

FIRST PRIZE

The Royal Empire Society Essay Competition.

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The Work of The First Lord Durham in British North America and Its Importance For The Empire as a Whole.

By the Peace of Paris, signed in 1763, France recognized the conquest of Canada by Britain. The country was placed under military rule until 1766 when Sir Guy Carleton, a brilliant administrator, became Governor-General of Canada. His recommendation to the Home Government led to the passing of The Quebec Act in 1774 which stated that it was unwise to have a representative government as the population was politically uneducated, but that the Governor should rule with a nominated council.

At the close of the American War of Independence in 1765 there was a great exodus of loyalists to the North, and to the West of Montreal there grew up the new British Colony of Upper Canada.

Carleton was immediately faced with a demand for representative government and his reports led to the Canada Constitutional Act of 1791. This Act divided Canada into two Provinces, Upper and Lower Canada - Upper Canada for the

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loyalists and lower Canada for the French Canadians. Both Provinces were to have a legislative Council nominated for life by the Crown, and an Assembly elected by the land-owners. Each Province had a lieutenant-Governor and a Governor-in-Chief presided over the two.

In lower Canada there were still causes for discontent. The nominated executive Council and the legislative Assembly were composed entirely of Englishmen who had migrated to lower Canada because it was the centre of British North American commerce. This state of affairs was entirely disagreeable to the Roman Catholic French-Canadians. The French and English refused to co-operate in the Assembly and the peasants elected agitators into the House.

In Upper Canada there was less reason for discontent. One of the chief causes of unrest was the unequal disposal of public lands and positions. A big percentage of land belonged to a group of Empire loyalists known as "The Family Compact" who, being the first to settle in Upper Canada, had occupied large tracts of land which they were not entitled to. Moreover the overbearing irresponsibility of the nominated councils was another source of annoyance.

In 1812 the Americans invaded Canada but were driven back by General Brock.

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During the next twenty two years there were further discontents between Upper and lower Canada over collection of Customs Duties since the bulk of the trade of Upper Canada had to pass through lower Canada. In lower Canada racial animosity still existed. In both Provinces, however, the main cause of discontent was the lack of responsible government which soon came to light when in lower Canada the Assembly under Papineau refused to vote sufficient salaries for public servants and the Home Government had to supply the deficiencies, so in 1831 an Act was passed which gave the Canadian Assemblies control of certain crown revenues. In 1834 the Quebec Assembly demanded the control of finance by the Assembly, an elective legislative council and executive council to be partly nominated by the Assembly, alterations in the system of land-tenure and the prohibition of British immigrants.

In Upper Canada the Church of England and Presbyterians held most of the church lands and the non-conformists were placed in an inferior position. Land had been granted to discharged soldiers who made no attempt to develop them.

There followed a series of rebellions which were instrumental in Lord Durham being sent to Canada.

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Lyon Mackenzie, a Liberal leader, began an attack on "The Family Compact" and was expelled four times from the Assembly. When the Liberal Party were in the majority, Sir Francis Bond Head, who was a strong patriot of "The Family Compact," dissolved parliament.

In 1837 rebellions broke out in both Upper and Lower Canada but they were not serious. Mackenzie, with a half-armed mob, attempted to take Toronto but was unsuccessful. In Lower Canada a brief resistance was made by Dr. Wolfred Nelson. The rebellion only lasted a month but it had the most important political consequences, not only for Canada, but for the whole future of the British Empire.

The Home Government realized that the existing constitution had to be rectified and so in 1838 Lord Durham was appointed High Commissioner. He was given "a general superintendence over all British North America" and he was to consider any proposals which he might think 'conducive to the permanent establishment of an improved system of government in Her Majesty's North American possessions.' It was true that Lord Durham went to Canada with a preconceived idea of the future government, and that before he left England, he had drawn up the

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outline of a federal plan, believing that under a monarchy such a federation would gradually change into a complete legislative union of all the provinces. After he had studied the difficulties in British North America he had to alter his plans and abandon his former idea of a federation changing to a close union.

Holland, Rose, "Durham's happy combination of sound doctrine
Newton, Benjamen. and personal authority, made his arrival at Quebec in 1838 an epoch in Canadian History." He was aware of the necessity of promptitude in his decision on the most important of these questions committed to him and from the beginning he went about the difficult task with great energy. He saw that the disorder in lower Canada admitted no delay; the existing government was but a temporary and forcible subjugation. The quarrel had been between the executive government and the popular branch of the legislature. The latter body had been contending for popular rights and free government, and the executive had been defending the prerogative of the Crown. This constitution was one of which neither party would tolerate the re-establishment, and of which the bad working had been such that no friend to liberty or to order could desire to see the Province again subjected to its influence.

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The Earl of
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Durham had expected to find a contest between a government and a people but he found "two nations warring in the bosom of a single state; I found a struggle, not of principles, but of races" and clearly understood that before anything else was done the racial antagonism in lower Canada had to be terminated. He had never before realized the intense hatred which difference in language, laws and manners, could create between those inhabiting the same small village. It appeared the French were a democratic party contending for reform, while the British were a Conservative minority protecting the Supreme authority of the Empire. There was no common education to remove or soften the differences of origin and language, and no social intercourse of after-life, inter-marriage was rare and there was a marked division in society. The superior political and practical intelligence of the English could not be disputed although greater refinement was found among the French. There was little justice in the law courts and it was very expensive.

