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THE RISE

OF

CANADA,

FROM

BARBARISM

TO

WEALTH AND CIVILISATION.

BY

CHARLES ROGER,

QUEBEC.

Una manus calamum teneat, manus altera ferrum,
Sic sis nominibus dignus utrinque tuis.

VOLUME I.

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1856.

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TO

JOSEPH MORRIN, ESQUIRE, M. D.,

MAYOR OF QUEBEC,

This Volume

IS DEDICATED, AS THE ONLY MONUMENT, WHICH CAN BE RAISED TO ACKNOWLEDGED WORTH,

BY HIS OBLIGED AND FAITHFUL

FRIEND AND SERVANT,

THE AUTHOR.

Quebec, December, 1855.

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PREFACE.

The beauty of a book, as of a picture, consists in the grouping of images and in the arrangement of details. Not only has attitude and grouping to be attended to by the painter, and by the narrator of events, but attention must be paid to light and shade; and the same subject is susceptible of being treated in many ways. When the idea occurred to me of offering to the public of Canada a history of the province, I was not ignorant of the existence of other histories. Smith, Christie, Garneau, Gourlay, Martin and Murray, the narratives of the Jesuit Fathers, Charlevoix, the Journals of Knox, and many other histories and books, were more or less familiar to me; but there was then no history, of *all* Canada from the earliest period to the present day so concisely written, and the various events and personages, of which it is composed, so grouped together, as to present an attractive and striking picture to the mind of every reader. It was that want which I determined to supply, and with some degree of earnestness the self-imposed task was undertaken. My plan was *faintly* to imitate the simple narrative style, the conciseness, the picturesqueness, the eloquence, the poetry, and the philosophic spirit of a history, the most remarkable of any extant—that of the world. As Moses graphically and philosophically has sketched the peopling of the earth; painted the beauties of dawning nature; shown the origin of agriculture and the arts; described the social advancement of families, tribes and nations; exhibited the short-comings and the excellencies of patriarchal and of monarchical forms of government; exposed the warrings and bickerings among men; told of the manner in which a people escaped from bondage and raised themselves on the wreck of thrones, principalities, and powers, to greatness; published the laws by which that most chosen people were governed; and dwelt upon the perversity of human nature; and as other men, divinely inspired, have sublimely represented the highest stages of Jewish civilisation, so did I propose to myself to exhibit the rise of Canada from a primitive condition to its present state of advancement. My first great difficulty was to obtain a publisher. There could only be a very few persons who would run the risk of publishing a mere history of Canada, even with all these fanciful excellencies, produced by one unknown to fame. But "where there is a will, there is a way," and about the middle of the month of June last, I had succeeded in disposing of a book, then scarcely begun, to Mr. Peter Sinclair, Bookseller, John Street, in the City of Quebec. That gentleman, with characteristic spirit and liberality, agreed to become my publisher, and until the 17th day of September, I read and wrote diligently, having written, in round numbers, about a thousand pages of foolscap and brought to a conclusion the first rebellion. Then the work of printing was begun, and the correction of all the proofs together with the editorial management of a newspaper, have since afforded me sufficient occupation. Mr. McMullen, of Brockville, has, however, produced a history of this country from its discovery to the present time, almost as if he had been influenced by motives similar to those which have influenced me. His pictures, however, are not my pictures, nor his sentiments my sentiments. The books—although the facts are the same and necessarily derived from the same sources—are essentially different. He is most elaborate in the beginning, I become more and more particular with regard to details towards the close—I expand with the expansion of the country. In the first chapter of this first volume, the history of the province while under French rule is rapidly traced, and the history of the New England Colonies dipped into, with the view of showing the progressional resemblance between that country which is now the United States and our own; in the second chapter the reader obtains only a glance, as it were, at the American war of independence, when he is carried again into Canada and made acquainted with the many difficulties in spite of which Upper and Lower Canada continued to advance in wealth and civilisation; in the third chapter a history of the war between England and the United States is given with considerable minuteness; and the fourth chapter brings the reader up to the termination of that extraordinary period of mis-government, subsequent to the American war, which continued until the Rebellion, and has not even yet been altogether got rid of. There are without doubt, errors, exceptions, and omissions enough to be found—an island may have been inadvertently placed in a wrong lake, a date or figure may be incorrect, words may have been misprinted, and, in some parts, the sense a little interfered with—but I have set down nothing in malice, having had a strict regard for truth. I have creamed Gourlay, Christie, Murray, Alison, Wells, and Henry, and taken whatever I deemed essential from a history of the United States, without a title page, and from Jared Sparks and other authors; but for the history of Lower Canada my chief reliance has been upon the valuable volumes, compiled with so much care, by Mr. Christie, and I have put the essence of his sixth volume of revelations in its fitting place.

For valuable assistance in the way of information, I am indebted to Mr. Christie personally, to the Honble. Henry Black, to the Librarians of the Legislative Assembly—the Reverend Dr. Adamson and Dr. Winder—and to Daniel Wilkie, Esquire, one of the teachers of the High School of Quebec.

C. ROGER.

Quebec, 31st December, 1855.

THE RISE
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BARBARISM TO CIVILISATION.

CHAPTER I.

There have been many attempts to discover a northwest passage to the East Indies or China. Some of these attempts have been disastrous, but none fruitless. They have all led to other discoveries of scarcely inferior importance, and so recently as within the past twelve months the discovery of a passage from the Atlantic to the Pacific Oceans has been made. It was in the attempt to find a new passage from Europe to Asia that this country was discovered. In one of these exploring expeditions, England, four centuries ago, employed John Cabot. This Italian navigator, a man of great intrepidity, courage, and nautical skill, discovered Newfoundland, saw Labrador, (only previously known to the Danes) and entered the Gulf of St. Lawrence. To Labrador he gave, it is alleged, the name of Primavista. But that he so designated that still rugged and inhospitable, but not unimprovable, region, is less than probable. The name was more applicable to the gulf which, doubtless, appeared to Cabot to be a first glimpse of the grand marine highway of which he was in quest, and with which he was so content that he returned to England and was knighted by Henry the Seventh. Sebastian Cabot made the next attempt to reach China by sailing northwest. He penetrated to Hudson's Bay, never even got a glimpse of the St. Lawrence, and returned to England. Fifty years afterwards, Cotereal left Portugal, with the view of following the course of the elder Cabot. He reached Labrador, returned to Portugal, was lost on a second voyage, and was the first subject of a "searching expedition," three vessels having been fitted out with that view by the King of Portugal. Several other attempts at discovery were subsequently made. Two merchants of Bristol, in England, obtained a patent to establish colonies in Newfoundland and Labrador, and in 1527, Henry the Seventh, for the last time, despatched a northwest passage discovery fleet. The formation of English settlements, and the exploration were equally unsuccessful. These facts I allude to, rather with the object of accounting for the name of "Canada," applied to the country through which the St. Lawrence flows, than for any other purpose. In the "*Relations des Jesuits*," Father Henepin states that the Spaniards first discovered Canada while in search, not of a northwest passage, but of gold, which they could not find, and therefore called the land, so valueless in their eyes, *El Capo di Nada*—"The Cape of Nothing." But, the Spaniards, who possibly did visit Canada two years before Cabot, whatever the object of their voyage may have been, could not have done anything so absurd. Quebec, not Canada, may have been to them Cape Nothing, and doubtless was. It was the *way* they looked for. That was as visible to them as to Cabot, and a passage, strath, or way is signified in Spanish by the word Canada. It was not gold but a way to gold that English, Spaniards, Italians, and French sought. It was the cashmeres, the pearls, and the gold of India that were wanted. It was a short way to wealth that all hoped for. And the St. Lawrence has, indeed, been a short way to wealth, if not to China, as will afterwards be shown.[1]

Passing over the exploration of what is now the Coast of the United States, by Verrazzano, I come to the discovery of Gaspé Basin and the River St. Lawrence, by Jacques Cartier, of St. Malo, in France. With ships of one hundred and twenty tons, and forty tons, Cartier arrived in the St. Lawrence—as some spring traders of the present day occasionally do—before the ice had broken up, and found it necessary to go back and seek shelter in some of the lower bays or harbours. He left St. Malo in April, 1534, and arrived in the St. Lawrence early in May. Returning to Gaspé, he entered the Bay Chaleur, remained there until the 25th July, and returned to France. Next year, Cartier arrived in the St. Lawrence, after various disasters to his three vessels, and viewed and named Anticosti, which he called L'Isle de L'Assomption; explored the River Saguenay; landed on, and named the Isle aux Coudres, or Island of Filberts; passed the Isle of Bacchus, now Island of Orleans; and at length came to anchor on the "Little River" St. Croix, the St. Charles of these times, on which stood the huts of Stadacona. Cartier chatted with the Indians for a season. He found them an exceedingly good tempered and very communicative people. They told him that there was another town higher up the river, and Cartier determined upon visiting that congregation of birch bark tents or huts, pitched on a spot of land called Hochelaga, now the site of Montreal. At Hochelaga the "new Governor" met with a magnificent reception. A thousand natives assembled to meet him on the shore, and the compliment was returned by presents of "tin" beads, and other trifles. Hochelaga was the chief Indian Emporium of Canada; it was ever a first class city—in Canada. Charlevoix says, even in those days this (Hochelaga) was a place of considerable importance, as the capital of a great extent of country. Eight or ten villages were subject to its sway. Jacques Cartier returned to Quebec, loaded his vessels with supposed

gold ore, and Cape Diamonds, which he supposed were brilliants of the first water, and then went home to France, where he told a truly magnificent tale concerning a truly magnificent country. Expeditions for Canada were everywhere set afoot. Even Queen Elizabeth, of England, sent Frobisher on a voyage of discovery, but he only discovered a foreland and tons of mica, which he mistook for golden ore. Martin Frobisher was ruined. His was a ruinous speculation. Talc or mica did not pay the expense of a nine month's voyage with fifteen ships. But all that was then sought for is now found in Canada—and more. To obtain much gold, however, the settlement of a country is necessary. It is the wants of the settlers which extract gold from the ground for the benefit of the trader. The only occupiers of Canada, no farther back than two hundred years, were Indians. The Montagnais, the Hurons, the Algonquins, the Iroquois, the Outagomies, the Mohawks, the Senecas, the Sioux, the Blackfeet, and the Crowfeet red-faces, were the undisputed possessors of the soil. They held the mine, the lake, the river, the forest, and the township in free and common soccage. They were sometimes merchants and sometimes soldiers. They were all ready to trade with their white invaders, all prone to quarrel among themselves. The Iroquois and Hurons were ever at war with each other. When not smoking they were sure to be fighting.

The first white man who opened up the trade of the St. Lawrence was M. Pontgrave, of St. Malo. He made several voyages in search of furs to Tadousac, and the wealthy merchant was successful. With the aid of a Captain Chauvin, of the French navy, whom he induced to join him, Pontgrave attempted to establish a trading post at Tadousac. He was, however, unsuccessful. Chauvin died in 1603, leaving a stone house for his monument, then the only one in Canada.

It was now determined by the French government to form settlements in Canada. And the military mind of France attempted to carry into effect a plan not dissimilar to that recommended a few years ago by Major Carmychael Smyth, the making of a road to the Pacific through the wilderness by means of convicts. The plan, however, failed, though attempted by the Marquis De la Roche, who actually left on Sable Island forty convicts drawn from the French prisons. A company of merchants having been formed for the purpose of making settlements, Champlain accepted the command of an expedition, and accompanied by Pontgrave, sailed for the St. Lawrence in 1603. They arrived safely at Tadousac, and proceeded in open boats up the St. Lawrence; but did nothing. The effort at settlement was subsequently renewed. In 1608, Champlain, a second time, reached Stadacona or Quebec, on the 3rd July, and struck by the commanding position of Cape Diamond, selected the base of the promontory as the site of a town. He erected huts for shelter; established a magazine for stores and provisions; and formed barracks for the soldiery, not on the highest point of the headland, but on the site of the recently destroyed parliament buildings. There were then a few, and only a few, Indians in Stadacona, that Indian town being situated rather on the St. Charles than on the St. Lawrence. Few as they were, famine reduced them to the necessity of supplicating food from the strangers. The strangers themselves suffered much from scurvy, and after an exploration of the lake which yet bears the name of its discoverer, Champlain returned to France. Two years later the intrepid sailor set out for Tadousac and Quebec with artisans, laborers, and supplies for Nouvelle France, the name then given to Canada, or the Great "Pass" to China. He arrived at the mouth of the Saguenay on the 26th of April, after a remarkably short passage of eighteen days. He found his first settlers contented and prosperous. They had cultivated the ground successfully, and were on good terms with the natives. Champlain, however, desirous of annexing more of the territory of the Indians, stirred them up to strife. He himself joined an hostile expedition of the Algonquins and Montagnais against the Iroquois. What success he met with is not now to be ascertained. Deficient in resources, he again returned to France, and found a partner able and willing to assist the Colony in the person of the Count de Soisson, who had been appointed Viceroy of the new country—a sinecure appointment which the Count did not long enjoy, inasmuch as death took possession of him shortly afterwards. The honorary office of Viceroy, which more resembled an English Colonial Secretaryship of the present day, than a viceroyalty, was, on the death of Soisson, conferred on the Prince de Condé, who sent Champlain from St. Malo for the Colonial Seat of Government, on the 6th March, 1613, as Deputy Governor. Champlain arrived at Quebec on the 7th of May. The infant colony was quiet and contented. Furs were easily obtained for clothing in winter, and in summer very little clothing of any kind was necessary. The chief business of the then colonial merchants was the collection of furs for exportation. There were, properly speaking, no merchants in the country, but only factors, and other servants of the home Fur Company. The country was no more independently peopled than the Hudson's Bay Territory now is. The actual presence of either governor or sub-governor was unnecessary. Champlain only made an official tour of inspection to Mount Royal, explored the Ottawa, and returned to France. He

was dissatisfied with the appearance of affairs, and persuaded the Prince of Condé, his chief, to really settle the country. The prince consented. A new company was formed through his influence, and, with some Roman Catholic Missionaries, Champlain again sailed for Canada, arriving at Quebec early in April, 1615—a proof that the winters were not more intense when Canada was first settled than at present. Indeed the intense cold of Lower Canada, compared with other countries in the same latitude, is not so much attributable to the want of cultivation as to the height of the land, and the immense gully formed by the St. Lawrence, and the great lakes which receive the cold blasts of the mountainous region which constitutes the Arctic highlands, and from which the rivers running to the northward into Hudson's Bay, and to the southward into the great lakes and the St. Lawrence, take their rise. The icy breath of the distant north and northwest sweeps down such rivers as the Ottawa, the St. Maurice, and the Saguenay, to be gathered into one vast channel, extending throughout Canada's whole extent. And, clear the forest as we may, Canada will always be the same cold, healthy country that it now is. Lower or rather Highland Canada, will be especially so, without, however, the general commercial prosperity of the country suffering much on that account. There are lowlands enough for a population far exceeding that now occupying the United States. But this is a digression. Champlain's Missionaries set themselves vigorously to the work of christianizing the heathen, while Champlain himself industriously began to fight them. He extended the olive branch from his left hand, and stabbed vigorously with a sword in his right hand. The Missionaries established churches, or rather the cross, from the head waters of the Saguenay to Lake Nepissing. Champlain battled the Iroquois from Mont Royal to Nepissing. Rather he *would* have done so. He did not find them until he reached, overland and in canoes, Lake Huron, the superior character of the land in that neighbourhood attracting his particular attention. He found his "enemy" entrenched by "four successive palisades of fallen trees," says Smith, "enclosing a piece of ground containing a pond, with every other requisite for Indian warfare"—a very Sebastopol, upon which Champlain discharged his fire-arms, driving the Iroquois back to their camp. The place was, however, impregnable, and the siege was reluctantly raised. The Algonquins would only fight as they pleased. They were sadly in want of a head. They would not use fire-arms, but "preferred firing their arrows against the strong wooden defences." Champlain was twice wounded in the leg, and his allies, making the non-arrival of reinforcements an excuse, retreated. Champlain insisted upon going home, but transport was wanting, and he was compelled to winter, as best he could, in a desolate region, with his discomfitted allies. In the following year he got away, and made haste down his Black Sea of Ontario, to his Golden Horn at Tadousac, from thence, on the 10th of Sept., 1616, returning to his native country to find his partner, the Prince of Condé, in disgrace and in confinement, for what the historian knows not. The Prince had possibly been playing Hudson, for we find that the Marshal de Themines was prevailed upon to accept the office, on condition of sharing the emoluments. But he too became involved in "controversy with the merchants," and after only two years presidency of the Company, resigned, when the Duke de Montmorenci obtained the Viceroyalty from Condé, for eleven thousand crowns. The Duke was Lord High Admiral of France, and Champlain was exceedingly glad. Another new colonizing company was formed. Seventy-seven artisans, farmers, physicians, or gentlemen, three friars, horses, cows, sheep, seed-corn, and arms were collected at Rochelle for exportation in 1619. But the laymen, partly Protestants and partly Roman Catholics, began to squabble about the immaculate conception, or something else, equally stupid and unimportant, until Champlain himself got into trouble and nearly lost his Deputy Governorship, and the expedition was delayed. In 1620, Champlain, however, set sail, and on his arrival at his capital, in July, was agreeably surprised to find that a missionary, named Duplessis, had got so far into the good graces of the Hurons, at Trois Rivieres, that he had discovered and frustrated a plan for the massacre of the French colonists. At Tadousac affairs were not at all flattering. The colonists had neglected cultivation. Only sixty white people remained, ten of whom were religiously engaged in keeping school, or were engaged in keeping a religious school. At this period of time it is difficult to say which. Worse than this scurvily decimated condition of the people, was the intrusion of some unprincipled and unprivileged adventurers from Rochelle, who had been bartering fire-arms with the Indians for the Company's furs. Champlain was very wroth, but moderated his anger somewhat on ascertaining that an *enfant du sol*—a real French-Canadian baby was in the land of the living. Who was the father of the child or who the mother, is neither mentioned by Hennepin nor Charlevoix, and the office of Prothonotary, or Registrar of Births, Marriages, and Deaths had not been instituted. It is not even in the chronicles that Champlain was at the christening, nor is the ceremony alluded to at all. This great, and most interesting event happened on some hour of some unmentioned day in the year 1621. It is possible the mother was of a distinguished Huron family. It

is certain that the Hurons were about that time in close alliance with the French, for the Iroquois began to be jealous of the alliance between the Hurons, Algonquins, and the French, and declared war with the view of destroying the settlements. The Iroquois succeeded in burning some Huron villages, but were repulsed by the French both at the Sault St. Louis and at Quebec. Quebec was now a fortified town. There were wooden, but not very extensive, walls around the barracks and the huts. Champlain had, on the whole, great reason to be thankful. His power and authority seemed to be undisputed. He had seen the first of a new world generation, and the means of wealth were seemingly at his feet. But he met with disappointment. The association of merchants who had fitted out his expedition, and from whom he obtained his supplies, were suddenly deprived of all their privileges of trade and colonization, by Montmorenci. The Duke, determined on doing as he pleased with his own, transferred the supremacy of the colonists to the Sieurs de Caen, uncle and nephew. The one de Caen was a merchant, the other a sailor. The sailor was soon at Tadousac. Before Champlain had well known, by a letter of thanks for past services, that he was recalled, or rather superseded, his successor had arrived at the head quarters of Nouvelle France—Tadousac. De Caen solicited an interview with Champlain, which was conceded. Smarting with indignation, Champlain was too polite. His courtesy was so excessive, that De Caen became exacting as if to show who he was. He wanted to seize all Champlain's trading vessels. They belonged, he said, to a company whose privileges had been transferred to him as the representative of another company. The furs with which they were laden belonged to Montmorenci and the De Caens, as his Grace's agents. Champlain demurred, and Captain De Caen peremptorily demanded Du Pont's vessel. Champlain, no longer courteous, flew into a violent passion. Du Pont was the favourite agent of his company, and his own particular friend. Champlain's rage was of no avail. Nor was the sympathy of the colonists of any value. De Caen was supreme, and did as he pleased. The colonists, however, excessively indignant, resolved to leave in a body, unless their opinions were allowed some weight, and a number did take their departure. Although De Caen had brought eighteen new settlers, the colony was reduced to only forty-eight. Champlain, however, remained in Canada. He felt himself to be the chief colonist, and only removed to Quebec, where he erected a stone fort. The fort was partly on that part of the present city on which the old Church of Notre Dame stands, in the Lower Town, and partly where the former Palace of the Roman Catholic Archbishop stood. Champlain pitched his tent outside the walls, which were almost rectangular, under the shadow of a tree, which, until six years ago, threw its leafy arms over St. Anne Street, from the Anglican Cathedral Church yard. While this fort-building, vessel seizing, and unchristian feeling were rending the infant colony to pieces, interfering with trade, and proving vexatious to all, a union had been formed in France between the old and new companies. The coalition was not productive of good. There was so little cordiality and so much contention between the parties, that Montmorenci threw up his viceroyalty in disgust, that is to say, he sold out to the Duke de Ventadour. Ventadour was in a world of difficulties. France was then half Protestant and half Catholic. Ventadour's chief object in purchasing Canada was to diffuse the Catholic Religion throughout the new world. With much energy of character, he was singularly pious. He attended mass regularly at an early hour every morning. His bedroom was religiously fitted up; the symbol of redemption hung constantly over the head of his bed. He was no bigot. He was thoroughly in earnest. He was only not wise. The man who had caused Champlain so much annoyance was himself a Huguenot, and not that only,—to the Duke's mortification, he had taken to Canada chiefly Protestants, and had even caused the Roman Catholic emigrants to attend Protestant worship on shipboard. Two thirds of the crews of his ships were Protestants. They sang psalms on the St. Lawrence. The new viceroy was much annoyed on ascertaining that De Caen had permitted such a state of things. The exercise of the Protestant religion, he had given orders, should be barely tolerated, and he had been disobeyed. Champlain did not trouble himself about religious squabbles. He made himself difficulties with the Indians, leaving religious dissensions to be made by his would be superior. Amid all these difficulties the fur trade languished, and the celebrated Cardinal Richelieu, who knew the advantages to be derived from Ventadour's pious missionary effort, revoked the privileges of De Caen's new company, and established a newer company called the Hundred Associates. The associates were not only to colonize, but they were amply to supply necessaries to the colonists. They were to send out a large number of clergymen. Those clergymen were to create churches and erect parsonages. They were to be supported by the Associates for fifteen years. They were to have glebes, or reserved lands, assigned to them for their sufficient support. At a blow the wily cardinal had extinguished psalm singing on the St. Lawrence for at least a century. In 1627 the Hundred Associates were formed. But plans cannot be always carried into effect as soon as determined upon. War was proclaimed by England against France

in the following year, 1628. The weakest and the meanest of English kings had caused the Puritans, previously persecuted by Elizabeth, to leave their country. The Puritans, in November, 1607, had settled in New England. The year in which the first Franco-Canadian saw the light of day, Governor Carver, of Plymouth Colony, had entered into a league of friendship, commerce, and mutual defence with Massassoit, the great Sachem of the neighbouring Indians. Some years previously (1619) the Colony of Virginia had received her first Governor General from England, who had instructions to convoke a general legislature. With all his impotent stammering, slobbering, weeping, buffoonery, and pedagoguism, James had an indistinct idea that it was as necessary to hear the voice of the people as the voice of the king. He chose rather to direct than to suppress the expression of opinion. But the Governor General of Virginia was appointed by the London Company, whose privileges were taken away by James on the year preceding his death, which occurred in March, 1625, after the company had expended £100,000 in the first attempt to colonize America. James appointed a viceroy or governor and directed him how to govern. New France, at the breaking out of such a war, had something to dread from New England, so much further advanced in colonization. Cardinal Richelieu's plan of Canadian settlement was roughly interfered with, by the capture of his first emigrant ships by Sir David Kerk, who afterwards proceeded to Tadousac, burned the village, and proceeded to Quebec to summon Champlain to surrender. The brave Frenchman refused and Kerk retreated. But Kerk came back again. He again appeared before the walls of Fort Quebec, and summoned it to surrender. Reduced to great distress by famine, Champlain surrendered, and the whole settlement was taken captive to England. With the exception of a few houses, a barrack, and a fort at Quebec, and a few huts at Tadousac, Trois Rivieres, and Mont Royal, Canada was again as much a wilderness as it ever had been since the Asiatics had stepped across Behring's Straits to replenish the western hemisphere. The great curiosity, the first Franco-Canadian baby, now eight years old, was doubtless carried to the tower, and caged as a curiosity, near the other lions and tigers of London. It was not until the restoration of peace in 1633, that Champlain was reappointed Governor of Canada, which, by the treaty of 1632, was surrendered back to France, on the supposition that it was almost worthless. This time colonization was systematically undertaken by the Jesuits, who only arrived in Canada in time to supply the loss of Champlain, a man of exemplary perseverance, of ambitious views, and of wonderful administrative capacity, for a layman of that day, who died in December, 1635. The foundation of a seminary was laid at Quebec. Monks, Priests, and Nuns were sent out from France. The Church was to settle in the wilderness to be encircled by the godly. If Admiral Kerk had carried off a settlement, Mother Church was to produce other settlements. A new governor was named—Montmagny. Business, however, began to languish. The Indians became exceedingly troublesome. And the Iroquois had subdued the Algonquins, and had nearly vanquished the Hurons. To defend the settlement from these fierce warriors, Montmagny built a fort at Sorel, at the mouth of the Richelieu, down which river the savage enemy usually came. The construction of the fort had the desired effect. Peace with the Indians soon followed, and the colony became happy and contented. The effect of Jesuitical tact and judgment soon began to exhibit itself. An Ursuline Nunnery and a Seminary were established at Quebec, through the instrumentality of the Duchess d'Aiguillon. The religious order of St. Sulpice, at the head of which was the Abbé Olivier, proposed to the King of France to establish a new colony and a seminary at Mont Royal, bearing the name of the order and composed of its members. The proposal was entertained, and the Island of Montreal conceded to the religionists for their support. The Sieur Maisonneuve—a name admirably chosen—was placed at the head of the faithful emigrants, and invested with its government. The third regular governor of Canada was M. d'Aillebout. He succeeded Montmagny, whose term of office had expired. On the death of Champlain, no Governor of Canada was to hold the reins of government longer than three years. D'Aillebout was an exceedingly able man. He was firm, and, on the whole, just. He was left entirely to himself in the management of affairs, and he left the conversion of the Indians to peace and Christianity, to the missionaries, who labored well and earnestly, establishing the Hurons, and even the Iroquois, in villages. The latter, who were never to be trusted, only feigned semi-civilization, and unexpectedly renewing the war, they fell upon their old enemies, the Hurons, with diabolical fury. In the Indian village of Sillery, while a missionary was celebrating mass in the Catholic Church, and none but old men, women, and children were present, a terrible and foul massacre occurred. The Iroquois rushed into the chapel with tomahawk and scalping knife, murdering all the congregation, nor stayed their hands until upwards of four hundred families, being every soul in the village, were slain. About this time our friends south of the line 45°, first began to dream of the annexation of Canada. An envoy from New England visited Quebec, and proposed to the French governor the establishment of a peace between

the two colonies of New France and New England, which was not to be broken even should the parent states go to war. Governor Montmagny consented, on condition that the Iroquois were to be put down. He was so willing that he sent an envoy to Boston to ratify a treaty. But the New Englanders would not quarrel with the Iroquois, and no treaty was effected. A more hopeful international commercial alliance, of which the Boston Jubilee of 1851 was indicative, has lately been entertained. Compared to the Iroquois, or even the Algonquins, the Huron tribe of Indians were mild in disposition and peaceably disposed. The French missionaries obtained a powerful hold over them. Great numbers became christianized, and even, to some extent, civilized. Descendants of Nimrod though they were, their wandering habits were partially subdued, and very many began to cultivate the ground. As if there was something in the climate of Quebec to produce such an effect, they were naturally inclined to be supremely tranquil. And notwithstanding the recent horrible massacre they soon sank back into their ordinary state of lethargy. They were fearfully aroused from their lethargy, however, by another series of attacks on the part of the Iroquois. The latter ferocious red men made a descent upon the village of St. Ignace, killing and capturing all the Hurons there. They next attacked St. Louis, and though some women and children managed to escape, both missionaries and Hurons were carried off for the torture. The Huron nation, terribly damaged, seemed to be at the mercy of their more savage enemies. They scattered in every direction. Their settlements were altogether abandoned. Some sought refuge with the Ottawas, some with the Eries, and not a few attached themselves to missionaries, who formed them into settlements on the Island of St. Joseph, in Lake Ontario. Unable, however, to find sufficient subsistence on the island, they were compelled to form villages on the main land, where they were again slaughtered by the Iroquois. So inferior had they become, physically and intellectually, if not numerically, to the Iroquois, that they resolved to put themselves altogether under French protection. This protection the missionaries procured for them, and a new settlement was formed at Sillery. The Iroquois now did what they pleased. They were in full possession of the whole country. The French were literally confined to Quebec, Three Rivers, and Montreal. But that which neither French nor Hurons could do by force, they were made to do themselves. They were destroyed in hundreds by rum. The French appealed to their appetites. Iroquois independence was broken in upon by a mere artifice of taste. Furs were now bought, not with pieces of tin and strings of beads, but with plugs of tobacco and bottles of spirits. Intoxication had its ordinary effect. It caused these naturally hot-blooded, quarrelsome, freemen to butcher each other, and it made them the slaves of the fur trader, whose exertions increased as the favorite narcotic lessened the exertions and weakened the energies of the hunter. So injurious was the effect of the "fire water," and so obvious was the injury to the Indians themselves, that the Chief of the domesticated Indians petitioned the Governor, their great Father, to imprison all drunkards. Whether or no D'Aillebout granted the request is not recorded. Probably it was not then granted. Among the *Edits, Ordonnances Royaux, declarations, et arrêts du Counsel d'etat Roi concernant le Canada*, nothing concerning Indian intoxication is to be found. D'Aillebout ceased not long afterwards to be governor. In 1650 he was succeeded by Monsieur de Lauzon. So hostile, however, had the feelings of the Iroquois now become, that M. de Lauzon returned to France for a detachment of soldiers. He brought out 100 men in 1653. Then the Iroquois were disposed for peace. They begged for it. Might is right. The power of the new Governor was acknowledged by the Iroquois. One hundred muskets was a powerful argument against even 6,000 bows and arrows. Frenchmen were sent among them. An Iroquois Roman Catholic Church was founded. For two years all was tolerably quiet, but at the end of that time the spirit of insubordination was so great that the French, anticipating massacre, made a moon-light flitting to Quebec.

M. Lauzon was superseded as Governor of Canada, in 1658, by the Viscompte d'Argenson. On the very morning of his arrival a large party of Algonquins were menaced under the very guns of Quebec by the Iroquois, who were driven off, but not captured, by a *posse* of French troops. In the following year Monseigneur l'Eveque de Petree, arrived at Quebec, to preside over the Catholic Church. François de Petree, a shrewd, energetic, learned prelate, was not, however, appointed to the See of Quebec, by "Notre Saint Pére le Pape Clément X," as he himself tells us, until the 1st October, 1664. In 1663 he established the Seminary of Quebec, and united it with that of the du Bac, in Paris, in 1676. The education of young men for the ministry seemed to be his great object. Trade would develop itself in time. The country could not fail to become great with so much deep water flowing through it. But religion must be provided for, and the Catholic, the most consistent, if not the most enlightened, of any system of Christianity existing, was his religion, and he

paved the way for its extension. Four hundred more soldiers had been added to the garrison before François de Laval was even Bishop of Quebec, and they accompanied de Monts, as the Guards did Lord Durham, who was also sent out to enquire into the condition of Canada. In de Mont's time, Canada must have been in a very extraordinary state. In 1668, an edict of the king prohibited swearing and blasphemy. The king ruled that officers of the army had no acknowledged rank in the Church. And in 1670, an arrêt du Conseil encouraged "*les marriages des garçons et des filles du Canada*."

One of the most remarkable earthquakes of which we have read occurred in Canada, soon after the arrival of the Bishop of Petrea. It happened, too, in winter. On the 5th of February, 1663, at half-past five o'clock in the evening, the earth began to heave so violently, that people rushed in terror into the streets, only to be terrified the more. The roofs of the buildings bent down, first on one side, then on the other. The walls reeled backward and forward, the stones moving as if they were detached from each other. The church bells rang. Wild and domestic animals were flying in every direction. Fountains were thrown up. Mountains were split in twain. Rivers changed their beds or were totally lost. Huge capes or promontories tumbled into the St. Lawrence and became islands. The convulsion lasted for six months, or from February to August, in paroxysms of half an hour each, and although it extended over a range of country, 600 miles in length by 300 in breadth, not a single human being was destroyed. Beyond question this earthquake altered entirely the features of the country from Montreal to the sea; but, that it did not produce that rent, as some will have it, through which the Saguenay flows, is evident from the fact that the Saguenay existed on Cartier's first visit. It did not even produce those numerous islands with which the Lower St. Lawrence is studded, for some of them are also mentioned by the same daring and skilful navigator. But for the sake of science it is to be regretted that the particular rivers, whose beds were changed or which were entirely obliterated, have not been mentioned. The greater depth of the Saguenay than the St. Lawrence is easily accounted for by the greater height of the banks of the one river than of the other. In the St. Lawrence a large body of water finds an outlet through a chain of mountains forming the banks of a river which is the outlet of a series of lakes or inland seas, in which the rains or snows of a great part of North America are collected, as the Caspian, the Sea of Azof, and the Euxine are the rain basins of Europe and of Asia, and which spreads its waters over breadths of land, great or small, as its shores are steep or otherwise. If Canada is high above the ocean, and on that, as well as on other accounts, intensely cold in winter, it is some consolation to know that that latitude, which is in some sense to be regretted, has produced a river and lake navigation for sea-going ships of upwards of a thousand miles, more valuable than ten thousands of miles of prairie-land. A prairie country might have produced a Mississippi filled with snags, but only a mountainous country could produce such rivers for navigation as the Saguenay and St. Lawrence, and such rivers for manufacturing purposes as the St. Maurice and the Ottawa. But Canada is not all mountainous. There are vast steppes, extensive plains, through which numerous streams roll sluggishly into the great lakes. There are tracts of country of extraordinary extent capable of producing the heaviest crops. There are garden lands around most of the western cities, on which these cities of yesterday subsist and have arisen. And even in Lower Canada there are straths of wonderful fertility. Canada, with any government which will permit trade, cannot fail to become pecuniarily rich, even with the drawback of the towns of Lower Canada being rendered inland for half the year by means of ice. Lower Canada has been crippled by the policy of Cardinal Richelieu, who, by that policy, paradoxical as it may appear, was her first benefactor. A theocratic government, no doubt excellent for the taming of Indians, is not by any means well adapted for an intelligent people. So long as the trade of Canada was confined to furs the Jesuitical policy of Richelieu was advantageous, but now that the Indians are nearly exterminated—two millions of acres under cultivation—millions of feet of pine, birch, oak and other timber used or exported annually—and manufactures abounding—a somewhat more self reliant spirit is requisite than the establishment of Churches under the extraordinary control of a single mitred head will permit. Such a spirit is being gradually aroused, and the more gradual the more permanent will it be. Violence begets violence. Example is more persuasive than force.

De Monts, or rather de Lauzon, was succeeded by the Baron D'Avaugour, the last of the Fur Governors, a weak, stupid man, who had almost by his imbecility and vacillation suffered the business of his employers to be extinguished. The Iroquois most vigorously waged war during his time upon every other tribe of Indians. They altogether exterminated the Eries, and in their very wickedness, did good in rendering their country more susceptible to colonization by Europeans. D'Avaugour was recalled. The Hundred Associates resigned their charter into the hands of the French king, who

transferred the company's privileges to the West India Company. M. de Mesy was appointed governor by the Crown, and for a council of advice he had a Vicar Apostolic and five others, one of whom was a kind of Inspector General, and another a Receiver General. To this Governor and Council the power of establishing Courts of Justice, at Three Rivers and Montreal, was confided. Courts of Law were established soon after De Mesy's arrival, and four hundred soldiers were obtained from France to enable His Excellency to cause the law to be respected. De Mesy, of a proud and unbending temper, quarrelled with his Council, sneered at the settlers, and governed with a rod of iron. He cared neither for Vicar Apostolic, nor for Finance Ministers. Nay, he went so far, after quarrelling with the Jesuits, as to send two members of the Company to France, a mistake for which he paid the penalty by being himself recalled. De Mesy was succeeded by the Marquis de Tracy and was the second Chief Crown Governor, or Viceroy. He was not fettered with a Council of Advice, but he was more absurdly hampered with almost co-equals in the shape of assistants. The Seigneur de Courcelles was appointed Governor of the Colony, and Mon. De Talon, Intendant. De Tracy brought with him as settlers the then newly disbanded regiment of Carignan-Sallières, which had returned from fighting, not for the Turks in Hungary, but against them. They had been extraordinarily successful. And France had acquired great influence by her successful efforts to stay Mahometan encroachment. The Turks were then the oppressors not the oppressed. But France then, as now, was playing the balance of power game. The men of the Carignan-Sallières Regiment were admirably adapted for settlement in a country in which constant fighting was being carried on. They were to have a deep interest in subduing the Iroquois. They were some protection against the Round-Heads of Massachusetts. Sixteen hundred and sixty-five other settlers, including many artisans, accompanied them. Cattle, sheep, and horses were for the first time sent to Canada. More priests were sent out, for whom the West India Company were, by their charter, bound to provide churches and houses. The most Christian king had determined upon at least christianizing the country, and upon so retaining it. Without priests and churches the Hungarian Heroes would have been of as little value to France as the cattle, sheep, and horses which accompanied them to Canada. It was a condition of the West India Company's Charter that priests were to be carried out, and parsonages and churches erected. Like most companies chartered for similar purposes, the stock of this company was transferable, but only the revenue, or profits of the revenue could be attached for the debts of the stockholders. The company had a monopoly of the territory, and the trade of the Colony for forty years. Nor was this all. His most Christian Majesty conferred a bounty of thirty livres on every ton of goods imported to France, a kind of protection similar to that still extended by the French government to the Newfoundland fisheries. The company had the right to all mines and minerals—had the power of levying and recruiting soldiers in France—had the power of manufacturing arms and ammunition—had the power of building forts in Canada—and had the power of declaring and carrying on war against the American Indians, or, in case of insult, the Colonial Englishmen of New England, or the Manhattanese Dutch. Justice was to be administered according to the Custom of Paris. All Colonists of, and converts to the Roman Catholic faith, had the same rights in France as Frenchmen born and resident in France had. And for four years the king himself agreed to advance a tenth of the whole stock of the company, without interest, and to bear a corresponding proportion of any loss which the company, in the course of four years, might sustain. These were certainly liberal and prudent privileges, but more ultimate good, or in other words, good would have been sooner realized had the conditions been less liberal and less prudent. These conditions were of too liberal a nature to cause any desire for change to be entertained for a great length of time, and the consequence is that even now Lower Canada is governed according to the "Cotume de Paris," and cultivated as France was cultivated two hundred years back. A year after the Marquis' arrival, the Council of State granted to the Canadian Company the trade in furs on payment of a subsidy of one fourth of all beaver skins, and of one tenth of all Buffalo skins. The trade of Tadousac was excepted. Fort building and church building went on vigorously. The fur trade was easily attended to. Three forts were erected at the mouth of the Richelieu-Sorel. The Indians made sorties repeatedly down this river, always doing much mischief, and the forts were intended to prevent the mischief. But the Iroquois were not to be foiled. They found means to reach the settlements by other roads. Nor was De Tracy to be annoyed. He sent out war parties who did not, however, effect much. The Viceroy, an old man of some seventy summers, took the field himself. With the view of exterminating the Indians, he set out on the 14th Sept., 1666, with a considerable force consisting of regular troops, militia, and friendly Indians. Unfortunately the Commissariat Department was badly conducted, and the exterminating force were nearly themselves exterminated by starvation. They had to pass through a large tract of forest land to meet their foes, and they frequently

lost their way. The haversack was soon emptied, and the starving army was only too happy to breakfast, dine, and sup on chestnuts gathered in the bush, until some Indian settlements were reached. They came upon almost a forest of chestnut-trees, and fell upon them like locusts. They ate and filled their haversacks, and it was well that they did so, for the Iroquois had adopted the Russian expedient of abandoning their villages, and suffering the enemy to march through a country altogether wanting in the bare necessaries of life. M. De Tracy marched and countermarched without effecting anything beyond capturing some old men, and one or two women with their children. Luckily he fell in with supplies of corn in one of the abandoned settlements which he took possession of for the benefit of his army. Still more luckily he got to Quebec again safely, but so thoroughly disgusted with the state of affairs, that he resigned his government into De Courcelle's hands, and returned to France. De Courcelle was a man of some address. He cajoled the Iroquois and prevented war. He was the founder, but not the builder of Fort Cataraqui or Kingston, on Lake Ontario. He settled Hurons at Michillimacinac. Both fort and settlement were intended to benefit the fur trade. The new settlement was in fact a new hunting ground, and the new fort was for the protection of the hunters. De Courcelle visited personally Cataraqui. He was dragged up the Lachine, the Cedars, and other rapids of the St. Lawrence, in an open boat, but suffered from moisture and exposure to such an extent that, on returning to Montreal, he solicited his recall to France, and was recalled accordingly.

In 1669, the Indians encountered, in the shape of smallpox, a more terrible foe than the musket, the sword, the arrow, or the "firewater." Whole tribes were exterminated by this loathsome disease, which appears not to have been imported, inasmuch as the most distant and least civilized tribes were first attacked and most severely suffered. The Atlikamegues were completely exterminated. Tadousac and Trois Rivieres were abandoned by all the Indians. Fifteen hundred Hurons died at Sillery, and yet the Huron suffered less than any other nation. The remnant of the tribe was collected by Father Chamounat, who established them at Lorette, where some half-breeds are yet to be found.

The Count de Frontenac was the third Viceroy of Canada. He succeeded De Courcelle in 1692, and soon after his arrival erected the fort which his predecessor had decided upon erecting at Cataraqui, giving it his own name—a name which still distinguishes the County, the chief town in which Kingston or Catarqui is. De Frontenac was a man of astonishing energy. His self will and self esteem were only compensated for by ability and a spirit of independence and honesty. It was not to be supposed that such a man could long submit to the whims of his co-equals, as far as governing was concerned. Nor did he. The triumvirate—the Viceroy, the Bishop, and the Intendant—each with an equal vote, were soon at loggerheads. Chesnau, the Intendant, without Frontenac's ability, had all his bad qualities. The Intendant and Viceroy were soon violently opposed to each other, and to make matters worse, the Bishop, supported by his clergy, was annoyed with both. The Bishop considered the sale of spirits to the Indians abominable; De Frontenac thought it profitable; and Chesnau did not think at all. An appeal was made by the clergy to the home government, and both De Frontenac and Chesnau were recalled with censure, and the profitable sale of spirits to the Indians was prohibited by a royal edict. De Frontenac ruled Canada for ten years, and during his administration La Salle discovered the mouths of the Mississippi. Only the year after De Frontenac's arrival in Canada, the Indians reported that there was a large river flowing out to the Atlantic, to the southwest of the colony, and the Reverend Messire Marquette[2] and a merchant of Quebec, were sent on an exploring expedition. Starting in two canoes, with only a crew of six men for both, they found themselves, after an exceedingly tedious voyage, on the Mississippi, and, rejoicing at their success, returned back immediately to report progress. At Chicago, Marquette separated from his companion. In that Indian village of Lake Michigan, now a populous commercial town, the missionary remained with the Miami Indians, while Jollyet went back to Quebec for further instructions. Of course Jollyet was highly communicative at Quebec. The multitude could not travel by steam in those days from Gaspé to Lake Michigan. It was no easy matter at that period to paddle over those great seas, the inland lakes, in a birch-bark canoe. Jollyet had much to boast of and might, without chance of detection, boast of more than either his experience or a strict adherence to truth could warrant. Jollyet was a curiosity. Jollyet was the lion of Quebec, and he was toasted and boasted accordingly. The Sieur La Salle was in Quebec when Jollyet returned. He heard of the merchant's adventures with deep interest. La Salle, a young man of good family, and of sufficient fortune, had emigrated to Canada in search of fame, and with the further view of increasing his pecuniary resources. He expected, like Cabot and some others, to find a passage through Canada, by water, to China, imagining that the Missouri

emptied itself into the north Pacific. The narrative of Jollyet made La Salle more sanguinely credulous, that he had the "way" before him. First he gained the sanction of the governor to explore the course of that river, and then he returned to France for support in his enterprise. So plausible a story did he relate, that means were soon forthcoming. The Prince of Conti most liberally entered into La Salle's views, and assisted him to prepare an expedition. The Chevalier de Tonti, an army officer, with one arm, joined him, and on the 14th July, 1678, De La Salle, and De Tonti sailed for Quebec from France, with thirty men. It was two months before they reached Quebec; but no sooner did they arrive than they hastened to the great lakes, accompanied by Father Hennepin. Father Hennepin was the historian of the voyage. He tells a wonderfully interesting story. La Salle built a vessel of 60 tons, and carrying 7 guns, above the Falls of Niagara, having laid the keel in July, 1679. There are always difficulties attending new enterprises, and La Salle's shipbuilding operations were frequently and annoyingly interfered with. The carpenter was an Italian, named Tuti, and he occupied seven months in building the craft. One day, an Indian, pretending to be drunk, attempted to stab the blacksmith, but that worthy son of Vulcan, like Bailie Nicol Jarvie, successfully defended himself with a red hot bar of iron. Again the savages tried to burn the ship, but were prevented by a woman. A squaw gave La Salle's people warning of the Indian's intention. Alarms were frequent, and only for Father Hennepin's exhortations, shipbuilding would have been abandoned to a later period, on the lake. But carpenter Tuti persevered, and amid enthusiastic cheering, the chanting of a *Te Deum*, and the firing of guns, she was safely launched. The "Cataraqui" was square rigged. She was a kind of brigantine, not unlike a Dutch galliot of the present day, with a broad elevated bow and a broad elevated stern. Very flat in the bottom, she looked much larger than she really was, and when her "great" guns were fired off, the Indians stared marvellously at the floating fort. With the aid of tow-lines and sails the Niagara River was with difficulty ascended, and on the 7th of August, 1679, the first vessel that ever sat upon the lakes entered Lake Erie. The day was beautifully calm, and the explorers chanted *Te Deums*, and fired off guns, to the no small consternation, perhaps amusement, of the Senecas. In four days they sailed through the lake, and entering the River Detroit they sailed up it to Lake St. Clair, and in twelve days more Lake Huron was entered. In that lake storms and calms were alternately encountered. On one occasion the wind blew so strongly, that La Salle's man of war was driven across to Saginaw Bay. But worse weather was yet in store for La Salle. A tempest swept over the lake, and topmasts and yards were let go by the run. There was neither anchorage nor shelter, and La Salle and all his crew, now terribly frightened, prayed and prepared for death. Only the pilot swore. He anathematized the fresh water. It was bad enough to perish in the open ocean, but something terrible to be drowned in a nasty fresh water lake, to be devoured, perhaps, by an ichthyosaurus. Prayers and curses seemingly had produced the desired effect; indeed, the pilot's anathematizing was prayer; but such prayer is not by any means to be recommended. It would be as well to curse as only to pray when fear is excited. Prayer, doubtless, often is, but never ought to be, the effect of fear. Prayer should be the holy offering up of reasonable desires to the Creator, and in times of danger there should be confidence in the Creator as all powerful, and in ourselves as the instruments of the Creator. However, favored with less adverse winds, the exploring expedition reached Michillimacinac, and anchored in 60 fathoms, living on delicious trout, white fish, and sturgeon. From thence entering Lake Michigan, they proceeded to an Island at the mouth of Green Bay, where La Salle loaded his ship with furs and sent her back to Niagara. The cargo was rich. It was valued at 50,000 livres. The blaspheming pilot and five men were sent off with the vessel, but whether the craft foundered in Lake Huron or was piratically visited by the Indians, she was no more heard of. Two years elapsed before La Salle or Father Hennepin learned the fate of the "Cataraqui" and her blasphemous pilot. They perseveringly pushed their way down the Mississippi and reached the Atlantic, thus discovering the mouths of a stream which has been a great source of wealth to our enterprising neighbours. In two years he turned his steps to Quebec, and going home to France was appointed Governor of the territory he had discovered. He was the first Governor of Louisiana, a territory ceded by Napoleon I. to the United States, in 1803. The unlucky Governor was not destined to reach his government. La Salle, in command of four ships, with settlers, sailed from Rochelle, on the 24th of July, 1689. He was ignorant of the exact geographical situation of the mouths of the Mississippi, but passing through the Antilles, reached Florida, where he was murdered by his own people—a melancholy and lamentable fate for one of whom all Frenchmen may justly boast. Canada now numbered 8,000 souls, including converted Indians; and French America extended from Newfoundland, and Nova Scotia through the St. Lawrence and the great lakes to the Pacific, and from the great lakes again to the ocean through the Mississippi, all the westward of even that stream being French soil. Yet it was only nominally so. The

Indians were virtually the owners of the soil, those spots on which forts or trading posts had been erected or established, only excepted.

M. De La Barre now (1682) succeeded Frontenac as Viceroy. The new Governor was of a restless and overbearing disposition. He required, or supposed that he required, a strong government. He certainly needed an able one. The idea of drawing off the trade of the St. Lawrence had first occurred to the English colonists on the Hudson. The Iroquois preferred trading with the "down south" English to trading with the French. Their furs were chiefly carried down the Hudson, to the no small annoyance of the French exporter. De La Barre had no idea of tolerating such a mode of doing business. The furs of Canada were French furs. The Indians were merely hunters for the French, and had no right whatever to dispose of their goods in the dearest market, and buy their necessaries in the cheapest market. De La Barre, weakened though he was in the number of his troops, many men having converted their swords into ploughshares, and their guns into reaping hooks, resolved upon punishing the free-trading children of the woods. He obtained two hundred additional soldiers from France, and proceeded up the St. Lawrence on his labor of love. The Indians only laughed at him. They thought he was in a dream when he pompously required them not to war upon each other, or permit the English to come among them. His troops were sick and starving, and were at the mercy rather of the Indians than the Indians at their mercy. M. De La Barre was compelled to withdraw his troops. The blustering, pompous, mischief-loving De La Barre was recalled by his government, for incompetency, and in 1685 was succeeded by Denonville.

The Marquis Denonville was only more cunning than his predecessor, and perhaps more decided. No sooner had he set foot in the colony, than, with the assistance of the missionaries, he persuaded the Iroquois chiefs to meet him on the banks of Lake Ontario. Denonville and the Indians did meet, and no sooner had they met, than Denonville treacherously caused a number of them to be seized and put in irons, to be sent as prisoners to the King of France, for service in his gallies. Denonville erected a fort at Niagara, became more violent and overbearing to the Indians, treated the remonstrances of the English of New York, concerning the erection of Fort Niagara, with contempt, and at last brought upon himself, as the arrogant generally do, defeat and disgrace. This fort, to which the North West Fur Company of Quebec had offered to contribute 30,000 livres annually, in consideration of a monopoly of the fur trade, was destroyed by the Iroquois, who followed the now retreating French to Cataraqui, made themselves masters of the whole country west of Montreal, and, to crown all, appeared before that city with proposals of peace. Denonville was required to restore the chiefs who had been sent to France, and he was either in a position not to resist, or wished to gain time. He consented to negotiate. The Hurons, his allies, were not now so peaceably disposed. For the first time, they seem to have evinced a warlike spirit. They attacked the deputies, and insinuated to their prisoners that the French Governor had instigated them to do so. The prisoners were allowed to depart; a large party of the Five Nations heard their tale, descended upon Montreal, carried off two hundred of the inhabitants, and retired unmolested. The fort at Cataraqui was blown up, and for a time of course abandoned. Thus, in 1686, French Canada was again virtually reduced to Montreal, Three Rivers, Quebec, and Tadousac.

It was in 1689 that the Count de Frontenac returned to Canada a second time, as Viceroy, to succeed the incompetent Denonville. He took out the captured chiefs, and attempted to conciliate the Iroquois. But the Indians had been too frequently deceived by his immediate predecessors. They would have nothing to do with him, unless he restored, without stipulation, their captured chiefs. De Frontenac complied. He complied the more readily because he feared an alliance between the Ottawas and the Iroquois. The Ottawas were quite indifferent to French friendship, because the gain, in their estimation, was altogether in favor of the French, whose protectors the Ottawas considered themselves to be. So far from provocation being now given to the Indians, a policy extremely opposite was pursued. The English and Dutch of the New England settlements coveted the Indian trade in furs, and the Indians were more favorably disposed towards the English and Dutch traders than towards the French, because from the former a larger consideration was received. It was De Frontenac's policy to prevent such a union, which would, as he conceived, have injured the trade of the St. Lawrence, and have injured the revenue of the Fur Company. De Frontenac induced the Ottawas to assist him against the English of New England, whom he had resolved to attack, France and England being then at war. He fitted out three expeditions, one against New York, a second against New Hampshire, and a third against the Province of Maine. The party against

New York fell upon Schenectady, in February, 1690. The weather was exceedingly cold, and the ground deeply covered with snow. It was never even suspected, that, at such a season, a campaign would be begun. Yet, at the dead of night, while the inhabitants of Schenectady were asleep, and not a sentinel was awake to announce the danger, the war-whoop was raised, every house in the village was simultaneously attacked, buildings were broken into and set on fire, men and women were dragged from their beds, and even mothers, with their sleeping infants at their breasts, were inhumanly murdered. Sixty persons were massacred; thirty were made prisoners, and such as escaped, almost naked, fled through the deep snow, many perishing with the extreme cold, and the most fortunate being terribly frost bitten. At Salmon Falls, the party sent by Frontenac against New Hampshire, killed thirty of the inhabitants, took fifty-four prisoners, and burned the village. At Casco, in Maine, the third party killed and captured one hundred persons. Such was the business of colonists in those days. In Canada the majority had no voice in popular affairs. Governors, Intendants, Seigniors, and Priests, controlled the colonists as they willed. However much the Governor may have despised the Intendant, the Intendant the Seignior, or the Priest all put together, the merchant, artisan, and peasant were of no account. Wealth without title was only a bait for extortion. The peasantry were serfs, and the nobles uneducated despots. Education was in the hands of the clergy, while power was solely vested in the Heads of Military Departments. But if ignorance was particularly characteristic of the Canadians, the New Englanders could lay little claim to superior enlightenment. Harvard's College, in Massachusetts, had apparently done no more for the New Englanders, in 1692, than the Seminary of Quebec, in the way of diffusing a knowledge of letters among the people, from which the desire for freedom invariably springs, had done for Canada. The people of Salem, Andover, Ipswich, Gloucester, and even Boston, were accusing each other of witchcraft. A "contagious" malady, which affected children of ten, twelve or fifteen years of age, it was, oddly enough, said by the learned physicians of the period, was the result of witchcraft. A respectable merchant of Salem, and his wife, were accused of bewitching children; the sons of Governor Bradstreet were implicated in the divinations; and the wife of Sir William Phipps was not above suspicion. One man, for refusing to put himself on trial by jury, was pressed to death. Nor was Giles Correy the only sufferer:—nineteen persons, "members of the Church", were executed, and one hundred and fifty persons were put in prison. It was sometime before the conviction began to spread, that even men of sense, education, and fervent piety could entertain the madness and infatuation of the weak, illiterate, and unprincipled. A disbeliever in witchcraft was an 'obdurate sadducee.' That conviction did at last possess men. The disease which affected the supposed bewitched children somewhat resembled St. Vitus' Dance. It was an involuntary motion of the muscles. The affected were sometimes deaf, sometimes dumb, sometimes blind. Oftentimes, they were at once deaf, dumb, and blind. Their tongues were drawn down their throats, and then pulled out upon their chins to a prodigious length. Their mouths were forced open to such a wideness, that their jaws went out of joint, only to clap again together, with a force like that of a spring lock. Shoulder-blades, elbows, wrists, and knees were similarly affected. Sometimes the sufferer was benumbed, or drawn violently together, and immediately afterwards stretched out and drawn back.

De Frontenac set earnestly to work to pacify his old enemies of the Five Nations. A new and more dreaded enemy had to be encountered. The Puritans of Massachusetts, provoked by De Frontenac's aggressions, resolved to attack Canada, in self-defence. Sir William Phipps, afterwards the first Captain General of Massachusetts, born on the River Kennebec, a man of extraordinary firmness and great energy, who had raised himself to eminence by honesty of purpose, a strong will, and good natural ability, was appointed to the command of an expedition, consisting of seven vessels and eight hundred men. The object of the expedition was the reduction of Port Royal, or Annapolis, in Nova Scotia, which Sir William speedily and easily accomplished. A second expedition, under Sir William, was resolved upon, for the reduction of Montreal and Quebec. Two thousand men were to penetrate into Canada by Lake Champlain, to attack Montreal, at the same time that the naval armament, consisting of between thirty and forty ships, should invest Quebec. The expedition failed. The Commissariat and Pontoon Departments of the land expedition, were sadly deficient, and the naval expedition did not reach Quebec until late in October. The weather became tempestuous, and scattered the fleet, while the land force to Montreal mutinied through hunger. Sir William, on the 22nd of October, re-embarked the soldiers which he had landed, and sailed, without carrying with him his field pieces or ammunition waggons. Humiliating as the repulse was to Massachusetts, it was highly creditable to De Frontenac, who now easily succeeded in winning over the

Five Nation Indians. Indeed, matters had so very much changed, that these enemies of his most Christian Majesty solicited the Governor to rebuild the fort at Cataraqui, which was accordingly done. The Indians were not, however, unanimous in their desire for peace. There was a war and a peace party. To show his power, De Frontenac conceived the idea of a great expedition against the Indians. He collected regulars, militia, and all the friendly Indians to be procured, and, marching to Cataraqui, passed into the country of the Onondagos. On entering a lake, it was ascertained by the symbol of two bundles of rushes, that 1,434 fighting men were in readiness to receive them. De Frontenac threw up an earthwork, or log fort, to fall back upon, and proceeded. De Callières, Governor of Montreal, commanded the left wing; De Vaudreuil the right; and De Frontenac, now 76 years of age, was carried, like Menschikoff at Alma, in the centre, in an elbow chair. The Indians fell back, and as they did so, pursued the Russian policy of destroying their own forts by fire. The French never came up with the Onondagos or Oneidas, but contented themselves with destroying grain, and returned to Montreal.

De Frontenac's next expedition was to join Admiral, the Marquis Nesmond,—who had been despatched with ten ships of the line, a galliot, and two frigates,—with a force of 1,500 men at Penobscot, with the view of making a descent on Boston; to range the coast of Newfoundland; and to take New York, from whence the troops were to return overland to Canada, by the side of the River Hudson and Lake Champlain. The junction was not effected, and the expedition failed. A treaty of peace, on the 10th of December, 1697, concluded between France and England, at Ryswick, in Germany, put an end to colonial contention for a short time. By that peace, all the countries, forts, and colonies taken by each party during the war, were mutually given back. De Frontenac, an exceedingly courageous and skilful officer, now became involved with his government at home. The French government began to perceive that advanced posts for the purpose of trading with the Indians for furs, were of little, if, indeed, they were of any advantage, while they were a continued source of war. It was proposed to abolish these stations, so that the Indians might, to the great saving of transport, bring in their furs themselves, to Montreal. De Frontenac demurred. These forts were the sign of power, as they were a source of patronage. The fur trade was a monopoly, carried on by licenses granted to old officers and favorites, which were sold to the inland traders as timber limits are now disposed of. Profits of 400 per cent were made on successful fur adventures, under a license to trade to the extent of 10,000 crowns on the merchandize and 600 crowns to each of the canoemen. Beaver skins, at Montreal, were then worth 2s. 3d. sterling a pound weight. The first fishery was formed at Mount Louis, on the south shore of the St. Lawrence, about half way between the mouth of the Gulf and Quebec, in 1697. A company formed by the Sieur de Reverin, was tolerably successful. Canada was even now beginning to look up, in a commercial point of view. De Frontenac died in November following, in the 78th year of his age, and the Governor of Montreal, De Callières, succeeded him. De Callières died suddenly, a few years after his elevation, (1703) when the people of Canada petitioned for the appointment of the Marquis De Vaudreuil to the Viceroyalty, and the king granted their prayer. The death of De Callières occurred one year after a new declaration of war between France and England. This war was the result of unsettled boundaries, by the peace of Ryswick. England declared war against both France and Spain. Again Canadians and New Englanders suffered severely. The French of Canada, especially, allowed their Indians to perpetrate the most horrible atrocities. Women prisoners were inhumanly butchered in cold blood, before the very eyes of their husbands, only because they were unable to keep pace with other prisoners, or their captors. Both the French and the English colonists were permitted by the parent states to fight almost unaided, to fight on imperial account, at colonial expense of blood and treasure. To Canada, nearly altogether a military colony, fighting was particularly agreeable, and yet the population had not reached 15,000, while Massachusetts contained 70,000 souls; Connecticut, 30,000: Rhode Island, 10,000; New Hampshire, 10,000; New York, 30,000; New Jersey, 15,000; Pennsylvania, 20,000; Maryland, 25,000; North Carolina, 5,000; South Carolina, 7,000, and in all 142,000 souls. The difficulty of land transport confined hostilities to the border States, and preserved a balance of power between the contending colonists. Indeed, the St. Lawrence afforded a comparatively easy means of communication for the French to that afforded by the mountain passes of Vermont to the New Englanders. The French could more easily pounce upon the outposts of Lake Champlain than the New Englanders could march to defend them. The English colonists resolved upon making a great effort. Massachusetts petitioned Queen Anne for assistance, who promised to send five regiments of regular troops, which, with 1,200 men, raised in Massachusetts and Rhode Island, were to sail from Boston for Quebec. The fleet, with

the five regiments on board, never came to hand, having been sent to Portugal; but 1,800 colonists marched against Montreal, by way of Lake Champlain, and penetrated as far as Wood Creek, where the news of the altered destination of the fleet reached them and caused them to return. The French Governor acted on the defensive. He made extraordinary preparations for defence, which were needless, as the Iroquois Indians, having quarrelled with the English, on the ground that Iroquois safety consisted in the jealousies of the French and English, would not fight, and the invaders retreated. Another application being made to the Queen of England for protection, on the part of the New Englanders, Colonel Nicholson came over with five frigates and a bomb ketch, and having been joined by five regiments of troops from New England, he sailed with the frigates and about twenty transports, from Boston, on the 18th September, for Port Royal, which he captured and called, in honor of his Queen, Annapolis. Animated with his success, Nicholson sailed for England, to solicit another expedition to Canada. His request was granted. Orders were immediately sent to the colonies to prepare their quotas of men, and only sixteen days after the orders to that effect were received, a fleet of men of war and transports, under Sir Hovenden Walker, with seven regiments of the Duke of Marlborough's troops, and a battalion of marines, under Brigadier General Hill, arrived at Boston. The fleet had neither provisions nor pilots, but by the prompt exertions of the colonists, 15 men of war, 40 transports, and 6 storeships, with nearly 7,000 men, sailed from Boston for Canada, while Colonel, now General Nicholson, marched at the head of 4,000 provincialists, from Albany towards Canada. The fleet arrived in the St. Lawrence on the 14th of August, (1710) but in proceeding up the river the whole fleet was nearly destroyed. The pilots were ignorant of the channels, and the winds were contrary and strong. About midnight of the 22nd, a part of the fleet were driven among islands and rocks on the north shore, eight or nine transports were cast away, and nearly 1,000 soldiers were drowned. The attempt to take Quebec was again abandoned. The ships of war sailed directly for England, and the transports, having provincial troops on board, returned to Boston. General Nicholson remained at Fort George until he heard of the miscarriage of the St. Lawrence expedition, when he retraced his steps to Albany. The Canadians had made extensive preparations for defence. The greatest possible enthusiasm prevailed in Quebec. The merchants of Quebec, in 1712, raised a subscription and presented the Governor with 50,000 crowns, for the purpose of strengthening the fortifications of the town. The peace of Utrecht was, however, concluded, in 1713, and Canada was left to contend only with the Outagamis, a new Indian enemy, who, in conjunction with the Iroquois, had determined upon burning Detroit, the limit of civilisation to the north west. The French soon caused their Indian enemies to bury their hatchets.

At the peace, Quebec had 7,000 inhabitants, and the population of all Canada amounted to 25,000, of whom 5,000 were capable of bearing arms. Already the banks of the St. Lawrence below Quebec were laid out in seigniories, and the farms were tolerably well cultivated. Some farmers were in easier circumstances than their seigneurs. The imported nobility had dwindled down to the condition of placemen or traders. The Baron Beçancour held the office of Inspector of Highways, and Count Blumhart made ginger beer. Three Rivers contained 800 inhabitants. A few farmers lived in the neighbourhood of the mouth of the St. Francis. Montreal was rising rapidly into importance, having obtained the fur trade of Three Rivers, in addition to its own, and the island having been carefully cultivated, through the well directed efforts of the Jesuits. Above Montreal there was nothing but forts—Fort Kingston or Cataraqui, Fort Niagara, Fort Detroit, and Fort Machillimakinac.

The Marquis de Vaudreuil having ruled Canada for twenty-one years, died on the 10th of April, 1725. He was succeeded by the Marquis de Beauharnois, under whose judicious management of affairs, the province became prosperous. Cultivation was extended. The Indians were so much conciliated, that intermarriages between the French and Indians were frequent. And there was nothing to excite alarm but the growing importance and grasping disposition of the New Englanders and New Anglo-Hollanders. The Governor of New York had erected a fort and trading post at Oswego, on Lake Ontario, with the view of monopolizing the trade of the Lakes. Beauharnois followed the English Governor's example, by building an opposition fort in the neighbourhood of Niagara. Another fort was erected by the Marquis, at Crown Point, on Lake Champlain, and yet another at Ticonderoga. The English very soon had a more reasonable pretext than a monopoly of the fur traffic, for more active demonstrations against the French. War was again declared in 1745, between France and England, by George II.; and Governor Shirley, of Massachusetts, without waiting for instructions from England, determined upon attacking Louisbourg, then considered to be the "Gibraltar of America."

Louisbourg, on Cape Breton, was fortified by the French, after the peace of Utrecht, at an expense of $5,500,000. The fortifications consisted of a rampart of stone, nearly 36 feet in height, and a ditch eighty feet wide. There were six bastions, and three batteries, with embrasures for 148 cannon and 6 mortars. On an island at the entrance of the harbor was another battery of 30 cannon, carrying 28 pound shot, and at the bottom of the harbour, opposite the entrance, was situated the royal battery of twenty-eight forty-two pounders, and two eighteen pounders. The entrance of the town, on the land side, was at the west, over a draw-bridge, near which was a circular battery, mounting 16 guns of 24 pounds shot. And these works had been 25 years in building. Louisbourg was a place of much importance to the French. It was a convenient retreat to such privateers as always annoyed and sometimes captured the New England fishing vessels. And the manner of this attack upon it is exceedingly interesting. It was determined on in January, 1745. Massachusetts furnished 3,250 men; Connecticut, 510; Rhode Island and New Hampshire, each 300. The naval force consisted of twelve ships, and in two months the army was enlisted, victualled, and equipped for service. On the 23rd of March, an express boat, which had been sent to Commodore Warren, the Naval Commander in Chief in the West Indies, to invite his co-operation, returned to Boston with the information, that without orders from England he could take no share in a purely colonial expedition. Governor Shirley and General Pepperell nevertheless embarked the army, and the colonial fleet sailed the next morning. The expedition arrived at Canso on the 4th of April, where the troops from New Hampshire and Connecticut joined it. Here, Commodore Warren, with his fleet, very unexpectedly joined the expedition. Shortly after his refusal to join, instructions which had been sent off from the British Government, approving of the attack upon Louisbourg, as proposed by Governor Shirley, and which Pepperell had gone to attack, without waiting for Imperial approval, had reached Commodore Warren, and without loss of time he proceeded direct to Canso, whither it was reported the Colonial fleet had gone. His arrival was the cause of great joy among the colonists. After a short consultation with General Pepperell, the Commodore sailed to cruise before Louisbourg, and was soon followed by the colonial fleet and army, which, on the 30th April, arrived in Cap Rouge Bay. It was not until then that the French were aware that an attack upon them was meditated. Every attempt was made to oppose the landing. They sent detachments to the landing places. But General Pepperell deceived them. He made a feint of landing at one point, and actually landed at another. The story reminds us of Sebastopol. Next morning 400 of the English marched round behind the hills, to the north west of the harbour, setting fire to all the houses and stores, till they came within a mile of the Royal Battery. The conflagration of the stores, in which was a considerable quantity of tar, while it concealed the English troops, increased the alarm of the French so greatly, that they precipitately abandoned the Royal battery. Upon their flight, the English troops took possession of it, and by means of a well directed fire from it, seriously damaged the town. The main body of the army now commenced the siege. For fourteen nights they were occupied in drawing cannon towards the town, over a morass, in which oxen and horses could not be used. The toil was incredible, but men accustomed to draw the pines of the forests, for masts, could accomplish anything. By the 20th of May, several fascine batteries had been erected, one of which mounted five forty-pounders. These batteries, on being opened, did immense execution. While the siege was being proceeded with, Commodore Warren captured the French ship of war "Vigilant," of 74 guns, with her 560 men, and a great quantity of military stores. This capture was of very great consequence, as it not only increased the English force and added to their military supplies, but seriously lessened the strength of the enemy. Shortly after this important capture, the English fleet was considerably augmented by the arrival of several men of war. A combined attack by sea and land was now determined on, and fixed for the 18th of June. Already the inland battery had been silenced; the western gate of the town was beaten down, and a breach effected in the wall; the circular battery of sixteen guns was nearly ruined; and the western flank of the King's bastion was nearly demolished. The besieged were in no condition to resist a joint attack by sea and land. The preparations for such an attack altogether dispirited them. A cessation of hostilities was asked for, on the 15th, and obtained. On the 17th, after a siege of forty-nine days, Louisbourg and the Island of Cap Breton surrendered. Stores and prizes to the amount of nearly a million sterling fell into the hands of the conquerors. Nor was this the only advantage. Security was given to the colonies in their fisheries; Nova Scotia was preserved to England; and the trade and fisheries of France were nearly ruined. The successful General, a New Englander by birth, was created a baronet of Great Britain, in recognition of his important services to the State. Sir William Pepper(w)ell rose on the ruins of Louisbourg. On France the blow fell with great severity. The court, aroused to vengeance, sent the Duke D'Anville, a nobleman of great courage, in 1746, at the head of an armament of forty ships of war, fifty-six transports, with three

thousand five hundred men, and forty thousand stand of arms for the use of the French and Indians in Canada, to recover possession of Cape Breton, and to attack the colonies. Four vessels of the line, forming the West India squadron, were to join the expedition, and Canada sent off 1,700 men with the same view. The greatest consternation possessed the English colonists, as part of this immense fleet neared the American coast. But there was, in reality, no cause for fear. The tempest had blasted the hopes of France. Only two or three of the ships, with a few transports, reached Chebucto Bay, in Nova Scotia. Many of the ships of this once formidable expedition were seriously damaged by storms, others were lost, and one was forced to return to Brest, on account of cholera among her crew. On arrival at Chebucto, where Halifax is now situated, the Admiral became so despondent that he poisoned himself, and the Vice Admiral, no more a Roman than his superior, ran himself through the body with his sword. So died both these gallant but unfortunate men, whose moral courage quailed before what they knew must be public opinion in France. Nor were the disasters of the Duke d'Anville's armament yet over. That part of the fleet which had arrived in America, sailed for the purpose of attacking Annapolis, only to be dispersed by a storm, in the Bay of Fundy, and to return to France crest-fallen. Another expedition was however, determined upon. Six men of war, of the largest class, six frigates, and four East Indiamen, with a convoy of thirty merchant vessels, set sail from France, with the Admiral de la Jonquiere appointed to succeed de Beauharnois as Governor of Canada. But a British fleet, under Admiral Anson and Rear Admiral Warren, dispatched to watch, and, if possible, intercept it, fell in with the French fleet on the 3rd of May, and before night all the battle ships had surrendered. The new Governor of Canada found himself a prisoner. The disagreeable intelligence of this second failure reached France on the somewhat sudden and unexpected return of a part of the convoy, which had escaped capture, as night fell, on the day of the surrender of the fleet. Another Governor for Canada was appointed, the Count de la Gallisonière, who arrived safely. De la Gallisonière took an intelligent view of the position of affairs. He saw the folly, in a military point of view, of keeping the frontier a wilderness, and recommended that a large number of settlers should be sent from France, who, by being located on the frontier, would act as a check upon the British. His advice was, however, unheeded, and de la Jonquière having been released from captivity and conveyed to Canada, the Count resigned his trust to the Admiral, and returned to France. De la Jonquière was exceedingly active and able. Shortly after, or about the time of his release from captivity, the peace of Aix-la-Chapelle was signed, and all conquests—Louisbourg included—made during the war, were mutually restored. But de la Jonquière hated the English cordially, and by his hostile acts against the English fur traders, of the Ohio Company, he brought on that war between France and England, known as "The French and Indian War." Several English traders were seized and carried to a French port, on the south of Lake Erie, and fortifications, at convenient distances, were erected and occupied by French troops, between Fort Presqu'isle and the Ohio. War was ultimately declared, and Colonel George Washington, afterwards President of the United States, was sent, at the head of a regiment of Virginians, by the British Governor Dinwiddie, to put a stop to the fort building, which, although joined by nearly 400 men from New York and South Carolina, he failed to accomplish, having been compelled by De Villiers, at the head of a force of 1,500 French soldiers, to capitulate, with the privilege of marching back to Virginia unmolested. In Canada, De la Jonquière was by no means a favorite. Terribly avaricious, while the Intendant sold licenses to trade, the Governor and his Secretary sold brandy to the Indians. De la Jonquière became enormously wealthy, but his grasping disposition so annoyed the people of Quebec and Montreal, that complaints against him were loudly made, and he was recalled. He died, however, at Quebec, before his successor, the Marquis du Quesne de Menneville, was appointed. The Anglo-Indian French War now raged furiously. The English colonists were recommended by the British Government to unite together in some scheme for their common defence. A convention of delegates from Massachusetts, New Hampshire, Rhode Island, Connecticut, Pennsylvania, and Maryland, with the Lieut. Governor and Council of New York, was accordingly held at Albany, in 1754, and a plan of a federal union adopted. The plan was simply this:—a Grand Council, to be formed of members chosen by the provincial assemblies, and sent from all the colonies; which Grand Council, with a Governor General appointed by the Crown, having a negative voice, should be empowered to make general laws, to raise money in all the colonies, for their defence, to call forth troops, regulate trade, lay duties, &c. It met, however, neither with the approbation of the Provincial Assemblies nor the King's Council. The Assemblies rejected it because it gave too much power to the Crown, and the King's Council rejected it because it gave too much power to the people. Nevertheless, the Assemblies unreservedl declared, that, if it were adopted, they would undertake to defend themselves from the French, without any

assistance from Great Britain. The mother country refused to sanction it. Another plan was proposed, which met with universal disapprobation. A convention was to be formed by the Governors, with one or more of their Council to concert measures for the general defence, to erect fortifications, to raise men, &c., with power to draw upon the British Treasury to defray all charges, which charges were to be reimbursed by taxes upon the colonies, imposed by Acts of Parliament. The English colonies, however, vigorously attempted to repel the encroachments of the French from Canada, and ultimately succeeded, notwithstanding the blundering incompetency of General Braddock and Colonel Dunbar, the afterwards celebrated Washington being Aid-de-Camp to the former on the Ohio. Braddock, in proceeding against Fort du Quesne,[3] with upwards of 2,200 men, one thousand of which were regulars, suffered himself to be surprised by only five hundred French and Indians, had five horses killed under him, was himself mortally wounded, and his troops were defeated. Nay, out of sixty-five officers, sixty-four were killed and wounded, and of the troops engaged, one half were made prisoners, through the ungovernable folly of a man, who advanced without caution, and attempted to form a line when surrounded in a thicket. It was at this time, when the English colonists, not only contemplated a federal union, but had determined upon expeditions—one against the French in Nova Scotia, which completely succeeded; a second against the French on the Ohio; a third against Crown Point; and a fourth against Niagara. The Marquis du Quesne organized the militia of Quebec and Montreal; minutely inspected and disciplined the militia of the seigneuries; and attached considerable bodies of regular artillery to every garrison. Tired of the continual fighting between Canada and the English colonies, the Marquis du Quesne solicited his recall. His request was conceded. His most Christian Majesty appointed the Marquis de Vaudreuil de Cavagnac, son of a former Governor to succeed him. De Vaudreuil de Cavagnac sailed for the seat of his government with Admiral La Mothe, who was in command of a fleet newly fitted out, at considerable cost, at Brest. The sailing was not unnoticed by the English Channel fleet. Admiral Boscawen gave chase. He had eleven ships of the line, and with these he came up with the French fleet off Newfoundland. A battle ensued, and two French vessels fell into the hands of the British, the remainder of the French ships escaping under cover of a fog. Quebec was reached without further molestation, and Governor De Vaudreuil de Cavagnac was installed. All Canada was, on his arrival, in arms. Every parish was a garrison, commanded by a captain, whose authority was not only acknowledged, but rigidly sustained. Agriculture was, consequently, entirely neglected. Provisions were scarce; the price of food was enormously high; and the fur trade was rapidly declining. Notwithstanding this, the Intendant, Bigot, shipped off large quantities of wheat to the West Indies, on his own account. The Marquis de Vaudreuil de Cavagnac sanctioned the avaricious exactions and dealings of Bigot. Practices the most dishonest and demoralizing were winked at or excused. The Governors positively enriched themselves on the miseries of the governed. A high standard value was given to grain in store. It was studiously reported that the farmers were hoarding up their stocks, and prejudice was so excited against them, that it was no difficult matter to confiscate their corn, on pretence that it was absolutely necessary for the city and the troops. De Cavagnac and Bigot bought cheaply and sold extravagantly dear. As the Russian officials cheat the Russian government, so did the French officials cheat both the people and the government of France. But it was little wonder. The Governor had only a salary of £272 sterling, out of which he was expected to clothe, maintain, and pay a guard for himself, consisting of two sergeants and twenty-five soldiers, furnishing them with firing in winter, and other necessary articles. A Governor was compelled to trade to be on a pecuniary level with the merchant.

The hostilities between the colonists of English and French extraction for the two preceding years had been carried on, without any formal declaration of war. It was not until June, 1756, that war was declared by Great Britain against France, and operations were determined upon on a large scale. Lord Loudon was appointed Commander in Chief of the English forces in America, and General the Marquis de Montcalm was appointed Generalissimo in Canada, in room of Dieskau, who was disabled at Lake George. The English commander matured a plan of campaign, formed by his *locum tenens*, General Abercrombie, which embraced an attack upon Niagara and Crown Point, still in possession of the French, the former being the connecting link in the line of fortifications between Canada and Louisiana, and the latter commanding Lake Champlain, and guarding the only passage at that time to Canada. Loudon was as hesitating and shiftless, as Abercrombie had been an improvident commander. The expedition against Crown Point was unaccountably delayed. General Winslow, at the head of 700 men, was not permitted to advance. Montcalm, as energetic, able, and enterprising as his opponents were indecisive, with 8,000 regulars, Canadians, and Indians, made a rapid descent upon

Oswego, at the south-east side of Lake Ontario, and captured it. Sixteen hundred men, one hundred and twenty pieces of cannon, fourteen mortars, two ships of war, and two hundred boats and batteaux, fell into the conqueror's hands. Lord Loudon, prone to inactivity, instead of vigorously pushing forward upon Crown Point, to retrieve this great disaster, made the disaster an excuse for relinquishing the enterprise. The failure of the campaign of '56 much annoyed the British Parliament and people, and great preparations were made in the following year to prosecute the war to a successful issue. It was in vain, while Lord Loudon was in command of the colonial army. A fleet of eleven ships of the line, and fifty transports, with more than six thousand troops, arrived at Halifax, for the reduction of Louisbourg, and Lord Loudon ordered a large body of troops, designed to march upon Ticonderoga and Crown Point, to co-operate. But so dilatory was his Lordship, that before the expedition from Halifax was ready to sail, a French fleet of 17 sail had arrived at Louisbourg, with reinforcements, making the garrison nine thousand strong—and this fine specimen of a hereditary commander deemed it inexpedient to proceed, and abandoned the expedition. Montcalm, again profitting by the weakness and indecision of his adversaries, made a descent on Fort William Henry, situated on the north shore of Lake George, with nine thousand men. The fort, garrisoned by three thousand men, was commanded by Colonel Munroe, who obstinately defended it. Nay, had it not been for the silly indifference of General Webb, who was in command of Fort Edward, which was within only fifteen miles of Fort William Henry, and was garrisoned by 4,000 men, the French General might have been unable to make any impression upon it. But Webb, although solicited by his second in command, Sir William Johnston, to suffer his troops to march to the rescue, first hesitated, next granted permission, and then drew back. In six days the garrison surrendered, Munroe and his troops being admitted to an honorable capitulation. Reverses such as these, involving great misery, inasmuch as the Indians too frequently butchered their prisoners in cold blood, could not fail to have an effect upon a ministry which had appointed such incapables to command. A change of ministry was loudly demanded, and most fortunately for the honor of the British arms, and for the salvation of the colonies, there was a change. The great Pitt, afterwards Lord Chatham, was the Palmerston of that day. Placed at the head of the administration, he breathed into the British Councils a new soul. He revived the energies of the colonies. He gave new life to dependencies, whose loyalty was weakened, and whose means were exhausted by a series of as ill-contrived and unfortunate expeditions as were ever attempted. He addressed circulars to the colonial Governors, assuring them of the determination of the ministry to send a large force to America, and called upon the colonies to raise as many troops as possible, and to act promptly and liberally in furnishing the requisite supplies. The colonies nobly responded. Massachusetts, Connecticut, and New England unitedly raised 15,000 men, who were ready to take the field in May. An expedition to Louisbourg, a second to Ticonderoga, and a third against Fort du Quesne were determined upon. The tide of success was on the turn. Admiral Boscawen, with a fleet of twenty ships of the line, eighteen frigates, and an army of fourteen thousand men, under the command of General Amherst, his second in command being General Wolfe, sailed from Halifax, for Louisbourg, on the 28th of May. Louisbourg resisted vigorously, but on the 26th of July this important fortress was a second time in the possession of Great Britain. 5,735 men, 120 cannon, 5 ships of the line, and 4 frigates were captured. Isle Royal and St. John's, with Cape Breton, fell, also, into the hands of the English. Against Ticonderoga the English were not so successful. This central expedition was conducted by General Abercrombie, who had succeeded Lord Loudon as Commander-in-Chief in America, that nobleman having returned home. He had with him 16,000 men and a formidable train of artillery. Ticonderoga was only garrisoned by 3,000 French. The passage of Abercrombie across Lake Champlain was only a little less splendid than that of the British and French armies over the Black Sea, from Varna to Eupatoria, in September, 1854. The morning was remarkably bright and beautiful, and the fleet moved with exact regularity, to the sound of fine martial music. The ensigns waved and glittered in the sunbeams, and the anticipation of future triumphs shone in every eye. Above, beneath, around, the scenery was that of enchantment. It was a complication of beauty and magnificence, on which the sun rarely shines. But General Abercrombie was unequal to the command of such an army. He left to incompetent Aides-de-Camp the task of reconnoitering the ground and entrenchments, and without a knowledge of the strength of the place, or of the points proper for attack, and without bringing up a single piece of artillery, he issued his orders to attempt the lines. The army advanced with the greatest intrepidity, and for upwards of four hours (the duration of the battle of the Alma) maintained the attack with incredible obstinacy. Nearly two thousand of the English were killed or wounded, and a retreat was ordered. On reaching Lake George, his former quarters, the defeated and mortified Abercrombie yielded to the

solicitations of Colonel Bradstreet, who desired to be sent against Fort Frontenac, (now Kingston) on Lake Ontario. Three thousand provincials were detached on this expedition, and in two days the fortress had surrendered, and 9 armed vessels, 60 cannon, and sixteen mortars, and a vast quantity of ammunition were taken possession of. Fort du Quesne was evacuated on the approach of General Forbes, with 8,000 men, and was re-named Pittsburg, in honor of the Prime Minister of England, Mr. Pitt.

