

**UNCIVIL SUBJECTS: METROPOLITAN MEDDLING,
CONDITIONAL LOYALTY, AND LORD DURHAM'S 1838
ADMINISTRATION OF LOWER CANADA**

JARETT HENDERSON

A THESIS SUBMITTED TO THE FACULTY OF GRADUATE STUDIES
IN PARTIAL FULFILMENT OF THE REQUIREMENTS FOR
THE DEGREE OF

DOCTOR OF PHILOSOPHY

GRADUATE PROGRAM IN INTERDISCIPLINARY STUDIES
YORK UNIVERSITY
TORONTO, ONTARIO

SEPTEMBER 2010



Library and Archives
Canada

Published Heritage
Branch

395 Wellington Street
Ottawa ON K1A 0N4
Canada

Bibliothèque et
Archives Canada

Direction du
Patrimoine de l'édition

395, rue Wellington
Ottawa ON K1A 0N4
Canada

Your file *Votre référence*
ISBN: 978-0-494-80538-1
Our file *Notre référence*
ISBN: 978-0-494-80538-1

NOTICE:

The author has granted a non-exclusive license allowing Library and Archives Canada to reproduce, publish, archive, preserve, conserve, communicate to the public by telecommunication or on the Internet, loan, distribute and sell theses worldwide, for commercial or non-commercial purposes, in microform, paper, electronic and/or any other formats.

The author retains copyright ownership and moral rights in this thesis. Neither the thesis nor substantial extracts from it may be printed or otherwise reproduced without the author's permission.

AVIS:

L'auteur a accordé une licence non exclusive permettant à la Bibliothèque et Archives Canada de reproduire, publier, archiver, sauvegarder, conserver, transmettre au public par télécommunication ou par l'Internet, prêter, distribuer et vendre des thèses partout dans le monde, à des fins commerciales ou autres, sur support microforme, papier, électronique et/ou autres formats.

L'auteur conserve la propriété du droit d'auteur et des droits moraux qui protègent cette thèse. Ni la thèse ni des extraits substantiels de celle-ci ne doivent être imprimés ou autrement reproduits sans son autorisation.

In compliance with the Canadian Privacy Act some supporting forms may have been removed from this thesis.

While these forms may be included in the document page count, their removal does not represent any loss of content from the thesis.

Conformément à la loi canadienne sur la protection de la vie privée, quelques formulaires secondaires ont été enlevés de cette thèse.

Bien que ces formulaires aient inclus dans la pagination, il n'y aura aucun contenu manquant.


Canada

ABSTRACT

“Uncivil Subjects: Metropolitan Meddling, Conditional Loyalty, and Lord Durham’s 1838 Administration of Lower Canada,” examines the governor generalship and high commission of John George Lambton, the first Earl of Durham. Durham was commissioned to inquire into the troubles that led to rebellion in Lower and Upper Canada in 1837, report on the present state of all the British North American colonies, and make recommendations that would restore political stability to these “distracted” settler societies. After a tumultuous five-month stay and a hasty resignation, book ended by rebellion, Durham returned to England on 1 November 1838. There, on the last day of January 1839, he presented his *Report on the Affairs of British North America*. This state paper, commonly referred to as the Durham Report, recommended broad and sweeping changes to the nature and form of colonial governance in British North America and has been, since its publication, the subject of more historical inquiries than has the mission that led to its creation.

“Uncivil Subjects” seeks to redress this by revisiting Durham’s 1838 administration of Lower Canada. It insists that Durham’s mission is of significance not just to Canadian and Quebec history, but also to the history of British imperialism and colonial history more broadly. It argues that the persistent “meddling” of metropolitan statesmen in colonial affairs altered the reactions that francophone and anglophone British subjects in Lower Canada had to Durham’s administration as well as his own experiences of this “racially” and culturally plural white *British* settler society. It demonstrates that for the duration of his tenure, from his arrival in Lower Canada on 29

May 1838 until his premature departure that November, politically engaged settlers in Lower Canada declared their confidence and offered “conditional loyalty” to his administration. This “conditional loyalty” sought constitutional reform not by seeking to sever Lower Canada from metropolitan authority, but by demanding political stability and asserting that it was an integral part of the British empire. “Uncivil Subjects” illustrates how, by November 1838, the increasingly frequent “interference” of metropolitan statesmen in Lower Canadian affairs altered the “conditional loyalty” that francophone and anglophone British subjects had placed in Durham, in his independent acting administration, and in his efforts to produce stabilizing political reforms, for an “anti-metropolitan sentiment” that reignited “racial” tensions in Lower Canada and exposed the fragility of the imperial project in British North America.

ACKNOWLEDGEMENTS

“A complete history of Lord Durham’s Mission to Canada would be a work requiring much research respecting a long chain of preceding, and a great variety of contemporaneous events,” began Charles Buller’s 1840 account of Durham’s administration.¹ I first discovered Buller’s remarks as a doctoral candidate with grand aspirations of writing a dissertation that explored the ways that Durham’s ideas about race and governance travelled from Britain to Canada to New Zealand. In the six years that I have spent researching and writing about Durham’s five months in Lower Canada, I have benefited from a “long chain” of inspired scholars and sincere intimates.

Bettina Bradbury, my doctoral supervisor, is a rigorous historian and a rousing mentor. She has taught me that good history is composed of good stories, and that good history (like a good story) takes time. Her enthusiasm for this project has made me write a better thesis; her thoughtfulness and friendship have made me a better person. Working with Bettina proves that it is possible to be an effective and affective academic. My committee members Colin Coates and Nick Rogers provided excellent feedback and encouragement: Colin with my Quebec history and French; Nick with my foray into the scandalous and political lives of elite British statesmen. I would like to sincerely thank Elizabeth Elbourne, Dan Yon, Marcel Martel, and Stephen Brooke for reading and evaluating this dissertation. Professors Craig Heron, Kate McPherson, and Myra Rutherford offered insight and friendship, as did Adele Perry, who continues to take a keen interest in my work. Kristine Alexander, Stacey Alexopoulos, Becky Beusaert,

¹ Library and Archives Canada, MG24 A26, Charles Buller fonds, “Sketch”.

Dan Horner, Maki Motapanyane, Heather Steel, and Angela Rooke commented on the entire thesis. Their insights have not only helped me think more clearly about Durham, but have also made the entire process that much more enjoyable. Jill McConkey, who I was lucky enough to befriend as a “surfer-like” masters student at the University of Manitoba, read about Durham on the beaches of Abu Dhabi. Jill’s insight, not to mention her superb copy editing skills, sustained my focus in the final stages of this project.

Funding, for which I am most grateful, made it possible to research and write about Durham and the “contemporaneous events” that surrounded his mission. The Avie Bennett Historica Dissertation Scholarship in Canadian History provided a “sabbatical” from teaching during which I wrote much of this thesis. An Ontario Graduate Scholarship, the Ramsay Cook Fellowship for Canadian History, the Faculty of Graduate Studies at York, and CUPE local 3903 all provided funding that allowed me to conduct the research for this project. I would also like to acknowledge the Canadian Historical Association for the travel subsidy that it provides graduate students, which enabled me to present aspects of my research in Vancouver in 2008 and in Montreal in 2010. The history graduate secretary, Lisa Hoffmann, provided invaluable help navigating the ins and outs of York bureaucracy.

Many friends and family members made it possible for me to escape Durham’s incursion in to my life: Kristine Alexander, Stacey Alexopoulos, Geoff Barill, Wayne Belkosky, Sinead Dennehy, Jenny Ellison, Sarah Glassford, Natalie Gravelle, Arpi Kovacs, Josh Kertzer, Linda Plong, Hailey Rasmussen, Nik Webb, and Christina Yager have each, and on more than one occasion, reminded me that fun and friends are

important, but so too is a good glass of wine. Heather Steel deserves special acknowledgement and not only because she took the time to copy the 1838 issue of the *Royal Bermudan Gazette* for me from the Library of Congress on her excursion to Washington D.C., but because she has put up with my antics (and Durham's) for so long. Bob and Jane Wilton have graciously welcomed me into their home and family; for this, and much more, I am truly thankful. Although my parents, Gordon and Zina Henderson, live over 2000 kilometres away, they were instrumental in my writing of this dissertation and my decision to pursue a doctoral degree. My parents are the biggest supporters of my research. I cannot explain the effect that their love and support have on my life. Lastly, I would like to thank my partner, Mike Wilton, for his never-ending encouragement, level-headedness, and unconditional affection. Mike, who studies "colonies" in a very different context, knows more about early-nineteenth century imperial history than any biochemist should; his confidence in both me and my work are the reasons that I was able to complete this project.

TABLE OF CONTENTS

ABSTRACT	iv
ACKNOWLEDGMENTS	vi
LIST OF ILLUSTRATIONS	x
LIST OF ABBREVIATIONS	xi
INTRODUCTION “One of the Most Critical Years in Canadian History”: Revisiting Lord Durham’s 1838 High Commission to British North America	1
CHAPTER 1 “Like a Stone Tied to Lord Durham’s Neck”: Rumours in Westminster and the Executive Council of Lower Canada	50
CHAPTER 2 “Justice for the Guilty ... Mercy for the Misguided”: Negotiating the Bermuda Ordinance, British Subjectness, and the Conditions of Loyalty	115
CHAPTER 3 “The Air Rang Loud with A Thousand Huzzahs”: Touring the Canadian Colonies and Inspecting the Empire	183
CHAPTER 4 The “Present Parliamentary Phalanx of Colonial Assailants”: Surprises, Regrets, and Metropolitan Meddling in Canadian Affairs	254
CHAPTER 5 “The Disaffected are Elated, the Confident Depressed”: The Disallowance of the Bermuda Ordinance, Anti-Metropolitan Sentiment, and the End of Conditional Loyalty	303
CONCLUSION: “A Colony <i>pas comme les autres</i> ”: Situating Lower Canada and the Lord Durham’s Mission within the British World	373
BIBLIOGRAPHY	400

LIST OF ILLUSTRATIONS

Figure I.1: Lord Durham ruling over Sparks Street	4
Figure I.2: Saint-Benoît following the 1837 Rebellion	7
Figure I.3: Proclamation issued on Durham's arrival, 29 May 1838	14
Figure I.4: Signatures of the Deputation from Montreal, 29 May 1838	17
Figure I.5: Engraving of Lord Durham	35
Figure I. 6: The public face of published Colonial Office dispatches	46
Figure 1.1: The Council of Five	72
Figure 1.2: Quebec City, 1838	87
Figure 1.3: Excerpt of letter to Prime Minister Melbourne, 15 June 1838	110
Figure 2.1: Robert S.-M. Bouchette in Montreal Gaol	132
Figure 2.2: Explaining that the ordinance had been "approved by all parties."	151
Figure 2.3: New Montreal Gaol, 1838	162
Figure 2.4: Government House, Bermuda	175
Figure 3.1: Fort Henry, Kingston, 1838	200
Figure 3.2: City of Montreal, 1838	206
Figure 3.3: Draft despatch in Durham's hand detailing Montreal reception	211
Figure 3.4: Handbills announcing parade planned for Durham's Toronto arrival	219
Figure 3.5: Lord Durham's Arrival in Toronto, 18 July 1838	222
Figure 3.6: Address from French subjects at Beauharnois, July 1838	236
Figure 3.7: Signatures and Xs of French subjects at Beauharnois, July 1838	237
Figure 3.8: Draft reply in Durham's hand	244
Figure 4.1: An official handwritten copy of Despatch No. 31	280
Figure 4.2: Despatch No. 31 as reproduced in <i>Correspondence</i>	281
Figure 4.3: Durham's draft of despatch No. 30	293
Figure 5.1: Lord Durham's daybook entry for 25 September 1838	308
Figure C.1: Jane Ellice's insurgents, November 1838	376
Figure C.2: <i>Report on the Affairs of British North America</i> , 1839	385

LIST OF ABBREVIATIONS

AO	Archives of Ontario
BAnQM	Bibliothèque et Archives nationales du Québec à Montréal
BNA	British North America
CANJ	<i>Canadian Antiquarian and Numismatic Journal</i>
CTA	City of Toronto Archives
CHR	<i>Canadian Historical Review</i>
DCB	<i>Dictionary of Canadian Biography</i>
LAC	Library and Archives Canada
LHSQ	Literary and Historical Society of Quebec
NCC	National Capital Commission
ODNB	<i>Oxford Dictionary of National Biography</i>
RHAF	<i>Revue d'histoire de l'Amérique française</i>

LOWER CANADA is only one of the North American Colonies; but it is the most important one, the key in fact to them all.

