public works in this Province namely the raising money, or rather paying debts in their own debentures in the expectation of these being saved harmless by the House of Assembly. This seems to me to be most decidedly objectionable on many grounds and I am sure the assuming such a power will when the matter is explained at home meet with severe censure on the part of the Government. No men in England possess such a discretion as is here assumed by the Commissioners, & I fear that the Local Government which would permit such a course will not be held blameless.

Possibly Your Excellency may think it right to extend your Eastern journey as far as the Canal. much may be learned on the subject by personal inspection, and perhaps much further regret and embarrassment may be spared by the devoting a few days to the object.

[Enclosure lacking.]

[ 150 ] R. B. SULLIVAN TO THE LIEUT GOVERNOR [ARTHUR]: A.L.S. 2p.

[ 1838 ] *Council Chamber, [Toronto.]*

[ May ? ]

I have called at the Atty Genls office to enquire into the state of the Kingston special Commission. he was not within but Mr. Strachan shewed me a letter which stated that the proceedings before the Special Commission were still going on.

Mr Cartwright puts the question to the Attorney General What is to be done with the Prisoners taken at Hickory Island?

As regards the Prisoners charged with High Treason it will perhaps be impossible to proceed satisfactorily until the Special Commission shall have risen. With respect to the Hickory Island prisoners If the Attorney General were to attend the Council tomorrow an order may be made disposing of them[.]

[ 151 ] R. I. ROUTH TO T. L. GOLDIE: L. 5p.

May 1

*Commissariat Canada, Montreal.* [Marked "Copy."]

I have the honor to bring the subject of the Commissariat Board of Claims under the further consideration of His Excellency the Commander of the Forces.

Depy Asst Comy Genl Thos. Wilson has laid before me, a variety of accounts which have been submitted to the Board from Sandwich and Amherstburgh, & upon these I am desirous of determining the principle, & course, by which these claims shall be collected and paid.

In the first place it is important to ascertain the Amount, in order to be prepared with the necessary funds.

To effect this, I wish the Board to proceed to Chatham, and London, and to remain there a few days, sufficient to afford to all, an opportunity of presenting their demands, and from thence to return to Toronto by way of Hamilton, so as to collect the Claims at that village, and its vicinity.— I propose, that at Toronto, these accounts should be classed into abstracts for each Post, and as they are Completed to be submitted to the Major General Commanding for his approval, & forwarded forthwith to the different Commissariat Posts for payment.

A Triplicate Abstract, of the sums so paid, will be sent to your office, for the Covering Warrant of the Commander of the Forces.

I propose to give power to the Board, if any errors or gross overcharges should be discovered in these claims to disallow them; leaving the parties to seek their own redress from the proper authorities, and to shew this, I shall cause two columns to be ruled in each abstract, exhibiting the sum claimed, and that paid[.]

There are large quantities of Provisions on the Amherstburgh Frontier, perhaps, of the Value of Three Thousand Pounds remaining on hand, which will require to be looked after, & deposited in safe Custody.—

This will be the particular duty of Asst Comy Genl Leggatt.

The Board will also direct their attention to the Imprests made to Mr. Anderton, and others under the Warrant of Colonel Foster, for which only a very partial account for a proportion of the sum has yet been rendered.

The Imprest to Mr Anderton alone, amounts to nearly £10,000 Currency.

His Excellency is of course aware that scarcely any of these accounts would be payable in the ordinary business of the Army, or, of this Department, and that the only principle, upon which this payment is now made, is to redeem the good faith of Her Majestys Government, which has been pledged under the Authority of His Excellency Sir Francis Head.

I therefore cannot propose to the Comr of the Forces to be responsible for this expenditure, and still less can I presume to undertake, that responsibility in my own person; but I apply to him for his Concurrence and authority, to relieve the Military Service from an embarrassment in which it has been involved, neither by His Excellencys acts nor mine, but by events which have been irresistible, and, which have controlled and borne down all the checks & regulations established by experience and good order.

I know that there is an outcry in the Upper Province that these accounts have not yet been paid, but Government, like an Individual, require time to examine a demand, & to collect its means of payment, & where many duties are to be performed by a small department, some must be the first and some last.— I shall be always ready on my part with the evidence, that no unnecessary time has been lost in any of these important avocations.

In the present advanced state of these transactions, I have reason

to hope, that the larger proportion of them, will be settled in all the Month of May, & I shall place at the disposal of the Board a sum of Fifty Thousand Pounds Army Sterling for the despatch of this Service[.]  
[The above is probably the enclosure referred to in item 154.]

[ 152 ] T. W. MAGRATH: [RECIPIENT NOT STATED]: A.L.S.

[ 1838 ]  
May 1

*Brantford.*

I send you a copy of my report to Colonel Maitland it will tell you the whole news of the neighbourhood. if you think his Excellency would think it worth reading you can give it to him. I have not been able yet to see a pair of horses that would answer[,] they are all too small, there is a very nice full dress cavalry bridle here for sale. I think it would suit his Excellency if he has not brought out one with him it was made in England & is quite new. the storekeeper that has it asks £2..10.. for it without a bit, it is real[ly] one of the nicest I have seen in the country, we have hard work of it here.

[Enclosure is probably item 153.]

[ 153 ] T. W. MAGRATH TO J[OHN] MAITLAND: A.L.S. 4p.

May 1

*Brantford.* [Marked "(Copy)".]

According to instructions received (verbally) from His Excellency The Lieut. Governor, I left this with twenty men and proceeded to Port Dover on the 29th. Inst. [*i.e.* ultimo], leaving two officers & thirty five men here ready to march if your orders arrived before my return.

At every tavern we halted we found the people extremely insolent and abusive, and it was with the greatest difficulty I prevented my men resenting it however I am happy to say no row occurred;

Numbers of persons met us at the different cross roads, and made use of the following expressions repeatedly. *we are getting ready for you: our friends have only left this to shew others the way here: if one of you stay behind we will treat him as you did Lount & Mathews:*

On my arrival in Simcoe I found the Company of your Regt: commanded by Capt: Markham there, several persons to whom I spoke in the village said we are *rebels* and *will be again* but what can any of you make of it.

From thence I marched to Pt: Dover 10 Miles. Capt: Markham came with me, on our arrival there we found the steam boat still aground, but 25 miles from the Port, not close to it, as had been represented by some of the Inhabitants at Toronto.

With very few exceptions they are all rebels there and I am confident [*sic*] only wait for an opportunity to begin a row, in speaking to a fellow of the name of Herries, he said that did *their friends* come to Port Dover the red coats would not be a bit a piece for them as there were 1000 men between Scotland, Oakland, & there ready to turn out[.]

The Magistrates in general seem not to make that exertion that they ought, and I think a Magistrate ought to be sent there that would act. they all have property in the neighbourhood. & are evidently *afraid of those fellows*, I think it would be as well, as was done in Ireland repeatedly, to make all the officers in command Magistrates of the District in which they are stationed. I am confident Capt: Markham would make an excellent one.

There is a guard of Twenty Men at Port Dover but they might just as well be in Toronto, they all go to bed at night and told me themselves if a landing was attempted they would run away as there would be no use in so few of them attempting to prevent it. There is not even a guard over an immense quantity of Arms placed in a room in a Tavern there. the same is the case at Brantford where they are only protected by a Pad lock, at Port Dover the room in which the arms are, opens into the street and there is nothing to prevent them being taken away in open day light by any one that wishes[;] the door was not even locked the night I slept there, I mentioned this to Capt: Markham who said he would have them taken care of.

I have placed a Sergt: Corpl: & three men under Capt: Markham's command at Simcoe, two men at Pt: Dover two at the village of Waterford, & two at Lowries Tavern, Oakland, which forms a line of communication between this and Port Dover 32 miles—

In consequence of their steam boats coming up to try to get the boat on shore off I halted a day at Pt Dover, they went away and said they would return with four to day.

Fearing that your order for me would arrive in my absence, I returned to-day and found on my return the people much more Insolent and abusive than before, one of my men whose horse got lamed I sent on before me and within a few miles of Brantford whilst leading his horse was attacked by four men and but for the assistance of some traveller who came up just at the time would in all probability be treated as they threatened, he knocked one of them down just as assistance came up and the fellows took to the woods[.] I will send you his deposition on oath if I can have it taken before the mail goes out if not by next Post.

If it was not taking a liberty I would beg leave to suggest that four of my men were stationed at Port Dover, four at the furnace, four at Ryersons Landing, a dispatch line from Simcoe to London and the remainder at Simcoe[;] this would prevent desertion at any of the Posts & in the event of any intention to land, communication could at once be sent to London & Simcoe.

I am not an alarmist nor do I think the fellows will attempt a landing, but did they do so, they have plenty of fellows from this part of the country with them and would be joined by hundreds on their arrival here which perhaps would only be for the purpose of burning the property of those who are obnoxious to them[.]

[The above is probably the enclosure referred to in item 152.]

[ 154 ] T. L. GOLDIE to ARTHUR: A.L.S. 2p.

May 2. *Head Quarters, Montreal.*

I have the honor by direction of the Commander of the Forces to transmit to Your Excellency the accompanying Copy of a Communication from the Commissary General relative to the settlement of the claims in Upper Canada, and to acquaint you that the arrangements proposed by the Commissary General for liquidating these claims have met with Sir John Colbornes approval and which he hopes will be satisfactory to Your Excellency[.]

[Enclosure is probably item 151.]

[ 155 ] J. B. ROBINSON TO [ARTHUR]: A.L.S.

[ 1838 ] [Place not stated.]

[ c. May 3 ] I send Your Excellency a Copy of my letter to Lord Glenelg, to which His Lordship alludes in his dispatch of 14 March—

[Enclosure:]

[ 156 ] 1838  
Feb. 6

[J. B. ROBINSON] TO GLENELG: A.L. 2p.

Toronto. [Marked "Copy."]

I have been made aware that His Excellency Sir Francis Head, in a letter which he has lately written to Your Lordship, has been pleased to express himself favorably in regard to me, and to offer a suggestion which Your Lordship will probably bear in mind without my adverting to it more particularly—<sup>1</sup>

I can not but feel very grateful to Sir Francis Head for speaking kindly of my exertions in the discharge of my duty, since they have seemed to him to deserve it; but I hope the notice will not be taken of them which he has done me the honor to recommend— A distinction of that kind has never been coveted by me. If it had been usual here, as in the Eastern, and I believe the Southern Colonies, to confer it upon Judges generally, or upon the Chief Justice, I should not object, but it has not been, and I have no desire to form an exception, particularly as I can not but feel that my brother Chief Justice in Lower Canada, who is much my senior in office, is at least as worthy of it—

But of course I need not trouble Your Lordship with reasons; I beg rather to be excused for addressing Your Lordship on a subject so personal, and unimportant, and when it is probable I might with perfect safety have foreborne to do so—

[ 157 ] J. B. ROBINSON TO [ARTHUR]: A.L.S. 3p.

May 3 Toronto.

I must beg You to believe that I am very thankful to Your Excellency for the terms in which You have been pleased to express Yourself in the *official* published in this day's gazette. It need hardly be said that this public declaration of Your Excellency is most gratifying; and it may some day or other be useful, if the chances of war or rebellion, or any other confusion should impel me to ask a favor.

I hope I have not appeared ungracious in not having adverted to that part of a note received from Your Excellency the other day in which you were so good as to allude to the same subject.— It is a subject not very easy for me to write or talk upon, and that must be my excuse— The truth is that I might have given other reasons to Lord Glenelg which weighed as much with me as those I did assign; but they were of a domestic nature, and I did not feel it to be necessary to trouble His Lordship with them— When I found that Mrs. Robinson's sentiments agreed entirely with my own I had no hesitation in declining— I considered that besides ourselves, our children only had any particular interest in the matter, and taking the liberty of judging for them I concluded that they were more likely to be injured than benefitted [*sic*] by it—

<sup>1</sup>*i.e.* the recommendation for a knighthood, along with A. N. MacNab.

[ 158 ] JOHN STRACHAN TO ARTHUR: A.L.S. 5p.

May 4

*Toronto.*

Allow me to leave with your Excellency a Memorandum of the communication, which I had the honor to make verbally last tuesday, in the hope, that after giving it due consideration your Excellency will take a Friendly interest in my favour, and promote the object I desire, if found to be just and reasonable—

Lord Bathurst in 1825 had some thoughts of dividing the Diocese of Quebec into two Bishoprics on the Death of the first Protestant Bishop Dr. Mountain, one for Upper, and one for Lower Canada— Had this division taken place at that time I have reason to believe, that his Lordship designed me for the Bishopric of this Province—

My Friend Sir Peregrine Maitland was Governor—and Sir Robt Wilmot Horton then under Secretary of State was favourable—

Lord Bathurst afterwards informed me, that the Division could not take place—as opposition was made to any diminution of the Salary on which the project of Division was based; for it was intended, that the first Bishops Salary of £3000 Sterlg should be equally divided allowing £1500 to each of the New Bishops—

The late Bishop Stewart had powerful Friends, who disliked any such Division of income—his Nephew Sir James Graham—the late Lord Darnley and others (as I understood) took a warm interest in the matter, and Lord Bathurst being unwilling to go to Parliament for a second Salary, the division of the Diocese was abandoned; and Dr: Stewart become Bishop of Quebec retain[ing] the whole Salary—

Lord Bathurst, feeling for my disappointment, did all in his power to sooth[e] it by conferring upon me the Archdeaconry of York—

The laborious duties of this immense Diocese soon affected Dr: Stewarts health, and he represented in the strongest terms the necessity of the division contemplated in 1825, and requested, that his duties might be confined to Upper Canada, which he preferred for the mildness of the climate, and that Dr: Mountain Archdeacon of Quebec (Son of the first Bishop) might be made his Suffragan for Lower Canada, frequently telling me, that if this arrangement took place it would secure the future Division of the Diocese of Quebec—that Dr Mountain would retain the Lower Province to which it would be inconvenient for me to go, while I as matter of course would succeed to that of Upper Canada—

On Bishop Stewarts death Dr Mountain urged upon Government the necessity of dividing the Diocese—freely stating, that the duties could not be discharged by one person however strong, and active, and, that they would be found very laborious even for two—

The Clergy of the Province have repeatedly petitioned the Imperial Government that it may be erected into a Bishopric—nor are our people less anxious to have their own Bishop— Fortunately the Arch Bishop of Canterbury has given his consent; the necessity being so clear, and from recent letters, I find, that Lord Glenelg is favourable to a division of the Diocese of Quebec— It is therefore likely to take place soon—

Now I think that it will be admitted by every intelligent man in this Colony, that, if it be made a Bishopric, no person has so strong a claim to the Office as I have, and did the appointment depend upon the Clergy and Church men of Upper Canada, there would be no difficulty—

I came to this Province in 1799 at the Invitation of our first Governor, General Simcoe to be the head of a collegiate institution—unfortunately the Governor had returned before I reached the Province, I was therefore disappointed, & the whole scheme of the College fell to the ground—I had left fair prospects behind me but I was ashamed to return—Sir John Campbell Her Majestys Attorney General and the Revd Dr Chalmers then my Friends appeared at the time to have no advantage over me except that I was a member of the Church of England, and which south of the Tweed would have turned to my favour— Friendless in a foreign land, I made my way silently & slowly and for more than a quarter of a Century I combined my Clerical duties, (the population being yet thin) with the education of youth— The result has been, that the leading men in every District in this Province besides many in Lower Canada have been my Pupils[.]

Four Judges out of five belonging to the Court of Queens Bench were my Scholars. The Speakers of both Branches of the Legislature, as well as a considerable number of the Members of both Houses— A great portion of the practising Barristers—of the Clergy, Merchants, and Land holders received their education at my Seminary; With what success and friendly attachment the Pamphlet, which accompanies this will sufficiently testify [Marginal note here reads: "No 1".]

I have been the Pastor of two Parishes—in one I remained nine years and was invited to the seat of Government twenty seven years ago by General Brock then Governor, and all the Principal Inhabitants of this City, who thought that here a greater Field was opened to my services than in any other part of the Province.

I left my first Parish in the best possible order, and, if the fruits of a Faithful attention to the duties of my charge are to be looked for in the number and Christian character of my continually increasing congregations—in the proportion of regular Communicants at the Altar, in the provision made through my exertions for the accommodation of the People in suitable places of public worship—in the relief afforded for the sick and destitute, and consolation offered to the afflicted I may safely appeal to them all—

The regard entertained for a Pastor will be found to be in proportion to these circumstances of his Flock and to the share which he is felt to bear in producing them, and I respectfully invite Your Excellencys examination of all these particulars—

Within a recent period this Parish has been twice afflicted with the Asiatic Cholera, a most appalling pestilence which cut off more at each time than 1/12 of our Population, and threw upon the Charity of the Survivors nearly two hundred widows and 700 Children Orphans, or Fatherless, or Motherless, and which required in its terrific progress the exertion of the utmost degree of that religious devotion, moral energy, and untiring attention to the claims of our suffering fellow Creatures which should distinguish a Christian Pastor— How I have acted during these two seasons of trial will best appear from the document annexed— [Marginal note here reads: "No 2".]

I have always lived on the most Friendly terms with Bishop McDonell the head of the Catholic Church, and with the late Mr Bethune, the head of the Presbyterians, and even amidst the disputes about the Clergy Reserves, I stand fair with all parties, and with the exception of one single Individual maintain the same Friendly relation with them as before— They do me the Justice to believe, that my opinion con-

cerning the Church property is sincere, and has never changed—that I claim no privileges for the Established Church but those which the Constitution confers, and, that I freely admit that the Imperial Parliament can deal as it thinks fit with the Reserves, and that it will become our duty to submit[.]

I may safely say that my influence tho' perhaps greater than any other mans in the Province has ever been exerted for its benefit in preserving peace and tranquillity and a firm attachment to the Parent State—nor do I feel, that this influence diminishes, when I consider the number of Persons of all parties, religious and political, who come to me for direction and advice, or who apply to me to take trusts—to be Executor to estates—to protect Widows & look after the education of children—

Last Spring Dr Mountain Bishop of Montreal having at that time no Salary attached to his office and in the expectation of a Bishop being appointed for this Province postponed till late this summer visiting this part of the Diocese—with an expressed wish, that it might never be necessary for him to come to Upper Canada in his official capacity—On hearing this Sir Francis B Head without my knowledge recommended me strongly to Lord Glenelg, who is acquainted with my claims to be appointed Bishop of Upper Canada— His Excellency apprehended no difficulty whatever— In august he expected an answer, and thought I might go home and return, long before the time appointed for Bishop Mountains visitation—

Such an arrangement would have been very agreeable to me for I was exceedingly anxious as I still am to consult the Archbishop and the Bishop of London respecting the question of the Reserves, and how far for the sake of peace they are willing to concede—but no answer came—

In the mean time His Excellency sent in his resignation—then followed the insurrection—and every thing else seemed forgotten— But not so— Sir Francis B Head feeling as he declared, that my claims were such as could not be overlooked wrote again in January last—he said nothing of Salary because he desired the immediate services of a Bishop, and wished it to be kept in abeyance till the question of the Reserves was finally settled—observing that I could retain my present emoluments and appointments till the Church property was adjusted, and, that arrangements might be easily made to relieve me from all other duties than those belonging to the Bishopric to which I must be entirely devoted—

I confess that I was pleased with this kind and generous treatment and I felt that from my knowledge of the Country and people & my general influence I could do much more for the prosperity and extension of the Church than any other Person—but the result has only been, the cold letters, which Your Excellency had the kindness to shew me—

I feel, that I am trespassing on Your Excellencys patience and saying too much about myself— Yet believe me it is my misfortune— I am pleading for the last time— After nearly 40 years of useful and prominent exertions guided by a pious integrity—which has never been impeached and believing the Government pledged for many years in my favour it would be deeply mortifying to me to be superseded by a Stranger, for the best of men like to rise in their own profession—and he that is disappointed at my age can scarcely console himself with the hope of future promotion—

In regard to Salary or endowment that need offer no delay for in that respect I can remain as I am till the question of the Reserves is set at rest for tho' far from rich I am not avaricious & should be consoled & encouraged by the greater field of usefulness which my promotion to the Bishopric would open to my view[.]

I am deeply sensible to the great liberty I am taking in making this appeal to Your Excellency, but I feel from my correspondence with Lord Glenelg before it was resolved to divide the Diocese as well as from the answer to Sir Francis B Heads recommendation a coldness tho not a denial which satisfies me that unless Your Excellency takes up my case and that soon I have little to hope; for if nothing is done in my behalf till the Reserves are settled, and a Salary discovered a Person of influence at home will be placed over me—

When I look back on the exertions of a long life spent in the ardent discharge of the duties of a Christian Pastor and their happy results and call to mind my labours to unite our people and mitigate the miseries of hostile invasion during the last American war and for which as a token of Royal approbation I was made a Member of Government I cannot but feel that I merit Your Excellencys Friendly assistance on this occasion & that it will not be with[h]eld—

But whatever Your Excellencys determination may be, I owe it in justice to myself to declare that I shall still pursue the even tenor of my way—maintaining the character which I have ever supported in the Colony—and discharging with zeal and fidelity my various duties as I have hitherto done—nor shall I relax my exertions in promoting the interests of true religion and education and in calling forth the attachment of the people to the local Government to the Queen and the Parent State[.]

[ 159 ]

[Enclosures:]

1833

Toronto. [Marked: "No. 1."]

[A printed pamphlet: *The Cornwall tribute: a piece of plate, presented to the Honourable and Venerable John Strachan, D.D. archdeacon of York, by forty-two of his former pupils, educated by him at Cornwall. Presented second July, MDCCCXXXIII. York . . . 1833. p. 32.]*

[ 160 ]

1835

May 9

[A GROUP OF THE INHABITANTS OF YORK TO JOHN STRACHAN]: 2p.

Toronto. [Marked: "No. 2".]

Address[.]

Revd. Sir

During the prevalence of the Asiatic Cholera which on two occasions has raged virulently in this City, your Parishioners and others were so deeply impressed with a sense of your faithful and zealous discharge of the duties of a Christian minister, that many of them have since resolved to record permanently their feelings of gratitude and respect—

The measures for this purpose which were taken when the occasion was recent, have been carried into effect; and we now attend upon you with a request you will accept from us a

token<sup>1</sup> of our affectionate remembrance of the fortitude, the Energy, the unwearied perseverance, and benevolence with which you devoted yourself to the duties of your sacred Profession, when surrounded by affliction danger and despondency,

In common with those whose sufferings you laboured to alleviate and whose distress awakened our warmest sympathy, we would express by this offering our thankfulness that amidst the mortality by which you were encompassed you have been spared for the farther exercise of those Christian Charities which we have seen you ever ready to extend without regard to considerations of personal danger or fatigue, looking only to the necessities which required your assistance and to the means which you had it in your power to apply to their relief.

[ 161 ] [COLBORNE TO ARTHUR]: L.

[ 1838 ] [This letter is lacking, but a précis entry in item 578 reads:] On  
[May 5] the 5th of May Sir John Colborne suggests that a "few Companies of Volunteers may be kept up for the defence of the Niagara and Western Frontiers."

[ 162 ] HEAD TO [ARTHUR]: A.L.S. 3p

May 7 *Athenaeum.* [London.]

It is my intention tomorrow to endeavour to have the pleasure of introducing myself to Lady Arthur on Board the Packet in which she and her family sail from London for New York— My slight acquaintance will perhaps prevent me from expressing to her how deeply I feel anxious that she may perform her tedious pilgrimage in safety, and I can enter I assure you in the feelings which you will entertain on that subject— I know by experience what those feelings must be, and it will give me very great pleasure to hear that she reaches Government House as prosperously as it pleased God to conduct my own family t that spot.

I intend to go on board with Sir Howard Elphinstone whose daughter Mrs. Anstruther is going to join her husband Major A. who is on duty at the Niagara frontier— It is not my intention often to trouble you with any recommendatn. but I have known this young person since she was an infant, and I need only say t you that I entertain towards her the same regard that I do for my own children to ensure from you (and thro you from Lady Arthur) some slight attention.

She has thro life conducted herself with very great propriety, and I believe I may say, has never given t her parents one moments anxiety. Much as I feel on this subject, I will not detain you any longer on it, but will venture to address this letter to Lady Arthur, who I trust will be so good as t excuse the liberty I have taken in doing so.

I saw Lord Glenelg yesterday yesterday [*sic*], and had some conversation with him respecting the execution of Lount & Matthews [*sic*]— I need not tell you what opinions I gave him, as I am sure you know what they must have been.—

You will not require, nor will it be in my power to offer t your administration of the Govnt of U. Canada much assistance, as I am but

<sup>1</sup>A massive and elaborate silver vase.

an humble individual, but you may depend on my allowing no opportunity to escape of giving you all the support in my power. . .

[P. S.] Pray remember me very kindly to my faithful friend Joseph, and permit me to thank you very sincerely for your kindness in providing for Colonel Halkett—

[Addressed to Lady Arthur.]

[ 163 ] JOHN STRACHAN TO [JOHN] JOSEPH: A.L.S.

May 7

*Toronto.*

I send you a heavy packet

- 1st The Despatches from Lord Glenelg respecting the Church property & Rectories
- 2d A report on one of these Despatches on which I should like to converse with His Excellency at some leisure moment after he has perused it
- 3rd A copy of a Bill on the Clergy Reserves adopted by the Legislative Council in 1836
- 4th A report on the religious state of the Indians within the Province
- 5th A copy of the Petition recently presented to the House of Lords by His Grace the Archbishop of Canterbury
- 6th A note to His Excellency[.]  
[First enclosure lacking.]

[Enclosures:]

[ 164 ]

1838

May 2

JOHN STRACHAN TO ARTHUR: A.L.S. 9p.

*Toronto.*

May it Please Your Excellency

Permit me to draw your Excellencys attention to the following remarks on the plan for the support of public worship suggested in Lord Glenelgs despatch dated the 26th Decr 1837 and which has, it is said, been recently pursued with much benefit in Van Diemens land and New South Wales—

My object in stating with some minuteness the probable difficulties with which a similar plan will be surrounded in this Province is that of bringing the subject in all its bearings at once under your Excellencys consideration in order to their remedy, and thus clearing the way for the settlement of a question, which I have so much at heart— No Person can be more desirous or has laboured so much as I have done to bring the question of the Reserves to a peaceable termination and I think, that I have arrived at what will appear to Your Excellency, as it does to me, the most probable and perhaps the most amicable and satisfactory method of its final adjustment—tho it may still require modifications and must after all depend almost exclusively on Your Excellency for its accomplishment—

These difficulties may be divided into General & Special[.]

## 1st General

1st This Province was set apart as an asylum for the Loyalists and their Children, who maintained their allegiance during the American Revolution and they became Inhabitants under a solemn pledge of receiving the same Constitution as that of the Mother Country—a Constitution which includes a decent provision for the due Ministration of the word and Sacraments according to the forms of the Church of England[.]

2d These pledges were solemnly redeemed by Statute 31st Geo 3d Chap 31 establishing the Government of the Province which provides for the support of a Protestant Clergy in a way that imposes no burthen upon any class of people or any disability upon those who profess a different Faith—

3 That the bulk of the population of this Province consists of two great classes 1st The Loyalists who took refuge after the American Revolution and 2d Emigrants from the Parent State—the more respectable of whom were induced to settle in the Colony because they felt secure that they and their Children would enjoy the inestimable privilege of worshipping their God and Saviour as their Fathers had done before them[.]

4 That the portion of the Inhabitants of the Province attached to the Established Church consider its ministrations their birth-right secured by the most solemn pledges and by the law of the land, and they feel that they are entitled to the same protection in regard to their religious principles as their Roman Catholic fellow subjects in Lower Canada to whom the pledges of the Imperial Government for the security of their form of worship and support of their Clergy are not stronger than those held by the adherents of the Church of England[.]

5 That any modification of the 31st Geo 3d Chap 31 that shall have for its object to place the National Church below that of the Roman Catholic Church in Lower Canada and upon a mere equality with other Protestant Denominations in this Province will be considered by a large portion of the most Loyal intelligent and influential People something like degradation and excite not a little discontent[.]

6 That a great number of the adherents of the Church of England sent out of late years have been Paupers from the Parishes and therefore to deprive the Established Church of any large portion of the Clergy Reserves or their proceeds will in a great measure force the abandonment of such poor and destitute Members for to carry the truths of the Gospel to the whole population of any country requires an Establishment directed and supported by the Government[.]

7 That during the American revolution as well as in the late insurrection Church people were almost to a man Loyal and it is a grave question for Government to determine whether they will sanction a religious Level which seems from experience certain to become a moral waste and a hotbed of sedition and discontent[.]

8 The first effect of such a levelling principle is virtually

to divorce the Established Church from the State and thus produce an organic change in the Constitution[.]

The Church thus seperated [*sic*] from the State will gradually become alien and in this manner will one of the strongest supports of Government be palsied or removed[.]

10 It must however in justice be admitted that if that part of the plan be rigidly adhered to by which Government gives assistance equal to that furnished by the denomination petitioning[,] the Church of England had it not Constitutional claims of a paramount nature would have no reason to complain for it cannot be denied that her Members are more able to contribute than any other denomination in the Colony[.]

11 In regard to the harmony of the plans operation one drawback of a general character may be mentioned as probable tho' I trust it will not go far—it is notorious that hitherto the Members of the Church of England have assisted all other Denominations in their religious purposes but a division of the proceeds of the Provision for the maintenance of a Protestant Clergy tends to seperate the different Sects of Christians—they will be apt to act more selfishly and to grudge every farthing given away because by so much will their claims upon Government by diminished[.]

#### 2d Special Difficulties

We now proceed to notice some special difficulties in the way of adopting the proposed plan by the Provincial Parliament[.]

1st The Legislature of Upper Canada is empowered to make laws for the peace welfare and good Government of the Colony—such laws not being repugnant to the Constitutional Act—but to Legislate upon this plan is to provide for the Roman Catholic worship out of a maintenance expressly appropriated for the support of a Protestant Clergy in contradistinction to the Clergy of the Church of Rome who are liberally endowed in Lower Canada and entitled to tithes from their own people in both Provinces[.]

2 Any attempt therefore on the part of the Provincial Legislature to assist the Roman Catholic Church out of the Clergy Reserves would be directly repugnant to the Spirit and provisions of the 31st of Geo: 3rd Chap 31 and consequently a dead letter and altogether illegal[.]

3 The Power given to the Provincial Legislature by the 41st & 42nd Clauses of the 31st Geo 3d Chap 31 to vary or repeal &c is not retrospective and cannot affect what has been already done and while this power includes Clauses 35, 36, 38, & 39 it leaves clauses 37 & 40 wholly untouched—two clauses which are very important for they imply the continuance of the reservations already made and the permanence of the Established Church and her right to the Reserves so far as they are set apart[.]

4 The plan proposed recognises only three Denominations but in this Province so far as the House of Assembly is concerned a pledge has been held out to seven[,] for a resolution adopted by that Body on the 11th Jany 1837 recommends

the appropriation of the Clergy Reserves or proceeds among the following Churches

- 1st. The Church of England
2. The Presbyterians in connexion with the Church of Scotland
3. Presbyterians called the United Synod
4. Roman Catholics
5. British Wesleyan Methodists
6. Canadian Wesleyan Methodists
7. Baptists

It is apprehended that even this distribution will not produce content unless the following be added

8. Episcopal Methodists
9. Primitive Methodists
10. Lutherans
11. Independents
12. Congregationalists[.]

All these Denominations have the power of solemnising marriage by law and are therefore so far recognised by the Provincial Legislature that to omit any of them would produce as much perhaps more discontent than at present exists. Even difficulty will be found in confining assistance to these twelve Denominations because new Sects will be continually demanding admission a demand which the House of Assembly would find it no easy matter to resist[.]

5th Adverting to the Provision set apart for the maintenance of a Protestant Clergy it appears that it amounts to nearly  $2\frac{1}{2}$  Millions of acres of land which in a series of years may at a fair average price produce a Capital of one Million Sterling which placed in the Funds at home the only sure place of safety would at  $3\frac{1}{2}$  per Cent give an annual income of £35000—if this were equally divided among 12 Denominations it would give nearly £3000 each. but this only after the lapse of an indefinite period. Now before this period can arrive Clergymen of the Church of England will be required for three or four hundred Townships and for some of them more than one and perhaps three or four times the same number of Clergymen for other denominations—and what would £35000 be among so many? Hence it is evident that the Provision set apart for the maintenance of a Protestant Clergy which has been deemed so lavish is not sufficient to maintain one fourth of the Clergymen which the religious instruction of the Province will at no distant period employ. It is true that the interest arising from the Fund if placed in this Country might be nearly doubled and the Capital itself greatly increased by waiting till the lands fetch twenty instead of ten shillings per acre but to such delay there are serious objections—

6 If advantage were taken by the exertions of any one Denomination of the condition pledging the Government to give a sum equal to their contribution so as for a time to absorb the disposable part of the Fund as perhaps might be done, a general cry would be raised far more deep and bitter than any that has yet occurred[.]

7. The plan if it include so many denominations will not only be found to work unequally but in all probability it will operate as a premium to Dissent from the National Churches[.]

1st Many of these denominations may have four Teachers at the expence of one of our Clergymen— Their Ministers are in general comparatively uneducated and being taken from a low class of Society they feel that their new Station elevates and gives them importance and is desirable to such persons—almost without emolument hence it is an easy thing to multiply the number of Dissenting Teachers[.]

2nd Much the same remarks apply to the Roman Catholic Clergy— They have many ways of getting money from their people which we have not. They are single Men without families—and have in general been at little or no expence for their education[.]

8 On the whole it seems impossible to include so many denominations without reducing the assistance to a mere trifle, and yet it will be difficult for the Colonial Legislature to exclude any, and trifling as the assistance from Govt must be, irritation & angry rivalry will sometimes arise among so many Competitors— In Van Diemens<sup>1</sup> Land & New South Wales the plan contemplates only three denominations, and was adopted, when the population was small, and it might be considered to consist of only two classes; it will therefore work much easier in these Countries than in this Province where many applications for assistance may be made at the same time which cannot be satisfied— Besides the plan in the East is sustained by all the authority of the Home Government and the local administration in these Colonies is much stronger than in this Country— Moreover the Members of the Church of England in New South Wales & Van Diemens<sup>1</sup> Land do not see a regular Roman Catholic Establishment as we do in Lower Canada with no more right than we possess to so beneficial a distinction[.]

#### The Remedy

1st The only way left for the Legislature of this Province to deal with the Clergy Reserves is to resign the power given by the 41st and 42d Clauses of the 31st Geo 3d Chap 31 into Her Majestys hands for religious purposes within the Province and should this be found not strictly Constitutional or legal without a special enactment of the Imperial Parliament it would be easy for the Colonial Minister to get such enactment passed—

2 Such a measure re-investing the Crown with the Clergy Reserves for religious purposes within the Province may under the sanction of the Governor be carried through both branches of the Legislature— It is however a measure which I feel great difficulty in supporting but much ought to be done for the sake of peace and on this account I am willing to promote it to the utmost of my power[.]

3 By the passing of this enactment the Government in England would be enabled to adopt a plan similar to that recommended in the Despatch and now in operation in the

<sup>1</sup>Variants in spelling in the original.

Eastern Colonies and with far more effect than if established under the authority of the Provincial Legislature—

4th It will be much more easy to confine assistance to fewer denominations—the home Govt might at once declare that no deviation would be permitted in that respect from the practice of New South Wales and Van Diemens Land[.]

5th It would be in the power of the Government to modify matters so as to reserve portions of land for Glebes and small endowments for the Established Church if deemed expedient— The Bishop and Archdeacons might be supported out of the growing revenue— The Patronage of the Rectories established or hereafter to be established reserved to the Crown on the recommendation of the Bishop and thus a subdued Establishment might be maintained without giving just cause of offence to any and the attachment of a large portion of the people secured[,] for the Loyalty of Churchmen is an abiding principle[.]

6 Any other measure adopted by the Provincial Legislature than the one proposed would not be final but be made subject to judicial inquiry[,] for this far the Friends of the Established Church would feel themselves obliged to go— To the Colonial Legislature they will not submit in any distribution without appeal—but to the Imperial Govt they would feel it their duty to bow[.]

7 The details of the distribution if they are believed to be fixed at home will give far less umbrage than if determined by the Legislature of the Colony—and if the ratio should be made to depend on numbers that ratio ought to be taken from the population of the Mother country as in the Province which may be considered a reservoir for Emigrants from the United Kingdom the relative proportions are continually changing and it should farther depend upon the expence attending the Education and support of a Clergyman of each denomination respectively and also on the form of Ecclesiastical Govt.

8 Thus the Members of the Church of England in the United Kingdom may be taken at 12 Millions and the Roman Catholics at six—but to give the Roman Catholics half as much as the Established Church would be working injustice[.] First because their Clergy are single and without families[;] 2nd Because they have sources of emolument from their people unknown to our Church[;] 3rd Because they are entitled to tithes from their own People in both Provinces— 4 Because their Church Government is not so expensive as ours— All these particulars should form elements of the equation of distribution[.]

Again the Kirk has a population in the United Kingdom of two Millions and the Church of England twelve so that  $\frac{1}{6}$  would be the proportion of the Kirk and a full proportion because the form of her Ecclesiastical Government is equality & requires no provision for Dignitaries—

9 The leading principle of the plan that the Denomination petitioning receives assistance equal to its contribution might seem to supersede all reference to population and such perhaps

may be the case in New South Wales & Van Diemens land, but it is apprehended that some modification of this principle must take place with respect to destitute and back settlements otherwise it will be long before anything like the regular Ministrations of Christianity can reach them[.]

10 Through the whole is taken for granted that the present establishment is to be kept up and extended in proportion to the contributions of Members of the Church of England and that the allowances to other Denominations will continue to be paid out of the Casual and Territorial revenue till such time as the growing income from the Reserves shall supply the means of covering them without interfering with existing rights[.]

11 In conclusion it seems evident to me that the plan cannot be dealt with in its details by the Provincial Legislature but that after that body has resigned its power over the Reserves to the Crown the authority and prevailing influence of the Imperial Government will be required to establish in a satisfactory manner the future disposition of the Clergy Reserve Fund—

12 A copy of a bill reinvesting the Clergy Reserves in Her Majesty for religious purposes within the Province which was adopted by the Legislative Council in 1836 & in favour of which a vote passed during last Session in the House of Assembly is annexed[.]

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13 This paper might be considered incomplete were I not to remark that as some measure must pass the Imperial Parliament during next winter respecting Lower Canada two clauses might be introduced repealing the 41 & 42 Clauses of the 31st Geo 3d Chap 31 & causing the Clergy Reserves to revert to the Crown for religious purposes and such proceeding would be better received here than any measure of the Provincial Parliament[.]

14 The only difficulty in the way of this honest & straight forward course is the fear of interfering in local matters but every man who intends emigrating to this country has an interest in the Reserves because he has an interest in religion[;] it is therefore a question which more properly belongs to the Empire than the Province & ought to be settled by the Supreme Legislature[.]

15 I have only to add that it will give me great delight to render your Excellency every assistance in my power to bring the vexed question of the Clergy Reserves to a satisfactory result—it is a subject on which I feel strongly but I trust with every disposition to be just and reasonable and I have great pleasure in stating that from the short intercourse which I have had with your Excellency I begin to entertain a hope that the Church property will be satisfactorily adjusted under your wise discretion and experience[.]

[The numbering of the paragraphs is in the margins of the original.]

[ 165 ]

1836

[UPPER CANADA. LEGISLATIVE COUNCIL.]

*Toronto.*

[A printed copy of a Legislative Council paper of 1836 headed: "Amendments made by the Legislative Council in and to the Bill sent up from the Commons House of Assembly entitled 'An Act for the Disposal of the Clergy Reserves in this Province for the purposes of General Education.'"]

[ 166 ]

1838

May 7

JOHN STRACHAN: A.D.S. 6p.

*Toronto.*

Religious State of the Indians in Upper Canada.

Nations

or

Tribes

Mohawks  
on The  
Grand  
River

These Indians are the remnant of the five nations so famous in American History—and still number upwards of two thousand Souls— They are distinguished among themselves as separate [*sic*] tribes or nations viz Mohawks, Tuscaroras, Cayugas, Seneca's, Onondagoes— They have been for more than a century professed adherents of the Church of England, and during that time have had a Missionary of that Church resident among them. The whole of the Book of Common Prayer and a portion of the New Testament including St Marks Gospel have been translated into the Mohawk language and are used by the Indians—

When the American rebellion broke out they were told by the Insurgents, that they would not be permitted as they desired to remain Neutral— On hearing this the vast majority chiefly through the influence of their Missionary joined the Royal Standard— On the peace of 1783 they retired into Upper Canada and had lands assigned them by the Government on the Grand River—

A few years ago the expence of the Mission was assumed by the New England Society— Two Missionaries are now resident among them and are well supported by that Institution. Several Schoolmasters are employed in the education of their Children—and exertions are making to teach them the common

- arts of life by means of a School of Industry. The result is said to be very favourable and highly creditable to the New England Society[.]
- Mohawks  
in the  
Bay of  
Quinte
- This is a small division of the same people numbering about three hundred and fifty— Owing to some difference among their Chiefs this party desired to have a separate Settlement and chose the Bay of Quinte that they might be near their beloved Missionary the late Dr. Stuart of Kingston[.] They have a respectable Clergyman of the Church of England resident among them—and support themselves chiefly by agriculture as do their Brethren on the Grand River[.]
- Chippaways  
of the River &  
Lake St Clair
- This tribe consists of about four hundred Souls— The poverty of the Church prevented a Missionary from being established among them, but latterly a Methodist Preacher attends them—whether occasionally or permanently I cannot say—they still depend too much upon hunting and fishing for their subsistence[.]
- Hurons Munseys  
and Chippaways  
near Amherstburgh
- These are so very few in number as scarcely to count two hundred and at the same time so much scattered that little or no impression has yet been made upon them[.]
- Munseys and  
Chippaways on  
the River Thames
- These tribes number nearly eight hundred Souls— One portion profess to be Moravians and have a Missionary of that persuasion resident in their village— The other inhabiting a distinct village are attended by the Revd Richard Flood an English Clergyman settled near them and having a Mission among the Whites— He can only devote a portion of his time to the religious instruction of the Indians, but we have reason to believe, that his labours have been blessed with great success[.]
- Chippaways  
of Lakes Huron  
& Simcoe
- These Indians are upwards of five hundred in Number— A village has been built for a portion of them at the expence of Government at a place called Cold Water on the North East Shore of Lake Simcoe. A Missionary of the Church of England was sent to reside among them whose measure of success in gradually bringing them into order & in training their children was most encouraging but fiscal difficulties arose and he was with-

Missasaguas [*sic*]  
of the River  
Credit

drawn. Another Missionary of the Church appointed to travel through the Home District visits Coldwater occasionally and the Methodists have now established a Mission among them through the Assistance of Government[.]

This tribe numbers about two hundred and twenty— His Excellency Sir Peregrine Maitland built a village for them on the River Credit with the view of placing a resident Missionary of the English Church among them— A Catechist was sent till a proper person could be found—but owing to some want of arrangement a delay intervened and in the meantime the Methodists got a footing and appeared to be doing so much good, that it has not been thought expedient to disturb them—

Mississaguas  
of Kingston &  
Grape Island

These Indians do not exceed two hundred. They are entirely under the guidance of the Methodists by whose exertions they have been very much improved both in a temporal and Spiritual point of view[.]

Mississaguas on  
Rice & Mud  
Lakes

This tribe consists of nearly three hundred—the New England Society has been assisting them and endeavouring to collect them into Villages. They are still erratic and very little religious impression has been yet made upon them— If any it has been by the Methodists, as the Church has no means to support a resident Missionary—

Indians on the  
North & West  
Shores of Lake  
Huron

These are numerous but scattered in families or small divisions over an immense tract— The Church of England sent Mr Cameron a Catechist & half Indian in 1830 to endeavour in the first instance to collect them together and form a Village at a place called La Closh [*sic*] but finding the Sault St Marie where the great Lakes Huron & Superior are connected by a strait and river afforded a better position for Missionary labours the Mission has been removed thither—and has since continued with great success. The present missionary The Revd Willm McMurray writes most encouragingly but here again the poverty of the Church intervenes for the Mission is supported by a private Society which is unable to give that assistance in School Masters, books &c which are required[.]

Indians on  
the Saguené[sic]  
and Sable Rivers

It was in contemplation to transfer these Indians not three hundred Souls and such families and small tribes as are scattered round the shores of Lake Huron not already noticed to the Manatoulin [sic] Islands and form a village and settlement— Some progress has been made in erecting a village and a Missionary of the Church of England was appointed but difficulties in regard to the settlement itself having arisen he was withdrawn after a short residence. Should these difficulties be removed and the proposed arrangements be completed another Clergyman will be appointed for the religious instruction of the natives according to the forms of the Established Church—

Sir Peregrine Maitland was very anxious during his administration of the Government to adopt and mature a general plan for the civilization and religious instruction of the Indians within the Province[.]

He found that almost all the different tribes had annual incomes of considerable value arising from their sales of lands to Government[.]

It was quite evident that they could no longer live by hunting as the settlements were extending through every part of the Province and unless something was done to induce them to alter their mode of life they must inevitably perish and this in a very short time for their annuities and presents were wasted and turned rather to their destruction than benefit[.]

The outline of the Plan was

1 To Collect each tribe or nation into a village or villages for so long as they continued erratic nothing could be done towards their real improvement[.]