Elated by success, the entire conquest of Canada was now determined upon by the English. Three powerful armies were simultaneously to enter the French Province by three different routes—Ticonderoga and Crown Point, Niagara and Quebec were to be attacked as nearly as possible at the same time. On the 22nd of July, 1759, the successor of Abercrombie, General Amherst, attacked, first, Ticonderoga, and then Crown Point, both places being evacuated on his approach, the French retiring to Isle Aux Noix, where General Amherst could not follow them, for want of a naval armament. On the 6th of the same month, Fort Niagara was invested by Sir William Johnston, who succeeded to the command of the Niagara division of the army on the death of General Prideaux, an able and distinguished officer, unfortunately killed, four days previously, by the bursting of a cohorn. A general battle took place on the 24th, which decided the fate of Niagara, by placing it in the hands of the invaders.

The intended campaign of 1759, was early made known to General Montcalm: that on Quebec was made known to him on the 14th of May, by M. de Bougainville, appointed on the Marquis' staff, as Aid-de-Camp. In January, a census of those capable of bearing arms in Canada was taken, when 15,229 were reported as available for service. Montcalm went energetically to work to preserve the country to France. A council of war was held at Montreal, and it was decided that a body of troops, under Montcalm, the Marquis de Levi, and M. de Jennezergus, should be posted at Quebec; that M. de Bourlemaque should hasten to Ticonderoga, blow up the works at the approach of the English, retire by the Lake to Isle-aux-Noix, and there stubbornly resist. With 800 regulars and militia, the Chevalier de la Corne was directed to hold the rapids above Montreal, to entrench himself in a strong position, and hold out to the last. It is, therefore, obvious, that the evacuation of Ticonderoga was determined upon; and that the retention of Niagara was not much desired. The intended march upon Quebec, by a large force from England, caused the greatest uneasiness. Montcalm, hastening to Quebec, pushed on the defences of the city and its outposts vigorously. The buoys, and other marks for the safe navigation of the St. Lawrence were removed. Proclamations, calling upon the people to make a determined resistance, were issued. The people were reminded that they were about to contest with a powerful and ruthless enemy of their religion and their homes. The Church urged the faithful to resist the heretical invaders.

General Wolfe was in the harbour of Quebec before either Ticonderoga or Niagara had fallen. Eight thousand men had been embarked at Louisbourg, under convoy of Admirals Saunders and Holmes. The expedition arrived without accident off the Island of Orleans, where the troops were disembarked, on the 25th of June. General Wolfe, three days afterwards, issued an address to the colonists. He appealed to their fears. General Amherst was approaching in one direction, Sir W. Johnston in another, and he (Wolfe) was at their very doors. Succour from France was unobtainable. To the peasantry he, therefore, offered the sweets of peace, amid the horrors of war. The French colonists, however, were ignorant of the English language as of English customs. They saw no sign of fine feeling towards themselves in so large a fleet and so considerable an army. Every obstacle that could be placed in the way of an invading force, the French colonists patriotically placed in the way of General Wolfe. They readily formed themselves into battalions for defence. They hung about the skirts of that part of the army which had been landed, cutting off foraging parties, and otherwise harassing it. They prayed in the churches for the preservation of their country. The most noble spirit animated the Canadians. General Monckton was sent to drive the French off Point Levi, opposite Quebec, and take possession of the post. He succeeded. Batteries were thrown up and unceasingly worked. The firing was, but however, of little use, only the houses of the town being injured. The fortifications were not only uninjured, they were being rapidly strengthened. More energetic measures were determined upon. Wolfe crossed the river and attacked the enemy in their entrenchments, at Montmorenci. But, some of the boats in which the soldiers had crossed, unluckily grounded, and the attacking party did not all land together. The grenadiers rushed impetuously forward, without even waiting to form, and were mowed down by the enemy's close, steady, and well directed fire. Montcalm's force now advanced to the beach, and the contest waxed hotter. A thunder

storm was approaching, and the tide was setting in. Wolfe, fearing the consequences of delay, ordered a retreat, and returned to his quarters, on the Island of Orleans. He lost six hundred of the flower of his army in this unhappy encounter, and left behind him some of his largest boats. The condition of the invaders was far from enviable. Sickness prevailed to an alarming extent in the camp. They had been already five weeks before the city, and many lives had been lost, not only in skirmishes, but by dysentery. Wolfe himself fell sick. Depressed in spirits by the disastrous attempt to land on the Beauport shoals, and worn down with fatigue and watching, he was compelled to take to his bed. It was while lying ill that the plan occurred to him of proceeding up the river, scaling the heights by night, and forcing Montcalm to a general engagement. On his recovery he proceeded to carry his plan into execution. A feint of landing again at Beauport was made. The boats of the fleet, filled with sailors and marines, apparently made for the shore, covered by a part of the fleet, the other part having gone higher up the river. At one hour after midnight, on the 12th September, the fleet being now at anchor at the narrows of Carouge, the first division of the army, consisting of 1,600 men, were placed in flat bottomed boats, which silently dropped down the current. It was intended to land three miles above Cape Diamond, and then ascend to the high grounds above. The current, however, carried the boats down to within a mile and a half of the city. The night was dismally dark, the bank seemed more than ordinarily steep and lofty, and the French were on the *qui vive*. A sentinel bawled out, "*Que vive*," who goes there? "*La France*," was the quick reply. Captain Macdonald, of the 78th Highlanders, had served in Holland, and knew the proper reply to the challenge of a French sentry. "A quel regiment?" asked the sentry, "De la Reine" was the response. "Passe" said the soldier, who made the darkness vibrate as he brought his musket to the carry. Other sentinels were similarly deceived. One was more particularly curious than the others. Something in the voice of the passing friend did not please his ear. Running down to the water's edge, he called "Pour quoi est-ce que vous ne parlez plus haut," why don't you speak louder? "Tais toi, nous serons entendu!" Hush, we shall be overheard and discovered, said the cunning highlander, still more softly. It was enough, the boats passed. Within one hour of daylight a landing was effected, and the British army began to scale the heights, the base of which was then washed by the St. Lawrence. By daylight, the army was drawn up in battle array, on the "Plains of Abraham." The ground was somewhat undulating, and well calculated for manœuvring. Every knoll was taken advantage of. Every little hillock served the purpose of an earthwork. For the invaders it was victory or death. To retreat was impossible. The position of the British army was speedily made known to Montcalm. There was not a moment to be lost. The French General rapidly crossed the St. Charles, and advanced with his whole army, to meet that of Wolfe. Fifteen hundred Indians first ascended the hill, from the valley of the St. Charles, and stationing themselves in cornfields and bushes, fired upon the English, who took no notice of their fire. Between nine and ten o'clock, the two armies met, face to face, and when the main body of the French, advancing rapidly, were within forty yards, the English opened their fire, and the carnage was terrible. The French fought gallantly, but under a galling and well directed fire, they fell, in spite of the exertions of their officers, into disorder. The British Grenadiers charged at this critical moment. The Highlanders rushing forward, with the claymore, hewed down every opponent, and the fate of the battle was no longer doubtful—the French retreated. Wolfe had just been carried to the rear, mortally wounded in the groin. Early in the battle, a ball struck him in the wrist, but binding his handkerchief around it, he continued to encourage his men. It was while in the agonies of death, that he heard the cry of "they flee," "they flee," and on being told that it was the French who fled, exclaimed, "Then I die happy." His second in command, General Monckton, was wounded and conveyed away, shortly after assuming the direction of affairs, when the command devolved upon General Townshend who followed up the victory, rendered the more telling by the death of the brave Montcalm, who fell, mortally wounded, in front of his battalion, and that of his second in command, General Jennezergus, who fell near him. Wolfe's army consisted of only 4,828 men, Montcalm's of 7,520 men, exclusive of Indians. The English loss amounted to 55 killed and 607 wounded, that of the French to nearly a thousand killed and wounded; and a thousand made prisoners. Montcalm was carried to the city; his last moments were employed in writing to the English general, recommending the French prisoners to his care and humanity; and when informed that his wound was mortal, he sublimely remarked:—"I shall not then live to see the surrender of Quebec." On the 14th he died, and on the evening of the 18th the keys of Quebec were delivered up to his conquerors, and the British flag was hoisted on the citadel. French imperial rule had virtually ended in Canada. Not so, French customs. By the capitulation, which suffered the garrison to march out with the honors of war, the inhabitants of the country were permitted the free exercise of their religion; and, afterwards, in 1774, the Roman Catholic Church establishment was recognized; and

disputes concerning landed and real property were to be settled by the *Coutume de Paris*. In criminal cases only was the law of England to apply.

Admiral Saunders, with all the fleet, except two ships, sailed for England, on the 18th of October, Quebec being left to the care of General Murray and about 3,000 men. After the fleet had sailed, several attempts were made upon the British outposts at Point Levi, Cape Rouge, and St. Foy, unsuccessfully. Winter came, and the sufferings of the conquerors and the conquered were dreadful. The Frazer Highlanders wore their kilts, notwithstanding the extreme cold, and provisions were so scarce and dear, that many of the inhabitants died of starvation. The Marquis de Vaudreuil, the Governor General of His Most Christian Majesty, busied himself, at Montreal, with preparations for the recovery of Quebec, in the spring. In April, he sent the General De Levi, with an army of 10,000 men, to effect that object. De Levi arrived within three miles of Quebec, on the 28th, and defeated General Murray's force of 2,200 men, imprudently sent to meet him. The city was again besieged, but this time by the French. Indeed, it was only on the appearance of the British ships, about the middle of May, that the siege was raised. De Levi retreated to Jacques Cartier. The tide of fortune was again turning. General Amherst was advancing from New York upon Montreal. By the middle of May, that city, and with it the whole of Canada, including a population, exclusive of Indians, of 69,275 souls, was surrendered to England.

Montcalm, who was not only a general, but a statesman, is said to have expressed himself to the effect, that the conquest of Canada by England would endanger her retention of the New England colonies, and ultimately prove injurious to her interests on this continent. Canada, not subject to France, would be no source of uneasiness or annoyance to the English colonists, who already were becoming politically important, and somewhat impatient of restraint. How far such an opinion was justifiable, is to be gathered from the condition of Canada and the colonies of Great Britain in America, at this hour.

Canada was, in 1763, ceded by His Most Christian Majesty, the King of France, to His Britannic Majesty King George the Second. Emigration from the United Kingdom to Canada was encouraged—not to Canada only, but to Nova Scotia, which then included the present Province of New Brunswick. By the treaty of 1763, signed at Paris, Nova Scotia, Canada, the Isle of Cape Breton, and all the other Islands in the Gulf and River St. Lawrence, were ceded to the British Crown. Britain, not only powerful in arms, but, even at this period, great in commerce, was about to change, though almost imperceptibly, the feelings of her new subjects. The old or New England colonies, which had so largely contributed to the subjugation of Canada, were already largely engaged in trade. They had not made much progress in agriculture. They had made no progress in manufactures. It was six years later before their first collegiate institution, at Hanover, New Hampshire, was founded. But, while Canada, perhaps, only loaded a couple of vessels with the skins of the bear, the beaver, the buffalo, the fox, the lynx, the martin, the minx, and the wolf, to prevent the total evaporation of heat from the shoulders of the gentler sex in Paris or London, or to fringe the velvet robes of the courtiers of St. James and the Tuileries, the New Englanders employed, annually, about one thousand and seventy-eight British vessels, manned by twenty-eight thousand nine hundred seamen, while their whale and other fisheries had become of great importance.[4] To change the military character of the sixty-nine thousand inhabitants of Canada ceded by France to England, could not be done immediately. That was as impossible as to make them abjure by proclamation, their religion. All changes, to be lasting, must be gradual, and the government of Great Britain only contemplated a lasting change, by the introduction into Canada of her own people, imbued with somewhat different ideas, religiously, legally, and commercially, from those which actuated the conquered population.

CHAPTER II.

For some years after the conquest, the form of government was purely military. It was, indeed, only in 1774, that two Acts were passed by the British government, one with the view of providing a revenue for the civil government of the Province of Quebec, as the whole of Canada was then termed, the other, called "The Quebec Act," defining the boundaries of the Province, setting aside all the provisions of the Royal proclamation, of 1763, and appointing a governing Council of not more than twenty-three, nor less than seventeen persons. And whatever may have been the motive for this almost unlooked for liberality on the part of the mother country, it is not a little singular that only a year later, England's great difficulty with her old colonies occurred. The Parliament of Great Britain had imposed, without even consulting the colonists, a tax for the defence and protection of the colonies, on clayed sugar, indigo, coffee, &c., and the colonists resisted. The American colonies contended that taxation and representation were inseparable, and that having no voice in the administration of affairs, they were free from any taxation, but that which was self-imposed, for local purposes. So far, however, from paying any heed to the remonstrances of the colonists, the Imperial Parliament became more exacting and tyrannical. Not only were the necessaries of life taxed in America, for the benefit of the red-tapists and other place-holders of the Imperial government, but a stamp Act was passed through the Imperial Parliament, ordaining that instruments of writing—bonds, deeds, and notes—executed in the colonies, should be null and void, unless executed upon paper stamped by the London Stamp Office. It was then that a coffin, inscribed with the word "*Liberty*" was carried to the grave, in Portsmouth, Massachusetts, and buried with military honours! Had the views of Governor Pownall, of Massachusetts, with regard to the representation of the colonies in the British Parliament, been adopted, no umbrage could have been taken at the imposition of taxes, because the colonies would have been open to civil and military preferment in the state equally with the residents of the United Kingdom. It was, and is, an unfortunate mistake to look upon colonists with contempt. Colonists, more even than the inhabitants of old countries, inhale a spirit of independence. Often, lords of all they survey, they call no man lord. They are the pioneers of their own fortunes. They make glad the wilderness. They produce more than they themselves require. But Great Britain was, at the time of which we speak, perfectly infatuated. On the 4th of Sept. of the very year in which the Quebec Act was granted, 1774, a Continental Congress was held, of which Peter Randolph, of Virginia, was President, to sympathize with the people of Boston, on account of their disabilities, by reason of the tea riot.[5] But such Congresses produced no effect in England. On the contrary, Massachusetts was more rigorously punished, and was prevented from fishing on the Banks of Newfoundland. Is it wonderful that the battles of Lexington, Concord, and Bunker's Hill followed? Is it wonderful that those who had assisted Wolfe in taking Canada from the French, should have afterwards attempted to conquer Canada for themselves? Is it wonderful that, on the 3rd of November, 1775, one of Washington's Brigadier Generals, Montgomery, should have received the surrender of 500 regular British troops, at St. John's, Canada East; the surrender of one hundred Canadians, of thirty-nine pieces of cannon, of seven mortars, and of five hundred stand of arms? Is it wonderful that Montreal, then so thinly inhabited and indifferently garrisoned, should have capitulated, or that Quebec should have been invested by Arnold, who sailed down the Chaudiere on rafts, and by Montgomery, to whom Montreal had capitulated? It is only wonderful that Quebec was successfully defended, and that General Montgomery perished under her walls. Canada, notwithstanding the temporary annexation of Montreal, was true to Great Britain, feeling that whatever might have been the injustice of Britain to the old Colonies, Canada had nothing then of which to complain. Indeed, the attack upon the newly ceded province of Canada, was amongst the earliest demonstrations of a disposition on the part of the old Colonies to resort to violence. "The Quebec Act" was in itself a cause of offence to them. On the 21st of October, 1774, the following language was made use of by the Congress, in reference to that Act, in an Address to the people of Great Britain:—"Nor can we suppress our astonishment, that a British Parliament should ever consent to establish in that country, a religion that has deluged your Island in blood, and dispersed impiety, bigotry, persecution, murder, and rebellion through every part of the world." And "That we think the Legislature of Great Britain is not authorized by the Constitution to establish a religion fraught with sanguinary and impious tenets." The attack was of a two-fold nature. Both the sword and the pen were brought into requisition. It was supposed by the discontented old colonists, that the boundary of the lakes and rivers which emptied themselves into the Gulf of St. Lawrence, and had

formed the natural barrier between two nations, until the peace of Paris, in 1763, when Canada passed from the dominion of France to that of the British Crown, formed no boundary to British rule, as the sway of the Anglo-Saxon race was now fully established over the whole of the northern part of the continent; and it was further supposed, that it was, therefore, proper to detract, if possible, from the power of Great Britain, to harm the revolutionary colonists on the great watery highway of the lakes and rivers, or to prevent such a united force of Colonial and Provincial inhabitants as might counterbalance, in a great measure, the pertinacious loyalists who were to discountenance American appeals for justice,—the warfare, before the declaration of American Independence, being "neither against the throne nor the laws of England, but against a reckless and oppressive ministry."[6] Efforts were, for such reasons, made to obtain possession of the keys of the Lakes and of the St. Lawrence at Quebec and Montreal. The old colonists were to make a war of political propagandism on Canada and they resolved upon the employment of both force and persuasion. Generals Montgomery, Arnold, and Allen invaded Canada, and, to a certain point, with complete success. After the successes of the two latter officers at Ticonderoga and Crown Point, Arnold pushed on towards Quebec, through the wilderness, and had ascended the heights of Abraham before Montgomery, who had proceeded towards Quebec from Montreal, had arrived. Under these circumstances, Arnold retired about twenty miles above Quebec, to wait for Montgomery. Meanwhile, the Governor of Canada, Sir Guy Carleton, had escaped, through Montgomery's army, in the dead of night, in an open boat, rowed with muffled oars, and guided by Captain Bouchette, of the Royal Navy, and was now safely lodged in the chief fortress of America. On the 1st of December, Montgomery effected a junction with Arnold, and the siege of Quebec was commenced, although the besiegers were most indifferently provided with camp equipage, and were poorly clad. Their cannon, too, was of so small a description, as to be almost useless. The design evidently was to carry the town, which was not then nearly as strongly fortified as now, and was only garrisoned by a few troops, militia, and seamen, by assault, in the full persuasion that the Canadians would be only most happy to be identified with the American struggle for liberty, or by being neutral, would show to the ministry of England the formidable animosity of a united continent, by which the ends of the old colonists would be gained, and the war nipped in its ripening bud.[7] This, Generals Montgomery and Arnold were unable to do. The attempt was made on the 31st December, but signally failed. Arnold proceeded with one division towards Sault-au-Matelot Street, by way of St. Roch's, and succeeded in establishing himself in some houses at the eastern extremity of that street, but being attacked in the rear, by a part of the garrison, directed by General Carleton to make a sortie from Palace Gate, only a remnant of the assailants, with considerable difficulty, managed to get back to camp. Montgomery approached by the road under the Cape, called Près-de-Ville, with another division, but was stoutly resisted, and fell mortally wounded. After the attack, Montgomery's body was found embedded in the snow, together with the bodies of his two Aides-de-Camp, Captain McPherson and Captain Cheeseman. Arnold now retired about three miles from Quebec, where he encamped during the winter.

On the 15th of February, 1776, the American Congress appointed Dr. Benjamin Franklin, Samuel Chase, and Charles Carroll, of Carrollton—the last mentioned gentleman being requested to prevail upon his brother, the Revd. John Carroll, a Jesuit of distinguished theological attainments, and celebrated for his amiable manners and polished address, to accompany them—to proceed to Canada with the view of representing to the Canadians that the Americans south of the St. Lawrence, "had no apprehension that the French would take any part with Great Britain; but that it was their interest, and, the Americans had reason to believe, their inclination, to cultivate a friendly intercourse with the colonies." They were to have religious freedom, and have the power of self-government, while a free press was to be established, to reform all abuses.[8] The Committee, or, more properly speaking, the Commission, were, however, far from being successful in their attempt to negotiate Canada into revolt. The clergy of Canada could not be persuaded that, as Roman Catholics, they would be better treated by the Revolutionary colonists than they had been under the British government, after the expression of such sentiments as those addressed to the people of Great Britain, on the 21st of October, 1774. The Americans, uncouth in manners, were, in truth, most intolerant of papacy. In the "Cradle of American Liberty," a dancing school was not permitted. While in Boston a fencing school was allowed, there were no musicians permitted to exist, and the anti-papal character of the people was even more evident from the fact, that the first thing printed in New England was the Freeman's Oath! the second an almanac; and the third an edition of the psalms.

On the day after the Reverend Mr. Carroll had failed in his part of the mission, joined Dr. Franklin, and returned to the South, Chase and Carroll of Carrollton had been busy with the military part of their embassy. At a council of war held in Montreal, it was resolved to fortify Jacques Cartier—the Richelieu Rapids, between Quebec and Three Rivers—and to build six gondolas at Chambly, of a proper size to carry heavy cannon, and to be under the direction of Arnold. But disasters thickened around the insurgents. The small pox had broken out among the troops, and was making deep inroads upon their scanty numbers. To crown the whole, the worst news was received from the besiegers at Quebec, for out of 1,900 men, there were not more than 1,000 fit for duty, all the rest being invalids, chiefly afflicted with the smallpox. On the 5th of May, 1776, a council of war was held at Quebec, and it was resolved to remove the invalids, artillery, batteaux, and stores higher up the river; but, on the evening of that day, intelligence was received in the American camp, that fifteen ships were within forty leagues of Quebec, hastening up the river; and early next morning, five of them hove in sight. General Thomas immediately gave orders to embark the sick and the artillery in the batteaux, whilst the enemy began to land their troops. About noon, a body of the British, a thousand strong, formed into two divisions, in columns of six deep, and supported with a train of six pieces of cannon, attacked the American sentinels and main guard. The Americans stood for a moment on the plains, with about 250 men and *one* field piece only, when the order for retreat was given, and the encampment was precipitately deserted. In the confusion, all the cannon of the besiegers fell into the hands of the British, and about 200 invalids were made prisoners. Following the course of the river, the broken army of the Americans fled towards Montreal, and halting for a while at Deschambault, finally retreated along the St. Lawrence, until they made a stand at Sorel, with the view to an "orderly retreat out of Canada."[9] By the 18th of June, the British General, Burgoyne, was close behind Arnold, who now, with the whole of the American army, had quitted Canadian soil, and was proceeding somewhat rapidly up the Richelieu, into Lake Champlain.

In the very year that Arnold retired from Quebec, on the 4th of July, 1776, the thirteen now confederated colonies, on the report of Thomas Jefferson, John Adams, Benjamin Franklin, Roger Sherman, and Phillip Livingston, dissolved their allegiance to the British Crown, declaring themselves to be free and independent. The lions, sceptres, crowns, and other paraphernalia of royalty were now rudely trampled on, in both Boston and Virginia. Massachusetts, and, shortly afterwards, New York, were, indeed, in the possession of rebels, commanded by Washington. It was then that, in 1777, the execution of a plan of attacking the New Englanders, by way of Canada, was entrusted to General Burgoyne, who, with some thousands of troops, a powerful train of artillery, and several tribes of Indians, proceeded down Lake Champlain, to cut off the northern from the southern colonies of the rebellious confederation. Burgoyne chased the American General St. Clair out of Ticonderoga; hunted Schuyler to Saratoga; destroyed the American flotilla on Lake Champlain; demolished bridges, and reduced forts. He, nevertheless, met with a severe check at Bennington, Vermont. Being at Fort Edward, he sent Colonel Baum, with a detachment of the army to seize a magazine of stores at Bennington. When within a few miles of that place, however, Baum learned that the Americans were strongly entrenched. He, therefore, halted, and sent to Burgoyne for a reinforcement. But the American General Stark, who had a large body of Vermont Militia under his command, in addition to his ordinary New Hampshire corps, now determined to be the assailant. With only 500 regulars and 100 Indians, Colonel Baum did not consider it prudent to fight a body vastly superior in numbers, and he retreated. Assistance reached him at this critical moment, which seemed to make a battle, if not expedient, a point of honour. Unfortunately the sense of honour prevailed, Baum gave battle, and was himself slain and his men defeated, the British loss being 700 in killed and wounded, while that of the Americans was only about 100. It was a pity that Baum had not the moral courage to retire, even when reinforced, for his defeat much embarrassed Burgoyne, and made an attempt at a general retreat even necessary, as the courage of the enemy had so increased by the moral effect of a victory, that Burgoyne was in danger of being surrounded by the hordes of State Militiamen who, on all sides of him, were taking the field. Burgoyne was, nevertheless, still on the advance, with the main body of his army, and was approaching Saratoga, when he heard of the defeat of Baum. Unwilling to retreat, and yet unable to advance, he hesitated, but ultimately decided upon returning. That, however, was now impossible. He had hardly turned his face towards the place from whence he came, than he fell in with General Gates, losing about 600 men; and he had hardly realized his loss, when he learned that Fort Edward, which stood between him and Canada, was in the possession of the enemy. No avenue of escape appeared open, and this fine army from Canada, consisting of five thousand seven hundred

effective men, with General Burgoyne at their head, laid down their arms to the American General Gates, at Saratoga. Even according to the testimony of Lady Harriet Ackland, Burgoyne, though sufficiently brave for anything, was quite incompetent for command. He had neither resources nor strategy. He knew neither what to do nor what he was doing. He neither knew when to advance nor when to retreat. It was all haphazard with him. Through his very stupidity an army was positively sacrificed. Lord Cornwallis, afterwards, easily defeated Gates. And in the campaign of 1780, Washington was himself in straits. His commissariat was wretchedly bad. For days the medical department of his army had neither sugar, coffee, tea, chocolate, wine, nor spirituous liquors of any kind; and the army had not seen the shadow of money for five months. A junction cleverly effected between the two British armies might have changed, or rather checked the destinies of the Confederated Colonies. But, by the awkwardness, carelessness, and want of prudence of Burgoyne, in the first place, Cornwallis got also hemmed in, being intercepted on one side by the French fleet, and on the other by the army commanded by Washington, and he capitulated after his defeat at Yorktown, in September, 1781. Had a line of communication northward been maintained for the British army, even seven thousand men might have escaped the blockade of the sixteen thousand militia, under Washington, to whom the conqueror of Charleston was compelled, by the fortune of war, to present his sword. The stupidity of the British Generals, combined with the previous stupidity of the Imperial administrations, led to the evacuation of those colonies by Great Britain, to which she was in a great measure indebted for the acquisition of Port Royal and Louisbourg in Nova Scotia, and for Niagara, Frontenac, Montreal, and Quebec in Canada. The prediction of Montcalm had come to pass. The United States were independent. But, however much the war in America, between Great Britain and her own old colonies, had temporarily interfered with, it had paved the way for a more extended, commerce in Canada. There were men in New England who would not, on any account, be rebels. Many of these, with their families, sought an asylum in Canada, and the advancement of the Far West, on the British side of the lines, is, in no small degree, to be attributed to the integrity and energy of those highly honourable men. Canada was then entirely, or almost entirely, under military rule. It could not well be otherwise. The necessities of the times required unity of action. There was no room for party squabbling, nor were there numbers sufficient to squabble. The province, the population of which did not extend beyond Detroit, a mere Indian trading post, and beyond which it was expected civilisation could not be extended for ages, was divided into two sections, the western and the eastern. Sir Guy Carleton, afterwards Lord Dorchester, had divided all west of the monument of St. Regis into four districts, after the manner of ancient Gaul, which he termed Lunenburg, Mecklenburg, Nassau, and Hesse; and the Seminary of Quebec had cut up the eastern section into parishes, distinguished by cross roads. In the lower section of the province, the *bonnets rouges* and *bonnets bleus* were on the increase, but the increase was like that of the frogs: it was multiplying in the same puddle, with the same unchanging and unchangeable habits. The peaweeting, the whistling, the purring, and the whizzing, were only the louder, as the inhabitants became more numerous. There was no idea of change of any kind. Language, manners, and knowledge were the same as they ever had been: only the pomp of the church had succeeded to the pomp and circumstance of war. There was no more industry, no more energy, no more scientific cravings, and no earnest pursuit of wealth. All was contentment. Even by the authorities, no desire to awaken the Franco-Canadian from his slumber, was entertained. On the contrary, the restless United Empire loyalists were to be separated from them. The isolation of Lower Canada from the rest of the world was to be as complete as possible.

Not very long after the declaration of American Independence, Canada was divided, by Act of the Imperial Parliament, into two distinct provinces, called Upper Canada and Lower Canada. Mr. Adam Lymburner, a merchant of Quebec, not being particularly anxious for isolation, appeared at the bar of the House of Commons on behalf of himself and others. He was against the separation. The united province was not even in a condition to maintain a good system of government. Oppressed by the tyranny of officials, industry and improvement had been neglected, and a state of languor and depression prevailed. The public buildings were even falling into a state of ruin and decay. There was not a Court House in the province, nor a sufficient prison nor house of correction. Nor was there a school house between Tadousac and Niagara. The country upon the Great Lakes was a wilderness. Lymburner did not, however, prevail. The British government desired to put the United Empire loyalists upon the same footing with regard to constitutional government as they had previously enjoyed before the independence of the United States in that country, a condition about which a certain class of merchants in Quebec have always been indifferent. Lord Dorchester was appointed Governor-in-Chief

in Canada, and administrator in Lower Canada, while General Simcoe was named Lieutenant Governor of Upper Canada. General Simcoe selected for his capital Niagara,[10] and resided there at Navy Hall. On the site of Toronto, in 1793, there was a solitary wigwam. That tongue of land called the peninsula, which is the protection wall of the harbour, was the resort only of wildfowl. The margin of the lake was lined with nothing else but dense and trackless forests. Two families of Massassagas had squatted somewhere in the neighbourhood of the present St. Lawrence Hall when General Simcoe removed to little York with his canvass palace, and drew around him the incipient features of a Court. The progress in material improvement in this country may be guessed at from the then condition and the present state and appearance of Toronto. The revenue of the country between 1775, and 1778, was not over £10,000. The salary of the Governor-in-Chief was only £2,500.

During the American War, the Canadians, though they exhibited no signs of disaffection to Great Britain, did not ardently lend a helping hand against the enemy. Being appealed to by Middleton, the President of the Provisional Congress of Rebel States,—who told them that their Judges and Legislative Council were dependent on the Governor, and their Governor himself on the servant of the Crown in Great Britain; that the executive, legislative, and judging powers were all moved by nods from the Court of St. James; and that the Confederated States would receive their ancient and brave enemies on terms of equality—the Canadians stood firm in their new allegiance. It is more than probable, indeed, that the bombastic state paper never reached the ears of those for whom it was intended. There was no press in Canada at that period, and only one newspaper, the "Quebec Gazette," established by one Gilmore, in 1764. Unable, as the majority of the French were, to read their own language, it was not to be expected that they could read English. Still less is it to be supposed that His Excellency Lord Dorchester circulated it in French. Lord Dorchester was exceedingly prudent in his administration of affairs, and,—unlike Governor Murray, who, by the way, was succeeded in the administration of the Government by Paulus Æmilius Irving, Esquire, with Brigadier General Carleton for Lieutenant Governor, obtained the affection of one race and the resentment of the other,—conciliated both races. His lordship, in one of his speeches "from the throne," tells us that he "eschewed political hypocrisy, which renders people the instruments of their own misery and destruction." There was, in truth, no Parliament, in the proper sense of the term, then. Such artifices as are now necessary for good legislation, had not therefore to be resorted to.

On the political separation of the two sections of Canada, it was agreed that Lower Canada should be permitted to levy the duties on imports. Of all imports, Lower Canada was to receive seven-eighths, and Upper Canada one eighth, and the revenue for the year following the separation was £24,000, including £1,205, the proportion of the duties belonging to Upper Canada. In those days, a week was consumed in the transport of the mail from Burlington in Vermont, via Montreal, to Quebec; but yet there must have been wonderful progress from Governor Murray's time,—during which a Mr. Walker, of Montreal, having caused the military much displeasure, by the imprisonment of a captain for some offence, was assailed by a number of assassins of respectability, with blackened faces, who entered his house at night, cut off his right ear, slashed him across the forehead with a sword, and attempted and would have succeeded in cutting his throat, but for his most manly and determined resistance—for on surrendering the government of Lower Canada into the hands of General Prescott, previously to going home to England, in the frigate "Active," in which he was afterwards wrecked on Anticosti, he was lauded in a most obsequious address, by the inhabitants both of Quebec and Montreal, the latter place then numbering a little more than 7,000 inhabitants, for his "auspicious administration of affairs, the happiness and prosperity of the province having increased in a degree almost unequalled." General Prescott, not long after Lord Dorchester's return home, in a frigate from Halifax, after the wreck of the "Active," was raised to the Governor Generalship. During the three years of this Governor's rule, nothing, politically or otherwise, important occurred in Canada. Great Britain was successfully engaged in war with both France and Spain, and in the former country a revolution had occurred which preceded one of the most terrible periods on the page of history. In Quebec, a madman named McLane, a native of Rhode Island, fancying himself to be a French General, conceived the project of upsetting British authority in Canada. He intended, with the co-operation of the French Canadians, to make a rush upon the garrison of Quebec. His imaginary followers were to be armed with spears, and he dreamed of distributing laudanum to the troops. Unfortunately for himself, he made known his plans to all and sundry, and was rewarded for his indiscretion by being hanged on Gallows Hill, as an example to other fools.

The next Governor of Lower Canada was Robert S. Milnes, Esquire. Under his sway, something akin to public opinion sprang up. So soon as the last of the Jesuits had been gathered to his fathers, it was the purpose of the Imperial government to seize upon the estates of "The Order." Mr. Young, one of the Executive Council, had, however, no sooner informed the House of Assembly that His Excellency had given orders to take possession of these estates as the property of George the Third, than the House went into Committee and expressed a desire to investigate the pretensions or claims which the province might have on the college of Quebec. The Governor was quite willing to suffer the Assembly to have copies of all documents, deeds, and titles having reference to the estates, if insisted upon, but considered it scarcely consistent with the respect which the Commons of Canada had ever manifested towards their sovereign, to press the matter, as the Privy Council had issued an order to take the whole property into the hands of the Crown. The House considered His Excellency's reply, and postponed the inquiry into the rights and pretensions alluded to. The next thing which this slightly independently disposed Assembly undertook, was the expulsion of one of its members, a Mr. Bouc, who had been convicted of a conspiracy to defraud a person named Drouin, with whom he had had some commercial transactions, of a considerable sum of money. He was heard by Counsel at the Bar of the House, but was believed to have been justly convicted, and was expelled. Again and again he was re-elected, and as often was he expelled, and at last he was, by special Act of Parliament, disqualified. Whether or not he was the object of unjust persecution by the government, the moral effect upon the country of the expulsion and disqualification of a person in the position of Mr. Bouc, cannot be doubted. The number of bills passed during a parliamentary session in those days, was not considerable. Five, six, or eight appear to have been the average. The income of the province was about £20,000, and the expenditure about £39,000. Under such circumstances, corruption was nearly impossible.

In the next session of parliament an attempt was made to establish free schools, and the Royal Institution, for the advancement of learning was founded. Nor was this all, an Act was passed for the demolition of the walls that encircled Montreal, on the plea that such demolition was necessary to the salubrity, convenience and embellishment of the city. They were thrown down, and in seventeen years after it was impossible to have shown where they stood. The parliament did more. At the dictation of the Governor, it assigned three townships for the benefit of the officers, non-commissioned officers, and privates, who had served during the blockade of Quebec, in 1775-6. Field officers were to be entitled to 1,000 acres; captains to 700 acres, lieutenants and ensigns to 500 acres, and non-commissioned officers and privates to 400 acres each. Still another bill, of no mean importance, was carried through the three branches of the Legislature, the second branch being positively a House of Lords, composed, as it was, of Lord Chief Justices and Lord Bishops,—the mind, capacity, and education of the country. No picture of the legislature of this time can be made. There were no reporters nor any publication of debates. Newspapers were in their infancy. Radicalism had not got hold of its fulcrum, and the lever of public opinion was, consequently useless. Nay, in anticipation, as it were, of the unruliness that afterwards exhibited itself, the Governor, now Sir Robert Milnes, recommended the culture of hemp in the province, and the Assembly voted £1,200 for the experiment. An Agricultural Bureau, of which the Governor was himself the President, was established, but the cultivation of hemp was not more agreeable to the farmer of Lower Canada then than it is now. The experiment did not succeed. Jean Baptiste would raise wheat, which he knew would pay, and would not raise hemp, which might or might not pay. He was a practical, not a theoretical farmer. Like the "regular" physicians of every period, and in every country, he practised *secundum artem*, and eschewed dangerous theories and unprofitable innovations.

About this period, 1802, land jobbing began. Vast grants of territory were made to favourites and speculators, only to lie waste, unless improved by the squatter. To obtain a princely inheritance, it was only necessary to have a princely acquaintance with the government, and, in some cases, the Governor's servants. Land was not put up to public competition, but handsomely bestowed upon the needy and penniless Court attendant. A Governor's Secretary, a Judge's nephew, or some Clerk of Records was entitled to at least a thousand acres; the Governor's cook to 700 arpents. There was no stint, and no income or land tax.

In 1803, Parliament "better regulated" the militia; the revenue had increased to £31,000; the expenditure had increased to

£37,000, and the two Governors' salaries to £6,000; war re-broke out with France; the feeling of loyalty throughout the province was enthusiastic; and offers to raise volunteer corps were freely made.

During the next Session of Parliament, measures of some importance occupied the attention of the Legislature. A bill was passed, making provision for the relief of the insane and for the support of foundlings. In all thirteen bills were passed, and the revenue had increased one thousand pounds. It was the last session of the third Parliament. In July the election of members for the fourth Parliament took place. They were conducted, on the whole, quietly, but were, nevertheless, vigorously contested. Strong party feeling did not then run high, and there were no prejudices against persons of respectable standing in society, whatever might be their origin. Quebec had four representatives, two of whom were of French extraction and two, apparently of Scottish descent. Montreal was similarly represented. If there were as representatives of Quebec a Grant and a Panet, a Young and a De Salaberry, Montreal was represented by a Richardson and a Mondelet, a McGill and a Chaboillez. The Parliament was convened for the despatch of business on the 9th, and having disposed of some contested elections proceeded energetically to work. The idea of a Canal to overcome the difficulties of the Lachine Rapids or Sault St. Louis suggested itself; and the consideration of the expediency of its construction engaged the attention of the House. The construction of a canal was not considered within the means of the province, and a sum of only £1,000 pounds was voted for the removal of impediments in the rapids. A Seigniorial Tenure Bill, not dissimilar in character to that which so very recently has become law, was introduced, but fell through. The Gaols Act, imposing a duty of two and a half per cent on imports, for the erection of common gaols at Quebec and Montreal, was adopted. The trade was dissatisfied, and, as has been too frequently the case, when the merchants of this province have been dissatisfied with the Acts of a Legislature, of whose acts, unless in so far as their own business interests have been concerned, they have been altogether indifferent, the trade petitioned the Imperial authorities against the Act, representing with all the force of which they were capable, the serious injury inflicted by it upon bohea, souchong, hyson, spirits, wane, and molasses. The gaols were, however, built, without direct taxation having been resorted to. Another act of very considerable importance became law: that for the better regulation of pilots and shipping, and for the improvement of the navigation of the River St. Lawrence between Montreal and the sea. By this Act the Trinity Houses were established, the abolition of which has lately engaged the serious attention of the Hon. William Hamilton Merritt. The fourth Parliament, like its predecessors, possessed within itself, some men of enterprize, energy, and independence. However willing it might have been to treat the Governor with respectful consideration, there was no disposition in it to become a mere tool in the hands of those who took upon themselves to guide His Excellency. They conceived that they had the power of appropriating the revenue, of voting the supplies, and of paying their own officers such salaries as they pleased. The French Translator to the Assembly having applied for an increase of salary, it occurred to the Assembly that the translator, Mr. P. E. Desbarats, was a very efficient officer and worthy man, and that it was within their province to pay him such a sum as they estimated his services to be worth. But they did not arbitrarily do that which it seemed to them they might have done. With extreme courtesy, they addressed the Governor, begging that His Excellency would make such addition to the salary of this officer as to His Excellency might seem fit. So far, however, from complying with a very reasonable request, Sir Robert regretted the absence of some observances, the nature of which was never ascertained, and felt compelled to resist a precedent which might lead to injurious consequences. The Assembly were staggered. With very considerable reason they were offended at the Executive, who pretended to the right of money grants in the Assembly. The House went into committee, by a majority of one, and were about to consider His Excellency's considerate message, when the Gentleman Usher of the Black Rod appearing at the Bar, commanded the attendance of the Commons at the Bar of the Upper House, where His Excellency, somewhat bombastically prorogued the Parliament. About to return to England, he was perfectly indifferent to the censure of the Commons of Canada. He cared nothing for the effect of a *coup d'etat*. He never dreamed of the possibility of a misunderstanding between a Governor and his Legislature. It was the first of the kind that he had known, and it was a duty which he owed to his sovereign to nip it in the bud. Sir Robert, Mr. Christie says, was not a popular Governor. Had that been his only misfortune, it would have been well. He was, evidently, something worse, in being only that which might emphatically be expressed in a single word. A few grains of common sense in one or two Governors of colonies would have saved England some millions of pounds. Sir Robert Shore Milnes having ruled, or having been ruled, for a

period of six years, set sail for England, on the 5th of August, in H.M.S. Uranie, leaving Mr. Dunn, the Senior Executive Councillor of Canada, to administer the government.

Lower Canada, however politically insignificant, with only some £47,000 of revenue, was yet gradually rising into something like commercial importance. In the course of 1805, one hundred and forty-six merchant vessels had been loaded at Quebec, and another newspaper, the *Quebec Mercury*, still existing, and published in the English language, was established by Mr. Thomas Cary. Montreal, only second in commercial importance to Quebec, had also its newspapers, and already began to exhibit that energy for which it is now preeminently conspicuous. Toronto, the present "Queen City of the West," was yet only surrounded by the primeval forest, and thirty years later could boast of but four thousand inhabitants, although, in 1822, "Muddy Little York" was not a little proud of its "Upper Canada Gazette," and Niagara of its "Spectator." Kingston had only twenty wooden houses, while Detroit was the residence of but a dozen French families. Upper Canada, indeed, contained scarcely a cultivated farm, or even a white inhabitant, sixty or seventy years ago.

Allusion has already been made to the division of Canada into two provinces. A more particular allusion to that circumstance will not be out of place. Already, General Simcoe, the Hon. Peter Russell, and Lieut. General Hunter have ruled over the Upper, and not the least interesting of the two provinces. The object of the separation may have been to keep the Lower Province French as long as possible, to prevent the consummation devoutly anticipated by Montcalm, and the Duc de Choiseul, and to raise up a conservative English colony in the Far West, to counteract the growing power of the now United States. By the Union, constitutions very distantly related to the British constitution were conferred upon the two provinces. The 31st Act of George the Third constituted a Legislative Council and Legislative Assembly for each province. The Council was to be composed of at least seven members, appointed by writ of summons, issued pursuant to a mandamus under the sign manual of the Sovereign. The tenure of appointment was for life, to be forfeited for treason or vacated by swearing allegiance to a foreign power, or by two years continual absence from the province without the Governor's permission, or four years of such absence without permission of the Sovereign. The King could grant hereditary titles of honor, rank or dignity. The Speaker of the Council was to be appointed by the Sovereign or his representative. The Assembly was to be elected by persons over twenty one years of age, subjects of the British Crown, by birth or naturalization, possessing property of the yearly value of forty shillings sterling, over and above all rents and charges, or paying rent at the rate of ten pounds sterling per annum. Here were, undoubtedly, three legislative branches; but as the Legislative Assembly could, at the most, only be composed of thirty members, many of whom would be half pay officers, the Crown, through its representative, had a direct and overwhelming preponderance. Yet, however unsuited such a Parliament would be for the present time, however uncongenial it might have been to the feelings of a Cobbett or Hunt-man, escaped from Spa Felds ten or twenty years afterwards, it undoubtedly well represented the conservative, semi-despotic feelings of the military settler, or United Empire loyalist, a kind of privileged being, whose very descendants were entitled to a free grant of two hundred acres of land. When the Separation Act was before the British Parliament, the public mind in England was to some not altogether inconsiderable extent contaminated by the spurious liberty-feeling of the French Revolution, and by the consequences of the American strike for independence. "The Rights of Man," as enunciated by Paine, had infected many among the lower orders in society, and not a few among the higher orders. Edmund Burke, Mr. Chancellor Pitt, and Charles Fox, were members of the British Parliament. By the Act, a provision for a Protestant Clergy, in both divisions of the province, was made, in addition to an allotment of lands already granted. The tenures in Lower Canada, which had been the subject of dispute, were to be settled by the local legislature. In Upper Canada the tenures were to be in free and common soccage. No taxes were to be imposed by the Imperial Parliament, unless such as were necessary for the regulation of trade and commerce, to be levied and to be disposed of by the legislature of each division of the former Province of Quebec. On the 9th of April, 1791, the Separation Bill was somewhat unexpectedly offered for the acceptance of the House of Commons. Mr. Fox declared that he had not had time to read it, and felt unwilling to express an opinion upon its merits. On a motion by Mr. Hussey, "that the Bill be recommitted," Mr. Fox, however, remarked, that many clauses were unexceptionable. The number of representatives, in his opinion, were not sufficient. An assembly to consist of 16 or 30 members seemed to him to give a free constitution in appearance, while, in fact, such a constitution was withheld. The goodness of a bill, making the

duration of Parliaments seven years, unless dissolved previously by the Governor, might be considered doubtful. In Great Britain, general elections were attended with inconveniences, but in Canada, where, for many years, elections were not likely to be attended with the consequences which ministers dreaded, he could not conceive why they should make such assemblies, not annual or triennial, but septennial. In a new country the representatives of the people would, for the most part, be persons engaged in trade, who might be unable to attend Parliament for seven consecutive years. The qualifications necessary for electors in towns and counties were much too high. It seemed to him that ministers intended to prevent the introduction of popular government into Canada. While the number of the members of the Assembly were limited, the numbers of the Council, although they could not be less than seven members, were unlimited. He saw nothing so good in hereditary powers or honours as to justify their introduction into a country where they were unknown. They tended rather to make a good constitution worse, than better. If a Council were wholly hereditary, it could only be the tool of the King and the Governor, as the Governor himself would only be the tool of the King. The accumulation of power, confirmed by wealth, would be a perpetual source of oppression and neglect to the mass of mankind. He did not understand the provision made by the Bill for the Protestant clergy. By Protestant clergy, he understood not only the clergy of the Church of England, but all descriptions of Protestants. He totally disapproved of the clause which enacted that, "whenever the King shall make grants of lands, one seventh part of those lands shall be appropriated to the Protestant Clergy." In all grants of lands made to Catholics, and a majority of the inhabitants of Canada were of that persuasion, one seventh part of those grants was to be appropriated to the Protestant clergy, although they might not have any congregation to instruct, nor any cure of souls. If the Protestant clergy of Canada were all of the Church of England, he would not be reconciled to the measure, but the greatest part of the Protestant clergy in Canada were Protestant dissenters, and to them one seventh part of all the lands in the province was to be granted. A provision of that kind, in his opinion, would rather tend to corrupt than to benefit the Protestant clergy of Canada. The Bill, while it stated that one seventh of the land of Canada should be reserved for the maintenance of a Protestant clergy, did not state how the land so set aside should be applied. With regard to the Bill, as it related to the regulation of Appeals, he was not satisfied. Suitors were, in the first instance, to carry their complaints before the Courts of Common Law in Canada, to appeal, if dissatisfied, to the Governor and Council, to appeal from their decision to the King in Council, and to appeal from His Majesty's decision to the House of Lords. If the Lords were a better Court of Appeal than the King, the Lords ought to be at once appealed to. By such a plan of appealing, lawsuits would be rendered exceedingly expensive, and exceedingly vexatious. He did not like the division of the Province. It seemed to him inexpedient to distinguish between the English and French inhabitants of the province. It was desirable that they should unite and coalesce, and that such distinctions of the people should be extinguished for ever, so that the English laws might soon universally prevail throughout Canada, not from force but from choice, and a conviction of their superiority. The inhabitants of Lower Canada had not the laws of France. The commercial code of laws of the French nation had never been given to them. They stood upon the exceedingly inconvenient "*Coutume de Paris*." Canada, unlike the West Indies, was a growing country. It did not consist of only a few white inhabitants and a large number of slaves. It was a country increasing in population, likely still more to increase, and capable of enjoying as much political freedom, in its utmost extent, as any other country on the face of the globe. It was situated near a country ready to receive, with open arms, into a participation of her democratic privileges, every person belonging to Great Britain. It was material that a colony, capable of freedom, and capable of a great increase of people, should have nothing to look to among their neighbours to excite their envy. Canada should be preserved to Great Britain by the choice of her inhabitants, and there was nothing else to look to. The Legislative Councils ought to be totally free, and repeatedly chosen, in a manner as much independent of the Governor as the nature of a colony would admit. He was perfectly desirous of establishing a permanent provision for the clergy, but could not think of making for them a provision so considerable as was unknown in any country of Europe, where the species of religion to be provided for prevailed.

It is impossible to do other than admire the farsightedness of that great statesman, Charles Fox, with his blue coat and yellow waistcoat, in this manly, sensible, and telling address. Time has nearly brought round the state of things that he desired to see, and if disembodied spirits can take an interest in things earthly, it will be no small addition to his present state of bliss to discover almost the realization of suggestions made sixty years ago, before the Browns of this period

were conceived, and while the Rolphs were puling infants.

Mr. Chancellor Pitt did not join issue with Mr. Fox, but did not consider it expedient to flash legislative freedom upon a people. He thought that if the Assembly were not rightly consolidated by the Bill, little harm was done, because there was nothing to hinder the Parliament of Great Britain from correcting any point which might hereafter appear to want correction. He did not like the elective principle of democratic governments, and with respect to the land appropriated to the clergy, like every thing else provided by the bill, it was subject to revision. Where land had been given in commutation of tithes, the proportion of one seventh had grown into an established custom. The Bill was recommitted. Next day the clauses of the Bill being put, paragraph by paragraph, Mr. Burke eloquently defended its provisions, ridiculed the "Rights of Man," and almost extinguished the light of the new lantern, which exhibited in the academies of Paris and the club-rooms of London, the constitutions of America and France as so much superior to that of Great Britain. The distinguished orator was certainly more declamatory than argumentative, and he was repeatedly called to order. It was alleged that Mr. Burke had no right to abuse the governments of France and America, as the "Quebec Bill" only was before the House. Nay, there was something like a scene. Mr. Burke complained of having been deserted by those, with whom he formerly acted, in his old age, and Mr. Fox, with tears in his eyes and strong emotion, declared that he would esteem and venerate Burke to the end of time. The same cries of "order," "order," "chair," "chair," "go on," "go on," that are heard in our most tumultuous debates, in the Assembly, were frequent in the course of the debate, and Mr. Burke was unable, on account of the tumult, to proceed with his account of "the horrible and nefarious consequences flowing from the French idea of the rights of man." The debating continued for a number of days, and the Bill was read a third time on the 18th of May. When the report of the Bill in Committee was brought up, on the 16th of May, the House divided upon an amendment by Mr. Fox, to leave out the clause of hereditary nobility, which amendment was lost by an adverse majority of forty-nine. It was then moved, in amendment to the Bill, by Mr. Chancellor Pitt, that the number of representatives in the Assemblies should be fifty instead of thirty, but that motion was also lost by an adverse majority of fifty-one.

The government of Upper Canada was assumed by General Simcoe, on the 8th of July, 1792. He carried out with him to Upper Canada the Act constituting it into a province, and on the 18th of September he was enabled to meet his Parliament. The capital of the Province was at Newark, now Niagara. The seat of Government, according to the Duke de la Rochefoucault Liancourt, who visited it in 1795, consisted of about a hundred houses, "mostly very fine structures." Governor Simcoe apparently did not occupy one of them, but a "miserable wooden house,"—formerly occupied by the Commissaries, who resided there on account of the navigation of the lake,—his guard consisting of four soldiers, who every morning came from the fort, to which they returned in the evening. It is difficult even to guess at the appearance of the Parliament building. Assuredly it did not require to be of great size. When the time arrived for opening the Session, only two, instead of seven members of the Legislative Council were present. No Chief Justice appeared to fill the office of Speaker of the Council. Instead of sixteen members of the Legislative Assembly, five only attended. What was still more embarrassing, no more could be collected. The House was, nevertheless, opened. A guard of honour, consisting of fifty soldiers from the fort, were in attendance. Dressed in silk, Governor Simcoe entered the hall, with his hat on his head, attended by his Adjutant and two Secretaries. The two members of the Council gave notice of his presence in the Upper House to the Legislative Assembly, and the five members of the latter having appeared at the Bar of the two Lords, His Excellency read his speech from the throne. He informed the honorable gentlemen of the Legislative Council and the gentlemen of the House of Assembly, that he had summoned them together under the authority of an Act of Parliament of Great Britain, which had established the British constitution, and all that secured and maintained it to Upper Canada; that the wisdom and beneficence of the sovereign had been eminently proved by many provisions in the memorable Act of Separation, which would extend to the remotest posterity the invaluable blessings of that constitution; that great and momentous trusts and duties had been committed to the representatives of the province, infinitely beyond whatever had distinguished any other British Colony; that they were called upon to exercise, with due deliberation and foresight, various offices of civil administration, with a view of laying the foundation of that union of industry and wealth, of commerce and power, which may last through all succeeding ages; that the natural advantages of the new province were inferior to none on this side of the Atlantic; that the British government had paved the way for its speedy

colonization; and that a numerous and agricultural people would speedily take possession of the soil and climate. To this speech the replies of the Council and Assembly were but an echo. The seven gentlemen legislators proceeded actively to business. An Act was passed to repeal the Quebec Act, and to introduce the English law as the rule of decision in all matters of controversy relative to property and civil right; an Act to establish trials by jury; an Act to abolish the summary proceedings of the Court of Common Pleas in actions under ten pounds sterling; an Act to prevent accidents by fire; an Act for the more easy recovery of small debts; an Act to regulate the tolls to be taken in mills (not more than a twelfth for grinding and bolting); and an Act for building a Gaol and Court House in every district within the province, and for altering the names of the said districts, the district of Lunenburg to be called the Eastern District; that of Mecklenburg, the Midland District; that of Nassau, the Home District; and that of Hesse, the Western District.

Parliament was about a month in session, when it was prorogued by His Excellency. On the 15th of October he gave the assent of the Crown to the Bills passed, and in the prorogation speech, made on the same day, he intimated his intention of taking such measures as he deemed prudent to reserve to the Crown, for the public benefit, a seventh of all lands granted or to be granted; and he begged the popular representatives to explain to their constituents, that the province was singularly blest with a constitution the very image and transcript of the British Constitution! There being only thirty thousand inhabitants in the whole province, small as the Parliament was, the people, if not fairly, were at least sufficiently represented. It is somewhat doubtful, nevertheless, that a constitution which gave only a quasi-sovereign to Upper Canada, neither directly, nor, as the Governors of Canada now are, indirectly responsible to the people, could have been the very image and transcript of the British Constitution. There was a misty resemblance to that celebrated and unwritten form of government, in the erection of three estates—King, Lords, and Commons—and no more. But, as it is sometimes expedient to be thankful for small favors, it may have appeared to Governor Simcoe that the new constitution of the colony was superior to that of England before *magna charta*. Undoubtedly the Governor was an honest man, a good soldier, a prudent ruler, liberally educated, and of considerable mental capacity. He appears to have been a member of the Imperial Parliament at the time of the passage of the Separation Act, for when the report of the Bill was brought up in the Commons, on the 16th of May, 1791, it appears by the debate, that a Colonel Simcoe spoke in favor of the adoption of the report, pronounced a panegyric on the British Constitution, and wished it to be adopted in the present instance, as far as circumstances would admit. Aware of the advantages which such a colony as Upper Canada, if it attained perfection, might bring to the mother country, he accepted the government of a mere wilderness, to adopt means adequate for that purpose. Independent in means, high in rank, possessed of large and beautiful estates in England, Governor Simcoe, in the opinion of the Duke de la Rochefoucault Liancourt, could have had no motive of personal aggrandizement in view when he accepted the government of Upper Canada. The General, however, loathed the Americans of the United States. He had been with Burgoyne. He had tasted of that officer's humiliation. It was impossible for General Simcoe to speak of the "rebels" calmly. A zealous promoter of the American war, as well as participator in it, the calamitous issue of that unfortunate and most deplorable struggle increased the intensity of his bitterness. Although he did not hope for a renewal of the strife, he trusted that if it were renewed, he might have the opportunity of laying the country in waste, and of exterminating the canting, hypocritical, puritanical, independents. He soon perceived the folly of the Seat of Government being situated on the very frontier, the more especially as Detroit was to be surrendered to the very people whom he most detested. York, from its security, situation and extent, seemed, at first glance, to be the most desirable place. Determined, however, to do nothing rashly, General Simcoe weighed the matter well in his mind. It seemed to him that a town might be founded on the Thames, a river previously called De La Trenche, which rises in the high lands, between Lakes Ontario, Huron, and Erie, and flows into Lake St. Clair, which would be most suitable, and in process of time, most central. He even selected the site of a town upon the river, which he had named the Thames, and called the site London. Indeed it is somewhat astonishing that this excellent Anglo-tory, as the Americans, south of 45°, doubtless, esteemed him, did not call Sandwich, Dover; Detroit, Calais; and the then Western and Home Districts of the western section of the Province, which is almost an Island, England. The garden of Upper Canada, almost surrounded by water, Governor Simcoe did intend, that as England is mistress of the seas, so her offshoot, Canada, should be Queen of the Lakes. Whatever might have been, or may yet be the natural advantages of London, Canada West, for a seat of government, the Governor General of British North America, Lord Dorchester, not

then on the best possible terms with General Simcoe, would not hear of it, and he, notwithstanding the boast of the Lieutenant Governor that Upper Canada had obtained the exact image and transcript of the British Constitution, exercised a powerful influence in the state. Lord Dorchester insisted that Kingston should be the capital of the Upper Province. He was determined, moreover, that if he could not prevail on the Imperial Government to convert Kingston into the provincial capital, that the seat of government should not be at the London of General Simcoe. He was not favorable to York. A muddy, marshy, unhealthy spot, it was unfitted for a city. Lord Dorchester, peevish from age, was, to some extent, under the influence of the Kingston merchants, and was inclined, by a feeling of gratitude, to grant the wishes of Commodore Bouchette, who resided at Kingston, with his family, and to whom Lord Dorchester was indebted for safe conduct through the American camp, after Montreal had fallen into the hands of Montgomery. Kingston, as a town, was then inferior even to Newark, but the back country was in a more advanced state, as far as cultivation was concerned. The number of houses in the two towns was nearly equal, but the houses in Kingston were neither as large nor so good as those of Newark. Many of the houses in Kingston were merely log-houses, and those which consisted of joiners work were badly constructed and painted. There was no Town Hall, no Court House, and no Prison. The trade consisted chiefly in furs, brought down the Lake, and in provisions brought from Europe. There were only three merchant ships, that made eleven voyages in the year. In the district, three or four thousand bushels of corn were raised, and the surplus of that required for the feeding of the troops and inhabitants was exported to England, the price of flour being six dollars per barrel. In 1791, a thousand barrels of salt pork were sent from Kingston to Quebec, at a price of eighteen dollars a barrel. In selecting a site for the seat of government, then, as now, local interests were brought into play, but General Simcoe ultimately succeeded in obtaining the permission of the Imperial authorities to fix it at York.

The revenue of Upper Canada, in 1793, was only £900, and the pay of the members of Assembly was $2 a day. There was a Chief Justice and two Puisne Judges, the members of the Executive Council, five in number, being a Court of Appeal; and the Governor, with an assistant, formed a Court of Chancery. Murders were of more frequent occurrence than other crimes, and were rarely punished. There were Quakers, Baptists, Tunkers, Presbyterians, and Roman Catholics without places of worship. The ministers of the Episcopal Church in connection with the Church of England, were the only clergymen paid by government.

Governor Simcoe's schemes for the improvement of the country and the development of its resources, are worthy of notice, as being "extremely wise and well arranged." The central point of the settlements he designed to be between the Detroit River and the plantations previously established in Lower Canada, within a square formed by Lake Ontario, Lake Erie, Detroit River, and Lake Huron. He conceived that Upper Canada was not only capable of satisfying all the wants of its inhabitants, but also of becoming a granary for England. He did not doubt but that the activity of Upper Canada, in agricultural pursuits, would operate as a powerful example in regard to Lower Canada, and arouse it from its then supineness and indolence. He conceived that the vast quantities of sturgeons in Lake Ontario would afford a successful competition with Russia in the manufacture of isinglass or fish-glue. The corn trade was, in his opinion, preferable to the fur trade, which threw the whole trade of a large tract of territory into the hands of a few. He detested military government without the walls of the forts. To the Lieutenants of each county he deputed the right of nominating the magistracy and officers of militia. A justice of the peace could assign, in the King's name, two hundred acres of land to every settler, with whose principles and conduct he was acquainted. The Surveyor of the District was to point out to the settler the land allotted to him by the magistrate. He did not care to enlarge his territory at the expense of the Indians. It appeared to him that a communication between Lakes Huron and Ontario might be opened, by means of the St. Joseph's river, which would relieve the fur traders of the Far West from the navigation of the Detroit River, of Lake Erie, of the Niagara River, and of a great part of Lake Ontario, and would disappoint the United States in their hope of receiving, in future, any articles across the Lakes, situated above Lake Huron. He was further of opinion, that a direct communication, the idea now entertained by the Honble. John Young, of Montreal, might be established between Lake Huron and the River St. Lawrence. Unfortunately for the Province, Governor Simcoe did not remain long enough in it to put his admirably conceived projects into execution. These schemes when conceived, could not be very easily brought under public notice. There was in all Upper Canada only one newspaper, and that very far from being an organ of public opinion. The Newark Spectator, or Mercury, or Chronicle, or whatever else it may have been, was but a loose observer

of men and manners, printed weekly. Had it not been supported by the government, not a fourth part of the expenses of the proprietor would have been refunded to him by the sale of his newspaper. It was a short abstract of the newspapers of New York and Albany, "accommodated" to the anti-American principles of the Governor, with an epitome of the *Quebec Gazette*. It was the medium through which the Acts of the Legislature, and the Governor's notices and orders were communicated to the people. It was *par excellence* the government organ.

The Second Session of the First Provincial Parliament of Upper Canada was held at Niagara, on the 31st of May, 1793. There is no copy of the speech from the throne to be found, unless it may have been in the Newark *Spectator*, which is not within reach. Its contents may be gleaned from the nature of the Bills passed during the Session, and assented to by the Lieutenant Governor. An Act was passed for the better regulation of the militia; the nomination and appointment of parish and town officers were provided for; the payment of wages to the members of the House of Assembly, at a rate not exceeding ten shillings per diem, was authorized and provided for; the laying out, amending, and keeping in repair the public high roads was regulated, the roads not to be less than thirty nor more than sixty feet wide; marriages solemnized by justices of the peace, before the separation, were to be valid, and in future justices of the peace were empowered to marry persons not living within eighteen miles of a parson of the Church of England, the form of the Church of England to be followed; the times and places of holding Courts of Quarter Sessions were fixed; the further introduction of slaves was prevented, and the term of contracts for servitude limited; a Court of Probate was established in the Province, and a Surrogate Court in every district; Commissioners were appointed to meet Commissioners from the Lower Province, to regulate the duties on commodities, passing from one Province to the other; a fund for paying the salaries of the officers of the Legislative Council, and for defraying the contingent expenses thereof, by a duty of four pence a gallon on Madeira, and two pence on all other wines imported into the Province was established; the destruction of wolves and bears was encouraged by a reward of twenty shillings for a wolf's head, and of ten shillings for a bear's head; returning officers were appointed for the several counties; and a further fund for the payment of the House of Assembly and its officers was created, by an "additional" duty of twenty shillings to be levied on all licenses for the retail of wines or spirituous liquors. In the third Session of the Parliament, convened on the 2nd June, 1794, an Act was passed for the regulation of juries; a Superior Court of Civil and Criminal Jurisdiction was established, and a Court of Appeal regulated; a Court was established for the cognizance of small causes in every district; the Lieutenant Governor was empowered to license practitioners in the law; fines and forfeitures reserved to His Majesty for the use of the Province were to be accounted for; the Assessment Act for the payment of wages to the Assembly was amended; the militia was further regulated; horned cattle, horses, sheep, and swine were not to run at large; the Gaols and Court Houses Act was amended; a duty of one shilling and three pence per gallon was laid upon stills, and the manner of licensing public houses was regulated.

The Fourth Session of the First Parliament of Upper Canada having met for the despatch of business, on the 6th July, 1795, the practice of physic and surgery was regulated; an Act was passed to ascertain the eligibility of persons to be returned to the House of Assembly; the agreement between Upper Canada and Lower Canada, by which the latter were to collect all the duties on goods, wares and merchandize arriving at Quebec, giving the former one eighth of their nett produce, was ratified, approved, and confirmed; the Superior Court Act of the previous Session was amended and explained; and Registry Offices were established for the enregistering of deeds, lands and tenements. There were no private Bills. The measures for Parliamentary consideration were all of a public nature, and the legislation was eminently judicious and peremptory. Mr. Attorney General White was the great man in the Commons, and Mr. Speaker Chief Justice Powell in the Lords. The first Parliament died a natural death, and the members of it went quietly to their respective places of abode.

The second Parliament met at Newark, after a general election not productive of any very great degree of excitement, on the 16th of May, 1796, opened by the Governor in person, with the usual formalities. Certain coins were better regulated; the juries Act was amended; the Quarter Sessions Act was amended; the public houses Act was amended; the wolves and bears destruction Act was partially repealed, by the rewards for killing bears being withdrawn; the Lieutenant Governor was authorized to appoint Commissioners to meet others from the Lower Province, about duties and

drawbacks on goods passing from one Province to the other; and the assessment Act was amended.

This Session of the second Parliament was hardly concluded, when Governor Simcoe was required to relinquish his Government and proceed to St. Domingo, in a similar capacity, the government of Upper Canada, until the arrival of a regularly appointed successor, devolving upon the Hon. P. Russell, President of the Council. Mr. Russell convened the second Session of the Provincial Parliament, at the new capital of York, selected by his predecessor, and in which a gubernatorial residence of canvass had been erected. The first Act passed during his very quiet reign of only three years, was one for the better security of the Province against the King's enemies. It provided that no person professing to owe allegiance to any country at war against the King, should be permitted to enter, remain, reside, or dwell in the province. The second Act was one to enable the inhabitants of the township of York to assemble for the purpose of choosing and nominating parish and township officers; an Act for securing the titles to lands; an Act for the regulation of ferries; an Act to incorporate the legal profession; the word "clergyman" in land grants to signify clergy; felons from other Provinces to be apprehended, and the trade between the United States and the Province to be temporarily provided for, by the suspension of an Act repugnant to the free intercourse with the United States, established by treaty of 1794. Several amendments to Acts and other Acts were passed, when the Session was prorogued in due form.

On the 5th of June, 1798, the third Session of the second Provincial Parliament met, and seven Acts received the gubernatorial assent. Among other things, the boundary lines of the different townships were to be determined, the ministers of the Church of Scotland, Lutherans or Calvinists, were authorized to celebrate marriage; and the method of performing statute labor on the roads was altered.

The fourth and last Session of this second Parliament of Upper Canada met at York, on the 12th June, 1799, and six Acts were assented to, among which was one providing for the education and support of orphan children; and another enabling persons holding the office of Registrar to be elected members of the House of Assembly, a member of which body accepting the office to vacate his seat, with the privilege, however, of being re-elected.

On the 17th August, 1799, General Hunter appeared and assumed the Lieutenant Governorship to which he had been appointed by the King. He was not, however, simply Lieutenant Governor of Upper Canada; but also the Lieutenant, General commanding-in-chief, in both of the Canadas. He took possession of the Government of Upper Canada about a fortnight after the general government of British North America had been entrusted to His Excellency Robert Shore Milnes, Esquire. The Lieutenant General was well advanced in years. He had seen fifty-three summers, and it was not to be expected that his previous education and habits would give way to the new ideas of younger men in a new country. General Hunter was, nevertheless, connected with a highly talented family, his brother being the celebrated Dr. Hunter of London, and his talents for government were possibly better than the bills passed during his reign would indicate. There was, indeed, little, if any, advance in legislation. The Acts of former Sessions, relative to duties, the administration of justice, and to the militia, were patched and repatched, made more stringent, less liberal, and more complicated. In the first Session of the third Parliament, which met at York, on the 2nd June, 1800, six Acts of revival, regulation, or amendment were assented to, one of which, making a temporary provision for the regulation of trade between Upper Canada and the United States, established ports of entry. The second Session of the third Parliament was held on the 28th of May, 1801, at the now established capital. The Parliament, as usual, was recommended to look after the King's enemies, the militia, the Quarter Sessions, the Customs Duties, the Roads, and the payment of the Assembly and its officers. There was no change in the matters legislated upon, worthy of note, with the exception that Cornwall, Johnstown, Newcastle, York, Niagara, Queenston, Fort Erie Passage, Turkey Point, Amherstburgh, and Sandwich were declared to be Ports of Entry, collectors being appointed by the Governor to receive a salary of £50 per cent on duties, till the same amounted to £100, above which sum there was to be no advance, and having the privilege of appointing their own deputies; the Governor was authorized to appoint Flour and Ashes Inspectors, who were to receive three pence for every barrel of flour they inspected, and one shilling for every cask of pot and pearl ashes; and an Act was passed preventing the sale of spirituous or intoxicating drinks to the Moravian Indians, on the River Thames. The third Session of the third Parliament met on the 25th of May, 1802, when five Acts only were passed. Titles of lands were to

be better ascertained and secured; the administration of justice in the Newcastle District was provided for; the rates which the Receiver General should take and retain for his own use out of the monies passing through his hands, subject to the disposition of the Province, was to be declared and ascertained; one or more ports of entry were established, and one or more collectors of Customs appointed; and an Act for applying £750 to encourage the growth of hemp, and £84 0s. 8d. for stationery for the Clerks of Parliament was adopted. On the 24th of January, 1803, the Parliament being again assembled for the despatch of business, an Act was passed, allowing time for the sale of lands and tenements by the Sheriff; a fund was established for the erection and repair of light-houses; the rights of certain grantees of the waste lands of the Crown were declared; married women were enabled to convey and alienate their real estate; attornies were enabled to take two clerks and "no more," the Attorney and Solicitor General excepted, as they could take three each, and "no more;" the swine and horned cattle restraint Act was extended; members of Parliament, having a warrant from the Speaker of attendance, were, for their own convenience, enabled to demand from justices of the peace, ten shillings a day, to be levied by assessment. After this, Parliament was prorogued, unless it be that a second fourth Session of the Parliament was held, which is not very probable, although Mr. Gourlay, in his account of Canada, gives two fourth Sessions to the third Parliament, and afterwards complains that the business of the first Session of the sixth Provincial Parliament was nowhere to be found.

Parliament next assembled on the 1st of February, 1804. Sedition was provided against; persons who should seduce soldiers into desertion were to be exemplarily punished; fees, costs, and charges were to be regulated by the Court of Kings Bench; the swine Act was amended, so that sheep might run at large, and rams only be restrained between the 1st December and 20th December; £300 was appropriated to the printing of all the Acts of the Province, and £80 a year was allowed for the annual printing of the laws, which were to be distributed among members of Parliament, judges, and militia officers; £100 was granted for the building of bridges and repairing old roads and laying out new ones; the Customs Act was explained; £175 was granted for the purchase of the Statute Laws of England; £400 per annum was granted to be applied in the erection of Parliament Buildings; £303 11s. 10½d. was voted for the clerks and officers of the Parliament, including stationary, and to the government commissioners appointed to adopt means to encourage the growth of hemp a sum of £1,000 was granted. The Session of the fourth Parliament, next bent on the despatch of business, came together on the 1st February, 1805. It altered the time of issuing tavern and still licenses; afforded relief to heirs or devizees of the nominees of the Crown, entitled to claim lands in cases where no patent had issued for such lands; regulated the trial of contested elections; continued the Duty-Commissioners Act for four years; altered certain parts of the Newcastle-District administration of justice Bill; made provision for the further appointment of parish and town officers; relieved insolvent debtors, by an Act which enabled a debtor in prison to receive five shillings weekly from his creditor during his detention, if the prisoner were not worth five pounds, worthlessness being, in this instance, to a man's advantage; the curing, packing and inspection of pork was regulated by the appointment of inspectors, whose fees were to be one shilling and six pence per barrel, exclusive of cooperage, with six pence a mile to the Inspector, for every mile he had to travel; £45 9s. 8d., advanced by His Majesty, through the Lieutenant Governor, for the purchase of hemp seed, and £229 8s. 6d., advanced for contingencies, clerks of Parliament and so forth, were to be made good out of a certain sum applied to that purpose; and for the further encouragement of the growth and cultivation of hemp, and for the exportation thereof, it was by law determined that £50 per ton should be paid for hemp.

Lieutenant General Hunter died at Quebec on the 21st August of the same year, (1805) at the age of 59, and was buried in the English Cathedral at Quebec, where a monument in marble has been erected to his memory, by his brother, the physician. It is recorded on his tombstone, that General Hunter's life was spent in the service of his King and country, and that of the various stations, both civil and military, which he filled, he discharged the duties with spotless integrity, unwearied zeal, and successful abilities.

The Honorable Alexander Grant, as President of the Council, succeeded General Hunter in the administration of affairs. Mr. Grant reigned only one year, when he was succeeded by His Excellency Sir Francis Gore. During Mr. Grant's short rule, £50 a year each, was provided for eight years, to six Sheriffs; an Act was passed to regulate the practice of physic and surgery; £490 was appointed for the purchase of instruments to illustrate the principles of natural philosophy, to be

deposited in the hands of a person employed in the education of youth; £1,600 was granted for public roads and bridges; the Acts for the appointment of Parish officers, for the collection of assessments, and for the payment of the wages of the House of Assembly were altered and amended; the Custom Duties' Act was continued; and £498 8s. 5d. was made good to the Commissioners treating with Lower Canada, and to the Clerks of Parliament.

The Governments, of both Upper and Lower Canada, were administered by residents of the country at the same period of time. While Mr. Grant, the administrator of Upper Canada, had convened the parliament of the province on the 4th of February, 1806, Mr. Dunn had convoked the parliament of Lower Canada for the 22nd of the same month in the same year. On opening the parliament of Lower Canada Mr. Dunn tellingly alluded to the important victory of Lord Nelson at Trafalgar and to the subsequent action off Ferrol, recommending the renewal of the acts deemed expedient during the previous war for the preservation of His Majesty's government and for the internal tranquillity of the province. By the address, in reply, he was assured that these acts would be renewed. Shortly after the assembly had met it occurred to them that their peculiar privileges, as an offshoot of the Commons of England, had been assailed. The proceedings of a dinner party given to the representatives of Montreal in that city had been printed and circulated in the Montreal *Gazette* of the 1st April, 1805. The dinner was given in Dillon's tavern, and the party were particularly merry with the abundant supply of wines. Mr. Isaac Todd, merchant, presided. After the customary toasts on all such occasions had been given, the president proposed:—"The honorable members of the Legislative Council, who were friendly to constitutional taxation as proposed by our worthy members in the House of Assembly;"—"Our representatives in parliament, who proposed a constitutional and proper mode of taxation, for building gaols, and who opposed a tax on commerce for that purpose, as contrary to the sound practice of the parent state;"—"May our representatives be actuated by a patriotic spirit, for the good of the province, as dependent on the British empire, and be divested of local prejudices;"—"Prosperity to the agriculture and commerce of Canada, and may they aid each other, as their true interest dictates, by sharing a due proportion of advantages and burthens;"—"The city and county of Montreal and the grand juries of the district, who recommended local assessments for local purposes;"—"May the city of Montreal be enabled to support a newspaper, though deprived of its natural and useful advantages, apparently, for the benefit of an individual." It is difficult to perceive where any breach of privilege was involved, but the assembly looked upon these aspirations and upon the compliments to the Montreal representatives as a false and scandalous and malicious libel, highly and unjustly reflecting upon His Majesty's representative and on both Houses of the Provincial Parliament, and tending to lessen the affections of His Majesty's subjects towards the government of the province. A committee of inquiry was appointed, and reported that the libellers were the printer of the *Gazette*, Edward Edwards, and the president of the dinner party, Isaac Todd. Nay, the libel was reported to be a "high" breach of the privileges of the Assembly and Messrs. Todd and Edwards were ordered to be taken into custody. But the Serjeant-at-Arms, or his deputy, could not lay his hands upon these gentlemen and the matter was no more thought of until the editor of the Quebec *Mercury* ridiculed the whole proceedings, when it was ordered that Mr. Cary should be arrested. Mr. Cary was afraid that such unpleasant investigations might give rise to other unpleasant investigations with regard to the powers of the House. He intimated that in France it was customary to tie up the tongue and lock up the press, and for so doing he was compelled either to submit to be himself locked up or apologize. On being arrested he apologized at the Bar of the House and was released. The time of the House was frittered away by empty discussions and wordy addresses upon the gaol tax, previously mentioned, which the king did not disallow as required by the mercantile community. Indeed the administrator of the government in his prorogation speech remonstrated with the Assembly for the non-completion of the necessary business. The civil expenditure of the year came to £35,469 sterling, including £2,000 to General Prescott, who was then in England, and £3,406 to Sir Robert Shore Milnes, with the addition of £2,604 currency, for salaries to the officers of the Legislature, the expenditure exceeding the revenue by £869.

General Prescott, the Governor General, absent in England, was yet in the receipt of £2,000 a year, and the year before he had £4,000; Sir Robert Milnes, the Lieutenant Governor, also absent, had received the salary above mentioned, while Mr. Dunn received £750, as a judge of the King's Bench, £100 for his services as administrator of the government, a pension of £500 sterling a year, on relinquishing the administration, and an additional allowance of £1,500 a year while he had administered the government. Beyond question their "Excellencies" and "His Honor," were amply remunerated.

The Governor General and his Lieutenant were absent on business. Indeed, while the Legislative Assembly, in defence of imaginary privileges, were cutting such fantastic capers before high heaven, the confidential secretary of Lord Dorchester and of his successors so far, the Honorable Herman Witsius Ryland,—who, having been Acting Paymaster General to His Majesty's Forces captured by the Americans, went to England, when His Lordship, then General Sir Guy Carleton, evacuated New York, and returned with him to Canada, when that officer was appointed Governor-in-Chief in 1793, full of the sympathies, antipathies, prepossessions, and prejudices of the English conservative of that day,—had devised a scheme, which, had it been carried out, would have rendered their privileges not very valuable. He only designed to "anglify" the French-Canadians by compulsion. Before the separation of the province into Upper Canada and Lower Canada it was a matter of consideration whether all the Roman Catholic churches in the Province could not be converted into Reformed Anglo-Episcopal churches. The contemplated plan of doing so was to take from the "Vicaire du Saint Siége Apostolique" the power of nominating and appointing the parish priests; the appointment of subsequent bishops was to be given to the king; and the Popish Bishop then living, was to be succeeded by a Protestant Bishop, who would find an easy method of turning Cardinal Richelieu's church extension schemes to excellent account in a new mode of ordaining new "catholic" priests, who might be disposed to abandon, at least, some of the doctrines of Rome and embrace, at least, some of those of the Protestant religion. The religious principle involved in this interesting scheme would have done credit to the eighth Henry. It would have had the effect of erecting on a Popish foundation, of building up on the sainted Rock, a church militant as a more powerful safeguard to English influence and power in Canada than the citadel of Quebec has been. Together with the creation of a Provincial Baronetage, in the persons of the members of the Upper House, the honor being descendible to their eldest sons in lineal succession, and the raising of the most considerable of these eldest sons at a future period to a higher degree of honor, as the province increased in wealth, together with the recognition of Mr. DeBoucherville's old noblesse, it would have most certainly much sooner produced that state of things which Sir Francis Bond Head and the "family compact" so ably brought to a crisis. The secretary of all the governors Lower Canada had yet had, corresponded, most confidentially, with his home masters, somewhat, perhaps, to the prejudice of his honor the administrator. As general Simcoe loathed the nasal twang, attenuated appearance, and the vulgar republicanism of a downeast American, so Mr. Witsius Ryland abominated Romanism. Speaking of the Roman Catholic clergy of Canada, he says:—"I call them Popish to distinguish them from the clergy of the Established Church and to express my contempt and detestation of a religion, which sinks and debases the human mind, and which is a curse to every country where it prevails." Nay, he laid it down, as a principle, to undermine the authority and influence of the Roman Catholic Priests. It was or should be the highest object of a governor to crush every papist scoundrel. Following the line of conduct which had so widely established the authority of the Popes of Rome, it was the duty of governors to avail themselves of every possible advantage, and never to give up an inch but with the certainty of gaining an ell. He lamented that the seminary and perhaps some other estates had not been taken possession of by the crown, incorporated, and trustees appointed, out of which incorporated estates a handsome salary might have been paid to the King's Superintendent and Deputy Superintendent of the Romish Church! but the proceeds of which should principally have been applied to the purposes of public education. And he was deeply mortified that "a company of French rascals" had momentarily deprived the country of any hope of such a destiny of these estates. The private and confidential remarks of the secretary were not altogether without effect. His Grace of Portland, then His Majesty's Secretary for the Colonies, peremptorily ordered Governor Milnes to resume and exercise that part of the king's instructions requiring that no person whatever was to have holy orders conferred upon him, or to have cure of souls, without license, first had and obtained from the Governor, and Lord Hobart, the Duke's successor in the Colonial Department, intimated to Sir Robert Milnes that it was highly proper that he should signify to the Catholic Bishop the impropriety of his assuming any new titles or exercising any additional powers to those which he had as the Vicar of the Holy Apostolic See. The French Priests were also to be reminded that their residence in Canada was merely on sufferance, and that it was necessary for them to behave circumspectly, else even that indulgence would be withdrawn. Greatly alarmed at these proceedings the Bishop of Rome respectfully remonstrated. He humbly reminded His Most Excellent Majesty, the King, that nineteen-twentieths of the population were of the Roman Catholic religion; that the humble remonstrant was himself the fourteenth bishop who had managed the church since Canada had happily passed into the hands of the Crown of Great Britain; that the extension of the province was prodigious, requiring more than ever

that the superintending bishop should retain all the rights and dignities which His Majesty had found it convenient to suffer the bishops to have at the conquest; and that in the Courts of Justice there should be no room to doubt their powers. It was indeed no wonder that the superintendent of the Church of Rome was alarmed at the aspect of affairs. The Attorney-General Sewell reported with regard to the nomination of Laurent Bertrand to be curé of Saint Léon-le-Grand, by the titular Roman Catholic Bishop of Quebec, in the case of one Lavergne, who having refused to furnish the *pain béni*, was prosecuted in the Court of King's Bench, that it was a usurpation in the bishop to erect parishes and appoint curés. He went farther and said that there was no such person as the Roman Catholic Bishop of Quebec. The title, rights, and powers of that office had been destroyed by the conquest. Nay, there could not, legally, be any such character, as, if he existed, the King's supremacy would be interfered with, contrary to the Statutes of Henry the Eighth and of Elizabeth. Not only was there a quiet but arbitrary denial of the right of the Roman Catholic Bishop to manage the affairs of his diocese, the possibility of negotiating the Reverend Coadjutor Plessis out of his influence was entertained. Mr. Attorney-General ultimately waited upon that ecclesiastic to explain his own private sentiments to him. The bishop was studiously guarded and significantly polite. The Attorney-General thought that a good understanding ought to exist between the government and the ministers of religion. Mr. Plessis was quite of that opinion. Mr. Attorney-General thought the free exercise of the Roman Catholic religion having been permitted the government ought to avow its officers, but not at the expense of the Established Church. Mr. Coadjutor Plessis said that position might be correct. Mr. Attorney-General thought that the government could not allow to Mr. Plessis that which it denied to the Church of England. Mr. Plessis saw that the government thought that the bishop should act under the King's commission, and could see no objection to it. The Attorney-General was strongly of opinion that the right of appointing to curés, which no bishop of the Church of England had, must be abandoned. Mr. Plessis thought that even Buonaparte and the Pope had effected a compromise on that matter. Mr. Attorney-General had no faith in Buonaparte and was but an indifferent Catholic, but the Crown only could select from a Bishop's own Priesthood, and a Bishop, once acknowledged, would be the head of a department. That said Mr. Plessis would be a departure from the Romish doctrine of church discipline. To some extent it would, but your clergy would be officers of the Crown, and you would obtain the means of living in splendour, said the Attorney-General. Splendour, said Mr. Plessis, is not suitable to the condition of a bishop; ecclesiastical rank and a sufficient maintenance is all he needs. The Attorney-General meant that a bishop should have the income of a gentleman. Mr. Plessis meant the same thing, but it was a delicate matter to pension a bishop, for relinquishing his right of nominating to the cures, as the public would not hesitate to say he had sold his church. Never mind, said the Attorney-General, if the matter is viewed aright, you have none to relinquish. I do not know, replied Mr. Plessis. Whatever is to be done must now be done, intimated the Attorney-General. You speak truly, was the modest reply, something must be done, and though we may differ in detail, I hope we shall not in the outline.

