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THE ARTHUR PAPERS

VOLUME ONE

THE ARTHUR PAPERS

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

OF

SIR GEORGE ARTHUR, K.C.H.

Last Lieutenant-Governor of Upper Canada

IN THE MANUSCRIPT COLLECTION OF
THE TORONTO PUBLIC LIBRARIES

EDITED BY
CHARLES R. SANDERSON

VOLUME I

1822-1838

BIBLIOTHECA
WARIANA

TORONTO PUBLIC LIBRARIES
AND
UNIVERSITY OF TORONTO PRESS
1957

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SAINT-SULPICE

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PREFACE

THE Trustees of the Toronto Public Library have hoped for many years to be able to arrange the publication of the Canadian papers of Sir George Arthur which are in the manuscript collection of the Library. Dr. Charles R. Sanderson, Chief Librarian of the Toronto Public Library from 1937 to 1956, had devoted much of his time and energy to this task. Parts of the Arthur Papers which Dr. Sanderson had prepared were printed in 1943, 1947 and 1949.

Dr. Sanderson had planned to complete the work on his retirement, when his sudden illness and death in July, 1956, made this impossible. The Board of Trustees of the Toronto Public Library feel that as a memorial to Dr. Sanderson they would like to recognize his outstanding achievements by continuing the publication of *The Arthur Papers*, in which he was so vitally interested. Dr. Sanderson had done a great deal of work on the remaining unpublished papers, and page proofs of Part IV were being corrected at the time of his death.

The cooperation of the following persons and organizations has made it possible to see the remaining parts through the press. The Carnegie Corporation of New York has given a generous grant to assist the financing of the project. Mr. Marsh Jeanneret, the Director of the University of Toronto Press, and his staff have made the task of completing publication after Dr. Sanderson's death much easier by their ready understanding and support. Dr. D. G. Creighton of the History Department of the University of Toronto has advised on the completion of the work. Miss Edith G. Firth of the Reference Division of the Toronto Public Library has checked the manuscript left by Dr. Sanderson and supervised the arrangements for publishing the final volumes. Miss Laura E. Loeber, head of the Reference Division of the Toronto Public Library prior to her retirement in 1956, undertook to prepare the Index to the papers and has thus ensured that this Index, which is contained in the final volume, matches the standards established by Dr. Sanderson in the transcription of the papers themselves.

In preparing the Introduction, Miss Firth has made use of part of the commentary concerning Sir George Arthur which was written by Dr. Sanderson prior to his death.

It is the hope of the Trustees of the Toronto Public Library and of all who have cooperated in securing the publication of the papers,

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that by achieving their completion some measure of appreciation has been shown towards the work of Toronto's Chief Librarian who initiated and almost single handed carried out this important project.

Toronto H.C.C.
March 24, 1957

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ABBREVIATIONS

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A.D.S.	autograph document signed by sender
A.L.	autograph letter not signed by sender
A.L. initialled	autograph letter initialled by sender
A.L.S.	autograph letter signed by sender
A.M.	autograph memorandum not signed by sender
A.M.S.	autograph memorandum signed by sender
D.S.	document not in the handwriting of sender but signed by sender
Df.	draft. This designation is used in conjunction with other designations, when the original is marked or endorsed a draft, or when it is obviously a draft and includes emendations. L. and A.L. are doubtless drafts in some cases.
L.	letter, not in the handwriting of, and not signed by, the sender.
LB.	letter-book, *i.e.* a letter appearing in one of the letter-books; v. (volume) is omitted, and the entry reads LB.1, p. 1–6.
L. initialled	letter not in handwriting of sender, but initialled by sender
L.S.	letter not in handwriting of sender, but signed by sender
M.	memorandum. Not a letter, but an item which can be termed a memorandum in place of the more general designation of "document".
p.	page, pages

INTRODUCTION

Sir George Arthur was born in Plymouth, England, on June 21, 1784. At the age of twenty he entered the army, and served in Italy, Egypt, and Sicily. He was twice wounded, and on the Walcheren expedition of 1809 was thanked in General Orders for his action at the siege of Flushing. On his return to England he received the freedom of both London and Plymouth. He served as Aide and military secretary to the Governor of Jersey, and in 1812 joined the 7th West India Regiment in Jamaica. He received his first administrative appointment in 1814, when he was named Superintendent of British Honduras, a position he held until 1822. Like all his appointments this was not easy, and was complicated by a serious revolt of the slave population. In 1824 he became Lieutenant Governor of Van Diemen's Land, then a convict settlement. It is believed that while there he made the first suggestion for the confederation of the Australian colonies. In March, 1837, he returned to England, accused by his enemies in the colony of official oppression and personal dishonesty. He cleared himself triumphantly, and in November of the same year was appointed Lieutenant Governor of Upper Canada.

Arthur arrived in Toronto on March 23, 1838. Three months later he was informed of the appointment of Lord Durham as Governor in Chief of all five British North American colonies. Durham's stay in Canada was short, and on November 1, 1838, he sailed for England. Arthur's second period of sole responsibility for the government of Upper Canada lasted almost a year. On October 19, 1839, Charles Poulett Thomson, later Lord Sydenham, arrived in Canada as Governor General and Governor in Chief. His main objective, the settlement of the constitutional problem, necessitated much interference in Upper Canadian politics and government. After the passage of the Act of Union in 1841 abolished the office of Lieutenant Governor of Upper Canada, Arthur returned to England.

He was appointed Governor of the Presidency of Bombay in June, 1842. Here again his position was an awkward one, and his relationships with those above and those below him were undefined and full of potential difficulty. He was in India during the occupation of Sind, and was involved in the Napier-Outram controversy. In 1846 he was elected provisional Governor General of India, but was compelled by ill-health to return to England in the same year.

His knighthood was conferred on him for his services in Van Diemen's

Land, and his baronetcy for his work in Upper Canada. After his return from India he was made a privy councillor, and received an honorary D.C.L. from the University of Oxford. He died on September 19, 1854, in London.

Because Arthur served in such widely separated parts of the Empire, his papers are important to historical research in several countries. For this reason they have been divided. Those covering the period of his administration in British Honduras are in the library of the Royal Empire Society in London; his Van Diemen's Land papers are in the Mitchell Library, Sydney, Australia; and his Canadian and Indian papers are in the Toronto Public Libraries, Toronto, Canada. The Canadian papers were considered of such importance that the Toronto Public Library Board of Trustees, assisted by the generosity of the Carnegie Corporation of New York and the University of Toronto Press, has undertaken their publication, under the editorship of the late Chief Librarian, Charles Rupert Sanderson, LL.D., M.A., B.Sc. They were first published in six paper-bound parts, and then in the present three volumes.

Sir George Arthur's papers of the Canadian period consist of six letter-books of ledger size, and about thirteen hundred pieces. They are as a whole confidential, private and demi-official, rather than official, although a few despatches and official papers are copied, apparently because of their particular significance. Generally, the papers are supplementary to the purely official interchange of correspondence and despatches, and there is relatively little duplication of the official material preserved in the Public Archives of Canada, and the Public Records Office, London. The unbound pieces are almost entirely letters received by Arthur, but they also include a few drafts or copies, some in Arthur's handwriting, of outgoing letters and despatches. The letter-books, which have been numbered by the editors, record copies of about eight hundred outgoing letters. Some of the letters are in Arthur's handwriting, many in that of his daughter "Kate", who frequently assisted her father, and others were apparently entered by his secretaries. The volumes are not chronological, and although there is some attempt at classification, it is not consistently carried out. One part of volume [6] contains mainly family and purely personal correspondence during the Canadian period; the other contains official letters written in Van Diemen's Land, which have not been published.

Every attempt has been made in the transcription to present the papers themselves without undue editorial interference. Footnote comment has been deliberately kept to a minimum, the principle being not to attempt to supply information which was as readily available

to the reader as it was to the editors. A few entries have been calendared, because of their lack of importance or interest. Great care has been taken in all other entries to reproduce exactly the text of the original documents. The spelling, punctuation, and division of the paragraphs of the letters themselves have been strictly followed.

The items have been arranged chronologically, and have been numbered. Accurate dating of undated items has been carried out as far as this could be done from internal and external evidence, and writers and recipients have similarly been identified as far as possible. No attempt has been made to gather together "enclosures" with their covering documents unless they were found placed together when the papers came into our possession. Every attempt, however, has been made to link up covering documents and enclosures by notes to the separate items. "Markings" have been distinguished from "endorsements". The former are part of the original document, and are transcribed at the beginning of the entry; the latter have been subsequently added by the recipient or other person concerned, and are transcribed at the end of the entry. Full Christian names are used where there is only one Christian name, initials where there are more than one. Names or initials are given except in outstanding cases, e.g. Arthur, Colborne, Durham. The index in Volume Three is as complete as possible. Following these general rules, the editors have sought to present as clearly as possible the exact content of Arthur's papers.

Arthur was in Canada during an exciting, disturbed, and restless time, when old ideas were meeting new ones, and the old guard of professional colonial administrators was being superseded by idealists and opportunists. It was an age of transition both in England and the colonies—an age in which Arthur perhaps represents the best of the older tradition. Nowhere is the turmoil of the period shown more clearly than in Arthur's Canadian papers.

There were certain issues that were present throughout Arthur's term of office in Canada, and which therefore are reflected in all three volumes of his papers. These were the bitterness that was the aftermath of rebellion, the appalling inefficiency of the machinery of government, the clergy reserves and the university question, the awkwardness of militia organization—and the unsatisfactory progress of Arthur's sons at school in England. Each volume, however, has its own special emphasis.

The emphasis in Volume One is on the restoration of order after the Rebellion of 1837, and the defence of the province against invasion and brigandry. The trials of the political prisoners and the prevention of a Tory reign of terror were two problems complicated by differences of

opinion with Lord Durham. Defending the border and stamping out lawlessness were complicated by the attitude of the Commander of the Forces, Sir John Colborne, who vacillated between blind optimism and equally blind panic. Volume One closes with the attacks at Prescott and Windsor.

The mood of Volume Two is noticeably calmer. As the imminent danger of attack from without and within receded, the question of the future form of government of the colony became predominant. In the spring of 1839 Lord Durham's Report reached Upper Canada, and its recommendations aroused heated controversy. Sydenham's appointment confirmed the belief that the report was going to be implemented, and Volume Two ends with the passing of the measure for union in both houses of the Upper Canadian legislature.

Volume Three continues the story of the constitutional development of the province. The inner workings of Lord Sydenham's form of practical politics are shown clearly in the manipulating of the elections for the united House of Assembly, and in the choosing of the Executive Council. Robert Baldwin's place in that Council brought the whole question of responsible government into prominence, as Lord Durham's Report had done two years earlier. When Arthur left the province in March, 1841, Sydenham was confident that constitutional stability had at last been achieved. A disturbing feature of Arthur's last days in Canada was the repercussions of the McLeod case, and this too is discussed at length in Volume Three of the papers.

In 1953, M. C. I. Levy wrote *Governor George Arthur, a colonial benevolent despot.* This book is a justification of Arthur's administration in Van Diemen's Land. Dr. Sanderson had hoped to write a similar defence of Arthur's policies in Upper Canada, but death intervened. In 1940, however, he wrote a thesis, *Sir George Arthur, last lieutenant governor of Upper Canada, 1838-1841, a vindication.* This was his introduction:

> Sir George Arthur has not yet been caught up in the limelight of history. By way of individual monographs on him, there was a tiny one said to have been privately published some sixty years ago. It has vanished; perhaps because "the family did not much care for it." At any rate none of them has a copy, and no copy has been traced elsewhere. And there is the 32 page pamphlet by Walter Sage, published as a Queen's University bulletin over twenty years ago.[1]
>
> For the rest, most historical publications tend to ignore Arthur's administration of Upper Canada, or to treat it as unimportant. As an alternative

[1]Sage, Walter. *Sir George Arthur and his administration of Upper Canada.* (Bulletin of the Department of history and political and economic science in Queen's University, Kingston, Ontario, Canada. No. 28, July, 1918.)

he is simply pilloried as the executioner of Lount and Mathews, a man with a tendency for capital punishment, and checked only by the more humanitarian Durham.[2]

Actually, however, as further material becomes available, Arthur's administration is seen to have been neither unimportant nor lacking in interest, and, moreover, the judgments passed on him may have been somewhat hasty. If Sir Francis Bond Head had not been replaced by Arthur, it is far from improbable that Upper Canada might have joined the majority of the components of the first empire. There was certainly more than a chance that the general situation might "send the two tribes after the ten."[3] And so far from Arthur's administration having been merely the last rampart of opposition to reform, it is probable that, constitutionalist though he inevitably was, it was nevertheless due to his work that the province outlived a critical period when anything might have happened to it. To this extent, unknowingly, he conditioned the union, the preliminary to the subsequent establishment of self-government.

Arthur also will be seen to have been a much misused man. At the very outset there was a serious misunderstanding (to give it the most generous interpretation) as to his powers so far as Durham was concerned, and in his attempts to do something for Upper Canada he was hampered by the muddle which Sir Francis Head had left, frustrated by Sir John Colborne's views and obstinacy, and impeded by the incompetency and inefficiency of government officials and methods. In short, he was confronted with an almost impossible task in a country which was carrying the burden of already crippled finances through the continentally-wide depression of 1837.

Ultimately he was completely subordinated to Sydenham, and left with a discarded policy on his hands, a policy which, although by no means unsuccessful, and despite its approbation by the home government, had been completely reversed without his even having been officially informed of just what was to happen. He was made to eat his pride. Acting as a lackey boy for Sydenham, he was placed in a position where he had to help in supplanting the very things which, in response to his repeated instructions, he had loyally struggled to maintain.

It is easy, therefore, standing on the vantage ground of responsible government, to look back at Arthur through the wrong end of the telescope. He can then be made to appear simply as one of the defenders of the old school of colonial government, holding hands with a self-seeking family compact, and amounting merely to one more of the hindrances to progressive reform. This is most unjust. Irrespective of our views to-day, Arthur has to be seen in his own environment as he really was. It is true that he was the product of his background: a soldier, a tory, a churchman, past middle

[2]Even Mr. Sage, in the only extant monograph, introduces him as the lieutenant governor who "lives in Canadian history as the man who refused to reprieve Lount and Matthews [*sic*], and who made common cause with the Family Compact against the Reformers."

[3]Mackenzie to Hume: 1830: Mar. C.O. 42/392: Hume to Murray: Apl. 20.

age and somewhat set in his ideas. But his honesty and integrity stand out clearly. He had a kind heart and a generous nature. His finger was on a pulse that was beating rapidly under the general excitement of the period, and he had at least a partial vision of the course which the unchecked disease would be likely to follow. He planned and introduced improvements which, given a little more time, would have substantially changed the unhappy state of affairs which he had found in the province. He struggled to be loyal to a ministerial policy which seemed to him to change with a bewildering rapidity. Shabbily treated by a home government which used him as a pawn in the game dictated by its own instability, he nevertheless succeeded in making himself respected and liked by a vast portion of the population of Upper Canada.

With the publication of Arthur's Canadian papers in their entirety, a further source of information is made available to those who may wish to learn more of this period in Canada's history.

EDITH G. FIRTH
Reference Division

THE ARTHUR PAPERS

VOLUME ONE

THE ARTHUR PAPERS

VOLUME TWO

THE ARTHUR PAPERS

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OF

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EDITED BY
CHARLES R. SANDERSON

VOLUME 2

Jan. 1839 – Mar. 1840

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1957

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p.	page, pages

THE ARTHUR PAPERS

VOLUME TWO

The Bill for the Reunion thus reduces the urban representation immediately from 13 to 8—the total representation being at the same time reduced from about 140 to 98—and prospectively from 20, or as many more as new formations of Districts might sanction to the stated number of 8—

It will be seen on reference to the list of Members of assembly, that the urban Members are distinguished for talent & respectability[.] Jno M[.]

[914] ARTHUR TO SIR JOHN GARDINER: LB.3, p. 60-61.

Sep. 15 *Govt. House, Toronto.* [Marked "Private—not sure".]

I have recd. yr. letter of the 20th June wh. being forwarded by way of Halifax has not reached me so early by a Month.— As people always wish to know the result of their recommendation of friends I lose no time in saying that Mr. Lindsay may be assured I will do any thing in my power that is consistent with the obligations of duty to serve his friend Col. Farquharson who is a very gentlemanly person & I have no doubt wd. command a Regt, well. In fact, I like him exceedingly; but, it is impossible here to gratify one's taste, & circumstances govern a decision in many Colonial Matters without any reference to inclination.

I assured Col. Farquharson who has proceeded to Ireland that if at any time I cd. promote his wishes I wd. do so with the greatest pleasure—&, by that assertion I hold myself bound—but can say no more—except that I shall have additional pleasure in serving any friend of Mr. Lindsays for whom I have the highest esteem.

Now for Mr. S. [*i.e.* J.] Spragge. I am not quite sure that I have ever seen him, wh. I am ashamed to acknowledge because he keeps the District School in Toronto wh. I ought to have repeatedly visited—He is, however, I know by repute a very worthy person, & it will gratify me to be useful to him—

We are at present quiet except that there is a great rage for Meetings to advocate "responsible govt." & rumours of impending mischief during the Winter encrease every day.

I hope, however, we shall get well thro' whatever may be in store for us—& I am sure I shall have yr. good wishes.

Will you do me the favor to forward the enclosed to the Duke of Richmond to His Grace's Address.

[Enclosure referred to is apparently item 915.]

[915] ARTHUR TO RICHMOND: LB. 3, p. 60.

Sep. 15 *Govt. House, Toronto.*

Lord Fitzroy has forwarded to me Yr. Grace's note of the 20th May, but I regret that he was prevented, as he wrote me, by a slight indisposition, from passing this week with me.

He is, however, I understand, now quite recovered; & on my return from the St. Lawrence, I hope we shall become personally acquainted, & Yr. Grace may be assured that I shall be much gratified in showing him every attention.

[916] ARTHUR TO SIR R. [W.] GARDINER: LB.3, p. 62-64.

Sep. 17 *Govt. House, Toronto.* [Marked "Private".]

As yr. son has gone with Col. Fraser on a tour of the Westward I will hastily acknowledge yr. Letter of the 16th. Augt. with two packages

enclosed for yr. son to explain why you will not hear from him by the Great Western & to let you know that he is quite well, as I find by a letter wh. I recd. this morng. from the West.

As to the trip to New York to wh. you allude it was of no great importance— If he cd. have been spared & wished it I shd. have been glad to have sent him on to Washington to Mr. Fox as I think such employmt. is highly beneficial to Young Officers. I shall keep him in view for occupation of any kind that may offer. I was not aware of his desire to accompany Col. Fraser to the West until his application for Leave approved by his Commanding Officer actually came before me. I had much rather he had gone to Washington.

Yr. now making this remark to him can do no good, but you may as well mention to him from yrself. that in future he had always better consult me upon his plans & movemts., & I shall be happy to advise him.

I regret to perceive that you feel so despondingly about Old England— I well remember being cast down this way myself some years ago—but I have now no fears of the kind, & am quite satisfied that, in the end, all will be right—& passing thro' troubled waters does no more harm to nations than to Individuals. We have been plagued exceedingly in Upper Canada by what are called "Durham Meetings" for responsible Govt.—by wh. is meant the High Commissioners wild fancy of rendering the Executive responsible to the House of Assembly.—

This was exactly what Papineau and Mackenzie and other Republicans desired; but they worked under ground for their object— But now under Lord Durham's Colors the responsible Govt. Men have openly taken the field— But I think I shall be able to confound the party & defeat the scheme!—

The effects of the measure I lately reviewed in replying to an Address from the "Responsibles"— You will find a copy of it in the accompanying Gazette if you take any interest in the question, I am certain if this point were ceded separation from England wd. be inevitable.

I do not like to hazard any speculative opinions respecting the Canadas,—it is enough perhaps to say that we have much to contend agt. both within & from without.—

My dr. boy Edward has just been admitted as a Cadet at Sandhurst.

His mother and myself have had great misgivings about his going there but did not like to disappoint the bent of his inclination. Have you any *particular* knowledge of that Institution, &, if so, do you dread it more, with reference to the morals of youths, than other public Institutions in England?

Sir Edward Paget did much for the College, but I do not know how it is since he left it.

[Enclosure lacking.]

[917] ARTHUR TO NORMANBY: LB.3, p. 64-65.

Sep. 17 *Govt. House, Toronto.* [Marked "Private".]

I feel very thankful for the observations contained in yr. private note of the 13th. Augt. respectg. the Press, in wh. I entirely concur tho' I am still in much difficulty in that matter.

The publicity wh. I have given to Yr. Ldship's. despatch upon the subject of the liberation of Parker & the other Canadian Prisoners is of the greatest consequence to me—for if the impression were to get abroad that my measures were disapproved at home it wd. quite destroy my power of being useful to H. M. Govt. at this eventful crisis.

It is right I shd. inform Yr. Lordship that the publication of my Despatch, in which I stated the fact that Sir F. Head's Narrative, with Lord Durham's Report just at the close of the Session had done me some damage has given the Baronet great offence. He has written strongly to me upon the subject of my having publicly taken a part agt. him, and still more strongly to some of his friends in the Province.

Nothing was further from my thoughts than to take again [*sic*][1] part agt. him either publicly or privately—nor do I think such a construction can reasonably be put upon the remark wh. I made.

I am quite satisfied—fully convinced—that Yr. Ldship. was influenced by the kindest feeling towards me in laying the Despatch in question before Parliamt.—but, unfortunately, it has not been well recd. here.

The loyal party did not admire my having said that they were "too ultra" in some of their views— But it is not possible to please every body. I do not expect however that it will eventually do me any great harm & I hope to encounter my difficulties by being straight-forward in my communications to H. M. Govt. without considering any party.

Of course I have not alluded to Sir F. Head's letter to me with any intention to Yr. Ldship's. noticing it—the answer I have given him will I hope be satisfactory.

[918] COLBORNE TO ARTHUR: A.L.S. 2p.

Sep. 17 *Montreal.*

I have only time to acquaint you that I have received your five kind letters, and that I hope I shall be able to answer them tomorrow. I hear from Lord Normanby that Mr Poulett Thompson [*i.e.* Thomson] is to be appointed Governor Genl. I have of course refused to retain the military command, and requested permission to return home in the vessel which may bring out my Successor.

Will you have the goodness to direct the accompanying Letters to be distributed.

Mr John Stewart of Quebec, the Senior Member of the Executive Council, is about to proceed to Toronto, and has promised [to] take charge of my letter.

[Enclosures lacking.]

Sep. 17 COLBORNE TO HILL:

[See item 937.]

[919] WILLIAMS SANDOM TO ARTHUR: A.L.S. 3p.

Sep. 19 *Kingston.* [Marked "Private".]

It will afford me the greatest pleasure if Lady Arthur and Family will do me the Honor to accept such accommodation as my House affords, for as long a period as you may find it agreeable to remain at Kingston—

The only inducement I can offer is that of the means of seeing the surrounding scenery by water the Variety of which may conduce to the Health of the younger branches of the Family— The journey to Brockville from Toronto would also perhaps be agreeably broken by a few days rest at Kingston, and this House from its situation affords the means of looking upon the Lake (as your Excellency is aware) and taking Exercise free from Intrusion.

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[1]Probably a copyist's error for "any".

[920] WILLIAMS SANDOM TO ARTHUR: A.L.S. 2p.

Sep. 19 *Kingston.*

The Traveller's furnaces are undergoing an alteration to enable them to Burn Coal instead of Wood—by which much advantage will be gained— In order to finish them I would beg your Excellency not to name an Earlier day than that you wish Her to be at Toronto—but she shall be kept ready to start the moment I receive the intimation—

[921] COLBORNE TO ARTHUR: A.L.S. 4p.

Sep. 22 *Montreal.* [Marked "Private".]

I have this moment received your letter of the 20th. inst. I did not know that Mrs Mann[?] had proceeded to Toronto—; It was my intention to announce to you that this Lady meditated a trip to Toronto; but I expected a notification of her route from the Curé of Chambly, at whose house I met her. I can scarcely understand the precise object of her visit to these Provinces. She is, I find, an Authoress, and brought with her several letters of introduction from the Governor of New York. She remained some days with Mr. Cuthbert, at Berthier, and was introduced to Lady Colborne, at Sorel, by that Gentleman; who informs us that She is "in search after truth."

One of her objects in visiting Montreal was I believe to ascertain whether young Ladies from the States could venture to receive their education in a convent, without being contaminated. I mentioned to her that I would write to you to acquaint you that she intended to visit the Upper Province.

The Curé of Chambly and Mr Cuthbert told me, that she is a clever sensible Woman, and was recommended to them by very respectable families of New York. I cannot say much for her appearance, and I am by no means surprised that she should have thrown Government House into consternation— Having performed my promise, I beg you will enform [*sic*] her that I regret that the non arrival of my despatches has occasioned her embarrassment in forcing her entrance into the House of the Governor.

I am very anxious to hear that the Prisoners are approaching this City. The Buffalo is ready; and the Convicts from Montreal will take their departure as soon as those from Kingston are in sight[.]

[922] A. O. FEE TO ARTHUR: A.L.S.

Sep. 23 *Prescott.*

[A destitute old soldier, 85 years of age, applies for "a small emolument."]

[923] ARTHUR TO COLBORNE: LB.2, p. 126-127.

Sep. 25 *Govt. House, Toronto.*

The weather having been boisterous, the Messenger did not arrive with my Despatches by the "British Queen" until last evening.

The probability, of wh. you informed me, of yr. being relieved by a Civil Govr. Genl., I find to be confirmed by the Official announcemt. of the appointmt. of Mr. Poulett Thomson on the 31st August.

By a private letter, I learn there is the utmost anxiety at home that you shd. remain in this country.

As Commander of the Forces only, it is probable that you may be unwilling to consent:—allow me, therefore, to suggest that the Govt. of Upper Canada shd. be added to yr. Military Command, & I will, without any delay, submit the proposition to H. M. Govt. & tender my resignation.

This arrangemt. wd., in some measure, take away from the unpleasantry of yr. remaing. The Ministers will gain a great point, by retaing. yr. services—&, altho' I naturally feel deeply interested for a country that has cost me many busy days & restless nights, & have the most sincere esteem for many valuable People in it, yet, I have formed no such personal attachmts. as bind me to the Province.

Besides, if I had, under such a peculiar disposition of public affairs, personal feelings shd. avail nothing.— This note, I calculate, will reach you in time for the "British Queen," & if you favorably entertain my proposition pray write at once upon it to the Secy. of State. I am satisfied the Queen will be pleased, & it will give great satisfaction to the Nation.

[924] ARTHUR TO NORMANBY: LB.3, p. 68-69.

Sep. 25 *Govt. House, Toronto.* [Marked "Private".]

I have this evening the honor to receive Yr. Lordship's note of the 30th. Augt., informing me of yr. retiremt. from the Colonial Department in order to take the Seals of the Home Office.

Yr. Ldship's. very great kindness in writing to me at all on the occasion, I feel very sensibly, & still more so, the truly gratifying expressions you have been pleased to employ.—

Unconscious whom [*sic*] Your lordship's successor is to be I do deplore yr. resignation of the Colonial Seals more than I can describe.

With a clear apprehension of the effect of Yr. Instructions on the Province, wh. by experience, Yr. Ldship knows is of great importance to the Officer administerg. a Govt. there has been so much heart & courage in all Yr. Dispatches, that it was impossible to act under you without feeling the warmest attachmt.; &, I know not how I can better express th actual state of my mind at the moment than by assuring Yr. Lordship that I feel I have lost a considerate chief—an able adviser—& a most kind friend. With the most sincere esteem[.]

[925] ARTHUR TO THE REVD. DOCTOR [ROBERT] ALDER: LB.3, p. 69-71.

Sep. 26 *Govt. House, Toronto.*

I have the honor to acknowledge yr. letter of the 19th. inst. enclosing an abstract from the Genl. Report on British Wesleyan Missions in Upper Canada, & offering for my consideration such suggestions as have presented themselves to you as calculated to promote the welfare of the Indians generally.

Yr. letter will be immediately referred for the consideration of a Board by whom the whole Indian System will be reported upon, & by whom I trust such recommendations, of an *immediate practical* nature will be offered as may prove of lasting benefit to the whole Body of Indians.

It gives me real pleasure to know that the views wh. I have formed are confirmed by yr. deliberate opinion—

That so far as it can be done without interfering with their own desire the Indians shd. be brought together—that they shd. be kindly persuaded

to give up their wandering course of Life in pursuit of game & led to follow Agriculture for their support, with wh. Fishing may well be united as they live so near the water & that their Children, in whom I place, my chief hope should be *universally* brought under Instruction & that large Central Schools should be formed for their reception.

I shd. have been most thankful cd. you have remained here to have assisted in carrying all these measures into effect—but I am truly thankful that I have so far been permitted to benefit by your extensive information & labors.

It is however not alone for the assistance you have rendered in the cause of the Indians for wh. I have to be thankful—in other most important points you have rendered great service to Upper Canada, & I know that it has been in your mind to place the cause of Religion as it is connected with the Wesleyan Communion, on a wise & permanent foundation—& at the same time to strengthen the Civil Institutions of this Province & its Union with the Mother Country.

Having both officially & personally benefitted [*sic*] by your sojourn here, short as it has been, I beg you will accept with this slight testimony of my respect & esteem the very sincere expression of my warm regards.

[926] ARTHUR TO H. S. FOX: LB.2, p. 127.

Sep. 27 *Govt. House, Toronto.* [Marked "Private".]
[Acknowledges private letter of Aug. 30.]

[927] ARTHUR TO W. T. PARRAMORE: LB.6, p. 62.

Sep. 27 *Govt. House, Toronto.*
[Has drawn on Parramore for £1000 in favour of Mr. Hamilton at 30 days sight.]

[928] ARTHUR TO W. T. PARRAMORE: LB.6, p. 62-64.

Sep. 27 *Govt. House, Toronto.*

You may imagine my surprise at recg. a letter from Mr. Montagu announcing his arrival in England; & informg. me that he had left my affairs in yr. hands wh. you had kindly undertaken to manage for me, & for wh. I am truly obliged to you. This proves how essential it was that my matters shd. not have devolved on one Trustee, & that they shd. have continued under your managemt. as well as Mr. Montagu's wh. was my intention. However, I hope, no inconvenience will result from it.

I have not had time to examine the accts. Mr. Montagu sent me; but on a cursory inspection of them all seems to have turned out well, except the Port Philip speculation wh. I much wish Mr. Montagu had not entered into & if I cd. dispose of my interest in it, I shd. be very glad. I consulted with Mr. O'Connor respectg. such an investmt. before I left V. D. Land, & had entirely abandoned all idea of it. [On account of distances on the island suggests a new trust deed, with a third trustee, and with an agent to do the work. "I wish I knew what you wd. advise me to do in the matter, for I am the greatest ignoramus possible about all money transactions— My estimable friend Mr. Pedder would, I think, act as one of My trustees—merely to advise." Wishes interest to be remitted to Coutts and not reinvested in the colony "so that if things shd. not go on well in the Colony I may have something to look to at

Home—" Will forward copy of accounts; suggests putting the affairs on a business footing and will cheerfully meet whatever charges are usual. Mentions the £1000 bill of exchange in item 927.]

[929] ARTHUR TO COLBORNE: LB.2, p. 129-130.

Sep. 29 *Toronto.*

I ought to have mentioned, in transmitting my halfyearly confidential Reports, that I had not issued any commendatory District Order, and I am sure an expression of approbation from you will be far more highly acceptable & the Troops—Officers—Non-Commissioned Officers & Men well deserve it. They have had much discomfort to put up with, & have submitted to it with cheerfulness & every Corps is in excellent service order. It was upon my mind to suggest Officially withdrawing the three companies of the 85th. Regiment from Sandwich, as I think it highly desirable that Corps shd. be brought together. At the same time I do not know how to replace them & if we have further troubles they will come upon us, I think, in that quarter.

It is due also to Capt. Halkett, Asst. Military Secy. that I shd. particularly bring his name under your notice. More vexatious duties than he has had to perform, never devolved upon any officer & he has discharged them with zeal, ability, & better than all with excellent temper, wh. is a great matter in dealing with the Militia Officers & all other orders of Persons who have from distress, I believe, in many cases, pressed the most unreasonable claims upon Govt. & that with a degree of earnestness & pertinacity that has required in the investigation both firmness & patience.

The more I have seen of Capt. Halkett the more he has grown on my esteem & I am sure his conduct altogether is deserving of yr. approbation.

I ought to have communicated thro' the Military Secy. that Col. Forster [*i.e.* Foster] has earnestly applied for some assistance in carrying on the details of the Garrison—but I have not had time to forward his letter.—pray think of Major Bloomfield if you can.

[930] ARTHUR TO COLBORNE: LB.2, p. 131-132.

Sep. 29 *Toronto.* [Marked "Private".]

The Asst. My. Secy. has just shewn me a note from Colonel Rowen [*i.e.* Rowan] in wh. he maintains that Sir Richard Jackson is appointed yr. successor, & that you expect to return home early in the ensuing month. This is sharp practice & I do not understand it—for on the 23rd August, the Deputy Adjt. Genl. wrote to me from the Horse Guards that Govt. were very anxious that you shd. remain & had written to you pressingly to that effect—&, now, within a month, I hear that yr. successor is appointed & may shortly be expected! Had the Spring of the year been taken for these movemts. I shd. have thought it more judicious.

There seems to have been a great effort made by persons in London interested in the Trade with Canada to prevent Mr. Thompson's [*i.e.* Thomson's] coming out, & in a letter from Mr. Gellespie [*i.e.* Gillespie] dated 24th August he says they have succeeded—but this certainly was not the case, for I have recd. a notification of the appointmt. dated 30th August.— The fact is, I find, that he was chiefly the planner of the new system embodied in the Bill, &, I conclude, the Govt. considered him the most proper person to carry it into effect.

The measure of the Union I have no doubt can be carried by a Majority of heads—but not by the Constitutional party generally. At the same time the public mind is not in my opinion ascertained upon this point.

If *any thing* is done with the Upper Province, perhaps, it is the only measure; & if the Govt. finally decide upon it I shall do my utmost to make it popular.

At the same time, the difficulties & dangers to manage a United Legislature are such as, I think, no Government will be able to cope with. One of the first points contended for by the French party & Reformers will be fair and equal representation in the Lower Province, & all the schemes to give an ascendency to British influence will be overthrown.

It is vain to say that the views of the Reformers & of the French Party are not the same. True, they are not so to the ultimate point to be gained; but the immediate object is One—to get rid of British Connexion! for the Reformers of Upper Canada are are [*sic*] Republican to a man.

The loss of this fine & fair Province will be a sad blow indeed upon Old England. A Merciful God will, I hope avert it. I fear it is a selfish motive that leads me to wish you to remain here—in every point of view your departure will be well timed for yrself.

Universally esteemed & respected by those you leave behind, you may well anticipate to be recd. with every mark of distinction in yr. own country.

[931] ARTHUR TO COLBORNE: LB.2, p. 133-136.

Sep. 30 *Toronto.* [Marked "Private".]

A curious kind of letter was sent to me lately— It was addressed by Mr. Woodruff to Hin[c]ks & gives some notion of the workings of the Reformers, & what they expect will result from the Union. A copy is enclosed for yr. perusal; but, until the Gentleman who has possession of the Original has determined what to do with it, it must be considered private.

It is rather remarkable that last winter Mr. Fox wrote to me respectg. Mr. Merritt, whose name is so conspicuous in this letter, informing me that he was suspected by the Agents of the American Government to be deeply implicated in the "Patriot" cause—&, now, it wd. seem that he is an out & out Reformer—or, in plain truth, a thorough paced Republican!

This I did not believe a few months ago, & took his part warmly when he was accused of disaffection.

There was a large meeting of "Responsible Govt." Men at Niagara about a fortnight ago— they approved & highly extolled, the whole of the High Commissioner's Report— A Union, without Responsible Govt. wd. be nothing worth they said.

There was a Meeting of Delegates at Rochester last week— It consisted of 18 persons convened by the "Committee of Patriots". A person resident at Cobourg who has for several years been a warm Reformer was summoned to attend the Meeting.

He stated to Mr. Macaulay that he felt most unhappy, after what he had seen in the case of Hart, Lett & others, at the part he had taken—& resolved not to go. Macaulay informed him that, if he were really sincere in regretting the past the best proof he cd. give wd. be to attend

the Meeting, & communicate what passed. On the positive assurance that his name should not be given to Any one, but to me, he consented—& I have just seen him on his return.

He says there were present 18 delegates. That at Buffalo they had collected seven thousand stand of Arms—that they had also a large supply of Arms "back of" Detroit, and six pieces of Cannon—& at Oswego arms & a considerable quantity of ammunition. They still thought it was more likely they cd. make a stand in the West than elsewhere, & another expedition in that quarter was finally determined upon. If they cd. only make their footing good for a few days they felt convinced that they shd. be supported by Thousands from the States—& that, in such an event, the Reformers in Canada wd. join in the cause. It was determined to send a quantity of Arms to Whitby, & Presqu'île & into the London & Western Districts.—

A quantity it was stated had been already introduced into the New Castle District, & were deposited in Percy Township.

On the Slightest success the Delegates calculated upon a general rising in all the Districts in the Province. A British Officer who had for some time been a Resident in Pen[n]sylvania had the general direction of their movemts. He was preferred to Von Schoultz, of whom, however, all thought very highly.

A Mr. Joseph Paxter of Cattawissa [*sic*]—Columbia Country [*sic*]—took the most active part at the meeting. He & Mr. Smith of Ohio, had been for the last 3 months in the New Castle, Home, & Gore Districts. They reported that they found the Reformers as earnest in the cause as men cd. be—& far more numerous & better armed than they had expected.

All the American Delegates spoke of Genl. Scott, as being favorable to the "Patriot" cause—& that if he wd. stand for the Presidentship, the "Patriots" wd. support him. A very fine Company of Patriots had been formed at Lockport—they were drilled by a man called Mc.Intosh who had deserted from the 93rd Regt. (a Sergeant of that name did desert) & some other Deserters were very active.—

This, I think, was the substance of the "Reformer's" statemt. I tried to get from him the names of the other Delegates from Canada.

He, however, steadily declined—Observing "I have been able to reconcile it to my conscience to violate one oath in order to save the Country from being over-run by a merciless Banditti—but I will not violate another".

The extent of disaffection he added, was greater than the Govt. supposed; but he thought they were afraid to rise, & would not venture upon it unless the Patriots on the Frontier were successful.— A Union of the Provinces they all considered wd. promote their cause, but wd. not satisfy them— ["]They wanted to be as free as the People in the States".—

All that comes from such a quarter must be recd. with suspicion—He is, however, quite a volunteer—is offered no reward, & is in good circumstances. Reform he told me, was all he had wished & he wd. never have gone the lengths he had done if he cd. have foreseen such an end. It struck me that he fully confirmed all that "Moon" stated.

I commenced this at Toronto & have hastily concluded it on my way to Brockville having occasion to visit Kingston & St. Lawrence for a few days.

[Enclosure is apparently item 1087.]

[932] R. V. SMITH TO J. B. ROBINSON: L. in Robinson's handwriting.

Sep. 30 *Downing Street, [London.]*

I am directed by Lord John Russell to transmit to you for your information the inclosed Copy of a dispatch from the Lieutenant Governor of Upper Canada, reporting that certain brigands captured at Point au Pelee Island in February 1838 had been brought to trial, but that owing to a difference of opinion among the Colonial Judges, their sentences had been deferred until you had resumed your functions in the Province—

(signed) R. Vernon Smith.

[The above was probably an enclosure in item 947.]

[Enclosure lacking.]

[933] COLBORNE TO ARTHUR: A.L.S. 4p.

Oct. 1 *Montreal.*

[Miss Grey, "a Lady who has had charge of the Education of my daughter," and Mr. Matthews, of Upper Canada College, are to be married, "Mr Matthews being anxious that the Lady should proceed to Toronto, while she thinks it desirable that the Ceremony should take place here." Colborne, in view of his sudden departure, asks Arthur to obtain leave of absence for Matthews, who is "averse to make any request to the Principal, by which the work of the College would be interfered with."]

[934] J. B. B. ESTCOURT TO ARTHUR: A.L.S. 3p.

Oct. 1 *New York.*

Just upon the point of starting I must take leave once more to thank you for much kindness I have received from you. I saw Sir John Colborne at Montreal who offered to retain me and send me to the frontier, I believe; but as I know how much commanding officers object to the absence of regimental officers on special services I did not like to accept the offer without first communicating with Colonel Booth; more especially since I have always received much indulgence from him. My object now will be to endeavour to get unattached, and so place myself more at liberty to hold any appointment, not regimental which may be placed within my reach.—

Pray forgive me if I remind you once more of Colonel Swan: I owe him much and am bound to acknowledge it.

Mrs. Estcourt joins me in very best compliments to Lady Arthur and your family.

I have received Captain Arthur's letter, and will take care of it.

I am disappointed this morning to find, that Mr Moore has not received Mr Sullivan's report for me: but if he should still favor me with a copy and you, Sir, would be so good as to have it conveyed to Mr Moore, he will forward it to me in England, and I need not say it would be of great value to me and to others too.—

Every one says you are to have a quiet winter: the burning of the Chippawa Church would argue something otherwise.—

[935] ARTHUR TO COLBORNE: LB.2, p. 127-129.

Oct. 3 *Prescott.* [Marked "Private".]

I have just seen Mr. Sheriff Macdonald [*i.e.* McDonnell] & am glad to find that all the prisoners were in good time, & that this troublesome concern is well over.

Happily the "Buffalo" proceeds direct for had the proceedings with respect to those convicts been subject to the review of Messrs. Hume, Chas. Buller, & Co. we should certainly have had them upon our hands again.

You must be of course exceedingly pressed for time at this moment, but I cannot avoid saying that if anything shd. happen to defer Mr. Thompson's [*i.e.* Thomson's] departure from England it wd. in many points of view be most desirable that you shd. make an expedition however rapidly thro' the Upper Province.

You will be, I need not say, well recd. everywhere, but if yr. appearing amgst. the People again is hopeless I am sure there will be an earnest desire to address you before yr. departure, & this perhaps had better be no longer deferred.—

Unless it had been officially announced to me, I shd. still have doubted yr. being relieved during the Winter.

The govt. are taking a great responsibility upon themselves, tho' by all the arrangements made in the Upper Province, I hope the wish to rise will be suppressed effectually.

To the best of my ability I have endeavoured to bring about a better feeling & to give confidence to the Country, but the great difficulty I have is to do this, & at the same time not pursue a course in opposition to the views of H. M. Govt. for it is evident that they proceed upon Lord Durham's recommendations, & those have a direct tendency to bring down the Conservative party & to raise the American party, for such in fact are the Reformers of Upper Canada & if this party have the ascendency the province will be lost. I do not know Mr. Thomson personally, but I have no doubt he is a very talented person & will make the projected system work, if any body can, but there is such a tendency to Democracy that I cannot see, if any further commission[1] is made, where we can stop short of a Republican form of Govt. Do let me know yr. mind fully.

The Union as I before mentioned to you is comparatively very little thought of in the Upper Province.— Responsible Government is the cry. . .

P.S. I hope you are pleased with yr. Military Successor, I do not know him.

[936] COLBORNE TO ARTHUR: A.L.S. 4p.

Oct. 4 *Montreal.*

Your very kind letter of the 28th August I received at Sorel, and I intended to answer it before the arrival of my dispatches by the British Queen. I cannot however longer defer expressing to you how much I feel obliged to you for it, and for your invitation. I beg you will mention to Lady Arthur that it would have afforded Lady Colborne and myself the greatest pleasure to have had an opportunity of accepting your invitation and to have paid our respects to you and Lady Arthur at Toronto, if the *relief* had not been so promptly *turned out.*

[1]Probably a copyist's error for "concession."

I know not how to thank you sufficiently for your letter of the 25th September. I transmit to you a copy of my letter to Lord Hill upon the subject of the request made to me by him at the desire of Lord Normanby, that I should still continue in the command of the Forces; which explains fully my views of the position in which I am placed.

You will concur with me, I think, in the opinion that I have expressed, and that I could not remain in this Country after having been compelled to act as the stern Judge of this durissima Regna.

I heard, in June last, that the Government of the Provinces had been offered to Lord Clarendon who refused it. I received a letter from Lord Normanby dated the 9th of July acquainting me that Lord Dumfernline [*sic*] would be appointed Governor General, if he would accept the situation, as Ministers were anxious to have a person in the Government of Canada who had been recently in their confidence, and had influence to propitiate the parties at home; but that he hoped I should be induced to retain the command in Canada. I did not hesitate in my reply to this communication, to state that I could not comply with the wishes of Ministers, and that I solicited to be allowed to return home in the vessel that might bring out the new Governor Genl.— By the last Steam Vessel I was informed that Mr. Mr. [*sic*] Thomson would be appointed and that he would be ready to embark on about the 10th Inst[.]

We may therefore expect the Pique in a few days. Mr. Thomson will I believe take the oaths of Office at Montreal; on his assuming the Govrnt—I shall embark as soon as possible after I have delivered over the Govmt. The change at this time is an imprudent measure, and gives the disaffected a lift. I have no doubt that the object of Ministers is to allay and propitiate by sending out a Nova facies, and recalling the person who has been compelled to have recourse to the severe measures which have been adopted.

I was fully prepared for this course at the commencement of my Reign; and was convinced that after I had performed all the detestable duties which circumstances imposed on me, I should be removed.

Sir Richard Jackson you will find an an [*sic*] amiable person, and a good man of business and an excellent Soldier. I am very glad that he has been appointed my successor[.]

[*Enclosure*:]

[937] *1839*
Sep. 17

COLBORNE TO HILL: L. 6p.

Government House, Montreal.

I have received your letter of the 23d. ultimo which you had the goodness to write to me in consequence of your conversation with the Marquis of Normanby in respect to the wishes and intentions of Ministers to place the Government of Canada in the hands of a Civilian.

I have requested Lord Normanby, in reply to his private letter of the 9th. July to obtain permission from Her Majesty for my return to England in the Vessel which may bring out the new Governor General and I am confident that you will concur with me in thinking that I could not retain the Military Command in Canada under the peculiar circumstances of my case.— I could not expect or desire any explanation from

the Sec.etary of State for the Colonies or his Colleagues in regard to the transfer of this Government from a Military to a Civil Authority, whenever it might be deemed expedient to make the change, or when the interests of Government or of the public demanded it.— I must observe however that although my appointment of Governor General was provisional, in reference to the views of Ministers, it was final as it affected my character and reputation.— It suited the convenience of Government and of the public, that I should hold the office of Governor General at the period at which I was appointed, and in fact it was the only arrangement that could have been properly made at that crisis,—at least this is my opinion.— I most willingly accepted the appointment as a mark of approbation of my conduct, and because it was generally supposed that the authority and power which I had received would be beneficially exercised.— It is my duty as a public servant to continue in any situation in which I can be usefully employed, consistently with my own honor, and on this principle, I believe Your Lordship knows that I have always acted.— But in the case in which I have been now called on to decide I am required to descend from the high office which I hold and to remain in these Provinces under the immediate control of my successor, in a situation in which all my friends and acquaintances would regret to see me continue.—

It is obvious that I cannot comply with the request of the Secretary of State for the Colonies, and that I am compelled on this occasion to attend to my own character in Canada, to which probably I am indebted for any influence I may possess.

Then as to my feelings which cannot be entered into on your side of the water, in respect to the detestable, vexatious and troublesome task and work, through which it has fallen to my lot to wade, I assure you my dear Lord Hill, that on this side of the Atlantic, there is not a person, acquainted with the political course I have had to run accidentally, and who has knowledge of the Parties with which I have had to contend, and those I have had to encourage, that is not of my opinion as to the difficulty of my acceding to the proposal that has been made to me.— Can you imagine a more painful situation than for the present Governor of these Provinces to relinquish his post, to remain in Canada under the Command of his Successor, to witness the gradual introduction of the Milder sway which must naturally follow the iron reign of the last year, and to receive the malediction of the Disturbers of Society who have been repressed.—

[938] C[HARLES] DIGGLE TO ARTHUR: A.L.S. 3p.

Oct. 9 *R[oyal] M[ilitary] College*, [*Sandhurst.*]

I had already heard from Colonel Love upon the subject of your anxiety concerning your Son—and can fully enter into your feelings, which are ever increased by distance.—

I wish it were in my power to give you a satisfactory account of his attention to his studies, and consequent progress, but am sorry to say his Masters do not speak favorably of him at present, these are however

early days to pronounce upon what he may do.— I trust that the lecture he has already received from me, and the knowledge of your great anxiety will be of service, and tend to greater exertion on his part.— Rest assured my eye shall be constantly over him and I will lose no opportunity of admonition or encouragement as may be necessary for his advantage.

Pray do not hesitate to write to me as often as you feel disposed, for I shall, rest assured, always be ready to meet your wishes as far as may be in my power[.]

[939] [Sir] R. [W.] Gardiner to Arthur: A.L.S. 10p.

Oct. 9 *Storrington.*

Many thanks for your Letter of the 17th Septr. which I received yesterday— I wish you would row Lynedoch well for not having gone to you the moment a hitch presented itself about his Leave. . . I am confident it was not from reserve to you—for he talks for ever of your kindness to him—and Colonel Frasers—and Major Markhams—

I have carefully read Your Answer to the Hamilton Committee—and agree in every tittle of it—the 6. 8. 9. and 10 Paragraphs are excellent. I hope to Heaven the Whig Government will stand by you—but their violence done to Public opinion in sending Mr Pow Thompson [*i.e.* Thomson] to Canada shews no sense of the real state of things in the Colony or anxiety in its preservation—

It is not for old England that I was croaking when I wrote to you— I have no fear for Her eventually— I know there is such bustle and vigour in the national character that we shall always keep our ground among other Countries—but I fear for the Monarchy—and I naturally fear for The Queen personally—to whom I must feel attached and bound by many obligations beyond those of Public Duty— The Principles of Whiggery I have ever found dangerous to Monarchy—and my past fear and dislike to their Theories of Government, have been worse than confirmed and justified since their acquisition of Power— However—I never forget what the character of England is—and that "Heaven is above all yet!" If the Duke of Wellington was ten years younger, I should not even have anxiety— I am inclined to think The Queen will soon marry—and that will give a new character to Her Court, which at present has a Cloud hanging over it that I am sorry to say affects even Her Majestys Popularity— This cannot be too soon attended to—and I wonder that Lord Melbourne who knows the World well, dont hasten it on more—

I trust all your prognostications of a quiet Winter may prove true. . .

[Will write to Scobell about Arthur's son.] I must tell you Truth if you ask me about Sandhurst— I have heard very bad stories about it— but very little worse than what I knew Lynedoch would be exposed to when I sent him to Woolwich— I fear this is an Ordeal that we cannot escape for our Boys if we intend them for the Army— The only thing is to keep them in constant communication with you—so as to keep alive those early feelings of Goodness and Religion, impressed on their minds in early Infancy—gradually associating with them, the Ways and habits of the World, and so endeavouring to make them love and act by Virtue and Honor on all occasions and trials of Life. With our best efforts though our Children's character in Life is a Lottery—so that Parents

have nothing to do for themselves but to trust in Heaven and their childrens affection to perfect their Labour in forming their characters— I hope yours my dear Arthur will reward your efforts and Lady Arthurs and attain every perfection and happiness this World can know.

[940] [Sir] C. [S.] Gore to Arthur: A.L.S. 3p.

Oct. 9 *Montreal.*

[Commends the petition of Edward Campbell of Niagara.]

[941] Head to Arthur: A.L.S. 4p.

Oct. 10 *62 Park St., Grovr. Square, [London.]*

I have received your letter of the 13th. Sept. in which you disclaim any unkind feelings towards me or any intention t injure me by the statement you made in the despatch of which I had complained t you— I can truly assure you that I never thought you could *privately* entertain any animosity towards me, and it was perhaps from my entertaining very strongly *opposite* feelings towards you, I mean from my feeling the warmest interest in your success and sympathy for the difficulties you had t encounter, that I felt perhaps stronger than I ought a sort of "Tu quoque Brute!" sensation which I accordingly did not hesitate t express— The world neither can know or care for the regard we may or may not privately entertain for each other, but when it appears in a *public* despatch that you think Lord Durham and I (as if we were two puppies of the same litter) had *damaged* you, the effect of the observation is not in my favor— I can never approve of the expression, but I have long ago dismissed it from my mind, and fully believe that you threw the stone without intending t break any of my windows— You will long ago have received my note assuring you that the expression of "guilty cause" in my despatch about my salary was applied to Mr. Stephen and that it neither did nor *could* apply t you—

The Canada business has weighed on my mind for the last year almost as heavily as on yours—at least it has engrossed my thoughts quite as much since my return as during my residence at Toronto, I found it quite impossible to cast it off—however in the article which appears next Wednesday in the Quarterly Review, I have said all I meant t say, and feel quite empty and happy.

I am not at all certain that my article will be approved of in British North America, as it shews perhaps too clearly the fact that the deathblow has been struck—however, cunning in policy never succeeds—it is the nature of truth to be bitter, and I am quite sure that if truth cannot save the British Empire, falsehood or misrepresentation will not do it— The Provincial Legislature of U. Canada has hitherto acted nobly, and will next session do its utmost, but its utmost has already proved ineffective—nothing can really in my opinion save *the Empire* but rousing the people who are now asleep to the danger of the situation, and to effect this great object my article has been written.

It is reported here that Mr. Poulett Thomson is at once t repair to Toronto. in which case he will probably take possession of Govert. house, and move you and your family over to the office—

It is really quite dreadful t think of their having sent as Goverr. General a man who is branded with having voted for the ballot!

[942] JOHN EDEN: 12p.

Oct. 12 *Head Quarters, Montreal.*

General orders,

No. 1,— The Commander of the Forces being about to return to England, cannot quit this Country in which Her Majesty's Troops have, during the last two years, been employed on most harrassing [*sic*] and painful Service without expressing his thanks to the General Officers, Officers, and the Corps which he has had the honor to command; and, without adverting to the circumstances which have imposed upon them duties and Trials which the British Soldier has, happily, hitherto but rarely been compelled to encounter.—

In the sudden Rebellious movements of 1837, produced by the intrigues and wicked ambition of a few interested men, the Troops were called on to protect, with numbers inadequate to the Emergency, the Loyal Subjects of Her Majesty, simultaneously attacked and driven from their Homes at remote points.

In the execution of this duty several weeks elapsed, and, during that interval, the proceedings of the Insurgents were stained by Murder, by plunder, and by destruction of Property.

It, therefore, became scarcely possible, on the dispersion of the Rebels, to prevent acts of Retaliation on the part of the loyal settlers who had been treacherously and cruelly outraged.

In the ensuing winter, the Leaders of 1837, having conspired with the most worthless adventurers of the adjoining States, again instigated the disaffected of the District of Montreal to open Rebellion.

This Revolt, by the vigilance and activity of the Volunteers, and the presence of Her Majesty's Troops, was speedily supressed; but, between the 3rd. and 9th. of November, the enormities committed by the Rebels of the preceding year were repeated by them wherever they were in force.

The Loyal and peaceable inhabitants, unprotected by Troops, and unprepared for defence, were again exposed to the outrages of 1837. In the village of Napierville four or five thousand Insurgents had been suddenly collected, and from that vicinity more than seventy loyal Families were compelled to fly to the woods for refuge, and abandon their Homes and property to be plundered by a body of lawless men.

That the sufferers by excesses such as these, should have resented and retaliated, on being restored to their farms, was, at that period of confusion, as certain, as it was impracticable to control their feelings; But the Commander of the Forces has the satisfaction to record that Her Majesty's Troops were always actively, and often successfully employed in protecting Private Property; and that, upon all occasions, the inhabitants of the country of all parties returned to their homes upon their appearance, and found in their presence effectual protection.

Under circumstances of difficulty and disadvantage peculiar to this trying period; harrassed [*sic*] by continual alarms, and by sudden and laborious marches; dispersed in insufficient quarters, and unavoidably separated from their officers; exposed to great privations, and discomfort at the most inclement seasons, the instances of irregularity have been few, and, in all cases, promptly repressed by the vigilance of officers commanding corps, while their exertions in protecting the people of these Provinces from a Banditti, whose preparations for Robbery and murder have been made at points, along an extended Frontier of 1000 miles, have been marked by a steadiness and perseverance, and a cheerful activity

which have rendered their services, at this extraordinary crisis, most honorable to their character and conduct as British soldiers.

The Commander of the Forces avails himself of this opportunity to allude to the arrangements to which he had, on a former occasion, considered it necessary to draw the attention of Commanding officers, in regard to the prospects of advantage to the deserving soldier, who wished to obtain his discharge in these Provinces.

The proposed scheme is still under consideration; and, with reference to the benefits which the soldier may ultimately derive from it, he requests that Commanding officers will impress upon the men under their command, who may be desirous to settle in this country, how much their future welfare depends on their sobriety and prudence; and he now calls upon every man to recollect the many instances in Canada where the Soldiers who have obtained their discharge, being provided with means to cultivate their land, have, by their industry and sobriety, raised themselves to a condition of perfect independance [*sic*].

The Commander of the Forces has observed, with great satisfaction the exertions of Major Generals Sir James MacDonnell and Clitherow, and the high state of discipline of the Corps under their command; and he thinks it incumbent on him to assure Major General Sir George Arthur that he feels much indebted to His Excellency for his able arrangements and vigilance in protecting the Frontier of Upper Canada, and counteracting the designs of the vicious population of the adjoining States.

His Excellency cannot sufficiently thank the Heads of Departments, and officers of the Staff and Military Departments generally, for the able assistance and support they have invariably afforded him.

No. 2,— The Governor General and Commander of the Forces cannot leave these Provinces without requesting the officers commanding volunteer corps to convey his thanks to the officers and men of their respective Districts for the important services they have performed in defending the country and the Institutions under which they live from the combined attack of desperate Rebels, and Marauders from the United States.

Deeply sensible of the arduous nature of those services, of the hardship and personal suffering consequent on them, and but too well acquainted with the misery inflicted on the Inhabitants of the Frontier who have been incessantly exposed to predatory and incendiary incursions from the States of New York, Vermont, and other Frontier States during two successive Winters, His Excellency avails himself of this opportunity of recording his opinion that the forbearance which, under circumstances of unprecedented provocation, has marked the conduct of the Volunteers, and which he is confident will be continued, does them honor as soldiers, and ensures them respect from every civilized Nation; and that the fearless zeal with which a peaceful and industrious population, imperfectly armed and equipped, came forward to crush the first attempts at Rebellion must be ever gratefully remembered by the Empire which they represent, and by the Government which they have upheld.—

No. 3,— Lieutt Colonel Williams will take the command of the Troops at Prescott and Brockville, and reside at the Former Station till further orders.

Colonel Carmichael will resume his former command at Coteau du Lac.

(Sgned) JOHN EDEN
D.A.G.

[943] ARTHUR TO JAMES STEPHEN: LB.3, p. 71-72.

Oct. 15 *Toronto.* [Marked "Private".]

A few weeks ago I had the pleasure to receive a very kind letter from Lord Glenelg—&, on perusing it I could not avoid reflecting upon bye gone times.

When I left England you entertained the idea of sending out yr. son to me. In the hitherto distracted state of this Country, it has of course been impossible for you to think of it—but, tho' enough remains to make one anxious, I write to say that I do not think there continues any serious hindrance & I shall be most happy to receive him either as an Officer or a Civilian.

If not before, the period of the Union at all events will close my career in Upper Canada wh. will be, perhaps, about as long as you wd. wish yr. son to be absent from England for his first trip.— You also proposed investg. a few hundred Pounds in this Country & I can venture to say that you may now do so to great advantage. The Brigands cannot carry off Land whatever else they may purloin, &—now—mark my words—every hundred pounds at this time invested will be worth two hundred within three years!— I will employ an agent for you, & see that yr. interests are protected.

Yr. friend Sir Francis Head being desperately offended lately addressed a most angry letter to me accusing me because a Despatch of mine was published in wh. I simply expressed the opinion that his "Narrative" as well as Lord Durham's "Report" had damaged me at the close of the Session, of having taken "a public part" against him! !—

I fully expect to figure away in the next quarterly.—

Heaven knows, I have had a trying time of it—what wd. I not have given to have been quietly administering Prison Discipline in Hobart; but, I hope, I have been in a little degree useful to the Country.—

[944] F. EDWARDS TO ARTHUR: A.L.S.

Oct. 15 *1 Stratford Place,* [*London.*]

[Repeats commendation of George Grange, of Guelph. Refers to "Mr. B.t". "Allow me to congratulate You on the prosperity of your Government".]

[945] ARTHUR TO COLBORNE: LB.2, p. 136-138.

Oct. 17 *Toronto.* [Marked "Private".]

The Mayor proceeds this Morng. to Montreal with an Address, & I take the opportunity of writing a few lines hoping they may be in time for his worship to take.

The Address comes from the very heart of those who have subscribed to it; and I understood yesterday that there would be about 2000 signatures: but it is injudiciously expressed, &, hence, some are prevented from subscribing to it who *desire* to pay such a mark of respect to you. I grieve to see, for the sake of poor Canada, such a spirit as is now alive. It must rapidly bring on a crisis.

I recd. last night some Despatches, wh. I conclude Major Hall must have been the Bearer of, & having taken them by way of Montreal, they have been detained too late for me to reply to by the "Liverpool" as I could have wished.

These Despatches convey a strong desire that, as soon as Mr. Thompson [*i.e.* Thomson] arrives, I shd. put myself into immediate personal communication with him; & Lord John Russell, in a private letter, expresses his conviction that I will not hesitate to acquiesce in a measure from wh. so much benefit is expected to flow. I have therefore determined to start for Montreal as soon as Mr. Thomson's arrival is announced.

Such an expedition is, of course nothing to me personally—but, I have lately made such extensive tours that I am sadly in arrear with all my business.

Of any benefit to be derived from this proceeding, I fear it is overestimated—for I have communicated to the Govt. so fully that I have not a word to *say* beyond what I have *written*.

But this is not all— Another Despatch contemplates Mr. Thompson's coming to the Upper Province for the purpose of administering the Govt. pro tempore—& some flattering expressions are used to reconcile me to such a measure.—

However stupid a man may be, if he really works hard, & shews a desire to do his work honestly, he acquires a certain extent of popularity—& what I may have earned in this way the Govt. sacrifice, and adopt a line of proceeding that must lead to party feeling— their own intentions, as I think will be prejudiced & their own measures marred!

The personal considerations wh. it fully involves to myself I am not quite decided upon; in this way, however any thing that does not really touch my character, I regard not at all; but, upon this part of the subject I am not at present prepared to express a positive opinion as to what it behoves me to do!— I had rather give it another day's reflection. I should be sorry to embarrass either H. M. Govt., or your successor in any manner if I can possibly avoid it, but I must take care not to damage my own character.—

When you receive this, you will be possibly on the move.—

Accept my earnest wishes for the Health & prosperity of yrself., Lady Colborne & all the family—and with the most sincere regard and esteem[.]

[946] C. A. HAGERMAN TO ARTHUR: A.L.S.

Oct. 17 *Toronto.*

I have taken the liberty of transmitting the accompanying official letter to Mr. Harrison to Your Excellency, with a view that if you should desire it should be withdrawn, that it might be done.— Your Excellency is already aware of the feeling I entertain on the subject of a prosecution of Mr. Hincks, and I feel pretty confident that a check to his libellous publications must, for the sake of the peace of the Community be at some time or other applied— they are of a Character to unhinge the public Mind—and are leading to much and serious mischief.—

[Enclosure lacking.]

[947] J. B. ROBINSON TO ARTHUR: A.L.S. 8p.

Oct. 17 *London, 9 Bolton Road, Piccadilly.* [Marked "Private".]

I returned to London last evening and find the Bishop on the point of setting out for Bristol a day sooner than I expected, in order to be

present at a public meeting to be held there in aid of the Church in Canada, the day before he embarks— Having been occupied the few hours I have been here, in settling ourselves in a house, I have not had time to look round me, or to hear any news, if there be any, which could interest my friends in Canada— I called yesterday at the Colonial Office, but Ld. J. Russell was at Buckhurst, from whence he comes but one day in the week & they did not look for him till to day or tomorrow— I received at the office Your Excellencys kind letter of the 17 Sepr.— In a former letter I mentioned my application for an extension of leave in an unofficial letter—of which I think I sent a Copy & also of Ld. Normanby's note in reply with the statements of Sir B. Brodie & others which I had laid before Ld. Normanby—

On the 30. Augt. I addressed to his Lordship [*i.e.* Normanby] the official letter of which I send a Copy inclosed,—this was on a Friday— The change of Secretaries had been announced a day or two before, & besides the bustle attending the winding up of the Session, there was the preparation to be made for handing over the office to Ld. J. Russell on the following Monday— I had little hope of receiving an answer in the interval, under those circumstances, but waited patiently till Monday evening 2. Sepr, when I knew that the formal change of offices had taken place—& then I addressed to Ld. Normanby at his private residence— the Note I have marked No. 2.— About an hour after I had sent this there came to me the official letter from Mr. Stephen (there being then no other Under Secy.) marked No. 1—in which Your Excellency will see what he tells me in Lord Normanby's name, dating his letter on the Saturday preceding when his Lordship was still in the office, though not sending it till Monday night after he had ceased to be Secretary— This rather surprised me by it's [*sic*] precise & peremptory tone—but on the same evening at 11 Oclock Lord Normanby's own account of the direction he had given came to me in his reply to my note addressed to him in Hill St.—

Having made my arrangements to leave town & given up my house, I could not remain without great inconvenience to have these rather striking incongruities cleared up—& so the matter stands at present— When I see Ld. J Russell I shall take an opportunity of speaking to him on the matter— Your Excellency will observe that Ld. Normanby says he had directed my leave to be extended—*merely* accompanying it with a *wish* that if *perfectly recovered*, I should *look to* a return & by *an early* opportunity in the Spring—& this he writes to me on the 2d. Sept.— Mr. Stephen writing in *his* name, on the same day in fact though dating his letter on the 31. Augt.—turns the wish into a *stipulation*—converts an *early opportunity in the Spring*—to "*on or before* the first of March["]— & drops all expression of a condition respecting my health—

I am not charitable enough to believe that this variance was accidental, or to ascribe it to any thing but a desire of Mr. Stephen's independently of the Secy. of State that I shall not be in England after the 1st. March, if indeed I have not to be then in Canada— Why the on or before the *1 March* is conceived to be material, I am not informed—but I have lived so long near the Yankees that I am able to *guess*— Nothing can be easier than to remove me from England, before the fate of Canada is to be finally discussed & settled, if that be Mr. Stephen's object, but it would be more respectable to accomplish the object in an open candid manner, than by management of such a kind & character as I have long been persuaded has been working the ruin of our Colonies, with little active participation on the part of the Secretary of State, & with but little

suspicion on the part of the people of England of the true cause of the evils which have been & are so generally deplored—

Your Excellency wrote on the 27 Augt. a letter respecting the case of five Pelé Island prisoners, a Copy of which was transmitted to me with the letter from Mr. Vernon Smith—of which I send a Copy— Not having seen Lord J Russell on my return to town yesterday, I have written to him the letter which I also send for your perusal—

All this I trouble Your Excellency with, simply because I wish you to know what has occurred—though it may be of little or no consequence in any way— I have reason to think from all the steps recently taken that a push will be made early next Session to carry through a Canada bill of some kind—& that it will be of a kind which they do me the justice to believe I can not be induced to concur in, or to refrain from remonstrating against— I shall act as my judgment may direct me always keeping in mind the obligations which my official station imposes— In a few days I shall have an opportunity of writing again by Mr Wm. Boulton—

Your Excellency will see that Sir Francis Head has returned to the charge in the last Quarterly— I meet [*sic*] him yesterday in town, & he sent me a number, which I read in the evening— The Article contains some strong passages happily expressed & much just & convincing reasoning— As a composition it seems to me to be looser than he usually writes—but his object is always the single one of hitting hard & producing the effect he desires— I see he has availed himself of extracts from two or three letters written to me from Canada in which the writers expressed their opinions of Ld. Durham's recommendations & the mischief they were doing— He asked my consent before I left town & I did not decline— I hope his exertions may not be wholly without effect— They are creditable to his heart as well as his intellect & whatever we may be doomed to suffer from a continuance of the infatuation that has prevailed, he at least has not shrunk from endeav[our]ing to avert the mischief.