2d The expence of erecting the Village might be defrayed by a deduction from their annuities and by allowing a portion of their presents to be paid in money—

3 To assign a reasonable portion of land to each family around their villages—

4 With a view to their civilization and religious instruction to establish in each Village one or more resident Missionaries Members of the Church of England—one Surgeon—one Blacksmith—one Carpenter—a practical Farmer with Schools of instruction and industry with proper Teachers—

5 It was believed that the whole might under good management be defrayed at much less expence than what the Indians now cost the Government[.]

6 Among the vast benefits which such arrangements would confer that of ensur[ing] the applicat[io]n of their presents & annuities to their real comfort was not one of the least— besides their spiritual comfort and happiness which are matters of infinitely more value—

Sir Peregrine likewise anticipated much relief to Govern-

ment by having as it were a department in each village attached to and amenable to the Government—at the head of which was a Missionary of the Established Church—The Governor of the Province would be no longer molested or embarrassed by Persons interfer[ing] with the property of the Indians for such interference has been the source of great trouble and annoyance to every successive administration—nor has it been confined to Laymen— Insinuations have been frequently made to Indians by which their minds have been rendered uneasy and filled with suspicions against Government—and plots have been laid to acquire their property or at least the power of its appropriation by persons whose duty it was to confine their labours solely to their religious instruction. Nor did Sir Peregrine think that there was entire safety from intrigues of this nature but by some such plan as he proposed[.]

By placing a respectable Clergyman in each Village amenable to the Governor and the Bishop who had no other interest than the discharge of his duty all plots and conspiracies about the temporalities of the Indians would be prevented or timely notice given of their existence— Moreover Sir Peregrine wisely thought that if the Indians were to be instructed at the expence of the Government in the truths of Christianity it ought to be through the national Church over which Government has a just control and no other[.]

Sir Peregrine proceeded to act upon this plan but was not able to make much progress during the remainder of his administration and in the time of his Successor it was for some years lost sight of altho' some partial steps were taken respecting Cold Water & the Manatoulin [*sic*] Islands[.]

In 1830 the Lord Bishop of the Diocese Dr Stewart and his Clergy supported by the Friends and adherents of the Established Church seeing the Government lax or indifferent formed an Institution under the name of "The Society for converting and Civilising the Indians and Propagating the Gospel among Destitute Settlers[.]"

This Society is still in existence & is proceeding in promoting its objects with as much vigour as its limited means admit. It has received countenance & assistance from England and at the present moment contributes to the support of several travelling Missionaries whose duty it is to visit the Indians as well as the White population[.]

It has also one Mission entirely among the Indians at the Sault of St[e] Marie and it is not without hope of being enabled to establish one or two more at no distant period. At the same time it is much to be wished that the plan proposed by Sir Peregrine Maitland were carried into effect with such modifications as change of circumstances may render expedient[.]

Indeed humanity as well as religion requires something to be done for the Indians. They have now no hunting grounds for they have been purchased & taken by Government for settlement and without guidance they are wretched helpless and miserable— If much should not be effected with the

grown up natives in the way of religious instruction their temporal existence may be made much more comfortable and as respects the children much might be done—

In truth the obstacles in the way of converting the Indians are not so great as with other Pagan nations, for their Paganism is of the mildest character— They believe in a future State of existence tho debased with corporeal associations— They retain among them the knowledge of the great principle of expiation & confide in a superintending Providence[.]

When spoken to on the subject of Christianity they ask if it be the religion of their great Father over the water, meaning the King & they are ready to receive it for it is a great recommendation as well as inducement to them to listen when this question can be answered in the affirmative[.]

[167]

1833

[UPPER CANADA. CHURCH OF ENGLAND.] In Strachan's handwriting.

[*Toronto.*]

A copy of the Petition presented to the House of Lords by the Arch Bishop of Canterbury of the 9th of March—sent home by the Attorney General in 1833[.]

To the Righ[t] Honourable the Lords Spiritual & Temporal We his Majestys dutiful and Loyal subjects the Clergy and Members of the Church of England, in Upper Canada with other Inhabitants deeply interested in its prosperity, most humbly approach Your Right Honourable House on a subject of the utmost importance to the well being of this Colony—

Your Lordships humble Petitioners are composed of Loyalists and their Children who took refuge in Upper Canada after the American revolution, under a solemn pledge of receiving the same Constitution as that of the Mother Country; a Constitution which includes a decent provision for the due ministrations of the word and Sacraments, according to the forms of the Church of England—

These pledges were fully redeemed by the Statute 31 Geo 3rd Cap 31 establishing the Government of the Province, which amidst many salutary enactments, provides for the support of a Protestant Clergy, in a way that imposes no burthen upon any class of people or any disability upon those who profess a different Faith—

Your Lordships faithful Petitioners consist also of Emigrants from the Parent State who have been more especially induced to leave their native land and to settle in this Colony because they felt secure that they and their Children would enjoy the inestimable privilege of worshipping their God and Saviour as their Fathers had done before them; since at the most earnest desire of our late King, communicated to his Parliament provision was made for the support of the Christian Religion in Upper Canada—

Your humble Petitioners desire to draw your Lordships attention to the Message of His Majesty Our late King of blessed Memory to His Parliament, and to the enactments in the Canada Act made in consequence of that wise and gracious

recommendation, and they would further appeal to the Coronation Oath, which insures to His Majesty's subjects the Royal favour and protection to the United Church of England and Ireland in every dependency of the British Empire and which we rejoice to see so amply confirmed by His Majesty's recent declaration to the Bishops on the 28th May last, expressing His Royal determination "to uphold the Church in the full enjoyment of all her rights and privileges, and that His Majesty considered the unimpaired prosperity of the Establishment in which you have been educated as essential alike to the spiritual and temporal welfare of the people[.]"

We would most humbly represent to Your Lordships, that under all these circumstances we cannot but consider a Provision for the maintenance of a Protestant Clergy in this Province our birth right and guaranteed [*sic*] to us by the law of the land, as well as by the most solemn pledges; and we feel with deep concern the great injustice of the efforts now making to deprive us of this our vested right; nor can we suppress our indignation when such efforts are made to work this injury upon His Majesty[']s dutiful Subjects who have done and suffered so much for their Loyal Acts and principles, chiefly by persons who have no comparative claim upon the British Crown and who are either ignorant of or insensible to the fundamental principles of our glorious Constitution[.]

On this occasion we do not appeal so much through your Lordships to His Majesty's well Known Grace, which at all other times we feel happy to acknowledge as to His Majesty's Equity; we claim the continued security of our undoubted rights, that justice to which we are entitled—that regard to our religious privileges which is paid to those of our Lower Canadian Brethren of the Roman Catholic religion to whom the pledges of His Majesty's Government for the protection of their form of worship and support of their Clergy are not stronger than those held by Your Lordships Petitioners[.]

Your Petitioners fully trust that Your Lordships will in your gracious wisdom maintain to them the advantage of a permanent provision for the support of public worship according to the National Church of England guaranteed to them by the most solemn pledges and by the law of the Land and of which they have been in possession more than forty years and that this tie which binds us to His Majesty's paternal Government and which we value more than life will not be rudely broken at the instigation of the enemies of their rights and of the prosperity of the British Crown—

Similar Petitions were sent to the King and the House of Commons[.]

[ 168 ]

1838

May 7

JOHN STRACHAN TO ARTHUR: A.L.S. 3p.

*Toronto.*

Your Excellency will perceive that the measure which I require of the Provincial Legislature is abundantly simple—and may, I am confident, be carried through next Session with the exertion of that legitimate influence which necessarily

belongs to Your Excellency, and which may be honourably exerted in procuring the passage of good laws—

After the Church Property is reinvested in the Crown for religious purposes the whole may be regulated by Your Excellency without giving any great trouble to the Home Government. A Scheme of management and distribution may be drawn up on the spot after mature deliberation, and sent home for adoption—then to be returned with the authority and sanction of Govt.

Such a scheme would I trust be more favourable to the Church than the plan suggested by Lord Glenelgs Despatch.

The great objections to this plan are that it requires too great a Sacrifice from the Established Church. That it proceeds upon the voluntary System or principle. And above all, that it seperates [*sic*] Church and State, which I consider Anti Christian— Moreover I am fully convinced that without an Established Church Monarchical Institutions cannot be long maintained in these Colonies—

Your Excellency will likewise perceive, that the plan proposed by Lord Glenelg keeps the Clergy Reserves under the management of the Provincial Govt: for an indefinite term, and will thus expose it, to be disturbed with incessant claims, and excitements, and keep the whole question alive—

Some plan which should have for its object the final and speedy settlement of the Reserves, and Fund, so that each party should have its share at once & for ever would perhaps be the most desirable, if it could be discovered—

The subject is the more perplexing as conscientious feelings and scruples are mixed up with it. The whole Sacrifice is to be made by the Church of England a result not to be contemplated without sorrow—and yet matters have been allowed to go so far, that concessions on her part are now become necessary— The subject however must be grappled with, and when Your Excellency has had leisure to examine it in all its bearings, I trust, that some plan will be found of which we can all approve[.]

Your Excellency may depend upon my zealous and active co-operation so far as a sense of duty will admit, and even should the principle adopted be such as I cannot fully approve, I will do my best when it is once settled to carry it out and make it work in the most satisfactory manner—

I have taken the liberty of sending a Report on the religious state of the Indians within the Province—in which I think Your Excellency will take great interest[.]

I likewise add a copy of the petition lately presented to the House of Lords by the Archbishop of Canterbury that Your Excellency may be acquainted with all our proceedings[.]

[ 169 ] OFIFNJBI HIJNOFZ TO ARTHUR: A.L.S.

[ 1838 ] Ogdensburgh. [Postmark: Toronto, May 9, 1838.]

[ May 9 ]

Information having been received that some Noble Patriot has made a glorious assa[u]lt uppon [*sic*] the Ignoble person of Sir George Arthur the Governor of Upper Canada with no other loss than that of the life of the latter, (It is to be feared that this report is not founded in truth,)

—should it prove to be so a suitable Monument will be furnished gratuitous on condition of the privilege [*sic*] of composing the Epataph [*sic*].—Please direct your order to Ofifnjbi Hijnofz<sup>1</sup> Marble Mason Ogdensburgh St. Lawrence County York State[.]

[ 170 ] COLBORNE TO ARTHUR: A.L.S. 11p.

May 11

Montreal. [Marked "Private".]

I have so long delayed to thank you for your letters of the 5th and 25 Ult: that I can scarcely offer a sufficient apology for my silence. The Commissary General, whom I had requested to proceed to Montreal, was prevented by illness from leaving Quebec for some weeks. He however arrived here a few days since, and I hope the arrangements which he has made for the payments due in U. Canada will prove satisfactory— They will be completed, I believe, in the course of this month; but the Commy Genl must have time to provide means for supplying the large sums which he is called on unexpectedly to raise. Great allowance undoubtedly should be made for the events which have been the cause of the debts being contracted, and for the confusion and irregularity inseparable from the calling of Volunteers and Militia to the frontier, at a moment of much excitement and alarm. To prevent fraud and imposition on such occasions is impossible but when a public officer is called on to adjust claims finally, and finds that a sum of £15,000 has been issued to an irresponsible Agent, who can produce no voucher or satisfactory account for the greater portion of this sum which he was ordered to distribute, he cannot dispose of such affairs without strict enquiry, nor neglect to report that several Officers have been allowed to draw large sums without being checked or controlled by the Officer in Command in the Upper Province. Whatever discontent or clamour may prevail among the minor creditors, there is reason to believe that they will be easily satisfied when the Commissaries explain to them, the nature of the charges which have been brought against the public, and the enormous sums which appear to have been unnecessarily expended by the Agents to which I have adverted, and in settling the accounts of Tavern Keepers[.]

The arrival of a Deputy Commy Genl is daily expected; he will be stationed at Toronto and will have the superintendence of the Commissariat in the Upper Province—

The strong influential party in the United States averse to War, and whose interests are so much concerned in keeping things quiet will prevent a crusade against Canada, and check the sympathisers on the frontier. The United States I am persuaded cannot go to war. We have *also* rumours of hostile proceedings; it is said that the State of Maine has commenced a road through the disputed territory.

I am become so incredulous respecting the reports of the hostile disposition and preparations of our Neighbours, and the Patriots, that I give no credit whatever to the tribe of gentry employed in the Espionage, the system of falsehood adopted by them, or ill founded reports conveyed by them, sufficiently demonstrate that we cannot be too cautious in acting on their intelligence.

There are also many *Loyal people* much interested in keeping up

<sup>1</sup>These letters appear in the position of a signature. Regarding them as a cipher, and substituting the letter which immediately precedes each of them in the alphabet, the result is "Nehemiah Ghimney" which may or may not be the name of the writer.

the alarm of invasion. The only correct intelligence which I have received, has been derived from the statements of respectable merchants residing at Burlington and Platzburg [*sic*] and other Towns of the States of New York and Vermont, and of Priests settled in the United States. I hope our Government will persevere in their intention of sending out reinforcements to these Provinces; and that we shall be able to reduce nearly all the Volunteer Corps, and to dispense with the services of the Militia. A strong Corps of observation will put an end to the alarms in the London District, and restore confidence. We are only to have 7,000 men in this Command—If each Corps should muster 600 R & F; three Regiments will, I think, be a sufficient force for Upper Canada. I should suggest that each Corps should be kept together as much as possible—One Regiment at Kingston, one at Toronto, and another in the Western District, at London and Chatham[.] A Company of 100 R & F might be detached from the Regt at Toronto, to Niagara, and the same force from the Head Quarters of the Regt, in the London District to Amhers[t]-burg. By this arrangement we shall expose a small front to the temptation of desertion; while at the same time we should be able to bring 500 men against the Brigands or Rebels, in a few hours, or days at any point they may be inclined to try their fortune. A few Companies of Volunteers might probably be kept up on the Niagara Frontier and at Amhers[t]burg, if you think the companies of the regular force insufficient for the protection of the out-posts; but I think a corps collected at some distance from the frontier will be more formidable than nearer to our Neighbours of New York and Michigan. If you should require more Troops I will send you another Regiment when we have made our arrangements in this Province. The 34th Regiment, or the 71st. Regt, will relieve the 24th Regt—The 83d, I have moved to Kingston—and as soon as there are 600 men in the London District I wish the two companies of the 83d now at Amhers[t]burg to join the Head Quarters of their Corps at Kingston. The 24th Regt will proceed to By-Town and the Carillon as soon as they are relieved by the 34th. or 71st. The Guards arrived yesterday at Quebec—One Battn disembarked immediately, and the other will be in their Barracks tomorrow. The 15th Regt will move to Chambly, and the Head Quarters of the 88 Regt to Sorel; and the Companies of the 34th to Montreal. Should the 71st arrive in time, I should prefer sending that Corps to Toronto. I have requested Captain Sandon [*i.e.* Sandom] to communicate with you upon the subject of his boats, which I have authorised him to fit out at Kingston and to station at Long point, either at Port Stanley or Port Dover. His Flotilla probably may be of use in restoring confidence on the water frontier. He will have a Steam Boat, if he can engage one on reasonable terms.

With respect to the Officers sent out to be employed with the Militia. I have found some difficulty in disposing of all of them. Those stationed in Upper Canada are entirely at your service. They have, in fact, at present little duty to perform. I desired that the three Officers on the St Lawrence, should report direct to me sending you duplicates of their reports. The Officer at Niagara, who, I have been given to understand since his departure, is not *always very sober*, will of course send his reports through you, and all Officers to the Westward of Kingston. Those now acting as Magistrates on the Richelieu are very active and useful—

You mentioned in your letter of the 5th. ult your wish to select an Adjutant Genl. from the Officers employed on a particular service. I

should recommend Major Mackenzie Fraser in preference to any other— He I think would be glad to remain in the Country, and is very clever— He was some time Depty Adjutant Genl at the Mauritius. The Officer mentioned by you in your letter is, at present, at Nicollette— I am persuaded that he would not be approved of generally in the Upper Province[.]

I intend to leave this place on Monday for Quebec, to receive Lord Durham. I hope you have now no further anxiety respecting the trials—

I have been instructed to bring a certain number of the Prisoners accused of High Treason before the Ordinary Tribunals of the Province. This decision is I am persuaded so calculated to prove injurious, to our affairs, that I have determined not to act on the instructions which I have received— Lord Durham will be able to judge how far it is right or expedient to incur the risk of the whole of the Offenders being acquitted.

I understood that Colonel Foster had had some correspondence with Colonel Eden respecting his allowance while Commanding in the U. Province. I shall be very glad to sanction any charge for his additional daily pay that I have reason to believe will be approved of by the Secretary at War.

I beg you will make any arrangements which you may think best, either with respect to the instructions in possession of the Officers sent to the Upper Province, or any military affair or matter; and you may be assured that I shall neither be offended at your suggestions, [n]or disapprove your arrangements. Some of the intelligent Officers, selected for employment in U Canada, although strangers in the land, are more to be depended on, than persons not free from excitement. The reports of Major Young and of the Officers stationed on the St Lawrence and on our frontier are the best we have received[.]

[ 171 ] J. B. ROBINSON TO [ARTHUR]: A.L.S. 4p.

May 16

[Place not stated.]

You will see by the act that the 4th. clause is correctly stated in the Report, & the language certainly is so comprehensive as to exclude nothing— It is clear that the Judicial Committee can advise the *Queen* upon the construction and effect of the Stat 31—Geo 3. upon a mere reference— It would be but an *opinion* to be sure, not a *Judgment*, but it would be the opinion of the best legal tribunal the Empire affords—and must have at least the effect of satisfying all reasonable men, and of making the obstinacy of unreasonable men unimportant— I have made one or two remarks in pencil on the draft— The only part of it, about which I should hesitate would be the last paragraph— & that not from any idea that an ecclesiastical jurisdiction would ever be applied, or that it would ever be desired to apply it in such a manner as the Presbyterians effect to apprehend— But merely because I am persuaded they press for this declaration for no other purpose than to obtain a recorded proof that the Church of England stands on no other ground in the Colonies, than the Church of Scotland—and it would certainly establish that point for them—contrary as I think to the plainest principles of the Constitution & the truth of history—

I should first have made them point out, what it was they were afraid of— Then as a lawyer I do not feel myself prepared to say on the

sudden that so sweeping a declaration may not in a possible case lead to practical inconvenience as regards private rights & interests[.]

However the Secretary of State seems to have settled this concession—but like too many others, he has settled it without much thought—I fear—

[ 172 ] J[OHN] JOSEPH TO THE LIEUT. GOVERNOR [ARTHUR]: A.L.S. 6p.

[ 1838 ] [Place not stated.]

[ May 16 ]

I beg your Excellency will accept my thanks for the kind manner in which you have been pleased to convey to me your Intentions with respect to the office which, on your arrival, you were so obliging as to retain me in—on the express understanding however that it could be done without detriment to the public Service.

Your Excellency has been accustomed to have, in the office of Civil Secretary, a person intimately acquainted with the details of public business, and who could inform you on any Matters which might be brought under your Notice—without referring you to the department to which it more especially belongs: and I think Your Excellency does no more than what is incumbent on you, to place in the office of Civil Secretary, a person so qualified. I only regret that it should have caused you any pain to announce to me my incompetency; since your Excellency does me injustice in supposing that I was not as sensible of it, as you could be. Had I held a different opinion of myself, it might have been a matter of Mortification to be made acquainted with it.

When Your Excellency was pleased to appoint me your Secretary, I considered at the time,—from the nature of the duties which you stated you should require from such an Officer—that I could only hold it until you should have leisure to find a more competent person. But you will, I trust, do me the justice to acquit me of any attempt or desire to deceive you. I mentioned to you at the time—that I did not write any of Sir Francis Head's despatches, except the mere routine ones: and on your stating to me what were the duties of the Secretary in Van Diemen's Land, I told your Excellency that in my opinion there was but one objection in this Colony to making that Officer a sort of Colonial Secretary of State:—namely, the jealousy that would be created of the influence which a person of talent and general ability might be supposed to possess over the Governor. But that objection I think is not worth much: And I think your Excellency acts wisely, as well as conscientiously, in making the arrangement you propose.

It only remains for me to thank your Excellency—as I do very sincerely—for the kind expression of your willingness to serve me. What I should prefer beyond any other appointment, is, to revert to the arrangement which Sir Francis Head had made for me. He appointed me to the first Clerkship in the provincial Secretary's office, in the room of Mr. Jarvis: and thereupon Mr. Cameron requested Sir Francis Head's permission to appoint me his deputy—(as he had appointed Mr. Jarvis)—which Sir Francis kindly acquiesced in. This arrangement was made on a clear understanding with Mr. Jarvis, that if his recent appointment to the Chief Superintendency of Indian affairs, should not eventually be confirmed to his satisfaction, that I should retire from his place in Mr. Cameron's office. On this understanding, I should be glad if your Excellency would be pleased to allow me now to accept that office. I have by me, the appointment—which I neglected to

destroy; but which I will immediately place in your Excellency's hands to be destroyed, if you desire it.

This Situation would give me £300 a year: and the further arrangement was, that before I gave up my Secretaryship, I should appoint myself my own Agent for the Sale of Marriage Licenses in this City. My Agent is a Mr. Mercer—a person whom I never saw; but who is well off, and in no need of such Agency. The Civil Secretary appoints his own Agents throughout the Province, for the disposal of Licences: but of course I should not exercise this right in my own favour, unless with the approbation of your Excellency.

Whenever it may suit your Excellency that I should quit my present office, I shall be ready to do so: And if it shall please your Excellency to let that arrangement have effect which Sir Francis Head had made for me, I shall hold myself much bound in gratitude to your Excellency for a kindness on which I have no kind of Claim.

[ 173 ]      ARTHUR TO JOHN JOSEPH: LB. 1, p. 21.

[ *May 16?* ]      [ *Place not stated.* ]

I shall be most happy to confer upon you the office you name in succession to Mr Jarvis, With regard to the sale of Marriage Licenses I do not see how you can very well appoint yourself—but if the system be continued as at present, and I really do not know whether it ought or not, there can be no difficulty, I presume, in my arranging with your successor for your appointment provided the agency can with propriety be taken from Mr Mercer.

But, in place of this arrangement I hope eventually to have it in my power to offer you a more eligible appointment. I allude to that of Clerk of the Executive Council. I am not aware that there is any person, who, in succession, has a superior claim and, in the Australian Colonies, it is one of the most respectable offices—being filled in New South Wales by Sir Richard Bourke's Son in Law, and in Van Diemens Land by my Nephew.

[Misdated: "Thursday Mornng—16th. May".]

[ 174 ]      [ARTHUR TO JOHN] JOSEPH: Df.A.L. 2p.

[ 1838 ]      [ *Place not stated.* ]

[ *May 16?* ]      [Draft, apparently misdated the "15th.", of item 173 with some variations.]

[On the same sheet appears item 175.]

[ 175 ]      [ARTHUR]: [RECIPIENT NOT STATED]: Df.A.L.

[ 1838 ]      [ *Place not stated.* ] [Marked "Private".]

[ *c. May 16* ]      By the enclosed Letter you will perceive that Mr Joseph is going to leave my office—not that He has said or done any thing to give me the slightest offence—As I am yet, as it were, a Stranger would you do me the favor to name say two or three competent, well informed Persons, possessing habits of business of whom I might select one—From what I have heard of Him & from what I have seen I think I should find Mr Macaulay the Surveyor Genl [The letter ends here.]

[The above appears on the same sheet as item 174.]

[Enclosure lacking.]

[176] C. A. HAGERMAN TO ARTHUR: A.L.S. 2p.

May 22

Toronto.

I enclose herewith the draft of a letter such as in my very humble judgment may answer the purpose desired by Your Excellency. I am (I say it very sincerely) but an indifferent hand at *diplomatic* correspondence—but I have done my best.—

I beg respectfully to say that if during Your Excellencys absence there is any matter in which my services can be useful to your Excellency I trust you will command them.—

I have been the greater part of the day in Court, and the Vice Chancellor is now with me completing his report, or I would have sent you the accompanying earlier.—

Sincerely wishing you an agreeable trip—

[Enclosure is possibly item 177.]

[177] [ARTHUR ?] TO H. S. FOX: L. 3p.

May 22

Toronto.

I have had the greatest difficulty to bring myself to believe that the American Sympathisers would make another crusade to this territory: but I have received from such various quarters reports of the collection of arms, ammuniton, and the cannon which General Scott could not recover in February last, that it would be wrong in me any longer to delay soliciting your interference with the Government of the United States, as it undoubtedly is nothing more than may reasonably be expected that decided measures should be adopted for putting down those proceedings which have a tendency to perpetuate irritated feelings, even if no attack be seriously meditated.— My own impression is that they will not rest quiet until they have had what they term their revenge for the affair of the Caroline, by destroying some one or more of our Vessels in our Harbours or on our Lakes.— This attempt of course, will be resisted, and it is impossible to foresee what the result may be.—

There are, so far as I can ascertain, about two thousand persons who have left this Province, and have taken up their residence in the frontier Towns on the American Side.— These people of course will continue to excite and agitate the lawless characters that are to be met with at Lockport, Rochester, Lewistown, Buffalo—and in the *neighbourhood* of these places. No force that they can collect will now make any serious impression upon us.— But as, I deeply lament to say—disaffection here, can only be considered to be smothered at present, every cause of excitement, it is my duty, by all possible means, to remove: and I therefore earnestly entreat your powerful interference.

[The above is possibly the enclosure referred to in item 176, and may not have been despatched until after Arthur's return from Kingston on May 26th; see item 178: "I have this moment written to Mr. Fox".]

[178] ARTHUR TO COLBORNE: L. 16p.

May [28 ?]

Toronto.

I have had the pleasure to receive your letter of the 11th. inst. and thank you for the information it contains. All your suggestions and wishes upon Military points shall be fully acted upon except where

unforeseen circumstances require some temporary delay or partial alteration of which I shall of course immediately apprise you.

Every day for the last week I have intended to write to you; but every day I have postponed it, being still doubtful how far the information which has reached me might be depended on. But the storm now seems to be gathering so fast, that, although I have still the greatest difficulty to bring myself to believe that the runaway traitors and American Patriots will actually make an other crusade to this Province, yet, the tidings of their intention are brought from such various quarters that I can no longer safely oppose, on the mere grounds of its improbability, the general expectation that it is seriously meditated in pretty strong force.

Several letters have been intercepted by the Post Master at Toronto from some of the fugitives from this Province, and one in particular from a Mr. Ketchum, who was accountant to the Bank, to his Father is very confirmatory of the Reports received from various other sources that Doctor Rolph with Charles Duncombe and some others have been organizing a system of attack for many weeks past—they are both at Rochester—and it is impossible to suppose otherwise than that Bidwell, who is Doctor Rolph's particular friend, has a hand in the affair. They are two clever Rogues, whose abilities have come out with the times, and my Predecessor roused every bad feeling in their nature, and I believe they will retaliate upon the Queen's Government by attempting to inflict upon us all the mischief they can.

A letter which was forwarded to me by Colonel Maitland from Amherstburg states, upon what seems very good authority, that a considerable number of Patriots have within the last week made their appearance at Detroit—and it is rather strange that at the same time the *regular* American Troops have been removed from that Station.

On Wednesday last the Master of one of our Steamers from Rochester, who bears an excellent Character was brought to me by the Collector of the Customs. He stated that during the last three weeks he had seen such assemblages of Persons and other Proceedings at Rochester as convinced him that something was in agitation. He knew Doctor Rolph, and had a long conversation with him and never, he said, had he met with a person filled with more vindictive feelings. He added that within his personal knowledge a great quantity of arms had been collected.

The Steamer—Great Britain—the largest we have on the lakes belonging to Mr. Hamilton is (very improperly) commanded by an American Master.

It was rumoured that the people at Lewiston had attempted to seize her and that she had suddenly left the Port. I have this moment seen the Master myself. He says it is not true that an attempt was actually made to seize the Vessel, but that he was warned by a friend, on whom he could rely, of the intention and therefore would not stop at Lewiston.

There is no doubt, he added, that the Rebels and Patriots have collected a great quantity of arms and that many thousands have enrolled themselves to assist the "oppressed Canadians". We should, I believe, never have heard a word from this Person but that he has an interest in the Steamer.

About a fortnight ago I inspected the Niagara Frontier. It was remarkable that some few days before I went there a letter from a tradesman at Lockport to his son at Niagara was sent to me in which

he stated amongst many other circumstances connected with the proceedings and plans of the refugees and Patriots, that they were going to send to the Western District several Spies, in disguise as soldiers who had deserted, whose object was to communicate with disaffected Persons in the London District and to corrupt our Soldiers. Sir Francis Head very much relied upon information given from the same person at Lockport in January last.

Accordingly I found from Colonel Kerby that, the very day before I arrived at Niagara, several of these reputed deserters had made their appearance—one of them got into some trouble, an examination took place and it appeared clearly enough that he was no Deserter—but as I had directed that there should be no restraint upon the usual intercourse across the River of course all persons may pass and repass as they please—so that the circumstance is of no other importance than as being confirmatory of the statements made by the same individual of preparations for invasion being in progress.

On Thursday last I inspected the 83rd. Regt. and the Militia at Kingston. Whilst I was there Major Bonnycastle received a letter from a merchant from whom he told me he had throughout the winter received very correct information, informing him that a considerable number of persons had been collecting under McLeod at French Creek and that they were to act in conjunction with Johnson [*i.e.* Johnston] in an attack that was simultaneously meditated at several different places along both Lakes. A respectable person named "Ewart" who was formerly a builder in Toronto, but who has I believe retired from business returned during the week from the States. He was last at Detroit & Buffalo. His information is that he is persuaded some attack is meditated but not until the month of July—the 4th. I have seen him since my return from Kingston and I should think him a person, from his manner, to be relied upon. He has no doubt that there is a movement in contemplation among the Persons who have left this Province and their connections who remain in it in conjunction with the Patriots—he relied a good deal upon the information given to him by a man who was apprehended in the London District during the revolt and was afterwards discharged and left the Province.

On my return to Toronto late on Saturday night I found Colonel Macaulay, the Commendant [*sic*] of the Militia, lately of the Royal Engineers very much alive to some Reports that had been received during my short absence—I will enclose his letter in an Official communication from the Civil Government as soon as I have written this.

Colonel Foster also had a whole catalogue of statements which coming from various quarters were certainly remarkably confirmatory of the report of projected invasion, and he entreated me at once to ask for another Regiment—

I requested the Assistant Adjutant General to condence [*sic*] his statement in a letter from himself which I will also transmit to you. I have this moment written to Mr. Fox calling his attention to what is going on amongst the people on the Frontier and requesting Him to represent the same to the American Government.

The Patriots have, no doubt, got possession of the Guns which General Scott could not recover during the winter, and there can be no question that a great many have banded together to do some mischief—but, probably, not to such an extent as Colonel Foster states although

he is abundantly borne out by the statements from which he has derived his information.

If you can spare me another Regiment, I hope you will have the kindness to do so immediately, as I should rather deter the Banditti from undertaking the enterprize than have "the honour" of defeating them, for we are not yet in a very comfortable state *within our own Camp*.

Within the last three weeks I have allowed such men of the Militia as were enlisted until the 1st. July to return at once to their homes if they pleased. A great many have availed themselves of the permission, and it has been followed by the most animated remonstrances from all Quarters. Major Anstrothers [*i.e.* Anstruther's] correspondence is not very prudent on the occasion. He states, I observe, in a letter to the Military Secretary that his remonstrances against this reduction having failed he can no longer consider himself responsible for the security of the Frontier District, and that he has sent a Copy of his correspondence to Head Quarters—the fact is that he is not in command on the Frontier, but merely aiding and advising the Officer commanding.

He is a smart Officer, however, but, apparently, does not always exercise a *sober* judgement.

I need not say that as the responsibility rests with me I would have checked the decrease of the Militia force had it appeared *absolutely* necessary; *but up to this time*, I have not seen the necessity, and as the Militia were called out in a way that makes it unnecessarily expensive if it be found requisite to keep up *some* portion of that force, as now, I undoubtedly think it will be, I should prefer re-organizing it altogether.—

The Coloured Companies seem very useful men, & will be highly serviceable on the Frontier to prevent desertion. I have been endeavouring to put them in a good state. There ought if possible to be two Regiments in the Western District if you can spare another, I should propose sending it there, but removed away from the Frontier. Perhaps, Hamilton or Brantford you would approve? We ought, I think, to have a good Barrack either at the Short Hills or Burlington Heights.

I will as soon as possible, bring away the two 83rd companies from Amherstburgh but there is a general expectation that an attack will be made there to rescue the Point Pelê [*sic*] Prisoners, and to seize the Guns that are there— The Prisoners I have ordered to be removed, and propose proceeding to inspect the Western District next week if I can get away from Toronto.

All our State trials are now over with the exception of two or three unimportant cases at Kingston, and the juries here have done their duty upon the whole faithfully, but with less decision perhaps lately—and the Reformers who were silent are beginning to come forth again.

I have thought it better upon the whole to detain all the Prisoners in this Province until I receive the Secretary of State's answer, and propose sending them to Kingston.

I thank you very much for your willingness to give me an officer as Adjutant General of the Militia and Major Mackenzie Frazer, from your idea of his capacity would have been just the person—but, I find, I cannot get rid of the present incumbent very well. He is [a] worthy man, and a gallant soldier too I believe, but totally unfit for his office. Will you allow me to submit that an officer in the Quarter Master Genl's Department is much wanting in this Province; it is

impossible to say what may take place, and without proper Staff Officers the expence is exceedingly increased. If you can afford me this assistance I should consider it a particular favor if you would select a *very* intelligent hard working Officer of experience as I am not overburthened with aid of this sort—and my hands are so full just now that the head and time of a good Staff Officer would be a great relief to me—perhaps Major Frazer would do.

The Splinter Proofs they are fitting up for the Soldiers in the Barracks are really not wholesome[?];—it is too bad that the Home Govert have so long neglected this accommodation of the Troops. I have just been looking into your correspondence with the Secretary of State upon the subject, commenced in 1833, and have written to Lord Glenelg as strongly as I can with delicacy express myself. I enclose copy of my despatch upon the subject which will revive your recollection of facts—if you will be so good as to throw it into the fire after you have perused it—probably you have already reported the state of the Barracks to the H. Gds.—if not, there can be no doubt a short recommendation from you in that Quarter would ensure Success.

[Enclosure lacking.]

[ 179 ] JNO MACAULAY TO [ARTHUR ?]: A.D.S. 4p.

May 30

[Place not stated.]

Memorandum

The very important nature of the question as it respects myself, will perhaps be admitted as an apology for my submitting the following observations[:]

In the year 1836, I was residing at Kingston, where I had passed my life, in the possession of an income (independent of my private means) derived from two employments viz in the Post Office and a Bank Agency, of about £750 per annum, and had no intention or desire of removing from thence, when His Excellency, Sir Francis B. Head was pleased to propose to me the situation which I now occupy of Surveyor General of Lands, with a salary of £600 sterling a year and fees amounting together on an average to a trifle more than the emoluments I then enjoyed at Kingston—

After some deliberation, and not without considerable reluctance to sever those ties by which I was bound to my native town, I was induced to accept the honour offered me by Sir Francis B. Head; and I did so, not because I was intent on emolument only, for the difference in the expense of living, incurred by my change of residence turned somewhat to my disadvantage, but because I would when at Toronto find myself in direct intercourse with many of the most valued friends of my earlier days, and would also be advanced in rank, and by receiving the charge of an important Department, occupy a station of greater usefulness— On arriving at this City, I found that the office to which I had been appointed, had from various causes, fallen into disorder, and I saw the necessity of applying myself to a careful inquiry into the extent of labour and judgment that would be required for the purpose of bringing up the arrearages of work in each branch of duty, and re-establishing an exact and efficient system of business— I have since steadily pursued my plans of improvement, and have indulged in the hope that I might in the course of a reasonable period, reduce the affairs of the Department to a state of order and method that would reflect

some credit on myself, and at the same time be satisfactory to the Government and the Country. In thus devoting my attention to these new duties, I must confess that a distaste for them was engendered by the condition in which I found the books, records &c, but this speedily gave way to the interest that was excited by the business in which I became engaged; and as a Despatch was addressed to the Lieutenant Governor, by the Right Honourable Secretary of State, within a few weeks after my appointment, conveying the gracious confirmation thereof by His late Majesty, I have at once surrendered my hold on the appointments at Kingston, and considering my destiny fixed by the assignment of an office of the first importance in the Province, neither anticipated nor desired a removal to any other place or station—

By the conversation with which I was recently honoured, His Excellency was pleased to observe that a person was required to discharge the duties of Private or Civil Secretary, and in expressing an opinion that I was qualified for that post, intimated on what terms it was desirable that I should hold it.

The impressions on my mind with regard to this proposed change of situation, I venture respectfully to note—

1st It appears to me that I should descend on the scale of rank, for in this Colony at least, the situation of Secretary to the Lieutenant Governor has never been accounted equal in rank to that of the Head Officer of a branch or department of Civil Administration— And as a person advances in years, it can seldom be found agreeable for him to retrograde in rank or station.

2nd There is this further consideration in my case:— While I should act in the capacity of Secretary, I could not with propriety occupy my seat in the Legislative Council, except perhaps once *pro formâ* during each Parliament[.] I clearly could take no part in the proceedings of that House.

3rd. The appointment of Secretary is *temporary*, and unless under some new arrangement, could only last during one administration. The average term of an administration is not, I believe much beyond six or seven years, and though I most sincerely hope that the present may extend beyond the most protracted one that is recorded in our annals, it yet must reach its close, and then will recur to mind the material difference between the Secretaryship, and an office that is usually retained by deserving occupants during life.

If these views be well founded, it would naturally follow that although there might be a superiority in point of emolument attending the change in question, I would find no permanent advantage result from it— I should be prepared for closer application, and more active exertions than are required by my present office—

Nevertheless if it should be conceived that I am capable of rendering the Government more useful services in the office of Secretary than in my present post, I shall hold myself ready to conform to its pleasure. But in relinquishing for that purpose the charge of an important Department, I hope I shall not be deemed unreasonable in being allowed to entertain the expectation of obtaining through His Excellency's interposition with Her Majesty's Government, a promise of the Reversion of the office of Provincial Secretary and Register on the next vacancy, and that in the event of His Excellency's requiring the immediate assumption of my new duties, my present office may in the mean while be kept in abeyance. By such a pledge from the Government I should be relieved

from unpleasant solicitude with regard to the future, and be provided with a sure means of resuming my present rank in the Colony, when His Excellency might see fit to retire from its Government, or to dispense with my services as Private Secretary—

[ 180 ]

ARTHUR TO COLBORNE: Df.L. with emendations in Arthur's handwriting. 8p.

May 31

*Government House, Toronto.*

I have the honor to represent to Your Excellency that, for some time past, but more especially within the last fortnight, rumours of an intended invasion by a combined force of Traitors who escaped from this Province, of disaffected persons, who hastily left it—and of a class of American Subjects, calling themselves "Patriots," have been gaining ground, and are certainly confirmed in a remarkable manner by statements from various persons, and from various and distant quarters.

Relying upon the preventive measures of the Government of the United States, I have proceeded with the reduction of the Militia force allowing all such men as had been enlisted until the 1st. July by Sir Francis Head to return to their Homes if they wished it—but, within the last few days, the Accounts from the Frontier are of a nature calculated to arrest this proceeding, and to require the most particular vigilance and attention.

Whether these people will put their threats of invasion into execution it is impossible to say;—but, as large sums of money have been subscribed, and arms and ammunition collected, it is not possible to doubt their intention—independant [*sic*] of the information to that effect derived from many intercepted letters.

On my return from visiting Kingston, where rumours of some intended acts of violence upon our Frontier were strongly entertained, I received a letter from Colonel Macaulay Commanding the Militia Force in Toronto, and one from Colonel Foster the Assistant Adjutant General, of which I have the honor to enclose copies—these letters contain the substance of the various reports of the proceedings and intentions of the Rebels & Patriots on the American side. The circumstance that most arrested my attention was—the danger which the Master of the Steamer "Great Britain" was warned by an American to avoid—that of having his vessel seized and burnt whilst laying at Lewiston, as part of a plan for destroying all the Canadian Steamers on the Lake!

Although an American subject, this report so alarmed the Master, Mr. Whitney, that he promptly hauled off from the Wharf, and there can now be no doubt thereby saved his vessel from immediate destruction.

By the depositions of several respectable persons it appears that on Tuesday morning about one o'clock A.M. the very fine Steamer "Sir Robert Peel" was boarded by a band of American Citizens whilst laying along side the Wharf at "Wellesly [*i.e.* Wells] Island" in the St. Lawrence, and was utterly destroyed by fire—the Passengers, after having been robbed and plundered were sent ashore almost in a state of destitution.

Copies of the Depositions are enclosed. No doubt any longer remains on my mind, after this outrage, that the preparations so long represented to be in progress, may now be depended upon in the main as accurate; and it will be necessary to prepare for the result of them. At the same

time, I have on this occasion considered it to be my duty to restrain, as far as possible, Her Majesty's subjects from resorting to any acts of retaliation until we see what the American Government will do in this matter, and I have the honor to enclose a Copy of a Proclamation which was published this day as soon as the information reached Toronto.

I have despatched a messenger to Mr. Fox who will I hope demand satisfaction with firmness.

As the first brunt of this Affair will inevitably fall on the Upper Province, I shall be much relieved [*sic*] to find it is in Your Excellency's power to send another Regiment into it at your earliest convenience; and I would propose keeping up four of the Regiments of the Militia which have been called out since December last— But, after the 1st. of July when their present engagement terminates, it would be right to place them altogether on a better footing, and I think it would be beneficial to engage their services for twelve months—not merely with a view of repelling any foreign invasion, but to produce an effect upon this Country, which is by no means in a satisfactory State.

[Enclosures lacking.]

[181] W. H. DRAPER TO [ARTHUR]: A.L.S.

[1838] [*Place not stated.*]

[June?]

I have requested Mr. Thorne to call upon your Excellency, as he has lately travelled thro' the state of New York and has just returned from Rochester where he remained three or four days[.]

His information may be satisfactory—

[182] J. B. ROBINSON TO THE LIEUTENANT GOVERNOR [ARTHUR]: A.L.S. 3p.

[1838] [*Place not stated.*]

[June?]

I have found it a very difficult task to reduce the number—No. 2. is the list I began with, but it much exceeds the limits— No. 1— contains I think the 25 worst names, but the difficulty is that of those omitted there are many whom it will not do to pardon, & whom it would be thought folly to banish— It is really a very perplexing business— I think it would not do to send home the bulky document herewith returned,<sup>1</sup> for it is not by any means in accordance with the views ultimately taken of the different cases—

On the whole I should be inclined to write to the Secretary of State placing the difficulties fairly before him, and saying that with the knowledge which you have acquired of the conduct of the parties & the sentiments of the Community in respect to them, You can not take the responsibility of relaxing further, but if on a view of the whole case Her Majesty shall think it proper to desire that the number to be transported shall be less, You will endeavour with the assistance of the Council to reduce it—

[Enclosures:]

[183] [J. B. ROBINSON]: A.D.

[1838]

[June?]

[*Place not stated.*] [Marked: "1".]

<sup>1</sup>Possibly the report of the commissioners placed before the Executive Council on May 29, 1838.

## Transportation for 14 years.

|                             |                     |
|-----------------------------|---------------------|
| Walter Chace [Chase?]       | William Alves       |
| Stephen Brophy              | Ira Anderson        |
| John G. Parker              | John Montgomery     |
| Finlay Malcolm              | John Stewart        |
| Enoch Moore                 | William Stockdale   |
| Horatio Hills               | Wilson Reid [Read?] |
| Solomon Sly                 | Gilbert F Morden    |
| Robert Walker               | John Anderson       |
| Thomas Shepherd [Shepard?]  | Nathan Town         |
| Michael Shepherd [Shepard?] | John Tufford        |
| John Mavor                  | Charles P Walrath   |
| Peter Milne                 | Paul Bedford        |
|                             | Jay Cody            |

[ 184 ]

[J. B. ROBINSON]: A.D. 2p.

[ 1838 ]

[ June ? ]

[Place not stated.] [Marked: "2."]

## Transportation for 14 yrs.

|                             |                       |
|-----------------------------|-----------------------|
| Walter Chace [Chase?]       | John Stewart          |
| Michael Shepherd [Shepard?] | Finlay Malcolm        |
| Solomon Sly                 | Horatio Hills         |
| Leonard Watson              | Nathan Town           |
| Thomas Shepherd [Shepard?]  | John Tufford          |
| Robert Walker               | Charles P. Walrath    |
| John G Parker               | Peter Malcolm         |
| Gilbert Fields Morden       | Harvey Bryant         |
| John Montgomery             | Enoch Moore           |
| Randall Wixon               | Jay Cody              |
| Peter Milne                 | Ira Anderson          |
| John Mavor                  | James Brown           |
| Joseph Gould                | Charles Chapin        |
| William Stockdale           | William Thompson      |
| William Alves               | Philip Henry          |
| Stephen Brophy              | Paul Bedford          |
| John Anderson               | James Hill            |
| Wilson Reid [Read?]         | John A. Tidy [Tidey?] |
|                             | John Kelly            |

[ 185 ]

R. B. SULLIVAN TO THE LIEUT GOVERNOR [ARTHUR]: A.L.S. 3p.

[ 1838 ]

[ June ? ]

*Crown Land Office, [Toronto.]*

The Receiver General called upon me just now, and stated that from a communication with *Dr O Grady* he had reason to believe that the disaffected to the Northwards. are ready to rise, Mr Dunn proposes the bringing the Indians into Town.