Not very long after this conversation Bishop Denaud died. Now was the time for Mr. Witsius Ryland to act or never. He did act most energetically. He ear-wigged Mr. President Dunn, concerning his proper line of conduct on the occasion. He attempted to dissuade Mr. Dunn from a formal acknowledgement of Mr. Plessis, as Superintendent of the Romish Church, till His Majesty's pleasure should be declared. He thought an order should be immediately issued from home, prohibiting the assumption, by a Roman Catholic prelate, of the title of Bishop of Quebec. It occurred to him that a French emigrant bishop, if one could be found, would be more easily managed than Mr. Plessis. But Mr. Plessis was too much for Mr. Ryland, and found favor in the President's sight. Mr. Dunn would not listen to the representations of his secretary, and the wrath of his secretary was kindled. He wrote to Sir Robert Milnes on the subject, and to "My dear Lord," the Right Reverend Jacob Mountain, D.D. Not only was Mr. Dunn determined upon formally recognizing the new Roman Catholic Bishop but he was determined to suffer the Reverend Mr. Panet to take the oath as Coadjutor, without either waiting for His Majesty's pleasure, or for any other sanction whatever. It was most distressing, but "where was the layman, free from vanity, who, at seventy-three years of age, would let slip an opportunity of making a bishop?" It was dreadful. His contempt and indignation rose to a height that nearly choked him. As an apology for the recognition of Mr. Panet, it was all very well to say that his brother was a mighty good sort of a man. A mighty good sort of a man! How devoted were such mighty good sort of men, those very loyal subjects, to His Majesty! From the Speaker himself, down to the "fellow" who held a lucrative office in the Court of King's Bench, and who had sent his son to join the banditties

of Mr. Buonaparte, who was not, to suit his purpose, brimfull of loyalty! Things were wretchedly managed, but the wisest thing to be done under present circumstances was nothing.

The Home Government anxious to build up in some manner a Protestant Church establishment had appointed the Right Reverend Jacob Mountain, Doctor in Divinity, to the Diocese of Quebec. At the expense of the Imperial Government, a Cathedral was built in Quebec, which was consecrated in 1804, on the ruins of the Recollet Church of the Jesuits. To this day it is possibly the most symmetrical in appearance of any church of the Church of England in Canada. Exteriorly, it is 135 feet in length and 73 in breadth, while the height of the spire above the ground is 152 feet, the height from the floor to the centre arch, within, being 41 feet. The communion plate, together with the altar cloth, hangings of the desk and pulpit of crimson velvet and cloth of gold, and the books for divine service, was a private present from George the Third. There was then also a Rector of Quebec, having a salary, from the British Government, of £200 a year, such a sum as, Bishop Mountain reported to His Excellency the Governor, no gentleman could possibly live upon! a Rector of Montreal with the same salary, and £80 additional per annum made up by subscription from the parish; a Rector of Three Rivers with a like salary of £200 from home; a Rector of William Henry receiving £100 from home and £50 from the Society for the Propagation of the Gospel; an evening lecturer at Quebec, receiving £100 from the Imperial Treasury; the incumbent of Missisquoi Bay, obtaining £100 from government, £50 from the Propagation Society, and £30 from the inhabitants; and two vacancies in the "new settlements," requiring £150 to be paid to each. The building of a stone church in Montreal was commenced, but the structure which promised to be "one of the handsomest specimens of modern architecture in the province," was not finished, for want of funds, ten years afterwards. In Upper Canada, so late as 1795, no church had been built. Even in Newark, it is quaintly added by the Duke de la Rochefoucault Liancourt, in the same halls where the Legislative and Executive Councils held their sittings, jugglers would have been permitted to display their tricks, if any should have ever strayed to a country so remote. His Grace, quite correct with regard to Newark, was at fault in speaking of the whole province. At Stamford there was a Presbyterian Church, built in 1791, and another church built for the use of all persuasions, a kind of free and common soccage church, in 1795, which was destroyed in the subsequent war. It was in this year that one of the most remarkable men, and one of the most able and indefatigable of the colonial clergy, was strolling about Marischal College, in Aberdeen, studying philosophy. He was a very plain-looking Scotch lad and very cannie. Altogether wanting in that oratorical brilliancy so necessary for an efficient preacher of the great truths of Christianity, Mr. John Strachan had diligently acquired a dry knowledge of the humanities, to fit himself for a teacher of youth. He was, in a limited sense, a classical scholar. Greek and Latin, Hebrew and the Mathematics, were at his fingers' ends. Not long after leaving college, he obtained the place of a preceptor to the children of a farmer in Angus-shire. The situation of schoolmaster of Dunino, a parish situated foury miles south of St. Andrews, in Fifeshire, and six miles north of Anstruther, the school taught by Tennant, the orientalist, professor of Hebrew and other oriental languages in St. Mary's College, St. Andrews, and the author of the Poem of Anster Fair, became vacant, when Mr. John Strachan made application for the fat berth, the salary being nearly £30 a year, and obtained it. Mr. Strachan taught quietly at Dunino, attending St. Andrews College, in the winter, until he received the offer of £50 a year, as tutor to the family of a gentleman living in Upper Canada. He accepted it, left Dunino, and went to the wilderness. Mr. Strachan taught as a private tutor for some time and subsequently established a school for himself, when he married a widow possessed of cash and respectably connected. The Church of Scotland, in Canada, was then at a very low ebb. Even in Quebec, although there had been a regularly ordained clergyman of the church officiating since 1759, there was only, from 1767 to 1807, an apartment assigned to the Scotch Church for the purpose of divine worship, by the King's representative, in the Jesuits' College. Nay, in 1807, the Scotch Church was entirely sent adrift by Colonel Brock, to be afterwards permitted to meet in a room in the Court House. Until 1810 there was no Scotch Church in Quebec. What inducement was there for a progressive Scotchman to remain in connection with such a church? Mr. Strachan clearly perceived that the road to worldly preferment ran through the Church of England, and, having a wife, and the expectation of a family, he recognised the expediency of obtaining orders as a descendant of the apostles. It was not long before he obtained permission to officiate as a minister of the Church of England, and he abandoned the birch for the surplice. Mr. Strachan justified every expectation that may have been formed of him. He became a most zealous churchman, and a very short time elapsed until the Scotch schoolmaster was the Hon. and Revd. Dr. Strachan, Rector of

York, now Bishop of Toronto, and he may go to the grave satisfied that he has done more to build up the Church of England in Canada, by his zeal, devotion, diplomatic talent, and business energy, than all the other bishops and priests of that church put together.

Some idea will now have been formed of the state of the Church of England "establishment," in Canada, about a time, when it was intended to amalgamate with it the fabrics of Rome. Bishop Mountain had a seat it in the Legislative Councils of both provinces. He only was the embodiment of Church and State.

Mr. Secretary Ryland, anxiously active against the Church of Rome, was very favorably disposed towards the Church of England. His creed with regard to the "Protestant Church Establishment," in the provinces, was for it to have as much splendour and as little power as possible. His chief desire was to make episcopalianism fashionable. He would have given to the Bishopric of Quebec a Dean, a Chapter, and all the other ecclesiastical dignitaries necessary for show, and he would have endowed the See with sufficient lands to support the establishment in the most liberal manner. But not a grain of civil power beyond their churches and churchyards was he inclined to give to the clergy. He even thought that in regard to the particular case at Montreal, and in any other case where a church should be, or was about to be built by private contribution, the bishop would exhibit infinite discretion, if he did not do more than wish to advise and to consecrate. The same rights, privileges, prerogatives and authority as bishops enjoy under the common Law of England could not safely be given to colonial bishops, nor could it be possible to obtain them. A more worldly view of church extension could not well be conceived, but the suggestion was not by any means an imprudent one. Bishops, being but men, are too apt to abuse power, and it is surely well that too much of it should not be granted to experiment upon.

While all this was quietly going on, *sub rosa*, in Lower Canada, the Methodists, Baptists, and Presbyterians, were quietly taking hold of the public mind in Upper Canada. Although the meeting houses were only few and far between, and churches and chapels were extremely rare, the most illiterate of the sects were itinerating, hither and thither, with wonderful success.

About this time there was also a disposition to diffuse education. His Majesty, the King, gave directions to establish a competent number of free schools in the different parishes, to be under the control of the Executive, but the project was strenuously opposed by the Roman Catholic clergy, and only grammar schools in Montreal and Quebec were provided for, which have languished and died. It was feared by Bishop Mountain that the want of colleges and good public schools would render it necessary for parents to send their children to the United States, to imbibe, with their letters and philosophy, republican principles. It was at his suggestion also that the idea of free schools was entertained. The Canadians were deplorably ignorant, and their children, it was designed, should be free from that reproach. It is only now, however, that they are emerging from the most debasing state of mental darkness, into something like enlightenment. Example has done that which force would have failed to accomplish.

As illustrative of the saying "there is nothing new under the sun," it is worthy of remark here that upon the arrival of the intelligence in Canada, respecting the breaking out of the war with France, in 1798, some of the leading members of the House of Assembly, which was then sitting, proposed to levy the sum of £20,000 sterling, by a tax on goods, wares, and merchandize, to be applied, as a voluntary gift to His Majesty, from the province, to enable the King the more effectually to prosecute the war. This was proposed by Mr. Attorney-General, Mr. Young, and Mr. Grant, and as far as the House was concerned, the measure was found practicable. But General Prescott, the Governor, having been informed of the matter, did not think it expedient to encourage a scheme which Lord Elgin would have jumped at.

In 1805, the whole revenue of the province was only £37,000, yet, it appears that Sir Robert Milnes, the Governor, did not think that he could sufficiently entertain to gain a due consideration from the principal persons in the province, on £4,000 a year. He sent a whining letter to Lord Hobart on the subject, begging for an increase of salary. £5,000 was not a sufficient sum to keep up the hospitality of Government House. It would hardly support the summer residence at Spencer Wood. He had said nothing about so delicate a matter, while the war lasted, though he had expended £1,000 a year out of his own private income. And he would rather resign than sacrifice the comforts and waste the means of his family.

Canada, now, continued steadily to advance, both politically and commercially. Neither her political advancement nor the extent of her commerce was great, but both were yearly becoming greater. During the summer of 1806, one hundred and ninety-one vessels, 33,474 tons of shipping, entered at Quebec. Coasters were in full and active employment, and shipbuilding was to some considerable extent carried on. The military of the garrison were still antiquated. The army made no perceptible progress, soldiers still plastered their hair, or if they had none, their heads, with a thick white mortar, which they laid on with a brush, afterwards raked, like a garden bed, with an iron comb; and then fastening on their heads a piece of wood, as large as the palm of the hand, and shaped like the bottom of an artichoke, they made a *cadogan*, which they filled with the same white mortar, and raked in the same manner, as the rest of the head dress.[11] The army wore cocked hats, knee breeches and gaiters. The *habitants*, or peasantry, had retrograded, and Volney found that, in general, they had no clear and precise ideas: that they received sensations without reflecting on them; and that they could not make any calculation that was ever so little complicated. If asked how far the distance from this place to that was; a French-Canadian peasant would reply:—"it is one or two pipes of tobacco off," or "you cannot reach it between sunrise and sunset." But the better classes, in close contact with the upper classes among the English, were rapidly improving, and began to entertain the idea that they had political rights. They even started a newspaper called "*Le Canadien*" and began most vigorously to abuse "les Anglais" and the government. The "*Canadien*" published entirely in French, first appeared in November 1806. Had it been less anti-British, possibly, it would have been less disagreeable; but the idea had strongly taken possession of its supporters that French-Canadians were looked upon, by the government and its satellites, as mere serfs, and they agitated accordingly. Not only that. They began to exhibit some sparks of independence. Their watchword became:—"*Nos institutions, notre langue, et nos lois*." They branded the British immigrants and the British population as "*étrangers et intrus*." Mr. Crapaud's temper was fairly up. There was cause. The worm will bite when trodden upon. Unless there had been substantial grievances, the *Canadien* could not by any possibility have become so popular as to have given not only umbrage, but uneasiness to the government. Yet it did cause such uneasiness and was peremptorily checked. It was impossible then for a native-born Canadian, whether of English or French extraction, to look a home-appointed government official in the face. "*Tempora mutantur et nos mutamur in illis*."

On the 21st January, 1807, Mr. President Dunn again met the Legislature of Lower Canada. That invaluable constitution enjoining on the ruler to meet his parliament once a year, rendered it imperative upon him to summon the Council and Assembly for the despatch of business. He recommended to the assembled wisdom before him the propriety of continuing several temporary acts then in force; congratulated them on the brilliant success of His Majesty's arms; alluded with pride to the conquest of the Cape of Good Hope; and touched upon the repeated victories obtained by Sir John Stuart in Calabria. The Assembly replied in terms most flattering to the President personally, promising to do as he required. On proceeding to business, the first subject which engaged the attention of the House was the propriety of defraying the expenses of members of the House residing at a distance from Quebec. The House was disposed to defray such expenses, but nevertheless, the further consideration of the matter was postponed by a majority of two. The expediency of having a Provincial Agent or Ambassador, resident in London, to look after the interests of the province at the metropolis of the empire was discussed, and it was resolved in the affirmative. The Alien Act was passed, and that for the better preservation of His Majesty's government continued for another year, together with several other acts, and on the 16th of April, the parliament was prorogued.

Serious apprehensions of a war between England and the United States now began to be entertained. American commercial interests were grievously affected by the war in Europe, and a kind of spurious activity, in the hostile preparations which would surely follow a declaration of war against England, on which country in peace the merchants of New York, Boston, and the other seaports of the United States principally depend, seemed to be the only incentive for such a war. But while the filibusters of "the greatest nation in creation," were looking for any cause of war, a good cause, in American eyes, arose. The American ships of war were mostly manned by British seamen. Men were greatly in demand for British war vessels, and it was conceived that the right to impress a British sailor anywhere on land or water belonged to His Majesty's naval officers. It having reached the ears of Admiral Berkeley, the Naval Commander in

Chief, on the Halifax Station, that the American frigate "Chesapeake," was partly manned by British seamen, the Admiral, unthinkingly ordered Captain Humphreys, of the "Leopard," to recover them. The men on board of the "Chesapeake" were indeed known to be deserters from H.M.S. "Melampus." William Ware, Daniel Martin, John Strachan and John Little, British seamen, within a month after their desertion, had offered themselves as able seamen at Norfolk, in Virginia. Their services were accepted, and the "Chesapeake," on board of which they were sent, prepared for sea. Being made aware of the enlistment of these men, the British Consul at Norfolk, formally demanded their surrender by the Captain of the "Chesapeake." Their surrender was refused. Application for them was then made to the American Secretary of the navy. But he did not consider it expedient to give them up. Three of the men were natives of America, two had protection, and the other had merely lost his protection. The "Chesapeake" sailed on the 22nd of June, and on the same day was intercepted by the British frigate "Leopard," of 50 guns, off Cape Henry. Captain Humphreys, of the "Leopard," stepping on board of the "Chesapeake," demanded the muster of the crew of the American frigate. Captain Barron, in command of the American frigate, refused compliance. The British Commander returned and both vessels got ready for action, the American frigate only, it is said, anticipating hostilities. Then the Leopard fired upon the Chesapeake and, in thirty minutes, so disabled her that she struck, when Captain Humphreys boarded her and took, from among her crew, Ware, Martin, and Strachan, together with one John Wilson, a deserter from a British merchant ship. The United States now burned with indignation. Their outraged nationality could never brook such an insult. Every British armed vessel was ordered to leave the waters of the United States by the President. A special meeting of Congress was held. And the American Minister at the Court of St. James was ordered to demand satisfaction. He did do so. Mr. Canning, the British Minister, at once offered reparation, but he objected to any reference to the general question of impressments from neutral vessels being mixed up with an affair so unfortunate. Mr. Munroe was not authorized to treat these subjects separately, and further negotiation between the two ministers was suspended. Great Britain then sent a special minister to the United States, empowered to treat concerning the special injury complained of. Before he arrived most ample preparations were being made in the United States for war. Millions of dollars were appropriated towards the construction of 188 gun-boats, and the raising of horse, foot, and artillery. It was not until 1811 that this huge mistake was settled, when the British Minister communicated to the American Secretary of State that the attack on the Chesapeake was unauthorized by His Majesty's government; that Admiral Berkeley was recalled; that the men, taken from the Chesapeake, should be restored; and that suitable provision for the families of the six American seamen killed in the fight should be made. But, settled as this gross and deplorable mistake was to the perfect satisfaction of the President, the trading community of the United States were every day becoming more dissatisfied with the state of affairs in Europe and the consequent state of affairs at home. The situation of affairs, on this side of the Atlantic, was indeed gloomy and critical. France and England were fiercely at war, and were arraying against each other the most violent commercial edicts to the destruction of the commerce of neutral nations. There was the British blockade from the Elbe to Brest; Napoleon's Berlin decree; the British Order in Council prohibiting the coasting trade; the celebrated Milan decree; and the no less celebrated British Orders in Council, of November the 11th, 1807, together with the American Government's edicts respecting non-intercourse with Great Britain and France to set on edge the teeth of a people now little scrupulous as to what they did, provided money could be made, or power be obtained. Strife had introduced a disposition to intrigue; political cunning had become fashionable; and political duplicity had lost much of its deformity in the United States. The finger of derision was no longer pointed at meannesses; the love of honor, and manliness of conduct, was blunted; cunning began to take the place of wisdom; professions took the place of deeds, and duplicity stalked forth with the boldness of integrity. The American people wanted a quarrel that the whole boundless continent might be theirs. They had badgered France out of Louisiana, and they would badger England out of Canada and the West Indies. In New York and Boston, Philadelphia and Baltimore, it was customary to talk of walking into Canada and squat a conquest, as was afterwards carried into effect with regard to Texas. Mr. Dunn, the President of the Canadian government, looked upon the state of feeling in the adjoining republic with suspicion. He conceived it expedient to feel the public pulse in Canada. Like a skilful physician he approached the patient cautiously and good humouredly, to prevent flurry or agitation, and in putting his hand on the pulse of public opinion, he found it to be healthily strong and regular. He prescribed only a draft of one-fifth part of the whole militia of the province. The draft was taken immediately. The Roman Catholic Bishop of Quebec, or rather the yet only Superintendent of the Romish Church in

Quebec, Mr. Plessis, now rapidly rising into favor with the Colonial Court, promptly issued a *mandement* to the faithful, concerning the war, and a "*Te Deum*" was sung in all of the churches under his control in Lower Canada. The Canadians turned out with great alacrity. His Honor the President and Commander-in-Chief expressed his satisfaction in general orders. Burn's artillery company volunteered. In ballotting, young bachelors procured the prize tickets of the married men. Some that were not drawn purchased tickets from some that were drawn, and there were not a few married people who refused to sell out, if all that is stated in a Quebec paper of that period can be credited. No doubt the glories of war were uppermost in men's minds. It is possible to make war popular and the braggart tone of the Americans had doubtless contributed considerably to its popularity with the Canadians.

Colonel Brock was then Commandant at Quebec. He was a man of much decision of character and of strong natural sense. With the President he made the most vigorous exertions to discipline the militia and to put the fortifications of Quebec into a good state of defence. Night and day men labored at the fortifications. Every addition that "science, judgment and prudence could suggest," was made.

The income this year was £36,417, and the civil expenditure £36,213.

In Upper Canada, Francis Gore, Esquire, it has been previously intimated, was Lieutenant-Governor. He first met Parliament on the 2nd of February, 1807. Twelve Acts were passed, the most remarkable of which were the Act to establish Public Schools in every district of the Province, £800 having been appropriated for that purpose, with the view of giving to each of the eight districts of the Province, a schoolmaster having a salary of £100 a year; the Act imposing licenses on Hawkers, Pedlars, and Petty Chapmen,—to the amount of three pounds for every pedlar, with twenty shillings additional for a hawker with a horse; eight pounds for every chapman sailing with a decked vessel and selling goods on board;—five pounds for the same description of traders sailing in an open boat; and eight pounds on transient merchants; and the Act for the Preservation of Salmon, which permitted that fish to be taken with a spear or hook, but prohibited the use of a net in the Newcastle and Home Districts.

When next the Parliament met, on the 20th January, 1808, the same fears that were felt in Lower Canada, being felt in Upper Canada, an Act was passed to raise and train the Militia; £1,600 was granted towards the construction of roads and bridges; £200 of yearly salary was granted to an Adjutant-General of Militia; £75 additional was given to the Clerks of the Assembly; £62 10s. per ton was to be the price of hemp purchased under an Act of Parliament for the encouragement of its growth in the Province; an Act for the more equal representation of the Commons was passed; and Collectors of Rates were to enter into bonds of £200 security.

On the 2nd February, 1809, the Parliament of Upper Canada was again convened. An Act was adopted for quartering and billeting the Militia and His Majesty's troops on certain occasions. Householders were to furnish them with house-room, fire, and utensils for cooking. Officers, in case of an invasion, having a warrant from a Justice of the Peace, could impress horses, carriages, and oxen, on regulated hire. Upper Canada was evidently preparing for an expected struggle, as well as Lower Canada. £1,045 was this session granted for the Clerks of Parliament and contingencies, including the erection of a Light House on Gibraltar Point; Menonists and Tunkers were permitted to affirm in Courts of Justice; £250 was appropriated for a bridge across the Grand River; and £1,600 was granted for bridges and highways. In the next session of the Fifth Parliament, which Governor Gore assembled at York, on the 1st of February, 1810, £2,000 were granted for the roads and bridges; the Common Gaols were declared to be Houses of Correction for some purposes; a duty of £40 a year was set upon a Billiard Table set up for hire or gain; £606 were applied to printing Journals, Clerks of Parliament, and building Light Houses. The Act establishing a Superior Court of Criminal and Civil jurisdiction, and regulating a Court of Appeals, was repealed; and £250 additional was granted for the erection of a bridge across the Grand River.

To return to Lower Canada, Lieutenant-General Sir James Henry Craig arrived at Quebec in the capacity of Governor General, on the 18th October, 1807, in the frigate Horatio, and relieved Mr. President Dunn of the government, on the 24th of October. Mr. Secretary Ryland was very busy at the time. He was flattering himself, he told the Bishop of

Quebec, that the Secretary of State would have received from him a series of despatches which would "give that functionary a general and useful knowledge of the state of things in Lower Canada." There were some who had exerted themselves to defame and injure the President, with a view to their own private interests. He particularly alluded to that contemptible animal, Chief Justice Alcock; to his worthy friend and coadjutor, of whose treacherous, plausible, and selfish character, he had never entertained a doubt; and to that smoothfaced swindler, whom the Lieutenant-Governor had taken so affectionately by the hand, as the man, who, of all others, came nearest in point of knowledge, virtue, and ability, to the great Tom of Boston. He would add to these worthies a pudding-headed commanding officer (General Brock!) who, if the President had given in to all his idle "Camelian" projects, would have introduced utter confusion into the whole system, civil and military. He anxiously expected Sir James Craig, whose established fame assured him that a better choice could not have been made. And he thought it probable that if his dear, dear Lordship, should not have had an opportunity of honoring him with a recommendation to His Excellency of established fame, his services would be dispensed with, and then he could join his family in England. But should he remain as Secretary to General Craig, he had it in contemplation to lay before him a copy of his letter to Lord S., concerning ecclesiastical affairs, though it would not be prudent to do so until he had ascertained how far the General's sentiments accorded with his own. In a postscript to his letter to the dear Lord Bishop, Mr. Ryland goes into raptures. He had just received a message from Mr. Dunn, telling him that the Governor General had arrived. He dressed himself immediately and got on board the frigate with Mr. Dunn's answer to the General's despatch, before the ship cast anchor, and before any of the other functionaries knew even that the Governor General was at hand. He found the General ill in bed, but was so politely received, that the General begged that he would do him the favor to continue his secretary. He never was so pleased with any person at first sight. Although he saw him to every disadvantage, the General appeared to be a most amiable, a most intelligent, and a most decided character. He, (the General,) landed about one o'clock, but was so unwell that he begged to be left alone, and Mr. Ryland only saw him for an instant. But that curious beast, the Chief Justice, after intruding himself with unparalleled assurance, upon the General, before he landed, forced himself again upon him, at the Chateau, when every body but the President had withdrawn, and most impudently sat out the latter. He did so for the purpose of recommending as secretaries, his father-in-law, and a young man named *Brazenson*, or some such name, whom he had brought out with him from England, but his scheme entirely failed, and his folly would fall upon his own pate! Mr. Ryland had transacted business with the Governor every day since he had landed, and had even drawn up a codicil to his will, the poor, decided Governor, who had adopted Mr. Ryland, was so ill. Nay, Mr. Ryland, for the love of this one honorable and just man, could have almost forgotten that he was surrounded by scoundrels, and would bury in oblivion the mean jealousies of a contemptible self-sufficiency, and the false professions of smiling deceit. But should it please Almighty God to remove the incomparable man, and should there be a chance that the civil government of the province should be again disunited from the military command, he did hope that the dear, dear Lord, would favor him with his utmost interest towards enabling him to make the exchange which Mrs. Ryland would tell his dear Lordship, the Bishop, her husband had in contemplation.

Sir James Craig was an officer of good family. He was one of the Craigs of Dalnair and Costarton, in Scotland, but was born in Gibraltar, where his father had the appointment of Civil and Military Judge. He had seen much service in the camp and in the field. In 1770 he was appointed Aid-de-Camp to General Sir Robert Boyd, then Governor of Gibraltar, and obtained a Company in the 47th Regiment of the line. Having gone to America, with his regiment, in 1774, he was present at the battle of Bunker's Hill, where he was severely wounded. In 1776, he accompanied his regiment to Canada, commanding his company at the action at Trois Rivières, and he afterwards commanded the advanced guard in the expulsion of Arnold and his "rebels." He was wounded at Hubertown, in 1777, and was present at Ticonderoga in the same year. He was wounded again at Freeman's Farm, and was at Saratoga with Burgoyne, and after that disastrous affair was selected to carry home the despatches. On his arrival in England, he was promoted to a majority in the 82nd Regiment, which he accompanied to Nova Scotia, in 1778, to Penobscot, in 1779, and to North Carolina, in 1781, where he was engaged in a continued scene of active service. He was promoted to the rank of Major General, in 1794, and the following year was sent on the expedition to the Cape of Good Hope, where, in the reduction and conquest of that most important settlement, with the co-operation of Admiral Sir G. K. Elphinstone and Major General Clarke, he attained to

the highest pitch of military reputation. Nor were his merits less conspicuous, it is said, in the admirable plans of civil regulation, introduced by him in that hostile quarter, when invested with the chief authority, civil and military, till succeeded in that position by the Earl of Macartney, who was deputed by the King to invest General Craig with the Red Ribbon, as a mark of his sovereign's sense of his distinguished services. Sir James served, subsequently, in India and in the Mediterranean, where he contracted a dropsy, the result of an affection of the liver. This was the officer, of an agreeable but impressive presence, stout, and rather below the middle stature, manly and dignified in deportment, positive in his opinions, and decisive in his measures, though social, polite, and affable, who was sent out to govern Canada because a rupture with the United States was considered probable. Sir James on arrival at Quebec did not, however, consider hostilities imminent. Nor did he immediately organize the militia. But he lauded the Canadians for the heroic spirit which they had manifested. One of his first acts was to release from prison a number of persons convicted of insubordination, and sentenced to twelve months' imprisonment in the gaol of Montreal. The militia of the parish of L'Assomption, in the district of Montreal, had formed a painful exception in the spirit which they exhibited on being called upon to enrol for service, to that which had been exhibited everywhere else. But the rioting had been immediately suppressed, and the rioters punished by the ordinary Courts at Montreal. In gaol the rioters manifested contrition, promised good behaviour for the future, and Sir James, overlooking the faults of the few in consideration of the general merit, set the prisoners free. On the 29th of January, 1808, he convened the Legislature. He regretted, in his opening speech, that there was little probability of a speedy cessation of hostilities, in Europe. He congratulated the "honorable gentlemen," and "gentlemen," on the capture of Copenhagen and the Danish fleet, defending the morality of the offensive measures against Denmark. He lamented the discussions that had taken place between His Majesty's government and that of America. He hoped that the differences would be so accommodated as to avert the calamities of war between two nations of the same blood. He intended that no means should be neglected to prepare for the worst. Though the militia had been selected, he did not think it necessary to call them together, no immediate circumstance seeming to require it. He had appointed commissioners for the erection of new gaols in Quebec and Montreal. And he expected perfect harmony and co-operation between the legislative bodies and himself, as the representative of the sovereign. All that Sir James wished to be done the Assembly promised to do.

In those days not only was the Chief Justice a member of the Upper House, but the Judges of the King's Bench were not ineligible for election to the Lower House, and some, or all of them, contrived to get seats there. It does not appear that the Chief Justice was in the Upper House a mere government tool, for Sir Robert Milnes most bitterly complained to the Duke of Portland, of the opposition to certain measures, which he had met with, from Chief Justice Osgoode, who, even in public, treated him contemptuously. But it is yet probable that some of the judges in the Assembly, were less the representatives of the people who had elected them, than the mouth-pieces of the government, to whom they were indebted for their appointments to the Bench, and on whose good pleasure, their continuance on the judgment seat, depended. Be that as it may, the Assembly were jealous of their presence in the House, and accordingly, this session of Parliament, a motion was introduced into the Assembly, declaring it to be expedient that the Judges of the Court of King's Bench, the Provincial Judges of the Districts of Three Rivers and Gaspé, and all Commissioned Judges of any Courts that might afterwards be established, should be incapable of being elected, or of sitting, or of voting in the House of Assembly. The motion was adopted, and a bill framed upon the resolution, passed the Assembly. Unfortunately, heedless of the pressure of public opinion, the Legislative Council threw out the bill! The Assembly were greatly incensed, and the idea of expelling the judges was entertained; but for a while relinquished.

Mr. Ezekiel Hart appeared at the Bar of the House to take his seat for Three Rivers, Mr. Lee, the previous representative of that town, had died in the course of the previous session, and Mr. Hart had been elected to succeed him. Mr. Hart was a merchant of good standing. Of the most spotless private character, he stood in high esteem with his neighbours and fellow townsmen. But Mr. Hart was not faultless. He was, by birth, education, and religion, a Jew. When he prayed, he placed the ten commandments next his heart. In him, those devoted members of the Society of Jesus, found neither a sympathizer nor a persecutor. A Christian Legislative Assembly, like that of Canada, of which Sir James Craig afterwards privately expressed an opinion so ludicrously high, could not be contaminated with the presence of a Jew. By a vote of twenty-one to five, it was resolved:—"That Ezekiel Hart, Esquire, professing the Jewish religion, cannot take a

seat, nor sit, nor vote in this House." Ezekiel departed. The word "*baruch*," was on his tongue, the signification of which, like that of the French word "*sacré*," may signify, according to the humour of the utterer, either an anathema or a blessing. The Assembly being, however, ignorant of the Hebrew tongue, Mr. Hart was not sent to gaol for breach of privilege, nor was he even required to apologize. These were the chief topics of debate, and much time was occupied with them. A sum was voted to repair the Castle of St. Louis then tottering to decay. The Militia and the Alien Acts were continued for another year. A bill for the trial of controverted elections was passed, and in all thirty-five bills were carried through, all of which His Excellency, the Governor, sanctioned, except that relative to gaols in Gaspé, which, though afterwards sanctioned, was reserved for the pleasure of the King to be expressed on it. On the 14th of April the Parliament was prorogued. The speech was somewhat lengthy, and on the whole, it was a good one. Sir James was induced to put a period to the session that he might be enabled to issue writs for a new House. The critical situation of affairs made him anxious for legislative assistance, under circumstances, that would not be liable to interruption from the expiration of the period, for which one of the branches was chosen. He was glad that so much attention had been paid to business. He was very much pleased to find that a sum of money had been granted for the repair of the Chateau. Events of great magnitude had taken place in Europe. Napoleon had succeeded in exciting Russia, Austria, and Prussia, to hostilities, against England, and the Ministers of those Courts had demanded their passports to retire from the Court of St. James. Napoleon had done more than that. The disturber of mankind had subverted the government of Portugal, but that magnanimous Prince, Don Pedro, had emigrated with his Court to the Brazils, rather than submit to the degrading chains of such a master. His Majesty, the King of Great Britain, had offered the Americans reparation, immediately and spontaneously, for the unauthorised attack upon the *Chesapeake*, but the American government taking advantage of the state of affairs in Europe, were endeavoring to complicate the difficulty, to the injury of that power which alone stood between it and an inevitable doom to the worst of tyranny. And in conclusion, he begged the representatives of the people to instruct their constituents, by the influence of their education and knowledge; to point out to them a sense of their duties in due subordination to the laws; to advise them to be faithfully attached to the Crown; to let them into the knowledge of their true situation; to conceal not the difficulties by which the empire was surrounded, but, at the same time, to point out the miseries Britain was combatting to avoid; and to assure them that while Britons were united among themselves, there was no dread of the result of the present struggle between liberty and despotism.

The war had had its effect upon the trade of the country. The revenue had fallen off nearly £1,000, being only £35,943, while the civil expenditure had increased to £47,231.

In May the general election took place. The contests were not marked by much bitterness. As before, in the larger towns, the two origins were equally represented. Even in the counties, several gentlemen of English extraction, were returned to the Assembly. Mr. James Stuart, the Solicitor General, now no friend to the Governor nor to his *sub rosa* adviser, Mr. Ryland, was returned for the East Ward of Montreal. Mr. Stuart, a lawyer of excellent acquirements, of great independence of spirit, and of extraordinary mental capacity, instead of being raised to the Attorney-Generalship, on the elevation of Mr. Sewell to the Chief Justiceship, in the room of Mr. Chief Justice Alcock, who had died in August, had been superseded by Mr. Edward Bowen, a barrister of very limited acquirements, and, being then only a young man, professionally, very inexperienced. Nay, he was soon afterwards dismissed from the Solicitor-Generalship, by the Governor, to whom he had, in some mysterious way, given offence. The Honorable Mr. Panet, Speaker of the Assembly for the four previous parliaments, was nominated for the Upper Town of Quebec, and went to the hustings. He presided at an election meeting, at which there was something like plainspeaking, a particular kind of speaking most distasteful to the Acting Paymaster General of Burgoyne's army, an army with which even Sir James Craig had himself served. All the official class of the city, "including the resident military officers, and *dependents* upon the Commissariat, Ordnance, and other departments in the garrison," entitled to vote, voted in favor of another French gentleman, more acceptable to the government. The *Quebec Mercury* was strongly opposed to the Speaker, who, by his plainspeaking, had become offensive to Mr. Ryland, the *confidant* of Sir James Craig. Mr. Panet lost his election for Quebec, but was returned to the Assembly for Huntingdon. The Governor and his Secretary were very much displeased, and the *Mercury* was inspired to speak against the bilious spleen of the triumphant Panet, who was connected with that vile print, the *Canadien*. During the election for Quebec, a handbill had appeared, calling the government feeble. Those who issued

that handbill, the *Mercury* exultingly remarked, would have felt that they were not quite under the government of King Log. The *Canadien* was, in abuse, the freest of any paper in the province. It was licentious. It no more consulted that which it was expedient for a free press to do, than did the House of Assembly consider that which was suitable to it, a few years past, on the article of privilege. Mr. Ex-Speaker Panet was connected with the *Canadien*. He was also a Colonel of Militia. It occurred to Mr. Ryland that the position of a militia officer was incompatible with the proprietorship of a newspaper. Accordingly, a few days after the return of Mr. Panet for Huntingdon, Mr. "H. W. R." the Private Secretary of the Governor General, was directed to inform Messrs. J. H. Panet, Lieutenant-Colonel, P. Bedard, Captain, J. T. Taschereau, Captain and Aid-Major, J. L. Borgia, Lieutenant, and F. Blanchet, Surgeon, proprietors of the *Canadien*, that the Governor-in-Chief considered it necessary for His Majesty's service to dismiss them from their situations as Colonel, Captain, Aid-Major, Lieutenant, and Surgeon, of the Militia. With regard to the Honorable Mr. Panet, in particular, His Excellency could place no confidence in the services of a person whom he had good reason for considering as one of the proprietors of a seditious and libellous publication, disseminated through the province, with great industry, to vilify His Majesty's government, to create a spirit of dissatisfaction and discontent among his subjects, and to breed disunion and animosity between two races. Had it been the purpose of the *Canadien* and of its proprietors to breed discord between the two races of settled inhabitants, the censure of Sir James Craig would have been deserved. But that was not its purpose. It aimed only at equality of privileges, and complained of the sway of officials having no abiding interest in the country. It was a war between the imported official class and the native-born or naturalized classes which the *Canadien* waged. Doubtless, it went, occasionally, too far. Doubtless, it forgot to make such distinctions between the officials and the traders or agriculturists of British origin. Doubtless, it did remember that the French Canadians had been captives at the conquest, and their souls revolted at the idea of being lorded over still, though no longer captives, but British subjects, anxious for the honour of their King, and ready to defend him from his enemies.

The new Parliament met on the 9th of April, 1809. The Assembly were directed to choose a Speaker. Out of doors and indoors, in the Governor's Castle, at the official desk, in the merchant's counting room, in the baker's shop, in the Council, and in the Assembly itself, the choice of a Speaker by the Assembly, was a matter of interest. It was whispered that Mr. Panet had incurred the Governor's displeasure, and that all the toadies would vote against him. It was blandly hinted that Mr. Panet having been dismissed from the Militia, the House, having, regard to its own dignity, could not call him to the Chair. It was said in conversation that Mr. Panet was an excellent and most impartial Speaker, and it was a pity that he had suffered himself to have been connected with the seditious and libellous *Canadien*. Only for Mr. Panet's unfortunate position, no more suitable person, for the highly honorable office of Speaker, could have been thought of. But he must not be Speaker under present circumstances. The Assembly thought otherwise and, acting independently and fearlessly, elected Mr. Panet as their Speaker. His Excellency the Governor did not much relish the choice. He did not, however, refuse to confirm Mr. Panet as Speaker of the Assembly. It was thought that he would be refused confirmation. But when he appeared at the Bar, with the House at his heels, and supported by the Mace, the Honorable the Speaker of the Legislative Council was only commanded to tell Mr. Panet, that having filled the Chair of Speaker, during four successive Parliaments, it was not on the score of insufficiency that he would admit an excuse on Mr. Panet's part, nor form objections on his own part. He had no reason to doubt the discretion and moderation of the present House of Assembly, and as he was, at all times, desirous of meeting their wishes, so he would be particularly unwilling not to do so, on an occasion, in which they were themselves principally interested. He, therefore, allowed and confirmed Mr. Panet to be Speaker. His Excellency, though somewhat ironical in his mode of confirmation, acted liberally and prudently. In His Excellency's speech from the throne, allusion was made to the unfavourable posture of affairs with America; to the revolution in Spain and to the generous assistance afforded that country by Great Britain; again to the emigration of the Royal Family of Portugal to Brazil; to Wellington's victory at Vimeira, by which Portugal had been rescued from the French; he cautioned the members of the Legislature against jealousies among themselves, or of the government, which could have no other object in view than the general welfare; and alluded to the non-intercourse and embargo policy of the United States, which, so far, had operated favourably for the Canadian trade, particularly in the article of lumber, which, owing to the exclusion of British shipping from the Baltic, had become a staple export. The

House was not pleased at the hints about jealousies, nor very much pleased with His Excellency's remarks in confirming their Speaker. The reply was not quite an echo of the speech. It was more. It was a quiet remonstrance against governmental insinuation. On proceeding to business, the propriety of expelling the judges was again discussed. A motion to expel them was even made, but it was negatived. Some even who were averse to the judges having seats in the Assembly were not prepared to go the length of expelling them from the House. All that was wanted was that, in future, judges should be ineligible for seats in the Assembly. To this end, a committee was appointed to inquire into the inconvenience resulting from the elections of judges to the Assembly, with orders to report to the House. The committee inquired and reported, and of course, reported unfavourably to the judges. A bill to disqualify the judges was re-introduced and read a first time. Mr. Hart again appeared at the Bar to take his seat for Three Rivers. He had been re-elected. He was still a Jew, and showed no disposition to recant his error. Nor would the House recant their error. The resolution which had been adopted against Mr. Hart's taking his seat in the previous Parliament was repeated in this. The House of Assembly went still farther. A bill to disqualify all Jews from being eligible to seats in the Assembly, was introduced and read twice. Five weeks had elapsed and the public business had not begun. The Governor was very much annoyed. The refractory spirit of the House, as regarded the judges, was most distasteful to him. Suddenly, on the 15th of May, he went down to the Legislative Council, assented to five bills, and summoned the attendance of the Commons. "When I met you, said the now irate Sir James, at the commencement of the present session, I had no reason to doubt your moderation or your prudence, and I therefore willingly relied upon both. I expected from you a manly sacrifice of all personal animosities. I hoped for a zealous dispatch of your public duty. I looked for earnest endeavours to promote the general harmony. I looked for due and indispensable attention to the other branches of the Legislature. It was your constitutional duty. It was due to the critical juncture of the times. I have been disappointed in every hope on which I relied. You have wasted in frivolous debates, or by frivolous contests on matters of form, that time and those talents to which the public have an exclusive title. You have abused your functions. In five weeks, you have only passed five bills. You have been so intemperate in debate that moderation and forbearance is scarcely to be looked for without a new Assembly. Gentlemen, Parliament is dissolved. A new Parliament will be convened as soon as convenience will permit. My object in thus acting, *is to preserve the true principles of the free and happy constitution of the Province*." He turned with peculiar satisfaction from lecturing to the Assembly, to offer his acknowledgements to the gentlemen of the Legislative Council, for their unanimity, zeal, and unremitting attention to the public business, manifested in their proceedings. They were not to blame for the waste of time and for the little that had been done for the public good. The Assembly were surprised. It never entered the head of a single member that Sir James Craig, who, on first meeting a Canadian Parliament, had been so courteous, would have been so abruptly censorious. A prorogation was anticipated, when the Usher of the Black Rod commanded, by order of His Excellency, their presence at the Bar of the Upper House, but the possibility of a dissolution of Parliament never occurred to any one. The constitution, boasted so much of, was certainly a happy one. The representatives of the people were suddenly sent back to their constituents as unfitted for their business. And for some time, the country, tickled with the bluntness of the Governor, applauded the act. Had Sir James desired to be absolute, the country, before it had had time to consider, would have assisted His Excellency in a *coup d'état*. It was not until the *Canadien* had taken the matter up energetically that any of the discarded legislative materials could obtain a hearing from their constituents. After the *Canadien* had criticised the speech from the throne, and had commented on the Bill of Rights, in allusion to the Governor's measures, with respect to the Assembly, and as applicable to the existing circumstances of the Province—"*Nos institutions*, *notre langue, et nos lois*,"—public opinion gradually turned round in favor of the Assembly.

Sir James Craig's opinion of the Canadians had undergone a very considerable change for the worse. In a despatch to Lord Liverpool, some short time afterwards, on the state of affairs in Canada, which Mr. Ryland was sent to London with, Sir James speaks of Canada as *being a conquered country*, a fact *never to be put out of view*. He spoke of a colony usually estimated to contain a population of 300,000 souls. Of these, 20,000, or 25,000 only, might have been English or Americans, and the remainder were French. They were in language, religion, in manners, and in attachment, French. They were bound to the English (officials) by no tie, but that of a common government. They looked upon the government of the province with mistrust, jealousy, envy, and hatred. He was certain his opinion of them was well

founded. There were very few French Canadians in the country who were not tainted with the sentiments he had imputed to them generally. Common intercourse hardly existed between the French and English. The lower class, to strengthen a word of contempt, added the word *Anglais* to it. The upper classes, who formerly associated with the English upper classes, had entirely withdrawn themselves. The Canadians, generally, were ignorant, credulous, and superstitious. He did not perceive that they had any great vice except one. Drunkenness was the prevailing vice. When drunk they were brutal and quarrelsome. Like other people, suddenly freed from a state of extreme subjection, they were apt to be insolent to their superiors. They were totally unwarlike and averse to arms or military habits, though vain to an excess, and possessing a high opinion of their prowess. They had been so flattered and cajoled about their conduct, in the year 1775, that they really believed they stood as heroes, in history, whereas no people, with the exception of a very few individuals, behaved worse than they did on that occasion. Now came the teachings of Mr. Secretary Ryland, which that gentleman did not think it prudent to bore Sir James with until he had ascertained how far the incomparable man's sentiments accorded with his own. The Superintendent of the Church of Rome in Canada, had been designated Roman Catholic Bishop, by other Governors, which was both dangerous and wrong, in view of the Queen's supremacy. The Bishop did as he pleased, in the appointment of curés. His patronage was at least equal to that of the government. The Bishop was cautious not to perform any act that might be construed into an acknowledgement of His Majesty's rights. He would not obey a Proclamation of the King for a fast or thanksgiving, but issued a "*mandat*," of his own, to the same effect, but without the least allusion to His Majesty's authority. The arms of Great Britain were nowhere put up in the churches. With the curés no direct communication with the government existed. The church selected its ecclesiastics, the Governor knew not why, from the lower orders. The Bishop was the son of a blacksmith. The Coadjutor was brother to a demagogue, the Speaker of the Assembly, an "avocat." The curés saw in Buonaparte the restorer of the Catholic religion. The Legislative Council, an object of jealousy to the Lower House, was composed of everything that was respectable in the Province. There were about 300,000 French inhabitants to 25,000 English and American, yet there never had exceeded fourteen or fifteen English members in the House of Assembly, while then there were only ten, and it was desired to get rid of the judges! The interests of certainly not an unimportant colony, was in the hands of six petty shopkeepers, a blacksmith, a miller, and fifteen ignorant peasants, a doctor or apothecary, twelve Canadian "avocats" and notaries, and four people respectable so far as that they did not keep shops, together with the ten Englishmen, who composed the Legislative Assembly. Some of the *habitants* could neither read nor write. Two members of a preceding Parliament had actually signed the roll by marks, and there were five more whose signatures were scarcely legible, and were such as to show that to be the extent of their writing. Debate was out of the question. A Canadian Parliament did not understand it. The *habitant* M.P., openly avowed that the matter, whatever it was, had been explained to him. The "moutons" were crammed at meetings held nightly for the purpose. There was one singular instance, of a *habitant*, who, in every instance, voted against the prevailing party. But that was the solitary exception to a general rule. The Canadians voted *en masse*, as directed—not by the government. The government was entirely without influence. The Assembly was the most independent in the world, for the government could not obtain even that influence which might arise from personal intercourse. He could not be expected to associate with blacksmiths, millers, and shopkeepers. Even the *avocats* and notaries he could nowhere meet, except during the actual sitting of Parliament, when he had a day in the week expressly appropriated to receiving a large portion of them at dinner. The leaders in the House were mostly a set of unprincipled *avocats* and notaries, totally uninformed as to the principles of the British constitution, or parliamentary proceedings, which they, nevertheless, professed to take for their model. Without property to lose, these men had gradually advanced in audacity, in proportion as they had considered the power of France as more firmly established by the successes of Buonaparte in Europe. They were obviously paving the way for a change of dominion. Without one act by which to point out either injury or oppression, the people of the Province had been taught to look upon His Majesty's government with distrust, and they publicly declared, while avowing such distrust, that no officer of the Crown was to be elected into the House. The English in general and their own seigneurs were entirely proscribed. Except in the boroughs or cities these classes had no chance of election. A paper called the *Canadien*, had been published, and industriously circulated in the country, for three or four years, to degrade and vilify the officers of government, under the title of *gens en place*; and to bring the government itself into contempt, by alluding to the Governor as a *ministère*, open to their animadversions. Nothing calculated to mislead the people had been omitted in this vile print. The various circumstances

that brought about the abdication of James the Second, had been pointed out, with allusions, as applicable to the government here. "*La nation Canadienne*," was their constant theme. Religious prejudices, jealousy, and extreme ignorance, forbade the expectation of any improvement in the Assembly. Questions before the Houses were always viewed as affecting or otherwise some temporal right of their clergy, or having some remote tendency to promote the establishment of the Protestant interest. How the Act for the establishment of Public Schools had passed had always been matter of surprise to him. There was much jealousy at the progress of the Eastern Townships, which were settled by American loyalists. The country was beginning to look up to the members of the Assembly as the governors of the country. Formerly the cry was—"*La Chambre* to the devil!" He thought that the only remedy for the state of things which he had described was to deprive the province of its constitution, as the provincialists termed their charter. The people were unfitted for liberty. And here are the Governor's reasons for saying that a people were incapable of free institutions. "That spirit of independence, that total insubordination among them, that freedom of conversation, by which they communicate their ideas of government, as they imbibe them from their leaders, all which have increased wonderfully within these five or six years, owe their origin entirely to the House of Assembly and to the intrigues incident to elections. They were never thought of before." One really wonders that even a general officer could have ventured upon sending to England such trash, a country which had produced a Charles Fox, who took at the passing of the Separation Act so opposite a view of human nature. Doubtless, the *habitants* are precisely, even at this day, as Sir James represented them to be. But it was superlative impudence in a man of plebeian extraction to say that he could not associate with members of Parliament, who followed the occupation of shopkeeping for a living. It surely was enough for Buonaparte to have stigmatized England as a nation of shopkeepers. Sir James might have left it alone, after having experienced the independent energies of a nation of wooden clock and wooden nutmeg makers. The "*gens en place*" had badly advised him, and he was too blind to see it. Sir James was an Indian Governor with a vengeance.

The fortifications of the City of Quebec had been much improved during the summer of 1808, and the foundations of the four martello towers, which now stand outside of the fortifications, on the land side, at the distance of nearly a mile, were laid.

After the dissolution of the Parliament, about the middle of June, the Governor set out on a tour through the Province. He was attended by a numerous suite, travelled in great state, and was well received wherever he halted. At Three Rivers, Montreal, St. Johns, and William Henry, addresses were presented to him. He was applauded and even thanked for having stretched the royal prerogative so far as to dissolve the House without any sufficient reason. What was gained by the fulsome adulation is not particularly apparent, unless it be that the *Canadien* had an opportunity afforded it for not very flattering criticisms. The opportunity was not by any means lost. The *Canadien* grinned at the *gens en place*, and even ventured to laugh at the royal prerogative himself. But the *gens en place* were not to be laughed out of countenance by a vile print, which only could appeal to French passions and Romish prejudices. They only waited until His Excellency returned to Quebec, to renew their congratulations. The citizens of Quebec, on Sir James' return to the Chateau, waited upon him with an address. They approved of his judicious and firm administration. Sir James, perfectly elated, expressed, in a particular manner, his satisfaction. It was most gratifying to have received such an address from those whose "situations" afforded them the more immediate opportunity of judging of the motives by which he might be actuated on particular occasions.

In November of this year, the first steamer was seen on the St. Lawrence. At 8 o'clock on the 6th of that month, the steamboat *Accommodation* arrived at Quebec, with ten passengers from Montreal. She made the passage (180 miles) in sixty-six hours, having been thirty hours at anchor. In twenty hours, after leaving Montreal, she arrived at Three Rivers. The passage money was only eight dollars for the downward trip and nine dollars for the trip upward. Neither wind nor tide could stop the *Accommodation*, and the *Accommodation* was eighty-two feet long on deck. The accommodation afforded to passengers was not, however, very great. Twenty berths were all that cabin passengers could be accommodated with. Great crowds visited her saloons. The *Mercury* told its readers that the steamboat received her impulse from an open, double-spoked perpendicular wheel, on either side, without any circular band or rim. To the end of each double-spoke, a square board was fixed, which entered the water, and by the rotatory motion, acted like a

paddle. The wheels were put and kept in motion by steam, which operated in the vessel. And a mast was to be fixed in her for the purpose of using a sail, when the wind was favourable, which would occasionally accelerate her headway. After the *Accommodation* had made several trips, Upper Canada began to "guess" about the expediency of having "Walks-in-the-Water." The *Accommodation* was built by Mr. John Molson, of Montreal, an exceedingly enterprising man of business, and for a number of years, his enterprise secured to him a monopoly of the steam navigation of the lower St. Lawrence. He died an "honorable," only a few years ago.

During 1808, 334 vessels, or according to the Harbour Master's statement, 440 vessels, arrived at Quebec from sea, making up 66,373 tons of shipping, in addition to which, 2,902 tons of shipping were built at the port. The revenue was £40,608, and the civil expenditure £1,251 sterling. The salaries and contingencies of the Legislature amounted to £3,077. The salary of the Governor-in-Chief was £4,500 sterling, and that of the Lieutenant-Governor, who had been three years absent in England, £1,500. On the 28th of November, in this year, Sir Francis Nathaniel Burton, whose brother was Marquis of Cunningham, succeeded Sir Robert Shore Milnes, in the now sinecure office of Lieutenant-Governor, where he remained to enjoy the *otium sine dignitate*.

A continuance of the peace between His Majesty's government and that of the United States was, in the beginning of 1810, considered less probable than ever. After the death of Washington, which occurred on the 4th December, 1799, during the Presidency of Mr. Adams, political excitement ran high in the United States. At the expiration of Mr. Adams' term of office, there were, as candidates for the Chief Magistracy of the Union, and for the Vice-Presidency:—Mr. Jefferson and Mr. Burr, on the one side, and Mr. Adams and Mr. C. D. Pinckney, on the other. Mr. Adams, elected by the Federalist or Tory party, had given much offence to the Democratic party, by his law against sedition, designed to punish the abuse of speech and of the press. By this law a heavy fine was to be imposed, together with an imprisonment for a term of years, upon such as should combine or conspire together, to "oppose *any* measure of the government." No one, on any pretence, under pain of similar punishment, was to write or print, utter or publish, any malicious writing against the government of the United States, or against either House of the Congress, or against the President. In a word, the liberty of discussion was annihilated. A more extraordinary law could not possibly have been put upon the Statute Books of a country, where every official, being elective by the people, his conduct, while in office was, in a common sense point of view, open to popular animadversion. As far as producing the effect contemplated was concerned, the law was altogether inefficacious. The people met and talked together against their President, the Senate, and the House of Representatives. Nay, Mr. Adams lost what he designed to secure, his re-election, by it. The Democrats were furiously opposed to him. While Messrs. Jefferson and Burr got each seventy-three votes, the opposition candidates for President and Vice-President, Messrs. Adams and Pinckney only got, for the former, sixty-five votes, and for the latter, sixty-four. Messrs. Burr and Jefferson having each an equal number of votes, it became the duty of the House of Representatives, voting by States, to decide between these pretenders to the chief power in the State. The constitution provided that the person having the greatest number of votes should be President, and that the person having the next highest number of votes should be Vice-President. For several days the ballot was taken. The Federalists or Tories supported Mr. Burr, and the Democrats Mr. Jefferson. At last the choice fell upon the latter, and Mr. Burr was elected to the Vice-Presidency. It is well to know these circumstances in connection with subsequent events. Mr. Jefferson annihilated the minority of the republic. He had as much contempt for them as Sir James Craig or Mr. Ryland could have had for the conquered Canadians. He swept them from every office of profit or emolument under the State. When remonstrated with, by the merchants of New Haven, respecting the removal of the Collector of Customs at that port, merely because he was a Federalist or tory, the President quietly replied, that time and accident would give the Tories their just share. Had he found a moderate participation of office in the hands of the Democratic party with whom he acted, his removals and substitutions would have been less sweeping. But their total exclusion called for a more prompt corrective. And he would correct the error. When the error was fully corrected then he would only ask himself concerning an applicant for office, these questions:—"Is he honest?" "Is he capable?" and "Is he faithful to the Constitution?" The Tories were almost inclined to burn the White House.

Ohio was admitted into the Union in 1802; in 1804, Colonel Burr, the Vice-President of the United States, killed General

Hamilton in a duel; Mr. Jefferson was re-elected President in 1804, and Mr. George Clinton, of New York, instead of Burr, now deservedly unpopular with all but the filibustering classes, Vice-President; in 1805, Michigan became a territorial government of the United States; and in the autumn of 1805 the outcast President Burr was detected at the head of a project for revolutionizing the territory west of the Alleghanies, and of establishing an independent empire there, of which New Orleans was to be the capital, and himself the chief. To the accomplishment of this scheme, Burr brought into play all the skill and cunning of which he was possessed. And it was not a little. He had his design long in contemplation. He pretended to have purchased a large tract of territory, of which he conceded to his adherents considerable slices. He collected together, from all quarters where either he himself, or his agents, possessed influence, the ardent, the restless, and the desperate, persons ready for any enterprise analogous to their characters. He also seduced good and well-meaning citizens, by assurances that he possessed the confidence of the government, and was acting under its secret patronage. He had another project, in case of the failure of the first. He designed to make an attack upon Mexico and to establish an empire there. He failed. Before his standard was raised, the government was made aware of his designs, and he was brought to trial, at Richmond, on a charge of treason, committed within the district of Virginia. It was not proved, however, that he had been guilty of any overt act, within the State, and he was released. It was probably to find employment for that restless and desperate class of persons, with which the United States even then abounded, that the government of America sought cause of quarrel with Great Britain, as well as to produce that spurious activity among the industrial classes, which is ever the result of warlike preparations.

In 1809, Mr. James Madison was elected President of the United States. During Mr. Jefferson's administration, commercial intercourse with France and Great Britain had been interdicted. When, however, Mr. Madison was fairly established in the Presidency, he showed a disposition to renew intercourse, and was seconded in his endeavours by Mr. Erskine, then British Minister at Washington. Mr. Erskine non-officially intimated to the American Secretary of State, that if the President would issue a Proclamation for the renewal of intercourse with Great Britain, that it was probable the proposal would be readily accepted. It was done. But the British government refused to rescind the Orders in Council of January and November 1807, so far as the United States were concerned, which would have given the benefit of the coasting trade of France to the Americans, recalled Mr. Erskine for having exceeded his instructions, and sent Mr. Jackson to Washington in his stead. A correspondence was immediately after Mr. Jackson's arrival at the American seat of government, opened with Mr. Madison's Secretary of State, and was as suddenly closed. Mr. Jackson was, as a diplomatist, rather blunt. Repeatedly, he asserted that the American Executive could not but have known from the powers exhibited by Mr. Erskine, that in stipulating, as he had done, he had transcended those powers, and was, therefore, acting without the authority of his government. The American Executive deemed such an assertion equivalent to a declaration that the American government did know that Mr. Erskine had exceeded his instructions. Mr. Jackson denied that his language could be so interpreted. The American Executive at once replied that Mr. Jackson's tone and language could not but be looked upon as reflecting upon the honor and integrity of the American government, and the correspondence was closed. The British government, not considering Mr. Jackson's diplomatic efforts as particularly happy, recalled him. He escaped, however, more direct censure.

These events had just occurred, across the line '45, when Sir James Craig, now more anxious than ever, to obtain legislative assistance, under circumstances that would not be liable to interruption from the expiration of the period for which one of the branches was chosen, ordered the writs to be issued for a new general election. The elections took place in October, 1809, when, contrary to the expectation of His Excellency, most of the gentlemen who held seats in the parliament which, in the previous May, had been so unexpectedly dissolved, were again returned. There were some substitutions. But those only who halted between two opinions, in fearing the government, while representing the people, were supplanted by men who would echo the *vox (populi) et preterea nihil*, in the Chamber of Deputies. They were called together on the 29th of January, 1810. They were told to elect a Speaker, which they did, by selecting the former Speaker, Mr. Panet. They were told to appear at the Bar of the Upper House. And they did appear in the confusion usual on all similar occasions. The Governor, graciously confirmed their choice of a Speaker, and Mr. Panet having bowed his acknowledgments, His Excellency expressed his concern that, far from an amicable settlement of the existing differences, between the British and American governments, as was anticipated from the arrangement agreed upon by His Majesty's

Minister at Washington, circumstances had occurred that seemed to have widened the breach, and to have removed that desirable event to a period scarcely to be foreseen by human sagacity; the extraordinary cavils made with a succeeding minister; the eager research to discover an insult which defied the detection of "all other penetration;" the consequent rejection of further communication with that minister, and indeed every step of intercourse, the particulars of which were known by authentic documents, evinced so little of a conciliatory disposition, and so much of a disinclination to meet the honorable advances made by His Majesty's government, while these had been further manifested in such terms, and by such conduct, that the continuance of peace seemed to depend less on the high sounded resentment of America, than on the moderation with which His Majesty might be disposed to view the treatment he had met with; he felt it to be unnecessary to urge preparation for any event that might arise from such a condition of things; he persuaded himself that in the great points of security and defence one mind would actuate all; he assured the country of the necessary support of regular troops should hostilities ensue, which with the "interior" force of the country would be found equal to any attack that could be made upon the province; the militia would not be unmindful of the courage which they had displayed in former days, (when, of course, they behaved worse, with the exception of a few individuals, than any people ever did![12]) the bravery of His Majesty's arms had never been called in question; he congratulated the legislature on the capture of Martinique, and triumphantly alluded to the battle of Talavera, which had torn from the French that character of invincibility which they had imagined themselves to have possessed in the eyes of the world. He recommended the renewal of those Acts which were designed to enable the Executive to discharge its duty against dangers, which could not be remedied by the course of common law; he drew attention to the numerous forgeries of foreign bank notes, and recommended a penal statute for their suppression; and he remarked that the question of the expediency of excluding the Judges of the King's Bench from the House of Representatives had been, during the two last sessions, much agitated, and that, although he would not have himself interdicted the judges from being selected by the people to represent them in the Assembly, had the question ever come before him, he had been ordered by His Majesty to give his assent to any proper bill, concurred in by the two Houses, for rendering the judges ineligible to a seat in the Assembly.

The Assembly, very naturally, entertained the opinion that the Imperial government had not approved of the conduct of Sir James Craig in dissolving the previous Parliament. Indeed, even before taking the speech from the throne into consideration, the Assembly resolved that every attempt of the executive government and of the other branches of the legislature against the House of Assembly, whether in dictating or censuring its proceedings, or in approving the conduct of one part of its members, and disapproving that of others, was a violation of the statute by which the House was constituted; was a breach of the privileges of the House, which it could not forbear objecting to; and was a dangerous attack upon the rights and liberties of His Majesty's subjects in Canada. There were, not ten only, but thirteen members of British origin now in the House of Assembly, and the vote, for the adoption of the resolution, exhibited a wonderful degree of unanimity of opinion with regard to the right of freedom of opinion and the freedom of debate. There were twenty-four affirmative to eleven adverse votes, and, among those who voted with the minority, were some officials of French origin. In reply to the address from the throne, the House expressed its unalterable attachment to Great Britain, they were grateful and would be faithful to that sovereign and nation which respected their rights and liberties; it was unnecessary to urge them to prepare for any event that might arise, they would be prepared; and the militia, not unmindful of the courage which they had, in former days, displayed, would endeavour to emulate that bravery, natural to His Majesty's arms, which had never been called in question. Nay, the House was exuberant with loyalty. No sooner was the address in reply presented to the Governor than an address, congratulating the King on the happy event of having entered upon the fiftieth year of his reign, was unanimously adopted, and transmitted to the Governor for transmission to England. The expediency of relieving the Imperial government of the burthen of providing for the civil list of Canada was next discussed. It was considered that the sooner the payment of its own government officers devolved upon the province, the better it would be for all classes inhabiting it. Ultimately, the province would be required to defray the expenses of its own government, and the sooner it did so the less weighty would the civil list be. The minority were very much opposed to the proposed change. Some, who, twenty-seven years before, were most anxious to present £20,000 to the King, by a tax on goods, wares, and merchandise, to assist in enabling His Majesty to prosecute the war against France vigorously, now that the province was more than paying her expenses, could not see the necessity of saddling the

country with a burthen which would make it, as they alleged, necessary to impose duties to the amount of fifty thousand pounds a year. At first, the very ignorant[13] country people, not knowing that which was going on, became alarmed at the startling information conveyed to them by the majority. They expressed their fears that their friends were betraying them. They were soon pacified. Their members informed them, or they were informed by the *Canadien*, that when the House of Assembly had the entire management of the civil list, they would not fail to reduce the sum necessary to keep up the hospitality of Government House, and only, *consequently*, consideration for the Governor-in-Chief; nor would they fail to retrench the several pensions, reduce the heavier salaries of the employees, cut off the sinecurists, and, in a variety of ways, lessen the public burthens. The habitants were no longer alarmed at the additional taxation of £50,000 a year, with which they were threatened. A series of resolutions passed the Assembly, intimating that the province was able to supply funds for the payment of the civil list. The province was able to pay all the civil expenses of its government. The House of Assembly ought "this session" to vote the sums necessary for defraying the expenses of the civil list. The House *will* vote such necessary sums. And the King, Lords, and Commons of England, were to be informed that the Commons of Canada had taken upon itself the payment of the government of the province and that they were exceedingly grateful to England for the assistance hitherto afforded, and for the happy constitution, which had raised the province to a pitch of prosperity so high that it was now able and willing to support itself. Ten gentlemen of British extraction voted against these resolutions and only one Canadian. The address to the King, pursuant to the resolutions, was carried by a vote of thirteen to three. Many members appear to have been afraid of themselves or rather of the consequences to be apprehended from the offence which the adoption of such resolutions was calculated to give the Imperial advisers of the representative of the King in a colony. Nay, the Governor-in-Chief did not much relish the resolutions. He turned them over in his mind, again and again. There was something more than appeared upon the surface. He disrelished the idea of getting his meat poisoned by its passage through Canadian fingers. He was sure the King, his master, would pay him well, but, as for the Canadians, they might stop the supplies. The Assembly waited upon His Excellency with their addresses. They requested that His Excellency would be pleased to lay them before His Majesty's ministers for presentation. Sir James hesitated. The addresses were so peculiarly novel as to require a considerable degree of reflection. The constitutional usage of Parliament, recognised by the wisdom of the House of Commons of the United Kingdom, forbade all steps on the part of the people towards grants of money which were not recommended by the Crown, and although by the same parliamentary usage all grants originated in the Lower House, they were ineffectual without the concurrence of the Upper House. There was no precedent of addresses to the House of Lords, or Commons, separately, by a single branch of the Colonial Legislature. He conceived the addresses to be unprecedented, imperfect in form, and founded upon a resolution of the House of Assembly, which, until sanctioned by the Legislative Council, must be ineffectual, except as a spontaneous offer on the part of the Commons of Canada. The resolutions were premature. He regretted that he could not take it upon himself to transmit these addresses to His Majesty's ministers. In his refusal he was impressed by a sense of duty. But, besides the sense of duty, His Majesty's ministers, unless commanded by His Majesty, were not the regular organs of communication with the House of Commons. Even were he to transmit those addresses, he could not pledge himself for their delivery, through that channel. He would have felt himself bound upon ordinary occasions to have declined any addresses similar to those then before him, under similar circumstances. He would on the present occasion transmit to the King his own testimony of the good disposition, gratitude, and generous intentions of his subjects. He thought it right that His Majesty, "by their own act," should be formally apprised of the ability and of the voluntary pledge and promise of the province to pay the civil expenditure of the province *when required*. He then engaged to transmit the King's address to His Majesty, with the understanding that no act of his should be considered as compromising the rights of His Majesty, of his Colonial Representative, or of the Legislative Council. He significantly hoped that the House of Assembly might not suppose that he had expressed himself in a way that might carry with it an appearance of checking the manifestation of sentiments under which the House had acted. A committee of seven members were, on the receipt of His Excellency's answer, appointed to search for the precedents and parliamentary usages alluded to by the Governor-in-Chief, with instructions to report speedily. And, that there might be no excuse, with regard to the improper introduction of a money matter, for a refusal to sanction any bill that the Assembly might think proper to pass, a resolution was adopted by the Assembly to the effect that the House had resolved to vote, in the then session, the sums necessary for paying all the civil expenses of the government of the province, and to

beseech that His Excellency would be pleased to order the proper officer to lay before the House an estimate of the said civil expenses. The practice of these *avocats*, shopkeepers, apothecaries, doctors, and notaries, was tolerably sharp. The House went again to work upon the expediency of appointing a Colonial Agent in England, and introduced a bill with that object, which was read. A bill to render the judges ineligible to sit in the Assembly passed the Assembly; but the Council amended the bill, by postponing the period at which the ineligibility was to have effect, to the expiration of the parliament then in being, and sent it back to the Assembly for concurrence. Indignant at this amendment, the Assembly adopted a resolution to the effect that P. A. DeBonne, being one of the Judges of the King's Bench, could neither sit nor vote in the House, and his seat for Quebec was declared to be vacant. The vote was decisive. There were eighteen votes in favor of the resolution and only six against it, the six being all English names. McCord, Ross, Cuthbert, Gugy, and such like. If the practice of the *avocats* was sharp, the practice of the Governor was yet sharper. Down came the Governor-in-Chief in two days after the search for precedents had begun in the Assembly, in not the best of humour, to the Legislative Council Chamber. On the 26th of February, the uncontrollable Assembly were summoned before the representative of royalty. He informed the two Houses that he had come to prorogue the legislature, having again determined to appeal to the people by an immediate dissolution. It had been rendered impossible for him to act otherwise. Without the participation of the other branches of the Legislature the Assembly had taken upon themselves to vote that a judge could not sit nor vote in their House. It was impossible for him to consider what had been done in any other light than as a direct violation of an Act of the Imperial Parliament. He considered that the House of Assembly had unconstitutionally disfranchised a large portion of His Majesty's subjects, and rendered ineligible, by an authority they did not possess, another, and not inconsiderable class of the community. By every tie of duty, he was bound to oppose such an assumption. In consequence of the expulsion of the member for Quebec, a vacancy in the representation of that county had been declared. It would be necessary to issue a writ for a new election, and that writ was to be signed by him. He would not render himself a partaker in the violation of an Act of the Imperial Parliament, and to avoid becoming so he had no other recourse but that which he was pursuing. He felt much satisfaction when the Parliament met, in having taken such steps as he thought most likely to facilitate a measure that seemed to be wished for, and that, in itself, met his concurrence; but as, in his opinion, the only ineligibility of a judge to sit in Parliament arose from the circumstance of his having to ask the electors for their votes, he could not conceive that there could be any well founded objection to his possession of a seat in the Assembly, when he was elected. He believed that the talents and superior knowledge of the judges, to say nothing of other considerations, made them highly useful. He lamented that a measure, which he considered would have been beneficial to the country, should not have taken effect. But he trusted that the people, in the disappointment of their expectations, would do him justice, and acquit him of being the cause that so little business had been done.

Such is human nature, that, on leaving the Council Room, Sir James Craig was loudly cheered. His manliness, combined with stupidity, and his real honesty of purpose, had its temporary effect upon those who admire pluck as much in a Governor as in a game cock. Not only was His Excellency cheered on leaving the Parliament buildings, addresses poured in upon him from all quarters. Quebec, Montreal, Terrebonne, Three Rivers, Sorel, Warwick, and Orleans, complimented Sir James. A more cunning man would have flattered himself that he had acted rightly. But there was to be a day of retribution. The late members of the late House of Assembly were not idle. Nor was the *Canadien* silent. Every means that prudence could dictate, and malevolence suggest, were resorted to, with a view to the re-election of the dismissed representatives. The "friends" of the government suggested that there were plans of insurrection and rebellion. It was insinuated that the French Minister at Washington, had supplied the seditious in Canada with money. It was even broadly stated that the plenipotentiary's correspondence had been intercepted by the agents of the government. And that which was not said is more difficult of conjecture than that which was said.

The revenue was this year £70,356, and the expenditure £49,347 sterling; 635 vessels, consisting of 138,057 tons, had arrived from sea; and 26 vessels had been built and cleared at the port.

At this time there were five papers in Lower Canada. The *Quebec Gazette*, the *Quebec Mercury, Le Canadien*, the *Montreal Gazette*, and the *Courant*. The three former were published in Quebec, the other two in Montreal. The

Gazettes were organs of the government, the *Mercury* and *Courant* were "namby-pamby," and the *Canadien* was as the voice of *le peuple*.

The elections were, in the month of March, again about to take place, and the government conceived the magnificent idea of carrying a printing office by assault. When everything was prepared, then was the time to act. Headed by a magistrate, a party of soldiers rushed up the stairs leading to the *Canadien* printing office. The proprietor received them with a low bow, and much annoyance was felt that no opposition was offered. The premises were searched. Some manuscripts were found, and, "under the sanction of the Executive," the whole press, and the whole papers of every description, were forcibly seized, and conveyed as booty to the vaults of the Court House. In this action one prisoner was made. The printer was seized, and "after examination," was committed to prison. And, as if an insurrection were expected, the guards at the gates were strengthened, and patrols sent in every direction. The public looked amazed, as well it might. The *Mercury* did not know whether most to admire the tyrannical spirit or the consummate vanity of the Canadians, and of No. 15, of the *Canadien*, which contended that the Canadians had rights. As a striking proof of Canadian tyranny, the *Canadien* would not allow any but the members of the Assembly to be a judge of the expediency of expelling Judge DeBonne! and it was even said that of all those who signed the address to His Excellency, presented in the name of Quebec, not one was capable of understanding the nature of the question. In a *dependence*, such as Canada, was the government to be daily flouted, bearded, and treated with the utmost disrespect and contumely? "He" expected nothing less than that its patience would be exhausted, and *energetic measures* resorted to, as the only efficient ones. From any part of a people conquered from wretchedness into every *indulgence*, and the *height of prosperity*, such treatment, as the government daily received was far different from that which ought to have been expected. But there were characters in the world on whom benefits have no other effect than to produce *insolence* and *insult*. The stroke was struck, the *Mercury* would say no more. The greatest misfortune that can ever happen to the press is for it to be in the possession of invisible and licentious hands. It said no more, because "the war was with the dead!"

Sir James was not very sure that he had acted either wisely or well. He thought it necessary to explain. Divers wicked and seditious writings had been printed. Divers wicked and seditious writings had been dispersed throughout the province. Divers writings were calculated to mislead divers of His Majesty's subjects. Divers wicked and traitorous persons had endeavoured to bring into contempt and had vilified the administration, and divers persons had invented wicked falsehoods, with the view of alienating the affections of His Majesty's subjects from the respect which was due to His Majesty's person. It was impossible for His Majesty's representative longer to disregard or suffer practices so directly tending to subvert His Majesty's government, and to destroy the happiness of His Majesty's subjects. He, therefore, announced, that with the advice and concurrence of the Executive Council, and due information having been given to three of His Majesty's Executive Councillors, warrants, as by law authorised, had been issued, under which, some of the authors, printers, and publishers of the aforesaid traitorous and seditious writings had been apprehended and secured. Deeply impressed with a desire to promote, in all respects, the welfare and happiness of the most benevolent of sovereigns, whose servant he had been for as long a period as the oldest inhabitant had been his subject, and whose highest displeasure he should incur if the acts of these designing men had produced any effect, he trusted that neither doubts nor jealousies had crept into the public mind. He would recall to the deluded, if there were any, the history of the whole period during which they had been under His Majesty's government. It was for them to recollect the progressive advances they had made in the wealth, happiness, and unbounded liberty which they then enjoyed. Where was the act of oppression—where was the instance of arbitrary imprisonment—or where was the violation of property of which they had to complain? Had there been an instance in which the uncontrolled enjoyment of their religion had been disturbed? While other countries and other colonies had been deluged in blood, during the prevalent war, had they not enjoyed the most perfect security and tranquillity? What, then, could be the means by which the traitorous would effect their wicked purposes? What arguments dare they use? For what reason was happiness to be laid aside and treason embraced? What persuasion could induce the loyal to abandon loyalty and become monsters of ingratitude? The traitorous had said that he desired to embody and make soldiers of twelve thousand of the people, and because the Assembly would not consent, that he had dissolved the Parliament? It was monstrously untrue, and it was particularly atrocious in being advanced by persons who might have been supposed to have spoken with certainty on the subject. It had been said that he wanted to

tax the lands of the country people, that the House would only consent to tax wine, and that for such perverseness he had dissolved the Assembly. Inhabitants of St. Denis! the Governor General never had the most distant idea of taxing the people at all. The assertion was directly false. When the House offered to pay the civil list, he could not move without the King's instructions. But in despair of producing instances from what he had done, the traitorous had spoken of that which he intended to do. It was boldly said that Sir James Craig intended to oppress the Canadians. Base and daring fabricators of falsehood! on what part of his life did they found such assertions? What did the inhabitants of St. Denis know of him or of his intentions? Let Canadians inquire concerning him of the heads of their church. The heads of the church were men of knowledge, honor, and learning, who had had opportunities of knowing him, and they ought to be looked to for advice and information. The leaders of faction and the demagogues of a party associated not with him, and could not know him. Why should he be an oppressor? Was it to serve the King, the whole tenor of whose life had been honorable and virtuous? Was it for himself that he should practice oppression? For what should he be an oppressor? Ambition could not prompt him, with a life ebbing slowly to a close, under the pressure of a disease acquired in the service of his country. He only looked forward to pass the remaining period of his life in the comfort of retirement, among his friends. He remained in Canada simply in obedience to the commands of his King. What power could he desire? For what wealth would he be an oppressor? Those who knew him, knew that he had never regarded wealth, and then, he could not enjoy it. He cared not for the value of the country laid at his feet. He would prefer to power and wealth a single instance of having contributed to the happiness and prosperity of the people whom he had been sent to govern. He warned all to be on their guard against the artful suggestions of wicked and designing men. He begged that all would use their best endeavours to prevent the evil effects of incendiary and traitorous doings. And he strictly charged and commanded all magistrates, captains of militia, peace officers, and others, of His Majesty's good subjects to bring to punishment such as circulated false news, tending, in any manner, to inflame the public mind and to disturb the public peace and tranquillity.

Could anything have been more pitiable than such a proclamation? The existence of a conspiracy on the part of some disaffected persons to overthrow the King's government was made to appear with the view of covering a mistake. The proclamation was the apology for the illegal seizure of a press and types used in the publication of a newspaper, in which nothing seditious or treasonable had in reality been published. It was true that the *Canadien* upheld the Assembly and criticised the conduct of the Executive, with great severity. It was true that the *Canadien* complained of the tyranny of "*les Anglais*." It was true that the *Canadien* strenuously supported the idea of the expenses of the civil list being defrayed by the province and not by the Imperial government. And it was true that it contended for "*nos institutions, notre langue, et nos lois*." It did nothing more. No hint was thrown out that Canada would be more prosperous under the American, than under the English dominion. It was not even insinuated that Canada should be wholly governed by Canadians. All that was claimed for French Canadians was a fair share in the official spoils of the land they lived in, freedom of speech, and liberty of conscience. Governor Craig asked the inhabitants of St. Denis or any of the other inhabitants of the province to remind him of any one act of oppression or of arbitrary imprisonment. And at that very moment the printer of the *Canadien* was in prison. Nor was he there alone, there were Messrs. Bedard, Blanchet, and Taschereau, members of the recently dissolved House of Assembly, together with Messrs. Pierre Laforce, Pierre Papineau, of Chambly, and François Corbeille, of Isle Jésus, to keep him company, on charges of treasonable practices, concerning which there was not, and never had been, even the shadow of proof, on charges which the government did not attempt even to prove, and on charges which were withdrawn without the accused having ever been confronted with their accusers. Base and daring fabricators of falsehood! François Corbeille, an innocent man, the victim only of unjust suspicions, on the one hand, and of diabolical selfishness, on the other, died in consequence of the injury his health received in that prison where tyranny had placed him. But he could issue no proclamation. His voice was not loud enough in the tomb to reach the Court of St. James, surrounded as that Court was, by an impenetrable phalanx of Downing Street Red-tapists. Canada was only mis-governed because England was deceived, through the instrumentality of Governors, honorable enough as men, but so wanting in administrative capacity, as to be open to the vile flattery and base insinuations of those who were, or rather should have been at once the faithful servants of the Crown and of that people who upheld it, who were virtually taken possession of, on arrival, by the "*gens en place*," and held safely in

custody, until their nominal power had ceased. And when power had passed away, then only did many of them perceive, as Sir James Craig is reported to have done, the deception, the ingratitude, and the almost inhumanity of man. There is some excuse to be offered for the extraordinary course of policy pursued by Sir James Craig; and an apology even can be made for the crooked policy of those voluntary advisers who had hedged him in. Great Britain was at war with France. The name of a Frenchman was unmusical in the ears of any Englishman of that period, and it sounded harshly in the ears of the British soldier. It was France that had prostituted liberty to lust. It was France that had dragged public opinion to the scaffold and the guillotine. It was France that held the axe uplifted over all that was good and holy. It was France that was making all Europe a charnel-house. It was General Buonaparte of France, who only sought to subdue England, the more easily to conquer the world. Many an English hearth had cursed his name. Many a widow had he made desolate, and many an orphan fatherless. The "conquered subjects" of King George spoke and thought in French. They held French traditions in veneration. There could only be a jealousy, a hatred, a contempt entertained of everything seeming to be French, in the heart of an Englishman. And these sentiments were doubtless reciprocated. But, still the French of Canada, were only, now, French by extraction. They had long lost that love of the land of their origin, which belongs to nativity. Few men in the province had been born in France. Few Canadians knew anything about the new regime, or took any interest in the "*Code Napoléon*." And few even cherished flattering recollections of Bourbon rule. The Canadians wanted English liberty, not French republicanism. The Canadians wanted to have for themselves so much liberty as a Scotchman might enjoy at John O'Groats, or an Englishman obtain at Land's-End. And for so desiring liberty they were misrepresented, because of English colonial prejudices, and because of official dislikes and selfishness. When the first Attorney-General of Canada, Mr. Mazzeres, afterwards Cursitor Baron of the Exchequer, in England, of whom Mr. Ryland was but a pious follower, proposed to convert the Canadians to Anglicism in religion, in manners, and in law, assuredly little opposition could have been made to the scheme. Then, the pursuance of Cardinal Richelieu's policy would, in after ages, have exemplified that the pen had been mightier than the sword. Then the whole population of the province could have been housed in one of the larger cities of the present time. But when the province had increased in numbers to 300,000, partially schooled in English legislation, the exercise of despotism was only as impolitic as it was obviously unjust. It was feared by the officers of the civil government of Canada, when this despotism was practised, that the legislature might have the power, which has since been conceded, of dispensing with the services of merely imperial officers, and of filling, with natives to the manor born, every office of profit or emolument in the province. It was feared if the exclusive power were granted to the Colonial Legislature of appropriating all the sums necessary for the civil expenditure of the province, that it would give the Legislature absolute control over the officers of the empire and of the colony, and annihilate, if not actually, potentially, the *imperium* of Great Britain over her colony. A distinction was drawn between the privileges of a colonist and of the resident of the United Kingdom. While every municipality in the latter was permitted to pay and control its own officers, the voice of a colonist was to be unheard in the councils of the nation to which he was attached, and he was to have no control over the actions of those who were to make or administer the laws, under which he lived. He was patiently to submit to the overbearing assumptions of some plebeian Viceroy, accidentally raised to a quasi-level with the great potentates of the earth, and inclined to ride with his temporary and borrowed power, after that great impersonage of evil, which, it is alleged, the beggar always attempts to overtake when, having thrown off his rags and poverty, he has been mounted on horseback. It is admitted that at this time the province was controlled by a few rapacious, overbearing, and irresponsible officials, without stake or other connection with the country, than their offices,[14] having no sympathy with the mass of the inhabitants. It is admitted that these officials lorded it over the people, upon whose substance they existed, and that they were not confided in, but hated. It is admitted that their influence with the English inhabitants arose from the command of the treasury. And it is admitted that, though only the servants of the government, they acted as if they had been princes among the natives and inhabitants of the province, upon whom they affected to look down, estranging them from all direct intercourse, or intimacy, with the Governor, whose confidence, no less than the control of the treasury, it was their policy to monopolise. To the candidates for vice-regal favors, their smiles were fortune, and their frowns were fate. The Governor was a hostage in the keeping of the bureaucracy, and the people were but serfs.