I did not mention who was to succeed Sir John Colborne when I wrote by the G. Western—because I knew nothing of it—nor did any one, till Parliament was up, and it was thought prudent to avow what had been resolved upon— A month before, it had been reported that Mr. Thomson was to be Govr. General— I believed it for a day, because I heard it in three places where the intelligence ought to be good—the Newspapers caught up the report, but it lived *here* only a day, because the Ministerial papers contradicted it by *authority* as a groundless rumor—and it was treated as a malicious invention of the enemy!—

At *that very time* it was no doubt fully settled that the appointment should take place—but when it was at last avowed, it came upon every one here as a sudden & unlooked for disclosure—as great a surprise indeed as the other appointments of the same week—

I hope all may end well notwithstanding appearances—

My health is better, & I shall be quite content if I can be kept as I am—but I am not sanguine in that hope—

[Letter to Normanby referred to is apparently item 893, and the one from Vernon Smith is apparently item 932.]

[*Enclosures:*]

[948] *1839*

Aug. 31

Ja[me]s Stephen to J. B. Robinson: L. In Robinson's handwriting.

Downing Street [*London.*] [Marked "1".]

I am directed by the Marquis of Normanby to acknowledge the receipt of your letter of the 30th. instant representing that the state of your health requires that you should prolong your residence in this Country, and applying for a further extension of your leave of absence from Upper Canada for a period of six months.

I am to acquaint you in reply that under the circumstances which you have stated his Lordship accedes to your application, but he desires me to add that he must qualify his acquiescence in it, by stipulating for your return to the Colony by the commencement of the Spring of 1840; that is on or before the 1st. of March in that year—

[949] *1839*
Sep. 2

J. B. ROBINSON TO NORMANBY: A.L. initialled.

[*Place not stated.*] [Marked "2nd".]

I could not under the circumstances of the last three days trouble your Lordship with a call; but while I beg to express my thanks for the kindness with which your Lordship has always treated me, I venture to add that I am waiting with my family with some anxiety till I receive an answer to the official letter addressed by me to your Lordship on Friday, respecting my leave. It will oblige me much if your Lordship will have the kindness to tell me whether you found time before leaving the Colonial Department to direct an answer to be given to my letter.

[The above appears on the same sheet as items 948 and 950.]

[950] *1839*
Sep. 2

NORMANBY TO [J. B. ROBINSON]: L. In Robinson's handwriting.

Hill Street, [*London.*] [Marked "3d".]

I can assure you that even in the hurry of the last few hours at the office, I was not unmindful of your wishes for an extension of leave, and on Saturday gave directions for a letter to be prepared granting your request, accompanied merely by an expression of my wishes that if then perfectly recovered, you would look to a return to the scene of your important duties by an early opportunity in the Spring—

I can not bring to a close our official connexion without assuring you of the sincere pleasure it has given me thus to have had an opportunity of making your acquaintance; and though I am now of course well pleased at exchanging to an office which I should have always preferred from the time I left Ireland, I shall continue to regard with undiminished anxiety the future course of some of those great interests we have discussed together—

[The above appears on the same sheet as items 948 and 949.]

[951] [ARTHUR] TO RUSSELL: L. 19p.

Oct. 18 *Government House, Toronto.* [Marked "No 203".]

I have the honour to acknowledge the receipt yesterday via Montreal, of the Duplicate of Your Lordship's Despatch No. 1 of the 10th. September, transmitting for my information and guidance, an extract from the instructions which have been addressed to the Right Honble. C. Poulett Thomson, on his assuming the Government of British North America.—

This portion of the instructions, I observe, contemplates the Governor General's proceeding to Upper Canada, for the purpose of administering the Government in person—the object being, "to obtain as much agreement as possible to the plan, to be hereafter submitted to the Imperial Parliament."

On Mr. Thomson's kindly affording me a short notice of his intention to proceed hither, I will at once give up the Government House for his use, in order that His Excellency may possess all the conveniences which the official residence affords; and Your Lordship may rest assured that I shall be disposed, readily and cheerfully, to afford the Governor General all the information in my possession upon any point respecting which he may wish to consult me.—

The extraordinary difficulties I have had to encounter, and the changes to which I have been subjected, since I entered upon the administration of the Government of this Province, whilst they have been a sad hindrance in doing all the good I wished, have so prepared me for coming events, that, happen what may, I feel in no degree personally disconcerted.—

At the same time, I should not discharge my duty to the Queen's Service with fidelity, or act towards Your Lordship with candour, if I did not respectfully state to Your Lordship, that, in my opinion, from the day on which I am suspended from the functions of my office, my power to render the Governor General any effective assistance will be materially diminished.

Nor can I withhold from Your Lordship my apprehension, that, on resuming the functions of Lieutenant Governor, I shall no longer, in my official character, possess that confidence and respect with either of the conflicting parties in this Province, which, I believe, I have hitherto maintained; and without which, I could not hope to render that real and efficient service to Her Majesty's Government, in the administration of affairs, or in supporting and furthering the measures, which may be finally resolved upon, for the future Government of the Canadas, that my zeal for the public good would urge me to desire.—

Throughout the period of twenty five years, during which I have been employed in the administration of some Colony under the orders of twelve successive Secretaries of State, I have laid it down as a rule, never to be a party man, either in British or Colonial politics.—

The difficulty of sustaining such a neutral position is extreme; and there are times when one is left thereby, almost without any support, but still, firmly and consistently aiming to govern the people, and not to be the leader of a party, has never disappointed me in the end.—

Acting upon this principle, I have no expectation that any men who are ultra, either in Religion or Politics, could be warmly attached to my Government, but I have endeavoured, to carry with it the support of all moderate men, who still compose by far the most influential and numerous party in Upper Canada.

My own line of action, so far as I am aware, concurs with the principle by which every member of the Executive Council has been influenced.—

In that body, I have always encouraged the utmost freedom of discussion, and I avail myself of this occasion of recording with pleasure and satisfaction, that, in the unlimited exercise of freedom of debate, I have never known an instance, in the midst of the most perilous times, and when party feeling has been running frightfully high, of any exclusive, intolerant, or violent course of policy, having found one advocate at the Council Table.— The consequence is, that, whilst the Government seeks not the warm plaudits of any party, however powerful, I enjoy a moral influence, as extensive as any Colonial Authority could expect to possess, under the circumstances in which this Province has been placed; and I do not doubt, that any measures which I might recommend to the Legislature, would be respectfully received by the majority, not as party propositions, but as measures at least well intended to promote the general welfare.

Whether, at such a time, it may be prudent to hazard the loss of an influence which has been acquired under peculiar circumstances, and to leave the public to infer, that, on the part of the Home Government, a want of confidence exists, as to the judgement or fidelity with which the Provincial Affairs have been administered, are considerations on which, for obvious reasons, I decline to enlarge.

It is not necessary that I should, in this Despatch, enter into any lengthened details upon the great questions which are now proposed for discussion; but I will briefly make one or two remarks.—

As I have observed in my Despatch, marked "Confidential", of the 29th Ultimo it is not the Question of the Union which now agitates Upper Canada; but, the Earl of Durham having recommended a form of Government, which the Reform and Republican party consider analogous to the scheme called "Responsible Government," as advocated by Mc.Kenzie and Papineau, the whole of that party, have been resuscitated, and there have been meetings held to advocate this theory throughout most parts of the Province.—

These proceedings have been the more perplexing, because, whilst individuals engaged in the late rebellion have been their warm partizans, the meetings, in some instances, have also been supported by men of undoubted respectability and loyalty, who have plainly explained to me, that their determination is to exclude Her Majesty's Government from any interference in the local concerns of the Province.—

The observations made by Your Lordship in the House of Commons, and by the Marquess of Normanby in the House of Lords, left no doubt on my mind of the view taken by Her Majesty's Government; and I have therefore, met this question by a firm, but I hope, temperate discountenance, on the part of the Provincial Government.

The question of the Union, abstractedly considered, may, I think, be carried by a considerable majority in Upper Canada; because men of the most opposite views, and adverse intentions, consider it will advance their policy; but, as I contemplate, there will be a powerful reaction of opinion hereafter, it requires much careful management to avoid the appearance of of [*sic*] any active interference on the part of Government. The Union should be regarded as the measure of the people!

Having stated thus much, I consider, however unimportant it might otherwise be, that, in my present position, I ought plainly to make known to Your Lordship, my own opinion.— There are, as I stated to the Earl

of Durham, whilst His Lordship was in Canada, and then strongly opposed to the Union, many and most substantial advantages to be gained by the measure, if it could be safely carried out; but, before there has been an extensive infusion of British population by immigration, the United influence of the French party in Lower Canada, and of the Republican party in Upper Canada, when brought together in one Legislature, will, I believe, render it impossible to carry on the Government successfully.

The class to which I have alluded in Upper Canada, I am certain, from the extensive personal knowledge I have acquired in many ways, but, more especially from the necessary communication which I have had with so many of the parties implicated in the Rebellion of 1837-8, are unalterably bent on separation from Great Britain; and, I am satisfied that there is a perfect understanding at this moment, between the French and Republican parties, by whom the Union is regarded as a matter of the greatest moment to effect their end.—

I submit, therefore, that a scheme, which is thus considered by the disaffected as tending to promote and accelerate the accomplishment of their wishes, should be still carefully weighed, before it be hastened to completion.—

Without any reference to the particular question which has impelled me to address this Despatch to Your Lordship, I have already expressed the opinion that Upper Canada, for a time, requires repose and cannot bear further agitation. I have accordingly exerted every power I possess, to soothe and tranquillize the public mind, and I have entered on, and have in progress, a course of measures which seem to me best calculated to demonstrate that there already is a form of Government strictly responsible in every practical and useful sense of the term; and, that, if fairly supported by the other branches of the Legislature, it is abundantly adequate to effect all that can reasonably be desired.—

[Endorsed: "Despatch No 203 Cancelled".]

[952] ARTHUR TO RUSSELL: LB.5, p. 110-112.

Oct. 18 *Government House, Toronto.* [Marked "Separate".]

I have the honor to acknowledge the Marquess of Normanby's Dispatch of the 3rd. of April transmitting Copy of a letter from the Secy to the Board of Treasury with an extract of a statement prepared by two Commissioners of Audit on the Colonial Accounts of Van Diemen's Land for the year 1836, and desiring to receive any observations which I may have to offer upon the charges therein adverted to for fitting up the Ship Elphinstone.

Immediately on the receipt of the Marquess of Normanby's Dispatch, I wrote to a gentleman in England from whom I expected to receive more particular information upon the subject than I possessed myself, and I now beg to offer to your Lordship all the explanation I have it in my power to convey.

I was recalled from the Administration of Van Diemen's Land at a moment when the grossest Accusations were made against me both at the Colonial Office and in the House of Commons. With great deference to Her Majesty's Government, I respectfully, but strongly, remonstrated against the injustice of this proceeding.— But, having received the Queen's Commands, I felt the necessity—after transmitting to Lord Glenelg a comprehensive answer to these accusations, which his Lordship,

in a subsequent Dispatch, assured me were not only satisfactory but triumphant—of proceeding to England with the least possible delay.

There was no regular Trader expected to sail from Hobarttown for many weeks, and I therefore instructed the Deputy Commissary General to provide accommodation for my family in the "Elphinstone" which vessel had just arrived with Convicts from England.

I paid £1200 for the bare accomodation, and had to put stores of every kind on board at my own charge, but the fitting up of the Vessel was ordered by the Colonial Government to be undertaken by the Engineer Department; and, hence, the expense was incurred which is contained in the Statement proposed by the Commissioners of Audit, and had the Accounts been sent in before my departure from the Colony, the same would have been laid before the Council to be covered by a vote of the Legislature; and I have not a doubt it would have been passed without one dissenting voice.

I request your Lordship will permit me to add that, though subjected, in the manner I have described, to such a very serious extra expense, no more than the usual allowance of £800 was granted to me, and it has fallen upon my personal funds to defray the whole of the surplus.

[953] ARTHUR TO LORD FITZROY [J. H.] SOMERSET: LB.3, p. 73-76, 79-80.

Oct. 18 *Govt. House, Toronto.* [Marked "Private".]

It was my intention to have written to you by the "Liverpool" last week, but it was quite out of my power to accomplish it having returned to Toronto from an extensive Tour of inspection only just in time to get off a few Despatches.—

Mr Poulett Thomson's arrival has been this day announced, & as Lord John Russell has written to me, both officially & privately, urgently recommending that I shd. meet the new Governor General in Person "as soon as possible" I propose to proceed to Montreal Tomorrow. I hope to catch my excellent friend Sir John before his Embarkation wh. is the only satisfaction I anticipate from an expedition, wh., in every other respect is anything but agreeable. Of course, I do not enter into the personal objections taken agt. Mr. Thomson to whom I am a perfect stranger; but, under the circumstances of his appointmt. & Sir J. Colborne's recal[l], there is every reason to apprehend that the policy recommended in Lord Durham's report is to be fully carried out—&, if it be so, I do assure you, my dear Lord Fitzroy that I believe the Canadas are, lost!—

When I was sent to this Province my instructions were to adopt Sir F. Head's policy—by wh. I understood that I was to give every support & encouragement to the Loyal & Constitutional body of the People. By the Earl of Durham's report you will have perceived that His Ldship. reflected upon this party very severely, &, as I think, equally unwisely & undeservedly & they were sorely displeased at it.

Every means in my power have been since used to soothe their troubled spirits & I began to entertain a hope that before the Union of the Provinces took place working in co-operation with Sir J. Colborne all wd. be well again & the confidence of the Loyal people effectually restored.

But the very first Despatch I have recd. from Ld. John Russell on his taking charge of the Col. Office has overthrown all my plans for His Lordship with some flattering expressions towards myself announces the publicity of the new Governor General's assuming the Administration of

Upper Canada, pro tempore, in such terms as leave no doubt on my mind that it is determined that he shall do so—the object being "to obtain as much agreement as possible to the plan to be hereafter submitted to the Imperial Parliamt. ."—

What I ought to do under such circumstances I cannot at this moment decide. I look, for the present, no further than the effect wh. in my humble judgmt. this step will have on the public mind.

The public will deduce that on the part of the Home Govt. a want of confidence exists either as to the ability, judgmt., or fidelity, with wh. the Provincial Affairs have been administered.

Or, secondly, That New Measures are to be urged & new principles of Governmt. introduced wh. they think it necessary to intrust to other hands.

Or, 3rdly, And this view will I think be most generally adopted, that an opinion still prevails that the last elections were obtained by undue influence, & that in order to prevent it's [*sic*] recurrence the local Govt. is to be superseded in it's functions for the time & a new election is to take place under the rigid surveillance of the New Govr. Genl. & his personal followers & advisers.—

I do not mean to say that any one of these deductions, or any other of a similar character will be well founded. I mean merely that some inference of this description will be drawn the basis of all or of any of wh. must necessarily be that the home govt. are not satisfied to entrust something or other whatever it may be, to the present local administrator.

I cannot forbear, therefore, to inquire how this will afford me the power of doing good to the Province either while I am merely giving such information or advise [*sic*] to the Governor Genl. as he may request from me—&, still more, when I resume the functions of Lt. Governor—& I cannot exclude from my mind the conviction that in either case most injurious consequences will result.

The end to wh. these considerations point is obvious— On the other hand, there is a period in wh. no considerations of a personal nature shd. be permitted to prevail over strict duty to the Crown.

The position I am placed in is this— A course of measures is to be carried into effect chiefly founded on Ld. Durham's Report.

The information on wh. that Report is framed I am persuaded is incorrect & the measures taken upon it injudicious in so far as they will strengthen the disaffected party & weaken the constitutional party. It is true, not being the adviser of this, I ought not to be held responsible for the consequences in any way, but, still, I am nevertheless placed in a situation the most embarrassing & no Public functionary ever ran a greater hazard of Misconstruction of Motives.

All I desire is that my principle of action shd. be clearly understood by those whose good opinion I highly value & I therefore beg to enclose for Yr. Ldship's perusal Copy of Lord John Russell's Dispatch to me with Copy of my answer[.] My own expectation is that H. M. Govt. will—if they deem it right to persevere in their present course recal[l] me from the Govt.—if they do not do so, & any Serious Newspaper Paragraph's [*sic*] appear reflectg. upon my remaing. under such circumstances, then, I beg Yr. Ldship. will Confidentially put these papers into Lord Hill's hands, for His Ldship's. private perusal.

I am only further anxious upon this point to add—that if my temporary suspension be finally decided upon it proceeds from no Act of mine so far as I know— A short private note from Ld. Glenelg addressed to

me soon after he had retired from the Colonial Departmt., &, also, one from Lord Normanby when he was on the eve of leaving the Colonial Office of wh. I enclose Copies excludes the idea that any difference even of opinion has existed as to any part of the policy I have pursued—

I beg to be understood as not asking Yr. Lordship's advice or opinion— Yr. position is, I know, a delicate one. All I aim at is to put you in possession of my exact situation.

What effect Sir J. Colborne's retiremt. may have upon the Lower Province I can scarcely judge.— At present, I feel that I can master any difficulty likely to occur in the Upper Province.

The Border confusion seems now to be reduced to the wickedness of very small piratical parties. Genl. Scott's name having been a good deal mixed up with the "Patriot" cause & expressly sworn to in several affidavits that were sent to me I thought it but fair that he should know it, & he has consequently communicated to me upon the subject through his friend Col. Bankhead who has crossed the frontier to pay me a visit.

The anxious wish now exhibited to deprecate the lawless, treacherous proceedings of the Sympathisers confirms me in the conclusion that the "Citizens" are giving up that cause as hopeless.

You will recollect, in the affair of the "Caroline" that it was insisted by the American Authorities after a rigid investigation instituted by Genl. Scott and Govr. Marcy that the vessel was engaged in her ordinary course of Trade when she was destroyed by our People—and a controversy has ever since been kept up between the two Govts.— Now, I find from Col. Bankhead, that the owners having called upon the United States Govt. for indemnity, the authorities deputed him further to investigate the matter, & he has established as he says beyond all question that she was piratically employed.—

Is not this American all over?—

[Enclosures lacking. For the despatch from Russell referred to see *Dominion of Canada, report of the Public archives for the year 1937*, p. 673; Arthur's "answer" is possibly the cancelled despatch which forms item 951; the notes from Glenelg and Normanby are apparently items 864 and 891.]

[954] RUSSELL TO [ARTHUR]: A.L.S. 2p.

Oct. 18 [*Place not stated.*] [Marked "Private".]

With reference to a large requisition for Clothing & Arms, sent by you thro' Sir John Colborne, the Treasury has been of opinion that they are not justified in complying with it—

Pray be so good as to consult Sir Richard Jackson, & inform me what supplies you will absolutely require to be sent out in the Spring.

I trust you may be able to defeat the rebels & plunderers of this Winter, as successfully as you did in the last—

[955] W. H. DRAPER TO [ARTHUR]: A.L.S. 6p.

Oct. 20 [*Place not stated.*]

I trust you will excuse the freedom I am taking in addressing to you some of the many ideas that have passed through my mind on the subject respecting which you did me the honor to ask my opinion this morning— So many conflicting views have suggested themselves, which have appeared to me entitled to consideration, that I am in doubt as to the right conclusion in a case surrounded by such numerous difficulties[.]

Your Excellency has adverted to the confidence naturally derived from the approbation of your policy expressed in private letters and public despatches by the two last Secretaries of State for the Colonies— It would ill become me to express the slightest distrust of the sincerity of those Noblemen—even if I felt it, which I assure Your Excellency I do not. But I cannot help remarking that at this most important period The Secretary of State for the Colonies is changed. His discharge of the duties of that office commences with the period about which a New Governor General is despatched to supersede Sir John Colborne—

L. J. Russells first despatch to Your Excellency conveys, for your information and guidance, an extract from the Instructions to the Rt Honble C. Poulett Thomson by which it appears that it is the desire of the Ministry that His Excellency should shortly proceed to this province to administer the Government in person—and as a matter of course to supersede you[.]

I shall not waste time in surmising by what measures it is proposed "to obtain as much agreement as possible to the plan to be hereafter submitted to the Imperial Parliament".

I look for the present no further than the effect which in my humble judgment this step will have on the public mind—

The Public will deduce, that on the part of the Home Government a want of confidence exists either as to the ability, judgment or fidelity with which the Provincial affairs have been administered.

Or 2ndly. That new measures are to be urged and new principles of Government to be introduced which they think it necessary to entrust to other hands.

Or 3rdly.—and this view will I think be most generally adopted, that an opinion still prevails that the last elections were obtained by undue influence—and that in order to prevent its recurrence, the local Government is to be superseded in its functions for the time and a new election is to take place under the rigid surveillance of the Governor General and his personal followers and advisers—

I do not mean to say that any one of these deductions, or any other of a similar character, will be well founded,— I mean merely that some inference of this description will be drawn, the basis of all or any of which must inevitably be, that the Home Government are not satisfied to entrust something or other whatever it may be to the present local administration.

I cannot then forbear to enquire how this will affect Your Excellencys power of doing good to the Province, either while you are merely giving such information or advice to the Governor General as he may request from you—and still more when you resume the functions of Lieut: Governor[.]

I cannot exclude from my mind the conviction that in either case, most injurious consequences must result.[1] While the Governor General is here—the odium of every measure which is adopted, and proves distasteful to either of the parties which divide the Country will be thrown upon Your Excellency.

If responsible Government does not receive the Sanction of the Governor General it will be attributed by the liberal party to Your Excellencys councils [*i.e.* counsels ?]. If it does the other party will begin to throw out that Your Excellency has not resisted the notion with sufficient firmness— If no fundamental change or concession is made to the democratic party it will be at once attributed to your persuasion and influence—and for this conclusion men's minds have been in

[1]The repetition by Draper in the foregoing paragraphs of so much of the phraseology used by Arthur in item 953 might seem to suggest some error in dating, but the dates are clear in the originals.

a measure prepared by the artful manner in which the letter published in the Colonial Gazette alludes to the possibility of Mr. Thomson not carrying into effect the designs he entertained on leaving England. If such fundamental change or concession is made the Conservative party cannot be reconciled to it, or to those who as they may consider have participated in it—and among that number Your Excellency will by some portion of that party at least be included.

In short it seems to me that Your Excellency incurs the hazard of being blamed for every measure which is disliked—without the slightest chance of receiving credit for any measure that may obtain public approbation—

On resuming the Government these consequences will operate with increased force and will I apprehend deprive Your Excellency of any moral influence over the Community—

The end to which these suggestions point is obvious. If they are well founded they seem to leave but one course open. I need not repeat to Your Excellency what I have already endeavoured to express to day—how sincerely I should deplore the necessity of such a course being taken.

On the other hand this is a period in which no consideration of a personal nature should be permitted to prevail over strict duty to the Crown and the Public— If the path of duty be under all these difficulties to remain—at the hazard of misconstruction of motives even at the risk of imputation of a more painful character, at every hazard that path should be taken. Where much good may be effected, which no one but Your Excellency can effect—where much evil may be prevented which no one has so favorable a prospect of averting as yourself, it may well be seriously asked, should you not at every hazard remain. The motives for retiring are open to misconstruction equally with those for remaining and though the latter would probably be most open to cavil here—the former might be found most open to objection elsewhere, removed from local prejudice and excitements[.]

After the confidence Your Excellency was pleased to repose in me today, I have felt it my duty to advert to the opposite considerations which have and still do embarrass me in offering any definite opinion on the course which Your Excellency should take. I trust you will believe that it is from no desire to obtrude my opinions unnecessarily but from an anxious wish to deal frankly and candidly with Your Excellency in so important a matter, that I am impelled to offer these remarks.

I have this instant received Your Excellencys note, (while writing) and find that in this long letter I have adverted to the subject of it. I will tonight give the subject further reflection and will return the draft dispatch the first thing tomorrow morning—

[Endorsed in Arthur's handwriting: "Private—Mr Draper . . . respecting my communication to Secy of State".]

[956] JONAS JONES TO ARTHUR: A.L.S. 3p.

[*1839*] [*Place not stated.*]

[*c. Oct. 21?*] [1] I send herewith a list of the persons who I think should form your Comn.[?] for general purposes— It would be well to add some persons

[1]The document has been arbitrarily dated here except that it is probably connected with the commission appointed by proclamation dated October 21, 1839 to investigate the government departments, their system of conducting public business, and their organization. See also item 1081.

not holding Office as it might be said that being altogether Official persons they would be disposed to screen each other—

I have added Mr. Ridout's name as a person well qualified to suggest amendments in the mode of keeping accts. and having the necessary checks—

The order of precedence you will of course arrange as it should be—I do not understand it—

I also send a copy of the *pamphlet* of which I spoke to you and I will look up another document which may be useful in estimating character[.]

[Enclosures lacking.]

[957] COLBORNE TO ARTHUR: A.L.S. 4p.

Oct. 23 *H. M. Pique.* [Marked "Private".]

I neglected to acquaint you, in my former letters, that I informed Major Bloomfield, that at your request he would be appointed to the Qr. Master Genls Department on any vacancy occurring; but as there can be no doubt that the 11th Regiment will return home in the Spring I conclude that he will not wish to accept a staff situation in [Canada.] I really believe that Darcy [*i.e.* D'Arcy] Boulton did not succeed in obtaining a pension on his office being abolished, because he bore the name of Boulton, so distinguished in the history of Upper Canada. A Ridout will succeed where a *compact* Petitioner will fail.

My communications and intercourse with you have been so satisfactory and agreeable that I cannot suffer the Pilot to quit the Pique without thanking you again for the support which you have afforded me, and, the ready compliance which I have on every occasion found on your part, in forwarding my wishes— I have had several long conversations with Mr. Thomson, and have endeavoured to give him such information as may be of use to him and the Provinces.

The Union I find is to be accomplished through his management. I have received a letter from Mr. Hagerman upon the subject of the proposed measure for the uniting the Provinces[.] I have given no opinion as to the result of the Union, or the expediency of settling this question; but have only stated that the Majority of the People in your Province are, I believe, in favor of the Union, and that if Ministers are forced to *set up* another House of Assembly speedily in this Province, I see no alternative but the Legislative Union of the Canadas. I have no doubt that Lower Canada may be made an obedient Province and recovered if the Parties in England would allow sufficient time for a fair trial. I shall write to Mr Hagerman as soon as possible[.] With my best wishes for your success.

[958] [SIR] J[OHN] HARVEY TO ARTHUR: A.L.S.

Oct. 23 *Govt House, Fredericton, N.B.*

[Commends Serjeant Conolly, the writer of an enclosed application, for employment in a police establishment, both from personal knowledge and from his having passed "such an ordeal as a twelve years service in the Irish Constabulary Police, where the slightest instance of *intemperance*

or *intoxication* is visited *with dismissal.*" Apologizes for not having remitted payment for the map of Upper Canada sent by Arthur.]

[Enclosure lacking.]

[959] ALEX[ANDE]R MACDONELL TO ARTHUR: A.L.S.

Oct. 28 *Cork.*

[Recommends the bearer, Catharine Fitzgerald.]

[960] ARTHUR TO PETER MCGILL: LB.5, p. 9-10.

Oct. 30 *Rasco's Hotel, [Montreal.]*

I have this moment observed, by the Montreal Gazette of this day, that I am represented to have declared "most emphatically that I have the power, and will exercise it, of forcing the Banks to resume Specie Payments on the 1st Proximo."

The Editor of the Gazette has been misinformed.

On your very natural anxiety to learn what course was likely to be adopted in the Upper Province, I informed you that the Banks were required by Law to resume Specie Payments on the 1st. November. That they had not made any application for a further suspension—and that the Government, undoubtedly would not interfere, unless the Banks in the Lower Province should, unfortunately, be obliged to suspend.

I further expressed a particular wish, that an address, to which you alluded, might not be presented to me[.]

I shall be much obliged to you to correct the misrepresentation that appears to exist.

961] J. B. ROBINSON TO [ARTHUR]: A.L.S. 8p.

Oct. 30 *Bridge field Cottage, Wandsworth.*

In the ten days that have elapsed since I wrote to Your Excellency nothing particular has occurred— Your dispatch of Sept. respecting Point Pelée prisoners was transmitted to me for my information— I am not sure that I quite comprehend the reasons for reserving the case into the Queen's Bench— I replied by acknowledging the receipt of the dispatch & expressing my readiness to attend upon the Secretary of State if there was any desire to communicate with me upon the subject of it—. I have since heard nothing more of it— It has always been my opinion that these foreigners taken in arms, acting as public enemies of Her Majesty, should have been immediately sent in irons to Quebec to be from there forwarded to England to answer for their offence against the British Crown— It is true that the Governmt here might unwisely have shewn them lenity & discharged them after a short imprisonment— They could hardly however have done so, in the face of such representations as the Legislature & people of the Colony would have addressed to them; and they would at any rate not have *continued* to pursue so mistaken a policy—

I suppose the Judgment of the Court will be pronounced in Michs. Term— It is of little moment, after the course that has been taken with worse & more dangerous offenders.—

We are here—4 miles from London for the winter— My health continues much improved, as compared with this time last year, or indeed any time last winter—and I trust an attention to good advice will still do more for me—

I shall be happy to meet Sir John Colborne here—and shall look anxiously for an account of his Successors first proceedings— The recent death of the Duke of Bedford has taken Lord John Russell from town—& I shall probably not see him for two or three weeks—

Your Excellency will have seen Sir Francis Head's last "movement" before this letter reaches you— I allude to his Article in the last Quarterly headed "British Policy"— I saw Sir F. two days ago & he told me that Lockhart showed him a note from Lord Mahon in which he said that he could not conceive who had written it, unless it was Croker, *or Chief Justice Robinson*— Without reference to the merits of the Article, either in respect to matter, or manner, I was I confess annoyed as well as surprised at so absurd a guess—. Sir Francis has had so little desire or intention to make a secret of the authorship, & the internal evidence must be so convincing to hundreds—that I do not imagine such an error is likely to spread, or I might think it necessary to take care that it should not— I do not at all quarrel with the review & in the main highly approve of it, but it is not exactly one that would become me to be the author of—and writing in any shape anonymously for the Press is a thing I have ever studiously avoided. When I change a resolution I have rigidly adhered to for 27 years, I shall choose my own time—channel—and language— I believe Sir Francis has now said all he desired to say—at least he declares that he has *done*— The Zeal & talent he has shewn are alike honorable to him— If they attain no good result he will at least not have reason to reproach himself— I had heard nothing of Drew's difficulties, till I read the Review— Sir Francis is labouring hard to serve him, but seems not to have much hope—though he will not despair—I know nothing of the matter except the verbal account Sir Francis has given me—

I long to be again in Canada to converse with Your Excellency on some two or three points— If the attention of the Governmt here could be drawn effectually to the important subjects connected with our Province which demand attention, such dispatches as Your Excellency has written must have that effect—but in addition to other obstacles, the strife of parties at this remarkable crisis absorbs all the attention & anxieties of Ministers— Such a state of things can not last[.] In the mean time—we must hope, as I really do, for some good from the recent change in the Colonial Department—

Would Your Excellency desire that some few members should be added to the Leg. Council?—& who would they be— Perhaps it could be done—

I shall be glad to see Your Excellcy's dispatch on the subject of "the Bill—"

[962] THOMSON TO ARTHUR:

Oct. 30 *Govt. House*, [*Montreal.*] [Marked "Private".]

If you will do me the favor to call upon me at half past twelve, I have no doubt that we can arrange all our business today, and I then need not trespass further upon your time at the present moment.

[963] ARTHUR TO COLONEL [J. F.] LOVE: LB.5, p. 1-3.

Nov. 4 *Government House*, [*Toronto.*]

I have, on my return from Montreal, had the pleasure to receive your letters of the 22d. and 30th. October.

Thank you for the information you send me from General Brady, and am glad to find that you have established a good understanding with him.

There is nothing, I am quite satisfied, to be apprehended from the Brigands—the cause has been on the decline throughout the last month, and is less popular every day. They have no funds to go on with, and I am pretty certain they will not stand fight this winter in any part of the Frontier, unless any thing serious occurs in the Province—and *that* I do not consider likely, although there are plenty of disaffected people all over the Province.

Before I went down to Montreal, I desired Colonel Foster to write to you about retaining the cavalry for six months longer. But, if it can be done with a good grace, it will be well to get rid of one of your Troops of Cavalry. It is a heavy expense and we must do our best for poor old England. I had no idea, or expectation that the Patriot cause would drop *so suddenly*.

I concur with General Brady and Col Bankhead that we are always, at any moment exposed to the wickedness of these Brigands, but their dislike to be transported or hanged is likely to have a deterring effect.

Colonel Light's report is very likely to be true—there are thousands who do not like to take the oath of allegiance—but, just now, it will be better to let them be quiet.

A police force we need exceedingly. A Government without it is like a Fleet without Frigates—it is impossible to watch the enemy.

Colonel Bullock has been absent for six weeks—but, before I went to Montreal, I desired Colonel Halkett to write to the Deputy Adjutant General, and call upon him to explain why Mr Todd had not been appointed. I will ascertain tomorrow, and will order the appointment, even though the Troop be disbanded.

I do not believe for a moment any report to Colonel Bullock's discredit as to the sale of commissions, but if there be any case that has even the aspect of such a thing, do pray let me know it. He is by no means competent, quite the reverse; but he has been a brave soldier in his day—one of the bravest indeed, and it goes to my heart to get rid of such a man, if it can possibly be avoided.

I am highly pleased with our new Commander of the Forces. He will not come to the Upper Province until the spring, as he is to administer the Government of the Lower Province whilst the Governor General, according to the instructions of H. M. Government, meets the Parliament in order to carry the measure of the Union which has been finally determined upon[.]

I mentioned to Sir Richard Jackson the important command with which you were intrusted, and the entire confidence I placed in you. He desired, when I saw you, to be remembered, observing that he recollected you well, when he was in the Northern District[.] As he mentioned this in a very kind way, do not fail to advert to it when he pays us a visit.

Mr Thomson will be here about the 21st., if you wish to make your Bow, you had better select the opening of the Parliament—3rd. December—

I heard from Sir John the day he sailed, but was too late to see him. I can hardly express to you how much I was gratified at the terms of his last letter.

[964] ARTHUR TO COLONEL [RICHARD] AIREY: LB.5, p. 3.

Nov. 5 *Government House, [Toronto.]*

On my return from Montreal, I found your letters of the 18th and 24th. Inst [*i.e.* ultimo] and thank you for the information they contain.

I am quite satisfied that the "Patriot" Cause is no longer Popular—there may be some burnings conducted by a few desperate villains—but, I think, there will be no serious affair, unless we have commotions in this country which I do not expect. At the same time, as I know the Government of the United States cannot control the Border Population, I never lose sight of the fact—that a mob is never to be depended upon and the mere impulse of the moment may lead to an act of madness at any time.

I am delighted to find that the men of the 85th. Regt. are improving in health. The serious illness in that corps has distressed me exceedingly.

You will be quite pleased with the Commander of the Forces—Sir John could not have been succeeded by a better man—.

Sir Richard will remain in the Lower Province to administer the Government, whilst the Governor General comes here to meet the Parliament, and propose in person the Union of the Provinces—this is the measure which the Ministry have determined, and I most earnestly hope that all the advantages may result from it that they anticipate.

[965] H[UGH] BRADY TO COLONEL [RICHARD] AIREY: L. 2p.

Nov. 8 *Head Quarters 7th Mily Depot, Detroit.* [Marked "Copy."]

I take the liberty of sending you a copy of a deposition, which will speak for itself; and only say that I do not believe one word of its contents; but as it states that the information was received from a British Officer, I am desirous that you should give me Authority to contradict it.— This deposition is accompanied by a petition to Governor Mason, signed by 421 Citizens of St. Clair County, asking the Governor to order the Militia into Service, or to prevail on me to station a Company of U. S. Troops, at the Village of Palmer; to protect them against the attack of the thousand Indians, said to [have been] Mustered into Her Majesty's Service.

The Governor has taken no notice of the petition and this is the only attention I shall give to it.

[*Enclosure:*]

[966] *1839*
Nov. 5
JOHN BEACH: 2p.

State of Michigan County of St. Clair. [Marked "Copy,"]

I John Beach, being duly sworn, do depose, and say, that I am a resident of the County of St. Clair, and that I keep a public house of entertainment in the Village of Palmer; that some two weeks last past, a British Officer, from Canada, came to my house, and said to me that they; naming the Canadians; had at that time five Hundred Indians stationed on the Frontier in Canada, and expected that Number would soon be reinforced by five hundred more; that the Canadian Government (or people) were enticing all the Indians from the State of Michigan, to come to Canada, with the avowed intention, that,

should any disturbance occur from the Patriots, that the whole Body of Savages, should be sent over and Massacre the Inhabitants on this Frontier.

Signed, John Beach,

Sworn and subscribed
before me this 5th Day of
Novr 1839
(Signed) H. H. Montin
J. P. St. Clair Co.

[967] ARTHUR TO THOMSON: LB.5, p. 165-178.

Nov. 9 *Government House, Toronto.* [Marked "Confidential".]

I have the honor to inform your Excellency that, according to your desire, the Provincial Parliament is convened to meet on Tuesday the third day of December next, and that your Excellency's Commission as Captain General and Governor in Chief of Upper Canada has been publicly read before the Executive Council, and is now placed among the Public Records of the Province.

Preparatory to your assuming the Administration of the Government of this Province as certified to me in your communication of 30th. October, I consider it to be a duty to Her Majesty's Government[,] to the Province, to your Excellency, and to myself, to offer some remarks in writing for your information and Consideration; even though I may have incidentally touched upon some of the same matters during my recent interviews with you at Montreal.

First, as regards my own Policy and the state of Parties.

On my appointment to Upper Canada, Her Majesty's Secretary of State enjoined me in a despatch dated 29th. December 1837, in terms as strong as could possibly be employed to follow the same course of Policy as Sir F Head had pursued. "In the general policy and conduct of your immediate Predecessor, you will find an example worthy of imitation" &c[.]

It was Lord Glenelg's desire that the Instructions thus conveyed to me should be made generally known and they were so.

The Policy which I was thus emphatically directed to adopt, I found on my arrival, was, as Sir Francis had distinctly indicated in his Despatches, that of giving every possible encouragement and support to the Constitutional Party who desired British Connexion and Monarchical Institutions under the existing Constitution of 1793 [*i.e.* 1791], in opposition to the Reform Party whom my Predecessor considered collectively disloyal and desirous of Republican Institutions.

In my Despatches, I have expressed the opinion that the Constitutional Party is as Loyal a race of People as any under the dominion of the Crown of England; and in speaking of these to your Excellency, I would forcibly reiterate the same description of them. They must not, however, be regarded as a steady Phalanx moving always on the same pivot.

In their attachment to British Connexion and Monarchical Institutions, they are closely united; but, in other respects they are to be variously classified. For instance, there has, most unhappily, been a Canadian Party and a British Party. The British Party, for years, were continually complaining that the Canadian Party had monopolized all

Political influence and Patronage, and were an overbearing Dominant faction, who wished to exclude respectable Emigrants from any participation in those advantages to which, as British Subjects they had a just claim. This very often urged in terms of anger as well as of reproach, though possibly with very little foundation, was deeply resented, and engendered a very hostile and acrimonious feeling between those Rival Parties. But their animosities have certainly been greatly abated by the common danger to which both have been exposed during the last two years, and their mutual jealousy of each other is no longer so violent as it formerly was. Evidence of its existence is still, however, not unfrequently brought under my observation. The Canadian Branch of this Party may be considered as consisting of the old U. E. Loyalists, retired officers, and soldiers and other residents in the Province during the late War.

The British Party comprizes those settlers, many of whom are highly respectable, who have emigrated during the last fifteen years. Truth obliges me to say that the Constitutional Party, and more especially the Canadian Branch of it have evidently long been opposed to the Policy of Her Majesty's Government, which they consider must lead to Separation. With this fact I was most forcibly struck soon after my arrival in the Province—and from various circumstances within my own knowledge I infer that there are many of this Class who for some time past have accustomed themselves to regard Separation as inevitable; and even begin to view its approach with something very like complacency; and nothing has in fact occasioned me more serious anxiety in the perilous times we have passed through than that such persons should have persuaded themselves that their individual interests would be thereby promoted.

The whole Body of Americans settled in the Province have, with some bright exceptions gone with the Reform Party, and have been identified with them; and all the persons engaged in actual rebellion were and I believe still are Members of the Reform Party. It is difficult, therefore, to determine precisely how this Party is to be regarded: I do not, however, doubt that there are some Individuals styled Reformers who are still decidedly attached to British Connexion, and that there [*sic*] honest aim is to see some changes brought about which in their estimation would render the Country more prosperous and the People more contented. How many Reformers come under this Denomination is the difficult question to be solved, for, by it, the Policy of the Executive Government ought, in a measure to be guided. Their number, I fear, is limited.

Much nicer Party distinctions might certainly be drawn; but for all Executive and Legislative purposes such a classification as I have given, may be sufficient, and I think you will find it to be substantially correct.

To conduct public measures with safety, or with any thing approaching to harmony under such circumstances, is a difficulty of which I have felt the full force for seventeen months, and I can vouch that it requires unwearied and most painful circumspection.

That a better state of things was being gradually disclosed before Lord Durham's Report came out was quite manifest in carrying on the Government. The disloyal were prostrated, and the well intentioned Reformers seeing the misery that had been brought on the community by carrying their measures to an extreme appeared well disposed for conciliation; amongst such I have confidently expected to regain the ground that was most untowardly lost.

There is no prospect that I can discover of reconciling under any circumstances the American Party, or those Reformers who have been long associated with them—in striving for the introduction of Republican Institutions— Moderate Reformers are the Recruits I have hoped to enlist, but seeing that desertion from the present Constitutional Force would follow from any very unpalatable concession to this Party, I have endeavoured to attain my end by the most cautious line of conduct.

In this manner departing from its strict letter, I have, to the best of my Judgment, acted upon the most liberal interpretation of the spirit of my Instructions; and I have a moral conviction that, in the course of another year, a material beneficial change would have been produced; though, at the same time, I am well aware that many of my Predecessor's warm supporters consider that I have injudiciously deviated from his Policy—whilst the Reform Party, I believe, think that I have adhered to it too closely.

Secondly, as regards the Union of the Provinces.

When this measure was advocated in the year 1822, I understand that many influential persons, who are now its opposers, were then its advocates.

In the Session of 1837, an address to His Majesty was transmitted to England from the Legislative Council and House of Assembly, deprecating a union between the two Provinces of Upper and Lower Canada.

His Majesty was pleased to receive the same very graciously, and command me in answer to observe "that the project of an Union between the two Provinces has not been contemplated by His Majesty as fit to be recommended for the sanction of Parliament." [marginal note here reads: "Despatch No. 170 of the 21st. April. 1837".]

Her Majesty's High Commissioner last year expressed to me his decided objection to the Union.

His Lordship observed that it would be the ruin of Upper Canada, which would thereby become a mere District—that it had been the favourite project of some merchants of Montreal, but that he had stated to a Committee of those gentlemen his sentiments upon it as a measure which no statesman would ever recommend.

To the Chief Justice of Upper Canada, and to the presiding member of the Executive Council, as well as to the Attorney General, and the Sheriff of the Home District who waited upon his Lordship with addresses from Toronto and Kingston, just before his departure from Quebec, the Earl of Durham expressed himself in strong terms of objection to the Union.

Your Excellency will perceive, therefore, how the question stood when it was brought before the Legislature by a Member unconnected with the Government at the opening of the last Session. Many Members of both Houses conferred with me upon it, and unquestionably I then discouraged the measure, although from a circumstance that privately came to my knowledge, I took the precaution on every occasion to suggest that it was desirable not to anticipate the course that might be taken in England; for, looking to the state of the Provinces, I was convinced that the common safety of all would be best promoted by cordially cooperating with Her Majesty's Government in whatever measures were finally determined upon.

From all, however, that came under my observation during the last Session, and from the sentiments I then heard expressed, the question of

the Union abstractedly considered, can, I have no doubt, be carried by a considerable Majority in both Houses in Upper Canada, because men of the most opposite views and of the most adverse intentions consider it will advance their Policy. But as the measure is proposed in the Bill which has been sent to the Province, I do not think it would receive the Concurrence of the Provincial Legislature,—although, unless excitement be raised, and party spirit thereby roused, I do not anticipate any querulous opposition.

Your Excellency is aware that one question in particular has occasioned much agitation since the Report of the Earl of Durham made its appearance in Upper Canada.

Without citing the precise terms made use of by the late High Commissioner, in relation to that question, the collective substance of three succeeding paragraphs of Page 100 of the Report, the marginal annotation to the first of which is "How to make Colonial Government work harmoniously" contains in effect a recommendation that the Executive Council be made responsible to the popular branch of the Legislature. It is, in fact, the almost universally received opinion, that the Earl of Durham has recommended a form of Government which is analogous to the scheme termed "Responsible Government", as contended for, even to Rebellion, by MacKenzie and Papineau.

Hence all their followers have been politically resuscitated, and public meetings termed "Durham Meetings" have been held in various parts of the Province to advocate the measure.

Such meetings, although they have not by any means reached the extent that was at first apprehended, have been, nevertheless, perplexing, because, whilst individuals engaged in the late Rebellion have shewn themselves to be their warm partizans, the meetings have also been supported by persons of undoubted Loyalty, some of whom have personally explained to me that their motive in pursuing this course of action was to exclude eventually Her Majesty's Secretary of State from all interference in the local concerns of the Province.

The observations made during the last Session in the respective Houses of the British Parliament by Lord John Russell and the Marquess of Normanby left no doubt on my mind of the view taken of this subject by Her Majesty's Government; and I have therefore met the question at issue by a decided discountenance: Nor do I think that I deceive myself in believing that the step has been attended with the best effects, and that the dangerous innovation, as contemplated by its advocates in this Province, has lost much of it's [*sic*] Popularity.

One of the earliest Meetings on the subject in question was held at Hamilton, and an Address was presented to me founded on certain Resolutions which were then passed. I enclose a Gazette containing a copy both of the Address and of my answer to it; because whether Your Excellency should or should not concur in the sentiments I have put forth, I think it desirable you should peruse the Document recording them, since it must be expected that this subject will be prominent among those on which the expression of your own opinion will be eagerly desired in Upper Canada.

A Governor, if the Crown allowed him to name his Council, would surely for his own peace and success select persons disposed to work in harmony with the Legislature; by the Responsible Government now sought, men want to place the Council in effect over the Governor and

to set aside altogether the influence of the Imperial Government by rendering the Executive Government wholly dependant upon the Provincial Parliament.

The outcry, however, that has been made for "Responsible Government" does not surprize me; for, partly owing to the House of Assembly having into its own hands matters purely Executive, and, partly from other causes, there has been, in reality, in some transactions, no responsibility—a great intricacy exists, and a want of system in the manner in which the public Accounts have been kept, some of the Departments have worked most inconveniently to the Public, and there are, as it seems to me, no adequate checks over the receipts and disbursements of public money.

In the early part of this year, I caused a strict investigation into the offices of the Civil and Provincial Secretaries—a proceeding which, on the Report being laid before the Houses respectively, gave great satisfaction to the Legislature.— Since the prorogation, the affairs of the University and of the General Hospital have undergone a minute investigation; and the result is very far from being satisfactory.

Early in the month of September, a Circular was addressed to all the Heads of Departments, notifying my desire should any circumstances within their knowledge shew that alterations might be beneficially made in the mode of conducting the Public Service, that they would bring the subject under the notice of the Government, and that it would afford me pleasure that measures of improvement should originate within the Departments in which the necessity for them existed.

After this Departmental notice, I issued a Commission, on the 22nd. October, and appointed Committees from the body of Commissioners to make a searching investigation according to Instructions prepared with great attention in order to develope [*sic*] the defects which I apprehended would be found to exist, and, on the Reports of the Committees, it was my intention that a Bill should be framed under which a better system might be enforced by Law, and I directed the Attorney General also to prepare a Bill with a view to the establishment of a High Court of Impeachment to which Public Functionaries might be amenable.

In all these measures I have not only had sincerely at heart a desire to introduce and enforce a *system*; but it has been my object, on the first return of Tranquillity to convince the people of my wish to take the lead in all necessary changes, and to demonstrate to them, that there is already a form of Government under which all Public Functionaries may be made strictly Responsible in every practical and useful sense of the term, and abundantly adequate, with the support of the Provincial Parliament, to effect all that can reasonably be desired—all, too, that I believe really *is* desired by every man who does not at heart wish for the Separation of the Province from Great Britain.

With respect to the financial state of the Province, Your Excellency is aware that it is under the greatest embarrassment, and that, without some support from England, there is no prospect of a better state of things.

Yet, depressing as the fiscal condition of the Province now is, the debt would be nothing if the resources were fully brought into action.

As none of the Public Works were undertaken during my administration, I may with the less hesitation say that they are all of great importance; and, whilst the unpopular measure of stopping them has devolved upon me, I do hope that it may be your Excellency's more happy office to foster and support them.

On reflecting upon my personal communications with Your Excellency, I have thought this review to be called for; and the following deductions naturally follow.

1st. The Instructions that were given to me by the Government, of which Your Excellency was a Member, on my coming to this Province, were framed to meet the exigency of the moment, and at that period of extreme excitement, were absolutely demanded to provide for the safety of the Province. I do not, even at this time, entertain a very high notion of the stability of affairs, and I would shrink from overestimating any service I may have rendered to the country in quieting it; but I may confidently say that any extreme danger, either from within, or from without, does not now exist; and Her Majesty's Ministers may, therefore, desire some extensive changes in the administration of the affairs of the Province not strictly consistent with the course I was enjoined to pursue.

Secondly, Circumstances, which I have explained in this Despatch, obliged me, when I was required to express my sentiments, to discountenance the measure of the Union, which Her Majesty's Government has now adopted, and which your Excellency has expressly come out to carry into effect.

Thirdly, Upon the question of Responsible Government, Her Majesty's Secretary of State conveyed to me no Instructions for my guidance, and I was left to infer what the mind of the Ministry was upon it in a way that is always more or less liable to misconception.

It may appear that it would have been more discreet, under such circumstances, had I been silent, but as the leader of the Orange Party had warmly taken up the question, I considered that no time should be lost in the expression of the sentiments of the Local Government, and my end has been effectually attained.

I cannot say that I distinctly collected your sentiments upon the question, but I rather inferred from the few words which your Excellency dropped that they were not quite in unison with those which I have publicly expressed.

The frightful number of executions which have taken place—the large body of culprits transported—the liberation of whole masses of persons accused of Treason, and of others convicted of invading the Province—disallowed claims of all kinds—the nonconfiscation of the Property of Traitors—with many other matters, present subjects on which my measures may be questioned according to the inclination of party feeling,—and although I have given a full account of all I have done to Her Majesty's Government, and have had the gratification to receive their cordial approbation, yet it is impossible not to perceive how difficult it must be for your Excellency to avoid being entangled with past transactions.

At all events, Her Majesty's Government have placed me in circumstances of very considerable embarrassment from which I have endeavoured to relieve myself, so far as I can, by this unreserved and detailed explanation. For whilst it is my duty to afford all the assistance in my power in carrying through the great measures you have in contemplation,—and no one can possibly be more truly desirous than I am that they should prove eminently successful in quieting the Canadas, Your Excellency will, I am sure, now knowing my exact situation, rather guard me to avoid, by any inconsistency of conduct, destroying that influence, whatever it may be, which may render me a useful auxiliary.

Upon the question of the Union, I can feel no official embarrassment; for having enjoined upon others the necessity of giving that measure the most cordial and unanimous support, if it were finally determined upon by Her Majesty's Government, I have only to act upon the same principle myself.

I should indeed have felt the utmost liberty in proposing it to the Legislature myself, as a Government measure, and with a perfect confidence of success, upon safe and just grounds.

[Enclosure lacking, but see *Upper Canada Gazette*, August 29, 1839, p. 156-7.]

[968] ARTHUR TO THOMSON: LB.2, p. 138-140.

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

On my return to Toronto, this day week, I found that the Article copied from the Colonial Gazette had obtained very general credit as an expression of yr. sentimts., & proposed line of proceeding with respect to Upper Canada when you left England. This, it would seem, has been at once assumed as proof conclusive of yr. intention to take a hostile course agt. the Constitutional party.

I found, also, that intelligence had been recd., from what is considered a very authentic source of information, that the Bill for the Union had been drafted by yrself.; &, hence, it was inferred to be your intention to advocate all it's [*sic*] provisions[.]

These circumstances appear to have created much irritation; but, altho' nothing cd. have been more mischievous than the publication in the Colonial Gazette (and I am persuaded it has been wickedly intended by a disappointed person) the irritation will, I hope, subside before the Provincial Parliament meets.

There is, however, evidently, a very bitter feeling kindling up between the Reform & Constitutional parties, & had there just now been a dissolution of the Parliament, Tournaments wd. have been exhibited all over the Province of a much more serious character than Lord Eglintoun [*i.e.* Eglinton] would have desired to patronize. But, even at the best, you must, of course, expect a different state of things here to that wh. you have at present to deal with in Lower Canada.

There, one entire party you have found prostrated; &, consequently, for the moment, all is quiet.— Here, on the contrary, all are politically alive; &, a very slight circumstance wd. bring on the revival & discussion of contested points whether of the past or present day.—

I have put before Yr. Excellency as distinctly as I can, in a Confidential Despatch wh. I have just addressed to you, subjects with wh. I think it proper you should be distinctly acquainted.

When you thoroughly know, by personal observation, the state of things in Upper Canada, you will not, I am convinced, think I did otherwise than what was right in recommending you to leave in my hands the question of the Union—believing—& I am now strengthened in that belief, that I could, from the neutral ground I have always endeavoured to occupy, with *far less excitement* carry the views of H. M. Government into effect, & so render you assistance of the most valuable kind—whilst Yr. Excellency wd. have reserved Yrself. to encounter the United Legislature unembarrassed by the irritating discussions peculiar to the Upper Province. On every personal consideration however, I can now truly say that I am better pleased with the course Yr. Excellency has determined upon.

Every possible arrangement is in progress for your personal convenience; but, after all, it will not be by any means what I cd. wish, & I feel quite uncomfortable at retaining the occupation of the Govt. House. Lady Arthur would not, in the least, regard the inconvenience of moving; & we wd. certainly transfer ourselves at once to other Quarters did I not think it might be followed by a feeling of something like sympathy wh. would annoy me excessively.

[969] WINFIELD SCOTT TO ARTHUR: A.L.S. 4p.

Nov. 9 *Buffalo.*

I had the honour to receive your letter of the 22nd ultimo immediately after instructions had reached me from Washington to make the tour of our Canadian frontiers. After writing to all the commanders under me to redouble their vigilance, I put myself *en route*, & have touched at Sacketts harbour, Oswego, Rochester & Batavia on my way hither. In the meantime I have heard from all the other points, & am almost certain that there is no *patriot* association on foot, or in immediate contemplation on our side of the line. Our search for information shall, however, be unremitting. If arms & ammunition be discovered, they shall be seized. & every fact in the least important, promptly communicated to the nearest British Commander. This has long been one of my standing instructions.

I do not make these assurances to lull your Excellency, or the Governor General, into a state of false security; for it is always to be apprehended, particularly in the event of serious commotions, within the Provinces, that small parties of desperadoes may attempt to escape from our side of the line to yours for the purpose of taking a part in such troubles.

The Cabinet, at Washington, are very desirous to remove the Canadian refugees who hover on the northern confines of New York & Vermont, into the interior; but I doubt whether there be any legal authority for doing so, & whether Congress have the constitutional power to pass an alien act. Those refugees are great nuissances [*sic*] to both sides of the line.

I embark, tomorrow morning, for Detroit, & shall, returning, visit all the haunts of the people called *patriots*, as low down as the frontiers of Vermont.

I very much regret that it will not be in my power to make you the visit you have kindly invited. Indeed I am, besides being much hurried, not at liberty to leave the United States, without special permission. Colonel Bankhead speaks in warm terms of his reception at Toronto, & I should feel myself honoured with your Excellency's personal acquaintance.

Any communication addressed to me, or either of our commanders on the frontiers, connected with our common duties—the preservation of the peace & friendship of the two nations, will be promptly attended to.

[970] [SIR] R. [W.] GARDINER TO ARTHUR: A.L.S. 3p.

Nov. 10 *Claremont.*

We are anxiously looking out for News from you announcing the new Governors Proceedings—

There is no Public News here—The Riots of the Chartists have been most fortunately put a stop to by the decision and bravery of the Troops—a mere handful dispersing 8 or 10 thousand of them—

I hope Lady Arthur, yourself and all your belongings are quite well—and that your Winter will be uninterrupted—

[971] ARTHUR TO RUSSELL: LB.3, p. 78.

Nov. 11 *Govt. House, Toronto.* [Marked "Private."]

I have to acknowledge Yr. Lordship's private letter of the 9th. Sept. in wh., with reference to several despatches respectg. subjects of great importance Yr. Ldship. recommends that I should, as soon as possible meet the new Govr. Genl. in person.

Cheerfully acquiescing in Your Lordship's recommendation I made it a point to proceed to Montreal as soon as Mr. Thomson's arrival was announced.

The result of my interviews I have no doubt the Governor Genl. will himself make known to Yr. Lordship, as well as His Excellency's intention to assume the Administration of this Govt., & to meet the present House of Assembly on the 3rd. December next.

It is not possible that I shd. disguise from myself the light in wh. this must inevitably place me before the public, & that I shall be obnoxious to all kind of reflections—of wh. a specimen has already appeared in the Public Journals; but, I hope, my duty to the Queen and to the Country, will enable me to go through the trial with the abandonment of every personal consideration that does not affect my honor.—

[972] ARTHUR TO LORD FITZROY [J. H.] SOMERSET: LB.3, p. 76-78.

Nov. 11 *Govt. House, Toronto.* [Marked "Private."]

My letter to Yr. Ldship. of the 18th. ultimo arrived at Quebec too late for the "Pique" Sir J. Colborne havg. sailed two days earlier than was expected; but it will be forwarded by the present opportunity.—

Since the date of that Letter I have made an excursion to Montreal, & have had several conversations with the new Governor General. Happily, I was able to direct him from dissolving the House of Assembly, wh. evidently he had previously determined upon—but he comes here next week to meet the Parliamt., &, of course, protempore, to assume the Govt.

The ostensible object is to propose the Question of the Union; but, I am quite persuaded that another, not less important, is to change the current of political feeling in the Province wh. for many years, has been amgst all the Canadian Party highly conservative—

It wd. seem unreasonable to blame Mr. Thomson for this, as it is natural he shd. wish to strengthen his own party—& to give stability to the Provinces accordg. to his view—but it never can be right to throw even a feather into the Scale of Reformers in this Province when we have proof that in the main, they are disaffected & desire Republican Institutions.

Heaven knows, a crisis must be approaching! & if Canada be preserved, it will be only by the Bayonet. I venture to predict that the United Legislature will not go thro' a third Session.

The Brigand War is now, I think, over.

The Patriots have no more money. Tho' I hear it as a profound secret from a thousand Quarters, that the Russian Govt. will supply them with the sinews of War to any extent.

Had Sir John remained, I shd. have said that the services of our Militia force might have been dispensed with—but, I do not like to say so now.

Mr. Thomson will however meet with no immediate difficulty if he proceed with prudence, & will find the Province in a very different state from what it was when I came out.

Nov. 11 CHARLES GORE TO SIR CHARLES O'DONNELL:
[See item 974.]

[973] [SIR] R. D. JACKSON TO ARTHUR: A.L.S. 2p.

Nov. 12 *Montreal.*

The Military Secretary to His Excelly. the Governor General has applied to me to have Dispatches forwarded from Toronto to this Place by Orderly Men of the Volunteer Cavalry[.]

I have referred this matter to the Depy. Qr. M General, and enclose a Memorandum from him for your information;. & it has also been communicated to the Governor General.

I told his Excellency that it appeared to me un-advisable to dislocate any part of your (paid) Volunteer Cavalry without your previous sanction as it might prove inconven[ie]nt to your arrangements.

As the Governor General will go to Toronto so soon, time will not be given to receive an answer to this.

I see that the daily expense of employing your Cavalry on this Dispatch duty will amount to £16 per diem, in addition to their daily pay as Soldiers 2*s*. being allowed to each Man on this duty.

On referring to the Commissary General, He was of opinion that the transmission of Dispatches by Messenger, even during the Frost, would be less expensive.

I have stated this to the Governor General, with a Copy of the enclosed, and his Excellency will determine with you, on his arrival, upon the course to be preferr'd under the circumstances of the case.

[*Enclosure:*]

[974] *1839*

Nov. 11

CHARLES GORE TO SIR CHARLES O'DONNELL: L. 3p.

Deputy Quarter Mr. General's Office, Montreal.

I have the honor to make the following report on the Letter of the 10th. Instant from The Military Secretary to The Governor General addressed to The Commander of The Forces, on the subject of a chain of Express Dragoons to be established between Montreal and Toronto in Upper Canada, for the Winter months—

The Cavalry on the Frontier line of 45°. cannot furnish any Detachment for this Service, they have as much duty to perform as they can get through, and in Colonel Taylor's District have only two or three nights in bed, This force was raised to meet the Duties absolutely required for the Frontier, and will *be forced* to provide two posts (at Cognawaga & St. Johns) to keep up the Winter communications with the Troops on the left Bank of The St. Lawrence.

It will therefore be necessary to establish the line of Posts by placing the Volunteer (paid) Cavalry of Toronto, Kingston, Brockville and Cornwall expressly on this duty.—

The number of Posts at intervals of 8. miles will be—49.—

Three Men at each Post exclusive of Non-commission'd Officers will be ---------- 147
Non-commission'd Officers --- 13

160.

Additional pay while employed on express duty at 2s/. per day each Man —

For 160 Men— £16.0.0
150. days service — £2400.0.0
30. days service — £480.0.0

Strength of the paid Volunteers referred to—

	Capt.	Sub.	Sergt.	Trump.	R. & F.
Toronto— Major Magrath's troop.	1	2	4	1	54
Kingston 1st. Frontenac troop —	"	1	2	1	27
2nd.— ditto —	"	1	2	1	34
Brockville—Troop —	1	1	3	1	39
Cornwall—Lancers —	1	1	2	1	30
Total—	3	6	13	5	184

[975] J. B. Robinson to John Macaulay: A.L S. 8p.

Nov. 13 *Wandsworth, Surrey.* [Marked "Private".]

I believe among the score of letters Wm. Boulton took out for me there was not one for you—at least I have a slight twinge of conscience on your account, though possibly without good reason— By this time I trust you have found yourself quite at home in your new office,—as much at ease in your saddle, as if it had been made by Alderman Dixon— and you have had leisure, I hope, to take a deliberate view of our beggarly exchequer— I do flatter myself that you will be able at least to let us see the worst, already before us—and to suggest some possible way of getting out of our difficulties— I quite despair, with the present cabinet, of any thing effectual being done in a pecuniary way for our relief— If it had been possible to make an impression, Sir G. Arthurs dispatch must have done it, for it was urgent, & was clear, reasonable & business like— All that I could say on the subject I had before said in a paper which I will send out, if Ld. J. Russell does not object—and I had repeated personal interviews with Ld Normanby & Mr Labouchere in which I pressed the matters as earnestly as I knew how—but it was evidently vain, & I had never any hope of success— Ld. Normanby told me that he shd. be delighted to be able to effect any thing of the kind, but that it was absolutely out of the question—that he had proposed it to his Colleagues & had support from no one— I am quite satisfied that under the circumstances of the time, it was not to be hoped for— But now as to the future— Ld. J. Russell is a statesman of not an ordinary char-

acter— He has certainly written things & done things of which any man occupying his position in England ought to be ashamed—but he is an able man—deliberate in his views—calm in his decisions—& having confidence & spirit enough to come out boldly in support of the cause or the measures which he espouses— If we had no ticklish measures like the Union pending, I should be quite willing to take a chance of his Lordship as a Secretary for some years to come, for I think he would be anxious to effect something considerable during his reign—but one can not reckon at all upon his being prominently useful as matters stand— He may not intend to be long in the Department—& in that case he will avoid as much as possible encumbering himself with any thing in addition to the one grand scheme— Then the whole party must feel their tenure of office so precarious that one can not wonder they are willing to shirk every thing that goes beyond mere routine— What encouragement have they to volunteer any exertion that they can possibly avoid?— For years past we poor unlucky Canadians have had such a succession of Commissrs. & new Govrs. that there is never wanting a pretence for delay. At one time we must wait till Lord Gosford has reported—then Ld. Durham had been *particularly* desired to report upon these matters & nothing can be done till he has stated his views—& now I suppose we must wait till Mr. Thompson [*i.e.* Thomson] has rubbed his eyes and looked round him—& related his visions—or his dreams— That something good will come of it at all last, I am willing to believe, for I am much disposed to be of Sir George Arthur's comfortable persuasion that we are sure to have things better ordered for us, than we could order them for ourselves— Nevertheless it is not the less our duty to struggle as hard as we can for whatever we think to be right—& therefore I have just finished a full & deliberate examination of the 75 clauses which are to constitute our new Charter—and to be sure what a field for observation they afford—

Your suggestion in a former letter about increasing our revenue immediately & directly by passing an Imperial Statute imposing additional duties—is a very precise[?] & simple one certainly, but before you could get them to move in that path, you would have indeed "to heat the poker—" We must get on now, I fancy as we can, until the *great scheme* is disposed of, for the ready answer is—how could we introduce any thing of this kind just when we are on the eve of making a final settlement of all difficulties?— It is impossible that the next Session can pass away I think without something being done—& we must all do what we can to contribute to a good result—

I intend going to the Office tomorrow, but have no expectation of finding Ld. John Russell at his post, so soon after the loss of his father— and indeed at this time of the year he would most likely be absent at any rate—

The papers, I see, state that His Excellency has gone, or rather that early in October he went down to the Eastern part of the Province, & I can not [but ?] think that one object of the journey was to proceed to Montreal & take leave of Sir J. Colborne— I hope I am right in my guess, & that Canadian affairs have been fully discussed— Something may depend upon the opinions Sir John Colborne expresses if he is earnest, & decided & consistent in them— They would not be likely to turn Ministers from the plan to which they are so far committed—but if they were sound & became generally known they would throw an additional obstacle in the way of any imprudent measure—

I suppose Your Legislative Session will commence abt. the 10 January—and that there will be time to get hence any representation you may desire to make before the Canada bill is taken up—& what will you represent?—that I suppose depends upon who comes up from Montreal to canvas you—and so it is utterly impossible to form a conjecture upon the subject— The Clergy Reserve will be taken up again in the assembly I dare say— I only hope that before I sail I may hear something of the probable result.—

It is better, decidedly, I think that all ended as it did, than that any of the many propositions about a Commission being sent to England should have carried— Nothing would have been done, for Ministers were evidently afraid to face the question, on the ground on which they stood—& if they can find an excuse next Session I think it likely enough they would most willingly avail themselves of it— Besides I am at a loss to know what new light the two delegates would have imported— For my part I could hardly have done any thing more than I did, and certainly in no shape & under no qualification would I have promoted the Union— Ministers will not propose an Union on terms that would afford us a rational prospect of security or peace— I scarcely know how they could—and whatever unequal provisions they might insert with that view at first—would not long be maintained.