Toronto Patriot, 21 August 1838

This experience quickened [Durham's] determination that the interests of Canada must no longer be at the mercy of British politics, and that henceforth Canadian politics must determine Canadian policies.

Chester New, *Lord Durham: A Biography*, 130

INTRODUCTION

“One of the Most Critical Years in Canadian History”: Revisiting Lord Durham’s 1838 High Commission to British North America

On Monday, 5 November 2007, employees of the National Capital Commission (NCC), the Crown corporation responsible for federal lands and buildings in Ottawa, removed a commemorative placard of John George Lambton, the first Earl of Durham and one-time governor general of British North America (BNA), from a Sparks Street exhibit. By November, the eight-panel exhibit of portraits had been mounted on construction-site hoarding along the mall for six months. Designed to celebrate the 150th anniversary of the selection of Ottawa as Canada’s national capital in 1857, the exhibit included placards of Queen Victoria and Prime Minister John A. Macdonald, in addition to Durham. Controversy erupted following the publication of an article in the Ottawa newspaper *Le Droit*, which reported that the French-language lobby group *Impératif Français* was offended by Durham’s inclusion in the street-side exhibit because the placard did not mention his 1839 recommendation to assimilate the francophone and Catholic population of Lower Canada (Quebec) with the anglophone and Protestant population of Upper Canada (Ontario).¹ Instead, the placard read – “John George Lambton — the first Earl of Durham and British North America’s governor general from 1838 to 1839 — was sent from Britain to study the cause of the 1837 rebellions in Upper Canada and Lower

¹ *Le Droit*, 6 novembre 2007.

Canada. His famous report, *Report on the Affairs of British North America*, recommended the union of the two colonies under a single government.”²

These two sentences, printed on a placard with Lord Durham’s image in Ottawa ignited a month-long debate that criss-crossed Canada.³ Like many of the debates pertaining to Durham’s actual mission examined in this dissertation, it led enemies and critics as well as friends and supporters to discuss many different things simultaneously. This “Durham brouhaha,” wrote one reporter who described the whole matter of removing Durham’s likeness, exposed the tense ties that exist between segments of French- and English-speaking Canada.⁴ It resurrected, for a brief moment, the agenda of Quebec sovereignty, and it exposed the ways that nationalists of all factions, Canadian and Québécois, continue to make use of the past to support current positions. As debate spread, attention shifted away from Durham, his mission, his report, and even the placard on Sparks Street to a discussion of the purpose of history and the very nature of historical inquiry. What counted as “history” in *postcolonial* Canada? Was there room in such a society for Durham, who, as John Robson of the *Ottawa Citizen* flippantly noted, “turned out to be some bigoted British ponce?”⁵ In Alberta, the *Lethbridge Herald* reminded its readers that “sometimes history is offensive” and drew attention to what it identified as

² *Ottawa Citizen*, 6 November 2007.

³ *Calgary Herald*, 7 November 2007; *Edmonton Journal*, 6 November 2007; *Edmonton Journal*, 7 November 2007; *Lethbridge Herald*, 9 November 2007; *Montreal Gazette*, 9 November 2007; *National Post*, 7 November 2007; *National Post*, 8 November 2007; *National Post*, 12 November 2007; *Ottawa Citizen*, 7 November 2007; *Ottawa Citizen*, 10 November 2007; *Ottawa Citizen*, 12 November 2007; *Times-Colonist*, 9 November 2007; and *The Windsor Star*, 9 November 2007.

⁴ *Ottawa Citizen*, 5 November 2007.

⁵ *Ottawa Citizen*, 5 November 2007.

“another example of attempts to suppress elements of our history that disturb our modern sensibilities.”⁶ A seemingly exasperated *Herald* inquired: “Where does this sanitization of the past end? Should we reduce the Famous Five to the Famous Four to cleanse these champions of women’s rights of Emily Murphy, whose racist attitudes make her now a politically incorrect heroine?”⁷ The *Ottawa Citizen* made a similar observation on 7 November 2007. It reminded readers that Nellie McClung, “a great Canadian who fought for women’s rights” also “advocated the sterilization of the ‘feeble-minded’ and ‘immoral.’” The *Citizen* further explained that “her fellow fighter, Emily Murphy, the first female police magistrate in the British Empire, had unenlightened views on race. Nobody suggests reference to these historical figures has to have an asterisk on it.”⁸ This dissertation explores the reactions that francophone and anglophone British subjects in BNA had to Lord Durham’s mission and whether, in 1838, they thought Durham and his mission warranted an asterisk.

The NCC received more than forty complaints from Canadians because of its decision to remove Lord Durham’s likeness from the Sparks Street exhibit. Complainants repeatedly stated that the decision to remove the portrait was “utter nonsense” and “cowardly.”⁹ Others, without recognizing the historical irony of their opinion, argued that the entire issue was undemocratic and labeled the NCC a dictatorship: a characterization that was bestowed upon Durham himself by his opponents in 1838.¹⁰ Another wrote that

⁶ *Lethbridge Herald*, 9 November 2007.

⁷ *Lethbridge Herald*, 9 November 2007.

⁸ *Ottawa Citizen*, 7 November 2007.

⁹ *Ottawa Citizen*, 5 November 2007.

¹⁰ *Ottawa Citizen*, 28 December 2007.

the NCC “should be apologizing to the Canadian public for letting us down in providing a showcase for the events, people and debates that have shaped our country.” Yet, for some “the revisionist agenda” of the NCC did not go far enough. These supporters listed other individuals who, like Durham, ought to be excluded from “history” because of their controversial contributions. Proposals were made to remove Louis Riel, Jeanne Sauvé, and William Lyon Mackenzie King from Canada’s official history. One complainant wrote to the NCC that he had “long held a dislike for some of the remarks ‘Pierre Trudeau made about English Canadians,’”

but noted that “we can’t change history and shouldn’t.”¹¹ On 22 November 2007, Dave Rogers reported that “Lord Durham no longer rules over Sparks Street” and that the governor general’s image was replaced with a less controversial photo of nineteenth century Ottawa.¹²



Figure I.1: Lord Durham ruling over Sparks Street
Source: *Le Droit*, 5 novembre 2007

What this brouhaha reveals is that Lord Durham’s ghost continues to haunt Canadian society, politics, and history. This dissertation explores Durham’s 1838 mission to BNA and his administration of Lower Canada in an effort to contextualize these

¹¹ *Ottawa Citizen*, 28 December 2007.

¹² *Ottawa Citizen*, 22 November 2007.

determined twenty-first century reactions to the mere mention of his name. “Uncivil Subjects” reveals that historians, like those who participated in this debate, know very little about Durham and his five-month long administration of BNA. When interviewed by a reporter from the *Citizen*, Conservative Member of Parliament Myron Thomson confessed that, “I had no idea about this individual.”¹³ Lord Durham is, hopefully, better known to students of Canadian history as the man appointed governor general of the British North American colonies in January 1838, just weeks after news reached the imperial metropole that a rebellion had broken out in Lower and Upper Canada.

Throughout the summer and fall of 1837 public meetings were held across the Canadian countryside. In Lower Canada, the predominantly francophone supporters of the Patriot party, frustrated by years of colonial misgovernance, mobilized around a discourse that fused the rhetoric of British reformers and Atlantic revolutionaries.¹⁴ These meetings culminated in a 4000-person rally at Saint-Charles on 23 October 1837 where

¹³ *Ottawa Citizen*, 9 November 2007.

¹⁴ Michel Ducharme, *Le Concept de Liberté au Canada à l'époque des Révolutions atlantiques 1776-1838*, (Montreal-Kingston: 2010); Allan Greer, “1837–38: Rebellion Reconsidered,” *CHR* 76:1 (1995): 1–18; Michel Ducharme, “Canada in the Age of Revolutions: Rethinking Canadian Intellectual History in an Atlantic Perspective,” in *Contesting Clio's Craft: New Directions and Debates in Canadian History*, ed. Michael Dawson and Christopher Dummit, (London: 2009), 162–86; Michel Ducharme, “Closing the Last Chapter of the Atlantic Revolution: The 1837–1838 Rebellions in Upper and Lower Canada,” in *Liberty! Égalité! Independencia! Print Culture, Enlightenment and Revolution in the Americas, 1776–1838*, ed. David S. Shields, Caroline Sloat, and Michel Ducharme, (Worcester, MA: 2007), 193–210; Colin Coates, “The Rebellions of 1837–38, and Other Bourgeois Revolutions in Quebec Historiography,” *International Journal of Canadian Studies* 20 (Fall 1999): 19–34; and Jean-Paul Bernard, *Les Rébellions de 1837–1838: Les Patriotes du Bas-Canada dans la mémoire collective et chez les historiens*, (Montréal: 1983). Ian McKay argues that the 1837 rebellion, the publication of Durham’s Report, and the 1841 Act of Union was “one moment” in the “Canadian Liberal Revolution.” Ian McKay, “The Liberal Order Framework: A Prospectus for a Reconnaissance of Canadian History,” *CHR* 81:4 (December 2000): 616–78.

Patriot leaders Wolfred Nelson and Luc Côté delivered violent and extreme speeches that called for open revolt.¹⁵ A month later, on 23 November 1837, Nelson led a contingent of 800 Patriots that successfully attacked imperial troops stationed at Saint-Denis-sur-Richelieu, northeast of Montreal. Imperial troops retaliated with a force of nearly 2000 men and easily overtook between 400 and 1000 Patriot supporters, first, at Saint-Charles on 25 November 1837, and then again, at Saint-Eustache, on 14 December 1837.¹⁶

This armed conflict between Patriot supporters and imperial troops left several hundred dead and wounded. Villages such as Saint-Benoît were torched and looted. Following the rebellion, John Colborne, the military governor of Lower Canada, proclaimed martial law, suspended *habeas corpus*, and arrested 515 Patriots. In early 1838, Robert Nelson, who had fled to the United States following the arrest of his brother Wolfred, rallied Patriot supporters along the American frontier. On 22 February 1838, from Noyan in Lower Canada and with a force of 160 men Nelson proclaimed “The Declaration of Independence of Lower Canada.” This declaration sought to abolish confessional schools, make French and English the colony’s official languages, and affirmed the Chartists’ goals of universal suffrage, secret ballot, and freedom of the press.

¹⁵ Fernand Ouellet, *Lower Canada, 1791–1840: Social Change and Nationalism*, (Toronto: 1980), 293–4.

¹⁶ Allan Greer, *The Patriots and the People: The Rebellion of 1837 in Rural Lower Canada*, (Toronto: 1994); Joseph Schull, *Rebellion: the Rising in French Canada 1837*, (Toronto: 1971); Gilles Laporte, *Patriotes et Loyaux: leadership régional et mobilisation politique en 1837 et 1838*, (Sillery: 2004); and Alain Messier, *Dictionnaire encyclopédique et historique des patriotes, 1837–1838*, (Montréal: 2002).