Nothing has been left on record to show that when Sir James Craig issued his absurd proclamation, treason was to have

been feared, unless it be that the clergy were required to read the proclamation from the pulpits of the parish churches, that Chief Justice Sewell read it from the Bench, that the Grand Jury drew up an address to the Court and strongly animadverted upon the dangerous productions of the *Canadien*, and that the *Quebec Mercury* expressed its abhorrence of sedition, and chronicled the fact that 671 *habitants* had expressed their gratitude to the Governor, for his "truly paternal proclamation."

In the April term of the Court of King's Bench, the release of Mr. Bedard from gaol, was attempted, by an attempt to obtain a writ of *Habeas Corpus*. But the Bench was not sufficiently independent of the Crown. The writ was refused. The State prisoners were compelled to remain in prison, indulging the hope that whatever charges could be preferred against them would be reduced to writing, and a trial be obtained. It was hoping against hope. Some of the imprisoned fell sick, among whom was the printer of the *Canadien*, and all in the gaol of Quebec, with the exception of Mr. Bedard, were turned out of prison. Mr. Bedard refused to be set at liberty without having had the opportunity of vindicating his reputation by the verdict of a jury. Conscious of the integrity of his conduct, and of the legality of his expressed political opinions, he solicited trial, but the September session of the Criminal Term of the King's Bench was suffered to elapse without any attention having been paid to him. Three of the prisoners were imprisoned in the gaol of Montreal, and were not only subjected to the inconveniences and discomforts of a damp and unhealthy prison, but to the petty persecutions of a relentless gaoler. They were one after the other enlarged without trial, Mr. Corbeil only to die.

In the course of the summer the government had been occupied with the regulation and establishment of a system of police, in Montreal and Quebec, and, with that view, salaried chairmen were appointed to preside over the Courts of Quarter Sessions. The government also determined upon opening up a road to the Eastern Townships, which would afford a direct land communication between Quebec and Boston. Commencing at St. Giles, on the south shore of the St. Lawrence, that road to the township of Shipton, which still bears the name of Governor Craig, was completed by a detachment of troops.

On the 10th of December, Parliament again met. The House of Assembly re-elected Mr. Panet to the Speakership, and the Governor approved of his election. In his speech from the throne, Governor Craig had never doubted the loyalty and zeal of the parliaments which had met since he had assumed the administration of affairs. He was confident that they were animated by the best intentions to promote the interests of the King's government and the welfare of the people. He looked for such a disposition in the tenor of their deliberations. He called their attention to the temporary Act for the better preservation of His Majesty's government, and for establishing regulations respecting aliens or certain subjects of His Majesty, who had resided in France. No change had taken place in the state of public affairs, that would warrant a departure from those precautions which made the Act necessary. He did not mean that it should be supposed that he meant to divide the interests of His Majesty's government from the interests of the public, for they were inseparable. But the preservation of His Majesty's government was the safety of the province, and its security was the only safeguard to the public tranquillity. He therefore recommended those considerations together with the Act making temporary provision for the regulation of trade between Canada and the United States to their first and immediate consideration. He entreated them to believe that he should have great satisfaction in cultivating that harmony and good understanding which must be so conducive to the prosperity and happiness of the colony, and that he should most readily and cheerfully concur, in every measure, which they might propose, tending to promote those important objects. And he further intimated that the rule of his conduct was to discharge his duty to his sovereign, by a constant attention to the welfare of his subjects, who were committed to his charge, and these objects he felt to be promoted by a strict adherence to the laws and principles of the constitution, and by maintaining in their just balance the rights and privileges of every branch of the legislature. Sir James Craig's attempts at maintaining a balance of power were the chief causes of all his blundering. He did not himself know the proper balance of power between himself and the governed. He could not possibly perceive when his balance-beam was out of its centre, and if he had seen a slight leaning to one side, and that side not his own, he could not have conceived that the scales of justice would have been very much affected. It never occurred to him that the displacement of it, only to the extent of one-sixteenth half of an inch, on the side of Government and Council, would weigh a quarter of a century against the Assembly, the people and progress. But so it was. The beam

with which Sir James Craig would have and did weigh out justice, was one-sided, and, to make matters still worse, the Governor threw into the adverse scale a host of his own prejudices, and of the prejudices of his secret councillors. He would have been glad, had the House expelled Mr. Bedard, one of its members, on the plea that it was prejudicial to its dignity that a representative of the people should be kept in durance, while the House was in session, and still more discreditable that that member should be charged with treason. Hardly had he delivered his speech, and the Assembly returned to their chamber, when the Governor sent a message to the House intimating that Mr. Bedard, who had been returned to Parliament, as the representative of Surrey, was detained in the common gaol of Quebec, under the "Preservation Act," charged with treasonable practices. The House most politely thanked the Governor-in-Chief for the information. The House resolved that Mr. Bedard was in the common gaol of Quebec. The House resolved that Pierre Bedard was, on the 27th day of March, returned to Parliament, as one of the Knights Representative of Surrey. The House resolved that Pierre Bedard, was then one of the members of the Assembly, for the existing Parliament. The House resolved that the simple arrest of any one of His Majesty's subjects did not render him incapable of election to the Assembly. The House resolved that the Government Preserves Act, guaranteed to the said Pierre Bedard, Esquire, the right of sitting in the Assembly. And the House resolved to present a humble address to His Excellency, informing him that his message had been seriously considered, that several resolutions had been passed, which they conceived it to be their duty to submit to His Excellency, and that it was the wish of the House that Pierre Bedard, Esquire, Knight Representative for the County of Surrey, might take his seat in the House. The vote in favor of the resolutions was expressively large. There were twenty-five members present, and twenty voted for the resolutions. Messrs. Bourdages, Papineau, senior, Bellet, Papineau, junior, Debartch, Viger, Lee, and Bruneau, were named a committee to present an address to the Governor, founded on the resolutions, but they managed to escape that honor. When it was moved to resolve that an enquiry be made as to the causes which had prevented the messengers from presenting the address, as ordered by the House, Mr. Papineau, senior, moved that nothing more should be said about the address, and the motion was carried. Nor was anything more said about the unfortunate gentleman who was imprisoned, as the Governor himself afterwards stated, only as a measure of precaution, not of punishment, until the close of the session, when he was released. He was kept in Ham because he might have done mischief, on the principle that prevention is better than cure, and, when Mr. Bedard desired to know what was expected of him, the Governor sent for his brother, the curé, and authorized him to tell Mr. Bedard that he had been confined by government, "only looking to its security and the public tranquillity," and that when Mr. Bedard expressed a sense of that error, of which he was ignorant, he would be immediately enlarged. Mr. Bedard replied courteously, but declined admitting any error, which he had not made, or of confessing to any crime of which he was not guilty. The Governor had heard of the resolutions of the House, and expected the presentation of the address embodying them, when he received an application from the elder Papineau, one of the committee, requesting a private conference on the subject of the resolutions. That conference only drew from His Excellency the remark that:—"No consideration, Sir, shall induce me to consent to the liberation of Mr. Bedard, at the instance of the House of Assembly, either as a matter of right, or as a favor, nor will I now consent to his being enlarged on any terms during the sitting of the present session, and I will not hesitate to inform you of the motives by which I have been induced to come to this resolution. I know that the general language of the members, has encouraged the idea which universally prevails, that the House of Assembly will release Mr. Bedard; an idea so firmly established that there is not a doubt entertained upon it in the province. The time is therefore come, when I feel that the security as well as the dignity of the King's government, imperiously require that the people should be made to understand the true limits of the rights of the respective parts of the government, and that it is not that of the House of Assembly to rule the country." And Mr. Bedard, sensible of having done no wrong, remained in gaol until the Parliament was prorogued, as an example to the people that there was no public opinion worth heeding, in the province, and that the power of the Governor was something superior to that of the Assembly. The Assembly went to work after having made the fruitless attempt to liberate Mr. Bedard, and passed as many bills as were required. The "gaols" bill was temporarily continued: the repairs of the Castle of St. Lewis having cost £14,980, instead of £7,000, as contemplated, the additional outlay was voted; £50,000 were voted towards the erection of suitable parliament buildings. The Alien Act and that for the Preservation of the Government were continued, together with the Militia Act, to March 1813; the bill to disqualify judges from being elected to the Assembly passed both Houses, and to these the Governor assented, proroguing the Parliament afterwards

with great pleasure. Communication with Europe had been difficult during the winter, on account of the impediments thrown in the way of American commerce. The Princess Charlotte had died, and the sovereign himself had become alarmingly indisposed. A new Act of non-intercourse had been passed in the American Congress. He had seen among the Acts passed, and to which he had just declared His Majesty's assent, with peculiar satisfaction, the Act disqualifying the judges from holding a seat in the House of Assembly. It was not only that he thought the measure right in itself, but that he considered the passing of an Act for the purpose, as a complete renunciation of the *erroneous principle*, the acting upon which put him under the necessity of dissolving the last parliament. The country was becoming luxuriantly rich, and he hoped that all would be harmony and tolerance. He would be a proud man who could say to his sovereign that he found the Canadians divided and left them united.

On the 19th of June, 1811, Lieut.-General Sir James Craig embarked for England, in H.M.S. *Amelia*. Previous to his departure he received addresses from Quebec, Montreal, Three Rivers, Warwick, and Terrebonne, and when he was about to leave the Chateau St. Louis, the British population, who admired the old General more perhaps than they did the constitutional ruler, exhibited considerable feeling. The multitude took the place of His Excellency's carriage horses and popularly carried away, to the Queen's wharf, His Majesty's representative. Nay, the old soldier, who really had a heart, almost wept as he bade farewell to men, some of whom he had first met with in the battle field, and had since known for nearly half a century. Sir James too was ill. It was not indeed expected that he would have lived long enough to reach England. His dropsy was becoming not only troublesome but dangerous.[15]

Sir James was succeeded in the administration of the government of Canada by Mr. Dunn.

The Canadians had, during the administration of Governor Craig, earnestly pursued Junius' advice to the English nation. They had never, under the most trying circumstances, suffered any invasion of their political constitution to pass by, without a determined and persevering resistance. They practically exhibited their belief in the doctrine that, one precedent creates another; that precedents soon accumulate and constitute law; that what was yesterday fact becomes to-day doctrine; that examples are supposed to justify the most dangerous measures, and that where they do not suit exactly, the defect is supplied by analogy. They felt confident that the laws which were to protect their civil rights were to grow out of their constitution, and that with it the country was to fall or flourish. They believed in the right of the people to choose their own representatives. They were sensibly impressed with the idea that the liberty of the press is the palladium of the civil, political, and religious rights of a British subject, and that the right of juries to return a general verdict, in all cases whatsoever, is an essential part of the British constitution, not to be controlled, or limited, by the judges, nor in any shape to be questionable by the legislature. And they believed that the power of the King, Lords, and Commons, was not an arbitrary power, but one which they themselves could regulate. In a word, they believed that, whatever form of government might be necessary for the maintenance of order, and for putting all men on an equality in the eye of the law, the people themselves were the source of all power, and they acted accordingly.

Mr. Peel, (afterwards Sir Robert Peel,) Under Secretary of State, condemned the conduct of Sir James Craig, as Governor of Canada. Mr. Ryland, himself, informed Sir James, by letter, from London, whither he had been sent with despatches, that when he observed to Mr. Peel that Sir James Craig had all the English inhabitants with him, and, consequently, all the commercial interest of the country, Mr. Peel remarked that the Canadians were much more *numerous*, and he repeated the same remark more than once, in a way that indicated a fear of doing anything that might clash with the prejudices of the *more numerous* part of the community. And when Mr. Ryland ventured to suggest that the decided approbation of the Governor's conduct could not fail to have a *desirable* effect on the minds of the Canadians, and that the best way of expressing such approbation, was by suspending the constitution, as Sir James Craig had recommended, Mr. Peel thought that a re-union of the provinces would be better than a suspension of the constitution of Lower Canada. Lord Liverpool thought that it was not very necessary to imprison the editors of the *Canadien*. He quietly asked if they could not have been brought over to the government? Mr. Ryland said that it was not possible, that Mr. Bedard's motive for opposing the government, was possibly to obtain office, but he had acted in such a way as to make that impossible. At dinner with the Earl of Liverpool, at Coombe Wood, Mr. Ryland seems to have had a combing from

Mr. Peel. He writes to Sir James Craig that, in a conversation with Mr. Peel, before dinner, concerning the state of things in Canada, he was mortified to find that he had but an imperfect idea of the subject. He expressed himself as though he had thought that Sir James Craig had dissolved the House of Assembly on account of their having passed a bill for excluding the judges. He endeavored to give Mr. Peel a clear and correct conception of these matters, but God knew with what success! He recollected Governor Craig's advice, and kept his temper, but it was really very provoking to see men of fine endowments and excellent natural understanding, too inattentive to make themselves masters of a very important subject, which had been placed before them, in an intelligible manner. When Mr. Peel asked him if the English members of the House were always with the government, Mr. Ryland said that in every case of importance, with the exception of Mr. James Stuart, formerly Solicitor-General, the English members always supported the views of the government. And, indeed, the Attorney-General of England, Sir Vicary Gibbs, reported against the despotic intentions of Sir James Craig, and, at the suggestion of his secretary, further expressed his official opinion that the paper published in the *Canadien*, and upon which the proceedings of the Executive Council of Canada had been founded, was not such as to fix upon the publishers, the charge of treasonable practices, and that it was only the apprehensions that had been in Canada entertained, of the effects of the publication of the paper in the *Canadien*, that might have made it excusable to resort to means, not strictly justifiable in law, for suppressing anticipated mischief. The truth was simply that a stupid old man, filled with the most violent prejudices, against change of any sort, had been sent to govern a new and rapidly rising country, and knew not how success was to be obtained. His mind was full of conspiracies, rebellions, and revolutions, and nothing else. When he retired to rest, and had drawn the curtains of his bed, there sat upon him, night after night, three horrible spectres:—the Rebellion in Ireland, the Reign of Terror in France, and the American revolution. He slept only to dream of foul conspiracies, and he was dreaming how they best could be avoided, when in broad daylight he was most awake.

Upper Canada had not yet become sufficiently populous to require much legislation. Indeed, the legislature of that province hardly transacted any business more important than now devolves upon some insignificant county municipality. There was as yet no party. There were as yet no grievances. Parliament was annually assembled by Governor Gore, rather because it was a rule to which he was bound to attend, than because it was required. He met his parliament again, on the 1st of February, 1811, and business having been rapidly transacted, the royal assent was given to nine Acts, relative to the erection and repair of roads and bridges, to the licensing of petty chapmen, to the payment of parliamentary contingencies, to the regulation of duties, to the further regulation of the proceedings of sheriffs, in the sale of goods and chattels, taken by them in execution, to assessments, to bills of exchange, and to the raising and training of the militia.

On the 30th of September, in the same year, Lieutenant-Governor Francis Gore resigned the government into the hands of Major-General, Sir Isaac Brocke, and returned to England, Mr. Dunn, having, on the 14th of the same month, been relieved of the government of Lower Canada, by Lieutenant-General Sir George Prevost, Baronet, the Lieutenant-Governor of Nova Scotia, and now appointed Governor General of British North America, in consideration as well of his administrative ability, as of his distinguished reputation as an officer in the army. No sooner had Sir George arrived at Quebec, than he set out on a tour of military observation. War was now more than ever imminent. Another difficulty had occurred at sea. A British sloop of war, the *Little Belt*, had been fired into by the American frigate, *President*, and, in the rencontre which followed, had suffered greatly in her men and rigging. The British Orders in Council had not been rescinded, American commerce was crippled, the revenue was falling off, and there was that general quarrelsomeness of spirit which, sooner or later, must be satisfied, pervading the middle States of the American Union. Congress was assembled by proclamation, on the 5th of November, and the President of the United States indicated future events by a shadow in his opening "Message." Mr. Madison found that he must "add" that the period had arrived which claimed from the legislative guardians of the national rights, a system of more ample provision for maintaining them. There was full evidence of the hostile inflexibility of Great Britain. She had trampled on rights, which no independent nation could relinquish, and Congress would feel the duty of putting the United States into an armour and an attitude, demanded by the crisis, and corresponding with the national spirit and expectation. Congress did as they were recommended to do. Bills were passed having reference to probable hostilities, one of which authorized the President to raise, with as little delay

as possible, twenty-five thousand men.

In Canada every man held his breath for a time.

CHAPTER III.

General Prevost was the very opposite of Sir James Craig. While the latter considered force the only practical persuasive, the former looked upon persuasion as more practicable than force. He was determined to be conciliatory, to throw aside unjust suspicions, to listen to no tales from interested parties, to redress such grievances as existed, and to create no new causes of discontent if he could avoid it. He was made acquainted with all the steps that had been taken by his predecessor, and he entered on the administration of the government of Lower Canada, with a determination to pursue a very opposite policy. A few weeks after his assumption of office he remodelled, or rather recommended to the Imperial ministry, the expediency of remodelling the Executive Council. He caused seven new members to be added to it, and he further offended the officers of the principalities or departments, by preferring to places of trust and emolument, some of the demagogues persecuted by Sir James Craig. Sir George Prevost met the parliament on the 21st of February, 1812. He congratulated the country on the brilliant achievements of Wellington, in the deliverance of Portugal and the rescue of Spain from France. Notwithstanding the changes, so astonishing, which marked the age, the inhabitants of Canada had witnessed but as remote spectators the awful scenes which had desolated Europe. While Britain, built by nature against the contagious breath of war, had had her political existence involved in the fate of neighboring nations, Canada had hitherto viewed without alarm a distant storm. The storm was now approaching her. The mutterings of the thunder were already within hearing. All was gloomy, still, and lurid. It was necessary to be vigilant. To preserve the province from the dangers of invasion it would be necessary to renew those Acts which experience had proved essential for the preservation of His Majesty's government, and to hold the militia in readiness to repel aggression. The renewal of the "Preservation Acts," was not that which the Assembly very much desired. They had had enough of such "Preservation" of government Acts already. They would much rather have been preserved from them than be preserved with them. On the principle of self preservation, the Assembly would rather be excused from continuing any such Act as that which had been so abused as to have afforded a licence for the imprisonment of three members of the Assembly, on vague charges, which the ingenuity of the public prosecutor could not reduce to particulars. Had it not been from a conviction of the goodness of the new Governor, the Assembly would not have renewed any such Act. Sir George regretted that the Parliament had thought it necessary to revert to any of the proceedings of his predecessor, under one of the "Preservation Acts," and he earnestly advised the gentlemen of the House of Assembly to evince their zeal for the public good, by confining their attention solely to the present situation of affairs. But the House thought it due to the good character of His Majesty's subjects that some measure should be adopted by the House, with the view of acquainting His Majesty of the events which had taken place under the administration of Sir James Craig, its late Governor, together with the causes which such events had originated, so that His Majesty might take such steps as would prevent the recurrence of a similar administration, an administration which tended to misrepresent the good and faithful people of the province, and to deprive them of the confidence and affection of His Majesty, and from feeling the good effects of his government, in the ample manner provided for by law. Nay, this was not all. It was moved that an enquiry be made into the state of the province, under the administration of Sir James Craig, and into the causes that gave rise to it, and the resolution was carried, two members only voting against it. A committee was appointed, but no report was made. The bill for the better preservation of His Majesty's government, and the Alien bill were both lost, not by ill intention, but by awkward management. But the loss of these bills was amply compensated by the militia bill, authorizing the Governor to embody two thousand young, unmarried men, for three months in the year, who, in case of invasion, were to be retained in service for a whole year, when one-half of the embodied would be relieved by fresh drafts. In the event of imminent danger, he was empowered to embody the whole militia force of the country, but no militiaman was to be enlisted into the regular forces. For drilling, training, and other purposes of the militia service, £12,000 were voted, and a further sum of £30,000 was placed at the disposal of the Governor-in-Chief, to be used in the event of a war arising between Great Britain and the United States.

Sir George Prevost prorogued Parliament on the 19th of May, well satisfied with the proofs which had been exhibited to him, of the loyalty of the parliament and people of a country so very shortly before represented to be treasonable,

seditious, disaffected, and thoroughly imbued with hatred towards Great Britain. He shortly afterwards reinstated, in their respective ranks in the militia, such officers as had been set aside by Sir James Craig, without just cause, and indeed spared no exertion to make the people his friends, well judging that the office, or place men would, of necessity be so. On the 28th of May, he levied and organised four battalions of embodied militia; and a regiment of voltigeurs was raised, the latter being placed under the command of Major De Salaberry, a French-Canadian, who had served in the 60th regiment of foot.

There was need for this embodiment of troops. Already, dating from the 3rd of April, the American Congress had passed an Act laying an embargo for ninety days on all vessels within the jurisdiction of the United States. The President, Mr. Jefferson, had recommended the embargo. He had long intended to gratify the lower appetites of the worst class of the American people, who were now more numerous than that respectable class of republicans of which that great man, Washington, was himself the type. The measure was preparatory to a war with Great Britain. And war was very soon afterwards declared. On the 4th of June, a bill declaring that war existed between Great Britain and the United States passed the House of Representatives by a majority of seventy-nine to forty-nine. The bill was taken to the Senate, and there it passed only by the narrow majority of six. The vote was nineteen voices in the affirmative and thirteen in the negative. Mr. Jefferson assented to the bill on the 18th of June. The grounds of war were set forth in a message of the President to Congress, on the 1st of June. The impressment of American seamen by British naval officers; the blockade of the ports of the enemies of Great Britain, supported by no adequate force, in consequence of which American commerce had been plundered in every sea, and the great staples of the country cut off from their legitimate markets; and on account of the British Orders in Council. The Committee on Foreign relations believed that the freeborn sons of America were worthy to enjoy the liberty which their fathers had purchased at the price of much blood and treasure. They saw by the measures adopted by Great Britain, a course commenced and persisted in, which might lead to a loss of national character and independence, and they felt no hesitation in advising resistance by force, in which the Americans of that day would prove to the enemy and the world, that they had not only inherited that liberty which their fathers had given them, but had also the will and the power to maintain it. They relied on the patriotism of the nation, and confidently trusted that the Lord of Hosts would go down with the United States to battle, in a righteous cause, and crown American efforts with success. The committee recommended an immediate appeal to arms. The confidential secretary of Sir James Craig was not a little to blame for the terrible state of fermentation into which the representatives of the sovereign people of America had wrought themselves. Without the knowledge of the Imperial government, Mr. Secretary Ryland had received the concurrence of Sir James Craig to a scheme for the annexation of the New England States to Canada. A young man named Henry, of Irish parentage, and a captain in the militia of the American States had come to Montreal with the view of remaining in Canada. He studied law and made considerable proficiency. Indeed, he was a young man possessed of some talent and of great assurance. And as there was another suspicion haunting the minds of Sir James Craig and of Mr. Secretary Ryland, Mr. John Henry, late captain in the American service, and now Barrister-at-law, was introduced to Governor Craig, as a gentleman likely to inform the government of Canada, whether or not, the suspicions of the Governor and of the Governor's Secretary, were correct, these suspicions being that the North Eastern States of the American Republic desired to form a political connection with Great Britain. Mr. Henry appeared to be the very man for such a mission. He was immediately employed as a spy, and went to Boston, where he did endeavour to ascertain the public mind, in those places in which it is most frequently spoken. He lingered about hotels and news rooms. He visited the parks and the saloons. He went to church, or wherever else information was to be obtained, and he sent his experiences regularly to Mr. Ryland, who furnished him with instructions. But Captain Henry required to be paid for all this trouble. He applied to Governor Craig to find that excellent gentleman had no idea of their value. He then memorialized Lord Liverpool, asking for his services only the appointment of Judge Advocate of Lower Canada, to which the salary of £500 a year was attached. The noble Lord, at the head of the government, knew nothing about Captain Henry, and recommended him, if he had any claim upon Canada, to apply to Sir George Prevost, the Governor General. Captain Henry would do no such thing. He went to the United States, and, for the sum of fifty thousand dollars, gave up to the American government a very interesting correspondence between the Secretary of the Governor General of Canada, Mr. Ryland, and himself. Congress was so transported with rage, at the attempted annexation, that a bill was

brought into the House of Representatives, and seriously entertained, the object of which was to declare every person a pirate, and punishable with death, who, under a pretence of a commission from any foreign power, should impress upon the high seas any native of the United States; and gave every such impressed seaman a right to attach, in the hands of any British subject, or of any debtor to any British subject, a sum equal to thirty dollars a month, during the whole period of his detention.[16] The federalist Americans were somewhat favourably disposed towards England. The minority in the House of Representatives, among which were found the principal part of the delegation from New England, in an address to their constituents, solemnly protested, on the ground that the wrongs of which the United States complained, although in some respects, grievous, were not of a nature, in the then state of the world, to justify war, nor were they such as war would be likely to remedy. On the subject of impressment they urged that the question between the two countries had once been honorably and satisfactorily settled, in the treaty negotiated with the British Court by Messrs. Monroe and Pinckney, and that although that treaty had not been ratified by Mr. Jefferson, arrangements might probably again be made. In relation to the second cause of war—the blockade of her enemies' ports, without an adequate force, the minority replied that it was not designed to injure the commerce of the United States, but was retaliatory upon France, which had taken the lead in aggressions upon neutral rights. In addition it was said, that as the repeal of the French decrees had been officially announced, it was to be expected that a revocation of the Orders in Council would follow. They could not refrain from asking what the United States were to gain from war? Would the gratification of some privateers-men compensate the nation for that sweep of American legitimate commerce, by the extended marine of Great Britain, which the desperate act of declaring war invited? Would Canada compensate the middle States for New York, or the Western States for New Orleans? They would not be deceived! A war of invasion might invite a retort of invasion. When Americans visited the peaceable, and, to Americans, the innocent colonies of Great Britain, with the horrors of war, could Americans be assured that their own coast would not be visited with like horrors. At such a crisis of the world, and under impressions such as these, the minority could not consider the war into which the United States had, in secret, been precipitated, as necessary, or required by any moral duty, or any political expediency. The country was divided in opinion, respecting either the propriety or the expediency of the war. The friends of the administration were universally in favor of it.

That there was no just cause for a declaration of war on the part of the United States, it may be sufficient to state that the news of the repeal of the obnoxious Order in Council, reached the United States before England was aware of the declaration of war. But the American government wanted a war as an excuse for a filibustering expedition to Canada, which was to be peaceably separated from Great Britain, and quietly annexed to the United States. Then existing differences would have been speedily patched up to the satisfaction of all parties, the Lower Canadians being, in the language of Sir James Craig, treasonable, seditious, and attached to the country with which the United States was in alliance, France. The United States were not prepared for war. While Great Britain had a hundred sail of the line in commission, and a thousand ships of war bore the royal flag, the Americans had only four frigates and eight sloops in commission, and their whole naval force afloat in ordinary, and building for the Ocean and the Canadian Lakes, was eight frigates and twelve sloops. Their military force only amounted to twenty-five thousand men, to be enlisted for the most part, but the President was authorised to call out one hundred thousand militia, for the purpose of defending the sea coast and the Canadian frontiers. The greatest want of all was proper officers. The ablest of the revolutionary heroes had paid the debt of nature, and there was no military officer to whom fame could point as the man fitted for command. With means so lamentably inconsiderable had America declared war against a country whose arms were sweeping from the Spanish Peninsula the disciplined and veteran troops of France. It was marvellous audacity. And it was a marvellous mistake. Canada, it is true, had only 5,454 men of all arms, who could be accounted soldiers, 445 artillery, 3,783 infantry of the line, and 1,226 fencibles. She had only one or two armed brigs and a few gun-boats on the lakes, but the Upper Canadians were not prepared to exchange their dependency on Great Britain for the paltry consideration of being erected into a territory of the United States, and the Superintendent of the Church of Rome, in Lower Canada, hardly thought it possible that a new conquest of Canada would make her peculiar institutions more secure than they were. The militia of both sections of Canada were loyal. They felt that they could, as their enemies had done before, at least defend their own firesides. There was no sympathy with the American character, nor any regard for American institutions then.

Those feelings were to be brought about by that commercial selfishness which time was to develop.

The declaration of war by the United States was only known in Quebec on the 24th of June. A notification was immediately given by the police authorities to all American citizens then in Canada, requiring them to leave the province on or before the third of July. But Sir George Prevost afterwards extended the time to fourteen days longer, to suffer American merchants to conclude their business arrangements. Proclamations were issued, imposing an embargo on the shipping in the port of Quebec, and calling the legislature together, for the despatch of business. Parliament met on the 16th of July. The Governor-in-Chief announced the declaration of war, expressed his reliance upon the spirit, the determination, the loyalty and the zeal of the country. With the aid of the militia, His Majesty's regular troops, few in number, as they were, would yet gallantly repel any hostile attempt that might be made upon the colony. It was with concern that he saw the expense to which the organization and drilling of the militia would put the province. But battles must be fought, campaigning had to be endured, and true and lasting liberty was cheap at any cost of life or treasure. The reply was all that could be desired. While the House deplored the hostile declaration that had been made against Great Britain, and seemed to shrink from the miseries which war entails, they assured the Governor that threats would not intimidate, nor persuasions allure them from their duty to their God, to their country, and to their king. They were convinced that the Canadian militia would fight with spirit and determination, against the enemy, and would, with the aid of the tried soldiers of the king, sternly defend the province against any hostile attack. As far as spirit went there was no deficiency, but Canada was worse off for money than the United States was for soldiery. There were forty thousand militia about to rise in arms, but where was the money to come from necessary to keep them moving? Congress intended to raise an immediate loan of ten millions of dollars. It was essential Canada should immediately replenish her exchequer, as those not being the days of steamships, funds from England could not be soon obtained. Sir George Prevost resolved to issue army bills, payable either in cash, or in government bills of exchange, on London. The House of Assembly assented to the circulation of any bills, and granted fifteen thousand pounds annually for five years, to pay the interest that would accrue upon them. Bills to the value of two hundred and fifty thousand were authorised to be put in circulation; they were to be received in the payment of duties; they were to be a legal tender in the market; and they were to be redeemed at the army bill office, in any way, whether in cash or bills, the Governor-in-Chief might signify. Nothing could have been more satisfactory to Sir George Prevost. He prorogued the Parliament on the 1st of August, with every expression of satisfaction. And well he might be satisfied. The men who were, according to the representations of his predecessor, not at all to be depended upon, in a case of emergency, had most readily, liberally, and loyally, met the demands of the public service. The men who feared martial law, and could not tolerate the withholding of the Habeas Corpus, came forward nobly to defend from outward attack the dominions of their king. The whole province was bursting with warlike zeal. A military epidemic seized old and young, carrying off the latter in extraordinary numbers. Montreal, Quebec, and even Kingston and Toronto teemed with men in uniform and in arms. The regular troops were moved to Montreal, and Quebec was garrisoned by the militia. At Montreal, even the militia turned out for garrison duty. And on the 6th of August, the whole militia were commanded to hold themselves in readiness for embodiment. A little of the zeal now began to ooze out. There never yet was a rule without an exception. In the Parish of Ste. Claire, some young men, who had been drafted into the embodied militia, refused to join their battalion. Of these, four were apprehended, but one was rescued, and it was determined by the able-bodied men of Pointe Claire to liberate such others of their friends as had already joined the depot of the embodied militia at Laprairie. Accordingly, on the following day, some three or four hundred persons assembled at Lachine. They had not assembled to pass a series of resolutions censuring the government for illegally and wantonly carrying off some of the best men of the Parish of Pointe Claire, nor did they express any opinion favorable to Mr. Madison and the Americans, but they had assembled to obtain, by force, the liberty of their friends about to be subjected to military discipline. It seemed to have been a misunderstanding, however. The infuriated parishioners of Pointe Claire, who would not be comforted, on being appealed to, to go to their homes, frequently raised the cry of "Vive le Roi." It might be supposed that the Ste. Claire people meant to wish a long and happy reign to His Imperial Majesty Napoleon, as Mr. Ryland shrewdly suspected. But that supposition was not entertainable for any considerable length of time, inasmuch as the people without any prompting intimated that they had been informed that the militia law had not been put into force, but that if the Governor should call for their services they

were ready to obey him. The magistrates assured the people that the militia law was really to be enforced, and advised them to disperse. They refused to budge. Two pieces of artillery and a company of the 49th regiment, which had been sent for, to Montreal, now appeared at Lachine. Still the mob would not disperse. Accordingly, the Riot Act was read, and the artillery fired a ball high over the heads of the stubborn crowd, which, of course, whizzing harmlessly along, produced no effect upon the crowd, except that the eighty, who were armed with fusils and fowling pieces, somewhat smartly returned the compliment, proving to the satisfaction of the soldiers the possession of highly military qualities, in a quarter where it was least expected. In reply, the troops fired grape and small arms, but without any intention of doing mischief. The rioters again fired at the troops, but not the slightest harm resulted to the troops. It was a kind of sham battle. The military authorities began, however, to tire of it, and the mob was fired into, when one man having been killed, and another having been dangerously wounded, the mutineers dispersed, leaving some of the most daring among them, to keep up a straggling fire from the bushes! The military made thirteen prisoners and, as night was setting in, left for Montreal. Next day, four hundred and fifty of the Montreal militia marched to Pointe Claire, and from thence to St. Laurent, which is situated in the rear of the Island of Montreal. There, they captured twenty-four of the culprits, and brought them to head quarters. Thus, there were thirty-seven rebels, prisoners in Montreal, when the United States had declared war against Britain, and the first blood shed, in consequence of the declaration of war in Canada, by the troops, was, unfortunately, that of Canadians. But the Pointe Claire *habitants* bitterly repented the resistance which they had made to the militia law, and many of them came to Montreal, craving the forgiveness of the Governor, which they readily obtained. The ringleaders alone were punished.

Hostilities were commenced in Upper Canada. No sooner had General Brocke learned that war was proclaimed, than he conceived a project of attack. He did not mean to penetrate into the enemy's country, but for the better protection of his own, to secure the enemy's outposts. On the 26th of June, he sent orders to Captain Roberts, who was at St. Joseph's, a small post, or block house, situated on an island in Lake Huron, maintained by thirty soldiers of the line and two artillerymen, in charge of a serjeant of that corps, under the command of the gallant captain, to attack Michillimackinac, an American fort defended by seventy-five men, also under the command of a captain. He was further instructed to retreat upon St. Mary's, one of the trading posts belonging to the North West Fur Company, in the event of St. Joseph's being attacked by the Americans. General Brocke's instructions reached Captain Roberts on the eighth of July, and he lost no time in carrying the first part of them into execution. Communicating the design, the execution of which he had been entrusted with, to Mr. Pothier, in charge of the Company's Post, at St. Joseph's, that gentleman patriotically tendered his services. Mr. Pothier, attended by about a hundred and sixty voyageurs, the greater part of whom were armed with muskets and fowling pieces, joined Captain Roberts with his detachment of three artillerymen and thirty soldiers of the line, and in a flotilla of boats and canoes, accompanied by the North West Company's brig *Caledonia*, laden with stores and provisions, a descent was made upon Michillimackinac. They arrived at the enemy's fort, without having met with the slightest opposition, and summoned it to surrender. The officer in command of the American fort at once complied. He had indeed received no certain information that war had been declared. Very shortly afterwards two vessels, laden with furs, came into the harbour, ignorant of the capture of the fort, and were taken possession of, though subsequently restored to their proprietors, by Major-General DeRottenburgh, the President of the Board of Claims. Unimportant as this achievement was, it yet had the effect of establishing confidence in Upper Canada. It had an excellent effect upon the Indian tribes, with whose aid the struggle with the Americans, was afterwards efficiently maintained.

Upon the declaration of war, the government of the United States despatched as skilful an officer, as they had, to arm the American vessels on Lake Erie, and on Lake Ontario, with the view of gaining, if possible, the ascendancy on those great inland waters, which separate a great portion of Canada from the United States. The American army was distributed in three divisions:—one under General Harrison called "The North Western Army," a second under General Stephen Van Rensellaer, at Lewiston, called "The Army of the Centre," and a third under the Commander-in-Chief, General Dearborn, in the neighbourhood of Plattsburgh and Greenbush. As yet the armies had not been put in motion, but on the 12th of July, General Hull, the Governor of Michigan, who had been sent, at the head of two thousand five hundred men, to Detroit, with the view of putting an end to the hostilities of the Indians in that section of the country, crossed to Sandwich, established his head-quarters there, and issued a proclamation to the inhabitants of Canada. He expressed the most entire

confidence of success. The standard of union, he alleged, waved over the territory of Canada. He tendered the invaluable blessings of liberty, civil, political, and religious, to an oppressed people, separated from, and having no share in the Councils of Britain, or interests in her conduct. And he threatened a war of extermination if the Indians were employed in resisting the invasion.

General Brocke met the Parliament of Upper Canada, at York, on the 28th of the same month, and issued a proclamation to the people, in which he ridiculed General Hull's fears of the Indians. He then despatched Colonel Proctor to assume the command at Amherstburgh, from Fort St. George.

So confident was the American General of success that, as yet, he had not a single cannon or mortar mounted, and he did not consider it expedient to attempt to carry Amherstburgh, which was only situated eighteen miles below, by assault. But, as his situation, at Sandwich, became more and more precarious, he, at length, did resolve upon attacking Amherstburgh, if he could get there. He sent detachment after detachment, to cross the Canard, the river on which Amherstburgh stands. The Americans attempted thrice to cross the bridge, situated three miles above Amherstburgh, in vain. Some of the 41st regiment and a few Indians drove them back as often as they tried it. Another rush was made a little higher up. But the attempt to ford the stream was as unsuccessful as the attempts to cross the bridge. Near the ford, some of those Indians, so much dreaded by General Hull, lay concealed in the grass. Not a blade stirred until the whole of the Americans were well in the stream, and some had gained the bank, on the Canadian side, when eighteen or twenty of the red children of the forest, sprang to their feet, and gave a yell, so hideous, that the Americans, stricken with panic, fled with almost ludicrous precipitancy. So terror-stricken, indeed, were the valiant host, that they left arms, accoutrements, and haversacks, behind them. No further attempt was made by General Hull, on Amherstburgh. It would have been captured with great difficulty, if it could have been captured at all. At the mouth of the river Canard, a small tributary of the Detroit, the *Queen Charlotte*, a sloop of war, armed with eighteen twenty-four pounders, lay at anchor, watching every manœuvre.

On the 3rd of July, Lieutenant Rolette, commanding the armed brig *Hunter*, at ten o'clock in the forenoon, succeeded in capturing the *Cayuga* packet, bound from the Miami river to Detroit, with troops, and laden with the baggage and hospital stores of the American army. He made a dash at the *Cayuga* in his barge, and, with only six men, secured her.

Colonel Proctor now assumed the offensive. He sent Captain Tallon, on the 5th of August, with an inconsiderable detachment of the 41st regiment, and a few of the many Indians, who were flocking to his standard, to Brownstown, a village opposite Amherstburgh. Captain Tallon energetically carried out his instructions, by surprising and routing more than two hundred of the Americans, who were under the command of Major Vanhorne. The captured detachment were on their way from Detroit to the river Raisin, in the expectation of meeting there a detachment of volunteers, from Ohio, under Captain Burr, with a convoy of provisions for the army. General Hull's despatches fell into the hands of the captors. The deplorable state of the American army was disclosed, and, without loss of time, Colonel Proctor sent over a reinforcement, consisting of one hundred men, of the 41st regiment, with some militia and four hundred Indians, under the command of Major Muir, their landing being protected by the brig *Hunter*. Nor were the American General's misfortunes yet to be ameliorated. While these things were taking place, a despatch reached him from the officer commanding the Niagara frontier, intimating that his expected co-operation was impossible. On every side, General Hull was being hemmed in. His supplies had been cut off. Defeat had befallen him so far and death, sickness, fatigue and discomfiture had its depressing effect upon his soldiery. There was no insurrection in Canada. The people of the backwoods had not the slightest desire to be territorially annexed to that country over which the standard of union had waved for thirty years. On the contrary, they were bent upon doing it as much mischief as possible. They had no idea of transferring their allegiance to a power who had visited them with the miseries of war, for no fault of theirs. Hull was dismayed. When it was announced that General Brocke was advancing against him, he sounded a retreat. Unwilling that his fears should be communicated to the troops under him, General Hull retreated ostensibly with the view of concentrating the army. After he had re-opened his communications with the rivers Raisin and Miami, through which the whole of his supplies came, he was to resume offensive operations. That time never came. On the 8th of August,

Sandwich was evacuated. Two hundred and fifty men only were left behind, in charge of a small fortress, a little below Detroit. When again in Detroit, General Hull sent six hundred men under Colonel Miller, to dislodge the British from Brownston. Major Muir, who commanded at Brownston, instead of waiting for the attack, quixotically went out to meet his adversaries. The two opposing detachments met at Maguago, a kind of half way place, where a fight began. It was of short duration, but, considering the numbers engaged, was sanguinary. Seventy-five of the Americans fell, and the British were compelled, though with inconsiderable loss, to retreat. On the water as on the land, the chief mischief fell upon the Americans. Lieutenant Rolette, with the boats of the *Queen Charlotte* and *Hunter*, intercepted, attacked, and captured eleven American batteaux and boats, which were *en route* for Detroit, under the escort of two hundred and fifty American soldiers, marching along the shore, the boats and batteaux having on board fifty-six wounded Americans and two English prisoners.

General Brocke, who had prorogued his Parliament, now appeared at the seat of war. He had collected together a force of seven hundred of British regulars and militia and six hundred auxiliary Indians. And he very coolly determined upon obtaining the surrender of His Excellency, General Hull, and his whole force. Knowing from his absurd proclamation, how much in dread he stood of the Indians, General Brocke intimated that if an attack were made, the Indians would be beyond his control; that if Detroit were instantly surrendered, he would enter into conditions such as would satisfy the most scrupulous sense of honor; and that he had sent Lieutenant-Colonel McDonnell and Major Glegg with full authority to conclude any arrangement that might prevent the unnecessary effusion of blood. General Hull replied very courteously in the negative. Captain Dixon, of the Royal Engineers, had thrown up a battery in Sandwich, on the very ground so recently occupied by the Americans, to act upon Detroit. In this battery there were two five and a half inch mortars, and one eighteen and two twelve pounder guns, and it was manned by sailors under the command of Captain Hull. For upwards of an hour the cannonade was terrific, the fire of the enemy being very feebly maintained, from two twenty-four pounders. On the morning of the eighteenth, the cannonade recommenced, and General Brocke crossed the river with his little army, unopposed, at the Spring Wells, three miles below Detroit, the landing being effected under cover of the guns of the *Queen Charlotte* and *Hunter*. General Brocke formed his troops upon the beach, into four deep, and flanked by the Indians, advanced for about a mile, when he formed this miniature army into line, with its right resting on the river Detroit, and the left supported by the Indians. He then made preparations for assault, and was about to attack, when to the surprise as much, it is said, of the American as of the British regiments, a flag of truce was displayed upon the walls of the fort, and a messenger was seen approaching. It was an intimation that General Hull would capitulate. Lieutenant-Colonel McDonnell and Major Glegg were accordingly sent over to the American General's tent where, in a few minutes, the terms of capitulation were signed, sealed, and delivered in duplicate, one copy for the information of His Britannic Majesty, and the other for that of Mr. President Madison, the chief of the authors of the war. To Mr. Madison, the information that General Hull had capitulated to the Governor of Upper Canada, with two thousand five hundred men, and thirty-three pieces of cannon, and that, in consequence, the whole territory of Michigan had been ceded to Great Britain, could only have been as disagreeable as it was animating to the people of Canada. So entirely indeed were the Americans unprepared for a blow of such extraordinary severity, that no one could be brought to believe in it. It seemed an impossible circumstance. It was felt to be a delusion. It seemed as if some one had practised a terrible hoax upon the nation. Until officially made known to the sovereign people, the disaster was looked upon as a lying rumour of the enemy. Another Henry had been at work, tampering with the New England States, or the federalist minority had set it afloat. True it could not be. It was indeed something to excite surprise. The trophy of a British force, consisting of no more than seven hundred men, including militia, and six hundred Indians was the cession of a territory and the surrender of a General-in-Chief, a strong fort, the armed brig *John Adams*, and the two thousand five hundred men, who were designed not to defend their country only, but to wrest Upper Canada from the Crown of Great Britain. To General Hull's fears of the savage ferocity of the Indians, this bloodless victory must, to some extent, however trifling, be attributed. General Hull was evidently superstitiously afraid of an Indian. While asking the inhabitants of Upper Canada to come to him for protection, he could not help entreating, as it were, protection for himself against the Indians. If you will not accept my offer, the General seemed to say, either remain at home or cross bayonets with American soldiers, but turn into the field one of the scalping savages of your forests, and we shall kill, burn and destroy, everything that comes

before us. With his regular troops, the unfortunate man was sent a prisoner to Montreal. He was led into that city, at the head of his officers and men, and was at once an object of pity and derision. But the Commander-in-Chief received his prisoner with the courtesy of a gentleman, and with every honor due to his rank. Nay, he even suffered him to return to the United States on parole, without solicitation.

In his official despatch, to the American government, Hull took pains to free his conduct from censure. His reasons for surrender, were the want of provisions to maintain the siege, the expected reinforcements of the enemy, and "the savage ferocity of the Indians," should he ultimately be compelled to capitulate. But the federal government so far from being satisfied with these excuses, ordered a Court Martial to assemble, before which General Hull was tried, on the charges of treason, cowardice, and unofficerlike conduct. On the last charge only was he found guilty and sentenced to death. The Court, nevertheless, strongly recommended him to mercy. He was an old man, and one who, in other times, had done the State some service. He had served honorably during the revolutionary war. The sentence of death was accordingly remitted by the President, but his name was struck off the army list, and this republican hero, who had forgotten the art of war, went in his old age, broken-hearted and disgraced, to a living grave, with a worm in his vitals, gnawing and torturing him, more terribly than thousands of Indians, practising the most unheard of cruelties could have done, until death, so long denied, came to him, naturally, as a relief.

The circumstance is not a little curious that only three days after General Hull had surrendered to Governor Brocke, Captain Dacres, commanding H.M.S. *Guerrière*, had surrendered to Captain Isaac Hull, after a most severe action with the American frigate *Constitution*. The *Constitution* was most heavily armed for a vessel of that period. On her main deck she carried no less than 30 twenty-four pounders, while on her upper deck she had 24 thirty-two pounders, and two eighteens. In addition to this, for a frigate, unusually heavy armament, there was a piece mounted, under her capstan, resembling seven musket barrels, fixed together with iron bands, the odd concern being discharged by a lock—each barrel threw twenty-five balls, within a few seconds of each other, making 145 from the piece within two minutes. And she was well manned. Her crew consisted of 476 men. The *Guerrière* mounted only 49 carriage guns, and was manned by only 244 men, and 19 boys. On the 19th of August, the look-out of the *Guerrière* noticed a sail on the weather beam. The ship was in latitude 40°., 20 N., and in longitude 55°. W., and was steering under a moderate breeze on the starboard tack. The strange sail seemed to be bearing down upon the *Guerrière*, and it was not long before the discovery was made that the stranger was a man-of-war, of great size and largely masted. Her sailing qualities, under the circumstances, were considerably superior to those of the *Guerrière*, and it became consequently necessary to prepare for an action, which it was impossible to avoid. At three o'clock, in the afternoon, Captain Dacres, the commander of the British frigate, beat to quarters. An hour later and the enemy was close at hand. She seemed to stand across the *Guerrière's* bows and Captain Dacres wore ship to avoid a raking fire. No sooner had this manœuvre been executed than the *Guerrière* ran up her colours and fired several shots at her opponent, but they fell short. The stranger soon followed the example set to him, and, hoisting American colours, fired in return. Captain Dacres now fully aware of the size, armament and sailing powers of his opponent, wore repeatedly, broadsides being as repeatedly exchanged. While both ships were keeping up a heavy fire, and steering free, the *Constitution*, at five o'clock, closed on the *Guerrière's* starboard beam, when the battle raged furiously. Twenty minutes had hardly elapsed when the mizen mast of the *Guerrière* was shot away, bringing the ship up into the wind, and the carnage on board became terrific. The *Constitution*, during the confusion, caused by the loss of the *Guerrière's* mast, was laid across the British frigate's bow, and while one or two of the bow guns of the *Guerrière* could only be brought to bear upon the *Constitution*, that vessel scoured the decks of the British ship, with a stream of metal. "At five minutes before six o'clock, says Captain Hull, when within half pistol shot, we commenced a heavy fire from all our guns, double shotted with round and grape." On board the *Guerrière*, Mr. Grant, who commanded the forecastle, was carried below, the master was shot through the knee; and I, says Captain Dacres, was shot in the back. At twenty minutes past six the fore and mainmasts of the *Guerrière* went over the side, leaving her an unmanageable wreck. The *Constitution* ceased firing and shot ahead, her cabin having taken fire from the *Guerrière's* guns. The *Guerrière* would have renewed the action, but the wreck of the masts had no sooner been cleared than the spritsail yard went, and the *Constitution* having no new braces, wore round within pistol shot again to rake her opponent. The crippled ship lay in the trough of the sea, rolling her main deck guns

under water. Thirty shots had taken effect in her hull, about five sheets of copper down; the mizen mast, after it fell, had knocked a large hole under her starboard quarter, and she was so completely shattered as to be in a sinking state. The decks were swimming with blood. Fifteen men had been killed and sixty-three had been severely wounded, when Captain Dacres called his officers together and consulted them. Farther waste of life was useless, and the British colours were dropped in submission to those of America. But the result of the contest, though it could not fail to cause great exultation in the United States, reflected no dishonor upon the flag of Britain. A more unequal contest had never before been maintained with such spirit, zeal, skill, or bravery. The battle had lasted for nearly three hours and a half, and the result was the sure effect of size, as all things being otherwise equal, the heavier must overcome the lighter body. When the *Guerrière* surrendered, it was only to permit her gallant commander, her other officers, and the men, the wounded and the untouched, to be transferred for safety from a watery grave to the *Constitution*. Captain Hull, the conqueror, told his government that the *Guerrière* had been totally dismasted and otherwise cut to pieces, so as to make her not worth towing into port. With four feet of water in her hold, she was abandoned and blown up. The *Constitution* had only the Lieutenant of Marines and six seamen killed, and two officers, four seamen, and one marine wounded.

On each side there was now something to be proud of and something to regret. If the British exulted over the fall of Detroit and the surrender of General Hull, and the United States viewed these occurrences with indescribable pain and a sense of humiliation, the Americans could now boast of the success of their arms at sea, while Britain regretted a disaster upon that element, on which she had long held and yet holds the undisputed mastery. There was now no room for the American government, on the ground of having been too much humiliated, to refuse peace if it were offered to her. Yet peace was refused. Soon after these occurrences the news of the repeal of the Orders in Council reached this continent, and the ground of quarrel being removed, peace was expected, and an armistice was agreed to between the British Governor of Canada, Sir George Prevost and General Dearborn, the American commander-in-chief, on the northern frontier. But the American government, bent upon the conquest of this province, disavowed the armistice and determined upon the vigorous prosecution of the contest. It was then that the Northern States of the American Union, who were the most likely to suffer by the war became clamorous for peace. The whole brunt of the battle, by land, was necessarily to be borne by the State of New York, and the interruption of the transatlantic traffic was to fall with overwhelmingly disastrous pressure upon Massachusetts and Connecticut. Addresses to the President were sent in, one after another, from the Northeastern States, expressing dissatisfaction with the war and the utmost abhorrence of the alliance between imperial France and republican America. They would have none of it, and if French troops were introduced into their States, as auxiliaries, New England would look upon them and would treat them as enemies. Nay, the Northern States went still further. Two of the States, Connecticut and Massachusetts, openly refused to send their contingents or to impose the taxes which had been voted by Congress, and "symptoms of a decided intention to break off from the confederacy were already evinced in the four Northern States, comprising New York, and the most opulent and powerful portions of the Union."[17]

General Brocke, ignorant of the armistice, and indeed it did not affect him, for General Hull had acted under the immediate orders of the American Secretary at War, and was consequently irresponsible to General Dearborn, with the aid of the Lilliputian navy of the Lakes, was maintaining the ascendancy of Great Britain in Upper Canada and Michigan. He was about indeed to make an attempt upon Niagara, to be followed by another upon Sackett's Harbour, with that daring, promptitude and judgment, which was characteristic of the man, when he received instructions from the Governor General to rest a little. Following the advice of the Duke of Wellington, Sir George Prevost had wisely determined not to make a war of aggression with the only handful of troops that could be spared to him from the scene of prouder triumphs and of harder and more important struggles. But the American government, indifferent to the menaces of the Northern Provinces of the Union, and mistaking for weakness the conciliatory advances of Sir George Prevost, soon disturbed the rest of the gallant Brocke. Early on the morning of the 13th of October, a detachment of between a thousand and thirteen hundred men, from the American army of the centre, under the immediate command of Colonel Solomon Van Rensellaer,[18] crossed the river Niagara, and attacked the British position of Queenstown. It was when Van Rensellaer having himself crossed, and the British had been driven from their position, that General Brocke, and about six hundred

of the 49th regiment, in the grey of the morning, arrived at the scene of conflict. The Americans being about the same time reinforced by the addition of regulars and militia. General Brocke put himself at the head of the 49th's Grenadiers, and while gallantly cheering them on, he fell mortally wounded, and soon after died. His trusty aid-de-camp, the brave Colonel McDonell, fell beside him, almost at the same moment, never again to rise in life. The 49th fought stoutly for a time, but, discouraged by the loss of the General, they fell back and the position was lost. But the fortune of the day was not yet decided, although Van Rensellaer, with the aid of Mr. Totter, his Lieutenant of Engineers, had somewhat strengthened the recently captured position on the heights. Reinforcements, consisting partly of regular troops, partly of militia, and partly of Chippewa Indians, in all about eight or nine hundred men, came up about three in the afternoon, to strengthen and encourage the discomfitted 49th, under General Roger Sheaffe, who now assumed the command. A combined attack was made on the Americans by the English troops and artillery, in front and flank, while Norton, with a considerable body of Indians, menaced their other extremity. It was entirely successful. The Americans were totally defeated, and one General Officer, (Wadsworth, commanding in the room of General Van Rensellaer, who had re-crossed the river to accelerate the embarkation of the militia, which, though urged, entreated, and commanded to embark, remained idle spectators, while their countrymen were, as the American accounts say, struggling for victory,) two Lieutenant-Colonels, five Majors, and a corresponding number of Captains and subalterns, with nine hundred men, were made prisoners; one gun and two colours were taken; and there were four hundred killed and wounded, while the loss on the side of the British did not exceed seventy men. Thus was the battle won. It had cost England an excellent soldier, a man who thoroughly understood his duty, and felt his position in whatever capacity he was placed. He died at the age of 42, and the remains of this gallant defender of Upper Canada were buried at Fort George, together with those of his aid-de-camp, Colonel McDonell. One grave contained both. General Brocke was buried amidst the tears of those whom he had often led to victory, and amidst the sympathetic sorrowing of even those who had caused his death. Minute guns were fired during the funeral, alike from the American as from the British batteries. Thus it was with the Americans on land. It was, as has been seen, very different on the sea. And the first rencontre took place on the latter element. When war was declared it was with the intention of intercepting the homeward bound West India fleet of British merchantmen. Three frigates, one sloop, and one brig of war, under the command of Captain Rogers, of the American frigate *President*, were despatched on that errand. It was about three on the morning of the 23rd of June, that Captain Rogers was informed, by an American brig, bound from Madeira to New York, that four days before a fleet of British merchantmen, were seen under convoy of a frigate and a brig, steering to the eastward. Captain Rogers accordingly shaped his course in pursuit of them. At six o'clock in the morning, a sail was descried, which was soon discovered to be a frigate. The signal was made for a chase, and the squadron made all sail on the starboard tack. This being perceived by Captain Byrn, who commanded the British frigate *Belvidera*, protecting the convoy, he tacked and made all sail, steering northeast by east. It was now eight o'clock in the morning, and the *President* seemed to be gaining on the *Belvidera*, leaving her consorts, however, far behind her. About half past three in the afternoon, the *President* fired three guns, the shot from one of which was terribly destructive. Two men were killed, and Lieutenant Bruce and four men were more or less severely wounded. Broadside after broadside was fired by both vessels soon afterwards, and the *President* at last bore off. Each party lost about twenty-two men, but the British frigate had the advantage. Her guns were pointed with great skill, and produced a surprising effect, as the American squadron failed in taking the single English frigate, and the whole merchantmen escaped untouched. Indeed after a cruise of twenty days and before the declaration of hostilities was known at sea, the American squadron returned to port, having only captured seven merchantmen.

The action between the *Constitution* and the *Guerrière* occurred after this event, the result of which has been already stated, somewhat out of place, it is true, but, with the design of exhibiting how a peace might have been effected, had it been desired by the Americans, without loss of honor on either side. The simultaneousness of the advantages gained by the British on the land, and of the advantages gained by the Americans on the sea, is not a little remarkable, nor is it less remarkable that after the tide of battle had slightly turned with the British on land, towards the close of the war, the naval actions at sea were nearly all to the disadvantage of the Americans. It would seem that providence had designed to humble the pride of the unnatural combatants.

About the exact time of the surrender of General Wadsworth, at Queenston, an engagement occurred between the English

sloop of war *Frolic*, and the American brig of war *Wasp*, which proved disastrous to the former. As far as the number of guns went, both vessels were equal. Each had eighteen guns, nine to a broadside, but while the sloop had only 92 men and measured only 384 tons, the brig had 135 men and measured 434 tons. The *Frolic*, on the night of the 17th of October, had been overtaken by a most violent gale of wind, in which she carried away her mainyard, lost her topsails, and sprung her maintopmast. It was, while repairing damages, on the morning of the 18th, that Captain Whinyates, of the *Frolic*, was made aware of the presence of a suspicious looking vessel, in chase of the convoy, which the *Frolic* had in charge. The merchant ships continued their voyage with all sails set, and the *Frolic*, dropping astern, hoisted Spanish colours to decoy the stranger under her guns and give time for the convoy to escape. The vessels soon approached sufficiently to exchange broadsides, and the firing of the *Frolic* was admirable. But the vessel could not be worked easily, and the gaff braces being shot away, while no sail could be or was placed upon the mainmast, her opponent easily got the advantage of position. To be brief, the storm of the night before had given the *Wasp* an advantage which, neither nautical skill, nor undaunted resolution could counteract, and the *Frolic*, an unmanageable log upon the ocean, was compelled to strike. Undoubtedly this was another triumph to the United States, although, materially considered, the gain was not much. In only a few hours after this action, both the *Wasp* and the *Frolic* were surrendered to H.M.S. *Poictiers*, of seventy-four guns.

Seven days afterwards, another naval engagement occurred, more tellingly disastrous to Great Britain. The *United States*, a frigate of fifteen hundred tons burthen, carrying 30 long 24-pounders, on her main deck, and 22 42-pounders, with two long 24-pounders, on quarter deck and forecastle, howitzer guns in her tops, and a travelling carronade on her deck, with a complement of 478 picked men,[19] was perceived by H.M. frigate *Macedonian*, of 1081 tons, carrying 49 guns, and manned by 254 men and 35 boys. The *Macedonian* approached the enemy and the enemy backed her sails, awaiting the attack, after the firing had continued for about an hour, at long range. When in close battle, Captain Carden perceived that he had no chance of success, but he was determined to fight his ship while she floated and was manageable, hoping for, rather than expecting, some lucky hit, which would so cripple the enemy as to permit the *Macedonian*, if no more could be done, to bear off with honor. But the fortune of war was adverse. Every shot told with deadly and destructive effect upon the *Macedonian*, and even yet, with nearly a hundred shots in her hull, her lower guns under water, in a tempestuous sea, and a third of her crew either killed or wounded, Captain Carden fought his ship. To "conquer or die," was his motto, and the motto of a brave crew, some of whom even stood on deck, after having paid a visit to the cockpit, and submitted to the amputation of an arm, grinning defiance, and anxious to be permitted the chance of boarding with their fellows, when Captain Carden called up his boarders as a *dernier resort*. But boarding was rendered impossible, as the fore brace was shot away, and the yard swinging round, the vessel was thrown upon the wind. The *United States* made sail ahead and the crew of the *Macedonian* fancying that she was taking her leave cheered lustily. They were not long deceived. Having refilled her cartridges, the *United States*, at a convenient distance, stood across the bows of her disabled antagonist, and soon compelled her to strike. While the *Macedonian* had thirty-six killed and sixty-eight wounded, the *United States* had only five killed and seven *hors de combat*.

It was such advantages as these that induced the Americans to continue the war. The Americans were inflated with pride. In their own estimation they had become a first rate maritime power, and even in the eyes of Europe, it seemed that they were destined to become so. The disparity in force was justly less considered than the result. However bravely the British commanders had fought their ships, the disasters were no less distressing, politically considered, than if they had been the result of positive weakness or of lamentable cowardice. These advantages even compensated in glory to the Northeastern States for the losses which their commerce had sustained, and would, had they continued very much longer, have stimulated them to forget their selfishness, their bankruptcies, and their privations, though perhaps they tended on the other hand, to cause less vigorous efforts to be made for the acquisition of Canada, than otherwise would have been the case, by rivetting the public attention of America more on the successful operations by sea than on their own disastrous operations by land. There was yet another disaster to overtake Great Britain. And it was little wonder. The Lords of the Admiralty, wedded to old notions, unlike the Heads of the Naval Department of the United States, were slow to alter the build or armament of the national ships. They seemed to think that success must ultimately be dependent

upon pluck, and that there could be again few instances in which a sloop could be so disabled by a storm as to be unable to cope with a brig, better manned, better armed, and in good sailing trim. They continued to send slow-sailing brigs and ill-armed sloops-of-war, for the protection of large fleets of merchantmen, with valuable cargoes, while the frigates of the enemy, in search of them, whether in the calm or in the storm, were faster than British seventy-fours, and were equal to British ships of the line in armament. It was after the loss of the *Macedonian* that the British Admiralty commissioned and sent to sea the frigate *Java*, of the same tonnage, with the same deficiency of men, and, worse than all, half of whom were landsmen, and of exactly the same armament as the *Macedonian*, only that her weight of metal was less, to cope with such frigates as the *United States*, the *President*, and the *Constitution*. On the 12th of November, the *Java* sailed from Spithead, the remonstrances of Captain Lambert against the inadequacy and inexperience of his crew being of no avail with the authorities. He was told, when he insisted that he was no match for an American, even of equal size, that "a voyage to the East Indies and back would make a good crew." The difficulties in the way of getting to the East Indies, to say nothing of coming back again, never entered into the heads of men, who had long been laid up in ordinary, and were dry-rotting to decay. These were the men who sent the water casks to contain the fresh water of His Majesty's vessels afloat on our fresh water lakes. Then, as now, were the wrong men in the wrong places. Men, who should have been in Greenwich Hospital, talking of times gone by, or living in dignified retirement, were entrusted with the management of affairs in a new age, the country rather losing than gaining by their individual experiences. And the British public stung to the quick, were aware of it. The correctness of Captain Lambert's judgment was too soon brought to the test. The *Java* fell in with the *Constitution* on the 28th of December, when the latter stood off as the former approached, to gain a first advantage by firing at long range. But as the *Java* was fast gaining upon her, the *Constitution* made a virtue of necessity, and shortened sail, placing herself under the lee bow of the *Java*, so that in close action, the crew of the *Constitution* might fight like men behind a rampart, while the crew of the *Java* stood at their guns *en barbette*. The action immediately commenced, and the effect of the *Java's* first broadside, on the enemy's hull, was such that the American wore to get away. Captain Lambert also wore his ship, and a running fight was kept up with great spirit for forty minutes. The *Java* had, as yet, suffered little, but the vessels coming within pistol shot, a determined action ensued. Captain Lambert had resolved upon boarding his enemy, if it were possible in any measure to effect it. With that view he was closing upon his antagonist, when the foremast of the *Java* fell suddenly and with a crash so tremendous as to break in the forecastle and cover the deck with the wreck. Only a moment later and the main topmast also fell upon the deck, while Captain Lambert lay weltering in his blood, mortally wounded. Lieutenant Chads, on whom the command now devolved, found the *Java* perfectly unmanageable. The wreck of the masts hung over the side, next to the enemy, and every discharge of the *Java's* own guns set her on fire. Yet, Lieutenant Chads continued the action for three hours and a half, until the *Java* was felt to be going down. It was then that the *Constitution* assumed a raking position, and it was then only that Lieutenant Chads struck. The *Java* was no prize to the victors of great value, for her crew were no sooner taken out than the American commander blew her up. In this desperate engagement the *Java* had twenty-two killed and one hundred and two wounded; the *Constitution* had ten killed and forty wounded. Captain Lambert's worst fears had been realised, and the death of that gallant and skilful sailor aroused a tongue which, in Great Britain, has a potency and influence, such as official insolence cannot withstand, nor official incapacity escape from. The spirit of the "Times" was up. The voice of the many loudly condemned the incompetency of the few. The conduct of the war had now become a matter of moment, and reforms, in the marine department at least, were imperative.

By the fall of Gen'l. Brocke, the civil governorship of the Upper province devolved upon Major Gen'l. Roger Sheaffe, the senior military officer there, and to him, Gen'l. Smyth, the new American commander at Niagara, applied for an armistice, which was granted, and which lasted from the battle of Queenston until the 20th of November. Nothing could have been more silly than this consent to an armistice on the part of a general so very fortunate as General Sheaffe had been. He needed no rest. He could gain nothing by inactivity. Delay necessary to the enemy was of course injurious to him. Without any molestation whatever the Americans were enabled to forward their naval stores from Black Rock to Presque Isle, by water, which, had hostilities been active, would have been impossible. This truce, not to bury the dead, or preparatory to submission, was obtained with the view of gaining time, so that a fleet might be equipped to co-operate with the army, by wresting from the British their previous superiority on the lakes. General Smyth had, with the true

trickery of the diplomatist, rather than with the blunt honesty of the soldier, exerted himself during the armistice, in the preparation of boats for another attempt to invade Upper Canada. Alexander Smyth, Brigadier-General, in command of the American army of the centre, though a rogue, in a diplomatic point of view, was not necessarily a fool. He had shrewd notions in a small way. Like a true downeast Yankee, he knew the effect of soft sawder upon human nature. Like the unfortunate Hull, before taking possession of a territory so extensive as Upper Canada, he thought it necessary to assure the stranger that he was, on submitting to be conquered, to become "a fellow citizen." He proclaimed this interesting fact to his own companions in arms. If the stranger citizens behaved peaceably, they were to be secure in their persons, as a matter of course, but only in their properties so far as Alexander's imperious necessities would admit, and how far that would have been, time was to unfold. He strictly forbade private plundering, but whatever was "booty," according to the usages of war—"booty and beauty," doubtless combined,—Alexander's soldiery were to have. Appealing to the trader-instincts of his hordes, he offered two hundred dollars a head for artillery horses, of the enemy, and forty dollars for the arms and spoils of each savage warrior, who should be killed, and every man, who should shrink, in the moment of trial, was to be consigned to "eternal infamy." The watchword of the "patriots," was to be "the cannon lost at Detroit or death."

During the truce, in Upper Canada, there was some skirmishing in Lower Canada. At St. Régis, four hundred Americans surprised the Indian village. Twenty-three men were made prisoners, and Lieutenant Rolette, with Serjeant McGillivray, and six men were slain. But to counterbalance this affair, a month later, some detachments of the 49th regiment, a few artillery, and seventy militiamen from Cornwall and Glengary, surrounded a block house at the Salmon River, and made prisoners of a Captain, two subalterns and forty men; four batteaux and fifty-seven stand of arms, falling also into the hands of the captors.

In no way discouraged, however much they may have been irritated by these repeated failures, which had not even the excuse of inferiority in numbers, or in any want of the materials of war, if the want of vessels on the lake be not considered, the American government energetically exerted itself to augment their naval forces on the lakes and to reinforce General Dearborn. Indeed, that officer was now at the head of ten thousand men, at Plattsburgh, and the American fleet on Lake Ontario was already so much superior to that of the British, as to make it necessary for the latter to remain inactive in harbour. The British ship *Royal George*, was actually chased into Kingston channel, and was there cannonaded for some time. It was only when the American fleet came within range of the Kingston forts that they hauled off to Four Mile Point, and anchored, the commander taking time to reflect upon the expediency of bombarding Kingston. Next morning, having come to an opposite conclusion, he stood out with his fleet into the open lake and fell in with the *Governor Simcoe*. A chase was commenced, and the *Governor Simcoe* narrowly escaped by running over a reef of rocks, and making for Kingston, which, like the *Royal George*, she reached more hotly pursued than she had bargained for. It was late in the season, and the weather becoming more and more boisterous, the Americans bore away for Sackett's Harbour, in making for which they captured two British schooners, taking from one of them, Captain Brocke, the paymaster of the 49th regiment of the line, who had with him the plate which had belonged to his gallant deceased brother, the late Governor of Upper Canada. But the American Commodore Chancey, generously paroled him, and suffered him to retain the plate.

Unable to remain longer inactive, General Dearborn, in command of the American army of the north, approached Lower Canada. On the 17th of November, Major DeSalaberry, commanding the Canadian Cordon and advanced posts, on the line, received intelligence of Lieutenant Phillips, that the enemy, ten thousand strong, were rapidly advancing upon Odelltown. There was no time to be lost and he set about strengthening his position as speedily as he could. Two companies of Canadian Voltigeurs, three hundred Indians, and a few militia volunteers were obtained from the neighboring parishes, and there was every disposition manifested to give the intruders a warm reception. The enemy, however, halted at the town of Champlain, and nothing of moment occurred until the 20th of November, when the Captain of the day, or rather of the night, as it was only three in the morning, noticed the enemy fording the river Lacolle. Retracing his steps, he had only time to warn the piquet of their danger, when a volley was fired by the Americans, who had surrounded the log guard-house, at so inconsiderable a distance that the burning wads set fire to the birch covering

of the roof, until the guard-house was consumed. But long before that happened, the militia and Indians had discharged their guns, and dashed through the enemy's ranks. It was dark, and the position which the Americans had taken, with the view of surrounding the guard-house, contributed somewhat to their own destruction. In a circle, face to face, they mistook each other in the darkness, and fought gallantly and with undoubted obstinacy. Neither side of the circle seemed willing to yield. For half an hour a brisk fire was kept up, men fell, and groaned, and died; and the consequences might have been yet more dreadful had not the moon, hidden until now by clouds, revealed herself to the astonished combatants. The victors and the vanquished returned together to Champlain, leaving behind four killed and five wounded. From the wounded prisoners, whom, with the dead, the Indians picked off the battle field, it was learned that the unsuccessful invaders consisted of fourteen hundred men and a troop of dragoons, commanded by Colonels Pyke and Clarke.

Unfortunate to the Americans as this night attack had been, it was sufficient to lead the Governor General of Canada to the conclusion that it would not be the last. Nay, he was persuaded that a most vigorous attempt at invasion would be made, and having no Parliament to consult, nor any public opinion to fear, he turned out the whole militia of the province for active service, and ordered them to be in readiness to march to the frontier. Lieutenant-Colonel Deschambault was directed to cross the St. Lawrence at Lachine, and from Caughnawaga, to march to the Pointe Claire, Rivière-du-Chène, Vaudreuil, and Longue Pointe. Battalions upon L'Acadie, and volunteers from the foot battalions, with the flank companies of the second and third battalions of the Montreal militia, and a troop of militia dragoons, crossed to Longueil and to Laprairie. Indeed the whole district of Montreal, armed to the teeth, and filled with enthusiasm, simultaneously moved in the direction from whence danger was expected. General Dearborn quietly retreated upon Plattsburgh and Burlington, and, like a sensible man, as he undoubtedly was, abandoned for the winter, all idea of taking possession of Lower Canada.

On the 28th of November, the armistice being at end, General Smyth invaded Upper Canada, at the foot of Lake Erie. With a division of fourteen boats, each containing thirty men, a landing was effected between Fort Erie and Chippewa, not however unopposed. Lieutenant King, of the Royal Artillery, and Lieutenants Lamont and Bartley, each in command of thirty men of the gallant 49th, gave the enemy a reception more warm than welcome. Overwhelmed, however, by numbers, the artillery and the detachment of the 49th, under Lamont gave way, when Lieutenant King had succeeded in spiking his guns. Lamont and King were both wounded, and with thirty men, were overtaken by the enemy and made prisoners. Bartley fought steadily and fiercely. His gallant band was reduced to seventeen, before he even thought of a retreat, which his gallantry and tact enabled him to effect. The American boats had, while Bartley was keeping up the fight, returned to the American shore with the prisoners, and as many Americans as could crowd into them, leaving Captain King, General Smyth's aid-de-camp, to find his way back, as best he might. He moved down the river shore with a few officers and forty men, followed, from Fort Erie, by Major Ormsby, who made them all prisoners with exceedingly little trouble. Unconscious of any disaster, another division of Americans, in eighteen boats, made for the Canada shore. Colonel Bishop had now arrived from Chippewa, and had formed a junction with Major Ormsby, the Commandant of Fort Erie, and with Colonel Clarke and Major Hall, of the militia. There were collected together, under this excellent officer, about eleven hundred men, taking into account detachments of the 41st, 49th, and Royal Newfoundland regiments, and in addition, some Indians. The near approach of the Americans was calmly waited for. A cheer at last burst from the British ranks and a steady and deadly fire of artillery and musketry was opened upon the enemy. The six-pounder, in charge of Captain Kirby, of the Royal Artillery, destroyed two of the boats. The enemy were thrown into confusion, and retired.

General Smyth again tried the effect of diplomacy upon the stubborn British. He displayed his whole force of full six thousand men, upon his own side of the river. Colonel Bishop ordered the guns which had been spiked to be rendered serviceable, and the spikes having been withdrawn, the guns were remounted and about to open fire, with the view of scattering the valiant enemy, when a flag of truce brought a note from General Smyth. It was simply a summons to surrender Fort Erie, with a view of saving the further effusion of blood. He was requested to "come and take it," but did not make another attempt until the 1st of December, when the American troops embarked merely again to disembark and

go into winter quarters. Murmur and discontent filled the American camp, disease and death were now so common, and General Smyth's self-confidence was so inconsiderable that the literary hero, who had spoken of the "eternal infamy" that awaits him who "basely shrinks in the moment of trial," literally fled from his own camp, afraid of his own soldiery, who were exasperated at his incapacity. Thus ended the first year of the invasion. The Americans had learned, the not unimportant lesson, that, as a general rule, it is so much more easy successfully to resist aggression, than, as the aggressor, to be successful. The invasion of any country, if only occupied by savages, requires more means than is generally supposed.

Sir George Prevost, somewhat relieved from the anxiety attendant upon anticipated and actual invasions, now summoned his Parliament of Lower Canada, to meet for the despatch of business. He opened the session on the 29th of December, and in his speech from the throne, alluded to the honorable termination of the campaign, without much effusion of blood, any loss of territory, or recourse having been had to martial law. He proudly alluded to the achievements in Upper Canada, and feelingly alluded to the loss sustained by the country, in the death of General Brocke. He spoke of the recent advantages gained over the enemy in both provinces, and recommended fervent acknowledgements to the ruler of the universe, without whose aid the battle is not to the strong nor the race to the swift. And it was not alone for such advantages, great as they were, that the country had to be thankful; the Marquis of Wellington had gained a series of splendid victories in Spain and Portugal. In Spain and Portugal British valour had appeared in its native vigour, encouraging the expectation that these countries would soon be relieved from the miseries which had desolated them. His Royal Highness, the Prince Regent, had directed him to thank the House for their loyalty and attachment. His Royal Highness felt not the slightest apprehension of insidious attacks upon the loyalty of a people who had acted so liberally and loyally as the Canadians had done. Sir George spoke of the beneficial effects arising from the Army Bill Act, and recommended it to their further consideration. The militia had been called out and had given him the cheering satisfaction of having been a witness of a public spiritedness, and of a love of country, religion, and the laws, which elsewhere might have been equalled, but could not be anywhere excelled. He recommended a revision of the militia law and urged upon the legislature the expediency of concluding the public business with dispatch.

Sir George had aroused the better feelings of the country. His words fell gratefully upon the ear. The Canadian people and their representatives felt that they were treated with respect and were proud in the knowledge of deserving it. All that the Assembly wanted was the confidence and affection of their sovereign. No longer treated with suspicion and looked upon with aversion they were ready to sacrifice everything for their country, and the reply of the House of Assembly was an assent to his every wish.

As soon as the House had proceeded to business, Mr. James Stuart, one of the members for Montreal, with the view of embarrassing the government, and with no purpose of creating uneasiness in England, moved for an enquiry into the causes and injurious consequences that might have resulted from the delay incurred in the publication of the laws of the Provincial Parliament, passed in the previous session. His assigned object in making the motion was to palliate the conduct of the Pointe Claire rioters. The motion carried and the Clerks and other officers of the Upper House were summoned to attend at the Bar of the Assembly. The Upper House, seemingly, considered that their officers had equal privileges with themselves, and at first refused to allow these gentlemen to attend, but, seeing the Assembly resolute, and being anxious not to throw any obstacle in the way of the speedy despatch of the public business, they permitted their attendance under protest. The result of the enquiry amounted to nothing, and the House proceeded to other business. The subject of appointing an agent to England was again considered, but postponed until a more suiting time, when the propriety of an income tax was discussed. It was indeed resolved in the Assembly to impose a tax upon persons enjoying salaries from the government, of fifteen per cent upon such as had £1,500 a year, twelve per cent upon such as had £1,000 and upwards, ten per cent upon £500 and upwards, and five per cent upon every £250 and upwards. The bill was, of course, rejected by the Council. The Assembly, however, firmly convinced of the loyalty of the people, were neither to be cajoled nor brow-beaten out of their rights, and they proceeded to other business of a singularly unpleasant character to the higher powers. Mr. Stuart, the leader of the opposition, was a man of extraordinary capacity and of great firmness of purpose. Those who had made Sir James Craig do him an injustice still held their appointments, and he was

determined to bring about a change without the slightest regard whatever to the consequences of change. He moved for an enquiry into the power and authority exercised by His Majesty's Courts of Law, with a view to put a stop to such trifling with justice as had been exhibited in the arrest and imprisonment of Mr. Bedard and others. It was asserted by Mr. Stuart that under the name of Rules of Practice, the Chief Justice, in league with the government, had subverted the laws of the province, and had assumed legislative authority, to impose illegal burthens and restraints upon His Majesty's subjects, in the exercise of their legal rights, which were altogether inconsistent with the duties of a Court and subversive of the rights and liberties of the subject. The House granted the enquiry sought for, and proceeded to other business. But it is here worthy of note that Mr. Bedard, who had been so unjustly treated by Sir James Craig, in virtue of these Rules of Practice, had now triumphed over his enemies. He, who only two years back, had been presented, at the instance of the government, by the Grand Juries of Quebec and Montreal, was now seated upon the Bench as Provincial Judge for the District of Three Rivers, and thus, says his secret enemy, Mr. Ryland, is he associated with the Chief Justice of the province, who, in his capacity of Executive Councillor, had concurred in his commitment to the gaol of Quebec, on treasonable practices. It was to secure the independence of the judges by freeing them from executive trammels, that Mr. James Stuart himself, afterwards Chief Justice of the province, and a Baronet of the United Kingdom, moved for an enquiry concerning their Rules of Practice, rules obviously incompatible with the liberty of speech and with the freedom of the press. The enquiry had an excellent indirect effect. It seemed to some extent, to have secured the liberty of the press. From the time, says Mr. Ryland, that the Assembly began its attacks on the Courts of Justice, the licentiousness of a press, (the *Gazette*,) recently established at Montreal, has appeared to have no bounds. Every odium that can be imagined, is attempted in that publication, to be thrown on the memory of the late Governor-in-Chief, on the principal officers of government, and on the Legislative Council. The people's minds are poisoned and the disorganizing party encouraged to proceed. Thus is it led to hope that any future Governor may be deterred from exercising that vigor, which the preservation of His Majesty's government may require. A higher tribute to a free press no man ever paid than that. The hope has been realised, the trials have all been passed through, and persecutions for opinion's sake must now be cloaked, at least, by something more than expediency.

The Assembly next proceeded to the consideration of the expediency of legally enlarging the limits and operation of martial law, as recommended in the speech from the throne, and reported that such enlargement was inexpedient. The House then renewed the Army Bill Act, authorised the sum of five hundred pounds to be put in circulation, and commissioners were appointed to ascertain the current rate of exchange on London, which holders were entitled to recover from government. Fifteen thousand pounds were granted for the equipment of the militia, and £1,000 additional for military hospital. Towards the support of the war £25,000 were granted. £400 were granted for the improvement of the communication between Upper and Lower Canada. A duty of two and a half per cent, for the further support of the war was placed upon all imported merchandize, with the exception of provisions, and two and a half per cent additional on imports by merchants or others not having been six months resident. A motion was made by one of the most independent members of the Assembly, for a committee of the whole, to enquire whether or not it was necessary to adopt an address to the King concerning the impropriety of the judges being members of the Legislative Council. But the motion was not pressed. This gentleman, though very desirous of as much liberty as it was possible to obtain for himself, was not particularly disposed to give an undue share to others. He took umbrage at an article communicated to the *Mercury*, ably written, and perhaps, at the time, strikingly true, relative to the conduct which Mr. Stuart had been and was pursuing, since he had been stript of his official situation by the late Governor. It was hinted that the discontented legislator was actuated in his opposition to the government by no unfriendly feeling to the United States. It was asked if he were not determined to be somebody. He was a man not unlike him who fired the temple of Ephesus. He was sowing seeds of embarrassment and delay, and picking out flaws, with the microscope of a lawyer, in the proceedings of the government. And he was prostituting his talents and perverting his energies. The House resolved that the letter of "Juniolus Canadensis," was a libel, and perhaps it was, but if so, Mr. Stuart had the Courts of Law open to him, and therefore the interference of the House was as silly as it was tyrannical. Mr. Cary, the publisher of the *Mercury*, evaded the Sergeant-at-Arms, and laughed at the silliness of the collective wisdom afterwards. The House was prorogued on the 15th of February. The war had not so far produced any injurious effect on the commerce of the country The revenue was

£61,193 currency, and the expenditure, which included the extraordinary amount of £55,000 granted towards the support of the militia, was only £98,777. The arrivals at Quebec numbered 399 vessels of 86,437 tons, and in 1812, twenty vessels were built at the port of Quebec.