Then the idea of ruling such a territory by one Executive is preposterous— I venture to say no scheme could be proposed that would not disappoint one Province or the other, & in order to conciliate as much support as possible, all parties are left to hope what they please on the most delicate points—about some nothing is said—& others are left to the chance of future settlement by arbitration— I can not say I have any apprehension that a bill so very exceptionable as it is can possibly pass—the only doubt is how much of it may be adopted—in other words in what shape it may come out of the mill— The only difference it would have made if I had been requested to act on behalf of the Province, is that I should have made representations on the general subject of Canada, which being addressed by me to the Govt. in an official capacity would have been public documents accessible to all & might in that manner have had some influence on the final disposal of the question— All would have seen them, & those who approved of them might have made use of them without reserve— I have so great a dislike to any irregular connexion with the press or to take any part in public affairs that may seem unbecoming my station that I have studiously refrained from the only means by which any one in these times can hope to act with effect—for even the Governmt must have the public mind prepared, before they can venture to start their measures—

Do you not think the Post Office change an indiscreet one to have been proposed by the Govt. of the Country? It was it seems to me a flagrant absurdity not at least to have made the postage 2d.— The revenue wd. have been doubled for as many letters wd. have been written—the same trouble only in collection—& the public wd. have felt the boon as great an one— It seemed that nothing but a radical change would suffice—& away they went. It required *character* to oppose the measure as Sir Robt Peel did, when he knew it must carry, & that many of his party wd. shrink from opposing it, let them think what they might—

I read with great pleasure Sir George Arthur's exposition of responsible Governmt. It has done good, I trust—nor has that queer fish the Doctor's commentary in his letter to "Dear Hitchings["] been without it's [*sic*] effect I dare say—

The first paragraph was a happy one & floored the doctrine & Mr. Hitchings at a blow—

The fact is the notion is utterly absurd, and there is no danger whatever of any such a system being maintained in practice, if it even shd. be established, which seems impossible—but the agitation may do infinite mischief, by turning the scale at an election—as Judge Willis' dismissal did— To see at once the absurdity of the principle one need only consider that Ld. Durham has recommended several things in his report—which the popular party in the Assembly would be sure to kick at desperately—now suppose the Govt. here having paid a pretty good price for these recommendations were to adopt them & write out to their Governor to use all his influence to have them carried into effect— The Attorney & Solr. Genl. in this or in any other Assembly would find themselves in a minority, if they supported the Government propositions, & then upon the responsibility principle they must be turned out & others appointed whose opinions were in unison with those of the Majority—in other words they must be dismissed for supporting Her Majesty's instructions—& the Governor must supply their place with persons who will oppose them—

Two years experience of such trash would sicken most persons—

If it should so happen that the Legislature should meet early enough to send home any representation before I leave & should desire to avail themselves of whatever service I can render—I only hope that they will either intercede for some policy that steers clear of a union, or that they would leave me free to urge my own views with their authority— So situated I might very probably have rendered much service in the way I have stated— It seems, so far as one can trust appearances that sounder views are gaining ground throughout the Empire— The Ministers injured themselves prodigiously by their education scheme, and have done themselves no little harm by their R Catholics appointments— The Church of England sober & respectable in all her conduct has great power in this Country & can make her influence felt, especially when the occasion for it's exercise is a legitimate one—

I do not write to His Excellcy this time, nothing having occurred since the Queen left us— Will you be so good as to say so—

[976] ARTHUR TO ADAM FERGUS[S]ON: LB.5, p. 5-6.

Nov. 14 *Government House, [Toronto.]*

On coming into my office this morning, I found your card, and immediately desired a note to be written to you to say, that I should be happy to see you,—but to my regret, I find you have left Toronto.

I am very sorry that I was not made acquainted with your having called, or indeed of your being in Town—for I was anxious to have conversed with you upon some subjects of much interest,— More especially with respect to the Clergy Reserves.— The Bill, passed last session, is, in it's [*sic*] limitation, deemed unconstitutional,—and so we have the subject back on our hands again.

What then can be done? You remember, no doubt, the Bill that was introduced by Mr Sullivan last Session. It passed through the "Lords," but was lost in the Commons House. Do you think that Bill, in a modified shape, might be again introduced? In fact, you will oblige me much, if you will favour me with your own views upon this essential subject. I should also have been glad to have fully known your opinion of the Bill that was sent out founded upon Lord Durham's Report.

To the Union I think there is a very general assent and all must strive that it shall be a measure of strength and security.

[977] ARTHUR TO SIR R. [D.] JACKSON: LB.5, p. 4-5.

Nov. 14 *Government House*, [*Toronto.*]

Since my return from Montreal I have been glad to find my anticipations of the downfall of the Patriot cause fully realized, and feel quite persuaded that we shall have a quiet winter on the Frontier, unless some internal commotion should again excite Citizen-sympathy of which, at present, I can discover no ground for apprehension.

I felt quite persuaded, when Colonel Bankhead paid me a visit, that there must have been a change in the public feeling in the States, or he would not have ventured upon such an expedition; and, yesterday, I received from Major General Scott a very satisfactory assurance that "there is no Patriot Association on foot, or in immediate contemplation on our side of the line"[.]

I enclose a copy of the Major General's Letter for your perusal,—it is written in a very good spirit, especially after the unpleasant rumours which I lately caused to be communicated to him.

The severe punishments inflicted upon the Brigands appear to have effected all that could be hoped; all, indeed, by deterring others from the commission of crime, that the punishment of criminals is intended to produce.

The Patriot Cause has gone down more suddenly than I expected—but I am most grateful for it, because it will weaken the confidence of the disaffected in both Provinces, and tend greatly to the restoration of general Tranquillity.

Our militia force is engaged to serve until April;—I do not think it prudent over-hastily to decrease it, but you will, I am sure, concur with me in opinion, as our military expenditure is still considerable, that it may be well, gradually to send to their homes such men as are willing to accept their discharges,—especially the Cavalry.

The Constitutionalists and the Reformers are looking to the Governor General's arrival with great anxiety:—it would require but little to set them all in a flame again: that little, however, I hope, will not be vouchsafed, and then our Red Coats may stand at ease during the winter.

Now would be the time to settle the Maine question— We are strong enough to be firm.—

In the course of a week, I hope to have a Map completed for you, and I shall have the pleasure to forward it with a short explanatory memorandum which you may find useful. The Governor General will most probably have left Montreal before this reaches you.

[Enclosure referred to is obviously item 969.]

[978] S. B. HARRISON TO [JOHN MACAULAY]: M. 6p.

Nov. 14 *Government House, Toronto.*

Upper Canada[.]

Memorandum.

For the Inspector General of Public Accounts[.]

The Secretary of State for the Colonial Department, in stipulating in his Despatch No. 7 of the 28th. of December 1837, the terms of the proposed surrender of the Casual and Territorial Revenue to the control

of the Provincial Legislature, directed that among the Items to be provided for, by a permanent civil List, the Salary of the Lieutenant Governor should not be less than £3.500 per annum.

In his despatch marked "Separate" of the 25th. April 1838, the Secretary of State further directed, that in bringing before the Legislature, the propositions contained in the foregoing Despatch, it was to be understood, that whatever emoluments might be prospectively attached to the Office of Lieutenant Governor, beyond the sum enjoyed by Sir Francis Head, should be granted retrospectively to him for the two years during which he executed the duties of that Office.

These propositions were Communicated to the Legislature in the last Session by Message dated the 8th: April 1839.

Towards the close of that Session, a bill was passed for operating the surrender of the casual and territorial Revenue; but not being strictly in accordance with the terms prescribed by the Secretary of State, it was necessarily reserved for the signification of Her Majesty's pleasure thereon.— As regarded the Salary of the Lieut. Governor, the Bill made provision only for payment thereof, *on the increased sclale* [*sic*], from the 31st. December 1837:—the intended provision for the arrears accruing to Sir F. Head, under the instructions given, having been accidentally omitted.

This circumstance was reported to the Secretary of State in The Lieutenant Governor's Despatch No. 125 of the 5th of June last; and it was directed by the Secretary of State in his despatch No. 80 of the 8th. July, that the amount of the arrears due to Sir Francis Head should be at once paid to him from the Casual and territorial revenue.

Recurring to this subject in his Despatch No. 12, of the 13th. of September last, the Secretary of State directs that the omission in question be supplied by the Legislature in the ensuing Session, so as, in effect, to confirm the settlement already made.

The Salary of the Lieut. Governor will therefore be paid at the rate of £3.500 per annum from the 25th of January 1836, the date at which Sir Francis Head Assumed the Government;—a copy of this Memorandum being attached to the respective Warrants,—and the difference of £500 per Annum, now to be charged upon the casual and territorial revenue will be included in the estimates to be laid before Parliament at the ensuing Session.

By Command[.]

[979] ARTHUR TO P. B. DE BLAQUIÈRE: LB.5, p. 6.

Nov. 15 *Government House*, [*Toronto.*]

A Petition has been laid before me this evening from certain Magistrates residing in the County of Oxford, requesting that a Proclamation may be issued declaring the County of Oxford to be the District of Brock. Anticipating that the information forwarded may satisfy the Executive Council that the conditions of the Act as to Buildings have been complied with, I request to know whether it would be quite agreeable to yourself to accept the office of Sheriff, (or Judge of the District Court if you feel yourself professionally qualified)—in which case, I am sure I could not better promote the welfare of the New District, than by conferring it upon you,—and, at the same time, it would be a source of gratification to myself to have it in my power to manifest the great respect I entertain for your character.

[980] THOMSON TO ARTHUR: A.L.S.

Nov. 15 *Govt. House, Montreal.* [Marked "Private".]

I propose leaving this place on Monday next, and therefore, as I am told, may reach Toronto on Wednesday night or thursday morning. At this season of the year, however, the navigation must be very uncertain; there are here bad fogs for two days which prevented the La Prairie Boats even from crossing; I would therefore, in order to avoid giving you unnecessary trouble, suggest that you should not fix the dinner which you were kind enough to propose giving me on my arrival in order to introduce me to the principal people, until you actually see me arrive in the Port when we can arrange our proceedings.

I shall probably trespass on yours and Lady Arthur's hospitality for a night, if my own House is not ready—

I hope to hear cheering accounts from you on my arrival, told of the state of the Province and of the Union question; the latter as far as this Province goes is carried by acclamation.

[981] [ARTHUR ?]: M. 3p.

[*1839*] [*Place not stated.*]

[*c. Nov. 18*]

No. 1 Captain Sandom says "His Excellency embarked at Toronto 29th. July and landed at Queenston same night[.] Suite 13—Servants 6—Total 19 reembarked 1st. August at Queenston landed same evening at Toronto—suite 14—servants 6 Total 20."	On this I should remark that the Trip between Toronto and Queenston occupies less than three hours. In the number of the suite put down as consisting of 13 or 14 were several of the junior branches of the Family under 12 years of age.
No. 2 Captn. Sandom then says "His Excellency embarked 2nd. August landed same day at Port Dalhousie. Suite 4 Servants 2 Total 6"	I embarked on this occasion between 12 & 1 A.M and disembarked between . . . 5 & 6 A.M the same morning, being in bed the whole time.
No. 3. Captain Sandom says embarked at Toronto 30th. Septr. landed at Brockville. October 1st. Suite 7— Servants 7— Total 14	I embarked on this occasion at Toronto 30th. September about 3 OClock P.M. and landed the following day, 1st. October, about 4 OClock P.M.
No. 4 Captain Sandom says embarked at Brockville 3rd. October—landed again same evening suite 7 Servants 4.	On this occasion I proceeded from Brockville to Prescott to inspect the new Fortifications—Troops—and Militia, and returned to Brockville same day.

No. 5

Captain Sandom says embarked at Brockville 5th. October and landed at Toronto 10th. October—suite 7—servants 7—Total 14.

By this it would appear I had been on board the Traveller 5 or 6 days, whereas I embarked at Brockville on the 5th. Octr about 11 A.M, and landed at Kingston the same day about 5 P.M— I remained at Kingston until the 9th. October at 10 oClock P.M of which day I embarked on board the Traveller, and landed at Toronto the following [day] about 5 P.M.

[982] [ARTHUR?]: M. 2p.

[*1839*] [*Place not stated.*]

[*c. Nov. 18*] Memorandum shewing the number of persons and time they were on board H. M. Steamer Traveller, and for which service Lieutenant Harper has charged £53.

Embarked at Toronto about 5 OClock P.M of the 23rd. October, after dinner, and disembarked at Prescott the following evening, 24th. October, between 8 & 9 OClock.

Embarked at Kingston about 10 oClock P.M. of the 1st. Novr. and disembarked at Toronto the following night, 2nd. Novr., about the same hour.

On the first of these occasions there were on board the "Traveller",
Sir George Arthur
Captain Arthur } A.D.C
Mr Domvile }
Captain Halkett. A.M.S
and five servants.

On the second occasion there were on board
Sir George Arthur
Captain Arthur } A.D.C
Mr Domvile }
and four servants.

On board a Lake Boat the whole expense would have been for the first trip about £13 Cury. and for the second about £10 Cury.

|983] T. R. P[RESTON]: M. initialled. 2p.

Nov. 18 [*Place not stated.*]

Memorandum with reference to the Secy. of State's Despatch No. 11, of the 22d. Septr. 1839.

In Septr. 1838 — His Excy. proceeded on a tour to the Niagara frontier.

Early in Octr. 1838.— The Lieut. Governor proceeded to Lower Canada, to confer with the Earl of Durham previous to his Lordship's departure from this Country.—

His Excellency does not appear to have visited Kingston in *Decr.* last, as is stated in the Despatch—

	October is probably the Month intended to be designated.—
In January 1839—	He proceeded on a tour of inspection to Amherstburg and Sandwich.
Towards the end of May	He proceeded to Brockville to investigate the circumstances of the seizure of the Steamer "G.S. Weeks."—
Early in Augt.—	He proceeded on his annual tour of inspection through the Western Districts; and,
in Septr. 1839	he proceeded on a similar tour of inspection through the Eastern Districts—
In October 1839 —	His Excellency proceeded to Lower Canada to confer with the Govr. General.—

With reference to these excursions, I have no means of verifying the precise dates of His Excellency's departure from, or return to, the Seat of Government, no record of them having been kept; but in future it would be advisable to note them.

[984] ARTHUR TO COLONEL [J. F.] LOVE: LB.5, p. 7-8.

Nov. 18 *Toronto.*

In reply to your letter of the 12th. inst., I beg at once to say that I leave you to occupy the Sarnia Frontier just as you may deem best—taking care, if you please, by all means to incur no expence that can be avoided.

I should tell you, however, that, from the active steps now in progress by the United States Govt. I scarcely think that even marauding Parties will cross over this winter. I have indeed, never doubted for a moment that, when the American Government set about discouraging the "Patriot Cause" in good earnest, there would be an end of it. Until within a few weeks past, all the officers of the United States Civil Government directly encouraged the disgraceful conspiracy which, miserable as their Government is—might certainly have been avoided.

I enclose for your perusal copy of a letter from Major General Scott by which you will perceive that he is "about certain that there is no Patriot Association on foot or in immediate contemplation on our side of the line."

Throughout, I have felt that I was working—not against a few despicable vagabonds—but, in fact, against the scheming of the American Government—and it is evident they are now no longer taking the same interest in the cause.

Our Minister at Washington entertains the same view of it, and I acknowledge, with gratitude, that by *speaking out* to the American Government which he has done repeatedly in his official notes to his esteemed friend Mr Forsyth, he has rendered me the most effectual aid. About three weeks ago, he remonstrated in a most spirited manner in consequence of some complaints which I made to him and to Her Majesty's Government[.]

Two or three practical field days, as you call them, would have better suited my own interest, I believe, but I am thankful to have overcome

the mischief in any way, for all classes of this community have had enough of excitement, and too much of military occupation[.]

With regard to the 85th. Regiment I am quite satisfied that it would have been most desirable to have brought the companies back to the head-quarters of the Regt. and I recommended Sir John Colborne to allow me to relieve them. I will now address Sir Richard Jackson upon the subject.

[Enclosure referred to is obviously item 969.]

[985] ARTHUR TO COLONEL [J. F.] LOVE: LB.5, p. 8-9.

Nov. 18 *Toronto.*

In reply to your note of the [blank in MS.] I beg to say that I deeply regret to find that Major Bloomfield is passed over and I certainly did not expect it. Sir John Colborne distinctly informed me that he had promised the appointment to Major Bloomfield, and I mentioned this to Sir Richard Jackson who replied that Sir John had not communicated it to him. I took it for granted, however, that the Commander of the Forces would confer with Colonel Gore upon the subject, and, perhaps, he has done so—and if Sir John did not speak to Gore, it has been a neglect which I should not have expected.

Except in behalf of Major Bloomfield and Captn Taylor, I never asked any other favour of Sir John than that you should be stationed at Toronto.

I am certain, however, that there has been no intentional unkindness—far from it.

I fear I omitted in my last letter to you to express my concern for the affliction with which it has pleased Divine Providence to visit you. An excess of business quite hardens one's heart—or, at least, it has the appearance of doing so. I feel satisfied however, my dear Colonel, that you know from whence that consolation can be alone drawn; and it is the high opinion I entertain of you in this respect that has always made me feel so much gratified at your being in this Command. The union of the Christian with the soldier constitutes the most perfect character I know—and, you may believe me, that if I can in any way be of service to you, whilst I remain in this part of the world, it will give me the greatest pleasure.

Having stated fully to Mr Thomson the probable inconvenient circumstances that may attend his assumption of this Government, I shall leave him to his own course, and heartily endeavour to afford him the assistance which Her Majesty's Government have expressed a strong expectation he will receive from me in carrying into effect the measure of the Union.

They fully anticipated the embarrassment it must be to me—or they would not have addressed me in the terms they have done, of their assurance that personal considerations will not weigh with me on such an occasion.

My real difficulty is to distinguish exactly my duty, for that I intend to follow—as the best guide under every conceivable trial.

Of course this is all quite private!

[986] ADAM FERGUSSON TO ARTHUR: A.L.S. 4p.

Nov. 18 *Woodhill.*

I am honoured by the receipt of your obliging note upon Saturday, and feel deeply sensible of the compliment you are pleased to pay me, by

requesting my sentiments upon a truly harrassing [*sic*] point of Provincial policy. I had fondly hoped from the terms of Lord Glenelgs Despatch, or rather his Instructions, which accompanied Sir F. B. Head that we had always the Imperial Parliament to fall back upon, in the *ultimate* event of a total failure to adjust The Reserves amongst ourselves. It would appear however from what you mention, that some Constitutional difficulties stand in the way of a reinvestment in The Crown, and we must submit to grapple with it anew.— The principle of The Bill and most of its details, which was introduced by Mr Sullivan, met with my cordial approval, and continues to do so, nor do I think, happen what may, that we can reasonably expect to devise any scheme, more applicable to the wants, and circumstances of the Province. I felt more vexed than I can well express, when its smooth progress was arrested, by the introduction of the *tenth* clause, and which I at once pronounced to be an extinguisher of the Bill in the House of Assembly, neither was I at the time, in any degree aware of the immediate interest in that clause, contemplated by the member who made it as a sine qua non.— If we must enter again upon the Reserve question, I am decidedly of opinion that Mr Sullivans Bill, ought to be our ground work. There is however one very important difficulty which presents itself to my mind, and which must be satisfactorily adjusted before taking the question into deliberation.

I allude to a provision for the Roman Catholic Clergy. That a proper provision shall be made for The Romish Church, I am heartily ready to concede, but I can never consent to dispose of funds, *specially* allotted to the support and encouragement of the Protestant Church, in aid of that of Rome. It appears to me to be a dereliction of Public principle, which it is impossible to Justify, upon the plea of expediency, however strong.

I sincerely hope that some mode will occur, by which this difficulty may be obviated. The Roman Catholic Clergy, must not be neglected, but neither must we make a shipwreck, of what consistency demands.

In regard to Lord John Russells Canada Bill, I do not feel myself warranted to offer an opinion, having had little or no opportunity of considering it with attention. I have no hesitation however in saying that it appeared to me to be loaded with a most unwieldy machinery, more likely to impede than to forward the object of the Bill. Upon the two points of a Union of the Provinces, and of a *duly defined* responsibility in the heads of Departments & Official advisers of the Executive, my views remain unaltered, & to them, almost alone, I would commit the restoration of prosperity & peace.

I feel that an apology is due for intruding last week, however handsomely you excuse it in your note. My stay in Toronto was necessarily limited to Wednesday, and my object in waiting upon Your Excellency was to mention a matter of some importance to the Country & which would prove a most welcome & popular measure, should it be attainable. A cheap Agricultural periodical, similar to the Genesee Farmer & others published in the U. States, is very much wanted in Canada, and would probably succeed well, if it were once fairly launched. A prospectus has been circulated by an individual in St Catharines, who is (I am informed) well fitted in all respects, save funds, for this important work. It occurred therefore to me, that if there is any available fund, from whence two or three hundred pounds could be advanced *in loan*, that the money would be wel[l] employed, & probably Mr Robinson & Mr Merrit[t], or

some other gentlemen in that quarter, would act as Trustees to take security, and appropriate the loan.

I beg leave to apologize for so long a trespass upon the time of Your Excellency[.]

[987] [SIR] R. D. JACKSON TO ARTHUR: A.L.S. 4p.

Nov. 18 *Montreal.*

I shall send this by the Aid[e] de Camp of the Governor-General, who leaves this Place for the Upper Province tomorrow.

I desired Dr. Skey to transmit for your consideration some suggestions of his relative to the occupation of Amherstburg & Sandwich, in the Summer, through Dr. Short[t]— It is a subject upon which you must decide.

Col. Campbell R. Artil[ler]y. informs me that the 18 Prs. intended for the Island of Bois Blanc are on their way to Kingston, where He thinks you may retain them, if the 18 Prs. said to have been deposited by Capn Sandom can be applied to the first object— He however recommends that the guns he intended for this purpose, (which-ever may be chosen,) should be placed at Malden until the necessity of arming the Towers be urgent.

Our communications between Upper and Lower Canada are dilatory;—I wrote to Capt. Sterling and to Colonel Love 73d. so long since, that I despair of an answer.— You will arrange with the Governor General for the more speedy transmission of letters between Us, when you have seen his Excellency.— It may be of much importance during this Winter—but I am unable to say how you may be disposed to employ your paid Volunteer Cavalry on this this [*sic*] business; and the expence attending it is stated at a high rate, independent of their daily pay.

We are sadly off for great Coats; as the *Wave* expected to bring them did not leave the Channel till the 27th. September, and has not yet arrived— It is feared She cannot now be trusted to, & We must provide this indispensible article of clothing here.

You were so good as to promise a Copy of your Maps of the Upper Province, & you will oblige me, very much indeed by recollecting me.

I will not enter into any particulars that you will hear so much better from the Governor General.

I am rather anxious about the *Arms* of the old pattern in possession of many of the Men belonging to Regiments in this Country— Have you had occasion to doubt the efficacy of yours? . . .

[P.S.] I shall remember our agreement that letters, written in this manner, although with the informality of purely private letters, may be considered sufficiently official for all purposes— Those marked "secret," or "confidential" will be strictly consider'd so by us—

[988] [ARTHUR] TO [ADAM FERGUSSON]: Df.A.L. 4p.

[1839] [*Place not stated.*]

[*c. Nov. 19*] I thank you for your communication of the 18th. & write merely to say that I shall have great pleasure in encouraging a Cheap Agricultural periodical wh. I am satisfied wd., in *many respects*, prove highly beneficial. I wish with all my heart Men thought more of such things & less of Politics—but alas! from whence are the Funds to come. My attention

since I came Here has been to save the Country from becoming Bankrupt & wh. must be the case if the Home Govt will not afford temporary assistance whereas, there is abundant wealth in the Country if it were developed— I shall be happy however to keep the subject you propose in mind[.]

Our Clergy Reserve Bill was unconstitutional, as I understand it, in so far as it reinvested the Funds in the Crown to be disposed of by Parliament. Of course, I never supposed there could have been a question upon this point, as it was suggested by the Secy of State.

I apprehend the Govt wd. have more difficulty in dealing with the question at Home than we shall have Here—but, if possible, it certainly ought to be settled before the Union—, or the Roman Catholic Members in the Lower Province will have more to say upon the subject than may be convenient.

At all events, it will be desirable for a time at least to keep out of the United Legislature such extreme questions [a partly cancelled phrase here reads: "matters of strive (*sic*) to begin with".]

[A cancelled clause here reads: "If I well understood what you mean by a *duly defined* responsibility".] I entirely agree with you that there shd. be a *duly defined* responsibility in the Heads of Departs. & official advisers of the Executive—and, since I have been Here, I have been most anxious to bring this about & intended to cause a Bill to be introduced into the House framed upon the general want of system in carrying on the Govt—wh. has originated so far as I can discover in the House of Assembly meddling with what belonged to the Executive—for instance power has been given to the Receiver Genl in certain Matters passing bye [*sic*] the Govt. altogether.

A governor must be fond of trouble indeed who wd. not select as his Executive Council, if He had the power to name them, such Persons as wd. be disposed to work in harmony with the Legislature[.]

[The above is filed with item 986.]

[989] ARTHUR TO LORD FITZROY [J. H.] SOMERSET: LB.3, p. 81-82.

Nov. 20 *Govt. House, Toronto.* [Marked "Private".]

When I wrote to Your Lordship on the 11th instant, I was much hurried in order to close my Despatch Bag in time for the "Great Western" & omitted to enclose as I intended, the Copy of a Communication wh. I had two days before addressed to the Govr. Genl.

I am ashamed to ask you to enter so much into my private difficulties; but I know Yr. Lordship will excuse it & I am placed in circumstances of unusual perplexity; and I am very anxious you shd. be made aware of the progress of events with reference to Mr. Thomson's superseding me in the Administration of this Govt.; I cannot regard it otherwise than as a proceeding wh. reflects upon me in a strong degree—&, yet, I am by no means sure that I might not be blamed exceedingly for resigning at such a moment.

In my Despatch to the Governor Genl. I have explained the course of policy I was sent here to pursue; & that having pursued it, I cd. not possibly espouse the very opposite interest—&, yet, this is what I apprehend may be expected from Mr. Thomsons known course of Policy.—

I hope you will think that I have gone straight forward to face any difficulty & with all possible respect for the Powers that be I have laid my position fairly open.

I expect the Govr. Genl. will reach Toronto tomorrow— All is quiet on the Frontier.

[Enclosure referred to is apparently item 967.]

[990] P. B. De Blaquière to Arthur: A.L.S. 4p.

Nov. 20 *Altadore, Woodstock.*

It is with feelings of no ordinary kind that I beg to acknowledge your Excellencys communication of the 15th, & at the same time to express the deep sense I entertain of the gratifying manner in which you have been pleased to propose my nomination to an Office on the erection of the new District of Brock.—

With respect to the Office of Sheriff I think it right to state, that a requisition was lately presented to me, signed by all the respectable portion of the community of this neighbourhood, British & Canadian, with two exceptions, & including nineteen Magistrates, requesting I would permit my name to be submitted to Your Excellency for the appointment. I objected that such a recommendation, unsolicited, might be deemed an interference with Your Excellency's prerogative, & indeed I only entertained the proposition at all on account of the unsettled state of the Province, & the power of the Sheriff to call out & direct the whole force of the County in case of disturbance; but further reflection satisfied me that the Legislature had provided for such exigency in a far better way by the recent Militia Acts, & that under any circumstances it could not therefore be necessary or expedient to call out the *posse commitatis* [*sic*], & in consequence I declined acceding to the requisition being quite assured that your Excellency would appoint a person in every way qualified to fill the Office.—

A strong sense of public duty would have induced me to sacrifice every personal feeling of dislike to the ordinary duties of Sheriff if united with the important responsibility alluded to, but that being virtually rendered nugatory I trust you will permit me respectfully to decline the honor you intended, anxious at the same time to evince how proudly I cherish this additional proof of your Excellency's esteem.—

The Office of District Judge I presume requires professional knowledge as alluded to by your Excellency, but notwithstanding your kind & considerate wish for my appointment to an Office, it is perhaps quite as well for the sake of British influence around here that it did not take place; the Yankee spirit that abounds to an overflow in the Province requires to be taught that other motives than those of self advantage may & do influence the sticklers for British institutions.—

[991] [F. A. M. Fraser ?]: M.

[*1839 ?*] [*Place not stated.*]

[*c. Nov. 21?*] Pay and Allowances of One Troop of Cavalry (Major Magrath's) in Upper Canada for One day.

Pay	Sterling	Currency
One Captain	.. 14 7	
One Lieutenant	.. 9 ..	
One Cornet	.. 8 ..	
One Troop Sergeant Major	.. 3 ..	
Two Sergeants	.. 4 4	

Pay	Sterling	Currency
Three Corporals	.. 4 10½	
One Trumpeter	.. 1 7	
Fifty Privates	3 2 6	
Three Infantry Soldiers (Privates) as Servants	.. 3 ..	
Allowances		
61 free Rations daily including fuel & light	1 15 1¼	
3 " " " for Servants	.. 1 8	
Forage & Stabling for 63 horses	4 11 10½	
Horse allowance for 57 horses	3 11 3	
Billet allowance for 56 men	.. 15 6½	
Lodging Money for 1 Cap: two Sub: & 1 Sergt Major	.. 4 10¾	
Free Rations for three woemen [*sic*] & their probable number of children—eight	.. 1 11½	
Clothing for 57 men for one day	.. 11 10½	
Bounty for 57 men for one day	 10	
Stationary [*sic*] for one day	.. .. 3½	
Probable amount of Postage	 2	
" " " repair of Arms	.. 2	
	£17. 6 6.	20. 15 9½
When on Express duty add for the difference of Rations of [*sic*] Provisions	1. 5. 4.	1. 10 4¾
	£18. 11. 10	22. 6. 2¼

[992] ARTHUR TO SIR R. [D.] JACKSON: LB.5, p. 10-11.

Nov. 21 *Toronto.*

I received on Sunday last the 17th. Inst. your letter of the 12th. respecting the employment of the Militia Cavalry to undertake the express duty from hence to Montreal during the Winter.

The question may be raised whether we have a right to employ them out of this Province, and there *may* be some little unwillingness displayed—but, I have no doubt, under the engagement they have entered into, that they are liable to be thus employed; and from the present aspect of affairs on the Frontier and in this Province there can be no objection to the Cavalry being dispersed upon this service.

I mentioned in my letter of the 14th. Inst that I should think it might be well to reduce this expensive force—but, unless the men are themselves willing to return to their homes we must keep them for the term of their engagement—viz. six months—and, in that case the more useful they can be made the better.

As to the Commissary General's notion—supposing the Cavalry to be embodied—that it would be cheaper to employ Civil Messengers, I cannot comprehend it. He must surely labour under some mistake.

The tender of the only person, who can undertake such a service, I enclose— I also enclose a Memorandum prepared by the Assistant Quartermaster General upon the scheme which I directed to be followed last year, & which answered perfectly—the only difference is the extension of the Cavalry of this Province to Montreal.

Independent of its being less expensive than private messengers, it is far safer—and that is a consideration not to be overlooked.

I have lost no time in conferring with the Governor General upon the subject—and the plan will be carried into effect immediately after the Parliament has been opened—as the Troop, stationed at Toronto, are to take part in that ceremony.

[First enclosure lacking. Second enclosure is probably item 991.]

[993] [SIR] R. [W.] GARDINER TO ARTHUR: A.L.S.

Nov. 22 *Clarem[on]t.*

I have but a moment to tell you the Duke who had given us another fright—is now again—quite safe I trust— I have written the particulars to Lynedoch to whom I must refer you[.]

[994] [SIR] R. D. JACKSON TO ARTHUR: A.L.S. 3p.

Nov. 22 *Montreal.*

Your account of your Province is very satisfactory, and I heartily congratulate you upon your prospect of tranquillity.

The Governor General will, I am sure, be glad that you can dispense with the services of those Men of your Volunteers who wish to be discharged.

We have just heard of the arrival of the "Wave" Ordnance Transport, bringing stores essentially necessary for the Troops, Bedsteads, and *Great Coats*, of which latter your Troops will receive their due proportion; It may become necessary to use Sleighs for this purpose.

I shall feel very much obliged for the Maps you mention.

Pray have the goodness to remember me to the Governor General, who has, I hope, reached you in health before this.

[995] ARTHUR TO SIR R. D. JACKSON: LB.5, p. 12-14.

Nov. 23 *Toronto.*

Yr Letter of the 18 inst. was put into my hands on Thursday on the arrival of the Govr Genl[.]

I shall be glad to receive Dr Skey's suggestions respecting the occupation of Amherstburg & Sandwich during the summer Months.

The extent of sickness during the past season was the result, in some degree, of causes that are not likely to occur again.

At Amherstburg, the causes were, for the most part, relapses. The 34th. Regt. suffered very much from having been kept too long under canvas the preceding year whilst Quarters were being erected—and, from necessity, having occupied two very unhealthy posts.

At Sandwich, adequate accommodation was not to be found in time and the men were far too crowded in summer Quarters.

All appears so likely to be quiet on the Frontier, that I am anxious to propose to you to bring away the two remaining Companies of the 85th. Regt. from Sandwich. They can be relieved by the second Regt of Inc. Militia, part of which corps is still employed upon the works at Amherstburg.

In this case, they (the two Companies) may occupy Chatham, in the first instance, where they will be, in some measure, within reach of their Head Quarters—and can be subsequently dealt with according to your

general arrangement for the disposal of the Troops in the Spring. I mean if you intend to send the 85th. Regt to the Western Frontier (Amherstburg) in that case you will, probably consider it most expedient to leave the two Companies at Chatham—or, if you do not propose to send that Regt. to the Frontier, you would, perhaps, think it better that the Companies should join the Head Quarters of their Corps at London, occupying St Thomas with a Detachment for the sake of accommodation.

By some means or other the 85th Regt should, certainly, at an early period, be brought together.

The 43rd. Regt have been too long without a Mess, and long enough in their present Quarters.

The 34th. Regt have, perhaps, been sufficiently long at Amherstburg[.]

The 73rd. Regt, being amongst the first to return Home, I conclude you would not send further West—but, rather, if they move at all, draw them East.

The disposal, however, of the Regular Force will be influenced by the extent of the Militia force kept up and *that* again must depend upon the state of the Province—but, I conclude, even at some hazard, the Home Government will be most desirous to reduce the militia.

I throw out these suggestions thus early, as it is always well to take time by the forelock in military matters, and will further submit my thoughts two or three weeks hence, if you wish it.

I entirely concur in Colonel Campbell's suggestion respecting the guns. The three 18-Pounders, intended for the Blockhouses, have been landed at Malden.

The communication between us during the Winter is at best tedious; but, after the 7th. of December, the Expresses will be ready, I hope, to take up the duty[.]

I regret much the great Coats have not arrived—nor have I yet heard of the clothing which the Secretary of State informed me he had positively ordered for the militia.

The arms in possession of the 85th. Regt. (old pattern) are bad. Sir John Colborne authorized Light Infantry arms to be issued for them, and the exchange is in progress.

With regard to your Postscript, I quite comprehend our agreement. Letters of this kind are always to be considered sufficiently official for all purposes[.]

[996] ARTHUR TO SIR R. D. JACKSON: LB.5, p. 11.

Nov. 23 *Toronto.* [Marked "Private."]

The Governor General was sworn in yesterday. Today he has made an excursion to Niagara. On Monday he holds his first Levee.

The Great Measure of the Union, I have always informed His Excellency can be readily carried, if there be no excitement produced by his own course of proceeding; respecting which, I am not without apprehension. In my opinion, he should have kept out of this fire altogether—The Constitutional Party and the Reform Party are closely watching his movements.

The Mayor and Corporation of this City have commenced with a most injudicious address, in which they evidently wished to draw the Governor into explanation; but, in his reply, he has well and ably avoided it.—There will be no occasion, I should hope, for a dissolution of the House—if it come to that, there will be warm work of it throughout the Province.

This is a specimen of what I understand to be quite private!

[997] GEORGE WALTON TO CAPTAIN [F. L.] ARTHUR: L.

Nov. 23 *4, Chewetts Buildings, King Street, Toronto.*

Mr George Walton begs respectfully to notify Cap Arthur that neither himself nor Mrs. Walton have been invited to Govermt House for the 3rd Decr. tho' many of his friends have. When Lady Arthur arrived here, Mrs. Walton was not sufficiently well to wait upon her Ladyship but her Card was left by Mr Walton. Mr Walton considers his standing in society entitles him to the distinction of being invited to Government House, he is Clerk of the Court of Requests of this City, is one of Her Majestys Coroners for the Home District as well as of the City of Toronto and has been a member of the Corporation of this City for 4 years—

[999] MR. [MILO?] MCCARGAR TO HIS EXCELLENCY'S AID[E]-DE-CAMP:

Nov. 25 [*Wrapper postmark: Kemptville.*]

[Mr. McCargar accepts and Mrs. McCargar declines an invitation from Lady Arthur.]

[1000] ARTHUR TO THOMSON: LB.5, p. 14-15.

Nov. 26 *Government House*, [*Toronto.*] [Marked "Private".]

Tomorrow I intend to see several persons in order to confer with them upon the matter of the Union, and I am anxious there should be no shade of error.

I understand thus much.

The Reunion is determined upon by Her Majesty's Government.

The debt of Upper Canada is to be the debt of the United Province.

Each Province without any regard to Population or extent of Territory is to return an equal number of Members (in mercy to yourself or to whoever may administer the Province pray limit the number as much as possible) and there will be no objection to a qualification.

Her Majesty's Government will concur with the United Legislature in promoting Immigration to the utmost extent.

With regard to the seat of Government, it is impossible to attempt to interfere with the Constitution, which vests in the Sovereign the power, in all parts of Her Majesty's Dominions of deciding *where* the Legislature shall meet. The Invasion of Upper Canada might render it absolutely necessary to assemble in the Lower Province—, or an insurrection in the Lower Province might render it impossible for the Legislature to meet there—or Pestilence might drive our Lords and Commons from Toronto to Kingston—or from Montreal to Quebec— But, may I add, from *myself*, that, as the object is to render the United Province British, it is clear to my mind, without any stipulation or pledge about the matter, at no distant period the seat of Government must be in the Upper Province, which I sincerely feel must be the case?

Am I at liberty to express myself fully to the foregoing extent[?]

The Civil List must be secured.

The Judiciary and Land Granting Department will be objects of great interest—and, consequently of much enquiry;—are these matters to be left to Commissioners, or to the Imperial Parliament, or can you venture now to speak out respecting them? My opinion is—that the more you can venture to disclose, the better.

As to the abstract Question of the Union, why embarrass those (I have the Attorney General in my eye) who voted against the measure last Session—why not take that as a Question disposed of,—and let some influential member move a Resolution something to this effect.

Resolved,

That, whereas the House of Assembly at it's [*sic*] last Session declared that, in their opinion, a United Legislature for the Canadas—on certain terms—Qy—was indispensable, and that further delay must prove ruinous to their best interests—and whereas His Excellency the Governor General has, in his Message, declared that it is the settled policy of Her Majesty's Government to submit for the consideration of the Imperial Parliament the Reunion of the Provinces under one Legislature—it therefore becomes the duty of the Representatives of the People carefully to consider on what terms such reunion may be effected without danger to their future peace, welfare, and good Government,—and the permanent connection of the Canadas with the British Empire.—Of course the terms of this rough draft might be varied to meet the question as you may put it—but a member who voted against the Union last Session, might, I think, vote for it in this way. and then proceed, with other Resolutions embracing the points to which I have already adverted.

[1001] THOMSON TO ARTHUR: A.L.S. 2p.

Nov. 27 [*Toronto.*] [Marked "Private".]

You have apprehended quite correctly the principles on which the Govt. wishes to establish the Union. Of course in the matter of the debt, is to be understood only such part as has been contracted for great public works applicable to both Provinces, and not what has been incurred for merely local improvements. It is about ¾ or more of the whole, as far as I can make it out.—

The people here must not stipulate any thing about the Seat of Govt. If they do so, I should consider it decisive, and have to adopt other measures for getting their assent to the Union. Indeed whatever may be one's opinion of the relative importance of the two Provinces, (and mine very much agrees with your's [*sic*] that if things go well this one will be far the most in advance in ten or twelve years) it is out of the question to fetter the Prerogative in such a matter as where Parlt is to be called—

As the Bill only proposes to provide for a *Legislative* Union, the Judiciary will of course remain as it is, unless afterwards altered by the United Legislature.

The Land Granting Department requires great alteration and revision, but the Bill wd. not touch it, as it was proposed.

[Endorsed in Arthur's handwriting: "In answer to my note".]

Nov. 27 CHARLES GORE TO [SIR R. D. JACKSON]:

[See item 1005.]

[1002] ARTHUR TO T. R. PRESTON: LB.5, p. 16-17.

Nov. 28 *Government House*, [*Toronto.*]

I am quite concerned that I should have allowed so many days to pass away without replying to your note of the 23rd. Inst.

Do not, with reference to my convenience, on any account defer your departure before [*i.e.* until] the extremity of the winter sets in; and be assured that I am not only thoroughly convinced that you have served this Govern't. with zeal and faithfulness, but that it really will give me pleasure to be of service to you, and that I shall always hear of your success with pleasure and satisfaction.

As my testimony of your ability may possibly be of some use, I am anxious to record my opinion founded on the experience of the last fourteen months, during wh. you have acted as one of my Secretaries that there is no office detail of which you are not thoroughly master, and that there cannot be a person in whom greater confidence may be placed.

[1003] ARTHUR TO THOMSON: LB.5, p. 16.

Nov. 28 *Toronto.* [Marked "Private".]

I return, and thank you for having allowed me to peruse, the Resolutions of the Special Council. They appear to go quite to the point you wish, and I have reason to think, from all I hear, that you will be able to carry the same points here, though, from experience, I do not feel absolute confidence in opinions expressed before the Legislature meets.

Mr. Henry Sherwood told me that he had heard the substance of your conversation with Mr Hagerman, and expressed himself highly satisfied with it.

He has a good deal to say in the House, and it would be as well for you to see him again before the Parliament meets, as your personal communications are evidently working exactly as you wish.

[1004] [SIR] R. D. JACKSON TO ARTHUR: A.L.S. 3p.

Nov. 28 *Montreal.*

I received this morning your letter of the 21st. relative to the employment of the Military Cavalry, for the transmission of Dispatches between Toronto and Montreal.

I enclose a Memorandum sent by Col. Gore on the subject.

The comparative expence attending this mode, and that of sending them by special Messenger, may be of less importance than the safety & expedition of their transit.— Mr Rouths calculation appears to have been founded on the supposition that a special Messenger being seldom required, the expence attending his employment would be less, than the amount of daily extra-pay to the Cavalry. . . [Refers to the news of Sir John Keane's success at Cabul.]

[*Enclosure:*]

[1005] *1839*

Nov. 27

CHARLES GORE TO [SIR R. D. JACKSON]: M.S. 4p.

[*Place not stated.*]

The difference between the Assistant Quarter Master General and my report to Your Excellency is, 1s/1d currency more per diem than my estimate, and on which the express service was carried on in the Lower Province last Winter, ie 2 Shillings per diem, and in the Upper Pvince 3/1—therefore the expense will be greater than I gave in—but it is less than

that proposed by the Civil Contract, and as it appears that *a daily express may be counted on*, the Dragoons will be the cheapest way—but cannot cost less I should suppose than £20—per diem. The Commissary General did not calculate on *a daily* communication and therefore supposed that the Post might answer except on particular occasions when a Special Messenger might be employed and a *great* expense saved. . .

[P.S.] The arrangement appears to be settled and to take place after oppening [*sic*] of Parliament[.]

[1006] ARTHUR TO THOMSON: LB.5, p. 17.

Nov. 30 *Toronto.*

I enclose for your perusal the Despatches which I received yesterday from No 23 to 35.

No 23 refers to the position in their offices of certain Public Officers.

I sincerely hope you will concur with me that there is not, at present, any occasion to notify its contents.

Lord Glenelg's Despatch upon the same subject accomplishes all that can be desired, and is thoroughly well known[.]

[Enclosures lacking.]

[1007] [WRITER NOT STATED]: M. 3p.

[*1839*] [*Place not stated.*]

[*c. Dec.*][1] I think the following would be the result of a New Election or a dissolution—

Places–	Constl–	Doubt–	Bad.
Glengarry	1	1	
Stormont	2		
Dundas		2	
Cornwall	1		
Russell	1		
Prescott	2		
Carleton	2		
Lanark	1	1	
Grenville	1	1	
Leeds		2	
Brockville	1		
Frontenac	1	1	
Lenox & Addington	2		
Kingston	1		
Hastings			2
Belleville		1	

[1]The document is arbitrarily dated here. The earliest date is April 1839, when Small entered the House. The latest date is December 18, 1839, because the number of members here shown is considerably greater than that provided for the Upper Province in the Union Bill which was then made public. Arthur had referred to a possible dissolution (item 972, November 11, 1839; item 996, November 23, 1839. The document may therefore be concerned with some prognostication before the details of the Union Bill were known. Arthur knew them of course, but except to the inner government officers (see items 910-913) they were doubtless confidential (see item 1032).

Places–	Constl–	Doubt–	Bad.
Prince Edward	1		1
Picton	1		
Northumberland	2		
Cobourg		1	
Durham	2		
Home District	1		
Toronto	1	1	2
Simcoe		2	
Niagara	1		
Lincoln	1		3
Haldimand			2
Halton	1	1	
Wentworth	1	1	
Hamilton		1	
Norfolk	1		1
Middlesex			2
Oxford	2		
London	1		
Essex	2		
Kent	1	1	
	35	17	13.

Constitutionalists—	35 members	
Doubtful & inclining to responsible government—	17	Do
Republican & in favour of Separation ----------	13	Do
	65 Members	

My opinion is formed from observation in many places and information derived from sources on which I think I can rely—I think I am not far from the exact state.

Present House of Assembly may be classed as follows—

Constitutionalists—

Donald McDonald [*i.e.* McDonell] — Alexander McLean — George S. Jarvis — John Kearn[e]s — Richd. P. Hotham — Thomas McKay. John B. Lewis. Ed Malloch — John A. H. Powell — M Burritt — John Marks — John Cartwright — Ed Murney — Charles Bockus — Alexr. McDonald [*i.e.* McDonell] — H Ruttan — G. S. Boulton — George Elliott — J. W. Gamble — Ed Thomson — William B Robinson — James Wickens — William Chisholm — Abs Shade — Sir A MacNab — George Rykert — Mahlon Burwell — Roger R Hunter — W. C Salmon — N Cornwall — John Prince — Francis Caldwell — Henry Sherwood — C. A. Hagerman — W. H. Draper — C. Richardson — R. G. Dunlop — *37*

The following doubtfuls

Alexr. Chisholm — D. AE. McDonell — Peter Shaver — John Cook — M Cameron — James Morris — A Manahan, Jas. Mathewson — J. R. Armstrong — M Aikman — Wm. McCrea [*i.e.* McCrae] — C. C. Ferrie — G. H. Delter [*i.e.* Detlor.] 13 —

Decidedly bad —
W. H. Merritt — O. R. Gowan — Richd Woodruff — David Thorburn — G McMicking — Thos. Parke — Elias Moore — Robert Alway — D. Duncomb — McCargar — Jas. E. Small 11 —

[1008] ARTHUR TO SIR R. [D.] JACKSON: LB.5, p. 17-18.

Dec. 2 *Toronto.*

I regretted to find that my letters to you dated Saturday evening the 23rd. Novr., and which were to have been despatched by the Governor General's messenger, were returned to me on Tuesday Morning—not having, by some mistake, been forwarded by that opportunity. I mention this merely to account for my letters being out of date.

It gives me much satisfaction to say that in the military way, all is going on well, and that I have no disagreeables of any kind to communicate. All *seems* quiet on the Frontier.

The Governor General is pursuing his course with much discretion, and, I believe, he thinks, with a good prospect of success. All has hitherto worked harmoniously, and so far as I know, quite in unison with his wishes. The Governor General appears to understand admirably well how to manage men, which is in fact the art of Government.

We continue to enjoy delightful weather. Mr Thomson saw our little Brigade on Saturday and was highly pleased with their soldierlike appearance, and quite entered into the spirit of the movements[.]

I have received an official and private Communication from Lord John Russell by the British Queen, in which he begs me to consult with you as to what stores we shall positively require for the militia during the spring[.]

The question can only be correctly answered with reference to the state of the two Provinces and of the American Frontier—but, after conferring with the Governor General I will write to you upon the point. It will, however, under any circumstances be prudent to have a certain supply in readiness for the militia—our purchasing from the Americans last winter was [a] most injurious policy. There is no extreme to which they will not go if money is to be made by it.

I requested Colonel Airey would always write when any thing was passing of even trifling importance, & has [*sic*] his letter received this morning is rather interesting I enclose it for your perusal. His description of Major Scott is not far from being correct.

[Enclosure lacking.]

[1009] [LORD] FITZROY [J. H.] SOMERSET TO ARTHUR: A.L.S. 2p.

Dec. 4 *Horse Guards, [London.]*

I received yesterday your letters of the 18th Oct and 11th of November and I am very much obliged to you for favouring me with such interesting communications, which you may rely upon my considering strictly confidential[.]

It affords me great satisfaction to see that amidst the numerous difficulties attached to your situation your judgement never forsakes you, and you are guided by an earnest desire to pursue that line of conduct which may be most in accordance with the interests of the Country.

[1010] ARTHUR TO COUTTS & CO: LB.6, p. 69.

Dec. 6 *Govt. House, Toronto.*
[Authorises payment of £50 to John Measure.]

[1011] ARTHUR TO RUSSELL: LB.5, p. 255-256.

Dec. 6 *Government House, Toronto.* [Marked "Private".]

I have the honor to acknowledge your Lordship's letter, marked Private, of the 18th. October, in which you express the wish that I should consult with Sir Richard Jackson, and inform your Lordship what supplies of Clothing and Arms will be absolutely required to be sent to Upper Canada in the Spring.

Agreeably to your Lordship's desire, I shall take an early opportunity to communicate with the Commander of the Forces and will afterwards address your Lordship officially upon the subject.

Our wants, however, I may at once say, must depend upon the political state of the Canadas, and the disposition of the People on the American Frontier.

As regards Upper Canada, all is now quiet. A very small circumstance, indeed, might lead to excitement, and so far it is necessary to be unceasingly watchful; but there is at present no unpleasant demonstration in any quarter from which serious disturbance is to be apprehended.

On the American Frontier, the "Patriot" cause has apparently lost its exciting interest, but the desire to overrun the Canadas, or to add them to the States, will never, I believe expire until all probable hope of success be cut off.

The result of the present Governor General's measures, supported by Her Majestys Government and the Imperial Parliament, may, I trust, lead to this most desirable end. It is difficult, however, to anticipate the period when England can feel altogether free from the apprehension of collision and misunderstanding whilst she has a Frontier so widely expanding along a rising and grasping Republic; and it is, therefore, a proceeding of obvious Policy that an adequate supply of stores should be in reserve so as to exclude the prospect of our having occasion to make demands upon the American Merchants in the event of any Contingency.

I enter into no other general details, as your Lordship will, of course, [be] receiving from the Governor General the fullest account of what is passing in the Province.

All is apparently, and I believe in reality working satisfactorily.

That my own situation is very embarrassing, it would be insincere in me to disguise—no one can, indeed, justly appreciate such a position who has not been placed in it—but, having acted under the Ministry, of which your Lordship is a distinguished Member, throughout the whole period they have been in Office, and, having received the strongest marks of their Confidence and approbation. I can conscientiously say that I shall derive real and unaffected satisfaction in the opportunity of being at all useful on an occasion of such deep importance to H. M. Government, and so intimately connected with the general interests of the Empire.

[1012] ARTHUR TO LORD FITZROY [J. H.] SOMERSET: LB.3, p. 82-83.

Dec. 6 *Govt. House, Toronto.* [Marked "Private".]

I communicated to you what was passing here down to the 20th. ultimo.—

On the 22nd. the New Govr. Genl. arrived, & on the 23rd. his commission was read, the usual oaths were administered, & he entered upon the Administration of the Govt.

From that period the time has been devoted to Mr. Thomson's seeing all the Members of both Houses that cd. be met with, & on the 3rd instt. the Parliament opened with a Speech of wh. a Copy is enclosed[.]

It is very moderate, & very sensible, & has, accordingly, been well received.

This day a Message has been sent to both Houses upon the great question of the Union & all our political Heads will now be full of bustle.—

A still greater interest, however has been excited today by the publication of a Despatch wh. must henceforth bring into active operation in all our Colonies British Politics. In my letter of the 11th. November I mentioned that I was quite satisfied something of this kind was meditated & by the Despatch of wh. a copy is enclosed it is evident that all Colonial Functionaries holding important public Offices must henceforth adopt the politics of the Home Ministry.—

[Enclosures lacking, but see *Statutes, treaties and documents of the Canadian Constitution 1713-1929, ed. by W. P. M. Kennedy, 2nd. ed. 1930,* p. 423-4.]

[1013] ARTHUR TO THOMSON: LB.5, p. 18-19.

Dec. 6 *Toronto.* [Marked "Private."]

With reference to the few words that passed this morning respecting our Law Officers, I should be glad to remove from your mind any unnecessary apprehension in your conference with them.

You may have heard, as it is the fact, that, during my administration, I have not at all times consulted with them, or with either of them, upon the political measures of my Government—but it is due to them that I should assure you, this has not arisen from the least want of confidence in their integrity or ability, I believe them to be highly honourable men, possessing more professional Talent than any other persons in the Province. Mr. Sullivan, however, takes a more enlarged view of the subjects, or, at all events, his sentiments fall more in with my motives of dealing with political questions in the present day; and, therefore, I have generally conferred with him in his office as presiding member of the Executive Council.

I am satisfied you may fully rely upon the integrity of the Law Officers.

Dec. 7 RUSSELL TO THE SECRETARY AT WAR [T. B. MACAULAY]:

[See item 1076.]

[1014] ARTHUR TO COL. [JAMES] BANKHEAD: LB.2, p. 141.

Dec. 9 *Govt. House, Toronto.*

I have the honor to acknowledge yr. letter of the 8th. inst. with it's [*sic*] enclosure.

It seems scarcely possible that these Brigands can be so mad as to meditate the incursions to wh. you allude nor can I understand how they can possibly have been making any formation wh. is essential to their possible success without it's having earlier gained publicity; this leads me to doubt the accuracy of the report wh. you have recd.

I feel confident, at all events, that as you have obtained information of their wicked designs the vigor of yr. measures will render them altogether abortive.—

As it has been my endeavour by keeping up a considerable force to discourage every prospect of success on the part of such Marauders we are well prepared at every point to over-throw them! I beg you will accept my best thanks for the promptitude with wh. you have conveyed the information & am quite relieved to consider that the Charge of the Frontier is vested in the hands of an Officer so zealous & competent as yrself. May I request you will have the kindness to communicate to me any further information wh. you may receive.

[1015] ARTHUR TO HENRY DUNDAS: LB.2, p. 143.

Dec. 9 *Govt. House, Toronto.*

An intimation has just reached me from Col. Bankhead Comdg. at Niagara informg. me that he has recd. information upon wh. he appears to rely that several attacks are about to be made on our Frontier by the "Patriots" who are supported by a body of about 3,500 Frenchmen & one of the points of attack is to be Prescott.

I do not myself place dependence on this report but as Col. Bankhand [*sic*] appears to do so it will be as well to keep a good look out & you had better immediately send an intimation to the Officer Comdg. at Prescott. . .

[P.S.] Be so good also as to communicate to Col. Carmichael.

[1016] ARTHUR TO COL. [JAMES] FURLONG [*i.e.* FORLONG]: LB.2, p. 142-143.

Dec. 9 *Govt. House, Toronto.*

I have the honor to acknowledge your letter of this date—it has been most speedily conveyed to me by Mr. Lindsay.

I am glad to find that you are already aware of the nature of the communication made to me by Col. Bankhead & I take this opportunity of requestg. when such letters are transmitted thro' you that you will without the least hesitation open them before transmitting them to me, so that you may promptly take such steps as circumstances may require.

As Col. Bankhead seems to place some dependence on the accuracy of the information he has recd. it is proper that we shd. take every possible precaution & I am glad to find from Mr. Lindsay that you have ordered a small re-inforcemt. to be sent to Fort Erie. I shall anxiously look for further information from you.

[1017] ARTHUR TO SIR R. D. JACKSON: LB.5, p. 20.

Dec. 9 *Government House, Toronto.*

By the enclosed letter which I have just received from Colonel Bankhead who is Commanding on the Niagara Frontier, you will perceive that the rumours of last winter are again reviving.

Colonel Bankhead evidently appears to place some confidence in the information conveyed to him, and I have, therefore, thought it prudent to take some measures of precaution; but I do not place much confidence in the rumor. I lose no time, however, in giving you the earliest infor-

mation, because, if we have troubles here, you are not long likely to escape from them in the Lower Province.— I will write to you again Tomorrow.

[Enclosure lacking.]

[Another copy of the above, in LB.2, p. 142, is scored through, and a marginal note reads "Entered in another Book."]

[1018] ARTHUR TO THOMSON: LB.5, p. 20.

Dec. 10 [*Toronto.*]

In the course of the night I received the enclosed letter from Colonel Bankhead who commands the United States Troops on the Niagara Frontier.

As he appears to place some confidence in the information which he had received, I have sent precautionary orders to the officers commanding on the Frontier, but I do not place much dependence on the rumor. They are wicked enough but I can scarcely think so totally regardless of their lives as to make such attacks as Col Bankhead's informant describes.

[Enclosure lacking.]

[Another copy of the above in LB.2, p. 144, is scored through, and a marginal note reads: "Entered into another Book."]

[1019] THOMSON TO ARTHUR: A.L.S.

Dec. 10 [*Toronto.*] [Marked "Private".]

Many thanks for your note. I am not inclined to attach credit to the wonderful movements described by Colonel Bankhead's anonymous correspondent; but it is well to be on our guard, and I am glad that you have given the necessary instructions.

I sincerely hope that you will soon be better. You must nurse yourself for a few days.

[1020] [SIR] R. D. JACKSON TO ARTHUR: A.L.S. 4p.

Dec. 10 *Montreal.*

I have to thank you for your letter of the 4th. I[ns]t. and its enclosure, from Col. Airey.

I heartily rejoice at the favorable prospect of political measures going on at Toronto, and shall attend to it with great interest. We are all very quiet here, and on the Frontier where the only instance of "sympathy" furnish'd by our Neighbours has been the blowing up of a deserted Guard House at Potton; by one or two Persons—as shewn by tracks in the Snow.

I enclose an Extract from a letter to Lt. Bainbrig[ge] [?] of the Engineers lately employed at Tamascouta, which, perhaps, you may take an opportunity of shewing to the Governor General—although it is not worth much.

With reference to your [letter] of the 23d. November, I am inclined to recommend that the two Companies of the 85th. be left at Sandwich for the present—as this Season is generally healthy, and I do not think Militia should be put into newly constructed Barracks.

In the Spring there will be an opportunity of bringing the Rgmnt together— I ought not perhaps to use the term "Spring" but I mean, of course, the time when the general new dislocation of the Troops in the Canadas may be in progress.

The consideration of this general arrangement must depend upon occurrences during this Winter—but I hope there will be no call for more Troops in the direction of the State of Maine. . .

[P.S.] The great Coats for your Regiments, (that want them) will, I hope, arrive without delay— I hope they are well on their way to you.

[Enclosure lacking.]

[1021] ARTHUR TO THOMSON: LB.5, p. 21.

Dec. 11 *Toronto.* [Marked "Private and Confidential".]

Perhaps you would like to see the answer which I sent during Monday night to Col. Bankhead.

I enclose a copy of it. I cannot believe matters could have got to such a head as the Colonel's anonymous informant would have it believed, without some apparent demonstration of the movement. But no part of this wicked conspiracy has been conducted upon the principles which ordinarily govern all mankind, and, therefore, whilst we do nothing to circulate excitement, nothing must be disregarded—putting together all the information we have, I believe that some scheme of wickedness is in contemplation, and I should be much obliged if you would have the kindness to let me know whether you have any late information from Mr. Fox intimating an apprehension of hostility— I am longer without intimation than ever.

I do not like the aspect of all I heard yesterday was going on in the Provincial Parliament, & out of it, and perhaps it will be better *at present* not to encourage the retirement of any more of the militia which I have been doing slowly for the last two or three months past.

Thank God I have got over the worst of the illness from which I have been suffering more or less for some weeks.

I would have protracted your present measures for another year, had it depended upon me; but now every effort must be made to bring matters rapidly to a close;—until you come into actual contact with them, you know not what the People are with whom you have to deal in the Colonies.

[Enclosure is apparently item 1014.]

[1022] ARTHUR TO THOMSON: LB.5, p. 22.

Dec. 11 *Toronto.*

The enclosed has been forwarded from Brockville by express— We shall now be kept, I conclude, as we were last winter, in constant expectation of some mischief[.]

The difficulty is to determine what degree of dependance is to be placed in these statements exaggerated as they always are, and consequently what measures should be taken with the least possible excitement.

For some time past I have been reluctant to employ persons to gain information in the States, but I should not now hesitate to do so, and I would recommend that no time be lost.

The only difficulty refers to expense, and as the Parliament is now in Session, the House may expect some communication. I would not, however, until there has been some further development from the enemy, make any communication to them, but I would certainly advise that, in a quiet manner, an officer should be sent off with a Despatch to Mr Fox requesting him promptly to urge the American Government to take active

and decisive measures for keeping their Frontier quiet. I sent off to the Commander of the Forces during Monday night Copy of Col Bankhead's letter.— Sir Richard must also be immediately apprized of this because, if we have troubles here, he cannot long escape them below, indeed, I am satisfied they will commence from the Lower Province.

I hope the Comdr. of the Forces has intercourse with the same Priest as gave Sir John Colborne such good information last winter. . .

P.S. Captain Sandom should be prepared to keep the lake as long as it is possible.

[Enclosure lacking.]

[1023] THOMSON TO [ARTHUR]: A.L.S.

Dec. 11 [*Toronto.*] [Marked "Private".]

Your letter is excellent [?]— Altho' we may disbelieve the reports it is quite right to be prepared for anything that may happen.

We can form no opinion of what the House of Assembly will do till the debate has proceeded further—the only thing which is quite evident is that it is a most disorganized state and that the Govt. has little power in it owing to the want of system.

I am very glad indeed to hear that you are better. I will not call upon you however before tomorrow, as you will be better quiet.

[1024] THOMSON TO ARTHUR: A.L.S. 2p.

[*1839*] [*Toronto.*] [Marked "Private".]

[*Dec. 11 ?*] I had received the affd. which you send me just before dinner, and had told Murdoch to send it to you with the letter from Coll. Williams. I now send only the last.

The whole statement is too absurd to believe, but as it mentions certain facts which are easy of proof if true, it may be worth while to have somebody employed to go to Utica to investigate them. If you know of any one who can be employed and will let me know, it may be well to take him otherwise Coll. Williams may be directed to employ some one.

Acting upon Sir John Colborne's advice on these matters, I am of opinion that it is as well to procure proof of the facts alleged, in the first instance.

I have underlined in your paper the parts upon which the truth of the deposition might be tested—they are easily ascertained. . .

P.S. I wrote to Mr. Fox some time ago upon the subject of the Frontier, and he is quite alive to it, so I consider it unnecessary to do more with him just now.

[Enclosure lacking.]

[1025] ARTHUR TO THOMSON: LB.5, p. 23.

Dec. 12 *Toronto.*

There is one part of my note last evening which I think you rather misunderstood.— I entertain no intention of investigating further the particulars set forth in the affidavit from Brockville. A good deal of it is clearly without any foundation, and the rest is exaggerated, but my idea is that a Confidential person should be sent along the Frontier who is capable of enquiry and observation, and drawing pretty correct inferences.

I found in Lieut Jones of the 43rd Regt just the kind of intelligent person required for this work. He served me with great zeal and ability all the last winter, and I have no doubt would serve your administration also with equal satisfaction: He has never expected any thing beyond the bare payment of his expences which probably for such an excursion as I contemplate will cost £40 or £50. If it meet your concurrence, I will give all the necessary instructions in the matter.

[1026] JOHN MONTAGU TO [ARTHUR]: A.L.S. 4p.

Dec. 12 *Southampton.*

[At the request of George Mercer commends Henry Solomon Reid, a brother-in-law. Quotes from a letter from Mercer, which states that Reid was in the Bengal Service, later in business in "Hindostan"; he came to Canada "about four years ago . . . where he has not succeeded, so well as he could have wished—" He had been Lieut. Colonel of a militia regiment. "This has been disbanded, and with it, Othello's occupation is gone, and is no more—and Othello himself thrown back upon unproductive Cornfields, and a life for which his habits, moulded upon a former Military Career, and business occupations, have but ill fitted him—"]

[1027] ARTHUR: M.

Dec. 13 *Memo*[.]

This note is an answer to one wh. I addressed to the Govr. Genl. informing Him that I had seen Mr. Draper. Mr. Henry Sherwood. and Mr. Allan—& that I wish to know whether the answer to the Message for the Bill that had been laid before parliament might not be deferred until Monday—

[The reference may be to item 1030.]

[1028] ARTHUR TO THOMSON: A.L.S. 3p.

Dec. 13 [*Toronto.*]

In a conversation which I have just had with Mr Henry Sherwood I find that a message has been sent to your Excellency requesting that the House may be furnished with a copy of the Bill which was laid before the Imperial Parliament.

You are aware that I have always expressed a very strong desire that the Bill in question should not be entered on the journals of the House, as it must lead to much angry discussion on all sides.

Now, I find, that if the clauses only are sent which you intend to recommend to be retained—stating that the remainder are abandoned—that the House will be perfectly satisfied.

Mr Henry Sherwood assures me that He would on no account, occasion any unnecessary trouble—or promote uncalled for debate; and expresses as far as possible his desire to meet the wishes of the Government[.]

[1029] W. H. DRAPER TO ARTHUR: A.L.S. 4p.

Dec. 13 [*Toronto.*]

I have reflected as carefully as time will allow me on the subject of my conversation with Your Excellency this evening—

With regard to the reply to the message requesting information respecting the measures intended to be proposed on the subject of the Union at the next session of Parliament—in my humble judgment it would be advisable for the Governor General to reply to the following effect— That he could not with propriety communicate a copy of the Bill as he might thereby give reason to conclude that Ministers still intended to recommend the adoption of that particular measure, to the Imperial Parliament—a conclusion not warranted by the Course they are taking— And that His Excellency was unable to state what propositions would be finally submitted to Parliament, inasmuch as His own recommendation to Ministers would be materially affected by the advice he should receive from the Legislature and the information respecting both Provinces which he might obtain.

I think answer somewhat to that tenor far better than submitting any part of the bill. and the more clearly it was intimated that the Bill was not an existing proposition the more satisfactory I think it would be— I mean to put it on the footing that its suspension had reopened the whole question and left for consideration what measure Her Majestys Ministers would introduce into Parliament next session.

On the other subject on which Your Excellency spoke to me I have conferred with the Attorney General. We both deeply feel the kindness which has suggested a course to relieve us from the very embarrassing position in which the publication of Lord John Russells despatch at the moment has placed us[.] I cannot express in sufficiently strong terms the daily nay hourly sense I feel while in the House that this despatch has weakened indeed I might say destroyed any confidence which members placed in our judgment or independence and integrity of action and consequently any influence which we might otherwise have exercised. I confess I am at a loss to point out any step certain to restore it. If indeed the Governor General would authorize a communication which we might privately make use of leaving to us the exercise of our best discretion at this particular time with reference to the Union in consideration of the position which we had before taken upon it when the Government had not declared any policy on the subject—we should be most materially relieved and placed in a right position with respect to the House[.] As it is[,] the most painful part of our position is that in order to preserve our standing and respectability in the eye of the Community we are compelled to make explanations of our adherence to principles differing from or additional to those contained in the message of the Governor General which but for this despatch being before the world would be unnecessary. It meets us at every turn—and is looked upon as the sole cause of that support which on conscientious principles we desire to give the Government[.]