It also proposed to abolish the death sentence and extend political rights to aboriginal people in Lower Canada.¹⁷

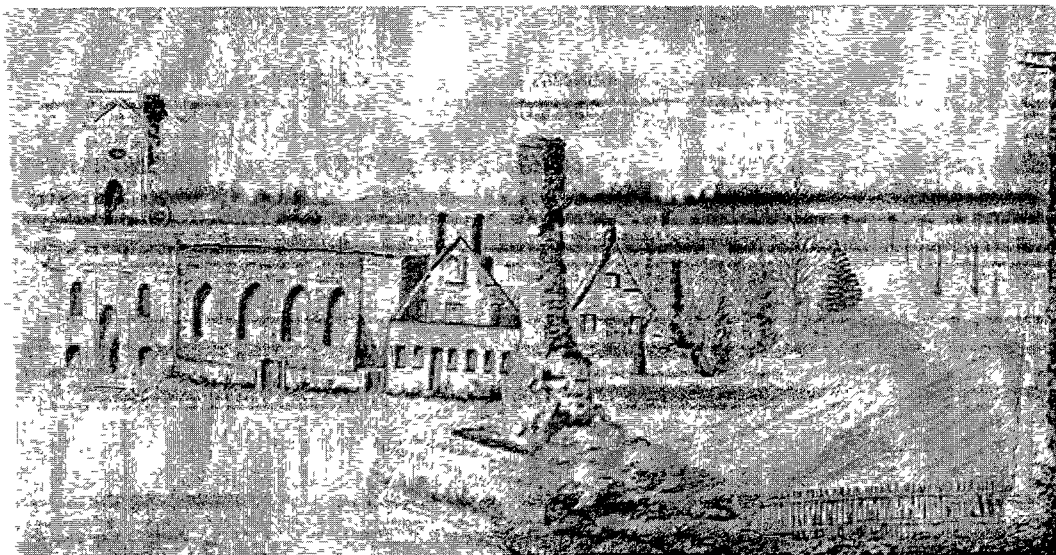


Figure I.2: The burning of Saint-Benoît following the 1837 Rebellion
Source: LAC No. 1984-81-73

Word that a rebellion had occurred in both the Canadian colonies reached London just days before Christmas 1837; it was not until January 1838 that news of its successful suppression arrived. This violence in BNA, combined with the attention that abolition, convict transportation, and aborigines garnered in Britain in the 1830s, turned the attention of metropolitan statesmen, somewhat reluctantly, away from domestic to imperial questions. Although “colonial problems” provided little intellectual interest, and were often considered, as Llewellyn Woodward observed, “out of sight out of mind,” by

¹⁷ An English version of the Declaration is printed in the appendix of, *Report of the State Trials*, Vol. II, (Montreal: 1839), 562–564. See also Brian J. Young and John A. Dickinson, *A Short History of Quebec: A Socio-Economic Perspective*, (Toronto: 1988), 149. On the reaction of the British Chartists to the 1837 Rebellion in Lower Canada see: Michael Michie, ““Three Cheers for the Canadian Peasants’: The Response of British Radicals and Chartists to the Canadian Rebellions of 1837–8,” York University, Unpublished Paper, 1996.

the late-1830s it was becoming increasingly difficult to ignore the demands of British colonists in BNA and throughout the British world.¹⁸ This turn-to-empire has often been attributed to the later years of Queen Victoria's reign and linked to such "racial" conflicts as the 1857 Indian and 1867 Morant Bay Rebellions. However, this dissertation insists that these empire-wide debates suggest that England's imperial possessions in BNA played a significant role in re-defining the political, social, and cultural rights of British subjects, both at home and abroad, in the first years of Victoria's reign.

On 15 January 1838, Queen Victoria appointed Lord Durham governor general and high commissioner of BNA. In February, the imperial parliament suspended the constitution of Lower Canada (the constitution in anglophone Upper Canada remained intact) and voted to give Durham extensive powers to govern BNA in the wake of rebellion. In addition to his administrative responsibilities as governor general, Durham was commissioned to inquire into this trouble, report on the present state of the British North American colonies, and make recommendations for their future administration that would remedy what contemporaries called, the evils of colonial misgovernment.¹⁹ After a tumultuous five-month stay and a hasty resignation, book ended by rebellion, Durham returned to England on 1 November 1838. There, on the last day of January 1839, he

¹⁸ Llewellyn Woodward, *The Age of Reform, 1815–1870*, (Oxford: 1962), 365–6.

¹⁹ Library and Archives Canada [hereafter, LAC], MG24 A27, John George Lambton fonds, "Commission and Instructions," Vols. 4–6. These commissions and instructions were transmitted in Despatch No. 8, Lord Glenelg to Lord Durham, 3 April 1838: LAC, MG24 A27, Lambton fonds, Vol. 7, Reel C-1849, 185–200. The commissions and instructions were also reprinted in, *Report on the Affairs of British North America*, (London: 1839).

presented his *Report on the Affairs of British North America*.²⁰ This state paper, commonly referred to as the Durham Report, recommended broad and sweeping changes to the nature and form of colonial governance in the British colonies of North America and completely ignored the political rights of aboriginal peoples.²¹ As a result, and as the authors of *Equal Subjects, Unequal Rights* suggest, the Durham Report became the blueprint for the establishment of white settler societies across the empire.²² Since its publication, Durham's report has been the subject of more historical inquiries than has the mission that led to its creation.²³

"Uncivil Subjects" seeks to redress this historiographical omission by revisiting Lord Durham's 1838 mission. It argues that Durham's mission is of significance not just

²⁰ *Report on the Affairs of British North America*, (1839).

²¹ G. M. Craig and Janet Ajzenstat eds, *Lord Durham's report: an abridgement of Report on the affairs of British North America*, afterward Guy Laforest, (Montreal-Kingston: 2007); Nicholas Mansergh, *The Commonwealth Experience: The Durham Report to the Anglo-Irish Treaty*, (Toronto: 1983); Ged Martin, *The Durham Report and British Policy: a Critical Essay*, (Cambridge: 1972); Gerald Craig, *Lord Durham's Report: an abridgement of Report on the affairs of British North America*, (Toronto: 1963); Marcel-Pierre Hamel, *Le Rapport de Durham*, (Montreal: 1948); Reginald Coupland, *The Durham Report: An Abridged Version with An Introduction and Notes*, (Cambridge: 1945); Charles Lucas, *Lord Durham's Report on the Affairs of British North America*, 3 Vols, (Oxford: 1912); Frederick Bradshaw, *Self-Government in Canada, and How it was Achieved: The Story of Lord Durham's Report*, (London: 1903); and *The Report of the Earl of Durham: Her Majesty's High Commissioner and Governor-General of British North America*, (London: 1902).

²² Julie Evans, et al, *Equal Subjects, Unequal Rights: Indigenous Peoples in British Settler Colonies, 1830–1910*, (Manchester: 2003), 34–7.

²³ Bruce Curtis, "The 'Most Splendid Pageant Ever Seen': Grandeur, the Domestic, and Condescension in Lord Durham's Political Theatre," *CHR*, 89:1 (March 2008): 55–88; Chester New, *Lord Durham: A Biography of John George Lambton, First Earl of Durham*, (Toronto: 1929); William Paul McClure Kennedy, "The Centenary of Lord Durham's Mission to British North America, 1838–1938," *Juridical Review*, 50:2 (1938): 136–41; and Stuart Reid, *Life and Letters of the First Earl of Durham, 1792–1840*, 2 Vols.s, (London: 1906).

to Canadian and Quebec history, but also to the history of British imperialism and colonial history more broadly. It illustrates that reactions to Durham in 1838 were, as they are today, determined and contradictory. The profound and intense displays of emotion he provoked alert us to the possibility that for some of Durham's contemporaries his mission was so intensely critiqued because it was considered to be precedent setting for imperial policy. Moreover, it suggests as Jocelyn Létourneau has recently observed, that the past is of utmost significance to the present and that our understanding of the past, in this case Durham's mission, fundamentally shapes and is shaped by both the present and the future.²⁴

More than one hundred and seventy years have passed since Durham, dressed in the bold and bright colours of his vice-regal office, arrived in Quebec City, the seat of colonial governance in the predominantly francophone, Catholic and white British colony of Lower Canada. François-Xavier Garneau, then a contributor to *Le Canadien* wrote a poem celebrating Durham's arrival.²⁵ Over a decade later Garneau described Durham's arrival in his *Histoire du Canada*, as a display of ambassadorial "magnificence inconnue dans l'Amérique du nord."²⁶ On 31 May 1838, a correspondent for the *Montreal Gazette* who had witnessed Durham's landing and his taking of the oath of office described the spectacle:

His Lordship landed on the Queen's wharf, where he was received by Sir. John Colborne and a brilliant Staff. He rode up on a splendidly caparisoned

²⁴ Jocelyn Létourneau, *A History for the Future: Rewriting Memory and Identity in Québec*, trans. Phyllis Aronoff and Howard Scott, (Montreal-Kingston: 2004).

²⁵ *Le Canadien*, 8 juin 1838.

²⁶ François-Xavier Garneau, *Histoire du Canada: depuis sa découverte jusqu'à nos jours*, Vol. 3, Troisième édition, (Québec: 1859), 355.

horse, and wore a dress of scarlet with silver lace, and a broad Earl's ribbon, in the style of a scarf. The streets were lined with the Guards, from the wharf to the Chateau. I got into the Council Chamber afterwards, and saw the swearing in. The reading of the Commissions was tedious in the extreme. Lord Durham and Sir John Colborne stood at this time side by side. The oaths were then administered, and then he kissed the book for each. The Members of the Executive Council, the Judges, the Bishop, etc, were then introduced, to whom His Excellency merely bowed. No council was formed, and he soon afterward walked up with Col. Couper and his Aides de Camp to Schleup's Hotel, which has been taken for his accommodation until the paint in the House of Assembly is dry. As to His Lordship, he looks, as he is represented, a firm and determined man.²⁷

Yet the question remained: who was this man sent to remedy the evils that had long plagued the administration of government in their colony? On 29 May 1838, citizens of Quebec crowded city streets to find out. These Lower Canadians, as well as others in Montreal and later Upper Canadians in Toronto and Kingston, were not oblivious as to the history of their new governor general. Since March 1838, when news of Durham's appointment had first made its way to BNA, the colonial press worked tirelessly to provide an answer to this question.

The press detailed Durham's trans-imperial political career. Editors reprinted speeches Durham had given in the imperial parliament on reform in the 1820s and 1830s. Reporters also chronicled his statesmanly activities and outlined his pedigree. Durham was identified as the patriarch of one of the oldest and most prominent Whig families in the mining County of Durham. His father, William Lambton, had been a friend and colleague of the second Earl Grey, whose eldest daughter, Louisa, married Durham in December 1816. This union did more than link the political fortunes of two of the most

²⁷ *Montreal Gazette*, 31 May 1838. Similar descriptions appeared in *Le Canadien*, 29 mai 1838 and *Le Canadien*, 31 mai 1838.

influential families in northern England. It also, as one historian of Earl Grey has remarked, brought “happy intimacy” between “the Howick swarm and their vivacious brother-in-law.”²⁸ In addition to emphasizing the intimate and familial ties between the Durham and Grey families, newspapers in Lower Canada also emphasized the political and personal ties that both Durham and Louisa had to the Age of Reform.²⁹ Durham, along with Lord John Russell, Sir James Graham, and Lord Duncannon – “the committee of four” – drew up the Reform Bill that Louisa, her daughter, mother, and sister – “the Grey Ladies” – copied and recopied to keep the bill, quite literally, within the family.³⁰

On the day Durham arrived in Quebec, the *Montreal Gazette*, the leading Tory newspaper in Lower Canada published a three-column-long article that plotted the above history of Durham’s global political career while emphasizing his reputation as an independently acting statesman. Known as Radical Jack to the miners of Durham County or as King Coal to his metropolitan opponents, BNA’s new governor general was genuinely loyal to the Whig party although he is often identified as a Radical-Whig. Yet Whig, as Leslie Mitchell has recently argued, was as much a state of mind, a way of living, a particular way of expressing views, as it was a political creed.³¹ Durham, as one of the framers of the Reform Act and adorned with the political, social, and cultural status of an English Peer was unlike any other British statesmen sent to govern Lower Canada. His previous experiences in politics did not involve encounters with Australian

²⁸ George Trevelyan, *Lord Grey of the Reform Bill: The Life of Charles, Second Earl Grey*, (London: 1952), 187.