The first operations of the next campaign, in 1813, were favorable to the British. On the 22nd of January, a severe action was fought at the River Raisin, about twenty-six miles from Detroit, between a detachment from the northeastern army of the United States, exceeding seven hundred and fifty men, under General Winchester, and a combined force of eleven hundred British and Indians, under Colonel Proctor. General Harrison, in command of the north western army of the United States, was stationed at Franklintown. Anxious, at any cost, to afford the discontented and sickly troops under him, active employment, he detached General Winchester with his seven or eight hundred, or, as it is even said, a thousand men, to take possession of Frenchtown. This, General Winchester had little difficulty in doing, as he was only opposed by a few militiamen and some Indians, under Major Reynolds. The intelligence of the capture of Frenchtown had, however, no sooner reached Colonel Proctor than he collected his men together and marched with great celerity from Brownston to Stoney Creek. Next morning, at the break of day, he resolutely attacked the enemy's camp and a bloody engagement ensued. General Winchester fell into the hands of the chief of the Wyandot Indians, soon after the action began, and was sent a prisoner to Colonel Proctor. The Americans soon retreated, taking refuge behind houses and fences, and, terribly afraid of the Indians, determinedly resisted. The Americans blazed away; every fence and window of the village vomited a flame of fire; but the British, with their auxiliary Indians, were still driving in the enemy, and about to set the houses on fire, when the captured General Winchester, stipulated for a surrender. On condition of being protected from the Indians, he assured Colonel Proctor that the Americans would yield, and this assurance being given, General Winchester caused a flag of truce to be sent to his men, calling upon them to lay down their arms, which they were only too glad to do. The Americans lost between three and four hundred in killed alone; while one brigadier-general, three field officers, nine captains, twenty subalterns, and upwards of five hundred rank and file, were taken prisoners.[20] Comparatively considered, the British loss was trifling. Twenty-four men were killed, and one hundred and fifty-eight were wounded. Colonel Proctor was raised to the rank of Brigadier-General, in reward for his successful gallantry.

As if to counterbalance the effect of this success, another naval engagement occurred at sea, on the 14th of February, between the British sloop of war *Peacock* and the American brig *Hornet*. The fight was long continued, bloody and destructive. The *Peacock*, after an hour and a half of hard fighting was in a sinking state. The effect of the enemy's fire was tremendous, but the men of the *Peacock* behaved nobly. Mr. Humble, the boatswain, having had his hand shot away, went to the cockpit, underwent amputation at the wrist, and again voluntarily came upon deck to pipe the boarders. The *Peacock* was now rapidly settling down, and a signal of distress was consequently hoisted. The signal was at once humanely answered. The firing ceased immediately, the American's boats were launched, and every effort praiseworthily made to save the sinking crew. All were not, however, saved. Three of the *Hornet's* men and thirteen of the crew of the *Peacock* went down in the latter vessel together. The *Hornet* carried twenty guns, while the *Peacock* had only eighteen, and the tonnage of the former exceeded, by seventy-four tons, that of the latter.

The Americans now gathering up their strength, irritated by their repeated failures on the land, and disheartened, but yet not discouraged by their original weakness on the lakes, were about, in some degree, to be compensated more suitably for their inland losses than by the capture or rather by the negative kind of advantage of destroying at considerable cost and risk, frigates and sloops of war at sea, inferior in every respect, the bravery of the sailors and the skill of the officers excepted, to the huge and properly much esteemed American double-banked frigates and long-gunned brigs. The command of Lake Ontario had devolved on the Americans. New ships of considerable size, and well armed, under the superintendence of experienced naval officers, were built and launched day after day. Troops were being collected at every point for an attack, by sea and land, upon either York or Kingston. It was now exceedingly necessary that some activity of a similar kind should be displayed by the British. The forests abounded in the very best timber; there were able shipbuilders at Quebec; the Canadian naval commanders had distinguished themselves frequently; there was a secure dockyard at Kingston; and, indeed, there existed no reason whatever, for the absence of that industry on the

Canadian side of the rivers and lakes, dividing the two countries, but one, and a more fatal one could not have been listened to. It was simply that the British had been hitherto able to repel the invader wherever he had effected a landing, and would be, under any circumstances, quite able, as they were willing, to repel him again. And there was an ignorance about Canada, on the part of both the heads of the naval and of the military departments in England, as disgraceful, as it was inexcusable. It was believed that there were neither artisans to be found in the country nor wood. It seemed to be a prevalent opinion that the country was peopled only by French farmers, a few French gentlemen, and some hundreds of discharged soldiers, with a few lawyers and landed proprietors, styled U.E. Loyalists, besides the few naval officers resident at Kingston, and the troops in the different garrisons. In Upper Canada, during the winter, nothing, or almost nothing, was done in the way of building ships for the lakes. Sir George Prevost, it is true, made a hurried visit to Upper Canada, after having prorogued the Parliament. He was a man admirably adapted for the civil ruler of a country having such an elastic and very acceptable constitution as that which Canada has now had for some years past. He was one of those undecided kind of non-progressive beings, who are always inclined to let well alone. He was well meaning, and he was able too, in some sense. He was cautious to such a degree that caution was a fault. He was not, by any means, deficient in personal courage, but his mind always hovered on worst consequences. If he had hope in him at all, it was the hope that providence, without the aid of Governor Prevost, would order all things for the best. He had a strict sense of duty and a nice sense of honor, but he always considered that it was his duty not to risk much the loss of anything, which he had been charged to keep, and his moral was so much superior to his physical courage, that he never considered it dishonorable to retreat without a struggle, if the resistance promised to be very great. An instance of this occurred while Sir George was on his way to Upper Canada. On the 17th of February, Lieutenant-Colonel Pearson, commanding at Prescott, proposed to him an attack upon Ogdensburgh, which was then slightly fortified, and was a rallying point for the enemy. Indeed, an attack had some days previously been made upon Brockville, by General Brown, at the head of some militia from Ogdensburgh, and Colonel Pearson thought that the sooner an enemy was dislodged from a position exactly opposite his own and only separated by a frozen river, three quarters of a mile in width, the more secure he would have felt himself to be, and the less danger would there have been of the communication between the Upper and Lower provinces of Canada, being interrupted. General Prevost would not consent to an attack, but he allowed a demonstration to be made by Colonel McDonnell, the second in command at Prescott, so that the enemy might exhibit his strength, and his attention be so much engaged that no attempt would be made to waylay the Governor General, on the information of two deserters from Prescott, who would, doubtless, have informed the commandant, at Ogdensburgh, of Sir George's arrival and of his chief errand. Colonel McDonell moved rapidly across the river, and on landing, was met by Captain Forsyth and the American forces under him. A movement designed for a feint, was now converted into a real attack. Colonel McDonell, as he perceived the enemy, still more rapidly pushed forward, and, in a few minutes, was hotly engaged. The Americans were driven from the village, leaving behind them twenty killed and a considerable number wounded. On the side of the British, the loss of Colonel McDonell, seven other officers and seven rank and file had to be deplored, while forty-one men were wounded. The attack was most successful however. Eleven cannons, several hundred stands of arms, and a considerable quantity of stores fell into the hands of the victors, while two small schooners and two gun-boats were destroyed in winter quarters.

Recruiting and drilling were being briskly carried on about Quebec and Montreal. Some troops began to arrive, about the beginning of March, from the Lower Provinces. The 104th regiment had arrived overland from Fredericton, in New Brunswick, by the valley of the St. Johns River, through an impenetrable forest, for hundreds of miles, to Lake Temiscouata, and from thence to River-du-Loup, proceeding upwards along the south shore of the St. Lawrence.

A month later and the Americans were ready to resume the offensive in Upper Canada. The American fleet, consisting of 14 vessels, equipped at Sackett's Harbour, situated at the foot of the lake, and not very far from Kingston, in a direct line across, sailed from the harbour under Commodore Chancey, with seventeen hundred men, commanded by Generals Dearborn and Pike, to attack York, (now Toronto.) In two days the fleet was close in shore, a little to the westward of Gibraltar Strait. A landing was soon effected at the French fort of Toronto, about three miles below York, under cover of the guns of the fleet, but the enemy's advance was afterwards stoutly opposed. Six hundred militia men altogether, including the grenadiers of the 8th regiment of the line, could not long withstand seventeen hundred trained troops. They

withdrew and the schooners of the fleet approaching close to the fort, commenced a heavy cannonade, while General Pike pushed forward to the main works, which he intended to carry by storm, through a little wood. As General Sheaffe, in command of the British, retired, and as General Pike, in command of the Americans, advanced, a powder magazine exploded which blew two hundred of the Americans into the air, and killed Pike. Of the British, fully one hundred men were killed, and the walls of the fort were thrown down. The Commodore was now in the harbour. And General Sheaffe seeing that not the remotest chance of saving the capital of Upper Canada, now existed, most wisely determined to retreat upon Kingston. He accordingly directed Colonel Chewett, of the militia, to make arrangement for a capitulation, and set off with his four hundred regulars for Kingston. By the capitulation, private property was to be respected, and public property only surrendered. The gain was not great, if the moral effect of victory be not considered. The victors carried off three hundred prisoners, and the British, before retreating, had considered it expedient to burn a large armed ship upon the stocks, and extensive naval stores.

The Clerk of the House of Assembly of Upper Canada, a volunteer, fell during the struggle. In all, the British loss was one hundred and thirty killed and wounded.

It is said that General Sheaffe suffered severely in the public estimation, because he retreated. The public had forgotten that he had killed and destroyed more Americans than had fallen on the side of the British. Nor did it occur to them that had their general not retreated, and capitulated, an armed fleet was in the harbour, which it was impossible to drive out, even had the fort been standing, or had there been great guns, with which earth batteries could have been formed. It had not occurred to the public of Lower Canada that if York had been burned, Sheaffe's retreat to Kingston, would have been no less imperative than it was. He was, however, superseded in the command in chief of Upper Canada by Major General De Rottenburgh.

The American fleet landed the troops at Niagara after this success, and then sailed for Sackett's Harbour for reinforcements. The Commodore, an energetic, clearheaded sailor, sent two of his vessels to cruise off the harbour of Kingston, vigilantly, and then sent vessel after vessel, at his convenience, with troops, up the lake to Michigan. There he concentrated the whole of his ships, including his Kingston cruisers, for an attack upon Fort George, in combination with the land force under General Dearborn. The British were under the command of General Vincent, who could not muster above nine hundred soldiers. It was early on the morning of the 27th of May, that the enemy began the attack. The fort was briskly cannonaded, and during the fire, Colonel Scott, with a body of eight hundred American riflemen, effected a landing. But they were promptly met by the British and compelled to give way, in disorder. The Americans retreated to the beach and crept under cover of the bank, from whence they kept up a galling fire, the British troops being unable to dislodge them, on account of the heavy broadsides of the American fleet, formed in Crescent shape, to protect their soldiers. Indeed, under cover of this fire from the fleet, another body of the enemy, numbering ten thousand men, effected a landing, and the British were reluctantly compelled to retire. General Vincent blew up the fort and fell back upon Burlington Heights, every inch of ground being stoutly contested. Flushed with success, Dearborn, the American General-in-Chief, now confidently anticipated the conquest of the whole of Upper Canada, and pushed forward a body of three thousand infantry, two hundred and fifty horse, and nine guns. But General Vincent having learned of the enemy's advance, sent Colonel Harvey, with eight hundred men, to impede their progress. Harvey, an experienced and brave officer, was not long in discovering that the enemy kept a bad look out. He resolved upon surprising them. Accordingly, he waited for the darkness of night, under cover of which, a sudden attack was made so successfully, that he made prisoners of two generals and a hundred and fifty men, besides capturing four guns. It was now the enemy's turn to retreat, and they did so in admirable confusion. Arrived at Fort George a halt took place, but a fortnight elapsed before General Dearborn had sufficiently recovered from the effect of this surprise to send out an expedition of six hundred men to dislodge a British picquet, posted at Beaver's Dam, near Queenstown. The dislodgement was most indifferently effected, inasmuch as the expedition was waylaid on their passage through the woods, by Captain Kerr, with a few Indians, and by Lieutenant Fitzgibbons, at the head of forty-six of the 49th regiment, in all, less than two hundred men, but so judiciously disposed as to make the Americans believe that they were the light troops of a very superior army, the approach of which was expected, and they, to the number of five hundred, surrendered, with two guns and two standards.

It now became the turn of the British to invade, and early in July, Colonel Bishop set out on an expedition to Black Rock, at the head of a party of militia, aided by detachments of the 8th, 41st, and 49th regiments of the line. He was perfectly successful. The enemies' block-houses, stores, barracks, and dockyard were burned, and seven pieces of ordnance, two hundred stand of arms, and a great quantity of stores were brought away. But it was at great cost. While employed in securing the stores, the British were fired upon, from the woods, by some American militia and Indians, and while Captain Saunders, of the 41st, dropped, severely wounded, Colonel Bishop, who had planned, and so gallantly executed the assault, was killed.

While these things were happening in the Far-Civilised-West of that day, the British flotilla on Lake Champlain, had captured two American schooners, the *Growler* and *Eagle*, of eleven guns each, off Isle-aux-Noix.

After it had become apparent that the Americans had the command of Lake Ontario, and could visit to burn and destroy every village or unfortified town, held by the British, some slight and very inadequate exertion was made to remedy so distressing a state of affairs. In May, Sir James L. Yeo, with several other naval officers and 450 seamen arrived at Quebec, *en route* for the lakes. Captains Barclay, Pring, and Finnis, had been some time at Kingston, and were doing something in the way of preparing for service the few, vessels at Kingston, by courtesy called a fleet. Sir George Prevost and Sir James L. Yeo lost little time in reaching Kingston together. The American fleet was off Niagara, bombarding Fort George. It occurred to the two commanders that an attack upon their naval station at Sackett's Harbour would not be amiss, and it was resolved upon. About a thousand men were embarked on board of the *Wolfe*, of 24 guns, the *Royal George*, of 24 guns, the *Earl of Moira*, of 18 guns, and four armed schooners, each carrying from ten to twelve guns, with a number of batteaux. The weather was very fine. Everything was got in readiness for an expeditious landing. The soldiers were transferred from the armed vessels to the batteaux, so that no time might be lost in the debarkation. Two gun-boats were placed in readiness, as a landing escort, The boats were under the direction of Captain Mulcaster, of the Royal Navy, and the landing under the immediate supervision of Sir George Prevost and Sir James L. Yeo. It was expected that, in the absence of the American fleet and army, the growing and formidable naval establishment of the enemy would be temporarily rendered worthless. And the expectation was not an unnatural one. It was, indeed, in a trifling degree, realised. There was some injury done to Sackett's Harbor, but not of such a nature as to produce a strong effect upon either Canadian minds or American nerves. A number of boats, containing troops, from Oswego, were dispersed, while doubling Stoney Point, and twelve of them, with 150 men on board, captured. But the loss to the British was the delay caused by such an unlucky acquisition. The landing was deferred by it. General Brown was put on the alert. He had time to make arrangements and to collect troops. He planted 500 militia on the peninsula of Horse Island, which is a sort of protection wall for the harbour. He ordered them to be still and close, keep their powder dry, and reserve their fire. And they did their best, in accordance with these instructions, until the fleet opened a heavy cannonade to cover the landing of the invaders, when General Brown's militiamen quaked exceedingly. When the troops had landed, and the American militia had lost, by death, their immediate commander, Colonel Mills, they fled with the utmost precipitation. But it was the conduct of these very cowards that afterwards alarmed, the ever suspicious Sir George Prevost, and caused, to a very considerable extent, the almost failure of the expedition. The British columns were advancing somewhat rapidly towards Fort Tomkins, when they were met by Colonel Backus, at the head of 400 regulars, and some militia, hastily assembled from the neighboring towns. A sharp contest ensued. Colonel Backus was mortally wounded. His regulars still maintained their ground, but a serious impression had been made upon his line. On the militia, so strong an impression had been made that before General Brown could bring up, to the assistance of Backus, 100 of the party dispersed at the landing, these irregulars fled by a road leading south westwardly, through a wood. The regulars stood firm. Captain Gray, commanding the British advanced corps fell, and the suspicious mind of Prevost fancied a snare. He saw the regular soldiery of the enemy standing unmoved; he had learned that a regiment of American regulars, under Colonel Tutle, were marching at double step, to the scene of action; and he fancied that the retreating militia were not at all afraid, but brilliantly executing a circuitous march to gain the rear of the British line, and cut off their retreat. It was true Fort Tomkins was about to fall into British hands. Already the officer in charge of Navy Point, agreeably to orders, and supposing the fort to be lost, had set on fire the naval magazine, containing all the stores captured at York; the hospital and barracks were illuminating the lake by their grand conflagration; and a frigate on the

stocks had been set on fire, only to be extinguished, when Sir George Prevost's mind became unsettled, concerning the ulterior designs of the enemy. In the very moment of fully accomplishing the purpose of the expedition, he ordered a retreat; the troops were re-embarked without annoyance; the fleet returned safely to Kingston, and the Canadian public suspected that Sir George Prevost, as a military commander, had been weighed in the balance and found wanting. They felt, indeed, most acutely, that Major General Isaac Brock was dead, and that he was not replaced by Sir George Prevost.

In the west, the Americans, under Harrison, exerted themselves to recover Michigan. They were blockaded, it is true, and inactive within Fort George, but, on Lake Erie, the war was vigorously prosecuted. General Proctor was kept particularly busy. The Americans were inconveniently near. They showed no disposition to move. They had settled down and were practicing masterly inactivity at Sandusky. Proctor determined upon disturbing them. He moved rapidly upon Lower Sandusky, and invested it with five hundred regulars and militia, and upwards of three thousand Indians. The Indians were commanded by Tecumseh. Having battered the fort well and made a breach Proctor determined upon carrying the place by assault. The Indians, however, were worthless for the assault of a fortified place. Concealed in the grass of the prairie, or hidden in the trees of the forest, they could fire steadily and watch their opportunity to rush upon the foe, but they had a horror of great guns and stone walls. They kept out of range of the American cannon. Nothing could induce them to consent even to follow their British allies up to the breach. The assault was, nevertheless, determined upon, and Colonel Short led the storming party of regulars and militia. Under cover of the fire of cannon the gallant band reached the summit of the glacis and stood with only the ditch between them and the fort. The heavy fire of the enemy upon men in a position so exposed at first produced some confusion; but the storming party soon rallied and leaped into the ditch. It was then that they were smitten with such a fire of grape and musketry as no men could long withstand. The assailants retreated, leaving Colonel Short, three officers, and fifty-two men dead in the ditch, and having forty-one of their number wounded.

General Proctor, finding his force inadequate to carry the fort by assault, raised the siege and retired to Amherstburgh.

Although it was all important to have and maintain the command of the lakes, very little was done by the British with that view. It was especially necessary to obtain the command of Lakes Erie, Ontario and Champlain. No great aggressive movement could have been easily effected while the British had the command of the lakes. But on Lake Ontario the British fleet was inferior to that of the American, the American Captain Perry had almost established himself on Lake Erie, and on Lake Champlain the British had not a single vessel larger than a gun-boat, and very few of them. The excuse was that every vessel cost a thousand pounds a ton; that timber, nor iron, nor anything required for shipbuilding was obtainable in a province which was even then compensating for the check in the Baltic timber trade, in a province which abounds in iron, and was then quite capable of building large sea-going craft at Quebec. While it was in truth no more difficult for England to cover the lakes with cannon than it was for the United States to do so, England kept sending out, at great expense, timber, pitch, materials in iron, water casks, and such like to Quebec and Kingston, with some thirty or forty shipwrights, and less than a hundred sailors to man the flotillas of three lakes. Neither the Admiralty nor the Ordnance had time to make enquiries concerning Canada, or even to think of the American war. All eyes were upon Wellington in Spain. The attention of the people of England was not directed towards Canada. A wide sea rolled between the two countries, and, besides, there was an indistinct notion that Canada was wholly inhabited by Frenchmen, who might take care of themselves or not, as they pleased. The two first vessels belonging to the British on Lake Champlain, were built by the Americans. The British were contented with their fort at Isle-aux-Noix, and rejoiced in the luxury of two gun-boats. It was on a lovely morning very early in June, that a sail was seen stretching over a point of land, formed by a bed in the river Chambly, and about six miles distant from the fort. Another sail followed closely, and the shrewd suspicion seized upon Colonel Taylor, of the 100th foot, commanding the garrison, that the visitants were vessels of war. He determined to war with the two strangers, *per mare et terram*. He converted some of his soldiery into marines, manned his three gun-boats, and placing three artillerymen in each boat, proceeded towards the enemy. But he took the additional precaution of sending down both shores of the river a few detachments from the fort. The sloops of war came up majestically, the star-spangled banner waved gracefully in the gentle morning air, and the American

commanders were guessing the effect of their first broadside upon Isle-aux-Noix, when they were met by a heavy and well directed fire of grape from the gun-boats, and by a steady torrent of bullets from the shore. Still they tacked shortly from shore to shore, and every time they were in stays, a shower of bullets swept the decks, while the grape of the gun-boats whistled through the rigging. From half past four in the morning until half past eight, the battle raged, but then it was necessary to run one of the sloops ashore, to prevent her from sinking, and both surrendered. The *Growler* and the *Eagle* were worth the trouble incurred in capturing them. Each mounted eleven guns. They had long eighteens upon their forecastles, and their broadside guns were composed of twelves and sixes. The crew of each vessel consisted of thirty-five men and between the two vessels there was a company of marines, who embarked on the previous evening at Champlain. Nor was the cost to the captors very great. No one was killed and only three men were severely wounded, while the enemy suffered severely in killed and wounded, and a hundred men were made prisoners.

These vessels now called the *Shannon* and the *Blake*, as forget-me-nots of an action recently fought, but not yet noticed, in Chesapeake Bay, were speedily turned to excellent use. It was conceived expedient to destroy the barracks, hospitals and stores at Plattsburgh, Burlington, Champlain, and Swanton, if possible, and an expedition was accordingly fitted out at Isle-aux-Noix. The two captured sloops of war were repaired and made ready for the lake. Captain Pring, from Lake Ontario, was promoted to the rank of commander and sent to take command, but the sloop of war *Wasp*, having shortly afterwards arrived at Quebec, Captain Everard, with his whole crew, were sent to Isle-aux-Noix, and as senior officer assumed the command of the two vessels and the three gun-boats. The squadron sailed on the 29th of July, with about nine hundred men on board, consisting of detachments of the 13th, 100th, and 103rd regiments of the line, under Lieutenants Colonel Taylor and Smelt, some royal artillery under Captain Gordon, and a few militia, as batteaux men, under Colonel Murray. The expedition was altogether successful. At Plattsburgh, the American General, Moore, made no opposition to the landing of the British, but retired with fifteen hundred soldiers, Murray, meanwhile, destroying the arsenal, public buildings, commissariat stores, and the new barracks, capable of accommodating five thousand men. Neither did the squadron lie idly by. Captains Everard and Pring, in the *Growler* and *Eagle*, proceeded to Burlington, and threw the place into the utmost consternation. Gen'l. Hampton, who was encamped there with four thousand men, was unable to prevent the capture and destruction of four vessels. And the two ships did not linger there either unnecessarily. They went back to Plattsburgh, re-embarked the troops, and proceeded to Swanton, Colonel Murray sending a detachment to Champlain to destroy the barracks and blockhouse. At Swanton the object of the expedition was accomplished, and the expedition returned without casualty.

Public opinion had its effect upon the Admiralty, notwithstanding the stubborn resistance of the old Lords, who still privately persisted in the notion that an old tub, manned by monkeys, if commanded by an officer in the royal navy, was a match for the best American frigate that ever floated. There had for some time back been considerable activity in the English dockyards. Several vessels were commenced on the model of the American frigates, and the commanders of frigates and sloops of war, on the American coast, were cautioned not to expose themselves to certain destruction by attacking large and heavily armed vessels, only nominally of the same rank or class as themselves. There was to be a real, not an apparent equality. There was to be an equality in tonnage, an equality in the number of guns, an equality in the weight of metal, an equality in the thickness of a ship's sides, and above all an equality in men, so far as such equality could be ascertained. Equality in sailing power was of great importance, but where it was wanting, the superior sailor, if superior in metal and men had an advantage which nothing but a calm or a lucky hit aloft could destroy. The crews of every ship on the North American Station were to be exercised in gunnery. Wisdom had been luckily forced upon the Admiralty. And the result was good. Sir John Borlase, the naval commander, in North America, blockaded every harbour in the United States. American commerce was ruined. The carrying trade of the Atlantic was no longer in American hands. The public revenue sank from twenty-four millions of dollars annually, to eight millions. Even had the Americans possessed the means of building new frigates, the expenditure would have been useless, while Sir John Borlase had the command of the sea. Congress did authorise the commencement of four new seventy-fours, and of four forty-four gun frigates, with six new sloops for the ocean, and as many vessels of every description, as circumstances would show the necessity for, on the lakes.

Admiral Cockburn, at the head of a light squadron, was most annoying to the Americans. Not only did he blockade the Chesapeake and Delaware inlets, but he scoured every creek and river. Every now and then gun-boats were sent on excursions, and marines landed to damage naval stores and arsenals. He was a kind of legalized pirate, who darted in to a harbour, bay, or port, doing every imaginable kind of mischief and running off.

About this time there were cruising off Boston two ships of equal strength, the *Shannon* and the *Tenedos*. Captain Broke, the commander of the *Shannon*, was the senior officer, and having determined upon a combat, if it were possible to effect it, between the American frigate *Chesapeake*, then in Boston harbour, where she had passed the winter, and his own vessel, he sent the *Tenedos* to sea, with instructions not to return for three weeks. Captain Broke had laboriously and anxiously drilled his men. He had sighted his guns and used them often. In a word, he had by long continued training brought his crew to the highest state of discipline and subordination. They could fire ball to a nicety. At sea and in harbour he had kept his men at great gun practice. He was in a position to cope with any forty-four gun frigate, belonging to the United States, for, though the *Shannon* was only pierced for 38 guns, she carried 52. When the *Tenedos* had put to sea, Captain Broke sent in a challenge to Captain Lawrence, of the *Chesapeake*, entreating him to try the fortunes of their respective flags in *even combat*. The *Chesapeake* had 49 guns. Captain Broke immediately lay close into Boston Light House, and the *Chesapeake* was quickly under weigh. It is said that Captain Lawrence had not received the challenge of his opponent when he stood out of the harbour, but, however that may be, the *Chesapeake* was escorted to sea by a flotilla of barges and pleasure boats. Victory, indeed, was considered certain by the Americans. Nay, so very certain were the inhabitants of Boston that the *Shannon* would either be sunk or towed into port that, counting their chickens before they were hatched, they prepared a public supper to greet the victors on their return to the harbour, with their prisoners. It was otherwise. Captain Broke saw with delight, from the masthead of the *Shannon*, that his challenge was to be satisfactorily replied to. The *Shannon* was cleared for action, and waited for the *Chesapeake*. She had not long to wait. The *Chesapeake* came bowling along with three flags flying, on which were inscribed—"Sailors, rights and free trade." The *Shannon* had her union jack at the foremast, and a somewhat faded blue ensign at the mizen peak. There were two other ensigns rolled into a ball ready to be fastened to the haulyard and hoisted in case of need. But her guns were well loaded, alternately with two round shot and a hundred and fifty musket balls, and with one round and one double-headed shot in each gun. The enemy hauled up within two hundred yards of the mizen beam and cheered. The *Shannon* cheered in return, and then the bravest held his breath for a time. A moment more and the *Shannon's* decks flashed fire. With deliberate aim each gun along her sides was discharged, and the enemy, in passing, fired with good effect his whole broadside. The *Shannon's* shot, however, told upon the rigging of the *Chesapeake*, and upon her men, and after two or three broad sides, the *Chesapeake* in attempting to haul her foresail up fell on board the *Shannon*, whose starboard bower anchor locked with the *Shannon's* mizen chains. The great guns, with the exception of the *Shannon's* two aftermost guns ceased firing. The *Chesapeake's* stern was beaten in, and her decks swept. There was now a sharp fire of musketry from both sides, but Captain Broke perceiving that the *Chesapeake's* men had left their guns, called up his boarders, at the same time ordering the two ships to be lashed together. And Mr. Stevens, the *Shannon's* boatswain, set about the execution of the latter order. His left arm was hacked off by the enemy's marines, and he was mortally wounded by a shot from the *Chesapeake's* tops. He proceeded, nevertheless, in fastening the two ships together, and then dropped in death between the vessels. Captain Lawrence was wounded and carried below, when Captain Broke, at the head of his boarders, leapt upon the *Chesapeake's* quarter-deck. The enemy's crew were soon overpowered and driven below. Forcing his way forward, the *Shannon's* men shut down the *Chesapeake's* hatches and kept up a fire on the men in the tops, while the *Shannon's* men at the same time, under Mr. Smith, forced their way from the foreyard to the *Chesapeake's* mainyard, and soon cleared the tops. Captain Broke was at this time assailed furiously by three American sailors, who had previously submitted, and was knocked down by the butt end of a musket, but as he rose he had the satisfaction of seeing the American flag hauled down and the proud old British union floating over it in triumph. Fifteen minutes had only elapsed and the *Chesapeake* was entirely in the hands of the British. There was one lamentable mishap. Lieutenant Watt, who hauled down the enemy's colours was, with two of his men, killed by a discharge of musketry from the *Shannon's* marines, in the belief that the conflict still continued. The *Chesapeake* had forty-seven killed and ninety-eight wounded, and the *Shannon* lost in killed twenty-four, while fifty-nine had been wounded. It was so ascertained that

on equal terms England still held the supremacy of the seas, and the exultation in England was so great that every right-minded man went with the government when they made Captain Broke a baronet. The broadside guns of the *Shannon* were 25, of the *Chesapeake* 25; the weight of metal in the former was 538 lbs., and of the latter 590 lbs.; while the *Shannon* had 306 and the *Chesapeake* 376 men.

The *Chesapeake* was carried into Halifax, where her gallant, gentlemanly, and ill-starred commander died and was buried, with full military honors, in the presence of all the British officers on the station, who uncovered themselves as they laid into the grave all that was earthly of their noble foe.

The tide of fortune on the sea had now turned in favor of Great Britain. On the 14th of August, the *Argus*, of twenty guns, employed in carrying out Mr. Crawford, the American Minister to France, was met after having landed the minister off St. David's, at the mouth of the Irish channel, by the British brig *Pelican*, of eighteen guns, more heavily armed, though carrying fewer guns, and better manned than the *Argus*, so that, everything considered, the vessels were tolerably well matched. As a matter of course they fought, and the *Pelican*, one of the improved brigs, soon out-manœuvred and raked her antagonist. Captain Allen, of the *Argus*, fell at the first broadside. The *Argus* was ultimately obliged to surrender with a loss of six killed and seventeen wounded, her opponent having only three killed and five wounded.

It was not long after this that the British brig *Boxer*, of only fourteen guns and sixty-six men, fell a prize to the American brig *Enterprise*, of sixteen guns and one hundred and twenty men, but afterwards, throughout the war, single combats, where there was even an approach to equality, terminated in favor of the British. Captain Blythe, of the *Boxer*, and the commander of the *Enterprise*, Lieutenant Burrows, were buried in one grave, at Portland in Maine, with military honors.

Thus were the favors of Mars still balanced with tolerable fairness between the combatants.

Between Upper and Lower Canada the communication by either land or water, in summer, was very imperfect, during the war. There was then no Rideau Canal, connecting Kingston with the Ottawa and the St. Lawrence. And there was neither the Lachine, the Beauharnois, the Cornwall nor any other canal by which the dangers and difficulties of the St. Lawrence rapids might be avoided. Only batteaux and canoes plied between Upper and Lower Canada. A kind of flat-bottomed boat, of from 35 to 40 feet in length, and about six feet beam in the centre, carrying from four to four and a half tons, was only available for the transport of passengers, goods, wares, and merchandise. The boat was worked by oars, a mast and sail, drag-ropes for towing, and long poles for pushing them through the rapids, while the bow was kept towards the shore by a tow line held by the boat's crew or attached to horses. From ten to twelve days were occupied in the voyage from Montreal or Lachine to Kingston. To convey stores from Lachine to Kingston, during the war, required some tact. On one side of the river were the British batteries, while exactly opposite was an American fort or earthwork, which as the batteaux poled past Prescott or Brockville, could throw a round shot or two in their immediate vicinity without very much trouble. Indeed the Americans did very quietly send one or two cruisers and privateers to dodge about that marine paradise, the Thousand Islands, forming the delta of Lake Ontario, and covered to this day with timber to the water's edge, islands of all sizes and of all forms, gently rising out of the limpid rippling stream, or boldly standing forth from the deep blue water, presenting a rugged, rocky moss-clad front to the wonderstruck beholder. On the 20th of July, some cruisers from Sackett's Harbour, succeeded in surprising and capturing, at daybreak, a brigade of batteaux laden with provisions, under convoy of a gun-boat. They made off with their prize to Goose Creek, which is not far from Gananoque. At Kingston the loss of the supplies was soon ascertained, and Lieutenant Scott, of the Royal Navy, was despatched with a detachment of the 100th regiment, in gun-boats, to intercept the plunderers. At the lower end of Long Island, he ascertained the retreat of the enemy, and waited patiently for the morning. In the evening, still later, a fourth gun-boat with a detachment of the 41st regiment came up, and having passed the night in bright anticipations of glory, the rescuing gun-boats proceeded at three in the morning to Goose Creek. The enemy had gone well up and had judiciously entrenched themselves behind logs, while they had adopted the Russian plan of blocking up the entrance to their harbor where the Creek became so narrow that the attacking gun-boats found it necessary to pole up even that far. Lieutenant Scott set his men to work, to remove the barriers to his ingress, but a brisk fire soon caused him to desist, and indeed he was very nearly disabled. The only gun-boat that could be brought to bear upon the enemy was already

disabled, and the consequences might have been disastrous but for the gallant conduct of the soldiers, who leaped from the sternmost boats, up to their necks, carrying their muskets high overhead, and charged the enemy on landing, causing them to retreat with precipitation behind their entrenchment. While this was being done, the gun-boats were got afloat and put to rights, and the soldiers expeditiously re-embarking the re-capture of the provisions was abandoned. Captain Milnes, a volunteer aid-de-camp to the Commander of the Forces, was killed.

A second boat expedition from Kingston failed, Sir James Yeo, conceived that he might out cut of Sackett's Harbour the new American ship *Pike*, the equipment of which Commodore Chancey was superintending. He arrived at the mouth of the harbor, but the enemy having accidentally heard of his errand, Sir James abandoned a scheme that could only have been effected by surprise. In July, the American fleet appeared on the lake with augmented force. Colonel Scott, with a company of artillery and a considerable number of other soldiers was on board, *en route* for Burlington Heights. He was most anxious to destroy the British stores there, the more especially as the place was only occupied by Major Maule, at the head of a small detachment of regulars. Lieutenant-Colonel Harvey, the Deputy Adjutant-General of the army, shrewdly suspecting the design of the enemy, despatched Colonel Battersby from York, who arrived in time to reinforce Maule. Scott made no attack, but with the advice, or at all events, the concurrence of the commodore, did a much wiser thing. The expedition sailed upon York, which Lieutenant-Colonel Battersby had evacuated to save Burlington. A landing was effected at York, of course, without opposition; the store-houses, barracks, and public buildings were burned, and such stores as were worth carrying away, taken. In Lake Champlain, on the same afternoon, Colonel Murray and Captains Everard and Pringle were retaliating at Plattsburgh, Burlington, Champlain, and Swanton. Commodore Chancey having effected his purpose sailed for Niagara, whither he was followed by Sir James Yeo, and looked in upon on the 31st of July. Chancey, without loss of time, raised his anchors and stood out of the bay, bearing down upon the British squadron. Sir James manœuvred, keeping out of range, and indeed coquetted with the enemy, until he had an opportunity of pouncing upon two of his vessels, the *Julia* and *Growler*, which he cut off and captured. He still pursued the same tantalizing course of action, and Commodore Chancey became completely disheartened, when the *Scourge* of eight, and the *Hamilton* of nine guns, in endeavouring to escape from the British, capsized under a press of sail, and went down, all hands perishing, except sixteen who were picked up by the boats of the opposing squadron. Immediately after this disaster he stood off for Sackett's Harbour, and arrived there on the 13th of August. He merely took in provisions, however, and again sailed for Niagara, arriving there early in September. On the 7th the British fleet appeared off the harbour, and Chancey stood out into the lake. The two fleets manœuvred as before, avoiding close quarters, and indeed, for full five days, hardly exchanged a shot. But on the 28th of September, the fleets approached each other, and a sharp engagement ensued between the two flag ships. The *Wolfe*, in which Sir James Yeo's pendant was hoisted, lost her main and mizen topmasts, and only that the *Royal George* ran in between the *Wolfe* and the *Pike*, enabling the former to haul off and repair, the British flag ship would have been captured. As it was, Sir James Yeo made off with his fleet to take refuge under Burlington Heights.[21] Soon after, the American fleet took troops from Fort George to Sackett's Harbour, from whence an expedition was being fitted out, in the way, capturing five out of seven small vessels, from York, containing 250 men of DeWatteville's regiment, intended to reinforce the garrison at Kingston.

On the lakes of Upper Canada, the fair face of fortune was turned away from the British. As yet the capricious lady had only frowned, but now she was positively sulky. A serious and indeed dreadful disaster, which could not be afterwards repaired, but entailed loss upon loss to the British, occurred on Lake Erie. The British provinces were indeed exposed by it to the most imminent danger. At one blow all the advantages gained by Brocke were lost. On Lake Erie as on Lake Ontario, both the British and the Americans exerted themselves in the construction of war vessels. The great drawback to the British was the want of seamen. Captain Barclay, when appointed to the command on Lake Erie, in May, took with him fifty English seamen, to man two ships, two schooners, a brig and a sloop, the rest of the crews being made up of 240 soldiers and 80 Canadians. Captain Perry, the American commander, had two more vessels, an equal number of guns, double the weight of metal, and was fully manned by experienced seamen. Captain Barclay sailed from Amherstburgh and stretched his little squadron across the entrance to Presque Isle. The American squadron, under Perry, was riding at anchor, unable to put out, because the bar at the entrance of the harbour prevented it from crossing, except

with the guns out, an operation not considered perfectly safe when done in the face of an enemy. Captain Barclay was under the necessity of momentarily leaving his station, and his opponent, Perry, crossed the bar. Barclay in turn became the blockaded party. He made with all haste for Amherstburgh and was shut in by Perry. Barclay practiced his soldiers at the guns, and learned his Canadians how to handle the ropes. He was indefatigable in his exertions to render his crew as efficient as such a crew could be made on shipboard. He yet feared to meet Perry and his picked crews, but his provisions fell short, and he was compelled to put out. The result was a battle, the last thing to have been desired, where so much depended on the issue. Victory was stoutly contested for on both sides. At 11 o'clock, on the forenoon of the 10th of September, the American squadron, consisting of nine vessels, and the British squadron, consisting of six vessels, formed in lines of battle. At a quarter before 12, Captain Barclay's ship, the *Queen Charlotte*, opened a tremendous fire upon the *Lawrence*, the flag ship of Commodore Perry. The *Lawrence* was torn to pieces. She became unmanageable. Except the Commodore and four or five others, every man on board was either killed or wounded. Perry abandoned her, and the colours were hauled down; but he only left one ship to rehoist his flag in another, as yet untouched. He boarded the *Niagara*, of twenty guns, and a breeze springing up behind his ships, which as yet had not been in action, he obtained the weather gage of the British, and made it necessary for them to wear round. It was in the endeavour to execute this manœuvre that Barclay lost the advantage. His inexperienced and, therefore, somewhat awkward sailors, became flurried, and the vessels fell foul of each other. They were for the most part jammed together, with their bows facing the enemy's broadside. Captain Perry saw his advantage and raked the *Detroit*, the *Queen Charlotte*, and *Lady Prevost*, at pleasure. The *Chippewa* and *Little Belt* had been separated from the other ships, and were hotly engaged by the Americans. The British line was, in a word, broken. The carnage was now dreadful, and the result awfully disastrous to the British. Barclay fell, severely wounded. Every officer was either killed or wounded. And two hundred out of three hundred and forty-five men were in a like condition. For three hours the battle raged, but at the end of that time the British squadron was capsized, and Perry, in imitation of Julius Cæsar, sent the message to Washington:—"We have met the enemy, and they are ours." Of the Americans, twenty-seven were killed and ninety-six wounded.

This was a sore blow and terrible discouragement to Canada. Supplies of provisions were no longer obtainable by General Proctor from Kingston, and Michigan was, consequently, untenable. The speedy evacuation of Detroit, and a retreat towards the head of Lake Ontario, became inevitable. Commodore Perry could, at any moment, land a force in General Proctor's rear, and entirely cut him off from Kingston and York, and the lower part of Upper Canada. General Proctor at once retreated, abandoning and destroying all his fortified posts, beyond the Grand River. He dismantled first Detroit and then Amherstburgh, setting fire to the navy yard, barracks, and public stores, of the latter place. And he had just done so in time. As soon after the destruction of the British fleet, as circumstances would permit, Commodore Perry transported the American forces, under General Harrison, from Portage River and Fort Meigs, to Put-in-Bay, from whence they were conveyed to Amherstburgh, which they occupied on the 23rd of December. Proctor retreated through woods and morasses, upon the Thames, hotly pursued by Harrison. The brave Tecumseh, at the head of the Indians, endeavored to cover his retreat. But on the 4th of October, the enemy came so close upon the British rear as to succeed in capturing all their stores and ammunition. Destitute of the means of subsistence, worn down with fatigue, and low-spirited by misfortune, Proctor came to the determination of staking all on the hazard of a die. He resolved upon bringing the enemy to an engagement, and took up a position near the Moravian village upon the Thames. Tecumseh and his Indians assumed a position, well to the British right, in a thicket. Prescott drew out his right in line on a swamp, and supported it by a field piece, while his left stretched along, towards the Thames, supported by another field piece. The ground was not well chosen. Between Proctor and his enemy there was a dry or rather elevated piece of ground, covered with lofty trees, without underbrush. On the following day the enemy came up. Harrison drew up his army in two lines, the cavalry in front, and ordered the Kentucky Riflemen, commanded by Colonel Johnson, to charge the British, which they could not so easily or effectually have done, had the British been either on the summit of the wooded knoll or some distance behind the swamp. The Kentuckians slowly advanced through the wood, receiving two vollies from the British line, before they were out of it. It was then that they dashed forward at full speed, broke the British ranks, and wheeled about. Taken, as it were, suddenly, in the rear, Proctor's men became confused. To resist or to retreat was equally

impossible. They could only retreat by forcing the American infantry, in front, and they could only resist by facing the Kentucky Riflemen in the rear, who had already ridden through them and had now raised their rifles to decimate them. The British threw down their arms and the Indians, with the exception of Tecumseh and a chosen few fled, yelling, through the woods. Tecumseh fought desperately, even with the mounted rifles. He sprang upon their leader, Colonel Johnson, wounded him and pulled him to the earth. But, at this moment, Johnson's faithful dragoons spurred to his rescue. Tecumseh was surrounded and pierced with bullets. Raising his hands aloft, to the great Father of all, this faithful ally and courageous savage, gave one last, stern, defiant look, at the foe, and breathed no more. General Proctor and his personal staff, with a few men, had previously sought safety by flight to Ancaster. And this remnant of the right division, including Proctor and seventeen officers, amounting to only two hundred and forty-six men, arrived at Ancaster on the 17th of October.

Harrison was greatly superior in numbers, and had cavalry, which Proctor was entirely without. The Kentucky cavalry were accustomed to fighting in the forest, and were expressly armed for it. Proctor did not exhibit ordinary judgment in his selection of ground. He had hardly time to cut down trees and to entrench himself, and the probability is that he was not aware of the enemy's possession of cavalry, and therefore was less prudent in his choice of ground than otherwise he would have been. Harrison, the American commander, had no less than 3,500 men with him, and as he captured only 25 British officers and 609 rank and file, all that surrendered, while two hundred and forty-six in all only escaped, the mishap to Proctor who was personally a brave officer, as he had repeatedly proved, ought not to have excited surprise. But the disaster following as it did, and as should have been expected, the calamity on Lake Erie, the Governor-in-Chief was highly incensed, and nearly sacrificed Proctor to public opinion. He abused him and his army in no measured terms, in general orders. He contrasted the conduct of the soldiery with that of Tecumseh and his Indians. He charged the Adjutant-General Reiffenstein with gross prevarication. He sneered at the captured, few of whom had been rescued by an honorable death from the ignominy of passing under the American yoke, and whose wounds pleaded little in mitigation of the reproach. The officers in retreating from Detroit, Sandwich and Malden, seemed to have been more anxious about their baggage than they had afterwards been about their honor. The enemy had attacked and defeated Proctor and his right division without a struggle. He could not indeed fully disclose to the British army the full extent of disgrace which had fallen upon a formerly deserving portion of the army. Sir George Prevost who had himself behaved so well at Sackett's Harbour, and who afterwards acted so honorably towards Commodore Downie, at Plattsburgh, did not spare an officer whom he had himself raised to the rank of Brigadier-General for previous gallantry in the field, and for distinguished success. Nay, he brought him to a Court Martial. The Court found that he had not retreated with judgment and had not judiciously disposed of his force, considering the extraordinary difficulties of his situation; but it further found that his personal conduct was neither defective nor reproachable. He was sentenced to be suspended from rank and pay for six months. George the Fourth, then Prince Regent, was still more severe upon the unfortunate Proctor. He confirmed the sentence and censured the Court for mistaken lenity.

There was this difference between Sir George Prevost and General Proctor:—Prevost was excessively cautious: Proctor was incautious to excess.

All Western Canada, with the exception of Michillimackinac, was now lost to the British. The Americans had not only recaptured Michigan, but the issue of one battle had given them a long lost territory, and the garden of Upper Canada. Harrison did not move against Michillimackinac, being persuaded that it would fall for want of provisions, but went to Buffalo and from there went to Niagara and Fort George, abandoned by General Vincent, who had fallen back, on hearing of Proctor's discomfiture, on Burlington Heights. In retreating, Vincent sent his baggage on before him, followed by the main body of his army, some three or four thousand sickly men, and kept his picquets in front of Fort George to deceive the enemy: seven companies of the 100th and the light company of the 8th regiment, and a few Indians, more men than Proctor had altogether, constituted the rear guard, and covered the retreat. The guard was closely pressed by 1,500 of the enemy, under Generals McClure and Porter, from Fort George, but the guard managed to keep them in check and enabled Vincent and Proctor to effect a junction at the heights of Burlington. The rear guard halted at Stoney Creek, but the enemy refused to give battle.

The result of these operations, in the northwest, so flattered the Americans as to induce the government at Washington to attempt a more effectual invasion of Canada. General Dearborn had been replaced, on account of ill-health, in the chief command of the army of the north, by General Wilkinson. The force intended for the contemplated invasion of Canada amounted to twelve thousand men. There were eight thousand stationed at Niagara and four thousand at Plattsburgh, commanded by Hampton, in addition to which, the forces under Harrison, were expected to arrive in time to furnish important assistance. It was in pursuance of this policy that Harrison suddenly left Fort George for Sackett's Harbour. General Wilkinson was concentrating his forces at Grenadier's Island, which is situated between Sackett's Harbour and Kingston, at the foot of Lake Ontario, and the plan was to descend the St. Lawrence, in batteaux and gun-boats, passing by the forts and forming a junction with Hampton, to proceed to the Island of Montreal. The plan was not by any means an injudicious one, and its failure was almost marvellous. The expeditions were checked, and indeed annihilated by petty skirmishes, and that lack of decision, so fatal to military commanders. Hampton advanced on the 20th of September. At Odelltown he surprised the British picquet, and from thence he took the road leading to L'Acadie. He had, therefore, to pass through a swamp, covered with wood, for upwards of five leagues, before reaching the open country. Colonel DeSalaberry had done his best with the aid of his Voltigeurs to make the road a bad one to travel on. In the preceding campaign he had felled trees and laid them across it, and he had dug holes here and there, which soon contained the desired quantity of swampish water and kept the road as moist as could be wished. It was on the advance of Hampton, guarded by a few of the Frontier Light Infantry and some Indians, under the direction of Captain Mailloux. To strengthen Mailloux, Colonel DeSalaberry with his Voltigeurs and the flank companies of a battalion of militia, under Major Perrault, took up a position on both sides of the road among the trees, after the manner of the Indians. Hampton did not like the general appearance of matters and turned off the road, moving with his whole force towards the head of the river Chateauguay. DeSalaberry, with his Voltigeurs, also moved upon the Chateauguay. He was ordered, by the Commander of the Forces, to proceed to the enemy's camp at Four Corners, at the head of Chateauguay, create an alarm, and, if possible, surprise and dislodge him. He had only with him one hundred and fifty Voltigeurs, the light company of the Canadian Fencibles, and a hundred Indians, in charge of Mr. Gaucher. The Four Corners were reached unobserved. But an alarm was instantly given to the camp by the forwardness of an Indian, who discharged his musket without necessity, and without orders. DeSalaberry could now only close up his men and push forward. In a few minutes his brave band were in the midst of the enemy, numbering about four hundred, whom they drove before them, like sheep. His weakness, in numbers, for only fifty men and a few Indians had come up, was, however, soon apparent, and the enemy came to a halt, and another section of the foe made a movement with the view of out-flanking the assailants. DeSalaberry wisely fell back upon the position, from which he had emerged, upon the camp, at the skirt of the wood, and shortly afterwards the Indians having all fallen back, he retired altogether. The loss was very trifling, but the effect was excellent, both upon the enemy and upon the hitherto untried Voltigeurs. The enemy perceived or supposed that he perceived great preparations made to dispute his advance, inch by inch, while the Voltigeurs perceived that men are hardly aware of how much they are capable of doing until they try. DeSalaberry returned to Chateauguay, breaking up the road in his rear, and having ascertained the road by which Hampton was determined to advance, he judiciously took up a position in a thick wood, on the left bank of the river Chateauguay, two leagues above its confluence with English river. Here, he threw up breastworks of logs, and his front and right flanks were covered by extended abattis. His left rested on the river. In his rear the river being fordable, he covered the ford with a strong breastwork, defended by a guard, and kept a strong picquet of Beauharnois militia in advance on the right bank of the river, lest, by any chance, the enemy should mistake the road which DeSalaberry designed him to take, and crossing the ford, under cover of the forest, should dislodge him from his excellent position. Fortune favors the brave, when judicious. Hampton, having detached Colonel Clarke to devastate Missisquoi Bay, prepared to advance. He sent General Izzard, with the light troops and a regiment of the line, to force a militia picquet at the junction of the rivers Outaite and Chateauguay, and there the main body of the Americans arrived on the 22nd. Two days later the enemy repaired DeSalaberry's road and brought forward his ten pieces of artillery to within seven miles of DeSalaberry's position. He had discovered the ford, and the light brigade, and a strong body of infantry of the line, under Colonel Purdy, were sent forward on the evening of the 25th, to fall upon DeSalaberry's rear, while the main body were to assail in front. Purdy's brigade lost themselves in the woods. But Hampton himself appeared in front, with his brigadier, Izzard, and about 3,500 men. A picquet of twenty-five was driven

in, but it only fell back upon a second picquet, when a most resolute stand was made. Colonel DeSalaberry heard the firing and advanced to the rescue. He had with him, Ferguson's company of Fencibles, and Chevalier Duchesnay's and Juchereau Duchesnay's companies of Voltigeurs. He posted the Fencibles, in extended order, every man being at an arm's length from his neighbor, in the night, in front of the abattis, the right touching the adjoining woods in which some Abenaquis Indians had distributed themselves. Chevalier Duchesnay's company, in skirmishing order, in line extended from the left of the Fencibles to Chateauguay, and Juchereau Duchesnay's company, and thirty-five militia, under Captain Longtain, were ranged, in close order, along the margin of the river, to prevent a flank fire from the enemy. The Americans advanced steadily, in sections, to within musket shot, and DeSalaberry commenced the action by discharging his rifle. The greatest possible noise was purposely made by buglers, stationed here and there,—on the wings, in the centre, and in the rear. It was indeed difficult to say whether the noise of the bugles or of the firing was the most terrific. The enemy wheeled into line and began to fire in vollies, but threw away their bullets, as the battalions were not fronting the Voltigeurs or Fencibles, but firing needless vollies into the woods, much to their right where they suspected men to be. So hot was the fire of the Voltigeurs, however, that the enemy soon found out his mistake, and brought his vollies to bear, as well as he could, in the right direction. Now, some of the skirmishers, under DeSalaberry retreated, and the enemy cheered and advanced. Again the buglers sounded the advance, and the sound of martial music echoed through the woods, so that it seemed as if 200,000 men were being marshalled for the fight. It was at this crisis that Colonel McDonell arrived with reinforcements, and the ardour of the enemy was checked. Purdy, long lost in the woods, was now guided towards the ford by the firing and the music. He drove in Captain Brugueire's picquet, which was on the opposite side of the river, and was pushing for the ford. DeSalaberry sent Captain Daly with the light company of the 3rd battalion of the embodied militia to cross the river and take up the ground abandoned by the picquet. He did so gallantly, driving back the American advanced guard, but was afterwards compelled to retreat. The enemy, as Daly retreated, appeared on the verge of the river. DeSalaberry gave the word to Juchereau Duchesnay to up and at them, and his men, rising from their place of concealment, poured in a fire upon Purdy's Americans, which was as unexpected as it was effectual. The Americans reeled back and then turned and ran. Hampton seeing Purdy's discomfiture, slowly withdrew, leaving Colonel DeSalaberry, with less than three hundred Canadians, in possession of his position, and with all the honors of victory. The loss was not great on either side. Of the Americans, forty were found dead. The Canadians lost five killed and twenty wounded. For this nicely managed skirmish DeSalaberry was justly loaded with honors, his officers and men were publicly thanked, and five pairs of colours were presented to the five battalions of Canadian embodied militia, by the Prince Regent.

Hampton retired upon Four Corners, and afterwards retreated to Plattsburgh, instead of co-operating with Wilkinson, as intended.

Simultaneously with Hampton's advance upon Chateauguay, or nearly so, Wilkinson proceeded down the St. Lawrence, with a flotilla of upwards of three hundred boats, protected by a division of gun-boats, until he was within three miles of Prescott, when he landed his troops, and marched down with them, by land, to a cove two miles below Fort Prescott, so as to avoid the British batteries. The boats having past during the night, without suffering any material injury from the cannonading of the fort.

So soon as the American movement was ascertained at Kingston, General DeRottenburg sent the 49th regiment, commanded by Lieutenant-Colonel Prenderleath, the 89th regiment and some Voltigeurs after them. At Prescott, they were reinforced by a party of Canadian Fencibles, and the whole amounting to about eight hundred rank and file, was commanded by Colonel Morrison, of the 49th regiment, aided by the Deputy Adjutant General. Colonel Harvey, Under the escort of a small division of gun-boats, commanded by Captain Mulcaster, R.N. This corps of observation continued in pursuit of the enemy, and on the 8th of November, came up with them at Point Iroquois. Twelve hundred of the enemy, under Colonel Macomb, had landed on the previous day on the British side of the river to drive off the Canadian militia, who were collecting together in considerable numbers, at the head of the Long Sault. On the 18th, General Browne's brigade, with a body of dragoons, also landed on the British shore; and the remainder of Wilkinson's troops were landed at the head of the Sault, under the command of Brigadier-General Boyd.

Colonel Morrison, of the 8th British regiment, had landed at Hamilton, on the American side, on the 10th, took possession of a quantity of provisions and stores for the American army, and also of two field pieces. Nor was Colonel Harvey idle. He kept close upon the heels of the enemy. Seeing them one evening emerging from a wood, he tried the effect of round shot upon them. They did not at all relish it, and went back again. On the same evening, the opposing gun-boats came into collision and some rounds were fired without any important result. Next day Colonel Morrison pressed the American General Boyd, so closely that he was compelled to stand and give battle. Boyd's brigade consisted of between three and four thousand men, and a regiment of cavalry, Morrison's entire force only numbered eight hundred rank and file. At two in the afternoon, the Americans moving from Chrystler's Point, attacked the British advance. The British retired slowly and orderly upon the position which had been marked out for them. The flank companies of the 49th, the detachment of the Canadian with one field piece, somewhat in advance on the road, were on the right; the companies of the 89th, under Captain Barnes, with a gun formed in echelon, with the advance on its left supporting it; the 49th and the 89th thrown more to the rear, with a gun, formed the main body and reserve, extending to the woods, on the left, which were occupied by Voltigeurs and Indians. In half an hour the battle became general. The artillery behaved nobly. They kept up a most steady and destructive fire, and when the American cavalry attempted to charge, they were literally mowed down and were compelled to wheel about. The infantry charged the enemy's guns and captured one at the point of the bayonet. The Americans had not, apparently, room to act. They were too much cooped up. They attempted to turn the British flank, but the Voltigeurs and Indians, secure behind the trees, poured forth a deadly fire and drove them back. The enemy then concentrated his forces with the view of pushing forward in close column, but the royal artillery, concentrating their fire upon the solid mass, the Americans retreated, leaving the British to pass the night without molestation, on Chrystler's Farm. Indeed, the American infantry, after leaving the field, re-embarked in great haste, while the dragoons trotted after General Browne, who was on his way to Cornwall, entirely unconscious of disaster. At the battle of Chrystler's Farm, the enemy lost in killed, Brigadier-General Carrington, who fell at the head of his men, and three other officers, and ninety-nine men, and they had one hundred and twenty-one men wounded.

On the side of the British, Captain Nairne, of the 49th regiment, Lieutenants Lorimier and Armstrong, and twenty-one men were killed, and eight officers and one hundred and thirty-seven men were wounded, while twelve men were missing.

General Wilkinson proceeded down the Sault and joined Browne, near Cornwall. Hampton was confidently expected. The commander-in-chief had positively instructed his general of division to form a junction with the army from Sackett's Harbour at Cornwall, and he had not come. Wilkinson, sick in body, and not a little mortified by the late defeat, did not know very well what to do. To retreat by the way he came was not quite so easy as to advance. The rapids presented innumerable difficulties in the way of ascent, with an enemy lining the banks of the river. And that which was more annoying forced itself strongly upon his mind—the Canadians were both loyal and brave. His agony was most excruciating when he received a letter from Hampton to the effect that the Plattsburgh-Grand-Junction-Invading-Army was marching as expeditiously as circumstances would allow out of Canada; that, in a word it had been defeated and was in full retreat upon Champlain. An anathema was about to be coupled by the worthy and much irritated commander-in-chief with the name of Hampton, when Wilkinson recollected that he too had been checked in the most extraordinary way, in the very outset of a scheme so well calculated to subdue a country, only occupied by three thousand soldiers, scattered over a frontier of upwards of a thousand miles, and numbers of militia, formidable enough in the woods, but no match for a well disciplined, well provided, and numerous army, in the open field. The British regulars, elated with their late success, were in his rear. A kind of highland glen was not far in advance. He was fairly puzzled, and altogether wanting in that energy and decision so necessary for success in war. He called a council of his officers and communicated to them his fears. It was unanimously resolved that, for the present season, the attack on Montreal should be abandoned and that the army should cross the river to the American side and go into winter quarters. And accordingly the attack was abandoned. The Americans embarked again, and were taken to Salmon River. The boats and batteaux were immediately scuttled; the troops were made comfortable in long log huts or barracks, with astonishing celerity, and the camp, at French Mills, was as speedily as possible entrenched. Thus ended a campaign for which the Americans had made extraordinary preparations, and of the success of which high expectations had consequently been formed. The

failures of Hampton and Wilkinson were indeed so disgraceful and so humiliating to the Americans that they were only compensated for, in kind, by the no less stupid, disgraceful, and humiliating failures of the British at Plattsburgh and New Orleans, with which the American war was, for both Americans and British, unfortunately concluded. All chance of invasion, on a grand scale, being now completely gone, the Canadian militia were disbanded for the winter.

In December, Lieutenant-General Drummond assumed the command of Upper Canada. He at once proceeded to the head of Ontario, with the view of regaining possession of Fort George. He ordered Colonel Murray to advance, which the gallant colonel did, and the American General, McClure, prepared to evacuate the fort. McClure set the village of Newark, the ancient capital of Upper Canada, on fire, agreeably to his instructions from the American Secretary at War, with the view of depriving the British army of comfortable winter quarters. He was indeed ordered to lay waste the country as he retreated, if retreat became necessary. It was on the 10th of December, a bleak, cold winter day, that McClure fulfilled his instructions. One hundred and fifty houses, composing the flourishing village of Newark, were reduced to ashes, and four hundred women and children were left to wander in the snow or seek the temporary shelter of some Indian wigwam in the woods. On the 12th of December, the British troops occupied Fort George, there being only five hundred men in all, militia and Indians, and not long afterwards the gratification of revenge presented itself to the British and vengeance was taken accordingly. General Drummond followed up the occupancy of Fort George by an attack upon the American fort at Niagara. On the night of the 18th of December, a detachment of the royal artillery, the grenadier company of the 1st Royals, and the flank companies of the 41st and 100th regiments, under Colonel Murray, crossed the river Niagara, and were very quietly put on shore at the Five Mile Meadows, the name of the landing place indicating the distance from the fort. All was still. Every order was conveyed in a whisper. Neither musket clattered nor sabre clinked. The 100th regiment went off in two divisions, one under Captain Fawcett,[22] and the other, under Lieutenant Dawson, stealthily. They seemed to be creeping past the trees, with the softness of a tiger's tread. The wormlike thread of men wound round picquet after picquet, and throttled the sentries on the glacis, and at the gate. The hearts of the sentries sank within them. They had hardly breath enough left, so terror-stricken were they, to reveal the watchword, or nerve enough to point out the entrance to the fort. But the watchword was obtained; the entrance was pointed out; and the 100th regiment were inside of Fort Niagara before a single drum had rolled or a bugle sounded. By the time indeed that the garrison were alarmed the whole British force were in the fort, and, after a show of resistance, the Americans surrendered. Only one officer and five men on the part of the British were killed and two officers and three men were wounded in this adroitly managed assault. The enemy lost in killed two officers and sixty-five men, and twelve rank and file were wounded. Three hundred men were made prisoners. In this affair the colonel of the 100th regiment, Hamilton, behaved with distinguished gallantry.

The rule of General Drummond in Upper Canada had auspiciously commenced. This affair was not only brilliant but well managed. The fort was a prize of no ordinary worth. It contained an immense quantity of commissariat stores, three thousand stand of arms, a number of rifles and several pieces of dismounted ordnance. On the works were twenty-seven heavy guns.

The greatest possible precautions were adopted to secure success. Major-General Riall followed Colonel Murray, with the whole body of Western Indians, stout, athletic, brave men, inured to fighting, the 1st battalion of the Royals, and the 41st regiment to support him, in case of need. Success had been achieved without the general's aid; but instead of resting satisfied with that which had been already accomplished, Riall wisely pushed on before the news of the capture of the fort could be spread about, on Lewiston, where the enemy, in some force, had erected batteries, with the view of destroying Queenston. Seeing Riall coming up in their rear, the enemy were compelled to retreat, and they abandoned their position with such precipitation, that two field pieces, with some small arms and stores fell into the hands of the British. It was now that the burning of Newark was to be revenged. The Indians and the troops were let loose upon the enemy's frontiers and Lewiston, Manchester, and the country around were laid in ruins. Determined to follow up his success, Drummond proceeded to Chippewa. He fixed his head-quarters there on the 28th of December, and on the morning after was within two miles of Fort Erie. Without loss of time, he reconnoitred, and finding the enemy's position at Black Rock assailable, he determined upon a second nocturnal attack. General Riall accordingly crossed the river,

with four companies of the King's regiment and the light company of the 89th, under Colonel Ogilvy, and two hundred and fifty men of the 41st regiment, and the grenadiers of the 100th regiment, under Major Frend, together with about fifty militia volunteers and a body of Indians. The landing was effected about midnight. As before the advanced guard proceeded cautiously but were not quite so successful as before in preventing alarm. They surprised a picquet and captured not the whole, but the greater part of it. They did still more. The bridge over the Conguichity Creek was secured in spite of the repeated efforts of the enemy to dislodge the assailants. But all did not yet go well with the British. The boats required to bring over a second division had necessarily to be tracked up the river as high as the foot of the rapids below Fort Erie. Unfortunately they took the ground and could not be got off for a long time. Indeed, morning had dawned before the royals, intended to turn the enemy's position by attacking above Black Rock, while Riall's division attacked below, suffered so severely from the fire of the enemy that a landing was not effected in sufficient time for the full accomplishment of General Drummond's purpose. Riall, nevertheless, moved forward and attacked the Americans. They were strongly posted and in considerable force, but Riall drove them out of their batteries at the point of the bayonet, turning the enemy's one twenty-four, three twelves, and a nine pounder upon the now retreating foe. Riall, following up his successes, pursued the fleeing enemy into Buffalo. There they rallied, but it was only for a moment. They drew out a large body of fresh infantry, exhibited some cavalry, and fired a few rounds from a field piece, unlimbered on a height commanding the road. The British still pushed on and the enemy again gave way. They retreated notwithstanding their reinforcement so hurriedly that the six pounder brass gun on the height, an iron eighteen, and an iron six pounder were left behind. At last they reached the woods and Riall considered that for one day he had done enough, on land. But not yet fully satisfied, he detached Captain Robinson with two companies of the King's regiment to destroy three armed vessels, part of Perry's squadron, and their stores, if it were possible to do so. These vessels were at anchor a short distance below Buffalo, and Captain Robinson did as he was ordered to the letter.

From the time of the landing at Black Rock until the full accomplishment of the object of the expedition, with one, not unimportant, exception, the Americans lost from three to four hundred men in killed and wounded, and one hundred and thirty men taken prisoners, while the British loss was thirty-one men killed, and four officers, sixty-eight men wounded, and nine men missing.

The exception to the full accomplishment of the object of the expedition, that is to say, the burning of private property, was an exception to the general rule of the British army. But as evil, in some cases, must be done that good may follow, the rule, now laid down by General Drummond, was to pillage, burn, and lay waste, in retaliation for Newark. In accordance with this new rule, therefore, General Riall set about doing the only thing which he had left unaccomplished; the destruction of private property. Buffalo and Black Rock, previously deserted by their inhabitants, were set on fire and entirely consumed. Clothing, spirits, flour, public stores, and, indeed, everything which could not be conveniently carried off, fell a prey to the flames.

Thus was the campaign of 1813 terminated.

It might not unnaturally be supposed that during all this fighting, business would have been nearly at a stand. But so far from such being the case, the war had contributed in no small degree to bring Canada and its capabilities into notice. And it could not be otherwise. So large an expenditure as that required for the maintenance of the regular soldiery and militia must have made money plentiful, and such as were engaged in trade, whether in Quebec or Montreal, undoubtedly profitted by an expenditure almost necessarily profligate. On account of the militia alone, the province expended £121,366, and the expenditure of the commissariat department must have been enormous. But the grand source of wealth was the establishment of a kind of National Bank, with specie, to redeem its paper, in the vaults of the Bank of England. The circulation of fifteen hundred thousand pounds worth of army bills, all redeemable in cash, with interest, could not have failed to enrich a country in which there were not more than 350,000 inhabitants, the greater number of whom were actually in the pay of Great Britain, while they had the privilege of attending, unless in extraordinary cases, to their private pursuits. That Canada prospered during the war is undeniable. There was a considerable falling off in the number of vessels cleared at Quebec in 1813, in comparison with the previous year, and which was in some degree

attributable to the risk attendant upon crossing the Atlantic, while the great frigates of the United States were permitted to prowl about, but the provincial revenue had, nevertheless, increased in the course of one year to the amount of £30,006, while the provincial expenditure alone was nearly £200,000. Indeed, Montreal, the temporary head-quarters of the commander-in-chief, and literally alive with troops, who all ate and drank heartily, was making rapid progress in the way of commercial advancement. Mr. Molson gave some indication of the general prosperity by placing upon the St. Lawrence a second steamer. On the 4th of May, 1813, the arrival of the *Swiftsure* is noticed by the Quebec newspapers. The *Swiftsure* had twenty-eight passengers, besides a serjeant with six privates of the royals, having three Americans, prisoners of war, four deserters from the 100th regiment, and one deserter from the American army, in charge, on board, and had been twenty-two hours and a half in running down. She had a good engine with a safety valve for blowing off surplus steam. The ladies' cabin had eight reposing berths. The gentlemen's cabin was thirty feet in length by twenty-three in breadth, and contained ten berths on each side, and two "forming an angle with the larboard side." The cabin was capable of lodging forty-four persons, and the steerage could accommodate about 150. The *Swiftsure* was in length of keel 130 feet, her length upon deck was 140 feet, and her breadth of beam was 24 feet.

Lower Canada was then a wheat growing and even wheat exporting country. So early as 1802, Lower Canada exported 1,010,033 bushels of wheat, besides 28,301 barrels of flour, and 22,051 cwt. of biscuit. In 1810, the value of the exports from the St. Lawrence was £1,200,000 sterling. And the farmer of Lower Canada profitted in 1814 by the presence of the floating army population almost to as great an extent as the merchant. Both animal and vegetable foods were largely in demand.

Sir George Prevost, as soon as the temporary cessation of active hostilities, in his immediate neighbourhood, would permit, called a meeting of the Parliament of Lower Canada, for the despatch of business. Two sessions of parliament had been held in Upper Canada, since the commencement of the war, one was opened by Major General Brock, on the 3rd of February, 1812, when eleven Acts were passed, and the other by Major General Roger Hale Sheaffe, during which other eleven Acts became law. They show the temper of the times. An Act was passed in General Brock's ruleship, granting a bounty for the apprehension of deserters from the regular forces; another granted £2,000 for the repair of roads and bridges; a third amended the militia law; a fourth regulated the meeting of sleds on the public roads; a fifth allowed £502 for clerks and the contingent expenses of parliament; a sixth granted £5,000 for the purpose of training the militia; a seventh extended an Act granting a certain sum of money to His Majesty; an eighth granted £1,000 for the purchase, sale, and exportation of hemp, and £423 for the purchase of hemp seed and payment of bounties; a ninth afforded relief to certain persons entitled to claim lands; a tenth amended an Act for the laying out of highways; and an eleventh provided for the appointment of returning officers. While General Sheaffe was President of Upper Canada, an Act was passed to facilitate the circulation of the Lower Province Army Bills. They were to be received in payment of duties and at the office of the Receiver General. A second Act was passed to empower Justices of the Peace to fine and, in the event of non-payment, to distress the properties of persons offending against the militia laws; a third Act prohibited the exportation of grain and other provisions and restrained the distillation of spirituous liquors from grain; a fourth gave a pension of £20 a year to such persons disabled in the war, as had wife or child, to be continued to the widow or the fatherless, in the event of the death of such disabled persons, and disabled bachelors were to obtain, so long as they were unable to earn a livelihood, £12 a year; a fifth prevented the sale of spirituous liquors to the Indians; a sixth continued the Act to provide means for the defence of the province; a seventh repealed the Hemp Encouragement Acts; an eighth continued the Duties Agreement Act; a ninth amended an Act for the better regulation of town and parish officers; a tenth amended and repealed in part the Act for quartering and billetting the soldiery; and the eleventh granted for the clerks of parliament £88 1s. 9d. The debates of course were neither animated nor of particular interest.

In 1814, the parliament of Lower Canada was opened by the Governor General, on the 13th of January. Sir George could meet the legislature with heartfelt satisfaction and pride. The Canadians had acted nobly, both in the field and out of it, while they entertained for himself, personally, a feeling of respect, which he had done his utmost to win, and which it was his aim to preserve. In the speech from the throne, he congratulated parliament, particularly on the defeat of the enemy at Chateauguay. He alluded triumphantly to the brilliant victory over Wilkinson at Chrystler's Farm. He rejoiced

that, notwithstanding the various events of the past summer, by which the enemy had gained a footing in the Upper province, the theatre of war had recently been transferred to American soil, and that Niagara, Black Rock, and Buffalo had been wrested from the enemy by British enterprise and valour. He was proud beyond expression, at the determination manifested by the Canadians to defend to the last extremity one of the most valuable portions of His Majesty's dominions. He trusted to Canadian loyalty and patriotism in the expectation that the sacrifices which the war might yet require would be patiently submitted to. And he would faithfully represent to His Royal Highness, the Prince Regent, the loyalty, zeal, and unanimity of His Canadian subjects. The Houses trembled with emotion. A thrill of intense satisfaction ran through every vein. Sir George had touched that chord in the human heart, which was never touched in vain. He had spoken of patriotism; he had acknowledged that the brave were brave indeed; and he had admitted that those who had been represented as treasonable were loyal to the core. The House of Assembly expressed their sincere acknowledgements. They felt themselves to have been rescued from most unfounded imputations that had been industriously attempted to be fixed upon them. They were grateful to His Excellency for the good opinion he had formed of them. They would cheerfully co-operate with His Excellency in maintaining the honor and promoting the service of their gracious sovereign. And they further gratefully acknowledged that His Excellency, in his anxious desire to forward the prosperity and to preserve the integrity of the province, had been guided by a just and liberal policy towards His Majesty's Canadian subjects, by which their loyalty, zeal, and unanimity had been cherished and promoted, and they were so impressed with the sense of it that, when His Excellency should withdraw, which they hoped would never be, from the administration of the government of Lower Canada, he would carry with him the good opinion and affection of the people over whom he had ruled so conscientiously, so honorably, and so justly. Sir George Prevost could not be otherwise than well satisfied with the address in reply to his speech. Kindness and conciliation had not been thrown away, but had been met with respect and affectionate regard.

The House proceeded almost immediately to business, and had not been long so employed, when His Excellency sent a secret message, asking for an increased issue of army bills, to meet the public requirements. The House at once authorised an issue to the extent of fifteen hundred thousand pounds. Afterwards the Assembly adopted a bill to amend the militia laws, which the Legislative Council refused to concur in; then a bill was passed to disqualify the judges for sitting or voting in the Legislative Council, which the Council also refused to concur in, on the plea that the bill was an interference with the Prerogative of the Crown, and with their privileges; next a bill was passed in the Assembly and negatived by the Council, to grant His Majesty a duty on the income arising from civil offices, and on pensions, to be applied for the defence of the province, in the war with the United States; again the Assembly adopted a bill for the appointment of a provincial agent in Great Britain, which the Council also set aside. Surprising as so obvious an antagonism between the Legislative Council and Legislative Assembly may seem, it is easily accounted for. The Council were, many of them, placemen, and indeed the immaculate and confidential secretary to Sir James Craig, Mr. Witsius Ryland, also Clerk of the Executive Council, had himself a seat in the Upper House, although Mr. Robert Peel, differing in opinion with Sir James Craig, did not think that the situation which Mr. Ryland held was quite compatible with a seat in the Legislative Council. Mr. Ryland has favored the present generation, through the instrumentality of a near relative, with a brief review of the political state of the province of Lower Canada, from which some interesting facts can be gathered. He states that the Assembly knew that their bill for disqualifying the Chief Justice and Justices of the Court of King's Bench from being summoned to the Legislative Council, would be thrown out in the Upper House, but that the introduction of such a bill in the Assembly served the purpose which the party who introduced it had in view: it impressed the mass of the people with a disrespectful idea of the judges, preparatory to a grand attack upon the whole judicature of the province. In the bill for appointing an agent to Great Britain, Mr. Bedard, the person who had been under confinement on a *charge* of treasonable practices, had been named as such agent, and a salary of £2,000 per annum assigned him. Mr. Ryland knew that the Council would throw out the bill. But, says that gentleman, the Council were thwarted, as Sir George Prevost acceded to a request of the Assembly for the appointment of two such agents, whom he accredited to His Royal Highness, the Prince Regent, and the Legislative Council passed several resolves expressive of their astonishment. The Council humbly considered His Excellency's acquiescence with the wishes of the Assembly to be an unequivocal abandonment of the "Rights" of the Legislative Council, and a fatal dereliction of the first principles

of the constitution. And with regard to the income tax, proposed by the Assembly, Mr. Ryland states that the whole saving that would have been effected by it, would only have been £2,500 a year, and that the officers of the government who had the utmost difficulty in subsisting on their salaries, would have been, by such a measure, reduced to extreme distress! Now, it is a noticeable fact, in connection with this matter, that the Provincial Secretary, at the period alluded to, was an official in the Colonial Office, and had never seen Canada, although he afterwards received from the province a pension of £400 a year, in consideration of his long and valuable services; and it is in a high degree amusing to find Mr. Ryland informing this functionary "decidedly" and "frankly", that he had acted wisely in not asking for an increase of salary, although it was a different thing to solicit additional assistance in an office where the public business was constantly increasing! Mr. Ryland and a few other such cormorants could not tolerate the impertinent interference of the House of Assembly with their means of subsistence. Nay, it will even appear that Mr. Ryland took it upon himself to privately lecture Sir George Prevost's successor upon the impropriety of following a certain course of action, and that he actually succeeded in dissuading the Governor from his original purpose.

The Assembly, thwarted as it had been by the Council, still pursued its reformatory course. Much time, indeed, did not elapse until Mr. Stuart again brought forward his motion to take into consideration the power and authority exercised by the Provincial Courts of Justice, under the denomination of Rules of Practice. His motion was almost unanimously carried. And who this Mr. Stuart was, Mr. Ryland tells. About 1813, says the Clerk of the Executive Council, "Mr. Bedard, the judge, came to Quebec, for the purpose of advising the measures to be pursued, but not having a seat in the Assembly, the principal management was left to an Anglo-American Barrister, named Stuart, who had been a pupil of the present Chief Justice, (Sewell) when he held the situation of Attorney-General. This gentleman obtained from Lieutenant-Governor Milnes the appointment of Solicitor-General, from which he was dismissed by Sir James Craig, in consequence of his pursuing a line of conduct, which the latter considered utterly inconsistent with his duty as a servant of the Crown." What the particular line of conduct pursued by Mr. Stuart was, that so much offended Sir James Craig, even time and Mr. Ryland have not yet revealed. Perhaps "the Anglo-American Barrister" did not bow sufficiently low to confidential Secretaries and Executive Clerks. He would have found such obsequiousness difficult. Mr. Stuart was both vigorous in mind and body, and was very far from being a common man. He stood more than six feet high, and was built in proportion. His shoulders were broad, his chest ample, and his arms long. His head was immoderately large. His countenance was commanding and his bearing dignified. He spoke with great fluency and with astonishing conciseness. His eye was large, his forehead prominent, lofty and broad, with great depth between the brow and the occiput, his nose was long and aquiline, with the nostrils open; his mouth was large, but the lips were thin; and the chin was square and somewhat prominent; viewed, in profile, the whole head was wall-sided. He was no man to be trifled with, and none other than a fool would at any time, have thought of doing so. The Chief Justice Sewell, also an Anglo-American, was also an exceedingly talented man, but still a man quite of another stamp of mind, to that of Mr. Stuart. Mr. Sewell was thoroughly polished. No man could so well bow to power or so well bend an inferior to his will as Mr. Chief Justice Sewell. To see him in the street was to see him in the least, the lowest, and, consequently, the worst point of view. He was knowing, well read, and well bred. He could become sarcastic, but never condescended to be furious. If he was at all sycophantic, it was his will rather than his nature to be so. On the bench, he loomed large, being long in body, and looked stately and agreeable. He could be stern, but sternness was less natural to him than concealment. He never told all he knew, nor did his face ever betray the innermost recesses of his heart. On the whole, Mr. Sewell was a good man, and he was an excellent Chief Justice. Such are the characters of the complainant and the defendant in this cause. Mr. Stuart carried great weight, when on the right side, in a House of Assembly, steadily bent upon fair legislation. Not only did he carry his motion about taking into consideration the power and authority exercised by the Courts of Justice, through the medium of Rules of Practice, at variance with the law and the liberty of the subject, but the House ordered the Clerk of the Court of Appeals, and the Prothonotaries of the Courts to produce the Rules of Practice, or certified copies of them, for the immediate use of members. The House went into committee and talked the matter over, then rose, and reported progress. The Rules of Practice had not been very long in use. They were made for the Court of Appeals so recently as 1809, and the example was so excellent that the Court of King's Bench followed it. The Legislative Assembly not only considered the rules an infringement upon their privilege of law-making but an infringement upon the civil rights

of His Majesty's subjects and subversive of the laws of the province, rendering the enjoyment of liberty and property altogether insecure and precarious, and giving to the judges an arbitrary authority. And the Assembly without further ceremony proceeded to impeach the Chief Justices of Quebec and Montreal, at the instance of Mr. Stuart, the Anglo-American Barrister. It was said that Jonathan Sewell, Chief Justice, had traitorously and wickedly endeavored to subvert the constitution by the introduction of an arbitrary, tyrannical government against law; that the said Jonathan Sewell had disregarded the authority of Parliament, and usurped its powers by making regulations subversive of the constitution and the laws; that Jonathan Sewell had libellously published such Rules of Practice; that Jonathan Sewell had substituted his own will for the will of the legislature; that Jonathan Sewell being Chief Justice, Speaker of the Legislative Council, and Chairman of the Executive Council, had maliciously slandered the Canadian subjects of the King and the House of Assembly, and had poisoned and incensed the mind of Sir James H. Craig, the Governor-in-Chief, and had so misled and deceived him that he did on the 15th of May, 1809, dissolve the parliament, without any cause whatever to palliate or excuse the measure, the said Governor-in-Chief having been at the same time advised to make a speech in gross violation of the rights of the Assembly, grossly insulting to its members, and misrepresenting their conduct; that to prevent opposition to his tyrannical views the said Jonathan Sewell had counselled and advised Sir James Henry Craig to remove and dismiss divers loyal and deserving subjects, from offices of profit and emolument—now the head and front of Mr. Sewell's offending has come nebulously to light—without the semblance of reason to justify it; that to mark his contempt for the representatives of the people and for the constitution, he had procured the dismissal of Jean Antoine Panet, Esquire, who then was, and for fifteen years preceding had been Speaker of the Assembly, from his rank of Lieutenant-Colonel in the militia, without any reason to palliate or excuse the injustice; that he had induced P. E. Desbarats, the law printer, to establish a newspaper styled the "Vrai Canadien," for the purpose of vilifying such members of the Assembly as were obnoxious to him; that with the view of extinguishing the liberty of the press, and destroying, therefore, effectually, the rights, liberty, and security of His Majesty's subjects in the province, and suppressing all complaint of oppression, he had, in March, 1810, advised and approved the sending of an armed force to break open the dwelling house and printing office of one Charles Lefrançois, there to arrest and imprison him, and seize and bring away a printing press, with various private papers, which measure of lawless violence was accordingly executed, the said press and papers being then in the Court House of Quebec, with the knowledge and approbation of the said Jonathan Sewell; that Jonathan Sewell had advised the arrest of Messrs. Bedard, Blanchet and Taschereau, upon an unfounded pretext; that Jonathan Sewell had instigated the oppression of the old and infirm François Corbeil, by which the old man lost his life; that Jonathan Sewell had instigated Sir James Henry Craig to issue a proclamation causing the public to believe that Mr. Bedard had been guilty of treason, and that the province was in a state approaching to open rebellion; that Jonathan Sewell had read the wicked proclamation in the Court House, to influence the Grand and Petty Juries; that Jonathan Sewell had abused his powers simply with the view of paving the way for American predominance in Canada; that with the view of annexing Canada to the United States he had entered into a base and wicked conspiracy with one John Henry, an adventurer of suspicious character, for the purpose of sowing dissension among the subjects of the government of the United States, and producing a dismemberment of the Union; and had given artful advice to Sir James Craig, inducing him to send Henry, the adventurer, on a secret mission, which had exposed His Majesty's government to imputations reflecting on its honor, and that he had labored to promote disunion between the legislative Council and Legislative Assembly, and had fomented dissensions in the province to prevent a reliance on the loyalty and bravery of His Majesty's Canadian subjects. Mr. Chief Justice Monk was impeached as an accessory.