I fear I have not expressed myself very clearly about the matter and that it may be supposed that I desired that the Attorney General and Myself should be allowed to look upon the Union as an "open question"[.] I can assure Your Excellency this is not my wish. I only desire to be at liberty to preserve my character and consistency where they are at stake and that I may have the power of shewing my friends that such a course is consistent with the views of the Governor General. I am convinced that this would enable me to be of infinitely greater service to his general policy.

Allow me again to repeat my lively sense of the kindness Your Excellency has displayed to me on this and other occasions—

[1030] THOMSON TO [ARTHUR]: A.L.S.

Dec. 13 [*Toronto.*] [Marked "Confidential".]

I do not mean to give the Assembly any answer yet, so that we shall have time to talk the matter over, and I will call on you tomorrow for that purpose.

I have not seen the votes in the Council, but from what I heard of his language, if Mr. Allan voted with the Govt. he will have most agreeably disappointed me, and I shall be relieved from a most unpleasant duty.

A thousand thanks to you for your kindness of which I hope to learn the result tomorrow—

[1031] THOMSON TO [ARTHUR]: A.L.S.

Dec. 13 [*Toronto.*] [Marked "Confidential".]

I send you a few words upon the point which we discussed which you can *shew* when you think it right, but I would not wish you to do more than *shew* the letter in your own presence. I have learnt caution about letting letters out of one's own hands.

Sherwood I should say is *not* to be trusted even with a sight of it. He is too deeply compromised already. What may be done with him is, to influence him upon his general conduct, that he may if possible desist from throwing needless obstacles in the way of the progress of the Bill.

I will see Lt. Jones at 11 tomorrow.

[Enclosure is possibly item 1032.]

[1032½] THOMSON TO [ARTHUR]: A.L.S. 3p.

Dec. 13 [*Toronto.*] [Marked "Private".]

I think our business proceeds fairly enough tho' slowly— I certainly did not anticipate so much opposition in the same House of Assembly which last year voted the Union, to the very favorable terms proposed by the Govt. at present for carrying it into effect; but I entertain no doubt that whatever recommendations that House may wish to offer, will be offered as such, after the terms have been assented to, and not affixed as additional conditions, which of course would be entirely inadmissable in that character.

I was annoyed however by an address which has been sent up and of which I send you the copy. You will remember that you strongly advised that the Bill of last year should not be submitted to the Legislature here, in which recommendation I altogether concurred— Accordingly when a motion was made for it's [*sic*] production, it was resisted by the Solr. Genl. who had already expressed his opinion likewise to be strongly in favor of that course, and the motion was lost. Two days afterwards however this motion which not only applies for the Bill, but is far more objectionable in additional matters than the other, was carried without a division and apparently una voce! !

Now this is very absurd. Of course the production of the Bill cannot be well refused thus asked for—but it is impossible to give the explanations sought for with it and the result will only be that discussion may arise in the House upon each clause of the Bill, some of which will never re-appear in the new Bill, and others are beyond the competence of the H of Assy to deal with at all. It will be my duty of course to recommend to the Govt. great alterations in the measure, founded upon the infor-

mation I have acquired both here and in the Lower Province, but these cannot be stated by me to the House here. For instance you know that upon the question of the tenure of seats in the Legislative Council I am of opinion that the constitution of '91 should not be changed. The proposed system of Electoral divisions must be given up, and as little change as possible, perhaps none at all, made in the present divisions according to Sir John Colborne's suggestion—the municipal or district councils entirely changed— All these important points are matters for the Govt. and cannot be communicated by message to the House of Assembly—and yet having the Bill to discuss they would probably be the very subjects laid hold of & upon which infinite time wd. be wasted. I have no doubt that the Atty & Solr. Genl. did their best and only yielded to this address from the impossibility of resisting it, but it makes the matter very awkward. I think I shall send an answer to the address stating that I send the Bill as they wish for it, but that it will be for the Govt. to frame the new measure which they will introduce next session according to the information they will then have received— If when they have assented to the terms proposed in my message, they then choose to add any recommendations, they will of course receive the best attention. Let me know your opinion. The answer however must then be well supported in the House, for it is impossible to carry on a controversy by messages.

I hope you will soon be about again.

[Enclosure lacking, but see *Journal of the House of Assembly of Upper Canada . . . Session 1839-40*, p. 31-2.]

[1033] ARTHUR TO THOMSON: LB.5, p. 24.

Dec. 14 *Toronto.*

I employ my daughter's pen to let you know that I have passed a restless night with plenty of coughing, and Dr. Ryan will not hear of my rising for an hour or so.

It would be necessary also in furtherance of the view which I wish to submit to you that I should see Mr. Cartwright.— all this will be done before two o'clock after which I shall be happy to receive you at your own convenience. I wish, with all my heart, I could go to you, but I am sure I could not leave my room without the danger of being again thrown back, which, at this time, would particularly distress me.

I have desired the carriage to be ready at any moment you are pleased to order it[.]

[1034] ARTHUR TO THOMSON: LB.5, p. 25.

Dec. 14 *Toronto.* [Marked "Private".]

I forward my note which I prepared in Mr. Sherwood's presence, & read to him.

The production of the Bill, I am satisfied, will give more trouble than enough, and we should avoid it by all means.

After I am in possession of your letter respecting the Attorney & Solicitor General's position, I will send again for Mr Cartwright, and, if you see no objection, read it to him, and then press him to convert the proposed Resolutions into Recommendations. If I can succeed in this, the whole matter may be brought to a speedy close—but, at present, I am not confident of success.

[Enclosure lacking.]

[1035] [Sir] R. D. Jackson to Arthur: A.L.S. 3p.

Dec. 14 *Montreal.*

I have to thank you for your letter of the 9th. covering a communication from Col. Bankhead of the U. S. Army.

We have had similar Reports from other Quarters, and I believe equally without foundation[.]

I have this day heard from Prescott, from a Person to be depended upon, and his information is satisfactory[.]

We are however, I hope, prepared against ag[g]ression of a formidable nature, but all the Troops of Gt Britain would not protect our Frontiers against the incursion of Brigands in small numbers.—

It is well however to carry the U. S. Officers with us, as far [as] they will honestly go.

I shall feel very thankful for the Map or Plans you were so good as to promise me of the Upper Province.

[1036] Thomson to [Arthur]: A.L.S. 3p.

Dec. 14 [*Toronto.*] [Marked "Private".]

I am very sorry to hear what you say of the Attorney and Solicitor Generals feeling sore under attacks made on their conduct with relation to Lord John Russell's dispatch.

The town seems to me to team with lies, and of course party or personal animosity will lay hold of anything at a moment like this. But that is just the reason for treating such attacks with contempt. These gentlemen must know well, and can state it, that Lord John Russell's dispatch could have had no influence with them, inasmuch as they had both agreed with me upon the line of conduct they should pursue, before they ever could have seen or heard of the dispatch.

I cannot for the life of me either, discover the inconsistency (! !) with which they are to be taunted. One says, "I was opposed to a Union at all, and still am, but the measure has been decided upon by yourselves and by the Crown, and that being done I will accept terms which I think fair and not lend myself to a factious opposition on impracticable conditions." The other, "I was, and am for the Union, and approve of the terms offered. I last year wished for some additional conditions, and I shall still support them as recommendations to be considered by the Govt., but I will not throw away all chance of the Union of which I approve, by affixing them as conditions without which the measure ought not to proceed."

Where the inconsistency of such a course lies, I am at a loss to conceive.

But the attack is really too contemptible to notice and my earnest advice to them wd. be to despise it.

[1037] Thomson to [Arthur]: A.L.S. 2p.

Dec. 14 [*Toronto.*] [Marked "Private".]

I was writing to you when both Atty and Solr. General called upon me and I think after my conversation, it is unnecessary for me to send my letter. They quite agree that such absurd and calumnious attacks as have been made should be treated only with contempt.

Mr. Sherwood I find has resumed his tactics today—he has made five speeches on his motion, and adjourned for the purpose of making another. This does not look like not giving *factious opposition.*

Mr. Cartwright has given notice of his resolutions to be added as *conditions.* This *must* be met by their being turned into recommendations for I cannot consent to send them home in the shape of conditions, and really if properly managed there ought to be no difficulty about it.

[1038] THOMSON TO [ARTHUR]: A.L.S.

Dec. 14 [*Toronto.*] [Marked "Private".]

Your note crossed mine on the road. As you think you can produce an effect on Cartwright I send you the note I had written but not sent about the Atty. and Solr. Genl. You can use it with him if you think proper.

Mr. Sherwood's conduct today after his conversation with you gives me no hope of his not doing all he can to plague and annoy the Govt.—However if you think you can produce any good effect by it, you can show him such part of my letter of yesterday as you please, or the whole. It came in to you before you had sent his which can be told him.

[Enclosure is probably item 1036.]

[1039] ARTHUR TO THOMSON: LB.5, p. 25-26.

Dec. 15 [*Toronto.*] [Marked "Private".]

I have had an interview with Mr Sherwood. Amongst other persons whom I have felt it advisable to see.

I think we shall manage to get the Conditions changed into Recommendations in an Address—but, at present, I understand, Mr Draper is pledged to them as Resolutions or Conditions.

I have sent for him, as also for the Attorney General that I may communicate to them what has passed between Mr Justice Jones, Mr Henry Sherwood, Mr Macaulay & myself.

With regard to Mr Henry Sherwood's amendment now before the House I believe it will be lost unless some absent members arrive in time to vote.

But, upon this also, I have had a conversation with Mr Henry Sherwood. He pledges himself to me that he is not offering any thing like an opposition to Government, but is of opinion that there should be an excess of representation in favour of Upper Canada so as to secure your object—British influence. I mentioned to him that I wished he had said to you all that he had urged to me, and he expressed his willingness to attend if it be your pleasure to see him— It would have, I am sure, a good effect.

I want Mr Cartwright to be with him—for whom I have also sent.

Will you see either or both of them? and if so at what hour?— I have got into my dressing room, and from thence would gladly make my way to you, if I possibly could, and let you know all that has transpired[.]

[1040] ARTHUR TO THOMSON: LB.5, p. 26.

Dec. 15 [*Toronto.*]

Mr Cartwright has not called this evening. He is residing with Mr Justice Macaulay some little distance from Toronto, and probably was from home, and did not receive my note.

It is better he should come to me in the morning, & that I should let you know the result before he waits upon Your Excellency[.]

[1041] THOMSON TO [ARTHUR]: A.L.S. 2p.

Dec. 15 [*Toronto.*] [Marked "Confidential".]

I will see Mr. Cartwright with pleasure if he will call upon me at ten o'clock tomorrow.

There can be no question about the course I should be compelled to adopt if his resolutions are carried as conditions and appended to Mr. Draper's. The Atty & Solr. General have been informed by me for some time, that if that were done, I should consider the measure as lost—& when the proper time comes I shall of course instruct them to say so in the House.

As recommendations in an address I do not object to their being voted for by any body who wishes that they should be considered by the Govt. and Parlt.—

It is to avoid this necessity that I am desirous that the resolutions should *not* be moved even as conditions, for I think it wd. be a pity on such a point to incur all the delay in the settlement of the measure which must be the consequence. but I have no option—

I will call on you tomorrow morning and if anything has transpired in your interview with Mr Cartwright, perhaps you will let me know it tonight.—

I think I had better not see Mr. Sherwood till his motion is disposed of— He is pledged to it, and now cannot recede.

[1042] THOMSON TO RUSSELL: L. 59p.

Dec. 15 *Toronto.* [Marked "Confidential".]

I regret to be obliged to inform your Lordship that the condition of this Province and of the administration of its affairs is very unsatisfactory[.]

Of the Province itself, so far (as) I can form an opinion from what I have seen or from the sources of information which I can command, it is impossible to speak too favourably. It possesses a soil of wonderful fertility; its climate is far superior to that of any other part of H. M. N. A Possessions; nature has bestowed upon it almost unrivalled facilities for the interchange of its productions, it is peopled by a hardy & enterprizing race possessed of that spirit of industry & perseverance wh. characterize the population of Gt. Britain & the United States, & it has been & might again become the favourite resort of a body of men well qualified for settlers. and admirably fitted to disseminate British feelings and uphold British connexion, officers on half pay and gentlemen of moderate means from the mother country.

But the people are split into factions violently excited against each other, and distracted by political agitation from the steady pursuits of industry and from attention to their own affairs; the Province is overwhelmed by debt which it has no means of supporting; Public Works are at a stand; emigration to the States is going on and the deterioration in the value of every man's property causes discontent and dissatisfaction.

A portion of this unhappy state of affairs may undoubtedly be traced to the wicked attempt at rebellion in 1837 and the Border disturbances of 1838.

Those events could not fail to unsettle men's minds, to give occasion for the gratification of private animosity & private revenge; produce insecurity of property, and introduce amongst a rural population habits unfitting them for their ordinary occupations— But it is impossible to ascribe the present condition of the country to this cause alone;— of the loyalty of the great body of the people of this Province there can be no doubt. It was proved by the late events and has been repeatedly acknowledged in public documents both here and at home. Yet charges of disloyalty are unsparingly levelled against a large proportion of the people and [blank in MS.] members of the House of Assembly who advocate the extension of popular rights.

A deeply-rooted animosity appears to prevail against a majority of the officers of the Executive Govt, not confined to the popular party alone, but shared also extensively by those who claim to be the supporters of the Prerogative of the Crown; and the demand for what is termed "responsible Govt," has been made by numbers of the most opposite opinions in Politics.

The Financial difficulties of the Province can have no connexion with the recent events to which I have alluded, and the cessation of apprehension of attack from without, or of rebellion within the country wd, in some measure at least, already have restored confidence, if it had been shaken solely by those events.

I have, therefore, endeavoured to search for other causes wh. may partly account for the condition in wh. I unhappily find this Province, and I have had no difficulty in discovering more permanent causes for the excitement of party as well as just grounds of dissatisfaction on the part of the People, at the arrangement of their affairs.

These are the total want of system and power in the conduct of Government, and the defective state of Departmental administration[.]

I shall proceed to observe upon each, and first with regard to the general system of Government.

Wherever the constitution has vested in representative Bodies the privilege of making Laws, it becomes the duty of the Executive Government to initiate and perfect the measures necessary for the good of the country, and above all to endeavour to give to the action of those Bodies the direction which will make their labours most efficient. This duty, one of the most important that can devolve on a Govt.—has hitherto been entirely neglected in Canada.

In either House in England, upon the introduction of any considerable measure, or upon the demand on the part of the public for any extensive change in the Laws, the natural question is what course does the Govt propose to pursue. and it is universally admitted, whoever may be in power, & by the opponents no less than by the supporters of an administration, that a great & important measure can be properly undertaken only by the Govt. itself or that, at all events, the opinion of the Govt. must be clearly & decidedly stated.

But, here, the opposite course has been pursued. In the Legislature, the Local Govt. has not only abstained from taking the initiation in measures of Legislation, but it appears to have studiously repudiated those legitimate means of influence without which it could scarce be carried on. Thus, notwithstanding the presence in the Assembly of many official persons, the conduct of measures recommended by the Crown, or on which the Govt entertained a very decided opinion, has

been generally left to individual members, no person being authorized or instructed to explain to the House the views of the Govt.

Nay more, it has happened that on important questions respecting which the local Executive could not properly be indifferent public officers have been found taking the most prominent part on opposite sides apparently without any reference to the opinions or wishes of the Govt.

Thus the Govt. became chargeable either with indifference to the proceedings of the Legislature, & the welfare of the Province or with weakness in not controlling its own officers.

In either case, the effect on the public mind has been very injurious, and the result, much defective Legislation, altho' complained of has been uncorrected, while the Executive Govt. has, in a great measure lost its legitimate influence over the action of the Legislature upon matters which have been under their deliberation.

The evils resulting from this defective organization of Govt are exemplified in the most striking manner in the present financial state of this Province.

The Country has plunged headlong into debt without the slightest effort on the part of the Govt to warn the Assembly of the improper and unwise course it was following—nay the very control over the expenditure when voted, and even the examination of the accounts have been removed from the Executive, and suffered without a protest to devolve on the Popular Branch of the Legislature, the very worst body for the performance of such a duty.

Yet, while such has been the practice, I have every reason for believing that in no place would the enunciation of the opinions of the Govt produce more effect or be attended with more weight than in these colonies.

The natural influence enjoyed by the Govt is great.

I find that, in the House of Assembly many of the members are placeholders of one description or another, and there is among the independant [*sic*] and middle party in the Colony, so far as I can judge, a strong desire to be made acquainted with the views and opinions of Govt upon the different measures submitted to the Legislature.

Another source of misgovernment & of great dissatisfaction has undoubtedly been the composition and working of the Legislative Council.

Complaints of the acts of this body repeated and unredressed, ripened into a demand for an entire change in its constitution, and whilst the voice of Parliament was called in to negative the demand put forth for an elective Constitution, and the ingenuity of the Government was racked for some means by which the grievance complained of, could be remedied without the adoption of this course which was equally repugnant to the opinion of H. M. advisers, and of the Imperial Legislature, the easy and simple means within the power of the Constitution & the direction of the Govt, were utterly neglected.

The Members, usually selected for this Council, have been either officers of the Govt. or gentlemen resident within or near the capital. If occasionally some one from a distance and unconnected with office has been placed there, it has been without any pledge on his part, of attendance and the appointment has almost invariably proved to be a mere honorary distinction.

The practical working, therefore, has been that the business of this Branch of the Legislature has been transacted by five or six individuals resident in Town, or servants of the Crown and, even upon these, the

Govt, as in the case of the House of Assembly, has exercised no influence, and attempted to give no direction to their proceedings. Thus the whole power of this Branch of the Legislature has been really exercised by a very few individuals representing a mere clique in the Capital, frequently opposed both to the Govt & the Assembly, & considered by the people hostile to their interests. What weight could the decisions of such a body, even when right carry with them? What must necessarily be the dissatisfaction of the people when these decisions were opposed over & over again to their will as declared thro' their representatives? Yet this is the Body wh. has given such serious alarm to the Govt which has effectually and for years opposed its views, and in defense of wh. all the authority and power of the Imperial Parlt. has been evoked.

If the Govt had either amended the composition of the Council, so as to render it effective for its purpose, or had exercised its just Prerogative to bring it in harmony with the other Branch of the Legislature, when the repeated and well considered wishes of the People, justified the use of it, I am satisfied that no complaint of this kind, would have been heard, and the demand for an elective Council never could have originated. I am happy to say, indeed that the experience of the last few months justifies my opinion.

The Lieut Governor, Sir George Arthur, seeing at once the evils attending the course heretofore followed, introduced no less than 12 new members into the Council, selecting them from different parts of the Country, and naming gentlemen whom he considered as of the greatest weight and influence there.

The result has been exactly that which might have been anticipated.

Many of the Gentlemen having attended this Session, the Debates of the Council have assumed a parliamentary character; their meetings are well attended; their deliberations command respect, and their authority is looked up to.

By pursuing this course, and by rendering the Legislative Council in reality that wh. the Constitution intended it to be—a body of men distinguished by their attainments, & their property, I entertain no doubt of its becoming a highly useful and satisfactory Assembly; but when I look to the course wh. was followed until the beginning of this year, I am certainly not surprized that its proceedings shd. have excited the utmost dissatisfaction or its composition have called up a demand for a radical change in its constitution.

Next, I am of opinion that the system pursued with regard to the Executive Council has been equally faulty.

Various Ministerial duties of great importance are discharged by that body. Of these if it not my intention to speak.

It is a question for consideration whether they are rightly confided to the Council, or whether they would not be more properly distributed amongst the different Departments of Govt.

At present, I shall treat of this Body only in their Executive character.

I find that it has been very much the practice to put forward the acts & decisions of the Govt as the acts and decisions of the Ex. Coun. relieving the Governor from apparent Responsibility, but placing it in the Council in the Eye of the Public.

At the same time the Council has generally been a stationary Body—not selected at all with a view to their entertaining opinions in harmony with those of the majority of the Assembly.

Thus, the Council is held up to the Public as the effective Govt of the Province, and the authors of all measures, whilst on many occasions, it happens, that it is composed of men not only in whom confidence is not placed, but whose opinions are known to be opposed to those of the People.

This practice has been another chief cause of the cry for "Resp. Govt", and, if pursued, it destroys the principal agreement [*sic*] by wh. that demand has been always met by your Lordship, and the Govt, of which I had the honor to form part, namely, that the Governor must be personally responsible for all his administrative acts, and that an Executive Council cannot, therefore be made so.

However convenient it may be for a Governor to shelter himself from Responsibility at home, by falling back upon a deluded opinion of an Ex. Council, it is impossible for him to do so without, in the eyes of the People of the Colony, clothing that Body with a power wh. they cannot, according to any true Theory of Colonial Govt., really possess, namely that of controlling his acts. Whilst, on the other hand, the composition of that Body wh. here has been too frequently made without reference to the agreement of their political opinions with those of the majority of the People, exposes their acts to the most severe criticism and produces irritation and discontent from a belief that real power is confided to men in whom the people place no confidence.

With regard to the administrative Depts of the Govt, your Lordship can scarcely imagine any thing more ill-digested than the system on which they have hitherto been conducted.

In this Province, indeed, much exertion has been latterly made by Sir G. Arthur to introduce a better practice, and bringing to the subject, as he does, great experience in Colonial Govt—indefatigable industry & attention, and long established habits of business, considerable benefit has arisen & more may be expected.

Much, however, still remains to be done, & much that admits of no delay.

The principal & more responsible duties of the administration, must of course, under any system, fall on the Governor, assisted by his Secretary. It is proper & necessary that it should be so since—were it otherwise, the Governor could not exercise that control over the administration of affairs, which is the indispensable condition of his Responsibility. But the manner in wh. this principle has been carried into practice, is open to very serious objection.

At a time when the population of these Provinces was small, and the task of Govt comparatively easy, the Governor & Secretary were in the habit of personally superintending the administration of almost every Department, not only as related to general principles, but even as to details.

So long as this duty could be efficiently performed, the arrangement was not without its advantages.

It introduced uniformity of action, & by diminishing the importance & responsibility of the subordinate Departments, it enabled the Govt to conduct their business through a less expensive description of public servants than would otherwise have been required. But the time for such an administration has long passed away, unfortunately without any corresponding change in the system.

For many years the amount of labour and Responsibility accumulated on the Governor & his Secy has been such as it was impossible for them

properly to discharge and as they ought never to have been required to bear. At the same time the subordinate officers of the Govt being relieved from responsibility, by losing the habit of self-dependence, lose also gradually their energy & efficiency.

But your Lordship will naturally enquire how so palpable a defect has remained so long uncorrected. You will find on reference to the correspondence in the Colonial Office, that it has by no means escaped notice, and no doubt former Governors have endeavoured to discover a remedy for it.

But the great pressure of current business, and the difficulty of providing sufficient funds would appear to have prevented the completion of any scheme for rendering the Executive Departments more efficient. The same intense & constant pressure has made it impossible for the Governor to exercise that strict superintendance over the subordinate members wh. formed the very essence of the old system, and its only corrective principle, and thus the evils of a defective administration have gone on increasing in an inverse ratio [*sic*] to the increase of population and to the consequent necessity of their removal.

The investigation into the Government Departments now in progress in U. Canada illustrates in a remarkable degree the consequences of this system. Without prejudging the result of that investigation, it is evident that even in the financial Departments where accuracy is most required, great irregularity in the system has long been permitted to exist; and that from the want of immediate & effective control, the checks which have been provided for the security of the Province have been allowed for many years to fall into disuse. If, under these circumstances, the Province shd escape without loss, the circumstance is to be attributed rather to the character of its public servants than to any precautionary measures.

A Short time will suffice to shew how far this is the case, and it may perhaps be my duty to address your Lordship further on this portion of the subject.

Such being the state of the administration, it is not surprizing that the inhabitants of these Provinces have evinced much discontent. It is probable that the conduct of the official servants of the Government has not always been correct & discreet, but it is still more likely that what were really the defects of the system have, by the general voice, been charged on the individuals.

Having thus pointed out the evils which I have observed in the present system of general Government, & of Departmental administration to wh. I am convinced that much of the discontent may be traced, & from wh. many of the difficulties in which this Province is now placed, in my opinion, arise, I must add my firm belief that, by a proper correction of them the present excitement may be calmed, and a recurrence of the difficulties which I have mentioned, be prevented.

Your Lordships Despatch of the 14 octr No 19 justly anticipated that one of the difficulties with which I shd be met in this Province was the cry for "Responsible Govt." Undoubtedly it has been so, tho' I am bound to say that the representations wh. have been made in England, of the nature of that demand are not exactly what I have found to be the case.

In none of the Addresses upon this subject which have been presented to me do I find it stated that what is sought is to place the Governor

under the control of the Council in the manner which was attempted in Lower Canada.

Complaint is made, and justly of the mismanagement of offices, and it is suggested that, as a remedy, there shd be more unanimity of feeling between those intrusted with power and the people upon local matters, & this it is proposed to effect by "Responsible Govt." But it is nowhere shewn what is meant by that term. it is either used by itself, or coupled with a declaration that the "Responsible Govt." recommended by the Earl of Durham is what is sought.

This, however, does not solve the difficulty as no precise definition of its meaning is given in his Lordship's Report.

Feeling it, therefore, to be my duty unhesitatingly to declare that H. M. Govt never would admit of the adoption of any scheme wh would render the power of the Governor subordinate to that of a Council, whilst, at the same time, no objection is felt to the practical views of Colonial Govt recommended by Lord Durham as your Lordship understands them, and as too it has been my anxious desire to meet and discuss with the principal advocates of this demand their views and desires.

I have stated clearly to all with whom I have conversed, the views so well expressed in your Lordships Despatch; I have declared that, to attempt to make a Council responsible to anyone but the Governor for advice tendered to him is incompatible with Colonial Govt., and can never receive the sanction of H M Govt or Parlt.

At the same time, however, that this pretension must necessarily be resisted, I have stated no less forcibly, that it was the earnest wish not merely of H. M present Govt., but must no less be the interest of every British Minister to govern the Colony in accordance with the wishes and feelings of the People, and that, whilst the Governor could not shift any portion of his own responsibility upon the Council, it would of course be his best policy to select as members of that Body whose duty it would be to tender him advice for his consideration men whose principles & feelings were in accordance with the majority, & that it must equally be his policy upon all merely local matters, when no Imperial interest could be answered, to administer the affairs of the colony in accordance with the wishes of the Legislature.

To these opinions I have found a ready assent and I have received from all the warmest advocates for the watchword of "Responsible Govt" the assurance that, if these principles and those contained in your Lordship's Despatch respecting the tenure of office in the Colony are carried practically into effect, the object they seek would be entirely answered, and certainly as far as present appearances go, I am bound to believe them sincere, for since these declarations, and above all, since the appearance of that Despatch, wh. has given the greatest possible satisfaction, the excitement on the subject has altogether ceased.

In spite, therefore, of the anticipated dangers arising from this cry, of the great excitement which has prevailed, and of the disheartening appearance wh. the Province presents at the present moment, I hope I am not too sanguine in believing that a better state of things may be arrived at[.]

By the Union of the Provinces, the important changes wh. are indispensable, will be greatly facilitated—a good Departmental organization may be effected—a more vigorous & efficient system of Govt may be established, which, conducted in harmony with the wishes of the People, will, at the same time, be enabled to give a direction to the popular

Branch of the Legislature, and also to check the encroachments upon the powers & functions of the Executive which have been carried so far & have produced so much mischief.

Power will pass out of the hands of [the] very small party, whose possession or supposed possession of it has produced so much irritation, and the people will be satisfied that, while there is a steady determination on the part of the Home Govt to resist unconstitutional demands, there is no desire either that the affairs of the Province shd be mismanaged for the supposed benefit of a few, or that a minority opposed to them in feeling & principle should govern it in opposition both to themselves, & to the Home Govt.

[1043] [THOMSON TO RUSSELL]: 4p.

Dec. 15 [Summary in Arthur's handwriting of the first part of item 1042.]

[1044] ARTHUR TO P. [B.] DE BLAQUIÈRE: LB.5, p. 19.

Dec. 16 *Government House*, [*Toronto.*] [Marked "Private".]

I have the pleasure to acknowledge your letter of Saturday requesting employment for your son in the 2nd. Incorporated Regiment of Militia. I will make enquiry how that corps is circumstanced as to officers—what existing claims there are and whether any vacancy is available and at the disposal of Government.—and I can only say that I am so gratified by the spirit you have manifested to meet my wishes in giving your cordial support to Government, that I shall be pleased beyond measure to be useful to your son—and if the vacancy occurs whilst the Governor General is administering the Government I am satisfied that His Excellency will be equally well disposed and I shall take care to bring it under his notice.

[1045] ARTHUR TO HENRY SHERWOOD: LB.5, p. 27.

Dec. 16 *Toronto.*

The Governor General thought it better not to see you until your amendment was disposed of; but His Excellency now begs me to say that he shall be glad to receive you, if you will call upon him before you go to the House tomorrow.

I mentioned to His Excellency that I was under the impression, you did not consider it of importance that Mr Cartwright's Resolutions should be carried as *conditions*. I hope I was not in error; but, if so, you will be able to correct it by personal explanation.

[1046] W. H. DRAPER TO ARTHUR: A.L.S. 3p.

Dec. 16 [*Toronto.*] [Marked "Private".]

I enclose for yr. Excys. perusal my letter to the Govr. Genl. written yesterday— I trust it conveys what I desire to express in clear but respectful terms viz. my sincere desire to discharge my duty faithfully to the Governmt. under whom I hold office—without forfeiting my claims to public confidence and private respect. I shall feel much obliged if Your Excellency will forward my letter to the Governor General as soon as you have perused it.

In reference to an observation made in conversation yesterday evening relative to the difference between the Attorney Generals case and my own I would beg leave to submit, that few if any men can have greater claims to the most favorable interpretation of all his conduct than the Attorney General whose long course of public life has been a uniform and powerful advocacy of the highest principles favorable to the maintenance of the just authority of the Crown and the preservation of the Constitution and that I have no desire to place myself in a position which would even remotely injure him—or to desert him after his generous and uncalled for declaration of his desire to fall or stand with me[.]

It cannot have escaped Your Excellency that in this Province the Crown possesses little influence that can be brought to bear on the constituency and that the chance any one has of being returned to Parliament depends on the opinion entertained of his independence of character and action. The alleged interference of the Crown by its representative at the last election was the subject of complaint in Dr. Duncombes petition and the Correspondence with the Colonial office on that subject induced every one here to suppose that had such an interference been proved it would have been condemned by the Home Government.— With that idea I have felt that in order to afford myself a prospect of being again returned to Parliament should I continue to hold office and H. Majestys Governmt. require my presence in the Legislature, it was indispensably necessary for me to adhere to the Course I am now taking.— I have not mentioned this in my letter to the Governor General because it is only an argument in my favour—not a part of the transactions in which his misapprehension of me has occurred.

I beg of Yr. Excy. to excuse this scrawl I was up the greater part of the night—and feel this morning as fatigued as if it were the conclusion instead of the beginning of the day[.]

[Enclosure lacking.]

[1047] ARTHUR TO SIR R. [D.] JACKSON: LB.5, p. 28-29.

Dec. 17 *Government House, Toronto.*

It is a week ago this day that I addressed you last, and then mentioned that I would write the following day—but I have been labouring under a severe illness which has confined me for the last six days to my Bed room; where I have been obliged to receive the Governor General, and see several of the Members—but I have this day moved into my Dressing-room, and hope to be about again speedily. I caught a violent cold on my way to Montreal, and deferred taking medical advice until it was too late. All, however, is now right again[.]

Since I wrote to you, nothing new has occurred on the Frontier; and if the Patriots meditated any movement (which I do not believe) it has been relinquished on the appearance of the United States Troops under Colonel Bankhead's orders— He has acted promptly and decidedly.

I heard this morning from the Western Frontier.— All quiet and General Brady says, nothing, he believes is meditated.

I ordered Colonel Love and Lieut Colonel Airey to Toronto, as the Governor General expressed a desire to see them, and to receive from them information respecting their Districts. They are intelligent officers—men of investigation and observation, and able to form a good opinion. They do not think very favorably of the People.—

I have not yet heard of the arrival of any clothing for the militia. They must have a pair of Trowsers each according to the promise made them, but I have been very reluctant to purchase, whilst there was a hope of supplies coming out which the Secretary of State assured me the Ordnance were directed to forward. Great Coats we are patching up for them as well as we can, but *some* new ones will be required.

I thank you for your letter of the 10th and communicated the contents of its enclosure from Lieut Simmons to the Governor General.

A very large new Building on the "Trent", capable of containing 5 or 600 men, which Government hired during the last winter and spring for the Militia, has been destroyed by fire.— It was not occupied, and was evidently the wicked deed of an Incendiary.— An American is in custody for it, but I have not heard of his final committal.

Lieutenant Jones 43rd. Regiment is dispatched, by desire of the Governor General, to make a tour of observation;—first to New York, and then all along the Frontier—if he hears of anything important, I have instructed him at once to make a confidential communication to you.— He is a very intelligent officer—and understands well what he is about.— He was employed during the last winter by this Government, & gave so much satisfaction, that I recommended him strongly to Sir John Colborne.

[1048] ARTHUR TO SIR R. [D.] JACKSON: LB.5, p. 29-30.

Dec. 17 *Govt. House, Toronto.* [Marked "Private".]

The Governor General will have informed you that all has gone on well in the Leg. Council.

In the House of Assembly there have been some serious difficulties. The Attorney General, before it was a Government Measure, stood pledged to vote against the Union, and felt he could not recede.

The Solicitor General was pledged to all the party who voted with him for the Union to insist upon certain Conditions, and he considered himself bound to adhere to the pledge he had given to his party—to these conditions the Governor General could not listen, and hence the difficulties to which I have alluded. But, I hope, a way out of this dilemma has been, at length found; and that the Governor General will succeed just as he wishes. The *Conditions* to which he objects being thrown into *Recommendations* in an Address to the Queen. In a few days more the question will be disposed of—at least there is every prospect of it—

Never was there such a confusion of parties—the Constitutionalists who supported Sir J Colborne, Sir F Head and myself upon some questions have been thrown into opposition, whilst the Radicals and Reformers have supported the Governor—but both parties wish to court the "rising sun", & during the dalliance the measure, I hope, will be carried— The Governor General appears to understand thoroughly how to manage them all.

[1049] ARTHUR TO THOMSON: LB.5, p. 27.

Dec. 17 *Toronto.* [Marked "Private".]

I have seen Mr Draper and Mr Cartwright.

Since he saw you, Mr Cartwright has spoken to Mr Merritt, and I hope it will be arranged that Merritt will propose, as an amendment to the Resolutions now on the Table, something to the effect of the outline

you left with me—of which I have given Mr Draper a copy. All will be right, I think on this point.

There are some of the Reformers with whom I have some personal influence—if there is a serious difficulty upon voting the Civil List for life or ten years instead of permanently, I could see some of them, if you wish it, in the morning.

[1050] J. B. B. Estcourt to Arthur: A.L.S. 5p.

Dec. 17 *Bowden Park, Chippenham.*

There is a large packet going to Lady Arthur and as I think you will not be displeased to hear from England I will add my share to the envelope, which, tho' chiefly intended for Lady Arthur, will pass to you under the official frank of Lord John Russell, the new Secretary for the colonies, at least new since I had the pleasure of seeing you.— I dined yesterday in his company at Lord Lansdown[e]'s, whose place is not far from hence; our party was a pleasant one enough, for besides our host and Lord John we had Moore, the poet, a neighbour; Mr Poulett Scrope the brother of the Governor General Mr Poulett Thompson [*i.e.* Thomson]; and a Mr Joy [?] a pleasant bar[r]ister in House of Commons business. There were others besides, who, being of the Conservative side, put politics out of thought and kept us to an easy discussion about authors and their books.

We are now looking to the Meeting of Parliament on the 16th and circulars have been sent round by both sides to urge attendance of members: but I cannot make out, that any fighting can take place. The business will no doubt be the making an Englishman of the young Prince Albert, the giving him an income: the settling the case of Stockdale: and perhaps some discussion about the Chartists.— This latter point is the only one, where efforts can be made to eject the government: but it is important, that no encouragement should be given to them by any seeming difference about them, and therefore tho' the conservatives are by no means satisfied with the government for allowing things to have come to the pass, they have, yet I do not expect that ground will be chosen to fight upon.— The trials are now going on at Monmouth; 14 were to be tried for High Treason, and I do not hear, that there is any doubt about convictions.—

Upon the whole England seems to be flourishing at home and successful in India. There is but one drawback at home, which is the bad harvest; and that will, I fear, occasion distress in the manufacturing districts; but as yet we are going on well.— The government however is very unpopular and hang on by sufferance, or at least are far from firm.—

Every one is surprised, Mr Poulett Thompson has been so well received; but that perhaps is to be attributed to the desire all parties would have to gain him to their own interests, or at least not give room for prejudice against them.

I am very anxious to hear how the month of December passes with you; there are so many reasons for keeping up alarm, whether any plots are really hatching or not; that I am prepared to hear of preparations on the American frontier, and applications for protection on our's [*sic*] tho' I cannot think there is any intention of doing more than maintaining the excitement and encouraging the alarmists to believe their fears well founded. . .

[Mentions meeting Colonel England, apparently formerly in Van Diemens Land.]

I have made my application for an Unattached tho' I have no idea with what success it will be attended.— Mr Sullivan's report has not reached me. I cannot give up the hope it may come; for it would be very valuable to some parliamentary friends and relations. Mrs. Estcourt joins me in best compliments to Lady Arthur and your family: we remember with pleasure the days we spent in your house, and recollect besides much other kindness I received from you.—

[1051] ARTHUR TO THOMSON: LB.5, p. 30.

Dec. 18 *Toronto.*

I am anxious you should know that I have seen Mr Draper—at all events he will not *speak* upon Mr Cartwright's Resolutions[.]

[1052] ARTHUR TO COL. [J. F.] LOVE: LB.2, p. 144-145.

Dec. 19 *Govt. House, Toronto.*

I thank you for your letters from Brantford & London.— It gives me great pleasure to find that all is well.

With regard to the information from Lt. Col. Young I am much obliged to you for sending it, & I hope you will always communicate every thing of the kind that comes to yr. knowledge; but, I place no dependence whatever upon any of the rumors now abroad—& we must keep down the excitemt. wh. interested parties on both sides will create, by the circulation of stories of all kinds, if they can.

With regard to the Companies of the 85th. at Sandwich the Comdr. of the Forces thinks it better that they shd. remain where they are—& I quite concur with him—nor do I think it necessary to move the Companies of the 2nd. Incorporated Regiment from Amherstburgh [*sic*]. they are still useful as a working party, & will be so required until that work is completed.

The force at Chatham is adequate to any probable event, & by establishing a rapid line of communication with yr. cavalry you will hear quickly enough of any hostile movemt. to encounter it. Besides, upon an emergency, Col. Young has it in his power to arm an additional Force, & in a few hours he can collect 100 or 200 men who have been already trained.

You may authorise him to prepare for this—but, on no account, to call out such a force, except, in a clear case of necessity.—

I have made my way to my Dressing room; but have still the troublesome cough.—

[1053] JOHN TORONTO [*i.e.* STRACHAN] TO ARTHUR: A.L.S.

Dec. 19 *Toronto.*

I thank Your Excellency most sincerely for your kind and affectionate wishes—and I regret exceedingly the cause which detains Your Excellency to the House[.]

It would have been more than a sufficient reason for me to have postponed the ceremony had it not been that I am in a manner precluded from discharging my duty till the installation takes place[.]

My Episcopate has commenced in tears but I trust in God that it will end in joy; and I am greatly encouraged by Your Excellencys fervent prayers and by the cordial aid which I confidently look for when you return to the duties of your exalted station.

Dec. 19 T. B. MACAULAY TO RUSSELL:

[See item 1077.]

[1054] ARTHUR TO CHARLES [ARTHUR]: LB.6, p. 70-71.

Dec. 20 [*Place not stated.*]

Is cheered by good accts. received of him in every respect. It is time to consider seriously how you are to be disposed of in after life— Always rather wished you shd. go into the Church, if you desire it yrself. Leave it, however, entirely to yr. own decision.—

Great satisfaction to find you a well informed & accomplished person.

Hope you will point out to Edwd. in a brotherly manner any thing you shd. observe wh. you think I shd. disapprove[.]

Hope write a journal & forward thro' Secy of State—under cover "The Rt. Hon. The Secy of State. Col. Office.—["]

Let me know how you pass your Vacations.—

[The above appears in this précis form.]

[1055] ARTHUR TO EDWARD [ARTHUR]: LB.6, p. 70.

Dec. 20 [*Place not stated.*]

It has given gt. concern not answerg. two last letters.—utmost importance shd. strive to get Commission by Excellent Conduct & Superior attainmts. as early as possible at the College. It will give greatest satisfaction to hear that vacation has been profitably passed.— Never for the sake of a "frolic" do what is ungentlemanly! it will be remembered to yr. prejudice for years by those who laugh at it now.— Hope he has a good library.— put his letters under cover to "The Right Honble. The Secy. of State—Col. Office—London.["]

[The above appears in this précis form.]

[1056] W. H. HAMILTON TO [ARTHUR]: A.L.S. 3p.

Dec. 20 *London.*

Being known at the Colonial Office to be in communication with you, the Keeper (Dodsworth) has requested me to remind you of the amount owing to him for Newspapers and periodicals sent to you since you have been in Canada. He shewed me his Book, and I find the sum is £10.8.6. . . I assured him you had overlooked this small matter, and he was perfectly satisfied of it. . . And, pray send me the 3d. & 4th. Bills of Exchange for the £1000 on V. D. Land, as it was on my assurance, that they would speedily follow, the Bank negociated them. I address you thus briefly that these matters may have your prompt attention.

[1057] F. A. M. FRASER TO ARTHUR: A.L.S. 7p.

Dec. 21 *Asst Qr Master General's Office, Toronto.* [Marked "Private".]

1. As an attack of Rheumatism prevents my coming to Government House in this severe weather, I do myself the honor of addressing you on the subject of a remark as to the state of the Command, which I made to Your Excellency on the 17th Int.; and as to the nature and character of which communication, I fear I have been misunderstood.

2. And One of my reasons for so supposing, is a private conversation which passed between Colonel Foster and myself yesterday, by which I found that the Colonel was so extremely hurt at my remarks relative to his department, and behaved in so frank and open a manner, that I could not but deeply regret that what I had intended to be a confidential, should have been supposed by Your Excellency to have been, an official communication.

3 I must solemnly assure Your Excellency that in making the statement referred to, I intended it to be in that Confidence in which you have on many former occasions allowed me to speak; had it been my intention to have come forward "Officially," I should have addressed myself to the Asst. Adjt. Genl. or to the Asst. Mily Secy.

4. Nor should I have written to Colonel Halkett on the same subject, on the 19th. Int. had I not conceived, from some casual observations he made use of in a conversation, that I had not made myself clearly understood by Your Excellency as to the extent to which I thought blame might be attributable in different quarters. I also felt most anxious to avoid the possibility of having been supposed capable of making a confidential report to a General Officer, impugning the professional character of others, without avowing my readiness to make a similar statement Openly, if necessary. These were the causes which mainly induced me to write my note of the 19th. Int. to Colonel Halkett.

5. It is possible that you may have supposed my communication of the 17th. was not made confidentially because I referred to Colonels Spark and Wingfield. My reason for so doing was that it seemed to me worse than useless to answer questions put to me by a General Officer, which led to such a statement as I made to Your Excellency, and then to say "But, Sir, I must request that this be perfectly secret and no further notice taken of it—" Such a course would, in my opinion, have placed the Superior Officer in a very false position. But my idea of the matter was that by reference to the two nearest Commanding Officers, Your Excellency would be enabled to make such enquiries, without the use of my name, as would allow you to judge of the means you might think best to remedy the evils which I mentioned, should it be found, on investigation, that my notions on the subject were correct.

6. Having said thus much, I trust Your Excellency will understand what were my ideas and intention in making the statement in question, on the 17th. Int. I most sincerely hope in a very short time to be able to quit the Service by the sale of my Commission; and should such an indulgence be again refused to me, so great is my wish to retire, that, tho' very ill able to afford the loss consequent on such a step, my determination is to resign unconditionally. I feel that a naturally strong constitution is beginning in some measure to give way. Nor do I hesitate to express to Your Excellency, (whose kind interest in behalf of my promotion I gratefully acknowledge,) that my treatment has not been such as to induce me to wear out my evening days in a Service, which having had

my best, tho' humble, exertions in former times, seems disposed to prevent my deriving any benefit therefrom.

7 With these views I need hardly say how very painful it would be to me to wind up my professional career by being brought forward as the general accuser of the Department, not only in this command, but possibly of some of those in the sister province; for I think it more than probable that the seeds of disorder to which I alluded on the 17th., may be found in the neighbouring command.

[1058] ARTHUR TO COLONEL [F. A. M.] FRASER: LB.4, p. 47-48.

Dec. 21 *Govt. House, [Toronto.]*

I beg to acknowledge your letter of this date marked "Private".

Of course I cannot doubt, after your assurance that it was so, that it was your intention to communicate to me confidentially your opinion upon the state of this command—but, certainly, I did not so understand you.

The marked expression you used & your assertion that your opinion would be substantiated by the testimony of two Field Officers in the Garrison, and indeed I must add your manner altogether led me to the opposite conclusion, but I certainly thought that you labored under some feeling of dissatisfaction and am quite convinced, after reading your letter, that you had no premeditated desire to reflect unkindly, much less harshly upon any Brother Officer.

there are in this command difficulties & delays that formerly tried me to the very quick,—but we must all bear the ills we cannot avoid,—& no person in the very worst of the difficulties to be encountered, & at a time when delays were really prejudicial, overcame them more cheerfully than my Asst Qr Mr General, which it will require some pains to make me forget.

[1059] ARTHUR TO THE LORD BISHOP OF TORONTO [JOHN STRACHAN]: LB.4, p. 47.

Dec. 21 *Toronto.*

I understand that the Cathedral is to be opened tomorrow, and that your Lordship is to be installed.

It is, I very much regret, utterly out of my power to attend this most interesting ceremony; but I beg you will believe me to be most sincere in assuring you of my cordial good wishes, and that it is my fervent prayer that Almighty God will grant you personally his special Blessing & that the Church of England throughout your Diocese may be a people spiritually devoted to the service of their Divine Master.

[1060] JAMES DUFFY TO ARTHUR: M. handwritten on printed form.

Dec. 21 *Toronto.*

[Quarterly Upper Canada College account for "Jno Arthur": dues and contingencies £2-5-0; books, etc. 12-1; total £2-17-1.]

[1061] ARTHUR TO THOMSON: LB.5, p. 30.

Dec. 21 *Toronto.*

Allow me to offer you my sincere congratulations on the final success of your measure which I would do personally if I could safely venture out.

[1062] F. A. M. FRASER TO ARTHUR: A.L.S. 3p.

Dec. 22 *Toronto.*

I feel much obliged by your note of last Evening which would have been acknowledged on receipt, but that at the time it arrived my Rheumatism was so violent as to render it difficult to remain quiet in one position.

My manner is, I fear, at times much too 'brusque'; but I hope you will believe that [it] is never my intention to be rude, as a Gentleman, nor disrespectful as an Officer. The terms of confidence on which it has been my good fortune to live with the several Generals under whom my Staff Service has been spent, may have rendered me, as I suspect it has, occasionally too "off hand" in my manner and expressions.

You do me no more than justice in supposing that I did not wish to reflect harshly or unkindly on a Brother Officer. As to Colonel Foster, I have never met with a man whose heart was more in its right place. His whole behaviour in a conversation I had with him the day before yesterday, was most frank and manly.

As I am writing quite in a private style to you on this occasion, and with, I assure you, feelings of much obligation for your kindness respecting my promotion, and in other instances, I take the opportunity of alluding to a subject, respecting which, it may have seemed that I have not been so ready as on former occasions;— I mean as to some Militia matters— It is not my intention here to enter on the details of a question, as to which, I am not so fortunate as to agree with you on *all* points, but merely to remove from your mind any supposition that I have made needless objections in carrying on the duties alluded to. My wish has been and is, during times of quiet and comparative idleness, to *force*, as much as in me lies, each Department to do its own duties— In times of trouble and of war, things must be done, and if necessary, done, without considering who is the proper person to carry them through— But by keeping all Departments strictly within their own Channels as long as possible, in all probability they will continue to flow therein, even under a heavy press of duty: whereas, if the habit of irregular working be allowed during these quiet times, it follows that, under difficulties, matters will get into still greater confusion— Under this impression, on some late occasions, I have made, what may have appeared, unnecessary objections to signing Militia papers, which seemed to me out of the straight line of the Service—and that I have opposed to the utmost in my power, the late arrangements respecting the moving of Ordnance Stores, by my Department—

Whether I am right or wrong in this, is a matter of Opinion: my intention was not to save myself from trouble: tho' I do not disguise that my zeal for the Service has not been quickened by the promotion of my juniors above me—a circumstance, and to me an evil, I am well aware, you have most kindly endeavoured to remedy—

[1063] ALEX[ANDE]R MACDONELL TO ARTHUR: A.L.S. 2p.

Dec. 22 *Dublin.*

The spirit of Emigration is abroad & Dr Rolph & I are doing all in our power to direct its course to Upper Canada. The Doctor has addressed letters to several noblemen of the first influence in the United Kingdom, who have entered with zeal into his views & promise to encourage emigration to Upper Canada in preference to any other British Colony. I have travelled through a great part of Scotland & of this Country, & wherever I have been, I have not failed to expatiate on the

advantages which upper Canada holds out to emigrants of small capitals, which by investing in lands might render themselves & their families comfortable and independent; & I have great satisfaction to inform your Excellency that several of my friends who will take respectable capitals with them are so well pleased with my representation of Upper Canada that they have determined to emigrate thither how soon they can dispose of their property, so that I confidently look forward to see in the course of the ensuing Spring & Summer the largest Emigration to Upper Canada that ever Crossed the Atlantic Ocean in one Season[.]

I understand that a motion is to be brought into the House of Assembly during the present Session to vote a sum of money to Dr Rolph for defraying the expenses of his voyage, & his travels through the United Kingdom to promote emigration. As he has laboured hard & successfully in his Mission I trust Your Excellency will have the goodness to recommend to the House to reward the Doctor for the faithful performance of a service so much calculated to be of important benefit to the Province.

I presented a Petition to the Provincial Parliament during the last Session praying for a Similar aid, to complete the Seminary I am building at Kingston, to that granted to the Westleyan [*sic*] Methodists for their Seminary at Couburgh [*i.e.* Cobourg], & I entreat your Excellency will be kind enough to approve of the dicision [*sic*] of the House if favourable for there was no time to bring it forward last Session.

I have written to the Receiver Genl. to apply for a warrant to get my half yearly salary issued as I am in great want of money having nearly expended all I could command before I left Canada.

[1064] [Sir] A. N. MacNab to Arthur: L.S. 2p.

Dec. 22 *House of Assembly*, [*Toronto.*]

I have the honour to transmit to Your Excellency, the Copy of a Resolution of the House of Assembly, expressing the high sense entertained by that Body of the ability, uprightness and impartiality with which your Excellency has discharged the arduous and important duties of your Office, since you assumed the administration of the Public affairs of this Province.

From the position I occupy as Speaker of the Assembly, I had no opportunity of taking part in the discussion or of expressing my opinion upon the Resolution;— I therefore take leave, in carrying into effect the Order of the House, to assure Your Excellency, that I most cordially concur in the Resolution of the Assembly, and to express individually the high respect I have ever entertained for Your Excellency's public conduct.

Allan N. MacNab
Speaker[.]

[*Enclosure:*]

[1065] *1839*
Dec. 21
[Upper Canada. House of Assembly.]
[*Toronto.*]
Resolved,

That this House feel it a duty incumbent on them to express the high sense they entertain of the ability, uprightness

and impartiality with which His Excellency The Lieutenant Governor has discharged the arduous and important duties of his Office since he assumed the administration of the public affairs of this Province—and that the Speaker do communicate a Copy of this Resolution to His Excellency.

Truly extracted from the Journals of the Assembly of Upper Canada, of the 21st, December, 1839.

James FitzGibbon
Clerk of Assembly[.]

[1066] ARTHUR TO COL. [J. F.] LOVE: LB.2, p. 145-146.

Dec. 23 *Govt. House, Toronto.*

I have this morng. received your letter of the 18th. instant, with its enclosures respectg. the Catholic Priest at London.

These Papers I have attentively perused, & return them to you for this reason—that yr. letter is evidently written in the impulse of the moment, & you have used stronger expressions & made more ado about the matter, than there is any occasion for in the present stage of the complaint.

The Govr. Genl., I conclude, if he notices the complaint at all, will refer it to me,—then I shall cause it to be referred to you officially—& a calm & concise explanation is all, I presume, that can be required.

In such cases I have always found that it is well to adhere to the spirit of the Rules of the Service—to be firm—& to be courteous.

This always puts to silence such men as you represent Mr. Mills to be—or, if it do not silence, it confounds them, wh. answers equally well. . .

P.S. I am much obliged by yr. kind inquiry & am thankful to say that I am quite well again[.]

[1067] ARTHUR TO COL. [J. F.] LOVE: LB.2, p. 146-147.

Dec. 23 *Govt. House, Toronto.*

I have this morng. received yr. letter of the 19th. instant with the extract it contains from Lt. Col. Brooke Young.

On such a statement I should place no dependence whatever.—

If the Patriots were collecting in large numbers, as Col. Youngs Informant states, it would be confirmed from other Quarters, & they wd. make no such open avowal of their intention to cross into Canada.

The St. Clair Frontier is, I agree with you, the most probable point of annoyance; but, we are sufficiently guarded there to resist the attacks of any number of Marauders who are likely to venture their lives; & I should not wish the slightest movement of the Troops to be made, nor the least expense to be incurred, in consequence of any such rumors as Col. Young's letter conveys.

I attach the greatest importance to keeping down every symptom of Excitemt. on our side; & to effect this, we must be quiet!—

Pray infuse this feeling into all the Officers in the District under yr. orders.

[1068] ARTHUR TO [THOMSON]: LB.5, p. 31.

Dec. 23 [*Toronto.*]

The accompanying paper "No 1" is the information of a person who has been an out and out Reformer in this Province, and last year being

suspected of something worse went into the States to reside—but, as he states, because he was so disgusted at the wicked conduct of "Hart" and his associates he abandoned the "Patriot" Cause and has since been giving the Government information.— He was one of the 18 Delegates who met at Rochester about six weeks ago to determine upon this winter's Campaign. Mr. Macaulay and Col Bethune place great dependance on the informants veracity, who, they say, except in his politics, has always borne a good character. He has heard, I believe, all that he relates but these People impose upon each other. The enclosure, No 2, I received this morning from Col Love. It will give you an idea of the feeling in that quarter, but you will perceive by my answer that I do not attach any importance to the Statement to which the Colonel refers.

[Enclosures lacking.]

[1069] THOMSON TO [ARTHUR]: A.L.S.

Dec. 23 [*Toronto.*] [Marked "Private".]

I have stupidly mislaid the copy of your Bill of last Session on the Clergy Reserves. Will you have the kindness to let me have another copy. I mean that which was introduced in the place of your Van Diemen's Land Act.

I am sorry to hear that you were not so well this evening. I trust you are now better.

[1070] ARTHUR TO LORD FITZROY [J. H.] SOMERSET: LB.3, p. 83-86.

Dec. 24 *Govt. House, Toronto.* [Marked "Private & Confidential."]

Since I wrote to you on the 6th instt. the question of the Reunion of the Provinces has gone thro' all it's [*sic*] stages in the Provincial Parliamt. & has been carried by a considerable majority in both Houses. The Terms are,

That the Representation from each Province shall be equal.

That the Public debt of Upper Canada amounting to about Twelve Hundred Thousand Pounds shall be the debt of the United Provinces.

That a Civil List shall be settled by the Imperial Parliamt.

An effort was made in the House of Assembly to add as Additional Conditions.

That the seat of Govt. should be fixed in the Upper Province[.]

That all public Records should be kept in the English language.

That the Constitution of 1791 should be maintained, except, in so far as it must necessarily be altered by the reunion of the Provinces.

All these points were lost as *Conditions*, but are to be embodied as recommendations in an Address to the Queen— & by this arrangement Her Majesty's Ministers will have it in their power to bring in their new Canada Bill before the Imperial Parliament unsha[c]kled in every respect.

The General impression that Sir Rt. Peel considered the Reunion had become necessary had a great weight with the Constitutional party; wh. constitutes the strength of the present House of Assembly & my assurance to H. M. Government that the measure cd. be carried if it were determined upon has been to the utmost confirmed[.]

But it is a measure though I see the difficulties of every other project to be great, wh. I shd. not at the present time on any acct. have recommended; for I do not think it possible even to hope that such a Parliamt. can be returned under the existing feelings of the People in both Provinces

as will be safe to British Connexion—& from the impulse wh. the Radicals & Reformers have now received, the British in my opinion will be soon found far more difficult to manage than the French Canadians.—

My part, however, embarrassing to my personal feelings, has been plain. As an executive Officer, I was called upon to assist in a measure wh. H. M. Govt. had determined upon; & it is satisfactory to me to have recd. the assurance of the Govr. Genl. that I have rendered him the most effectual aid, whilst a Resolution passed the House of Assembly, as soon as the Union question was carried, wh. I trust will be regarded as satisfactory proof that I have done so without the least departure from the Principles on wh. I have uniformly administered the affairs of the Province.—

We have again daily rumours of Invasion, but there is nothing now serious to be apprehended; & I fully anticipate we shall have a quiet time of it until the Act for the Reunion has passed, when I shall most cheerfully bid adieu to Upper Canada.

The Constitutional party wh. supported Sir P. Maitland—Sir J. Colborne—Sir F. Head—& myself, are, as a body, so thoroughly undermined, that I would not on any acct. remain in the Province to witness their utter prostration—but, whilst I make this observation even in this confidential communication I ought in justice & candour to add that I have experienced the greatest kindness & attention personally from Mr. Thomson—& that the change of Parties produced in the Country is nothing more than the obvious consequences wh. I contemplated from his Administration of the Province.

[1071] W[illia]m Walton to W. [H.] Hamilton: A.L.S. 3p.

Dec. 24 *Hampton.*

[Sends a form from Sandhurst requiring payment of £46.18.4 for the fees of Arthur's son Edward. "You see the report which is not very favourable. Edward is not talented, & he has not had the advantage of early discipline, nay, since he has been in England, he has had to contend against all the disadvantages of a defective & erroneous Education. His most dangerous notion is that his Father can do for him as for his Brother; whether he do well or ill at Sandhurst Sir George can obtain his Commission & get him on. If you see him, let me beg you not to spare him. He is cased in a panoply of Self-esteem, that you must deal most lusty blows to reach his heart through it."]

[Enclosure lacking.]

[1072] [Arthur] to [J. B. Robinson]: Df.A.L. 6p.

[*1839*] [*Place not stated.*]

Dec. 25 It is an age since I wrote to you—but I rely upon it that your faithful friend John Macaulay has kept you fully informed of all that has transpired & is transpiring at this most eventful period for Upper Canada according to my often repeated requests to Him & many other Pens will be sharpened in your Service.

The Resolutions have passed both Houses in answer to the Governor General's Message in favor of the Reunion of the Provinces, & upon the terms proposed by Him. 1st. That there be an equal representation of each Province in the United Legislature. 2nd That a sufficient

Civil List be granted— 3rd That the Public Debts of Upper Canada shall, after the Union, be charged on the joint Revenue of the United Province.

In the House of Assembly an Effort was made to add some additional conditions, but the attempt failed.

What Charm the Governor General has used I know not; but all the Radicals and Reformers voted with the Government; and, the Constitutional Party being divided, the question was carried through it's [*sic*] various Stages with little difficulty. Doctor Baldwin & his Son— Egerton Ryerson—& others who were last year against the Measure are now its warm Advocates—in fact, so far as I can judge, the People throughout the Province generally *express* themselves in favor of Reunion. My opinion has not been asked, &, evidently, is not wished—so that I have had but one line of duty as an Executive Officer to perform— that of promoting the Measure decided upon by Her Majesty's Government, [a deleted phrase here reads: "and, as I understand, approved by Sir Robert Peel. So that"] It would have been a great satisfaction to many of your old friends Here if you had expressly stated what was the Opinion of the Duke of Wellington & Sir Robert Peel upon the Union itself, but it is generally understood that they are favorable to it, and it may be hoped that they will do their best in all the details of the measure. No person can more sincerely desire than I do that the Reunion may strengthen the connexion with Great Britain; but I cannot comprehend how a Parliament can be brought together that will exert themselves to that end—and, doubtless, it is very suspicious to observe that all those who have been considered, or known to be disaffected are advocates for the measure—they must have some ulterior object.

Your absence has been universally regretted by the Constitutional Party; but I am convinced you could not have prevented the result as to the main question. The debt, & the cessation of all public works, is felt throughout the Province as a heavy grievance & *the hope* that relief from this may be found is evidently a prevailing argument in all quarters. Again, from some cause or other, the whole System on wh. the affairs of the Province has [*sic*] been conducted has been faulty to a degree; wh. you will remember attracted my attention almost as soon as I came into the Province—the delays & jobbing about Lands in the Land Offices quite shocking—& the effects of the undue interference of the House of Assembly with the Executive Govt. apparent in a Thousand ways. No doubt all this might have been rectified without a Union, & I am satisfied, had affairs remained in my hands for another year I wd. *quietly* have corrected the mischief great as it is—but still the Public far and wide became impatient and I must say I am not surprised at it.

The circumstance however wh. I regard with the greatest apprehension is the impulse that has been given to the Reform party. I had them well down, as well as the ultra Loyalists I mean Gowan & his party, but all are again on the surface & Divine Providence alone can know how it will end. The Govr Genl however assures me that He regards the political state of the Province just as I do, and wishes to carry his measures on through the support of the Moderate Party. But the Radicals & Reformers are certainly in high glee & have great expectations.

The Clergy Reserve is the next question to be entered upon—a question wh every Person who wishes well to the Church of England must deeply lament had not been settled years ago, when the result might have been far—far more favorable than it can possibly now be to the

Establisht. [A deleted passage here reads: "The course taken by Doctor Strachan in this matter is deeply to be lamented, although his Motives were unquestionably the best."]

You certainly, in this respect, have not watched the signs of the times [a deleted phrase here reads: "in Upper Canada"]—a great revolution has been taking place in the "riligious [*sic*] world" during the last 25 years throughout the British Dominions—had *all* determined to make a stand on the Church there might have been a good hope from such a course, but [The draft ends here.]

[1073] [ARTHUR] TO [SIR A. N. MACNAB]: Df.A.L. 2p.

[*1839*] [*Place not stated.*]

Dec. 26 I have the honor to acknowledge your Letter of yesterdays date enclosing a Resolution of the House of Assembly passed on the 21st inst.

Nothing could be more acceptable to my feelings than the terms in which the House of Assembly have been pleased to express their sense of the manner in which the power with which Her Majesty was graciously pleased temporarily to invest me has been exercised during the Eventful period of my administration of the Affairs of Upper Canada, and I beg to request that you will make known to the House how very highly I appreciate this gratifying testimony of their sentiments.

For the very flattering terms in which you have conveyed to me the Resolutions of the House of Assembly, allow me to desire you will accept my cordial acknwt.

[1074] [SIR] R. D. JACKSON TO ARTHUR: A.L.S. 4p.

Dec. 26 *Montreal.*

I shall be glad to hear the confirmation of the re-establishment of your health, from yourself, soon, and I am sure you will not attribute my late silence to any indifference to this subject.

I delayed writing for some days for the enclosed Memorandum from the D Q M G. [marginal note reads: "19th. Decr. /39"] which has been since submitted to the Heads of the Comissariatt [*sic*] & Ordnance Departments, and having been approved of, I now transmit it for the guidance of the Ast. Qr. M General at Toronto, if its provisions meet your concurrence.—

You will be so good as [to] point out to me any suggestions upon the mode of carrying on the business therein referr'd to, if any occur to you.

I hope that Sir John Harvey and Governor Fairfield may continue peaceable neighbours during the Winter—the Reports to the contrary are, hitherto, without foundation[.]

I am so glad the alarms upon your frontier had no real foundation either.

I hear nothing of Militia clothing—the less spent upon this Force the better, from what I hear & see of it in this Province—our Engagements with It must, of course, be fulfilled.

I shall be very glad to share in the information communicated by Lt. Jones of the 43d. Rg., for there is a very great dearth of it relative to the Upper Province, at Head Quarters[.]

There was not even *one* Plan, or Document of any value relating to the Upper Province, left for me.

I hope Major Fraser will be able to assist me in this way.

[Enclosure lacking.]

[1075] RUSSELL TO ARTHUR: L.S. 3p.

Dec. 26 *Downing Street, [London.]* [Marked "Duplicate No. 55."]

I enclose, herewith, a Correspondence which I have had with the Secretary at War on the subject of your application to be allowed Staff Pay and Allowances as Major General on the Staff, in consideration of the Additional Military duties which had devolved on you in consequence of the recent state of affairs in British North America. [Marginal note reads: "C.O. 7. Decr. 1839. War Off: 19 (Dec. 1839)]

You will perceive that it was my wish that the indulgence which you sought should be conceded to you, but that it is only by setting aside a general rule of the Public Service, which has been established on public grounds, and which is on the whole beneficial, that such an object could be effected.

This exception I should not feel myself justified in making; and as it is equally impracticable to adopt the alternative which has been pointed out by the Secretary at War, I am compelled to relinquish the expectation which I had formed that an arrangement of the nature you pointed out might be made in your favor.

[*Enclosures:*]

[1076] *1839*
Dec. 7

RUSSELL TO THE SECRETARY AT WAR [T. B. MACAULAY]: L. 3p.

Downing Street, [London.] [Marked "Copy."]

The enclosed Papers relate to applications which I have received from Sir George Arthur & Sir John Harvey to be allowed Staff Pay and Allowances as Major Generals on the Staff in North America. Their claim is founded on the heavy & responsible Military duties which have devolved on them as Lt. Governors of Upper Canada & New Brunswick in consequence of the troubles in Canada, & the peculiar state of affairs on the frontiers of the two Provinces. My opinion is that they [*sic*] are strong reasons in support of such a claim in both instances and my first intention was to recommend the case to the favorable consideration of the Treasury. It has, however, appeared to me that it would be more convenient in the first instance to ascertain your opinion on the subject. You will be able to judge whether there is any objection to the grant of this indulgence to these two Officers, and it would be satisfactory to me to find that none existed of a nature which would prevent the arrangement which I am desirous of making in their favor.

[1077] *1839*
Dec. 19

T. B. MACAULAY TO RUSSELL: L. 5p.

War Office, [London.] [Marked "Copy."]

I have the honor to acknowledge the receipt of your letter of the 7. inst. with its enclosures herewith returned regarding the claims of Sir George Arthur and of Sir John Harvey to be allowed Staff Pay & allowances as Major-Generals on the Staff of North America, & to call your Lordship's attention to the

rule which, under the sanction of the Secretary of State for the Colonies, as communicated in Lord Howick's letter of the 17. March 1832 has been observed with regard to Civil Governors of Colonies who are also Military Men, vizt., that they should be paid exclusively by Civil Salary without receiving either Staff Pay or Allowances of any description.