²⁹ *Montreal Gazette*, 17 March 1838; *Montreal Gazette*, 20 March 1838; *Bytown Gazette*, 21 March 1838; *Quebec Mercury*, 17 March 1838; and *Le Canadien*, 21 mars 1838

³⁰ Trevelyan, *Lord Grey*, 305.

³¹ Leslie Mitchell, *Lord Melbourne: 1779-1848*, (Oxford: 1997), 14.

aborigines or slaves in Demerara. Yet, the metropolitan statesmen with whom he had debated British domestic and foreign policy in Europe for nearly twenty years, as he quickly learned, could be as harmful to his character and reputation as colonial “others.”

Politically engaged settlers across BNA were well aware then, on the eve of Durham’s arrival, that their new governor general was no ordinary statesman. When Amédée Papineau, the son of Patriot leader Louis Joseph Papineau, first learned of Durham’s appointment on the 14 April 1838, he recorded it in his journal: “Je reçois des journaux du Canada. Lord Durham a été nommé gouverneur du Bas-Canada et haut-commissaire pour le redressement des griefs, etc. C’est un radical anglais, nous verrons s’il fera justice.”³² Other Patriot supporters like Louis-Victor Sicotte from Saint-Hyacinthe and E. F. Robitaille a lawyer from Quebec had high aspirations for Durham’s government. Robitaille hoped that Durham would issue “une amnistie générale”; Sicotte reported that “une pensée consolante a brillé sur notre horizon depuis la nomination de Lord Durham: car cette nomination a fait espérer le retour de presque tous nos compatriotes.”³³ The history of the Durham mission as told in this dissertation is an elite story that blends high imperial politics in Britain, the struggle for colonial reform in Lower Canada, and the intimacies of colonial life into a narrative that illustrates how the

³² 14 avril 1838, Amédée Papineau, *Journal d’un Fils de la Liberté, 1838–1855*, ed Georges Aubin, (Montréal: 1998), 163.

³³ Robitaille à Duvernay, 26 mars 1838, *Canadian Antiquarian and Numismatic Journal* [hereafter, *CANJ*] (1909), 30; and Sicotte à Duvernay, 29 mars 1838, *CANJ* (1909), 87.

complexities of imperial power, colonial status, and individual identity operated between and across the imperial world.³⁴

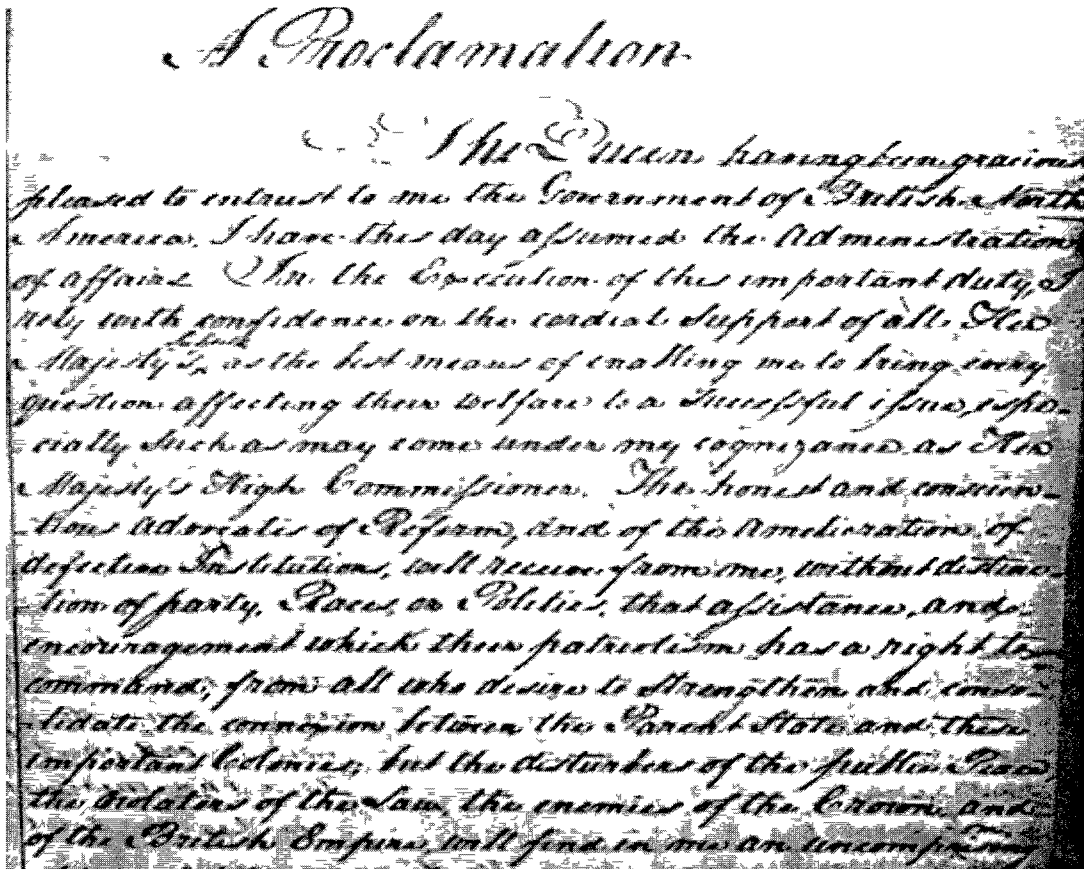


Figure I.3: Proclamation issued on Durham's arrival
Source: LAC, MG24 A27

When Durham delivered his first address to those colonists who had gathered to witness the spectacle of his arrival, he begged all Her Majesty's Canadian subjects to consider him "a friend and an arbitrator." He pledged to listen to their "wishes, complaints, and grievances," and he assured them that he would do so "without

³⁴ Antoinette Burton and Tony Ballantyne, "Epilogue," in *Bodies in Contact: Rethinking Colonial Encounters in World History*, ed. Tony Ballantyne and Antoinette Burton, (Durham, N.C.: 2005), 414–15.

distinction of party, Race, or Politics.”³⁵ Durham, by announcing the intentions of his mission, hoped to convince Lower Canadians not only that his administration would meet these goals, but also that he could do so in a way that would promote tranquillity, prosperity, and unity. Amédée Papineau, who paid particular attention to Durham’s administration in his private journal, prayed that: “Malgré son faste, déplacé dans les circonstances où se trouve le pays, espérons qu’il sera bon gouverneur. Amen.”³⁶ Robert Bouchette, a Patriot who fought at Moore’s Corner on 6 December 1837 and was one of the 161 men still imprisoned in Montreal, was pleased with Durham’s welcoming address. “Si lord Durham sait mettre en pratique les théories politiques dont il fait parade,” he wrote to Colonel Dundas on 9 June 1838, “je crois pouvoir lui promettre la coopération du peuple canadien tout entier.”³⁷

Welcoming address after welcoming address declared confidence in Durham as both francophone and anglophone British subjects declared their loyalty to Durham and the empire.³⁸ All wished Durham success on his “important” mission. Bruce Curtis has recently characterized Durham’s regal entry and administration as a condescending display of imperial authority that reproduced grandeur and displayed the domestic. Curtis’ work reveals that the social, the political, and the familial as well as the public

³⁵ *Quebec Gazette*, 29 May 1838.

³⁶ 1 juin 1838, Papineau, *Journal d’un Fils de la Liberté*, 177.

³⁷ Bouchette à Dundas, 9 juin 1838, in *Au Pied-du-Courant: Lettres des prisonniers politiques de 1837–1838*, ed Georges Aubin, (Montréal: 2000), 68.

³⁸ LAC, MG24 A27, Lambton fonds, “Addresses,” Vols. 2–3. Many of these were also republished in, *Copies or extracts of correspondence relative to the affairs of British North America*, (London: 1839) and in the Appendix of *Report on the Affairs of British North America*, (London: 1839).

and the private “are historiographic rather than historical conventions.”³⁹ Undoubtedly Durham’s arrival and his administration put the power and authority of the empire on display. It did so in much the same way that David Cannadine outlines in *Ornamentalism* or Mark Francis in *Settlers and Governors*. Furthermore, that Durham, his family, and members of his administration were linked to individuals with drastically different statuses and degrees of comportment was not novel, as Kirsten McKenzie’s *A Swindler’s Progress* elegantly demonstrates.⁴⁰

Yet Lower Canadians of all political factions, classes, and “races” welcomed Durham as the harbinger of reform that these colonies not only needed, but also desired. The zealous greeting that Durham and his family received in Quebec City on 29 May 1838 can be read in multiple ways: as the endorsement of British imperialism by Canadian colonists; as the projection of condescension upon the colonial populace; or as I argue, as a demonstration of the people’s “conditional loyalty.” As sociologist Joel Charon observes, “For conditional loyalty to exist ... people must perceive that their society works [and] that their institutions do an adequate job in dealing with problems.”⁴¹ In Lower Canada, in the years preceding, and the months immediately following the 1837 rebellion, both francophone and anglophone British subjects had little confidence in the effectiveness of the colonial institutions that had ordered their society since 1791. From

³⁹ See Curtis, “Most Splendid Pageant,” *CHR* 55–88.

⁴⁰ Mark Francis ignores Durham because he was not “normal.” Mark Francis, *Governors and Settlers: Images of Authority in the British Colonies, 1820–60*, (Canterbury: 1992), 9; David Cannadine, *Ornamentalism: How the British Saw Their Empire*, (Oxford: 2002); Kirsten McKenzie, *A Swindler’s Progress: Nobles and Convicts in the Age of Liberty*, (Sydney, 2009).

⁴¹ Joel Charon, *Ten Questions: A Sociological Perspective*, (Belmont, CA: 2009), 62–3.

the moment of his arrival, then, Durham set out to reestablish political stability in the colony, in an effort to secure the confidence of the people in his administration, and balance the conditions that francophone and anglophone subjects attached to their loyalty.