With the view of effectually prosecuting the impeachment, the House appointed Mr. Stuart its agent, and directed him to proceed to England, to press upon His Majesty's ministers the necessity of giving heed to the business. £2,000 were awarded for the payment of the expenses of Mr. Stuart, but the Council expunged the award from the revenue bill, and there was no more about it, until the House went to the Castle with their Speaker, who presented an address to the Governor General, requesting him to transmit the impeachments, and suggested the propriety of the Chief Justices being suspended from the exercise of their powers until the pleasure of the Prince Regent could be ascertained. Sir George Prevost was somewhat taken by surprise. He was in an exceedingly delicate or rather interesting situation. It was an unpleasant, if not a disagreeable part, which he was required to play. It was, in a word, to make complaint to the Prince

Regent of his predecessor. Sir George, however, blandly said that he would take an early opportunity of transmitting the address, with the articles of accusation against the Chief Justices, to His Majesty. With regard to the suggestion of the Honorable House of Assembly, concerning the suspension of the Chief Justices, he did not consider it necessary to go to that extreme. The Legislative Council had not even been consulted with regard to the articles of accusation; and he could not think of suspending two officers of such rank, on the complaint of only the third branch of the legislature.

In the Assembly, when the Speaker had returned to the chair, there were murmurs, both loud and deep. Mr. James Stuart, seconded by Louis Joseph Papineau, both determined men, and of consummate ability, moved that the charges exhibited by the Assembly against Jonathan Sewell and James Monk, Esquires, were rightly denominated, Heads of Impeachment; that the House had the right to advise the Governor General without the concurrence of the Legislative Council; that the House in pointing out the existence of gross abuses, had performed the first and most essential of its duties; that in framing and exhibiting the heads of impeachment referred to in the address to His Excellency, the House had exercised a salutary power, vested in it by the constitution; and that His Excellency, the Governor-in-Chief, had violated the constitutional rights and privileges of the House, by his answer to the address. But afterwards, to show that a feeling of respect was yet felt for His Excellency, greater than any of his predecessors had ever experienced, the House resolved, notwithstanding the wicked and perverse advice which he had received, that His Majesty's faithful Commons of Canada had not, in any respect, altered the opinion they had ever entertained of the wisdom of His Excellency's administration, and they were determined to adopt the measures deemed necessary for the support of the government and the defence of the province.

The Governor-in-Chief was, however, not by any means pleased with the pertinacity of the Assembly. There were evidently men in the House, who would neither be forced nor persuaded out of certain measures. He hardly knew how to act in the emergency, and with his usual caution he did nothing. The Chief Justice Sewell went to England for the purpose of repelling the accusations against him, and as he was only the instrument of, not under any circumstance the author of a wrong, English public opinion, of course, went strongly with him. The Executive Councillors, the merchants, and the other principal inhabitants of Quebec presented addresses to His Honor, intimating the high opinion in which he was held, and alluding to his conspicuous ability, comprehensive knowledge, patient candour, liberal respect for the opinion of others, and his equality and gentleness of temper, pointedly and flatteringly. Mr. Chief Justice Monk was similarly treated by the influential inhabitants. The Assembly continued, notwithstanding the war exigencies of the times, in their factiousness, as their persistence in some measures was considered. They again passed a bill appointing a provincial agent to Great Britain, who was to reside in London, after the manner of an ambassador. Mr. Bedard, the Judge of Three Rivers, who had figured somewhat conspicuously in Sir James Craig's time, was named as the agent in the bill. It was sent up to the Legislative Council for concurrence. And it had not been long there when it occurred to the House of Assembly that two agents would be better than one, as the Council, desirous of sending one of their own members to England, would thereby be induced to concur in the expediency of despatching agents to London. But the Council begged that the Assembly would mind its own business and not interfere with any bill before the Upper House, unless a conference was officially asked for by the Legislative Council, when any suggestion from the Assembly would be attended to. The Upper House never encroached upon the privileges of the Lower House. The agent was not appointed. The Houses could not agree upon a messenger, and although the Governor promised to send two messengers to London, at the public expense, if the Assembly desired it, no one is to this hour very certain whether the address of the Legislative Assembly, to the Prince Regent, ever reached his royal fingers. These were the principal matters with which the time of the House was occupied, but the opportunity was not overlooked of voting the thanks of the House to Colonel DeSalaberry and his officers and men under him, for their distinguished conduct at Chateauguay, and to Colonel Morrison, of the 89th regiment, and to the officers and men under him, for their exertions at Chrystler's Farm, in the defeat of Wilkinson.

On the 17th of March, the parliament was prorogued, and so ended the seventh parliament of Lower Canada. Sir George Prevost in his closing speech, was not so flattering in his allusions as in opening the session. He had seen with regret a want of unanimity and despatch, and a want of confidence in himself, which had been attended with serious

inconveniences to the public service, in both Houses. He lamented the course of proceeding adopted by the Assembly, which had occasioned the loss of a productive revenue bill, to wit, tacking to the bill the clause for the payment of a London agent, which had caused its rejection by the Upper House, and a consequent misunderstanding by which the bill had been lost. He regretted that in sacrificing the liberal appropriations for the defence of the province they had been swayed by any considerations, which seemed to them of higher importance than the immediate security of the province or the comfort of those engaged in its protection. He earnestly entreated the gentlemen of the Legislative Council, as peace was not obtained, to impress on all around them, by precept and example, a respect for the laws by which they were governed, as well as a just confidence in those who administered them, and to cherish and encourage that spirit which had hitherto proved the firmest barrier against all the attempts of the enemy. And as the parliament was about to expire, and he should avail himself of an early opportunity of appealing to the sense of the people for the election of a new Assembly, he recommended the honorable gentlemen and gentlemen to give the inhabitants of the province a true idea of the nature and value of the constitution which they possessed, so that their choice of representatives might fall on those who would endeavour faithfully to uphold it, and so promote the safety, welfare, and prosperity of the province.

Sir George Prevost evidently threw out some hints to the Legislative Council, which could not have been particularly palatable.

In Sir George's speech there was an allusion to peace not being at hand. Sir George made that reference doubtless in connection with the fact that Russia had offered to mediate between the contending powers, with reference to an amicable settlement of their differences. Indeed commissioners were appointed to negotiate, by the United States. Messrs. Gallatin, Adams, and Bayard were named. But Great Britain declined the proposal, though the Prince Regent offered a direct negotiation either at London or Gottenburg. The offer was accepted, and Messrs. Henry Clay, Jonathan Russell, and Albert Gallatin, were added to the commissioners already in Europe, and sailed soon after for Gottenburg. Lord Gambier, Henry Goulburn, and William Adams were appointed on the part of the Court of St. James, to meet them. The place of meeting was subsequently changed to Ghent, in Flanders, and the conference met in August. But while the conference sat the war was carried on.

The first fight of moment in 1814, occurred on the Pacific Coast. The American Commodore Porter had been cruising in the frigate *Essex*, for some time, in the Pacific, with wonderful success. He had with him as a consort, a captured whaleship, which he had armed with twenty guns, and named the *Essex, junior*. Captain Hillyard, in the British frigate *Phœbe*, accompanied by the sloop of war *Cherub*, had been sent in search of the successful cruiser, and on the 9th of February, gained intelligence to the effect that with two of her prizes she had put into Valparaiso. The American was no match, even with the aid of the whale ship, for two such vessels, and kept in port, the British vessels keeping up a strict blockade for six weeks.[23] At length, on the 28th of March, tired of the blockade, Porter attempted to escape, when Captain Hillyard succeeded in bringing her to action, in the roads of Valparaiso, before she could get back, and without the aid of her lesser consort. The American ship, in the hurry to escape, had spread every stitch of canvas, to run past the *Phœbe*, and as she was doubling the point a squall struck her, carrying away the main topmast. Both ships immediately gave chase, and being unable to escape in his crippled state, Porter attempted to regain the harbor. Finding this to be impracticable, he ran into a small bay and anchored within pistol shot of the shore. The contest, which was a most unequal one, now commenced. Both the attacking vessels at first got into raking positions, and did great execution. Nevertheless, Captain Porter fought gallantly. Hillyard's ship having sustained serious damage in her rigging, and having become almost unmanageable, on that account, hauled off to repair damages, leaving the *Cherub* to continue the action. Hillyard manœuvred deliberately and warily. He knew that his antagonist was in his power, and his only concern was to succeed with as little loss to himself as possible. Hillyard again attacked, and the *Essex* hoisting her foresail and lifting her anchor, managed to run alongside of the *Phœbe*. The firing was now tremendous, and the *Essex's* decks were strewed with dead. Both attacking ships then edged off, and fired into the *Essex*, at convenient range, until she struck. The *Cherub* raked the *Essex*, while the *Phœbe* exchanged broadsides with her. The *Essex* had twice taken fire during the action. The loss on board the *Essex* was fifty-eight killed, thirty-nine wounded severely, twenty-seven slightly, and thirty-one missing. On board both British vessels only five were killed and ten wounded. It is said that there were nearly a hundred

sailors on board the *Essex*, when the engagement commenced, who jumped overboard, when it was likely she would be taken; that of these forty reached the shore, while thirty-one were drowned, and sixteen picked up when on the point of drowning, by the British. On the other hand it is alleged that when the *Essex* took fire aft, a quantity of powder exploded, and word was given that the fire was near her magazine. It was then that Captain Porter advised as many as could swim to make for the shore, which they did, or tried to do, while those who could not swim exerted themselves to extinguish the flames, which having done, the action was renewed, until fighting was impossible. When Porter summoned a consultation of his officers, only one appeared—Acting Lieutenant McNight.

Early in February, the American sloop of war *Frolic*, of 22 guns, was captured by the British frigate *Orpheus*, after two shots had been fired. But by way of compensation, the British brig *Epervier*, of 18 guns, towards the close of April, surrendered to the American sloop of war *Peacock*, of 22 guns, and on the 28th of June, a most desperate encounter took place between the British sloop of war *Reindeer*,[24] of 18 guns, and the American sloop, *Wasp*. The preponderance of force was here, in a most extraordinary degree, in favor of the Americans, but, notwithstanding this advantage, Captain Manners, of the *Reindeer*, one of the bravest officers who ever trod a quarter deck, the moment he got sight of the American vessel gave chase, and as soon as it was evident to the American captain that he was pursued by the *Reindeer* alone, he hove to and the action commenced. Never were vessels more gallantly commanded and fought on both sides. The engagement lasted, yard arm to yard arm, for half an hour, at the end of which time the *Reindeer* was so disabled, that she fell with her bow against the larboard quarter of the *Wasp*. The latter instantly raked her with dreadful effect; and the American rifles, from the tops, picked off almost all the officers and men on the British deck. But Captain Manners then showed himself indeed a hero. Early in the action the calves of his legs had been shot away, but he still kept the deck; at this time a grape shot passed through his thighs, but though brought for a moment on his knees, he instantly sprang up, and though bleeding profusely, not only refused to quit the deck, but exclaiming, "Follow me, my boys; we must board!" sprang into the rigging of the *Reindeer*, intending to leap into that of the *Wasp*. At this moment two balls from the American tops pierced his skull, and came out below his chin. With dying hand he waved his sword above his head, and exclaiming, "Oh God!" fell lifeless on the deck. The Americans immediately after carried the British vessel by boarding, where hardly an unwounded man remained, and so shattered was she in her hull, that she was immediately after burned by the captors. Never, says Alison, will the British empire be endangered while the spirit of Captain Manners survives in its defenders.

There was some correspondence in the early part of 1814, relative to the prisoners captured at Queenston, supposed to be British subjects, and therefore sent to England to be tried for treason. The American government confined an equal number of British prisoners, who were to be retaliated upon, unless the British government consented to exchange them the same as other prisoners, and the Canadian government confined General Winder and a number of other officers and men, as hostages for the forthcoming of the British prisoners, and in retaliation for their confinement. The whole matter ended in smoke. The traitors were not made examples of, and negotiations and retaliations ceased. During the winter, stores of every kind were forwarded to Kingston, from Quebec and Montreal. In February, the 8th regiment, and two hundred and twenty seamen, arrived overland from Fredericton, New Brunswick. The Indians, Ottawas, Chippewas, Shawnees, Delawares, Mohawks, Saiks, Foxes, Kickapoos, and Winebagoes, came to Quebec to inform the Governor General that they were poor and needed arms, but would fight to the last drop of blood for the British against the Americans, who had taken away their lands, General Prevost was, of course, exceedingly glad to hear it, and having expressed his regret for the death of Tecumseh, he loaded them with presents, entertained them for two days, and then sent them off to prepare for the campaign.

The Americans had not by any means been idle during the winter. They too had been making preparations, and when General Macomb crossed Lake Champlain on the ice, with his division, from Plattsburgh, about the end of March, serious doubts began to be entertained in Canada, with regard to the probability of another invasion. The general soon removed all doubts. He crossed to St. Armand and remained there unmolested, while General Wilkinson prepared to assault Odelltown and Lacolle Mills. As soon as Wilkinson was fully prepared for the assault, Macomb joined him, and the Americans, numbering about five thousand men, entered Odelltown. Despatches were immediately sent off by the

officer in command of the stone mills at Lacolle, to Isle-aux-Noix for aid, and Captain Broke with a picquet of the 13th regiment, was sent to him. Major Handcock set about making such preparations as he could for the defence of his temporary blockhouse, or rather stone tower, at Lacolle. Wilkinson did not immediately advance, but halted to reconnoitre. He made a feint too, upon Burtonville, which he suffered a few grenadiers and some light infantry to check. He wanted possession of Lacolle town, and accordingly, early in the afternoon, he determined upon taking it by assault. The Americans got into the woods with the view of surrounding the blockhouse and of simultaneously assaulting it on all sides. Lacolle opened fire, but the Americans only replied by a cheer, and continued to advance. But the cheering was not of long duration, as the effect of Major Handcock's fire was not by any means elevating to the Americans. It was so heavy and so hot, and so well directed that the effect was most depressing, and the enemy retreated, in some confusion, back to the woods, from which they had emerged. Thus repulsed the gallant Americans thought of battering a breach in the tower of Lacolle, with the aid of a naked 12-pounder, or battering gun, unprotected by an earthwork. The result was that the artillerymen being within musket range, were picked off with great facility, and with such marvellous rapidity, that it was no easy matter for the enemy to load and fire. The cannonading was, nevertheless, kept up for two hours and a half, but as little attention was paid to aim, under the exciting circumstances, only four round shot struck the mill, doing no harm at all. It would have been prudent for the gallant Handcock to have kept the enemy for some time longer, in the snow and cold, keeping up so harmless a fire of artillery. But it occurred to him that the gun might be spiked, and he ordered the flank companies of the 13th regiment to charge the enemy, in front. The trees stood still, and the Americans retired a little, pouring a deadly fire upon the 13th, as they advanced in line through deep snow, as well as they could, which was not by any means very well. As the Americans still pertinaciously kept in the woods, the 13th could not, by any possibility, charge. They might have pursued the enemy individually, and the dodging and twining and twirling of the combatants would have been something extraordinary. But the 13th thought better of it and wisely retired, in good order, upon the mill. At this moment, however, the grenadiers of the Fencibles and a company of the Voltigeurs, arrived from Burtonville, and were ordered by Major Handcock to support the retiring 13th, and charge again. The whole now advanced in columns of sections upon the gun, which the Americans had spiked during the first charge, and on which the Americans in the woods were ready to concentrate their fire. The enemy did not pull a trigger until the 13th, Voltigeurs, and Fencibles were within twenty-five yards of their centre, when the further advance of the sortie was checked by the fire of musketry so hotly poured in upon them on all sides. They were instantly recalled. But the Americans being by this time wearied, cold, and hungry, and now deficient in artillery, while they were as unable to carry the mill by storm, as the British were to charge in the woods, retreated about five in the afternoon, unmolested, and afterwards fell back upon Champlain and Plattsburgh. The Americans lost in this attempt to carry a stone tower, bravely defended, 13 in killed, 123 in wounded, and in missing 30. The British lost 10 killed, 4 missing, and 2 officers and 44 men wounded.

The Americans, while they were near Cornwall, under Generals Brown and Boyd, in the autumn previously to re-crossing the river, plundered some merchants of all their goods, wares, and merchandise, found *en route* for Upper Canada. But the American government had stipulated for their restitution with Colonel Morrison, of the 89th, and Captain Mulcaster, of the Royal Navy. Whether the repeated checks that they had lately received from the British, in consideration of their unwelcome, but not looked for, visits, had soured the authorities, south of 45°., or no, it was now intended to sell the plunder for the benefit of the government of the United States, as British goods being rare in the American market, high prices would undoubtedly have been obtained. To prevent a consummation, not in the least devoutly wished for by the British merchants, Captain Sherwood, of the Quarter Master General's Department, suggested the idea of plundering them back again. Accordingly, Captain Kerr, with a subaltern, twenty rank and file of the marines, and ten militiamen, crossed the ice on the 6th of February, during the night, from Cornwall to Madrid, on Grass River, with horses and sleighs innumerable. The merchandise, or a great part of it, was secured, packed in the sleighs, and carried off. Indeed the inhabitants of Madrid made no opposition to Captain Kerr, but on the contrary, looking upon the expedition as rather smart, were considerably tickled, and positively helped the British to load their sleighs and be gone. Jonathan, fully alive to the ludicrous, chuckled as he thought upon the astonished countenances of the United States' officers, who were charged with the sale of the goods, when they should have ascertained their unlooked for disappearance. The inhabitants were, of course, not molested, and indeed living but a few hundred yards from the British

shore, were only very moderate Americans.

There was also, during the winter, a skirmish at Longwood, in which the British, who were the assailants, retired with a loss of two officers and twelve men killed.

The campaign opened with the opening of the navigation, in May. Sir James Yeo, with the co-operation of that talented, skilful, and excellent officer, General Drummond, planned an attack upon Oswego, with the view of destroying the naval stores, sent by way of that town for the equipment of the American fleet in Sackett's Harbour. The British fleet having been strengthened by two additional ships, the *Prince Regent* and the *Princess Charlotte*, General Drummond sent on board of it six companies of DeWatteville's regiment, the light companies of the Glengary militia, and the second battalion of the Royal Marines, with a detachment of Royal Artillery, and two field pieces, a detachment of a rocket company, and some sappers and miners. This expedition left Kingston on the 4th of May, and arrived off Oswego about noon on the day following. It was then however, blowing a gale of wind, from the northwest, and it was considered expedient to keep off and on the port, until the weather calmed. It was the morning of the 6th, before a landing could be effected, when about one hundred and forty men, under Colonel Fischer, and two hundred seamen, under Captain Mulcaster, Royal Navy, were sent ashore, in the face of a heavy fire of grape and round shot from the enemies' batteries, and of musketry from a detachment of the American army, posted on the brow of a hill and partially sheltered by an adjoining wood. The British, nevertheless, charged the battery and captured it, the enemy leaving about sixty wounded men behind them, in their hurried retreat. The stores in the fort were taken possession of, the fort itself dismantled, and the barracks were destroyed. In this successful assault, Captain Holtaway, of the Marines, was killed, Captain Mulcaster was severely and dangerously wounded in the head, and Captain Popham was wounded severely, two officers of the line and two other naval officers were wounded. Eighteen rank and file of the army and marines were killed, and sixty wounded, and three sailors were killed and seven wounded. The naval stores, however, were not captured, as they had been deposited at the Falls of the Onondago, some miles above Oswego. The troops were re-embarked and the fleet sailed for Kingston on the 7th of May.

Sir James Yeo being still very anxious about the naval stores which the enemy were so industriously collecting at Sackett's Harbour, determined to try if possession of at least a part of them could not be obtained. Accordingly, he blockaded Sackett's Harbour, and on the morning of the 29th of May, a boat belonging to the enemy, laden with a cable large enough for a ship of war, and with two twenty-four pounders, forming one of a flotilla of sixteen boats from Oswego, containing naval and military stores, was intercepted and captured. Captains Popham and Spilsbury, having with them two gun-boats and five barges, were immediately sent in search of the other boats. They soon learned where the missing boats were. Fearing capture, the Americans had taken shelter in Sandy Creek. It was resolved to root them out, if possible, and accordingly the British gun-boats and barges entered the Creek. Captains Popham and Spilsbury immediately looked about them, and found the enterprise to be rather hazardous. The creek was narrow and winding. An attack was, nevertheless, determined upon. For about half a mile the assailants proceeded cautiously up the creek, when, as they turned its elbow, the enemy's boats were in full view. The troops immediately landed on both banks and were advancing when the sixty-eight pounder carronade in the foremost boat was disabled, and it was necessary to bring the twenty-four pounder in the stern of the boat to bear upon the enemy. But no sooner had an effort been made to get the boat round than the enemy took it into their heads that the attacking party designed to make off, and advancing hastily in considerable numbers, rifles, militia, cavalry, regular infantry, and Indians, the British, unable to retreat, were overpowered, the captured being with difficulty rescued by their humane American enemies, from the tomahawks and scalping knives of the Indians.

On Lake Champlain an attempt was made on the 14th of May, to capture or destroy two new American vessels building at Vergennes, by Captain Pring, of the Royal Navy, but finding the enemy prepared to receive him more warmly than courteously, Captain Pring desisted and returned to Isle-aux-Noix.

About the end of June, the Americans concentrated at Buffalo, Black Rock, and other places, on the Niagara frontier, for the invasion of Upper Canada, only waited for the co-operation of the fleet, which had not, as yet, come out of Sackett's

Harbour. The army was commanded by General Brown, however, an officer, of considerable judgment, and now not by any means inexperienced in the art of war, who could not remain long inactive. On the 3rd of July, he despatched Brigadiers Scott and Ripley, with their two strong brigades, to effect a landing on the Canada shore. They landed from boats and batteaux, at two different points. One brigadier landed above Fort Erie, and the other below it, the brigades being two miles apart, and the fort in the centre. Captain Buck, of the 8th regiment, was in command of Fort Erie, and, oddly enough, although he had put it in a tolerably good state for defence, he at once surrendered it, and his garrison of seventy men, to the enemy. Scott and Ripley now marched on Chippewa, and were making preparations to carry that post when they were met by General Riall, with fifteen hundred regular troops, and a thousand Indians and militia, and offered battle. The offer was no sooner made than accepted, and at five in the afternoon, a battle was commenced, which proved disastrous to Riall. The enemy were overwhelmingly numerous. Riall's militia and Indians attacked the American light troops vigorously, but they were unable to cope with Kentucky riflemen, sheltered behind trees. Death came with every rifle flash, and the militia and Indians must have given way, had not the light companies of the Royal Scotts and 100th regiments come to their relief. Now came the main and, on the part of Riall, ill-judged attack. He concentrated his whole force, while the Americans stretched out in line. He approached in column, attempting to deploy under a most galling fire, and the result was, as might have been anticipated, fearfully disastrous. With 151 men killed and 320 wounded, among whom was Lieutenant-Colonel, the Marquis of Tweedale, the British were compelled to retire. Riall's object in retiring was to gain his intrenched camp, but General Brown, who now commanded the Americans, discovered a cross road, and Riall, abandoning Queenston, fell back to Twenty Mile Creek. The loss of the Americans was 70 killed and 9 officers and 240 men wounded. This was the most sanguinary of any battle that had been fought during the war, and the enemy, gaining courage, advanced gradually, and made demonstrations upon Forts George and Mississaga. On the 25th of July, Brown, not considering it expedient to advance and, unsafe to stand still, retreated upon Chippewa, the village of St. David's having been previously set on fire, by a Lieutenant-Colonel Stone, whom Brown compelled to retire from the army for his barbarity. General Riall now again advanced, when the enemy wheeled about and endeavoured to cut him off from his expected reinforcement. But he failed in doing so, General Drummond having come up with about three thousand men, of whom eighteen hundred were regulars. The enemy was five thousand strong, but General Drummond seized a commanding eminence which swept the whole field of battle. Nothing daunted, however, by this superiority of position, the Americans resolutely advanced to the charge, and the action, which commenced about six in the evening, soon became general along the whole line, the brunt of the battle falling, nevertheless, upon the British centre and left. General Riall, who commanded the left division of the army was forced back with his division, wounded, and made prisoner. The centre firmly maintained their ground. It was composed of the 89th, the Royals, and the King's regiment, well supported by the artillery, whose guns, worked with prodigious activity, carried great havoc in the enemy's ranks. Brown soon perceived that unless the guns were captured, the battle was lost; and he consequently bent all his energies to the accomplishment of that object. He ordered General Millar to charge up the hill and take the guns. The order was vigorously obeyed and five guns fell into the hands of the Americans, the British artillerymen being positively bayoneted in the act of loading, while the muzzles of the American guns were within a few yards of the English battery. It was now night and extremely dark. During the darkness some extraordinary incidents occurred. The British having, for a moment, been thrust back, some of the British guns remained for a few minutes in the enemy's hands. They were, however, not only quickly recovered, but the two pieces, a six pounder and a five and a half inch howitzer, which the enemy had brought up, were captured by the British, together with several tumbrils; and in limbering up the British guns, at one period, one of the enemy's six-pounders was put, by mistake, upon a British limber, and one of the British six-pounders was limbered on one of the enemy's. So that although American guns had been captured, yet as the Americans had captured one of the British guns, the British only gained, by the dark transaction, one gun. It was now 9 o'clock, and there was a short intermission of firing. Apparently the combatants sank to rest from pure exhaustion. It was a terrible repose. The din of battle had ceased, to be succeeded by the monotonous roar of the Great Falls. The moon had risen and at intervals glanced out of the angry blackish looking clouds, to reveal the pale faces of the dead, with still unrelaxed features, and some even yet, as it were, in an attitude of defiance. The field of strife was one sea of blood, and the groans of the wounded and the dying sent a shudder through the boldest. Occasionally the flash of a gun or a few bright flashes of musketry revealed more strikingly than even the moon's pale rays, the living, the dying, and the dead.

Short as was the respite, the enemy was not idle while it lasted. Brown was busily employed in bringing up the whole of his remaining force, and he afterwards renewed the attack with fresh troops, to be everywhere repulsed, with equal gallantry and success. Drummond had not neglected to bring up Riall's wing which had been previously ordered to retire. He placed them in a second line, with the exception of the Royal Scots, with which he prolonged his front line, on the right, where he was apprehensive of being outflanked by the enemy. The enemy's efforts to carry the hill were continued until about midnight, when he had suffered so severely from the superior steadiness and discipline of the British that he gave up the contest and retreated with great precipitation to his camp, beyond the Chippewa, which he abandoned on the following day, throwing the greatest part of his baggage, camp equipage, and provisions, into the rapids. He then set fire to Street's Mills, destroyed the bridge at Chippewa, and, in great disorder, continued his retreat towards Fort Erie. General Drummond detached his light troops, cavalry, and Indians, in pursuit, to harass his rear.

The Americans lost, in this fiercely contested struggle, at least 1,500 men, in killed, wounded, and prisoners: among the wounded were the two generals commanding, Brown and Scott. There were 5,000 Americans engaged, and only 2,800 British. General Drummond received a musket ball in the neck, but, concealing the circumstance from his troops, he remained on the ground until the close of the action. Lieutenant-Colonel Morrison, of the 89th regiment, Lieutenant-Colonel Pearson, Captain Robinson, of the King's regiment, in command of the militia, and several other officers were severely wounded. The British loss, in all, was eight hundred and seventy men, including forty-two made prisoners, among whom were General Riall and his staff.

The Americans, now under the command of General Ripley, retreated upon Fort Erie, and intrenched themselves in its neighborhood. Gen'l. Gaines then assumed the command at Fort Erie, having come from Sackett's Harbour, in the fleet which was to have co-operated with the army, now cooped up in Fort Erie and altogether indifferent to such co-operation. The fleet went back again.

Still following up his successes, General Drummond laid siege to Fort Erie and the intrenched camp near it, and while he was doing so, three armed schooners, anchored off the fort, were captured by a body of marines, who pushed off in boats during the night, under Captain Dobbs, of the Royal Navy. General Drummond did not simply sit down before Fort Erie and the entrenchment, he did his best to effect a breach, and with that view kept up a constant fire from the two 24-pounder field guns which had proved more than ordinarily useful at the battle of Chippewa. It was not long indeed before he considered an assault practicable. He made the necessary preparations, and on the fourteenth, three columns, one under Colonel Fischer, consisting of the 8th and DeWatteville's regiment, and the flank companies of the 89th and 100th regiments, with a detachment of artillery, a second under Colonel Drummond, of the 104th regiment, made up of the flank companies of the 41st and 104th regiments, with a few seamen and marines, in charge of Captain Dobbs, and the other under Colonel Scott, consisting of his own regiment, the 103rd, and two companies of the royals. Colonel Fischer's column gained possession of the enemy's batteries at the point assigned for its attack, two hours before daylight, but the other columns were behind time, having got entangled by marching too near the lake, between the rocks and the water, and the enemy being now on the alert, opened a heavy fire upon the leading column of the second division which threw it into confusion. Fischer's column had in the meanwhile almost succeeded in capturing the fort. They had actually crept into the main fort through the embrasures, in spite of every effort to prevent them. Nay, they turned the guns of the fort upon its defenders, who took refuge in a stone building, in the interior, and continued to resist. This desperate work continued for nearly an hour, when a magazine blew up, mangling most horribly nearly all the assailants within the fort. Of course there was a panic. The living, surrounded by the dying and the dead, the victims of accident, believed that they stood upon an infernal machine, to which the match had only to be placed. No effort could rally men impressed with such an idea. There was a rush, as it were, from inevitable death. Persuasion fell on the ears of men who could not hear. Persuasion fell upon the senses of men transfixed with one idea. Persuasion would have been as effectual in moving yonder blackened corpse into healthy life, as in moving to a sense of duty to themselves, men who could see nothing but the deadness around them, and whose minds saw only, under all, the blackness of immediate destruction. Those who were victors, until now, literally rushed from the fort. The reinforcements of the British soon arrived, but the explosion had again given the defenders heart, and they too, having received reinforcements, after some additional straggling, for

the mastery, the British withdrew. The British loss amounted to 157 killed, 308 wounded, and 186 prisoners, among the killed being Colonels Scott and Drummond. The American loss was 84 in killed, wounded and missing.

A reinforcement was shortly afterwards obtained from Lower Canada. The 6th and the 82nd regiments came in time to compensate for previous losses, but General Drummond did not consider it expedient to make another attack. His purpose was equally well, and perhaps better obtained by keeping the whole American army of invasion prisoners in a prison selected by themselves, on British territory, and from which it was impossible to escape.

While these things were transpiring in Upper Canada, public attention was irresistibly drawn in another direction. About the middle of August, between fifty and sixty sail of British vessels of war arrived in the Chesapeake, with troops destined for the attack on Washington, the capital of the United States, Britain having now come to the determination of more vigorously prosecuting the war. Three regiments of Wellington's army, the 4th, 44th and 85th, were embarked at Bordeaux on the 2nd of June, on board the *Royal Oak* seventy-four, and *Dictator* and *Diadem*, of sixty-four guns each, and, having arrived at Bermuda on the 24th, they were there joined by the fusiliers, and by three regiments, from the Mediterranean, in six frigates, forming altogether a force of three thousand five hundred men. General Ross commanded the troops; Admiral Cockburn the fleet. Tangier's Island was first taken possession of, fortifications being erected, structures built, and the British flag hoisted. The negroes on the plantations adjoining were promised emancipation if they revolted, and fifteen hundred did revolt, were drilled, and formed into a regiment. They were useful but exceedingly costly, for on the conclusion of peace the proprietors of the negroes were indemnified, and His Imperial Majesty the Emperor of Russia, than whom no one better knew the value of a serf, being the referee, awarded the enormous sum of £250,000, or nearly £150 for each negro that had gained his freedom, as the compensation adequate to the injury which the urgency of war made it necessary to inflict upon the cultivators of human farm stock.

The troops under General Ross were landed at Benedict, on the Pawtuxet river, forty-seven miles from Washington. On the 21st they moved towards Nottingham, and on the following day they reached Marlborough. A flotilla of launches and barges, commanded by Admiral Cockburn, ascended the river at the same time, keeping on the right flank of the army. There are two rivers by which Washington may be approached—the Potomac, which discharges itself into the upper extremity of the bay of Chesapeake, and the Pawtuxet. The object which the British military and naval commanders had in view when the Pawtuxet was decided on for the route by which a dash was to be made on the capital city of the American republic, was greater facility of access, and the destruction of Commodore Barney's powerful flotilla of gun-boats, which had taken refuge in its creeks. This flotilla, snugly moored in a situation only twelve miles from Washington, was fallen in with by Admiral Cockburn, on the 23rd. The Americans then seeing that it must be captured set fire to it and fled. Out of sixteen fine gun-boats, fifteen were totally consumed, but one gun-boat missed destruction and it, with thirteen merchant schooners, was made a prize of. The troops now marched rapidly forward. There were about 3,500 men, with 200 sailors to drag the guns, to oppose General Winder, who, with 16,600 men, had, on the faith of a hint received from Ghent, taken measures to protect the capital. When the British approached, however, General Winder had only 6,500 infantry, 300 cavalry, and 600 sailors to work the guns, which were twenty-six in number, while the British had only two. He took up a position at Bladensburg, six miles from Washington, so as to command the only bridge over the little Potomac, by which it could be crossed, and the highway to Washington being directly through his centre. He directed all his artillery upon the bridge. But the men now opposed to the Americans knew well how to carry bridges. General Ross, having formed his troops into two columns, the one under Colonel Thornton, and the other under Colonel Brooke, ordered the bridge to be crossed. Hardly was the order given, when in spite of artillery and musketry, Thornton's column had dashed across, carried a fortified house at the opposite side, and being quickly followed by the other division, had spread out sharpshooters on either flank. The militia of the United States soon got into confusion, and soon after fled. Indeed Commodore Barney and his sailors made the most gallant resistance, but he was soon overpowered, wounded, and with a great part of the seamen under him fell into the hands of the British. Ten guns were taken, the whole army was totally routed; and the enemy were fleeing past Washington, to the heights of Georgetown, horse and foot, as fast as fear could carry them. The day was oppressively hot, and the British army uninfluenced by fear were not able to continue their advance until the cool of the evening. They had not "suffered" at all. The entire loss was

only 61 killed and 185 wounded. By eight at night they were within a mile of Washington, and the main body halted. With only seven hundred men General Ross and Admiral Cockburn were in the capital of a republic numbering eight millions of inhabitants, and proud of having in arms the inconsiderable number of eight hundred thousand men, to do with it as Commodore Chantey and General Dearborn had done to York, the capital of a territory containing ninety-five thousand inhabitants, man, woman, and child! half an hour afterwards, or pay a ransom. The ransom was refused and the torch was applied to arsenals, store-houses, senate house, house of representatives, dockyard, treasury, war office, president's palace, rope walk, and the great bridge across the Potomac. In the arsenal 20,000 stand of arms were consumed. A frigate and a sloop of war, afloat, were burnt, 206 cannon and 100,000 rounds of ball cartridge were taken and destroyed, and General Ross and Admiral Cockburn went back at their leisure to Benedict. In connection with this most extraordinarily successful enterprise reflecting the highest credit on General Ross, there had been some outcry about extending the ravages of war to pacific public buildings. Indeed the barbarity of destroying the legislative buildings, the White House and the public libraries of Washington has been harped upon most sentimentally and injudiciously. The destruction of some books, scraped together by a new country and, therefore, of no very great intrinsic value, is looked upon by the literati of this and of a past age, as a crime, and one of greater magnitude than the destruction of a village in Canada, on the 20th of December, with the thermometer at zero, and the snow two feet in depth upon the ground, women and children even being left to gather food and gather warmth where best they might. It is not considered that a palace or even a church or parliament building may be converted into a barrack or that, in some cases, even the destruction of a city may be necessary. The Americans had burglariously entered upon a war with the view of stealing Canada from its lawful owner, and being caught and stayed in the act, were fined, but refusing to pay, were distressed by the loss of public goods. The Americans, who were the sufferers, very naturally represented an act, which had so humiliated them, as barbarous, but how any other person could object to such a proceeding on the score that it was only worthy of a Goth, is difficult of conjecture. It is certainly a pity that fine edifices should be destroyed, and it is no less a pity that thousands of young men should be destroyed or mutilated, and that hundreds of thousands of their relatives should mourn because of war; but so long as war is possible, and possible it ever will be, until the amalgamation of the different species of the different nations, of the different tribes, and of the different tongues who inhabit the earth takes place, at the millennium; soon after which this great globe itself is to be dissolved with fervent heat, and all its magnificent palaces, gorgeous temples, and stupendous towers are to pass away for ever, will there be a waste and destruction of life and property at which extreme civilisation shudders. Educated men will doubtless mourn the loss of fine libraries and of grand cathedrals. English taste doubtless regrets that churches, the remains of which are yet so striking, should have been destroyed by indiscriminating fanaticism, but the man of sense will recollect the idolatry that has passed away with them, as with the Parthenon, and he will weigh the gain to a people with the loss sustained by merely men of taste. And, beyond question, men of peace can paint the horrors of war vividly, and deny its necessity, but the man of ordinary understanding will not scruple to say that as war in the elements is sometimes necessary for a healthy atmosphere, so war among men is needful for the preservation of even a shadow of liberty to the individual, and that injury to public buildings, to trade and commerce, must result from it, for a time.

Immediately after the capture of Washington, Captain Gordon, in the frigate *Seahorse*, accompanied by the brig *Euryalus*, and several bomb-vessels, entered the Potomac. Without much difficulty he overcame the intricacies of the passage leading by that river to the metropolis, and on the evening of the 27th, the expedition arrived abreast of Fort Washington. The Fort which had been constructed so as to command the river was immediately bombarded, and the powder magazine having exploded, the place was abandoned, and with all its guns, taken possession of by the British. Proceeding next to Alexandria, the bomb-vessels assumed a position which effectually commanded the shipping in the port, and the enemy were compelled to capitulate, when two and twenty vessels, including several armed schooners, fell into the hands of the British, and were brought away in triumph. There was some difficulty, however, in bringing off the prizes. To cut off the retreat of the British squadron, several batteries had been erected by the Americans, and these, now manned by the crews of the Baltimore flotilla, opened fire upon Captain Gordon and his prizes. The expeditionary and the captured vessels were, nevertheless, so skilfully navigated, and the fire from the bomb-vessels was so well directed that not a single ship took the ground, and the Americans were driven from their guns, the whole squadron being thus

permitted to emerge from the Potomac, with its prizes, in safety.

An expedition was next fitted out against Baltimore, and the fleet moved in that direction, reaching the mouth of the Patapsco on the 11th September. The troops were landed on the day following the arrival of the fleet, and, while the ships moved up the river, marched upon Baltimore. For the first six miles no opposition was offered, but as Baltimore was approached a detachment of light troops were noticed occupying a thick wood through which the road passed. Impelled by the daring for which he was distinguished, General Ross immediately advanced with the skirmishers to the front, and it was not long before the general received a wound, which so soon proved fatal that he had barely time to recommend his wife and family to the protection of his king and country before he breathed his last. The command, on the death of this energetic officer, devolved upon Colonel Brooke. The British light troops continued to come up and the enemy fell back, still skirmishing from behind the trees, to a fortified position stretching across a narrow neck of land, which separated the Patapsco and the Back Rivers. Here, six thousand infantry, four hundred horse, and six guns were drawn up in line, across the road, with either flank placed in a thick wood, and a strong wooden paling covering their front. The British, however, immediately attacked and with such vigour that in less than fifteen minutes the enemy were routed, and fled in every direction, leaving six hundred killed and wounded on the field of battle, besides three hundred prisoners, and two guns, in the hands of the British. On the following morning, the British were within a mile and a half of Baltimore. There he found fifteen thousand Americans, with a large train of artillery, manned by the crews of the frigates lying at Baltimore, strongly posted on a series of fortified heights which encircle the town. To charge a force of such magnitude with three thousand men would have been extremely hazardous, and Colonel Brooke determined upon a night attack; but, as the night fell, and Brooke was arranging his men for the contemplated assault, he received a letter from Admiral Cockburn, informing him that the enemy, by sinking twenty vessels in the river, (a mode of defence since adopted by Russia,) had prevented all further access to the ships, and rendered naval co-operation impossible. Under such circumstances, Brooke withdrew, without molestation, to his ships.

To the British, the operations on the seaboard, so far, had been as eminently successful as the operations in Upper Canada had been. In the northwest, there was one post which did not fall, and the fall of which was looked upon with indifference by the Americans when Michigan was recovered, after the defeat of the British fleet on Lake Erie. Contrary to the expectation of the enemy, that post, which was at Michillimackinac, had been reinforced early in the spring. Colonel McDonell, with a detachment of troops, arrived there on the 18th of May, with provisions and stores for the relief of the garrison. He did not remain idle when his chief errand was accomplished. In July he sent off Colonel McKay, of the Indian Department, with 650 men, Michigan Fencibles, Canadian Volunteers, Officers of the Indian Department, and Indians, to reduce *Prairie-du-Chien*, on the Mississippi. On the 17th of July, McKay arrived there. The enemy were in possession of a small fort, and two block-houses, armed with six guns, while in front of the fort, in the middle of the river, there was a gun-boat of considerable size, in which there were no less than fourteen pieces of ordnance. McKay was superlatively polite. He sent a message to the commander of the fort, recommending an immediate surrender. But, as McKay had only one gun, the American promptly refused, and was not a little ironical in his refusal. McKay, highlander as he was, could stand anything but irony, and he opened fire with his solitary gun upon the gun-boat, by way of returning the compliment. With this only iron in the fire, he soon gave such proof of metal that the gun-boat cut her cable and ran down stream. McKay now threw up a mud battery, and on the evening of the 19th, he was prepared with his one gun to bombard the fort. The enemy seeing the earthworks doubtless imagined that McKay's park of artillery was more considerable than it was, and without waiting for a single round he hoisted a white flag in token of submission, when McKay took possession of the fort. It contained only three officers and seventy-one men, but the exploit was a gallant one, nevertheless, and of essential service in securing British influence over the Indian tribes.

The Americans on being informed that Michillimackinac had been reinforced, and perhaps anticipating that further mischief to them might ensue, sent Colonel Croghan without loss of time to capture it. Croghan dispatched Major Holmes upon Ste. Marie to plunder the North West Company of their stores. The miscreant was only too successful. Not content with plunder only, he set fire to the buildings and reduced them to ashes. He gave further proof of the possession of a cruel and barbarous disposition, by enjoying the unavailing efforts of a poor horse to extricate itself from a burning

building to which it had been inhumanly attached, to be burnt to death, after having been employed the greater part of the day in carrying off the plunder from the stores. This wretch, accompanied by nine hundred men, of a stamp similar to himself, effected a landing near Michillimackinac, on the 4th of August. But the reception given to him was of such a nature that he speedily re-embarked, leaving seventeen dead men, besides his own inanimate remains, to be buried by the people in the fort. Michillimackinac was not yet, however, quite safe. There were on the lake two American armed vessels, the *Tigress* and *Scorpion*, each carrying a long twenty-four pounder gun, on a pivot, and manned by thirty-two men, which intercepted the supplies intended for the garrison. It was most necessary to destroy or get hold of them, and this not unimportant business was entrusted to Lieutenant Worsley, of the Royal Navy, and Lieutenant Bulger, of the Royal Newfoundland Regiment. These two gallant officers proceeded to the despatch of business with praiseworthy alacrity. On the evening of the 3rd of September, one vessel was boarded and captured, and on the morning of the 5th the other craft was captured. Michillimackinac was now sufficiently safe.

The war, which was no longer, on the part of the British, a merely defensive one, was now being offensively prosecuted with vigour in several quarters, almost simultaneously. Washington had been taken and Baltimore assailed on one side; and Fort Erie, containing the American army of the West, was closely invested. It was now determined to prosecute hostilities from Nova Scotia, which then included New Brunswick, upon the northeastern States of the American Union. With this view, Sir John Sherbrooke sent Colonel Pilkington in the *Ramilies*, commanded by Sir Thomas Hardy, to take possession of Moose Island, the chief town of which is Eastport, commanded by a strongly situated fort, on an overhanging hill, called Fort Sullivan. The fort was, however, only occupied by Major Putnam, six other officers, and eighty men, and was taken possession of on the 11th of July, without resistance, the garrison being made prisoners of war. As soon as the news of this successful enterprise reached the ears of Sherbrooke, he determined upon personally undertaking another expedition. On the 26th of August, he, accordingly, embarked, at Halifax, the whole of the troops at his disposal, in ten transports, and in company with the squadron, commanded by Admiral Griffiths, sailed for the river Penobscot, on the 1st of September, when the fort at Castine, commanding the entrance to the river, was evacuated and blown up. The American frigate *John Adams*, was in the river and, on the approach of the fleet, she was run up the river as high as Hampden. The better to protect her from capture her guns were taken out and, at some distance below Hampden, batteries or earthworks were erected, in which all the guns of the frigate were placed. The capture or destruction of the *John Adams* was, however, determined upon, and Captain Barrie, of the *Dragon*, with a party of seamen, accompanied by Colonel John, at the head of six hundred of the 60th regiment, was sent off to effect it. For a short time the batteries resisted, but the attack being well managed the Americans gave way, and, having set fire to the frigate, fled in all directions. The expedition pushed on to Bangor, which surrendered without resistance; and from thence they went to Machias, which surrendered by capitulation, the whole militia of the county of Washington being put on their parole not to serve again during the war. The whole country between the Penobscot and the frontier of that part of Nova Scotia, which is now New Brunswick, was then formally taken possession of, and a provisional government established, to rule it while the war continued.

About this time, the army in Canada was reinforced by the arrival of several generals and officers who had acquired distinction in Spain, and by the successive arrival of frigates from the army which had been so successfully commanded by the illustrious Wellington, and with which he had invaded France. In August, Sir George Prevost had been reinforced with sixteen thousand men from the Garonne. There were, consequently, great anticipations. Even General Sir George Prevost dreamed of doing something worthy of immortality. And such expectations were natural. With a mere handful of troops, General Drummond had proved how much an intelligent and decided commander can do, and Sir George Prevost, with some of the best troops in the world, was about to prove, to all the nations in it, how good blood may be spilled, and material and treasure wasted by a commander inadequate to the task either of leading men to victory or of securing their retreat until victory be afterwards obtained. Sir George Prevost determined upon the invasion of the State of New York, and as if naval co-operation was absolutely necessary to transport his troops to Plattsburgh, Sir George Prevost urged upon Commodore Sir James Yeo to equip the Lake Champlain fleet with the greatest expedition. The commodore replied that the squadron was completely equipped and had more than ninety men over the number required to man it. And under the supposition that Captain Fischer, who had prepared the flotilla for active service, had not acted

with promptitude in giving the Commander-in-Chief such information as he desired, Sir James sent Captain Downie to supersede him. Sir George, who seemed to have some misgivings about this fleet, and was still most anxious to bring it into active service, finding Sir James Yeo, who knew His Excellency well, quite impracticable, applied to Admiral Otway, who, with the *Ajax* and *Warspite*, was then in the port of Quebec, for a reinforcement of sailors from these vessels for the Lake Champlain flotilla. Admiral Otway did as he was requested to do. A large reinforcement of sailors were immediately sent off to Lake Champlain, and Sir George having sent Major-General Sir James Kempt to Upper Canada, to make an attack upon Sackett's Harbour, if practicable, concentrated his own army, under the immediate command of General DeRottenburg, between Laprairie and Chambly. He then moved forward, towards the United States frontier, with about 11,000 men to oppose 1,500 American regulars and as many militia, under General Macomb, whose force had been weakened by 4,000 men, sent off under General Izzard, from Sackett's Harbour, to reinforce the troops at Fort Erie. Prevost, who had with him Generals Power, Robinson, and Brisbane, in command of divisions, men inured to fighting, and well accustomed to command, met with so inconsiderable an opposition from the Americans, that General Macomb admits that the invaders "did not deign to fire upon them." His powerful army was before Plattsburgh, only defended by three redoubts and two block-houses; he had been permitted, for three days, to bring up his heavy artillery; he had a force with him ten times greater than that which, under Colonel Murray, took possession of it, in 1813; and yet Sir George Prevost hesitated to attack Plattsburgh, until he could obtain the co-operation of Commodore Downie, commanding the *Confiance*, of 36 guns, the *Linnet*, of 18 guns, the *Chubb*, of 10 guns, the *Finch*, of 10 guns, and 12 gun-boats, containing 16 guns! because the enemy had a squadron consisting of the ship *Saratoga*, of 26 guns, the brig *Eagle*, of 20 guns, the schooner *Ticonderoga*, of 17 guns, and the cutter *Preble*, of 7 guns. The British Commodore Downie was not quite ready for sea. His largest vessel, the *Confiance*, had been recently launched, and was not finished. He could not perceive either the necessity for such excessive haste. He would have taken time and gone coolly into action, but he had received a letter from the Commander of the Forces which made the blood tingle in his cheeks. Sir George Prevost had been in readiness for Commodore Downie's expected arrival all morning, and he hoped that the wind only had delayed the approach of the squadron. The anchors of the *Confiance* were immediately raised, and with the carpenters still on board, Commodore Downie made all sail. Nay, he seemed to have forgotten that he had a fleet of brigs and boats to manage, so terribly was he excited by Sir George's unfortunate expression in connection with the wind. The *Confiance* announced her approach on rounding Cumberland Head, by discharging all her guns one after the other. The other vessels were hardly visible in her wake, and still Captain Downie bore down upon the enemy's line, to within two cable's length, without firing a shot, when the *Confiance* came to anchor, and opened fire upon the enemy. General Prevost had promised to attack the fort as soon as the fleet appeared, but instead of doing so, Sir George very deliberately ordered the army to cook their breakfasts. The troops cooked away while Downie fought desperately with a fleet which, as a whole, was superior in strength to his, and which was rendered eminently superior by the shameful defection of the gun-boats manned by Canadian militia and soldiers of the 39th regiment. Downie kept up a terrific fire, with only his own frigate, a brig and sloop, wholly surrounded as he was, by the American fleet. The brig *Finch* had taken the ground out of range, and the whole of the gun-boats, except three and one cutter, had deserted him. He was, nevertheless, on the very point of breaking the enemy's line, when the wind failed. As before stated, he cast anchor, and with his first broadside had laid half the crew of the *Saratoga* low. The *Chubb* was soon, however, crippled and became unmanageable. She drifted within the enemy's lines and was compelled to surrender. The whole fire of the enemy was now concentrated upon the *Confiance*, and still the latter fired broadside after broadside with much precision and so rapidly that every gun on board of the *Saratoga* on one side was disabled and silenced, although she lay at such a distance that she could not be taken possession of. But Captain Downie had fallen. The *Confiance* was now commanded by Lieutenant Robertson, who was entirely surrounded and raked by the brigs and gun-boats of the enemy, while the *Saratoga*, out of range, had cut her cable and wound round so as to bring a new broadside, as it were, to bear upon the *Confiance*. It was in vain that the *Confiance* attempted to do as the *Saratoga* had done. Three officers and thirty-eight of her men had been killed, and one officer and thirty-nine men had been wounded. Lieutenant Robertson was at last compelled to strike his colours, and Captain Pring, of the *Linnet*, was reluctantly obliged to follow the example. In all one hundred and twenty men had fallen, and the cheering of the enemy informed the British army that the fleet for the co-operation of which Sir George Prevost had so unnecessarily waited, was annihilated. "You owe it, Sir, to the

shameful conduct of your gun-boats and cutters, said the magnanimous American Commodore, McDonough, to Lieutenant Robertson, when that officer was in the act of presenting his sword to him, that you arc performing this office to me; for, had they done their duty, you must have perceived from the situation of the *Saratoga* that I could hold out no longer; and, indeed, nothing induced me to keep up her colours but my seeing, from the united fire of all the rest of my squadron on the *Confiance*, and her unsupported situation, that she must ultimately surrender." Sir George Prevost had by this time swallowed his breakfast. He had directed the guns of the batteries to open on the American squadron, but ineffectually, as they were too far off. Orders were at length given to attack the fort. General Robinson advanced with the view of fording the Saranac, and attacking the works in front, and General Brisbane had made a circuit for the purpose of attacking the enemy in the rear. Robinson's troops, led astray by the guides, were delayed, and had but reached the point of attack when the shouts from the American works intimated the surrender of the fleet. To have carried the fort would have been a work of easy accomplishment, but the signal for retreat was given; Robinson was ordered to return with his column; and Prevost soon afterwards commenced a retrograde movement, which admits barely of excuse and could not be justified. So indignant indeed was the gallant General Robinson that it is asserted he broke his sword, declaring that he could never serve again. The army indeed went leisurely away in mournful submission to the orders of a superior on whom they could but look with feelings akin to shame. Four hundred men, ashamed to be known at home, in connection with a retreat so unlooked for and so degrading, deserted to the enemy. And it is little to be wondered at, that murmurs in connection with the name of Prevost and Plattsburgh, were long, loud, and deep. Sir George felt the weight of public opinion and was crushed under it. He resigned the government of Canada and demanded a Court Martial, but he had a judge within himself, from whom he could not escape, and whose judgment weighed upon "a mind diseased," in the broad noonday and at the midnight hour, with such overpowering weight that the nervous system became relaxed, and death at last relieved a man, who, only that he wanted decision of purpose, was amiable, kind, well intentioned, and honest, of a load of grief, before even the sentence of a Court Martial could intervene to ameliorate his sorrows. It is extremely to be regretted indeed that so excellent a Civil Governor should have been so indifferent a military commander. But, entirely different qualifications are required in the civilian and in the soldier. It is indeed on record that the Great Duke, who was the idol of the British people as a soldier, was the reverse of being popular as a statesman. He was ever clearheaded and sensible; but his will would never bend to that of the many. Desirous of human applause, he could not court it, though he was yet vain of his celebrity, and studied to be celebrated, knowing the value that attaches to position and to fame. Sir George Prevost was a man of exactly an opposite disposition to that of the Great Duke. To be great, he flattered little prejudices and weak conceits. He never forced any measure or any opinion down another person's throat. He was content to retain his own opinion and ever doubted its correctness. Personally, he was brave, but he was ever apprehensive.

In defence of the retreat of Sir George Prevost, the opinion expressed by Lord Wellington to Lord Bathurst, in 1813, is quoted. Wellington advised the pursuance of a defensive policy, knowing that there were not then men sufficient in Canada for offensive warfare, and because by pursuing a defensive system, the difficulties and risk of offensive operations would be thrown upon the enemy, who would most probably be foiled. This opinion was verified to the letter. On the other hand, the authority of Wellington, who says to Sir George Murray, that after the destruction of the fleet on Lake Champlain, Prevost must have returned to Kingston, sooner or later, is valueless, inasmuch as His Grace in naming Kingston, had evidently mistaken the locality of the disaster, and must have fancied that Plattsburgh was Sackett's Harbour. He says that a naval superiority on the Canadian lakes is a *sine qua non* in war on the frontier of Canada, even should it be defensive. But Lake Champlain is not one of the Canadian lakes, and, therefore, this justification of a military mistake is somewhat far-fetched. Sir George Prevost failed because he feared to meet the fate of Burgoyne, and he incurred deep and lasting censure because, when it was in his power, he did nothing to retrieve it. Historic truth, says the historian of Europe, compels the expression of an opinion that though proceeding from a laudable motive—the desire of preventing a needless effusion of human blood—the measures of Sir George Prevost were ill-judged and calamitous.

Sir James Yeo accused Sir George Prevost of having unduly hurried the squadron on the lake into action, at a time when the *Confiance* was unprepared for it; and when the combat did begin, of having neglected to storm the batteries, as had been agreed on, so as to have occasioned the destruction of the flotilla and caused the failure of the expedition.

The result of the Plattsburgh expedition was exhilarating to the Americans. It seemed to be compensation for the misfortunes and disasters of Hull, of Hampton, and of Wilkinson. In the interior of Fort Erie even a kind of contempt was entertained for the British. In their joy at the discomfiture of Downie and the catastrophe of Prevost, they began to look with contempt even upon General Drummond, who had cooped them up where they were. Hardly had the news reached these unfortunate besieged people than a sortie was determined upon, and such is the effect of good fortune that it infuses new spirit, and generally insures further success. In the onset the Americans gained some advantages. During a thick mist and heavy rain, they succeeded in turning the right of the British picquets, and made themselves masters of the batteries, doing great damage to the British works. But no sooner was the alarm given than reinforcements were obtained, and the besiegers drove the besieged back again into their works, with great slaughter. The loss on each side was about equal. The Americans lost 509 men in killed, wounded, and missing, including 11 officers killed and 23 wounded, while the British loss was 3 officers and 112 men killed, 17 officers and 161 men wounded, and 13 officers and 303 men missing. On the 21st of September, General Drummond, finding the low situation in which his troops were engaged very unhealthy, by reason of continued rain, shifted his quarters to the neighborhood of Chippewa, after in vain endeavoring to provoke the American General to battle. General Izzard had, meanwhile, arrived from Sackett's Harbour with 4,000 troops from Plattsburgh, but General Brown, having heard that Sir James Yeo had completed a new ship, the *St. Lawrence*, of 100 guns, and had sailed from Kingston for the head of the lake, with a reinforcement of troops and supplies for the army, Commodore Chauncey having previously retired to Sackett's Harbour, instead of prosecuting the advantages which the addition of 4,000 men promised, blew up Fort Erie and withdrew with his whole troops into American territory, realizing the prediction of General Izzard, that his expedition would terminate in disappointment and disgrace.

It indeed seems quite evident that the supremacy, which Sir James Yeo, an officer at once brave, prudent, and persevering, had obtained upon the lakes, contributed, in some measure, to the total evacuation of Upper Canada by the Americans. He did not conceive that with a couple or more of armed schooners he could sail hither and thither, and effect daring feats, but carefully husbanded the means at his disposal, took advantage of circumstances, and obtained the construction of vessels so much superior to those of the Americans that it needed not the test of a battle to decide upon superiority. Indeed had he been afforded sufficient time, two or more such vessels, and even larger, would have been placed on Lake Champlain, and Sir George Prevost might have made such progress in subduing New York that peace might have been dictated on more flattering terms to Great Britain than they were.

The fleet and army, which had been baffled at Baltimore, by the sinking of twenty ships in the Patapsco, to obstruct the navigation of the river, sailed for New Orleans. The squadron arrived off the shoals of the Mississippi on the 8th of December. Six gun-boats of the enemy, manned by two hundred and forty men, were prepared to dispute with the boats of the fleet, the landing of the troops. To settle this difficulty, Admiral Cockburn put a detachment of seamen and marines, under the command of Captain Lockyer, who succeeded in destroying the whole six, after a chase of thirty-six hours. The pursuit, however, had taken the boats thirty miles from their ships; their return was impeded by intricate shoals and a tempestuous sea, and it was not until the 12th that they could get back. It was only on the 15th that the landing of the troops commenced under adverse circumstances. The weather, how extraordinary soever it may seem, was excessively cold and damp, and the troops, the blacks more especially, suffered severely. Four thousand five hundred combatants, and a considerable quantity of heavy guns and stores were landed, and on the same evening an attack, by the American militia, was repulsed. Sir Edward Pakenham arrived next day, when the army advanced to within six miles of New Orleans. New Orleans was then, as it now is, the emporium of the cotton trade of the United States. Comparatively with the present day, the population was inconsiderable. There were not more than 17,000 inhabitants. But it was a place sure to become of importance, from its situation, and was even then a place of considerable wealth, and, from the nature of its chief export, was one of the principal sources of revenue to the American government, in the Union. The defence of this town was entrusted to General Jackson, afterwards President of the United States, and whose elevation to the chief magistracy is as much to be attributed to the skill and heroism displayed by him in the defence of the chief cotton mart as to any other cause. Jackson was a shrewd, obstinate, and energetic man. On ascertaining that the British had landed, he threw every possible obstacle in the way of their advance. The weather was cold and damp, and the soil was low, and

wet, and muddy. A few days' delay in such a situation would make nearly one half of an invading force ill and dispirit the other half. Jackson sent out a few hundreds of militia, every now and then, to harass his enemies, and in the meanwhile he stirred up the 12,000 troops under him, to work vigorously in the erection of lines of defence for the city. Indeed, in a short time, he awaited an attack, with confidence, in a fortified position, all but impregnable. His front was a straight line of upwards of a thousand yards, defended by upwards of three thousand infantry and artillery, and stretching from the Mississippi on the right, to a dense and impassable wood on the left. Along the whole front of this fortified line there was a ditch which contained five feet of water, and which was defended by flank bastions, on which a heavy array of cannon was placed. There were also eight distinct batteries, judiciously disposed, mounting in all twelve guns of different calibres, while on the opposite side of the river, about eight hundred yards across, there was a battery of twenty guns, which also flanked the whole of the parapet. The great strength of the American position was strikingly apparent to General Pakenham. It seemed so very strong indeed that he contemplated a siege. But then the ground was so cold and damp, and the climate so unhealthy, that he could not sit very long before a town, likely to be reinforced, and capable of being strengthened by the construction of lines of defence, within lines of defence, to almost any extent, if not completely invested. And more, Pakenham had not guns sufficient for regular approaches. Pakenham was, however, a good officer, a man of energy, judgment, and decision. He set all hands instantly to work to deepen a canal, in the rear of the British position, by which boats might be brought up to the Mississippi, and troops ferried across to carry the battery on the right bank of the river, a work of extraordinary labour, which was not accomplished until the evening of the 6th of January. The boats were immediately brought up and secreted near the river, and dispositions made for an assault at five o'clock on the morning of the 8th of January. Colonel Thornton was to cross the river, in the night, storm the battery, and advance up the right bank till he came abreast of New Orleans; while the main attack, on the intrenchments in front, was to be made in two columns—the first under General Gibbs, the second led by General Keane. There were, in all, about six thousand combatants, including seamen and marines, to attack double their number, intrenched to the teeth, in works bristling with bayonets, and loaded with heavy artillery.[25] When Thornton would have crossed, the downward current of the Mississippi was very strong, so strong indeed that the fifty boats, in which his division was embarked, were prevented from reaching their destination at the hour appointed for a simultaneous attack upon New Orleans, in front and rear. Pakenham, as the day began to dawn, grew exceedingly impatient, and, at last, having lost all patience, as it was now light, revealing to the enemy, in some degree, his plans, he ordered Gibbs' column to advance. A solemn silence pervaded the American lines. There was indeed nothing to be heard but the measured tread of the column, advancing over the plain, in front of the intrenchments. But when the dark mass was perceived to be within range of the American batteries, a tremendous fire of grape and round shot was opened upon it from the bastions at both ends of the long intrenchment, and from the long intrenchment itself. Gibbs' column, however, moved steadily on. The 4th, 21st, and 44th regiments closed up their ranks as fast as they were opened by the fire of the Americans. On the brow of the glacis, these intrepid men stood as erectly and as firmly as if they had been on parade. But, through the carelessness of the colonel commanding the 44th regiment, the scaling ladders had been forgotten, and it was impossible to mount the parapet. The ladders and fascines were sent for, in all haste, but the men, on the summit of the glacis, were, meanwhile, as targets to the enemy. They stood until riddled through and through, when they fell back in disorder. Pakenham, unconscious that Colonel Mullens, of the 44th, had neglected his orders, and only fancying that the troops being fairly in for it, were staggering only under the heaviness of the enemies' fire, rode to the front, rallied the troops again, led them to the slope of the glacis, and was in the act, with his hat off, of cheering on his followers, when he fell mortally wounded, pierced, at the same moment, by two balls. General Gibbs and General Keane also fell. Keane led on the reserve, at the head of which was the 93rd Sutherland Highlanders, a thousand strong. Undaunted by the carnage, that noble regiment dashed through the disordered throng, in front, and with such fury pressed the leading files on, that without either fascines or ladders, they fairly found their way by mounting on each other's shoulders into the work. But they were then cut down to a man. The fire from the enemy's rifles was terrific. It was almost at the same moment that Colonel Ranney penetrated the intrenchments on the left only to be mowed down by grape shot. An unforeseen circumstance had too long delayed an attack which could only have been successfully made in the dark, and General Lambert, who had succeeded to the command by the death of Pakenham and the wounds of Gibbs and Keane, finding it impossible to carry the works, and that the slaughter was tremendous, drew off his troops. Thornton had been altogether successful on the left bank of the

Mississippi. With fourteen hundred men this able and gallant officer repaired to the point assigned to him on the evening of the 7th, but it was nearly midnight before even such a number of the boats as would suffice to transport a third part of his troops across, were brought up. Anxious to co-operate at the time appointed, he, nevertheless, moved over with a third of his men, and, by a sudden charge, at the head of part of the 85th regiment and a body of seamen, on the flank of the works, he succeeded in making himself master of the redoubt with very little loss, though it was defended by twenty-two guns and seventeen hundred men, and amply provided with supplies. And when daylight broke, he was preparing to turn the guns of the captured battery on the enemy's flank, which lay entirely exposed to their fire, when advices were received from General Lambert of the repulse on the left bank of the river. Thornton was unwilling to retire from the battery, but Colonel Dixon, who had been sent by General Lambert to examine it and report whether it was tenable, having reported that it was untenable unless with a larger force than Lambert could spare, he was required to return to the left bank of the river, and the troops at all points withdrew to their camp.

Defeated, far advanced into the enemy's country, an army flushed with success, double their strength in front, and with fifteen miles of desert between the British army and their ships, it was not long before General Lambert came to the conclusion that instead of renewing the attack, retreat was now desirable, and that the sooner he retreated the more safely could it be done. For this, under the circumstances, inevitable retreat, Lambert gathered himself up. He sent forward, during the early part of the night of the 18th, the whole of the field artillery, the ammunition, and the stores of every kind, excepting eight heavy guns, which were destroyed. With the exception of eighty of the worst cases, whom he left to the humanity of General Jackson, who discharged that duty with a zeal and attention worthy of the man, he also removed the whole of the wounded; and, indeed, accomplished his retreat under the most trying circumstances, with such consummate ability, that the whole force under his command, were safely re-embarked on the 27th.

The defeat, which was neither attributable to want of foresight, to incapacity, of any sort, or to lack of bravery, however humiliating it was, but entirely to the accident which delayed a night attack until daybreak, was in some degree compensated for by the capture of Fort Boyer, near Mobile, commanding one of the mouths of the Mississippi. Fort Boyer was attacked by the land and sea forces on the 12th of February, and, with its garrison of 360 men and 22 guns, was compelled to yield, when further operations were stayed by the receipt, on the very next day, of intelligence that peace between Great Britain and the United States had been concluded at Ghent.

It is asserted, with regard to the storming of New Orleans, that Pakenham displayed imprudent hardihood, in the attempt to achieve by force, what might have been gained by combination; and that the whole mischief might have been avoided by throwing the whole troops instead of only Thornton's division, on the right bank of the river, and so have rendered unavailing all Jackson's formidable arrangements. Pakenham's disaster was, however, not the result of imprudent hardihood, but purely the result of accident in the time of attack, and in the neglect of Colonel Mullens, to whom the duty of bringing up the fascines and ladders was entrusted. Pakenham well considered the difficulties which he had to encounter. He would have carried the American entrenchments by a *coup de main*, had he not perceived that the operation would have been extremely hazardous. He would have sat down before the city and have advanced under cover of first one parallel and then another, had he not perceived that as he approached so the enemy could have retired within successive lines of entrenchment. Nay, he saw that the most probable mode of speedy and successful assault was by a simultaneous attack upon the enemy during the night, in the front and in the rear of their intrenched lines. He further knew that the attack in rear would depend for success, in a very great measure, upon the skill and intrepidity of the officer entrusted with its execution, and he accordingly selected an officer possessed of both these essentials in the person of Colonel Thornton. And with respect to the effect of having landed his whole force, on the right bank of the river, where success, though too late, did attend the efforts of Thornton, it is to be remembered that Colonel Dixon reported to General Lambert, when the battery on that side was in Thornton's possession, that it could not be retained even, without more men than Lambert could spare to reinforce him. The defeat at New Orleans was only humiliating to Great Britain in the result, not in the conception, and it cannot fairly be laid to the charge of Pakenham that he only exhibited heroic valour, coupled with imprudent hardihood, or that he despised his enemy.

However the heroic defence of New Orleans and the disastrous retreat from Plattsburgh may have elated the Americans and may yet gratify their natural vanity, there are men in the United States, fully alive to the consequences which could not have failed to have resulted from the defeat of Pakenham, had the war continued. The British government had able generals without number, well-trained and experienced soldiers, and ships also without number, to bring to bear upon a country almost pecuniarily exhausted, and suffering from internal dissensions, on the conclusion of a war which had, as it were, brought out the immense resources for war, which were almost latent in England during the American war of independence. That the United States was on the very verge of destruction is evident from the fact that during the continuance of the war, the general government of the United States and the States governments were at variance. There was an apprehension that the affairs of the general government were mismanaged, and, to many, it appeared that a crisis was forming, which, unless seasonably provided against, would involve the country in ruin. That apprehension particularly prevailed throughout New England. Indeed, Massachusetts proposed that measures should be taken for procuring a convention of delegates from all the United States to revise the constitution, and more effectually to secure the support and attachment of all the people, by placing all upon the basis of fair representation. Such a convention actually did meet at Hartford. After a session of three weeks, a report in which several alterations of the federal constitution were suggested, was adopted. Representatives and direct taxes were to be apportioned to the number of free persons; no new State was to be admitted into the Union without the concurrence of two-thirds of both houses; Congress was not to have the power of laying an embargo for more than sixty days; Congress was not to interdict commercial intercourse, without the concurrence of two-thirds of both houses; war was not to be declared without the concurrence of a similar majority; no person to be thereafter naturalised was to be eligible as a member of the Senate or House of Representatives, or hold any civil office under the authority of the United States; and no person was to be twice elected to the presidency, nor was the President to be elected from the same State two terms in succession. The report was a direct censure of the government, who with the alliance of France only contemplated to annex Canada to the United States. It was so understood. The Hartford convention was looked upon by the democrats of the Union as a treasonable combination of ambitious individuals, who sought to sever the Union, and were only prevented from doing so by the somewhat unexpected conclusion of peace, which disembarrassed the administration, and swept away all grounds upon which to prosecute their designs. But the positive truth was that the public mind was excited to a pitch bordering on insurrection by the situation of the country. The war had been singularly disastrous; the recruiting service languished; the national treasury was almost penniless; the national credit was shaken, and loans were effected at a ruinous discount; the New England seaboard was left exposed to the enemy; and the officers under the general government, both civil and military, were filled by men contemned by a vast majority of the people in the north eastern States. Before the war, the foreign trade of the United States was flourishing. The exports amounted to £22,000,000, and the imports to £28,000,000, carried on in 1,300,000 tons of shipping. After the war, the exports had sunk to £1,000,000, and the imports to less than £3,000,000, to say nothing of the losses by capture. This too was the case in America, while the sinews of war were increasing instead of drying up in Great Britain. Yet England was not wholly unaffected by the war. There were great distresses in England, consequent upon the American Embargo Act, in 1811, and it was not until commerce had discovered some new channels in the markets of Russia, Germany, and Italy, that these great distresses were fully abated, while the war had the further and lasting effect of producing manufactures in the United States, to permanently compete with those of Birmingham and Manchester. The treaty of peace which was signed at Ghent, on the 24th of December, 1814, was ratified by the President and Senate of the United States, on the 17th of February, 1815. It was silent upon the subject for which the war had "professedly" been declared. It provided only for the suspension of hostilities; for the exchange of prisoners; for the restoration of territories and possessions obtained by the contending powers, during the war; for the adjustment of unsettled boundaries and for *a combined effort to effect the entire abolition of the traffic in slaves*.

All parties in the United States, welcomed the return of peace. It was somewhat otherwise in Canada. The army bills had enriched the latter country; and the expenditure of the military departments had benefitted both town and country, without cost. When peace came, this extra expenditure rapidly declined. But the war had further and permanently proved of advantage to Canada, inasmuch as it drew public attention in Europe, to the country, and showed to the residents of the

United Kingdom that there was still in America a considerable spot of earth, possessed of at least semi-monarchical institutions, with a good soil and great growing capacity, which could be defended and preserved, as British property, for a time, notwithstanding the assertions made, previous to the war, that the country was in a state of dormant insurrection. The war restored confidence and promoted emigration to Canada.

The Canadian Militia, Voltigeurs, Chasseurs, Drivers, Voyageurs, Dorchester Dragoons, and the Battalion Militia, in both provinces, were, by a General Order, issued on the 1st of March, to be disbanded on the 24th of that month, not a little proud of Detroit and the River Raisin exploits, of the battles of Queenston, Stoney Creek, Chateauguay, Chrystler's Farm, Lacolle, and Lundy's Lane, and of the capture of Michillimackinac, Ogdensburgh, Oswego, and Niagara, by assault.

The eighth parliament of Lower Canada was summoned for the despatch of business, on the 21st of January. In this new parliament, there were James and Andrew Stuart, and for the county of Gaspé, a George Brown,[26] and in all there were fifteen members of British extraction—not much less than one half of the entire House, which, in all, numbered fifty members. After the opening speech from the throne, the House proceeded to the election of a Speaker. The Honorable Jean Antoine Panet, was no longer eligible for election, having been removed to the Legislative Council, and the chair of the Assembly fell upon Louis Joseph Papineau, a man of superior manners, of considerable independence of character, of fluent tongue and impassioned utterance, of extraordinary persuasive powers, and of commanding aspect. He was accepted by Sir Gorge Prevost, and business began. A vote of thanks was unanimously accorded to Mr. Panet for his steady, impartial, and faithful discharge of the speakership for twenty-two years, during the whole of which time he had upheld the honor and dignity of the House, and the rights and privileges of the people. One of the first measures which occupied attention was the militia law. An Act was introduced by which it was so far amended and revised that substitutes were permitted to persons drafted for service. A grant of new duties upon tea, spirits, and on goods, sold at auction, was made; one thousand pounds granted for the promotion of vaccination as a preventative of small pox; £25,000 was granted for the construction of a canal between Montreal and Lachine; a bill was introduced granting the Speaker of the House an annual salary of £1,000; and another was passed granting a similar salary to the Speaker of the Upper House. Of these bills all were finally adopted or sanctioned with the exception of those granting salaries to the two Speakers. That conferring a salary upon the Speaker of the Legislative Assembly, was reserved for the royal sanction, but was afterwards confirmed, while that conferring a salary upon the Speaker of the Upper House, was lost in the Legislative Council, because the members of that body considered it *infra dignitate*, to receive any direct remuneration for their legislative services, the more especially as, with few exceptions, the Speaker and members were already salaried, either as Judges, Bishops, or Clerks of the Executive Council. In the course of the session the expediency of sending to London a kind of agent or ambassador for the country, was again discussed, and its expediency determined upon by the Assembly, but the Legislative Council impressed with the idea that the Governor General should be the only channel of communication with the imperial authorities, refused to concur in any bill framed with the view of securing the services of any such agent, who could not be more than a delegate from the Assembly, and whose acts could not be considered binding on the government of the province. The matter was then referred to a select committee of the Assembly, who reported that the necessity for an agent appeared evident, each branch of the legislature having a right to petition the King, the Lords, and the Commons of England; that although the Governor could transmit such petitions to the foot of the throne, he could neither transmit nor support such petitions when transmitted before the House of Lords or before the House of Commons, solicit the passing of laws, nor conduct many affairs which might be conducted by a person resident in Great Britain. Without an agent the Assembly would be deprived of the right of petition. An agent was especially necessary to the people of the province, because endeavours were even then being made to prejudice the imperial government, and the British nation against Canada, and endeavours were being made to effect a change in the free constitution which had been conferred upon Lower Canada, by means of a union of the two Canadas, the language, laws, and usages of the two provinces being entirely distinct. It was further urged that uneasiness would cease whenever a resident agent was appointed, and as an additional reason for the appointment of such an agent, accredited to the Court of St. James by the province. Such an agent would have all the weight of a foreign ambassador, and his representations could not fail to meet with attention. But the agent to have such weight could not merely have been the representative of

one branch of the legislature, but of the three branches. He must have been the authorised governmental agent of the province, the government of the province being in the confidence of the country. Unfortunately such a state of things did not prevail. The colonists had neither voice nor shared in the government of the country. The Legislative Assembly nearly compensated for the lack of newspapers. It poured into the ear of the governing party the complaints of the people, suggested reforms, and insisted upon the obtainment of them. And the Assembly might have better obtained a hearing for themselves in England, by the establishment and maintenance of a single newspaper in London, than by the nomination either of a Hume or a Roebuck, to represent Canadian grievances to the representatives of a people who were ignorant of the exact nature of such grievances, and could not, therefore, press them upon parliamentary attention. The pertinacity with which the House of Assembly of Lower Canada adhered to the idea of an agent for the people of Lower Canada, is not matter of surprise, for, it is beyond all dispute that the government of the province stood between the people of Canada and the people and government of England, to the great prejudice and injury of the country. In this case, an address, founded on the Assembly's report, was drawn up to be transmitted by the Governor-in-Chief to the Prince Regent, praying that His Royal Highness might give instructions to his Governor of Canada to recommend the appointment of a provincial agent to the imperial legislature. The Assembly persisted in the heads of impeachment exhibited by the Commons of Canada against the Chief Justices Sewell and Monk, and persisted in nominating James Stuart, Esquire, one of the members of the House, to be the agent of the House, in conducting and managing the prosecutions to be instituted against them, if His Royal Highness the Prince Regent permitted these impeachments to be submitted to a tribunal, competent to adjudge upon them, after hearing the matter on the part of the impeachments, and on the part of the accused. It was while these things were being done in the Assembly that the treaty of peace was officially announced to the House. The Assembly granted eight days' pay to the officers of the militia, after the time already noticed as determined upon for the disbandment of the provincial corps; an annuity of six pounds was provided for such rank and file as had been rendered incapable of earning a living; a gratuity was made to the widow and the orphan; and it was recommended that grants of land should be made by His Royal Highness, the Prince Regent, to such militiamen as had served in defence of the province during the war. And more, the House, entertaining the highest veneration and respect for the character of His Excellency, Sir George Prevost, whose administration, under circumstances of peculiar novelty and difficulty, stood highly distinguished for energy, wisdom and ability, and who had rescued the province from the danger of subjugation to her implacable foe, unanimously granted and gave a service of plate not exceeding £5,000 sterling value, to His Excellency, in testimony of the country's sense of distinguished talents, wisdom, and ability. Sir George Prevost felt strongly the high compliment which had been paid to him as a civil ruler. And he deserved it. Surrounded as he was by the selfishness of officials, the sycophants of the colonial office, and the scandalizers of himself and the country, and tormented by the suspicions of the Assembly, which were the result of such sycophancy and scandal, Sir George pursued a most straightforward and honorable course as a Governor-in-Chief, expressed his gratitude, and would transmit the address to the Prince Regent, to be governed by His commands. The Regent approved of the donation and was rejoiced that Sir George had deserved it; but the Legislative Council would not assent to the bill![27] The House afterwards resolved that on the opening of the next session of parliament it would take into consideration the expediency of granting a pecuniary compensation to the Honorable Jean Antoine Panet, for his long and meritorious services as Speaker; and an Act was passed granting £500 to the Surveyor General, Joseph Bouchette, Esquire, to assist him in publishing his geographical and topographical maps of Upper and Lower Canada. At the prorogation, Mr. Speaker Papineau intimated to the Governor that the House had bestowed their most serious attention on the recommendations submitted to them. A great part of the expenses occasioned by a state of war had been continued by the Revenue Act which they had adopted. They had indemnified such of the citizens whom the love of their king and country had induced to accept commissions in the provincial corps, until they should be advantageously enabled to resume their civil professions, which they had abandoned on the declaration of war. They had afforded relief to the families of such of their countrymen as had fallen, and to those whose sufferings for life, from honorable wounds, furnished living evidence of the zeal which had animated His Majesty's Canadian subjects, in the defence of the rights of that empire to which it was their glory to belong. The events of the war had drawn closer the bonds which connected Great Britain with the Canadas. Although at the epoch of the declaration of war the country was destitute both of troops and money, yet from the devotion of a brave and loyal, yet unjustly calumniated people, resources sufficient for

disconcerting the plans of conquest devised by a foe, at once numerous and elate with confidence, had been derived. The blood of the sons of Canada had flowed mingled with that of the brave soldiers sent for its defence, when reinforcements were afterwards received. The multiplied proofs of the efficacious and powerful protection of the mother country and of the inviolable loyalty of the people of Canada strengthened their claim to the free exercise and preservation of all the benefits secured to them by their existing constitution and laws. The pursuits of war were about to be succeeded by those of peace, and it was by the increase of population, agriculture and commerce, that the possession of the colony might become of importance to Great Britain. It was with lively satisfaction, therefore, that the House heard His Excellency recommend to their consideration the improvement of internal communications, and they were only too proud to second His Excellency's enlightened views by large appropriations to facilitate the opening of a canal from Montreal to Lachine, to assist in the opening up of new roads, and to acquire such information as might enable them afterwards to follow up and extend that plan of improvement.

Sir George Prevost then closed the session. He praised the liberality with which the public service had been provided for; alluded to the benefits promised by peace; informed parliament that he had been summoned to return to England for the purpose of repelling accusations affecting his military character, which had been preferred by the late naval commander-in-chief, on the lakes, in Canada, and while he would leave the province with regret, he eagerly embraced the opportunity afforded him of justifying his reputation; and yet, however intent he might be on the subject which so unexpectedly summoned his attention, he would bear with him a lively recollection of the firm support he had derived from the Legislature of Canada, and should be gratified to represent personally to His Royal Highness, the Prince Regent, the zeal and loyalty evinced by every class of His Majesty's subjects in British America, during his administration.

There were one or two measures introduced into the Assembly during the session just closed worth mentioning, *en passant*; as showing the progress really made by a "factious" Assembly. A bill was introduced, by Mr. Lee, for the appointment of commissioners to examine the accounts of the Receiver General, though, apparently, because Mr. Caldwell presented a petition to the Assembly, complaining of the insufficiency of his salary. Mr. Lee also introduced a bill to establish turnpike roads in the vicinity of Quebec, but was unable to carry it because of the outcry made by the farmers and the population of the parishes around Quebec.

There were 1,727 marriages, 7,707 baptisms, and 4,601 burials in Montreal; 653 marriages, 4,045 baptisms, and 2,318 burials in Quebec; and 260 marriages, 1,565 baptisms, and 976 burials in Three Rivers, during the year 1814. The revenue amounted to £204,550 currency, the expenditure to £162,125 sterling; and 184 vessels were cleared at Quebec.