There was little or no chance of eradicating this racial animosity during the present generation and the British Government, after dividing Canada, should not have encouraged the

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emigration of English into the Province which had been set aside for the French. Moreover the French took a long time to understand the system of Representative government and when they did understand it they realized how very limited the powers of Assembly were. In Lower Canada there was never an institution in which the French were brought together for administrative purposes. There was very little direct taxation in Lower Canada and if there had been the French-Canadians would probably have been a much wealthier, better governed, civilized and contented people.

In Upper Canada matters were far less serious. Racial conflict, which complicated matters in Lower Canada, did not exist. The population of Upper Canada envied the material prosperity of the United States under a free and eminently responsible government; they despaired^{of} obtaining such benefits under their constitution and considered joining with the United States or even adopting a Republican institution.

Durham however, added, that such feelings had not made irreparable progress and the people had confidence in his mission and believed that when the case was put fairly before the home government, the desired changes would be granted.

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It was Durham's opinion that a wise and firm policy on the part of the Imperial government would make a foundation of a safe, honourable and enduring connection. "It is not politic to waste and cramp their resources and allow the backwardness of the British Provinces to present a melancholy contrast to the progress and prosperity of the United States."

Lord Durham made it clear to the home government that both the people and capital seemed to be leaving the distracted provinces. The young men migrated to the northern states of the American Union where they were highly valued as labourers and gained good wages. It seemed more probable that there would soon be no population left, rather than that rebellion would break out and a Republican government be adopted. The administration during Lord Durham's period of governorship did, however, turn the tide of feeling in favour of the British Government. In his Report

Earl of Durham.

Lord Durham said "the secure bond of connection to be found in the beneficial operation of those British institutions which link the utmost development of freedom and civilisation with the staple authority of an hereditary monarchy, and which, if rightly

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organised and fairly administered in the Colonies, as in Great Britain, would render a change of institutions only an additional evil to the loss of protection and commerce of the British Empire." This scheme would naturally be an expensive one, but, Lord Durham's argument was that it would pay in the long run, not only because British trade with Canada would continue, but also because Canada would render the Empire valuable military aid.

The section of Lord Durham's Report dealing with Upper Canada and the Maritime Provinces, was decidedly weak but as his resignation prevented him perfecting his summary, he could, no doubt, have learned more of these provinces. The part dealing with Lower Canada could only be described as brilliant and Durham diagnosed the situation with greatest insight. The only serious mistake he made, was in thinking that the French language and manners would gradually die out, and that the country would become entirely English. To this day French nationalism is still as predominant as ever it was and it is doubtful if it will ever be suppressed.

The Union effected in 1841 was not the

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scheme recommended by Lord Durham. He had advised a real union, involving a complete fusion of races and institutions, whereas the union actually adopted was a union only in name. It was in reality a federation which, by its provision for the equal representation of the two provinces in joint legislature, effectually safeguarded French nationalism instead of suppressing it. Still, the measure did serve as the starting point for the complete unification of British power in North America, which was the ultimate object of Lord Durham, and which was realised when the Dominion of Canada was established by the British North America Act of 1867.

✓ It is by his recommendation of Responsible Government that Lord Durham stands out from the mass of the merely able, and earns a foremost place in the ranks of the great men of the Empire. Lord Durham's critics could not rid themselves of the idea that colonies were possessions, and they erred in assuming that independence involved separation.

The new system has in fact proved the salvation of the British Empire. Responsible government is a natural development of Anglo-Saxon institutions, and forms as yet the only system of government which allows^{to} the

Lord Elgin

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colonies the degree of "social and political development to which organised communities of freemen have a right to aspire." It is the only system in keeping with democratic advance. The idea of possession is outworn. We now realise that the British Empire is an international rather than a national community; it is a commonwealth of nations. It is indeed this that makes Britain a mother country in the true sense of the word; it is the family bond that holds the Empire together. Loyalty founded on liberty is the source of Imperial strength, and its potency was evidenced during the Great War and again in the present war, when the Dominions rallied round the mother country. Had it not been for the liberal Imperialist, Lord Durham, there would probably be no Empire today. Crown Colonies, Self-governing colonies, colonies with representative and responsible governments and Dominions are all indebted to him and his recommendations, for their various measures of freedom. They all know that in time, they too, will be granted Dominion Status as Canada was in 1867. Lord Durham's Report on the Affairs of British North America

Introduction to
the Fourth
Edition of "Report
on The Affairs of
British North
America" by
The Earl of
Durham.

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is, undoubtedly the greatest state
paper in Colonial History.

"Ninety-eight years have passed;
the storms of faction are silent, and
Durham sleeps in his quiet grave.
The western winds, blown from
Canadian shores, visit his resting-
place, and, it may be, bear him
tidings of the nation which his noble
mercy and his wisdom made free
and loyal. Let British statesmen
for ever praise and imitate his
example."

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