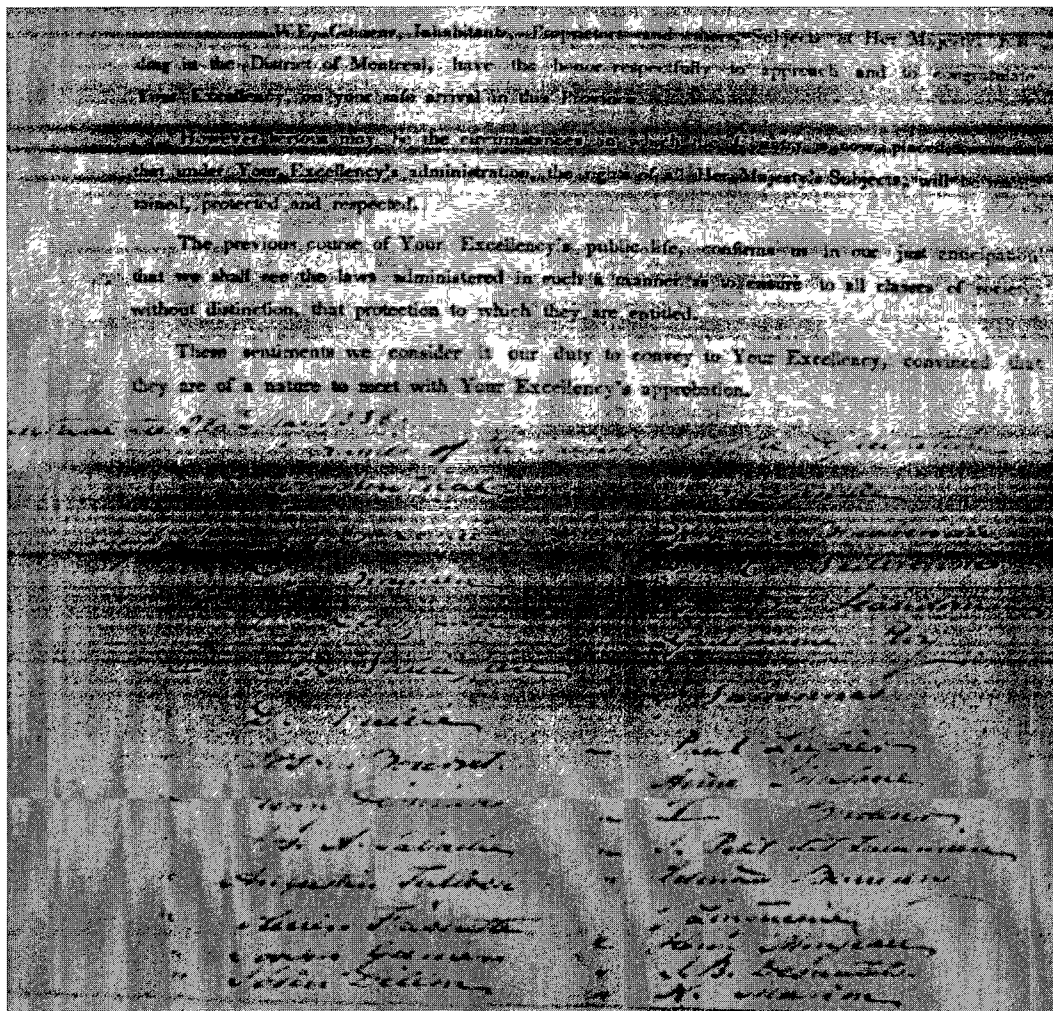


Figure I.4: Signatures of the Deputation from Montreal, 29 May 1838
 Source: LAC, MG24 A27

The crowds of colonists that welcomed Durham in May, and again two months later when he toured the Canadas, perceived him as an antidote to the maladies that had long plagued their colonial administration. Philip Howell and David Lambert argue,

unlike Cannadinne or Francis, that the effusive welcoming of colonial governors was often “an embarrassment, rather than an endorsement of empire.” Durham’s reception symbolizes, then, what they too identify as “conditional loyalty.”⁴² In BNA, and in particular Lower Canada, the population demanded constitutional change that was sparked by similar reform efforts in England and its empire. Although Lower and Upper Canadians increasingly demanded “independent” or “responsible” government, they continued to acknowledge imperial authority and sought to remain within the British empire. If the proclamation Durham delivered from the steps of the House of Assembly was any indication of his policy, his administration would be not only a symbolic break with an imperial past that had led to rebellion, but also a very real one. If Durham’s proposed political reforms delivered the services that people desired, if the courts justly punished those who had rebelled, and if his proposed economic changes produced prosperity and tranquillity he would not only balance, but permanently secure the loyalty of francophone and anglophone British subjects in politically stable Lower Canada.

Durham promised change for the future. He promised a new vision of empire for Lower Canada. He had been commissioned to inquire into the fractures of the past, to evaluate the present, and to forge a future that would neither embarrass imperial administrators nor cause them anxiety. At the same time Durham announced his determination to protect the rights that both francophone and anglophone British subjects claimed in this white settler society. He repeatedly described this task in both his public

⁴² Phillip Howell and David Lambert, “Sir John Pope Hennessy and Colonial Government: Humanitarianism and the Translation of Slavery in the Imperial Network,” in *Colonial Lives Across the British Empire: Imperial Careering in the Long Nineteenth Century*, ed. David Lambert and Alan Lester, (Cambridge: 2006), 228–256.

addresses and private communications as being “super human.” How could Lower Canada be transformed from a “racially” plural and rebellious colony into a civilized and above all, *British* settler society that simultaneously eased the imperial anxieties of metropolitan administrators, satisfied the grievances of the French Canadians for reform, and met the demands of the English Canadians? This dissertation examines the conditions of loyalty that British North Americans confided in Durham’s administration, how Durham negotiated and balanced the differing conditions that francophone and anglophone British subjects placed on their loyalties, and how, as George Brown argued, politically engaged settlers employed the rhetoric of loyalty to deny political rights to disloyal others.⁴³ “Uncivil Subjects” rounds out the history of loyalty and imperialism for a period that has engaged neither with Durham’s mission nor with the predicaments of loyalty in Lower Canada.⁴⁴ By examining the conditions of loyalty in 1838, this dissertation will lead to a better understanding of how Durham’s experiences of empire influenced the recommendations made in his famous report.

Five months in Lower Canada, punctuated by a three-week vice-regal tour of Upper Canada, significantly altered Durham’s experience of empire. “I acknowledged,”

⁴³ George Brown, “The Durham Report and the Upper Canada Scene,” *CHR* 20:2 (1939): 136–60.

⁴⁴ Much of this work focuses solely on Upper Canada, see: David Mills, *The Idea of Loyalty in Upper Canada, 1784–1850*, (Montreal-Kingston: 1988); Jane Errington, *The Lion, the Eagle, and Upper Canada*, (Montreal-Kingston: 1987); Carol Wilton, *Popular Politics and Political Culture in Upper Canada, 1800-1850*, (Montreal-Kingston: 2000); J. I Little, *Loyalties in Conflict: A Canadian Borderland in War and Rebellion, 1812–1840*, (Toronto: 2008); J. K. Johnson, *Becoming Prominent: Regional Leadership in Upper Canada, 1791–184*, (Kingston-Montreal: 1989); Peter Russell, *Attitudes to Social Structure and Mobility in Upper Canada 1815–1840: ‘Here We Are Lairds Ourselves,’* (Lewiston/ Queenston/Lampeter: 1990).

he wrote early on in his report, “that the experience derived from my residence in the Province had completely changed my view of the relative influence of the causes which had been assigned for the existing disorders.” He explained that his tenure in Lower Canada had,

impressed on [him] the conviction, that, for the peculiar and disastrous dissensions of this Province, there existed a far deeper and far more efficient cause, — a cause which penetrated beneath its political institutions into its social state, — a cause which no reform of constitution or laws, that should leave the elements of society unaltered, could remove: but which must be removed, ere any success could be expected in any attempt to remedy the many evils of this unhappy Province.⁴⁵

He indicated that there were two problems in BNA: the tension between francophone and anglophone British subjects in Lower Canada, and the conflict in both colonies between metropolitan and colonial administrators of empire. Each of these threads weaves its way through this dissertation: the taut ties that bound Lower Canadians to each other and to the empire. Such candid reflection by Durham also confirms what an increasing number of “new imperial historians” have demonstrated: individual experiences of empire were varied and transformed by the act of governing.⁴⁶ What experiences led Durham to identify the problem in Lower Canada not as a political one but a “racial” one? How did his experiences of empire influence the writing and recommendations in his report? Are there any connections between the conditional loyalties confided in his administration, and how he reported “the problems” of this settler society? Moreover, how have

⁴⁵ *Report on the Affairs of British North America*, (London: 1839), 8–9.

⁴⁶ Catherine Hall, *Civilizing Subjects: Metropole and Colony in the English Imagination, 1830–1867*, (Chicago: 2001); Julie Evans, *Edward Eyre, Race, and Colonial Governance*, (Melbourne: 2004); Kirsten McKenzie, *Scandal in the Colonies: Sydney and Cape Town*, (Melbourne: 2004); Lester and Lambert, *Colonial Lives Across the British Empire*.

historians understood Durham's administration and his experiences of empire, which, as he noted in his report, altered his view of colonial misgovernment in BNA?

"Uncivil Subjects" attempts to answer these questions by providing a more nuanced understanding of Durham's 1838 mission by interweaving, as Phillipa Mein Smith and Peter Hemenstall have urged, "historiographies that have evolved separately."⁴⁷ It situates Durham's administration within Canadian scholarship on the struggle for responsible government and international histories on the making of white settler societies: two aspects central to the making of the British world in the mid-nineteenth century. Doing so reassembles this fractured body of literature and acknowledges both the global phenomenon of imperialism and the specific fluidities of the local condition. Viewing Durham's mission with such a wide lens also provides a larger context for the creation of the Durham Report and its controversial recommendations. Interrogating Durham's mission may also help explain the historical roots of the controversy surrounding the inclusion and then exclusion of Lord Durham from a Sparks Street exhibit designed to commemorate the very system of government that some historians have ascribed to his labours.

Structure

This dissertation tells the story of Lord Durham's governor generalship of BNA, from his arrival on 29 May 1838 to his departure from these colonies five months later, on 1 November 1838. Each chapter examines one particular sort of colonial encounter that

⁴⁷ Phillipa Mein Smith and Peter Hemenstall, "Australia and New Zealand: Turning Shared Pasts into a Shared History," *History Compass* 1 (2003), 2.

Durham had while performing the work of empire. Although the chapters are themed in a number of different ways, they are largely, though not exclusively, organized chronologically. In an effort to impress upon imperial historians both the significance and peculiarity of Lower Canada to the empire in these years, as well as the importance of imperialism to Lower Canadian and Canadian history more generally, Lower Canada remains (except for chapter three, which examines Durham's tour of both Canadas) the geographical hub of each chapter.

Although grounded in Lower Canada this dissertation is a mobile imperial history. The movement of proclamations, perspectives, and people connected to Durham's mission between and across colonial and imperial borders are traced in each chapter and situated within the global realm of empire.⁴⁸ By simultaneously positioning metropole and colonies within one analytical frame,⁴⁹ I attend to those local *and* trans-colonial connections that linked Lower Canadians to their nearest colonial cousins in Upper Canada. Yet the trans-colonial ties that bound the Canadas to each other were by no means the only ones; they were also crosscut by trans-imperial ties that wove these distinct and developing colonial societies to metropolitan society in London and to other formal, informal, and former sites of empire like Bermuda and the United States.⁵⁰ The

⁴⁸ Tony Ballantyne and Antoinette Burton eds, *Moving Subjects: Gender, Mobility, and Intimacy in an Age of Global Empire*, (Chicago: 2009); Lambert and Lester, *Colonial Lives Across the British Empire*; Evans, *Edward Eyre, Race, and Colonial Governance*, Catherine Hall, *Civilizing Subjects*; and Angela Woollacott, *To Try Her Fortune in London: Australian Women, Colonialism, and Modernity*, (New York: 2001).

⁴⁹ Frederick Cooper and Ann Laura Stole eds, *Tensions of Empire: Colonial Culture in a Bourgeois World*, (Berkeley: 1997).

⁵⁰ John Gallagher and Ronald Robinson, "The Imperialism of Free Trade," *The Economic History Review* 6:1 (1953): 1–15; and Bernard Porter, *The Lion's Share: A Short History*

combination of trans-colonial and trans-imperial perspectives – simultaneously local and global – allows me to track the ways that Durham physically transcended colonial space and the ways that knowledge about his administration travelled between and across this space into a much wider world. In *Civilizing Subjects*, Catherine Hall magnificently illustrates the effects that the different rhythms of metropolitan time, colonial time, and imperial time had upon the administration of empire in Jamaica.⁵¹ By attending to Durham’s actions in Lower and Upper Canada (colonial time), interpretations of his actions by individuals across the British world (imperial time), and debates over his mission in London (metropolitan time) my dissertation reveals that time and space played fundamental roles in the formation of the very different and often contradictory visions of empire that Durham encountered and participated in. How did reactions to Durham’s administration differ in these various sites of empire? Did francophone and anglophone British subjects have similar reactions to his administration? Was there a distinctly “colonial” or “metropolitan” reaction to Durham and his government?