I think it necessary that Your Excellency should receive intelligence from the Receiver General himself and notwithstanding his objection to wait upon Your Excellency. (founded as it appears to me upon some little jealousy at not being spoken to [by] Your Excellency on the state of the Country) I think it my duty humbly to recommend to Your Excellency to require Mr Dunn's attendance so that Y. E. may learn the particulars from his own mouth—

I fear that the statement communicated by Y. E. to the Indians is not authentic[;] the *Extra* which arrived yesterday & the Montreal herald which I just now saw at the Attorney Generals give a somewhat different version of the affair, which appears very encouraging in itself although not quite so Chivalric as the first statement[.]

[ 186 ]      ARTHUR TO COLBORNE: L. 3p.

June 1

*Government House, Toronto.* [Marked "Copy".]

Referring to my former correspondence respecting certain prisoners taken in arms against Her Majesty in this Province, I have the honour to inform Your Excellency that for reasons which are explained in the enclosed Order in Council. I have felt it necessary to transmit for safe-keeping at Quebec, the prisoners whose names are inserted in that Order.

As these prisoners were taken in arms against Her Majesty, engaged in hostile attempts against this Province, there can be no doubt that their offence is rather against the British Empire, than against the Municipal Laws of this Colony, and I have therefore no apprehension that any difficulty will be made with respect to their detention at Quebec. Their cases have been fully reported by me to Her Majesty's Secretary of State, and I have requested an early decision upon them. In the mean time, it is not without good grounds that I assure Your Excellency, of the expediency of making Quebec the place of their imprisonment, rather than any post in this Province.

It is I doubt not highly advisable for both Provinces that I should remove one powerful cause of that excitement which is at this moment agitating the American frontier, and deprive the ill-disposed portion of the American people of all hope of effecting one principle [*sic*] object of their hostile preparations which it is certain are now in progress.

[Enclosure lacking.]

[ 187 ]      [R. B. SULLIVAN] TO THE LIEUTENANT GOVERNOR [ARTHUR]: A.L. 282p.

[ June 1 ]

[*Crown Lands Office, Toronto.*] [A torn cover sheet reads: "Mr. Sullivans Report on the State of the Province 1838 Original Manuscript".]

Your Excellency has kindly encouraged me to offer some remarks upon the present state of the Province and I have accordingly committed to paper my own reflections as they occurred to me in the intervals of other business—had I had more leisure I probably should have been able to give more information in fewer words but the manner in which I have been occupied has prevented me from spending the time with this paper necessary for proper condensation and arrangement.

Your Excellency will perceive that I have avoided both crimination and e[u]logium of particular persons. I have done so because it appears to me that the present situation of this Province has not been so much the result of the actions or policy of the few whose names might be introduced into the discussion as of a current of circumstances over which individuals had little control, or more strictly speaking not sufficient control to have made the results materially different, had most of the prominent actors been different men.

Were the Political state of these Provinces capable of being considered merely with reference to internal occurrences and opinions the inquiries to be made would have been comparatively simple, but this unhappily is not possible[.] The future safety and tranquillity of the Province must depend more upon External circumstances, over which this Govern-

ment has no control, than upon the management of internal affairs. There are no mountains or seas, or differences of language to separate this Province from the United States, and this Province must be materially affected by the state of Politics and of the popular mind in the neighbouring republic.

Nothing could be more for the interest of this Colony than the practical success of the American theory of a purely representative Government[.] For if a settled state of the popular mind existed in the American republic, the quiet prevailing in our immediate neighbourhood would certainly promote the same state of feeling here. We should be under no fear of aggression from a moral and enlightened people, who acted upon principle and abhorred violence and wrong. The course of transactions between the two countries would shew a mutual interchange of benefits—and the relations which would in such case exist upon this continent between the two great powers who occupy it would shew a beautiful realization of the popular opinion— That the march of intellect and education had proceeded so far as to offer a prospect of universal peace and to preclude the probability of war or the necessity of defensive preparations. The interests of the people it has been said are best promoted by peace. The people are the best judges of what is conducive to their own welfare,<sup>1</sup> and the ambition of Emperors Kings, and aristocrats being removed, it would seem to follow, that the golden age, in which the hand of man would no longer be lifted against his brother was actually brought back to the earth, that a new political light had risen in America, which was to illuminate the nations, until the world would be one vast republic, in which justice peace and mercy would occupy the thrones now filled by earthly potentates[.]

But how very different has been the working of the American constitution[.] In the anxiety of the people to leave no power to do evil in the hands of Government, almost all power has been denied to it. It is true that no individual can be a tyrant, but the tyranny of a majority, is less responsible, and more unrelenting and universal in its application, every thing is referred directly to party, and from the highest to the lowest every functionary of the Government is dependant upon the will of majority for his continuance in office and in many parts of the union individuals can only be secure in personal safety, by following blindly the popular clamor of the day. The Bench of Justice is shamefully dependent on the same source of all power, Trial by Jury has become no better than investigation by public meetings. Law is a dead letter, punishment for outrages committed by the mob, is out of the question. The people that is the majority say we made the law and are consequently superior to it, in short the country is as nearly in a state of Anarchy, as a nation with the form of a Government can be.

Parties are so nearly balanced throughout the Union, that nothing is settled or likely to be so. The election of a constable or an officer of militia is looked upon as a demonstration of popular opinion which is to effect the next election of the President[;] individual votes are counted by Units, and the whole community is in the agitation of a continual election.

In such a state of things, when municipal law is trampled upon it is in vain to expect that treaties with foreign nations will be respected. It is of little avail to enquire if the Government are sincere in their expressions of amity, when they have no power to preserve amicable

<sup>1</sup>The punctuation throughout the transcript is Sullivan's. His use of periods cannot be regarded as a mere casual dropping of the pen by the writer.

relations and when an energetic attempt to do so compromises the existence even of the name of the power, which [is] thus called into action. It is not therefore surprising to see the United States Government helplessly looking on, professing its desire for peace— While the great mass of the population, regard this country as a lawful prey, openly scoff at all authority while mobs break open public arsenals take the artillery and munitions of war belonging to the nation. assemble and parade in the public Streets and publish in the very Newspapers their plans of aggression and carry them into effect by actual invasion.

The pirate, The Brigand The murderer and the plunderer cross the boundary line and invade this Province, the incursion is defeated. they are driven off at the expense of innocent lives, and with an enormous sacrifice of money. but they retreat behind their boundary again, and a Surveyors line becomes an impregnable fortification, from which they regard us with mockery, and coolly prepare in perfect security for another attack. Their own Government will not and probably cannot restrain them, & We cannot follow them because we are nominally at peace with the United States—

In this country unfortunately the settlement of American citizens has been too much permitted and encouraged. and thus in the bosom of this community there exists a treacherous foe[.] The vicinity of the arena for the discussion of extreme political fantasies, infects this population, many of the natural born Subjects of the Crown are carried away by the plausibility of republican doctrines, and by the gratification to self conceit, which would be the consequence of every man being not merely a speculative but a practical statesman. personal disappointments disarrangement of private affairs. want of success in political intrigue, in short every Circumstance which does not fall out precisely as every man whether from good or bad motives desires, is made a ground for organic change in Government, a reason for revolution.

In such a state of things, It is not wonderful that a considerable portion of this community may be said to be disaffected and indeed it is much to the honor of the Upper Canadian people, that the great majority are truly loyal.

In all countries, and most emphatically it may be asserted in the United States a portion of the people are discontented. The misfortune of Upper Canada has been the apparent defencelessness of the Government, and the apparently more than adequate means for its destruction. This changes discontent into treason, and reform into rebellion.

If it were not for the vicinity of the United States. there can be no doubt, that in this Province the opposition to Government would scarcely ever be carried beyond what in a free country is wholesome and necessary. but with that vicinity opposition is dangerous. and may, should some even groundless cause of change in public sentiment prevail, become absolutely destructive.

It is not to be expected that any concessions to popular will, can produce universal content or that any measures of policy will unite the population. This Government has no right to deny a general assertion that grounds of complaint do exist. or to assert that the best measures are always pursued, but until the democracy of the United States exhibit a united people, and one not professing to labour under extreme grievances, it is useless to argue that an approximation to that form of Government will produce an effect which its complete adoption has utterly failed in bringing about, in the United States[.]

It is for the British Nation to judge whether it is for the interests of the empire to abandon this colony, or to give up its loyal inhabitants to the mercies of a demoralized American rabble, or its fair and fertile territory to the rapacity and avidity of American politicians[.] The Colonists may altogether overrate the importance of The American Provinces to England, and a balance Sheet may exhibit a yearly expenditure in maintaining their dependence upon the Crown, without a corresponding income[.] But The Americans, Government Legislature, and people of all parties, hardly conceal the hope, that England may consider as worthless, what they look upon as invaluable[.] Canada, Newfoundland New Brunswick, Nova Scotia, The West Indies The fisheries, The trade The ships, the timber The seamen are a property in which the American citizen is taught to believe he has a vested remainder, every hour that England holds it is thought an infringement of natural right, and when that property is brought into possession then the American looks upon rivalry with England and ultimate Superiority upon the ocean as the certain consequence.

It is said that The trade of the United States is more beneficial to England than the trade of the same Territories while they were Provinces of Great Britain and therefore it is usually argued, the commerce of an independent state is more profitable than that of a Colony.

The only position however which is actually proved, is simply this[:] a part of the trade of 15 millions, of people is more profitable than the whole trade of 3 millions. and before. the position can be made tenable that the trade of an independent country is superior in advantage to that of a colony it must be shewn that the relation of Colony and Parent State, actually prevents the natural increase of the human species or the influx of population from the overcrowded parts of the earth, into an extensive, fertile and unoccupied territory.

The commercial prosperity of the United States may however be traced to Sources perfectly independent of the form of Government existing therein.

The internal sou[r]ces of this prosperity may be stated as follows.

1st. The extent of unoccupied land which allowed the unrestrained spreading of the population and provided the easily attained means of subsistence, which made early marriage prudent and rendered an increasing family a source of wealth instead of an incumbrance even to the poorest classes[.]

2dly. In the climate of a part of the Union which permits the cultivation of the two great articles of American export, Tobacco & cotton[.]

Externally the great Sources of American prosperity may be Stated as follows—

First. In the connection with England and the colonization of the country by natives of the British Isles.

2d. To The valor and prowess, of Great Britain which gained for the Anglo-American race the uncontrolled possession of almost the whole continent of North America, and successfully established this Anglo American race thereon, in despite of the utmost exertions of one of the first military nations in the world, and to the exclusion of others of less importance[.]

Had the french dutch, Spaniards and Portug[u]ese, divided North America with the English race, the same progress would have been observed in the short period of American Existence which the History

of Europe has always presented. namely continual warfare or preparation for war. confinement of the different sections of the population within defensible bounds, employment of the population in military affairs, and of the resources [*sic*] of the respective communities in the raising and sustaining armies and the erection of fortifications, waste of human life must have taken place to an enormous extent, and in short had it not been for the complete conquest of the Country by England The subsequently rapid advance of the European race in North America would have been wholly impossible[.]

Thirdly. The great increase in the population of the British Isles. and the consequent necessity for Emigration[.]

Fourthly. The ingen[ui]ty energy & enterprise of British manufacturers, which opened an almost unlimited market for the cotton of the Southern States. joined with the European taste for Tobacco.

Fift[h]ly The immense accumulation of monied capital in England and the employment of it in America.

The Northern Exports of wheat, flour, and Flaxseed. need only be mentioned at present, in connection with American Manufactories as they have been rapidly decreasing and must decrease, in proportion as the increase of an american manufacturing population excludes British goods, and makes a home market for these articles.

It seems very evident That none of these Sources internal or external were incompatible [*sic*] with colonial dependance upon England. and that without such dependance some of them could not have originally existed.

Unless the foregoing statements are altogether incorrect it would seem to follow that whatever England may have lost by American independence she has in fact gained nothing thereby. and also that by the separation of this country from from [*sic*] England there is nothing to be gained.

But it is yet to be enquired what loss would arise to the British Empire by a union of these Provinces with the American republic.

The exclusion of British manufactory from the United States, and the establishment of a great American trade upon the ruins of this English trade has been for a long time a favorite policy with the Northern States. extensive establishments for the fabrication of articles formerly imported from England have been set up, and maintained at the expence of high protecting duties upon English goods, This to the people of the Southern States is a total loss as they have no manufactories[.] The whole carrying trade of the South is monopolized by Northern vessells [*sic*], and the national dependence in a commercial point of view of the South, with England the principal consumer of its produce is forcibly destroyed. The South complains, remonstrates and threatens almost in vain, The Tyranny of a majority in congress, stimulated by the most unprincipled cupidity, is only bounded by its power of oppression and a slave population is not the one for armed resistance. The Northern Majority is not however quite complete. but let the British North American Colonies be once made Northern States of the union and the probability is that most articles of British fabrication will not only be made subject to heavy duties but will be absolutely contraband throughout the United States of America.

It may be argued on the other side that the United States are deeply interested in preserving the trade with England. It may be supposed that the principles of free trade would obtain if any where in a country

which professes to be supereminently free. That the market which is open in England for the consumption of articles of American export is too valuable to be lightly thrown away. That the supply of population and the employment of British capital in the United States from the British Isles is so indispensable to America that she must retain them even at the expence of her manufacturing schemes. and it may be further added that British ingenuity, industry, enterprise and accumulated Capital and the immense artisan population of England places it beyond the reach of competition in America for ages yet to come.

As a whole the English trade is undoubtedly beneficial to the United States, and the benefits arising from this trade are fully appreciated by the Southern planters, & by The merchants and others engaged in the import & export trade throughout the Union. But unhappily universal suffrage or something very near it exists in all America amongst the white and free population and the consequence is that the Southern planters and the United States Merchants do not together form a majority. and the actual majority does not care for benefits which result to its rival, and on the contrary [is] decidedly hostile to the means by which that rival continues to be wealthy, and powerful even with smaller numbers and as a minority. The Government of General Jackson was sternly resisted by the Mercantile interests. The struggle resulted in the destruction of the United States Bank, and the passage of The tariff laws[;] the one measure directed against the introduction of British Capital, the other against the importation of British Manufactories. These measures have as yet but partially succeeded, but the carrying them out to the fullest extent has never for a moment been lost sight of by The United States Government and the democratic party[.] These measures have to a certain extent been struggled against, but the battle is still pending. The cry against, foreign influence foreign money. foreign imports, will always be popular in the United States, and the preponderance which a union of the Canadas would give to to [*sic*] Northern popular influence would prostrate all opposition, to the democratic party and annihilate the party which preserves to England any portion of the American trade.

Again. The principles of free trade, are not and cannot be those of of a country Governed by a numerical majority. The benefits to arise from it are too remote, and not sufficiently palpable to be appreciated by the mass of the population and accordingly we find that at the very time that Mr Huskis[s]on was promulgating the free trade system as undeniably right and any laws which would advance the interests of one portion of the community at the expense of another as antiquated and barbarous[,] The United States Government was urging with all its strength the war with foreign capital, invested in the United States Bank and with foreign imports by the establishment of The Tariff.

In the third place. The market for american produce, which England offers is beneficial to the minority. The Ultra American party, would much prefer the exportation of cotton from the South to the North, and its manufacture there, and the consumption of Northern products by the manufacturing population, in America to the export of either one or the other. And the Majority care nothing for the distress and ruin which would be caused to their rivals by the successive steps leading to this state of things.

Fourthly. As to british emigration, The people of the United States look upon foreigners with great jealousy. both parties partake of this

feeling in Common. but Emigrants are endured because the poorer class have sided with the majority, and generally help to uphold the Government of the democracy. for the simple reason that they have little or no personal interest in assisting the mercantile body in the accumulation or preservation of wealth and they are flattered with the power which universal suffrage gives them, over a class which claims to be superior. It is probable that british Emigrants may for some time longer be permitted to settle in the United States and America will have the advantage of this means of increase to her population & resources but it is evident that the exclusion of British trade from america can have no influence in preventing the emigration of the British people to America.

Fifthly. As regards the employment of British Capital in America.

This capital is employed, in the first place in loans to American Citizens and States to enable them to make rail roads, Canals and other public works to which American resources would be inadequate[.]

On this subject it may be observed that while the British people, express their wonder at American Enterprize and industry when in fact the greater part of the money which paid for their improvement came from London, and the labourers who made them from Ireland leaving to America the very easy task of employing other people with other peoples money.

But it is very evident that neither the supply of money or of people would be cut off by an exclusion of British trade from America—

English Capital is also very largely employed in loans or advances to Americans, to enable their Merchants to import English and foreign goods.

The American statesman of the democratic side is an enemy to this extension of English credit, and when the late crisis in money and mercantile affairs took place which proved the course of trade carried on by this means to be ruinous to the English Merchant there was no pity on the part of the American democrat, he said it was England which encouraged the extravagance which led to the Bankruptcy of a great proportion of the American Merchants and let England take the consequences. Every measure which would tend to sustain the credit of the American merchant was accordingly rejected. And for a well founded reason as regarded party politics. The exclusion of British goods from the United States and The Monopoly of American Manufacturers in the North & the South, as far as their state of efficiency could enable them to supply america was materially advanced by the destruction of American credit in England, and the total restriction of the trade to America itself was brought nearer than ever, as a course of necessary protection and as one according with the popular feeling[.]

6thly. As regards the power of England by means of British industry ingenuity enterprize and accumulated capital and of her artisan population to overcome all opposition in America.

If the trade were left free and open there can be no doubt that nothing exists in America which could prevent the introduction of British goods, or the ascendancy of British fabrics over the domestic manufactured articles[.] But if the time should come when the democratic party in America can sustain American manufactures, to the exclusion of English goods, at the expence of the consumers by means of heavy import duties. The market will not be supplied by means of American Capital, or American Artisans but by the transfer of both

from England to America[.] The manufacturer from Birmingham Sheffield or Manchester, can employ himself more profitably in America with a protecting duty of 50 per cent, than in England by supplying the same market in the face of that duty and when the British manufacturer finds trade dull, and foreign market inaccessible, at the very moment when activity and spirit is given to the domestic manufactories in America, he will emigrate, and by change of his position escape the effect of the exclusive american system, reap all its advantages, and give to a foreign country the profits, of the very same ingenuity enterprize and capital upon which England founds her hope of continued supremacy. America will fight her battle with English weapons, and instead of finding a foreign people to contend with England will be opposed to a portion of herself without any well founded hope of advantage in the contest. England will then be driven article by article out of the American market, and when this is accomplished the next step is competition in foreign countries, to which an European war, and as usual an American peace and a neutral flag will furnish the best means of success.

That this expectation of American rivalry with the manufacturing interests of England is not chimerical the fact that it has already succeeded, as regards the article of coarse cotton cloth in the South American and china market is a proof, and the advantage which the United States possess, in being untaxed comparatively with England offers a prospect of cheap production in America, of many fabrications, only obstructed at present by the want of monied capital, and of operative population, and these the transfer of money and population from England, and the substitution of machinery for manual labor is now gradually supplying, and in case of the exclusion of British manufactures from England will supply with rapidity proportioned to the demand.

America has successfully contended with England in the fisheries of Newfoundland and in the South Seas— She imports tea cheaper than the English Merchant and is gradually introducing her ships into the carrying trade, in most parts of the world, in all the splendid lines of Packets which carry on the communication between England and America there is not one British vessel: and with all the maritime superior[i]ty of England there are twenty American ships in the port of Liverpool for one English ship in the harbor of New York. Even the North Western fur trade of England has not escaped from American intrusion and though as yet it is preserved, and English Interests prevail, The American looks upon them with jealo[u]sy, and with a cupidity which is only restrained by want of power.

No American is blind to the fact that all the External trade of America at present exists at the will of England. or to the further fact that upon the maritime supremacy of England depends her possession of the West Indies, or to the further fact that The Eastern Empire of England depends for its existence upon undoubted, and unquestionable maritime supremacy, or to the further fact That in case of the destruction of the Dominion of England upon What has been termed her native Element. America is in the situation above all other nations, to take the lions share of the spoil.

This part of the subject of this report which confined as it is to the general statement of facts in the knowled[g]e of every man who has an opportunity of viewing closely the course of american politics is perhaps almost beyond the province of this paper, may be concluded by a short

summary of what is humbly thought to be established by the foregoing statements.

1st. That whether for the interest of Americans generally or not, it is the policy of the democratic party to supersede the use of British manufactories in the United States; and to set up american manufactories in their stead.

2d. That the accomplishment of this object by means of protecting duties is directly contrary to the interests of the Southern planters and of the Merchants engaged in the import trade generally. but that these interests are not strong enough to contend with the democratic majority and the influence of the American Government.

3d. Were these Provinces joined to the United States the body of the population which would remain in this Province, the vast majority of lower canadians and probably the majority of the remaining inhabitants of the other colonies when universal suffrage shall be established in these Countries as American States, would be added to the ultra American democratic party.

4th. And it would follow that the beneficial trade of England with the United States, which even now is in danger would in case of the accession of the North American provinces to the United States be shortly at an end.

5th. And therefore that so far from the trade of America as an independent country being more beneficial to England than the trade of American Colonies no such beneficial trade would probably continue in case of the cession of these Provinces.

6th. That the exclusion of British manufactures from the United States would inevitably cause the setting up in their stead American manufactures.

7th. That this will cause the emigration of British artizans and Capitalists[.]

8th. That when this takes place to a considerable extent America will to the same extent rival England as an exporting country.

9th. The American Fisheries and the carrying trade are becoming highly important[.]

10th. That these can be held securely only by means of a Strong marine[.]

11. That a Warlike Marine can only be created and upheld, with the assistance of an extensive mercantile Navy. and therefore the increase of the interest to be protected, namely the Mercantile Navy is the best means of establishing the protecting power that is to say a Government Navy.

11[sic]. That the possession of the Canadas, the trade of the St Lawrence, the accession of Newfoundland and the Eastern colonies with the timber trade & fisheries, would place America suddenly in the desired position, of being a Naval power, of dangerous importance to England.

12. The possession of these colonies by America would make her unassailable by land, and enable her to turn her whole resources and attention to the promotion of her Naval Strength and importance[.]

13. Were England to be thrown upon the North of Europe for her supplies of timber, the increase of price would probably make that article fully as dear to the consumer as at present, without the advantage to the public of the duties now levied upon the Baltic timber.

13[sic]. Were a coalition of the Northern European powers once

more to take place, and were England to be excluded from the Baltic trade, and were America to join The supply of timber so essential to the English war and merchant Navy would be cut off. And these countries could to a certain extent dictate to England the terms on which she should be supplied.

14th. Although the Government of the United States is not in a condition to go to war at this moment it cannot restrain the Citizens of the United States from the expression of its views. or even from actual aggression on the frontier, it cannot force the State of Maine into a settlement of the Boundary question, and therefore it will not probably be able to wait until a European war enables America again treacherously to take advantage of British Embarrassments and to contend with a portion only of the power of England.

15. There can scarcely be a question that if The rebellion in the Canadas had been at all successful. The rebels would not have been without the aid of The American Government and the almost universal acclamation of the American people, would not only have forced America into war, but would have enabled her to sustain it.

16. The prompt suppression of the rebellion, prevented the open expression of this unanimity, and the prompt action of the American Government. so that the time of active and dangerous american aggression, will now probably depend upon the state of preparation for war, and the apparent means of resistance on our part.

16[sic]. And it would follow that the moral obligation to maintain the connection of the Colonies with England so long merely as the Colonists desire such connection, is not by any means the only ground for pre-serving that connection.

17. And that the colonies should be preserved to England even at a very considerable pecuniary expence—and even if such expence should be proved to exceed the immediate pecuniary advantage arising from colonial dependancy.

These considerations lead naturally to the enquiry as to the means by which these colonies can be held and particularly as relates to this Province.

The measures of conciliation pursued towards Upper and Lower Canada have no doubt been submitted to Your Excellency previously to Your assuming The Government of This province[.] They are also detailed in the able and elaborate reports of The two houses of the Provincial Legislature[.]

That of the Hon Legislative Council is particularly worthy of consideration as an accurate detail of facts particularly within the knowledge of some of the members of that body. It is also as dispassionate as a document drawn up under the very exciting circumstances of the Country well can be, and were it not that it is considered desirable that some points of vital importance should on the part of the Colonies be brought more prominently forward that report might be considered as superseding the necessity of these remarks.

It was thought fit by the Imperial Parliament to extend to these colonies a representative form of Government. And it is too late to argue that to small communities such a government is not always adapted or that when the interests of the Empire at large are to be considered of paramount importance such a form of Government would expose them to constant collision with local interests and sectional influence.

and produce on the part of the mother country concessions injurious to her supremacy, or in their place resistance, and consequent dissatisfaction.

In an independent country with a supreme legislature, there is very seldom a political change which destroys the form of Government, or a public wish to bring about organic alterations. The result of political agitation is generally in such case a change in the men who administer public affairs, and one set of men are generally forced by the current of circumstances to act very much as their opponents would do if they were in power[.] The constitution under which the respective parties act remaining nearly the same.

But in a colony the case is far different[.] The popular feeling is often opposed to the policy of the Empire and the Ambition of individuals meets with an insurmountable Check in considerations of justice policy and consistency by which the supreme Government must be guided. The consequence is that the severing the connection between the countries is the only course open to the ambitious leader of a party when the fiat goes forth "thus far shalt thou go and no further[.]" But if the question be conceded, that Legislatures are proper for subordinate governments, surely the form of constitution should distinctly limit the power given by the supreme authority. In some respects the limits have been defined, but what is the use of literal definitions when the power of assailing and overthrowing them is given.

The power of the British House of commons over the public revenue is the true foundation on which the practical supremacy of the people of England is based. and the functions of the Commons, at first confined to the mere granting money to the Crown, Now extend virtually to the making peace or war, the settling the prerogative of the Sovereign and the privileges of the Barons[.] At the voice of the House of Commons the machine of Government ceases to act. and if it be supported with any constancy by public sentiment every other power must be obedient. But is it right in itself, or just to a colony to put the same power into the hands of its legislature. to say to it You shall have the complete control over the public purse You shall have the power of staying the course of Government, and of reducing the country into a state of anarchy. but you must use it only for good or evil as we the supreme Government shall judge.

This concession is absolutely inconsistent with the relation of a colony to a parent state[.] In this colony the threat of stopping the supplies has often been denounced once it has actually been carried into effect. In this Province the public voice happily did not sustain the Assembly yet rebellion was so intimately connected in its nature with the measure that the project of revolt was then conceived, which was afterwards brought forth by the state of the Lower Province, and by American sympathy.

In Lower Canada the Popular voice sustained the House of Assembly. And there we find, accordingly deeply rooted disaffection and hatred to England and the great body of the people coerced into a sullen obedience. And the only practical remedy appears to be an undisguised, or a virtual breach of the constitution[.]

The Government on the one hand tells the Canadian elector You have no right to coerce us. The King's representative has the power of refusing to enact laws at Your dictation, You are even attempting to overthrow the constitution which gives you political power by the very means which that constitution places in your hands.

The answer is simple— Why did you give me the power to coerce the Government, why did you place in my hands the engine which is exercised for that purpose in England? Is not a debate on the subject of the Exclusion of Bishops from the House of Lords, as complete a breach of the British constitution as a motion in the Canadian Assembly, to abolish the Legislative Council or to make that Body elective, may not the one question be carried possibly so far in England as a stoppage of the supplies as well as the other has been in Canada.

There can be no question that with the exception of the sum necessary to secure the paramount consideration, namely the connection of the Colony with England and the carrying on the Government by payment of its functionaries. the surplus revenue raised from the people may in a colony be safely entrusted to themselves with the ordinary check of the Governor & Legislative Council. But revenue should never have been left in the hands of a provincial parliament to the extent of enabling it to coerce the Government in matters not properly relating to revenue, for the effect of conceding such power is to make two supreme powers, which is absurd. [The following passage is here deleted: "and the consequences of the attempt to exercise such power are improper concessions on the one hand, improper claims on the other, and collision and dispute without end between them both."]

In the Poem of the Thebaid, the Gods in Council, visited a country with vengeance by the introduction of two Kings who were to reign alternately but the divinities did not understand the modern refinement of creating two powers, which were to be coexistent contemporaneous and *co local*, separated merely by a few words in a statute, and some Utopian sentiments of moderation and mutual forbearance and concession.

On the original occupation of these colonies and on the granting them the boon of a representative form of Government, it cannot be maintained that this state of things was contemplated, because the principal expences of the Government of the Colony were defrayed by England. The first false step was the granting a representative form of Government, without a positive provision for the Executive expenditure. The next was the giving up the revenues arising from the duties levied under the Statute 14 Geo 3. without a full and adequate provision for the carrying on the Government. This however may be defended in a manner as the carrying out the British principle of the people having the expenditure of monies levied upon themselves[.] But the yielding up the hereditary revenue of the Crown can be defended upon no principle of safety utility or justice[;] it is wrong in principle as it will be found unfortunate in practice[.]

The lands of the Colonies belong to the British Crown, to the Sovereign, in the strict sense to the Sovereign for the people of the Empire; in the more modern and liberal acceptation of the term of Crown property the first 50,000 settlers have no more right to the ungranted lands of the Colony than the first settler, and the population of Upper Canada now have no more right to these lands than the first family of colonists had. The settlers have in fact generally received grants of land, and in some manner or other partaken of the bounty of the Crown, they have received their share, they are land owners. They can afford to pay taxes, they are represented in parliament[.] They lay out their own money as it pleases them. what claim have they then upon what remains, had the right of the first ten thousand colonists

been asserted, and recognized to the remaining lands of the colony what would have become of those who have immigrated since. and if the same right be now recognized what will become of those who will yet immigrate[;] surely if any of Her Majestys subjects have a right to the lands of the Colony, yet ungranted or to the proceeds of them it is those who have lately come into the province, and who are coming who have as yet received nothing, and yet these people objects as they are of the Solitude of Government, are unrepresented in the Provincial Parliament and have not any control over the expenditure of the province, or any interest with the Legislators.

To illustrate this position it is only necessary to enquire how the Provincial revenues have been generally expended and how our very heavy provincial debt has been accumulated.

Upwards of £400,000 has been expended on the Welland Canal. Upwards of £300,000, on the Saint Lawrence Canal and including these sums upwards of a million of pounds upon frontier improvements. The monies expended by Parliament upon the roads, Bridges and other improvements of the Province are naturally enough monopolized by the part of the community represented in parliament but no expenditure has taken place to make the wilderness accessible to the new settler, or to relieve him from any of the difficulties attending his settlement in the forest. on the contrary before he reaches his solitary destination he has to travel over thousands of acres of forest, granted improvidently to the old inhabitants, lying waste and uncultivated, until The industry of the New settlers shall make them saleable. The Government direct sales of public lands for the purpose of raising a revenue, but no money is expended to make these lands accessible[.] The Parliament have too much to think of in providing for the interest upon the public debt which has been incurred in the great frontier works[,] and the casual and territorial revenue is desired by the House of assembly now not for the purpose of being expended more prudently economically or beneficially than at present. but as a means of paying interest upon loans raised for public works, every one of which it was said would pay for itself and be a source of profit, a saying which however except the one small work at Burlington Beach, has that [*sic*] never been realized.

The Welland Canal was considered by its projectors as likely to be a most profitable speculation, it was supposed that a large revenue would be derived from it chiefly at the expence of Americans who would make use of it as a means of communication between the two lakes, That Canal has been in operation for some time[;] it is in a state of decay[;] it requires a further outlay of £300,000. it has never returned any income, and it is acknowledged on all hands that it is not probable that it will ever make a return of interest of the public money expended upon it[.]

The magnificent work the Rideau canal was made at the expence of the British Government. at the cost of upwards of a million of pounds sterling[.] Yet it was not completed when the Notion of a rival canal on the River Saint Lawrence was projected which will cost perhaps £500,000.— This latter expenditure was only justifiable as a good speculation and when it is considered that the success of it would be at the expence of the Rideau Canal, and that the trade which would occupy the one would in some measure be taken away from the other it is scarcely to be excused that one Government work should be erected to compete with another and to prevent the latter from being profitable.

It was entered into as a speculation however, and it is not now pretended that as a speculation it can succeed[;] it cannot pay the interest on the money expended which must be a burden upon the Provincial Revenues.

If the Provincial Parliament will enter into magnificent undertakings beyond the present resources of the country, and beyond the wants of its present population The people who send the representatives to parliament ought justly to bear the expence as they would unquestionably be entitled to the profits should any arise. But it is too much to say That the Hereditary revenues of the Crown which are neither legally nor equitably the property of the Canadian people should be alienated from their legitimate uses either for the purpose of assisting an exhausted provincial Treasury, or to save the people from being taxed for the payment of interest on sums borrowed and expended by their representatives in Parliament.

The lands of this Province and the Crown revenues arising from them have hitherto been chiefly granted and expended in acts of royal munificence, a few of which it may be of use to allude to generally.

1. The opening this Province as a place of refuge for the Loyalists who joined the Royal Standard during the war of the American revolution and the assigning them lands as a free grant, was not only an act of Bounty but of Justice, indeed were it not for the possession of this Colony, it is difficult to say in what manner England could have provided for those who had fought for her and become exiles from their homes and property from feelings of unshaken loyalty, and it is hard to say how long this Province would have remained a mere hunting ground were it not that these exiles took up their abode in it and prepared the way for European Emigration. And although it is true that the promise of lands to the children of the U E. loyalists has in some measure impeded the settlement, of the Province from the fact that few of them when the time came for their procuring their respective grants were in a situation which made the attainment of wild land at a distance from the frontier an object of importance and therefore the rights which they held were sold to speculators at almost nominal prices, and the lands remain in a wild state. Yet this is an objection of little importance when taken in connection with the whole measure which was on the one hand an important relief to the Government and on the other of incalculable benefit to the Colony.

But it is very plain that if the principle now advocated in the Provinces, of the lands therein being politically the property of the Colonists and not of the Empire this act of bounty was an infringement of colonial right, according to the new theory these lands besides being purchased from the Indians ought to have been again purchased and the proceeds ought to have gone to the lower Canadians—then the Colonists.

2d. The giving free grants of land to European Emigrants and thus opening the way to comfort and wealth to many who would have languished in poverty at home, was an act of Royal bounty not to the Colonists but to British subjects having theretofore no connection with the colony, and the lands given were granted not as the property of the Colonists, but as the property of the Crown, held for the benefit of the people of the Empire at large and the system was peculiarly adapted at least to the then existing circumstances of the Province, so much so, that it is not going too far to say that much of the prosperity of the colony has been owing to Emigration encouraged by the bounty of the Crown, or what is still a more strong expression That the safety of the

Province and its preservation against internal rebellion, and foreign invasion has been in a very great degree owing to the gallantry & devoted loyalty of these poor settlers in the back woods, who poured forth in thousands to the frontier during the late revolt and rallied round the Government in the hour of danger. and difficulty.

Third. The granting lands in the Province to military settlers officers and men. was an act of Royal munificence, and a reward for faithful service which in strictness had nothing to do with the Colonial rights, and was perfectly inconsistent with the notion that the settlers residing in the Colony and exercising political rights therein had any property in the ungranted lands of the Crown. Yet this very measure has been the means of introducing into the Province settlers of a most valuable class, in the men of education, and of liberal views, and Gentlemanly Character of the Officers. And to their presence and the steady loyalty of the Military settlers generally much of the Gallant spirit which pervaded this Province. during the revolt. and of the efficiency of the inhabitants of this Colony, in a military point of view. as compared with the enemies of England in the vicinity, may be justly attributed.

The munificent appropriation of one seventh of the lands of the Province for purposes of religion was the gracious bounty of a pious, and good King, it was it is true intended for the benefit of the Colonists, but it was not intended for those who should at any particular period inhabit the Country. but for the Colonists and their descendants, and for the benefit of subjects of the Crown from all parts of the Empire who might choose to take up their abode at any future time in the Colony.

It never could have been contemplated that the rights of the latter class should be wholly at the disposal of the former or that if it should chance that a party in the Province should at any time prevail who would desire to grasp at the inheritance of religion, that our most gracious Sovereign and the Imperial Parliament guardians of the rights and interests of all the subjects of the Crown would at any time be induced by mere sectional popular clamor to surrender that guardianship to those whose present pecuniary interests would inevitably lead them to the alienation of what it would be their duty to preserve. And yet there have not been wanting even in this loyal Province, many who have looked upon the professions of desire to accommodate the measures of Government in relation to this matter as much as possible to the popular will, as so many concessions of the right of the Crown, and who have built upon these professions the most unqualified declarations of right, to alienate the Clergy reserves in aid of revenue, or for the purpose of public improvements, and for other purposes totally inconsistent with the original bountiful intention of The Imperial Government. And indeed if the point be once conceded that the ungranted territory of the Crown, and the revenues arising therefrom, ought to be at the absolute disposal of the people of the Colony and of the local legislature it is difficult to draw any plain line of distinction between the conceded principle and the right to alienate the clergy reserves to any purpose, which the necessities, or the cupidity [*sic*] of any Party in the Province who for the moment chance to possess popular ascendancy may point out.

The grant of 220,000 acres of land for the endowment of the University, is one in which the future interests of the province, are deeply concerned yet were it to be considered as subject to change or alienation,

at the popular will, however convenient the present possession of the funds might prove, the future inhabitants of the Province would have good reason to lament the concession which for the sake of appeasing an Ephemeral faction sacrificed the deep and enduring rights of the Youth of the Colony, for ever.

The revenues arising from the property of the Crown, have been partly expended in aid of the public revenue, partly in Assisting in the support of the Ministers of religion, partly in providing a few pensions for old and worn out servants of the Govt. who must otherwise have been provided for at the expence of the Provincial revenue, or abandoned altogether after spending their youth & strength in the public service, partly in assisting destitute Emigrants to their places of settlement, in the relief of old soldiers & pensioners in the settlement of New Townships, in aid of the payments for war losses, and in many other objects of public utility and importance[;] every shilling that has been expended has been regularly accounted for to parliament[;] no money has been laid out in secret, if any has been expended injudiciously, the recurrence of such a circumstance may be avoided in future and much more easily than by a surrender to the Legislature, who cannot be said to be free from the charge of injudicious expenditure of their own or the peoples money. no matter which party had the control of that money from time to time.

The concession of the right to the revenues arising from the Crown Territory involves the right to the Territory itself for the parliament who look upon the Lands of the Crown as a source of revenue would never be satisfied to see them alienated for any other purpose and accordingly this principle has been so far carried out in the New Brunswick act which was proposed for the adoption of this Legislature that alienations of Crown Land unless with a direct view to revenue are actually made invalid, and although the same law does not yet exist in this Province, there is little question but that when the right to dispose of the revenue arising from Territory is given up the right of disposing of the Territory itself must go with it.

It is supposed by the advocates of concession to popular demands That when all that a people ask for is given they will be loyal and contented, and that when the Government have nothing more which ought to be conceded there will be a cessation of demands upon it. But it must be considered that concessions are generally required not by the whole people but by a party in the course of the perpetual struggle for power & preeminence, and that the measure which is popular today will probably be decried tomorrow. It must also be remembered that there are concessions which cannot under any circumstances be made, with any regard to the preservation of colonial dependence, and that a Colonial Legislature is not supreme, but stands in a position in which it may and ought sometimes to be resisted. For the purpose therefore of offering an effectual resistance when it is proper to use it the Government ought to possess a certain degree of power and independence of temporary popular will, and the utter prostration of the legal power of the local government, can only lead to violent and illegal breaches of the constitution and to fatal collisions upon vital questions which if possible ought never to be discussed.

For instance the demand for a responsible executive Council had it been acceded to, would have placed the whole local Government with the exception of the Lieutenant Governor himself at the control of

the prevailing party in the assembly, and had he unfortunately found himself alone in the advocacy of or resistance to any measure of vital importance, the next step of the popular party would naturally be to demand a Governor appointed by themselves. the object of the popular party of completely controlling the whole Government and making itself supreme would not be attained without it. If the Colonists were permitted to have a voice in the selection of the Governor, The next result would be collision with the Home Government. The next rebellion civil war and slavish subjection or complete independence.

The demand for an Elective Legislative council, is also full of the same tendency. perhaps the Chief use of that body is that it offers a field for fair discussion of public measures, independently of the prevailing popular party[;] were that body elective it [would] only add to a power already too strong for the safety of the colony. and instead of the fair discussion & contest now open, The Governor would be found upon some unhappy occasions either swayed about by every breath of opinion, in a small community in which change of opinion is necessarily frequent, and produced by causes which ought to be inadequate, or on the other hand he would appear in silent and sullen opposition to the whole legislature, to his Executive Council, to the officers of His Government who would naturally lean to the strongest side. And the result would be insubordination revolt and subjection by force of arms or independence.

The Election of juries is a favorite measure, as also their blind and chance selection from the populace according to certain lottery schemes. The natural result of this concession would be, the impossibility of procuring the legal conviction of any person charged with a crime of a political nature, This is felt in the United States so much that a popular man is above the law, and forgery fraud riot outrage and even murder, have often been committed with Impunity when there was any thing connected with the crime in accordance with the popular clamor of the day. In a colony this state of things would not be borne, but the remedy would be infraction of the constitution[,] martial law, and the end would be armed resistance.

But of all the concessions which have been the subjects of Political debate and agitation the Placing the Government completely in the power of a subordinate legislature with respect to revenue, is the most likely to induce discussion and agitation respecting the original principles of Government, and to bring organic changes always within view. The Imperial Government responsible to the Imperial Parliament, through the representative of the Sovereign in the Colony ought to have at least a supreme negative voice in all measures which relate to the interests of the Empire generally, and particularly as these measures are connected with the continuance of the connection of the Colony with the Parent State. The Imperial Government ought also to exercise its Constitutional Power in preventing a colony from falling into financial embarrassments which cannot fail to be injurious to the credit honor and character of the Empire. And generally it ought to exercise mildly prudently and carefully a controlling power over measures of internal policy, with a view of preserving throughout the dominions of the sovereign some degree of system and uniformity of laws and institutions, but when the subordinate legislature has the power of retaliating upon any resistance to its will by a refusal of the supplies necessary for the conducting the Government, It is too much to expect from any Colonial

executive steadiness of purpose or consistency of action, for if these be exercised the result is the refusal of the supplies, the consequence in the end is infraction of the constitution, agitation insurrection & civil war.

Unless upon a review of the lists of grievances which from time to time have emanated from discontented Colonists it is hardly possible to conceive the trifling and unworthy causes which may lead to serious disagreements and final separation, when the means of coercing the Executive are so readily at hand. The people of Lower Canada did not become actual rebels, because of their disappointment respecting the success of the ninety two resolutions, but they refused the supplies, It became necessary therefore to break in upon their constitution, every man was alive to the change which was produced in his political state, when the constitution was invaded, and it was easy afterwards for an ambitious demagogue or a foreign emissary to argue him into rebellion. In Upper Canada, rebellion was not caused by any particular measure, but by the facility which the House of assembly possessed of resorting to the extreme measure of denying the means of carrying on the Government. This made a dissolution of Parliament necessary, and though the party which refused the supplies was in a manner prostrated by the result of the elections it still thought itself strong enough, to resort to arms, and hoped with foreign aid to reestablish its power.

While the possession of the means of carrying on the Government for a time in opposition to the popular voice seems essential to the preservation of colonial relations, There is not the same danger to the civil & political liberties of the subject, which the possession of such means in the supreme Government would induce because the people of the Colony are under the Guardianship of the Imperial Legislature—a body which has no interest in oppressive measures towards the Colonists, but on the contrary whose best interests are concerned in preserving the inhabitants of the dependencies of the crown in peace contentment & tranquillity.

In the absence of any adequate and certain provision for the carrying on the Government The casual & Territorial revenue would have been were it partly husbanded for that purpose a most convenient resource against temporary disagreement with the legislature. Popular excitement is generally brief and often without any grave foundation. had the Government the means of retreating for a time upon its own resources. it is very probable that the resort would seldom be had by the assembly to the measure of refusing the supplies. because it would not in such case produce immediate distress, and coercion at a distant point of time would not effect the immediate and temporary object. the public mind would have time to return to a healthy and tranquil state, and violent infringement of the constitution would not be necessary.

Immigration from the British isles is at once the great and indispensable [*sic*] source of the prosperity and safety of this Province. And no expenditure could be more judicious than that [*sic*] made in the promotion of this great object. at the time when this Province was most prosperous thousands of Emigrants landed every week at the different ports upon the Upper Canada lakes, many of them brought money and other wealth, some were rich, some were poor and sick. and these latter became the care of Government[.] The Casual and Territorial revenue the property of their Sovereign was expended in their relief and in enabling them to settle in the Country. The reward has been an

industrious useful and loyal population with their condition infinitely improved, and many of them in a state to acquire comfort and comparative wealth & independence.

But this revenue is to be given up. And when it is sunk in the vortex of a public debt, and disappears in some expensive public work or is bound and pledged to the public Creditor, it is painful to contemplate the scenes which must ensue, should the emigration so necessary to the safety and well being of the Province again be renewed on an extensive scale. It may be said The Provincial Parliament will furnish the means of relief and sometimes it is true it may do so. but it must be considered that the Province is heavily in debt, and the people unaccustomed and utterly averse to taxation. and there is a party which is almost as much opposed to immigration and who until lately affected to despise and treat as strangers and aliens the subjects of the Crown. coming into the Country. This resource for the relief of the poor & sick emigrants would therefore be most precarious and scanty. Their numbers and necessities are too great for private Charity and these people who with seasonable assistance would become a valuable portion of the population must either be excluded from the colony or perhaps left to perish when they come into it. They poor creatures will have no sectional influence, no representatives in parliament, and most probably from thence no efficient sympathy or assistance— But according to the present constitution of the Colony, they have as just a right to partake of the hereditary revenue of the Crown, and of the royal bounty as the people represented in the assembly. and a more urgent claim for they are her majestys subjects coming to settle upon improve, and make valuable Her Majestys Territory. and are therefore proper objects of Her Majestys royal protection and bounty.