On the 3rd of April, Sir George Prevost left Canada for England, through New Brunswick, by way of the River St. John. He received several valedictory addresses speaking of him in the highest terms, from the French Canadian population, but the British who were annoyed about Plattsburgh stood aloof, while the office holders secretly rejoiced that his rule had terminated. Lieut.-General Sir Gordon Drummond succeeded Sir George Prevost in the government of Lower Canada, the Lieutenant-Governorship of Upper Canada being again in the hands of His Excellency, Francis Gore, Esquire. General Drummond convened the parliament of Upper Canada on the 15th of February, 1814. The first Act of that parliament was one to repeal part of the laws in force for raising and training the militia. All the male inhabitants of the province, from 16 to 60 years of age, were liable to militia duty, but no person over 50 years of age was to be called out except on occasions of emergency. The militia were not to be ordered out of the province unless for the assistance of Lower Canada, when actually invaded, or in a state of insurrection, or except in pursuit of an enemy who had invaded the province, or for the destruction of any vessel either built or building, or for the destruction of any depot or magazine, formed or forming, or for the attack of any enemy invading the province, or for the attack of any fortress in the course of erection or already erected, to cover such invasion of the province. Justices of the Peace were authorised to impress carriages and horses; twenty shillings a day to be paid for every carriage with two horses, or oxen with a driver; fifteen shillings to be paid for every carriage and two horses or oxen; and for every horse employed singly, seven shillings and six pence was to be paid a day, on a certificate from the officer employing them, to the Collector of Customs, and

received by the Receiver General of the province. A penalty was imposed on persons using traitorous or disrespectful words against His Majesty or against any member of the royal family, or for behaving with contempt or disrespect to the Governor while on duty. Death was to be the punishment for exciting to sedition or mutiny; and either death or such other punishment as a Court Martial might award, was the punishment to be awarded for being present at any meeting without endeavoring to suppress it, or give information, or for deserting to the enemy. And Quakers, Menonists, and Tunkers, were to pay £10 for their exemption from militia servitude, the Act to be continued until the next session of parliament. An Act was passed providing for the circulation of army bills; £6,000 was appropriated for the construction and repair of roads and bridges; an Act was passed to ascertain the eligibility of persons to be returned to the House of Assembly; an Act was passed to continue the Act granting to His Majesty duties on licenses to hawkers, pedlars, petty chapmen, and other trading persons; every traveller on foot was to pay £5 for his license, and for every boat £2 10s.; for every decked vessel £25 was to be paid; for every boat £10; and for every non-resident £20; the Act to be in force for two years; an Act was passed to detain such persons as might be suspected of a treasonable adherence to the enemy; an Act was passed imposing a duty of 3s. 9d. per gallon on the contents of licensed stills; and the Act to prohibit the exportation of grain and restraining the distillation of grain from spirits was continued.

General Drummond again met the parliament of Upper Canada, on the 1st of February, 1815. There were much the same kind of wranglings in the Assembly of Upper Canada that distinguished the parliament of Lower Canada. There were two parties, one highly conservative and another violently radical. In Upper Canada the conservatives had the majority. In 1808, Mr. Joseph Wilcocks, a member of the Assembly, was imprisoned for having libellously alleged that every member of the first provincial parliament had received a bribe of twelve hundred acres of land. The "slanderous" accusation first appeared in a newspaper styled the *Upper Canada Guardian* or *Freeman's Journal*, edited by the Joseph Wilcocks, who was a member of the Assembly. Mr. Wilcocks grievously complained of the Messrs. Boulton and Sherwood, who were ever on the watch to prevent any questions being put that would draw forth either inaccuracy or inconsistency from the witnesses. Mr. Sherwood attacked that great blessing of the people, the freedom of the press and, being a good tory, called it, to the great horror of Mr. Wilcocks, a pestilence in the land. Indeed, Mr. Wilcocks was deeply and painfully sensible that Little York abounded in meanness, corruption, and sycophancy, and notified his constituents accordingly. Such a condition of things was only natural in a small community, having all the paraphernalia of "constitutional" government.

In 1815, the progress of Upper Canada is indicated by the first bill of the session—an Act granting £25,000 for amending and repairing the public highways of the province, and awarding £25 to each road commissioner in compensation for his services. There were in all eighteen Acts passed. Provision was made for proceeding to outlawry in certain cases. An Act was passed for the relief of Barristers and Attornies, and to provide for the admission of Law Students within the Province; £100 was granted to Mr. Sheriff Merritt, of the Niagara District; a new Assessment Act was passed; the Act to provide for the maintenance of persons disabled, and for the widows and children of persons killed in action was explained and amended. Isaac Swayze, Esquire, having been robbed of £178 5s. 8d., was exonerated from the payment of it; £6,000 was granted for the rebuilding and repair of gaols and Court Houses in the Western, London and Niagara Districts, each £2,000; an Act was passed to remove doubts with respect to the authority under which the Courts of General Quarter Sessions had been erected and holden; an Act to license practitioners in physic and surgery throughout the province, providing for the appointment of a Board of Surgeons to examine applicants, and imposing a penalty of £100 for practicing without license, but excepting from the application of the Act such as had taken a degree at any University in His Majesty's dominions, was passed; £292 was granted to repay advances on teamwork, and for the apprehension of deserters by certain Inspectors of Districts; £1,500 was granted to provide for the accommodation of the legislature at its next session; £6,090 was granted for the uses of the incorporated militia; £111 11s. 7d. was granted for the Clerks of Parliament; £1,700 was appropriated to the erection of a monument to the memory of the late Major-General Sir Isaac Brock; the Quarter Sessions Act was again amended; £400 was repaid to the Honorable James Bayley, which he had paid for hemp delivered to him as a commissioner for the purchase of that commodity; and an Act incorporating the Midland District School Society. On the 25th of April, Lieutenant-General Sir George Murray, Baronet, superseded Sir Gordon Drummond, K.C.B., in the command, civil and military, of Upper Canada, and on the

1st of July, in the same year, the civil and military command of the Upper Province devolved upon Major-General Sir Frederick P. Robinson, K.C.B., who held the reins of government until the return of His Excellency Francis Gore, who had been absent in England during the war, on the 25th of September, 1815.

CHAPTER IV.

It was in the character of Administrator-in-Chief that Lieutenant-General Sir Gordon Drummond assumed the government of Lower Canada, on the 5th of April, 1816. The army bills were called in and honorably redeemed in cash, at the army bill office, in Quebec, and as if to show how beneficial the war had been to the country, first one new steamer arrived at Quebec, and then another from the already flourishing city of Montreal. The *Malshane*, built by Mr. John Molson, of Montreal, at that port, appeared at Quebec on the opening of the navigation, and was speedily followed by an opposition steamer built by an association of merchants in Montreal, and named:—The *Car of Commerce*. The inhabitants of Canada were, at this time, under 400,000 in number. About seven-eighths were of French descent, and the other eighth was composed of English, Irish, Scotch, Germans, Americans, and their descendants. Of the latter, the Scotch were the most numerous, and in their hands nearly the whole external trade of the country was placed. The French Canadians were chiefly agriculturists, but they had also a large share in the retail and internal trade. There was, at this period, no manufactories of note in the province. The manufacture of leather, hats, and paper, had been introduced, and *étoffe du pays*, manufactured by the farmers, constituted the garb of the Canadians generally. There were two iron works in the vicinity of Three Rivers. There was nothing more. It is said, not without reason, that one of the first improvements in any country should be the making of roads, and the speedy making of roads, both in Upper and Lower Canada, was one of the good effects of the war. Already there was a road from Point Levi across the portage of Temiscouata, from thence to the forks of the Madawaska, from thence to the Great Falls, from thence to Fredericton, in New Brunswick, from thence to St. Johns, on the Bay of Fundy, and from thence to Halifax, which was 618 miles long; there was a road from Quebec to Montreal, 180 miles in length, from thence to the Coteau-du-Lac, 225 miles, from thence to Cornwall, 226 miles, from thence to Matilda, 301 miles, from thence to Augusta, 335 miles, from thence to Kingston, 385 miles, from thence to York, 525 miles, from thence to Fort Erie, 560 miles, from thence to Detroit, 790 miles, and from thence to Michillimackinac, 1,107 miles; there was a road *en route* to Boston, *via* St. Giles, Ireland, Shipton, St. François, and the Forks of the Ascot, to the lines, 146 miles long; and there was a road from Laprairie, opposite Montreal, to Isle-aux-Noix, which was 28 miles long. Canals were contemplated to overcome the difficulties of the Lachine, Cedars, and Long Sault rapids, and indeed there was an eye to those improvements which never fail to develop the riches of a country. The landholders at this time were mostly French Canadians. There were some thousands of acres, however, which had been granted to the British population since 1796, occupied or settled upon by Americans, that is to say, former residents of the United States. Land was not by any means valuable, on account of the great distances from convenient markets, and the consequent length of time which it took the distant farmer to bring his produce to market. It was this drawback that produced in the Canadian the pernicious habit of merely producing enough for the consumption of his own family, and for the keep of his own farm stock. Farm lands were seldom held upon lease. The cultivators were the *bona fide* proprietors of the soil, subject to a very inconsiderable annual rent to the seigneur and to a fine of a twelfth upon a change of proprietor by sale, a condition which, as a matter of course, would in time become intolerable and demand that remedy which has since been applied. In Lower Canada, the lands held by Roman Catholics, were subject to the payment of a tythe or a twenty-sixth part of all grain for the use of the curate, and to assessments for the building and repair of churches. Now with regard to the character of a people, who, not long after this period, exhibited an intolerance of tyranny and injustice, it may fairly be said that the French Canadians are naturally of a cheerful and lively disposition, but very conservative in their ideas. Outwardly polite, they are not unfrequently coarse in conversation. If the Canadian evinces respect, it is expected that he will be treated with respect in consideration therefor. His chief shortcoming is excessive sociability. When once settled among friends and relatives he cannot leave them—absence from home does in truth only make the heart grow fonder of home associations. He is active, compactly made, but generally below rather than above the middle size. His natural capacity is excellent, but when the mind is unimproved and no opportunity has been afforded for the acquisition of new ideas, little can be expected from even the most fertile understanding. All improvements have been the result of observation, there being nothing original in any one, nor an iota new under the sun. It is in the application of the natural elements only in which one individual excels another, his capacity for excellence, of course, favoring observation. As the bee sips honey from the flower, so does man inhale the

poetry of nature, daguerreotyping it upon his understanding, either from the mountain's top, from the summit of the ocean wave, or from the wreck of battle; so does the astronomer learn from the firmament itself the relative proportions and distances, the transits, eclipses, and periodical appearances of other worlds, than that in which he lives, moves, and has his being; and so the man of science collects and combines the very elements themselves, either to purposes of destruction or towards the progress, improvement, and almost perfection of human nature. The Canadian could only reason from his own experience, and that was so exceedingly limited, that his backwardness in enterprise is less to be wondered at than the eagerness with which he copies the enterprise of others. The Canadian, like the native of old France, is a thinking animal. He is ever doubting, ever mistrustful. In spiritual matters, he is guided by his curate, who, if he wishes to stand well with him, must meddle with nothing else. And who will say that such a people are incapable of improvement? Railroads, intercourse with others, and time, will yet make the Canadian think for himself much sooner than they will influence others, more naturally confiding, generous, and credulous than he is, but whose very energy and bravery only cover a multitude of sins.

Lieutenant-General Sir Gordon Drummond met the parliament of Lower Canada on the 26th of January, 1816. He informed the two Houses that the Regent had committed to him the administration of the government of Lower Canada, that he had entered on the duties of his trust with a deep sense of their importance and with a more earnest desire to discharge them for the general advantage of a province in the capital of which he had been born; the King was no better in health, but had no corporeal suffering and only continued in a state of undisturbed tranquillity; Buonaparte had been exiled and the family of Bourbon restored to the throne of their ancestors; Waterloo had consummated the high distinction obtained by the British forces under Wellington. He recommended the renewal of the Militia Act, and in consequence of many discontented adventurers, and mischievous agitators, from the continent of Europe, having thrown themselves into the neighbouring States, he strongly recommended the immediate revival of the Act for establishing regulations respecting aliens, with such modifications as circumstances might render it proper to adopt; the executive government had redeemed its pledge by calling in and paying with cash the army bills which were in circulation; a statement of the revenue and expenditure of the past year would be laid before the Assembly; the Prince Regent viewed with much pleasure the additional proof of patriotism afforded by the sum voted towards the completion of a proposed canal from Montreal to Lachine; His Majesty's government duly appreciating the many important objects with which the canal was connected, were interested in its early execution; and he awaited only further instructions upon the subject to carry it into effect. He pressed upon the attention of both Houses the importance of further promoting the internal improvements of the province. He trusted that this session of parliament would be distinguished for accordant exertion and for efficient dispatch in conducting the public business; and for his own part, he could assure honorable gentlemen that he would most cordially co-operate in every measure which might tend to advance the interests and promote the welfare of the province. His Excellency the Administrator-in-Chief made allusion to his native city after the manner of a somewhat notorious, if not a celebrated judge of the present time, who was accustomed to boast in the Assembly of being the representative of his native city. Sir Gordon, however, only meant to be conciliatory, and indeed there was no objectionable egotism in a governor putting himself forth as a colonist by birth, or in one sense placing himself on a level with the governed. The pity is that so few governors had even that interest in Canada which, to however limited a degree, must have weighed with Sir Gordon Drummond. The House was glad that a native of Quebec had so distinguished himself as a soldier, and indeed in all else, echoed His Excellency's speech.

The transaction of business had hardly begun when a message was received from the Administrator-in-chief. His Royal Highness, the Regent, had commanded His Excellency to make known his pleasure to the House of Assembly on the subject of certain charges preferred by the House against the Chief Justices of the province and of Montreal, in connection with certain charges against a former governor, Sir James Craig. The Regent was pleased to say that the acts of a former governor could not be a subject of enquiry, whether legal or illegal, as it would involve the principle that a governor might divest himself of all responsibility on points of political government; the charge referred by the Regent to the Privy Council, was only such as related to the Rules of Practice, established by the Judges, in their respective Courts, and for which the Judges were themselves solely responsible; and the Report of the Privy Council was that the Rules of Practice complained of were made not by the Chief Justices alone, but in conjunction with the other Judges of

the respective Courts, as rules for the regulation and practice of their respective Courts, and that neither the Chief Justices, nor had the Courts in which they presided, exceeded their authority in making such rules, nor had they been guilty of any assumption of legislative power. Further, His Excellency was commanded to express the regret with which the Regent had viewed the late proceedings of the House of Assembly against two persons who had so ably filled the highest judicial offices in the colony, a circumstance calculated to disparage their character and services, in the eyes of the inconsiderate and ignorant, and so diminish the influence which a judge ought to possess. The other charges with regard to the refusal of a writ of *Habeas Corpus*, by Mr. Chief Justice Monk, of Montreal, were considered to be totally unsupported by any evidence whatever. The message from the administrator, by order of the Regent, had been somewhat too soon communicated to the Assembly for "accordant exertion" in legislation. A call of the House was ordered for the 14th of February, and the message was to be referred to a committee of the whole on that day. That day came and the committee of the whole referred the message to be reported upon by a select committee of nine members, and the report of the committee was to the effect that a humble representation and petition to the Regent must be prepared, and that before doing so, the sense of the House, as expressed in a committee of the whole, should be obtained. Accordingly, the House again resolved itself into committee, on the 24th, when it was reported that the House in impeaching the Chief Justices was influenced by a sense of duty, by a desire to maintain the laws and constitution, and by a regard for the public interest, and for the honor of His Majesty's government; that the House was entitled to be heard, and to have an opportunity of adducing evidence in support of the impeachments; that the opposition and resistance of the Legislative Council prevented the appointment of an agent from the Assembly, to maintain and support the charges; and that a petition should be presented to the Regent, appealing to the justice of His Majesty's government and praying that an opportunity might be afforded to the Commons of Canada to be heard and to maintain their charges. The resolutions were adopted by a very large majority of the House, and a special committee was appointed to prepare an address in accordance with the resolutions. But before this could be done, Sir Gordon Drummond, in accordance with his instructions, dissolved the House. He prorogued the parliament on the 26th, because his reasonable expectations, with regard to their diligent application to the business which he had recommended to their attention had been disappointed; because the Assembly had again entered upon the discussion of a subject on which the pleasure of the Regent had been communicated to them; and because, he, therefore, felt it to be his duty to prorogue the present parliament, and to resort to the sense of the people by an immediate dissolution. Only one Act received the royal assent, that to regulate the trial of controverted elections.

The writs for the new elections were issued in haste. Indeed so early as the month of March, they were completed, the greater number of the members of the previous Assembly having been re-elected. But before even the elections had been completed, General Drummond was notified of the appointment of Sir John Sherbrooke, the Lieutenant-Governor of Nova Scotia, to the Governor-Generalship of British North America, and leaving Major-General Wilson in temporary charge of the government, he sailed for England on the 1st of May.

It is impossible to speak of Sir Gordon Drummond's civil government. The measures which he proposed were well calculated to benefit the country. He was thwarted, possibly in good intentions, by the commands of the imperial government, requiring him imperatively to obtain the submission of the colonial legislature to Downing-street dictation, without remonstrance. A colonial legislature, tethered as it is, and ever will be, until the Governor is elected by the people, to English administrative incapacity might, with no lack of prudence, have been permitted rope enough to wander round the tethering post, so that it would only have been at considerable intervals that the effect of the tethers would have been in any degree galling or even felt.

In 1815, the revenue of Lower Canada amounted to £150,273 currency, the expenditure to £125,218 sterling, in which was included £16,555 for the erection of the gaol in Quebec; £26,439 for militia services; and £35,325, the proportion of duties to Upper Canada. Only 194 vessels of 37,382 tons, were cleared at Quebec, not taking into account ten new vessels of only 1,462 tons altogether, hardly equal to the tonnage of a single vessel of the present day.

Sir John Sherbrooke did not arrive at Quebec until the 21st of July. He was then received with all the honors due to his

rank and station. Every body was as obsequious as any body could be, and great things were, of course, expected from the new man. Nor was Sir John deficient in ability. He had been most successful in his government of Nova Scotia, and he had been most prudent in his negotiations with the people of Maine. He had too an opportunity for acquiring popularity immediately on his arrival, and he did not suffer the opportunity to escape him. The wheat crop had failed in the lower part of the district of Quebec. The days though warm as usual were succeeded by cold frosty nights, which killed the wheat. There was indeed a prospect of a famine. Representations of anticipated distress, came pouring in upon him from first one parish and then another. A less decided man would have called upon the provincial parliament to have acted as became the emergency. Sir John threw open the King's stores, and on his own responsibility, advanced a large sum of money from the public treasury, for the purchase of such supplies as the imperial store-houses did not afford. The season, in Lower Canada, he knew was a short one, and to have procrastinated would have been fatal to the farmer.

Nor was Sir John less prudent in other matters. He saw the mistake committed by his predecessor with regard to the impeachments and he endeavored to avoid any similar mistake. He wrote to England for instructions, taking care to inform the Minister of State for the Colonies of the true state of public opinion in the province. He represented that the appeal to the people by Sir Gordon Drummond had entirely failed; the people were irritated at the appeal to them under such circumstances; the dissolution of a parliament was not, in his opinion, at any time calculated to do much good, but was often seriously productive of evil; in a small community it was more difficult to correct public opinion than in a larger one; he would carry out whatever instructions should be given to him; but these were his views and he would await an answer. He went still further. He informed the Colonial Secretary that Chief Justice Sewell was unpopular, not with the Assembly alone, but with all classes of the people. No matter whether the feeling proceeded from the acts and calumnies of designing demagogues, it existed. It was indeed believed in the Palace of the Roman Catholic Bishop, and in the cottage of the humblest peasant, that Chief Justice Sewell had outraged their feelings of loyalty and religion. When Attorney-General, Mr. Sewell had maintained doctrines and supported measures that clashed with the religious opinions of the Canadians. A dislike, amounting to infatuation, had been confirmed by the part which he was supposed to have taken in the government after his promotion. It was this gradually increasing dislike which had led to his impeachment. Sir John believed that a hearing to both parties, on the impeachment, even had the decision been the same, would have been conducive to the peace of the province, as it would have deprived the party hostile to the Chief Justice of a pretext of complaint, by which, in a free country, the people will always be interested. The impression was that the government of England had come to a decision on an *exparte* hearing. Chief Justice Sewell should have been permitted to retire on a pension. That step would have had the effect of getting rid of a grievance. Agreeably to his instructions, he would support the Chief Justice even should the wrath of the Clergy be the result. He would also cultivate a good understanding with the Roman Catholic Bishop, but neither argument nor coercion could destroy public opinion. Prorogation might succeed prorogation, and dissolution, but there would be a revolution in the country sooner than a change in the feelings of its inhabitants with regard to Chief Justice Sewell. He would suggest the appointment of an agent in England, as had long been desired, and as had been effected in almost every other colony. The opposition to this measure was even ascribed to the Chief Justice. He would further suggest that Mr. Stuart should be detached by motives of self-interest, from the party with whom he acted, and which it was supposed, would dwindle into insignificance without him. If the Attorney-Generalship should become vacant, it might be offered to him. The most fruitful source of all the dissensions in Canada was, nevertheless, according to Sir John Sherbrooke, the want of confidence in its executive government,[28] not so much in the personal character of the Governor as in the Executive Council, who have come to be considered the Governor's advisers, and who are watched with a jealousy that hampered every governmental operation. To remove the distrust, the Speaker of the Legislative Assembly should, *ex officio*, be a member of the Executive Council.

Sir John had stated a series of truths, since made apparent, by the disclosures of Mr. Ryland.

The new parliament was convened for the dispatch of business, on the 15th of January, 1817, when Mr. Papineau was re-elected Speaker. The Governor then formally opened the business of the session, by stating that having ascertained that the crops had failed in several parts of the province, he had taken steps to prevent the mischief that threatened the country, the particulars of which should be laid before the parliament; that he relied upon the liberality of the Assembly

to make the necessary provision for defraying the expenses already incurred; that he felt assured such further aid would be granted as necessity might require; that he would lay before the House a statement of the revenue and expenditure of the province: that he felt it to be his duty to call early attention to the renewal of the militia and several other Acts, which either had expired or were about to expire; and he intimated that the advantages to result from every improvement calculated to open up the commerce of the country and encourage agriculture were of themselves sufficient to recommend that matter to their attention. The Assembly replied in the usual way and immediately afterwards appointed the committees. There was a grand committee of grievances, a committee on courts of justice, a committee on agriculture and commerce, and a special committee of five members to keep up a good understanding between the two Houses, hitherto antagonistic. Immediately after these committees had been named, a message was received from the Governor, intimating that the Regent of the United Kingdom and of the Empire had been pleased to assent to the bill granting a salary of £1,000 a year to the Speaker of the Assembly. The House then voted £14,216 to relieve the distressed parishes, with the view of making good the advances made by the Governor, and also voted the additional sum of £15,500, with the same view, and £20,600 more, for the purchase of seed grain, for distribution among such as could not otherwise procure it, to be repaid at the convenience of the recipients. This business being settled, Mr. Cuvillier presented to the House articles of impeachment against Mr. Foucher, a Judge of the King's Bench, at Montreal, for malversation, corrupt practices, and injustice. A committee was appointed to examine into these charges, and having reported adversely to the judge, the House prepared and adopted an address to the Regent, asking for Mr. Foucher's removal from office, and that justice should otherwise be done. The House further requested the Governor-in-Chief to suspend Mr. Foucher, while the charges made against him were pending. The Governor complied with the request of the House, by desiring Mr. Foucher to abstain from taking his seat upon the Bench, until the will of the Regent should have been ascertained. The Legislative Council were most indignant. They remonstrated against the suspension of Mr. Foucher. Every public officer was by the assent given to the act of the Assembly, liable to be put to the expense of going to England before he could even get a hearing, if at the mere dictation of the Assembly, a public officer was to be suspended. The Assembly replied that, if suspension could not take place, offenders, out of the reach of ordinary courts of justice, could not be brought to trial, and that an illegal, arbitrary, tyrannical, and oppressive power, over the people of the province, would be perpetuated. And so the suspension did take place. The judges were in very bad odour in those days. They were between two fires. If they thwarted the government, they were dismissed, and if they annoyed the people they were impeached. Another complaint was made against Mr. Chief Justice Monk. He, it was alleged by the family of the late François Corbeil, had exceeded his authority, by issuing a warrant for the arrest and imprisonment of Corbeil, on a charge of treasonable practices, well knowing that such changes were notoriously false, and, by so doing, had accelerated or caused the death of Corbeil, the disease of which he died having been contracted while in prison. Mr. Samuel Sherwood also complained, on his own behalf, against the Chief Justice of Montreal. It appeared that he had been prosecuted and imprisoned for libel, in having burlesqued the pamphlet published and circulated by the Chief Justices in Montreal and Quebec, to show to the public and their friends that the impeachments against them had fallen through. At the trial for the libel, Mr. Chief Justice Monk presided. He seemed to be both prosecutor and judge. The jury box was packed. The court was specially held. The indictment against Sherwood had been framed on suspicion. In the pretended libel the name of James Monk was thirty times mentioned, and yet James Monk, in the character of Chief Justice, sat upon the Bench. He took a lively interest in the prosecution. He had fiercely assailed a member of the Bar, who had smiled during the reading of the indictment, and threatened to remember the smile in his address to the jury. Such an example of a judge, sitting in his own cause, was not even afforded by Scraggs or Jefferies. Mr. Sherwood had been falsely imprisoned, arbitrarily held to excessive bail, his liberties, as a British subject, violated, and his privileges as a member of the Assembly had been set at nought. The petition was referred to a select committee, and no more heard of. Yet it had an effect. Chief Justice Monk was compelled to explain and to defend himself.

There was yet another similar matter to be proceeded with. There was the revival of the impeachments to be taken in hand. The House had been clumsily baulked in their attempt to remonstrate with the Regent concerning his will and pleasure, as far as his royal will and pleasure related to the impeachments of Chief Justices Sewell and Monk, and there seemed to be a *sub rosa* disposition to get rid of the disagreeable affair by management. Mr. Stuart, keen-sighted as he

was, both saw and felt that the tools, with which he worked, required sharpening up. They had been handled. They had been in other hands than his. They had apparently been rendered almost unfit for use. He would, however, move for a call of the House, on the 21st of February. The cards had been admirably shuffled. The Panets, Vanfelsons, Gugys, Ogdens, Vezinas, Taschereaus, Malhiots, Cherriers, were all wonderfully intermingled in an adverse vote. The motion was rejected by a vote of 23 nays to 10 yeas. Mr. Stuart tried the 20th of February. Still it would not do. The Assembly had become suddenly tired of impeachments. Again, the matter was tried on the following day, when the House consented not to revive the impeachments but to reconsider the message addressed to the Assembly on the 2nd of February last, by the late Administrator-in-Chief. Mr. Stuart had some business to transact in Montreal, and he left Quebec to attend to it. During his absence the impeachments were forgotten; his measures were paralysed by *sub rosa* negociation; Mr. Sewell was recompensed for the ill-treatment he had experienced, and the government was relieved of anxiety. The Speaker of the Assembly was informed that for this parliament as well as for the last parliament he would be permitted to receive £1,000 a year, and that Mr. Sewell, who, as Chief Justice, was Speaker of the Upper House, might be recompensed for his ill-treatment, by the attachment of a salary of £1,000 to an office which it was designed he should hold for life. The Assembly, accordingly, applied to His Excellency to *allow* their Speaker £1,000 a year, and to confer some signal mark of the Royal favor on Dame Louise Philippe Badelard, widow of Mr. Speaker Panet. His Excellency, the Governor, unhesitatingly complied with the request of the Assembly, the more especially as on the request of the Council he had consented to a similar salary being paid to their Speaker, and he had further pleasure in authorising the payment of a pension of £300 a year, to Dame Louise Philippe Badelard. The whole was most cheerfully agreed to by all the parties interested, and thus was the Legislative Assembly of Lower Canada betrayed and dealt with for the consideration of a few thousand pieces of silver. On the 17th of March, Sir John Sherbrooke intimated by message that he had conferred upon the two honorable Speakers the salaries of £1,000 each per annum. Two days afterwards, Mr. Sherwood moved that the message of the late Administrator-in-Chief should not be considered until the 27th of March, and that a call of the House should be made for that day. Mr. Ogden, however, bluntly moved for the discharge of the order of the day, and that the subject should not be taken into consideration at all during the session. The debate was loud and long continued. James Stuart and Andrew Stuart were brilliant; the Gugys, the McCords, and the Ogdens, were dumb. The Vezinas, the Vigers, the Panets, the Languedocs, and the Badeaux, had changed sides. Night came and still the debate continued, the midnight hour was passed and yet the war of words was fiercely going on, and morning came only to find the impeachments, which the Assembly had so long cherished, finally buried in oblivion, by 22 votes in favor of the abrupt motion of Mr. Ogden, while there were only 10 votes against it. Mr. Stuart was abandoned. There was now a greater than he to lead the Assembly. Sir John Coape Sherbrooke thoroughly understood the materials with which he had to deal, and he dealt with them accordingly. The Assembly had no longer independence: spirit, self-respect, power was sacrificed for that which gives wisdom to the foolish and judgment to the weak. The sum of £55,000 was appropriated for the improvement of roads, canals, and bridges; £2,000 was voted for the encouragement of inoculation with vaccine virus as a preventative of small pox; the revenue for 1816 was £144,625; the expenditure £75,638, less £24,495, the proportion of duties payable to Upper Canada for 1815; the expenses of the legislature for the same period were £3,203 currency; the salaries of the judges were now £1,000 currency per annum each, and yet at the disposal of the legislature there was the sum of £140,153.[29] The session was closed on the 22nd of March, by receiving the thanks of the Governor General for the extraordinary application to business which had distinguished this session from any preceding session of the parliament of Lower Canada.

In the course of the summer (1817) three hundred and three vessels with five thousand three hundred and seventy-five new settlers had arrived at Quebec, and banks were established both in Montreal and Quebec, named after the cities in which they were set afloat. About the 15th of November it was remarked that the Montreal Bank had commenced with quite an unexpected confidence from every part of the community, so much so that the merchants were realising more convenience from it than they ever anticipated; and that since it had commenced business, the profits were reported to have been immense.

In 1816, a settlement of emigrants was begun, under the direction of the military, in Bathurst, Drummond, Beckwith and Golbourne. The first settlers of Canada had a free passage afforded them from the United Kingdom, and were provided

with rations and tools on their arrival in the colony. In 1816, rations and tools were furnished to 2,000 emigrants, who came out at their own expense, and in 1817 multitudes came out in the expectation of being favored in the same way, but were disappointed, nothing having been given to them but 100 acres of land each, which many of them were too poor to occupy.[30] There were not yet seven persons to the square mile, in the Upper Province. There were only twenty places of worship and thirty-five resident preachers:—fifteen methodists, five baptists, four quakers, three presbyterians, three Roman Catholics, three episcopalians, one tunker and one menonist—in the Western, London, Gore, and Niagara districts, with a population of 26,977 souls; and there were for the same population, 20 medical practitioners, 132 schools, 114 taverns, 130 stores, 79 grist-mills, and 116 saw-mills. The Home district contained 7,700 people; the Newcastle, 5,000; the Midland, 14,853; the Johnstown, 9,200; the Eastern, 12,700; and the Ottawa, 1,500; the total population of Upper Canada being then estimated at 83,250 souls. York, the capital of the Upper Province, situated on a beautiful plain, in a rich soil, and temperate climate, was, at this period, more than a mile and a half in length. It was laid out in regular streets, lots, and squares, having the garrison, and the site of the parliament house on its two wings, and a market near the centre. There was a public square open to the water. Many neat and some elegant houses had been erected. The town had a mixed appearance of city and country. Kingston was yet the town of most note and indeed, in every respect, the most entitled to civic consideration of any town then in the province. Parallel with its spacious and convenient harbour were the streets, at convenient distances from each other, and intersected, at right angles, by cross streets, dividing the town into squares. One square was an open public area in front of the Court House, and gaol, and episcopal church. The market was held in that area. But there were other public buildings in Kingston, besides the Court House, gaol, and episcopal church. There was a new catholic church, a barracks for the troops in garrison, an hospital, and a residence for the commandant. The town consisted of 300 private dwelling houses, a number of warehouses and stores, about 50 shops, in which goods were sold, several public offices, a respectable district school, a valuable library, mechanics' shops &c. The Court House, gaol, Catholic Church, and the principal dwelling houses were built of the bluish limestone obtained in large quantities in the middle of the town; but were more substantial than elegant in design. Kingston wanted a populous back country then, and still wants it because the soil is stoney and not therefore so well adapted for agricultural operations as the soils of other parts of the province. The Upper, as well as the Lower province had profitted by the circulation of army bills and by the requirements of the troops. Government transactions had given a spirit to trade and industry, and only for a system of government, which, as far as any government can do, crushed enterprise and fettered trade, both provinces would have so flourished immediately after the war that the reaction which the withdrawal of a few troops produced would scarcely have been felt. As matters stood the provinces were already flourishing, and schemes of improvement were everywhere in contemplation. Steam navigation, which had proved so useful on the St. Lawrence, and had, as it were, drawn, the two chief cities of the Lower Province more closely together, was about to be attempted on Lake Ontario. Already the keel of a steamboat, to be 170 feet on deck, was in process of construction at the village of Ernest-town, for certain gentlemen resident in Kingston. If possible, the new boat was to transport both goods and passengers for the whole extent between Queenston and Prescott. It was, however, feared that the rough water of the lake would be too much for any steamer to contend against. The Americans were also building a smaller steamboat at Sackett's Harbour. A year later and the steamboat *Walk-in-the-Water*, plied between Black Rock, near Buffalo and Detroit, on Lake Erie, occasionally to Michillimackinac.

The legislative affairs of the Upper Province have as yet hardly warranted comment. There were so very few people in the province for whom legislation was necessary, and there was so much sameness about the business transacted in parliament that comment was barely needful. At first sight it seems that all went smoothly. There could not have been factionists where there were no French people entertaining seditious ideas and cherishing revolutionary projects. But red-tapism is every where the same. In Upper as in Lower Canada, there were only two legislative branches, a Lower, or People's House, a Crown, or Upper House. There was also a certain amount of Crown influence in the Lower House, which made constitutional government a sham. The freedom of speech was not even permitted to some members of the Assembly; and it was quite impossible to hint at corruption in those times, far less to insist upon the nomination of a corruption committee. There was a continued interruption of harmonious intercourse between the Legislative Council and the Legislative Assembly. As the Assembly of Lower Canada had done and had been treated with regard to an offer

to defray the expenses of the civil list, so precisely had the Assembly of Upper Canada acted, and so had they been treated, when an exactly similar offer was made. And why? Because the legislative and executive functions were united in the same persons. His Majesty's Executive Council was almost wholly composed of the members of the Legislative Council. Both Councils then consisted of the Deputy Superintendent General of the Indian Department, the Receiver General, the Inspector General, the Chief Justice, the Speaker of the Legislative Council, and the Honorable and Reverend Chaplain of the Legislative Council. The Upper House was the mere instrument of some designing confidential secretary to a weak-minded or, at least, credulous governor. Nay, it was said that "ruffian magistrates" abounded in those days along the banks of the St. Lawrence, from Brockville to Cornwall, inclusive, the Lieutenant-Governor being held in leading strings, by the Honorable and Reverend Chaplain of the Legislative Council of Upper Canada and one of His Majesty's Executive Councillors for that province.[31] It is indeed asserted that after the passage of the Sedition Act of 1804, the misrule of Upper Canada came to a pitch so extraordinary, that it was exclaimed against from the Bench, while a jury applauded. Governor Gore appeared to have been creating at the same time, and with the same effect, those treasonable practices which were so pleasing to Mr. Witsius Ryland, in Lower Canada, and which had evidently been stirred up, by the men-in-office, with the view of depriving both provinces of the "exact image and transcript of the British constitution," with which the Canadas had been favored in 1791. Until the invasion, in 1811, political discontent was loud and incessant, as well in Upper as in Lower Canada; and it was the misrepresentations of the governing party and the outcries of the governed in both provinces, that induced the government of the United States to make war, on false pretences, upon the government of Great Britain. There were persecutions for opinion's sake in Upper as in Lower Canada. The newspaper was as odious to the government in one province as in the other. In 1806, a sheriff of the Home District, in opposition to the will of the Governor, voted at an election. He lost the shrievalty for his stubborn independence. Thrown upon his own resources, he established a newspaper, which he called *The Upper Canada Guardian, or Freeman's Journal*. He spoke with considerable freedom of the governor. He attacked the ministerial party. He exhibited abuses with wonderful dexterity and skill. The ex-sheriff, Joseph Wilcocks, was rapidly rising into note. It was time to restrain him. A Captain Cowan was induced to be his persecutor. The truth rapidly becoming dangerous to those whose business consists in concealing the truth, cannot always be told with safety. Wilcocks alleged that the Governor or his Executive Council had bribed several members of the Assembly with land, to induce them to vote against the interests of their constituents. Captain Cowan knew that the assertion was without foundation. Wilcocks was prosecuted but was acquitted, gained popularity in return for his persecution, and ultimately obtained a seat in parliament. There was no more freedom for Wilcocks in parliament than out of it. For some extra freedom of speech on the floor of the House, he was thrust into prison. Nevertheless, he acquired an ascendancy in the Assembly, to the great regret of the ministerialists. He became still more the object of governmental wrath, and when the war broke out, he was deprived of his paper. In 1812, he fought as a volunteer against the Americans. He was present at the battle of Queenston. He did all that within him lay, for his country and for his king; but the government of the province hated and persecuted him, so that starving and exasperated,[32] he deserted to the enemy, carrying with him a corps of Canadians. Joseph Wilcocks, who was an Irishman of good family, and who was persecuted by the office-men of Upper Canada, to the prejudice and without the knowledge of the British government, was driven into hostile opposition to Britain by the most petty and contemptible tyranny of a few fellow colonists holding office, and was killed during the siege of Fort Erie. Had war occurred while Sir James Craig held Bedard in gaol and kept the *Canadien* printing press in the vaults of the Court House, at Quebec, it is difficult to say whether a feeling very different to that elicited by the prudent management of Sir George Prevost, might or might not have been exhibited. The government of the province should from the very outset have been only responsible to the people of the province, and Great Britain have only maintained in acknowledgement of her supremacy a military protectorate of British North America. But Francis Gore, Esquire, Lieutenant-Governor of Upper Canada, again met the parliament of that province, on the 6th of January, 1816. The business done consisted in an Act to alter the time of holding Courts of Quarter Sessions in the London and Johnstown districts, an Act to repeal part of the Act constituting the counties of Prescott and Russell a separate district, under the name of the District of Ottawa; an Act to make more effectual provision for the collection of the revenue; an Act to provide for the appointment of Returning Officers; an Act to extend the jurisdiction of the Court of Requests; an Act to provide, for a limited time, for the appointment of a Provincial Aid-de-Camp, to be appointed by the Governor, and to

have ten shillings a day in war, and five shillings a day in peace; an Act to provide £165 a year for the Adjutant-General of Militia; an Act to enable the Governor to establish one or more additional ports of entry; an Act to remunerate William Dummer Powell, Esquire, in the sum of £1,000, for his services in ascertaining titles to land; an Act repealing part of an Act for granting to His Majesty an additional duty on shop and tavern licences; an Act to amend an Act to prevent damage to travellers on the highways; an Act to grant relief to Catherine McLeod, whose son was killed in war; an Act to relieve Charlotte Overholt whose husband had been peculiarly killed; an Act to extend the limits of the town of Niagara; an Act granting £799, as a provision for the contingent expenses of both Houses of Parliament; an Act to relieve persons holding lands in the district of Niagara, whose title deeds, conveyances, or wills, had been destroyed when the enemy burnt the town; an Act to continue the Act for the appointment of Returning Officers; an Act to alter and extend the provisions of the Act granting pensions to the widows and children of persons killed in the king's service; an Act authorising the construction of a gaol and Court House in the town of York; an Act to erect the District of Gore out of certain parts of the Home and Niagara Districts; an Act granting £425 4s. 6d. to several inspectors who disbursed that amount for teamwork and the apprehension of deserters; an Act to revive the Act affording relief to persons entitled to claim lands in the province, as heirs or devisees of the nominees of the Crown, in cases where no patent had issued; an Act to grant annually, for four years, £470, as an increase to the salaries of certain officers of the Council and Assembly; an Act granting, £513 for the repair of certain highways; an Act appropriating £800 for the purchase of books for the formation of a library for the use of both Houses; an Act to continue an Act to facilitate the circulation of Lower Canada army bills; an Act appropriating £2,500 annually for defraying the expenses of the civil administration of the government; an Act to increase the salary of the present Speaker of the Assembly, and to remunerate the present Speaker for past services, granting £800 as four years' additional salary, and, in future, £200 to be paid annually, in addition to the former annual payment of £200; an Act regulating the trade between the United States and the province, permitting the Governor to make regulations as to duties, but not prohibiting the admission of wheat, flour, peas, beans, oats, barley, and all other articles of provision and travellers' baggage; an Act to continue for a limited time the provisional agreement entered into between Upper and Lower Canada, relative to duties; an Act appropriating £155 7s. 3d., to remunerate Elizabeth Wright, whose husband was a tailor, for militia clothing; an Act appropriating £1,000 as an encouragement for the cultivation of hemp; an Act regulating the police within the town of Kingston; an Act granting to His Majesty duties on licences to hawkers, pedlars, and petty chapmen, and other trading persons; £10 to be the cost of a license to a person travelling on foot; £10 for every horse, ass, mule, or other beast of burden; £5 for every other beast; £50 for a decked vessel; £40 for every boat; and for every non-resident of the province £50 a year; an Act providing a salary of £500 a year for a Provincial Agent in Great Britain, to correspond with the Governor and with the Speakers of the Legislative Assembly and Legislative Council, who was to be removed on addresses from the Legislative Council and Legislative Assembly; an Act granting £6,000 to His Majesty for the use of common schools; to the Home District £600 annually; to the District of Newcastle £400; to the Midland District £1,000; to the District of Johnstown £600; to the Eastern District £800; to the London District £600; to the Gore District £600; to the Niagara District £600; to the Western District £600; and to the Ottawa District £200; an Act granting £21,000 for the building and repairing of bridges and for the repairing of highways; an Act granting £1,000 to defray the expenses of any commission for ascertaining titles to lands in the Niagara District; and an Act to repeal and amend part of an Act for laying out and repairing the public highways.

Parliament was again assembled on the 4th of February, 1817, by Governor Gore, during the session of which an Act was passed providing for the representation of the commons of the counties of Wentworth and Halton in parliament; also an Act to establish a police in the towns of York, Sandwich, and Amherstburgh; an Act granting to His Majesty £2,578 for the administration of justice; £900 for the Lieutenant-Governor's Office; £737 for the Office of the Receiver General; £2,300 for the Surveyor General's Department; £650 for the Executive Council Office; £36 for the Crown Office; £90 for the Attorney General's Office; £400 for the Secretary's Office; £200 for the Registrar of the Province; £620 for the Inspector General's Office; £620 for pensions to wounded officers; £400 for four clergymen; £50 for one minister of the Gospel; £200 for repairs to Government House; and £500 for casual and incidental expenses; an Act to establish a market in the town of Niagara; an Act to repeal, amend and extend the Act granting pensions to persons disabled in the

service, and to the widows and children of persons killed in war; an Act granting £1,576 0s. 8d. for the clerks and for the contingencies of the last session of parliament; an Act in part repealing and in part altering and amending an Act providing for the appointment of parish and town officers; an Act to continue the Act making provision for certain sheriffs; and an Act to enable the commissioner of gaol delivery and Oyer and Terminer to proceed, although the Court of King's Bench be sitting in the Home District, for which they are commissioned.

This parliament was prorogued suddenly and unexpectedly, on the 7th of April, 1817. The sudden prorogation was resorted to because the Assembly had, on the 3rd of April, resolved itself into a committee of the whole to take into consideration the state of the province. The propriety or expediency of preventing immigration from the United States, was to be discussed; the management of the Post Office establishment was to be examined into; the manner of the disposal of the Crown and Clergy Reserves was to be looked at; and the granting lands to the volunteer flank companies, and the incorporated militia who served during the late war, was to be investigated. It was resolved to present an address to the Lieutenant-Governor, requesting him to inform the Assembly, whether any orders had been received from England, making an allotment of lands to the volunteer and incorporated militia, who served during the war. The Assembly further resolved that an Act had been passed in the reign of George the Second, for naturalizing such foreign protestants as were then or should thereafter be settled in any of His Majesty's colonies in North America; that an Act had been passed in the thirtieth year of the reign of George the Third, for encouraging new settlers in His Majesty's North American colonies; and that these Acts were expressly enacted for facilitating and encouraging the settlement of His Majesty's American dominions.

The good resolutions of the Assembly were, however, frustrated by His Excellency the Governor, who, having assented to several bills, and reserved for His Majesty's pleasure, a bill for a Bank and another to enable creditors to sue joint debtors separately, summoned the Commons to the Bar of the Legislative Council, and thus addressed the Parliament:—The session of the legislature has been protracted by an unusual interruption of business at its commencement and your longer absence from your respective avocations must be too great a sacrifice for the objects which may remain to occupy your attention. I come to close the session and so permit you to return home. In accepting the supply for defraying the deficiency of the funds which have hitherto served to meet the charges of the administration of justice, and support of the civil government of this province, I have great satisfaction in acknowledging the readiness manifested to meet this exigence.

In this session of parliament, Mr. James Durand, a member of the Assembly, for Wentworth, was accused of having issued an address to his free and independent electors, which was a libel upon the Lieutenant-Governor, and a gross, false, and malicious libel on the members of the late House of Assembly. Mr. Durand admitted the publication of the address, but denied that he had spoken disrespectfully of the Governor, and asserted, on his honor, that he never had any intention of doing so. If any gentleman, however, believed that he had abused him, whether intentionally or unintentionally, he was prepared to give him that satisfaction which was due from one gentleman to another. Mr. Nichol was surprised that any gentleman should have made an appeal to the laws of honor. The people of Wentworth had sent Mr. Durand to parliament to be their legislator, not their gladiator. Mr. Jones adduced authority from Blackstone to prove the right of the House to enquire into the libel—to prevent bloodshed. Mr. Durand contended that the House had no authority to try him, and even if it had, the jury should be impartial, whereas several members of the House felt themselves to be implicated in the charge against him. Mr. Nichol considered that honour demanded that all the members should remain to decide the question. Mr. Durand protested against his accuser, and spoke flatteringly of the Governor, whom he had not calumniated. Mr. Speaker rose to say that no explanation to the House would do away with the malice of the publication. The paper was before the world, which would draw its own inferences. He thought there was no doubt about its being a libel on the Lieutenant-Governor and the Honorable the Legislative Council, but he was not prepared to say how far the House could take cognizance of a libel against any former House of Parliament. A false, scandalous and malicious libel was accordingly reported. Mr. Nichol moved for Mr. Durand's committal to gaol. Mr. McNabb moved in amendment, that Mr. Durand be required to appear at the Bar of the House and apologize, the apology to be published in the *Upper Canada Gazette, St. Catherines Spectator*, and the *Montreal Herald*, which amendment

was lost by a majority of three against it. The original motion was carried by the same majority, when Mr. Nichol moved for the commitment of James Durand, Esquire, to the common gaol of the district, during the session, which was carried in the affirmative, by a majority of four!

His Excellency, Francis Gore, soon after this returned to England, and was prosecuted in London, by the Surveyor-General of Upper Canada, whom he had deprived of office maliciously and without cause. The Court in London gave Mr. Wyatt, as plaintiff, damages to the amount of £300.[33] . Governor Gore was succeeded in the administration of Upper Canada, by the Honorable Samuel Smith, on the 11th of June, 1817. The Little Pedlington proceedings of the Upper Canada parliament, during this reign, are hardly worthy of remark. The same spirit still continued to actuate both Council and Assembly, and the Governor lorded it over both. The voice of the people was remarkable for nothing but its weakness.

Sir John Sherbrooke met the parliament of Lower Canada again on the 7th of January, 1818. He informed the Houses that he had distributed the seed wheat and other grain, for which a large sum had been voted during the previous session, so immediately that the relief had been attended with the happiest consequences. He had been commanded by the Regent to call upon the provincial legislature to vote the sums necessary for the ordinary expenditure of the province. He would lay before the Assembly an estimate of the sums required. He would also submit the accounts of the revenue and expenditure for the past year. And he anticipated a continuance of that loyalty and zeal which had prompted the Assembly to offer to meet the expenses of the government. The Assembly were proud that their offer had been accepted. The public was satisfied that the settlement of the civil list, and the control of the public expenditure, should rest with the Assembly, and the reply to the speech from the throne was a simple affirmative. Sir John Sherbrooke had informed Lord Bathurst that the permanent expenditure actually exceeded the revenue by nearly the sum of £19,000 a year; and that there was a debt due to the provincial chest from the imperial treasury of £120,000. The salaries of the clergy and pensioners never had been laid before the Assembly, but had been thrown into a separate list, and although paid in the first instance out of the civil chest had, nevertheless, invariably been provided for out of the extraordinaries of the army. He further informed the secretary for the colonies that, in his opinion, it was desirable that the civil list should be wholly provided for by the province. Lord Bathurst did not fail to take into consideration the accumulation, during four years, of the annual excess of the actual expenditure, beyond the appropriated revenue of each year. He quite concurred in the opinion expressed by Sir John Sherbrooke, that the annual settlement of the accounts of the province and the government at home would have been at once the most expedient course and most likely to prevent any interruption of a mutual good understanding. Short accounts make long friends. As related to the past, it was a question whether the legislature might not fairly be considered as having sanctioned the appropriation, the extra appropriation of the funds, by not objecting to it, when submitted to their notice, or whether any further measures were required for legalizing the appropriation itself, or for repaying the debt, which, under other circumstances, might be considered due to the province. With respect to some part of the expenditure, the silence of the legislature must be interpreted into an approbation of it, for they could not but think themselves bound to make good the deficiency of the funds appropriated by themselves to specific objects, such as the charge for the Trinity House, and the payment of the officers of the legislature, which had uniformly exceeded the funds raised under the Imperial Acts. He saw no objection to considering the silent admission of the accounts, submitted to them, as an implied approbation of the accounts themselves, and of the manner in which they had been discharged. But with respect to the future, he considered it advisable that the legislature should be annually called upon to vote all the sums required for the annual expenditure of the province. The House was to be prepared for the probable contingency of voting that part of the civil list which provided for the stipends of the Roman Catholic Clergy, and omitting the other part which had reference to the Protestant establishment. The Governor in such case was to use every means in his power to prevent a partial provision from passing the Upper House, and if it did pass there, he was to withhold his assent. He called the Governor's attention to the necessity of vigilantly watching and guarding against any assumption, on the part of the Legislative Assembly, of a power to dispose of money, without the concurrence of the other branch of the legislature. This great concession, with which every body was so pleased, was due to the sagacity of Sir John Sherbrooke. He saw how easily it was to be turned to favorable account. He saw that the Assembly would be extraordinarily well pleased; and he further saw that the full power of the public chest was all that the Assembly required to be fully in the power of

the government. In a word, they only needed the money power to corrupt and to be corrupted.

An address to the Governor was next adopted, requesting His Excellency to state whether or not the Prince Regent had forwarded to him instructions concerning the impeachment of the Honorable Louis Charles Foucher, one of the Judges of the King's Bench. Sir John Sherbrooke had had a conversation with Mr. Ryland on the subject. The Clerk of the Executive Council, and member of the Legislative Council, had even put his opinion in writing, respecting the mode in which it might be most advisable to carry into execution the instructions contained in the despatch of Lord Bathurst, dated on the 5th of July, 1817. He was strongly of opinion that the advice given to Sir John to convey a judicial power to the Legislative Council, by commission, was founded in error. The House of Assembly had acquired, by dint of perseverance, and a gradual exercise of privilege, during a period of six and twenty years, some of the most important privileges that attached to the House of Commons, one of which was the power of preferring impeachments against such public officers of the Crown in the colony as they might deem deserving of punishment or removal from office; and, as a counterbalancing influence, in the case of Mr. Justice Foucher, and in all similar cases of impeachment by the Assembly, the adjudication of the charges preferred against the party accused was to be left to the Legislative Council, it being added to the instruction, as a reason for the concession, that the party accused could sustain but little injury from a temporary suspension, while, if ultimately pronounced guilty, the advantage of an immediate suspension was unquestionable. Mr. Ryland conceived that no other power or privilege was, however, intended to be conveyed by the despatch to the Legislative Council than that of sitting, as grand jurors of the province, upon accusations brought by the Assembly against the public servants of the Crown, and that if the charges brought by the Lower House were considered by the Council as valid, His Majesty would then exercise the Royal Prerogative, either by suspending from office or dismissing from his service the party accused. He was strongly of opinion that a communication of the substance of that despatch by a *solemn* message to both Houses of the Provincial Parliament, would be the utmost that either House could reasonably require to enable them to proceed to a final adjudication, as far as the Crown intended they should proceed, upon accusations preferred against individuals by the Assembly. He was astonished at the line of argument adopted before His Excellency for the purpose of forcing an analogy between the Court of the Lord High Steward of England and that which it was proposed to establish in Canada. The High Court of Parliament took cognizance only of crimes committed by Peers of the realm, upon indictments previously found in the inferior Courts. He contended that Sir John Sherbrooke was not empowered to constitute any tribunal but for the trial of offences recognised as such by statute or common Law. If Mr. Justice Foucher was accused of any such offence, the ordinary tribunals of the country could take cognizance of it and inflict punishment. Mr. Ryland was deeply impressed with the idea that the longer or shorter continuance of the province as an appendage to the British empire would be dependent on the events of the present or coming session of parliament. Mr. Ryland did not relish the idea of the Legislative Council being deprived of its *constitutional character* by the supposition even that it might be compelled to adopt a course of proceeding contrary to its own judgment. He thought that the Legislative Council ought to be made parties to any accusation adduced against a public officer by arrangement. There was no precedent for a commission, and indeed, Mr. Ryland was in every way opposed to the plan of leaving to the Legislative Council the adjudication of charges preferred against public officers by the Assembly. Sir John Sherbrooke could not understand the reasoning of Mr. Ryland. He agreed with the Clerk of the Executive Council that a great change was to be brought about in the system of the provincial government, especially with respect to its finance; but, when it was considered that the mother country was "at present" struggling with pecuniary embarrassments, it was not surprising that ministers should call upon the colonies to contribute to their own support. It was very obvious that, ever since the present constitution had been given to Lower Canada, the House of Assembly had been gradually obtaining an increase of power, whilst the Legislative Council remained in *statu quo*. The proper balance had consequently been lost and he knew of no better mode of giving new weight and importance to the Upper House than the measure devised by the Prince Regent that as often as the House of Assembly should impeach, the Legislative Council should adjudicate upon the case, and the Council having declared that they had not the power to do so, some more formal instrument than a letter from the Secretary of State to the Governor, to invest the Council with the necessary authority to act, would be required. To the address of the Assembly an answer was given in a message to both Houses. The message intimated that the adjudication of impeachments by the Assembly was to rest with the Legislative

Council; that the Regent trusted that the Council would discharge the important duties which thus devolved upon them in such a manner as to give satisfaction to all classes of people in the province; and that the Governor, not having had instructions, as to the manner in which the adjudications were to be conducted, would apply to the Regent for instructions and communicate them as soon as obtained. The House of Assembly did nothing, as the wisest course to be pursued, and the Council, now almost raised to a level with the House of Lords, in its own estimation, expressed its thanks in a series of resolutions offered by Mr. Ryland, for the confidence which His Royal Highness had reposed in it. Mr. Ryland and some other members of the Council were most anxious to adjudicate upon Mr. Foucher's impeachment at once; but, says the Clerk of the Council, in a letter written subsequently to Colonel Ready, the resolutions offered by me, which would have been adopted by a majority of the legislature, were stifled or repressed by artful and solemn asseverations made in the House for the purpose of inducing a belief that the state of the Governor's health was such that a further agitation of the business might endanger his life! And so ended the Foucher impeachment matter for a time. An Act was passed for the incorporation of a company to construct a navigable canal, on the Richelieu, from Chambly to St. Johns, a work subsequently undertaken and completed by the province, on a very inadequate scale, inasmuch as the canal was only sufficiently large for batteaux, instead of being of a size which would have permitted steamboat communication between Quebec, *via* Sorel, and the towns on Lake Champlain. The estimates for the civil list amounting to £73,646, were voted after a debate of a week; a night watch and night lights were provided for in Montreal and Quebec; an Act was passed for the encouragement of agriculture, and commissioners appointed to improve the communication, by water, between Upper and Lower Canada; an attempt was made to indemnify the members of the Assembly; and the public accounts being submitted, the revenue for 1817 appeared to have been £108,925 currency, and the expenditure £116,920 sterling, including £19,426 owing to Upper Canada for duties in 1816. The expenses of the legislature amounted to £16,173, including £3,945 for books purchased for the library of the Assembly.

Sir John Sherbrooke, was so very ill that he found himself unable to go down to the Council Chamber to prorogue the parliament. He was, therefore, waited upon by the members of both Houses, at the Castle of St. Lewis, and there the prorogation took place *sans cérémonie*.

Business had been rather brisk this year, but out of parliament, and away from St. Peter street, there was no stir of any kind. The newspapers contented themselves with retailing news from the continent of Europe, six months old, and the inhabitants of town and country unconcernedly watched the rising and the setting of the sun, or endeavored, as an antidote to the *tedium vitæ*, to count the number of the stars at night. Three hundred and thirty-four vessels of 76,559 tons burthen, including one vessel built at Quebec, cleared at the port, and a duty of 2½ per centum was levied on goods, wares, and merchandise, amounting to £672,876. There was one matter, which, however, created a little talk about town. Mrs. Montgomery, widow of the late General Montgomery, who fell on the night of the 31st of December, 1775, while leading on a storming party of Americans at the *Près-de-Ville*, Quebec, applied to Sir John Sherbrooke for the remains of her husband, which had been buried somewhere in the neighborhood of a powder magazine. The request was complied with. On the 16th of June, the exhumation of the body, in the presence of Major Freer, who was on the staff of the Governor, of Major Livingston, a near relative to Mrs. Montgomery, and of some other spectators, took place under the direction of Mr. James Thomson, of the Royal Engineer Department, one of the followers of General Wolfe, who forty-two years previously to the application for the body had buried the General with his two Aides-de-Camp, Cheeseman and McPherson, beside him, where the military prison, near St. Lewis Gate, now stands.

Sir John Sherbrooke was, at his own request, recalled. His health had been indifferent for some time. He was relieved of his government soon after he had requested to be so by His Grace the Duke of Richmond. Sir John sailed for England on the 12th of August, with his character either in a military or civil point of view untarnished. Richmond, Lennox and Aubigny, the new Governor-in-Chief, had been Lord Lieutenant General of Ireland. His hereditary rank, his previous position, as well as his present station obtained for him a consideration greater than any mere military knight could reasonably look for. He was accompanied by Major-General Sir Peregrine Maitland, K.C.B., his son-in-law appointed to the Lieutenant-Governorship of Upper Canada. His Grace was looked upon indeed as a semi-deity. But the Duke was exceedingly poor, and perhaps owed his own appointment as well as that of his son-in-law, as much to the influence of

the Duke of Wellington, who was his friend, as to his own. He summoned the legislature of Canada together on the 12th of January, 1819, but merely intimated that the Queen had died, and adjourned the public business, out of respect to Her Majesty's memory, until the 22nd of the month. The opening speech on that day was a wretched affair. The Duke did not recommend anything beyond a provision for the expenses of the civil government, which the illness of Sir John Sherbrooke had prevented him from completing; and the reply to his Grace was as tame as His Grace's speech. It was very like two individuals in meeting, saluting each other with the words—"good morning, Sir,"—"a good morning to you, Sir,"—"*shalom elachem*," as the Jew has it, to be returned with "*alaichem shalom*," "peace be unto you,"—"with you be peace." His Grace was not slow in submitting the estimates of the expenses of the civil government for the year 1819. Instead of £73,646 currency, as before, the estimate was now £81,432. The House could not understand the sudden increase. Was it necessary to pay £15,000 extra for a Duke? That was gracious goodness to an appreciable extent! The estimate was referred to a select committee, who were to make as ostensible as possible the necessity for the increased demand, and if that could not be done, to say why not. The committee reported that the interests of the country would best be served by making an unqualified reduction of those sinecures and pensions, which, in all countries had been considered the reward of iniquities, and the encouragement of vice, and which had been and still were subjects of complaint in England, and would, in Canada, lead to corruption, and that too while the estimates contained the item of £8,000 sterling a year, to be placed at the disposal of His Majesty's representative, for rewarding provincial services, and for providing for old and reduced servants of the government and others. Mr. Ryland had already been in correspondence with the Duke's Secretary, Colonel Ready, and hence the provision in the civil list for decayed servants of the government. When this manœuvre failed, an attempt was made to obtain a permanent provision for the civil government of the province, during the reign of the sovereign, and that failing, another was made to vote the civil list money *en bloc*; but the Assembly would only listen to one proposition, however democratic it might be, and that was to vote the civil list annually, item by item, so that the House might increase or diminish particular salaries at will. The Assembly then went through the civil list, affixing to each office a salary, and passing over without any appropriation such offices as were either positive sinecures or little else. A bill was introduced and carried through the third reading, granting to offices particularly specified, particular salaries. It was sent to the Legislative Council for concurrence, and was there at once rejected. The Council looked upon the mode adopted by the bill of granting a supply to His Majesty as unprecedented and unconstitutional, as an assumption of the prerogative of the Crown, as calculated to prescribe to the Crown the number and description of its servants, and as certain to make the Crown officers dependent on an elective body, whereby they might be made instrumental in overthrowing the Crown itself. Thus was the civil list bill lost. A company was incorporated to construct a canal between Montreal and Lachine. £3,000 was appropriated towards the apportionment of lands to the militia who had served during the war; and Pierre Bedard, Esquire, Judge for the District of Three Rivers, was impeached by Mr. C. R. Ogden. Mr. Ogden accused Bedard of prostituting his judicial authority to the gratification of personal malice; of tyranny; of imposing fines upon his enemies on pretence of punishing contempts of Courts; of uttering expressions derogatory to the other judges of the Court in which he sat; of having accused the barristers of Three Rivers frequently of high breaches of moral and professional rectitude; of having wickedly imprisoned in the common gaol of Three Rivers, Charles Richard Ogden, Esquire, then and still being His Majesty's Counsel for the said district, for an alleged libel and contempt against the provincial Court, in which Mr. Bedard was the judge; for having illegally fined Pierre Vezina, Esquire, an advocate practicing in Court, ten shillings, for pretended contemptuous conduct; and for having grossly and unjustifiably attacked the character of Joseph de Tonnancour, a barrister. The articles of impeachment were referred to a committee which reported in favor of the judge, and the House did not, therefore, impeach him.

While this was going on a message was received from His Grace the Governor-in-Chief, acquainting the members of the Legislative Council that the commands of the Prince Regent had been received respecting the proceedings of the Assembly against Mr. Foucher. The Regent directed that the Assembly, previous to any ulterior proceeding, should lay before the Governor-in-Chief such documentary evidence as they might consider adequate to support the charges which they had brought against Mr. Justice Foucher, and that copies of such charges, of such documentary evidence, and of the examination already taken and annexed to the charges should be then transmitted by His Grace the Governor-in-Chief to

Mr. Justice Foucher for his answer and defence, which answer and defence would be submitted to the Assembly for their reply, when the whole of the documents would be submitted to the Regent for such further course as the case might require. The Legislative Council were quite shocked at this message. They had been told that they might adjudicate upon cases of impeachment, and now it was commanded that they should gather evidence and send it to the Regent for adjudication. The Council dutifully remonstrated, feeling it due to itself to state to His Grace that at the time of receiving the late Governor's message it was prevented from taking more upon itself than to return its humble thanks for the "decision" of His Royal Highness the Prince Regent, on the subject of its address of the 3rd of March, 1817, by representations made in the Council, that the state of His Excellency's health was such that a further agitation of the business at the moment might endanger his life. But the House confidently relied on the communication, contained in the message, that the "arrangement" therein announced with respect to the adjudication of impeachments by the Council was *final*. If representations had subsequently been made tending to withdraw from the Council the favor and confidence of the Crown, all doubt would be removed by the communication which they solicited from His Excellency as to the Royal intervention, and the House would finally be able, with His Grace's powerful support, to secure the full and free exercise of a privilege, without which the balance of an admirable constitution would be destroyed, and the second estate of the provincial legislature be reduced to insignificance and contempt. The answer to this address was most emphatic. Mr. Justice Foucher was ordered to resume his functions as a Judge of the Court of King's Bench, at Montreal; and the Duke turning from the Council, drew the attention of the Assembly to the necessity which existed for a reform in the judicature. The Assembly had indeed already expressed an opinion to the effect that it was necessary for the independence of the judges that they should not be withdrawn from their judicial duties by holding any other offices in the civil administration of the government. The House of Assembly paid very little heed, however, to the recommendation of the Duke. There was, indeed, no ministry in the confidence of the majority to originate any business in the Lower House, and for one of a minority, the creature of the government in the Assembly, and without the shadow of influence in it, to take the matter up, would have been worse than useless. The Lower House was, indeed, like a ship without a helm. It was uncontrollable. All that a governor could do was to look upon the most popular man in the Assembly, as if he were a minister of State, and govern in such a manner as to suit his views. The expediency of erecting the Eastern Townships into a judicial district had been represented to the Assembly at its previous session. It was considered a denial of justice to require people situated as the Eastern Township farmers were, in a new and rather far off country, when the want of good roads is considered, to sue and be sued in the Courts of Montreal, Three Rivers, or Quebec. But they stirred not. They merely appointed a committee to draw up a statement of the receipts of the provincial revenue of the Crown, and of the disbursements by the Receiver General from the date of the constitution to 1819; and also a statement of all the appropriations made by the legislature, and of the amount paid upon each of them by the Receiver General, the balance to be stated and the monies to be counted. There was evidently a suspicion in the minds of some of the members of the Assembly that the National Bank had been paying interest out of the new deposits and that the managers were living in the same style of novelty. However that may have been, the business of legislation was now concluded, and His Grace the Duke of Richmond, Lennox and Aubigny, Governor-in-Chief of Canada, and Captain General of British North America, came down to the Legislative Chambers in State. He took his seat upon the throne quickly. He seemed to speak to his attendants testily. He sent for the Commons impatiently. And he looked sternly. Colonel Ready, as soon as the Commons had appeared, handed His Excellency, who was not particularly gracious, a paper to read. "Gentlemen of the Legislative Council," were the first words uttered, and all eyes were upon the Duke. "*You* have not disappointed my hopes. I thank you for your zeal and alacrity. Gentlemen of the Assembly:—It is with deep concern that I cannot thank you in connection with the result of your labors and of the principles upon which they rest. You proceeded to vote a part of the sum required for the expenses of 1819, but the bill of appropriation which you prepared was founded upon such principles that it had been most constitutionally rejected by the Upper House, and so the government has been left without the supplies necessary for the support of the civil administration for the ensuing year, notwithstanding the voluntary offer given to the King in 1810." His Grace had recommended by special message the consideration of the Judicature Act so that it might be amended, and the Assembly had not even proceeded with it so far as to enable the Governor-in-Chief to transmit the result of the parliamentary proceedings to the King's ministers, with the view of obtaining the opinions and assistance of the law officers of the Crown in England. He did trust,

therefore, that at an early day in the next session the matter would be proceeded with. He had assented to the militia bill with reluctance. It was not necessary that the officers should be natives of the province. There were many half-pay officers of the army who were much better fitted for holding commissions in the militia than wealthy *habitants* were; and there were clerks, and other enterprising young men about cities and towns, who, on any emergency, were equally as well adapted for officers of militia as any *seigneur* whatever. The population of the province afforded excellent materials for a defensive army, but a general and proper selection of officers was necessary to make it formidable to an active and enterprising enemy. The selection of officers must only belong to the executive power. This speech did not raise the Duke of Richmond in the estimation of the Commons of Canada. Some were inclined to laugh at His Excellency, while not a few were offended. His Grace had been evidently tampered with. He was not looked upon as a free agent. While perfectly willing to defray the expenses of the civil administration, the Commons felt no disposition to build up a pension list or to be in any way burthened with life annuities to officers of the imperial army, for whom the imperial government was bound to provide. All the officers required in the civil government of the country, the Commons were prepared amply to remunerate, but they were not at all prepared to award salaries for the perpetuation of sinecure offices, the holders of which had never set a foot in the country. The Commons, in a word, desired to have some control over the government itself, as, in a free country all power should proceed from the people. This was denied to them. They were required to do whatever the government desired, and refusing obedience, they were castigated, castigated by the representative of the sovereign of a free country, of which Canada formed a part. In spite of this rugged mode of governing, the country was nevertheless, making progress. Business was brisk. The population was rapidly increasing. A steamer had been placed on the Ottawa. The Rideau Canal to connect the Ottawa with Lake Ontario, at Kingston, had been commenced, at the expense of the imperial government, as a military work. Quebec contained 2,008 houses, and a population of 15,257 souls, of whom 11,991 were Roman Catholics, and 3,266 were Protestants. Four new vessels had been built at Quebec in the course of the past year, and 409 vessels of 94,657 tons of shipping had been cleared at the port of Quebec, while merchandise to the amount of £772,373 had been imported. The gross revenue amounted to £58,332 sterling for Lower Canada, and £18,673 sterling for Upper Canada. The expenditure amounted to £127,379 sterling, including £9,720 for the purchase of seed wheat in 1817; £45,270 in payment of army bills: £14,988, the fifth of the whole duties collected for 1817 and due to Upper Canada, by agreement. The cost of mere legislation was this year £13,420 currency. In 1819, from the opening of the navigation to the 12th of October, 612 vessels had arrived, and 12,434 immigrants had come to enrich the country by their labor and benefit trade by their necessities.

In the Lower Province two Banks had already been established; there was now one in operation at Kingston, in Upper Canada. It is not a little curious, however, that when efforts were first made to establish the Kingston Bank the current of public opinion set so strongly against the measure, that although supported by men of intelligence and respectability, it was abandoned without the presentation of petitions to the legislature. A bill, as may have already been perceived, was, nevertheless, passed, for the incorporation of the bank, but reserved for His Majesty's pleasure by Governor Gore. The roads, in Upper Canada, were at this period so indifferent that there were but few common carriages, while the inns were so indifferent that in the summer season travelling was for the most part accomplished by water. Indeed the facilities afforded by water for travelling in some very considerable degree impeded the improvement of the roads, between towns situated very far apart.

Sir Peregrine Maitland having assumed the government of Upper Canada, met the parliament of that province, for the first time, on the 12th of October, 1818. His "maiden" speech from the throne was noticeable for the remark that parliament would feel a just indignation at the attempts which had been made to excite discontent and to organize sedition, accompanied by the hint and suggestion that should it appear to parliament that a convention of delegates could not exist without danger to the constitution, in framing a law of prevention, parliamentary wisdom would be careful that it should not unwarily trespass on that sacred right of the subject to seek a redress of his grievances by petition. Mr. Robert Gourlay, of Craigrothie, Fifeshire, in Scotland, had emigrated to Upper Canada, with the view of settling himself and family and indeed of making a settlement in some suitable spot. Mr. Guthrie had peculiar ideas with regard to emigration, free trade, and liberty of speech. He was a democrat, but not, by any means, a republican. He was not politically connected with either Cobbett or Hunt, although he seems to have known both of these gentlemen. He was not

in the habit of attending such meetings as those that were held at Spa-fields and were then termed "radical" meetings, although he had been at a meeting in Spa-fields. He had been both in Ireland and in the United States, but he was neither an Irish rebel nor an American revolutionist. He had only a bee in his bonnet, which has since buzzed in the bonnets of a very great number of men, whose loyalty or patriotism has not been even doubted, and, who, consequently, have never been marked "dangerous" by a colonial Justice of the Peace. Mr. Guthrie conceived that Canada was capable of absorbing about 50,000 of the poor of England, Ireland, and Scotland, annually; that a land tax was preferable to taxes on trade and manufactures, especially in a new country; that there should be three description of roads—provincial, district, and township; that it would be advantageous to connect the lakes of the St. Lawrence together, and permit the free navigation of the Canadian inland waters from Lake Superior to the sea; that free trade should exist; and that there should be no hindrance to the expression of public opinion, however offensive to the authorities such public opinion might be. Mr. Guthrie arrived in Canada in the summer of 1817, and after looking around him, determined upon establishing himself as a land agent. He had, in truth, conceived schemes for a grand system of emigration, and set about obtaining statistics with the view of setting forth the capabilities of the country to the people of England. He addressed the landowners of Upper Canada for information. He sent circulars to the people, but unfortunately made allusion to the able resolutions brought forward at the close of the last session of the provincial parliament. He brought the matter before the parliament itself, but that body having been suddenly prorogued, by Governor Gore, the idea of a convention suggested itself to Mr. Gourlay. The Executive of Upper Canada took alarm. The desire, for a knowledge of the condition, circumstances, and requirements of the townships and districts, was in connection with some radical schemes for upsetting British authority in the Canadas. Mr. Guthrie was misrepresented and, with the view of creating a general panic, he was arrested. Nevertheless, deputies were chosen and a convention was held at York. In this convention the political restraints to which the colonists were liable were fully discussed. There was undoubted mismanagement on the part of the executive government, and Gourlay advised a petition to the Prince Regent, soliciting the appointment of a commission from England to make enquiries. Such a proposal could not fail to give offence. Gourlay was arrested and carried before the most virulent of his political enemies. He was tried and twice acquitted, but the *London Courier*, of the 8th of July, 1818, arrived, in which he was alluded to as "one of the worthies, who had *escaped* after the disgraceful proceedings of Spa-fields." That was enough. Mr. Gourlay was brought before a magistrate, Mr. Dickson, M.P. "Do you know Mr. Cobbett?" asked the magistrate. "Yes," answered the culprit. "Do you know Mr. Hunt?" "Yes." "Were you at Spa-fields?" "Yes." "Were you ever in Ireland?" "Yes." "Were you lately in the Lower Province?" "Yes." "Were you lately in the United States?" "Yes." "Was it you that wrote the article in the *Spectator*, headed "Gagged, gagged by jingo?"" "It was." "Then," said Mr. Dickson to his fellow magistrates, "it is my opinion that Mr. Gourlay is a man of desperate fortune, and would stick at nothing to raise insurrection in the province." He was committed to gaol charged with treasonable practices! There was then, indeed, no real liberty in the province, and Mr. Gourlay had made use of words which only could be used safely in England. The magistracy were completely in the hands of the Executive Council, and a considerable number of both Houses were inclined to do whatever they were ordered. Indeed there were few politicians in the country, politics not having yet become a trade. The Commons replied to Sir Peregrine Maitland just as he wished. They were convinced that a convention of delegates could not exist without danger to the constitution. Nay, they even went further, and on the 19th of October, presented an address expressing just indignation at the systematic attempts that had been made to excite discontent and organize sedition in the province, and they deeply regretted that the designs of one man should have succeeded in drawing into the support of his vile machinations so many honest men, and loyal subjects of His Majesty. A bill was passed indeed to prevent the organization of persons, who might degrade the character of the province, and after assenting to several bills Sir Peregrine Maitland closed the session by thanking parliament for the seasonable aid of "An Act for preventing certain meetings within the province." He conceived that if the people were aggrieved they could send a petition to the foot of the throne. The Surveyor General's Department was to be abolished. He was proud of the sentiments expressed by the House of Assembly and would send them to His Majesty's government. Had the public mind been tranquil, he would have brought before the Houses a few objects of general importance, one of which was a remedy for the unequal pressure of the road laws. Mr. Gourlay was retained in gaol, then ordered to leave the province, and, on refusing to go, was tried for disobeying an Act of parliament. He was forcibly ejected from the province, and it was not until 1847 that the province of Canada offered

him redress in the shape of a pension of some fifty pounds a year, Mr. Gourlay being then resident in Scotland. Governor Maitland again met the parliament of Upper Canada on the 7th of June, 1819. He informed the parliament that the Queen had closed a long life, illustrious for the exemplary discharge of every public and private duty; that the Regent had authorised the governors of both Canadas to bestow lands on certain of the provincial army and militia, "which served" during the late war; that recent purchases from the natives had been so far effected, as would enable him to set apart tracts in the several districts, to accommodate such of their respective inhabitants as were within the limits of the royal instruction; but that he (Governor Maitland) did not consider himself justified in extending that mark of approbation to any of the individuals, who composed the late convention of delegates, the proceedings of which were properly the subject of very severe parliamentary animadversion. The royal assent had been given to the bill for the establishment of a provincial bank, but, from some delay, it did not arrive in time for promulgation, within the period limited by law; the form of an enactment would, therefore, be necessary to render it available. He was deeply impressed with the necessity of an amendment to the road law; neglected grants of an early day were becoming a serious evil. The exemption of any land belonging to individuals, from the operation of the assessment law, was found to be detrimental: a new bill so modified as to protect the land from sale by distress until due notice could be given to the proprietors would receive His Majesty's assent. The public accounts would be laid before the House of Assembly with the estimates for the ensuing year. The growth of the province in population and wealth, justified a reasonable expectation that the measures adopted to encourage it would receive the fullest support: and the expediency of affording the new settlers, situated remotely from the great lakes and rivers, an easy approach to market was apparent, and with other matters would, he hoped, be attended to. The speech in reply was satisfactory, but there was an under current of public opinion, not quite so satisfactory. It was considered that Governor Maitland had exceeded his authority in withholding in part that which the Regent had instructed him not to withhold at all. Conventions were not illegal. The right to meet and discuss public measures had never been called in question. The convention was composed of men who were altogether loyal. To upset the government of the province or to get rid of imperial authority was never contemplated. All that the members of convention desired was the repeal of several grievances, and they meant only to petition the Regent for their removal. The executive influence in the legislature was overwhelming and mischievous. The governor had not only the disposal of every civil office, and of every civil and military commission, but of land to a boundless extent. That influence had been repeatedly misapplied. The lamentable effects of such a misapplication of influence had been too frequently witnessed. Public duty was neglected. The whole face of the country was pining with disease. Nature was everywhere struggling with misrule. And civilization itself was on the decline. In Upper Canada the image and transcript of the British constitution was now only reflected by Major-General Sir Peregrine Maitland, and five executive councillors. Legislation was embraced in a governor's speech from the throne.

About the time of the prorogation of the session, His Grace, the Duke of Richmond, came to Upper Canada, on a tour of inspection. His Grace and his son-in-law went to Niagara together. Important internal improvements were contemplated, and the two governors were desirous of ascertaining how they might be effected. The Duke, after a short stay in Upper Canada, bade farewell to his relative, and, with Colonel Ready, his secretary, was on his way to Quebec, when, somewhere between Kingston and Montreal, he became seriously ill. It is not very certain what ailed him. He was said to have been bitten by a fox. However, he died, in a few hours, of excruciating suffering. He supported, for the brief period, a disease, supposed to be hydrophobia, with undaunted constancy, and yielded up his spirit on the 28th of August, 1819. His remains were brought to Quebec, and there interred with great pomp and ceremony, beneath the altar of the Church of England Cathedral, but as yet no monument has been erected to his memory.

The administration of the government of the province of Lower Canada was, on the death of the Duke of Richmond, assumed by the senior member of the Executive Council, Mr. Monk, and President Monk issued his proclamation to that effect, on the 20th of September. He summoned the legislature to meet for the despatch of business on the 21st of February, 1820. Mr. Monk had, however, hardly assumed the government when Sir Peregrine Maitland arrived in Quebec, from Upper Canada, to take the administration of affairs into his hands, according to instructions which, on his appointment to the Lieutenant-Governorship of Upper Canada, he had received from the imperial government. He did not stay long. He merely advised Mr. Monk, whom he left in charge of the government, and on the 9th of February he set out

again for Upper Canada, to dissolve the parliament. The existing parliament had been very refractory and had been admonished even by the late Governor-in-Chief. The Parliament was dissolved and writs for an election, returnable on the 11th of April, issued. Gaspé being very remotely situated was an exception. The Gaspé writ was not returnable until the 1st of June. Nothing was gained to the administration by the resort to dissolution. The new parliament was even more hostile to the government than the old one. The people approved of the course pursued by the late Assembly in the matter of the civil list and indeed approved of their proceedings generally. Sir Peregrine returned to Quebec on the 17th of March, after he had prorogued the parliament of Upper Canada, and having assumed the management of the public business, he convened the parliament on the 11th of April, the very day on which the writs were returnable, Gaspé only excepted. He opened the House with a speech remarkable for nothing but its brevity. Mr. Papineau was re-elected Speaker and the choice approved of. But this was no sooner done than the Assembly found themselves incompetent for the transaction of business. The House must, by law, consist of fifty members, and only forty-nine had been returned. The Gaspé writ was not returnable until the 1st of June. There was no House. Business could not legally be carried on. A message came down from the Governor recommending the renewal of certain Acts of the legislature. The House paid no attention to the message. The House at last resolved that it could do no business. The twelve months within which a session was necessary would expire on the 24th of April, and there could be no return of the Gaspé writ until the 1st of June. The Governor was informed of his "fix," but was by no means pleased. He did not believe in such nonsense as the unavoidable non-return of a single member being a matter of such importance as the Assembly alleged. He begged that they would go on with the public business. The House would not budge. A message came from the Legislative Council, and the messenger knocked, but the door of the Assembly remained closed. The government had dissolved the parliament stupidly and the parliament meant stupidly to dissolve the government. It was the 24th of April when the news of the death of King George the Third reached Quebec, by way of New York, when the Administrator was offered an excuse for another dissolution, by which the accident threatened by the previous dissolution could be escaped. Parliament was dissolved, during the firing of minute guns and the tolling of bells; and a new king was proclaimed by the sheriff, after a salute of 100 guns had been fired, on the Place d'Armes, in presence of the Governor, the heads of departments, the troops and a crowd of people. There was no other occurrence of moment until the arrival of the new Governor General, the Earl of Dalhousie, who arrived from Halifax, where he had administered the government of Nova Scotia, on the 18th of June, in H.M.S. *Newcastle*. Lord Dalhousie was a soldier. He had been altogether educated in the camp. To the trickery of diplomacy he was quite a stranger. He had not long arrived when the general elections took place. Mr. Papineau, the Speaker of the late Assembly, was at the hustings addressing a Montreal constituency. How strong the feeling was in favor of British constitutional rule in comparison with the Bourbon fashion of ruling colonies, the Earl of Dalhousie learned from Mr. Papineau's own lips. A great national calamity had made it imperative upon Mr. Papineau to court the favor of his constituents a second time in one year. A sovereign who had reigned over the inhabitants of Canada since the day in which they had become British subjects, had ceased to breathe. To express the feeling of gratitude which was due to him, or to say how much his loss was mourned would be impossible. Each year of his long reign had been marked by new favors bestowed on the country. A comparison between the happy situation of Canada at present, with the situation of Canada under "our" fore-fathers, when George the Third became their legitimate monarch, would sufficiently indicate the extent of the calamity which Canada had sustained in the death of the good old king. Under the French government the rule was arbitrary and oppressive. Canada had been neglected by the French Court, and mal-administered by the French Viceroys. The fertility of the soil, the salubrity of the climate, and the extent of territory which might even then have been the peaceful abode of a numerous and happy population was not considered. Canada was looked upon as a mere military post. The people were compelled to live in perpetual warfare and insecurity. There was no general trade. Trade was in the hands of companies. Famine was of frequent occurrence. Public and private property were insecure. Personal liberty was daily violated. Year after year the inhabitants of Canada were dragged from their homes and families to shed their blood, and carry murder and havoc from the shores of the great lakes and the banks of the Mississippi and Ohio, to the coasts of Nova Scotia, Newfoundland, and Hudson's Bay. And now, how changed! The reign of law has succeeded to that of violence. Religious toleration; trial by jury; the Habeas Corpus; and the right to obey no other laws than those of our own making, have taken the place of perpetual warfare and perpetual insecurity. Such was the news received by Lord Dalhousie, on his arrival, and that too immediately preceding a

deplorable period of agricultural distress in both of the Canadas; when the absence of all demand for wheat had compelled several farmers in the district of Montreal to send hay, oats, and vegetables, in boats, down the river, for the chance of a market at Quebec; when in some of the parishes of Montreal, which formerly sold great quantities of wheat for exportation, farms partly cleared, with a log house and barn, had been sold at sheriff's sales, for less than the usual law expenses incurred to effect the sale; and when one immediate consequence of this distress was expected to be on the part of the farmers a compulsory resort to family manufactures for their supply of clothing, as they must soon otherwise have been without the means of protecting their bodies against the inclemency of the seasons. Commercial operations had, however, been tolerably brisk. 585 vessels of 147,754 tons had arrived from sea, in 1820, and 7 new vessels had been built at Quebec. £674,556 worth of merchandise had been imported.