Chapter 1 examines Durham’s dissolution of the Executive Council of Lower Canada on 31 May 1838, two day after his arrival. Durham’s decision to dissolve the Executive Council, which had, since its creation in 1791, become an ever-piercing thorn in the side of the elected, francophone-dominated House of Assembly and appoint men

of British Imperialism, 1850–1983, (Longman, 1984). More recently see, Alan Lester, “Imperial Circuits and Networks: Geographies of the British Empire,” *History Compass* 4.1 (2006): 124–41; and Tony Ballantyne, “Race and the Webs of Empire: Aryanism from India to the Pacific,” *Journal of Colonialism and Colonial History* 2:3 (Winter 2001): online.

⁵¹ Hall, *Civilizing Subjects*, 65, 440. See also Geoffrey Blainey, *The Tyranny of Distance: How Distance Shaped Australia’s History*, (New York: 1968).

thought to be independent of both local and metropolitan influences set the tone of his administration.⁵² The Executive Council was not an institution novel to Lower Canada; as in the other British colonies, it was a body of men appointed by the governor, often for life, to advise and assist governors in administering a colony's public affairs. However, in Lower Canada governors had a history of appointing primarily anglophone and Tory councilors who were unwilling to work in tandem with the elected, francophone, and Reform members of House of Assembly. This history made its reorganization one of the central demands of the *Canadien*, and after 1826, the Patriot party. This chapter examines the reactions that Durham's "independent act" garnered in Lower Canada and London. In Lower Canada, both francophone and anglophone British subjects supported the measure; they expressed conditional loyalty in Durham's administration. However, in the British House of Lords a debate erupted over the rumoured appointment of Thomas Turton as a member of Durham's administration. This debate exposed not only the connections between sexuality and fitness for political office, but also how the personal animosities of metropolitan statesmen coloured reactions to, and understandings of, Durham's administration. Nevertheless, Durham's appointment of Turton was not the most controversial act of his administration.

As he had done with the Executive Council, Durham quickly put his stamp on the months-old Special Council. On 2 June 1838 he terminated the twenty-two-member Tory Special Council appointed by Governor Colborne and replaced it, on 28 June 1838, with a council of five men. Unlike the Executive Council, the Special Council was unique to

⁵² Greer, *The Patriots and the People*; Ouellet, *Lower Canada, 1791–1840*; and Jean Hamelin, *Histoire du Québec*, (Québec: 1976).

Lower Canada. It had been legislated into existence by the imperial parliament upon the suspension of the colony's constitution that February. It was modeled after a similar council that operated in the Cape Colony where, as in Lower Canada, white colonizers from two different European nations shared administrative rule and ruled over indigenous populations. It was also granted all the legislative powers of the former Lower Canadian House of Assembly. Although peers in the House of Lords frequently confused the Special and Executive Councils, the Special Council constituted an extraordinary legislative body between 1838 and 1841.⁵³ Chapter 2 examines the first ordinance issued by Durham's Special Council designed to "Provide for the Security of the Province of Lower Canada."⁵⁴ More popularly referred to as the Bermuda Ordinance, this ordinance banished eight Patriot "ringleaders" to Bermuda. In Lower Canada, politically engaged settlers and the transported Patriot supported the ordinance: once again, Durham had balanced the conditions Lower Canadians had attached to their loyalty. Adding Bermuda as one of the many sites of empire affected by Durham not only weaves his mission more

⁵³ Steven Watt, "State Trial by Legislature: The Special Council of Lower Canada, 1838–1841," in *Canadian State Trials: Rebellion and Invasion in the Canadas, 1837–1839*, Vol. 2, ed. F. Murray Greenwood and Barry Wright, (Toronto: 2002), 248–78; Jean-Marie Fecteau, "'This Ultimate Resource': Martial Law and State Repression in Canada," in *Canadian State Trials*, 207–47; Brian Young, "Positive Law, Positive State: Class Realignment and the Transformation of Lower Canada, 1815–1866," in *Colonial Leviathan: State Formation in Mid-Nineteenth Century Canada*, ed. Allan Greer and Ian Radforth, (Toronto: 1992), 50–63; Bettina Bradbury, "Colonial Comparisons: Rethinking Marriage, Civilization and Nation in 19th century White Settler Societies," in *Rediscovering the British World*, ed. Phillip Buckner and R. Douglas Francis eds., (Calgary: 2005), 135–58. See also "Debating Dower," in Bettina Bradbury, *Wife to Widow*, (Vancouver: forthcoming); Steven Watt, "Authoritarianism, Constitutionalism, and the Special Council of Lower Canada, 1838–1841," (MA Thesis, McGill University, 1997); and Philip Goldring, "British Colonists and Imperial Interests in Lower Canada," (PhD Thesis, University of London, 1978).

⁵⁴ 28 June 1838, *Journals of the Special Council*, (Quebec, 1838).

firmly into the webs of empire. It also reveals that as Durham extended his authority into the global realm of imperial politics very real limits were placed on his authority and ability to act independently.

Durham also inquired into the “state of affairs” in Her Majesty’s dominions in BNA. To this end, a three-week vice-regal tour of the Canadas was organized for July. Chapter 3 focuses on this tour. It considers the social, cultural, and political duties performed by Durham and the reactions that members of his suite and Canadian colonists had to his travels through, and inspection of, the Canadas. Historians have frequently characterized Durham’s tour of the Canadas as “brief” and of little importance; yet Durham’s whirlwind tour took him, his family, and his suite to Montreal, Cornwall, Kingston, Niagara, Toronto, and Beauharnois before they returned to Quebec on 28 July 1838.⁵⁵ Newspaper editors spilt much ink reporting on the preparations citizens made for Durham’s arrival, announcing his impending arrival, and commenting on the events that occurred during his stay. Addresses and replies were delivered and received at almost every locale and frequently published in newspapers throughout BNA. Newspaper editors frequently represented the Canadas as an orderly, loyal, and white settler society that reproduced all the trappings of a respectable site of empire. Yet they also reported the presence of Black loyalists at Niagara and Indians in Toronto and Beauharnois. Such news revealed both the heterogeneous nature of colonial society and that conditional loyalty could be found not only among peoples who were non-British like French

⁵⁵ Gerald M. Craig, *Upper Canada: The Formative Years, 1784–1841*, (Toronto: 1963), 257. See also Curtis, “Most Splendid Pageant.”

Canadians, but also among those who were non-white.⁵⁶ Chapter 3 indicates that Durham's tour provided him with the opportunity to inspect the Canadas and its population while it allowed both colonizers and colonized an occasion to declare confidence in his administration and the empire as well as publicize their own local political agendas and imperial visions.

Chapter 4 returns to the connections between high politics and the everyday. It examines the debate that erupted in the House of Lords following the confirmation that Durham had in fact appointed Thomas Turton to his administration. It explores how Tory peers and Lord Brougham, who had a history of confrontation not only with Durham, but also with Prime Minister Melbourne and Durham's father-in-law, Earl Grey, used Turton's appointment to discredit the governments of Melbourne and Durham. Although Durham's opponents purported to have the best interests of the Lower Canadian colonists at heart, a closer examination reveals first, that metropolitan statesmen grossly underestimated the complicated nature of Lower Canadian politics, and second, that opposition to Durham's administration was rooted in personal animosities that stretched back to the 1820s. This chapter argues that metropolitan statesmen claiming to speak for Canadian interests were, in fact, attempting to preserve their imperial prerogative at the end of a decade that saw debates over abolition, convict transportation, and aborigines reinvigorate an interest in the colonies that gradually loosened the constitutional ties that

⁵⁶ Phil Buckner and Carl Bridge, "Reinventing the British World," *The Round Table* 92:368 (January 2003), 81.

bound colonial subjects to metropolitan ones.⁵⁷ In the final months of his administration, Durham, members of his family and suite, and politically engaged settlers in BNA often described the greater metropolitan state invention that followed the 1837 rebellion, understood by those in England as a form of enlightened despotism, as “imperial interference” or “metropolitan meddling.” In Lower Canada, these two terms were increasingly used to demand “independence” not from the empire, but in the form of limited colonial self-government based upon a policy of non-interference. This debate set the stage for the disallowance of the Bermuda Ordinance by the House of Lords that August which transformed, as chapter five argues, the conditions of loyalty in Lower Canada.

In September, news arrived that on 15 August 1838, parliament had repealed the Bermuda Ordinance and issued an Act of Indemnity. Chapter 5 attends to the effects that this disallowance had on the conditions of loyalty in Lower Canada. It argues that the confidence politically engaged settlers had placed in Durham’s administration was

⁵⁷ Zoë Laidlaw, *Colonial Connections, 1815–45: Patronage, the Information Revolution and Colonial Government*, (Manchester: 2005); Zoë Laidlaw, “‘Aunt Anna’s Report’: the Buxton Women and the Aborigines Select Committee, 1835–1837,” *Journal of Imperial and Commonwealth History* 32:2 (May 2004): 1–28; Zoë Laidlaw, “Integrating Metropolitan, Colonial and Imperial History: The Aborigines Select Committee of 1835–1837,” in *Writing Colonial Histories: Comparative Perspectives*, ed. T. Banivanua Mar and J. Evans (Melbourne: 2002): 75–91; Elizabeth Elbourne, “The Sin of the Settler: The 1835–36 Select Committee on Aborigines and Debates Over Virtue and Conquest in the Early Nineteenth-Century British White Settler Empire,” *Journal of Colonialism and Colonial History* 4:3 (Winter 2003): online; Alan Lester and Fae Dussart. “Masculinity ‘race’, and family in the colonies: protecting Aborigines in the early nineteenth century,” *Gender, Place and Culture* 16: 1 (2009): 65-76; and Kirsten McKenzie, “Discourses of Scandal: Bourgeois Respectability and the End of Slavery and Transportation at the Cape and New South Wales, 1830–1850,” *Journal of Colonialism and Colonial History* 4:3 (2003): online.

supplanted by anti-metropolitan sentiment. This anti-metropolitan sentiment was grounded in the frustration that settlers had with the administrative structures of British imperialism that they had hoped Durham could change. The disallowance of the Bermuda Ordinance, however, reconfirmed metropolitan authority, undermined Durham's authority to act as an independent statesman in Lower Canada, and altered both the conditions of loyalty that Lower Canadians had placed in the imperial parliament and in each other. Both francophone and anglophone British subjects expressed frustration with this "childish" metropolitan meddling and rallied around Durham. Moreover, news of the disallowance marked the return, at least publicly for the first time since before Durham's arrival, of the "struggle of the races" that had been vociferous in the pre-rebellion period and identified by Durham in his report. Nearly thirty addresses were sent to the Durham at Quebec, signed by thousands. These addresses expressed confidence in Durham's statesmanly abilities, frustration with the interference of metropolitan statesman in Canadian affairs, and their hope for a politically stable future. Some wanted Lower Canada to remain a part of the British empire, others rallied for independence and separation; most wanted Durham to stay and finish the work he had started. Still others wanted him to return to England immediately. Nearly all once again placed the question of settler self-government and issue of local versus imperial authority firmly on their political agendas.

Durham, however, had had enough. With his reputation and administration in shambles, personally frustrated with the ways the imperial parliament had continuously undercut his efforts at reform, physically exhausted by illness and the work of empire, he

resigned his governor generalship on 9 October 1838, but not his position as high commissioner. He departed Quebec for the metropole aboard the *Inconstant* on 1 November 1838. Two days later, a second French Canadian rebellion in eleven months erupted in Lower Canada. John Colborne, once again governor of the colony, reinstated martial law, suspended *habeas corpus*, and crushed the rebels. Hundreds were arrested. Durham reached London that December. News that the 1838 rebellion had been “successfully” suppressed and imperial authority restored arrived shortly thereafter. Yet, the imperial project in BNA was no more stable than it had been before Durham’s arrival. By December 1838, it was becoming increasingly apparent that both Durham and the rebels were unsuccessful in their attempts to remedy the evils of colonial misgovernment in the Canadas.