If this rule were to be infringed in the cases of Sir George Arthur & Sir John Harvey who each hold only subordinate Military Commands, the responsibility for all Military Measures in Upper Canada resting upon Sir Richard Jackson and in New Brunswick upon Sir Colin Campbell it would be difficult to maintain it in the instances of other Military Officers who are Civil Governors of Colonies but who also hold supreme Military Command in those Colonies.

If it is your Lordship's opinion that the present circumstances of the North American Colonies have exacted from Sir G. Arthur & from Sir J. Harvey extraordinary Civil duties & unusual Military activity, not contemplated when they received their appointments & had their Civil Salaries fixed, & that on those grounds some augmentation of their incomes is advisable, I have the honor to submit to your Lordship that it would be expedient rather to give these Governors some addition to their Civil Salaries than by paying them in the manner suggested, depart from a rule, which, having been deliberately sanctioned by the Colonial Department, obtains universally in the British Colonies, with the single exception of the Civil Governor of Nova Scotia who was allowed to receive Staff Pay upon the discontinuance of the Garrison Pay of the Governor of Annapolis Royal, held also by him as Civil Governor of Nova Scotia.

[1078] ARTHUR TO [THOMSON]: LB.5, p. 31.

Dec. 27 *Toronto.* [Marked "Private".]

All is quiet on the Niagara Frontier.

I enclose for your perusal the latest information I have received from the London and Western Districts.

With respect to the affidavit which Col Love encloses, it is made by a man certainly of good character, but I attach very little importance to it. You understand, I hope, that I am always ready to attend you at any moment, if required, and to be useful in any way you wish; but, otherwise, circumstanced as I am, I believe I shall render you the greatest service by being quiescent.

[Enclosure lacking.]

[1079] W. H. HAMILTON TO [ARTHUR]: A.L.S. 2p.

Dec. 28 *London.*

In consequence of a note from Mr. Gairdner, saying there were some pacquets, addressed to you, at the Colonial Office, very large, and chargeable with heavy postage, I went thither, and found them of such suspicious character, as to desire they might be returned to the general Post Office, where I had two of them opened. They were *four* in number,

bore the *Plymouth* Post Mark, and were addressed to you as Lt. Gov. of Upper Canada, "to the care of Lord John Russell." The Postage was upwards of *Twelve* Pounds and had they been sent forward to you, it would, I imagine have been at least doubled. They were alike in appearance and weight. On opening two, I found they contained some discolored *Wheat*—and in one a Slip of Paper on which was written, "Vittoria Wheat—raised in a Garden in Ham Street, by J. W. planted (date, I forget) and cut" (date.) It was clear that this was the act of some blackguard, or Madman—so I sent them in to Col. Maberley [*i.e.* Maberly] the Secretary—who said if I would write officially to him, and request (*as your Agent*) that they might be detained at the Post Office, it should be done. My letter to that effect is gone to him, and I trust you will hear no more of this matter, presuming that you will approve of what I have done. [Send wishes.]

[1080] [Sir] R. D. Jackson to Arthur: A.L.S.

Dec. 29 *Montreal.* [Marked "Private".]

I should much wish to have Capt. Sterling stationed at Toronto, to assist Major Fraser in the general duties of the Qr Mr. G. Department, until the Plan &c. promised me by the latter is completed and *deliver'd.*

[1081] Arthur to W. H. Draper: LB.4, p. 48.

Dec. 30 *Toronto.*

I thank you for your note marked "Private & Confidential".

I *did* take the most anxious interest in the proceedings of the Committees[1]; & so far from intending a superficial investigation, my object was the very reverse, & I hoped that the labors of the Commissioners would have reflected some credit on my Government. Had Reports been sent in to me that were not as full & as satisfactory as I expected I should certainly have referred them back to the Commission—but, circumstanced as I am, I cd. not now well interfere; in wh. I think you will agree with me[.]

[1082] Arthur to John Montagu: LB.6, p. 71-78.

Dec. 30 *Govt. House, Toronto.* [Marked "Private".]

Thank you for your note, tho' it was a very short one, of the 21st. October wh. I recd. two days ago with it's [*sic*] enclosures from Forster.

Yr. packet was forwarded by the Halifax Mail so that it did not reach me so soon as it otherwise wd. have done by a Month! The Horse Guards people indeed always send their Despatches that way—but the wiser heads in Downing Street generally transmit the Despatch Bags via New York—sending only Parliamentary Papers & such like Luggage by Halifax. Live & Learn! . . .

[Discusses Forster's correspondence, "for I have lost none of my relish for Hobart Town sayings & doings." Commends Gregory, although he took up Burnett's and Bedford's cases.]

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[1]Probably the commission and its committees appointed to investigate the government departments. (See item 956.) A select committee of the House of Assembly, reporting on February 8, 1840, criticised the delay in the appointment of the commission, the incompleteness of the reports, and the personnel of the commission. See *Appendix to Journal of the House of Assembly of Upper Canada . . . 1839-40 . . . Volume 1.* p. 53 *ff.* See also *Report of the Department of Public Archives . . . 1945*, p. 67.

It must surely have been to shew that his charity extended to the very worst of his fellow creatures. He inflicted upon me, however, by his philanthrophy [*sic*] an immensity of anxiety & trouble—&, altho' I knew I was right, I was at one time, soon after my arrival in London, afraid that both these cases wd. have gone agt. me. Still, I believe, Gregory acted from a good motive, & that is much more than I can say or every action of my own Life. . . [Comments on Forster's energy and competency, and if Montagu gets "something else", hopes Forster will be confirmed in his appointment.] Swanston, I perceive, takes the lead in the Council amongst the Unofficials, & to keep the Govt. in check in many matters.

This is as it shd. be, &, in the end, Sir J. Franklin will thank him for it. It does a Governor good to feel the Curb a little, for the evil spirit gives every man in power spur enough[.]

The affairs of the Colony seem quite as prosperous as ought to be expected, and compared with other "Nations of the earth" the people of V. D. Land have just cause of thankfulness— Compared with the Canadas they may, indeed, exalt [*sic*]. Gilbert Robertson's incarcerration [*sic*] notwithstanding the unchristian Character it displays, I must say I read with pleasure—'tis like shutting up a wild beast—only being permitted the use of his pen, he is not so harmless. . . Never have I known such an embarrassing trial in the course of my life as I have undergone lately. I was going to say—it has driven me to my wits end, but that you will think rather a short journey perhaps. However fancy Lord J. Russel[l] some fine Summer Morning Landing in Hobart with Mr J. Stephen as his Chief Secry. producing His Commission as Govr. being at once Sworn in, & entering without any delay upon the administration of the Govt. and summoning the Legislature to assemble in a fortnight &, in the meantime, courting information & making enquiries through every channel whether Conservative, Whig[,] Reform or Radical—& then you will have a just idea of the Scene I have been passing through.— Not all the praises & encomiums that cd. be bestowed upon an officer cd. ever compensate for such an endurance—but literally I had no escape. Even supposing I had been regardless of the appeal made to me by H. M. Govt. to cooperate in the great measure of the Union—which one of the Ministers had left His office, pro tempore, expressly to effect—still, as a Major Genl on the Staff I was fixed until Ld. Hill permitted me to return to Engd

The affair indeed has gone on well beyond all expectation. Mr. Thomson soon found that I had not only honestly done my duty towards the Queen's Ministers by bringing about a better feeling than there had before existed, but that I had to such an extent devoted mysf to the business of the Country as to be so far popular & useful that he cd. not well do without me—& the grand measure of gaining the acquiescence of the Legislature to the Reunion of the Canadas has been effected. But that there might be no mistake about the matter, in a highly Conservative House of Assembly, as soon as the Resolutions for the Union was [*sic*] carried another Resolution immediately passed the House of Assembly expressive of the Ability, Uprightness & impartiallity [*sic*] with wh. the Lt. Govr. had administered the affairs of the Province[.]

As I understand the Duke of W[ellington] & S[ir] R[obert] P[eel] consider the U[nion] a desirable measure it will no doubt be carried rapidly through the Imperial P[arliament] wh. will close my connection with U. C and at wh I shall heartily rejoice *provided* I am not afterwards

overlooked—being in this part of the world I should like N. S & I have heard that it is likely to be open in the summer— The Cape of G. Hope I shd. prefer—it is not however probable that it will be vacant—but never shall I have such a Comd. again as this—for 12 Months I had 18,000 men under my orders & now have between 4 & 5000 British Troops & between 3 & 4000 Incorporated Militia wh. are in as good order as Troops of the Line. I am really ashamed to write so much about Self but I think you wd. fancy it betrayed a want of confidence in yr. regard for me & mine if I did not expatiate on this subject—unhappily so painfully engrossing to all mankind. . .

[Discusses the education of his sons: Charles who is backward through eye trouble, and Edward who is not industrious. Has warned Edward] that if He does not gain a Commission by his labour & talent He will wait a long time for it— I have had Letters written to all the Big Wigs at Sandhurst about Him but unless He exerts Himself all will be ineffectual. . .

[Asks about Montagu's own affairs, & offers any service.] I can venture to say of you—that with one exception, you wd. do more work than all the Public Officers in this Province put together—& I am satisfied that H. M. Govt. wd. find you one of the best men they cd. get to fill the office of Provincial Secy. for the United Provinces of Canada.

I shall write you a short "business letter" as you call it in the morng.

All my family have had colds & all are surprised I hear them say from time to time at not hearing from dear Jessy to whom I beg my most affectionate love.

[1083] DUCHESS OF RICHMOND TO ARTHUR: L. 2p.

Dec. 30 *Goodwood.*

The Duchess of Richmond presents her Compliments, to Sir George Arthur, and has taken the liberty of Enclosing some letter's [*sic*] for Her Son. understanding He had kindly allowed them, to be sent in His Bag.—

[1084] ARTHUR TO [JOHN] MONTAGU: L. 6p.

Dec. 31 *Government House, Toronto.* [Marked "Duplicate".]

Now for my business letter. . . [Is surprised not to have heard from Mr. Parramore, "at least that he would have said that he had undertaken my affairs for a time—"; is persuaded the proper course is the employment of a paid agent, acting under the trustees, with perhaps the bank receiving and transmitting interest half yearly. In September had asked Mr. Hamilton to confer on Van Diemen's Land concerns with Montagu] but, then I little imagined the evil days that were coming upon me by this visitation from the Governor General.—

Should any thing happen to Mr. Parramore what would become of my funds, papers, deeds, &c &c. . . [Mentions Mr. O'Connor as being willing to serve. Asks for an opinion on requesting Sir John Pedder to act as a trustee, or whether Turnbull would be the man.] It is of the deepest importance to me to have all my matters now *well arranged*, for I am not a young man and should not wish to make a voyage to Australia to look after my affairs. . . [Asks if Montagu still estimates £3,900 a year from the Cottage Green property. Refers to a query respecting the interest due from Forster for the land on which his house is erected, & recalls the circumstances and arrangements.]

[1085] ALEXANDER FRASER TO ARTHUR: A.L.S. 3p.

Dec. 31 *Toronto.*

In reference to the enquiries made by your Excellency yesterday as to the state of feeling which exists in the Eastern District of which I am a resident, I beg to state for the information of your Excellency that a great deal of the accrimony [*sic*] which unfortunately form[er]ly existed has subsided, and the principal ground of dissatisfaction, which is worthy of notice is the subject of the Clergy Reserves, I must also state that the manner in which a portion of the lands set apart for the support of Education has been alienated from its original purpose has also caused much dis[s]atisfaction, notwithstanding these and some other matters, they have never in my opinion shaken the Loyalty of the people, and I firmly believe that the great bulk of them can be depended upon and will defend the Country against any foe whether from without or within; the population exceeds 28,000 out of which an Effective force of Four thousand could at all times be depended upon in case of invasion or rebellion but who could not long remain from their homes without causing some inconvenience to their families[.]

[1086] C. A. HAGERMAN TO S. B. HARRISON: A.L.S.

Dec. 31 *Toronto.* [Marked "Private".]

I send you Mr. Woodruffes [*sic*] Letter—and am exceedingly vexed at the accident by which it passed out of my hands.— I can only repeat now that the mistake that has occurred is imputable to *me* and not to *you*.

[*Enclosure:*]

[1087] *1839*

Aug. 26

W[ILLIA]M WOODRUFF TO FRANCIS HIN[C]KS: A.L.S. 4p.

St. Davids.

I acknowledge the receiving your favour of the 14th Inst. on the subject of calling a District Meeting, we have been endeavouring to come to some arrangement with Mr Merritt and others but do not exactly agree. he—M—is a good Nicodemus deciple [*sic*] coming by night but a fraid or a shamed to be identified with us, however we shall have a prelimanny [*sic*] Meeting on Saturday Next to endeavour to agree on the important point namely "Responsibility"[.] You should have a little more "wisdom of the serpent" before you are able to diplomate with Merritt, we do not exactly agree with you that reformers should be quite so docile as Merritt. [the following phrase is here deleted: "or any other double dealer"] may think fit to place[?] us, neither is it exactly consistant [*sic*] or necessary that we should compromise principle to add numbers to our Party[?], the business will be w[h]ether Lord Durhams report is approved of or not, Merritt cannot go back with any appearance whatever. he must work with us he will endeavour with all his subtility [*sic*] to mount the Car and drive, either him or me must fial [*sic*] [the following phrase is here deleted: "if he does"] in that respect, we will receive him on equal terms subject to the opinion of the Majority of

the friends—many of us cannot understand why you should think it necessary to endorse to the publick the names of three Tory Candidates—Scobie Dallar[?] & Mathewson, and not mention the name of one reformer. you may be right but I am a fraid that you will neuterlise [*sic*] measures so that we shall have little or no good from a New Election[;] as to Rykert I have not heard from him but am told he will be against responsible Govermt[.] I think we shall get such men as you Mention Lockhart and others which when obtained on correct principles will greatly add to our strenght [*sic*] but I must say I think it is no use of so much inquiry or beating the bush as you and Mr Merritt think, I know why he wants it. because he does not wish to Identify himself with men who heretofore has [*sic*] had all sorts of abuse heaped upon them, it is to[o] grand a Lyons [*sic*] Leap for him, but he must either come to it or receed [*sic*]. I have only room to say that I saw Mr Lafontane [*sic*] DeWitt and many others. I said that responsibility would be carried here next Election but many would be returned under it that would work against its usefulness. I was much pleased particularly with Lafontane. who says unless they are in some measure disfranchised that they will within 6 or 8 return about the same house as usual[;] he particularly cautioned us not to put faith at present in our heretofore political ennemy [*sic*] but such members as can be depended upon even if that number were few and if a union took place with the Lower Can[a]d[i]an members we should have a large majority of reformers.

[1088] [JAMES FITZGIBBON] TO [J. G. FITZGIBBON]: 25p. and 2p.

[1840?][1] [*Place not stated.*]

Hints to a son on his receiving his first Commission in a Regiment serving in the Canadas— By an old Woodsman. . .

[This item is really two documents in different handwritings. Taken together they form a manuscript copy, with slight variations, of *Appendix VI* in *A veteran of 1812: the life of James FitzGibbon. By Mary Agnes FitzGibbon. Toronto. 1894.* (Second edition *Toronto. 1898.*) In the printed copy the smaller of the present two documents is incorporated in the body of the larger one.]

[1089] JONAS JONES TO ARTHUR: A.L.S. 2p.

[1840] [*Place not stated.*]
[*c. Jan.*] Since I parted from you, I have reflected upon the subject of your communication respecting Mr. Sherwood and I am quite satisfied that you have misunderstood him— He alluded I think to an appointment

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[1]The date may be late 1839, or 1840. In the life of FitzGibbon referred to above the author states: "The knowledge of woodland warfare acquired during these two campaigns on the frontier of Canada [1812-14], bore fruit in after years in a paper written for the advice of his second son, when in 1840 he obtained for him a commission in the 24th Regiment . . . then serving in Canada. The 'Hints,' as he calls the letter, were printed for private circulation among his soldier friends." The date of the gazette of his son, James Gerald FitzGibbon, however, was October 25, 1839.

as a Member of the Legislative Council on his retirement from the Bench—and not to the appointment of Speaker as you supposed—

[1090] ARTHUR TO SIR R. [D. JACKSON]: LB.5, p. 32.

Jan. 2 *Govt. House, Toronto.*

At length I have the pleasure to send a map of this Province of which I beg your acceptance. It is certainly the best we have & is corrected down to the present time.

I enclose a confidential memorandum which contains the most accurate information I have been able to form of the political state of the population of the several districts. The "Minutes," on which it is framed, I made from time to time during our troubles, and have no doubt of its general accuracy— At the same time, I think, ever since the outrages committed by the Brigands in November & December 1838, that a better spirit has been springing up in many parts of Upper Canada.

The scale of the St. Lawrence on this Map is not large enough for you, I have therefore caused one on a larger scale to be drawn in the Survey Department— It is finished and will be forwarded by the next messenger—

Maps of the Niagara and St Clair are, also, in progress for you—these are considered our most vulnerable points.

[The "confidential memorandum" mentioned is possibly item 756.]

[1091] ARTHUR TO [SIR R. D. JACKSON]: LB.5, p. 33.

Jan. 2 *Toronto.* [Marked "Private".]

I recd. this morning yr note marked Private of the 29 Decr[.]

Captain Sterling has arrived at Toronto & will be stationed Here until you desire a change in his destination[.]

You may be assured I shall not fail to recollect yr kind wishes respecting Him.

I have been anxious to make some enquiry respecting the S[c]heme[?] proposed to you by the Dy. Qr Master respecting the charge of the Militia in this Province enclosed in yr Letter of the 26th.—but hope to be able to write upon it Tomorrow.

All is quiet in the Province & on the Frontier—I have now no apprehension in this quarter,—*provided* nothing springs up in the Lower Province or with Sir John Harvey[.]

[1092] ARTHUR TO SIR R. D. JACKSON: LB.5, p. 33-34.

Jan. 4 *Toronto.*

I now forward the Map of the St. Lawrence which is valuable at all events for its accuracy[.]

There are no movements on the Niagara Frontier to occasion the least anxiety. Nor is there any thing new from the London District—indeed since the Brigand invasions at Prescott & Sandwich, and the awful consequences upon the perpetrators of those outrages, there has been, in my opinion, a progressive return to tranquillity & public confidence.

I received, this morning, the accompanying note from Colonel Airey who appears to attach some little consequence to an expression in it's [*sic*] enclosure, from General Brady, of the United States service. That there

are persons who still adhere to what they are pleased to call the "Patriot Cause," I do not doubt—but it is impossible to suppose they will venture to disturb us, unless encouraged by some commotion in the Province, or some rupture between the Governments.

The Governor General has requested me to express my opinion, as to our probable want of arms accoutrements, clothing &c. as well as the Militia force necessary to be kept up. These are points very difficult to speak upon, because they must be influenced by many considerations. I incline towards a Peace Establishment—but I think a portion of our militia shd be retained on service for another year at least.

[Enclosure lacking.]

[1093] ARTHUR TO THOMSON: LB.5, p. 34.

Jan. 6 *Toronto.* [Marked "Private & Confidential."]

I sent for Mr Cartwright as soon as you left me & urged upon him just what I mentioned to you I would do. He consented, as you are of course aware, in the course of the afternoon, to many alterations, & the address has now gone into Committee. It will not be possible, I think, to avoid some Address; and the Govt must, therefore, make the best of it—would you object to sketch off such an address as you think would not damage what has been done, and yet would or should satisfy the House? If not, pray send it as early as you conveniently can in the morning, & allow me to use it as my own, & I will endeavour to get it adopted.

[1094] THOMSON TO [ARTHUR]: A.L.S.

Jan. 7 [*Toronto.*] [Marked "Confidential".]

Many thanks for your note. Mr. Cartwright's word is not worth a pinch of snuff and the only way to treat such a fellow is to beat him and show him up, which if I have any power, I will do.

The only recommendations I can consent to are those mentioned by the Solr. Genl. in his note to me, the English Language, the Seat of Govt., and the tenure of seats in the L. C., which last has already been agreed to by me. I have informed the Solr. Genl. that these are my terms for the Govt. people at least. Mr. Cartwright of course, as leader of the opposition must take his own course.

[1095] ARTHUR TO COLONEL [J.F.] LOVE: LB.4, p. 49.

Jan. 8 *Govt. House, Toronto.* [Marked "Private".]

I thank you for the information contained in your letter of the 3rd inst— The weather has been severe, but the season is really quite delightful. The information Genl Brady conveys I had already received.

Many years will elapse before public confidence will be restored; but I scarcely think, whilst we have so large a force in the Province, that there will be any hostile movement.

It will afford me pleasure If I can be of service to Mr Cahill; but I feel so much hurt at the neglect with which my *pressing application* in favor of Major Bloomfield was treated by our late Commander of the Forces that I do not think I shall be induced to ask any such favour again for anyone.

[1096] [Sir] R.D. Jackson to Arthur: A.L.S. 4p.

Jan. 9 *Montreal.* [Marked "Private".]

I have to thank you, and do so very sincerely, for your kind recollection of me in sending the Upper Canada Map and Plan of the course of the St Lawrence, both of which duly & safely arrived—

I am, of course, very desirous of conning over all the Plans &c of your Province to acquire information that may be of use in my future Tour through it.—

We shall have a quiet Winter I hope throughout the extensive Frontier Line of these Provinces—

The Vagabonds from Maine are working away in a very industrious manner on the St. Johns and Fish River but, if I am not mistaken, much that they have been doing may prove beneficial to Us, if serious operations should become necessary to repel them— *They have made Roads.*

I hope however for Peace— We have had sufficient experience of the horrors of War in this part of the World, and the impossibility of turning its Events to the advantage of either Party. . .

[P.S.] I hope Cap. Sterling assistance to the Qr. M G. in Upper Canada will enable Him to put together the expected Plans for his Office.

[1097] Thomson to [Arthur]: A.L.S.

[*Jan. 10*] [*Toronto.*] [Marked "Confidential".]

I have heard some circumstances since my return home, which induce me to think that you had better not see the Atty Genl. until after he has been with me tomorrow morning, as interference may probably *be unnecessary*, and if so, it is well that he should not know that the matter has gone beyond my ears. I will let you know what passes.

[1098] Thomson to [Arthur]: A.L.S.

[*Jan. 11?*] [*Toronto.*]

Yesterday I got information of a *Gentleman* living here distributing Commissions in the Patriot army and abetting[?] for *General* Montgomery. I laid my plans, and had him and his friends caged this morning, & he will be taken immediately before the Executive Council. I hope that we shall get evidence to bring him to punishment[1]. . .

[P.S.] I have not seen the Atty Genl. yet.

[1099] C. A. Hagerman to Arthur: A.L.S. 2p.

Jan. 12 [*Place not stated.*]

I have sent my letter to the Governor General which I hope he will shew you.

I never saw any Memorandum containing the details of the bill— I understand the Governor General gave the outline of the measure to Mr. Draper but I have not seen it to this day— Mr. Draper I believe has it now.—

I have consulted with one whose happiness it is my duty to consider— and if without compromising my character or principles you could secure

[1]The dating of the document is based on the fact that Livingston Palmer and Hiram Munn were brought before the Executive Council on such a charge on January 11, 1840, and were committed for further examination.

The Vacant Judgeship for me I should not refuse it. I will write a separate letter on this subject if you desire it.—

With grateful recollection of your kindness[.]

Jan. 12 C. A. HAGERMAN TO THOMSON.
[See item 1108.]

[1100] ARTHUR TO C. A. HAGERMAN: LB.4, p. 49.

Jan. 13 *Govt. House, Toronto.*

Mr Justice Sherwood is still desirous to retire from the Bench, & it is my intention, in the course of this day, to call the attention of the Governor General to the subject.

Referring, therefore, to my having, some months ago, offered to appoint you in succession, I shall have great pleasure, if you desire it, in communicating the same to the Governor General & I have no doubt, upon my recommendation, His Excellency will confer the appointment upon you.

[1101] C. A. HAGERMAN TO ARTHUR: L. 2p

Jan. 13 *Toronto.* [Marked "Copy."]

I beg to express to you my grateful thanks for your very kind note of this morning, offering to recommend me to the Governor General to fill the vacancy on the Bench which will probably soon occur by the retirement of Mr Justice Sherwood.

Were I a few years younger than I am, I should not hesitate to decline the offer, but I am becoming sincerely desirous of quitting the bustle of political contest, & am, therefore, induced, after consultation with my friends to accept the proposal your Excellency has been pleased to make to me.

It is most gratifying to me that Your Excellency should be the *fourth* Governor of this Province who (unsolicited by me) has offered the same honourable and distinguished Situation— Sir Peregrine Maitland—Sir John Colborne—& Sir Francis Head having in succession done so: and in fact I filled the office for a year after the dismissal of Mr Willis, upon the confirmation of whose removal I was appointed Solicitor General.

[1102] ARTHUR TO THOMSON: LB.5, p. 35-36.

Jan. 13 *Toronto.*

Mr Justice Sherwood called upon me a few days since, and reminded me of the application he had made to be allowed to retire from the Bench in consequence of the infirmity of sight under which he labors.

On reference to the records in the Civil Secretary's Office, Your Excellency will find that I communicated some months since with the Secretary of State upon Mr Sherwood's application; and, being favorably entertained by Her Majesty's Government, it was accordingly noted in the Memorandum for messages to the House of Assembly;— having led Mr Sherwood to understand that I would recommend his case, I feel it a duty to one of the most respectable Functionaries in the Province,

so far to acquit myself of that obligation as to solicit your Excellency's attention to the matter— and, anticipating your kind acquiescence, I have this morning intimated to the Attorney General that, if it were his wish, I would bring his name under your notice as Mr Sherwood's successor.

I have now the honour to enclose a copy of my note to Mr Hagerman, with his answer, & I beg to add that, if the Attorney General is promoted to the Bench, your Excellency will have had the satisfaction of rewarding a very old & meritorious public servant, who acquired and retained the confidence of a long list of Your Excellency's Predecessors in the administration of Upper Canada[.]

[Enclosures referred to are apparently items 1100 and 1101.]

[1103] ARTHUR TO THOMSON: LB.5, p.35.

Jan. 13 [*Toronto.*] [Marked "Confidential".]

Since I left you, I have had two interviews with Mr. Hagerman, and, at length, have this moment received the enclosed letter from him which I forward without the delay of copying.

If you will be so good as to return it to me any time this evening, I will write a demi-official to you early in the morning upon the subject. I have used every precaution, & it will be for you to consider *when* the subject shall be made public.

[Enclosure referred to is probably item 1104.]

[1104] C. A. HAGERMAN TO ARTHUR: A.L.S.

Jan. 13 [*Toronto.*] [Marked "Private".]

It strikes me that it would be more convenient if my proposed appointment were not made public until Mr. Justice Sherwoods retirement was effected;—of course this is merely a suggestion of mine to be acted upon or not as you may think best.

[1105] THOMSON TO [ARTHUR]: A.L.S. 2p.

Jan. 13 [*Toronto.*] [Marked "Confidential".]

I am very much obliged to you indeed for the friendly assistance you have given me in arranging this matter, which relieves me from great embarrassment, for I should have regretted the necessity of turning Hagerman out, tho' after what had passed, I could not have avoided it.

I return his letter and will be much obliged to you to write me the letter you propose, tomorrow. I can send you such an answer as will please Hagerman, and put the thing in a satisfactory way before the world.

With regard to the time, the sooner the thing is done the better, and I doubt whether it will not be the best way to put Sherwood's pension at once upon the Crown Revenues, and abstain from applying to the Assembly at all. I will look over the dispatches and decide this before tomorrow morning. However, should it be necessary to apply to the Assembly, all I ask of Haggerman [*sic*] is that he should abstain from attendance there pending the retirement of the Judges being settled either by the vote of the Union, or by the Crown to which I should of course go as a last resource.

I was at dinner when your note reached me which has prevented me from replying to it, till now.

[1106] ARTHUR TO C. A. HAGERMAN: LB.4, p. 50.

Jan. 14 *Govt. House, Toronto.*

I enclose copy of a letter which I addressed yesterday to the Governor General together with his Excellency's answer, just received, which, I hope, will be in every respect satisfactory to you[.]

[Enclosures referred to are probably items 1102 and 1111.]

[1107] C. A. HAGERMAN TO ARTHUR: A.L.S.

Jan. 14 *Toronto.*

The kind interest your Excellency has on many occasions taken in matters relating to myself personally—and feeling moreover that it is my duty to apprise you of the grounds on which I find myself compelled to with hold my assent to the bill introduced by order of the Governor General into the House of Assembly for the disposal of the Clergy Reserves, I have taken the liberty to enclose you the Copy of a letter I addressed to His Excellency on that subject on the 12th. Instant.—

[*Enclosure:*]

[1108] *1840*
Jan. 12

C. A. HAGERMAN TO THE GOVERNOR GENERAL [THOMSON]:
A.L.S. 3p.

Toronto. [Marked "Copy".]

Since I had the honor of an interview with your Excellency on Saturday last I have still further considered the bill brought in by the Solicitor General for the disposal of the Clergy Reserves, and can assure your Excellency that I should have felt sincere satisfaction could I have discovered any reason for abandoning the objections I entertain to the details of the Measure[;] on the contrary reflection seems only to strengthen and confirm them.—

I cannot help regretting that an opportunity had not been afforded me of inspecting the bill before it was introduced, but I was not aware that any objectionable principle had been embodied in it, to which I could not assent, until after it was printed, and placed in my hands in the same manner that it was made known to members wholly unconnected with the Government, *after the first reading.*— I do not complain of this—it doubtless was accidental—had it been otherwise however, the present embarrassment might possibly have been avoided.—

The position I have for many years occupied with reference to this important question is well known.— My desire has been to protect the constitutional rights, and extend the usefulness of the Church of England in this Province, at the same time being perfectly willing to make every concession to other denominations of Christians, that a conscientious man could

be reasonably required to make:—if in continuing to act on these principles I could imagine that I was wilfully creating embarras[s]ment to the Government, I should not hesitate a moment in making a Voluntary tender of my resignation of my Office—earned by twenty five years of faithful Service to my Sovereign—but I do not feel this to be the case.— Still as I have already intimated to your Excellency, if your Excellency thinks that in retaining my opinions I have rendered myself obnoxious to that policy which is now understood to be introduced into Colonial Governments, it of course rests with Your Excellency to take such steps as in your opinion the public service requires— whatever the decision may be—I shall respectfully submit to it.—

I trust your Excellency will indulgently over-look the liberty I have taken in addressing this communication to yourself.—

[1109] C. A. HAGERMAN TO ARTHUR: A.L.S. 3p.

Jan. 14 *Toronto.*

I have this moment received your note of this day enclosing a copy of your letter to the Governor General recommending my appointment to the office of Judge of the Queens Bench on the retirement of Mr. Justice Sherwood, and His Excellencys reply in which he obligingly acquiesces in your recommendation.—

It is unnecessary for me I am sure to say that I am deeply sensible of the kind interest you have taken in obtaining for me the distinguished and honorable Office to which I am about to be appointed, and that I shall ever feel grateful for it:—and I beg you will do me the additional favour to convey to the Governor General my assurance that I feel very sensibly the kind manner in which he has expressed his readiness to concur in my promotion:— I am well aware that I have established no claims on His Excellency for so great a favour.—

In concluding this correspondence I trust I may be permitted to advert to the official connection that has existed between us since your Excellencys assumption of the Government of this Province, and which is now about to terminate.—

In giving to your Excellencys administration the best support in my power, I can truly declare that I have done so from a thorough conviction, that your Excellency in every act that has come under my observation, [has] been influenced by a determination to do justice to all:—by an earnest and anxious desire to promote the happiness of the people placed under your charge—and to maintain and perpetuate their connection with the British Empire—and my prayer is that you may be blest and happy throughout your future life.—

[1111] THOMSON TO ARTHUR: A.L.S. 2p.

Jan. 14 *Toronto.* [Marked "Private".]

I have already had Mr. Justice Sherwood's papers before me, and under the circumstances of his case, I could entertain no doubt of the propriety of acceding to his wish to be allowed to retire, or of that of providing for the usual allowance being made to him; and I have only

delayed acting in the matter from some doubt as to the fund upon which the allowance should be charged. Having now determined this point, I will today apprize Mr. Sherwood of it, and his retirement may take place immediately.

It would have been my duty to have offered the seat upon the bench thus vacant to the Attorney General, but I shall now have additional pleasure in doing so, knowing that it is your wish, and that the promotion will be agreeable to him.

I believe that in point *of form* I ought to be in possession of Mr. Justice Sherwood's resignation before I communicate with the Attorney General, but as you have already interested yourself in this matter, you will perhaps be good enough to say that I consider the case as settled, and that his appointment will take place without any delay.

[1112] ARTHUR TO SIR R. D. JACKSON: LB.5, p. 37-41.

Jan. 16 *Government House, Toronto.*

With reference to the memorandum from the Dy Qr Master General which you were so kind as to enclose in your letter of the 26 Ultimo, I incidentally learnt that a correspondence had been passing between the Asst Quarter Master General at Toronto, and the Dy Quarter Master General at Montreal respecting the duties of that Department in connection with the militia Force embodied in this Province and I desired the Asst Qr Master General would furnish me with copies of the same that I might fully understand the whole question.

Having considered them with attention, I have extracted the main points which you will find embodied in the accompanying memorandum, & upon which I beg to trouble you with some remarks.

Major Fraser, being on particular Service, was, by a General order dated 9th. July 1838, ordered to proceed to Toronto, and be attached to the Quarter Master General's Department.— On his arrival, he took charge of the whole detail, whether for the Regular Troops or Militia, & Captain Halkett's appointment as Asst Qr Master General of Militia ceased. Captain Markham's appointment as Dy Asst Qr Master General took place the 24th August. 1838.—

In the winter of 1838, when so large a militia Force was suddenly called out, the duties were, for some time, severe upon all the Departments; but, certainly, not more so upon the Qr Master General's Department than upon either the Military Secretary's, the Adjutant General's, the Commissariat,—or the Ordnance,—for, during the exigency of the moment, the arrangements in the several Military Districts, were made upon the responsibility of the officers commanding, & by them, generally, the militia were billeted or quartered;—the terms on which Quarters were taken being reported to the officer in charge of the Qr Master General's Department at Toronto.

No officer, however, could display more zeal, or evince more desire to promote the good of the service than Major Fraser.

Thus matters continued—the Staff being for some time unquestionably inadequate, & subjected to very arduous labour—until the great pressure of our troubles was over, and two thirds of the Militia Force were sent to their homes.

It was subsequent to that event that the question was first raised whether the Asst Qr Master General could be expected to take charge, so

far as his Department was concerned, of the militia Force which continued embodied.

Major Fraser submitted that it was not the case in the Lower Province, where a separate Staff had been authorized, but, as I knew the Department was more than competent to conduct the duty, I could not feel justified in recommending a distinct staff for the militia, the expence of which would necessarily, primarily, if not eventually, fall upon the Military Chest.

It was under these circumstances, I apprehend, that the question has been agitated by the Asst Qr Master General in his correspondence with the Head of his Department—after having first addressed a letter to the Asst Military Secretary, of which a copy is enclosed.

As the Asst Qr Master General states in his letter to the Dy Qr Master General (what he has more than once admitted to me) that one officer with two clerks is quite sufficient to do the duty of the Department at Toronto (without reference of course to the mapping at present in hand) you will not think it unreasonable that I should have suggested, if a second officer was stationed in Toronto, it should be upon the understanding that he should do the duties connected with the militia Force, as a remedy for the Asst Qr Master General's objection to do the duty himself; but as, in his last letter to Colonel Gore, Major Fraser now desires to have the whole duties under his own control, you will, I hope, have no objection to that arrangement.

There will be, I trust, no necessity for again bringing out the militia in large force; but, if it should be necessary, and the expence is to be again borne, in the first instance, by Great Britain, I can, from past experience, confidently express it to be of the utmost importance that every responsibility, essential for the good conduct of the military Service, should be at once thrown upon the superior officers of H. M. Forces in command of Districts—the regular Staff being, of course, temporarily encreased, if necessary, to meet the exigency of the moment.

In this way alone can expense be kept down, and justice done to her Majesty's Government at a time when every body in this country appears to strive to make the best market for himself.

With respect to Major Fraser's proposition that he should be appointed Qr Master General of the Militia by a General Order, and that by another General Order, Departmental Officers should be required to acknowledge his signature as such, and that he shd correspond with the Secretary at War upon Militia subjects, I cannot but express my surprize!

The officers of the Regular Staff are neither expected nor desired to interfere with the *sedentary* militia, and there can be no necessity for the appointment of a Quarter Master General for any such reasons as are assigned by Major Fraser.

The orders issued by the Asst Adjt General, or by the Asst Military Secretary, having reference to the embodied Militia, are as cordially & as promptly attended to by Departmental Officers, as though they referred to the Regular Force, and so are the instructions issued by the Asst Qr Master General, so far as I know, when signified to be "by Command"—the omission of which words, alone, by that officer having, I find, in two or three instances, occasioned some delay.

Assistance is certainly required by the Asst Adjutant General at Toronto, & I think it would be highly conducive to the good of the service, if you would be pleased to approve of Captain Sterling's being attached to that Department, and of Ensign Colville's being attached to the Asst

Qr Master General, to assist in the general duties of the Department—as well as in mapping which is highly important: by this arrangement, both offices would be perfectly efficient for every duty.

The Dy Qr Master General's Memorandum, with the remarks made upon it by Major Fraser, having been referred to Dy Commissary General Knowles, that officer's observations are thereto annexed.

There is one further question raised, as it seems to me unnecessarily, by Major Fraser's "Remarks" as to the extent of the authority of the Commander of the Forces over the militia.

Unless during War, or at a moment of actual invasion—when, I apprehend, there can be no doubt that unlimited power over every description of armed force is, for the common safety, vested in, & exercised by the Commander of the Forces—the Militia whether embodied, or otherwise, are, by Law, placed under the authority of the officer administering the Government, and the Governor General at this moment exercises that authority in this Province—but, though occasional inconvenience may arise, in determining the exact limit to which the authority of the Civil Governor extends, yet, I apprehend, where the good of the Queen's Service is the first consideration, no insurmountable difficulty will be found. At all events such was not the case during the eventful period of my administration of this Province, & in some respects it is not possible that the same points for discussion can again occur.

When the militia Law was amended last year, I recommended that when any portion of the Militia was embodied for active service, it should be placed under the orders of the Commander of the Forces, but to this the House of Assembly would not then accede—deeming it, except in case of war, or at a period of actual invasion,—unconstitutional.

In Lower Canada the difficulty has been avoided, or is understood to be avoided, by calling the Provincial force "Volunteers", but that cannot be done in Upper Canada where every able-bodied man is, by Law, mustered in some militia Regiment.

I mentioned to you, you will perhaps recollect, that much required to be amended in the militia system of this Province, and I hope the Law may be revised during the present Session.

[Enclosures lacking.]

[1113] ARTHUR TO THOMSON: LB.5, p. 36-37.

Jan. 16 *Government House, Toronto.*

I enclose and beg you will have the kindness to peruse the memorial of Mr Geo. Robt Grassett [*i.e.* Grasett], an Asst Surgeon of the 2nd. Incorporated Regt of Militia, soliciting a commission in the Medical Department of the Army.

This gentleman is the son of Dr Henry Grassett, a Deputy Inspector General of Hospitals who, after long and honourable service, retired upon half pay, and, for many years, has resided in the Canadas.

Mr George Grassett is not only a very amiable person, but is, professionally, skilful, as the testimonials he produces abundantly shew.

Some dependance is placed on the successful issue of the Memorial, if recommended by me to Sir James MacGregor [*i.e.* McGrigor], & strengthened by the personal exertions of Lord Seaton. But I am very far from feeling any confidence unless your Excellency will have the kindness to take the matter in hand.

During my administration it has been my anxious duty to look carefully into this community; & by no one has my attention been more pleasingly attracted than by the Brother of this Memorialist, the Revd. Henry Grassett, whose whole course of life & conduct are most consistent with his sacred calling.

Your Excellency has had some opportunity of personally estimating the worth of this Clergyman, and, on that account, I venture, with less reluctance, to request you will have the kindness to intercede with Lord John Russell to procure for his brother Mr Geo. Robt Grassett a commission in the Medical Department of the army.

Tho' not formally, yet essentially, Dr Skey certifies that the Memorialist is highly qualified professionally,—and, with reference to his father's services, his claims are very strong, & I am satisfied such an appointment, conferred just now upon a Canadian, would be greatly appreciated, & therefore I take a lively interest in the success of the Memorial[.]

[Enclosure lacking.]

[1114] J[ONAS] JONES TO ARTHUR: A.L.S. 3p.

Jan. 17 *Toronto.*

I propose sending the inclosed to the Gov. Genl. if you have no objections and think I should do so—

I can not conceive what his Excy referred to unless it was my refusal with Mrs. Jones to attend his evening party— The reason I did not and which I explained to you, was because he had not treated me or Mrs. Jones in the manner I considered due to my station as Speaker of the Council in not asking me to his first official dinner and not inviting Mrs. Jones to dinner when others not of the same rank were so invited— All this I will state in the event of an answer which will warrant it—

[Enclosure lacking.]

[1115] ARTHUR TO MR JUSTICE [JONAS] JONES: LB.4, p. 50.

Jan. 17 *Government House, [Toronto.]* [Marked "Private".]

I adverted, as I considered quite privately, to you the feeling which the Governor General expressed to me because I was satisfied, if you were aware of any cause, you would in a quiet way, when an opportunity offered, remove it.

From your explanation last evening, it certainly appeared to me—if His Excellency intimated a wish that you would, as Speaker, occasionally call upon him, & you omitted to do so, that the full extent of his remarks to me is fully accounted for.

The expression was not ill used—but has not used me well—or quite well—: on such ground I should think any such communication to be quite unnecessary.

[1116] H. J. GRASETT TO ARTHUR: A.L.S. 3p.

Jan. 17 *Toronto.*

I am very sensible of the deep obligations I am under to the Governor General for his kindness in acceding to your Excellency's request & for the very obliging & flattering terms in which he has been pleased to

express himself in regard to myself personally. I have in accordance with your suggestion addressed a note of thanks to His Excellency.

Dr. Shortt informs me that according to the regulations of the Service, the only appointment which can be given to my brother is that of Assistant Surgeon either in a Regt. or on the Staff. In either case the rank, emoluments, & prospects of promotion are much the same, consequently there is scarcely any choice between them & it may perhaps be best to allow the Director-General himself to determine to which of the two he shall be appointed.

I cannot adequately express the warm emotions of gratitude I must ever entertain towards your Excellency for the many proofs I have received of your friendship & regard. And I can truly say that the assurance of my possessing in any degree the esteem of your Excellency will always afford me, to the end of my life, a subject of the most pleasing & grateful reflection—

[1117] ARTHUR TO SIR R. D. JACKSON: LB.5, p. 42-43.

Jan. 18 *Government House*, [*Toronto.*] [Marked "Private".]

I have just addressed you upon the question raised by Major Fraser respecting the charge of the Militia so far as the Qr Master General's Department is concerned.

It is right you should know that Major Fraser considered himself unjustly overlooked when Honors & promotions were given last year to his juniors. I wrote to Sir John strongly upon the subject, and he kindly recommended Major Fraser, as I believe, but unsuccessfully— the consequence has been that, from being the most zealous officer, the Asst Qr. Master General became indisposed to do more than was absolutely required of him,—and hence the difficulty about the militia.

I have rather feared that the matter would not have quietly terminated as it has done, but I am in the hope all will now be right again.

There has, occasionally, been some little want of official form in the communications of the Asst Qr Master General, and it would appear some expectation of additional pay for acting for the militia duties has been entertained—this I believe has occasioned the "observations" made by the Dy Commissary General.

[1118] ARTHUR TO SIR R. D. JACKSON: LB.5, p. 43.

Jan. 18 *Government House, Toronto.* [Marked "Private".]

I enclose for your perusal and information copies of two Reports made by Mr Jones who has returned from his expedition.

His Reports to the Chief Secretary are more detailed; but those which I enclose contain the substance of them.

It would seem that all is quiet, & professions of good feeling are liberally made; but I place no dependance in them, & am convinced that a very little matter would raise a storm adverse to us, in almost every one of the Eastern, Northern, & Western States.

I shall be glad to find the affair settled between Sir John Harvey & Governor Fairfield[.] The advice given in the "memorandum" is very good; but it had been better, perhaps, not thus officially to have contemplated a rupture.

[Enclosures lacking.]

[1119] ARTHUR TO THOMSON: LB.5, p. 42.

Jan. 18 *Government House, Toronto.*

I am much obliged to you for allowing me to see the Quebec Mercury which I beg to return.

The "memorandum" appeared in the "Patriot" last evening, & in looking into the Albion, I find the cause of issuing it is explained by the correspondence which appears to have passed between Sir John Harvey & Governor Fairfield.— I sincerely hope that matters may terminate well in that quarter.— I thought Sir John was keeping, not taking possession of the Disputed Territory.

[1120] H[ENRY] DUNDAS TO [ARTHUR]: A.L.S. 4p.

Jan. 18 *Kingston.*

I yesterday forwarded to Colonel Halkett copies of a correspondence I have had with the Military Secretary to the Comr of the Forces on the subject of a command allowance to the Officer Comg at this station to be submitted to the consideration of Your Excellency for your recommendation,—& which I hope you will be disposed to make— Your Excellency may probably ask why this application was not earlier made— The fact is that last summer I had some private communications with Col Eden & Col Rowan after the order was issued granting an allowance to the Officer in command at London— The latter did not hold out much hope of a successful result attending any application I might make, but left it to me to decide whether I would make an official application or not— From a disinclination to put forward a claim which there did not appear to be a disposition to grant I let the matter drop, but when in Novr last an order was issued granting an allowance to Col Hope for superintending a Militia Corps at Quebec in the same Garrison with his own Regt and imposing on him no extra duty, as he is excused all Regl duty, I thought I might as well put forth my claim again, & I accordingly wrote a private letter to Col Eden, who recommended me if I wished to try it to address the Military Secretary officially, and that if referred to on the subject he should give it as his opinion that there was as much ground for an allowance being granted to the Officer in command at this station, as at London and other places where command allowance is given. The question will not probably be decided in time to be of any great advantage to me, but if ultimately decided favorably it may benefit my successor.

The case of the Staff Officer at this Post I do think merits consideration, & I hope your Excellency will be disposed to concur in that opinion— He holds nominally the appointment of Town Major, with the pay only of that rank, while he is required to perform the duties of the Adjutant & Quarter Master Generals Departments— The duties of the latter Department keep him pretty well employed, particularly in the summer season, & it certainly does appear a hardship to oblige an Officer to do the duties of a Department & with[h]old the pay attached to the situation—

The late Major Fitzgerald made a representation to Col Gore on the subject, who submitted the case to the Military Secretary with a recommendation that he should be placed on the footing of an Assistant Quarter Master General— No answer however was ever made to this recommendation, & the present application is only to be placed on the footing of a Deputy Assistant Quarter Master General which considering the

duties to be performed here I think is but just & reasonable, & I should hope on a consideration of the question Your Excellency will be disposed to view the matter in the same light.

I am sorry to see by the Newspapers that your Excellency has resigned, tho' I confess I am not surprised, considering the very unusual and unprecedented manner in which you have been interfered with in the Govt of the Province.

The H. of Assembly has lost cast[e] with every body that I hear speak of their conduct on the question of the Union—

After their resolutions & addresses of last year, their pliancy on the present occasion has gained for them no favorable opinion of their integrity or public principle. I hope however as the Measure has passed that advantage to the Province may be the result, of which I nevertheless have my misgivings—

[1121] JONAS JONES TO ARTHUR: A.L.S. 3p.

Jan. 18 *Legislative Council*, [*Toronto.*]

I have the honor to transmit to your Excellency by order of the Legislative Council, a Resolution of that House passed unanimously, recording its deep sense of the eminent Judgment and ability displayed by your Excellency in the administration of the Government of this Province, during a period of great difficulty and of the conduct of your Excellency on all occasions exhibiting the most unwearied exertions, while dispensing justice in mercy, to maintain the Public Peace, and to advance the prosperity and happiness of the People of this Province[.]

It affords me the greatest satisfaction to be the medium of communicating [marginal interpolation in Arthur's handwriting here reads: "this Vote of the Legislative Council to Your Excy"] a vote of the Legislative Council as creditable to that Body, as it is honorable to your Excellency, and in which it gives me much pleasure to assure your Excellency, that I most cordially concur. . .

Jonas Jones
Speaker[.]

[*Enclosures:*]

[1122] *1840*
Jan. 18
LEGISLATIVE COUNCIL:

Resolved nemine contradicente.

That the Administration of the Government of this Province having been assumed by His Excellency the Governor General, this House cannot allow a session which may be the last of this Legislature, to close without recording its deep Sense of the eminent Judgment and Ability displayed by His Excellency the Lieutenant Governor Sir George Arthur in the administration of the government during a period of great difficulty.—his conduct on All Occasions exhibiting the most unwearied exertions while dispensing Justice in mercy to maintain the Public Peace and to advance the prosperity and happiness of the people of this Province.—

Truly extracted from the Journal of the Legislative Council of—Saturday the 18th. day of January 1840.

J. Joseph
Clerk.

[The above is inscribed on vellum.]

[1123] *1840*
Jan. 20
LEGISLATIVE COUNCIL: 7p.

[A document endorsed "Truly extracted from the Journals of the Legislative Council of Upper Canada. J Joseph Clerk." It records three meetings of the council: January 16, with notice of motion by Mr. Hamilton of the resolution set out in item 1122; January 18, with the moving and adoption of the resolution, and an instruction to the speaker to transmit the resolution to Arthur; January 20, with the speaker reporting the transmission of the resolution, and recording Arthur's letter of acknowledgment. For this letter see item 1126.]

[1124] JONAS JONES TO ARTHUR: L.S. 2p.

Legislative Council, [Toronto.]

[Another copy of item 1121, with the word "pleasure" substituted for "satisfaction" in the second paragraph, and terminating with the words indicated as interpolated in that item.]

[1125] ARTHUR TO H[ENR]Y DUNDAS: LB.4, p. 51.

Jan. 20 *Government House, Toronto.* [Marked "Private".]

I have had the pleasure to receive your letter of the 18th. Instant. The official upon the same subject reached me the day before, and a copy of the communication which I thereupon directed to be made, I enclose for your perusal.

You ought certainly to have received the allowance during the whole time you have been in Command in Kingston, and I feel it due to you to say that, in my opinion, you will be justified in pushing it—not as an act of grace,—but as an act of justice.

I entirely concur that Major Boucher is not paid at all in proportion to the extent of duty which he performs so satisfactorily.

[Enclosure lacking.]

[1126] ARTHUR TO MR JUSTICE [JONAS] JONES: LB. 4, p. 51.

Jan. 20 *Government House, Toronto.*

I have the honor to acknowledge your letter of the 18th. Instant, transmitting, by order of the Legislative Council, a Resolution of that House, which had been passed Unanimously on that day.

I request you will do me the honor to make known to the Legislative Council that I most highly appreciate such a testimonial; and that the sentiments of the House could not possibly have been embodied in terms more entirely gratifying to my feelings.

For the great courtesy with which you have carried into effect the orders of the House, I beg you will accept my best acknowledgements.

[1127] ARTHUR TO THOMSON: L. 8p.

Jan. 22 *Government House, Toronto.* [Marked "Copy."]

I have the honor to acknowledge your Excellency's communication of the 26th. Ultimo with its enclosures, herewith returned, relative to the arms, accoutrements, and clothing required for the Militia and Volunteers, and requesting such information and suggestions on this subject as I may consider essential, so far as Upper Canada is concerned.

With this inquiry is necessarily connected the question of Militia Force which may be required for the Service of Upper Canada, upon which I have had the advantage of personally conferring with your Excellency.

The present state of feeling on the American Frontier—the recent full development of the wicked Conspiracy to overrun the Canadas—any pending questions of Litigation between Great Britain and the United States—the extent, description and annual rapid augmentation of the Population of the Frontier States—and the political condition of both the Canadian Provinces, are all circumstances deeply involved in the question proposed for consideration.

To these points, however, I advert without any intention of discussing them in this communication but merely for the purpose of observing that I have had them under consideration in forming the opinion, at which, after much reflection, I have arrived.

For a considerable time past, whilst no augmentation of the Militia has been allowed, discharges have been liberally granted—so that the Force had been in the course of gradual decrease, and is now reduced as stated in the accompanying Return to a total of 3346 of every arm including noncommissioned officers.

This Force is engaged to serve until 30th. April next, and, until that time, I should propose still to allow good men desirous of returning to their Homes, to receive their discharge; and also to relieve the service, as far as possible, from the burden of bad characters; and that, from the 1st. May inclusive, the force should be still further reduced, dispensing with the whole of the Cavalry, so as not to exceed in round numbers 1800 Infantry with officers and noncommissioned officers in proportion, and that this force be engaged for a period of two years.

I entertain strongly the objections which are generally raised to the employment of Provincial Troops,—I mean to Militia and Volunteer Corps; but Upper Canada is a Frontier Province liable to be suddenly attacked along an extent of many hundred miles and the system of defence must be adapted to it's [*sic*] exposed position.

In the event of War, it would be impossible to bring to this Country a sufficient Force of Her Majesty's Regular Troops to contend against a Population so comparatively great, and near enough to us, even for amateurs to try their fortune in Arms as a mere matter of pastime or of Speculation.

My idea, therefore, is—that the Militia Force now employed and proposed to be employed, for the immediate protection of the Country, should be made a useful auxiliary in laying the foundation of a general scheme for the organization of the Militia, upon which I shall enlarge in another communication.

With respect to Clothing, keeping in view the circumstances to which reference has been already made, I submit that every prudent precaution should be taken to provide against the necessity of having recourse, as

heretofore, to American Dealers in the Frontier Towns for supplies of any kind for the equipment of any militia Force that may be called out, for I can, from experience, say that such an inducement to excitement is too powerful a temptation to men who seem to think that no course of conduct is to be deprecated that leads to gain.

Ten thousand suits of clothing, with the like number of Great Coats is a very moderate supply to keep in store, and there would not eventually be any considerable loss to Government, for, if the clothing should not be required for the Public Service, it might be advantageously disposed of.

With respect to Arms, there should not be less in Upper Canada than 30000 stand of serviceable Arms in Store with Accoutrements in proportion, and at least 1000 Carbines, with the necessary equipments for Cavalry.

If this be attended to, there will be no occasion for incurring the great expense of sending Cavalry to Upper Canada, for the Yeomanry will do this work admirably well.

In dispensing with the whole of the Provincial Cavalry, I have taken into consideration the extent of that Force in the Canadas, and the probability that the Commander of the Forces will hereafter station a portion of Her Majesty's Cavalry at Toronto.

[Item 1175-8 are attached to the above.]

[1128] ARTHUR TO THOMSON: LB.5, p. 43-46.

Jan. 22 *Government House, Toronto.*

With reference to your enquiry respecting the Barrack about to be erected near this City, I shall be happy to give your Excellency all the information in my power.

Whilst Sir John Colborne administered the Govt of Upper Canada, he urged, in a very strong manner, the necessity for the erection of a comfortable Barrack for H. M. Troops at this station; and in concurrence, as I believe, with the recommendation of a Board which had been sent from England to report upon the defences of Upper Canada the scite for the new Fort and Barrack was proposed to be removed about 1000 yards west of the present Fort—a sketch shewing the appropriation of the Land called the Military Reserve was, at the same time transmitted to England, where plans for the intended Fort and Barrack were accordingly prepared—but the large estimated expence caused a delay.

Sir Francis Head, in a still more earnest manner, called the attention of Her Majesty's Govt. to the deplorable state of the Barrack accommodation which had become literally prejudicial to the health of the soldiers.

In 1837, in offering to surrender to the Provincial Legislature the Casual and Territorial Revenue in exchange for a Civil List, the Military Reserve was included in that offer, upon the condition that the Legislature would vote £10000 towards the erection of a new Barrack.

In May 1838, I called the attention, of Her Majesty's Government again to the distressing want of good Barrack accommodation; but, whilst the subject was still under consideration at Home, the late Commander of the Forces, from the pressing necessity of the Service, ordered a Barrack to be erected within the present Fort capable of containing 350 men.

When, therefore, the Secretary of State communicated to me, in March last, that authority would be given for the erection of a new Barrack, intended, as I perceived by the enclosure from the Ordnance

Department, to contain only 300 men, and that the cost was estimated to be £22,000, I submitted in a Despatch to the Secretary of State of the 8th. June that, as temporary Barracks had already been erected by order of the Commander of the Forces, no further measures need at present be taken—and I concluded that my suggestion would have had the more weight, as the House of Assembly had, by address to Her Majesty, requested that time might be afforded for the payment of the £10,000.

The Secretary of State, however, in his Despatch of the 16th. September last instructed me, that, in his opinion, it would be advisable that the Engineer should be allowed to proceed on the orders he had already received from the Board of Ordnance.

The scite selected for the new Fort & Barrack, as I have stated, was recommended by officers well qualified to judge:—my objection to the position is, First, Its distance from the City which, in such times as these, is of some importance; and, secondly, it does not command the Harbour, and consequently another work will be necessary.

All the money that can be had we require exceedingly for various pressing objects, and I should have been far better pleased at present to have seen comfortable temporary accommodation constructed for a Regiment on the Niagara Frontier where it is exceedingly required, and which might be done for about £12,000, than a permanent Barrack erected at Toronto for 300 men only at a cost of £22,000.

It is, however, to be kept in mind that the proposed Barrack is only a portion of the Work, which it is meditated to enlarge, and hereafter to fortify, and it cannot be doubted that the advantages and disadvantages of both scites have been thoroughly well considered in the general plan of the undertaking.

Being upon the spot, and having an opportunity of personally satisfying yourself upon each of the points to which I have adverted, your Excellency will not, I think, much differ with me in opinion; but it is now too late to interfere, even though interference were desirable, for the contracts have been entered into, and the necessary Bonds executed.

[1129] ARTHUR TO RUSSELL: Df.L. 2p.

Jan. 23 *Government House, Toronto.* [Marked "Separate."]

The Governor General having successfully carried through both the Houses of the Provincial Parliament his measures for the Reunion of the Canadas, there is every reason to conclude that this most important question will be speedily disposed of by the Imperial Legislature.

I have, therefore, the honor to bring to Your Lordship's notice that from the very peculiar, and often most embarrassing circumstances under which I have been required to Administer the Affairs of Upper Canada, my being detained in the Country by my Military appointment, after my Civil Office is extinct, would be painful to my feelings.

I beg, therefore, earnestly to request that Her Majesty's Government will be pleased to Acquiesce in my being relieved from my Civil and Military duties simultaneously.—

[1130] ARTHUR TO THOMSON: Df. A.L.S. 3p.

Jan. 23 *Government House, Toronto.* [Marked "Private".]

I can with sincerity say that since I have administered this Government I have paid very little regard to personal considerations of any

kind—but I have served the Queen, and the Government by whom I have been employed, to the best of my unpretending ability.

It is, however, now my particular wish to be spared the unpleasantry of being detained in Upper Canada by my Military duties after my Civil Office is extinct—and I enclose for your perusal a copy of a communication which I have just addressed to the Secretary of State upon the subject, as it may be convenient to you to be made aware of my intention— at all events, I would on no account leave you in ignorance of it.

The Newspapers have repeatedly noticed my resignation; but, I need scarcely say, that I have not taken any step that might be in the slightest degree embarrassing, and have left myself entirely in the hands of Her Majestys Government.

[Enclosure referred to is apparently item 1129.]

[1131] ARTHUR TO THOMSON: LB.5, p. 47.

Jan. 23 *Government House, Toronto.*

The newspapers have so repeatedly noticed my having sent home my resignation that,—though no person knows better than yourself to appreciate such authority—I think it right to say the rumour is entirely without foundation.

It is perfectly well known in Downing Street how I am circumstanced, and I have considered it my duty to leave myself entirely in the hands of Her Majesty's Government.

[1132] ARTHUR TO SIR R. D. JACKSON: LB.5, p. 46.

Jan. 24 *Government House, Toronto.*

I enclose for your perusal the copy of a letter addressed to me by the Governor General respecting the arms, accoutrements, and clothing, for the Militia, together with my answer, by which you will perceive I have adverted also to the Militia *Force* necessary to be kept up, as the Governor General had referred to me the enquiry contained in your letter to him of the 12th. instant. Should you differ with me in any respect, I shall be very happy to reconsider the matter.

In conversation a few days ago, the Governor General introduced the subject of the Barracks which are ordered to be erected near Toronto, and requested me to write to him upon it, which I did accordingly yesterday, and a copy of my demiofficial is enclosed.

It contains an outline of what has transpired upon the subject for some years past. I think I understood Mr Thomson to say that Captain Pringle had been in correspondence with you upon the subject.

His Excellency appeared very anxious to stop the work, but I do not see how that can possibly be done. A Barrack for a Regiment, however, on the Niagara Frontier is infinitely more important at present.

[First enclosure lacking. The other enclosures are apparently items 1127 and 1128.]

[1133] ARTHUR TO RUSSELL: LB.5, p. 47.

Jan. 24 *Government House, Toronto.* [Marked "Private."]

In the painful and embarrassing situation in which I have been placed—and under circumstances when persons who have exercised the

Chief Authority are most generally assailed, it will, I hope, be gratifying to your Lordship to peruse the accompanying Resolutions which have been passed by the two Houses of the Provincial Legislature.

[Enclosures are apparently items 1065 and 1122.]

[1134] ARTHUR TO LORD FITZROY [J. H.] SOMERSET: LB.3, p. 86-91.

Jan. 24 *Govt. House, Toronto.* [Marked "Private".]

Since I had the pleasure to write to you on the 24th. Decr. Lt. Jones of the 43rd. Regt. who was dispatched into the States at the request of the Govr. Genl. to ascertain the accuracy of some reports of further patriot movemts. wh. were communicated to this Govt. by Col. Bankhead comdg. the United States Troops on the Niagara Frontier has returned to Toronto—& brings a very gratifying Account of the State of feeling—his Reports to the Civil Govt. are very detailed & interesting but copies cd. not be prepared in time. His Military report of wh. a Copy is enclosed for Your Lordship's perusal is more concise but equally satisfactory. To myself it is particularly so, in as much as the best American Authorities attribute our tranquillity this winter to the course adopted last year by this Government.

However, nothing but continued precautions on our side can insure safety or peace— there is, I am persuaded, the same desire as ever to over-run Canada & convert our Monarchists into Republicans & tho' this design may be postponed it will never cease to be a cherished object with the Americans.

The Govr. Genl. lately desired my opinion & suggestions respecting the Arms, Clothing &c. required from England for the Militia— A copy of the correspondence is enclosed in wh. Yr. Lordship will perceive I have recommended that the Provincial force shd. be reduced to about 1800 Men after the Month of April next— I had some thoughts of placing it on rather a lower scale; but, after conversing with Mr. Thomson upon the subject I fell into his view of not carrying the reduction too far.

The truth is—that, public confidence in this Country is far from being restored; & he is a bold Politician who ventures to feel confident in the success of the Union, if that Measure shd. be decided upon by the Imperial Parliamt. Not that I consider the revival of a Representative Constitution in the *Lower* Province is by any means the most dangerous part if [*sic*] the Measure— The People in the Upper Province require the daily action of a ready consistent & vigorous Government & this cannot be if the seat of Govt. is in Lower Canada.

I mentioned to Yr. Lordship in my last letter that the Resolutions for the Re-union of the Provinces had been carried thro' the Provincial Legislature. A Bill has been framed accordingly under the immediate care of the Govr. Genl.; & Capt. Pringle (late of the Royal Engineers who came out with Mr. Thomson) proceeds to England with it to-morrow.— It's [*sic*] provisions have not been promulgated in the Province.

Another Bill of great public importance has also been passed— it's enactments are for disposing of certain lands commonly called the "Clergy Reserves"—for wh. there has been a most unchristian contest for the last 22 years.

Altho' each successive Secy. of State has been beset & bewildered with this question I do not know that it has hitherto excited any public interest in England—but, there is every prospect of it's doing so now.

The Canada Act of 1791 set apart a seventh portion of the wild Lands for "the support & maintenance of a Protestant Clergy" several clauses of the Act plainly indicate that by the term "Protestant Clergy" was intended the clergy of the Established church of England & no other.

However, the Members of the Kirk of Scotland insisted upon it that their clergy came within the meaning of the Act & therefore they claimed some portion.— The case was referred to England & the Law officers of the Crown (Lord Lyndhurst then being Solicitor General) decided that tho' the Kirk could not hold any part of the Lands, yet, that in the rents of such as were leased, or proceeds of such as were sold, they might participate.—

This opinion wh. was sent out in 1822 being rather equivocally worded the Scotch were still disposed to be moderate in their pretensions; but the High Church of England Men were not to be moved, & would neither consent to give up an acre of Land nor the value of half an acre.

The Scotch party therefore began to cast about them for some support; & being seconded by the Episcopalian Wesleyans & the Baptists they constituted a respectable Force in the House of Assembly, & in several successive sessions the proposition that the Land shd. not be appropriated to any Religious Body but be disposed of for public purposes was successfully carried thro' the Lower House, but was always rejected by the Legislative Council.

Other schemes were devised, & attempts made to settle the question; but they were quite ineffectual—for altho' the various sects most cordially agreed in taking from the Established Church, they cd. not concur in any distribution amgst. themselves—&, thus the discussion continued from year to year & differences became greater & greater as the Religious Controversalists warmed in the contest.—

During the last Session, I succeeded, at length with indescribable trouble, in carrying through both Houses a Bill for re-investing the Reserves in the Crown, leaving the Imperial Parliamt. to dispose of them for Religious purposes.

This course had been formerly suggested from Downing Street but had theretofore been always unsuccessfully tried.

To my utter dismay, however, Her Majesty was advised not to assent to the measure—it was said to be unconstitutional—but the appal[l]ing difficulty was how to get any measure proposed by Ministers in England thro' the House of Lords that went to strip the Church of England of property wh. was originally clearly intended for the support of Her clergy.

Mr. Thomson has now passed a Bill of a very different kind. The whole of the Lands are to be disposed of—one half of the Funds arising from the Sale is to be divided between the Churches of England and Scotland, including the Presbyterians of the United Synod—& the other half among all the religious Bodies recognised by the Laws of this Province—that is literally Roman Catholics—Lutherans—Presbyterians—Congregationalists—Baptists—Independents—Methodists—Menonists—Tankers—Moravians.

With the Bill of wh. I enclose a Copy, it certainly wd. be an Act of kind consideration were the Governor General to send a straight waistcoat for the Bishop of Exeter for the Bill must be laid before both Houses of Parliament & the bare perusal of it will certainly drive his Lordship mad.

I really ought to have considered the little time Your Lordship has to spare and that, that little might be far more agreeably passed than in

such an excursion as I have taken you over the Clergy Reserves of Upper Canada.

[Item 1127 is apparently one of the enclosures referred to. Other enclosures lacking.]

[1135] THOMSON TO [ARTHUR]: A.L.S.

Jan. 24 *Toronto.* [Marked "Private".]

The newspapers are really not worth wasting a thought upon.

I assure you, that if I had read the paragraph which I had not, that I should have attached not the slightest importance to it.

The kindness with which you have treated me here, and the habits of confidence in which I have the pleasure of being with you would have rendered that impossible.

I am feeling nearly knocked up to-day—

[1136] ARTHUR TO THOMSON: LB.5, p. 47-48.

Jan. 26 *Government House, Toronto.*

The letter which I left with you yesterday from Colonel Love contained only the report of Lieut Perriot[1] who is in command at Sutherland's Landing on the St. Clair, the Prisoners having been sent there from Sarnia when they were taken.

As the American soldiers entered some Houses in search of the Deserters, it is very possible that they used violence in making the Capture.— I would, therefore, recommend delaying any communication to Mr Fox until a further Report is received, that we may at least make as much of the Case as it's [*sic*] merits may justify.