A considerable portion of the casual and territorial revenue ought to be expended in the parts of the Province from which it is raised or expected to be raised. In the early settlement of the Province when the inhabitants took possession of their lands they chose them in the vicinity of the frontier waters, and those who settled at any distance from these means of communication were materially assisted by the Government and Parliament in the formation of roads and now being inhabitants of thickly settled neighbourhoods they have weight and influence in the Legislature. but the parts of The Province which are now in the hands of Government and open for sale and location, actually require considerable expenditure to make them accessible or habitable. the few persons who have taken up their abode in these remote settlements have to encounter hardships and difficulties almost insuperable, and yet so little has their situation engaged the attention of Parliament that while hundreds of thousands of pounds have been expended in speculations from which money was promised if not expected to flow into the treasury, it has not been uncommon to see the backwoodsman bearing his sack of wheat upon his back for ten or twenty miles through the woods, because a few hundred dollars could not be spared to make a bridge over a stream or a log causeway over a swamp. upon which his ox cart could travel. It is in vain to require the local Government to sell the lands of the Crown while they are not trusted with the power of expending a shilling in the building a mill or the making a road or a bridge[.] It is in vain to grant to an officer a number of acres of forest when to occupy it he would have to expend three times its value to open a communication with his estate. The consequence of this state

of things is that the back country remains almost a wilderness, while those who would occupy it are driven to seek a residence in the United States, or to return impoverished and despairing to Europe, abusing the country when the country was not to blame, and when the fault rested in the want of confidence in the local government, and in the gratuitous assumption that its power of expending the revenues of the crown was always indiscreetly or corruptly exercised, and in the still more unfounded reliance on the infallibility of the local Legislature.

It has been a melancholy duty to read the petitions from the settlers in the rear parts of the Province setting forth their difficulties and praying for some comparatively trifling expenditure for their relief[;] it is a discouraging and pitiable answer to these petitions, that there is no power in the local government to assist the petitioners[.] It would not have been surprising if these men had been foremost in the ranks of rebellion but none were more forward in the defence of the Government.

A considerable portion of the Territorial revenue ought to have been expended on the formation of slides and channels on the Ottawa and its tributaries for the purpose of making the transit of timber from which a considerable portion of the revenue is derived more safe and expeditious as well as less expensive. The loss of property for want of such improvements has been immense, and another evil of a most injurious tendency has arisen in the granting privileges to individuals of erecting works at Private expence and charging extravagant tolls on the passage of timber. These circumstances cause the timber to be taken to market at considerable risk and expence and added to the length of the voyage, and the want of a navigable channel for deeply laden vessels through Lake Saint Peter to Montreal form the causes why The Canadian timber cannot compete with that from the North of Europe in cheapness[.] Nothing can be more evident however than that the reduction in the Price of Canadian timber which would arise from the lessening the expence of procuring it would be of more importance to the Canadian Provinces, with a view to trade and Policy than the whole of the Casual & Territorial revenues.

Were the Crown revenues of sufficient amount, there is no object in which they could be better expended than in the promotion of Education or in the direction of Education in a proper Channel. The evils arising from the want of Government superintendence in this respect are incalculable[.] Sums of money have been from time to time granted by The Parliament but these are frittered away in insignificant sums through the country and no general or uniform system has been attempted. in many parts of the Province the teachers are Americans, for the sake of obtaining employment they have swallowed the oath of allegiance which agrees so ill with them that the rest of their lives is spent in attempts to disgorge it. These men are utterly ignorant of every thing English and could not if they tried instruct their pupils in any of the duties which the connection of the Province With England casts upon them. The books they use are all American filled with inflated accounts of American independence and the glorious wars with England. The exploits of General Jackson and the heroes of 76. fill the youthful mind to the exclusion of every thing glorious or interesting in English history[.] The young man grows up without a single preposs[ess]ion in favor of his country, he looks upon a british soldier as a person whom it would be honorable and glorious to oppose with the rifle. The British Government in his mind is a chimerical monster 4000

miles off, which notwithstanding that it has been beaten all to nothing by American prowess, and excelled in every thing by American ingenuity still drags on an antiquated existence, which it holds almost at the will of the United States. The boy gains a smattering of Geography out of an American compilation in which the state of Rhode island occupies as much detail as the Eastern hemisphere and in which England appears a pitiful little island filled with tyrannical Landlords and very fat clergymen, and a great number of squalid tenants and labourers. Ireland is a joyless land of bogs, pigs and catholics, and Scotland an out of the way place in which the mountains and the men have a national and barbarious prejudice against decent covering.

It is impossible that the young man so educated can become a good subject of the Crown of great Britain[;] he cannot be brought to think colonial connection with England either an honor or an advantage. all his noble and good sentiments are enlisted on the side of revolution and independence and his mind is only accessible to motives of adherence to the Government by means of terror and coercion, or through the equally base channel of personal & pecuniary advantage.

It is strange to observe that while in the state of New York, the course of instruction and the books which are used are under the strictest surveillance and direction of the Government, all this in Upper Canada is left to the care of a few illiterate ignorant and sometimes disloyal local Township trustees.

To this and to the want of a respectable resident and educated Clergy, belonging to the really respectable Churches which prevail in the British Isles, and to the presence of ignorant sectarians from the United States much of the bad feeling which exists amongst the old inhabitants of the Province and their children may fairly be attributed[;] much has been done to check the progress of these evils by the assistance afforded out of the Crown revenues and lands to the Churches of England Scotland and Rome, as well as by the introduction of British Wesleyan Methodism. but what has been done is small in proportion to what the Province required.

It is perhaps a useless and invidious task to dwell upon this subject. The concession of the Crown revenues has been offered, and will be accepted and the means of doing good and promoting the moral religious and permanent Interests of the country once in the hands of Government after being held back controlled and inactive for years. is now to be given up. It will however disappear in a single session, and be appropriated for the present and for the future in some object of immediate pecuniary interest, and the Casual & Territorial revenues of the Crown will be heard of no more.

After offering these observations and statements, which contain no new fangled doctrines or reference to obscure or doubtful facts or charges against individuals for what naturally fell out in the current of circumstances— It will be right to advert to the course of Politics for the last few years and to account for the state of the public mind which led to the late revolt.

United States citizens who have been permitted to settle in this Province, and their children form a considerable portion of the inhabitants of the Province. These people were formerly quiet and orderly, as many of them are at present but they never had as a body any active principle of loyalty or attachment to England. on the contrary their education & prejudices naturally lead them the other way.

All that can fairly be expected from them is a grateful sense of the protection and privileges they have been permitted to enjoy under the British Government and a consequent forbearance from any attempt to destroy British institutions.

Many of them it is fair to admit carried their sense of duty still further during the late war, for they fought against their own countrymen when they attempted to invade the Province.

They did not do this however because they preferred British institutions, but because they had nothing to complain of and they did not like to be interfered with by their own countrymen or any others, some of this good feeling also rose from the spirited and successful manner in which the enemy were met, at the commencement of that contest. when blood is spilt and battles won the absorbing interest of war for the time left little room for other feelings, and the war was one of National aggression and defence and not a war of opinion[.]

When This Province became the arena of Political contest and when opinions affecting the institutions of the country became subjects of discussion it is not surprising to find The American settlers and their Children taking the side in Politics which tended most towards their favorite republican institutions. It is very probable that if the Imperial Government had in a very decided manner declared that questions which affected the relations of the Province with the Mother Country and the monarchical constitution granted to the Province were not open for Colonial discussion many of the well disposed amongst the American settlers would not have felt at liberty to urge their opinions at the risk of being considered disaffected to the British Crown. But when discussion was permitted, negotiations entered into, and admissions made by British Statesmen of the ill working of The Provincial constitution, it became a kind of duty in these people to advance their own notions, They had in their immediate neighbourhood the country from whence their opinions came. They had a violent democratic American Press to furnish them with argument, and a successful revolution, the theme of eulogium on every hand as an example. They knew that however conservative or restricted the views of an English Politician were respecting his own country, That the American constitution and its success, was either lauded in terms, or tacitly admitted as points upon which liberality of opinion and generosity of feeling might be safely exhibited. They saw the Government and institutions of the Colony violently attacked in the House of Commons, and but feebly if at all defended And they naturally enough thought that they were not acting criminally in endeavouring to substitute institutions which could only exist with safety in a republic, for those which were compatible with Monarchical Government. The Independence and strength of The Colonial Executive The appointment of the Legislative Council, The non extension of the elective system to all details of Government were only advocated with vigour in the Colony. The Governors of the colony looked for support and assistance from their own officers, and from the intelligent and sober minded classes of the community who plainly saw to what end the public advocacy of democratic opinions was tending. The officers being interested in the maintenance of the Government fell under the charge of corruption and the exclusion of the violent democratic party from office was said to be partiality and oppression. In this manner have things gone on, until it was found necessary to destroy at once some of the hopes long and fondly cherished

and to declare that *every thing* could not be conceded to popular will. Men could not be suddenly stayed in what had theretofore appeared a successful campaign against the constitution of the Province, opinions could not be suddenly wrenched out of their course by late and sudden declarations of adherence to principle, hope founded upon agitation within the letter of the law was at an end, and in the weak & unsupported state of the Province, and with the vicinity of Lower Canada and the United States, this hope did not change its direction and object, but its foundation, and what reliance it once placed upon popular clamor & political agitation was easily transferred to Physical force and armed resistance.

The first settlers in the Province, that is to say The U E. Loyalists although through danger suffering and deprivation, they adhered to the British Crown. yet had still many points of similarity in habits and education with the Americans who revolted. And this similarity of manners when the revolutionary war was at an end made the amalgamation of the American citizen with his more loyal countrymen & his descendents an operation of great facility, and to this admixture and the want of proper means of education, may be attributed in some measure the adherence of some of the descendents of the U E. Loyalists to republican principles and even to rebellion.

There were not wanting moreover to this republican party men from the british Isles and their descendants who if they were not absolutely enamoured of republicanism or disaffected towards monarchy caught the spirit which pervaded a portion and a very considerable one of the British population, at home. Every abuse real or imaginary which was an object of hostility to English reformers found a paralell [*sic*] in Upper Canada. Parliamentary reform was said to be and probably was wanting in England. And as a matter of course there must be a Parliamentary reform in Upper Canada. and accordingly the most unfounded and impossible charges have been made against the Government for exercising an influence over elections, which they did not exercise because they in fact never possessed it. Whenever an election was lost by the reformers they were loud in their complaints against the Government, as if it was bound constitutionally to transfer its functions to the complainants, and as if the friends and adherents of the Government were obliged to assist in every plan for its amendment whether they liked it or not. No officer of Government however circumscribed his connection with the Executive or with Politics might be could set up for a member of the House of assembly, could be active at an election in favor of the conservative party (using the term in a Provincial sense) or could vote at an election, without becoming an object of reproach to the reformers and without being said to exercise an unconstitutional influence. This Proscription from Political rights extended not only to the heads of departments and the Crown lawyers but also to their Clerks[,] to District treasurers[,] Clerks of the Peace, and even militia officers[:] even their children and relations were not exempt from suspicion and reproach. on the alleged ground of their dependence upon Government[.] The moment a man acquired the confidence of the Government and became a public Officer he was expected to forfeit all his political privileges. and even the common right of self defence. No matter how false and bitter the accusations and denunciations of the popular orators or the public press might be whenever an attempt at resistance or defence was made it was considered an interference

with popular rights, which the Government ought to prevent. The absurd extent to which this notion of non interference on the part of Government has been carried by the reform party in this Province is not only contrary to the practice in England where the ministers of the Crown and the Officers of the Government act as if they felt it to be a due deference to popular opinion to set themselves and their measures in a right point of view before the public but it is diametrically opposite to the course taken in the American republic, where *all* appointments & even continuances in office are made and permitted with a direct and avowed view to party purposes. The doctrine set up is also repugnant to all just notions of legal and constitutional right, for a man should not be held to forfeit his elective franchise, or his right to direct or persuade popular opinion[;] he should not be silent and inactive, and his friends supine and indifferent, merely because the Government of his country thought him worthy of distinction of confidence and employment. some of the reformers have not been so extravagant as others in their desire to exclude all connection between popular rights and Government but the limitation of the desires of an individual were of little effect. When elections were to be won by popular outcry candidates do not look very scrupulously to the rectitude or constitutionality of the doctrines which appear to influence the public mind and the mental reservation or faintly expressed opinion of a popular leader to the effect that he desired only constitutional reform was of little avail, when his whole talents, exertions and influence, were freely given to support a party, and advance its march to power and predominancy, and when that party or at least the great Majority of its members held and advanced principles, utterly at variance with the British constitution or the continuance of colonial connection.

[The following paragraph is here deleted: "The wealth of the English and Irish established churches, and the alleged oppression arising out of the levying of tithes, has for a long time been the subject of angry declamation amongst English reformers and".]

It is not extraordinary therefore to find half pay officers stigmatized as the bribed pensionaries of a corrupt Government, while they were merely enjoying in a British Colony the reward of long services, and exercising their rights as freemen, or to find British Emigrants spoken of in the House of Assembly as foreign paupers intruding upon the political rights, and territorial inheritance of the American settler or the children of the Soil. The settlement of discharged soldiers in the Province upon the *national* demesne. has been spoken of as the introduction of bribed and demoralized ruffians, by whose assistance the cause of Freedom was to be controlled, and its advocates murdered at the expence of the *Province*[.] All these topics through the Vehement declamation of rebellious demagogues, and the equally hurtful tacit acquiescence of Constitutional reformers, have been used against the Government[.] And the Imperial Government as contradistinguished from the local Government has vainly imagined that it was gaining golden opinions when one by one the land granting system, The right of The Sovereign to dispose of the territories of the Crown, and the revenues arising therefrom were yielded up as concessions of just claims advanced on the part of an oppressed people.

A digression from the immediate subject of this part of the report it is hoped may be excused for the purpose of advancing or reiterating summarily two or three doctrines as to colonial policy which do not

appear to be easily controvertible when applied to the British North American Colonies and when their vicinity to a hostile nation is considered.

1. The ungranted lands in the Province belong to the Empire not to the Colonists—

2. They should be disposed of for the interests of the Empire primarily and secondarily for the interests of the Colonists.

3. The policy of the Romans in establishing military settlements of the discharged Legionaries upon their frontiers has never been successfully impeached and is well worthy of imitation.

4. In this Province no ancient possessors, or at least users of the soil need be dispossessed and therefore justice & Christian principle do not interfere with the policy of Military Colonization.

5. The same policy respecting territory and revenue which is applicable to distinct and insular colonies does not apply to continental possessions divided by extensive and easily invaded boundaries and the measures of defence which in the former are not necessary are of primary importance in continental possessions which must be held by means of military efficiency or not at all.

6. If soldiers were to be allowed to retire from the army and to settle in the Colonies at an age when they would be capable of enduring labor, service in the army of England would become honorable and desirable even to the private soldiery.

7. The Colonies were won by the valor of the army of England, and the acquired territories cannot be more justly used or appropriated than in the reward and provision for soldiers.

8. The Colonies cannot better be defended than by military colonization—had this object been held in view instead of the realization of a paltry revenue. This Canadian frontier might now have been bris[t]ling in arms, a terror to our enemies instead of being a weak point for their attack & conquest.

9. Military Colonization in America cannot therefore be too strongly recommended provided it shall consist principally of officers and men capable of enduring the labors hardships & privations attendant upon settlement in a northern region.

But to return to the immediate subject under discussion namely the means by which the public mind has been brought to weigh against the Government and the effect which the agitation of questions of reform in England has had upon the affairs of this Province. The question of religious establishments next forces itself for consideration.

The wealth of the English and Irish Established Churches and the alleged grievances and oppressions arising from the levying of tithes, and even the disputes between the Scottish establishment and the dissenters have been favorite themes of declamation and agitation in England and the appropriation of the Clergy reserves in this province was made the occasion of introducing all the topics of discussion into Upper Canada which cotemporaneously [*sic*] agitated England Ireland and Scotland, and in proportion to the heat of contest in the mother country, the acrimony of religious dispute prevailed in the Colony.

On reading the Provisions relating to the Clergy Reserves in the act which visited this Province with a constitution there can scarcely be a doubt but that the provision for the Church of England, without expence to the Colonists was what was contemplated. This view is not only accordant with the words of the act but with the policy of

England from the reformation downwards. The exclusive appropriation of the reserves to the Church of England may now be considered as a ceded question, and it is not of value to enter into the controversy as to the rights of the Church though it may be of vital consequence to review the effect which the discussion of that right and the contending claims of other churches, sects, and of the colonists who disclaimed all but voluntary support of congregations to religious teachers, have had upon the Political affairs of the Province.

For a number of years the Church of England in the Province was supported by annual grants made by Parliament. The Clergy reserves were unproductive and the limited population of the Colony, and the want of immediate pecuniary interest, did not allow of the setting up of claims as points of conscience and principle, against what was then the acknowledged right of the Sovereign and the avowed policy of the Empire.

In process of time however the Clergy reserves began to yield a small income, and it was thought proper to leave the Church to rest upon its then and now inadequate provincial resources. Questions relating to Church establishments became of more frequent discussion in England, and however sternly vested rights were upheld there the same unbending regard to them was not expected to be exercised in a distant Colony. The Scottish Church began to examine the act of Parliament by which the Church of England was established in the Colony and adverting to the only ambiguous term in the Statute that is to say a *protestant Clergy*, and the recognition of the Presbyterian establishment by the act of Union, set up its claims to equal participation in the benefit of the Clergy reserves and to the dignity of a Church Establishment in the Colony.

The Scottish Church could not for a moment have sustained its side of the question upon its own claim right or comparative importance. But it was strong when used as a destructive engine of warfare against the Church of England because in in [*sic*] that warfare it found itself united with people of all religions some of whom were no doubt entitled to the favor & protection of the Government. and with people of no religion[,] with those who were looking for a share when the spoil came to be divided, and with those who in the extremity of their democratic zeal considered it irreligious for the sovereign of England to contribute towards the advancement of religion at all, who not only declined assistance themselves but with true sectarian intolerance, would deprive others of the support which their religious tenets permitted them to receive with gratitude to their Sovereign and to Providence which provided the means of religious instruction to a scattered and poor community which its private resources could not furnish.

If the disturbance produced by the agitation of this question were not of deep and serious consequence to the tranquillity and prosperity of the Colony It would be most amusing to listen to the heterogeneous arguments, The confused doctrines, and the discordant clamor which distinguishes the debates upon the question of the Clergy reserves, It appears as if we were erecting a New Tower of Babel, instead of laying a foundation for religious instruction.

It is not for its own sake that the question of the clergy reserves is so fiercely contested. but because it offers a field for agitation which is peculiarly open for the introduction of the most exciting and inflam[m]able topics. If it is of no use to insist That the Term Dominant

Church is actually unmeaning in a country wherein no church attempts to exercise Ecclesiastical jurisdiction[.] When the Church of England Clergyman is mentioned in debate it is not the needy and threadbare incumbent of a parsonage that is presented to view but a tyrannical overbearing monster seeking what he may devour. It is useless to reiterate that when the Clergy reserves shall be disposed of and the proceeds funded there will not be sufficient to maintain on the most moderate terms the increasing wants even of one Church[.] The Clergy reserves figure in the debate and the newspaper as one seventh of the Landed estate of the Province. although the lands of a single Town or a populous District would sell for more than all the Clergy reserves in the Province. Tithes, Church rates, persecutions of times past. popular grievances and popular rights all dragged in to the discussion of a question with which they have nothing to do. & Thus the munificent intentions of the British Crown & Parliament are defeated, and the Gift for the maintenance of religion without expence to the people is a source of unending discord and evil. It is like the Box of Pandora without Hope at the bottom—

It may be worth enquiry if all this could have been avoided, and it appears to many reflecting persons in the Province that it might[.] If the Donor, that is to say The Sovereign and the Imperial Parliament had settled the question decisively. In such case one advantage would have been secured, namely purity of motive, secured by want of the most remote influence of personal interest. In the next place whether the decision were satisfactory or not the Question would be set at rest. and all hope of disturbing it again being removed, attempts to agitate would naturally cease. It is not the object of this report to recommend any plan for the arrangement of the distribution of the reserves which would be an assumption of a function in a colonial body which the same body deny the propriety of investing in any but the Imperial Government, but it is respectfully urged for Your Excellencys consideration, that there is much more probability of a just and equitable decision in England. than in the Colony where so many conflicting interests stand in the way. and also that even if the decision be not perfectly in accordance with the views of the Colonist no satisfactory decision can be arrived at here and further that it is better that an adjustment should be attained objectionable in itself. than that the question mooted should remain an unceasing cause of discord and agitation.

When the question shall be decided in the Colony if it ever is decided here it is vain to hope that the matter will be at an end, it having been settled by a Colonial Assembly will be a sufficient reason for its being opened again by the same authority when a new election changes the majority, the former majority will be declared not to have expressed the will of the people. and even if the Government should determine upon acceding to no application for a new arrangement it cannot avoid receiving addresses and remonstrances without end. with the risk of quarrel, stoppage of supplies and its attendant evils. Whereas if the question be decided not upon the presumption of its being settled according to popular sentiment, but as a right on the part of Her Majesty in Parliament to dispose of the Crown demesne as seems best for the good of the Empire. and as seems just towards the claimants, the foundation for clamor & discussion will be at an end. And although some may be disappointed, and may complain, the loyal will be loyal still, and the disaffected no worse than they were before[;] they cannot

take the preliminary steps to produce agitation, for the matter being finally disposed of in another country the hope of *peaceful agitation* which always precedes insurrection will as far as regards this topic be taken away.

No topic of agitation and discontent has been more successfully urged than that of the extravagance of the Government, perhaps there is no country where it is not so more or less, but in this Colony it has been particularly and successfully urged.

It is not generally known or considered that a republican Government is naturally an expensive one. We have been accustomed continually to hear the economy of the American republic extolled beyond all praise, though in reality while a parsimony which excludes from high office the most able and efficient men. marks the policy of the United States. The multitude of half employed functionaries of Government which the ramifications of their complicated system requires renders the system one of great expence and little efficiency.

The greater concentration which the monarchical form of Government requires, brings before the public view the whole expences of the state, and the sum appears extravagant. In the United States we find the federal Government, the State Governments, and the subdivisions of Township Governments as they may be called all employing officers. most of the subordinate ones highly paid in proportion to their services. The amount of expenditure in the administration of the laws, and conducting public affairs in Salaries & fees of Office is large though not easily discovered. The most prominent offices are accordingly badly paid, while the multitude of subordinates pass without observation.

The true way of comparing the relative extravagance or economy of a concentric with an excentric Government is to be found in the amount of taxes paid by each individual—and if this mode of comparison be resorted to the Colony will be found to have infinitely the advantage over the republic. In the United States between import duties, state and municipal taxes the citizen really feels, that he is taxed to an inconvenient though perhaps to a necessary amount. In this Colony taxation is too trifling to be felt at all.

To illustrate this position we may recur to the effect of an approach to republicanism which took place during the Parliament dissolved by Sir Francis Head. The assembly chose to appoint its own Commissioners. its township officers were to be elected. the consequence was that the duty of one or two public officers was discharged by numerous boards & township committees, each individual receiving so much per diem. while employed, and he was to be employed at his own discretion or as many days as he could find any thing to do[.] The persons appointed or elected were only controlled by the letter of the law, breach of that law only exposed them to legal prosecution, and it is needless to say that the working of the plan to the small extent to which it was carried into effect, was without system uniformity or control, expensive and inefficient[.]

[The following paragraph is here deleted: "But the appointment of Officers responsible to the people, was a favorite theme for declamation. and unreflecting men could not see that while the head of a department is watched in every movement with jealousy and controlled by powers to which he is continually accountable, he has ten times the responsibility to public opinion which numerous".] It is worthy

of remark that if any extravagance has been committed in this Colony it has proceeded from the popular branch of the Legislature[.] A natural desire to cause the construction of public works, and to bring it about during the period for which the members were elected so that the credit and popularity of the measure might attach to the members who devised it, while the difficulties attending public embarrassment would remain for future parliaments, and the Government. as well as less worthy motives of pecuniary interest which were felt by those who expected to reap advantage from the expenditure of large sums of money, and by the construction of public works in their neighbourhood. has caused the resources of the Province to be anticipated, and works to be undertaken far beyond the means or necessities of the present population of the Province[.] The consequence of premature undertakings has naturally been want of success in their completion and want of utility or profit commensurate with the expenditure when the works have been carried into operation. another result of the attempt to do more than was conveniently in the power of the Legislature in the way of great undertakings has been the neglect of common and ordinary improvements within the reach of the present population, and of actual present necessity for its convenience and comfort. This has given rise to conflicting opinions and parties, and has had much influence in bringing about the various changes in the majority of the Assembly which have distracted the Province of late years.

Mercantile men. those possessing large landed property which they wished to make productive. speculators in land and others interested in money transactions have naturally been most forward in urging what is called public improvement, they have also been the most active supporters of the Government. and the most opposed to theoretical and organic changes for the sake of mere political abstract principle. They consequently formed a portion of the Government party. and in the public view became identified with it[.] This naturally forced the republican party into the opposite course, and although nothing could be more opposed to the American Character than economy of expenditure in speculative improvement, The apparent anomaly [*sic*] was created. of the persons most opposed to british institutions, advocating prudence and economy. in public expenditure and anticipating taxes and Bankruptcy. while the Government party were promising golden harvests, and urging on the career of American speculation.

Disappointment in the results of this speculation helped to give the republican party a temporary ascendancy. And it will be shewn hereafter how consistency to their own, or at least their adopted principles of prudence and economy helped to overthrow them.

A desire to usurp the Executive functions of the Government in the appointment of Officers has been generally entertained by a considerable portion of the people. those who happened to hold office, or to expect Government favor. were of course satisfied with things as they were. while those who were unworthy of trust or unfit for employment or who found themselves excluded for want of a sufficient number of offices to employ all who conceived themselves fit. were led to seek their ends, by a change of system. and to look to popular favor for what they failed in procuring otherwise[.]

The elective system of the United States was before their eyes in full operation, they read its praises in every American Newspaper. Its evils numerous as they were they found ascribed to mere accidental

causes. and what a practical statesman would call its defects appeared to be its greatest recommendation.

This party could not or would not see that while the head of a department appointed by the Government is watched with jealousy in every movement and controlled by powers to which he is continually accountable he has in reality more responsibility to public opinion than a number of individuals exercising the same functions & elected either directly or through the medium of the Legislature are under, who while they possess influence in the Assembly, or in the neighbourhood from whence they are chosen may hold at defiance general public opinion, and the executive Government.

The theory of direct accountability to the people is so very plausible and so congenial to the best popular sentiments. that the opposite practice is in most countries rather tolerated than approved, persons intimate with the working of Government, see a practical necessity for an executive head, by whom public functionaries shall be appointed, and by whom they must be directed. They see that when officers are elected either directly or indirectly, the individual opinions of the officers, are substituted in the place of public opinion, and of the opinion of Government. that these individual opinions are swayed by individual interests, and that neither are under any necessity of giving way to the general public opinion or to the public interest. particularly during the short periods for which for which [*sic*] the functionaries are appointed by popular election. In short it appears to be plain that if uniform and systematic subservience to the public interests, or to public opinion is an object of search it is only to be found with public servants who are appointed by & required to be obedient to an executive head. which on its own own part acts in general conformity with public opinion because it is more interested in preserving public favor than in pleasing or serving its own creatures.

What would be said in England were the Lord Lieutenant of Ireland to write a despatch to the Secretary of state telling him in the most quiet manner and without the air of saying any thing of extraordinary import that he would in a certain contingency of the Government protecting a part of the community from the rapacity of another part find it necessary to have recourse to arms. and to fight her Majestys troops. if they presumed to interfere? Yet a circumstance precisely similar has occurred within a few days in the State of Georgia. from whence the Governor threatened the President of the United States with armed resistance if he persisted in protecting the Cherokee indians from popular violence. and forcible expulsion. This is nevertheless only one of thousands of instances of what we should call insubordination or treason. almost of daily occurrence. at present The United States President professes to be at peace with England. The Magistrates of Oswego (qy) are really so, The authorities of Buffalo and lockport on the contrary subscribe to patriot funds and assist the invaders of the Province. Governor Mason sympathises, and Governor Marcy favors them. In fact neither we [n]or they know whether peace or war exists. The Congress pass laws to be executed by local Magistrates[.] The local magistrates are elected and they hold the laws in contempt break them themselves and refuse to punish others who may infringe them.

From this short statement of facts it may be proved that public opinion does not practically *prevail* in the United States.

The President is elected by the whole people, and may therefore be said to be a representative of the popular will.

The Congress of the United States are elected by the whole people and may therefore be said to be representatives of the popular will.

These have concurred in enacting a law making it criminal to commit aggressions upon the neighbouring Provinces of Great Britain.

The will of the People of the United States may therefore be said to have declared such aggressions criminal.

The law is broken in a thousand instances under the eye of the public authorities yet in no one case has punishment followed. It follows therefore that public opinion does not prevail in the United States democracy.

And it may be argued that it cannot prevail when public servants, are independent of the Government and of each other. and liable to account to the electors only for their actions[.]

Plain as these deductions may be the doctrine of subservience and obedience to the public will as expressed by those appointed to make and execute the laws is no where actually popular. those who see its truth are silent respecting it when they seek the suffrages of the people, and those who most loudly decry it and who bring the exercise of executive power nearest in prospect within the grasp of the sectional portions of the populace which he [*sic*] addresses, has a great chance of being the favorite candidate.

It may be thought in England that great influence is exercised by the Colonial Government in the Assembly, and at elections[.] The fact however is not so. The state of the Colony in not possessing the classes of landlord and tenant, employers with numbers of employed or other dependent relations prevents individuals from possessing influence, Men seem for the moment to lead the popular mind, but it is only while some favorite object is to be gained, to which the candidate must sacrifice individual opinion and political honesty. but the influence is ephemeral and is more likely to end in popular reprobation than to grow stronger with its continuance. It is only by means of Individuals of influence, that Government influence can be gained[.] these Individuals are not found. or if one appears, who is apparently a popular favorite and is selected for advancement he is soon found to have forfeited his claim to be a popular leader. The man who at a public meeting or in his place in the assembly puts forth extravagant claims for his constituents, or for the Province upon the Legislature the Government or the mother country in the full knowledge that he ought not to succeed and without the desire to do so may for the time be popular, but when he is placed in high office under the Government he is under the necessity of acting instead of talking. he has to a certain extent to be moderate prudent and just. he discovers that what he would have urged in debate, or triumphed in accomplishing when he was in no respect the judge and with only the responsibility of an advocate, is not a measure to which he can assent when he is has [*sic*] seriously [to] advise the decision of the question.

Hence arises the difficulty of satisfying public expectation by the Government. in appointments to office, and in the formation of the Legislative Council. or the conciliation of a party by the advancement of its leaders. the individual ceases to be dependent upon his party and he loses his popularity.

Thus Lord Gosford thought he was gaining golden opinions by the

advancement of some of the French canadian leaders. he gained nothing with the canadians[,] he made the men he advanced unpopular, and he offended the whole British population[.] The British saw in the act a leaning towards principles inimical to their prosperity[.] The french saw themselves no nearer the domination they sought for, the new officers were silenced and became insignificant.

When Sir Francis Head arrived in the Colony. He found a House of Assembly which had been elected by a considerable popular Majority[.] This House was chosen on the ground that reform was wanting[,] that the country was full of abuses, and the Government of corruption. which they were affecting to remedy by an increase of their own powers. and by assuming all the functions of Government.

Those who saw in the pretensions of the Assembly principles fatal to the connection of the Colony with England were discouraged and looked on in gloomy silence[.] They found that the most extravagant charges had been received in England against them, and had made an impression which they saw little hope of removing. They saw that an opinion was gradually gaining ground that the Colonies were burdensome and unprofitable to England and in every admission whether tacit or expressed of the alleged grievances of the Colonists, of the bad working of Colonial institutions, and of the necessity of change, a new step towards separation. attachment which is not valued and loyalty which is contemned are cold and cheerless sentiments. and it is not too much to say that indifference to the tendency of the public measures of a colony and to the result even if it should be separation, are the surest means of accelerating that event, and much more rapid in their effect than those usually received as the active causes of revolt[,] that is to say bad and oppressive government.

The Legislative Council were weary of interposing their prudence firmness and moderation between the dangerous and unconstitutional measures of the Assembly and the Government[.] they found they were not thanked their motives were impugned they were attacked in the British Parliament and scarcely met with one to defend or vindicate them.

The Assembly for the purpose of consolidating their power demanded the whole revenue at the disposal of the Government. The justice of the demand was conceded with the charge of a small civil list. which proposal was not accepted because they wished to have the Government at their mercy completely which could not be accomplished so long as a permanent provision for its maintenance existed.

All the measures of the Assembly, relating to the expenditure of public money, were framed with a view of consolidating & continuing their own power. They appointed their political emissaries to expend money on the roads. for the important works which were carried on they appointed their own members commissioners and directors.

They lavished the public money on the support of a worthless seditious and unprincipled press they paid agents to proceed to England to slander the Colonial Governor and they charged all this to the contingencies of the House.

They demanded that the Executive Council should be rendered responsible to themselves[,] that is to say bound to follow out the Policy of the Assembly in all things. The Assembly were to rule the Council The Council the Governor. who was to be relieved from all responsibility as well as of all independent action.

The interference of the Ministers of the Crown was decried, as Downing Street Tyranny. and the baneful domination of the Mother Country[.]

The abolition or reform of the Legislative Council, was sought for so as to make that body completely subservient to the views of the Assembly.

It is evident that when these things should be accomplished The Assembly would possess a power superior to that of the House of Commons, The House of representatives or any political body we know of short of despotic authority. They would also possess the means of influencing and insuring their own elections, The British Govt. The Governor, The Legislative Council The Ex. Council The Offices of Govt. all would be mere workers of the will of the Assembly.

In short The Assembly claimed to exercise all the functions of an Independent National Government except the burdensome one of providing for its defence. and of finding exclusive markets for colonial produce. These they were inclined to leave with the Home Government[.]

It is said perhaps with truth that the reformers would not have become rebels were their claims all conceded[.] They in fact would have no interest in procuring a union with the United States. because they would thus as a Colony exercise a power and domination which if the Colony were made one of the United States they could not enjoy.

In this state Sir Francis Head found the Province. He was thought to have been sent out to carry on reform principles. He was expected to do exactly as he was told by the Assembly. and his coming and the removal of Sir John Colborne was hailed by the reform party with delight by the Majority of the Assembly and its partizans.

Sir Francis Head, desiring that every opportunity should be given for the removal of abuses which were said to exist, and supposing he would be best assisted by the presence of reform Executive Councillors appointed two who were known to entertain reform principles to a great extent. Mr Dunn the Receiver General who was popular with the reformers, because he was not connected with any of the families, whose members were Officers of the local Government was also appointed—

Sir Francis appears to have desired the discussion in the Council of the claims of the reformers. he could scarcely have expected unanimity or that the decisions of the Council should be final. He rather wished by means of the Council to have understood clearly the questions discussed so that they might be fully and impartially considered by himself and the ministers of the Crown. He accordingly invited discussion and awaited the time for the decision of the points which should be raised.

It so happened however That his views as well as those of the Government in England were misapprehended by the Councillors. for the old ones as well as the new, asserted to its full extent the right of the House of assembly. to control the Government. and to make the Council dependent upon the Majority of the Assembly.

Sir Francis Head on the other hand did not understand what the Council were aiming at. He no doubt expected inquiry into grievances in detail which he intended to investigate with the impartiality which his position as the representative of the King whose sole interest was the welfare & peace of the Colony would enable him.

In short he hoped to govern the Colony without reference to party[,] yielding to none, and doing justice to all[.]

This must always be the hope and object of a supreme Government, and its conscientious representative. for although the Majority of electors and the prevalence of party may prevent impartiality, and secure the interests of the prevailing party to the exclusion of those of the losing one at home. Yet it may be presumed that no Government in England would see injustice done to, a minority in a colony. or allow the rights of the subjects of the Crown to be invaded, or their just claims denied merely because a prevailing party in the province desired it.

That Sir Francis Head sincerely desired to administer the Government with justice and impartiality is evident from his refusing on the one hand to oppress the tories as they were called by dismissals from Office without reason. He shewed his desire on the other hand to relieve the reformers from their exclusion from Office and power, by calling them into his Council and by recommending the Speaker of the Assembly a leading reformer to a seat on the Bench.

Sir Francis and his Council were mutually surprised at the result of his endeavours[.] He found the Council declaring as their unalterable conviction principles of Government which he had no authority to admit and which with his conviction of their incompatibility with the relation of a colony to a parent state it would have been treason in him to have recommend[ed] for adoption.

The Council on the other hand were surprised to find that their views which they truly stated to be in accordance with those of the Assembly. and the success of which only could secure the Cooperation of that Body with the Government declared by the Lieutenant Governor totally inadmissible.

Thus without a single difference of opinion on any practical measure of Government It became apparent that a separation must take place between the Governor and his council[.]

Had the Council gone on silently entertaining the principles they expressed and giving weight to the opinions of the Assembly, And if the Assembly finding the Governor disposed to act with deference to their opinions forborne extravagant measures which originated in a desire to embarrass the Government[,] It is probable that the affairs of the Province would have been conducted for some time with apparent peace and cordiality[.]

It was fortunate that this did not take place—the practical domination of the Assembly. which though moderate at first would have by degrees become intolerable. Concessions made by the ruler, to the governed are scarcely possible to be revoked. and every day that the functions of the Government and of the Assembly, and the line which divided them remained undefined, The former would be losing ground which could not be regained without violence.

The resignation of the Councillors was the signal for hostility on the part of the Assembly. They found from Sir Francis Heads instructions that he could not. and from his disagreement with the Council that he did not desire to accede to the pretensions of the Assembly, and war was declared accordingly. The Governor was insulted in the most opprobrious terms he was in a manner put upon his trial the business of the country was at a stand and the eyes of the people were

turned upon a contest which it was plain must end either in the removal of the Lieut Governor. or the downfall of the Majority in the House.

The Assembly in their rage, and disappointment lost all discretion. Had they been temperate in the assertion of their claims, and contented themselves with insisting calmly upon them, they might possibly have secured the public confidence, and finally have succeeded with the Home Government. But they depended too much upon popular support, and were blind to the loss they were daily sustaining in popular favor.

It happened that at this period the emigration from the eastern to the western states was in full operation[.] The rage for public improvements extravagant loans gambling speculations in land, laying out what have been significantly called lithographic cities in the wilderness. prevailed in the Neighbouring States to a most unprecedented extent[.] The people of Upper Canada are just as fond as their neighbours. of Magnificent undertakings, of paper money, and paper Cities. But alas for Upper Canada her legislature were talking of popular rights, and grievances and abstract politics just at the very time when these topics were completely absorbed in the desire for wealth and the apparent ease with which it was gratified upon our frontiers[.] A properous people never think of their rights. when men are making money they have no grievances[.] Even the reformers themselves began to think that their representatives would be better employed in borrowing money. increasing the circulating medium and the value of property, than in quarrelling with the Government about barren principles, which they could neither understand [n]or explain. This want of tact in the Assembly is sufficient in itself to explain the result of the late elections which seemed to astonish the Assembly as well as the Government. and which set the reformers seeking for some occult and hidden corruption on the part of Government, as a means to account for so strange a Phenomenon.

For a little time it was amusing to the reformers to find the Governor and his officials outraged and insulted. It gratified their pride of independence and equality. But when they saw That Political agitation did not invite settlers, that Emigrants shunned a country declared by the representatives to be suffering under tyranny & oppression[,] to be upon the eve of a revolution. and that capitalists were not likely to invest money, in a province said to be ruined by its Government— [sentence is incomplete.]

In considering the result of the late elections while the want of policy in the assembly is so apparent This great cause of their downfall must not be lost sight of. nor should their overthrow be considered final or the ascendancy of British principles calculated upon with too much certainty at future elections. change of circumstances may produce change of popular opinion[.] The enemies of Government may not always be so blinded or choose their time so badly. The American bubble is now burst. perhaps it is happy for us that it continued to float so long.

On Sir Francis Head declaring his unalterable determination to preserve the const[it]ution of the Colony unimpaired those really attached to it became inspired with new life hope & activity. They had looked upon their case as almost desperate, they had sought in vain for encouragement from England. but there they found the Government the Parliament and Public Opinion poisoned by the declarations of their enemies[.] They read the opinions expressed by statesmen as well as demagogues that the time for independence must shortly come.

And they knew that if such was to be the case, the sooner they were relieved from the invidious situation in which they stood the better; but when Sir Francis Head published his instructions, and declared his intentions. They came with a noble spirit. And prayed for a dissolution of Parliament so that their influence might be constitutionally felt.

Another cause of the result of the elections arose from the fact that many of the Emigrants who at the previous election had not procured their titles and therefore had not voted now had gradually become entitled to demand their deeds, and in the anticipation of an election they urged their completion with the greatest avidity. These people were almost universally attached to the Government, and in their activity in endeavouring to obtain the elective franchise to which they were legally entitled is to be seen the foundation of the Charge against the Government of issuing Patents for the purpose of fabricating votes—

The Lieutenant Governor with consummate policy watched the progress of these causes upon public opinion. he occasionally assisted them by spirited answers to addresses praying for a dissolution of Parliament[;] he bore with Patience the insults of the House of assembly. by which they were destroying themselves. and furnishing his justification for the step he was about to take; irritated at his patience and ascribing his not dissolving them to apprehension of the displeasure of Government They thought to complete his downfall by the stoppage of the supplies. even this did not force him to anticipate the time for action. he first decided upon reserving the Royal assent to the money bills passed by the Assembly. he refused to accede to the address of the house to pay their contingencies[.] In these bills, and in the way the money applied for in the shape of contingencies The Assembly had exposed themselves to well merited reproach. and assisted in their own destruction.

Finally at the very crisis of public impatience The Lieutenant Governor in Council on the Kings birth day. and as it happened when the Royal Salute was firing, declared the assembly dissolved and issued writs for a new election. The result of which proved to be a constitutional House of Assembly.

The truth of the above remarks upon the influence of the American speculation fever. upon the people of the Colony and upon the result of the elections, is fully borne out by the proceedings of the new house. Bills for the establishment of numerous Banks. and for appropriations to a very great amount for public works. were immediately passed. The merits of these measures are variously estimated and it is not intended to discuss them at present[;] there can be no doubt however But that the members were elected with a view to these measures, and were only carrying out the wishes of their constituents. and that the want of like measures on the part of the members of the last House of Assembly was one great cause of their unpopularity.

For a time the reformers contented themselves with charging the Government with corruption and undue influence at the elections and persisted in declaring themselves the great majority of the people. gradually however those who were really disaffected began to act with the direct object of obtaining independence. Their time was now well chosen and they were sanguine of success.

It is unnecessary at this time to state the progress of disaffection in Lower Canada. it is sufficient to say that it had proceeded so far as

to threaten immediate revolt. and that the disaffected leaders were in active communication with those in Lower Canada [Lower Canada is queried for Upper Canada in the MS.].

The American speculations ended in Bankruptcy of the speculators[;] Business was to a great degree suspended on the American frontier which was filled with Idle vagabonds. ready to sympathize with and to assist in rebellion.

The Province although it had scarcely time to enter into the spirit of american enterprize since the new elections, suffered severely by the pressure on business and although the depression was not felt here to the same extent as in the United States. The excitement produced by the promise of prosperity to arise from increased expenditure was stayed. Emigrants had been deterred from coming to the Province by the late Political agitation. The Banks were not in a condition to afford facilities to trade by furnishing Capital. and the debtors to the Banks were not in a condition to pay them.

The Government confiding in the Pacific declarations of the U.S Government, and in the apparently pacific conduct of the American people since the late war. had gradually reduced the military force until in this Province it was but a name. The few forts were dismantled the arms were removed. and the Province may be said to have been without military strength.

The first symptoms of disaffection in the Colony appeared in the increased virulence of the Reform press. it became seditious and even traitorous. The question is now asked why was not the law put in force against the press. this is not said merely by constitutionalists but also by rebels taken in arms—they have said continually We were misled by the Newspapers, why were they allowed by the Government to deceive us, without punishment[;] when we saw statements in the Newspapers against the Govt. issue without legal prosecution we were forced to the conclusion that they were legal and true, and that if they were otherwise the law would have been enforced against them.

It is very doubtful however whether any means taken for the punishment of seditious editors would have been effectual. The people are excessively jealous of what they call the liberty of the press and prosecutions for political libel. have too often proved ineffectual, and attended with mischievous results to permit of their being resorted to with expectation of benefit[.]

Had McKenzie been arrested as a libeller. he would have been treated by the reformers as a martyr to liberty. He would have thereby gained partizans[,] he would most probably have been acquitted by any jury impartially chosen and if rebellion succeeded, his arrest and prosecution would have been set down as one of the causes of revolt[.]

The American plan of restraining the licentiousness of the *opposition* or *minority* press is a more effectual one than can be adopted in a British Colony. Had McKenzie in the United States dared to publish statements so inimical to the opinions of the majority of the people as his denunciations of the loyalists were in this Province, his house would have been burned and he would have been murdered by a mob. and the murderers would not have been punished.— The fact stands thus McKenzie in his treason was protected by a Government which would permit no other than legal means for the suppression of crime, and it was more than doubtful whether these legal means would have been effectual for good while the evils necessarily attending upon them were certain and apparent.