Lord Dalhousie met the legislature of Lower Canada on the 14th of December. Mr. Papineau was re-elected Speaker and approved of when the Governor-in-Chief opened the business of the session. His Lordship made a semi-theatrical allusion to the death of the late king; mixing it up with the death of the Duke of Richmond, whom he had known and honored during thirty years, when he immediately descended to pounds, shillings and pence. He called attention to the accounts of the general expenditure for the past two years; he would lay before the Assembly the accounts of the expense annually incurred in the administration of the government, and he would add a statement of the annual product of the permanent taxes, and hereditary territorial revenues of the Crown. By these documents the Assembly would perceive that the annual permanent revenue of the province was not equal to the amount of annual permanent charges upon the provincial civil list, but was deficient in about £22,000. The king had commanded him to say that having, from past experience, the fullest confidence in the loyalty and sense of duty of the Canadian people, he expected that a proper and permanent provision would be made to supply the deficiency, so that the civil government of the province might be sustained with honor and advantage to his subjects. He had made a tour of the province, but could not take upon himself to point out with confidence those measures of improvement which would prove of the most advantage to the country. He concurred, however, in all that had been said on the subject by the late Duke of Richmond, and the Duke's recommendations were worthy of consideration by the parliament. A permanent revenue law or a revenue law not liable to be suddenly changed, would benefit trade. Agriculture should be encouraged. The militia laws should be renewed. The waste lands should be settled. A tide of immigration had set in, which promised to continue. Many of the new comers were poor, and some had been grievously afflicted with sickness. Not a few had abundant means. The settlement of these immigrants should not have been impeded by the want of legislative aid. There were great advantages to be derived from a new population. Lower Canada, he was aware, had a population sufficiently numerous to settle the waste lands. There were, undoubtedly, prejudices against the introduction of strangers to be overcome, and there were also prejudices in the minds of strangers, affecting their settlement in Lower Canada, fertile as it was, offering as it undeniably did, so many facilities for manufacturing operations, and presenting, as was apparent, so wide a field for internal trade. Inducements should be held out to new comers, with the view of making them spread more widely. Parochial churches should be erected. Roads affording access to distant woodlands should be laid out. For himself, he would assure the Assembly that he had no object in view but the good of the country. The Assembly liked the frankness of the Governor-in-Chief. They had no idea, however, of permanently appropriating, in the then uncertain state of trade, an amount for the civil list, exceeding half the usual amount of the whole revenue. They would vote annually, in accordance with their promise to Sir John Sherbrooke, all the necessary expenses of the government if His Excellency pleased, and no more. With regard to permanent taxes they believed such a mode of taxation to be impracticable. They would, however, investigate the effects that might result from a long duration of the revenue laws. They would, if it were possible, inspire the commercial classes with confidence. Legislation was then proceeded with. The civil list was first considered. The estimate divided the list into classes. There was the Governor-in-Chief and his staff; the Legislature and its officers; the Executive Council and its officers; the Judges, Sheriffs, Clerks of Courts, and Tipstaffs; the Secretary and Registrar of the Province; the Receiver General and his clerk; the Surveyor General and clerks; the Surveyor of Woods; the Auditor of Land Patents; the Inspector General and clerks; and the contingencies of the whole. The estimate amounted to £44,877. The Assembly proceeded to the discussion of the items *con amore*. Item after item was read over and commented upon, much after the present fashion. John Neilson was then a member of the Assembly. Mr. Neilson was

then as much an economist as Mr. Mackenzie is or pretends to be now. He was wisely jealous of the government. Mr. Neilson, the editor of the *Quebec Gazette*, was in the highest degree intelligent. He was honest and, consequently independent. He could say more in a sentence than Charles Richard Ogden could combat in a speech. He was a tall, spare man, with rugged, but yet prepossessing features. He had always two black eyes, overshadowed by a low protruding forehead. From the occiput to the *os frontis*, his head was quite level and extraordinarily long. It was possibly due to Mr. Neilson's intelligence that, after some reductions had been made, the required supply was voted, not in a bill, providing for the payment of stipulated sums to certain individuals, but in a bill in which allowances were made for six different departments and a supply voted for the whole. The sum voted, notwithstanding certain reductions was more than the estimate. £46,000 sterling was appropriated towards defraying the expenses of the civil government. £3,083, the charge upon the pension list, and £1,543, the annual cost of the militia staff were added to the civil list. The supply was voted *en bloc*, or almost so, with the view of reconciling the Legislative Council to an annual appropriation, and because that House had objected to the previous supply bill in which certain sums were appropriated for the payment of certain functionaries. Nevertheless, the bill was rejected by the Legislative Council. The bill had not made a permanent provision for the civil list, and it interfered with monies already appropriated. The Council resolved that it would not proceed upon any bill of supply, which should not have been applied for by the king's representative; the Council would not proceed upon any bill appropriating public money that should not have been recommended by the king's representative; the Council would not proceed upon any bill of appropriation, for money issued, in consequence of an address of the Assembly to the king's representative, unless upon some extraordinary emergency; the Council would not proceed upon any appropriation of public money for any salary or pension hereafter to be created, unless the *quantum* of such salary or pension had been recommended by the king's representative; and the Council would not proceed upon any bill of appropriation for the civil list, which should contain specifications therein, by chapters or items, nor unless the same should be granted during the life of the king. The Assembly were also quite resolved as to the course to be pursued by them. They would pass no bill of supply without specifications, nor for any period longer than a year. They would not pass any bill at all for the purposes of defraying the expenses of the government, unless the right of applying and apportioning by vote, the monies previously appropriated towards the support of the civil government, was also conceded to them. This quarrel between the two Houses was an exceedingly interesting one. The members of the Upper House, or the majority of them, felt themselves to be personally interested—and were uneasy, while the Assembly, having no other interest in the matter, than principle and a sense of expediency, could maintain their position, without flinching, for almost any length of time. Nay, the Assembly were positively generous. As the rejection of the supply bill had left the Executive without the means of defraying the civil expenditure for the year, the Assembly tendered the sum of £46,060 sterling to His Excellency, pledging themselves to make good the amount by a bill at the ensuing session. But His Excellency would not have it. He was of opinion that the grant, now proposed, was wholly ineffectual without the concurrence of the Legislative Council. There was no answer. Mr. Neilson moved, and the Assembly resolved that, the speech of His Grace the Governor-in-Chief, on the 24th of April, 1819, contained a censure of the proceedings of the Assembly; that all censure of any proceeding of the Assembly, by either of the branches of the legislature, was an assumption and exercise of power contrary to law, a breach of the undoubted rights and privileges of the House of Assembly, and subversive of the constitution of the government, as by law established in the province; and that it was the undoubted right of the Assembly, in voting aids or supplies, or offering money bills for the consent of the other branches of the legislature, to adopt such order or mode of proceedings, as it might find conformable to its rules, and to propound such matter as in its judgment should seem fitted and most conducive to the peace, welfare, and good government of the province.

Mr. Andrew Stuart, a man of brilliant attainments, was busily engaged in the exposure of the enormous abuses that had prevailed in the improvident and prodigal grants of the Crown lands. A bill was brought forward in the Assembly for more effectually ascertaining the state of the public funds in the hands of the Receiver General. The Receiver General was to account annually to the legislature for his expenditures, and he was to tell over, for its disposal by the Assembly, the balance which he should have remaining in hand. He was to be allowed a commission on all monies paid into his hands, in lieu of a salary. And he was not to be engaged in trade. The bill did not, however, receive a third reading, and

the Receiver General still continued to carry on the business of a lumber merchant. A bill was also introduced for the trial of impeachments by the Legislative Council, but was afterwards relinquished. An effort was made to obtain a per diem allowance for the members of the Assembly, but it was not successful. Mr. James Stuart was named agent for the province in London, and the sum of £2,000 was voted to defray his expenses in that capacity; but the appointment was set aside by the Council, because a Mr. Gordon, who held a situation in the Colonial Office, had been previously appointed agent for the province by the Executive government, with a salary of £200 a year. Several messages, relative to public improvements were sent down to the Assembly in the course of the session, but the House only promised to consider them next session. One bill, of great importance, was, however, passed:—that to open a canal between Montreal and Lachine, at the public expense. Before the close of the session the House represented that if a Lieutenant-Governor of the Province, with a salary of £1,500 a year, was necessary, he should be resident in the province; that the Lieutenant-Governorship of Gaspé, to which a salary of £300 a year was attached, was a sinecure; that the Secretary of the Province, with a salary of £400 a year, resided in London, while his duties were performed by a deputy, who only received the fees incidental to the office; that the agent of the province, who received £200 a year, did nothing for his salary, and had no services to perform, being merely the agent of the Executive; and that it was the opinion of the Assembly that no salary should be allowed to any of the members of the Executive Council, non-resident in the province. It was further represented that the offices of Judge of the Vice-Admiralty and Judge of the Court of King's Bench were incompatible, and that the offices of Judge of the King's Bench and of French Translator to the Court could not be held by the same person. The exaction of fees, too, by the Judge of the Vice-Admiralty, while he received a salary of £200 a year, in lieu of fees, was improper and contrary to law. And the Governor-in-Chief was requested to effect remedies. On the 17th of March, the session was prorogued. Lord Dalhousie could not express his satisfaction at the general result of the Assembly's deliberations. He regretted that the expectations of His Majesty, with respect to the civil list, had not been realised. He was disappointed. The administration of the civil government had been left without any pecuniary means, but what he should advance upon his own personal responsibility. Individuals would suffer under severe and unmerited hardships, caused by the want of that constitutional authority necessary for the payment of the expenses of the civil government; the improvements of the country were nearly at a stand; and the executive government was palsied and powerless. When parliament should be again summoned for legislation, it would be summoned to decide whether government should be restored to its constitutional energy, or whether the prospect of lasting misfortune was to be deplored by a continuance of the present state of things. The Assembly inwardly chuckled as the Governor concluded his speech. All that they wanted had been in part effected. The government had acknowledged itself to be constitutionally dependent on the Assembly for its energy and for its pecuniary means. It was hoped, indeed, that sooner or later, the propriety of permitting the Assembly to vote the supplies, after its own fashion, would be conceded.

Shortly after the prorogation, Mr. Papineau, the Speaker of the Assembly, Mr. Hale, a member of the Legislative Council, and Colonel Ready, Civil Secretary, were added to the Executive Council.

On the 7th of July, the construction of the Lachine Canal was commenced.

In the course of the summer, Lord Dalhousie proceeded on a tour to Upper Canada, returning by the Ottawa, in August.

The legislature of Lower Canada was again opened by the Governor-in-Chief, on the 11th of December. He brought under the consideration of parliament the state of the province, recommending immediate attention to its financial affairs, with the view of making a suitable provision for the support of the civil government. He had adopted a course for the payment of the current expenses of government as consistent as possible with the existing laws. He had been commanded to recommend that a provision for the civil list should be granted permanently, during His Majesty's life. He felt assured that the Council would attend to the recommendation, and he would not advert to topics of far inferior importance, for the present. The Council considered it to be their paramount duty to adopt what had been established in the British parliament, as a constitutional principle, the granting of the civil list during the life of the king. The Assembly were not so submissive. They requested His Excellency, the Governor, to convey to the king that they had received with all due humility the communication of His Majesty's recommendation that such provision, as should appear necessary for the

payment of the expenses of the civil list should be granted permanently, during His Majesty's life, as well as the information that such was the practice of the British parliament, and that the recommendation would have due weight with them. The Governor on receiving the address of the Commons, in reply to his speech from the throne, was not particularly well pleased. He assured the Assembly that until the expenses of the government were provided for, in the manner he had indicated, that there would be neither harmony, union, nor cordial co-operation in the three branches of the legislature, and that the real prosperity of the province would be decidedly arrested. The Assembly were quite indifferent as to consequences. They had a duty to perform to their constituents, and meant to perform it. The estimates of the civil list were sent down. The House asked the Governor to lay before it his instructions. The Governor refused. His instructions were confidential and he would not suffer any part of them to become the subject of discussion by the House. A motion to grant a permanent civil list was made and negatived. There were only five ayes to thirty-one nays. The House adhered to the opinion that the supplies ought to be voted and appropriated annually, and not otherwise. The Governor was requested to mention the circumstance to the King, and he promised to do so. The Assembly proceeded to the transaction of other business. The expediency of having an agent to represent the interests of the people, not the Executive of Canada only, in England, was next considered. It occurred to the House that some member of the imperial parliament might be induced to accept the agency, and it was resolved that Joseph Marryatt, Esquire, M.P., should be requested to act as such agent. The resolution of the Assembly was transmitted to Mr. Marryatt, who was also put in possession of the civil list difficulty, with instructions relative to the course of action which it was expected he would adopt. The Council felt annoyed. They looked upon the appointment of Mr. Marryatt as a dangerous assumption of legislative power by the Assembly alone. They considered it a breach of the constitution, a breach of the king's prerogative, a breach of the privileges of the Legislative Council, and as a something which tended to subvert the constitution of the province. This protest had the effect desired by the Council. Mr. Marryatt would not act. Unless the Council concurred in his appointment he could have no weight with the government in England, nor would he be even acknowledged. There was nothing now to be done but to starve the government into submission. The government was not to be conquered by assault. The Assembly determined upon cutting off the supplies entirely. The revenue Acts were, one after the other, suffered to expire. No appropriation was made even for the current expenses of the year. A revenue of thirty thousand pounds a year, or more, part of which belonged to Upper Canada, was sacrificed. The Governor might make advances to the officers of the government, on his own responsibility, or not, as he pleased. But the House would hold the Receiver General personally responsible for all monies levied on His Majesty's subjects, paid over by him on any authority whatever, unless such payments should be authorised by an express provision of law. If anything could arrest the real prosperity of the province, it was now arrested. Some members of the Legislative Council took alarm. Afraid that their resolutions of the previous session interfered with the privileges of the Assembly, they wished to rescind them. The Assembly, in the opinion of a section even of the Council, ought not to be dictated to. The Commons had exclusively the right of dictating their own terms and conditions, with regard to all aids to the Crown. And the object, for which such aids were sought, was of no consequence, as far as their right was concerned. The majority of the Council took quite another view of the matter. One member was particularly severe on the Assembly. The Honorable John Richardson, considered the course pursued by the Assembly, as unconstitutional and overbearing. He characterised their pretensions as subversive of the prerogatives of the Crown, and indicative of a desire to have the absolute control of the government. Their proceedings were revolutionary. From day to day secret committees were in session. Grievances were mischievously hunted up. Their measures were precisely similar to those which preceded the fall of Charles the First, and the French revolution. And, at that very moment, there was a committee of the Assembly sitting, the members of which were in consultation, about replacing the distinguished personage who resided at the Castle of St. Lewis. Mr. Richardson was being quietly listened to by several members of the Assembly. They resolved to move in the matter. The sayings and doings of Mr. Richardson were accordingly brought under the notice of the Assembly. Mr. Quirouet informed the Lower House that he had heard the Honorable John Richardson, one of the members of the Legislative Council say, in reply to the Honorable Mr. Debartzch, who had moved for the rescission of the rules relating to the civil list, that there was a secret committee sitting in the House of Assembly, deliberating on the appointment of a governor of their choice, and on the removal of the person now in the castle; and that the committee, which was, perhaps, one of public safety, sat without the knowledge of several members of the House, a thing without example in England,

except in the time of Charles the First. A committee of five members was appointed to obtain further information. The committee ascertained that everything reported by Mr. Quirouet was true. A spirited debate ensued. The conduct of Mr. Richardson was looked upon as atrocious. Mr. Richardson too was the senior member of the Executive Council, and on him the government of the province might devolve. He was entirely unworthy of confidence. He was the enemy of his country. It was resolved that his language was false, scandalous, and malicious; that he had been guilty of a high contempt of the Assembly; that he had made an odious attempt to destroy His Majesty's confidence in the fidelity and loyalty of the Assembly, and of the people of the province, and that he had been guilty of a breach of the rights and privileges of one branch of the legislature. It was further resolved to inform the Legislative Council of the Assembly's opinion of the discourse of the Honorable John Richardson, with the request that the Council would inquire into the charge which they preferred against him and were prepared to substantiate, so that the Honorable John Richardson might be adequately punished. And it was still further resolved that the Governor General should be informed of the libelous language of the Honorable John Richardson, and of the desire of the Assembly that he should be removed and dismissed from every place of honor, trust, or profit, which he might hold under the Crown. These resolutions of the Assembly, respecting the conduct of the Honorable John Richardson were taken by special messengers to the Governor and to the Legislative Council. The Governor considered the resolutions undignified. They were as much a breach of the privileges of the Council as the remarks of Mr. Richardson would have been a breach of the privileges of the Assembly if uttered anywhere else than in the Council. Mr. Richardson had a perfect right to express himself freely in parliament. Freedom of debate was as necessary to the Upper as it was to the Lower House. He distinctly refused to dismiss Mr. Richardson from any office of honor, trust, or profit, which he might hold. The Council, so far from proceeding to punish Mr. Richardson for his outspokenness, looked upon the resolutions of the Assembly as a flagrant breach of its privileges, and would take no measures with regard to the language made use of towards the Assembly, by Mr. Richardson, until the Assembly apologised to the Council for its interference with the rights of the Legislative Council. Mr. Richardson even repeated the substance of his observations in the debate which had given offence, in still stronger language. He had little to fear, and he knew that the Assembly had taken a position which they could not sustain. He held no office under the Crown. He was a legislator and Executive Councillor, but not a placeman. Indeed the Assembly were becoming ashamed of themselves. Instead of attacking the Council in return for the attack made upon them, they had taken it for granted that their proceedings were not liable to be commented upon at all. They pretended to represent public opinion and yet would not tolerate the expression of any opinion adverse to themselves. But public opinion prevailed. They were compelled to edge out of their difficulty by representing in a resolution that it was the incontestable right of the Assembly to prevent any breach of their privileges, by every constitutional means in their power. So the matter rested.

A message came to the Assembly from the Governor. It had reference to certain grievances submitted by the Assembly to the King. The Governor had been commanded to inform the Assembly that the Lieutenant-Governor had been ordered to repair to Quebec, and to reside in the province during his tenure of office; that a Lieutenant-Governor for Gaspé was necessary and should be provided for; that the successor to the Provincial Secretary should be a resident officer, but that the present absent incumbent was not to be dispossessed without adequate compensation; and that the present agent of the province, in the colonial office, had not been guilty of misconduct, and the office of agent which he held was not to be abolished. The message was anything but satisfactory, and the Assembly grumbled audibly.

Another message was sent to the Assembly informing the House that the Governor intended to apply the territorial and casual revenues, fines, rents, and profits, which were reserved to the French King, at the conquest, and belonged to the King of Great Britain on the surrender of the country, the monies raised by statutes of the imperial parliament, and the sum of £5,000 sterling raised by the provincial statute 35th George the Third, chapter 9, towards the support of the civil government and the administration of justice. And he called upon the Assembly, as they had refused the civil list, to defray the cost of certain local establishments, the expenses of the legislature and the necessary expense of collecting the revenue. The Assembly assured the Governor of their great satisfaction that he had not questioned the constitutional doctrine which they had enunciated, that the public money should only be applied conformably to law. They were indeed sorry that the standing rules of the Council prevented their House from entertaining even the hope that its invariable disposition to provide for the necessary expenses of the civil government could have its proper and legal effect. But they

would grant no supplies whatever. This manœuvre might have been most successfully practised upon the government of Lower Canada, if it had not also affected Upper Canada. The supplies of Upper, as well as of Lower Canada, were cut off. Quebec was the only seaport the two provinces had. It was in Lower Canada that the duties on imports were levied. Of these import duties Upper Canada was now entitled to a fifth, instead of an eighth, as at first agreed upon. And if the whole was sacrificed, the value of a fifth of the whole would not amount to much. The government, and, indeed, the whole people of Upper Canada were annoyed at the loss of revenue inflicted upon the country, for the sake merely of principle. But that was not all. Upper Canada was already so rapidly increasing in population that a fifth of the whole duties collected was not looked upon as her fair share of receipts. Her commissioners desired a larger share of the incomings. Lower Canada would not grant the increase and there was another difficulty between the provinces. The subject was brought under the consideration of the imperial parliament, by Upper Canada, through the instrumentality of an agent, in London, appointed to communicate with the government at home. The parliament of Lower Canada was prorogued on the 18th of February. Lord Dalhousie was satisfied that no benefit to the public could be expected from a continuance of the session, and had come to prorogue the parliament. He regretted that the supplies had been withheld, but neither the civil government, nor the officers of justice, nor any of the officers of the government or of the courts would be at all affected. The mischievous effects of their proceeding would fall upon trade and of course be highly injurious to His Majesty's loyal and faithful subjects, who should know how to bring about a remedy. He was much pleased with the conduct of the Council. The Governor General had received an idea from Mr. Ryland, with which he was quite delighted. It now seemed to His Excellency that he would soon bring the Commons of Canada to their senses. Had Mr. Ryland been called upon to point out a remedy for the existing difficulties in the government, he would have said to lord Dalhousie:—either unite the legislatures of Upper and Lower Canada, or, by giving a fair representation to the townships, secure an English influence in the House of Assembly. Perfect the constitution by creating an hereditary aristocracy, for which the Crown Reserves were originally set apart, and make the Legislative Council so respectable as to render a seat therein an object of ambition to every man of character and talent. Exercise decidedly the patronage of the Romish Church, and give the Romish Bishop clearly to understand that the slightest opposition on his part to this regulation would put an end to his allowance of £1,500 sterling per annum. Admit no more coadjutors, secure a permanent revenue, adequate or nearly adequate to the expenses of the civil government. Ascertain to a farthing the monies that actually are or ought to be in the Receiver General's chest. Give to that officer an adequate salary, and take effectual means to prevent one shilling of the public monies from being employed by him in future in commercial speculations. Accomplish these objects, as you easily may, and be assured that good sense and upright intentions, on the part of His Majesty's representative, will thereafter be fully adequate to get the better of every difficulty that has hitherto attended the provincial government. This scheme of a remedy for existing difficulties was submitted by the Earl of Dalhousie to the government of England. A bill was indeed introduced into the imperial parliament, for a legislative union of the two provinces, and for the regulation of trade in Canada. A majority of the Commons of England would not, however, listen to the proposal for a legislative union of the provinces, for which no desire had been expressed by either Upper or Lower Canada. The sense of the inhabitants of the Canadas should first have been obtained. To this opposition the imperial ministry were compelled to yield, and therefore that part of the bill which related to the union was relinquished. The other part of the bill, afterwards known as "The Canada Trade Act," became law. By it the claims of Upper Canada were recognised, and to guard that province against the caprice of the lower province, all the duties payable under Acts of the legislature of Lower Canada, on imports, were to be permanently continued, according to the latest agreement, in July, 1819. The two temporary provincial Acts, 53 and 55, George III, chapter 2, and 85, George III, chapter 3, including that which had been suffered to expire were revived, and became permanent Acts, only liable to repeal or alteration, by Lower Canada, with the concurrence of Upper Canada. New duties on imports by sea could not be imposed by Lower Canada without the consent of Upper Canada, without the special interference of the imperial parliament. It was no wonder that Lord Dalhousie spoke ironically of the effect to be produced by the stoppage of the supplies. The measure was not, however, judicious. It was in the highest degree irritating to Lower Canada. It was a positive grievance, and indeed it was a partial destruction of the constitution, at the instance of a placeman. There was one good thing in the Act. The power of commuting the seigniorial or feudal tenure into free and common soccage was given to the censitaire in transactions with the crown.

This rude assault upon the Commons of Lower Canada came at an unfortunate period. Both provinces were suffering. Agriculture and commerce were in distress. Agricultural and commercial distress had also afflicted the mother country. People were unwillingly idle, and consequently, discontented. The regulations then existing in Great Britain, with respect to the importation of grain and flour from the Canadas were alleged to amount almost to a prohibition. To the operation of these regulations Canadian distress was attributed. Unless relief were speedily obtained, the certain ruin of the entire farming and commercial interests was expected to ensue. The difficulties occasioned by the obstruction to Canadian navigation, in winter, rendered it impossible for the Canadian farmer to compete fairly or with a reasonable chance of success, in the English markets, with the United States. American produce was admitted into Lower Canada, for consumption, free of duty, to the prejudice of Upper Canada, and was a direct violation of the reciprocity which ought to exist between the two provinces, as it depressed the price of Upper Canada produce, and rendered nugatory the laws existing for its protection. And unless the flour of Upper Canada should be admitted into the English market on terms of greater favor, the imports from Great Britain would entirely cease. The Upper Canadians wished the repeal of the corn bill. They wanted the monopoly of the supply of the West Indies. They desired a corn bill for themselves. And they did not know precisely what they desired for the riddance of their distress. It was at this season that the "Canada Trade Act" came into force, and that the propriety of uniting the two provinces was to be considered by the people. In Lower Canada the contemplated re-union of the provinces was not relished. Upper Canada was indifferent and perhaps rather in favor than opposed to the scheme. To Lower Canada it forboded the loss of caste, usages, and religion, while to Upper Canada it indicated only a more extended sphere of legislative action, and the direct control of the general revenue for improvements. The Union Bill was well conceived. The Governor was to have erected the townships, previously unrepresented, into counties, of six townships each, with a member for every county. The qualification for a seat in the Assembly was to be the unincumbered possession of landed property to the value of £500 sterling. The House was to consist of not more than one hundred and twenty members, and of not more than sixty members for either province. Four ministers were to have seats in the House and to have the liberty of speech without the right of votes, in the shape of two members from each of the Executive Councils of Upper Canada and of Lower Canada. The duration of the parliament was to be five years. There was to be no power of imprisonment for alleged contempts given to either House. The proceedings of both Houses were to be recorded in the English language, and in fifteen years afterwards, the English language only was to be made use of in debate. The free exercise of the Roman Catholic religion was to be respected, subject to the king's supremacy, and to the collation or induction into cures—a privilege until then enjoyed by the Bishop superintending the Romish Church in Canada. Here was Mr. Ryland's scheme to the letter. It gave evidence of some ability. It was the scheme of a lifetime, of one zealous in the cause of the Church of England. How the Lower Canadians were to have been induced to consent, is not easily guessed at. It is true Mr. Ryland intimates that the Bishop's salary could be withdrawn, and that no more coadjutors should be allowed. But the Bishop was not the only clergyman of the Church of Rome in the province, and the See of Rome has its instruments in every ecclesiastical grade. The priests, as a body were very much annoyed at the Union Bill. They did not fail to declaim against it. Nor were they to be blamed. The French Canadians were indeed, to a man, opposed to the union. The English population were, of course, in favor of the scheme. Horrified at popery, an Englishman honestly believed that popery had no rights in a country possessed by a protestant king. It could be tolerated but not legally maintained. Of course when the King became Bishop of the Church in Canada, the Pope was virtually deposed, and the deposition of the Pope in England is indeed the most essential difference between the Church of England and the Church of Rome. The people of Montreal were most actively in favor of Mr. Ryland's admirable scheme of religious conversion. Of 80,000 people who had come into the province since the American war scarcely a twentieth part had remained within the limits of the province, the rest having been induced by the foreign character of the country in which they had sought an asylum, and the discouragements they experienced, to try their fortune in the United States. The division of the Province of Quebec, into Upper and Lower Canada, had been impolitic. Had a fit plan of representation been adopted the British population would have now exceeded the French, and the imports and exports of the country have been greatly beyond their present amount.[34] It is not a little extraordinary to find that the English speaking inhabitants of the province complained of the unreasonable extent of political rights which had been conceded to Lower Canada. Mr. Neilson was not of these complainants. Mr. James Stuart was. The Canadians had deserted Mr. Stuart and he now deserted them. Mr. Neilson had not been yet

deserted by those whom he had served, and he had not therefore cause for desertion. Messrs. Neilson and Papineau went home in charge of petitions against the contemplated union of the provinces, while Mr. Stuart went to London with the petition of the unionists in his pocket. The mob was merely prejudiced. There was no politics in the heads of the ordinary people, whether of French or English extraction. But the English hated the French, and the French disliked the English, because neither understood the other. It was enough for the English speaking population that the government was English, to secure their sympathies to the government, and it was enough for the French speaking part of the population to know that the Assembly was chiefly Franco-Canadian to secure their sympathies to the Assembly. Lord Dalhousie and the red-tape-nobility looked upon both only as *canaille*. His lordship was the emperor; the judges, the bishops, and the secretaries, were the marshals and princes of an empire of serfs—of crown serfs and of serfs of the soil. But, however that may have been, two events of some importance had occurred. The Lieutenant-Governor of the province, Sir Francis Burton, had arrived at the scene of his labors, and Sir John Caldwell, the Receiver General, had become insolvent towards the province, in the sum of £100,000. The difficulties of Lord Dalhousie's reign were on the increase. The union and intended extinction of Lower Canadian nationality was not a matter to be so easily effected as at first anticipated. His lordship again assembled parliament on the 10th of January, 1823. The Clerk of the Assembly informed the noble Earl, at the head of the government, that the Speaker, Mr. Papineau, had gone to England. The Governor ordered the Assembly to elect another Speaker in his stead. They did so, and their choice fell upon Mr. Vallières de St. Réal. The choice was approved of. Lord Dalhousie thereupon opened the session. He told the Houses that an Act had been passed regulating the trade of Lower Canada with the United States of America, and the intercourse between Upper and Lower Canada, an adjustment of the differences subsisting between the two provinces being provided for. He further intimated that the imperial government contemplated the union of the two provinces, but had withdrawn the measure until the next session of the imperial legislature, with the view of ascertaining the sentiments of the Canadian people on the matter. He hoped that the subject would receive attention, and the deliberations of the parliament be distinguished for moderation. He had been somewhat embarrassed by the stoppage of the supplies, but had done as much as he could to avert inconvenience, by paying up the usual expenses for the half year then current, though he had not felt himself justified in doing so beyond that period, and there consequently remained a very considerable arrear due to the public servants. A full statement of the receipts and expenditures for the year would be laid before the Assembly, together with an estimate of the probable expense in the present year of those local establishments for which the Assembly were bound in duty to provide. He trusted that the whole financial accounts would be brought to a clear and final arrangement. He was convinced that the Assembly regretted that the progress of the public interests had been interrupted. And without dwelling upon the past, he would earnestly recommend them to consider the incalculable injuries which had been accumulated on the province, while the executive branch of the constitution remained disabled from exercising its just and legitimate and most useful powers. The Assembly were pleased to learn that the imperial parliament had suffered the measure for the union of the two provinces to lie over until the opinion of the Canadian people had been ascertained, and indeed they fairly echoed in their reply the speech from the throne. A call of the Assembly was ordered for the 21st of January, to consider the union question. The Upper House, with the exception of the Honorables John Richardson, Herman W. Ryland, Charles W. Grant, James Irvine, Roderick McKenzie, and Wm. B. Felton, were decidedly opposed to the contemplated union. The Assembly believed that the union of two provinces, having laws, civil and religious institutions, and usages essentially different, would endanger the laws and institutions of either province; and that there would thence result well-founded apprehensions respecting the stability of those laws and institutions, fatal doubts of the future lot of these colonies, and a relaxation of the energy and confidence of the people, and of the bonds which so strongly attached them to the mother country. The resolutions of both Houses were embodied in addresses to the King and Parliament of Great Britain. Those to the King the Governor was requested to transmit, and those to the two Imperial Houses of legislation were forwarded to the delegates of the anti-unionists, Messrs. Neilson and Papineau.

A message was sent to the Assembly, officially informing the House of the arrival of Lieutenant-Governor Sir Francis Burton. The message contained another bit of information to the effect that it was necessary that a residence should be provided for His Excellency. It stated still further that a furnished House had been taken for His Excellency, at a yearly rent of £500, for which it was desirable that the Assembly should provide. And the message concluded by

recommending the addition of £1,000 a year to the salary of His Excellency, which was then only £1,500, so that with £2,500 a year, and house rent free, he might live in becoming style. The Assembly cheerfully voted these extra allowances to the Lieutenant-Governor. A bill was this session passed, erecting, for judicial purposes, the Eastern Townships into the Inferior District of St. Francis. There was to be a provincial court in the district, and a resident judge, who was to have jurisdiction in personal actions of £20 sterling. A Court of Quarter Sessions in the district was also established. The bill was introduced into the Assembly, and passed, to increase the representation, by giving the Eastern Townships a representation precisely as recommended in the contemplated Act of Union; but the Assembly, to counterbalance the effect which might result from the introduction of six new members into the Assembly, also created an overbalancing number of new French constituencies. The Council consequently rejected the representation bill. Then the estimates of supply were submitted by message. They had been classed into two schedules. One comprehending the Governor, Lieutenant-Governor, certain officers attached to the Governor-in-Chief, including the provincial agent in London, the Surveyor General and contingencies of his department; the judges and officers of the Courts; the Executive Councillors (£100 a year each); the Clerk of the Council, and the contingencies of his office and of the committee of audit; the Inspector General of Accounts; the Receiver General's department; and the Clerk of the Terrars, the whole sum to be supplied being £32,083 11s. 3d. sterling. The second schedule included the local establishments—the legislature and its officers; the cost of printing the laws; the salaries to public schoolmasters; the pension list; rents and repairs of public buildings, and the salaries and disbursements in connection with such buildings; the expense of collecting the revenues: the expenses of the Trinity House; the militia staff and contingencies; the expenses for criminals and houses of correction; and miscellaneous expenses, such as the salaries of the Grand Voyer and others, the grants to residents on Anticosti, for the assistance of shipwrecked seamen; and the assessments on public buildings, in all amounting to £30,225 sterling. The Assembly voted the local schedule but not the other. Indeed they protested against being required to do so in the particular manner required. The Assembly next passed bills to reimburse and indemnify His Majesty for monies expended without the sanction of the legislature. The Council did not think it decorous to speak of "indemnifying" the King and rejected the bills. There was yet another money bill to pass the Council. A bill to defray the expenses of the local establishments, in which the different items of expenditure were specified, was sent up for concurrence and was only not rejected on account of the distress to individuals which its rejection would have caused. The Assembly had appropriated monies for the payment of the local establishments, which was to be taken from the general funds of the province. The Council passed the bill under protest because by the term "general," appropriated as well as unappropriated monies might be indicated as under the control of the Assembly. An attempt was made to induce the Council to agree to the nomination of Mr. Marryatt as agent for the province, but the Council refused, and the Assembly allowed the matter to drop. To render the proceedings of the Assembly still more attractive, a breach of privilege case occurred again this session. The *Montreal Times*, a stiffishly unionist paper, had dealt harshly both with the Assembly and Council, in speaking of these two august bodies, as anti-British. The Council was quite indifferent to the imputation, but the Assembly pronounced the assertion of the *Times* to be a false and scandalous libel upon the House, and a breach of its privileges. In accordance with this judgment, Mr. Speaker was instructed to issue warrants for the arrests of the editor and publishers of the *Times*. One offender, Mr. Ariel Bowman, was taken into custody, but Mr. Edward Sparhawk, the other offender, could not be found. Mr. Bowman was not long a prisoner. He escaped from custody soon after being taken, and neither of the offenders were subsequently caught during the session, so that both eluded the punishment due to an offence which was very heinous only in the sight of the Assembly. After this important matter was disposed of, the Governor General intimated that he had advanced £30,000 to the Receiver General, out of the military chest, to enable him to pay the expenses of the civil government, for the half year ending in May, 1822. He called upon the House for repayment. The reply was pertinent. The House would at once have authorised the Receiver General to return the money out of the sum of £100,000, the balance of the public money which should have been in his hands, if it could have been done, but a balance being due to the province, the Assembly could only look upon the accommodation afforded to the Receiver General as a personal favor to that officer. Indeed the Assembly voted all the sums required for other public purposes, without taking into any account whatever the emptiness of the public chest. The financial affairs of the province were in a curious condition. "My earnest entreaties," says Lord Dalhousie to Mr. Vallières de St. Réal, "to ascertain the state of our finances, have been unavailing. Whilst the legislature has been contending about forms, the

substance of the treasury has been used, and the province now stands without any funds which can be called its own, or, worse than that, it has incurred a debt to the military chest of £30,000, advanced in 1822, and £30,000 more advanced this summer of 1823, to which must be added the amount of all unpaid appropriations in last session, a sum not less than £240,000, exclusive of the grant of the Chambly Canal:

Our debt contracted is	£ 60,000
Appropriations of 1823 unpaid	24,000
Our necessary expenses for 1824	70,000
Our probable appropriation, including the award to Upper Canada	25,000
	£179,000
And our revenue to meet this	90,000

The recent declaration and exposure of the Receiver General undoubtedly did shew the evils arising from not annually settling the public accounts. The Receiver General had not, however, positively wasted the public revenue. Largely engaged in business he had built saw-mills, dammed rivers, and constructed viaducts. He was an enterprising man of business, and doubtless his enterprise had indirectly enriched the province, although as far as the immediate recovery of the money was concerned, for the payment of the civil expenses of the government, the investments had been somewhat selfish and rather injudicious. The Receiver Generalship should not have been in the hands of a person engaged in trade. That was the mistake, and it was one, which the Assembly even had endeavored to remedy when perhaps it was too late.

There were still some other matters of finance meriting legislative attention. The "Canada Trade Act" of the imperial parliament had wonderfully deranged the siege operations of the House. The Assembly was now on the defensive, the governor of the province having been very considerably reinforced by the energetic measures of the imperial authorities. It was not even considered prudent to make further zigzag approaches. The Assembly resolved upon keeping within their own lines and to defend themselves as well as they could from the vigorous sorties of the enemy, led on by Mr. Ryland. They requested that copies of any addresses to His Majesty by the Legislative Council of Lower Canada or by the Parliament of Upper Canada to the King, or his representative in Lower Canada, might be laid before them. The Governor sent to them an able report of a joint committee of the Legislative Council and Legislative Assembly of Upper Canada, alluding to the fruitless negotiations, which had been carried on between the duties' commissioners of the two provinces, a document which had had such weight with the imperial parliament as to have led to the passage of the Canada Trade Act. The Assembly scanned the paper carefully but did nothing. They only said that the Act would receive their most serious attention in the next session of the parliament. They were rather inclined to do business on a more liberal scale than they had manifested at the previous session. An Act was passed to enable the province to commence the construction of a canal between the town of St. Johns, in Canada East, and the village of Chambly, which the company, incorporated in 1818, had been unable, for want of funds to commence. Fifty thousand pounds were appropriated for this purpose. They voted also twelve thousands pounds as an additional appropriation towards the construction of the Lachine Canal; two thousand one hundred pounds for the encouragement of agriculture; eight hundred and fifty pounds were granted to the Montreal General Hospital Society; two hundred pounds were awarded to the Education Society of Quebec; Chief Justice Monk was pensioned in the sum of five hundred and fifty pounds sterling a year; and Mr. Justice Ogden was voted a retiring annual pension of four hundred and fifty pounds sterling. The House then applied to the Governor for a copy of his instructions relative to the application of the Jesuits' Estates Revenues for educational purposes; but the Governor refused to comply with the Assembly's request, because he had not been specially permitted to lay his instructions before the Assembly. The business of the session was concluded, and Lord Dalhousie went down in State to the Legislative Council Chamber, to prorogue the parliament. In his closing speech he expressed the satisfaction with which he had witnessed so much diligence and attention to the business of the country. He was exceedingly well pleased to have had to give the royal assent to the Acts passed to facilitate the administration of justice, to encourage agriculture, to construct canals, to assist trade, and to aid charitable and educational institutions. He thanked the Assembly for the supplies. He regretted that offices for the enregistration of property had not been established. He had transmitted the addresses of both Houses on the subject of the union of the provinces to the king. And

he assured the Houses that he esteemed the result of the session at once honorable to parliament and useful to the country.

There was still much anxiety in the country about the contemplated union. Messrs. Neilson and Papineau had not, however, been idle in London. They had strongly pointed out to the imperial government the probability of a relaxation of the energy and confidence of the people of Lower Canada and of the bonds which so strongly attached them to the mother country, if the union was consummated, and their representations weighed with the government, for not long after the prorogation of the Lower Canada parliament it was officially announced by Lord Dalhousie that His Majesty's government had, for the present, determined to relinquish the proposed measure for the legislative union of the provinces.

The parliament of Upper Canada was opened on the 23rd of March. Governor Maitland, in his opening address, spoke of the temporary diminution of receipts from Quebec, as having interfered with the prosperity of the province. He recommended the establishment of an additional circuit and of a second assize. He probably addressed the House for the last time, and he took the opportunity of remarking that he had ever found them guided in their deliberations by a scrupulous attention to the interests of the people as by a proper regard for the honorable support of His Majesty's government. And he concluded by alluding to the contemplated union of the two provinces which, if effected, would extend the field of legislation. In the course of the session, the Assembly represented to the Lieutenant-Governor that they found the travelling expenses of the Judges too high, and that the salaries of all the officers of the government and of the courts were too high. It was recommended that there should be retrenchment, and it was suggested that the scale of remuneration, which existed previous to 1796, was sufficient. The Governor would not hear of a retrenchment, which could only have the effect of placing respectable men in the situation of struggling against actual penury, with the gloomy prospect of starving in old age. A second representation was made by the Assembly, to the effect that confusion resulted from the manner in which the public accounts were kept. There was a want of detail which should be obviated. Sir Peregrine Maitland was quite indignant at this representation. He was answerable for the necessities of the public, and the House of Assembly approached him with the deliberate intention of misrepresenting his administration. Any information, solicited by the Assembly, to be afforded by him, as an act of courtesy, would have been most cheerfully afforded. He did not care for secrecy, and any information desired concerning the public accounts he would, at any time, on a proper application, afford. The House respectfully informed His Excellency that they had not the slightest intention of misrepresenting his administration, but merely ventured to suggest an improvement in the mode of keeping the accounts. So the matter ended. The parliamentary session was rather a protracted one. The Kingston Bank Bill had been a long time before the House, and almost at the close of the session some amendments were made to it. An Orange Society Bill was thrown out of the House, by the casting vote of the Speaker.

Mr. Gourlay, when in Upper Canada, in 1819, strongly recommended, in a letter to the *Niagara Spectator*, the advisability of constructing canals for the improvement of the navigation of the great lakes and the St. Lawrence. His views were most enlightened. He advised the construction of canals on a scale to admit vessels of 200 tons burthen, large enough to brave the ocean, and not inconveniently large for internal navigation. Should it be deemed advisable, says Mr. Gourlay, to have larger vessels in the trade, any additional expense should not for a moment be thought of as an objection. The Lachine Canal is to admit only of boats. This may suit the merchant of Montreal, but will not do for Upper Canada. Indeed I am doubtful if our great navigation should at all touch Montreal, and rather think it should be carried to the northward. As to the line within the province, my mind is made up, not only from inquiries commenced on my first arrival here, but from considerable personal inspection of the ground, as well between Lake Ontario and Lake Erie, as below. My opinion is that the navigation ought to be taken out of the river St. Lawrence, near the village of Johnstown, in Edwardsburgh, and let into the Ottawa, somewhere below the Hawkesbury Rapids; probably in that part of the river called the Lake of Two Mountains. By a bold cut, of a few miles, at the first mentioned place, the waters of the St. Lawrence might be conducted to a command of level, which would make the rest of the way practicable, with very ordinary exertion. The idea which has been started by some of raising the navigation by two stages, first into Lake St. Francis, and thence to the higher level, may do for boat navigation; but, for vessels of a large scale it is greatly objectionable. Any benefit to be gained from the lake considered as part of the canal already formed, would be quite

overbalanced by the want of a good towing path. A boat navigation may, I think, with benefit to the parts adjoining, be brought up so far as Milrush, through Lake St. Francis, and thence be taken into the line of the grand canal. The advantages to Upper Canada from a navigation on a large scale would be infinite. Only think of the difference of having goods brought here from England, in the same bottoms to which they were first committed, instead of being unshipped at Quebec, unboated and warehoused in Montreal, carted to the ditch canal, and there parcelled out, among petty craft for forwarding to Kingston. Then again at Kingston tumbled about for transport across Lake Ontario; and again, if Amherstburgh is the destination, a third time boated, unboated, and reshipped. Think of the difference in point of comfort and convenience to the merchants here. Think of the greater despatch. Think of the saving of trouble and risk. Think of being unburdened of immediate commissions and profits. Think of the closer connexion which it would form between this province and England. Think of the greater comfort it would afford to emigrants, and how much it would facilitate and encourage emigration. With navigation on a large scale, shipbuilding would become an object of great importance here, and new vessels might be ready loaded with produce to depart with the first opening in the spring. There are but few vessels trading from England to Quebec, which make two voyages in a season, and then it is with increase of risk that the second voyage is performed. Every vessel could leave England, proceed to the extremities of Lakes Michigan or Superior, and get back with ease in a season, or every vessel could leave Lakes Erie or Ontario in the spring, proceed to England, get back here, and again take home a second cargo of produce. In time of war what security would such a scale of navigation yield. It would put all competition on the lakes out of the question. Upper Canada would then possess a vast body of thorough bred seamen and ship carpenters, with abundance of vessels fit to mount guns, not only for their own individual defence, but to constitute a navy at a moment's notice. In a commercial competition too, the Great Western Canal of the States would be quite outrivalled by such a superior navigation. Upwards, except at the Falls of St. Mary, where a very short canal would give a free passage, navigation is clear for more than a thousand miles, and when population thickens on the wide-extended shores of the Upper Lakes, only think how the importance increases of having the transport of goods and produce uninterrupted by transhipment. Such was Mr. Gourlay's dream in the jail of Niagara. It is now reality. Ships of war, American and British, have passed from Lake Ontario down the St. Lawrence to the ocean, the ship *Eureka* embarked passengers for California, at Cleveland, in Ohio, and passed down the St. Lawrence to sea, safely reaching her destination on the Pacific, and sea-going vessels have been built in Kingston to ply between that port and Liverpool direct. Steamships pass up the St. Lawrence canals and down the St. Lawrence rapids. Canada is advancing with giant strides, small as her beginning was. It was in November, 1823, that George Keefer, J. Northrop, Thomas Merritt, William Chisholm, Joseph Smith, Paul Shipman, George Adams, John Decoes, and William Hamilton Merritt, advertised in the *Upper Canada Gazette* that, as freeholders of the district of Niagara, they intended to petition the legislature at the next session of parliament, to incorporate a company for the purpose of connecting the Lakes Erie and Ontario, by a canal capable of carrying boats of from twenty to forty tons burthen, by the following route:—To commence at Chippewa, ten miles above the mouth of that creek, on the farm of John Brown, from thence to the head of the middle branch of the twelve mile creek, at G. Vanderbarrack's, from thence to John Decoes, passing over to the west branch of the twelve mile creek, on the farm of Adam Brown, and continuing along the said stream to Lake Ontario. From the Chippewa to Grand River, either from the forks of the Chippewa, through the marsh, or from Oswego, whichever may prove most advantageous,—and for the erection of machinery for hydraulic purposes, on the entire route.

There was a beginning by men whose names are familiar to the Canadians. These were some of the pioneers of improvement, and some of them yet living have to combat the vulgar or interested reproach of being possessed with ideas of utopian schemes. But it is time to turn again to the baser things of Lower Canada. Lord Dalhousie, who had paid a visit to Nova Scotia, immediately after the prorogation of the parliament of Lower Canada, returned to Quebec in August. In October he established a new official Gazette. The commission of King's Printer given to Mr. Samuel Neilson, in 1812, was revoked, and Dr. John Charlton Fisher, who had been the editor of the *Albion*, published in New York, was commissioned as the printer in Canada, to the King's Most Excellent Majesty. Dr. Fisher was a man of gentlemanlike exterior, of good address, of superior educational acquirements, of fair mental capacity, and, in a word, a gentleman and a scholar. He was an Englishman, and passionately loyal. But he was no match in shrewdness for Mr. Neilson, who was now more bitterly opposed to the government than ever. Dr. Fisher was, however, beyond any

question, better suited for the management of a court journal than Mr. Neilson could have been. Mr. Neilson was a colonist and deeply imbued with that spirit of independence which is natural to the resident of a country far removed from the extremes of majesty and misery. Dr. Fisher had been the resident of a town in England, an officer of the English militia, and having had long to live on smiles, he smiled again to live. He was a courtier.

There was a considerable immigration both in 1822 and 1823. In 1822, 10,465 immigrants had arrived at Quebec. This year 10,188 immigrants had arrived. Nearly 60 families, consisting of 200 persons, the majority of whom were Quakers, had come from Bristol, in England to settle in Upper Canada.

The legislature of Lower Canada was again summoned to meet for the despatch of business, on the 25th of November. It was the last session of the parliament. Lord Dalhousie in opening the session apologised for the statements about financial difficulties, which he was obliged to make so frequently. He entreated the House to proceed with the public business harmoniously. He recommended the further consideration of the judicature bill, and his message of the 4th of February, calling attention to the expediency of enacting a law for the public registry of instruments conveying, changing, or affecting real property, with a view to give greater security to the possession and transfer of such property, and to commercial transactions in general, which had been overlooked in the previous session. And the Assembly proceeded to business. Thereupon Lord Dalhousie officially informed the House that he had suspended the Receiver General from the performance of the duties of his office. The Governor had directed his attention after the close of the previous session, to ascertain the state of the funds upon which large appropriations had been granted, and there appeared to be £96,000 in the hands of the Receiver General. But when His Excellency had called upon that officer to declare whether he was prepared to meet warrants to that amount, various accounts and statements shewing claims on the part of the province, on the imperial treasury, and the military chest, the payment of which into his hands would enable him to meet the demands of the government and, in time, to pay up the actual balance of his accounts with the public men, were submitted to him. He was not then prepared with the balance required to meet the warrants for the public salaries, and he requested that the warrants might not be issued until the 1st of July, when the revenue of the current year would place funds in the chest. Lord Dalhousie agreed to the Receiver General's request, concerning the time of issuing the warrants; but the question as to the repayment of the sums claimed by the Receiver General as due to the province, being one on which His Majesty's government alone could decide, Mr. Davidson was sent to England, on the part both of the government and of the Receiver General, with voluminous papers to be submitted to the Lords of the Treasury. When, however, Lord Dalhousie returned to Quebec from Nova Scotia, he was informed by the Receiver General that he was unable to meet any further warrants to be drawn upon him. Under such circumstances it only remained for the Governor-in-Chief to appoint a commission of two gentlemen to inspect and control the operations of the Receiver General; and he took upon himself the responsibility of granting loans from the military chest, to meet the urgent necessities of the civil government. But two days before the House had been assembled, no intimation having been received from the imperial authorities, that the claims advanced by the Receiver General, on the part of the province, would be admitted, he had been compelled to suspend the Receiver General until the pleasure of the king should be known with regard to him, or, at least, until arrangements should be made for replacing the deficient balance in the public chest. Mr. Caldwell was to be pitied, if not excused. His father, his predecessor in the Receiver Generalship, had left him a defalcation of £40,000 to be made good from a salary of £500 a year. Mr. Caldwell was compelled to engage in trade, and he did engage in trade successfully. He acquired large property. His estate at Lauzon was worth £1,500 a year, but then he bought his estate, to make good his father's deficiencies, by trading on the public monies, and he entailed the estate on his son, to prevent its falling into the hands of the province, with whose means he had improved it, previously to announcing that he was a defaulter towards the province to the extent of £96,117. This was not honorable and deserves neither pity nor excuse. The courts of law would not countenance the entail. The pretended entail was dismissed in the Canadian courts and dismissed in the courts of law in England. It was not to be supposed that Mr. Caldwell could keep an estate improved at the public expense, on the condition only of paying, during his life, £1,500 a year, out of it, to government. But Mr. Caldwell had a claim upon the province. He had paid out large sums of money, for which he was as much entitled to 3 per cent as was the Receiver General of Upper Canada. He and his father had received a million and a half, the per centage on which, at 3 per cent, was £45,471, which ought in equity to be allowed him. He would pay, moreover, £1,000

a year, in the event of his restoration to office, with a provision, by the legislature, suited to its responsibility. Now it does seem that if Mr. Caldwell was prepared to pay so many thousands a year, on certain conditions, there was no necessity for his default. The House would have nothing whatever to do with Mr. Caldwell. He was not their officer, and he was a defaulter. The imperial government were bound to make good the Receiver General's defalcation, and they would address His Majesty on the subject. They did so. It was alleged that Mr. Caldwell was an officer of the imperial government, over whom the provincial government had no control, and that he had lost to the province £96,117 13s. and one farthing, which it was right that the government of England should make good to the government of Canada. The Assembly proceeded to another matter. On the motion of Mr. Bourdages a committee was appointed to consider the propriety of erecting an equestrian statue "*in memoriam illustrissimi viri D. Georgii Prevost, Baroneti, Hujusce Provinciæ, Gubernatoris, Atque Copiarum Ducis Canadarum Servatoris*." The statue was never erected, the excuse being simply "no funds." The subject of tea smuggling was brought before the House. The revenue had been seriously affected by the illicit importation of Bohay, Souchong, and Oolong, from the United States. Canada was desirous of obtaining "Gunpowder" from other and more profitable sources, and addressed the king to know if tea could not be obtained direct, either by some arrangement with the East India Company, for an annual supply, or by granting to His Majesty's subjects the benefit of direct importation. The king's ministers advised the East India Company to have no more colonial tea difficulties, and tea sufficient for the consumption of the province of Canada was annually sent to Quebec, in the company's ships, until the company ceased to be concerned in the tea trade. Messrs. Neilson and Papineau had returned to Quebec from London, and had reported that the consideration of the union of the provinces would not be resumed without previous notice being given to the inhabitants of the province. The Canada Trade Act was discussed and defended by Mr. Papineau on the plea of necessity. The supplies were then considered, voted as before, *item* by *item*, and twenty-five per cent discounted on every salary, to make up for the Receiver General's defalcation. The Legislative Council rejected the supply bill as soon as it appeared in their chamber, and implored His Majesty to consider the state of the province, out of tenderness to his loyal subjects in Lower Canada, and to grant a remedy for the withholding of the supplies. But there was a subject of somewhat greater importance brought to the attention of the parliament in a message to Congress by the President of the United States. The American government claimed the right of freely navigating the St. Lawrence from their territories, in the west, to the sea. It certainly was a pity that the right was not conceded. The whole province of Canada would have gained by the increase of shipping to its waters. The Council were, however, much alarmed and addressed the Governor, deprecating such a concession, as contrary to the law of nations, in similar cases; dangerously calculated to affect the dependence of the colony, on the parent state; as having a tendency to systematize smuggling and as pernicious to British interests, in a variety of ways. They had further learned that Barnharts' Island, in the St. Lawrence, situated above Cornwall, in the Upper Province, was to be conceded to the Americans. They were apprehensive that the navigation of the St. Lawrence, between Upper and Lower Canada, was to be impeded or placed at the mercy of the States, and they suggested a reciprocal right of navigation, during peace, of the several channels of the St. Lawrence, south of the forty-fifth degree of north latitude, although they had prayed the king not to grant the reciprocal right of navigation in the St. Lawrence, north of that latitude, in time of peace. The Assembly paid no attention to the matter.

The Lower House, however, was beginning to be, on the whole, somewhat factiously disposed. For the most part, the positions assumed by the Commons of Canada, were correct positions, but they were not incapable of doing mischievously silly things. Indeed, while jealous to an extreme, of power in others, they claimed extraordinary powers, rights, and privileges for themselves. They would not have their proceedings commented upon either by the Governor, the Legislative Council, or the press. The slightest attempt to curb them was a breach of privilege, a simple remonstrance was something malicious, false, or libellous. They were occasionally pettish. A war losses Act had been passed in Upper Canada. The brunt of the war of 1812, had fallen upon the inhabitants of the Upper Province. There, whole villages, had been burned, by the enemy, and grain fields laid waste. It was only right to indemnify the sufferers. Upper Canada was, however, totally destitute of means. The cost of her civil government had been altogether defrayed out of the imperial treasury, until very recently. She only received, for all purposes, a fifth of the duties on imports collected at Quebec. To enable the government of Upper Canada to carry out the objects sought to be attained by the passage of the

War Losses Act, the British government had consented to a loan of £100,000, the interest on one half of which the British government guaranteed. The other half, £2,500, was to be provided for by Upper Canada. How to manage it was the difficulty. Already the government had been compelled to resort to the miserable stratagem of heavily taxing traders, so that any dumb inhabitant of the province, and every implement of trade appeared to be the absolute property of the government, distributed among the people for a consideration. Neither a man's ox nor ass was his own. He paid to government a consideration, not for the land on which the cattle grazed, nor on the profits which they yielded, but for using them. It was a similar kind of stupidity to that which in Scotland and England refused to permit a man to make a pair of trowsers, sole a boot, or set up types, however capable he might have been, unless he had served an apprenticeship to the craft of seven years. It was not considered that while the horses of a pleasure carriage would be a proper source of revenue to a government, a carter's horse is not a proper subject for taxation. It was not considered that the laborer should give of the fruits of his labor an offering to the State which countenances and protects him, while labor is not to be prevented by taxation. It was not considered that while manufactured goods are properly dutiable, it is unwise to tax the raw material. An occupation ought not to be taxed. It is a wrong policy to tax an auctioneer, a pedlar, a carter, a merchant, a tavern keeper, or an editor, because of his occupation; but the stuffs which are traded in may very properly be taxed. Yet occupations were taxed in Upper Canada, and, of course, rather to the disadvantage than advantage of the province. It would not do to increase the taxation on inn keepers, pedlars, hawkers, boatmen, and on public carriages on land or water. The only way in which money could be raised was by the imposition of higher duties on imported goods, and the Upper Canada Assembly therefore requested the Assembly of Lower Canada to impose new duties on imports sufficient to make up the annual interest on the war losses loan, required from Upper Canada. But the Lower Canadian Assembly would not impose new taxes upon imports for any such purpose. They sympathised with the sufferers, but as all the disposable resources of both provinces had been employed in resisting the unjust charges of the war, it was not now expedient to increase the taxation on imported goods, such as wines, refined sugar, muscovado sugar, or by so much per cent, according to value, on merchandise. The Assembly of Lower Canada would not do anything in furtherance of the views of those who had made such representations to England as had led to the "Canada Trade Act." They did not of course say so. They, however, immediately afterwards, passed a vote of thanks to Sir James Mackintosh and some other members of the House of Commons, who had succeeded in persuading His Majesty's ministers to relinquish their support of a bill introduced into the imperial parliament in 1822, with the view of altering the established constitution of Canada, and the remains of which bill was the "Canada Trade Act." Upper Canada had another way to obtain money from Lower Canada. The Upper had a claim upon the Lower province. There were arrears of drawbacks due by Lower Canada upon importations into Upper Canada during the war, of which no exact entries had been made at the Custom House. The "Canada Trade Act" had provided that the amount due was to be decided by arbitration, and arbitrators appointed, in 1823, had awarded to Upper Canada £12,220. Upper Canada applied to Lord Dalhousie for the money, but his lordship was so embarrassed with financial difficulties that he was compelled to refer the matter to the Assembly. The Assembly would not pay the same sum twice. The Governor had used the money in paying the public officers of Lower Canada, inasmuch as the award had been made in 1823, and from the time of the award the amount due to Upper Canada was not at the disposal either of the government or of the Assembly, but should have been paid to Upper Canada. The Governor had virtually suspended the execution of the Canada Trade Act and had, in consequence, exposed Lower Canada to the misfortune of a renewal of the difficulties with Upper Canada. Lord Dalhousie was pestered with considerable ingenuity. The Assembly of Lower Canada were rapidly becoming conservative or non-progressive. They reported against any attempt being made to abolish the seigniorial tenure, or change any of the institutions of the country, the continuance of which was granted by the capitulations of the colony. They were liberal enough in matters which did not peculiarly interest the French-Canadian population. The Church of Scotland, in Canada, having applied for a proportion of the lands reserved for the clergy of the protestant churches, which had hitherto been exclusively claimed by the clergy of the Church of England, in Canada, the Assembly at once consented and addressed the king on the subject. They were strongly of opinion that even protestant dissenters, from the Churches of England and Scotland had an equitable claim, if not an equal right to enjoy the advantages and revenues to arise from the reserves in proportion to their numbers and their usefulness. The Church of England, in Canada was wroth. It was a pretty thing, indeed, for a Roman Catholic House of Assembly, to presume to represent to the King of

Great Britain, and the head of their church, that the word "Protestant" was not exclusively the property of the Church of England. It was high time to close the session, and accordingly, the Governor-in-Chief went down to the Council Chamber, on the 9th of March. He was not pleased. He said, in his prorogation speech, that he did not think the session would prove of much advantage to the public. He would most respectfully tell both Houses his sentiments upon the general result of their proceedings. A claim had been made to an unlimited right, in one branch of the legislature, to appropriate the whole revenue of the province according to its pleasure. Even that portion of the revenue raised by the authority of the imperial parliament and directed by an Act of that parliament to be applied to the payment of the expenses of the administration of justice, and of the civil government of the province, the Assembly claimed the control of. By the other two branches of the legislature that claim had been denied, but it had, nevertheless, been persisted in by the Assembly, and recourse had been had to the unusual course of withholding the supplies, except on conditions, which would amount to an acknowledgment of its constitutional validity. The stoppage of the supplies had caused incalculable mischief to the province; but the country was, nevertheless, powerfully advancing in improvement. The people, generally, were contented. He had hitherto averted the unhappy consequences of the stoppage of the supplies, by taking upon himself certain responsibilities, but as his advice with regard to the payment of the civil list, had been, even yet, unavailing, he would in future guide the measures of the government by the strict letter of the law. He thanked the Council for the calm, firm, and dignified character of their deliberations. And he fervently prayed that the wisdom of the proceedings of the Legislative Council would make a just impression upon the loyal inhabitants of the province and lead them to that temperate and conciliating disposition which is always best calculated to give energy to public spirit, to promote public harmony, and ensure public happiness, the great advantages which resulted from a wise exercise of the powers and privileges of parliament. The Governor-in-Chief of Lower Canada was on his knees fervently praying for that which was not very likely to happen. Energy or public spirit does not ordinarily spring from the temperate and conciliatory tone of such inhabitants of a province as Lord Dalhousie would have considered loyal.

It is desirable to know what Sir Peregrine Maitland was about in Upper Canada. He had made a speech to parliament which he considered to be his last. It was little wonder—Sir Peregrine Maitland was intolerably tyrannical. He had gagged Mr. Gourlay. He had destroyed conventions. He had suppressed public meetings. And he had been censured for it by Sir George Murray. In 1822 the Honorable Barnabas Bidwell was returned to the Upper Canada Assembly as a reformer. Mr. Bidwell was a man of very considerable ability. He was eloquent, and his ideas of civil and religious liberty were liberal. Born a British subject, during the period of the revolution, but too young to take a part in it, he remained in the United States, after the declaration of independence. It was not long before he attained an elevated station in Congress. His talents, however, coupled with his independence of spirit and love of truth made him enemies. A hostility so vindictive was raised against him by his political enemies, that he removed to Upper Canada, in disgust, there only to meet with similar treatment, the result of similar causes. No sooner did the people of Upper Canada begin to show an appreciation of his talents, than the Upper Canadian oligarchy saw in him a formidable rival to be got rid of by any means. A special Act was passed to incapacitate Mr. Bidwell from holding a seat in the Assembly. He was to be considered an alien and to be treated as an alien as the Act directed. Mr. Barnabas Bidwell was expelled. The spirit of opposition to a bad government was not, however, lessened by such a course of action. New champions of the people's privileges arose. Colonial red-tapism and colonial empiric aristocracy could with difficulty sustain itself. Mr. Bidwell's son was brought to the hustings by the supporters of his father. He was not, without difficulty to obtain a seat. At the first election, the returning officer, one of the original Timothy Brodeurs, contrived to give his adversary a majority. A protest was entered, however, and after distinguishing himself in an able defence of his rights at the Bar of the House, the return was set aside.[35] Another election ensued, and the returning officer refused to receive any votes for Mr. Bidwell, on the ground of his being an alien. The return was again protested against, and the election again set aside. At last a fair election was allowed, when Mr. Bidwell, junior, was triumphantly returned to parliament. In 1824, many other reform members were elected to parliament, and on several questions, there was a decided majority against the faction. A new expedient was hit upon to get rid of these intruders. An "Alien Bill," to make aliens of those who had taken advantage of the various proclamations to United Empire loyalists to enter and settle in the province was attempted to be carried. Sir Peregrine Maitland and his advisers were not content with interdicting liberty of speech and liberty of action. They

attempted to seize the property and very means of those to whom the faith of the government was pledged for protection. They attempted to sweep out of the country those who had received their titles to lands, thirty years back, and had, for that length of time occupied their farms. And they, consequently, attempted to alienate, and so get rid of men who had enjoyed, for a great length of time, the full privileges of British subjects, and who were British subjects in sympathy and in reality as in law. Indeed it was only by the united exertions of the people that the calamity was turned aside. The concoctors of the scheme took nothing by their motion. Had they succeeded, the advantage would only have been temporary, and the reaction more terrible than it was. Having failed in a design, which the word iniquitous is scarcely sufficient to characterise, the House of Assembly decidedly assumed a progressive or reform character. It was while this silly, as well as unjust measure was being attempted to be carried that an attack of a novel kind was made upon Mr. William Lyon Mackenzie. Mr. Mackenzie had some years previously emigrated to Toronto, from Dundee, in Scotland, where he had been engaged in business, as a merchant's clerk. An excellent accountant, he was probably instrumental in causing it to be pointed out to Sir Peregrine Maitland that the public accounts of Upper Canada were not properly kept. He would have had at any rate no hesitation in doing so. Very small in stature, he had a large head, ornamented with a moderately sized and sparkling light blue eye, and with a nose peculiarly short, and in comparison with his other features, altogether ridiculously small. His nose was in wonderful contrast with a massive forehead and well-shaped mouth, which even when his tongue stood still, rare as that occurrence was, ever moved. He was peculiarly thin-skinned. The blue veins of his fair face made him seem to have been tatooed. Mr. Mackenzie was then astonishingly active, persevering, and intelligent, as he still is. A more able or a more indefatigable exposer of colonial abuses could not have appeared at a more fitting time. He was undoubtedly the right man in the right place. He had engaged in business, and prospered, in York. He was, at this period, the proprietor of a periodical called the *Colonial Advocate*, wherein the corruptionists of the period were unmasked with very little ceremony or consideration. The "corruptionists," very naturally, desired to put him down. It was a matter, however, daily becoming more difficult to put a man in prison and toss him out of the country on the plea that he entertained opinions which he might give expression to, and revolutionize the country. It was suspected, indeed, by the magnates, that the state of feeling in the country was such that prosecutions could not be maintained against Mr. Mackenzie. It was even believed that they would increase his popularity. Mr. Mackenzie travelled often to pick up information. He went about not so much to create a public opinion as to ascertain it. He was at Niagara with this view when a mob of "gentlemen" stormed his printing office in York. Like all other assaults of the kind, it was, of course, a night attack, and being well managed was quite successful! It was not. In the broad light of day, the press was captured and destroyed, and the type of the *Colonial Advocate* seized and thrown into Lake Ontario. Nor was this all. Mr. Mackenzie's family and his infirm old mother received the most brutal treatment.[36] The authorities took very little notice of the occurrence. But Mr. Mackenzie appealed to a jury, who, "to the no small discomfiture of the tories, from Sir Peregrine Maitland, down to the lowest menial employed in the political shambles," gave exemplary damages. This had some effect, but not the weight which punishment for the crime would have produced. The risk of having to pay for damages would certainly not have prevented similar violence. The employees or relatives of the Executive Councillors, the Judges, the Attornies, and Solicitors General, and of such distinguished families at home would have continued to destroy presses to this day, gaining more by the suppression of truth and the prevention of free discussion, than they lost in damages, had not an obstacle stood in their way, which it was dangerous to encounter. The liberal press took up a bold position. The speeches in the Assembly, by the leading independents, told upon the country. A spirit of retributive justice had been stirred up, which awed and intimidated the ruling compact. Open violence could not again be resorted to. The subtleties of the law were, however, brought into requisition. Under a show of justice and a pretended bridling of licentiousness, the press might be muzzled or compelled to play one monotonous hymn of praise to the powers above. The libel laws were sufficiently odious to accomplish anything. Mr. Mackenzie was prosecuted for libel. Prosecution followed prosecution, and where truth constitutes a libel, it is surprising how he escaped. The juries would not convict. The eyes of the whole country had been opened, and the conspiracies against the public liberties were observable. Besides, Mr. Mackenzie defended himself, and gave his persecutors nothing to boast of in the rencontres. He never failed to improve these occasions. He entered into every swindling transaction with greater severity than he could have done in his newspaper. Mackenzie always succeeded in an appeal to the people. There were others of his class not so fortunate. A gentleman named Francis Collins, lately arrived in the country, from

Ireland, with a small competency, established a newspaper which he called *The Canadian Freeman*. Mr. Collins commented on the ruinous policy of the administration. But he did it too fervently for the tories. Sir Peregrine Maitland, the Governor, ordered him to be prosecuted, and upon what grounds may be gained from the fact of the trial being put off, and the proceedings afterwards discontinued. The end was answered. Smarting under a sense of ill-usage, he became more severe upon the government, and perhaps did ascribe to them more than was true. He was prosecuted by Mr. Attorney General Robinson, a wonderfully able man then, and now Sir John Beverly Robinson, and Chief Justice in Canada West, and with the aid of Messrs. Justices Hagerman and Sherwood, a verdict of guilty was brought in against him. According to a "resolution" of the House of Assembly an "oppressive and unwarrantable sentence" was passed upon him. Whether or no, he was thrust into prison. The House of Assembly applied to the Governor for his release in vain. It was not until the king came to hear of his situation that he was released, with a broken constitution, which brought him to the grave in the flower of his manhood. It was so that Sir Peregrine Maitland and the clique who surrounded him persecuted the press, with the view of concealing from England the true state of public opinion, in the colony. Men submit to terrible injustice before they rebel. An able despot might so manage as to inflict almost unheard of cruelties upon individuals without driving a population to arms. Men with wives and families and properties, however inconsiderable in value such properties may be, are unwilling to risk their all, at the tap of the drum, until wrought up to it by desperation. There is a feeling of respect for authority, a regard for that which is believed to be law, a peculiar sense of duty towards the State in most men, which prevents them from assuming a position even of firmness in the assertion of their rights. In a colony there are thousands who bring with them recollections of home and of home institutions, and who cannot be brought to believe that an English gentleman will pursue a course of policy, as the governor of a colony, which the Queen of England has too much good sense to assume, even if she could do it, in the United Kingdom. Indeed, if a glance is taken behind the curtain, English statesmen will be noticed to have been liberal and well inclined towards the colonists, and have only erred when purposely misled by those whom they had appointed to places of which it was and is a serious mistake for any ministry to have the patronage. Sir Peregrine Maitland did not confine his persecuting operations to gentlemen who gathered statistics, or printed newspapers, and wrote political articles, commenting on an administration for which he only was responsible to the Secretary of State for the colonies. He was not satisfied with having seen a printing press destroyed and the types of a newspaper office sunk in Ontario, but must needs throw a building belonging to a private gentleman over the Falls of Niagara. He was recalled because, in the supposition that the law was too slow for redress, and impatient of contradiction, as some military men are, he caused an armed force to trespass on the property of a gentleman named Forsyth, on the plea that his land belonged to the Crown. The property was situated at the Falls of Niagara. A building stood upon a part of the land claimed for the Crown by Sir Peregrine. The soldiery tumbled the building over the precipice, and the land was free of all incumbrances. The House of Assembly interfered in this matter too. They attempted to obtain the evidence of the officers engaged in the business, but the government would not permit them to testify, the consequence of which was that the Assembly imprisoned them for contempt. So far was their reluctance to give evidence carried, that the Serjeant-at-Arms was compelled to enter by force the house in which they had barricaded themselves. The king was made aware of the whole proceedings, Mr. Forsyth's claim for redress acknowledged, and Sir Peregrine Maitland recalled. It was not too soon. Before this, His Excellency managed to juggle Mr. Robert Randall, the agent of the people to England, against the alien bill, and who was, therefore, one of the proscribed, out of his ample estates on the Niagara frontier, and out of his valuable mill privileges on the Ottawa, by the formality of law, so that he was left bankrupt and penniless, and died in sorrow. Indeed anything in the semblance of a liberal was in those days proscribed in a country possessed of the image and transcript of the British constitution. A peninsular officer, Captain Matthew, a member of the Assembly, who would not receive "new light" at command was set upon by spies. The object was the contemptible one of robbing him of his half-pay. A spy declared that he had once heard him call for "Yankee Doodle," at a play in the metropolis. It was a grievous offence, certainly, even had it been true. But it was enough to deprive a man who had served his country in battle of his half-pay. Indeed, he only could get it back again on condition of repairing to England. He went there to seek redress and died. There were yet other sufferers. Mr. Justice Willis had been elevated from the English bar to the Bench of Upper Canada. There were but three Judges of the King's Bench, in the country, the Chief Justice Campbell and two Puisne Judges. The Chief Justice went to England in search of a knighthood. Mr. Willis was not in favor at Court. He had studiously

abstained from mixing himself up with politics. He had indeed refused to be an obsequious Jefferies, and was looked upon, therefore, as opposed to the administration. When term time came, the Chief Justice being in England, Mr. Willis refused to go on with the business of the Court, because there was no one to decide in case of a difference of opinion between him and his brother Justice. It was enough. Sir Peregrine Maitland dismissed him, and appointed Mr. Hagerman, *pro tempore*, in his stead. The newly appointed Judge must have been surprised at his elevation. He was at the very moment of his appointment discharging the onerous and important duties of an officer of the Customs at Kingston. Mr. Willis appealed to the English government and was sustained in the position which he had assumed, but instead of being reinstated in Canada, another office was provided for him in Demerara. The Chief Justice shortly afterwards returned from England as Sir William Campbell, and resigned to make way for the election of Mr. Attorney General Robinson. Hagerman was succeeded by Mr. M'Aulay, a barrister of six years standing, and very cheerfully accepted the humbler office of Solicitor General. Again the House of Assembly interfered with Sir Peregrine Maitland. They represented that Willis had been grossly ill-used, and explained the cause. It was without effect. The beauties of colonial irresponsible government were as discernible in Upper Canada, where there were no seditious, English-hating, Frenchmen, as in Lower Canada. A private gentleman, two editors of newspapers, a member of parliament, a captain in the army, and a judge had experienced some of the benefits derivable from a constitution, the very transcript and image of that of Great Britain, managed by a General of Division and a clique of placemen. The clique were, on the whole, men of genteel education and refined tastes. They formed an exclusive circle of associates. Officers of the army, on full pay, were admitted to the society of their wives and daughters, and no one else but one of themselves, and indeed the gentry of the country consisted of the Governor, the Bishop, a Chief Justice, the Clerk of the Executive Council, a few of the leading merchants, who were members of the Legislative Council, or who were the descendants of an Executive Councillor, or of an Aid-de-Camp, the Colonels of Engineers and Artillery, with such of the other officers of these corps who cared for the society of an honorable possessor of waste lands or Timber Broker, and the officers of the regiments of the line. In the principal towns the clergy of the Church of Scotland were sometimes looked upon as gentlemen. Elsewhere, in common with the clergy of dissenting congregations, they were only on a footing with those many respectable people who cultivated farms, kept shops, or owned steamboats. The banker had not even yet reached that scale of importance which would have entitled him to be considered one of the gentry. Among Governors, Bishops, Chief Justices, Clerks of Council, and officers of the army, it would have been wonderful had there not been men of literary tastes. These tastes did prevail and required gratification. In Lower Canada, it was suggested to Lord Dalhousie that it would do him honor were he to be the founder of a Literary and Historical Society. Lord Dalhousie—who was a really excellent man—although a blundering governor in Lower Canada, where he had such men as Neilson, Stuart, Papineau and even the supple Vallières to thwart him—and anxious to benefit the colony as much as he could at once took the hint. He founded it in Quebec, and became its patron. It was founded for the purpose of investigating points of history, immediately connected with the Canadas; to discover and rescue from the unsparing hand of time the records which remained of the earliest history of New France; to preserve such documents as might be found amid the dust of unexplored depositories, and which might prove important to general history and to the particular history of the province. The Society has not been unproductive of good. Indeed it acquired at one time even a distant reputation. There have been both able and educated men connected with it. The Reverend Daniel Wilkie, LL.D., one of the most eminent teachers of youth, which the country has yet known, a man of great learning, and capable of profound thought, contributed many valuable papers to it. The Honorable Andrew William Cochran, an accomplished scholar, was its President. The Skeys, the Badgleys, the Fishers, the Sewells, the Vallières, the Stuarts, the Blacks, the Sheppards, the Morrins, the Doluglasses, the Reverend Dr. Cook, the Bishops Mountain, the Greens, the Faribaults, and indeed all the men of learning and note in the country were associated with it. But it is decaying. The men, a greater part of whom were, in a political sense, injurious to the country, who were capable of holding up such a society, are being supplanted by more practicable men of inferior literary acquirements, such as the Camerons, the Richards, the Smiths, or the Browns. The literature of the country is increasing in quantity and diminishing in quality, and so it will continue to do until the wealth of the country becomes more considerable. The means for the obtainment of a simply classical education are now at the very door. There are universities in Quebec, Montreal, Kingston, and Toronto, but there are yet only a very few men with time sufficient at their disposal, even in winter, to become Icelandically learned. The society should, however, be

maintained, and it would reflect credit on any government to vote it a yearly grant of at least £300. Lord Dalhousie was a benevolent and personally upright man. Among other good things which he did, unconnected with politics, was the gift from the Jesuits' Estates Fund of £300, and a large donation out of his privy purse to assist in the enlargement of St. Andrew's Church; which at an expense of £2,300 was completed in 1824. As a gentleman, no man could have been more respected than the Earl of Dalhousie was. There was nothing despicably mean about him. He was liable to be deceived by others. He never intentionally deceived himself or others. He did not like the French. He did not like diplomacy. The trickeries of the hustings were distasteful to him. He rejoiced in being a good soldier and an honest man, and he would have been glad had all the world been as he was. He should not, however, have been the Governor of Canada, or the Governor of any colony with a constitution, which could only be successfully worked by the most skilful manœuvring and adroit trickery. His Lordship sailed for England on the 6th of June, 1824, and the government of Lower Canada devolved on the Lieutenant-Governor, Sir Francis Nathaniel Burton.

END OF THE FIRST VOLUME.

Footnotes

1
The title of Henepin's book is "Nouveau Voyage d'un païs plus grand que l'Europe, avec les réflections des enterprises du Sieur de la Salle, sur les Mines de Ste. Barbe, &c., * * * et des avantages qu'on peut retirer du chemin racourci de la Chine et du Japon, par le moyen de tant de vastes contrées et de nouvelles colonies," (published at Utrecht in 1698.)

In the commissions granted to Champlain, on the 15th October, 1612, and 15th February, 1625, the same objects are adverted to:--*pour essayer de trouver le chemin faite pour aller par de dans le dit pays au pays de la Chine et Indes Orientales*."

2
The able American Historian, Jared Sparks, in a letter to a friend at Quebec, speaking of the early missions in Canada, says;--"For heroic struggles and great sacrifices, the world affords few examples to be compared with those of the early Missionaries in Canada."

3
Now called Pittsburg, and the chief manufacturing town in the United States.

4
In 1771, however, 471,000 bushels of wheat were exported from Canada, of which two-thirds, it was computed, were made in the Sorel District. *See the Journal of Charles Carroll, of Carollton, page 77.*

5
People are sometimes in the habit of making light of a tempest in a tea pot. This tea tempest was no laughing matter.

6
See the Journal of Charles Carroll, of Carollton, published by the Maryland Historical Society,

Baltimore--page 6.

7
U.S. Catholic Magazine, vol. 4, p. 251, and Brent's Biography of Archbishop Carroll, p. 69.

8
It is not a little odd, that Franklin should have been a member of this Committee, seeing that he was the very man who urged upon the British Minister, in 1759, the expediency of reducing Canada, as the most serious blow which could be inflicted on French power in America.

9
Carroll's visit to Canada, p. 27.

10
Then called Newark.

11
See Duke de la Rochefoucault's Liancourt's travels through North America.

12
Sir James' letter to Lord Liverpool.

13
Sir James' letter to Lord Liverpool, accompanied by the explanatory Mr. Ryland.

14
Christie's History of Lower Canada, vol. 1, page 347.

15
Sir James did reach England, but died shortly afterwards. He expired in January 1812, aged 62.

16
Allison, page 656.

17
Alison's History of Europe, page 662, vol. 10.

18
Alison says under the command of General Wadsworth, but Christie speaks of Brigadier-General Van Rensellaer, while the American accounts speak of Colonel Solomon Van Rensellaer. In this case Mr. Christie and the Americans are to be preferred to Alison.

19
Captain Carden's despatch to Mr. Croker.

20
Alison mixes up Colonel McDonell's capture of Ogdensburgh, which is below Kingston, and opposite Prescott, the scene of the Wind Mill fight in '37.

21
The fleet consisted of the *Wolfe* 23; the *Royal George* 22; the *Melville* 14; the *Earl Moira* 14; the *Sir Sydney Smith* 12; and the *Beresford* 12.

22
A rather interesting anecdote is told of Captain Fawcett. About the end of the war he had been wounded in

the heel, and was staying, in 1815, at Mrs. Matthew's boarding house, in Montreal. At the table d'hôte there was a raw-boned young English merchant, who remarked that Fawcett, to have been wounded in the heel, must have been running away. Fawcett's Irish blood rose to his forehead, and on the spur of the moment he felled the thoughtless Englishman with his crutch.

23
So say the Americans. Mr. Alison says three weeks.

24
Taken verbatim from Alison. The *Wasp*, whose Captain, Blakeley, was an Irishman, was lost in the same year, during a cruise, and no trace of her gallant captain or crew was ever obtained.

25
Alison's History of Europe.

26
This was the father of the celebrated Felicia Hemans.

27
It is here worthy of note that the late Lord Raglan, then Fitzroy Somerset--sometime between the abdication of Napoleon and Waterloo, and before his lordship had lost his arm--was in Quebec, having been sent to Canada, it was supposed, privately to ascertain how matters were, and especially as a spy upon Sir George Prevost, against whom many complaints had been made by the *reigning* officials.

A lady, still living, well remembers the late Commander-in-Chief, of the British army in the Crimea, being in Quebec. She saw him in Mountain street, and the object of his visit was no secret.

28
True, and which an elective government will altogether remove, to the great advantage and enduring honor of Great Britain.

29
Christie's History, page 290.

30
Gourlay's Canada, page 523. vol. 1.

31
Gourlay, page 512, vol. 2.

32
Gourlay, page 316, vol. 2.

33
It is not a little curious that the judge in summing up the evidence in this case speaks of Upper Canada being an island.

34
To-day an agitation has begun for a repeal of the present Act of Union.

35
Well's Canadiana, page 162.

36
Well's Canadiana, page 164.

[End of *The rise of Canada, from barbarism to wealth and civilisation.* by Charles Roger]