I wrote to Colonel Love yesterday upon the subject.

[1137] ARTHUR TO COLONEL [J. F.] LOVE: LB.4, p. 52-53.

Jan. 27 *Government House, Toronto.* [Marked "Private".]

I have directed the Military Secretary to write to you this morning for further details respecting the American soldiers. Captain Vidal of Sarnia has written upon the subject. He states that the Party was under the command of a Sergeant, and that they entered a Hut, and there seized the Deserters and stript them. Enough has been done, at all events, to expose the unjust statement made by Van Buren in his Speech to his Parliament.

The course I should wish you to pursue is—that, when we are wrong, make all possible reparation as soon as possible; but when the Americans are transgressing, the wrong should be fixed upon them and made apparent. In the present instance, none of the soldiers should have been given up until confession from the Governor of the state had been made,—regret expressed—and application made for the release of the Prisoners in suitable terms.

This would have given the matter the air of importance which it really deserves—although I am willing to hope that the Military party acted without the authority of any officer.

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[1]Spelling is "Perriott" in item 1174. Probably same person as Lieut. Perrier, mentioned in item 1186.

All our mishaps Van Buren arrays before the world, and we must therefore take care that the evil deeds of the Citizens do not escape notice.

Your official Letter will not be forwarded to Washington until a further communication is received from you.

[1138] J. B. ROBINSON TO ARTHUR: A.L.S. 4p.

Jan. 27 *Wandsworth.*

I can not clearly call to mind whether in my last letter to Your Excellency I said any thing on the subject of Mr. Falkner, the Judge of the District Court for the District of Newcastle. I intended to do it, and ought to have done it; but I am not sure that I did— Mr. Falkner has suffered severely under a rheumatic attack which confined him for some weeks to his bed,— When he had sufficiently recovered he came to town, & I saw him; & he then meant to embark about this time, but I learn from him that he has been again unwell— He has left Mr. Burnham commissioned to do his duty for him, who ought to be regarded as a *sufficient substitute*— I told him he should write and explain the cause of his absence, & that I thought there would be no difficulty— There is another Canadian here who is by no means idle & I see, from the Canadian newspapers that what he does & says is not unknown to you— I mean Dr. Rolph— He has been very active & useful, & is assisting materially in promoting the feeling which seems to be springing up again in favor of migration to Canada— There seems good reason to hope that a better season is about to dawn upon us— The movement in Scotland can hardly fail to result in something, for there seems to be a great desire to emigrate from there, & the people are bent upon going to Canada in preference to the more distant Colonies— Some very influential persons have taken up the matter & the Government will be strongly urged to afford their assistance— What the Governmnt may do is altogether uncertain— The revenue is in a very unsatisfactory state—unequal to the expenditure— & certain to suffer a considerable diminution from the change in the Post Office—so that I do not think it at all probable that the present Ministers will apply any considerable sum in aiding emigration— But they will be pressed from so many quarters that it is possible they may make an exertion, though not I believe, on a scale worthy of the object— At the present moment Ministers must be exceedingly perplexed— Besides the difficulties with China which threaten for a time a great loss of revenue, there is the Queens Marriage to engage their attention—the very unfortunate question of privilege which brings the House of Commons into conflict with the Court of Queen's Bench—and a motion which comes on to night for a direct expression of want of confidence— Altogether they have an uncomfortable time of it, & it is absurd to expect that they can under such circumstances deliberately consider any measure of mere policy— A few days ago Lord John Russell sent for me—& I had a long interview with him, during which he spoke of various matters with apparent frankness, & unreservedly; but not in a manner likely to be of any practical use—for want of time or inclination to go into details— In fact like all other such interviews, it was a mere talk—& I came away quite at a loss to understand why I had been sent for— If it was imagined that I might be useful in framing a new bill upon the principle of Union, I soon put an end to any such expectation, by declaring that no consideration should induce me to be instrumental in any measure for

re-uniting the Provinces, until after Parliament upon mature consideration had sanctioned it— In that case of course, no individual could contend longer, & I should be ready to do my utmost for making the details safe & satisfactory—but I should never, to the last moment part with the hope that Parliament would see the mischief & imprudence of resolving upon a union— It was my hope that the Governmt might not succeed in carrying it—

Ld. Seaton came to town merely to take his seat & has returned to Devonshire, meaning to be again here when the first levee is announced, or whenever Canada is to be the subject of debate.— He was introduced by Lds. Lynedoch & Strafford—but notwithstanding that beginning, and his pension, he will not be found, I imagine a secure vote for Ministers—rather the contrary—but he is not a politician— He looks for employment again, & Ld. Hill is so well inclined towards him that I dare say he will not be long idle— He is very well—

The accounts from Canada are to the 22 Decr.—the Assembly had not then done with the *Message*— If we are ruined, as I believe we should be by an Union with L C. the blame will rest with them— The Governmnt here have considered only what scheme they had the best chance of carrying— In Canada public men were in no such straits, and could & ought to have taken a statesmanlike view of the proposed measure— It is in my opinion absurd to think of giving one Executive Govt. to so extensive a territory—which must withdraw the vigilance of the Executive from the one Province or the other—and then to think of the present state of our finances as a sufficient reason for incurring such dangers is of all follies the greatest— I believe the Union would never have been heard of if Mr. Ellice had not owned the Seigniory of Beauharnois, within sight of Montreal—

However, I am content to be silent henceforward on this subject, I have just made public my own sentiments upon the proposed measure— & feel a degree of comfort that I can not express in having done it— When I had my observations printed, I could only conjecture what might be done in Canada, but I find my predictions pretty well verified. I always told the Govt. that I was quite certain they would pass no bill at all like that they had br[ou]ght in, & I see they are now prepared to abandon three fourths of it— I told Ld. J. Russell I was just about to state publicly my objections to their scheme & wd. send him a Copy—he thanked me— I th[ou]ght it most lik[el]y I should be ordered out immediately, but I see no shew of resentment yet— I have spoken plainly th[ou]gh respectfully[.]

I see Ministers are just beaten upon their proposed grant for Prince Albert—by *104*! I confess I think the 50,000£—shd. have been granted[.] It is little enough for the station.

[1139] [Lord]Fitzroy [J. H.] Somerset to Arthur: A.L.S. 3p.

Jan. 27 *Horse Guards, [London.]*

Since I wrote to you on the 4th. Ultimo I have had two letters from you one of the 20th of Novr. the other of the 6th December and I beg to thank you for them most sincerely.

You are certainly in a position of no small difficulty but I feel assured that you will extricate yourself from it in a way that will be creditable to your judgement; and you must permit me to say that I cannot consider

that your momentary supercession by the Governor General carries with it any reflection on your character or conduct and I make no doubt that on his departure you will resume the reins of Govt. without the loss of one iota of the respect which your mode of administering the Authority delegated to you has ensured for you—

[1140] [Sir] R. D. Jackson to Arthur: A.L.S. 5p.

Jan. 28 *Montreal.*

I have to thank you for your letter of the 23rd. Ins. and its enclosures.

With respect to the Militia Force to be kept on foot in the Upper Province, I can of course offer no opinion,—further than this, that a Force on constant pay can be made useful for general purposes, and under proper Officers, depended upon,—as such a Force (however named) comes under Military Law—

I have not much reliance upon any other description of local Force, except for temporary aid to organized Troops, in times of emergency.

But this is not the occasion to enter into a discussion upon the principles by which a defensive Force may best be regulated; It cannot well be disputed, however, that a Force purely defensive, on pay, should not exceed what may be consider'd strictly necessary;

In this Province, I intend to recommend to the Governor-General the retention of 4 Independent Cos. of Infantry of 60 R & F. and the Cavalry now organised (about 320) at a reduced rate of pay—finding themselves (the Cavalry) in every thing except Arms & Accoutrements[.]

With respect to the Barracks at Toronto, We appear to be "in a mess"—but as the Contracts have been enter'd into, there appears no remedy.

I have it in contemplation, after well weighing the matter, to recommend to the Military Authorities at home, to allow and enable me, to arm Six Men (about) in each Company of the Line with good Rifles (36 per Battalion) which was the System adopted in the Infy. of the King's German Legion with very great, occasional advantage— Of course this Arm, which is better than the American Rifle, would be put in the hands only of trusty Men as well as tolerable Shots; and some priviledges [*sic*] might be given as an encouragement without detriment to the discipline of the Battns. or injustice to Others, if the *Men* be *good*[.]

Our Rifles carry a heavy ball about 200 yards pretty true & the balls will tell—the American Rifle (generally used) will not do more than half this distance with effect.

[1141] H. S. Fox to Thomson: L. 14p.

Jan. 29 *Washington.* [Marked "Confidential".]

I addressed to your Excellency a private letter by the post on the 23rd. instant, acknowledging the receipt of your despatch of the 15th, and, in reply to the enquiry which you were good enough to make, stating briefly my opinion, that it will not at this moment be expedient to carry into effect the military movement for the re-occupation, in the disputed territory of the Madawaska Settlements and the valley of the St. Johns, which I had at an earlier period very urgently recommended.

Viewing the turn which things have now taken with reference to the boundary dispute, and the excitement which has been already created by

the reported movement of Troops, with the inquiries and explanations that have passed; and considering also the improved prospect which we have that the people of Maine will for a time at least rest quiet, and that if they attempt any act of violence they will not be supported by the rest of the Union or by the General Government,— I think under these circumstances, that the occupation in force by British Troops of the portions of the disputed territory in question, would no longer have the character of a defensive and precautionary act, but would seem one of hostility and offence, and would tend to hasten the collision, which it is our principal object by all means consistent with the interest and honor of Her Majesty's Service, to avert.— At the same time, while I offer this opinion you will see from the papers which will be herewith inclosed, that the ground which I have assumed in my recent correspondence with the United States Government, in regard to the discretionary right of Her Majesty's Authorities to take measures of defence against the threatened aggressions of of [*sic*] Maine, leaves it entirely open to Your Excellency to adopt whatever measures of the sort may be rendered necessary by the state of circumstances, either now or hereafter.

With respect to your inquiry as to my opinion expressed to Mr. Featherstonhaugh, and reported by him in a letter to Sir John Harvey of the 12th. of December, of which you have sent to me a copy,—it appears there must have been some misapprehension upon the subject.— Mr. Featherston[haugh]'s expression could only refer to my opinion, which coincided with his own, as to the use which in the future conduct of the boundary negotiation, it would be expedient for Her Majesty's Government at home to make, of his and Colonel Mudge's forthcoming report of their topographical survey.—

This was the chief subject of the conversation which I had with Mr. Featherston[haugh]; during the one day that he passed at Washington. I was not then aware that the orders originally given for for [*sic*] the march of the Troops, had been countermanded. When Mr. Featherston[haugh] reported to me the substance of what had passed at his interview with Governor Fairfield of Maine, I at once cautioned him that in my opinion no reliance whatever was to be placed upon Governor Fairfield's fair promises given in private conversation, which would all be cast aside and forgotten the moment he came to speak publicly to the Legislature and people of his State.— My present grounds for relying, to ascertain[1] extent, upon the peaceable demeanour of Maine, are these: that the Government and People of the United States are made fully aware that Her Majesty's Authorities are upon this[2] guard and prepared to repel aggression; and that a number of concurrent political causes happen to render it less likely now than heretofore, that Maine will be countenanced by the General Government or by Congress, in any obnoxious attempt to interrupt the boundary negotiation by violence.

I herewith enclose a printed copy of the series of papers communicated by the President to Congress, upon the subject of the boundary affairs: the last pages contain part of my correspondence with Mr. Forsyth.— I enclose written copies of a further note which I addressed to him on the 26th., after the communication to Congress had been made, and of his reply, dated the 28th. These additional papers are sent in to the Senate to-day: the whole subject will I presume be discussed in a few days, after the Committee of Foreign Affairs, to whom the papers are in the first

[1]Probably a copyist's error for "a certain".
[2]Probably a copyist's error for "their".

instance referred, have made their report.— The Senate will then probably express its opinion in the form of a resolution, which, as far as I can yet judge, may be expected to be temperate and pacific, recommending that the conduct of the Negotiation be left in the hands of the Two National Governments without further interruption by partial collision or angry movements on either side[.] This opinion however, as to the action of Congress, I of course give with some hesitation.— The tone which I have held with regard to Maine, is I have reason to believe not displeasing to the President and the General Government, although some of the inferences are protested against— The General Government appear to be themselves much embarrassed by the language and conduct of Maine though quite unable by direct means to restrain them.

While I have ventured to express my opinion, as above stated, against any immediate movement of British Troops into the disputed territory, I think at the same time, that the more full preparation Sir John Harvey is enabled to make within Her Majesty's Province, to meet any emergency,—and the more publicly it is known that such preparations are being made,—the better—

I have written in this sense to Sir John Harvey, and I shall forward a copy of the present despatch, to him, as well as to Her Majesty's Government at home.—

I send this communication by the Post, and shall detain Lieutenant Campbell for a few days longer in the hope of being able to convey to you by him the result of the proceedings in Congress.

General Scott, Commander of the United State's [*sic*] forces on the frontier is now at Washington; and he assures me, as does also the Secretary of war Mr. Poinsett that they continue to receive satisfactory reports from all parts of the Canadian Frontier, as to the prospect of tranquillity in those quarters through the winter.— Besides other good effects this will tend as much as any thing else, to restrain the offensive disposition of the People of Maine.

[Enclosures lacking.]

[1142] ARTHUR TO COL. [J. F.] LOVE: LB.2, p. 147-148.

Jan. 30 *Government House, Toronto.*

[In substance another copy of item 1137 with variations in phraseology.]

[1143] ARTHUR TO COL: [J. F.] LOVE: LB.2, p. 148-149.

Jan. 30 *Govt. House, Toronto.* [Marked "Private".]

I have caused a letter to be addressed to the Roman Catholic Bishop respecting Mr Mills, and desiring his removal immediately from London,—informing him at the same time, that, unless my request be complied with, I shall be under the necessity of directing that none of the soldiers attend the Ministry of Mr Mills.— indeed, I would direct this at once but I do not like to make the soldiers suffer so far as to be deprived of their Religious services, because their Minister is so unworthy. I hope another Priest will be sent with the least possible delay to London—in the mean time, if you consider it necessary for the good of the Service, that the soldiers under your Command should not attend the Ministry of a person so totally wanting in proper feeling, and so willing, apparently, to undermine the respect which is due from the soldier to

this[1] superior officer, I shall take upon myself all the responsibility of your prohibiting their attending his Ministry, or having any intercourse with him. If you take this course, do it in firm, but very temperate language.

Both the Governor General, and Sir Richard Jackson have referred to me Mr. Mills' letter to them—but, I hope, it will not be necessary to refer the subject to you.

The substance of this letter will be conveyed to you in an official tomorrow from the Asst. Adjt. General— Had I been administering the Government, I should speedily have disposed of Mr Mills, but I am obliged to move in all these matters now with caution.

[1144] ARTHUR TO COL: [J. F.] LOVE: LB.2, p. 149-150.

Jan. 30 *Toronto.* [Marked "Private".]

Your note of the 27th. I have received and will, with pleasure, forward the enclosure to Lord Fitzroy in my Bag by the "Liverpool" which will be sent from hence in 7 or 8 days.

The case with respect to Major Eyre is altogether altered since it is determined that the 73rd. Regt shall proceed to Montreal on its way to England. I did not think it was right to leave your Regt. with only one Field Officer, whilst that officer (yourself) was even likely to be called to the Frontier at any moment.

The Districts under your orders are not only extensive; but, altogether, the most anxious in the Canadas, and will require to be carefully looked after by an intelligent, and experienced officer for some years to come.

It would have been well in my opinion had your Regt remained, and the Govt given you a very handsome remuneration for such Civil services as I could have suggested, and which should not have been inconsistent with your Military Duties—indeed involved in them.

But to return to Major Eyre—there can be no objection now to his availing himself of his leave, and he will still be in good time for the "Liverpool". Should he take Toronto in his way, I will give him your letter, and I request you will say to him that I shall have pleasure in seeing him at dinner. But, of course, he will not think it necessary, unless other matters make it convenient to take a course so much out of his way. . .

[P.S.] There is no truth in the report of my having resigned—it was impossible I could do so with propriety.

[1145] J. B. ROBINSON TO ARTHUR: A.L.S. 4p.

Jan. 30 *Bridgefield Cottage, Wandsworth.*

I wrote to your Excellency only two or three days ago, and should wait until I had something of interest to communicate, but your letter of the 24 Decr. has just been received by me, and there is one point in it, on which I must lose no time in setting Your Excellency right— No Number of the Quarterly, nor any other book, or paper except that on which you wrote contains one word of any letter written by Your Excellency to me—& if under a contrary impression you have intimated to *any one* that I had committed such an indiscretion, you will I am sure

[1]Probably a copyist's error for "his".

at my particular request do me the justice to mention that you were in error—

I suppose Your Excellency must advert to the extracts in pages 483-4 of the Number which I have now by me— They none of them contain any reflections upon the Governmt, as Your Excellency seems to suppose, but condemnation of a mischievous act of a mischievous person discountenanced & condemned by Ministers themselves, & about whom therefore the persons who were likely to be ruined by his base conduct were under no obligation to be scrupulous in speaking their mind— The two first extracts Your Excellency does not I am sure imagine were from letters written by yourself— The 3d short extract page 484 (which is of the same character & contains nothing disrespectful towards the Governmnt) must be that I suppose to which you allude— I know not, to this moment from whence it was taken, or who is alluded to as the author— I never asked the question, or no doubt I should have been told—but it never even occurred to me that it was your Excellency, though reading it now with attention from the word "very highest["] &c, & your seeming to recognize the language, I suppose it was— However if those lines, or any others, in the review were from Your Excellency's pen, they were not addressed to me— I am rather earnest on this point, because as I shall shew you upon my return, a strong feeling that Your Excellency had a right to be protected against the possibility of any thing unpleasant occurring in consequence of an indiscreet use being made of your correspondence—involved me in a disagreeable controversy— I will only repeat that if any word of yours has appeared at any time in print, it is positively nothing that I have had any thing to do with—

It is a comfort to me to be told by Your Excellency that my presence could not have prevented the result of Mr. Thompsons [*sic*] *unfair* mission. I have never doubted this myself, while at the same time, from the moment I knew that he was to assume the Governmt, I felt an unavailing regret that I was not there— I am entirely convinced that if I had been, I should have found myself openly & strenuously opposed to the Governmt—& at the same time ineffectually— In any public legislative efforts I only look for success, when the discussion is approached by others in the same spirit as by myself— When the vote is to be the result of conviction I may hope to be of use, when it is to be purchased by other arguments, I am necessarily helpless & powerless—& I can not now look without a feeling of dread at the conflict which I should have had to encounter— Deserted by all who like myself were in public employment, I must nevertheless have done what my conscience told me was right, & the grief, & humiliation which it would have been to me to see those around me succumbing one from one motive & another from another—contributing reluctantly to throw their Country into difficulty and confusion—would have almost weighed me down at any time, In my present state of health, I doubt if I could have borne it. I thank God I have been spared the misery of such a scene. If I can be of use, it is here— I have taken the plainest & best means—& if they fail I shall have nothing to reproach myself with— I confess it surprises me that importance should be attached to my not having expressly stated what was the opinion of the Duke of W[ellingto]n & Sir Robt Peel upon the Union— Any thing that could have enabled me to make such a statement must have passed confidentially—& was not likely to be of such a character as could authorize me to involve them in any pledge— But I well know that I constantly wrote in such a way as could leave no one

in doubt—for I always said—if any thing unwise is done, it will be your own doing[;] let the Province only take a sound view of their own interests & all is safe— I said you may disable the Conservatives from protecting you against mischief, but otherwise I know there is nothing to fear— This has been always my language— I thought it could not be misunderstood— At all events I could not with propriety say more—nor could I believe it necessary, for I had no idea that in a question of this all important kind, any one's conduct upon it could be influenced by the question of mere probability of success— I supposed each man would ask himself what is right & what is wrong? & would resolve to do right, whether the Duke of Wn. was wise or unwise—but the truth is, & so I am sure I have as delicately as I could, intimated that all steady people here unconnected with the Govt. think the Union wd. be madness—the Duke of Wn. has no doubts on that point—nor has Sir R Peel—nor Ld Lynd[h]urst—nor Ld Stanley—& if U C. is injured, it will be her own arm that has struck the blow—

[P.S.] I will send out by post, for I know of no private opportunity, the book I have written.

[1146] ARTHUR TO THOMSON: LB.5, p. 48.

Feb. 1 *Govt. House, [Toronto.]*

As I hear of Sleighs preparing and of Horses training, it would seem that your flight to the Lower Province is contemplated at no distant period.

Allow me, therefore, to propose whether it would not be convenient to you to send off some part of your establishment a few days before your own departure, and quietly resume your Quarters in Government House. I am sure you will believe me sincere in saying that it will afford Lady Arthur and myself great pleasure to receive you.

[1147] THOMSON TO [ARTHUR]: A.L.S.

Feb. 1 *Toronto.* [Marked "Private".]

Many thanks for your kindness, of which however I have no occasion to avail myself, as I have left so much of my establishment at Montreal, that I shall find everything I want when I get there, independently of this.

I am afraid rumor has rather forestated probabilities in this case too. I shall not believe in the prorogation till I see the Speaker's parting bow.

[1148] ARTHUR TO THE REVD GEO[RGE] MORTIMER: LB.4, p. 53.

Feb. 3 *Govt House, Toronto.*

I have the pleasure to enclose a letter which I received on Saturday from your friend Mr Armstrong. He communicates to you, I have no doubt, his anxiety respecting his son George's entering the Church; and I should be glad to confer with you upon the subject whenever you visit Toronto—or, if that should not be at an early period, I will, after the Session of the Provincial Parliament has closed, make it a point to drive to Thornhill, as I am anxious to lose no time in writing to Mr. Armstrong for whom I entertain the greatest possible esteem and regard, and shall derive the most heartfelt satisfaction from being useful to him in the way he wishes.

[Enclosure lacking.]

[1149] H. S. Fox to Thomson: L. 14p.

Feb. 3 *Washington.* [Marked "Confidential".]

I enclose the Duplicate Copy of a Despatch marked Confidential, which I addressed to Your Excellency by the post on the 29th ultimo in, reply to your Despatch to me of the 15th.—

I shall not now delay any longer the return of Lieutenant Campbell, as it appears likely that many days will elapse before any resolution in Congress is passed, in relation to the boundary affairs.— I will not fail, however, immediately to acquaint you with that result.—

I see continued reason to expect, that the action of Congress will be more temperate this year than the last, and will give less encouragement to the violent pretensions of Maine.—

Sir John Harvey has sent me the Copy of his Despatch to you of the 17th. instant.— From this, and from other parts of his correspondence, I perceive that Sir John Harvey has a much better opinion of the State Government of Maine, and of their intentions towards us, than I have.— I hope he may be right, but I am very incredulous upon the subject.— I did not attach at the time, and have not since attached, any weight to Governor Fairfield's plausible offers in private conversation with Mr. Featherston[haugh]. If the people of Maine are restrained from violence, as I have some hopes they may be, it will be owing to the full knowledge obtained, that we are upon our guard and resolved to repel further aggression; and to the diminished encouragement they are likely to receive this year from the General Government and from the other States in Congress.—

You will have observed that Governor Fairfield, in his recent Message to the Legislature of the State, recommends, that if the final answer from Great Britain be not received, (as he must well know it scarcely can be,) before the period of their adjournment in March next, they shall proceed to more vigorous measures than have yet been adopted; which "*more vigorous measures*", when all that has already passed is taken into consideration, cannot possibly, as it appears to me, mean any thing else than an attempt to gain possession of the Disputed territory by Force, and to keep it.—

In the concluding paragraph of Governor Fairfield's public letter to the President, of the 21st. of November, which is amongst the papers recently laid before Congress, he declares in more explicit terms—that although Maine has not yet taken Military possession of the disputed territory, a continued disposition on the part of Great Britain to delay a settlement of the question, (and upon this point the people of Maine intend apparently to constitute themselves the judges,) will not fail to induce such a step, whatever may be the consequences =.—

It is clear to me that these open threats of further aggression, taken into view together with what has already passed, and with the permanent system of encroachment carrying on and persisted in through that part of the disputed territory which is on the South Side of the St. Johns, would, in point of right, fully justify us in taking Military possession, in our own defence, of the north bank of the St. Johns and of the Madawaska Settlements; and this is the ground which you will see I have assumed, in my public correspondence with the United State's [*sic*] Government.—

At the same time, as a matter of expediency, I am disposed to recommend, as I have stated to Your Excellency in my previous Despatch, and for the reasons there given, that the movement should be suspended.—

I think there is a fair prospect that the chief objects we have in view will be attained without it. If the movement of Troops had already been effected, then, the same arguments which have been used to assert our rights, would have served to justify and explain the Act: but now, the case is in some degree altered; and in face of the inquiries and explanations that have passed, and of the excitement that has been raised by the rumour of Military operations, with the attention of Congress publickly called to the subject, and proceedings thereon now pending in Congress,— it would be difficult to make the contemplated movement appear one of defence and precaution only, and not of offence and attack.— We should run the risk of giving Maine the advantage of appearing the aggrieved party, and of so enabling her to call the rest of the Union to the rescue:— Whereas I think there is now a better prospect than before, of Maine being isolated, and left without encouragement or support from the other States, in her wrongful pretensions: and this is undoubtedly a point of material advantage, with a view to the future conduct of the negotiation.—

It is true that when I first learnt that the original orders given for the movement of Troops into the Valley of the St. Johns had been countermanded, I was disappointed, and augured ill from the change; but it may now I hope turn out, that all has happened for the best.—

I think in the mean time, that it ought to be made apparent both to Maine and to the United States, by every public demonstration which is practicable on the part of Her Majesty's Authorities, that we are both resolved and ready to take Military possession of those parts of the disputed territory which have been referred to, upon the first official indication of the threats held out by the Authorities of Maine being about to be carried into effect.— Whether it will be expedient for me to address my further declaration upon this point to the United State's Government, will depend upon what is done in Congress, and in the Legislature of Maine.—

I judge from the last letter which I have from Sir John Harvey, dated the 18th. Ultimo, that up to that time he had not received by the Halifax Packet, the Copy of Lord John Russell's Despatch to Your Excellency of the 4th. of December.—

[Enclosure is obviously item 1141.]

[1150] THOMSON TO [ARTHUR]: A.L.S.

Feb. 4 *Toronto.* [Marked "Private".]

After consultation with both Speakers I have sent to say that I will prorogue Parlt. on Friday[1].

I expect that the Assembly will perhaps act another day, but I believe that a 200 horse power would not keep many of the members beyond this week.

[1151] ARTHUR TO THOMSON: LB.5, p. 48-49.

Feb. 4 *Government House, Toronto.*

I am much obliged to you for the information Contained in your note of this morning.

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[1] *i.e.* February 7. It was prorogued on February 10.

I find that, down to this hour, no application has been made for further time—so I have desired invitations to be sent to the Speakers, and a batch of other Members for Friday.

Your message today in answer to the Address upon Claus' Claim affords an illustration of your Notion of the Responsible Government Question which will go far to remove future misapprehensions. I should have enjoyed greatly to have seen the Countenances of the Members on its being read in the House.

[1152] J. F. Love to Arthur: A.L.S. 7p.

Feb. 4 *London, U. C.*

I return you my sincere thanks for your kind letters of the 30th Ult. and for the inclination you have always shewn to serve me, which believe will be recollected with pleasure when many things which are now passing before us will be forgotten; and the only regret I shall feel in leaving this country will be the interruption to an intercourse which has tended more than any thing else to reconcile me to the number of disagreement[s] connected with our service in this part of the world.

I am happy to hear, for the good of the service that the Catholic priest is likely to be removed, and as that will probably soon take place I will not avail myself of your permission to prevent the men going to his Church, Altho were he to remain it must ultimately have taken place. I hear he now tells the Catholics of the Bands that they have no right to play the Protestants to Church. There is really no calculating the mischief such a man might do. The term papist and Orangeman is now frequently bandi[e]d about by the Men; a thing that was never heard of until we Came to this place.

I enclose you a note I received from Major Eyre who now prefers remaining until we go to the Lower province. He was rather premature in selling all his things, even to his uniform and horse, and I have now given him a few days leave to visit the frontier while he is getting some uniform ready. In excuse for my forwarding the application I must explain that Capt Smith had been acting as Major since the departure of Major Lloyd in May last, and until the arrival of Major Eyres notification in October, and altho' he is not quite the person I should choose to command my Regt were there any thing serious to do, I thought that as Major Eyres case was rather urgent the Country quiet and likely to remain so, that I might venture to let him go; But under all circumstances it is perhaps better as it is, and Eyre is too good a Soldier to feel a moments annoyance at the circumstance which has taken place.

I scarcely think that my explanation respecting my Office could have been much considered, certainly not understood, for the office is indispensible and impossible to do without, for the Militia Service would alone require it; and as I cannot allow the service to suffer in my hands, if there are no other means of paying for it, hard as it is I must. There is really very little encouragement given to Officers to exert themselves for the good of the service, and there are unavoidable expenses attached to such a command as mine which few but yourself are, (or are willing to be) aware of. The Office is really a paltry saving, in fact no saving at all for the Money I check in the Militia pay lists alone before they go to Halkett would in the year more than pay the rent for my house and Office to[o].

Miss Auther [*i.e.* Arthur] said that in the event of my not being able to take my poor little Arab home that she would take it for her own use,

and if you have no objection to the arrangement Mrs. Love and myself would prefer as we are not likely to get so good a Mistress for him to send him at once to Toronto as soon as the warm weather sets in. He was given to me by a friend with the promise that I should not sell him, and that if I could not get a kind Master or Mistress for him to give him a Soldier's death. I shall therefore send him with the same request. He is very gentle a perfect Ladies Horse and a very pretty charger. He is now nearly 15 years of age but a good deal of gentle work in him still. I feel quite happy in knowing that he will be in such good hands.

I was just about closing my letter when I received one from Major Gardner the Commandant of Fort Gratiot of which I enclose an extract. . .

P.S. I had the greatest pleasure in reading the address to you from the House of Assembly so honorable to themselves as well as to you.

[Second enclosure lacking.]

[*Enclosure:*]

[1153] [*1840*]
[*c. Feb. 3*]
W[ILLIA]M EYRE TO COL. [J. F.] LOVE· A.L.S. 2p.

[*Place not stated.*]

I enclose you the report you wished to have.— I forgot to mention to you last night that I would be much obliged to you to say to Sir George Arthur, when you write to him how sensible I am of his kindness to me on several occasions & that I should have done myself the honor to accept his invite had I passed thro' Toronto— I would also wish to add that I have not the least desire to leave the country until I can do so with his certain approbation[.] We shall start almost immediately so if you let us have the letters it will be as well.

[1154] THOMSON TO [ARTHUR]: A.L.S.

Feb. 5 [*Toronto.*] [Marked "Private".]

I have this evening received the inclosed from Sir R. Jackson—you see he sticks to his Dragoons at Niagara, so I suppose we must keep up Magrath's troop, which will make the Major very happy.

When you have perused Sir Rd. Jackson's letter and considered the subject I shall be glad to have your opinion— We may talk it over to-morrow, if it is not inconvenient to you to call upon me about ½ past 12.

[Enclosure lacking.]

[1155] ARTHUR TO THOMSON: LB.5, p. 49-50.

Feb. 5 *Government House, Toronto.*

I thank you for allowing me to see Sir Richard Jackson's letter, and I shall have great pleasure in considering it, and will wait upon you to-morrow.

I have given the subject of Militia reorganization much consideration. At this time I will not trouble you with any detailed remarks, but the result is that I am convinced the plan recommended by the Committee

will not practically answer, nor will the Bill introduced by Colonel Adamson work well for the Country.

I have heard every thing that can be urged by gentlemen holding rank in the Militia; but I am not so fully acquainted with the feelings or convenience of those who have to serve in the ranks, as is desirable.— I should much wish to collect more information from that quarter, and I will personally pursue this enquiry to its foundation, but this must be the work of some little time.

The *Calling out* the Militia, and the embodying them clearly properly rests with the Civil Governor at all times, but, when the Provinces are united, possible points of difference may be avoided by placing the Militia when embodied altogether under the orders of the Commander of the Forces— I desired Mr Harrison to prepare the accompanying draft of a Bill, as well for this purpose, as to render the Assembly of Courts Martial more simple and less expensive—but, upon the whole, I have thought for the last two or three days that it is safer to defer the matter until the next session and then to repeal the act altogether, and make such provisions as upon mature consideration, shall be deemed most desirable. I am quite Convinced you could not act with a less fastidious or more conciliatory person than the present Commander of the Forces—but, I must say, that you cannot be too cautious in transferring any power over the Militia to other hands which can consistently remain with the Representative of the Sovereign.

[Enclosure lacking.]

[1156] [Sir] R. D. Jackson to Arthur? A.L.S. 3p.

Feb. 6 *Montreal.*

The distribution of the troops in the Canadas, for 1840, was transmitted by the D. Q M G. rather as an arrangement proposed than *decided* upon, and was sent early for the benefit of your opinion, so far as your Province is concerned.

I must beg you to excuse me for not having written formally to you with the arrangement.

The omission certainly did not proceed from want of respect, or due attention and I am sure you will receive my apology in good part.

I send for the wing of the 65th. only to get the Regmnt together, or nearly so, and I am very glad this movement meets with your concurrence[.]

I am afraid the 83d will lose Men at Sandwich if that Post cannot be occupied by Militia.

We have had fragments of a Mail by a sailing vessel to New York— the British[?] Queen having deferred her return until March next.

[1157] G. R. Grasett to Arthur: A.L.S. 2p.

Feb. 7 *Amherstburgh.*

I cannot any longer refrain from giving expression, however imperfect the attempt may be, to those warm feelings of gratitude which the unwearied exertions of Your Excellency in my favor have given rise to.

I do assure Your Excellency that I am most deeply sensible of these multiplied acts of disinterested kindness; and although I am painfully

conscious of my unworthiness of them all, I trust you will believe that it shall ever prove my anxious care to show that the generous confidence you have been pleased to repose in me has not been misplaced, and that the more than generous patronage you have bestowed is deeply—very deeply appreciated.

I will not weary Your Excellency with repetitions of the warm feelings of my heart. . .

[1158] THOMSON TO [ARTHUR]: L. 2p.

Feb. 7 *Toronto.* [Marked "Copy" and "Private".]

You are quite at liberty to tell Mr Jones that I have recommended him to Lord John Russell, and I shall be very glad that he should know that I have done so, both on your recommendation, and on my own sense of his services[.]

I am very desirous not to raise expectations which may *not* be fulfilled, because experience has shewn me the difference between one's power of rewarding merit in Civil Situations, and in Military Stations.

[Endorsed: "original sent to Mr Jones".]

[1159] THOMSON TO [ARTHUR]: A.L.S. 2p.

[*Feb. 7*] [*Toronto.*] [Marked "Confidential".]

I find that many people are gone or going tomorrow, and therefore I think upon the whole it will be better *not* to move in the question about which you spoke to me, especially as I myself made it a request to the parties who wished to bring it forward, that they would *not* do so, and they accordingly gave it up.

My English Parliamentary notions lead me never to have a move made, unless it is to answer some object and I have got the "solid pudding" in this case—I care little for the "empty praise" of an address.

Many thanks to *you* however for kindly interesting yourself about it.

[1160] ARTHUR TO REVD. MR. [WILLIAM] ARMSTRONG: LB.3, p. 99-102.

Feb. 10 *Govt. House, Toronto.*

Yr. letter dated 28th. November having been forwarded by way of Halifax, has been performing all the meanderings from North to South wh. is the fate of sailing vessels in making the Western passage; but the longer yr. letter has been in reaching me the more necessary is it that I should reply to it without delay.

I do plead guilty of the most culpable neglect, in the way of private correspondence—not only towards you—but to all my most valued friends. It has, however, become such a disease upon me to protract "private["] correspondence—not only from Month to Month, but from Year to Year as to have become, by habit, quite incurable—&, were it not for a soul stirring remembrance now & then my private correspondence wd. have been utterly given up. You will naturally enough say "What have I to do with this? Yr. neglect in other quarters is no excuse for yr. not having answered my letters"!

I admit it—but what I wd. have you infer is this—that if I never

write to my dear Brother & Sisters, for whom I entertain the most affectionate love—it is evidence that, altho' I have not written to you I may still possess a strong regard & most sincere esteem for you, & this is all I desire to establish. I shall never forget that for Many Years I was one of a Flock for whom, as a pastor, you labored incessantly; & that, by the Goodness of God, it was under Your Ministry I was first led to understand what the Gospel really was in truth & power—&, wanderer as I have been from the way, in wh. you exhorted me, with all your people, to walk, I nevertheless feel that I owe you the deepest debt of gratitude for having so plainly pointed it out & enjoined me to pursue it.

After these observations, I need scarcely add that if I can serve Yr. Son in entering the Ministry it will afford me the greatest satisfaction. But how to do so is the difficulty! From what I have seen passing before my eyes, almost daily, during the last 2 years, it is impossible that I should advise you, or any other person in whose happiness I am interested, to send a son to Canada in the Ministry without your being warned fully of the unhappy state of the Church in this Country.

In the year 1793 [*i.e.* 1791], when the Act was passed wh. gave a Constitution to Canada, a seventh portion of the Land was reserved for the support of a Protestant Clergy. No man who reads the Act, & compares the language used in it, with the terms employed in other acts at the same period can doubt that the Church of England was intended—but, it will bear a different Construction, & a different Construction the people of this Country are determined it shall receive. The consequence has been a most angry strife for many years. Your friend Mr. Mortimer I thought might give useful advice regardg. Yr. Son. I have accordingly had an interview with him, & now have pleasure to enclose a letter from him. He spoke to me most discouragingly as to the prospect of a Young Clergyman—but, from the state of distribution of the "Church" I can answer for it that there is abundance of work to be done & the Revd. Mr. Grasett, a Minister resident in Toronto is not, I find, by any means so desponding as Mr. Mortimer & hopes to see many Gentlemen come out under the auspices of the Society.

There is every expectation that the two Canadas will be united by an Act of the Imperial Legislature. In this event my connexion with Upper Canada will be brought to a speedy close—but, shd. I remain in the Province & yr. son comes out I shall readily & cheerfully be of any service to him in my power—& so, I am sure, on my recommendation will the Bishop of Toronto; but, literally, there is no Church patronage. At least, I have never exercised any since I have administered the Government. . . [Suggests the Australian provinces as an alternative, and offers a letter for Montagu, colonial secretary of Van Diemen's Land, now in England.]

Before I came out here I understood that U. Canada wd. be formed into a District See & I took occasion to mention your name to Lord Glenelg as well as to the Bishop of London as a Clergyman whom I should earnestly desire to fill the Bishopric—but, what was considered by the Col. Minister to amount to a promise in favor of Doctor Strachan interfered—not only on my own account, but for the sake of this community I deeply regret that my object was not gained. . .

[Sends remembrances from Lady Arthur to Mrs. Armstrong and the family, and asks to be remembered to "our mutual friend Mr. Ditcher".]

[Enclosure lacking.]

[1161] ARTHUR TO JOHN MONTAGU: LB.6, p. 79.

Feb. 10 *Govt. House, Toronto.*

A very old & highly valued friend of mine, the Revd. Wm. Armstrong under whose Ministry I sat with great delight twenty years ago will very probably present this letter to you with the view of making inquiry whether there be any good opening in the Australian Colonies for his son who wishes to enter the Ministry.

Do pray have the kindness to give him all the information in yr. power, & if you can in any way promote his views pray do so & you will confer a favor upon [me] wh. I shall feel exceedingly.

[1162] ARTHUR TO THOMSON: LB.5, p. 50.

Feb. 10 *Government House, Toronto.*

I am not quite aware of what steps were taken by Lord Seaton with respect to the accommodation for the Troops on the Niagara Frontier, where we have, as you are aware, a Regiment of the Line stationed—but I drew his attention to it and especially pointed out that a Mess House was much required for the officers who have been deprived for more than 18 months of the advantage of a Mess. Will your Excellency allow me to revert to the subject, and should Sir Richard Jackson recommend anything to be done, and should any reference be made to you from England, may I hope, you will give the most favorable consideration to a matter in which the Comfort of the Troops, both officers and men, is so much concerned.

[1163] ARTHUR TO SIR R. D. JACKSON: LB.5, p. 50-51.

Feb. 11 *Government House, Toronto.*

I thank you most kindly for your letter of the 6th. Inst in which you inform me that the distribution of the Troops transmitted by the Dy Quarter Master General was rather an arrangement proposed, than decided upon.

Just at this time I am preparing some letters which I am excessively anxious to get ready for the "Liverpool", but, in the course of two or three days I will with pleasure submit a few observations on the proposed arrangement merely for your consideration— at the same time I will suggest a corresponding disposition of the Militia.

I am very glad to find that you have it in contemplation to propose arming a small proportion of the Force with good Rifles—if we have any thing to do, I am persuaded the benefit of this arm will be found to be great.

The session of the Provincial Parliament was closed yesterday, and the Governor General will return to Montreal, I believe, on Friday or Saturday, having succeeded to the utmost of his wishes, and beyond his expectations. All is quiet on our Frontier, and the spirit of sympathy for the sufferings of the Canadians seems to be quite extinguished.

[1164] ARTHUR TO THOMSON: LB.5, p. 51-52.

Feb. 11 *Government House, Toronto.*

I have looked into the case of the officers of the second Incorporated Regiment of Militia. The first set of Papers refer to a complaint made

by Mr Griffis an inhabitant of Chatham, against Captain Muttlebury for an assault. The evidence of Captn Cronyn on the one side, and of Lieut Tench on the other is Conflicting to a degree that is unaccountable. I apprehend the best way to dispose of this case would be to inform Mr Griffis that his complaint against Captain Muttlebury has no connexion with military duties, and that it is quite open to him to take proceedings in the Civil Courts.

With respect to the second set of Papers it would appear that most discreditable conduct as Military officers, is imputed to Captn Cronyn and Captn Muttlebury. I cannot think it necessary—and it is both a troublesome, and expensive proceeding—to assemble a Court Martial; but the circumstances may be referred for the investigation of a Court of Enquiry, consisting of one Field officer and two Captains, and if the statements are in their opinion substantiated, the services of both officers may, at once, very properly be dispensed with[.]

Should your Excellency concur with me in this opinion, I will, if you please, direct the Asst Adjt General to Her M. Forces to issue the necessary orders, & Colonel Kingsmill who happens to be now at Toronto may be appointed President, and start tomorrow morning for Chatham.

[1165] W[ILLIA]M COX TO ARTHUR: A.L.S. 2p.

Feb. 11 *Whitby.*

I feel I did not sufficiently express myself to you in terms of obligation for your very kind offer of exerting yourself in my favor with Lord Hill.

I had made an application to Lord Fitzroy Somerset by letter on the 5th Inst for removal to a Regt. of the Line and should you be communicating with him shortly I shall take it a great favor by your saying any thing you may think would further my views on that subject and for which I shall be extremely obliged.

[1166] THOMSON TO [ARTHUR]: A.L.S.

Feb. 11 *Toronto.*

I have read the papers and I quite concur in the view you take. Will you then be good enough to give the necessary orders with respect to an Enquiry, and I will direct the Revd. Gentleman to be informed that he must seek his remedy at law—

I presume that the enquiry should extend to the conduct of Mr. Tench who appears to have taken to *Bill sticking* like Mr. Cronyn, as well as to the other two—

[1167] THOMSON TO ARTHUR: A.L.S.

Feb. 11 *Toronto.*

I am not aware of anything having been done in the matter to which you refer, but I am very much obliged to you for having noticed it, and I will not fail when I return to Montreal, to make enquiries of Sir Rd. Jackson, and endeavor to have some steps taken.

Because I am a civilian myself, I am the more anxious that the comfort and convenience of the officers and troops in the colony should be consulted, and I hope that they will find this to be the case.

[1168] ARTHUR TO RUSSELL: LB.5, p. 257-269.

Feb. 12 *Government House, Toronto.*

I have the honor to acknowledge the receipt on the 6th. Instant of your Lordship's Despatch of the 30th. November, transmitting "extracts of a correspondence which has passed between your Lordship's Under Secretary and Sir Geo: Stephen, the Solicitor of Mr Loane, and Mr Loane himself, on the subject of certain charges["] brought against me by the latter gentleman in reference to Mr Loane's case, and your Lordship requests me to transmit any explanation on the subject it may be in my power to afford.

Sir Geo: Stephen's "Remarks", which he characterized as "bold and perhaps unprecedented", impute to me as well as to others, as your Lordship appears readily to have perceived, corrupt motives, and Mr Vernon Smith, in consequence, called upon Sir George Stephen for the "proofs, whatever they may be, on which the imputations of unworthy motives are to be, supported."

The learned Solicitor's reply of the 14th. of November contains no proof whatever! He retires at once from his "bold" assertions, and only distinctly charges "gross injustice towards Mr Loane on the part of the Authorities abroad *if* those 'Papers' (what Papers they are does not appear by the Extract) may be credited."

This way of dealing with the "authorities abroad" is common enough with irritated and disappointed Complainants in the Colonies, but I should fain hope it is indeed, as Sir George Stephen imagines, amongst respectable gentlemen at the Bar in London "unprecedented."

I will not disguise that I am mortified exceedingly in being called upon by your Lordship to defend myself from a charge of corruption, unsupported by a single iota of presumptive or primâ facie proof, but, being called upon, however repugnant to my feelings, I cannot decline, although, upon every principle of justice, as a preliminary to any further attention being given to his complaint, Sir George Stephen, I conceive, was bound to adduce proofs of the corruption with which he charged "the authorities". . .

[Proceeds to examine and reply to the statement, which primarily concerns the rightful ownership of a house and land in Hobart, as between a Madame D'Hotman and Loane, and the hire, by the government, of the house for an orphan asylum, with a claim for compensation resulting from dilapidation. It is suggested that the decision on the ownership question was influenced by the government's desire to suppress a substantial claim for dilapidations. It is also charged that the cause "never yet has received full or decent consideration."]

What the learned gentleman means by *decent* consideration, I do not comprehend, and, therefore, can make no observation upon it. But, if, to have heard Mr Loane tell his, literally for hours together; if, to have patiently endured the most hasty and uncourteous observations from him; if, to have read with the greatest attention every line that was addressed to the Government upon the subject, and to have drafted almost every answer myself; if, to have listened to the most mournful history of injustice from Madame D'Hotman and her daughter; if, to have heard frequently the conflicting arguments of Mr Gellibrand, Mr Stephen, Mr Hesse, Mr Rowlands, Mr McDowell and Mr R. L. Murray; if, taking and acting upon the advice severally of the Attornies General

Montague, Stephen, and McDowell; if referring the whole case before the Board expressly constituted for the examination of claims to titles to Grant Deeds . . . if, considering the subject in the Executive Council, of which the Chief Justice was a Member; if, transmitting the Papers to his Honor's Residence in order that he might more deliberately investigate and examine the whole bearings of the respective claims, before he delivered his advice in Council, constitute a *full* consideration of the case, then Sir George Stephen's assertion is not entitled to that credit which he claims for it.

Notwithstanding the danger of entering into particulars in such a case as this, without having any Papers to which I can refer, I will nevertheless, venture to submit my recollections and impressions, having no apprehension that I can greatly err in any important particulars.

Mr Loane brought with him to Van Diemen's Land, as his Mistress, from the Isle of France, Madame D'Hotman, accompanied by her daughter. This lady had some money, jewels, and other Property; and, judging by appearances, it might reasonably be concluded that her wealth constituted her chief attraction. . .

[Disagreements, parting, reconciliation, and separation followed. Meanwhile in 1823 Madame D'Hotman applied for and obtained a town allotment in Hobart. A handsome building was erected, apparently by Loane, & after its completion in 1826 was rented by the government as an asylum for orphans. Madame D'Hotman had claimed that Loane had administered her affairs & that the house was hers. Loane claimed she had surrendered her interest in the land to him. Litigation on this & other property followed. After investigation by the commission, and on the advice of the attorney general and executive council, the patent was given to Madame D'Hotman. Mr Alfred Stephen, on returning to the colony & resuming his office of attorney general came into the case as acting for Loane although an official of the government, and apparently he used government information in presenting a statement. This was protested by the other side, & the executive council restricted him from acting further in the case.]

Mr Alfred Stephen, I thought had been imprudent in the course he had taken, considering he was the legal adviser of the Government, but I am satisfied that he had acted throughout under a strong impression that Mr Loane had been deeply injured, and that it was the duty of Government to afford every facility in trying the question in a Court of Law.

Such was the position of this case down to the period of my leaving Van Diemen's Land. Mr Stephen was then restrained from conducting the case, only because he was Attorney General; but, as he afterwards resigned that Office, and still practiced [*sic*] at the Bar in the Colony, I am at a loss to understand why the case has not been prosecuted or brought to a final determination in the Colonial Courts. . . [Perhaps the writ was recalled. The merits of the case are now so well known in Van Diemen's Land that Arthur doubts if evidence could be produced that would induce the court to issue another writ.]

[1169] ARTHUR TO SIR JAMES MCGRIGOR: LB.3, p. 91.

Feb. 14 *Govt. House, Toronto.* [Marked "Private".]

Yr. note dated 4th. September was forwarded to me a few days ago by Mr. Hugh Mc.Grigor.

It will give me great pleasure to be in any way useful to this Gentleman and I will desire a note to be addressed to him to ascertain what his wishes are.

[1170] ARTHUR TO SIR JAMES MCGRIGOR: LB.3, p. 91-92.

Feb. 14 *Govt. House, Toronto.* [Marked "Private".]

Circumstances of a very peculiar nature have led me to feel very desirous that Mr. George Grasett should get a Commission in the Medical Branch of the Army. The Govr. Genl. feels the same, and whilst I have written officially, Mr. C. Poulett Thomson has written privately, to Lord John Russell begging that he will kindly interest himself in the matter with the Horse Guards. The difficulty in our way is—that Mr. Grasett, altho' *essentially* in a high degree qualified, is not so *formally* & we are sadly afraid that our endeavors may thereby prove fruitless. All I venture to beg of you is—to be as merciful as you possibly can, & contribute in this matter your aid towards "Settling the Canadas".

Lt. Col. Airey I find by the accompanying letter has volunteered to be of any service.

My Despatch, with all the Documents wh. accompany it will no doubt be referred to you; but, in the mean time I beg to enclose a copy of the Memorial with a few of the Papers—entertaining the hope that, if any thing can be done Mr. Grasett may be appointed to the vacancy which I hear is likely to occur immediately in the 65th. Regt.

[Enclosures lacking.]

[1171] ARTHUR TO [JOHN] MONTAGU: Df. A.L.S. 2p.

Feb. 14 *Govt. House, Toronto.* [Marked "Private".]

I have received your very short note of the 15 Decr and, although I have literally but a moment, I must let you know that I have received a Dispatch from Lord John Russell with a Mass of Extracts of Papers transmitted to the Colonial Office by Sir Geo Stephen in the case of Loane. I would send you copies of the Extracts, but it is impossible to get them ready in time. Copy of my reply, however, is enclosed for your perusal. This originates with your friend the Judge in New South Wales & He seems to have communicated to his Cousin George all his own bad feelings. I have given my recollections of the matter & hope you will think that they are correct & conclusive.

You will, no doubt, be, some way or other, mixed up with the affair, which has been your fate for some years past. What a plague Alfred Stephen has been to me!

The Governor General who has been Here for two months returns to Lower Canada Tomorrow—

We have continued on the best possible terms and considering Himself in fact—though not in name—still one of the Ministry He has frequently adverted to the great obligations the Government are under to me & to my claims upon them in the event of the Union taking place.— In the event of Halifax being vacant I shd. like to go there—but, that is uncertain, & I am not sure that my return to London would not be, at all events, of much service.

My Expenses Here have been very great—and, in the event of returning to England in the Summer, I shall want to be in funds. Will

you mention this to Mr Hamilton to whom I cannot now write & say that next week I will send Bills of Exchange for £3000—to be drawn & deposited with my Bankers so as to put me out of trouble & anxiety in that way—

I have not another moment. . .

P S My great anxiety at present is to put you in possession of the Copy of my Dispatch.

[Enclosure referred to is probably item 1168.]

[1172] ARTHUR TO RUSSELL: LB.3, p. 92-93.

Feb. 14 *Government House, Toronto.* [Marked "Private".]

The accompanying note from Mr. Thomson was to accompany an official application from myself respectg. Mr. George Grasett— I have accordingly this day addressed a Despatch to Your Lordship upon the subject marked "Separate".—

The Governor General independently of what I said in my note to him, is aware, & will no doubt inform Your Lordship why at this moment it is politically of some importance to do something for Mr. Grasett, & as I understand it is likely that there will be a vacancy in the 65th. Regt. at present stationed in this Province I hope it may be possible to arrange Mr. Grasett's appointment to that corps.

[Enclosure lacking.]

[1173] ARTHUR TO SIR R. D. JACKSON: LB.5, p. 53-54.

Feb. 15 *Government House, [Toronto.]*

With reference to my note of the 11th. Instant, I beg to inform you that I offer my opinion upon the proposed disposition of the Troops with great hesitation because I do not know all the circumstances under which the disposition is proposed—but, as you kindly wish me to do so, I venture to mention that, if it can be avoided, it is undesirable to move the 85th. Regt.

This Corps has been for a very long time separated, and the Companies stationed at Sandwich and Windsor have suffered severely from the low Fever so prevalent on the Western Frontier, and I do not know any Regt in this Command that more requires to be brought together and to repose! For this purpose London is an admirable quarter[.]

Lt Colonel Booth 43rd. Regt is expected out early in the spring. In the event, therefore, of the 85th. Regt remaining at London, and of Colonel Dundas getting leave which I believe he expects, Lt Colonel Booth will be the senior officer in the Western District, and a better officer could not be placed there. The 34th. Regt has also suffered very much from the fever in the West, and it may be worth your consideration, perhaps, as there is a good deal of Marsh Miasma occasionally at Kingston, [whether] it would not be more desirable to send a Wing of the 32nd. there. The men of the 34th. will for another year be very liable to relapse. I am sadly afraid that the 93rd—though one of the best Corps we have—will desert upon an extensive scale but this cannot be avoided—they must of course take their tour of Frontier duty.

On Monday I will forward to you the copy of a Letter and its enclosures which I have just addressed to the Governor General respecting

Militia—in the mean time, I wish to say, in answer to your enquiry upon the point, that the militia might very well occupy Sandwich and Windsor.

This will enable you to keep two Corps together at London which in this Province is of the greatest importance—provided you can consent to build Huts at London for another Wing. There is plenty of Wood upon the spot, and all that is *necessary* may be done at a small expense.

The Governor General proceeds East on Monday morning, and, I believe, altogether pleased at the result of his expedition.

[1174] ARTHUR TO THOMSON: LB.5, p. 52-53.

Feb. 15 *Government House, Toronto.*

I enclose Colonel Love's letter with the report from Lieut Perriott[1] respecting the five American soldiers who landed from Fort Gratiot in search of a Deserter. It appears the Deserter had committed a Robbery upon one of his Comrades, and this excited the soldiers beyond all bounds, and betrayed them into the great impropriety they committed.

Col Love, as you are already aware, relying upon the statement of Major Gardner (Commanding at Fort Gratiot) that the men had acted entirely without orders, directed the soldiers to be immediately sent back to their Post.— I did not approve of this Course of proceeding, until a report had been made to Govt, but it seems to have had the best possible tendency, and the officers and respectable people at Fort Gratiot and at Detroit appear to be highly gratified at the promptitude with which the soldiers were permitted to return to their Country.

I enclose also a letter from Colonel Love for your perusal—the extract from Major Gardner's is written in a good spirit—he is one of the best officers in the States.— Still you, will, perhaps, think it well that Mr Fox should sound in the ears of Congress what a grave offence has been committed, & how readily it has been forgiven.

[Enclosures lacking.]

[1175] ARTHUR TO THOMSON: L. 7p.

Feb. 15 *Government House, Toronto.* [Marked "Copy."]

Referring to the communication which I did myself the honor to address to your Excellency on the 22nd. Ultimo, respecting the Militia Force, Clothing, and Equipment required for the service of Upper Canada, I have the honor to state that the opinions which I therein expressed have undergone no change in any respect; and should your Excellency concur generally, it is necessary to ascertain what number of the men now employed are willing to enter into an engagement to extend their services.

I have considered the subject upon the conviction that a precautionary or defensive force should be maintained upon the lowest possible scale to effect the object desired.

The accompanying Memorandum [marginal entry here reads: "No.1"] contains the suggestions I would recommend for the reduction of the present force on the 30th. of April next; and for the establishment of the Force to be retained after that period.

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[1]Spelling is "Perriot" in item 1136. Probably same person as Lieut. Perrier, mentioned in item 1186.

Your Excellency will perceive that I propose to retain
Five weak Corps of Incorporated Militia,
One Company of Coloured Men,
One Troop of Cavalry.

The whole constituting a force of 87 Officers of all ranks, and 1777 Noncommissioned Officers and men, being a reduction of about one half of the present force with a diminution of expense considerably greater in proportion.

If an augmentation of strength should be required, those Battalions already well drilled might be doubled by Volunteers from the Militia, giving a force in round numbers of about 3200 Bayonets.

Should events require a still larger force those Battalions might be divided, and then being augmented by a further equal body of Volunteers from the Militia, a force of 6400 Bayonets would be given to the Country that might be rapidly brought into an efficient state; and all the excitement, and bad feeling, and great increase of expense too, occasioned by the sudden formation of new Corps, as was the case last Winter, and during the Winter of 1837, would be avoided.

By the same process, the 6400 men might be doubled; and as this large armament would never be required except under circumstances of pressing emergency, it may be hoped that men would again come forward voluntarily, as they have always done in Upper Canada; and the most objectionable of all measures—that of raising a force by ballot,—would be avoided.

With respect to the Cavalry, I understand it is not the intention of the Commander of the Forces to augment the Regular Cavalry in the Upper Province. It would be very desirable, therefore, to retain on Service three Troops of the Provincial Cavalry: One for the Western District; one for the Eastern District; and one for the Home District. But, as, under the most economical arrangement, it is an expensive Arm, I have at present proposed to continue only one Troop after 30th. April, leaving it open to propose a further augmentation hereafter, if circumstances should appear absolutely to require it.

To the advantage of employing Provincial Cavalry, as a mere question of expense, I have given much consideration, and I beg to enclose a Memorandum [marginal entry here reads "No 2"] upon the subject.

Your Excellency will perceive that; on the terms on which the Provincial Cavalry are at present engaged, the comparison is in favor of the Regular Cavalry; but, under any new arrangement, from the experience now acquired, I consider that the Horse Allowance may be reduced from 2/6d to 1/6d per diem which will give a result rather in favor of the Provincial Cavalry.

I also enclose a Requisition for Clothing [marginal entry here reads "No 3"], and strongly recommend that one half at least may be sent out on the very first opening of the navigation, in order that we may have the means of clothing the force which it is proposed to continue after the 30th. April. The expense of all Military Equipment in the Province has hitherto been enormous, Certainly, last year, it occasioned an excess of at least one third, which upon a large expenditure, becomes of very serious importance.

[The above, together with the following enclosures, is attached to item 1127.]

[*Enclosures:*]

[1176] [*1840*]
[*c. Feb. 15*]
F[REDERICK] HALKETT: M. 16p.

No. 1

Memorandum relating to the strength of the Militia of Upper Canada proposed to be retained on service after 30th. April 1840.

It is proposed, after 30th. April next, when the term of Service of the Militia now embodied will expire, to dispense with the services of all the Independent Companies, of the Artillery Company at Kingston, and of all the Troops and Detachments of Cavalry with the exception of the Troop of Dragoons at Toronto.

The reduced Force would then consist of,

The five Incorporated Battalions, stationed (Head Quarters) at Chatham, Niagara, Hamilton, Kingston and Cornwall.

Of the Coloured Corps on the Niagara Frontier formed into one Company.

Of Major Magrath's Dragoons.

It is suggested that each of the Battalions should be reduced to the following Establishment viz.

1 Lieut Colonel (or Major) Without Command Money
1 Adjutant and Acting Quarter Master
1 Paymaster
1 Surgeon
4 Captains
4 Lieutenants
4 Ensigns
1 Serjeant Major
1 Quarter Master Serjeant
12 Serjeants
16 Corporals
4 Drummers
288 Privates.—

That the Establishment of the Coloured Company be,

1 Captain
2 Lieutenants
1 Ensign
4 Serjeants
4 Corporals
1 Drummer
96 Privates.—

That the Cavalry should consist of,

1 Captain
1 Lieutenant
1 Cornet
3 Serjeants
3 Corporals
1 Trumpeter
50 Troopers.—

amounting altogether to

1777 Men, with
87 Officers of all ranks.

There are now embodied about—
3377 Men, with
168 Officers.—

A reduction would therefore be effected of about one half of the present force.

The diminution of expense, however, would be considerably greater in proportion, as the most expensive force, the Cavalry, now numbering

372 Men, with
18 Officers,

would be reduced to

57 Men, and
3 Officers

No. 2

Statement No. 1

The comparative Expense of a Troop of Regular Cavalry and of Provincial Dragoons with three Officers and forty eight Troop Horses for one year, shewing the Items of expenditure in which the two Services vary, for the *first* year.

Regular				*Provincial*
A. 205.. 6.. 3....	1. Pay.....	60.. 0.. 0
B. 129.. 5.. 0....		
—.. –.. –....	2. Rations.....	371..10..10½
117.. 0.. 0....	3. Contingent Allowance ..	14.. 0.. 0
88.. 2.. 6....	4. Clothing.....	—.. –.. –
A. 1248.. 0.. 0		
B. 37..10.. 0	5. Horses	*1625.. 0.. 0
C. 120.. 3..10½		
1710.. 0.. 0....	6. Transport from England &c....	—.. – .. –
£ 3655.. 7.. 7½		£2070..10..10½

Shewing for the first year a balance against the Regular Cavalry of £1584..16..9.__

*Horse Allowance at 2/6 per diem[.]

Note—

Arguing upon the popularity of the Cavalry Service, no charge has been made for Bounty for the Provincial Cavalry;— but, supposing a Bounty to be necessary—say of £2—a man— the Balance against the Regular Cavalry would be reduced by £96 only.

Statement No. 2

— during the second and succeeding years

Regular			*Provincial*
A. 205.. 6.. 3....	1. Pay.....	
B. 129.. 5.. 0.....		60.. 0.. 0
—.. –.. –....	2. Rations	371..10..10½
117.. 0.. 0....	3. Contingent Allowance..	14.. 0.. 0

	14.. 5.. 0....	4. Clothing.....	—.. – ..–	
A.	37..10..			
B.	120.. 3..10½	5. Horses.....	1625.. 0.. 0	
C	112..10			
	427..10.....	6. Transport from England &c....	—.. –.. –	
	31.. 5.. 7....	7. Pensions.....	—.. –.. –	
£	1194..15.. 1½			£2070..10..10½

Shewing for the second and each following year a balance against the Provincial Cavalry of £875..15.. 9[.]

Statement No. 3

Suggestions for a reduction of the Expenses attending a Troop of Provincial Dragoons, and shewing result of the same, if carried into effect—in comparison with the Regulars.

There are three Officers to each Troop in the Regular Service

Two officers might be sufficient with the same number of Horses (48) in the Provincial Service, effecting a saving of the Cornet's pay viz—£146 per annum

The present Horse Allowance is 2/6 a day. It might be reduced to 1s/6, effecting a saving of £650 per annum[.]

Statement No 1 would then stand thus:

Regular		*Provincial*	
£3655–7–7½		£2070–10–10½	
	minus	796–..–..	being the reduction as above
3655–7–7½		1274–10–10½	

Shewing for the first year a balance in favor of Provincial Cavalry of about £2380–16–9[.]

Statement No. 2 would then stand as follows:

£1194–15–1½	1274–10–10½

Shewing for the second and succeeding years a balance in favor of the Regular Cavalry of about £79–15–9[.]

In point of fact, however, assuming these two last Statements to be correct, there will be a saving on the side of the Provincial Cavalry for about the first thirty years, without taking into consideration the interest upon £380..16..9 being the excess of expenditure on the side of the Regular Cavalry for the first year.

Explanatory Remarks

Regular	*Provincial*
The sums under the Head of "Regular" are partly taken from a Return furnished by the Paymaster of 7th. Hussars see accompanying copy	

Statement No. 1

No. 1 A. This item arises from the 9 dismounted men borne on the strength of a Regular Troop[.]	In the Provincial Cavalry, there are only as many men as Horses.
No. 1.B. This is the proportion for one Troop of the Pay of Field and Staff Officers, involving also an expenditure on account of Rations, Forage, Mess Allowances, Hospital and Medicines[.]	The only corresponding expenditure for the Provincial Cavalry viz for Medical attendance, including Medicines, is likely to be covered by £60 a year; except in Garrisons, where the Surgeons of the Line or embodied Militia afford Medical aid without any expense, save that for Medicines.
	No. 2. The Provincial Troops are not put under stoppages for Rations. This is the amount of Ration Stoppages for 3 officers and 48 men.
No. 3. This item, £117— includes the allowance in lieu of Boots and Spurs flannels &c which is yearly decreasing.	No 3. About £14, comprising the expenses of Stationery, Postage, and Repair of Arms, has been found to be about the average charge throughout the Province.
No. 4. This is the Allowance for Winter Clothing the first year[.]	No. 4. No extra Allowance has hitherto been granted to the Provincials for Winter Clothing.
No. 5. Comprising A. The purchase of 48 Horses at £26 each, the price allowed by Regulation[.] B. The yearly interest upon this sum. C. Farriery[.]	No. 5. The allowance of 2s/6 per diem renders unnecessary the purchase by Government of say 48 Horses at £26 (Regulation Price) £1248 and includes the expenses of Saddlery and Farriery and relieves

Government from all liability on account of Casualties accidents or deaths except from wounds in action.

No. 6. Computing the cost of an Infantry Soldier drilled and landed at the Capital of Upper Canada to be about £30, and reckoning the same for a Dragoon, although it is probable that the expense in this case is greater. (There are 57 men in each Troop)[.]

Statement No. 2.

No. 4. The allowance for Winter Clothing after the first year is 5s a man.

No. 5.C. Being on account of Wear and Tear of Troop Horses cast and sold and purchasing others.

This item is likely to encrease with each succeeding year, and would probably be much greater, were the Regulars detached as the Provincials have been.

No. 6. Taking the expenses of relieving officers and men, of Transfer, Recruiting and such like casualties to amount annually to $\frac{1}{4}$ of the sum of £1710— (see foregoing Statement)[.]

The foregoing Remarks shew that there is some difficulty in reducing the comparative Statement to Figures, in venturing which, I can at most expect to arrive at an approximation, and there are also other expenses to be taken into consideration respecting which I am unable to give any Statement in Figures, the principal of which are

The cost of Saddlery and Horse Furniture

Transport of Horses from England

The Horse Allowance provides for these expenses.

The particulars of expenditure on account of the Provincial Cavalry being accurately known, and not subject to variation from year to year, *every* item of expense attending them has been considered in these Remarks;—not so, however, as regards the Regular Cavalry concerning which I have not the same information.

(Signed) F. Halkett
A.M.S.

[1177] *1840*
Jan. 20
C. McCarty: M.

A Return of the annual expenses of four Troops of the 7th. (The Queens Own Hussars) in Canada

Montreal 20th January 1840[.]