When the designs of the disaffected became more undisguised and the loyalists were awakened to a sense of danger, prosecutions might have been effectual, and had the outbreak been delayed for twenty four hours McKenzie would have been arrested, but this measure would not have been a preventive one as far as related to the alienation of the minds of the reformers from their allegiance which had been produced previously[.] If the prosecution had taken place previously he would have denied the existence of the conspiracy[;] he would have professed his loyalty, loyalists would have viewed him as a disappointed and desperate politician[;] his own political adherents not actually in the plot would have looked upon him as a persecuted man, and his arrest would probably have made many reformers rebels, who have never forfeited their allegiance to this hour.

Another mark of the progress of disaffection was the establishment of reform associations, the enrollment [*sic*] of reformers in bands of 40 each and for a short time before the outbreak the meeting of these bands for the purpose of shooting at a mark, and for drill.

It is charged against Sir Francis Head, that he did not cause these meetings to be dispersed, and the persons concerned in them arrested. In Sir Francis Head's dispatches he lays himself open to censure which has been liberally dealt out to him both in England & in the Province by making statements true in themselves but which perhaps ought not to have been made without the concurrent and qualifying circumstances which accompanied his measures[.]

Sir Francis Head states that he was aware of the design to revolt, and that he calmly awaited the result.

From this statement it might be supposed that H. E. had positive legal information sufficient to disclose in a Court of Justice the plan of the conspiracy and the names of the traitors so as to have caused their being brought to punishment. But the fact really was that the Lieut Governor only knew that meetings were taking place, of persons armed with rifles for a supposed traitorous purpose. The greatest pains were taken to reduce the supposition to legal certainty and the only way of accounting for the want of success which attended these endeavours is the probability, which after investigation has confirmed that no plan of rising in arms was formed until very shortly before the outbreak and that until the very moment of the rising very few persons were aware of the intentions of the chief conspirators.

Affairs were evidently tending towards rebellion but the information before the Government was of the most vague and unsatisfactory character, and scarcely ever amounting to sufficient legal ground for the committal of an individual[.]

Had the Lieut Governor therefore ordered the arrest of persons for attending seditious meetings or for assembling in arms, the great probability was that the persons arrested would be innocent of every thing but inclination or desire to overthrow the Government[;] that no actual plan to do so was formed by them or if actually arranged that it could not be legally proved.

Sir Francis Head was acting under the ordinary law of the land, and he knew that however vehement his suspicion and belief might be, they formed no legal ground for imprisonment and conviction of the parties charged with treason, arrests of innocent persons or of persons who could not be proved to be guilty, in the absence of actual revolt would

undoubtedly have added to the numbers of the disaffected, and would most probably have been censured by H M. Government[.]

Had the rebel leaders taken time to organise a really dangerous plan of insurrection there can be no doubt that it would have been discovered and the leaders would have been arrested and punished but the fact was that little was discovered because there was little to discover. the state of affairs in lower canada. and the vigilance of this Government hurried McKenzie and his adherents into a premature rising the danger of which has been magnified to an extraordinary degree. It is true that great danger was apprehended at the time of the outbreak because sensible men were not prepared to ascribe absolute insanity to their enemies, But if the same opinion of the want of preparation and resources on the part of the rebels had been persisted in, which was entertained but the day before the rebellion the rebels would have been justly and truly considered as an insignificant body of misguided men. without numbers, plan, arms, munitions of war, design or resolution to fight, which was the precise estimate of their force before the meeting at Montgomerys.

What was that meeting after all that has been said & written about it.

In a country accustomed to peace and tranquillity in which there was no police and no military force. two or three hundred young ignorant men were suddenly called together on the 4th. December. under the most false and unfounded pretences. they were told that there would be no resistance, that Lower Canada was in the hands of the Patriots—that the principal functionaries of the Government in this Province had joined the same cause. that all they had to do was to step forward and seize the country[.] that he who was foremost would be promoted and he who remained behind treated as an enemy.

It is true that these men assembled at midnight within five miles of the City, but it was after forced marches of from ten to thirty five miles in a canadian winter. they lay wearied and exhausted on the floors, they had to procure provisions[,] in many instances arms[,] to cast bullets, to procure Gunpowder[,] to learn the state of the City and to make up their minds to attack it.

Had two hundred or even one hundred resolute men, accustomed to scenes of blood and violence made a sudden descent upon an unprepared city, Had this place been in a similar situation to a city upon the Spanish main, with a buc[c]aneer ship entering the harbour in the dead of night the danger would have been imminent[;] as it was, the rebels were on monday night in much more danger of being taken by the city, than the city of being taken by them. and so they felt it themselves for from the moment of their assembling the camp was a scene of insubordination mutual distrust and reproach[.]

The rebels owed their safety to their sudden assemblage and their not having made previous preparation, and to the consequent ignorance of the Government of a plan which was put into execution as soon as conceived. The little information which arrived in the City of the rebel force exaggerated it beyond all measure. The Government not conceiving it possible that men would be so infatuated as to make such an attempt with such means. was forced to give the enemy credit for previous plan, military organization, importation of arms and ammunition[,] a cooperating force in town, a simultaneous exertion throughout the Province and the enlistment of foreign aid. all which appeared the

more formidable from the apparent secrecy with which the whole was in the most unaccountable manner brought to maturity[;] preparations were therefore made to contend with a formidable enemy, not to capture a few disheartened criminals.

The numbers of the enemy increased on tuesday and Wednesday. The force was however continually changing[,] those who had joined being discouraged and alarmed at the want of adequate means for attack or defence, and those who had not joined being encouraged by the forbearance of the loyalists whose means and spirit they consequently underrated.

The illusion on both sides was not completely dispelled until Thursday. when the rebels were surprised by the advance of a very superior body of the Loyalist militia from Town. and the Loyalists on the other hand to find little or no resistance and that the enemy were flying in all directions. on their approach.

Sir Francis Head has been blamed for consenting to the withdrawal of the military force to Lower Canada. He accounts for his doing so by his desire of producing the moral effect which would be the consequence of the Loyalists finding they they must depend upon their own courage & conduct for the maintenance of the principles to which they were attached, and also in their feeling that the Government fully trusted in their ability to preserve the Province without military assistance. but there were other reasons which Sir Francis did not put forward in his own justification which were cogent enough to make his policy almost of actual necessity.

Amongst these was the state of the neighbouring province in which the loyalists were infinitely outnumbered, and in which previous symptoms of dangerous rebellion had appeared. which made the presence of not only the regular troops become necessary there, but which also made it appear advisable to afford the Loyalists of Lower Canada all the assistance otherwise, which could possibly be spared.

Add to this that the numbers of regular troops which Sir Francis Head could have been permitted to retain in the Province, amounted only to a few men to be used for a guard, to post sentinels at Govt House according to the usual form. but which would have been utterly useless as a force wherewith to prevent or suppress a rebellion, such as success of the traitors in Lower Canada would have occasioned. The fact is, that Sir Francis Head sacrificed nothing and he gained much by allowing the troops to be withdrawn[,] for without losing any means of resistance to rebellion, he did what was much wanting in the Province and in England[,] that is to say he proved that under the most alarming circumstances, with a rebellion raging in Lower Canada. & without the prospect of military aid for months to come. the loyalists were able in themselves to maintain British power in the Province, against the utmost endeavours of the disaffected.

Sir Francis Head has been censured in the Province for not calling out the militia and for not putting arms in their hands for the defence of the Province in anticipation of the revolt.

Those who blame the late Lieut Governor for this omission, do not know or consider the difficulties under which he was placed and it may be well to mention some of them.

The commencing an expensive system of military defence was a measure for which the local Government had no authority. from home and no pecuniary means at its disposal, here. it is said that the calling

out a militia force would have prevented rebellion. but this would have required a larger force than has been found necessary for its suppression. to have garrisoned so extensive a country would have required a large body of men. to have posted a few here and there. would have exasperated without intimidating the disaffected and it would have exposed the parts of the Province in which there would be no armed force to violence and outrage. a small force in the City of Toronto might have put off the attack upon the City, for a season. but it would only have made it more formidable better arranged and more dangerous when it would happen. The rebels would have laughed to scorn the preparations for defence. The very fact of the assemblage of an armed force would have been represented as a tyrannical attempt to trample upon reformers. and this would have gained the cause of rebellion many an adherent which as things have happened remained passive if not loyal. a small force could not have suppressed seditious meetings[;] it could not have prevented treasonable communications with the U.S. frontier. its employment would in short have had all the moral effect of declaring the country in a state of revolt, without producing the physical means of preventing or suppressing it.

The raising large bodies of loyalists, might have had the effect of preventing to a great extent any actual armed revolt within the Province. but the necessity for such a measure would never have been apparent and its justification would have been impossible. there would have been nothing to prevent the reformers from continuing their peaceable declarations. To this day nothing has been proved or discovered to shew any actual preconcerted plan of formidable rebellion. and had such plan been anticipated and rebellion prevented by formidable means, how could the use of these means, and the expence attending it have been afterwards justified? how could charges of extravagance on the part of the local Government. and alleged intention of establishing an armed tyranny have been met, when brought forward in the Imperial & local parliaments. And where was the evidence beyond mere supposition in the hands of Government?

Again had the loyal inhabitants of the Province been called from their homes and had the reformers remained passive or confined themselves merely to sedition and libel. is it to be supposed that the country could have been aroused by the really noble and active spirit which the treacherous attempt made by the rebels has brought forth. It is in vain to expect that a population can be called from their homes. their peaceable & profitable pursuits, on a mere supposition or anticipation of danger[;] the loyalists of the country judged for themselves. and offered to take up arms not because they were commanded to do so but because the enemy was in the field. actually in arms threatening the destruction of their lives and properties[;] had the Government summoned them from their homes, upon the evidence of intention of revolt in its possession, they might have assembled, they might have taken up arms in the expectation that Government had good reason for summoning them[.] But it would have been vain to expect on a mere supposition of rebellious intentions which some would believe and some would not the same alacrity, & ardent feeling which the loyalists exhibited on learning that the enemy was actually in arms[.] Had a call been made upon the militia without its being promptly and enthusiastically responded to, the moral effect would have been most injurious, and yet it is evident that the degree of readiness on the part

of the loyalists to take up arms, depended much upon the opinions individuals entertained respecting the necessity of doing so. It was for the rebels by their preparations to make that necessity apparent, but they seeing that each step on their part was closely watched and that if they delayed a week or even a day, they would have been met by an armed force, determined on anticipating the calling together of the militia and surprising the Town & Garrison. They assembled in haste determined to make the attempt but finding themselves without considerable numbers and resources, of any kind equal to the enterprize they waited until the loyalists had time to make ample preparation and to attack them.

Had there been any regular force of importance in the Colony, of course it would have been well to dispose of it in such a manner as to prevent or defeat attack from the supposed rebels, but the calling out a militia and arming volunteers, appointing officers, incurring expence—all upon suppositions founded perhaps upon empty boasting of the disaffected was a very different measure, from using in the best manner a force already raised.

Had a large muster of militia been called, and armed, it would have caused much excitement and alarm and if it had for the time intimidated the rebel party there would have been nothing to prevent McKenzie & his associates from denying any intention to revolt, in such case it is much to be feared that men who were called out under excitement & who supposed they were to meet actual opposition would have returned home with very different feelings from those which actuated them on their coming out. They or many of them would have blamed the Government for their being brought from their homes in the depth of winter without necessity, and when actual necessity afterwards arrived the same alacrity would not have been found.

The militia law of the Province, directs the calling out of militia in a particular manner[;] the militia man is enrolled according to the section of of [*sic*] country to which he belongs without any regard to his loyalty or desire to fight in defence of the Country, the law only contemplating foreign warfare in which every man is supposed to join, and not internal insurrection in which men must of necessity be divided.

Indiscriminate calling out and arming a militia regiment according to law would have been to furnish both sides with arms and ammunition so that they might fight the battle on equal terms, which was by no means a prudent or admissible course.

The raising soldiers upon the simple authority of the Lieut Governor could only be justified by actual rebellion, in the strict sense it is illegal and unconstitutional at all times, and had the Lieut Governor chosen to take the responsibility and had no rebellion ensued who was to bear the expences or to answer for the illegal act and had those troops been used in dispersing meetings, or arresting suspected individuals who was to answer for the acts of men thus illegally employed, as soldiers. Sir Francis Head was thus in a manner forced into the course he took as well by the law of the land as by motives of common prudence. Had he been proved to have permitted extensive and dangerous preparation for attack, and revolt to be made in the Province without interruption he would have been subject to blame. all that he can be charged with at present is that he was not prepared for an attack which did not require preparation to withstand it.

The premature assemblage of the rebels had a very great effect

upon the disaffected in the country generally. all who had not committed themselves, seeing the total want of means and resources of the rebels forbore to join them. whereas they never could have discovered the weakness of their own course in any other way than by the actual attempt. this has no doubt been the means of preventing the implication of thousands in the conspiracy, and it is not improbable has caused many to join the loyalists and do their duty as good subjects.

The only measure not adopted, which would under the circumstances have been prudent, and which had the Lieut. Governor been persuaded of the possibility of a sudden assemblage of a body of men with the intention of attacking the Town and Garrison was the providing adequate means of defence for the arms and ammunition so as to prevent their sudden capture. Sir Francis Head however is justified by the result in his supposition that the rebels had neither numbers or resolution at the moment to make an actual attack, before the Citizens would have had time to prepare to resist. In the mean time a small guard was left at the Garrison, and some special constables at the City Hall rather as a watch than a guard. Sir Francis desired no more notice of the movements of the disaffected than the intelligence of their advance and he did not suppose it possible that many men armed could come together from different parts of the neighbourhood without being discovered or that they could have marched upon the Town without previous discovery. upon that discovery the rallying of the citizens was reckoned upon with certainty and the advance of a few hundred men, into a city of 10000 inhabitants with arms to oppose them was not considered as a project likely to be entertained[.]

Still there is no doubt but that a force of perhaps two hundred men. considering the absence of regular troops would at least have given confidence to the citizens because it would have put the arms upon which they depended in positive safety, and much of the confusion and alarm which ensued might have been spared by this measure.

The Terms in which Sir Francis Head admits that he was surprised are very strong and unqualified, and the motives for this unqualified admission are not always appreciated. Sir Francis in fact was always ready to place in the strongest point of view the merits of H M. loyal subjects on whose attachment & assistance he so fully relied. but unless an actual attack had been made or something accomplished on the part of the rebels, by their assemblage. Sir Francis Head cannot be said to have been surprised by them. he heard *suddenly* and *unexpectedly* of the gathering at Montgomerys. but he had previously thought that the Citizens were sufficient on any alarm to repel such an attack. The result proved that he was right. for the enemy were not assembled in numbers before the City was alarmed and no attack upon it was actually made.

It is not necessary to enter into any details respecting the short progress and the suppression of the rebellion. Its course and the energy and spirit of the Loyal subjects of the Crown in the putting down the revolt as well as the measures adopted towards the unhappy persons concerned in it are all detailed in the despatches of the Government or the proceedings of the Courts and Council. The disaffected have learned that the overthrow of the Government of even a distant and exposed Colony is not so easily accomplished as they imagined. The British people find that it is not in the power of those who claimed in the Colony to be exclusively the people. to overthrow British institu-

tions, and that these are valued not the less in America (Canada?) because Republicanism is at our door and the good and evil which it produces exposed to our close inspection. The true danger to which these Colonies are exposed from American aggression has also been clearly shewn and time given to oppose it before it could come against us with fatal effect[;] and English liberal politicians it is hoped have learned that it is no light matter to advise British Colonists to revolt. and to encourage them in rebellion by assurances of passive submission to American patriots and domestic traitors[.] It now therefore only remains to offer a few suggestions as to the different measures proposed for the settlement of Political Questions in the Canadas, and if these Colonies shall be really considered of value either as regards their intrinsic worth or their relative position as regards the American States[,] to represent the necessity of defensive and protective military measures.

Questions of vital consequence to the future preservation and prosperity of The American Provinces are now opened for discussion. and plans are proposed for the settlement of the Canada question which may possibly succeed in the restoration of tranquillity or which may make any further attempts to retain the Provinces desperate & impossible[.]

Extensive sudden organic changes are always dangerous. their consequences are not possible to be altogether foreseen, and steps taken of this nature cannot be retraced.

They are however almost always popular. the public mind is generally sanguine because each individual hopes for some undefined good result while he trusts to his own ingenuity and prudence for avoiding evil consequences.

It is not therefore because a proposed alteration in a constitution is very popular that it is very advisable and proposed measures of change ought to be estimated by their intrinsic value rather than by popular favor. There scarcely exists a people on earth who if invited to make political changes in their institutions. would not seize upon the opportunity with avidity, and the almost total want of ancient and local prejudice, of ties of interest, property, and the influence of religious establishments render the countervailing conservative principle. which would maintain settled institutions much weaker in all parts of America than in Europe.

The different plans proposed on the side of the loyalists. and which are said to be under consideration by the Government for the Union of the Provinces deserve and require the fullest and most cautious consideration[.]

The evils suffered by the British inhabitants of lower Canada and particularly by the mercantile Body of that Province from the anti commercial spirit of the french population and the complete cessation of any beneficial action of the Legislature and Government of that Province, naturally forces upon the loyal & enterprising colonists the necessity of seeking some change which would set the machine of Government once more at work. and furnish the power wherewith to bring into active operation the latent resources of that extensive province. It is not to be wondered at that the the [*sic*] mercantile population of lower Canada are sanguine as to the success of any scheme which would tend to relieve them from their present condition. The Legislative union of Upper and Lower Canda is therefore a favorite measure as well as the federal union of all the North American Provinces.

The dispassionate observer of the state of Politics in Lower Canada will easily trace the principal cause of the condition of that Province in the existence of two separate and distinct races of men therein, one of them having a foreign language. adhering to foreign laws, and foreign habits. these races come into constant collision with each other[,] the line of demarcation becoming continually more marked and distinct as the numbers become greater and the opposing interests more formidable.

When Lower Canada was first conquered and the French power was prostrated in America, it would have been merciful and Kind immediately to have commenced the amalgamation of the French colonists with the British subjects of the Empire. The french canadians were then accustomed to arbitrary rule. Their numbers were comparatively few and they were wholly in the Power of the British Government[.] It was not for their sake that canada was conquered. And they had no right to expect that the future interests of a Colony which was to be inhabited by millions of British subjects should be sacrificed to preserve french laws language & institutions[,] and the prejudices or attachments of the inhabitants to them ought to have weighed but little when the future prospects of so important a province were considered.

Had the English language been at once introduced into the courts of justice and the proceedings of the Provincial Councils and had English law regarding property and civil rights at once prevailed these would have been regarded as necessary consequences of the conquest, and there would now probably have been as few traces of french institutions in Lower Canada, as there are of those of Holland in the State of New York.

But the preservation of French laws and language has been one of the most irritating causes of dispute[.] The french laws were not made for a commercial people. and the language was not necessary in a country in the midst of a British people. and carrying on all its foreign trade with England.

The continuance of french law and language has however kept up the distinction of races and since the numbers of the British population have increased the struggle for predominance between them has been severe and unremitting[.]

The french race has been preserved distinct, by artificial means that is to say by the protecting power of the Government. without this the race would long since have disappeared at least as to any political effect. in the British population coming from home, and from the neighbouring colonies.

Successive administrations have endeavoured to promote peace and contentment by doing justice between the contending parties. but they were contending for predominance and not for justice. And therefore the exertions of Government met with little success.

A constitution was bestowed on the Province with a representative Assembly. so that they might Govern themselves but this only set them loose upon each other. in an interminable contest. because there was a superior power in the Government which prevented one from completely suppressing the other.

The numbers of the french party being the greater they always have had a majority in the popular branch of the Legislature. but the British interests were naturally at least passively protected by the Government, and the Legislative Council being appointed by the Crown the opinions

of the British minority prevailed in that Body. and in the Councils of the Government.

Thus neither party had the power of enacting laws without the consent of the other. their situation became intolerable to both[;] one naturally inclined towards the Government. while the other in its desperation sought for assistance from the neighbouring republicans although it is well known that their habits manners and institutions were more different from those of the canadians, than the habits manners and institutions which the British party desired to establish ever were, or were likely to be[.]

Had the attempt to bring about revolution in the Colony been successful. there is little doubt but there would have been a speedy end to the Grande Nation Canadienne and its existence as a distinct french race, would have immediately been on the decline. The lands which the Canadians desire as they say to preserve for their children would soon be occupied by American squatters, who even now cannot be kept at their own side of the boundary. The anti commercial laws which throw almost insuperable difficulties in the way of transfer of real estate, and have a direct tendency to prevent improvements upon it, would not be allowed to stand in the way of American speculations nor would american enterprize suffer itself to be impeded for the want of Canals rail roads, and a public debt. republican Majorities do not pretend to the delicacy, and forbearance of Monarchical Government[;] the influence which protects the Canadians would be at an end, and they would as a race with all their ancient laws prejudices and attachments sink overwhelmed beneath the superior, and overpowering interests of the Anglo American race.

But a discontented and disappointed party will seek for triumph and revenge in any quarter even at the risk of self destruction.

The ancient Britons called in the Saxons to their assistance, they were enslaved & became extinct. The ancient Irish invoked English interference in their domestic quarrels. and it led to their speedy subjugation[.] The Dutch, Swiss, Spaniards and italians asked the french republic for liberty and received military de[s]potism. all ages and periods of history shew that faction, has no view to the future, that it sacrifices every thing to the immediate qualification of its present desires.

Such being the present result of popular contest in lower Canada. will the proposed union between the Provinces prove a remedy for existing evils?

It is said by the advocates of the Union, that the measure would give a decided preponderance to the British party in the Legislature.

Supposing this object already attained. It is scarcely to be expected that the french canadians will be more contented than they are at present. or better pleased under the active rule of a majority of an inimical interested party than under the mild sway of a protecting Government. Can it be supposed that they will be better pleased to lose their laws, language & institutions, by the vote of their enemies, than by the enactments of the Imperial Parliament[;] will they be better pleased at seeing their money spent and debt incurred for the interest of the Merchants and Upper Canadians, in the erection of public works which their own anti commercial spirit, and want of enterprize prevent their using or profiting by? will they like to have their religious establishment made the object of daily attack and furious debate. in a united

Legislature, in the same manner as the members of the Church of England have suffered in Upper Canada. will they be pleased at hearing their priests vilified[,] the dues paid to them claimed for secular purposes[,] their schools remodelled[,] their inconvenient vehicles subjected to Parliamentary measurement. all for the empty name of a constitution and the form of self Government which they must feel & know to be a hollow mockery as respects them.

They would therefore most probably become more desperate and discontented than at present. In the mean time the act of union would not remove the American boundary, or place republican influence more out of reach. The Canada Question might be settled, but so would not be the public mind in Lower Canada.

The proposition for a union of the Provinces is moreover founded upon a fallacy. a supposed unanimity of purpose amongst the whole British population. But the fact is otherwise, The population of Upper Canada is divided into political parties. it is not all even loyal. The neighbourhood of American political agitation has infected many of them with republicanism, and with notions of politics inconsistent with Colonial dependence, though perhaps all that entertain them are not positively aware of their tendency, These people are quite in sufficient numbers to have some influence in the Upper Canada Legislature. Late events have prostrated them for a moment. but questions of policy are continually arising which have a tendency to revive their influence. the reformers and the disaffected will go certain lengths together and if the latter are restrained from actual rebellion, the former will by the party connection be carried further in their measures and votes than they would individually desire. If then this democratic party were to have even partial success in the Upper Canada Elections there would be two contending parties amongst the British representation in the United Legislature.

The french canadians have shewn that they are united as a party, by religion, language, mutual ignorance. peculiarity of manners and habits. They have their own views to forward[,] their own objects to gain and they will unquestionably unite themselves with the one of the British parties which will undertake the most for them. The democratic party being the weakest in the British representation will unquestionably undertake any thing for the sake of gaining french support[;] there will be no question no hesitation in their united measures. which will all be directed to the overthrow of their enemies. and it has been seen too plainly that their measures even where the parties were separate have gone so far as refusal of the supplies necessary for the Government. The suspension of the Constitution in one Colony and open rebellion in both.

When the subject of the Union of the Provinces is mentioned in the reports of the Legislative Council, & the House of Assembly. and in the address of the Constitutional Society of Montreal, all these bodies seem to argue upon the assumption of the union of the whole population not french, whether Americans, old Canadian settlers native Canadians or old Country men. but were the question asked as to the result of a general election two or more years hence, no member of these bodies would say that he did not look upon that probable result with much anxiety. it is true that he might confidently believe that a a [*sic*] majority attached to British interests and the Unity of the

Empire would be elected. but no man will stake his credit as a politician in an assertion that all will be so inclined.

It is not necessary to argue that those who are likely to be of the democratic party will be all traitors or inclined to be so. what is here asserted is that some and in considerable numbers too, will be advocates for principles inconsistent with the connection with England. that for the purpose of obtaining their end they will act with those really inimical to England and that both will act with the Franco Canadians, and that together they will probably form a majority in the United Legislature.

The Union of the Legislatures is no doubt intended as a permanent measure to remain in operation for an indefinite number of years. If then it is impossible to be assured against a democratic majority of the united french members and reformers. even at the first election who can answer for the result of elections which are to take place ten or twenty years hence.

If then unfortunately unity of purpose and action should be established between the democratic anglo canadian and the french canadian parties, if these parties should command a majority in the assembly. and if that majority should insist as they no doubt would insist upon the concession of points now denied, if they should refuse to act with the Government[,] refuse the supplies, refuse to act as a legislative body, pass resolutions tantamount to a declaration of independence[,] where would relief or remedy be sought for? would the Upper Canadians remain for years virtually without a legislature? would not double the number of H M. subjects be involved in the misfortune, double the number disfranchised, by suspension or breach of the constitution? would not a united house of assembly be a more formidable body to manage or oppose than the separate assemblies, with separate views, different interests, and different alleged grievances.

So long as the Colonies possess legislatures nearly supreme in their powers and functions so long it is reasonably and calmly to be expected, that periods will arrive when these legislatures acting for their constituents, will be claiming advantages and concessions which ought not to be granted, in such cases the real points of dispute and discontent seldom occupy a prominent place in the discussion[;] they may be of a religious, legal or merely personal nature, but they are invariably made the ground for claims of concession to popular or legislative power or in other words they are used by the majority as further steps towards supremacy & independence. The demands are not to remedy this evil, or to redress that specific grievance. but they say if we had supreme control such an evil or grievance would not have occurred, therefore give us more power, forbear to act to think or interfere in our concerns, you are 4000 miles off. leave every thing to us but our expences.

Can any one fail to see that small colonies are more easily managed in detail than if united into nations. Why should Upper Canada be agitated about signor[i]al rights or Jesuits estates of Lower Canada. or about Quarrels between the merchants and fishermen of Newfoundland. why should lower Canada or Newfoundland feel the agitation of the Clergy reserve question which shakes this Province to its centre.

The Union of the Provinces even if the party favorable to British interests and connection should have a majority brought about by framing a constitution particularly with that view and by the introduction of members from a distance into the local legislature, may

coerce the french canadians into political submission but it will not make them more contented or better subjects.

The measures of such a majority will not probably be of a conciliatory character or more likely to produce content or submission in Lower Canada.

But if unfortunately by a union of the French and democratic parties, measures should be adopted in the United Assembly. and the same state of things produced in both Provinces, which now only affect one it is impossible but to see that the connection of these Provinces with the mother country would be in very great danger of dissolution.

But it is said that the two provinces are by their position so intimately connected in interest, that they ought not to be separated[.]

It will be found however that this sepeparation [*sic*] has little if any thing to do with the discontents which have existed in both Provinces or with the state of the public mind in either.

Danger in a political sense, may be produced to both Provinces by a Legislative union, but the measure does not promise to produce peace or contentment in either.

It is obviously convenient that local laws and regulations should be left as much as possible to the people themselves. members of an assembly brought together from such distant points as would be comprised in the United Provinces would scarcely legislate satisfactorily for either.

The expences of the Legislature are already found to be a severe burden upon this Province. this evil must of course be aggravated by the removal of the seat of Government to a greater distance, and the attendance upon Parliament would produce additional inconvenience to members.

The represent[at]ive of the Sovereign, being within the reach of and accessible to the people is of much beneficial effect. The power and patronage of the Government such as it is is exercised with a view to public opinion, and with better information in separate Governments, than in large Unions of territory.

The having two executives and but one Legislature, would be found if not altogether impracticable, at least very inconvenient. The Governor of Upper Canada. or the Governor of lower Canada may act so as to please his own people but probably but one of them could please the United Legislative body. one Governor would find himself working against another, or he must be so completely subservient as to be a mere useless pageant[.]

General laws applying to the two provinces can scarcely be framed on the multitude of domestic matters which occupy the local Legislatures. and the representatives of one portion of the United colony would not understand or be fit to legislate upon the necessities or wants of another.

It is only in a commercial point of view these two colonies have any concern each with the affairs of the other[.] The evils arising from the relative position of these Provinces as regards trade can be avoided without a legislative union, without its danger or its evil effects and inconveniences.

These remarks will to a considerable extent apply to the proposed measure of a federal union between the North American Provinces.

It is difficult to imagine moreover what connection these Provinces

have naturally with each other, or what would be the functions assigned to the Federal Legislatures.

The trade of New Brunswick Nova Scotia Newfoundland and lower Canada, are either directly with England, the United States or the West Indies. with each of which they have communication & common or contending interests. but they have little or none of these with each other.

The Province of Upper Canada has to pass its commerce through lower Canada, but with the Exception of Montreal which is virtually an Upper Canada port. there is not, or at least there will not be any direct trade or community of interests. The products of the soil are nearly the same, Upper Canada imports no lower Canada produce. Lower Canada for its own use imports little from Upper Canada. and there appears little but the want of a seaport, and access to the sea to require a United or Federal Legislature.

Then as to the functions of a federal Legislature.

The Congress of the United States has the regulation of the foreign relations, the foreign commerce of the Union. and it has to provide for the means of war and defence, but its powers are almost limited to these few matters.

It is to be hoped that it is not contemplated to vest any of these functions in a colonial federal legislature. they are not desired or required by the Colonists, and their exercise would be totally inconsistent with Colonial relations.

Is this federal legislature to frame municipal laws to expend money, to levy taxes. and regulate the internal affairs of the several colonies.

If so the local legislatures will be superseded in all their functions. they are found fully competent however to their exercise. and much more likely to execute them to the satisfaction of their respective constituents than any general legislature can be.

Is this new body to be a legislature of appeal from the local Legislatures or from the different branches composing them.

This would be the usurpation of a power which ought only to be exercised by the Imperial Parliament for in that body the decision of all Questions must ultimately rest. and there is no reason for any intermediate power because the Imperial Parliament is more immediately interested in matters affecting the welfare & good Govt. of each colony than the several colonies can possibly be in the welfare & Good Government of each other.

Unless it is for the purpose of enabling the Colonies to combine against the domination of England or to negotiate with England in the manner of *an independent nation* for the extension of commercial privileges, or as *United Colonies* for the extension of *Political privileges*. to the detriment of the rights claimed by the Mother country—it is difficult to understand what the use of a federal Legislature can be, and how far this could be useful and how far detrimental. it is not difficult to prognosticate.

It ought to be tolerably well understood at this time what the relative rights of Colonies and the Parent state are, and how far political rights can be extended with due regard to the continuance of any degree of subordination on the part of the Colony. There appears always to have been a disposition on the part of the British Government to make concessions to the verge of what may be considered safe, and to cause the full and favorable consideration of Colonial claims, nothing has

been necessary but addresses from the legislatures of the Colonies, and even private and unaccredited individuals have been attended to and the most serious and elaborate inquiries entered into upon these representations. The Colonists can desire no extension of facility in the urging or discussing their claims, and no greater attention on the part of the Home Government to these claims than has hitherto been afforded.

The Imperial Government must always be the judge of the justice of these claims, and the safety of making the desired concessions. there can be no arbitrator between the Colony and the parent state. no appeal from the judgment of the latter unless to arms.

If then there must be a judge upon one side and a claimant upon the other—the more powerful the one is in comparison with the other the more final and complete will be the decision, and the less probable will be the resort to force.

When two nations negotiate upon equal terms if they disagree, war is the only means of settling the dispute. The more nearly therefore the colony is made to approximate to the condition of a nation the nearer will be the probability of the same result.

If there be constituted a federal Legislature of the Colonies however unconnected they may naturally be. the Legislature cannot meet without agreeing upon some points. or without taking upon themselves to adjudge the justice of the claims of any one of the colonies to which the attention of the federal Legislature may be claimed. If the demand of the colony be just, or the concession required safe. it is only requisite that its justice and safety should be shewn. and it will be granted. But one colony can state and prove a fact and contend as fully for the justice of a political principle affecting itself as many can do: and therefore no good can result from the Union. But if the demand be unjust, or its concession unsafe or injurious to the interests of the Empire It cannot be denied that the power of enforcing it is infinitely increased by the Federal union of the Colonies and the probability of a general rupture is brought much nearer.

If England desiring to preserve to itself the dominion of the sea. to assert the rights of blockade and search, the right of Navigating the entrance to the Black sea, the right of holding Gibraltar [*sic*] and Malta. were to find those asserted rights. disputed by other nations having opposing interests, would it not be more advantageous to discuss the questions separately with the several powers interested, than with a combination of the maritime [*sic*] powers of Europe and america in a general congress of their Governments, particularly if they were pledged to assist each other in obtaining their respective ends.

If there be any weight in these observations it would follow that the Federal Union of the Provinces is a measure fraught with danger, and that it is one for which no necessity exists. that the functions of such a body could be defined with *extreme difficulty*, and that it could be confined within these functions with *extreme difficulty*. and that any good to result from the measure is very contingent and uncertain.

A representative from the Colonies in the Imperial Parliament is spoken of favorably. and it may have the good effect of affording a pretext to the British Government for interfering more frequently and effectually in the internal affairs of the Colonies. But it will have the effect of placing the Governors of the Colonies in a very difficult and invidious position. The members for the purpose of sustaining their popularity will feel themselves under a continual necessity of doing

something for their constituents, and for that purpose of encouraging and inventing colonial claims[;] their numbers it is true will not entitle them to much influence. But The patronage of the Crown must be placed in their hands to a considerable extent, and their measures must be received with deference and consideration even in opposition to those of the Governors of the Colonies. they will of necessity be rival powers exercising to a certain extent the same functions, and it is impossible not to foresee that The Queens representative must either give up his independence of judgment to the Colonial members, or be liable to come into constant collision with them. One source of information on which to found colonial measures will be the despatches of The Lieutenant Governor responsible for the opinions he offers and the facts which he states. the other will be the correspondence of the Member of Parliament with his constituents who will be responsible for neither. The difficulties of Government will be thus infinitely increased insomuch that it is very questionable whether high minded men sincerely desirous of doing their duty to the Queens Government, will be found willing to undertake the office of a colonial Governor stripped as he would be of political power, his due influence transferred into other hands and his office passed by, in the consideration of public measures. at the same time he will be exposed to continual collision with the colonial members, and be placed in the position of a political Partizan instead of that of an administrator of the Government.

It is therefore very questionable whether any good can arise from the proposed measure to counterbalance these probable evils.

So long as the Queens Government are sincerely desirous of doing justice to the Colonies there seems little occasion for organic changes. Questions the decision of which properly come within the functions of the Imperial Government and Legislature should be settled with as little delay as is consistent with due deliberation and with as little reference to the Colonial Legislatures as possible. they engender party spirit and animosity, and the hatred and opposition which arises out of the popular agitation of questions which divide the public mind are not unfrequently transferred from the parties against whom they are at first directed to the Government and institutions of the Country.

For the settlement of the colonial question the first point of actual necessity which prevents [*sic*] itself is the placing the possibility of successful revolt by means of American interference as much at rest as possible.

The United States are interested to an enormous degree in obtaining possession of the Canadas, and the other American Colonies. Their intentions can only be defeated by measures of military defence. these will involve very considerable expenditure which the Colonies are not able to meet. The first question is therefore whether the Colonies are of such value to England either for the profits of trade[,] the employment of English shipping sailors and Capital or as a means of checking the growing and dangerous power of the American Union to warrant that expence.

The policy of England in engaging in extensive warfare for the purpose of preserving the balance of Power in Europe would seem to be in principle directed to the present state of America with the greater force, because her own possessions and her own trade, as well with these possessions as with the United States are directly involved in the question. And also because it is the aggrandizement of a naval

power which claims rivalry with England which is the event desired to be avoided.

In this point of view the expenditure necessary for the preservation of the colonies, becomes trifling in proportion to the object to be attained. In this view The count[r]ies in question are emphatically British possessions and not the territory of the Colonists. and political measures inconsistent with the dependence of the colonies are infinitely magnified in importance.

If on the contrary the colonies are considered a burden to England. If it be for the sake of the Colonists they are preserved[;] if the loss of territory will be no loss to England. The expenditure necessary for their preservation is a positive injustice to the English people. The principle of self Government should in this case be extended as far as possible. and the measures of Government should be directed altogether to the satisfying the popular will[;] allegiance should not be considered a virtue as far as England is concerned, or rebellion a crime. against the British crown. In short the accomplishment of the peace-able independence of the Colonies ought to be as much an object with the Government as with the disaffected populace.

These questions must be discussed and decided in *England*. If the Colonies should be considered of value they will be efficiently defended and properly Governed. And if not it is in vain for the loyal inhabitants to expect that the English people will for a long time continue the sympathy and protection now held out to the colonists[;] in the mean time the unsettled state of the country and the prospect of change will continue to depress the value of property and to limit the trade of the country to such an extent that the inhabitants will be visited with ruin, and their situation will become intolerable.

Continental possessions cannot be held in Europe without armies and fortifications nor is there any difference in this respect in America. The United States seem destined before long to become the scenes of Civil commotion. which must be the more fearful because there exists in that country no controlling power[;] should these commotions continue for any time this Province if undefended cannot be at Peace. and if they should end in the formation of a standing army and a Strong Government The danger of conquest is still more imminent.

Supposing these colonies to be placed in a position to look forward to a settled state of things there remain two or three points which require the attention and in which the Colonists require the interference of the Imperial Government.

The strongest reason for the Union of Upper and Lower Canada is the want of a sea port to the former. This is felt in the consequent want of power in Upper Canada to raise revenue by way of duties. and in the difficulties of just division of the duties received at the common Port of Entry[.]

Inconvenience to a great extent has also been felt, in the want of enterprise and public spirit in Lower Canada. In its not participating in the expences of Canals and improvements in communication which the Upper Canadians deem necessary for the purposes of trade.

Ships from the sea come to the City of Montreal. and that city although situate in Lower Canada, is sustained by the Upper Canada trade and derives all the profits of being the importing and exporting mart for Upper Canada.

The only obstacle to the navigation to Montreal is the want of

depth in Lake Saint Peters [*sic*], which prevents deeply laden ships from going through. to Montreal.

The timber exported from Upper Canada is therefore floated down that lake in rafts at great expence and with a considerable yearly loss of life and property[.] It has been ascertained that this lake can be made navigable for deeply laden timber ships at an expence, of no great amount considering the advantages which would be consequent upon the improvement.

It is not surprising that the Lower Canadians have not contributed to this object, or to the important works in Upper Canada because with the exception of Montreal which is the depot of trade Lower Canada has not the slightest interest in the success of the undertakings. indeed their interests as respects the improvement of Lake Saint Peters are directly opposed. to the success of the work because if it were completed The timber trade which is now centred at Quebec would come up to Montreal or at all events to the head of Lake Saint Peters.

It would be unjust to make the canadians below Montreal or at least those below lake Saint Peters, pay for public works above them in which they have no interest, or an opposing interest.

It is unjust towards Upper Canada that its great commercial depot should be in another Province, and that Upper Canada should have no share in the wealth and resources accumulated there.

These facts do not point out the Union of the Provinces as a desirable or proper measure. they rather show that so great a separation of interests exists, as to make it necessary that a territorial division should be made which would make that part of Lower Canada sustained by, and interested in Upper Canada a part of the latter Province. and that where the separation of Interests commences there should be the boundary line.

If the Island of Montreal and the District of Three rivers, bordering on Lake Saint Peters, together with the lake, and the river Ottawa were united to Upper Canada. she would have direct communication with the ocean. she could carry on her whole commerce within herself[;] she could not be interfered with by the lower canadians or require their assistance in matters in which the vast majority of them would have no interest.

This would bring the British settlers in the Eastern Townships within the Province of Upper Canada where they could neither injure or be oppressed by the Lower canadians.

After this division the Lower Canadians may safely be permitted as large a share of self Government as is consistent with colonial dependence, they may have a legislative council appointed principally of their own members, most of the Officers of Government may probably be appointed out of their own body. The Government need seldom find itself in opposition to them. they may enjoy bad laws, bad roads bad sleighs, bad food and ignorant legislation in peace and quietness, injuring no others and not being interfered with themselves.

Were they in this state they would speedily split into parties, and if there should be Lower Canadian rebels, there would be Loyal Lower canadians to keep them quiet. if they are left to themselves they will not be unanimous or united.

The other important point in which the assistance of the British Government is required is in the settlement of the finances of Upper Canada.

The principal resources of Upper Canada are derived from the duties levied at Quebec. Upper Canada has perhaps to too great an extent anticipated these resources. and there are present difficulties of a serious nature to be met and settled, or else the consequences to this Province will be of incalculable injury.

This expenditure has been principally occasioned by the construction of public works of great magnitude, The importance of which however may be easily estimated on reference to the Geographical position of the Province.

The Country is extremely fertile and productive, but most of its products are bulky and heavy in proportion to their value.

The noble rivers and lakes which flow by and through the Province offer facilities of transport. without which export would be impracticable, and the settlement of the country impossible.

To open this superb inland Navigation completely it was found necessary to undertake such works as the Welland Canal, to enable vessels to ascend and descend the difference of elevation between the Lakes Erie and Ontario. The Rideau Canal to avoid the rapids of the Saint Lawrence, and the Saint Lawrence canal to overcome them.

The Rideau Canal was made as a military communication at the expence of the British Government. at the recommendation of the Duke of Wellington. It is however incomplete—on account of the obstruction offered by the Saint Anne Rapids.

It is not wonderful that in Undertakings generally of such necessity and importance the probable expences should have been underrated and the immediate profits overrated. or that The Province finds itself unable to meet the interest on the public debt thereby occasioned.

It is but just however that the Province should pay that debt. and it is highly expedient that such of the works as are of manifest and immediate utility and importance should be finished.

This can only be done by increase of revenue. and the only practicable way of raising revenue is by the increase of import duties. which can only be accomplished by giving this Province a Port of entry from the sea. at Montreal[.]

These duties are at present so trifling that that [*sic*] they may be very materially increased without injury to trade and without any perceptible [*sic*] burden to the people.

The security for the repayment of the Public debt is therefore unquestionable.

But the present Political state of the Province renders it impossible to procure further credit unless upon disadvantageous terms.

The money which has been already raised, has been lent at an interest very much above that paid by the British Government.

If the British Government were to lend its credit to the Province to the amount of a million Sterling. the interest on the public Debt would be very materially reduced by the redemption of the debentures. and placing the amount upon the New loan. The repayment of the money may be secured upon the revenues to be received at Montreal, and the recurrence of a like application might be prevented by the Government looking with more caution upon Colonial Enterprize, and by not sanctioning any further loans without its express approbation or the expenditure of money on Public works unless by Officers of ability appointed by itself and not liable to be affected by local interests, or popular influence.

The improvement of the Ottawa river for the purpose of assisting the timber trade, and the deepening lake Saint Peters for the same purpose may be accomplished by means of a loan, and the interest upon that loan may be provided for out of the dues upon Crown timber.

The expence and risk of conveying timber to the sea would be much lessened and the English people would have less reason to complain of the Protecting duties upon the Baltic Timber.

These measures would have a very great effect in tranquillizing the public mind. and would cause an incalculable flow of prosperity into the Province[;] they would give confidence to the people[,] induce immigration, raise the value of lands. make the public works productive. and tend more to the restoration of this Province to its former happy & tranquil state than any abstract political measures which can possibly be [de]vised. But unless means are taken to induce people of property to come to this Colony instead of the United States. and to restore the public confidence and the trade of the country. The People will continue poor and distressed, and will therefore be unhappy & discontented.

[Marginal precis headings to the first portion are not here transcribed.

A copy preserved in the Canadian Archives (see *Report of the Public Archives for the year 1923*, p. 173) is in three handwritings, probably clerical, but is signed by Sullivan. It has a contemporary wrapper which reads:

"For the Right Honble. The Earl of Durham G.C.B.

When Sir Geo Arthur assumed the administration of the Province He requested the members of the Executive Council to furnish Him with a Report on its actual State, & condition—

That request has not been complied with; but, Mr Sullivan, the President of the Council, presented the enclosed Statement of his own opinions.—

The Earl of Durham will probably, during his Journey to the Lower Province find time to peruse the Document.

Toronto  
16 July 1838".

The Canadian Archives copy lacks the marginal precis headings, has different pagination, and embodies occasional slight verbal changes as well as the emendations marked on the above copy.]

[ 188 ]

PRICE[?] BLACKWOOD TO [ARTHUR]: A.L.S. 8p.