Historiographical Contributions

This dissertation contributes to, and builds upon, three broad historiographical literatures. First, it engages with a body of secondary material published by Canadian, British, and imperial historians that often attends to, critiques, or celebrates the 1839 publication of the *Report on the Affairs of British North America*. Within this literature, Lord Durham, the man, and the mission that led to the creation of his report remain tangential. This dissertation directly contributes to Durham historiography in three specific ways. First, it argues that very little is known about Durham’s mission that resulted in what Janet Ajzenstat has termed “the one text in Canada’s political history that is routinely prefaced

by the adjective, ‘famous.’”⁵⁸ Because the focus of Durham historiography has been the report, and in particular its *celebrated* recommendations, both Durham’s mission and the broader imperial context of which his mission was a part have been ignored. As a result, much of this literature that celebrates the recommendations of Durham’s report – assimilate French Canada, reunite the Canadas, and institute limited colonial self-government – has not grappled with the mission that preceded it, which was ultimately, by most accounts, a failure.⁵⁹

Within this Durham historiography, and as further demonstrated by the recent public debate surrounding the Sparks Street placard with Durham’s likeness, the governor general exists in historical memory as a paradoxical, love-him or hate-him historical figure. French Canadian nationalist historians (and Québécois nationalists) despise Durham’s depiction of francophones along the St. Lawrence as a people without history, his assimilationist policies, and his efforts to encourage English immigration.⁶⁰ Moreover, these scholars often only refer to Durham’s report in passing, often negatively, and without actually examining it. In contrast, English Canadian nationalist historians celebrate Durham as the harbinger of responsible government, an argument repeated by colleagues in Britain and the former empire that comprehend Canada’s place in the

⁵⁸ Janet Ajzenstat, “Introduction,” *Lord Durham’s Report*, (Montreal-Kingston: 2006), vii.

⁵⁹ Martin, *The Durham Report and British Policy*; New, *Lord Durham*, (1929); W. Smith, “Lord Durham’s Administration,” *CHR*, 8:3 (September 1927): 208–23; and Reid, *Life and Letters*.

⁶⁰ Garneau, *Histoire du Canada*, (1859). See also, Ronald Rudin, *Making History in Twentieth Century Québec*, (Toronto: 1997).

empire as the first *British* settler society.⁶¹ To revisit Lord Durham's governor generalship of BNA helps us understand how Durham's experiences of empire shaped his report. It also indicates, as Magda Fahrni and Colin Coates have recently done, that the history of French Canada's relationship to the British empire, and the history of British imperialism in Lower Canada are more complicated than many historians have acknowledged.⁶²

The final contribution "Uncivil Subjects" makes to this Durham historiography is to revisit Lord Durham as a gendered subject. The study of masculinity and manliness, although nearly twenty years old, often remains within the confines of the three institutions where it is most easily comprehended: the home, work, and all male associations.⁶³ Frequently an extension of an earlier body of literature on the public (male) and private (female) spheres, this literature has acknowledged the role that politics played as a male domain, but has only begun to explore the ways that the domestic and the political interacted in public opinion and public politics. John Tosh has recently added empire to that threesome; however, much like the work on the gendering of politicians,

⁶¹ The Britishness of Canada continues to be taken for granted. See Angela Woollacott, *Gender and Empire*, (Palgrave: 2005); and Phillipa Levine, *The British Empire: Sunrise to Sunset*, (Palgrave: 2008).

⁶² Colin M. Coates, "French Canadians' Ambivalence to the British Empire," in *Canada and the British Empire*, ed. Phillip Buckner, (Oxford: 2008), 181–99; and Magda Fahrni, "Reflections on the place of Québec in Historical Writing on Canada," in *Contesting Clio's Craft: New Directions and Debates in Canadian History*, ed. Christopher Dummit and Michael Dawson, (London: 2008), 1–20.

⁶³ Catherine Hall and Lenore Davidoff, *Family Fortunes: Men and Women of the English Middle Class, 1780–1850*, (Chicago: 1987); Catherine Hall, *White, Male, and Middle Class: Explorations in Feminism and History*, (London: 1992); John Tosh and Michael Roper, eds, *Manful Assertions: Masculinities in Britain since 1800*, (London: 1991); John Tosh, *A Man's Place: Masculinity and the Middle-Class Home in Victorian England*, (London: 1999).

historians have been slow to pick up this thread.⁶⁴ This is not to suggest that historians have not studied the making of imperial masculinities. However, the majority of these studies examine the highly sexualized encounters between male colonizers and colonized women and the effects such relationships had on racial and gender politics in colonial society.⁶⁵ Still others have focused predominantly upon soldiers, migrants, convicts, and slaves, and not upon the gendered reputations of politically engaged men.⁶⁶

Chronology has further limited studies of imperial manliness, to the late-nineteenth century when it was believed to be “in crisis.”⁶⁷ As a result, historians have paid little attention to those individuals sent to perform the work of empire in far-flung locales and to the ways that the empire affected their gendered identities in the first half of the nineteenth century. Certainly recent work by David Lambert, Alan Lester, Catherine Hall, and Julie Evans demonstrates the ways in which “imperial careerists” were altered,⁶⁸ and had their gendered identities transformed by empire. Yet Durham does not fit comfortably into this category or those that historians have identified as structuring the gender order of the late-nineteenth century. As a colonizer, Durham was of a different sort: he was a husband and father, a state’s man, a noble, and a Radical-

⁶⁴ John Tosh, *Manliness and Masculinities in Nineteenth-Century Britain: Essays on Gender, Family and Empire*, (Longman: 2005).

⁶⁵ Mrinalini Sinha, *Colonial Masculinity: The ‘Manly Englishman’ and The ‘Effeminate Bengali’ in the Late Nineteenth Century*, (Manchester: 1995); Adele Perry, *On the Edge of Empire: Gender, Race, and the Making of British Columbia, 1849–1871*, (Toronto: 2001); Jock Phillips, *A Man’s Country: The Image of the Pakeha Male, A History*, revised edition, (Auckland, N.Z.: 1996).

⁶⁶ Graham Dawson, *Soldier Heroes: British Adventure, Empire, and the Imagining of Masculinities*, (London: 1994); McKenzie, *A Swindler’s Progress*; McKenzie, *Scandal*.

⁶⁷ Gail Bederman, *Manliness & Civilization: A Cultural History of Gender and Race in the United States, 1880–1917*, (Chicago: 1996).

⁶⁸ Lambert and Lester, *Colonial Lives Across the British Empire*.

Whig. “Uncivil Subjects” indicates that Durham’s statesmanliness, as well as the statesmanship of his metropolitan colleagues, were shot through with ideas about status, domestic responsibility, political duty, and imperialism. For statesmanship, as the *Morning Chronicle* described it upon Lord Melbourne’s death, “is indissolubly mingled, blended, and associated with the man.”⁶⁹ Similarly, on the 25 April 1838, a report for the *Bytown Gazette* clearly linked Durham’s gender and political identities.

He is a good-looking man; of dark complexion, and of small and regular feature. His eyes assimilate to the deep blue; they are small but piercing. His eyelashes are preeminent, from the jet-black colour of his hair. His face is something between the round and oval form. He is of the middle height and handsomely formed. His lordship’s political opinions are of the most liberal and uncompromising kind ... To see his calm, unassuming manner, nothing would convince you that he possessed sufficient nerve of decision or character to utter half a dozen sentences in the hearing of a public assembly. How great then, must be your surprise when from the tone of his voice, and the uncompromising character of his principles, that he is one of the firmest and most determined men in either house.⁷⁰

Matthew McCormick’s recent work on “independent men” has drawn attention to the various ways the political domain in Great Britain and the United States has been gendered, and the various masculinities of the public men who dominated that space.⁷¹ In Canada, Cecilia Morgan’s examination of the gendering of the political sphere in the early nineteenth century remains one of the few book-length studies to explore the connections between governance, political ideology, and gender construction.⁷²

⁶⁹ Quoted in, Mitchell, *Lord Melbourne*, 3.

⁷⁰ *Bytown Gazette*, 25 April 1838.

⁷¹ Matthew McCormick, *The Independent Man: Citizenship and Gender Politics in Georgian England*, (Manchester: 2005); Matthew McCormick, *Public Men: Masculinity and Politics in Modern Britain*, (Basingstoke, UK: 2007).

⁷² Cecilia Morgan, *Public Men and Virtuous Women*, (Toronto: 1996). See also, Bettina Bradbury, “Widows at the Hustings: Gender, Citizenship, and the Montreal By-Election

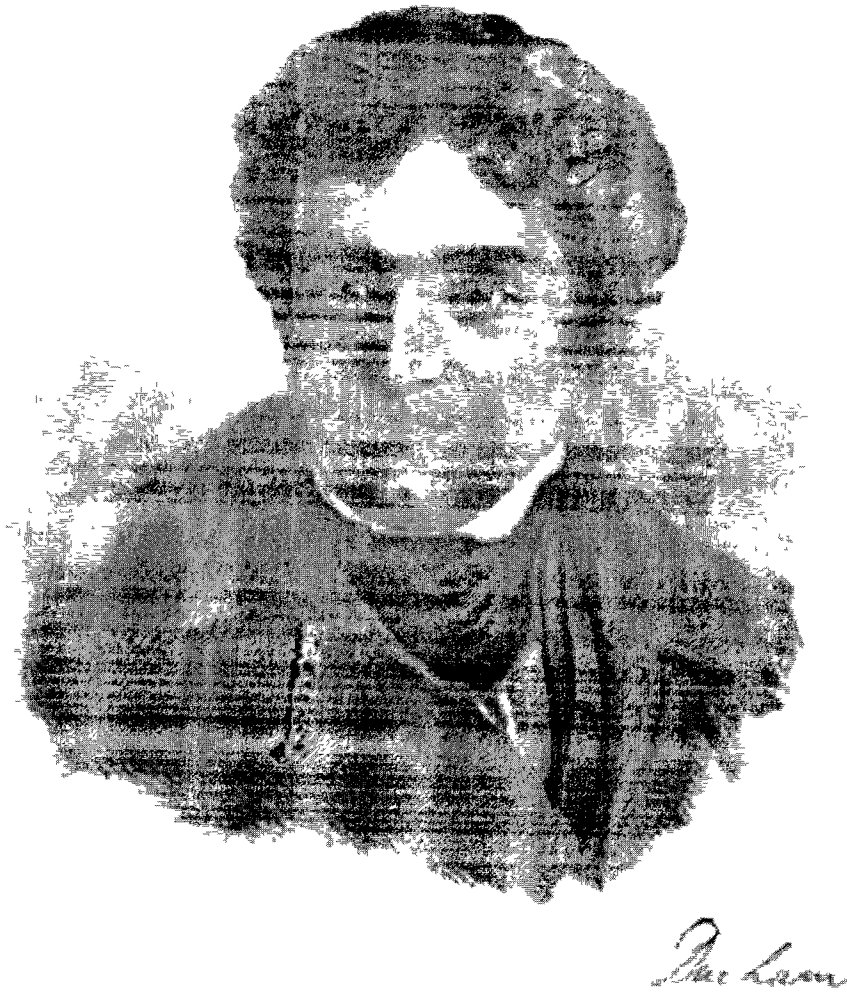


Figure I.5: Engraving of Lord Durham
Source: Archives de Montréal, BM1, S5, P0633

The second body of scholarship that this dissertation contributes to is the vast and still growing literature on the Canadian rebellions⁷³ that is often connected to analyses of the growth of the colonial state in BNA. Within this literature, Durham's administration

of 1832," in *Women On Their Own: Interdisciplinary Perspectives on Being Single*, ed. Rudolph M. Bell and Virginia Yans-McLaughlin, (Piscataway, NJ: 2008), 82–114.