	£	S	D
Pay of officers	4371	17	11
Pay of men	5970	9	1
Contingent Allowance	431	4	
Ordinary charge for Farriery	112	5	
Extra Do — Do	368	10	6
Forage for Officers & Troop Horses	4617	5	
Officers Rations; beyond what they pay and defrayed by the Public	190		
Men — Do — Do	1423	5	
*Winter Clothing for the Men the first year	352	10	
Wear & Tear of Troop Horses cast & sold and purchasing others	450		
Men discharged with Pension	125		
Wood for officers and men	600		
Lodging money for officers when not occupying Barracks	850		
In Lieu of Boots & Spurs flannels &c	36	13	1½
Total	£19898	19	7½

* An annual allowance of 5s/ per man for the Repairs of Winter Clothing the 1st. of October.

(Signed) C. McCarty Captain
Paymaster 7th.
Hussars[.]

[1178] *1840*
Feb. 15
Richard Bullock: M.S.

No. 3.
Return of Clothing &c, required for 10,000 Infantry Militia of Upper Canada; viz, 500 Sergeants, 120 Drummers and Buglers, and 9380, Rank and File.

Toronto, Upper Canada, 15th February, 1840.

[This is a table showing 30 each of "coatees", "trowsers", caps, forage caps, swords and belts, sashes for staff-sergeants; 470 of each of these for sergeants; 120 each of coatees, trowsers, caps and forage caps for drummers, fifers, and buglers; 9,380 of each of the same for rank and file; 10,000 each of "knapsacks & straps with tins complete for all ranks", "stocks & clasps for all ranks", haversacks; 10,500 Boots for all ranks; 30 bugles. In a column headed "Remarks" is entered: "Cloth red, Facings Blue, Lace White, Buttons with VR surmounted with a Crown (with the words round) Upper Canada Militia." There is a footnote which reads: "10,000 Great Coats". The table is signed "Richard Bullock Adjut. Genl Militia".]

[1179] C. A. HAGERMAN TO ARTHUR: A.L.S. 2p.

Feb. 15 *Toronto.*

I this day took the oaths and assumed my seat, as one of the Judges of the Court of Queens Bench in this Province—and thus terminated my political career.—

In my last conversation with The Governor General, I felt it due to myself to mention that but for an (unintentional) act of injustice—admitted to be such by the Secretary of State, I should at this moment be the Senior Judge in the Province, instead of the Junior—and expressed a hope that this fact in addition to my having filled the office of Attorney General, and other circumstances would be considered as establishing some claims upon the Government, should opportunities hereafter occur for my advancement.—

I further mentioned to The Governor General that it was my intention to apply for twelve months leave of absence from the *first* of May next, and that if Your Excellency should assent to my request, I hoped he would not oppose any objection—and which he very kindly promised me he would not do.—

[1180] THOMSON TO [ARTHUR]: A.L.S.

Feb. 15 [*Toronto.*]

Many thanks— After this explanation I think it better not to write to Fox on the matter. I have more reliance on the U.S. Officers than on their Civilians, and therefore I will not stir the matter at Washington.

It may be as well perhaps if you write privately to Coll. Love to tell him to take an opportunity of telling the officers, Major Gardners kind, that I felt so satisfied with the frank and conciliatory manner in which he met this matter, that I would not even allude to the circumstances in my correspondence with Mr. Fox.

[The above is endorsed "Montreal", but this must be an error. Thomson did not leave Toronto until Feb. 17; moreover the above is apparently a reply to Arthur to Thomson: Feb. 15, item 1174.]

[1181] J. B. ROBINSON TO ARTHUR: A.L.S. 4p.

Feb. 17 *Wandsworth.*

Not many days ago I wrote to Your Excellency by a *packet*, which at this season is likely to have a tedious passage— I do not remember any thing in it that I need repeat here except Mr. Falkner's wish that I would explain to you the cause of his protracted absence—he has been ill with rheumatism—but is now better & purposes to embark in a short time— I corrected also an error into which Your Excellency had fallen in imagining that a number of the Qy. Review contained part of a letter that had been addressed by you to me— So far from it, I had no idea from whom the short letter alluded to was—but have since ascertained & I dare say I need not remind you.— I will only repeat here that you will oblige me by remembering to set me right in this respect with any one to whom you may have *mentioned* the supposed incident— I not only never made public a word written by Your Excellency on any subject, but never for a moment thought of doing so—

The Newspapers give us U C. dates of the 17. Jany.— I have nothing so late by three weeks— The rumor of Your Excellency's

retirement is contradicted by the Govt. on a question asked in the House of Commons—and as to the other names of removals, they may or may not be true— I hardly know on which side the probability lies— The authority is to say the least not satisfactory— Nothing would surprise me—not even the Government being placed in the hands of Mr. Bidwell, with the assent of a Majority of the Legve. Cl. & House of Assembly— If it were only urgently pressed—we should have eloquent speeches in favor of the policy, I doubt not, and except for Sir Francis Head, I don't know who would be found boldly & openly to condemn it— However instead of leaning[?] to what it is melancholy to reflect upon—it is better to forget, so far as we can, the past & to look forward with hope to the future— I can not understand upon what ground any British Subject in or out of Canada can venture to promise himself that the times & scenes of 1825—1829—& 1835 will not return again in Upper Canada, & whenever they do, in what situation will an insulted & defied Governmnt find themselves?— The radicals evidently look forward to that result— Will Ministers suspend the constitution then throughout Canada, as they have been driven to do in LC? They will not dare to do it—& perhaps they ought not—the other alternative will be to submit to whatever a few demagogues enthroned in the Assembly may choose to dictate— I know that the leading Montreal Merchants who are pressing the Union (loyal though they are) feel this to be a very probable result—but for the sake of other advantages which they anticipate they are willing to run the risque—standing ready to cut their cable when the gale comes on, & make for England— No Governor who has ever administered the Govt. in U.C. has any confidence in the Union— I shall hope to the last that Parliament will reject the ruinous scheme—but if it does not—the day is not distant when the Govt. will know whether those were their best friends who by their active cooperation, or their silence assisted them in their infatuated policy, or those who earnestly & openly warned them of their error— Lord Seaton has as decided a dread of the Union as Yr. Excellcy has, & may perhaps make an exertion against it, though I have never asked him whether he intends it—

The Duke of Wellington, I fear, is nearly at the end of his public career—though his attacks are not of the alarming kind reported—not paralytic—but epileptic—they are however severe,—he was four hours in the last fit—there has been an interval of four months between the two—

I expect to embark early in April—. My impression is that the Govt. though they speak of intending a bill next month, will not do so before the Easter recess— I do not expect to see it before I sail—

The object is here, as it has been in Canada, to pass by any means a pre-determined measure—not to examine & reflect cool[l]y & anxiously upon its probable consequence—

[1182] ARTHUR TO SIR R. D. JACKSON: LB.5, p. 54-55.

Feb. 18 *Government House, Toronto.*

The enclosed is a copy of my letter to the Governor General, and the Documents connected with it, to which I alluded in my letter to you of the 15th. Inst.

The view I have taken with respect to the embodied Militia is influenced by the condition of the Sedentary Militia throughout the

country and embraces the best means that have occurred to me for augmenting that force, should it be suddenly required. I have endeavoured to study economy to the utmost degree that is consistent with efficiency!

With regard to clothing and equipment, I can only say that, as a Frontier possession bordering on a growing power, ostensibly friendly, but in reality hostile, it seems to me, but an act of the most common prudence that we should be in a state of preparation at all times.

It must be remembered, in the event of War, that, on the American side they have great resources at hand, whilst we have none!

I shall be out of the Wood myself; but I am not the less anxious on that account, for I regard it to be beyond all doubt that the Americans will attempt to turn us out of Canada whenever they consider they can do so effectually.

There are the most powerful motives that can excite any People always in action; and of all people, the most so, perhaps, the Americans. I apprehend we must always look to doing great things at the beginning of a conflict in Upper Canada—the destruction of Hull's force at Detroit at the first had a salutary influence upon all the succeeding events of the last War in this Country[.]

[Enclosures referred to are apparently items 1175-8.]

[1183] J. F. Love to the Ass[istant] Mil[itary] Secretary [Halkett]: A.L.S.

Feb. 18 *London, U.C.*

As it is possible that an exaggerated statement of an affair which occurred a short time back on the St Clair frontier and in which a soldier of the Volunteer Cavalry and some soldiers of the United States Army were implicated with some of the inhabitants of both frontiers, may have been made to His Excellency, I hasten to enclose you the report and and [*sic*] correspondance [*sic*] which has since taken place on this subject[.]

[An endorsement in Arthur's handwriting reads: "Mily. Secretary Acknowledge—& say I am well pleased that the inquiry was instituted. It should be distinctly ascertained whether the Soldier of the 2nd incorporated Militia received the order *not* to Cross the Frontier. If so, He should be confined & tried for the Offence— if not, the Officer in Command should be required to state why the order has not been explained 21 Feby 1840 GA".]

[*Enclosures:*]

[1184] *1840*
Feb. 4

A. W. Schwieger to Captn [George] Muttlebury: A.L.S. 2p.

Port Sarnia.

I have the honor to report that Private Verral of the Norfolk Troop of Cavalry stationed at this post having asked leave from one untill 8 o Clock this evening, went over the River in Company with some of the inhabitants of this place, not being aware that he was acting against orders in so doing. On returning home they were chased on the ice by a number of Men, some of whom American Soldiers, who were armed

with sticks, and two of the party who crossed Mr. John Gow, and James Hannah of this place, were taken Prisoners and brought back to Port Huron where they were detained as Prisoners for fully an hour by a large party which the notorious [marginal note in Arthur's handwriting here reads: "I never heard of Him before—Who is this notorious Rebel? GA".] Rebel Armstrong, now a constable at Port Huron, appeared to command.

[1185] *1840*
Feb. 7

GEORGE MUTTLEBURY TO COLONEL [J. F.] LOVE: A.L.S. 2p.

Sutherland.

Hearing that an exaggerated report had reached London of an occurrence that took place here—I beg leave to lay before you the following—

One of the troopers stationed at Port Sarnia, obtained leave of absence for the day from the Officer of that Post, and proceeded in company with two civilians across the Ice to the American side of the river— On their return, they were pursued by some American Citizens, and one or two Soldiers, armed with sticks, who made prisoners of the two civilians, and took them back to Black River where they detained them for nearly an hour, under the pretence, that they had attempted to induce some of the Soldiers to desert. I of course reprimanded the trooper for crossing, but am led to believe that he was not aware [marginal note in Arthur's handwriting here reads: "but every Soldier ought to be aware of orders that are issued GA".] of the positive order prohibiting any of the troops here, from crossing under any pretence whatever—

[1186] *1840*
Feb. 12

A. W. SCHWIEGER TO COLONEL [J. F.] LOVE: A.L.S. 3p.

Sutherland.

I have the honor to acknowledge the receipt of your letter of yesterdays date, addressed to the Officer Commanding at Port Sarnia; and, in reply, I beg to state, that on the 4th. inst a Private of the Norfolk Cavalry stationed at Sarnia, asked leave for a few hours; and, not being aware that it was against orders, to cross the River in Uniform, he did so, in company with three civilians. Soon after their arrival at Port Huron, they were followed by two American Soldiers through the town. When leaving the place to recross to our Side, the two Soldiers alluded to were missing and the inhabitants as also some soldiers thinking that our people had persuaded them to desert, followed and made Prisoners of two of the party, Wm. Gow and James Hannah. The Dragoon and a Mr. Jones succeeded in making their escape, but were chased across the ice. The others were taken back to Port Huron, and there detained by the Sheriff, and a party of civilians several of whom are known

to have been engaged in the affair at Windsor, after the space of an hour, they were released, and told at the same time, that they were kept in custody, on suspicion of having entered the village purposely to entice two of their Men to desert.

From the information which I have been able to collect, I do not consider that the slightest provocation was given by the aggrieved party.

Lieut Perrier[1] has forwarded your letter to Major Gardner at Fort Gratiot, and will send his answer to you without delay[.]

[1187] *1840*
Feb. 15

J. L. GARDNER TO COL [J.] F. LOVE: A.L.S. 3p.

Fort Gratiot, Mich., U.S.

Immediately on the reception, yesterday evening, of your communication of the 11th ins I sent it with its accompaniments to the Attorney of the District, for such action in the case, as might to him appear proper— In my note to him, I stated that your's [*sic*] was the first notice I had received of any such occurrence—and as the scene of it, was laid at his own place of residence, the circumstances might be readily gathered by himself. His answer and the affidavit it enclosed, are herewith sent you (in copy) and I think will not fail to satisfy you that the transaction in its offensive features should now be reversed, and the complaint of aggression proceed from this side of the River[.]

I am glad to see from the letters you enclosed, that a positive order has been issued on your side, prohibiting any of your troops from crossing to this, under any pretence whatever—(unless, of course I suppose, under orders of a commissioned officer)— A like order has long existed for the government of our troops[.] The effect of this reciprocal arrangement is effectually to obviate such occurrences as that in question, so far as the soldiers may be concerned—and is it not plain that this soldier's participation in this difficulty—no matter what may be its real merits—is entirely owing to his violation of this highly important standing order of his own Service?— As to the extraordinary supposition of Captain Muttlebury and Lieut Schwieger, that the soldier was *not aware* of the existence of such an order, however true it may be, it certainly cannot be urged in extenuation of his misconduct, as a valid plea on this side of the boundary, however properly it may operate in mitigation of his punishment for a breach of discipline, on your side[.]

As to the "civilians" (private subjects) it is plain that in crossing into this country, they place themselves in like circumstances, as would our citizens, in crossing into Canada— that is, they become subject to, and entitled to protection from, the laws of the Country in which they are for the time being— If therefore they feel aggrieved by the treatment

[1]Probably same person as Lieut. Perriot mentioned in item 1136, and Lieut. Perriott in item 1174.

they received at Port Huron, they are at perfect liberty to return and prosecute for false imprisonment, those whom they accuse—and if they are conscious of not having sought the desertion of my men, they will not be afraid to meet my prosecution against them, for that Offence[.]

I beg to repeat to you, the assurance of my hearty concurrence in your views and endeavours for the preservation of peace and harmony on this frontier, both between the citizens and soldiers—and that you may count upon my best exertions to this end[.]

[1188] *1840*
Feb. 14

L. M. MASON TO MAJOR [J.L.] GARDNER: L. 2p.

Port Huron. [Marked: "Copy".]

Your note of yesterday, covering a communication from Col. Love Commanding the British forces on the opposite side of the river, was duly received, and would have been answered by Lt. Irvin last evening, but, as I know but little of the "Outrage"—, complained of, I judged it best to accompany my answer with an affidavit of some one of our citizens who was conversant with the facts.— Therefore I delayed till this morning.

You will see, that Mr. Davis testifies, that instead of the American Soldiers chasing the citizens and Trooper of Canada across the ice with Sticks &c. as was supposed by Col. Love, they were in fact in Company with the Citizens of Canada under circumstances that induced our Citizens to believe that the Soldiers were about being induced by the Citizens of Port Sarnia to desert the American Service.

I am informed by Mr Davis and others who were present, that no violence was used to induce the citizens of Port Sarnia to return— I am therefore satisfied there was no infraction of the laws that requires the notice of the Civil Authorities.

Mr Davis and others, at the time of the occurrence complained of, supposed they had a legal right to detain the Soldiers who were about to desert, and those who were persuading them to do so, and called on me that evening to obtain my Opinion in relation to the matter, & stated the circumstances substantially as set forth in Mr D's affidavit— I advised them not to detain the Citizens of Port Sarnia a moment, but to take the Soldiers to Fort Gratiot & report the facts to yourself[.]

I apprehend the affair has been Magnified beyond its merits.— Our citizens acted only with a view to prevent American Soldiers from deserting, and had no disposition to interfere with the rights of the Citizens or Soldiers of Canada—

You may assure Col. Love, that acts of aggression committed by our Citizens or the Citizens of Canada will in no wise be countenanced by the Civil Authorities here.

[1189] *1840*
Feb. 14
WELLINGTON DAVIS: M. 3p.

St. Clair Co., [*U.S.A.*] [Marked: "Copy".]

I Wellington Davis of Port-Huron St Clair Co. & State of Michigan of lawful age depose and solemnly swear. That on the 4th day of Feby. A.D. 1840, a Trooper with three or four Citizens from the Canadian Shore, were, during the afternoon of said day in Company with two of the American Soldiers from Fort Gratiot, at Port Huron, occasionally drinking at the different taverns and groceries at that village. That at about Seven O.Clock in the evening of said day, I saw one of the Canadian Citizens in conversation with the two Soldiers of the American Garrison. I then heard the Canadian Citizens or one of them say to our Soldiers "dont talk any more but come along." that the two American Soldiers, together with the Trooper & Citizens from Canada proceeded to the South part of the village of Port-Huron towards the place where it was then usual to cross the St Clair River into Canada, I further Swear that I had every reason to believe from the conversation I had heard between the American Soldiers and the Canadian Citizens and from the fact that all in company were about to pass over to Canada so late in the evening, that the Soldiers were about to desert the American Service, and that they were perswaded [*sic*] to do so by the said Citizens from Canada— I further Swear, that I together with three or four other Citizens of the Village of Port-Huron, followed after the Soldiers and the Canadian Citizens and Trooper, till we all were satisfied of the intentions of the Soldiers to desert in company with the Citizens of Canada—when we arrested the Soldiers—the Canadians immediately fled to the St Clair River, we then followed and overtook two of the Canadian Citizens & told them to come back that we believed they were endeavouring to persu[a]de our Soldiers, and wished to be satisfied on the subject.— The Canadian Citizens then said, "The American Soldiers *wished* to desert, but they had advised them not to do so—the two Canadian Citizens then came back to the Village of Port-Huron and remained about half an hour and went away.— I further Swear that no Soldier, Trooper or Citizens from Canada, was chased or followed with or without Sticks, by any American Soldiers—that the Soldiers were arrested by us because we believed they were about to desert the American Service and the two Canadian Citizens were told to come back by us, because we believed they had induced the Soldiers to desert—

I further Swear not.—

Sworn to & subscribed before me this 14th day of Febry. A D 1840.
(signed) L. M. Mason
Justice of the Peace
St Clair Co.

(signed) Wellington Davis

[1190] ARTHUR TO J. T. W. JONES: LB.2, p. 150-151.

Feb. 19 *Government House, Toronto.* [Marked "Private".]

I mentioned to you, I believe, that I had requested the Governor General to notice the service you had rendered to this Government to Lord John Russell with a view to your name being brought under the notice of the General Commanding in Chief for promotion. Mr Thomson most kindly consented!

I have read His Excellency's Despatch which is all that could be wished, and I enclose a note which I received from him upon the subject which you can retain, if you please. . .

P.S. It would be well, I would suggest, that you should address a note of thanks to the Governor General.

[Enclosure is obviously original of item 1158.]

[1191] ARTHUR TO THOMSON: LB.5, p. 55-57.

Feb. 19 *Government House, Toronto.* [Marked "Private".]

I enclose the Memorandum wh. I intended should have accompanied the map. The observations, it contains, I have no doubt are generally correct as they respect the state of community down to the period of the termination of the Session last year; but, a very favorable change has I hope since occurred.

Yesterday I gave up a good deal of time to the Legacy wh. you so kindly bequeathed to me—the Reports of the Committees! Tomorrow I intend to devote myself to the appendix, & will then decide upon the course to be pursued.

I found a letter in the Provincial Secretary's Box last evening from Mr Radenhurst—first Clerk in the Survey Departmt., insisting upon further enquiry in order that the opportunity may be afforded him of exonerating himself—this, of course, cannot be justly denied.

He has been for years, I believe improperly mixed up with persons of all politics; and if the community do not agree in other matters I understand they have done so very generally in supporting this Gentleman.

My first step, as preliminary to any investigation will be, I think, to put a Military Officer in the temporary charge of the Survey departmt., to wh. it is evident Mr. Sullivan can give *no* attention—or, other important business must be neglected if he does.—

There were also in the Box three Letters from Mr. Dunn, in answer to as many addressed to him, under yr. direction, by the Provincial Secretary. He writes in rather an indignant strain. We must bring him to Book, & I will endeavour to avoid hostilities if I can—but, the misfortune is, that, if any explanation be asked, he is too much disposed to regard it as an affront—a doubt of his integrity!

I have not seen Mr. Sullivan since yr. departure, &, consequently, I do not know how you finally arranged matters with him—but, I shall send for him tomorrow to let him know that, as regards the Survey Departmt., we must make some movement without further delay.

The Political world—i.e. of Toronto, I hear, are not only ruminating upon but discussing the events of the last 3 months with intense interest, and I have no doubt there will be an effort to keep this alive until the Elections take place. I regret we did not devote an hour to going thro' the list of members—if I knew exactly yr. wishes I think much might be done, in a quiet way, in promoting them. Of Mr. Solicitor General's

[*i.e.* Baldwin's] success for Toronto I have no doubt whatever— As you have not—I am happy to think—put Mr. Gowan in the Commission of the Peace, you will have him in direct opposition next Session— Would it not be well to consider whether a popular man might not be selected to start agt. him.

The weather during the last two days has been delightful—quite Spring—

We have heard of yr. being at Belleville at 4 OClock on Monday Afternoon—so that you must have gone at the rate of 12 miles an hour. I shall be happy to hear that the adventure has terminated without any broken bones.

We have nothing new from the Frontier, nor any thing later than the 10th. inst. from New York.—

[Enclosure lacking.]

[1192] SEATON TO [ARTHUR]: A.L.S. 4p.

Feb. 19 *Lyneham.*

Although I have no intelligence to send you that will be interesting to you, I can no longer delay thanking you for your letters of the 9th Novbr and 10 Decbr—

Your account of the proceedings at Toronto I read with the greatest interest, but not with astonishment, aware of the tactics that must be pursued to bring forward the Union bill before the close of this Session— No Governor has been placed in a more painful position than you have, from the first act to the last of the Drama in Canada. I think however if I had been so fully persuaded as you appear to to [*sic*] be that the projected Union will cause the ruin of both Provinces, I should have declined giving any assistance in promoting the measure. The Union could not be avoided in a few years, and preparations for that event should have commenced immediately after the tranquillity of the Country had been secured. I think however that Ministers acted unwisely and rashly in announcing that they intended to introduce a bill for the Union at the time they notified their project. The question having been agitated by Government in the Provinces, and the greater part of the English population ready to consent to any measure which affords a prospect of relief from the suspense in which they have been kept for three years, it is obvious that the Legislature of the Upper Province will agree to try any experiment proposed by Ministers. If I had been consulted I should have recommended the immediate adoption of certain measures that might have recovered the Lower Province in two years, before the Union was officially proposed; and those with a scheme for Emigration on an extensive scale would have secured the Province from the effects of the project which is now to be brought forward; and to immortalize the Governor General— Lord John Russell has informed me that he wishes to see me as soon as possible, on Canadian Affairs, expecting perhaps the arrival of the bill from Montreal in a few days. I should be glad to keep in the back ground but, I am determined to give my opinion freely on all the measures which may be brought forward, with which the interests of the Provinces are connected.

I am in correspondence with Sir Wm Horton and several other Individuals who are anxious to promote Emigration to Canada.

The Clergy Reserve question I hear has been carried, in the Assembly—

I shall be most happy to mention your wishes in respect to the Nova

Scotian Government, and to give you any help in my power, either at the Colonial Office or at the Horse Guards. I think that if Sir Colin Cam[p]bell should be relieved Sir James Macdonell and Sir John Harvey would be Candidates for that Government— The Chief Justice Robinson intends to leave England in March. I hope to be in time for the Steam Packet of the 21st inst. . .

[P.S.] Will you have the goodness to forward the inclosure which contains bank notes for Adelaide—

[1193] ARTHUR TO COL. [J. F.] LOVE: LB.2, p. 151.

Feb. 20 *Government House, Toronto.*

I am perfectly convinced that Captain Vidal has adopted an extreme version of the case of the American soldiers; and I quite agree with you in opinion that such excitable people do infinite mischief. Not the least doubt do I entertain that the men acted upon the impulse of the moment, and pursued the Deserter without any orders from their superiors, or, indeed, without reflecting that they were doing wrong.

I have been very much pleased with reading the extract from Major Gardner's Letter to you. He writes exactly in the spirit which I have been most desirous to cultivate with the officers of the United States Service.— Do take occasion to let him know that his sentiments were communicated to the Governor General who expressed himself highly pleased with them, and also be so good as to say how much interested I am that the best possible understanding should be cultivated between the officers of the two Services.

It just occurs to me that it would be an interesting Statistic of information, if not practically useful, to examine all Deserters, or other American Soldiers entering our Dominions, with a view of ascertaining what class of Persons they are. I apprehend they will prove to be either foreigners, or our own Worthy Countrymen.

The enquiry should be conducted in a good spirit, and as nationality is my main object, it could be easily managed.

[1194] ARTHUR TO THOMSON: LB.5, p. 57-58.

Feb. 22 *Govt. House, Toronto.*

In Yr. Excellency's letter of the 15th. instant, respecting the Militia &c. after having remarked that you entirely concur in the view taken by me on the subject, the following observation occurs "In the mean time, as it will be necessary to enter into arrangements for the continuance of the services *for the year* of such Militia as we propose to retain in the Upper Province, I have to request that Yr. Excellency will be good enough to take proper steps for carrying these intentions into effect".

Your Excellency will find that my proposition was that the services of the Militia to be engaged after April next should be for *two years*— I think the same period was named by Sir R. Jackson for the Lower Province—&, I apprehend, it was Your intention to concur in that proposition; but I am anxious there shd. be no misapprehension upon the point.

The terms on wh. the services of the Men can be engaged will be materially affected by the period of service and it is of importance to avoid a double bounty.

[1195] ARTHUR TO THOMSON: LB.5, p. 58-60.

Feb. 22 *Govt. House, Toronto.*

I think you will be anxious to hear from me, altho' I have nothing of particular interest to communicate.

Yesterday I had a long interview with Mr Dunn. He expressed himself disposed to give the most ample explanation that Govt can require, and if such statements of accounts arrive by the "Liverpool" as he expects, they will go far to remove the objections raised by the Committee. He speaks of the public funds as a mere bagatelle which his private fortune will cover five times over.— This is well both for him and for us!

I have also seen Mr Sullivan— He appears satisfied with my suggestion of placing an officer pro tempore, in charge of the Survey Department. I am told that Major Arthur of the 93rd Regt. would be just the man for the work[.] I think I understood Mr Sullivan that he would also wish to get rid, in the same manner, of the office of Commissioner of Crown Lands, and devote himself entirely to the business of the Council; but this requires further consideration, although it is a proposal not to be hastily rejected.

The Patriot of last night, I observe, was out in full force of opposition, the immediate exciting cause of which, it appears, is an intimation from the Commissariat to withdraw it's [*sic*] advertisements— Mr. Dalton, I believe, is a poor creature whose vapouring will not last long unless he is taken up by the Corporation! He has always boasted of the support he has given to British Institutions and British Connexion, but, whatever may have been his intention, I know of no man who has done more harm to that cause throughout my administration. When did extreme coarseness of language and violence of expression do good to any cause?

I hear there is a good deal of feeling among the Members of the College Council respecting Mr Small's nomination as Solicitor, and that it is expected to meet with objection at the Meeting on Wednesday next. He has been too ultra in his way for my mark, and I should not have selected him for the office; but, as you have done so, I shall make it a point to attend the meeting, for the purpose of explaining what I understand by the nomination of the Chancellor!

Mr Harrison mentioned to me the verbal intimation you had given to him respecting Mr Chatterton's removal from the Commission of the Peace— his doubt was how the Instruction, if opposed, was to be carried into effect— I recommended him to act at once without regard to *possible* difficulties.

The only news we have from the Frontier since your departure is an affair that has occurred on the St Clair. It is of no great importance, but I enclose Col Love's report and it's enclosures (be so kind as to return them) because I am anxious you should read Major Gardner's letter with the good sense of which I am sure you will be much pleased.— When I arrived in this country, all the officers of the United States Army were in high dudgeon at Sir F. B. Head's bitter language of defiance.— I think I have succeeded in bringing them under a good feeling, and I am sure you will perpetuate it when I am gone, as a matter of great importance—it will tend to soften the asperities of War, if that calamity must eventually be encountered.

We hear, this morning, with great pleasure and no small astonishment of your safe arrival at Montreal at ½ past 6 OClock on Tuesday Evening.

[Enclosures referred to are apparently items 1183-9.]

[1196] J. T. W. JONES TO ARTHUR: A.L.S. 2p.

Feb. 24 *Drummondville, U.C.*

I had yesterday the honor of receiving your Excellency's letter of the 19th inst. with its enclosure, and in return have to offer my most sincere thanks for the interest you have shown, and the trouble you have taken in my favor:—the recommendation for promotion was very much more than I expected, or could have ventured to hope for; and whether it succeeds or not, it will be a source of very great gratification to me, to think that you have considered my services worthy of this reward; next also to the promotion it is most satisfactory to know that my name is thus brought before the favorable notice of the General Commanding in Chief.— I have taken advantage of your Excellency's suggestion, and have written to thank the Governor General; and with the warmest thanks to your Excellency for this favor, and for the great kindness which I have invariably received at your hands.—

[1197] THOMSON TO [ARTHUR]: A.L.S. 2p.

Feb. 25 *Govt. House, Montreal.* [Marked "Private".]

No baggage yet—but I have to thank you for your letter of the 22d. which arrived this evening.

Mr. Dunn will, I have no doubt, produce all that is wanted. If Mr. Macaulay who really understands these things well, will have some friendly explanation with him and furnish him with *forms*, he may perhaps remove the chief difficulty which I believe lies in making him understand his own accounts.

I am surprised at what you say of Mr. Small's appt.— It is clearly in the Governor—it was so stated to me at the last meeting, and I was called upon to name a Solicitor. I appointed Mr. Small, Mr. Draper having declined the office upon grounds which I considered quite just, because he has been wholly unconnected with the past management of the College, and because I believe that he will do his duty; and by that appointment I shall certainly stand, let the council grumble as they please. If one half would resign, it would be a good riddance, for the more I reflect on the matter, the more negligent, not to say discreditable their conduct appears to me.

I have no doubt that the Patriot will *continue* in opposition, & perhaps increase in violence toward myself personally. For it's [*sic*] abuses of me, I care nothing, and if that were all should have let it alone; but it is not fair upon the ministry at home that the Patronage of a Colonial Government, such as it is in these matters, should be given to a newspaper which fills it's columns weekly with the most violent abuse *of them*. "Base, imbecile, treacherous, profligate Whig Govt" in large capitals at the head of it's leading articles. I had directed the advertisement to be stopped soon after my arrival, but Mr. Sullivan wished to give Mr. Dalton another trial—that completely failed and ten days before I left, I issued the definitive orders both to him and to the Com[mi]s[saria]t. These people must be taught that the spirit of the Home and the Colonial Govts. is one.

I thought Mr. Chatterton's dismissal had been signified to him a fortnight ago, but I am glad it is at last gone. Justices of the Peace may have what politics they please, and express their opinions with regard to *measures* as they please, but a man cannot under his own signature put

forth the most violent and inciting appeals to one portion of the people and the most bitter abuse of another, as Rebels and traitors, and be fit to administer justice.— I should treat both sides exactly alike in these matters.— I am sure it is the only way to promote peace in this distracted country.

I am much obliged to you for Col. Love's correspondence, which I return. The Gratiot Major seems a sensible and very well disposed man.— I cannot say as much of *our* Muttlebury. Is this the Bill sticking gentleman? Nothing can have been more politic or wiser than the spirit you have created between the American officers and our People. . .

[P.S.] We have snow and bitter cold here.— No news of the Liverpool on the 19th at New York.

[Enclosures are probably items 1183-9.]

[1198] ARTHUR TO J. W. D. MOODIE: LB.4, p. 53-54.

Feb. 26 *Government House, Toronto.*

I beg to acknowledge your letter marked "Private" of the 22nd. Inst— written under the impression that Mr Parker had made some representation to me to your prejudice.

In reply, I am happy it is in my power to undeceive you—Mr Parker has not made any communication of the kind directly or indirectly, of which I am aware.

For the valuable information your letter conveys I am much obliged to you; and I am much pleased with your very sensible reflections. At your convenience, I shall be very glad to hear from you upon the subject of immigration, and the means of facilitating the settlement of the Wild Lands—the most important and the most difficult we have to deal with in Upper Canada.

With respect to your office, I hope it is agreeable to you; and, as to your loyalty and attachments to British Institutions, it was unnecessary for you to say one word— I took it for granted that you must possess both, or you would not have been the husband of Mrs Moodie, for whose situation I felt so deeply interested that I was quite mortified it was not earlier in my power to confer some appointment upon you[.]

[1199] ARTHUR TO COL: [J. F.] LOVE: LB.2, p. 152.

Feb. 27 *Government House, Toronto.* [Marked "Private".]

Sir Richard Jackson a short time since wrote to me respecting the Military Changes during the spring—informing me that the movements announced by the Dy Qr Master General were rather those *proposed* for my consideration than decided upon. Will you be so good as to let me know whether you have heard anything from England *decisive* respecting the relief of your Regiment this year. I am aware that it has been proposed to send home four Regiments in exchange for the same number from the West Indies—but these arrangements are subject to frequent interruptions and I should be glad if you would let me know whether you have anything upon which you can depend from your agent. For, if the 73rd. Regt are not to leave the Canadas this year, surely your services will be more beneficial in the Districts under your command than they can possibly be elsewhere. I fully expect myself to return to England in

the course of the summer, but I am not the less anxious to leave matters as well as I can for the security of the Province.

With respect to any of your soldiers who wish to settle in the Province, I hope, Government will send out some instructions before it is too late. Sir John Colborne pressed it upon their attention and I have urged it upon the Governor General.

[1200] J. B. ROBINSON TO ARTHUR: A.L.S. 8p.

Feb. 27 *Wandsworth, Surrey.*

My Son arrived last evening, having landed at Cork, in consequence of adverse winds, & travelled through Dublin & Liverpool to London— He tells me that he believes Your Excellency intended to write by the bag, brought by Capt. Pringle—& not yet arrived— The Capt. took his passage in the London Packet Mediator, which is still baffled in the Channel, I suppose—by a succession of Easterly winds— I can add little or nothing to the intelligence that will reach you through other channels— Every thing that regards Canada, is so absolutely in abeyance at present, waiting for the Govr. General's final report, that up to this time, it is from the West only, that interesting intelligence could come— How long Ministers here may wait after receiving their final accounts from Canada, before they introduce, or announce any measure, is of course uncertain— If they should desire some weeks' delay—It would not seem gracious, or reasonable to object to it— The bill I suppose will be framed in Canada, leaving some of the fillings in, & the last finish to be given by the Cabinet & Her Majestys law officers, & it seems to me not unlikely— though I have no ground for my surmise, that Mr. Stuart may come over to give his assistance.

You will observe that Ld. J. Russell being questioned in the House lately said that he hoped to be able to bring in a bill in March— In that case I should see it, before I embark—but I hardly expect this— In the midst of every apparent confidence, & kind expressions both written & verbal there is an evident impatience to see me safely beyond the unfavorable influence of this humid climate—but I have been found provokingly dull and unable to comprehend a hint— I should have been less so I think, especially after having published my sentiments upon the Union bill—if I had not had a very strong disinclination to expose my large family, & young Children, to the probable inconveniences of a winter passage— As it now stands, I mean to embark in a sailing packet from London—on the 7. April—leaving Portsmouth the 10th.— I shall ask for no leave beyond, and none will be offered to me— If in the mean time I learn the particulars of the intended bill, I shall say plainly what I think of it—

Your Excellency must have had a most painful part to act since October last— All parties in Canada who desired to give an honest vote on questions of the very greatest consequence to the Province, are fully sensible how much they owe to your earnest interference in their favor— It was certainly a state of things very difficult for a man of generous & honorable mind to encounter with credit, & *impossible*, I should say, for those who were situated as some were to meet in a measure that could satisfy themselves & others— Nothing is more clear than that the Government has a right to the co-operation of it's [*sic*] Executive Officers— I mean it's high & principal officers—and in questions of political expediency merely such as the Union of the Provinces, there was

strictly no other course open to Crown Officers & Executive Councillors, but to hold their offices & support the Govt., or to resign, & oppose them— But nothing would have been gained by the latter course, except the satisfaction of mind to the individuals themselves I fully believe— And they should be left, I think, to make their choice, without censure— The practice of public officers in all Governmnts justifies it— The Clergy Reserve question is a different matter—there if the individual felt it to be a matter of duty not to be instrumental in sacrificing a legal provision intended for the support of what he takes to be the true religion, he might well hold himself to be unable to compromise that duty—the alternative to be sure is a sad one, if losing a situation for which all other interests & prospects had been abandoned—& a considerate & just Governmt would subject no one to it— Clearly a Tory Governmt, as it is the fashion to speak, has never so governed it's Colonies—but we know & expect that a less liberal course will be constantly taken by those who *call themselves*, liberal— If I had or could have had any idea (in October) of what was to take place in Novr. & Decr., I should have gone out—but I should at this moment deeply regret that I had done so—for I could never have convinced myself afterwards that I might not have been of service here, while on the other hand, I have not a shadow of doubt that I could have done nothing useful in Canada, at such a crisis— As to changing Mr. Thompson's [*sic*] plans & policies—that I am sure I could not have done—for nothing that has been done in these matters by Lord Gosford—Ld Durham—the present ministers, or Mr. Thompson, depends in the slightest degree, in my opinion, upon their respective conviction of what was true, or right—or even expedient, in any other sense than expedient for surmounting the difficult Canada question— After looking at dangers & difficulties all round, they fixed upon the union as the policy likely to be best supported here & in the Colonies—& without determining whether it wd. be best or safest—the conclusion that it might be easiest carried has determined the choice— Of course I should have been listened to patiently for two or three interviews, & as soon as it was ascertained that no motives were likely to prevail with me except the chance of answering my objections soundly—I should have been th[ou]ght of no more—except as a prejudiced & impracticable opponent of the Governmt—& an opponent I must have been to an extent & in a measure (for I hold no executive office) greater than any other person seems to have been—for I confess that nothing would have restrained me from moving a strong & warm remonstrance against the shameful dispatch of the 16 Octr., if I had known that I must have stood alone— The Legislature of Upper Canada should have had one person at least that would have done what I know a majority would have done in times which I have seen— Not that there is nothing in that dispatch, which the Governmt were not entitled to say—but there is much that is neither constitutional, nor just, nor warrantable in any sense—& the time & manner, & purpose of it's publication should have roused a feeling that would have made itself respected— I look upon the Legislature as degraded beyond redemption by its tame submission to that dispatch— But I firmly believe that attempting nothing (as I never have done) except through open discussion in my place, I could not have prevailed, & if I could still it would have been only in the Council, and I am sure you know well that it is only when the vote of the Council coincides with what the Govt. here desires, that their acts or representations are regarded as worthy of a th[ou]ght in the Colonial Office— Now sanctioning as

they do the Govt. plan, their opinion will be treated with great respect—if their Nays had "had it"—we should have heard nothing of the Council— The Assembly would have been alone regarded as of any moment—

My brother William tells me that Your Excellcy has been good enough to intimate to him in confidence that the open & uncomplying part he took was probably looked upon & might be represented as affording a proof that he spoke my sentiments—& might subject me to the imputation of acting a double part—God knows—I may be easy on that score— If I am on even decent terms with the Governmt here, it is not because I have in th[ou]ght, word, or deed acquiesced in their policy as regards Canada— They know much better than that— When I asked for an extension of leave last Autumn I stated expressly that I was quite certain I could never bring myself to support their measure—& only the other day I wrote to Ld J R. that I should to the last moment cherish the hope that Parliament would see the necessity of rejecting his measure— I could only have acted a double part by *supporting* the Union in Canada, & I believe I am free from any suspicion of that—

I can not yet guess what may be the result here— All appearances are in favor of an Union— You have the Governmt—with even the extreme radicals—all who vote for them on any question in favor of it—Ld Durham & his connections—Ellice & his—warm in the cause—with a clever portion of the press to back them— then you have the interest of London Merchants diligently exerted—and these may influence several conservative members—possibly all— then what is really stronger than all else—you have the British population in L C.; & the Legislature (& they may say without means of contradiction—the people) of Upper Canada— It is quite clear that nothing can encourage any public men here to stand against this except the earnest & almost certain conviction that the union would be a fatal measure— That the leading men of both Houses think so, I am fully persuaded— I have met with no *one* person who does not say that he thinks so—the moment that you converse with him upon it—and many, when it was first spoken of were at once struck with the impression that it was a dangerous & improper measure—& I could mention many persons—leading men in Parliament, who seemed quite pleased to find that the opinions which they had themselves formed agreed with mine—but how deep & general this feeling may be I can not say—having taken no pains whatever to ascertain it—I have merely, as in Canada, heard what persons choose to say to me, & have spoken my mind freely as on any other public question that formed the subject of conversation— Of course I have always supposed that the course which the Conservatives as a party might take must be left open to be decided upon, under all circumstances of the question & of their own position, whenever the measure shall come before them— Of this however you may be quite assured that the stating the Duke of Wn. & Sir R Peel to be in favor of the Union was a most unworthy trick—no truth whatever in it— In December last I spent two or three days on a visit to the Duke at Strathfieldsaye, & the morning of my leaving him he took an opportunity of stating to me clearly & fully & most emphatically his ideas of what should be done with Canada—they were sound & just, full of sterling practical wisdom, & wholly & diametrically opposed to Union—& he had repeatedly before so spoken as to leave me in no doubt as to what his opinion was— In fact I have felt so clear on this point, that I have always felt satisfied that if his health should enable him to take a part in the discussion, & he were to express himself on the

floor of the House of Lords, as he did to me (heartily & of his own accord) there would & must be an end to the Union bill—for the time at least— But a thousand accidents may intervene—the Duke may not be in his place—& a view of all circumstances may bring him & his friends to attempt no active opposition, but to leave the responsibility where it now fairly rests with the Queen's advisers— Of course I write this, as if I were fre[e]ly talking with Your Excellncy, which is a supposition I shall be very happy to realize— My own feelings are materially changed since I enabled Mr. Hatchard the bookseller to let any one know for 5/– what I think & fear—that has reduced my anxiety greatly—for I do not see that I could do more & having done thus much & so openly—I can satisfy myself hereafter with *hoping*—

Lord Seaton is again in Town for a few days to attend a levee (which by the way I have not yet done) and to see Ld. J. R. upon his request— I had a long talk with him yesterday & when I next see him shall know whether he has derived any new light from his interview—he means to be present certainly when the Canada bill is before the House—

The boundary question, I see, is likely to create a stir before long— I do what I can to discountenance the idea that the Americans are ever likely to abate in the least of their pretensions—or that they will sell us what we want for a communication— I may be wrong, but I am strong in my impression upon the latter point— I think the great value the tract has in the eyes of the people of Maine at least, is precisely that it is indispensable to the British dominion on this continent—& they will not sell their acres for dollars, much as they love them— Yesterday I heard a startling rumor that it was actually resolved to abandon our claim—it came thr[ou]gh a quarter entitled to great credit—but I disbelieve it—whatever may be the ultimate result, Ministers dare not give up that point—at least I think not— I have studied the merits of the question—& have satisfied myself that our claim is just—or rather I shd. say that the American claim to the extent it goes is unjust—but they have a plausible case—the report of Buchanan is irresistible upon the first blush—& th[ou]gh it is all capable of being answered to the satisfaction of candid minds—I have no expectation that a single public man in the U S will ever be found to say that the claim as it has been advanced is not fully sustainable— It is unluckily a case in which neither party can be shewn to be *certainly* wrong— It will furnish a good plausible ground for war to both parties—and it really seems not by any means clear that that may not be the end of the matter—in which case we must not be surprised to find France take a part against us— My surmise is that the Governmnts may be engaged in an attempt to settle the matter by a compromise but the fear is that if we descend from our ground, and attempt to make a bargain, we shall soon find that we have done so to no purpose for that Maine will not assent—& without that nothing can be done—

I got last night the Clergy Reserve bill— on that point I have made no representations whatever— I confess I am much against selling all the reserves—they shd. be reserved, I think as endowments— I should never have sold an acre of them— We shall soon I suppose hear of the bill here— I mean in Parliament— It will be an awkward business to be thrown among parties in this Country—and no one can predict what is likely to be the issue— I believe there will be a strong disinclination to interpose—but I only conjecture—I have not heard a word said about it—

Here, it seems to me, there is nothing very encouraging in the actual

state of things to those who desire to see the power of Governmt in other hands—but parties are so nearly balanced that no calculations can be made—

I find my brother Sherwood has retired—which I am sure he likes—& that the Attorney has succeeded him—further than that we do not know— Strange times certainly we have had since Feby. 1836—but there is nothing new under the Sun— In the mean time I am busy framing rules for the Ct. of Queen's Bench— I meant to have left myself room to beg that if Yr. Excellcy can bring the affairs of my late brothers Estate with the Govt. to a close—it may be done before I return— I shd. much prefer it. Whatever on hearing[?] Mr. Ridout, Mr. Boulton, & others whom you may choose to consult shall be th[ou]ght right may be done at once, provided the Govt. will officially recognize it as final[.]

[1201] [Sir] R. D. Jackson to Arthur: A.L.S. 3p.

Feb. 28 *Montreal.* [Marked "Private".]

I enclose the Dy. Qr. M G. proposed (amended) arrangement to meet the views conveyed in your letter of the 15th. Ins. so far as can well be done.

I am desirous of having the 85. and 66. Rgimnts at Montreal under the immediate inspection of a General Officer who can give up his time to putting them in order.

I have to thank you for your letter and proposed Militia Establishment for the next year, or years; You have responded very liberally to the Governor-Generals call for reduction—but as the defence of both Provinces depends upon the facility with which the *disposable* Force in either can be brought to act, a reduction of the *Local* Force in one does not warrant the inference that a proportional one can be effected in the other—but rather the contrary.

As you have a Water-Frontier you can better dispense with Cavalry than this Province, which has so open a Frontier, the passes of which require constantly watching—

I shall keep up nearly the whole Cavalry & nearly all the Infantry and shall take into Pay the Glengarry Company stationed at the Coteau du Lac—or some other Company re-composed from the reduction of the Others, to be there stationed, and upon which it may be expected that Others will form in case of need.

I am very much pleased with your Militia Arrangement— It gives an opportunity of calling out a good force quickly & without confusion— Unluckily this can not be acted upon here.

[*Enclosure:*]

[1202] *1840*
Feb. 27
Charles Gore: M.S.

Depy. Qr. Mr. Genls. Office, Hd. Qrs.

Proposed Distribution of the Forces in Upper & Lower Canada.

Upper Canada

Royal Regiment	—	London—	To meet Sir George Arthurs Views—the 34th. Regiment could be Stationed at Toronto, and one Wing of the 83rd. Regiment at Kingston and one Wing at London the Head Quarters of the latter Corps at Kingston or London as Sir George may wish.
32nd.	—— do. ——	Toronto—	
34th.	—— do. ——	Toronto & Kingston	
43rd.	—— do. ——	Amherstburg	
83rd.	—— do. ——	London & Sandwich	
24th.	—— do. ——	Kingston	
93rd.	—— do. ——	Drummondville	

Lower Canada

Brigade of Guards.		Quebec
XIth. Regiment	—	Sorel and Three Rivers
15th.	—— do. ——	St. Helens.
65th.	—— do. ——	Laprairie & Isle-aux-Noix
66th.	—— do. ——	Montreal
71st.	—— do. ——	St. Johns—
73rd	—— do. ——	Montreal—
85th.	—— do. ——	Montreal—

[1203] THOMSON TO [ARTHUR]: A.L.S.

Feb. 28 *Govt. House, Montreal.*

It seemed to me desirable, if possible, not to embark in an engagement with the Militia for a longer time than was necessary, but if it is in your opinion that by making the arrangements for two years a saving can be effected, I shall willingly acquiesce in it's [*sic*] being done. Sir Richard Jackson is of opinion that better terms may also be made in this province by taking the men for two years, and I have accordingly authorized it's being done, if upon enquiry he is satisfied that his calculations are correct. Certainly, I see no probability of our finding it safe to reduce the numbers below what they will then stand at in either Province for the next two years.

I will therefore in my dispatch say that I propose that the engagement shall be made in both Provinces for two years, if it is found that the engagement can be carried into effect more economically under that condition.

[1204] ARTHUR TO THOMSON: LB.5, p. 60-62.

Feb. 29 *Government House, Toronto.*

We were already aware that you had arrived in safety at Montreal, but I was glad to hear, by your note of the 24th. Inst, that you were well after the great exertion you must have undergone;—from the state of the roads, I did not expect this journey could have been accomplished so rapidly.

This morning I have had the pleasure to receive your letter of the 25th. Inst. With respect to Mr Small's case, I think it will be better to make it the subject of a distinct communication.— Nothing has been

said affecting him personally—the point raised by the Council is strictly in whom is the appointment to such an office vested? Had the matter been altogether my own, I should not have hestitated in acquiescing at once in the opinion of the Law officers, but as it is otherwise I have thought it advisable not to decide until you have had an opportunity of perusing all the Papers upon the subject, and I will send them to you on Monday.

Mr Solicitor General Baldwin was out of Town for some days after your departure. As soon as he returned, I requested to see him in order to say a few Civil Words as to his official duties &c. Apparently, he was much gratified; but, on rising to retire, he observed—that he hoped I understood he had accepted office without the least abandonment of his political principles. I replied that I took it for granted he had explained himself fully to the Governor General upon that point, and that I was satisfied he would find, practically, that Politics had little to do with ordinary official matters. To this he, in general terms, assented; but said he had in candour towards me adverted to it, as his views respecting "Responsible Government" had undergone no change. After the lengths to which Mr Robt Baldwin had gone upon this point, I was convinced that any explanation between us would be attended with no benefit whatever; and, therefore, I thought it was undesirable to approach anything like discussion. Enough passed, however, to convince me that there is no prospect of the slightest modification of his sentiments, and you may be quite sure that we have at least one public servant riding at single anchor.

Mr Henry Boulton, I find, now goes all lengths with Mr R. Baldwin after "Responsible Government", and means not only to give his support to him, but—looking towards Niagara—to offer himself as a Candidate on the same policy. Hence Ultra Men on both sides will, I have no doubt, coalesce in favor of "Responsible Government"[.]

There have been three candidates proposed for Toronto in opposition to Mr Baldwin—Mr Henry Sherwood, Mr Gamble, and Mr Sheriff Jarvis. Each appointed a Committee of five of their friends to canvas the City; and, yesterday, the two latter determined to retire in favour of Mr Sherwood—but, I am told, Mr. Gamble was more likely to have been successful.

As all the Newspapers are forwarded, you will be able to judge for yourself of the "Spirit of the Public Journals". I am anxious that you should see Mr Chatterton's answer, and Mr. Knowles' respecting advertising of which Copies are enclosed.

[Enclosures lacking.]

[1205] ARTHUR TO RUSSELL: L. 5p.

Mar. 1 *Government House, Toronto.* [Marked "Copy No 1."]

I have the honour to inform your Lordship that the Governor General left Toronto on his return to Lower Canada on the 17th Ultimo.

The difficulties which I have had heretofore to encounter in this Province, I found, with the cordial support which I received from the other branches of the Legislature to yield to the legitimate influence of Office;—but, the embarrassments unavoidably attendant upon my resuming and carrying on the administration, pro tempore, under altered circumstances and with powers necessarily impaired, are so obvious that

I shall make no other remark upon them, than that Her Majesty's Government may be assured I shall do my best, to promote the good of the Queen's service without the slightest regard to any personal feeling.

Whilst the community are held in suspense, both as respects the Union, and the Policy that may hereafter be pursued, no just estimate can be formed of the actual state of the public mind.

For this reason, as well as from a desire not to perplex H. M. Government with any possible differences of opinion, I consider it proper to refrain from renewing the Reports upon the state of the Province, which I have been in the habit of periodically transmitting; and shall henceforth confine myself to communicating upon mere matters of business, satisfied that the Governor General with whom I shall feel it my duty to be in constant communication will correspond with H. M. Govt. upon all such political matters as His Excellency may judge necessary.

In all probability the Union will now be effected at an early period, and, as my connection with the Civil Government of Upper Canada will thereupon necessarily cease, may I beg to request that your Lordship will be pleased to provide against my being subsequently detained by my military appointment as a Major General upon the Staff, and I shall further esteem it a favour if H. M. Govt. will allow me to return to England with my family viâ Quebec in a vessel of War, as I am particularly desirous from circumstances connected with the most distressing part of my administration of this Government, to avoid passing through the United States of America.

[1206] ARTHUR TO RUSSELL: LB.5, p. 76-77.

Mar. 1 *Government House, Toronto.* [Marked "Private".]

I have this day addressed my first Despatch to your Lordship on my reassumption of the administration of this Government, and have intimated therein the course which I think it right and prudent to pursue in my present unenviable position.

Independently of an outfit necessarily expensive for such a Government as Upper Canada, the peculiar circumstances, under which the administration devolved upon me, has obliged me to live in a very expensive manner, so that I shall be seriously inconvenienced in a pecuniary way by the abrupt termination of my Government; but, notwithstanding this, I can assure your Lordship it will be a great relief to me to receive your summons to that effect.

My situation is now, in many respects, painful—and, in every way embarrassing. Of this no person, I believe, is more sensible than the Governor General; but your Lordship may rely upon it that I shall to the last do my best to act in perfect concert with the Governor General, and to promote the policy of Her Majesty's Government, so far as I understand it.

The question of "Responsible Government" which I considered to have been pretty well put down some months ago, has lately been much revived.

Your Lordship's views, as delivered in the House of Commons on the 3rd. of June last upon Lord Durham's scheme of Colonial Government, is as correct, in my opinion, as though you had been long a resident in Upper Canada.

"Responsible Government"—that is—regarding Members of the Executive Council as Ministers, and making them work in unison with

the majority of the House of Assembly—is, I am convinced, only another name for "Separation" amongst the leading advocates of that measure; but I did feel great confidence that—by an open, liberal policy—with occasional popular changes in the Executive Council—as little interference as possible on the part of the Imperial Government in what might fairly be considered local matters—and an energetic but temperate exercise of the Executive—this dangerous innovation would have been effectually put down by the loyalty and good sense of the majority of the People.

Active canvassing is now going on in Toronto preparatory to the approaching elections, and, of course, all the bitter things are said and written on both sides that can be remembered or imagined. An encrease, rather than otherwise, of this kind of defamation must be expected until the elections are over throughout the Province.

[1207] C. L. L. FOSTER: D.S. handwritten on printed form.

Mar. 1 *Toronto.*

General distribution return of the Troops under the Command of His Excellency Major General Sir George Arthur. . .

[A printed form filled in to indicate the officers of different rank, sergeants, drummers and buglers, and the rank and file fit for duty and in hospital at the following stations:

Posts	Commanders	Corps	Total Rank & File
Penetanguishine	Fort Adjt. Keating		
Sandwich	Capt. Taylor 85th Regt.	85th Regt.	139
Amherstburg	Lt. Col. Airey, 34th Regt.	Royal Artillery	15
		Sappers & Miners	10
		34th Regt.	507
London	Col. Love 73rd Regt.	Royal Artillery	43
		Royal Engineers	
		73rd Regt.	553
		85th Regt.	336
Drummondville	Major Furlong, 43rd Regt.	King's Dragoon Guards	7
		Royal Artillery	35
		43rd Regt.	549
Niagara	Capt. Martin King's Dragoon Guards	King's Dragoon Guards	82
		Royal Artillery	8
Toronto	Major General Sir George Arthur	Royal Artillery	89
		32nd Regt.	551
	Lt. Col Ward, Royal Engineers	93rd Highlanders	578

Kingston	Lt. Col. Dundas	Royal Artillery	130
	83rd Regt.	65th Regt.	188
		83rd Regt.	530
By Town	Major Bolton, Royal Engineers		
Prescott	Lt. Col. Williams,	Royal Artillery	5
	Particular service	65th Regt.	29

A few detached rank and file at three of the stations are not included above. The total of all ranks is given as 4,399. 279 women, 655 children and 46 servants not soldiers are shown as "Drawing Rations." There are 81 officers' horses, 279 riding or draft horses and 360 horses "Receiving an allowance in lieu of Forage."]

[1208] ARTHUR TO THOMSON: LB.5, p. 64-65.

Mar. 2 *Government House, Toronto.*

Whilst your Excellency was administering the Government of Upper Canada, you will recollect, as Chancellor of the University, having proposed an Ordinance on the 15th. of February which was passed—to the effect "that a Solicitor be appointed to manage the legal business of the Corporation, to hold his office during the pleasure of the Chancellor"[.]

Referring to the above contemplated appointment, the Chief Secretary notified, by letter of the same date, that your "Excellency had nominated Mr Jas. E. Small to be Solicitor to King's College".

At a meeting of the College Council on the 26 Ultimo, the Chief Secretary's letter was read, when a discussion arose "as to the relative powers of the Chancellor and Council in making this appointment" and the opinion of the late Attorney General of the 27th. August last on a similar question was read.

That opinion was—that the nomination rested with the Chancellor, subject, however, to the approval of the Council. Entertaining strongly the impression that the appointment, by prerogative, still remained with the Chancellor, I intimated to the Board my intention to refer the particular case in question for the joint opinion of the present Law officers of the Crown; and, having so done, it appears, by their answer, to be their opinion that the appointment is in the Council.

Were your Excellency at a greater distance, I should at once act upon this advice; and propose to the Council that, altho' it appeared the appointment was legally in the Board, yet as your Excellency had nominated Mr Small upon a different impression of the legal power, I should hope the gentleman who had been so nominated would be confirmed—but, under existing circumstances, I have deferred to act upon the opinion of the Law Officers until I have had an opportunity of communicating with you upon it[.]

I have the pleasure to enclose all the papers connected with the subject[.]

[Enclosures lacking.]

[1209] ARTHUR TO THOMSON: LB.5, p. 62-63.

Mar. 2 *Government House, Toronto.* [Marked "Private".]

I wrote to you a hasty letter on Saturday Evening after my return from the College Council, and I have just now addressed you upon the subject of the appointment of a Solicitor to that Institution.

In your letter of the 25th. Inst, I observe, that you say "I appointed Mr Small &c" from which I conclude that the word "nominated" used in Mr Murdochs letter was not intended, in conformity with Mr Hagerman's opinion, to be a mere nomination, but the notification of an absolute appointment.

With regard to the individual, from various circumstances, it would have been impossible for me to have named him; but I can have no difficulty whatever in moving in the case as yours, and I have not a doubt a majority of the Board will concur in conferring the appointment upon Mr Small, if the question take that course—but I do not like to give up the *principle* upon which the appointment has been made until I hear from you.— I ought to mention that when I appointed the Bursar, I did so under the impression that the appointment was invested in the Chancellor; but, after Mr Hagerman's opinion was given, it was treated as a nomination, and subjected to the approval of the Council whilst you were administering the government— I enclose an Extract from the proceedings—

The plan for the University, as proposed by Dr McCaul, was discussed at the meeting on Saturday. So far as the Building is concerned, the design proposed to you has been approved. The expense of altering the present buildings so as to adapt them to the University, and of the erection of the new Building for the College, at a charge not to exceed £2000, has been agreed upon, but, as regards the rest of the Doctor's propositions, which, I think, you had no opportunity of deliberately considering, they appear to me to require much revision, and we must proceed cautiously step by step.

I regretted deeply the accident that occurred through the carelessness of one of your servants. I expect to hear from Mr McDonnell upon the subject, and I will do every thing in the case that you could possibly wish.

Mr H. Sherwood's Address to the Electors appears, I perceive, in the Commercial Herald this afternoon; I cannot help thinking it injudicious in him to give up the *certainty* of being returned for Brockville for an expensive and very uncertain contest for Toronto, where, I have hitherto always understood, he is by no means a popular man. Nothing new from the Frontier, all seems quiet.

The death of Sir [Allan] McNab's brother was communicated to me this morning; he was Registrar for the County of Wentworth upon which subject I propose writing to you on Wednesday.

[Enclosure lacking.]

[1210] R. B. SULLIVAN TO ARTHUR: A.L.S. 3p.

Mar. 3 *Executive Council Chamber, [Toronto.]*

A Number of Gentlemen anxious to obtain the Office Vacant by the decease of the late David MacNab Esquire have applied to me, in the expectation that I would make interest with Your Excellency in their favor.

But as I have never in any instance endeavoured to serve a personal

friend by means of Government Patronage I have not troubled your Excellency in this instance.

I would however suggest most respectfully that as in the event of a Union of the Provinces many old and faithful servants of the Government will have claims which cannot be resisted. for some provision on the breaking up of the departments to which they are attached. It may be wise and economical to use the opportunities which Vacancies throughout the Province offer. for the purpose of making the Provision without expense.

I have no doubt that this consideration has occurred to Your Excellency. And I feel that I may perhaps require to be excused for making the suggestion, I have therefore not done so in a formal or official manner. and I hope it will not be so considered.

[1211] ARTHUR TO THOMSON: LB.5, p. 65-67.

Mar. 4 *Government House, Toronto.* [Marked "Private".]

In my letter of the 2nd. inst, I mentioned the death of Mr David M[a]cNab whose widow is the sister of Lady M[a]cNab both being the nieces of your Chief Justice[.][1]

The deceased held the offices of Registrar of the County of Wentworth supposed to be worth at least £200—Serjeant at Arms for which he received £150 a year, and Deputy Clerk of the Crown—the salary for which I know not[.]

A few hours after Mr McNab's death, application for succession to his offices were made by a host of expectants, & this morning it was intimated to me to be the desire of Sir Allan's friends that the vacant registrarship should be offered to him.

The first thought that has crossed my mind, without any regard to Sir Allan's claims or qualifications, is that his political views are the very reverse of those of Mr Baldwin and Mr Small upon whom you have recently conferred appointments—.—this, of itself, is a sufficient reason for my pausing until I have communicated with you, because there are no means by which I can either support or prejudice your policy more than by the selection or rejection of any person of the slightest political weight for office.

I have from time to time taken occasion confidentially to express my sentiments to you respecting all our most prominent characters. As a duty, I have done so unreservedly; but, without willingly prejudicing the prospects of any.

In the case of Sir Allan McNab, as Speaker, it is reasonable to conclude that he is popular with the present House of Assembly; and his conduct during the outbreak of 1837 I have always regarded as distinguished; and, indeed, particularly meritorious in that part of it which led him, after marching into the London District, on the submission of the rebels there assembled, to act at once towards them, upon his own responsibility with humanity and great generosity.

Sir Allan was formerly an officer in the Regular Service, and during the last War behaved extremely well in the capture of Fort Niagara[.]

The contra side of his character you have heard as well as myself as matters of public rumour— His finances are said to be in a deranged

[1]Then James Stuart.

state, and he has the reputation of having been a very extensive Land-jobber.

I have been conferring with Mr Harrison respecting a Report some time since circulated to Sir Allan's prejudice in some transactions with the Gore Bank.

That imputation Mr Harrison tells me was wickedly got up with a view to the removal of Sir Allan's party from the direction and those who succeeded in turning out the Knight's party have since actually adopted the very course of conduct which they deprecated in him.— I also sent for the Attorney General and have confidentially conferred with him upon the "land-jobbing" transactions.

Mr Draper assures me that, altho' Sir Allan, in common with almost all persons in this Country, has been a large speculator in the purchase of U. E. Rights, yet he has never heard of a single instance of anything approaching to dishonorable conduct, and he is perfectly satisfied that, had such been the case, he must have known it, and that, if dealing in that speculation were discreditable, he apprehended there would be found but few persons in the Province of pure reputation.

The Attorney General adds that there is no doubt of Sir Allan's being again returned for Wentworth, and that he is, undoubtedly, in his way, a bustling—influential person in the House.

Having thus given you all the information I possess,—except, perhaps, that I should have said the Registrar has nothing whatever to do with money matters, if you will now kindly put me in possession of your views, I shall not suffer any opinion of my own to interfere with them; tho', were I acting solely with reference to the administration of this Province, I should, certainly, consider it right as well as politic to give the appointment to Sir Allan.

[1212] ARTHUR TO THOMSON: LB.5, p. 67-69.

Mar. 5 *Government House, Toronto.* [Marked "Private".]

I find the Christian Guardian & Examiner of yesterday by some oversight were not sent to you last evening.

It is very desirable that you should see these Journals, & it can do no harm to keep the Estafette in motion so long as the expense is incurred of employing it.

This by the way leads me to remark that I understood you to say that you wished the Estafette to be continued until you said—Nay? which I mention because Col. Fraser informs me that the Chief Secretary intimated to him that it was to be discontinued at the end of 14 days unless he heard to the contrary. I have acted, however, upon your wish expressed viva voce!

Mr Robert Baldwin, and Mr Henry Boulton appear in the Examiner in full force upon Responsible Government, I am only surprised that the latter Gentleman acts in concert with Mr Baldwin. The maxim itself is quite in accordance with the determination I have deliberately heard him express—that the Colonial Minister shall not interfere directly or indirectly with the local affairs of the Province—and by local I understand him to imply every thing short of declaring War or making peace, nor will he allow the officer administering the Government if he can avoid it to have his own way without many wholesome checks, of which the advice of a Responsible Council is to be one.

This I know to be Mr H. Boultons version of "Responsible Government."

I thought our new Solicitor General had modified if not abandoned his responsible Government Scheme on taking office, but it would seem far otherwise, and it appears, from his explanation in reply to Mr H. Boulton's Letter, that he has resolved from the first to be ready to part Company at the shortest notice.

Depend upon it you will not find him a very amenable public servant,—however, as he expresses himself to place so much confidence in you I trust I may prove mistaken in my judgment of him. For Canada's sake, I hope you will be able to give spontaneously to the people the most liberal terms which can safely be granted, and then make a firm stand. For all the evils in both Provinces may be traced to the system of surrendering little by little by compulsion, after reference to the Imperial Government.

The same power with the same ability has never before been applied directly upon the Provinces, and my firm belief is that the result one way or the other must be decisive.

[1213] THO[MAS] ARCHER TO CAPTAIN [MATTHEW?] FORSTER: A.L.S. 8p.

Mar. 5 *Launceston*, [*Tasmania.*]

I thank you for your kind note of the 29th. which I received yesterday Evening and have perused with pleasure and interest the Copies of Letters enclosed therein— I am delighted to find that Sir George stands so high & so deservedly so, with the Home Governmt—& have ever said that the Ministry shewed great judgement in selecting him for such an arduous & important Task—one that few would have been capable of performing— None better if so well as Sir George— I wish him success with all my Heart, and have no doubt if his life is spared he will rise to a state of great Eminence— I shall not at all be surprized in a very short space of Time to hear that he is Governor General of the Canadas— Such talent combined with such perseverance & decision, are seldom found united in one person. . .

[Refers to people and happenings in Van Diemen's Land, including the prevalence of illness both in Launceston and Hobart Town, "*Typhus Fever*, & a distemper which is styled British Cholera." Sends wishes.]

[1214] H. J. BOULTON TO ARTHUR: A.L.S. 3p.

Mar. 6 *Holland House*, [*Toronto.*]

With reference to the long & desultory Conversation of yesterday I think it was clearly understood that all Observations respecting the Opinions or Intentions of other persons whether in or out of office were to be regarded as strictly confidential. My own Opinions being the only part of my side of the Conversation being all that I consider as communicated unreservedly. With regard to such remarks as fell from yourself respecting the Governor General and his policy I understand to have been equally confidential & will be so held by me. My objection to having things repeated which affect other persons consists in this, that altho' I would have no objection to repeat the same observations in the presence of those to whom they related yet by passing from hand to hand, the slightest shades of difference either in Words or even Manner of

Expression or jesture [*sic*] give a different impression to the hearer. Under this feeling I shall sedulously avoid repeating whatever your Excellency regarded in any manner confidential—

I beg to assure you that I do not write this note under any other feeling than that in so long a Conversation it may have escaped your recollection that I fully concurred in the propriety of certain parts of the Conversation being regarded on both sides as private—

[1215] ARTHUR TO H. [J.] BOULTON: LB.3, p. 93-94.