June 3

19 Grosvenor St. [London.]

I cannot allow Lady Arthur to leave England without sending by her these few lines, thanking you for your kind recollection of me at the moment of your embarking for Canada, & to assure you that I look forward with great interest, but no anxiety, to your career in your present Government; & that you have with you my warmest wishes for your continued happiness & welfare; in spite of whatever sens[e]less attacks may be made on your public conduct by the Humes & the Duncombes. Your brother Richard was kind enough to call on me the other day—He is here for the purpose of embarking your family, & will accompany them to Portsmouth. He tells me he is applying for a command, in which I sincerely trust he will succeed. His former service ought to insure him one immediately . . . [Refers to Dr. Annesley's retirement from the Madras service; to Ireland, O'Connell, the Corporation bill, the ministry, and to a reported parliamentary vacancy.]

I fear I have but little hopes of getting a command at present, but should such good fortune befall me, it would be infinitely gratifying to me to be employed where you hold so distinguished a command . . . [Sends remembrances.]

[ 189 ] [ADMIRAL] E[DWARD] HAWKER TO ARTHUR: A.L.S. 5p.

June 4

*Norton's [?] Hotel.*

I cannot let your dear wife & family leave England without sending you my greetings, & expressing my hopes that you are comfortably settled in your Government, I hope you will by God's blessing have a happy meeting with your family, they are going on board the best of the American Packets that I have seen, with a *smart looking* Captain, & looking to the *Great Pilot* there is nothing to fear. I have been busily employed fitting out my third Son James to go out with my Christian friend Coll. Gawler, who goes Governor to South Australia. This Colony appears promising & the population appears to increase immensely. I am sending out another agent a Mr. Bell (Surgeon of the Navy) to *supersede* the old agent at New St. Wales— With regard to news, the ministry are going on as *usual*, striving by every means to keep their places, & the other party are not strong enough yet to form a Ministry with a majority in the Hs. of Commons to keep them in. The most alarming thing to my mind is the supineness of England with regard to foreign powers, who are arming to an extraordinary degree. Russia goes on steadily pursuing her schemes whatever they may be, she has now about 50 sail of the line in commission & numerous Frigats, & might take the command of the *ocean* when she likes, & not only that but actually might burn London & all our shipping at pleasure in our present state, & especially since *you* have taken *all* our troops away, for we have now neither soldiers [n]or sailors, [n]or ships in any state of readiness[;] the infatuation of our rulers is extraordinary to leave this Country without a Navy, while France & Russia have actually nearly 70 sail of the line in commission!— Well my dear friend, we know the Lord (the Rock of Ages) reigneth & no harm can eventually come to them who love him, I bless God that although I see what ought not to be, that is that England is reduced to the most defenceless state & unless something is done in the way of defence, that we shall be open to the plunder of any power who chooses to kick us. Yet I know nothing can come by chance, & I do not feel anxious or at least *over* anxious. Our little Queen does not go on I fear as well as at first, she is constantly at the Theatre seeing *Don Giovanni* or other vile performances. If you have time give me an acct. of yourself & how you like yr. Govt. May the Lord bless you & yours[.]

[ 190 ] ARTHUR TO GLENELG: A.L.S.[?] 15p.

June 5

*Government House, Toronto.*

I write unofficially to Your Lordship because the subject of this Letter is one of peculiar delicacy, and, because it is my wish to proceed in such a manner as may be least inconvenient and embarrassing to Her Majesty's Government.

Your Lordship's "Circular" has just reached me, transmitting for my information a copy of Your Lordship's Letter to the Earl of Durham dated the 3rd day of April last in which I find the following Passages.

"As Lower Canada is that part of British America in which the necessity of Your Lordship's presence will be chiefly felt, your residence will be principally fixed in that Province. But it will probably be convenient, if not indispensable, that you should occasionally resort to all or to some of the adjoining Provinces. As often as such an occasion shall arise, and Your Lordship shall pass into Upper Canada, New Brunswick, Nova Scotia, or Prince Edward's Island you will, by virtue of the Commissions there awaiting your arrival assume the administration of the Government of the Province in which you may be, and retain it during your residence in such Province—during that period the functions of the Lieut. Governor will be altogether suspended." . . .

..... "It will therefore be the duty of each Lieut. Governor to enter into a free and confidential Correspondence with Your Lordship on every topic in which you may invite such communications; and to obey any instruction, not in itself unlawful, which you may address to Him. But it will be desirable to limit such correspondence to questions of general and permanent interest. Nor will you address any positive instruction to any of those officers without fully weighing every representation which he may have made, or may wish to make on the subject of it."

Your Lordship will not, I think, be surprised at my stating that I have read those parts of Your Lordship's Dispatch with the greatest disappointment and concern.

I am sure I shall not desire in vain to recall to Your Lordship's recollection the confidential conversation in which Your Lordship was so kind as to intimate to me, before my acceptance of this Government, the possibility that it might be thought expedient to invest the successor of Lord Gosford with a power of interfering more directly and particularly in the administration of the Government of Upper Canada than any former Governor General had been authorised to do.

I am persuaded, also, that the explanations which followed were too particular and explicit to have escaped from Your Lordship's recollection, for they were not of a nature to be confounded with the ordinary occurrences of Official business.

Your Lordship will not fail to remember that—in answer to the question considerably put to me, in presence of Your under Secretary—whether, I should feel any objection to such an arrangement—that I did at once, respectfully, but distinctly state to Your Lordship that I had experienced the practical working of such an arrangement, whilst Van Diemen's Land was a dependency upon New South Wales, to be most embarrassing. That I was satisfied the feeling of the People in Upper Canada would be still more opposed to it than they were in Van Diemen's Land—and that, under it, the difficulty of managing a Province, so peculiarly circumstanced, would be so much increased that I must decline undertaking it. That Your Lordship was then pleased to say—that it was a measure only thought of, by no means decided upon; and that you would see Lord Melbourne upon it—and it was not until I afterwards received Your Lordship's assurance that no change in this respect would be made that I consented to come to Upper Canada.

This is so strongly fixed upon my mind, and must, I am satisfied, remain so clearly impressed upon Your Lordships, that I venture with confidence to ask—whether, Your Lordship is not convinced that I was led to assume this Government by the direct assurance that I

should not be subjected to any such interference on the part of the Governor General as Your Lordship's Despatch now authorizes?

Under such circumstances, I cannot incur the risque of offending Your Lordship by venturing to speak plainly. It is no vain jealousy on personal grounds of the control of a Superior that makes me look with extreme concern upon this innovation in Colonial policy in these Provinces which Your Lordship has announced. It is because I see and feel very clearly that upon such a system it will not be possible to conduct this Government with advantage to the public service, or with credit to myself.

My experience in other colonies was sufficient to convince me of this; but when I look around upon the numerous and varied population which it is my duty to govern, and the delicate questions to which local circumstances and personal interests daily give rise—and consider how much the difficulty would be increased by my having to cooperate with a Legislature which must have a reasonable degree of confidence in my power to act in Unison with them, and to fulfil my Professions—I entertain not the slightest doubt that I shall be unable to maintain the proper efficiency of my Station if measures within my Government are to be directed from the Province of Lower Canada.

Your Lordship will have it in recollection that Sir John Colborne had the utmost difficulty to maintain such an influence over the Province as was necessary to enable Him efficiently to administer the Executive.

Sir Francis Head in several of his Despatches distinctly stated to Your Lordship that the Executive had not sufficient influence in his hands. "Governor after Governor", he observes in his private and confidential Letter to Your Lordship of the 5th February 1836, "has practically found his influence insufficient. A successor must be young and careless to undertake the situation with diminished means"—and down to the day of his departure, he urged the same argument.

The Report of both Houses of the Legislature at the close of the last Session clearly point to the injurious effect of the control *then* exercised over the local administration—and, now, Your Lordship has directed a measure that, in the nature of things, must lower the Station of Her Majesty's Representative in this Province, and go far to deprive Him of all Official influence whatever—and *that* at a period the most critical Upper Canada has ever known.

I shall have, I assure Your Lordship, the most sincere inclination to correspond or consult freely with Lord Durham upon any and every measure of this Government upon which His Lordship may desire to be informed, or upon which His Lordship may be willing to afford me the benefit of his assistance or advice. I am quite aware that the present posture of affairs in these Colonies makes such a disposition proper, and, at all times, and without any such necessity, I believe, I should be found to entertain it.

But, I am constrained to say, as I now do with much earnestness, to Your Lordship, that, in all matters of Government within the Province, the *decision* and the responsibility must rest with the Queen's Representative Here— That no other arrangement can maintain permanent tranquillity and confidence—and that upon the first occasion in which any Act of Government within this Colony is understood to proceed from orders of the Governor General, I shall feel that—no longer representing the Royal Authority—it will be impossible to render that service for which I was sent here.

Rebellion in arms had certainly been put down when I arrived on the 23 March last—but I found the Province in a most distracted state, and I must say it has appeared to me that Disaffection to the existing form of Government had taken deeper root, and had far more widely extended itself, than my Predecessor could bring Himself to allow.

The Public Mind seemed held, as it were, in suspense. There was no confidence in the stability of the form of Government—a very numerous body, perhaps [the word “certainly” is here deleted] a Majority, of the Inhabitants having been most artfully, and wickedly misled, still seemed to wish for democratic Institutions.

Within the Province was a subdued, but numerous and dissatisfied Republican Party; & a party of opposite Politics not less excited & stronger in point of character, Property & personal influence [a cancelled phrase here reads: “and a still stronger, highly excited, and, in my opinion, a far more dangerous Ultra Loyalist Party”] which it will be found extremely difficult to restrain within those barriers which are essential to the Public Peace[.] Without the Province, on the American frontier, was a restless & inflamed Mob of Rebels and Patriots, “American Patriots” eager for mischief of any kind, & most anxious by acts of violence and insult to provoke measures of retaliation in order to bring on War between the two Countries.

The Jails were full of Traitors and captured “Patriots”. Religious differences were running very high, whilst Religious Institutions & Education were very low. The Province struggling under a heavy debt. Large Engagements for Public Works entered into, without any apparent means of meeting them—a declining Revenue, and public credit totally prostrated!

The Troops without proper Barrack accommodation, in a Country where, from the high inducements to desertion, the most comfortable Quarters should have been provided—and, except the small Fortress at Kingston, not one work of defence, in a Province open to a jealous Rival, and the Invasion of which is as certain, sooner or later, as that the nature of man leads him to aggrandisement.

This is no highly colored description, but plain matter of fact—and, still further, the Reports of the Committees of the two Houses, at the close of the last Session, which were adopted, shew that those bodies were in many important particulars much opposed to the policy of the Department over which Your Lordship presides.

By exerting with unwearied diligence the Powers, which, either Constitutionally or by Prescription, the Lieut. Governor is supposed to possess, and looking with confidence to Your Lordship for all the support and countenance which might reasonably be expected under such circumstances, I did hope, under the blessing of God, to have removed what I sincerely believe to be the most injurious prejudices, and to have seen that tranquillity and prosperity restored to Upper Canada which I know your Lordship has much at Heart; but, with diminished personal influence the prospect of success is almost entirely taken away!

Will Your Lordship allow me to explain this by referring only to one circumstance: Since I assumed this Government, I have scarcely passed a day without carrying forward, either directly or indirectly, my design for adjusting at the next meeting of the Legislative the Clergy Reserve Question. I have personally discussed the matter in an amicable spirit with the leading Members of various Communion; and upon a

distinct understanding of the manner in which I proposed to carry out the measure I had no doubt that I should succeed in getting that all important question passed through the Legislature with a large Majority. But, who will henceforth confide in the professions of a functionary whose pledges may be made void, and whose intentions may be overruled?

Your Lordship will not suppose that I have overlooked the several expressions in the "Circular" which are impliedly designed to qualify the power intended to be conveyed, and to reconcile the Lieutenant Governors of the respective Colonies to changes which it is said are not intended to impair their authority.

The consequences which I apprehend from any direct interposition I look upon as inevitable in Upper Canada. They will be found, I am persuaded, inseparable from the measure itself, and cannot be counteracted or mitigated by declarations or expressions as to the intention with which the act is done.

I know from a high minded Nobleman like the Earl of Durham, that I shall suffer nothing personally—but the very means that have been adopted to throw all possible power and influence into his Lordship's hands, shew that Her Majesty's Government are conscious what the political consequences must be where power and influence are taken away.

[ 191 ] JA[ME]S HYDE TO ARTHUR: A.L.S. 2p.

June 5 London. [Marked "Private".]

[Regrets having communicated to his son George Hyde a statement by Arthur that a certain action by Colonel Alexander Macdonald at Omoa had been considered too violent by the colonial office. George Hyde had passed the statement on to Macdonald.]

[Enclosures:]

[ 192 ] 1838  
Mar. 22

[ALEXANDER MACDONALD TO JAMES HYDE]: L.

[Government House, Honduras.]

["Extract", recounting the above, denying the suggestion, and sending a copy of a letter from Glenelg approving the action.]

[On the same sheet appears item 193.]

[ 193 ] 1838  
May 30

JAMES HYDE TO ALEX[ANDE]R MACDONALD: L.

London. [Marked "Copy Private."]

[States that Arthur's allusion to the matter had been the contrary of unfriendly. Will send Arthur a copy of Glenelg's letter.]

[The above appears on the same sheet as item 192.]

[ 194 ]

1837  
Aug. 19

GLENELG TO A[LEXANDER] MACDONALD: L. 3p.  
Downing Street, [London.] [Marked "No 25".]  
[Expresses approval of Macdonald's action on the occasion  
concerned.]

[ 195 ]

J. B. ROBINSON TO [ARTHUR]: A.L.S. 2p.

[ 1838 ]  
June 6

[Place not stated.]

I think the proposed Militia order will answer exceedingly well—  
The danger of retaliation I hope has pretty well gone by, but it is well  
to take every possible precaution—

I know your Revd. Correspondent very well— He is a right minded  
person—but feels warmly—& I fear is getting into difficulty with some  
of his flock by his manner of proceeding.— If it were not for the evil  
of desertion, I should think the employment of regular troops at Brock-  
ville very desirable[.]

The statements in the letter are evidently made under the influence of  
strongly excited feeling, but I am sure they are by no means unfounded[.]

[ 196 ]

W. B. JARVIS TO LT COL [R. H.] BONNYCASTLE: A.L.S. 2p.

[ 1838 ]  
June 6

By Town.

In compliance with your suggestion I have taken the opportunity  
of the return Boat to say that I have thus far arrived with my prisoners.  
We arrived last evening and not finding the Shannon, which was detained  
by the 85th—I prevailed upon the Captain of our Boat to pass the locks  
and run down the River a few miles when we came to anchor. We  
returned this morning when the 85 came up and are now on the eve  
of again leaving this place.

There are reports in circulation that the disaffected intend doing  
some injury to the Canal and have chosen the *white fish dam*, as the  
scene of operation. I have often thought that some attempt would be  
made to injure the navigation by this route, which could be most easily  
effected by these vagabonds in a few hours.

I have mentioned the report to Captain Boulton at this Post, who  
informs me that he had made a communication on the subject to Sir  
John Colborne.

[ 197 ]

F. EDWARDS TO [ARTHUR]: A.L.S. 3p.

June 7

13 Park Place, Regents Park, [London.]

[Regrets not having seen Arthur before departure. Offers wishes.  
Commends George Grange, a connection of the Baring family, a magis-  
trate at Guelph. "I was present the other day at the Colonial Dinner  
to Sir F. Head but I thought it rather a failure—"]

[ 198 ]

COLBORNE TO ARTHUR: L.S.

June 8

Kingston.

With reference to your letter of the 1st. instant, which reached me  
at Montreal on the 5th, I have the honor to acquaint you that I im-

mediately forwarded instructions to the Commandant of Quebec to prepare accommodation in the Citadel at that place for the ten Prisoners who had been taken in Arms against Her Majesty in Upper Canada.

[ 199 ] COLBORNE TO [ARTHUR]: A.L.S. 2p.

June 9 Kingston.

I hope to pay my respects to you at Toronto on Monday.

We embark at 7 o'clock this morning on board the Cobourg, with the intention of proceeding to Niagara. I shall be most happy to have a few hours conversation with you, respecting our affairs and military arrangements.

[ 200 ] C. B. BROWNING TO ARTHUR: A.L.S. 4p.

June 12 *Her Majesty's Ship Hercules, Quebec Harbour.* [Marked: "Private".]

I had the honor of addressing your Excellency through Sir Colin Campbell's private secretary, on our arrival at Halifax about the 27th. March last. We sailed for England on the 4th. April, Embarked Troops at Plymo. sailed on the 5th. May, and arrived here this morning, after being a whole week, & more, detained in the St. Lawrence. Besides Colonel & Mrs. Airey of the 34th. we have brought Detachts. of the 1st. Royals, the 32d and the 43 Regts. Amounting, *in all*, to 583.— We have been very crowded, but very fortunately the weather, generally speaking, has been favorable. The circumstance of a considerable number of the Ship's Company being compelled to sleep on Main deck under Hatchings, & so exposed to cold & wet, has, of course, increased my sick List. But, as last trip, we have had no deaths, for which I desire to feel thankful to the Author of Life & of health— We debark the Troops immedly. and I have hastened to my Cabin to write these few hurried lines with the view of intrusting them either to the Honble. Capt. Spencer or the Hbl. Lieut. Plunkett who, I think, proceed to the seat of your Government.—

I have examined every newspaper which has fallen in my way, in expectation of seeing something respecting your Excellency;—but, hitherto, my search has been unsuccessful.— I sincerely trust, however, that the Gracious and Merciful God whom I believe you habitually study to serve & to glorify, has been, & continues to be with you, to guide, to comfort, & to bless you in your person, & family, & government . . .

[Mentions having written to Lady Arthur concerning his present appointment; Divine Providence has placed him in a ship of war instead of in a convict ship that he might have leisure to reflect on his shortcomings and religious convictions.]

My duties in the *Hercules* are purely professional,—and as I have two well educated Assistants,—the *details* of duty devolve not upon me.—*prescribing* is almost my only professional exercise,—having attention to the general state of the ship, crew, weather &c. and writing official reports.—

We have a Chaplain on board; but divine service has not been performed once on the *Hercules* since I joined her beginning of last Feby.— I have offered to collect the sick in my Hospital for the Chaplain when he pleases, but my offer has not yet been acted upon.— I read the Scriptures, in consequence, to those who are in my "Sick Berth," myself,

on the Lord's day;—& endeavour to encourage the reading of the Scriptures by the Convalescents. I have I believe witnessed one instance of decided conversion to God . . . I have not recd. from Sir Wm. Burnett any reply to my letter. I intend taking no further notice of the matter—Admiral Hawker thinks I had better let it rest, & assures me that my Lords Commission[er]s are favorably disposed towards me, particularly the head of my own department Capt. Berkeley.

[ 201 ] W[ILLIA]M ROWAN TO ARTHUR: L.S. 3p.

June 12

Toronto.

I have had the honour to submit to the Commander of the Forces your letter of this date transmitting several Pay Lists and returns for Lodging and Horse Allowances for His Excellency's consideration, and I am commanded to acquaint you in reply, that as it appears these allowances were authorized by Sir Francis Head, and Your Excellency having recommended their immediate payment, the Commander of the Forces cannot withhold his approval; and the necessary instructions shall be issued to the Commissariat for the payment of these claims, as soon as they have been approved by Your Excellency.

With reference, however, to the rate established by Sir Francis Head, of 4/- Currency a day, for the use of a horse & horse furniture for the Volunteer Cavalry, in addition to their Pay and other allowances, I have been desired to state, that as that Sum greatly exceeds the remuneration granted in other parts of the Command, Sir John Colborne suggests to Your Excellency the expediency of reducing or discontinuing that force at the expiration of the period for which they were enlisted by Sir Francis Head.

[ 202 ] J. B. ROBINSON TO ARTHUR: A.L.S. 5p.

June 13

Toronto.

By the death of the late Grant Powell Esquire the office of Clerk of the Legislative Council has become vacant. It is worth, I believe, about £400 a year & ought to be filled by a Gentleman of education, and considerable talent—

There will be many applicants I dare say, indeed some have already addressed themselves to me, upon the supposition that as the Speaker of the Legve. Council, I may have it in my power to promote their views— On the part of the family of the late Mr. Powell, I have not yet been spoken to, but if I can be of any service to them upon this occasion, it is so much my desire, that I shall trouble Your Excellency with no application except in behalf of Mr. William Dummer Powell the eldest son of the late Mr. Powell—

I am afraid he is not quite of age, but I believe he is very nearly so, and may be of age perhaps before he would be required to enter upon the discharge of the duty—

He has been liberally educated at the Upper Canada College, and I think his capacity is good, & that his character & morals are in no respect exceptionable—

Your Excellency's connexion with this Province is so recent that I may be excused for mentioning some circumstances that are familiarly known to those who have lived longer here— The late Mr. Powell was appointed Clerk of the House of Assembly in 1813, and after serving

in that office about twelve years, was made Clerk of the Legislative Council— In both capacities he served most creditably, being a Gentleman of much more than ordinary intelligence, and knowledge— He has left behind him a widow and five children, who so far as I know are unprovided for, and I much fear that their present circumstances are such as press for particular consideration—

Mr. Powell was the last surviving son of a former Chief Justice of this Province, a Gentleman who for nearly forty years discharged the duties of a Judge, and of other highly responsible offices with eminent ability—& his connection with the earliest history of this Colony was such as ought to make it painful to it's [*sic*] inhabitants that his descendants should by misfortune be left to struggle with difficulties which they may find it absolutely impossible to surmount— If the Young Gentleman whom I now recommend were three or four years older, I think this feeling would be found to prevail so generally, as to leave Your Excellency no reason to doubt of the propriety of appointing him— And I trust his youth may not be thought a decisive objection to his apointment, for I believe he is not a year younger than I was when by the unsolicited recommendation of his Grand father I was made Attorney General of this Province. The public service I hope received no injury, on that occasion, from what may have appeared to be a hazardous step; and it would be a particular personal gratification to myself to be able at this distance of time to repay in some sort an act of friendship which must have materially influenced my success in life—

I can not urge this matter further, for I am persuaded that considering the relation in which I stand to the Legislative Council, it will be the inclination of Your Excellency to comply with the wish which I have expressed—if you feel it not improper to do so.—

[ 203 ]      ARTHUR TO GLENELG: Df.L. 19p.

June 15

*Upper Canada, Toronto.* [Marked "Private & Confidential".]

I had the honor to receive yesterday Your Lordship's Note of the 7th. May enclosing a sealed packet addressed to the Revd. Egerton Ryerson, which has been this day forwarded to that Gentleman's residence at Kingston agreeably to Your Lordship's request.

Mr. Ryerson has lately published in the journals of this Province, three letters, which, it appears, he addressed to Your Lordship on 23rd March 1836 and 27th. March 1838, with an explanatory note, and a Postscript dated 3rd April.

The subject of these letters is the case of Mr. Bidwell, which Mr. Ryerson appears to have espoused very warmly, and I observe he alludes therein to certain original letters which he had transmitted to Your Lordship with the request that they might be returned to him; and, probably, these are the papers contained in the packet which I have just received and sent to Mr. Ryerson.

In his letter of the 27th. March, Mr. Ryerson says, "I believe Mr. Bidwell has fallen an unconscious victim of Sir Francis Head's adroitness and ambition, and that he is excluded from this Province upon grounds both unconstitutional and unjust["]—and having been so much consulted by Your Lordship as he states and by Mr Stephen respecting the judicial appointments, he is "induced, in justice to Your Lordship, to himself, and to Mr. Bidwell, to furnish Your Lordship with all the

facts of the case, *as your Lordship is not likely to get an impartial statement from any other quarter.*"

The conversations which Mr. Ryerson represents himself to have had with Your Lordship, and with Mr. Stephen—the enquiries which were made of him, and the expression of his own opinion and recommendations of persons, he cannot be unconscious must have been of a confidential nature, and that the publication of them is a breach of confidence.

As I write solely from a sense of duty towards your Lordship, I trust I shall not give offence in venturing to intimate in a confidential manner that the Reverend Gentleman is in my opinion a very dangerous correspondent. The publication of these letters at all events has called forth very remarkable excitement, and I have no doubt the subject will be taken up warmly by the Constitutional party when the House of Assembly meets.

I have no disposition to enter into any controversy with Mr. Ryerson; but I happen to know, positively, that his story about Sir Francis Head's treatment of Mr. Bidwell, is utterly untrue; and in order to prevent Your Lordship's falling into any error, through Mr. Ryerson's representations, I am desirous of explaining how this has come to my knowledge.

During my journey to Upper Canada, travelling in the midst of night in bad roads, in the Winter, I met with a severe accident which detained me two days at Albany.

The morning after my arrival, the Secretary of state of New York, Mr. Dix, called upon me, and accompanied me on a visit to Governor Marcy, with whom I wished to confer, and to enter into a treaty of good understanding.

Whilst I was with the Governor, the door was opened, without any announcement by a person who seemed "quite at home", and who walked familiarly up to Marcy to shake him by the hand.

The Governor half rose from his chair—exceedingly confused, coloured high, and hesitated whether to accept the offered hand.—

The stranger now on his part drew up—seemed not to understand his friend's coldness, looked round the room, then enquiringly in Governor Marcy's face—then in mine—in fact there was a scene worthy of the pencil of Hogarth— At length, the unwelcome visitor moved towards Mr. Secretary Dix. They retired towards a Window—a few words passed between them— The stranger once more glanced his eye upon me and, then, hastily retired!

It was impossible not to be exceedingly struck with all this. When I left the Governor Mr. Dix accompanied me, and, in place of leaving the building, I crossed the Hall in order to inspect some of the Apartments, and again unexpectedly came upon the mysterious stranger. As he threw his cloak around him and walked away, I could not refrain from asking Mr. Dix who the person was, and, then, all the Shuffling I had seen in the Governor's room was explained—it was Mr. Bidwell—late of Toronto!

In the course of the day Mr. Dix again called upon me at the request of Mr. Bidwell, who was particularly anxious for an interview, which he hoped I would not refuse *as he was a voluntary exile, and had parted on the most friendly and cordial terms with Sir Francis Head.*

Upon this distinct understanding, the interview was acceded to; and when Mr. Bidwell was announced, he repeated the same to me in still stronger terms.

He stated that at a moment of peculiar anxiety and suspense, he

had experienced the utmost kindness and consideration from Sir Francis Head, who had acted towards him in the most friendly manner. That he had no complaint to make, but was anxious to explain his conduct on some particulars in which he was aware that appearances were much against him.

My impression at the time was that the explanation was a complete failure. Mr. Bidwell was, I have no doubt, adverse to the rising *on the day* it took place, and so was Doctor Rolph. McKenzie and Lount had been premature, and anticipated the general intended rise by some days, which was the means used by the Providence of God to destroy their wicked scheme.

I need not trouble your Lordship with all that passed. It will be sufficient for my present purpose to say that Mr. Bidwell assured me over and over, that Sir Francis Head's conduct towards him had been generous and benevolent in the extreme and that he should ever feel grateful to him.— This Your Lordship will observe was more than three Months after Bidwell had left the Province!—

Another remarkable incident occurred whilst I was at Albany into the details of which I will not trouble Your Lordship by entering— but, will simply observe, that before I left the City I was strongly impressed with the idea that McKenzie who was more bold and daring than his employers, was a mere tool in the hands of Rolph and Bidwell, who had *for years* been meditating the overthrow of the Government of the Province, and had lately received the cordial support and co-operation of Governor Marcy; and the mass of information that I have since acquired confirms strongly the opinion I then formed.—

I am not, My Lord, urging this in defence of Sir Francis Head's general Government; for I will not disguise from Your Lordship that I disapprove of much connected with the rebellion— That calamity though readily suppressed, but most awful in its [the word "ruinous" is here deleted] consequences, might, and ought, as I think, to have been altogether prevented,—and by not doing so, amongst many other sad results a party has been brought forward— I allude principally to the Orange Association—who are much more dangerous than the disaffected whom they contributed to overthrow; and who in their turn must be put down with *a very cautious*, but firm and decided hand— Still, in this case of Mr. Bidwell, I think Sir Francis Head has been most unjustly calumniated by Mr. Ryerson.

I could gain a victory over the Refugees and Patriots with half the trouble it occasions me to endeavor to keep them from actual invasion; and the disaffected might be suppressed, if in arms, with far less pains than it requires to keep them quiet; but, however successful the result against Patriots or Traitors might prove—there are elements in existence here which it will be well at this moment not to agitate, if it can be avoided, and Mr. Ryerson is an agitator to whom I would recommend Your Lordship to give no encouragement.

[The following passage is here deleted: "He has done Mr. Bidwells cause much injury,—his own political character has been such as to destroy all confidence in him, and he has thereby greatly lost caste with his own Communion, and is not, I believe, trusted by any party."]

A number of the more moderate and influential persons in this Province have long suspected that Mr. Ryerson had an undue influence in your Lordship's Office whilst in England, and that they have by

that means been misrepresented,—and he has just now had the imprudence to publish just so much as leads them to suspect a great deal more.

Whatever may have formerly been the sentiments entertained by Mr. Ryerson with respect to Mr. Bidwell, I think that he has been evidently less guided in his recent proceedings by his friendship for that Individual, than by a deep feeling of resentment against Sir Francis Head—originating in the disappointment which he felt on his returning from England, where he had received so much attention, to find that his services were not here appreciated according to his own estimate of their value.— This feeling was I think rendered inveterate by the discussion which subsequently arose respecting the advance of money which Your Lordship had authorised in behalf of the Wesleyan Academy at Cobourg, but which was not obtained from this Government precisely in the manner desired by Mr. Ryerson.—

I hope your Lordship will kindly receive this confidential communication in the spirit in which it is addressed to You—under the impression that if Your Lordship takes up Mr. Bidwell's case upon any reliance you may place in Mr. Ryerson's statement, it will do much mischief, and Your Lordship will have cause to regret it exceedingly on that account.—

[The following passages are here deleted: "I am not insensible to the merits of Mr. Ryerson's publications in England relating to Canadian Affairs, which I perused with satisfaction before I came to this Country—nor to the fact that he has exhibited an inclination to support my Administration.

Yet I cannot forbear from expressing my opinion that I cannot implicitly rely on the Revd. Gentleman's professions or feel assured that he has not some ulterior object of very questionable policy concealed behind his present exhibition of an affected zeal for the cause of justice and the Constitutional rights of British subjects."]. . .

P. S. Mr Ryersons acknowledgmt of the Package I have only this day received which has caused the detention of this letter. I have in the mean time received your Lordships Officials upon the subject; it is my present impression that it will be more prudent to await Your Lordships reconsideration of the subject than to take any step whatever until Mr Bidwell shall himself apply either to your Lordship or to this Government.

Mr Ryerson has called forth the most bitter controversy, which has been taken up by all the Papers for many weeks, and even if the case were a good one, which it is not, there could not be a more unfavourable moment for entering into any enquiry.

[ 204 ] ARTHUR TO THE CHIEF JUSTICE [ROBINSON]: LB.1, p. 30-31.

June 15 *Government House, Toronto.*

I have had the pleasure to receive your letter of the 13th. Inst. recommending Mr William Powell to succeed to the vacancy occasioned by the death of his Father to the Office of Clerk of the Legislative Council.

This young Gentleman has called upon me, and personally requested that the appointment might be conferred upon him.

It is impossible to read your letter without feeling the most sincere desire to accede to a wish proceeding from feelings so natural and from resolutions so truly characteristic of an humane and grateful mind;

moreover, the valuable services you have rendered to the Legislative Council gives [*sic*] a weight and force to any recommendation from you which I feel and admit fully.

Nevertheless, independant [*sic*] of the objection which is made in almost every community to what appears an hereditary occupation of any public Office, I must say that Mr William Powell is too young to be placed in such a situation—an opinion I do assure you which I am obliged to express with much regret and great concern.

[ 205 ]      ARTHUR: D.S.

June 16

*Toronto.*

Good to John H Dunn for Fifteen Hundred Pounds Currency  
Toronto 16th. June 1838.

[Endorsed in Arthur's handwriting: "received this back from Mr Dunn & issued another good this day 4 July G A".]

[ 206 ]      ARTHUR TO COLBORNE: LB.1, p. 22.

June 16

*Government House, Toronto.*

I have the honor to inform your Excellency that I find my Personal Staff quite inadequate, with the utmost exertion, to perform the various duties of this Command and request you will be so good as to allow me to appoint another Aide De Camp—

Although I have for some time found such assistance much required, I have declined to ask for it until compelled by necessity.

[ 207 ]      J. T. JONES TO ARTHUR: A.L.S. 2p.

June 16

*Albany.*

On my arrival at Syracuse on Thursday evening I found myself quite unexpectedly under the same roof with Govr. Marcy & through the medium of my friend Capn Bloodgood of the U.S. Army procured an introduction for the purpose of communicating the substance of the conversation I had with your Excellency when you did me the honor to favor me with an interview on Wednesday last[.]

I informed Govr. Marcy of your desire to cooperate with him for the apprehension of the parties concerned in the burning of the Sir Robt. Peel & of your willingness either to meet him at Oswego or at Govt. House, also acquainted him of your not having received any acknowledgement of the letter you addressed to him shortly after your arrival at Toronto, to which he replied that he had received said letter, but he was afraid that in the hurry of the business which accumulated on his hands at the close of the session of the Assembly he had forgotten to render a due acknowledgement of the same; I presume from the manner in which the communication was received that he felt gratified & that he will address your Excellency forthwith; he mentioned to me that he had caused his receipt of a friendly letter from you to be inserted in the newspaper at the time of its receipt. I informed Govr. Marcy that I was in no way connected with the British Government but merely communicated to him the subject of a conversation held with your Excellency on a call at Govt. House & I hope I may not have exceeded your wishes in what I have done[.]

Your Messenger Mr. Phipps leaves here this evening for N. York; I have given him my address in New York & it will afford me much pleasure if I can render him any assistance on the arrival of Lady Arthur.

June 16 H. S. FOX TO DURHAM.

See item 222.

[ 208 ] ARTHUR TO COLBORNE: LB. 1, p. 23-27.

June 17 *Government House, Toronto.*

I have felt much disappointed at not having received the Memorandum from you before you left Toronto, as to your final recommendation respecting the Militia, and the positions to be occupied by the Troops; because, whatever Militia Force is to be kept up, the men ought to have been reenlisted before this time, as the period of Service of the Force now engaged expires on the 30th Instant.

It is difficult to decide upon what enemy, numerically, we may have to contend against, and the question is open to much difference of opinion. So, also, it is doubtful, and difficult to determine with what earnestness the American Authorities are really endeavouring to suppress the proceedings of the rebels and Patriots—but, there can be no question, that there is a large ungovernable body of ruffians along the Frontier, threatening to invade us, and within the Province (who would immediately rise if we sustained any reverse) a considerable number of very disaffected Persons.

In this state of things great excitement exists amongst all classes of this Community!—

Since your departure I have continued to receive reports of the intention of making descents upon various parts of this Province. The people of Amherstburg and Sandwich have actually been daily expecting the Patriots to cross.

Colonel Maitland,—who has shewn great discrimination, and been quite alive to the interested feelings even of our friends—had hitherto felt no apprehension, but within the last fortnight *he* seems to be of opinion that there is some cause for alarm. In his letter of the 11th. Instant, he says, "It is only the presence of armed men being stationed at Sandwich and Amherstburg that the public feeling for some time to come will be allowed repose from the unpleasant excitement which is constantly alive on the Frontier. I would beg to suggest that two incorporated Corps of Militia, under practical officers, should be at these two posts of 400 or 500 men each."

I forward his letter, with its enclosure, for your perusal.

With the view of reducing the Force, so far as I recollected the substance of the Draft Memorandum I directed the Military Secretary to desire Colonel Townshend to state what force He actually required for the protection of the Frontier, and what possible grounds there were for apprehending an attack. He replies—"from the general corroborative tenor of the whole of the Reports together with the acknowledgments of the American Authorities that they are congregating and meeting secretly for some vile purpose, I feel assured that acts of piracy and aggress[s]ion will take place in the unprotected parts of our Coast. I am of opinion that a force somewhat equal to that at present embodied" (900 men) (on the Niagara Frontier he means) "would be desirable

not only for its security, but to inspire confidence into the peaceable and well disposed.[""]

I also enclose Copy of Colonel Townswend's [*sic*] letter, together with some Reports the latest dated yesterday, by which you will perceive that Colonel Creighton reports that a considerable body of these Brigands have got [?] upon Grand Island, which is no doubt quite correct—and that *many* have already secretly made their way into the Interior—this I do not believe—a *few* may have done so.

Upon the whole—not only with reference to the excitement which does exist beyond all controversy—to the mass of lawless characters who have especially within the last three years been filling up the west and north west Country—to the numbers of inflamed refugees on the Frontier—to the very possible consequence of the Earl of Durham's presence in these provinces—especially as, happily, he is a man of ability and determination and will carry through with a high hand what he has undertaken, it is my deliberate opinion that independent of the coloured companies we should at once incorporate on new terms four Regiments at least of the sedentary Militia consisting of from 4 to 500 men each according to circumstances, upon a much better footing[,] that is I mean upon a better defined understanding and better officered to serve for twelve months certain. Much as I regret the necessity of this measure I have not a doubt it will be found economy in the end at once to adopt it.

Notwithstanding Sir Francis Head's extraordinary reports to the contrary, it is in vain to attempt to deny the fact that this Country is full of disaffected persons—I will not say positively that they preponderate, but I think so!

Major Bonnycastle has not arrived to commence upon the Barracks, and I fear Winter will steal upon us—furnish the Brigands with a Bridge of Ice and find us still unprepared.

A large supply of arms is much needed—those in possession of the Militia are very bad, and were so when issued— 20,000 stand should be furnished for the use of the Province, 10,000 to be deposited within the Fortress at Kingston, 5,000 at Toronto, and 5000 in the Western District where small armouries should be constructed.

Carriages for the six pounders are also much needed.

Bedsteads and Blankets, and in fact every article of Barrack furniture is greatly needed. All these matters have of course been reported through the proper Channel, but nothing will move the *respective* Officers so quickly as a word from you.

You were so good as to say that you would replace the 85th Regt as soon as I withdrew that Corps from Kingston. I am now very desirous to bring them up immediately. No risk ought to be run. We have force enough to crush rebellion or to repel Invasion; but certainly by no means enough to prevent either from being attempted, which is of great confidence [*sic*].

Confidence cannot be restored until security is felt.

What has become of Captain Sandom he ought to have some force on Lake Erie[.]

Major Webbe [?] of the Queens Niagara Regiment crossed over from Fort Erie to Buffalo last week, in a plain Coat to dine with some friend. Immediately on landing he was mobbed and most grossly insulted and in so much danger as to be obliged to decamp by the rail road dinnerless. Being very intimate with Major Young of the United States Army the

affair has been taken up by the authorities in rather a spirited manner. A Special inquest was held the following day, and the jurors have expressed how strongly they *disapprove* such conduct; but, poor Creatures, they all seem powerless against the people . . .

[P. S.] I propose to visit the Western Frontier forthwith.

[Enclosures lacking.]

[ 209 ] J. B. ROBINSON TO [ARTHUR]: A.L.S. 3p.

[ 1838 ] [Place not stated.]

[ June 18? ]

I have just received Your Excellency's letter, & a Note from Mr. Joseph telling me that he is to be the Clerk to the Legve. Council— Since you could not patronize my young friend, I am happy that you have made the appointment you have, & I am sincerely of opinion that Mr. Joseph will be found a very acceptable & satisfactory officer— Among the applicants there is none I should have preferred to him & I am particularly thankful that Your Excellency has put a speedy end to suspense among the several expectants—

While on this subject I take the liberty, (since I am not able to call) of adding that another office which is said to be shaking in the wind is, in my view, of vast importance to the Govern't.— I mean the Insp'r. General's—& I do most anxiously hope that the best man the Province will afford may be placed in it— I think it above all things desirable that Mr Macaulay should occupy precisely that post with a seat in the Council—

[ 210 ] J. B. ROBINSON TO [JOHN JOSEPH]: A.L.S. 3p.

[ 1838 ] [Place not stated.]

June 18

Having made an application in behalf of Mr. Wm. D. Powell, which His Excellency has thought it inexpedient to give effect to, I have of course nothing further to say in respect to the office— It is unnecessary I trust to assure you that your appointment can not be otherwise than agreeable to me— Indeed I am persuaded that you will be found well suited to the office, and though the time may come when like other crusty old Gentlemen, I may contrive to annoy you a little by way of variety, I have no doubt we shall get on for some time "to our mutual satisfaction—"

[ 211 ] J. B. ROBINSON TO [ARTHUR]: A.L.S.

[ 1838 ] [Place not stated.]

[c. June 22]

I like the draft of the Proclamation much & see nothing in it that should be altered.

I do hope that a *hue & cry* will be raised with spirit & should like to join it— The fellows should not have a moment's rest.

[ 212 ] ARTHUR TO COLBORNE: LB. 1, p. 28-29.

June 22 Toronto.

With reference to my letter to you of the 17th June Inst [*sic*]; I beg to enclose a Report, just received from Colonel Townshend by which you will find, with regret, that a body of these vagabonds have crossed and planted themselves in the neighbourhood of the Short Hills. They

surrounded a small detachment of the Lancers, and at length set fire to the Building and so captured and plundered them and then let them go.

Whether these people have actually crossed the River or whether they are disaffected persons who have taken up arms does not clearly appear—perhaps both.

I also enclose you another letter from Colonel Townshend with a memorandum of information obtained from General Brady who evidently expects something serious in a few days. The part of Genl Brady's information that concerns me much is the intimation of some of our Militia Officers being disaffected— This I have heard for some time before, but, all along my impression has been that disaffection had taken deeper root and had far more widely extended itself than was supposed. I have now no doubt of it.

We shall have a sharp attack I apprehend from Detroit; or Brady would not notice it in the manner he does.

On the 17th I wrote for the 85<sup>th</sup> Regt to be sent on from Kingston, but they have not yet arrived—probably, Colonel Dundas has no certain information of the departure of the Corps from Montreal to relieve them. I hope and trust you will be able to spare six Regts for the U. Province two to be stationed at Kingston, two at Toronto and two in the Western District. I do not at all like the 32<sup>nd</sup> Regt being so far away unsupported!

I am convinced the whole of that Country is full of disaffected persons.

Pray do not think me troublesome in again pointing out our want of arms Blankets &c[.] Nothing has yet been done about the Barracks in the Interior.

Capt Sandom is waiting for this and I am therefore not able to write to you as fully as I could wish[.]

[Enclosures lacking.]

[ 213 ]      ARTHUR TO LIEUT COL. [HENRY] DUNDAS: LB. 1, p. 31-33.

June 22

Toronto.

During the last four or five days the rumour of some of the Rebels having crossed the river and got to the rear of Colonel Townshend's position on the Niagara has gained ground, still from the extreme improbability of it the rumour was not believed. From two or three corroborating circumstances however I was led to think there was some truth in the statement and therefore I sent off three Companies of the Regular Troops to Niagara and two Companies to Hamilton; and directed the 85<sup>th</sup> to be forwarded to replace them as Sir John Colborne assured me that he would be prepared to send another Regt to Kingston immediately, and that I might withdraw the 85<sup>th</sup>. directly if I thought it necessary.

Ten days ago I ordered Colonel Clark commanding one of the Regiments of Militia on the Frontier to send a Detachment to a place in his rear called Short Hills (where the Duke of Wellington proposed to have a Military Work) but in reply he begged the Adjutant General not to send a force there as he knew the Country thoroughly and it was his own[:] no part of the Province was more loyal and sending Troops there would rather give offence.

Colonel Townshend, however did send a small party of the Cavalry to St Johns, close by the Short Hills to examine the Country.

I have just received a report from Colonel Townshend informing me that on the night of the 20th or rather at two o'clock A.M. this day (21st) the party consisting of a Sergeant and nine men had been surrounded in their Quarters by a gang of two hundred men having white ribbons in their hats and an eagle on the side— The cavalry behaved exceedingly well, resisted them for some time until the rebels set fire to the house and they were then captured and plundered.

The Military Secretary will also enclose you a statement, which has been sent to me by the American General Brady, who has begged however that his name may not be mentioned. You will perceive what Johnson's [*i.e.* Johnston's] plan is said to be, and where he is said to resort. I do not know that implicit confidence is to be placed in this report, but it ought not to be disregarded.

I am quite satisfied that your zeal for the Service will be guided by prudence, and that you will not incur any expence that can be avoided or call out more of the Militia than is absolutely necessary,—and therefore I repeat what I said to you at Kingston that you will adopt any measures you deem essential on my responsibility—only let me know through the Military Secretary what you do[.] I am certain that in all warfare of this kind, it is economy, great economy in the end to adopt at first vigorous measures.

I took the precaution to write to General Clitherow, and as Sir John told me he left always discretionary power with him I hope you have been reinforced and that the 85th are now on their way up.

[Enclosure lacking.]

[ 214 ] COLBORNE TO ARTHUR: A.L.S. 7p.

June 23

Quebec.

Before I received your letter of the 14th instant, I had mentioned to Lord Durham the substance of your conversation with me in regard to the inconvenience which you had some reason to apprehend might be experienced should the Administration of the Government of the Upper Province be actually assumed by the Governor General on his arrival at Toronto.

His Lordship has authorised me to acquaint you that he has no intention to interfere with your Government in any respect whatever; and that his sole view in visiting your Province would be, to procure correct information, as to the opinions of the different parties how far the projected scheme of Government may be carried into effect with benefit to these Colonies; and to enable him to judge of the difficulties that he may encounter in developing his plans— In availing himself of his Commissions of Governor of the the [*sic*] several N. American Provinces, he has no doubt that his assumption of the Government in every Province while he remains in it, will give him the great advantages, of obtaining information speedily; and he mentioned that he would not have accepted his appointment without the power of ever using this authority.

He is most anxious that his views should be explained to you, and to consult with you on every measure he may propose to adopt, and in fact to work through you, in the Upper Province.

He has read your letter of the 14th instt, and with reference to it requests that you may be informed that he intends to leave Quebec on the 4th; and to proceed direct to Niagara. He will probably not arrive

there before the 11th or 12th. He is of opinion that your contemplated changes in the Executive Council &c, should rather be commenced, or completed previously to his arrival at Toronto than afterwards, as otherwise it might be supposed that he had exerted an influence in your affairs. He begs that you will give yourself no trouble respecting his residing at Government House. He never had the least intention of occupying it or disturbing you. If he should be in it, he hopes you will receive him as your Guest— He said much more, and appeared to be inclined to meet your wishes fully; but this is I believe the substance of his conversation with me.

Lady Durham and his family will take up their residence at the Falls.

I understand from him that there is no intention of abridging the powers of the Provincial local Legislatures; but that such extensive authority and control will be conferred on the General Legislature or Govrnt. for the N. American Colonies to be assembled, (at Montreal perhaps,) as will protect the enterprising spirit of the British Population, and secure the grand interests of all the Provinces, and prevent the interference of the Lower Province in certain cases with the rights of Upper Canada—

With many thanks for your kind reception at Toronto,

[ 215 ] JAMES ENGLAND TO [ARTHUR] A.L.S. 8p.

June 24 8, *Portland Place, Bath.*

[Regrets his return to Europe was too late for him to congratulate Arthur "upon The Triumphs you achieved over your Ennemies (*sic*) and Slanderers here" which were so completely shown by the copies of the correspondence with the Horse Guards sent by Arthur to Colonel Logan at Madras. Would like to serve on the staff under Arthur. Sends wishes. "I have been led into this Interruption of Your More Valuable time which I hope is not so Much Engrossed as at Hobarton, by the Grateful Recollection I shall ever entertain of past Obligations, and the Gratification of expressing Myself to an officer to whom I look up with real Attachment."]

June 24 H. S. FOX TO PALMERSTON.

See item 221.

[ 216 ] [ARTHUR] TO [JAMES] STEPHEN: A.L. 3p.

June 25 *Toronto.* [Marked "Private & Confidential".]

When I came out Here Mr Wilberforce & yourself took a kind interest in behalf of Mr Joseph who accompanied Sir Francis Head as his Private Secretary and I accordingly continued Him on yr recommendation in the same capacity[.]

I hope you will not think that I have been indifferent to yr wishes in this matter when I tell you that on a vacancy occurring in the Office of Clerk of the Legislative Council I thought it proper to transfer Mr Joseph to that situation.

Several circumstances led me to consider this arrangt. as necessary & without recording all my reasons it may be enough to say that I do not see many things in the same light with my Predecessor (whose Character & Proceedings by the bye an Offl. directs me, after 24 years

Col: Service to make my guide &c.) and as Mr Joseph was entirely in his confidence I found it productive of inconvenience & of some unpleasantness [the word "perplexity" is here deleted.]

I much wish a change could have been made without Mr Joseph's suffering so much in point of Salary for he has always been very civil & obliging—but I really felt it to be an unavoidable measure although it is most probable that I shall not continue more than a few months in the administration of this Province[.]

I have had a busy time of it since I came Here & have many anxious cares upon my mind just now—but I refrain from touching upon any of them as I know yr objection to Private correspondence— I have seen affairs Here, of course, at their worst, but I do not find the People so difficult to deal with as I expected although undoubtedly there is a strong Exhibition of feeling in more parties *than one* & no System for carrying on the Govt seems ever to have been established . . .

[P.S.] Take a confidential hint from me—

Be cautious of any private correspondence with the Gov Genls Staff. You have not been fairly used by some Person on that Establish. I expect Lord Durham Here in the course of ten days.

[ 217 ] COLBORNE TO ARTHUR: A.L.S. 6p.

June 25

Quebec.

I received your letter of the 17th instant yesterday— On my return to Quebec I directed the Commanding Engineer to lose not a moment in sending Officers of his department to carry into effect the arrangements proposed in the accompanying instructions to Lt Colonel Wright, for establishing a line of posts on the St Lawrence and Niagara frontiers and in the London and Western Districts— A Detachment of Sappers and miners under the command of Capt MacKenzie will proceed to the Upper Province, and two Officers of Engineers, to be employed on this service.

I have examined attentively all the reports from the Niagara frontier and the Western District, which you forwarded with your letter of the 17th instant. The whole of them are, I think, loose and vague, and many of them absurd: but they must be acted on as there can be no doubt that the panic in Upper Canada will continue till the population generally are confident that the Pirates and Rebels can be effectually opposed, and repulsed, should any effort be really made from the United States to sustain them, or disturb the Province. I still suspect that the alarm is encouraged by interested individuals.

The people of Norfolk Middlesex and of many of the Townships of the Niagara and Western Districts are natives of the United States. If they are disaffected and prepared for insurrection, a well organized police could probably be established to keep you informed of their proceedings. To attempt to protect the whole frontier from the St Clair to the mouth of the Grand River and Fort Erie, from piratical incursions, would be useless, and divide our force, which when united and stationed at the Bar[r]jacks proposed to be built in charge of arms and ammunition to supply the Sedentary Militia, appears sufficient to prevent any serious disaster—

I suggest for your consideration whether four companies of Volunteers could not be formed immediately, and organized, and placed under the orders of old Officers of the Line— These might take the duty from

Chippewa to Fort Erie; and the same number for the duty of Amherstburg and Sandwich.— For the duty of the St Lawrence I propose that three companies of Col. Macdonnell's Glengarry Regt, may be taken on pay, and stationed at Prescott, Gannanoque [*sic*] and Lancaster; and that a company should be raised at Cornwall of the inhabitants of that village and neighbourhood, to be stationed at the Depot about to be established there. The 32d Regt, 580 R & F, will occupy Chatham and London. Two Companies of the 34th, Niagara and the Falls. You will have the whole of the 85th at Toronto, and 4 Companies of the 34th Regt. I wish the three Companies of the 24th Regt sent to Kingston, if you can spare them[.] These Companies require to be reequipped—they have had hard duty, and should be brought to Head Quarters. I am however compelled to keep them in your Province for some time longer; and should the alarm continue, it will be better to retain them, than not to disembody the Militia.

Captain Sandom will order two schooners to Long point as soon as possible, and hire a Steam boat. We will also fit out boats to cruise near the 1000 Islands; and cooperate with the American Authorities who are disposed to assist us in protecting the water frontier. Lt Colonel Cox you will probably order to Niagara instead of Major Anstruther. Major Towns[h]end of the 24th Regt. will be required to do duty with his Regiment—

[Enclosure lacking.]

[ 218 ] W[ILLIA]M ROWAN TO ARTHUR: A.L.S. 2p.

June 25 *Mily. Secys. Office, Quebec.*

With reference to your letter of the 16 Instant representing that your present personal Staff is quite inadequate to perform the various duties required of them & requesting permission to appoint another Aide de Camp, The Commander of the Forces has directed me to acquaint you that he has no objection to your selecting an Officer to act as Extra Aide de Camp, but His Excellency regrets that he cannot authorize the issue of any pay or allowances.

It is His Excellency's intention however to station an officer of the Quarter Master Generals Department at Toronto, and also to order one of the officers who are employed on a Special Service, to repair to Toronto and to place himself under Your Excellencys Orders[.]

[ 219 ] ARTHUR TO COLBORNE: L.B.1, p. 34-38.

June 26 *Drummondville.*

I wrote to you from Hamilton, and hope my letter found its way to you. Enough has taken place to make me anxious, but I hope nothing serious is now to be apprehended. We have been before hand with the disaffected, and I trust have completely deranged all their plans—there is at least every reason to hope so, in my opinion, notwithstanding the exaggerated statements which are current on all sides[.]

The account which had reached me when I wrote to you was, that considerable numbers of the Refugees had crossed over, and had taken themselves to the Short Hills—the Narrows, and the Swamps and Marshes near Wainfleet. It was represented to Colonel Townshend from the American Authorities that they could not prevent the expedition, and the best service they could render was to give information and an assurance that a large force of Canadian Refugees was in Motio<sub>n</sub>.

This information corroborated by General Brady's communication which I have already conveyed to you, & the reports though vague daily brought in to Colonel Townshend left no doubt that some of these people had got into the Country and that they were to be followed by others.

I sent orders immediately therefore for calling out the Sedentary Militia in this District to search the Interior, and directed Colonel Townshend not to remove his Troops from the Frontier—except a few parties to reconnoitre. At 2 o'clock on Friday morning a small Cavalry Post was attacked by a body of armed Ruffians and taken Prisoners after a very gallant defence, by superior numbers—two houses of very loyal persons were at the same time plundered of about 1,500 dollars.

On receiving this intelligence I proceeded first to Hamilton taking with me Colonel Chichester and placing him in charge of the direction of the Militia called out by Sir A. Macnab, who felt less jealous of the interference, than I expected, in fact, who felt no jealousy at all, but readily and heartily entered into all my arrangements. In a few hours we had the Militia in motion, and as the Indians had already been prepared for seeing me on my way to London; they were also soon put in motion down the Grand River—the Bridges over which were occupied on Saturday night and during the same night I came on to Niagara[,] issued a Proclamation offering a Reward of £500 for the apprehension of a person calling himself "Colonel" Morreau, and warning all persons of the consequences of aiding and assisting the Brigands, and then taking with me a few Cavalry I set off for the disaffected Districts of Pelham and Gainsborough.

The consequence was just what I expected—the worst people became the most busy and officious, and the whole country was soon in motion—sixteen of the Invaders were apprehended by twelve o'clock yesterday—and amongst the number a man who it is supposed, is the Colonel Morreau but I do not think so myself. This man is a Canadian of the name of Wait a remarkably [blank in MS.] person, bold and intelligent. There was found upon him the flag of Liberty, ready to be hoisted—and Returns of the Patriot Force under Colonel Morreau with some useful correspondence. He was examined yesterday, but made no disclosures. His companion who was confoundedly alarmed was more communicative— According to his account not more than fifty have crossed over— McLeod with about 300 men are to follow (or rather *were* to follow, for I think they will scarcely venture now) in a few days[.]

They crossed from Grand Island where McLeod now is, Johnson [*i.e.* Johnston] or his eldest son is at Detroit plotting further mischief from that Quarter, where I am morally certain another expedition upon rather an extensive scale is in the course of preparation. I have however taken care of that part of the Province and have no anxiety as to the result but it is heart rending to see how the families of the loyal People of this Province are harrassed [*sic*]. It is more than men can bear quietly and cost what it may, this state of things must be put down, or those who are loyal now will turn their arms another way. I retain the opinion firmly, which I suggested when I had the pleasure of seeing you respecting the Militia. There ought to be a force that will give confidence to the Community for at least twelve Months— We have abundance to beat any enemy but that is not enough.— However whatever you determine upon, I am sure will be the result of great experience and much information.

Toronto 29th June 1838.

I was prevented from closing this letter whilst at Drummondville[.] We have now succeeded in taking about forty persons engaged in the late Crusade; including, so far as we know all the leaders and a few of the Parties who joined them after landing.

I have ordered the sedentary Militia to return to their homes, and enclose copies of the Proclamations and of the Militia General Order. Of course, a great many have escaped who joined these vagabonds; but we have more Prisoners already than I know what to do with, and I shall be glad if all the rest find their way back to the States, or return quietly to their homes. it is impossible to punish such Masses of People—the Ringleaders must be punished with severity, and the rest of them made loyal subjects if it be possible.

I send off Colonel Cox with a Despatch to Lord Durham requesting His Lordship's advice how to deal with the Banditti who have been captured. Lord Glenelg seems averse to any Capital Punishment.

[Enclosures lacking.]

[ 220 ] H. S. FOX TO ARTHUR: A.L.S. 24p.

June 26 *Washington.* [Marked "Private".]

I am afraid that I must have appeared very inattentive, in so long omitting to acknowledge, and to thank you for several important and interesting communications. The fact is, that being at present, and for some time past, without any secretary, or writing assistance, and having much correspondence to carry on, I am frequently a good deal pressed for time.— I shall endeavour, for the future, to be a more regular correspondent, and hope that you will not deprive me of the advantage and satisfaction of often hearing from you.— I herewith enclose to you, confidentially, extracts of despatches which I have addressed to Lord Palmerston, and to Lord Durham, since the affair of the "Sir Robert Peel," and the recommencement of the border disturbances.— I certainly was not prepared for so early a recommencement of those troubles: I had considered the danger as passed for the present summer; and had only looked forward to a recurrence of the danger, and a consequent necessity for great vigilance and precaution, during the ensuing autumn and winter, when the bands of vagabonds upon the frontier will be out of employment, and the Canadian territory more assailable by reason of the freezing of the Lakes and Rivers.— You will, I doubt not, have been informed, before this reaches you, of the principal measures which have now been adopted by the United States Government, with the view of cooperating with H. M. Authorities, to quell the piratical warfare which the border Americans and Canadian refugees are waging, and threatening to wage, along the frontier.— Two armed steam boats, manned and officered by U. S. regular troops, are to be employed in scouring the lakes and rivers. General Macomb, the Commander in Chief of the Army, has been sent to the frontier to superintend the operations, and every disposable reinforcement of regular troops that the Country can furnish, will be sent to join him.— These reinforcements, however, cannot amount to more than two hundred men, until Congress think proper to pass a law, long since pending before them, upon the recommendation of the Government, for the increase of the army.— If the law passes, the Secretary of War assures me, that two regiments at least shall be sent to the frontier before the autumn.

I believe, as I have said in my public letters inclosed, that the U. S. Government are now, more than at any previous period, sincere in their desire to perform the duties of neutrality, and alive to the danger which exists of a national war ensuing:—which they are, assuredly, neither desirous of, nor prepared for.— Their sincerity, however, must always be believed in with large grains of allowance. If the efforts and strength displayed on our side, and the loyalty and courage of our English Canadians, were to relax for an instant, the neutrality of the U. S. Government would be at an end at once.— Whatever might be the real wish of the President, and of the more respectable American Statesmen, the torrent of the popular will would then be too strong for them.— All Americans have been born and bred up in the expectation, that the Canadas were necessarily destined to belong, sooner or later, to them: and they are, now only, slowly recovering from their surprize, at the astounding contradiction given to this notion by the events of the last six months.—

I do not believe that the President, and his Government, are intentionally playing a double game; but a sort of double game, that is to say a game in which they might win and cannot lose, is by the force of circumstances thrown into their hands.— They will neither risk a war, nor commit a great political crime, in order to better their chance of one day possessing Canada; but we cannot suppose that they would in their hearts regret the event, if, without their interference, Canada were to fall off from Great Britain. The secret wishes, of even the most honest Americans, *must* be against us, in every struggle between the Authority of the Mother Country and the People of the Provinces—

Mr: Vail was much gratified by Your Excellency's attention and kindness to him. The result of his mission has been, fully to satisfy the Govt: here, that their citizens in confinement for public crimes in Canada, had no just cause of complaint.— I was aware of the inconvenience, which you justly mentioned as liable to follow from Mr: Vail's mission; but I found the Govt. determined, either to adopt that measure, or to demand information officially through me. If I had consented to become the official channel of obtaining that information for them from you, it would have been difficult to avoid (the correspondence being liable to be published)—giving them a pretext for throwing upon *me* the burthen of appearing to doubt the purity of the administration of justice in Canada.—

Lord Palmerston communicated to me, some time since, the copy of a confidential letter from Ld. Glenelg to yourself, containing the first opinion of the Law Officers of the Crown, in justification of the capture and destruction of the Steam Boat "Caroline". I have heard nothing further from home, upon that subject. I duly received your obliging letter from New York: it was forwarded to me by the Consul, Ld. C. Paget having left it behind.— I should have had great pleasure, on many accounts, in seeing you here; but I was not at all surprized at your haste to reach your post in Canada.— I have detained Mr: Macdonell many days longer than I had at first intended, and I have availed myself of his services to convey to New York some important despatches for England, to be forwarded by the Steam Ship the "Great Western."— He proceeded from hence to New York, accordingly, on the 24th. I despatch the present letter, and letters for Lower Canada, to overtake him at New York, from whence he will finally start for Canada on the 28th.— I beg to assure you how happy I shall be, to have the advantage

of a continuance of your correspondence; and how desirous I am to cooperate with you, to the best of my power, in all things which may tend to the benefit of H. M. Service, and to the success of your anxious and difficult government.—

[Enclosures:]

[ 221 ]

1838

June 24

H. S. FOX TO PALMERSTON: A.L.S. 15p.

*Washington.* [Marked "Extract".]

"I lament to have to report to Your Lordship, that the troubles upon the Canadian frontier have lately recommenced to an alarming extent.— Large bodies of Canadian refugees, joined by bands of lawless American citizens, are gathering together at various points within the American border; drilling, arming, and equipping themselves for fresh piratical assaults upon H. M. Provinces; and evading, or violently overruling, the efforts made to subdue them by the Civil and Military Authorities of the United States.—

Intelligence, in a detailed and authentic form, of the destruction of the British Steam Boat "Sir Robert Peel," at an American Island in Lake Ontario, together with the proclamations and other public papers, having reference to that atrocious act, will have been transmitted to H. M. Government, by the respective British Authorities in Lower and Upper Canada. The destruction of the Steam Boat was, in itself, a violent act of crime: and it becomes of still more serious importance, when regarded, as I am afraid it must be, not as an isolated outrage, but as part of an extended system of offence against the peace of H. M. Provinces, organized by lawless men within the jurisdiction of the U. States, and which it surpasses the means at present possessed by the Government of the United States, to defeat—

Shortly after the Earl of Durham's arrival in Canada, and immediately after the outrage upon the Steam Boat "Sir Robert Peel," His Lordship adopted the very judicious and sensible measure, of despatching Lt. Col. the Honble. Charles Grey to Washington, for the purpose, both of conferring with myself, and also of communicating, personally, to the President of the U.S., and to his Ministers, the feelings and views of Ld. Durham, in relation to the present anxious state of affairs upon the frontier.— Col. Grey fulfilled the objects of his mission, with ability and discretion; and the result, as Your Lordship will judge from the papers which I shall have the honor to forward with the present despatch, has been of material advantage to the interests of H. M. Service.— I believe that the President, and his Government, are now, more than at any former period, sincere in their desire to suppress the border disturbances; and more alive to the danger which exists, that a continuance of the piratical conduct of their citizens may involve the Two Countries irrevocably in war.—

But notwithstanding the opinion which I here express, I feel that the present crisis is one of extreme anxiety and peril. The question of the more or less absolute sincerity of the President,

and of his Ministers, is, morally, of the highest importance; but with a view to immediate practical effect, the question is almost immaterial: for, whatever may now, or might afterwards, be the real feeling and desire of the U. S. Govt:, of Congress, and of the respectable part of American society, all would be equally impotent to prevent a general piratical rush of American citizens into Canada, if a new rebellion should break in H. M. Provinces, with any apparent prospect of success.— I believe that the U. S. Authorities are now sincere in their desire to perform the obligations of neutrality; but their means are lamentably insufficient; and I cannot avoid also bearing in mind, that the course of their neutrality has along kept exact pace with the evidence afforded of the strength of the British resources, and of the fixed resolution of H. M. Govt:, and of the British People, to defend at all hazards the Honor of H. Majesty's Crown in North America.—

Under all the circumstances now existing, I would conjure H. M. Govt: to send still further reinforcements, during the present summer, to North America.— All the reasons which now present themselves, for anxiety and alarm, will be materially increased during the ensuing seasons of autumn and winter, when reinforcements can no longer arrive.— It is by a formidable, and an imposing, and by what careless lookers on will perhaps reckon a superfluous display of military force in Canada, that the best chance will be attained, of eventually saving the English and the American People from the calamities of a general war.”—

[ 222 ]

1838

June 16

H. S. FOX TO DURHAM: A.L.S. 8p.

*Washington.* [Marked "Extract".]

“I have the honor to acknowledge the receipt of Your Lordship's despatch of the 5th: instant, which was delivered to me by Lt: Col. the Honble: Charles Grey.— The mission of Colonel Grey has been highly satisfactory to me; and will, I believe, have been productive of material advantage to the interests of H. Majesty's Service.— Col. Grey has had interviews with the President, and with the Secretary of State Mr. Forsyth, and also with Mr. Poinsett the Secretary of War, under the immediate direction of whose department, the operations of the U. S. Govt: on the frontier are conducted.— The result of these interviews and conversations, of which Colonel Grey will make to Your Lordship a detailed report, is, to a considerable extent, satisfactory.— The President's Government appear to be now fully alive to the extreme danger which exists, that a continuance of the piratical conduct of their frontier citizens may involve the Two Countries irrevocably in war; and I believe that they will sincerely exert themselves to abate the evil.— But unfortunately, the means possessed by the Supreme Government of this Republic, for enforcing the laws, and for performing the duties of neutrality towards foreign nations, are lamentably insufficient; and I should be betraying Your Lordship if I did not seize this first opportunity of earnestly expressing to you, that it is not to any efficient

exercise of authority on the part of the U. S. Government,—however sincerely we may believe them to be well disposed,—but that it is to the well known sagacity and vigour of your own character, to the zeal and discipline of H. M. Troops now under your command, and to the courage and loyalty of the great mass of Her Majesty's Canadian subjects of British origin, that we must look, for repressing the system of piratical violence which has so long disgraced the American frontier, and for thereby taking the best chance of eventually saving the Two Countries from the calamities of a general war."—

[ 223 ] H. S. FOX TO ARTHUR: A.L.S. 3p.

June 26 *Washington.*

I have the honor herewith to inclose to Your Excellency, the copy of a message transmitted by the President of the United States to Congress on the 21st; instant, with a report from the Department of War annexed, upon the subject of the border disturbances.— The latter part, especially, of the President's Message is important and satisfactory; and places the present extraordinary situation of things upon the Canadian Frontier in the true and proper light.—

[Enclosures lacking.]

[ 224 ] COLBORNE TO [ARTHUR]: A.L.S. 2p.

June 28 *Quebec.*

I have but this moment received your letter of the 22d inst. with the information respecting the affair at the Short Hills; and the menaced attacks of the Rebels.

I have directed the 43d Regt to move to Kingston without the least delay. I shall leave this tomorrow, for Montreal, on my route to the Upper Province.

[ 225 ] ARTHUR TO COLBORNE: LB.1, p. 39-41.

June 30 *Toronto.*

Two expresses from Colonel Maitland announce the Landing of a considerable force—numbers not stated—of rebels and Patriots at Nugents Inn River St Clair—and that further parties are preparing to cross over; indeed are in the act of doing so. Some parties of rebels well armed have made their appearance in several parts of the London District and the day before yesterday they attacked some constables who were conveying Doctor Wilson to the London Jail and rescued him[.]

Most of these men who joined in the attack were rebels who were pardoned in January last.

Colonel Maitland, who has all along been too unbelieving and rejecting the reports which now appear but too well founded, begs to be reinforced with another Regiment immediately. A week ago I forwarded two Companies of the 34th Regt to Hamilton, I have now ordered them forthwith on to London and the remainder of the Regiment will proceed at day light tomorrow morning for the same destination.

This leaves Toronto and Kingston with only one Regiment each,

as I do not find that the 85 Regt has been replaced as you intended at Kingston.

Our artillery is in a most inefficient state. The two Nine Pounders with Colonel Maitland, he says, "are hardly in a fit state to be moved to any distance besides which I have neither horses nor Harness.['"]

Copies of his letters are enclosed.

We much require more six pounders in the Province, and, as I have before communicated we are *much* in want of arms for the Militia.

I enclose a memorandum from Major Jackson shewing what the orders are that he has received.

To crown my difficulties just at this moment the Militia are dissatisfied at being required to serve another month[;] they consider that they should either be sent home at once or engaged for a longer period.

I have ordered the half Battery to be sent up at once from Kingston which I hope you will approve.

[Enclosures lacking.]

[ 226 ]      ARTHUR TO COLBORNE: LB.1, p. 50-51.

June 30

*Govt. House, Toronto.*

I had the pleasure to receive during the night, by Lieutenant Jones 43d Regt your letters of the 23d and 25th Instant. Under the circumstances of this Country, it became absolutely necessary to keep up some Militia and not having received [*sic*] your Memorandum upon this subject, I directed that the force now employed and whose service expires this day should be continued for one month longer—but I find the men do not like remaining for so short a period and a great falling is the consequence.

You appear to think the reports which I sent to you are "loose and vague and some of them absurd" but it appeared to me that they were rather [more] circumstantial than such reports usually are— An officer who has just arrived from Sandwich informs me that just before he left that post, General Brady had given notice to Colonel Reid at Sandwich that a very considerable force of the Canadian Refugees and Patriots were preparing to make a descent upon some part of the Western Coast, which it was out of his power to prevent— A report also reached me last night from Cleveland to the effect that a considerable expedition is preparing to make a descent from thence upon this Province.

It is difficult to suppose that so many refugees have for so many months been hanging upon the Frontier without some serious design. I am glad to find that you have approved of the Depot of arms and that other necessary arrangements are positively ordered.

With regard to the Militia force, of course I will accede to your recommendation, but I must say I do not think it adequate.

But, upon these Matters I will do myself the pleasure to write to you again in a few days.

[ 227 ]      W[ILLIA]M ROWAN TO [ARTHUR?]: A.L.S.

June 30

*Quebec.*

[Forwards "copy of a letter to the Commissary General"; this is apparently item 228.]

- [ 228 ] W[ILLIA]M ROWAN TO [R. I. ROUTH]: L.  
*June 30* *Military Secretary's Office, Quebec.*  
 Copy of a Letter addressed by desire of the Commander of the Forces to the Commissary General . . .  
 Adverting to my letter of the 18th. Instant addressed to the Senior Officer of the Commissariat, at Toronto, I have the honor to acquaint you that the Commander of the Forces will issue covering Warrants for such sums as His Excellency Sir George Arthur may approve of being paid to the Staff Officers of Militia in Upper Canada, with reference to any Appointments Authorized by the Lieutenant Governor of that Province.  
 I request you will have the goodness to communicate the substance of this Letter to the Officers of the Commissariat in Upper Canada.
- [ 229 ] J. B. ROBINSON TO [ARTHUR]: A.L.S. 3p.  
*[1838]* *[Place not stated.]*  
*[July ?]* I had a letter this morning from Col Jarvis of the Queen's Rangers, which I should like to enclose to You, but I have it not with me at present—  
 He says the men oppressed with their winter coats & out at elbows, are very impatient, as their term of enlistment has expired—that they cheerfully went over upon the late alarm but now that the danger seems over it seems very desirable that they should be enabled to part with credit, rather than in ill humour, It is impossible to keep them as they are, & it would be a pity that they should melt away disreputably & go grumbling home—  
 Can not some final step be now taken with them?
- [ 230 ] [WRITER AND RECIPIENT NOT STATED]:  
*[1838]* *[Place not stated.]*  
*[July ?]* On the arrival of His Excellency M. General Sir George Arthur, the Militia Staff in Toronto consisted of the following Officers:  
 1 Adjutant General  
 1 Asst Do. and a Clerk.  
 1 Asst. Quarter Master Genl. & a Clerk.  
 1 Military Secretary  
 1 Asst. Do.  
 1 Asst Inspector of Hospitals  
 1 Colonel Commandant of the Garrison  
 1 Staff Adjutant.
- [ 231 ] [ARTHUR TO COLBORNE]: L.  
*[1838]* [The letter is lacking, but a précis entry in item 578 reads:] Sir  
*[July 1]* G. A 26th June[,] 30[,] 1st July[,] 5[,] Recommends a force for *12 months* (3 or 4 Regiments) & does not think the Companies proposed by Sir J. C. adequate to the desired end. is obliged to keep on the existing force for a month longer, to their great discontent, as final arrangements had not been agreed upon.

[ 232 ] ARTHUR TO GLENELG: L. 3p.

July 2

[*Place not stated.*] [Marked "Confidential".]

Your Lordship's Despatch of the 21st. December 1837 respecting appointments to be made to the Legislative Council should not have been so long unanswered; but Yr. Lordship is aware that I could not satisfactorily make any recommendation until time permitted me to acquire that knowledge of persons & of the state of the Province, which would enable me to act with safety.

Having given to this very important & delicate subject the best consideration in my power, & having had it continually on my mind, I now transmit to Yr. Lordship a list of Twenty six names, all of whom I can venture to say will be eligible and satisfactory appointments.

I send Yr. Lordship a short description of the circumstances of each Gentleman. The number may appear large, but under the present circumstances of the Country I do not consider that to be an objection. They are all gentlemen of good steady character, well attached to the Government, & in general possessing extensive influence in their respective districts; and from the consideration that the expense of their attendance during the Legislative Session here, is unremunerated, the proportion of Members actually present is in general so small that I am convinced the House would very rarely contain more than thirty Members.

I consider it so important that this increase should take place without delay that I trust Yr. Lordship will find no obstacle on account of the small fee due on each Commission.

I will see that the amount is remitted as soon as I am made acquainted with it.

I have numbered the names in the order in wh. I think they should stand if Yr Lordship will not concur with me to the full extent, which, however, I hope you will.

I think such a measure would be found to give very general satisfaction.—

There are many highly eligible individuals whose names I have omitted, because they are Members of the House of Assembly, and I consider it injudicious to withdraw any gentleman of influence from their seats in that House— Amongst those I would instance Sir Allen [*sic*] Macnab and Mr. Prince whose services to the Country during the late outbreak deserves [*sic*] such a mark of the approbation of the Crown.

It must not be understood by Your Lordship, that in proposing to add so largely to the number of Members of the Legislative Council, or, indeed in proposing an addition to any extent, I am influenced by an impression, that that Branch of the Legislature, as it is now constituted has in any degree failed to discharge its important duties either as regards the Crown or the people of this Province.

On the Contrary, the result of every inquiry I have made, has convinced me that the judgment, firmness, & discretion, with which the proceedings of the Legislative Council have been hitherto conducted, and sometimes under circumstances of peculiar difficulty, have been of incalculable advantage to this Colony— I only venture to recommend so large an addition to the Numbers of the Council, in the hope that it will enable them to pursue with increased confidence, and better public effect, the same honorable course, which has hitherto distinguished them,

and to which it is my belief that the British Govt. have been, on more than one occasion, much indebted for the safety of this Colony.

[Enclosure lacking; but see item 270 which begins on the reverse side of the same sheet. The whole, together with item 310, appears to have been detached from an official letter book.]

[ 233 ]      ARTHUR TO DURHAM: LB.1, p. 52-54.

July 4

*Govrnt. House, Toronto.*

From your Lordship's Despatch of the 25 Ultimo I find it is Your Lordships present intention to be at Toronto on the 16th. and by a letter from Sir John Colborne, I understand your Lordship proposes to go direct to Niagara where the Countess of Durham will remain.

Will Your Lordship permit me to suggest whether this arrangement just at present is altogether desirable for Her Ladyship. There is and has for some time been great excitement in the Niagara District; and until we see [?] exactly what turn the present unpleasant agitation throughout the Province will take I would certainly recommend that the Countess of Durham should not reside at Niagara.

Your Lordship if it were necessary I am persuaded would rough in the field as well as any of us; but this is not exactly the moment for successfully entering upon the grand object of Your Mission. Your Lordship could not, and I am satisfied would not expect Gentlemen to leave their Homes to pay their respects to you at Toronto, whilst their families were so full of apprehension, and yet I must say it is most desirable that Your Lordship should see them, so as to be enabled to extend your enquiries beyond the Public Officers and Residents of Toronto.

Every precaution I can devise has been taken to prevent another general outbreak and if unhappily it cannot be altogether averted I trust it will be limited. After men are *detected* traitors it is difficult to deal with them in such numbers, and there is a numerous and very troublesomely disposed class of persons in this Province—Orangemen—who consider lenity of any kind under such circumstances to be an insult to their order.

These Orangemen as a body are fine brave fellows, but they are under very bad direction—and although it cannot be attempted just now, I am resolved to clip the Wings of the Leaders of this Party as soon as it can be done prudently.

My Establishment has not yet arrived from England so that I cannot make your Lordship and the Countess of Durham by any means as comfortable as I could wish, but the best that can be done is in progress and when some repairs are completed which the Architect *promises* shall be the case in the course of a fortnight the House though small and unappropriate will be just habitable for your Lordships family. Still I must say, I wish the times were more quiet for Your Lordships visit, because the people generally will be unavoidably prevented from receiving Your Lordship as they would otherwise I am sure desire to do.

I have just heard that one of the Brigands whom we took last week in the woods in the Niagara District has been identified as being one of the party who burnt and plundered the Sir Robert Peel— His name is Reynolds.

[ 234 ] J. B. ROBINSON TO [ARTHUR]: A.L.S. 6 .

July 4

Toronto.

Under present circumstances it has only been in my power to read Mr. Sullivan's proposed report<sup>1</sup>, with a view to it's [*sic*] general tendency and the results to which it is calculated to lead— I have derived much pleasure and satisfaction from the perusal— The sentiments throughout are just; at least I recollect none that did not appear to me to be so; and several topics upon which a Legislative Assembly, from various causes, can only be prevailed upon to press lightly, are treated in it with clearness and force, and pursued with much effect to their legitimate conclusions—

Among the measures recommended in this report there are one or two upon which, following my individual judgment I would concur only to a certain extent; but this part of the paper is of the least consequence, since I take it to be exceedingly unlikely that Lord Durham would consent to derive his notions of remedies from any official authority in the Colonies— The principle most consistently acted upon for ten years past—is to look upon residence in a Colony as disqualifying a person from exercising a sound judgment upon any point relating to it's interests— This objection is strengthened if official employment has been added to residence— The suspicion of impure motives seems then to amount to conviction— Nothing but a notorious factious opposition to Government, in the adviser is acknowledged as giving any value to colonial opinions— A sound recommendation from the Executive Council may drive a Commissioner from the right course, but is by no means likely to lead him into it—

If this report is to be presented, merely in confidence for the private consideration of Lord Durham, it's present shape, & style are perhaps the best; but if likely to be published as an official document, there are some passages that should be considered, with a view to make them in keeping with the peculiar character of the board from which it would be known to have emanated— Considered as the free expression of the opinions of an individual, the paper is better as it is, because more natural & forcible. Indeed I am sure it would be generally admired, & be thought to reflect much credit upon the writer of it— It's tone is liberally conservative, as *liberal* as any man who combines common sense with common honesty would desire it to be—

No two persons who think for themselves would concur exactly in so long a train of reasoning— Some arguments I think are too much relied on, while others might with advantage be pressed more forcibly—

For instance with respect to the control of the Assembly over the expences of the Government;—it has never been plainly enough stated that the English House of Commons has not, and never had, nor has any other legislative body on earth ever had that absolute power over the ordinary public expenditure which was thrown into the hands of the Assembly in Lower Canada, and in a great measure here also—

Stopping the supplies in England never could have interfered with the payment of the kind of charges which are here made to depend on the annual vote of the Assembly—

Again as to the measures in agitation respecting the surrender of the casual and territorial revenue, I do not consider that "they have naturally fallen out in the current of circumstances"— They are, so far as I have observed, the mere consequences of the ruinous influence

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<sup>1</sup>See item 187.

of an unsound heart in the Colonial Department,—they are the suggestions of some mind that is governed by no fixed principle—which deals with effects rather than with causes, and which is willing to sacrifice all chance of permanent good government in the Colonial possessions of the Crown to the ambition of establish'g a reputation for what is absurdly called liberality—

In speaking of events here, in the 50th. sheet, I think the issue of patents to new settlers, before and during the elections (which was simply done in the ordinary and rightful course of public business,) is mentioned in terms that may convey an erroneous impression. The people pushed for their deeds most naturally, because they were anxious to vote— They had a right to them, and to have withheld them or delayed their issue would have been a positive wrong—

But they did not in any an instance amount to such a number as to turn the scale—

In most, if not all cases, their issuing was a matter of evident and utter insignificance as to the result.—

[ 235 ] J. B. ROBINSON TO [ARTHUR]: A.L.S. 5p.

July 4

*Toronto.*

Col. Hill of whom I have several times spoken to Your Excellency has sent me some papers (*personal*) which he much wishes you would do him the favor to peruse— Will you be so kind as to look over them & place them in a drawer, that I may receive them again—

I should be sorry that he were overlooked while absent on an anxious & very responsible service, the guarding a remote, & exposed frontier with a very small force— He is I think an officer that combines the necessary qualities for a militia command—exactness in the business concerns of his Corps—with a cool & determined spirit—strict enforcement of duty, with conciliating manners in his general intercourse with officers & men— He is a man who will, under no circumstances disgrace himself—

Col Adamson—is desirous of raising—or rather enrolling a Corps & keeping them in readiness for any call of duty, without expence until called out— He has I dare say explained his plans— I can only say that I think he is second to no officer in the Province in experience, & knowledge of military arrangements—& he is certainly a highly honorable & respectable Gentleman— His object seems not to be emolument, so much as to be of service—

Capt. Edward Davis of Lake Simcoe, formerly in the 8th. Regt. has just arrived from England, & would like much to be on service in command of a Corps—

If Your Excellency has seen him, I am sure you have been favorably impressed—for he is a fine manly, intelligent person— He is Colonel of a Regiment of Militia & if he had not happened to be absent during our disturbances in December last, he would unquestionably have been admitted to be the proper person to have taken the lead in the Northern part of this District from whence so many fine loyal fellows come—

[Enclosures lacking.]

[ 236 ] R. B. SULLIVAN TO MR. SECY. [JOHN] MACAULAY: A.L.S. 3p.

July 4

*Crown Land Office, [Toronto.]*

I was directed by His Excellency Sir Francis Head. to make some

enquiries relative to the claim of the Wesleyan Methodist Missionary Society for support out of the Casual & Territorial revenue.

In the course of this enquiry I called upon the Venble Archdeacon for the purpose of learning from him the state of the Indians as to religious Instruction. upon which occasion Dr Strachan was kind enough to say that he would draw up a short report upon the subject.

As it did not however enter directly into the question I was ordered to investigate I did not delay my report until I should receive a communication from the archdeacon. which has only come to me this day.

His Excellency I am sure takes a lively interest in the religious condition of the Indians. and I therefore beg of you to submit the archdeacons report. for H.E.s consideration.

It is difficult to say how far the distracted state of the Colony as regards religious opinions. and parties will permit the Government to pursue a course calculated to advance the religious Interests even of the Indians who are emphatically under the guardianship of the Crown with a sole view to these Interests. But at all events the question is one of justice and benevolence, and is worthy of great consideration. and I therefore transmit the Archdeacons report.

[The enclosure referred to is possibly item 38, of which item 166 appears to be a revised copy. See also item 262.]

[ 237 ] ARTHUR TO COLBORNE: LB.1, p. 41-44.

July 5

*Government House, Toronto.*

It will gratify you to hear that Colonel Maitlands report of yesterdays date is more satisfactory—the reports of the number of Pirates and others have been exaggerated.— Only six have been taken Prisoners, and reluctant as I have been to adopt that mode of proceeding, I have come to the determination to try these Ruffians by a General Militia Court Martial; Colonel Maitland adds “the disaffected in every direction received great encouragement about here by these Reports, and are only kept back from rushing to open violence and renewed rebellion by the presence of the Troops”.

I am much obliged and most grateful for your having put the means within my power of deterring the people from going into Rebellion, whereby some hundreds would again have subjected themselves to capital punishment, and our jails would have been full of Traitors. Finding their efforts hopeless I do trust they will now abandon their wicked intentions.

There can be no doubt there was to have been a General rise th[r]oughout the Province on this day and tomorrow, but, in every district such Militia as have arms were promptly turned out by their Commanding Officers and have assumed an attitude that has answered every purpose.

I could not have supposed it possible that such a panic could have been so universally felt. This will be prevented for the future if the arms were sent into the Province which you have authorized for the various Stations, and a respectable body of Militia kept up for at least twelve Months.

I do not consider the affair to be quite over; but it is to be hoped we have had the worst of it.

These villains must be disappointed that the People have not joined them i.e. to the extent they expected either at Niagara or at the London District.

With respect to the Militia force I will do myself the pleasure to write to you officially either this night or tomorrow morning.

I ordered the Demi-Battery up from Kingston; but, in the present posture [?] of affairs I do not think it necessary to detain the Guns or to send them on with the Militia assembled at Hamilton—and shall return them to Kingston fort[h]with.

I regret to say we have had no effective Artillery as yet, but, I trust we shall do better in this respect hereafter. I have been obliged to express myself very strongly to Major Jackson upon the subject. The Ordnance and Commissariat Departments are certainly by no means efficient in this Province. The system is bad and its effects bad.

In my letter to you this morning I adverted to Sir Allan Macnab's expectations—in a note which he addressed to a friend at Toronto, I find, he says alluding to Colonel Chichesters having the Command of the District in which were troops of the Line as well as the Militia. "Sir John Colborne said to me, that if the militia were again called out I should have the command of them[.]"

I conclude it was not your intention he should take precedence of other Militia Colonels or that an officer of the Line with the rank of Lieut: Colonel in the army should act subordinate to Sir Allan.

The people on the West side have however very earnestly begged for Colonel Chichester's services and Colonel Maitland has requested that he should be stationed at Chatham. . .

P.S. I have just received a report from Colonel Townshend of this date.

He had felt it necessary from the demonstrations on the other side to call out the Sedentary Militia for two or three days, but I am pretty confident all will be quiet again soon[.]

[238] ARTHUR TO SIR A. N. MACNAB: LB.1, p. 45-48.

July 5 *Govt. House, Toronto.*

Colonel Maitlands letter of last evening, with its enclosures, convey[s] the satisfactory assurance that the alarm felt on the Western Frontier has abated and that the Reports were much exaggerated.

I had also last night the pleasure to receive a letter from Captain Sandom—informing me that one of the Gun boats well manned and armed was half way through the Welland Canal, and that two others would follow as last night, and that the Steamer purchased from Genl Porter would be employed in Lake Erie with the Gun boats.

Under these circumstances justice to the people of England upon whom the expence of our defence falls requires me to decrease the force that has so promptly answered to my call with the least possible delay. I request therefore you will be so good as to express to the Gallant Fellows both Officers and men, who have flocked to your Standard how highly I appreciate their zeal and how truly thankful I am for the Service they have rendered to their Country in suppressing this Rebellion—and knowing how very important their attendance upon their domestic concerns is—they may at once be permitted to return to their Farms with the exception of 70 men who should be left in charge of the Posts under the Command of a Sturdy Captain and two Subalterns for a few days.

There is the less danger from adopting this course in consequence of my being reinforced by another Regiment of the Line from Montreal.

The 43d one of the finest in the British Army—the head Quarters of which arrived at Kingston on the 2d Instant; General Clitherow having forthwith acted upon my requisition without waiting to send down to Sir John Colborne.

The Half Battery also arrived last night, but I send their Guns back to Kingston, without landing them, hoping the worst of our difficulties are over but it would not surprize me were Rebellion to burst out again.

I sent a positive instruction last night to Colonel Foster to put in Orders your being in Command of the Militia at Hamilton, if he had not done so upon the order I had already given[;] his hesitation I find has been from the desire to explain to me that the Lords of the Treasury had directed the Commissariat Officers not to recognize any signature of any officers but those of the regular Troops as authority for expenditure[;] of course their Lordships object is rigid economy but as I feel convinced you have given the strictest attention to this important particular I have required the order should be issued and the accounts passed upon your requisition and signature, and I will explain to the Lords of the Treasury that I have no desire to contravene their regulations but simply to promote the good of the Queens service.

An Officer of the Commt Department has made enquiry this mornng whether I had authorized the hiring of a number of teams at Hamilton which on reflection leads me to fear that an observation I made in a letter to you of which I have no Copy has possibly been misunderstood—if so pray correct it at once for although it was highly desirable to make arrangements for obtaining Waggons so as to be ready at the shortest notice as is so often done here yet it would not be proper to engage them unless they were actually required.

Accept yourself my best thanks for the zeal with which you have acted on this occasion and for the good feeling and exertions you have made to second my wishes which have been founded on the desire to afford protection to the Country and to deter the disaffected from rising so that not being exposed as detected traitors they might yet become loyal Traitors [*? sic.*]

[ 239 ] GLENELG TO ARTHUR: L.S. 4p.

July 5

London.

Mr. Stephen has addressed to me a letter of which I send you a copy. It will apprize you that he has thought it his duty to place in my hands your letter to him of the 2nd. of June.—

I most sincerely lament the misapprehension into which we mutually appear to have fallen of each other's meaning respecting the appointment of a Governor General of British North America. You will require no assurance from me of my conviction that you understood me precisely in the sense which your letter ascribes to my language.