Mar. 6 *Govt. House, Toronto.*

I recd. yr. note just as I was about to mount my horse this afternoon or I wd. have answered it immediately.

Certainly I understood our conversation to be perfectly private and confidential—quite in the light you mention, & I felt much obliged to you for giving me so clear a view of yr. own opinion upon "responsible govt." It is the first plain exposition of it that I have recd. from any person of intelligence.

With respect to the Govr. General's policy I assure you I do not know it any more than you do, and especially upon the "responsible govt." question I never heard him say more than he has said to you & to many other persons.

So far as I am aware His Ex. generally concurs in the course wh. I have pursued in U. Canada, &, therefore, I presume, he must to a great extent entertain the same views, & my expectation is with greater power & infinitely more ability, that, he will carry the same principles much farther. He will, for instance, make the Executive far more influential, & consequently, far more responsible—& will endeavour to make the provincial Legislature wh. includes the Ex. branch work more in harmony with the Imperial Authorities so far at least as it can be done consistently with the relative state of things in the Mother Country & in the Province.

It is, however, my deliberate opinion that the Govr. Genl. brought no fixed system of Administration into the Provinces.

The Ministry, relying upon his great talents—Industry—& perfect knowledge of business have left it to him to decide upon the policy best adapted to the Actual Condition & circumstances of this Country & I imagine you will find that he will ultimately be governed by the result of his own observation— I write this, of course, in the same spirit of confidence in wh. I conversed with you—&, when I am far away I think, on referring to this note you will find that I am not a false prophet.

I have read the Article in the Colonist & have been much amused—but by no means convinced of any thing, except, that yr. schemes must if adopted at an early period, lead to separation— A House that is not quite convenient may be made so without pulling it down.

[1216] ARTHUR TO H. [J.] BOULTON: L. 5p.

Mar. 6 *Government House, Toronto.* [Marked "Copy."]

[Another copy of item 1215.]

[1217] ARTHUR TO SIR R. D. JACKSON: LB.5, p. 69-72.

Mar. 7 *Government House, Toronto.* [Marked "Private".]

Your letter dated the 28th. Ultimo did not reach me until yesterday. I am quite concerned that I should have occasioned you any trouble whatever respecting the proposed distribution of Troops.

The amended arrangement, I perceive, differs only as regards the disposal of the 83rd. Regiment, and reducing thereby the Force in the London District.

By no means would I recommend any alteration in your original intention of continuing three Regiments of the Line in the Western Country. We require to produce and keep up effect more perhaps in that Quarter than in any other portion of the country—besides the men of the 83rd. Regt have been long enough at Kingston.

There can be, of course, no serious objection to a Wing of the 34th. Regt taking the duty at Kingston, as you originally proposed. My impression was that, as the men had suffered much from ague, that you would have preferred keeping that Corps at Toronto, and sending on to Kingston a Wing of the 32nd. Regt;—but I attach much less importance to this since I have conferred with some medical gentlemen on the subject.

The 85th. Regt. are a noble body of men. As a drill, Lieut Colonel Maunsell is inferior to no officer in the Command, and he is zealous and very attentive to his Men in Quarters. But, in this Private letter, I would say, I should not select him for the charge of a District. He appears to want Confidence in himself for such a charge.

Colonel Love is admirably adapted to Command the Districts under his care, which requires a good deal of Headwork and Management. Ever since I have been in the Province, I have, on every occasion, sought the opportunity to throw around the Military Officers Commanding the Districts all the influence in my power; and, if this be exercised with discretion, (which has hitherto been the case) it must tell well in the day of need,—if that day come.

Colonel Wetherall, with whom I have only a very slight acquaintance, is known to be a good and experienced Officer; and, I hope, may possess also, the same qualities in other respects which render Colonel Love's services so valuable in the Western Country.

Should any thing really serious occur on any part of our Frontier, much, very much, must always depend upon the decision, and influence, and arrangements of the officer Comdg; for all the loyal People think it their duty to distinguish themselves by bursting forth at once to take up arms; and it requires no small tact to regulate matters under such circumstances without giving serious offence. It is, however, now quite in the power of the officer Comdg. to check this proceeding.

Some memorable defects in this way occurred in the year 1838, and the difficulties and embarrassments that resulted in settling the militia accounts and other expenses were almost interminable, and finally entailed upon this Government a very heavy responsibility in adjusting claims that it was scarcely possible to resist or admit.

In mentioning to you lately that I feared the 93rd. Regt would desert on an extensive scale from Niagara, I did not explain myself. They are generally farming Men; and, at a short distance from the Niagara Frontier is a Scotch settlement from whence I have not a doubt many allurements will be held out. We must hope for the best.

It gives me great pleasure indeed to find that you are pleased with the Militia arrangements which I proposed. I rather infer, however, that you think I have responded *too liberally* to the Governor General's call for reduction; but, in truth, His Excellency was far from being importunate on the subject; and, from the observations you made in your letter of the 28th. January, I sincerely apprehended that I had proposed to retain a larger force than you thought quite necessary for defence.

With reference to your allusion to the Glengarry Company, do you not think it would be well that we should increase the strength of the Incorporated Regt. proposed for Cornwall, and then detach from it a Company for Coteau du Lac. If you wish it, I think you will find it less troublesome with regard to pay, Clothing &c.

I have been considering, in every light, the Terms on which we should propose to engage the new Force, and I will enclose you a Memorandum upon the subject. I have put them on the lowest scale upon which I think it is possible to get men who are worth having in the Province; but there seems to be some serious doubt whether on these terms we shall be able to fill up our ranks. I believe men are to be had cheaper in the Lower Province.

It occurred to me some time since, that, on the Union of the Provinces—if the Government were not administered by a Military man—some difficulty might arise with regard to the Militia, and I suggested to the Governor General that, in the proposed new Militia Act, a clause should be introduced distinctly recognising the power of the Commander of the Forces over the Militia.

I enclose a copy of the draft, which I sent to the Governor General, when he was in Toronto, for your perusal, and, perhaps, you will favour me with your opinion upon it. After the Bill is prepared, the Governor General can deal with it, as he thinks best.

[Enclosures lacking.]

[1218] ARTHUR TO SIR R. D. JACKSON: LB.5, p. 72-73.

Mar. 7 *Government House, Toronto.*

In my letter of the 18th. Ultimo I enclosed copy of my Communication to the Governor General respecting embodying a Militia Force for a further period of two years.

I have since been at great pains to ascertain on what terms the services of men can be engaged. The enclosed Memorandum is the result. I shall be most happy to reconsider any part of it on your suggestion; but, I believe, I have taken the very lowest scale upon which men are to be had in this Province.

You are aware that we shall be getting rid, after the 30th. April, of many hundred men well trained and drilled— the probability is that they will cross into the States. This is a subject of great regret, but it cannot be helped.

[Enclosure lacking.]

[1219] ARTHUR TO SIR JAMES MCGRIGOR: LB.3, p. 95.

Mar. 7 *Govt. House, Toronto.* [Marked "Private".]

With reference to a note wh. I recently addressed to you I have great pleasure in informing you that an opening has been found for Mr. Mc.Gregor [*i.e.* McGrigor] & that he has this day been appointed an Asst. in the Inspector General's office.

I enclose a letter wh. he has addressed to the Inspector Genl. by wh. you will perceive that he is well pleased with the appointmt.

[Enclosure lacking.]

[1220] THOMSON TO [ARTHUR]: A.L.S.

Mar. 7 *Government House, Montreal.*

I am somewhat surprised at the construction which is now put upon the appointment of Solicitor to the University, because I thought I had understood from the Atty Genl. that it rested with the Chancellor exclusively. Of course however, the opinion of the Law Officers must prevail, and I would beg of you to adopt the same course which it appears was pursued with regard to the Bursar, and have "my nomination" considered in the same way, as the recommendation, *not* the absolute appointment of Mr. Small.

In substance the result must be the same— In the very improbable contingency of a disagreement in opinion between the Chancellor and the Council, which of course cannot arise in this instance, the opinion of the former must ultimately prevail, because under the ordinance of the 15. Feby the Solicitor can only hold the office during his pleasure, and he has besides under the constitution of the University the means of securing a majority of his own way of thinking in case of necessity. I think therefore it is pretty clear that your version in the case of the Bursar, and mine in this, is the common sense view of the case, whatever be the *legal* interpretation, as the result must be the same, only one is *directly* and the other *circuitously* arrived at.

[1221] THOMSON TO [ARTHUR]: A.L.S. 2p.

Mar. 8 *Govt. House, Montreal.* [Marked "Private".]

I have written to you about the solicitorship to the University. We cannot stand against the legal opinions, but the Atty Gen. is in fault for not having explained the former case to me. Of course there will be no difficulty in the Council taking Mr. Small upon "my recommendation". Indeed they cannot help themselves, and so they had better. He has behaved uncommonly well as you will see from the enclosed letter to Murdoch which he received Saturday, which pray return.

Dr. McCaul's scheme was referred to a Committee expressly to be examined in it's [*sic*] details, reported upon, and afterwards fully considered. It will therefore require a good deal of consideration, and I have no doubt a good deal of pruning, for altho' his ideas are moderate in comparison to the Bishop's, still there seemed to me, even in his List, a desire to make the establishment too large. No one will be better able to attend to this than yourself.

I need not trespass on your kindness any further about the poor man who was shot at Gananoque. Mr. MacDonald has found out all about him and his family resides in this neighbourhood, near Chateaugay.

I am not afraid of any trouble with your Sol. General about responsible govt.— I had a full explanation with him and brought him to Book on Lord John's dispatch upon the subject, in which all his views are fully detailed.

I received last night your letter about the appointments vacant by Mr. M[a]cNab's death. The Deputy Sergeant at arms, if in the gift of the Govt., should not of course be filled up, and if in that of the Speaker the party taking it should be informed that he will not be considered as having any claim for compensation for loss of office in the event of the Union. The Registrarship of the Cy of Wentworth is not free from difficulty. Sir A. McNab from his position of Speaker (perhaps) did not

oppose my Govt. and he seemed to stand so well with the House, even the Reform part of it, witness the vote for his augmentation of salary, that his appointment might be considered rather a compliment to the Assembly. He will besides lose his Militia Regiment I suppose, under the new regulations— On the other hand the office is one which is scarcely compatible with Parlt.— The registrarship is not a place at pleasure—one of the few in the colony which is not, and to have it filled by a Political opponent in the new House would be awkward should he become one, as you seem to anticipate. Upon the whole perhaps the best course to follow would be to offer it to him stating to him fairly that he must be well aware of what the policy which the Govt. will follow is, namely to put down extreme opinions on both sides, and if he is prepared to give general support to these views, we shall be glad to testify our sense of his past services— I have heard of no other application except from Chisholme [*i.e.* Chisholm] of Halton for his son, and Mr. Campbell of Toronto. If McNab takes the place it would be well to give the Deputy Clerkship of the Crown to some one entirely unconnected with the Family Compact and of the other line. Fergus[s]on's son resides at Hamilton and is a rising young Lawyer. Would he or Chisholme's son not be good men for that? but I speak in entire ignorance both of the emoluments and nature of this last office.

We have winter again—I hope you are better off.

[Enclosure lacking.]

[1222] ARTHUR TO SIR R. [W.] GARDINER: LB.3, p. 102-104.

Mar. 10 *Government House, Toronto.* [Marked "Private".]

Press of business—or any other miserable [excuse] of that kind will not avail me for having neglected to acknowedge. two or three very kind notes from you—wh. is the more stupid on my part as you generally have given me a little scrap of that kind of intelligence wh. is most acceptable.

We have nothing from England later than the 7th. of January— No certain date was then given for the Queen's Marriage—so that we are now in the very utmost state of anxiety for certain tidings of that great National event & all it's [*sic*] attendant circumstances— Personally, I have nothing to expect from the Brevet—having been chained down to the rank of Lieutt. Col. for 22 years, during 16 of wh. I was a Col. on the Staff—the pleasures of hope in the way of Military promotion have long since been extinguished—but, I can warmly enter into the prospect of others & shall be glad to find that the anticipations are realized to the utmost. As to the great event itself, my earnest desire is—that the Royal Pair may be happy, & that the Prince may in all respects prove worthy of such a Consort.

The struggle between the Whigs & the Conservatives will now I conclude be on in full force— The success of our arms in India, & the lull in Canada, with the Sovereign's Marriage will be in favor of the present Govt.— The Chartists & Russian Policy with some other matters will be agt. them. Judging by O'Con[n]ell's speeches I shd. think that most outrageous person fears his party has the worst of it.

But, in plain truth I took up my pen—not to discuss Politics—but to say a few words respectg. yr. son—& I do so with the greatest pleasure, because in making a faithful report I can make a most favorable one. The more I have known him the more I admire his character, wh. evi-

dently has for it's foundation the most honorable principles, & consequently, all that spontaneously springs therefrom is good. There are, you are aware, two ways of looking at almost every subject & it has continually struck me that his ready instant perception & expression is morally the correct one, & I know nothing that a Parent can more desire. Lyndock [*i.e.* Lynedoch] is serving under one of those Commanders whom every Genl. Officer wishes to have under him, but few young men desire to have over them. He is very strict & understands his profession thoroughly—so that he will not only have duty done—but well done. Do not mind, therefore, his not being altogether pleased; depend upon it he will hereafter admit that Jackson has been to him an excellent Schoolmaster.

Toronto, also, is a good Quarter for a young soldier. There is nothing in the way of dissipation to hurt & Enough society to keep him alive & in easy bearing as a gentleman; so that Lady Gardiner need be under no alarm on acct. of the Graces!—

Though the Govt. express themselves in the most flattering way towards me my own movemts. are very uncertain—but, if I remain here & yr. son does not go home, it will be a good plan to give him during the next winter some office drilling, wh I shall no doubt be able to manage—but, all is so uncertain just now that I will not enlarge upon the subject.

I have not heard from yr. Brother for an age— I fully expected they wd. have given him a Regt.—do tell him so with my best regards.

[1223] ARTHUR TO JOHN MONTAGU: LB.6, p. 79-81.

Mar. 10 *Govt. House, Toronto.*

I have been writing all day & have only just completed my Despatches—& can only send you a hasty line—but, I am anxious to let you know that a few days before the Govr. Genl. left Toronto I had a long conversation with him respecting the measures consequent upon the Union of the Provinces & as I heard that his Chief Secretary & himself were not on the most cordial terms, I took the opportunity of incidentally mentioning yr. name—observing how useful a Person of your experience wd. be in settling all the Departmts.—but, without alluding to any particular office.

The following day he renewed the subject & I then adverted to yr. Dispatch in Business, you were at home on leave—&c. &c. and then it dropped.

He is very reserved—but it strikes me, as possible, if matters do not mend that I may hear further from him on the subject.— The Chief Secretary is a Mr. Murdock [*i.e.* Murdoch]—one of the Clerks in the Col. Office—a very clever person indeed in his way—& much respected in the Colonial Office; but, I should say not exactly adapted to some parts of the detail of his present duties.— Nothing may come of this; &, of course, you will not allude to the subject to any person—but, it is exactly the Post for you—Salary £1500 a year.

I take it for granted that the Union Bill is in progress, but we have no news from England later than 8th. of January—the longest interval since I have been in the Country. & it happens, unfortunately, to be a very interesting period. I know not how they will dispose of me—but Mr. Poulett Thomson assured me that he had written to Lord John Russell to say that the Govt. were under the deepest obligations to me.

I write by this opportunity to Lord John to say that it will be quite

agreeable to me to be relieved when it is convenient to Governmt. & I have advised Mr. Thomson to come here at once & administer the Govt.

Before they give me something else I do not know how I shall manage about money matters— I have never heard from Mr. Parramore—did he cheerfully undertake to act. do let me know all about it.

I shall defer until I hear from England to send any Bills to Mr. Hamilton.

With kindest love to dearest Jessy[.]

[1224] ARTHUR TO W. H. HAMILTON: LB.6, p. 81.

Mar. 10 *Govt. House, Toronto.*

Wrote letter to Mr. H. same as above [*i.e.* item 1223] excepting first subject about situation.

[1225] ARTHUR TO SIR [J. M.] F. SMITH: LB.3, p. 95-98.

Mar. 10 *Govt. House, Toronto.*

I must tell you at the very onset that this letter, if you are disposed to be kind, is destined to give you some trouble.

The boisterous weather during the winter has put a stop to steaming & we have no news from England later than the 7th January—so that, in all probability the Queen's Marriage has taken place—the Ministry may be changed, & all kinds of freaks performed without our being in the "*secret*"— But, if matters remain as they were, it may be assumed that Lord John Russell has introduced a Bill into the House of Commons for the reunion of the Canadas; & as we understand here that Sir R. Peel & the Duke of Wellington are favorable to the measure there can be no doubt that it will pass—& if it do, then I have strongly recommended that it should be at once carried into effect—tho' I by no means have advised the measure considering it a most dangerous experiment.

However, I regard it as a Measure almost certain, & amongst other highly important results, my connexion with Upper Canada will terminate[.] I have, therefore, more than ordinary anxiety to dive into futurity.

Before I propose my request to you, I must let you know as far as I am able what my position is— When I arrived here matters as you are aware were in a frightful state. The Jails were full of Traitors & our Frontier was threatened at various points. "Patriots" from the United States secretly supported by their Govt. at length tried their fortune to get Land in Canada by force—but failed— Many of these vagabonds were killed—some were tried & executed—about 100 were transported & to as many more I granted a free pardon & sent them back to their own Country.

In all these matters, & many others the Govt. expressed the strongest approbation & on retiring from Office Lord Glenelg wrote me the most flattering letter that cd. possibly be penned. I will enclose a copy, if Kate can put her hand upon the original this evening.

Then followed Ld. Normanby—his Despatches were, if possible, still more complimentary. & after his short reign at the Colonial Office, he addressed to me the note of wh. the Enclosed is a Copy.— On Lord John Russell's taking the Seals of the Col. Office he expressed the high confidence the Govt. felt that I wd. sacrifice all personal considerations & cooperate with the New Govr. Genl. in carrying out the great measure

of the Union. Mr. Poulett Thomson has accordingly passed 3 months in Upper Canada. Never was any thing more painful or more embarrassing than the whole affair has been to me— however, all that Govt. desired has been effected & on taking his leave to return to the Lower Province, Mr. Thomson informed me in a very impressive Manner that the Govt. was under the deepest obligation to me & that he had so communicated to Lord John Russell. In conversation he had before frequently adverted to this point, intimating at the same time the warm disposition felt to recognize my claims upon the Ministry.

Now as I do not think affairs will improve under the new policy in progress here I am persuaded it is prudent on my part to get away whilst perfect harmony exists—& especially as I can hope for nothing less than painful embarrassmts. henceforth in administering the Governmt.:— I have just addressed to Lord John Russell the Dispatch & Private Letter of wh. I enclose copies.

By so early closing my administration, my outfit will be almost a total loss to me & so far at least I may boldly put in a claim to be in some way or other indemnified, or at all events may venture to enquire what it is proposed to do for me;—& herein consists the trouble wh. I wish to impose upon you, & if you wd. do me the kindness to call at the Col. Office & sound the Powers that be upon the subject I shall feel infinitely obliged to you.

A niece of Sir Colin Campbell's is here who says that her uncle intends to leave Halifax this summer—if any thing better is contemplated I can, of course, have no possible objection—but, otherwise, I shd. be well pleased to succeed Sir Colin of wh. if you can do so with perfect propriety, I shd. be glad if you wd. give a hint to that effect.

Formerly the Senior Officer stationed at Halifax Commanded also the Troops in New Brunswick & under that arrangemt. my appointment wd. be an interference with Sir John Harvey but now Sir Richard D. Jackson commands the Forces in all the North American Provinces wh. removes every difficulty in that way.—

I can scarcely say how I stand with my old friend Stephen. I have fancied there has been a less cordial feeling than heretofore—but the Bishop of Toronto, who lately returned from London told me that the Under Secretary had expressed himself with the greatest warmth of friendship towards me.

But, whether friend or foe as there is, of course, nothing so natural as that our friends shd. wish to know what is to become of us you need not, perhaps, be over fastidious about making inquiry & do pray let me hear from you by return of the "Great Western".

[Enclosures are apparently copies of items 864, 891, 1205, 1206.]

[1226] ARTHUR TO SIR A. [N.] M[A]CNAB: LB.4, p. 54-55.

Mar. 12 *Govt. House, Toronto.*

I request you will receive the sincere expression of my Condolence in your late sad bereavement.— However mitigated, it is always a severe blow to part with so near a relative for there are no associations so powerful as those of our earliest youth.

This affliction has also fallen upon you at a period when your health is far from being robust as I was sorry frequently to observe during the late Session. Will you do me the kindness to present to Lady MacNab my kindest remembrance, and assure her that it will give me great

pleasure to hear that Her sister has been supported by the merciful care of Divine Providence under her most trying affliction, and that her own health has improved since she left Toronto.

As the navigation will now be open, I should be glad if you could do me the favor to allow me to see you when it is quite convenient to you to visit Toronto.

[1227] J. B. ROBINSON TO ARTHUR: A.L.S. 4p.

Mar. 12 *Wandsworth.*

I can easily believe that you must be most anxious to hear what is doing here upon the important questions which you have disposed of, so far [as] you could in Upper Canada— There is, I am sorry to say, little or nothing to be told— The Govr. General's Messenger unfortunately thought he would have a better chance of a quick passage in the London than in the Liverpool packet—both sailed the same day— Lukin, who came in the South America has been with us more than a fortnight, having landed at Cork, when the Easterly gales met them, & spent a week in Ireland— The Mediator not being quite so far advanced when the head winds sprang up, could make no port, and she only arrived yesterday— It remains for the Government yet to determine when they will take the first step upon the two bills, which I suppose have both come in the Bag.— Your Excellency will have observed that Ministers have been asked occasionally when they would bring in their measure, but could of course give no decisive answer, while their dispatches were beating about in the Channel— Now they will be better able to do so.— My expectation is that they will either lay the Clergy Reserve bill on the table in a very few days, or make up their minds to reject it, without going through that form— I have no ground for surmising the latter except a strong conviction that such a bill would not be allowed, in the present temper of the public mind on Church questions, to run its' [*sic*] course without an address agt. it from one House, if not from both—and the discussion which would arise upon such an address, would be one of the most embarrassing, if not absolutely the most so of any the Governmt could find themselves involved in— I know further that the Archbishop of Canterbury has declared, after seeing the bill, that he did not imagine the Govt. would lay it before Parliament— Ministers, I think, will be anxious to come as soon as possible to some definite course of proceeding— in the matter—but I have little means of forming an opinion of what that may be— Ld. J. Russell, when I last saw him, did not know what the bill would be; but he spoke to me fully & freely on the subject, though in general terms— He was not prepared, as I understood him, to find such an attempt made by the Govr. General to settle this question— If there is to be an Union, quod Deus avertat! what vast importance is it that it should be preceded by a final settlement of this difficult business!— but that in the present state of things, the Governmt will make an attempt to do this by a measure of their own I hardly venture to hope— I wish they would, for none but a just & reasonable measure I believe could be forced through & this is so clear that I think they would propose nothing wild, or unsound— I apprehend however that either the bill sent home, will go before Parlt. & be passed, or we shall be left in statu quo— I may of course be disappointed—or rather I may be in error in this opinion—

Ld. Seaton left town yesterday to remain two or three weeks, with

his family & then he moves to Town, with them & takes a house— He will certainly be present at any discussion upon Canada, unless prevented by some casualty— The Duke's advice to him was very good & very characteristic— "You should make a point of attending, he said, thr[ou]gh the whole discussion—depend upon it, it's of great importance— it is not so much what you may do or say, but your merely sitting there will prevent a great deal of nonsense being talked by others"— Ld. S. was brought to town expressly by a note from Ld. J. R.—but th[ou]gh he remained a fortnight, he only saw him once, & then came away wondering as I have done, why he was sent for— The truth is that until these long expected dispatches arrived, nothing very conclusive could be entered upon—& besides Ld. J. Russell being in fact the man of all work in the Ministry, you can easily imagine how little leisure he can have to bestow on Colonial details—

The Union bill is for the present not in the minds of people here— when a time is named for discussion, the interest will revive— In a note which I sent to Ld. J. R. with my printed observations, I told him that I should hope, to the last, that Parliament would not sanction the measure—but that if they did, I should then of course consider that it was no longer to be withstood & should willingly render any assistance in my power in regard to details— I may very likely know nothing more than I now do of the matter before I embark—which I intend to do on the 7th Apl—that is, I shall make no application for further leave— I should do so, under the circumstances, if I had not already been very long absent, & if the Govt. had not shewn a disposition to expedite my departure rather than delay it— You will have observed that Mr Hume has discovered some anxiety to see me take leave— I am uncharitable enough I fear to doubt whether he was prompted by his anxiety for the due administration of Justice—or by a wish to see any obstacle removed to the success of a plan, from which he evidently expects so much, & I think not unreasonably— Pray tell the Bishop the *no news* I have mentioned respecting the Reserve bill— I saw the Duke of Wellington yesterday—he is cheerful & in as good health as usual—but I think nothing can be more uncertain than his ability to continue for any length of time in the discharge of any public duty. He spoke to me of Canadian matters with the greatest distinctness & good sense—his memory not impaired—& his apprehension quick—but I fear this may not be the case long— I am much pleased to see the addresses to Yr. Excellcy from both Houses, & will send them to the Mins.

[1228] ARTHUR TO RUSSELL: LB.5, p. 132-136.

Mar. 13 *Government House, Toronto.*

I have the honour to acknowledge your Lordship's Despatch No. 55, of the 26th. Decr last, enclosing a correspondence with the Secretary at War on the subject of my being allowed Staff Pay and allowances as a Major General upon the Staff.

On the ground of the heavy and responsible Military duty which had devolved upon me, your Lordship was pleased to express to the Secretary at War your intention of recommending the case to the favorable consideration of the Treasury; and that it would be satisfactory to your Lordship to find that no objection existed of a nature which would prevent the arrangement you were desirous of making.

In reply, the Secretary at War adverts to the rule with regard to

"Civil Governors of Colonies who are also Military Men viz that they should be paid exclusively by by [*sic*] Civil Salary, without receiving either Staff Pay or allowances of any description. If this rule were to be infringed in the case of Sir Geo. Arthur and Sir John Harvey who each hold subordinate Military Commands, the responsibility of all Military Measures in U. Canada resting upon Sir R Jackson, and in New Brunswick upon Sir Colin Campbell, it would be difficult to maintain it in the instances of other Military Officers who are also Civil Governors of Colonies, but who also hold supreme Military command in those Colonies."

Your Lordship will, I hope, in the first place, permit me to assure you that I am as sensible of your kind disposition in this matter, as tho' the measure had been successful, and I beg to offer to Your Lordship the expression of my sincere acknowledgements.

The Secretary at War, I am persuaded, has given an opinion adverse to my claim purely from a sense of public duty, in order to maintain,—what I feel the importance of every day—the adherence as far as possible to a general regulation—and I am sure, therefore, the Right Honble Gentleman will not be displeased at my pointing out a very important error into which, as it appears to me, he has fallen, when he says— "the responsibility for all military measures in Upper Canada rests upon Sir R. Jackson."

However much this position may bear against the claim at present under consideration, I should be, in other respects, greatly relieved, if it were accurate; for I apprehend myself to be under a responsibility, on account of military expenditure alone, of not less in round numbers, during the last two years, than a million of money.

The system as regards Military disbursements in U. Canada is stated in the accompanying Memorandum, No 1 [marginal note here reads: "13 March"], from Deputy Commissary General Knowles.

I have indeed repeatedly endeavoured to get rid of Military Responsibility by reference to the Commander of the Forces; and to some extent, from time to time, have succeeded; but by the accompanying General Order & Letter, Nos 2 & 3 [marginal notes here read: "26 Octr 1838" and "27 Feb 1839"], which were issued at interesting periods, your Lordship will perceive that all accounts were required to bear my approving signature preparatory to their payment.

It is, my Lord, perfectly correct that a general responsibility rests upon the Commander of the Forces, and a particular responsibility in respect to all the Regular Troops, and expenses incident thereupon.

But from the condition of this Province and especially when it was threatened by a formidable descent of armed ruffians in 1838 and the beginning of 1839, it was utterly impossible for the Commander of the Forces to take any part in the Military Details in Upper Canada.

For instance, in October 1838, after I had reduced the Militia Force to the lowest scale that the Public Safety admitted, I received suddenly a letter from Sir John Colborne expressing his earnest hope that I might be able to call out an additional force of 10.000 Militia. But beyond anxious expression of his wish, the Commander of the Forces did not interfere, though I had in Arms, independent of 4000 Regular Troops, not less than 16000 Militia,—the whole being raised, armed, equipped, rationed, quartered, clothed, paid, and, more troublesome still, reduced, entirely by my orders. under my own arrangements and upon my personal responsibility.

When the descent was made upon Prescott, and a mass of the Populace, collected in thousands from all parts of the Country, lined the American shore, the Militia [pencil interpolation here reads: "of Kingston"] were called out upon my responsibility—by them the Fortress was occupied; and, by my orders, the 83rd Regt moved at once from that Garrison down the St Lawrence: by which movement both Insurrection and Invasion were instantly checked, and quickly put down; for, before any Troops could arrive from the Lower Province, the danger was over.

So on the Western Frontier, the Forces were armed there entirely under my orders, and upon my responsibility, and for months during which many thousands of the Patriots threatened a descent in that quarter, and a great expense was consequently incurred, the whole was in the first instance discharged upon my authority, altho' certainly the usual covering warrants were subsequently issued in the usual course by the Commander of the Forces.

The Militia Force has now, I am delighted to say, been reduced to between 3 & 4000 men and I have recommended a still further reduction. But still this Force has been and is exclusively under my orders,—paid, clothed by regulations emanating from myself, Sir J Colborne having expressed to me the opinion that he had nothing to do with these matters in regard to the Militia.

In all these arrangements, however, from first to last, I am gratified to consider, that between the Commander of the Forces and myself the most perfect harmony existed; and I was but too happy, throughout the past eventful period, on all occasions to consult with, and to receive and be influenced by Lord Seaton's great Military Talents and experience; but I never thought that I was thereby relieved from a weight of Responsibility; and, Consequently, the adjustment of the Accounts has been an unceasing subject of labour and anxiety.

I beg your Lordship to believe that I have entered into this detail at the moment of receiving your Despatch—not to make a parade of any service I have rendered,—but to satisfy your Lordship that I am not capable of making any representation affecting my own interests which does not appear to me to rest on the most solid foundation of reason and Justice.

I venture to submit, that the Rule to which the Secretary at War refers, could not reasonably be insisted upon in the case of an officer who has been called upon, by the exigencies of the Public Service, to assume so heavy a military charge and responsibility.

I beg to add that, as soon as possible after my arrival, the Militia Staff were discontinued, and that the whole detail has since been conducted by the ordinary Regular Staff of the Command.

[Enclosures lacking.]

[1229] [Sir] R. D. Jackson to Arthur: A.L.S. 4p.

Mar. 16 *Montreal.* [Marked "Private".]

After talking over with the D. Qr. M Genl. the two arrangements for the dislocation of the Troops generally in the two Provinces, I am become convinced of the expediency of adhering to the 2nd. (or amended) arrangement which forms the subject of part of your letter of the 7th. Inst.—

The 73d. Regiment is to be relieved this Year.—at least this is the intention of Government—and must be brought down in readiness;—

consequently Col. Love must be replaced by some other Officer of rank, and I do not know any one better calculated for the London Duties than Col. Wetherall—

I do not think it advisable to build temporary Barracks at London and consequently it will be as well to reduce the Force in the Western District to the extent proposed in the 2d. Arrangement— I should hope that a portion of your Militia may be available for Sandwich and Windsor. London can be supported without much difficulty, I imagine, from Toronto, and every thing appears, so like quiet, that it is necessary to avoid expense of building additional accommodation even at London— The Barracks must, I find, be proceeded with.

I quite agree with you that the best way of keeping up a Company of the Glengarries will be to attach it to one of your incorporated Battalions of Militia—and I beg you to give directions accordingly to Col. Carmichael. He had been in *treaty* with a Captain about the Company proposed, (before the receipt of your letter) to be borne on the strength of the Lower Province, as an Independent Company[.]

Col. Carmichael has been written to suspend his *treaty* until he hears further on the subject from you.

I have read your proposed Clause for the Militia—but I confess that the necessity of introducing it appears to me doubtful, and I should be disposed to avoid reference to a Colonial Legislature upon a matter that seems, to me, provided for in the Mutiny Act of the Imperial Parliamt and Articles of War founded upon it.—

All Troops, muster'd and receiving Pay, however called out become liable to the provisions of that Act, which is not likely to drop, although introduced from year to year.

[1230] ARTHUR TO THOMSON: LB.5, p. 73-76.

Mar. 20 *Government House, Toronto.* [Marked "Private".]

It gave me great pleasure to receive your letters of the 7th. & 8th. Inst.

In the case of Mr Small, it appeared to me that it would be necessary to submit to the opinion of the Law officers; but, as it involved a principle of some importance, I did not like to concur until I heard from you. I apprehend no difficulty in settling the matter at the first meeting. I have seen Mr Small, and find that, having looked into the Charter, he had satisfied himself that the appointment was with the Council, & perfectly understood the cause of the delay. I thank you for the perusal of his letter, which is written in a very good spirit, and I now return it.

With respect to the appointment of Registrar of the County of Wentworth, the more I have reflected upon it, the more I am convinced that Sir Allan MacNab could not well have been passed over. He had, in fact, been twice elected Speaker of the present House, whose services it is *possible* you may not have entirely done with—and, when the mass of Detraction is taken away, which seems more or less to be heaped upon the most prominent men of all parties, I incline to think, from the many enquiries I have made, that there are but few persons of better standing than Sir Allan, though much distressed, I believe, by pecuniary difficulties. As soon as Colonel Chisholm heard that Sir Allan would accept the appointment of Registrar, if it were offered to him, he immediately wrote to me to withdraw the application in favor of his son. I have no expectation that the Knight will be an opponent of Government—far from it—but I consider that he and many others of the Constitutional

party, are pledged to support a strong Executive; and, therefore, will be antagonist to "responsible Government" men, as their Doctrine is invariably understood *here*.

All active Canvassing in Toronto is at an end; and both parties express a confidence of success. Mr Baldwin, who has proceeded this day on the Western Circuit, assured Mr Harrison yesterday that he had no doubt of a large majority. Mr Sherwood complains of intimidation having been used in the case of some Clerks—this does not look like confidence.

Mr James Small, in conversation with me a few days since, very fully expounded to me his notion of Responsible Government. It is briefly this.

The Home Government not to interfere in any way with the local affairs of the Province. The Executive Council to work in unison with the House of Assembly; and, more especially, to be responsible to the Country for all public appointments! What does this amount to?

There has been no collision between the Executive and Popular Branch of the Legislature during the last four years; and, after having prevailed upon the Secretary of State to enlarge the Legislative Council, I did feel great confidence that, by an open, liberal policy—with occasional popular changes in the Executive Council—as little interference as possible on the part of the Imperial Authorities in whatever might be fairly considered local matters—an energetic exercise of the Executive, and with especial regard to public appointments—this meditated innovation would have been put down by the loyalty and good sense of the People.

My personal influence, however, I am sufficiently sensible is, as in the nature of things, it must be, on the wane every day; and must, of course, rapidly wither under the effect of the Solicitor General's having offered himself as a Candidate to represent this City upon the very principle which I have strenuously, and I believe hitherto to a great extent effectually, fought against,—but it is your power and influence now that are all important— Whilst I have the satisfaction to hope, that the policy I have consistently pursued, by endeavouring to reconcile hostile parties, without giving a triumph to either, has been so far successful that the Country is now in such a condition—so balanced—that, if your Bill for the Union be at once adopted by the Imperial Parliament, a more auspicious moment than the present for the necessary action to be taken in that great measure, could not be expected.

Information was given last week by Colonel Crookshanks that there was a bad spirit again rising up in the interior of the Country, and he brought forward two men of good reputation to give evidence of some plot which is to explode when the elections take place. I desired Mr Harrison to take down their statements; but I do not attach much importance to them. It will be long before public confidence will be restored in the country, and we must expect rumours of this kind—they will, indeed, I doubt not be used for electioneering purposes.

There were no Despatches of any importance for this Government by the Great Western; and, what has rather surprised me, no official announcement of the Queen's marriage.

All is quiet on the Frontier. The Citizens are remarkably attentive to our Military People, and, I hope, our intercourse with the States will become more and more amicable every day.

Some of the Newspapers are intolerably bitter and personal; but I do not believe the effect produced upon the Community is of the slightest importance.

[Enclosure lacking.]

[1231] ARTHUR TO THOMSON: LB.5, p. 78.

Mar. 21 *Government House, Toronto.* [Marked "Private".]

You are aware that the Commander of the Forces intends to make many changes in the present destination of the Troops in the course of the summer.

Without attaching any very serious importance to it, I would simply refer to the convenience of not moving the Troops at the very time the elections are going on, should you think it worth while to confer with Sir Richard Jackson on the subject.

[1232] ARTHUR TO THOMSON: LB.5, p. 78-79.

Mar. 21 *Government House, Toronto.*

As the misconduct of the officers of the 2nd. Incorporated Militia occurred whilst you were administering the Government, I am sure you will feel interested in the result. I therefore, beg to enclose for your perusal copies of the Opinion of the Court of Inquiry together with two letters which accompanied it— Also copy of the Memorandum sent to the Asst Adjt Genl containing my decision upon the case, and authorizing the retirement of Captains Muttlebury and Cronyn from the Militia by their resignation.

By the accompanying letter this day received from Colonel Love, it seems they have both accepted the alternative.

Have you heard anything of a meditated insurrection in the island of Cuba? It is mentioned in a letter received this morning from New York.

[Enclosures lacking.]

[1233] ARTHUR TO COL. [J. F.] LOVE: LB.2, p. 152-153.

Mar. 22 *Government House, Toronto.*

I have received your letter of the 18th. inst. in which you express the anxiety of the Cavalry to know whether they are to be kept up; and, in the event of it's [*sic*] being otherwise, you recommend Lieut Frazer to be the Successor to Captain Muttlebury.

It is not my intention to keep up any Cavalry beyond one Troop which is to be stationed at Toronto—if strong reasons occur to you why a Troop should be continued for service in the West, if you will officially state them, I shall be most happy to give the subject the fullest reconsideration. I say reconsideration because at one time I seriously thought of it—but, after deliberating upon the expense I abandoned the intention of keeping up any Cavalry save one Troop in Toronto.

With respect to Lieut Frazer, I can truly say his name could not be presented by any person in the Province whose recommendation would have more weight than yours—but there are other claims so urgent, and so well founded, that I can do no more than promise to pay the utmost attention to the strong wish you entertain to mark your approbation of this Officer's conduct whilst he has been under your command.

[1234] ARTHUR TO COL: [J. F.] LOVE: LB.2, p. 153-154.

Mar. 22 *Government House, Toronto.* [Marked "Private".]

In reply to your letter of the 18th. I have only time just now to inform you—that your movement to the Lower Province is decided upon. As

delicately as I could, I have strongly urged the advantage of your Services where you are; but, in contemplation of the return of the 73rd. Regt. to England, the Commander of the Forces is of opinion that it is necessary you should be in readiness for Embarkation.

The only change proposed in the original arrangement is to keep the whole of the 34th. Regt at Toronto, and to send only one Wing of the 83rd to London—the Militia taking the duty at Windsor and Sandwich. I submitted the opinion that two Corps in the London District were very desirable, and I should certainly have been glad [if] it had been acceded to—for there are parts of your extensive command not to be depended upon for their loyalty. It is not my intention, however, to urge the matter further—and what I say to you now upon the subject. I say *privately*.

I propose to commence my inspection as soon as the roads are a little better, and shall take London on my way to the West. I am sure that I shall find not only your own Corps, but the 85th. in the highest order.

There are not less than 200 men of the 93rd., who voluntarily attend School—this has had an admirable effect upon the Corps, and I shall be glad to find that your men have a taste the same way. We must raise the moral tone and character of the Soldier—it is better, far better than punishment in order to subdue crime. The 93rd., however, are altogether a different Class of men from yours—younger, and more amenable in the way of learning, I should think. . .

[P.S.] I enclose a letter to you from Sir Richard Jackson.

[Enclosure lacking.]

[1235] ARTHUR TO COL. [J. F.] LOVE: LB.2, p. 154-155.

Mar. 22 *Government House, Toronto.*

I have received your letter of the 19th. inst—enclosing a letter from Colonel Young expressive of his regret at the misfortune which Captain Cronyn has unfortunately brought upon himself.

Most deeply also do I feel it; and, in truth, it kept my decision suspended for many days; and, at length, I only yielded to necessity!

It was my intention by authorizing Colonel Young to receive their resignations, that he should at once have acted upon it—but be so good as to desire him to do so now— The Asst Adjt Genl, however, will write officially tomorrow.

[1236] ARTHUR TO THOMSON: LB.5, p. 79-80.

Mar. 24 *Government House, Toronto.*

Inadvertently, in referring to the Registrars office, I omitted to say any thing respecting the two other Offices held by Mr MacNab.

The office of Deputy Clerk of the Crown was filled up by Mr Small, the Clerk of the Crown, as soon as it was vacant.

The appointment of Serjeant at Arms is in the gift of the Government, and I intended that it should remain open, but I find it would be a great gratification to Colonel Chisholm if his son were appointed to this vacancy, and he certainly has a very strong claim upon me for the service which he has rendered to the Government. I fear he is exceedingly embarrassed, and that even this small appointment would be a great relief.

I have just told him that I should write to you upon the subject.

I am sorry to say our University affairs do not progress as I wish.

There are, certainly, parts of Dr McCaul's scheme which do not altogether meet my concurrence; but both the Vice Chancellor and the Principal assured me that the Bishop had cordially agreed to it. Suddenly, however, the Right Reverend Gentleman has addressed a letter to Mr Matthews, in which he has attacked both me and the scheme in no measured terms.

Though appearances have been kept up, I have long known how I have been regarded by him and some of his particular friends, who are conscious enough that, in the most quiet way, their influence has been effectually put down—and, yet, I am satisfied he cannot shew that I have done one arbitrary act.

I will send you, by the next estafette, a copy of his Lordship's letter, and of the answer to it which I have just drafted. He never would have indulged his spleen as he has done in animadverting upon my measures to one of the masters of the College, had he not known that I should shortly be out of his way. My disallowance of his salary as President about a year ago will not be readily forgotten.

Mr Draper gets on very satisfactorily in his new office—the benefit of his method, and despatch of business is apparent every day.

[1237] ARTHUR TO THE BISHOP OF TORONTO [JOHN STRACHAN]: LB.4, p. 55-60.

Mar. 25 *Government House, Toronto.*

Some months ago, I directed a Committee to investigate into the State of Education generally in this Province, and to propose some scheme for its better regulation and extension.

The Principal of Upper Canada College was the Chairman of that Committee; and in the progress of its labours, Doctor McCaul considered that a beginning might be made to put the University in action.

A scheme was accordingly devised and His Excellency the Governor General presided as Chancellor when it was brought before the College Council, & after some discussion, the principle of the scheme being generally approved, the subject was referred for the further Consideration of three members of that Board—of whom your Lordship was one—in conjunction with the Vice Chancellor, and Principal of U. C. College—mainly for the purpose of more carefully investigating its' [*sic*] details, with a view, if possible, of reducing the expense.

Very soon after the departure of the Governor General, the Vice Chancellor and the Principal presented to me a revised scheme together with a plan for some necessary buildings.

The first enquiry I made of these Gentlemen was, whether your Lordship entirely concurred in the arrangements proposed; and I was distinctly informed that they had received your cordial approval—that, as Members of the Committee, they had waited upon me, at your Lordship's request, and that you had expressed your willingness to take a Professorship of Divinity, and the same was inserted in the scheme.

Under these circumstances it was, that I undertook to put before the College Council the first Ordinance relating to the building[.] I shewed it to your Lordship previous to going in to the Council, merely as a matter of form, having been apprized that you had already attentively considered the subject, and I placed the Ordinance upon the Table, observing, in your presence, that it met with your concurrence.

Some doubt existing on my own mind as to certain parts of the scheme, I suggested that it should be published, so that general attention

might be drawn to it. My proposition met with no encouragement, but I still reserved the subject for further consideration.

My doubts were—whether the efficiency of Upper Canada College might not be endangered by transferring so many of the Masters, as the scheme then before me contemplated, to the University; and, subsequently to the meeting of the College Council, I entered into a very full explanation with the Principal of U. C. College upon the subject.

I have reason to believe that Dr McCaul, in part at least, repeated to the Revd Mr Matthews the nature of my apprehensions; and, a day or two afterwards, Mr Matthews called at Govt House, and, to my great surprize,—as I had been informed that he had given his cordial adhesion to the scheme, and to the employment under it which had been assigned to him—urged upon my attention the prejudice which the College would sustain if the proposed scheme were carried into effect.

After a long conversation, I requested Mr Matthews to state his sentiments in writing and, on the 18th. inst, I received a detailed communication from Mr Matthews accompanied by a letter addressed to him by your Lordship, dated the 17th. inst.,—the perusal of which has led to the foregoing Narrative and induces me to add the following observations.

The intent of Mr Matthews' Paper is to shew that the University Scheme will interfere with the efficiency of Upper Canada College, against which he records his protest.

Your Lordship very highly commends this proceeding as an evidence, you observe, of "respect and veneration for (Lord Seaton) the founder of U. C. College, which does great honour to your feelings; in fact, the Colony owes a large debt of gratitude to Lord Seaton for its establishment which ought to ensure its preservation in full efficiency."

Your Lordship remarks it is "a most valuable and necessary appendage to the University" and "I gave it my cordial support and cooperated zealously with the Governor in promoting it's efficiency" and you express yourself "happy to find that some of the officers of U. C. College are no parties to the degradation of the Institution which it is their duty to support and defend" and that you, Mr Matthews, "who have laboured from the Commencement with so much credit as second master have had the courage to state your opinion—for this, Lord Seaton who glories in U. C. College, and his numerous friends will thank you".

Towards the conclusion of your letter, your Lordship adds, "I shall, therefore, feel it to be my duty to protest against the adoption of any scheme which goes either directly or indirectly to Compromise the strength, dignity, or efficiency of Upper Canada College."

How it happened that the two Members of the Committee, associated with your Lordship to Consider the scheme proposed by Dr McCaul for commencing the University, could have stated to me that your Lordship cordially concurred in the project submitted for my adoption; or, how it happened that your name was inserted in the scheme as one of the Professors, if you were so vehemently opposed to the whole measure; or, how it happened that, when I laid that scheme upon the Council Table, and proposed to invite public criticism upon the whole plan, your Lordship was silent, I cannot comprehend. Nevertheless, your Lordship will perceive, by the letters addressed to me by the Vice Chancellor, and Principal of U. C. College of which copies are enclosed that I had the strongest grounds for supposing that your adherence had been given to the plan. Unless your Lordship had stated it to be the case, I could not

have believed that, whilst all that I have described was in progress, your Lordship was expressly reserving your opposition until the details should be brought forward.

Your Lordship's observations respecting Upper Canada College have occasioned me some surprize. I have never supposed that Your Lordship had openly opposed the Lt Governor in that undertaking, but I have all along been under the impression that you were strongly adverse to the establishment of U C College upon so extensive a scale, and that, in place of its being erected with your *cordial support and zealous co-operation*, it met with your unqualified disapprobation, as a measure, in your opinion, involving an unjust appropriation of the funds, and as tending to defeat the early establishment, of the University. I am certain that a very general impression exists to this effect; and that Lord Seaton entertained it himself in a very strong degree, I can have no doubt.

With regard to the early difficulties which your Lordship describes to be thrown in the way of the University, I am, of course, in no way responsible.

When it was first proposed to me to concur in measures for putting the University into operation, I found that an estimate had been prepared for the erection of the Building amounting to £48754.11.3¼ and that tenders were before the College Council—the lowest being £45120.0.0[.]

On enquiring what were the funds at the Command of the Council for this undertaking, I found there were actually available no more than £250!

A Memorandum of the exact state of the Funds as furnished to me at the time is annexed; and it is unnecessary to offer any further explanation why I did not give my concurrence to the Building Proposition.

Your Lordship remarks upon the Act 2 Victoria Chap 10 that it is "unconstitutional"—"unjust in principle"—that it "shews, in its details, a melancholy ignorance of all that ought to belong to a literary Institution."

That its "provisions strike at the security of Property—invade the Prerogative of the Sovereign—trample on vested rights"—and is in its "character and tendency more unconstitutional and revolutionary than any Law on the Statute Book of the Province."

The Act, thus stigmatized, your Lordship observes, the Chancellor was induced "to force a second time on the Legislative Council, contrary to all Parliamentary Usage and precedent" and your Lordship adds "Several of the Members were so disgusted that they left the Chamber. As to myself, not having been referred to in the matter by the Chancellor, I did not at the time believe that he had interfered. I, therefore, continued to resist it, but members and *influence* prevailed, and the measure was passed about half an hour before the Prorogation,—leaving a stain on the Legislative Council which can never be washed away.["]

As your Lordship describes the Act upon which you have thus commented, and with which you have thus offensively identified the Chancellor, to be in a great degree innocuous, there would appear to be less excuse for such strong language, and I shall leave it to your Lordship's reflection, how far it was treating me with courtesy and respect to seize upon such an occasion to hold up my conduct in the light you have done before an officer of an Institution over which it is my duty temporarily to preside, and thus through him to circulate your sentiments.

[Enclosures lacking.]

[1238] ARTHUR TO SIR R. D. JACKSON: LB.5, p. 80-83.

Mar. 26 *Government House, Toronto.*

I have had the pleasure to receive your letter of the 16th. inst. I hope we shall be quiet; and, if the Maine Affair can be settled, I think we shall be so; in which case the exact force at each station occupied by our Troops will be less important.

In suggesting that the whole of the 83rd. Regt should go to London, I was partly influenced by Lord Seaton's decision, as communicated to me in his Letter of the 16 April last, of keeping three Regts of the Line in the London and Western Districts; and, having quarters at St Thomas' [*sic*], unoccupied, for one hundred and twenty men, the expense of Hutting the remainder of the Corps, I thought, would have been trifling. It will be long, I trust, before the evil day will come; but, whenever we have a rupture with the States, the Western Country will be the scene of the greatest anxiety; and, with reference to the present political character of the People, which is none of the best in that quarter, it will be necessary that London and St Thomas should be occupied in force—the presence of a large body of Troops there for three or four years will tend, perhaps more than anything else to bring about an improved feeling.

Sandwich and Windsor can well be taken by the Militia as you propose.

You do not allude to Chatham. It is an important Post; but, unfortunately, very unhealthy in the Autumn. I would recommend that it should also be occupied by the Militia.

I enclose a proposed distribution of the Militia, to work with the dislocation of the Regular Force which you have decided upon. It can be revised just as you may desire.

The most important point it embraces, is that of making Prescott the Head Quarters of a Militia Regiment, and occupying Fort Wellington with that Force. I am not quite certain about the extent of accommodation at Prescott, and have desired the Asst Quarter Master General to ascertain; but I suggest this for your consideration, because Prescott is an important section of the St Lawrence, and the Militia will have at all times a rallying point, where their numbers, if necessary, may be augmented without confusion, and upon a well concerted plan. It will also set free a small Detachment of Regular Troops, the whole of which force, I conclude, it will be your wish always to hold perfectly disposable for the field. Unless, however, the Head Quarters of a Corps were at Prescott, I should not recommend the occupation of the Fort by the Militia.

The new Barracks at Toronto being decided upon, we must hope all is for the best. The Govr General was anxious to arrest that undertaking, principally, I think, in consequence of an opinion expressed to him by Captn Pringle. He spoke to me frequently upon the subject, and I enclose for your perusal the copy of a letter which I addressed to him upon it.

Will you do me the kindness to let me know when your plans for your tour through the Upper Province are decided upon, as I shall have the greatest pleasure in receiving you at Toronto and can comfortably accommodate yourself and one of your Staff—and I am sure I need not add that I shall be sincerely happy by every means in my power to be useful. My Horses and Carriage are at your service.

We have now a sharp revival of Winter; but I propose commencing the half yearly inspection of the Regiments as soon as the weather is settled; and as I never feel fatigue by travelling, and do not regard bad roads, I hope to have this duty over about the time you begin to move—indeed, if I am pressed, I will not go on to Amherstburgh [*sic*], but will inspect the 34th. Regt on their arrival at Toronto.

To see the Country as you desire, you should not, if it can be conveniently avoided, undertake the tour until the beginning of June—the roads are wretched, and, if the spring is moist, they, literally, are impassable. However, only make good Toronto, and rain or shine I hope you will find yourself comfortably at home.

I have just heard from Lord Seaton by the Queen. He had been called to Town by Lord John Russell upon Canada affairs— He is quite well, and hard at work upon his long cherished plan of carrying Emigration more enterprisingly forward.

[First enclosure lacking. Second enclosure is apparently item 1128.]

[1239] ARTHUR TO EDWARD [ARTHUR]: LB.6, p. 88-92.

Mar. 27 *Toronto.*

Yr. letter dated on the 5th. January from Brighton only reached me yesterday—it afforded yr. dearest Mother & myself as well as yr. sisters & brothers, sincere pleasure to hear that you were well;—but I was sadly disappointed you wrote such a wretched scrawl without giving me the slightest information of yr. conduct or Studies at Sandhurst. To judge from your letter, you can have made no progress at all; but it wd. have been some gratification to me to have heard what your studies Nominally had been. You say you will not forget to write once a fortnight . . . but you do not otherwise refer to any part of my letters. Is this kind or dutiful? do you not suppose Edward yr. Parents must feel such carelessness & inattention, & was not my advice worth the expression of yr. thanks if not calculated to excite you to make at least good resolutions—indeed, you grieve me much— I did expect my strong appeal to your best feelings wd. have roused you into a ready acquiescence with my wishes & that you wd. have given me an assurance of your determination to be zealous & attentive to your duties. I have heard of you from several quarters whilst at College & every acct. refers to yr. want of application.

It is better far better to be without ability than to be an Idler. I have already explained to you that yr. success in life depends entirely upon yr. own exertions & that unless you gain your commission by your own acquiremts. you are never likely to obtain one— It is in vain to be putting off the labor of today until Tomorrow—whatever you have to do shd. be done heartily & zealously & *at once.*

Whilst you are thus inattentive to my wishes, I have been most thoughtful about every thing that is connected with your future success in Life; & relying upon yr. own desire to strive to get forward, I have projected a plan by wh. you might take the lead of yr. fellow Cadets in German & french by sanctioning your passing your summer vacation in Hanover with Capt. Dieckman who is a very able clever person—& whilst you improve yrself. in those languages & drawing, or whatever may be thought best for you you would see the Hanoverian Troops.

General Sir Hugh Halkett, who commands at Hanover, is the Father of Capt. Halkett of the Guards, who is my Military Secretary, & the

general I am sure wd. be glad to shew you some kind attention & so wd. Captain Hammerstein Col Halketts brother-in-law . . . and if you work hard in the Morngs. at your studies, Capt. Dieckman will allow you the use of a horse by wh. means you will get excellent instruction & become a first rate Horse-man. But my first wish is that yr. heart & head may be all right.

I am very much distressed to hear that Mr. Walton shd. have struck you, or called you "an ungentlemanly brute" as you say he did—it was unbecoming in him, very much so, to descend to any thing so improper—but, I cannot help thinking that you gave more provocation than you speak of, & I am shocked to think that you cd. even have entertained the *thought* of resenting it by a blow in return.

If he forgets himself for a moment that is no excuse for a son of mine who has been instructed from his earliest youth from the word & Commandment of God never to resent an injury, even suppose it were one—You must recollect, however, that Mr. Walton has the charge of you in my stead, & that it is his duty to correct you, provided, it is done in a proper way & spirit— I do not think it proper to condemn him, however, without knowing what he has to say, & I am far from approving of yr. observing—"I do not wish this to be mentioned again"— it looks like doing Mr. Walton an injury behind his back whilst he is kept in ignorance of it, & you know I have always enjoined you to be open—& candid—& fair in all you say or do— In place of harbouring a thought of resentmt., suppose you had in a firm, but mild & respectful manner said to Mr. Walton—"Sir—if I have done what you consider wrong, I regret it; but, I am sure my father would be sorry that you struck me or used such language towards me"! ! wd. that not have been much better—wd. it not have had a good tendency in preventing a recurrence of any thing so disagreeable? I am sure you will reply in the affirmative. . . [Asks that thanks for kindness be expressed to Colonel Taylor.]

Yr. brother Frederick is at present at New York—he is quite well & sometimes expresses a desire to join his regt. in India. A great many duties have devolved upon him whilst on my staff, & if he did not apply himself & work hard what assistance cd. he afford me do you suppose? If you intend to be useful hereafter, *now* is the time to lay in a large stock of useful knowledge, & to acquire the *habit of application*.

All the rest of the Family are well except yr. sister Isabella who has been in delicate health for some time. John grows very fast & Eliza & Fanny are so tall you wd. scarcely recognize them again. Your sister Kate continues to assist me with her pen & whilst I walk up & down the room she transcribes as fast almost as I can dictate, & in fact does more actual business than most people— You will be glad, I am sure, to relieve her, but to do so you must *qualify* yrself—have your pen continually in your hand & pass any leisure time in reading good Books.

[1240] CHA[RLES] PRESSLY TO ARTHUR: L.S. 2p.

Mar. 27 *Stamps and Taxes, London.*

I am directed by the Board to inform you that the following Arrear of Taxes is due from you at Feltham Middlesex, being the Assessment of the year 1838. ending 5th. April 1839, in respect of the Establishment kept by you in the previous year between the 5th. April 1837. and the 6th. April 1838 — vizt.

4 Servants	£ 8..14..0
2 Horses	4..14..6
4 Wheeled Carriage	6.. 0..0
Dog	.. 8..0
Armorial Bearings	2.. 8..0
	£22.. 4..6

And I am to request that you will cause this sum to be paid to the Receiver General at this Office.

[Attached to the above is the following receipt:]

Parish of Feltham

Recd. April 24th 1838 of Sir George Arthur Fourteen Pounds 10s/-d for one years Assessed Taxes due 5th. Inst.

£14.10.0

Charles Allcot[.]

stamp 6d—

[1241] ARTHUR TO SIR R. D. JACKSON: LB.5, p. 83-84.

Mar. 28 *Government House, Toronto.*

The Asst Q Master General has just been conferring with me respecting the movement of the Troops; and will convey through the Deputy Quarter Master General all local information.

Captain Sandom has undertaken to give up the use of the armed Steamer Toronto. She has lately undergone a thorough repair, and will convey 250 men, with a proportion of Baggage, each Trip, from *Port Colborne* (it is not considered safe to embark Troops at *Chippewa*) to Amherstburgh [*sic*]. So that the removal of the 43rd. to the West, and of the 34th. Regt and Detachment 85th. to the East of Lake Erie may be conveniently effected within 14 days.

At the same time, the Schooners employed by the Naval Department, I should presume may remove the Baggage of the 73rd. & 85th. Regts from Port Stanley—whilst these Corps move by Detachments to Hamilton from whence they may be conveyed direct to Montreal.

By this arrangement, the expense and objections against the employment of American Vessels may be avoided—and the Toronto will still be in readiness for your accomodation on the Western frontier. At the same time, I am aware that there are considerations which may make a more rapid movement desirable, and should you consider it necessary to take up American Vessels, I conclude you will object strongly to their touching on the American side for fuel.

There is nothing new on the Frontier and all seems quiet.

The arrangement you wish respecting the Company for Coteau du Lac can be very conveniently effected. I hear that we are not likely readily to get Volunteers for the embodied Corps—but, I do not believe it.

[1242] THOMSON TO ARTHUR: A.L.S. 2p.

Mar. 29 *Government House, Montreal.* [Marked "Private".]

Yours of the 20th. and 21st. reached me on Thursday and that of the 24th. the following day.

I conclude from what you say, that Sir Allan takes the Registrarship. It is the best arrangement. Pray give the Deputy Sergeantship to young Chisholm as you desire— His Father deserves very well of me,

and I am only sorry that he is likely to hold the place for so short a time. However, tho' of course he will clearly understand that he has no claim to an allowance in case the office is abolished at the Union, it will give him one to be considered in the future arrangements.

I am very easy under the discussions about "Responsible Govt." with you, & I dare say that they will be renewed with fresh vigor when Lord John's dispatch which he has communicated to Parlt. is published, which was my *test* to the Solr. Genl. before I gave him office. But I believe that the extremes of both parties only *pretend* to misunderstand the matter. The Radicals know very well that they cannot have a British Cabinet in a Colony—and the Tories only charge them with wishing for it, because they fear the establishment of the practical system of Govt. which Ld. John and I desire to give them, which will cut up their power root and branch. A *Strong* Executive can only be one which has generally the confidence of the People. *They* only want an Executive held by themselves, and care nothing for the only condition which can give it real strength. This is evident from all their attacks on the Govt.—

I am very glad that Draper succeeds so well. I thought he would, for he seemed to me to have very good business like habits.

I will attend to what you say of moving the troops. I want by the bye a *formal* opinion from the law officers of the Crown respecting the necessity for new elections in case the Union having passed in Parlt. should not be *declared* by me till the Autumn. I have directed a case to be submitted, which I shall be very much obliged to you to lay before them, and as it will involve Constitutional Law, I will get the C. J.'s opinion too, here— If there is any doubt upon the matter, it can easily be provided for in England.

Your Chief Justice was to leave England the 15 March. Ld. John writes to me that he has written a pamphlet against us, and that he is altogether in the hands of the Tories, Lyndhurst & Co— I have got his pamphlet which gives me a poor opinion of his abilities as a writer. The style is wordy, inelegant, and very illogical. The only part in which he throws any light upon the subject is a statement of the present judicial and municipal system of Upper Canada, but that any man who had lived six months in the country could have done.

I am anxious to get your controversy with the Bishop. I hope you will be firm with him. I saw that he had a spite against you by something he let fall when first I reached Toronto, and which I instantly checked to his apparent suspicion, but I thought *that* must have been swallowed up in the greater irritation towards myself. . .

[P.S.] You seem to have settled the Muttlebury *row* very well— If they be *Gentlemen*, God help the U. C. militia! Will you have the goodness to tell Mr. Macaulay that I have got his letters and will write in a day or two.

[1243] ARTHUR TO SIR R. D. JACKSON: LB.5, p. 84-86.

Mar. 30 *Government House, Toronto.*

On the 2nd. of December last I transmitted to Sir John Colborne the original of the letter of which the enclosed is a copy, and earnestly begged him to be kind enough to exert his influence in attaining the object of Major Fraser's wishes—the Brevet rank of Lieut Colonel—so as to place him in his position before those officers who were promoted for their services in the Canadas, being then his juniors in the army.

I have within the last few days heard from Lord Seaton acknowledging a letter of a later date, for which reason, together with other circumstances, I am led to believe that my letter of the 2nd. December has not reached him.

Major Fraser has stated his own case so plainly and truly, that I have nothing to add to it, except my testimony to its accuracy.

It was not possible for any officers to make a greater effort than the whole of the Staff in this Province during the years 1838 and 1839.— A very large Militia Force was suddenly called out; and, as I dreaded the consequences, in the way of expense, if inexperienced Militia Officers were employed, I looked entirely to the General Staff to make a double effort for the good of the service.— Every one, accordingly, cheerfully exerted himself to the utmost, and Insurrection and Invasion were put down at the least possible charge upon the Country.

Your Excellency's Predecessor, I am satisfied, desired to do justice to every officer under his command—it was necessary, however, to draw some line, and, upon a general principle of that kind, I doubt not, it was, that the Assistant Quarter Master General was not promoted.

It is true Major Fraser was not engaged in the affair at Prescott or at Windsor; but, in the great effort that was made, under the most adverse circumstances, to meet the Brigands at *all* points, every Departmental officer largely participated— The result was successful, and a General War which was one of the wicked objects contemplated by the disaffected in this country, and their associates in the States, was averted. But, upon this point, a feeling of personal delicacy has always restrained me from doing even justice to those who served under me— I shall, however, feel infinitely obliged if your Excellency will be so good as to submit Major Fraser's case to the General Commanding in Chief, with your Excellency's favorable recommendation[.]

[Enclosure lacking.]

[1244] ARTHUR TO THE RIGHT REVD DOCTOR [JOHN] STRACHAN: LB.4, p. 61.

Mar. 30 *Government House, Toronto.* [Marked "Private".]

Nothing is further from my wish than to take offence unnecessarily; and, I can assure you that I have received your letter of this date with pleasure because it removes every hindrance to a good understanding— and during the probable short period of my administration of this Government, there is nothing I desire more than to cooperate with you cordially in every measure that has a tendency to promote the best interests of the community[.]

[1245] JOHN TORONTO [*i. e.* STRACHAN] TO ARTHUR: A.L.S.

Mar. 30 *Toronto.* [Marked "Private".]

I have read your very kind note with sincere pleasure and am exceedingly happy that the seeming misunderstanding which gave me much uneasiness has been removed[.]

It will be a great satisfaction to me to co-operate with Your Excellency in any measure which has a tendency to promote the best interests of the community feeling well assured that Your Excellency will lose no opportunity of furthering its true prosperity[.]

Mar. 30 A. W. Light to [Sir R. D. Jackson]:
See item 1286.

[1246] Arthur to Sir R. D. Jackson: LB.5, p. 86-87.

Mar. 31 *Government House, Toronto.* [Marked "Private".]

I have been disappointed at not having received any answer to a short note which I wrote to Sir John Colborne on the 2nd. December last, enclosing a letter from Major Fraser respecting his promotion which I begged Sir John to advocate either at the Horse Guards, or through the Secretary of State as he might deem best.

Having heard from Lord Seaton by the Queen without his adverting to the subject; and having lately learnt that a packet of Despatches of mine were some time since negligently left by the Messenger at Lewiston and afterwards forwarded by an American gentleman to New York, it strikes me as possible that some of my letters may have been lost, and this amongst the number.

I have reason to suppose from a note addressed to Major Fraser by Lieut Colonel Rowan, of which I enclose a copy, that Lord Seaton must have recommended Major Fraser after his arrival in England.—

But no favorable result has followed, and I fear there must be a hitch somewhere.

Nevertheless, as he has been a very useful officer, and did his best to aid the Civil Government when the Militia were brought out in force, I am anxious to do my best, and shall be much obliged if you will have the kindness to forward the demiofficial I have addressed to you; and if you can venture to strengthen it with your kind notice, I shall be very thankful.

We have had a week of very stormy weather—but, I hope, it will now set in fine before the Troops begin to move.

It will be a little too early, perhaps, for the Welland and Rideau Canals; but there will be no serious difficulty unless there should happen to be stormy weather on Lake Erie, in which case we have there no good Ports—a very great evil which I trust will be remedied as soon as the finances of the Country will admit of it.

[Enclosure lacking.]

[1247] [Sir] R. D. Jackson to Arthur: A.L.S. 3p.

Mar. 31 *Montreal.* [Marked "Private".]

I received this morning your kind communications with Map, for which I beg to thank you, very sincerely, but I must defer writing upon their contents for a few days, as I have not had time to look over them with proper care, and have only *now* heard that a Messenger [h]as to go to Toronto[?] in ½ *an hour.* I send this note, therefore with the object only of shewing that I am not insensible[?] to your kindness.

The U. States Troops have broke[?] up from Plattsburgh for Houlton on the borders of Maine & New Brunswick.— and I hear that Col. Worth & some Troops are proceeding to the Western Frontier.

All this may be a mere show, and swagger[?] but it may encourage the ill-disposed, and give us trouble—but that is what Soldiers are born for.

BNQ
C 000 308 912