Unfortunately however you mistook the sense which I intended to convey not less than I must have misconceived that which it was your design to express.—

When I first made to you the offer of the Government of Upper Canada, I stated that it was probable that a Governor General of British North America might be nominated. You urged upon me the objections to that arrangement,—to which I listened with all the respect & attention due to your opinion. I expressed no final determination on the subject,

because in truth it was then very doubtful whether the plan of appointing such an officer would ever take effect. I certainly did not understand you as stating that the abandonment of the design was the only condition on which you could accept the Government. I find that in this respect Mr. Stephen's impression was the same as mine, and that his memory confirms my own.—

Almost immediately after my first interview with you, Lord Durham intimated to Her Majesty's Government his resolution to decline the offer of Governor General. Consequently when I met you the second time, I offered to you the Government of Upper Canada on the usual terms,—because I had at that time no reason to anticipate any departure from them. I certainly entered into no guarantee that under no conceivable change of circumstances the Government would revert to the plan which was at that time abandoned.—

But after your leaving England the aspect of the whole subject underwent a most essential alteration. The revolt in Upper Canada was alike unknown & unexpected, when you quitted this country. In this new state of affairs Lord Durham altered the view which he had formerly taken of the proposals made to him & was prepared to assume the general Government. I did not feel myself precluded by any thing which had passed with you from availing myself of the offer of his Lordship's services to Her Majesty in that capacity. The other Lieut. Governors of the British Provinces had precisely the same reason to complain of being superseded in their functions. They accepted their places precisely on the same conditions with yourself, but from none of them has any complaint reached me.—

I trust that this explanation will convince you that you have no just ground of remonstrance. I cannot suppose that you really think that I was deliberately wanting in the frankness & plain dealing which I owed to you & to myself on the occasions to which your letter refers. It was I am aware not written for my inspection, but being addressed to one of my Under Secretaries, it was inevitable that it should meet my own eye, & therefore I have not scrupled to answer it as distinctly as if it had been addressed to me.—

[Enclosure:]

[240 ]

1838  
July 5

JA[MES] STEPHEN TO GLENELG: L. 2p.

*London.* [Marked "Copy".]

I have received from Sir George Arthur a letter dated the 2nd. of June, which tho' it be marked "private" I think myself bound to place in your hands.

Sir George Arthur states that "you suggested to him the contemplation of such powers being given to Lord Gosford's successor, & that he immediately & decidedly, in my presence declined to accept the government under such arrangement".—and further that "two days afterwards you distinctly informed him that this purpose was abandoned".—

My recollection of the two interviews in question is distinct & differs from that of Sir George Arthur. On the first occasion you told him of the probability of a Governor General being

appointed, to whom he would be subordinate. He strongly pointed out the inconveniences of such an arrangement, but as my memory assures me, did *not* decline to accept the office on these terms. On the second occasion you informed him that you could then offer him the government on the usual terms; but nothing was then said as to any power of subsequently changing that resolution. No guarantee on the subject was ever entered into in my presence nor did I ever understand that Sir G. Arthur's acceptance or rejection of the Office depended on his being the Supreme & independent Governor of the Province.

[ 241 ] GLENELG TO ARTHUR: L.S. 8p.

July 5 *Downing Street, [London.]*

[Another copy of item 239, marked "Duplicate. Private." with slight variations.]

[*Enclosure:*]

[ 242 ]

1838

July 5

J[AMES] STEPHEN TO GLENELG: L. 4p.

*London.* [Marked "(Copy)"]

[Another copy of item 240 with slight variations.]

[ 243 ] COUTTS & CO. TO ARTHUR: L.S.

July 5

*London.*

We have the pleasure to inform You that Your Account Book with Us, and a similar Account Book with the Derwent Bank, together with Five Bills—Duplicates—the other parts of which we appear to have received on Your Account—have been placed in our hands by Mr John Borthwick. that Gentleman states having found them in the Lodgings he now occupies in Harley Street and has sent Us the accompanying Explanatory Letter to be forwarded to You—

[*Enclosure:*]

[ 244 ]

1838

July 4

JOHN BORTHWICK TO ARTHUR: A.L. 2p.

*21 Harley Street, London.*

Mr. Borthwick presents his compliments to Sir George Arthur, & begs to inform him, that as the successor of Lady Arthur in these lodgings here, there were found by him in one of the beds 2 account books in one of which were contained bills to the amount of £3104.10/- Mr Borthwick thought it advisable [*sic*] to take these books & bills under his own special charge, & that the best course he could follow, in order speedily & safely to have them restored to Sir George was to deposite [*sic*] them with Messrs. Coutts & Co; who now accordingly

have them. The bills appear to be duplicates, and to have been paid.— Mr. Borthwick shall feel happy if he has been the means of restoring to the proper owners these books & papers, tho', now, of perhaps little consequence. Mr. Borthwick returns immediately to Scotland, where his address is "J. B. Esq., of Crookston, 28 Queen St Edinburgh."

[ 245 ] COLBORNE TO ARTHUR: A.L.S. 4p.

July 6 *Kingston.* [Marked "Private".]

I have to thank you for your interesting communications of the 30th Ult. and of the 4th inst. It was the intention of Lord Durham, on my departure from Quebec to be in Montreal on the 5th instant. and to remain there till he might receive information from me as to the best route and his future movements towards your Capital. I had recommended him to meet you at Kingston; but I have acquainted him since my arrival here, that I think it will be more convenient to you, with reference to the occurrences which are taking place in the Western Districts, to receive him at Niagara, and that I would write to you upon this subject and propose to you to meet him there next week. If he proceeds as I have suggested, he will leave La Chine early on Tuesday Morning, sleep at Cornwall, and reach Kingston on Wednesday Evening— On Thursday he will embark in the Cobourg and arrive on Friday, or Saturday Morning the 14th inst. at Niagara; where he will expect to meet you, and arrange for his visit to Toronto. I hope this plan will be agreeable to you.

With respect to the appointment of Capt Power to the D. Qr. Mr. Genl's Department, I shall be glad to confirm it, if another arrangement which I have sanctioned should not take place; but Capt Brockman of the 34th cannot be attached to the Adjutant Genls Dept, the number of Officers allowed for that Dept, having been already nominated. I have directed Major MacKenzie Fraser to proceed to Toronto to place himself under your orders. He can do duty in the Adjutant Genl's Dept till further orders. You will find him very useful, should Col Foster be ordered to Montreal. Have the goodness to desire Major Jackson of the R Artillery to meet me at Niagara on Monday next.

[ 246 ] COLBORNE TO ARTHUR: L.S. 10p.

July 6 *Kingston, Upper Canada*

I have had the honor to receive Your Excellency's communications of the 30 ultimo and of the 2nd and 4th. inst acquainting me with the attacks menaced by the Brigands in the London and Western Districts.

The intelligence which you receive must be so far credited and acted on, however exaggerated the reports may be, that the extensive frontier population may be convinced that they have no cause for apprehension, and that every arrangement has been made for the protection of the several Districts as far as the nature of the incursions of the Marauders will admit of protection being afforded. But it must be also recollected in defending the Upper Province from insult that we have Lower Canada to attend to; a Province which is but slowly recovering from the effect of a serious revolt.

I have already communicated to Your Excellency my suggestions with regard to the protection of Upper Canada; and the Posts and Depots of

Arms which are to be established, and in fact which are now being carried into effect. And I must again refer to the very improvident manner in which the arms ammunition and stores which were forwarded to the Upper Province last winter have been distributed— More than 13,000. Stand of Arms it appears have been issued to the Militia, and I have never been able to learn in whose possession they are at present[.] Your Excellency will agree with me that if such a system of delivering arms be continued, the Depots in the Lower Province will soon be again exhausted— Although there are not more than 9000 Stand of Arms remaining in the Stores at Quebec, 3000 have been ordered to be forwarded to the Upper Province, and will be at Kingston in a few days, 1500 of them will be sent to Toronto and 1500 to Niagara to be conveyed if you think proper to the Western Districts by Lake Erie— I trust that when the regular Forces are satisfactorily posted, and the Volunteer Provincial Corps organized, and the Township Guards also organized, and the Depots of arms established, that the Militia will not be called out on every alarm— If confidence can not be speedily restored by the presence of the Force now in the Province, and by the defensible Posts, it will be certainly necessary to recommend that further reinforcements should be sent to these Colonies, for the calling out of the Militia, if frequently repeated, will be both ruinous to the Mother Country and injurious to the Colony— The Stores, Barrack furniture, and Camp equipage intended for the Upper Province were forwarded the moment they could be disembarked. 20,000 Stand of Arms have been demanded from home and I have desired that 10,000 may be sent to Kingston[.] 5000 to Toronto, and 4000 distributed in the District Depots—

With respect to the dissatisfaction that prevails all over the Province at the delay which has taken place in the settlement of just accounts, I am without information from the Commissary General as to the circumstances which still cause the delay adverted to by your Excellency, but, that he has made arrangements for satisfying every claim that he can consistently settle.

If however there are still claims which your Excellency would recommend to be discharged, it will be better that the Government should not require the usual vouchers, and lose by imposition than that the excitement should continue[.] I will therefore authorize all claims to be settled which Your Excellency may be of opinion ought to be paid— I can not understand from the Memorandum of Major Jackson why the Demi Battery in the London District has not been rendered fit for service long since— Colonel Campbell ordered the 6 Pounder Battery to be attached to the 32nd Regt, and the heavier Guns to remain at Amherstburgh in charge of the Militia and Volunteers— The 32nd. Regt consisting of 580 rank and file can have nothing to apprehend, whatever distance that Corps may be from support— The Copy of the memorial of Dr. Dunlop was not to be found among the enclosures transmitted to me by Your Excellency. I intend to move this Evening with the 43rd Regt— This Corps will be encamped near the Falls, and will be in readiness to be conveyed on any alarm to the Western District in the Steam boat purchased by Captain Sandom— Colonel Booth one of the most active and intelligent Officers in the Province will Command on the Niagara Frontier— One squadron of the 1st. Dragoon Guards will probably arrive here this Evening and move to Niagara tomorrow, a Company of Sappers and Miners are also on their route to Fort George and will be employed in repairing Fort Missisagua[.]

[ 247 ] [ARTHUR TO COLBORNE]: L.

[ 1838 ] [ July 8 ] [The letter is lacking, but précis entries in item 578 read:] Sir J. C. 6th July Mentions "Volunteer Provincial Corps and Township Guards." Sir G. A. 8 July Remarks on those expressions, and forwards the proceedings of a Board of Officers, who recommend that 3 *Regts* should be raised according to the Militia laws.

[ 248 ] ARTHUR TO DURHAM: LB.1, p. 55-56.

July 8 *Govrmt. House, Toronto.*

By a letter which I have received from Sir John Colborne, I find that he has arranged that I should meet your Lordship at Niagara on Friday or Saturday next.

I beg to be permitted to say, that unless the state of affairs to the Westward rendered it improper for me to go to the Eastward, it has always been my intention to have the honor to receive Your Lordship at Kingston, but as Sir John Colborne has made another arrangement I shall of course govern myself accordingly.

The results of the last two or three weeks have altogether placed the province in a better position, and even without the protection of the 43rd Regt the Countess of Durham might now be free from all apprehension at the Falls.—

All I wished for Your Lordship's accommodation at this Residence is not completed, but I have with pleasure done my best to make it habitable. I wish it were better.

May I be permitted to express the hope that your Lordship would defer receiving any Address from the Inhabitants of Kingston until Your Lordship's return. It ought to be as numerously signed as possible, and I am sure many will be disappointed who reside at a distance if their names do not appear to an Address.

I have not heard from Sir John Colborne what your Lordships plans are; but, as many highly respectable persons reside in the Western District, it would be very advantageous if your Lordship could arrange to pass through that part of Upper Canada—and if the long intended measure of constructing a Fortress in the Western District were on this occasion determined upon, so far as may be, and the first stone of Fort Durham laid it would be one of the greatest boons your Lordship could confer on the loyal inhabitants of Upper Canada.

[ 249 ] COLBORNE TO [ARTHUR]: A.L.S. 3p.

July 8 *Niagara.*

We have now so large a force near the falls, the *sooner* the Militia are suffered to return to their homes the better. I wish only that 40 or 50 men should be retained to perform the duty at the landing places at Niagara and Queenston; and to furnish small guards to prevent desertion.

I hope the arrangements which I have in contemplation, will not render it necessary again to call out the Militia, an expense which our Govrnt cannot bear if it be too often repeated, particularly as it really appears there has been no necessity for such a measure, with reference to the projects of our unseen Enemy[.]

[ 250 ] C. A. HAGERMAN TO ARTHUR: A.L.S.

July 8

*Toronto.*

I send your Excellency Mr Buchanans letter to Lord Durham— On the title page you will perceive that it was sent to me by "*My sincere friend!*"—

I have not been able to trace the Conversation with Mr Radenhurst— but I am quite confident Mr. McAulay could obtain a correct account of it either from Mr Radenhurst himself, or Mr. R's brother-in-law— Mr Ridout Cashier of the Bank—

[Enclosure lacking.]

[ 251 ] C. A. HAGERMAN TO THE LIEUTENANT GOVERNOR [ARTHUR]: A.L.S. 3p.

[ 1838 ]

[*Toronto.*]

[ July 9? ]

I have this moment seen Sir Allan McNab—he says that Mr. Buchanans conversation and remarks on the public affairs of this Province when at Hamilton, were so very offensive that he treated him with the utmost coolness—and as plainly as he could shewed that he did not desire to hear any thing further from him.—

Sir Allan among other things states that a Mr. Forsyth who lives at a place called St Johns in the Niagara District told him that Mr. Buchanan on board the Steam boat on his way up from Quebec, and in the presence of all the passengers [said] that your Excellency was to be recalled;—And to Sir Allan himself, Mr. Buchanan stated that the people living in the neighbourhood of his Sons residence in the District of London, were willing to fight for The Queen but not for the faction.—

In order to get rid of him Sir Allan called into the room several of the labourers and common people with whom he had business, and began a Settlement of his accounts with them:— And in this way he got rid of the presence of the Gentleman.—

[ 252 ] ARTHUR TO DURHAM: L. 16p.

July 9

*Government House, Toronto.* [Marked "Copy Separate".]

I think it proper Your Lordship should be put in possession of every circumstance that can in any way effect the object of your Lordship's mission—and, therefore, I have the honor to submit the following observations.

Your Lordship naturally wishes to possess all the information that is to be had; and by Yourself and your secretaries many enquiries are directed, and observations of course invited to that end.

Amongst those who have been contributing their quota of intelligence, as I collected on Saturday from himself, is Mr. Buchanan.

It so happened, my Lord, when I landed at New York Mr. Buchanan gave me, what he was pleased to call, an insight into men and parties in this Province; and, of all things, pressed upon me the danger of any alliance with a party which he designated the Family Compact; and, in order to impress the matter more strongly upon my mind, he subsequently addressed a confidential letter to me upon the subject.<sup>1</sup>

The family Compact, & other persons proscribed by Mr. Buchanan, include the most able men in the Legislative Council, and some of the most prominent public Officers. So that, the recommendation was to

<sup>1</sup>See item 103.

exclude myself from the services, and to regard with suspicion, the most influential & powerful party in the Province, by whom mainly Sir Francis Head had been enabled to overthrow the knot of disaffected men composing the last House of Assembly, of whom Mackenzie, Bidwell, and Rolph were, in fact, the leaders.

Her Majesty's Government urged upon me, before I left London, in a very energetic Dispatch, that I should pursue the Policy and the measures of Sir F. Head, and it was considered a point of some importance that it should be known in the Province that it was my intention to do so— A Despatch of such a nature, however, written at a distance of 4,000 miles and without the Ministers having an accurate knowledge of all the underworking which goes on in every community must leave much to the discretion of the Officer to whom it is addressed, and I have seen reason for acting upon it only to a very limited extent. But Mr. Buchanan's recommendations were quite of an opposite character, being nothing more or less than to resuscitate a faction that was all but politically extinct, and to commence my Government by giving great Offence to the Constitutional and most powerful section of the Community. During the three months I have administered the affairs of this Province, perceiving they were not times for agitation, I have not entered upon one controversial question, except, that I have amicably discussed, with the leaders of each denomination the long contested Clergy Reserve question and have intimated to them my intention of bringing in a Bill to re-invest those lands in the Crown, if better means cannot be devised; and I have every reason to hope I shall at length successfully carry the measure through the Provincial Parliament.

Under these circumstances I have identified myself with no party, but have seen enough to convince me that Mr. Buchanan's statements are incorrect—that his opinions are valueless, that his invectives against the Family Compact are most unjust—and that his meddling at all at this time is most mischievous.

Mr. Buchanan read to me I remember, whilst I was at New York the Copies of two letters which he had addressed to Lord Glenelg upon the affairs of this Province—unless his Lordship well knows Mr. Buchanan, the communications were calculated however unintentional[ly], to mislead the Minister to whom they were addressed! He is now doing a double mischief, first by endeavouring to prejudice Your Lordship's mind against some of the most respectable and most highly esteemed men in the Province, and secondly in exciting bad feelings amongst an influential party, by making his advice, and Your Lordship's intentions the subject of conversation.

Having heard of the impolitic course he was thus pursuing, I requested an interview with Mr. Buchanan on Saturday, and said to him much more than I have expressed in this letter to Your Lordship. He deals wholly in generalities—I could not extract from him one single fact on which he could rest his assertions; and such I am persuaded Your Lordship will find to be the case with the contents of the letter which he says he has addressed to your Lordship.

When Sir Francis Head was at New York on his way to succeed Sir John Colborne, Mr. Buchanan urged upon him successfully the arguments which he used with me, and Mr. Baldwin, brother to Mr. Buchanan's son-in-law, and some other reformers were in consequence admitted to the Executive Council. The result is a matter of history. They immediately began by disputing for powers which the Constitution

has never given to Members of the Executive Council. A rupture took place, and the whole of the reformed party, the real object of the leaders of which was the subversion of the Government was overthrown, and and [*sic*] to their struggle to regain influence, the Rebellion in December last, is to be referred, with all the lamentable train of consequences which are still agitating the Country.

Mr. Buchanan, in conversation with me, after passing the highest eulogium on his character, adverted to the great influence of the Chief Justice, as the Head of the Family Compact, and to the ultra Tory views of that gentleman. This is just the language that has been used by interested parties to the Colonial Department for years, until, at length, the Individual, who for integrity and ability stands the highest in the estimation of *all men of all parties*, there is reason to fear, must be regarded with apprehension by the Secretary of State.

In this Colony, as in other countries, respectable station, united with superior talents, and good conduct gives a certain degree of influence which is natural and salutary, and it would, indeed, be of all things ungracious and discouraging, as well as impolitic, if the Government were to manifest a jealousy of an influence so honorably acquired. It is, so far as I have been enabled to judge most unobtrusively exercised, and I am satisfied, from what I have experienced, that so far as he can conscientiously do so, Your Lordship will have the most cordial co-operation of the Chief Justice, and of all the Family Compact in all its ramifications throughout the Province.

Mr. Buchanan has not considered, that, what the Family Compact have for years fought against has been the introduction of measures tending to republicanism and the countenance given to individuals who were at least strongly impregnated with republican principles, so that all their views and all their predilections must be deeply interested in the success of your Lordship's measures, which are destined to strengthen the bond of union between Great Britain and the Canadas.

Not only have the Americans for years looked upon the Canadian Provinces as their own eventually, but many residents in this Province have regarded it almost as a matter of course. But your Lordship's arrival in North America, and the measures adopted by Her Majesty's Government within the last six months have given an extraordinary contradiction to this notion, and diffused the highest gratification amongst the loyal part of the community, whilst others are only slowly recovering from their surprize and disappointment.

The ideal, therefore, that any Tory Party is being formed for the purpose of opposing Your Lordship's measures, as Mr. Buchanan asserts to be the case, is so improbable that I can only refer such a rumour to some ignorant or very mischievous person.

Whilst passing through such a crisis as the present, the Province of Upper Canada must feel more or less convulsed for the next year, but *I am quite certain* that British connection and British Institutions being secured to them, which every man ought to regard as the grand object of your Lordship's mission across the Atlantic, Your Lordship will encounter no opposition from the Constitutional Party of the Province, and I am convinced that the settlement of this grand point will tend to the settlement of all others—and in achieving it, Your Lordship in place of being met with coldness will be regarded as the warmest friend Canada has ever known.

[Endorsed in pencil: "Intended for His Exy Sir John Colborne".]

[ 253 ] COLBORNE TO ARTHUR: L.S. 5p.

July 11

*Head Quarters, Niagara Falls.*

I have had the honor to receive Your Excellency's letter of the 8th Inst. I beg to assure you, that whether the disaffection in this Province has arrived at the Extent to which you are persuaded it has reached, or that the numbers connected with the refugees and the American adventurers in the United States are inconsiderable and less formidable than the information communicated in Your Excellency's letter would lead us to believe, I am fully convinced that not a moment should be lost in adopting such Military precautionary measures as will afford protection to the population on the frontier most exposed to the sudden incursions of the Lawless American Gangs in correspondence with the disaffected, and as will restore confidence to the Western District.

I have already stated to Her Majesty's Govt. the necessity of stationing a large regular force in these Provinces; and that such a precautionary measure will be more economical in the end than employing the militia, and render it unnecessary to resort to the ruinous expedient of calling out Volunteers from the Militia on every alarm and under circumstances which will occasion the same unchecked extravagance which prevailed last winter, while the pirates and rebels were assembled on the frontier at the time the Province was altogether unguarded, and unprepared for an attack or insult, on the part of our neighbours[.]

It is to avoid the recurrence of the confusion and improvidence of last year, and the rush of an unmanageable Mass of Volunteers to the points of attack; in whose efforts few of my acquaintances and friends at Toronto had confidence; that I should recommend Volunteer preparations on a moderate scale but in every respect adapted to the existing circumstances of the Province.

I need only advert to the expensive, useless militia staff which was established at every station where troops were posted and the undue proportion of officers attached to every Corps, to prove to Your Excellency that the Home Govt will not where there is time to organise a force on a more economical system approve of any expensive formation of Volunteer Corps.

If it is intended that the corps of Militia which Your Excellency has determined to arm should be paid by the province, as in New Brunswick, that arrangement would I think be highly approved of by the Home Govt— But any provincial force that is to be paid from the Military Chest to be raised for the temporary defence of the Frontier and to act immediately in conjunction with the regular force should, I am of opinion, be chiefly confined to the raising of independent companies which may be stationed on the St. Lawrence, Niagara, and Western District Frontier[.]

This description of force might be speedily armed and raised on a more economical plan than any other, and without leading many of the young men of this Province into a mode of life and habits destructive to their future prospects[.]

I should not consider myself justified, while I am in this command, to sign warrants for corps proposed to be raised on an expensive scale— Sedentary Volunteer Companies from the militia might also I think be formed, with great advantage to the province, at Toronto, Niagara, Kingston Amherstburg Brockville Cornwall, and in all the large Towns[.]

These would be selected from the Loyal Population which has taken so conspicuous a part in the late occurrences, and would be prepared to act with such Volunteer companies of the militia of every county, which probably could now be selected, in the first instance, in the same manner from the Militia of many of the townships of the London[,] Gore, Home, Newcastle and Eastern Districts[.]

After reading many reports from several districts and examining the information received from the American frontier I cannot think that the projects of the American Adventurers or of the disaffected in any district are on so extensive a scale, or are so formidable as Your Excellency is led to believe; but I entertain no doubt that it will be necessary to station a regular force of not less than 4000 men in this Province for some years—

[ 254 ] COLBORNE TO ARTHUR: A.L.S. 4p.

July 11 *Niagara Falls.* [Marked "Private".]

I should have paid you a visit, en passant; but as our movements in this quarter may have a good effect both on the American side; and in this District and in the Western part of the Province; I considered it better to lose no time in shewing our force on the Niagara frontier and making arrangements for conveying troops and arms to any part of the London district; by Lake Erie[.]

I hope I shall have the pleasure of seeing you on Friday at Niagara—

Buchanan is so well known to be a great fool, that I cannot think that anything he has said will make an impression on Lord Durham. Buchanan's conversation must have been with Mr. C Buller, I rather think, a Gentleman more susceptible of taking erroneous views than his master. . .

[P.S.] The enclosures are from Gibson the Surveyor, and Colonel Campbell respecting his artillery arrangements. Have the goodness to return the Memoranda from the latter[.]

[Enclosures lacking.]

[ 255 ] GLENELG TO ARTHUR: A.L.S. 3p.

July 11 *London.*

There is a gentleman in Upper Canada in whom I take an interest— Mr. Tucker, formerly Chief Justice of Newfoundland. You are, I understand, acquainted with him, and so well esteem his talents & character as to have intimated a wish to make use of him in the public service. This overture he declined, on some scruple of punctilious honor. That difficulty I believe is now removed—and I trouble you with a line to say that I should be glad to hear of any thing to his advantage— I know well how careful and circumspect you must be in selection for Offices—both as to the merits of the person selected, and as to the effect of every appointment on the public mind. Therefore it is that I desire to leave to you the fullest discretion as to every nomination & to leave to you also the whole responsibility— But in reference to what has passed respecting Mr. Tucker, I only beg to say that if in your own judgment you are inclined to place him in Office for which he is qualified & without injustice to others, you will find me quite disposed to regard the choice favorably—

[ 256 ] [ARTHUR TO COLBORNE]: L.

[ 1838 ]  
[ July 12 ]

[The letter is lacking, but a précis entry in item 578 reads:] Sir G. A. 12th July In consequence of Sir J. C's letter (8th. July) reduces the Niagara force to the desired small detachments & sends orders to Colonel Maitland to embody 4 Companies for 12 months for the Western Frontier—which orders he suspends, not knowing that Sir J. C. will agree to the terms.

[ 257 ] GLENELG TO ARTHUR: L.S. 4p.

July 12

*Downing Street, [London.]* [Marked "Private."]

I have received your private Letter of the 5th. of June. It is very agreeable to me to perceive in it a proof that you are prepared to discuss with me on the confidential and friendly terms which ought to be maintained between us, every part of my official conduct which you may think open to exception. I am most anxious to avail myself of the same channel of private Correspondence for removing, if possible, from your mind, any painful or erroneous impression under which you may appear to me to labor. The interests at stake are of such extreme moment, that I am convinced we shall both feel it to be nothing less than a sacred duty to act together in the spirit of mutual confidence, and to construe favorably whatever may appear on either side to admit of a more or less indulgent interpretation.

On the subject of what passed between us respecting the appointment of a Governor General, I have already written to you in my private Letter of the 5th. Instant. I can now only repeat, that neither I, nor Mr Stephen, correctly understood the meaning which it is clear that you intended to convey to me in his presence. Your strong disinclination to act under a Governor General was expressed in terms which we both distinctly recollect. Your absolute determination not to act at all under such a Superior must have been declared because such is your own statement of the fact. But neither he nor I understood you as announcing that determination. It is our common recollection that the conversation terminated without any decision being expressed on my part whether a Governor General would be appointed or not, or on your part, whether if such an appointment were made, you would or would not accept the Office of Lieutenant Governor.

I have already explained to you, that after your departure from England the Government were induced to resume the intention which when you quitted us had been abandoned. If I had considered that any pledge had been given to you that a Governor General should not be appointed under any circumstances, I should have applied to you to relieve me from it. But such a supposition never occurred to me until I read your Letter to Mr Stephen.

I yet indulge the hope that since the date of your Letter of the 5th. of June, your views on the subject of the effects of Lord Durham's appointment have undergone a material change. The correspondence between his Lordship and yourself, of which he has transmitted Copies for my perusal, is conducted on both sides in a spirit which promises the best understanding and the most friendly co-operation between you. It has apprised you that it is not Lord Durham's intention, nor that of Her Majesty's Government that he should interfere in the ordinary administration of the Affairs of Upper Canada, but that his interference

will be confined, during his residence in British North America, to those subjects in which the whole of that part of Her Majesty's Dominions has a common interest. At a date considerably later than that of your Letter to me, I find that you expressed yourself to his Lordship on the subject in such terms as induce me to hope that when the real state of the case became known to you your objections to the arrangement were greatly diminished, if indeed they did not entirely cease: I cannot but think that, if this change of opinion has not already occurred, your mind will be open to it on further reflection and experience. I am of course well aware of the views entertained and expressed by the two Houses of Provincial Legislature on the subject of the differences of opinion which existed between myself and your immediate Predecessors, and that so long as a Lieutenant Governor has the support of a majority of those Houses, they will desire and expect that he should be supported with at least equal decision by the Home Government under which he serves. Without entering into a retrospect to which it would be impossible to do justice within any short space, I must deny that I have ever failed to satisfy the reasonable expectations of the Council and Assembly on this head; and I am happy to see that while quoting their Reports, you do me the justice to rely on my support of yourself. In Lord Durham's appointment it appears to me, and I hope by this time to you also, that much has been done to sustain your authority, and nothing which can really impair it.

It is impossible that any general principles could be maintained at the present crisis of British North American Affairs without concert between the Governors of five different Provinces, or that any such concert could really be established without some degree of subordination. A Nobleman justly occupying a very high station in the public confidence, has been appointed to exercise this authority, probably for a short period, and with a view to enable all the different Governments to act together for the promotion of one common object. Possessing the entire confidence of Her Majesty's Advisers, Lord Durham instead of fettering you by an additional authority will have the power, as he certainly will have the inclination, to assist you by anticipating many decisions which must otherwise have been expected from this Country, while your close vicinity to each other may, in many cases of importance enable you to communicate with him, either personally or by Letter, with a facility unattainable in your intercourse with me. He is far too conversant with the theory and the practice of Government, not to feel the necessity of strengthening your hands, both by abstaining from all needless interference, and by affording you all the relief and support in his power.

The account which you have given me of the state of affairs within the Province, painful as it is in some respects, corroborates my previous conviction of the indispensable necessity of bringing the whole of the affairs of British North America, so far as the Executive Government is concerned, under the temporary control of a power common to them all. To deal with them as so many detached and isolated States is no longer possible. They have so many conflicting interests to be reconciled, and so many common interests to be promoted, that the attempt would be equally dangerous and futile. Formidable as was the aspect of affairs when I had last the pleasure of seeing you, they became incomparably more so afterwards. If we view this subject in somewhat different lights it is probably because we are compelled to regard it

from different positions—you from the Seat of Government in Upper Canada, and I from the Seat of the Imperial Government in this Country. It may be very difficult or impossible for us to enter completely into each others difficulties, but it is my most earnest and anxious hope that you will make for mine the allowance, which you would wish me to make for your own, and that you would give me credit for the deep solicitude which I really feel, to secure your cordial co-operation with Her Majestys Government, and to promote to the utmost of my power your personal honor and comfort, as well as the success of your administration. Permit me most respectfully to request that you would dismiss from your mind any distrust which circumstances may have induced you to cherish towards me, and that in the cause of Our Sovereign and Country you would accept my co-operation in the spirit of friendship and confidence in which it is tendered.

[ 258 ] GLENELG TO ARTHUR: L.S. 10p.

July 12 *Downing Street.* [Marked "Duplicate Private".]  
[Another copy of item 257.]

[ 259 ] J. S. MACAULAY TO ARTHUR: A.D.S. 2p.

July 12 *Toronto.*

Assuming that the Province of Upper Canada is to be fortified it appears desirable—

1. That the Fortifications should be so constructed as to afford complete protection to large bodies of Troops, requiring at the same time but few to defend them.

2. That they should be sufficiently imposing, to deter even a daring foe from attacking them, otherwise than by the ordinary process of a siege.

3. They should be as little costly as possible.

To effect these objects, let the sites to be fortified, be occupied with casemated redoubts, connected with Carnot walls.

Avoid enclosing towns, or villages, within the precincts of the Fortifications.

As regards the Niagara Frontier, if the ground near Fort Erie, and in the neighbourhood of Niagara were so occupied; a small fort were built on the triangular piece of land off by the Chippawa cut, a tower at the Grand River and a redoubt with one or two batteries to protect the harbour at Port Colborne, that frontier might be considered as sufficiently fortified.

Instead of occupying The Short Hills, might not Port Dalhousie, be made the great depot of arms, for that section of country?

It is in the immediate vicinity of the Main route from Niagara to Hamilton, is one of the entrances to the Welland Canal, and can at all times receive assistance by water, it could not therefore be neglected by an enemy entering the country on that side.

In combination with the fortifications before mentioned, it would further, secure the Welland Canal to our use, and consequently enable us to compete with the Americans on Lake Erie, and reinforce our western frontier when necessary.

The Burlington heights have been spoken of as a place of arms. Could not a garrison be easily shut up there? Cannot the communica-

tion by water be easily impeded or rendered insecure? These questions have occurred to me as requiring investigation, before any permanent occupation of that site be resolved on.

It is true that a depôt of arms is required at Hamilton, but it would perhaps be better to erect our principal Fortresses near to the Fontiers, and if any where else, the seat of Government must be the most important point.

All of which is respectfully submitted[.]

[ 260 ] N[ATHANIEL] YOUNG TO ARTHUR: A.L.S.

July 12

*Headquarters, Niagara Frontier, Buffalo, N.Y.*

The day after I had the honor of seeing you at the Falls, I addressed a letter to Maj: General Macomb, who is now at Sacketts Harbour, on the subject of the expected arrival of your Family at Oswego.— I have now the pleasure to inform Your Excellency, that by a letter received last Night from the Maj: General, I am directed to assure you that every attention will be shown Lady Arthur and Family, on their arrival; and with that view Lieutenant Temple of the U S Army, is now at Oswego, awaiting the arrival of her Ladyship, and will not only do all in his power to make your Family comfortable whilst there, but if agreeable to Lady Arthur, will accompany her to Toronto . . .

N. Young  
Maj: U S. Army[.]

[ 261 ] M. S. BIDWELL TO FRANCIS HINCKS: L. 4p.

July 12

*New York.* [Marked "Copy".]

I have seen today Mr. Bronson who informs me that a law was passed to establish a territorial Government in Ioway. The limits of the territory are extensive; but the Indian Title is extinguished only to a tract of land about 300 Miles in length and 80 in breadth,—so that the Settlers will have the Courts &c. at their very doors.

Two land Offices are opened West of the Mississippi River. He thinks these circumstances will afford additional inducements to emigrants to resort to that Country. Upon that account I have thought they might be interesting to you.

I am rejoiced to hear there is again an independent Newspaper in Upper Canada.— I hope it will effect wonders.— It appears to me a critical time in the history of the Province. What an opportunity Lord Durham has to be honoured and beloved through all Succeeding Ages? What an opportunity to do good; to establish free institutions? but I confess my fears are much greater than my hopes! If he allows Sir George Arthur to remain, there is an end, of course, to all reasonable grounds of hope.

I understand that there is some prospect of the Settlement of the Clergy Reserve question—in a satisfactory manner. To find these expectations realized would give me the most sincere pleasure; for the policy of the dominant party on that Subject has been in my opinion unjust and has undoubtedly given great dissatisfaction. It is not, however, by any means the Sole evil or the cause of the troubles in that Country.— The System in which the Government has been administered—that of disregarding the opinions and wishes of the people

generally, and of advancing and sustaining and rewarding those and those only who adopted that Course, is at the foundation of all the troubles,—and while that System Continues, it is of Comparatively little importance what is done with the Clergy Reserves. I should not trouble you to read my opinion on the subject, if I did not believe that it was of immense importance at the present moment that Lord Durham should not be misinformed on this subject.

Please to give my respects to Mrs. Hincks, and remember me to all my friends. I hope to get settled here before long and if I can do anything for you I shall be glad to do it.

[Endorsed: "Copy Intercepted Letter M. S. Bidwell to Francis Hincks."]

[The above is possibly the enclosure referred to in item 267.]

[ 262 ] JOHN STRACHAN TO JOHN MACAULAY: A.L.S.

July 12

*Toronto.*

Permit me to draw His Excellency's attention to a Report on the religious State of the Indians in Upper Canada, which I had the honor of presenting in May last—<sup>1</sup>

My reasons for troubling the Lieut. Governor at this time are, 1st. That His Excellency will have an opportunity of conferring with Sir John Colborne on the subject of converting and civilizing the Indians, and becoming acquainted with his plans for that purpose, and which in my humble opinion were liberal, extensive, and efficient— Unfortunately His Excellency Sir John Colborne was recalled before it was possible to put them fully into operation, and his Successor adopted different views with which it was impossible for me to concur. And even after the settlement on the Manatoulin [*sic*] Island had been commenced, and a Missionary stationed there with the Indian Superintendent, they were withdrawn, and the farther prosecution of the design postponed— 2nd. That the Revd Chas Brough a Gentleman of excellent attainments & in my opinion every way qualified seems inclined to undertake the Mission on the Manatoulin Island should it be now established, and I have no doubt, but that his piety and zeal assisted as he will be by an experienced School Master will be blessed with a great measure of success— The hearts of the Parents will be reached through their Children and their improved temporal comforts will become the Harbinger to their spiritual advancement—

Persuaded that His Excellency Sir George Arthur is equally anxious with His Excellency Sir John Colborne to ameliorate the condition of the poor Indians and that a conference between them on the subject must lead to their substantial benefit, I most respectfully hope, that this note of remembrance will not be considered unreasonable[.]

[Endorsed in Arthur's handwriting: "Dispatch 8 Novr 1832".]

[ 263 ] [LORD] FITZROY [J. H.] SOMERSET TO ARTHUR: A.L.S. 2p.

July 16

*Horse Guards, [London.]*

I have received your very interesting letter of the 9th. Ultimo and having communicated it to Lord Hill, I beg to thank you in His Lordship's name and my own for the information it contains. I am also much obliged to you for mentioning the state of the Barracks in Upper Canada upon which I will immediately write to the Ordnance.

<sup>1</sup>See item 166.

[ 264 ] ARTHUR TO COLONEL [GEORGE] COWPER [*i.e.* COUPER]: L. 2p.

July 17

*Government House, [Toronto.]*

I wrote to you last night to explain that the alteration in the plan proposed for Lord Durham's movements—by which His Lordship was to arrive at Toronto at 7 o'clock in the Evening of Wednesday, in place of at 4 o'clock as before settled—would lead to so much disappointment, that I trusted the proposed the proposed [*sic*] alteration would be abandoned, and that his Lordship would adhere to his original intention, of receiving the address of the inhabitants of Toronto & its vicinity at 4 o'clock. In fact, all that part of the arrangement I considered to be fixed—it was his Lordship's further progress Eastward that remained open for further consideration.

If by any mischance my letter of last night should not have reached you, pray let me hear from you in answer to this by the Queen Victoria Steamer, which leaves Niagara early tomorrow morning.

I omitted, with my letter last evening, to send the copies of two addresses intended to be presented to the Earl of Durham on Thursday Morning— The omission is now supplied. . .

[P.S.] I have sent the necessary orders to Kingston, respecting the Governor General's movements—

[Enclosures lacking.]

[ 265 ] COLBORNE TO [ARTHUR]: A.L.S. 3p.

[ 1838 ]  
July 17

*Niagara Falls.*

I did not receive your note till late last Evening.

The Lancers will be with you today.

Lord Durham leaves Niagara at 10, tomorrow, he will probably not arrive at Hamilton before 2 P.M; You cannot therefore see him at Toronto till  $\frac{1}{2}$  past 8 or 9—on Wednesday Evening.

He intends to embark on the Cobourg on Thursday about 3 P.M. so that he may reach Kingston early on Friday, and arrive at Prescott the same night.

[ 266 ] COLBORNE TO ARTHUR: L. 2p.

July 19

*Head Quarters, Falls of Niagara.* [Marked "Copy".]

With reference to Your Exy's letter of the 12th. Inst. upon the subject of the Volunteer force of the Militia required to be embodied, in which you request farther information respecting the details of the precautionary measures to which I have already adverted, I think it necessary to state that the force under my command being intended for the defence of the Upper & Lower province, I must be guided in the location and disposition of the troops by the reports which I may from time to time receive of the projects of the disaffected, and the extent of the distrust or panic which the movements of the American Marauders may occasion in particular districts.

The troops which have been brought to this frontier, will, I am persuaded tend greatly to restore confidence in the Niagara and London districts, and I am not apprehensive that any serious affair can occur in the Western part of the province while the Steam Boat now stationed on Lake Erie can be employed in the conveyance of troops—

Nine volunteer companies from the Militia of 60 rank and file each,

COLBORNE  
TO ARTHUR

will I think be a sufficient force to be employed on the detached duties on the St. Lawrence, Niagara and Western frontiers.

4. 6 pounders equipped at Quebec, 5000 stand of arms & 500 barrels of powder in addition to that quantity formerly ordered, have been transhipped at Montreal for Kingston.

In fact the preparations for the defence of a disaffected province depending as to their extent and continuance on vague and loose reports of inexperienced Officers, will occasion a constant enormous expense. if confidence in every district can not be speedily restored—

In regard to the Militia being called out on every alarm, instructions should be immediately circulated to the Senior Colonel residing in each County upon that subject. The case of Colonel Jones of Brockville [marginal note here reads "Young's Mills—"] has been I understand laid before Yr. Excy; He was only authorised by me to assemble a company for the protection of his Mills till a detachment of the 71st. Regt. might arrive. . .

P.S. I understand that many of the militia still remaining on duty on this frontier under the command of Colonel Kingsmill, Major Warner and Captain Egan, are desirous of being employed. . .

A true copy.

F. A. Mackenzie Fraser

Asst. Q. M. Genl.

[To the above are attached items 280 and 286.]

[ 267 ] C. A. HAGERMAN TO THE LIEUT. GOVERNOR [ARTHUR]: A.L.S. 2p.

[ 1838 ]  
July 19

*Toronto.*

I return your Excellency Mr. Bidwell's letter.— It bears the stamp of hypocrisy—no man that sincerely venerates the Christian Religion [*sic*], or that possesses the humanity and charity it enjoins would write of utter strangers as he has done.— It moreover contains untruths which he knew to be such at the time he wrote—and there would be no great difficulty in proving (at least I think not) that the persons he would denounce, are those, he and his friends are most indebted to for acts of kindness.

The person to whom the letter is addressed, is I apprehend a discontented, if not a disaffected man.—he most probably is concerned in the new paper—(The Examiner—) recently established in this City, and Mr. Bidwells chief object in writing to him, is to give him a few hints as to the proper manner of conducting it—at least such is my opinion.—

[Enclosure is possibly item 261.]

[ 268 ] COLBORNE TO ARTHUR: A.L.S. 4p.

July 20

*Niagara Falls.* [Marked "Private".]

We intend to embark at Gravelly Bay this morning; and proceed to Long Point, Port Stanley, and Amherstburg. On my arrival at those stations I may find it necessary to move some of the Companies of the 32d and 34th. Regiments. Mr. Henry Jones was the person to whom you alluded, I think, in mentioning your intention to appoint a private secretary. You would find him useful in your office. I do not however know whether he is qualified for the portion of the work, which you would be desirous of giving him.

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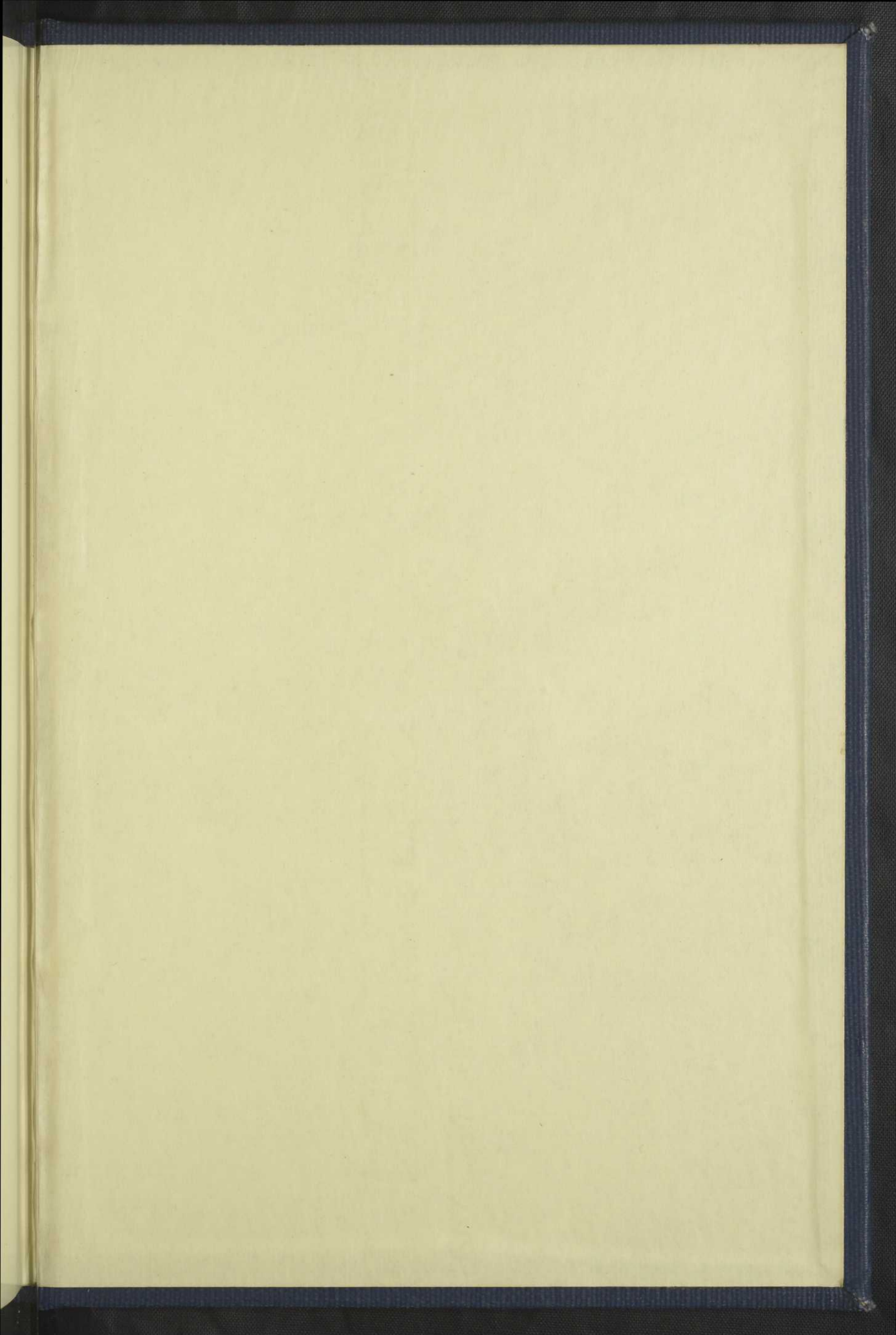
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