⁷³ Ducharme, "Canada in the Age of Revolution," in *Contesting Clio's Craft*; Coates, "The Rebellions of 1837–1838"; Bernard, *The Rebellions of 1837 and 1838 in Lower Canada*; Greer, *The Patriots and the People*; and Schull, *Rebellion*.

has remained a tangential topic. Admittedly, Durham's five-month-long administration was a short one: it was, as one historian of the period has termed it, an interlude.⁷⁴ Yet the Canadas were, in 1838, a space of colonial encounters wherein peoples geographically, culturally, politically, and socially separated encountered each other. Such spaces, Mary Louise Pratt reminds us, often produced "radically asymmetrical relations of power."⁷⁵ In 1838, Lower Canada was in the wake of rebellion. Memories of martial law and the suspension of the constitution were fresh in the minds of many. The channels of power that had once governed this racially plural British colony, regardless of their perceived evils, were radically altered. New councils replaced old ones, but old ones also remained. Under Durham's authority, both the Special Council and the Executive Council of Lower Canada became novel and innovative in their construction, and distinct from those that came before and after.⁷⁶ As Durham and his councillors made concerted efforts to break with the past, a past that had led to rebellion, they also tried, with great difficulty, to provide for the future administration of the British North American colonies. Durham's mission is worthy of attention for the ways it juxtaposed past structures of rule with new ideas about the future. However, the problems Durham faced were not new ones. In fact, Lower Canada for much of the 1820s and 1830s, not just in the aftermath of rebellion, posed a series of vexing problems for metropolitan statesmen, appointed colonial

⁷⁴ Fecteau, "This Ultimate Resource," 221.

⁷⁵ Mary Louise Pratt, *Imperial Eyes: Travel Writing and Transculturation*, (London: 1992), 7.

⁷⁶ Antonio Perrault, "Le Conseil Spécial, 1831–1841," *La Revue du Barreau* III (1943): 130–144, 213–20, 265–74, and 299–307; Watt, "State Trial By Legislature," 248–78; Goldring, "British Colonists and Imperial Interests in Lower Canada"; Watt, "Authoritarianism, Constitutionalism, and The Special Council of Lower Canada." See also, Greer and Radforth, *Colonial Leviathan*.

officials, and local politicians: so too did places like the Cape Colony and New South Wales.⁷⁷ By situating Lower Canada alongside other empire-wide debates over the future of empire – what it would look like and who would have access to it – “Uncivil Subjects” demonstrates that the making of white British settler societies and the transition to responsible government are complicated stories. Making the Canadas into a white *British* settler society was ultimately less of a transition and more of a struggle. It was a struggle that involved significant debate, public protest, threats of violence, and outright rebellion. In Lower Canada this process was further complicated by “race”, a term that as Adele Perry argues, is “simultaneously flexible and critical.”⁷⁸

To comprehend the politics of “race” in Lower Canada, in particular the complicated intersection of ethnicity and complexion, this dissertation draws upon the international, feminist, and postcolonial scholarship that interrogates the history of British imperialism. In the 1830s the imperial project in BNA faced a distinct set of “problems” surrounding “race” that played a fundamental role in the carving out social and political rights for white British subjects like French Canadians, who were colonizers and colonized, and whose European heritage marked them as distinct from English and

⁷⁷ Saul Dubow, “How British was the British World? The Case of South Africa,” *Journal of Imperial and Commonwealth History* 37:1 (March 2009): 1–27. Alan Lester, “‘Otherness’ and the Frontiers of Empire: The Eastern Cape Colony, 1806–c1850,” *Journal of Historical Geography* 24:1 (1998): 2–19; McKenzie, “Discourses of Scandal”; and Elizabeth Elbourne, “‘The Fact So Often Disputed by the Black Man’: Khoekhoe Citizenship at the Cape in the Early to Mid Nineteenth Century,” *Citizenship Studies* 7:4 (December 2003): 379–400.

⁷⁸ Perry, *On the Edge of Empire*, 5.

aboriginal people.⁷⁹ Repeatedly these scholars, when not ignoring Canada, refer to it as a white British settler colony without examining the particular, or as some of Durham's contemporaries called it, the peculiar history of colonialism in BNA. Durham's report made it clear that he, like many imperialists, was disturbed that francophone British subjects in Lower Canada had rebelled less than six months into Queen Victoria's reign. Equally significant, however, is that there is no indication that Durham ever considered excluding these white, but *uncivil* British subjects, from the political rights guaranteed them by the 1774 Quebec Act.⁸⁰ That Durham and Lower Canadians rarely explicitly discussed whiteness confirms what Catherine Hall has argued: white subjects rarely reflected upon their whiteness in the ways that black ones reflected upon their blackness.⁸¹ However, in Lower Canada, in 1838, definitions of "race" were not solely about pigment: "race" on this edge of empire was complicated, as it was elsewhere, by the imperial catch-all civilization, as well as colour and ethnicity.

In the nineteenth century as "race" increasingly came to be marked by differences of colour and complexion, Lower Canadians turned to other social and cultural markers of "race" – what we would today call ethnicity – to demand political rights as British subjects, legitimize claims to loyalty, and mark hierarchies of "race". Deidre Coleman argues that such a process indicates the "plurality of whiteness." Coleman reminds students of colonialism that "complexion" was a particularly "unstable boundary marker. In a white *British* settler society like Lower Canada other grammars of racial difference

⁷⁹ Linda Colley, *Britons: Forging the Nation 1707-1837*, (New Haven: 1992); and Evans, et al, *Unequal Subjects*.

⁸⁰ Hilda Neatby, *The Quebec Act: Protest and Policy*, (Toronto: 1972).

⁸¹ Hall, *White, Male, and Middle Class*, 21.

had to be mobilized.⁸² French Canadians demanded constitutional change not by announcing their whiteness, but by mobilizing the rhetoric of abolitionists thereby indicating that they were well aware of the political rights that whiteness could purchase. In spite of the silence surrounding whiteness in Lower Canada, francophone and anglophone Lower Canadians and Durham were undoubtedly aware that their whiteness mattered; I understand whiteness here as a part of their “colonial common sense.”⁸³ For unlike Nelson whose Declaration of Independence proposed to extend political rights to aboriginal people in Lower Canada, Durham did not once considered extending such “white” rights to the colony’s aboriginal people, who, as Ann Courthoys has keenly observed, *haunt* his report.⁸⁴

In addition to drawing attention to the politics of “race”, whiteness, and ethnicity in Lower Canada, this dissertation makes two additional contributions to this international imperial scholarship. First, it draws attention to the important role that BNA, and in particular Lower Canada, played in British imperial ventures between 1820 and 1840.

⁸² Deidre Coleman, “Janet Schaw and the Complexions of Empire,” *Eighteenth Century Studies* 36:2 (2003): 169–93; and Roxann Wheeler, *The Complexion of Race: Categories of Difference in Eighteenth-Century British Culture*, (Philadelphia: 2000). In South Africa, as Elizabeth Elbourne reveals, a similar yet uniquely local trajectory occurred. Unlike in Lower Canada where whiteness was never explicitly claimed, by the 1850s in the Cape “whiteness” had supplanted “Christian” as a marker of civilization. In Lower Canada, from the 1840s onward, religious differences were increasingly used to mark such “racial” hierarchies. See Elbourne, *Blood Ground*.

⁸³ Ann Laura Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense*, (Princeton: 2009).

⁸⁴ Ann Curthoys, “The Dog that Didn’t Bark: The Durham Report, Indigenous Dispossession and Self Government for Britain’s Settler Colonies,” Unpublished Paper, 2010. Durham had limited contact with the aboriginal population of British North America. The only sustained correspondence that I have found revolve around the termination of “annual gifts” for the Native population. See, *Correspondence Respecting the Indians in the British North American Provinces*, (London: 1839).

Second, it complements a growing Canadian literature on the history of imperialism that has frequently interrogated a much later period, in a very different part of the country, and with a very different set of historical actors. In Canada, much of this recent imperial historiography has focused on the period between 1870 and 1930, and predominately upon Western Canada and English Canadians.⁸⁵ As a result, “new imperial historians” know very little about the workings of British imperialism in BNA between 1760 and 1860 or the place of Lower Canada, a white British colony populated by 400 000 francophone British subjects, within the broader British world. On the global scale, these historiographical tendencies have only been magnified by a literature focused on the periods before the War of American Independence (1775–83) and after the Indian Rebellion (1857–59). To add Lower Canada, a colony usually absent from this comparative and transnational literature, only magnifies this omission. Therefore, by examining Durham’s mission and reactions to it in BNA, Great Britain, and Bermuda within both the global frame of empire and the Age of Reform, “Uncivil Subjects” highlights the difficulties that accompanied efforts to make Lower Canada not only a *white* settler society, but also a *British* one.

⁸⁵ Sarah Carter, *The Importance of Being Monogamous: Marriage and Nation Building in Western Canada to 1915*, (Edmonton: 2008); Robin Jarvis Brownlie, *A Fatherly Eye: Indian Agents, Government Power, and Aboriginal Resistance in Ontario, 1918–1939*, (Toronto: 2003); Kristine Alexander, “The Girl Guide Movement and Imperial Internationalism during the 1920s and 1930s,” *The Journal of the History of Childhood and Youth* 2.1 (2008): 37–63; and Jarett Henderson, “‘No Money, but Muscle and Pluck’: Cultivating Transimperial Manliness for the Fields of Empire, 1870–1900,” in *Making it Like a Man*, ed Christine Ramsay et al, (Waterloo, ON: *forthcoming*).

Sources

“Uncivil Subjects” is centred upon on a close textual reading of four distinct types of primary documents published in what is now Canada or Great Britain, while material printed in Bermuda, the United States, and the Antipodes provides a context that is not confined by the rigid parameters of the late-nineteenth-century nation-states.⁸⁶ The materials I consulted were created in English, French, or both and include published and unpublished documents. These sources expose the empire extensions and colonial connections (as well as places of disconnect) that bound Durham to the Canadas, those in the Canadas to Durham, and BNA to the metropole. I analyze these diverse sources not in the interests of the narrowly defined political history, but in an effort to discern the meanings of political language, what Catherine Hall and others have identified as the cultural history of politics.⁸⁷ The primary materials that I have employed range from unpublished private letters and diaries to published Colonial Office correspondence; from official government debates and acts to the pages of the metropolitan and colonial newspapers that reported and commented upon their creation. This diverse source base makes “Uncivil Subjects,” like Durham’s mission itself, a study in the international history of imperialism and the particularities of colonial rule.

⁸⁶ See Antoinette Burton ed., *After the Imperial Turn: Thinking With and Through the Nation*, (Durham, NC: 2003); and Ann Laura Stoler ed., *Haunted by Empire: Geographies of Intimacy in North American History*, (Durham, NC: 2006).

⁸⁷ Catherine Hall, Keith McClelland, Jane Rendall, *Defining the Victorian Nation: Class, Race, Gender and the British Reform Act of 1867*, (Cambridge: 2000); and Jeffrey L. McNairn, *The Capacity to Judge: Public Opinion and Deliberative Democracy in Upper Canada, 1791–1854*, (Toronto: 2000).

As suggested earlier, Durham reported in 1839 that his lived experience of empire altered his opinion of both society and politics in BNA. Because historians are programmed to seek change over time, one of the goals of this dissertation is to understand what Durham's experiences of empire were and how they changed during his five-month tenure as governor general and high commissioner of BNA. I have turned first to a wide selection of personal papers written by Durham; his wife, Lady Louisa Lambton; and his brother-in-law, Lieutenant Charles Grey while they performed the work of empire.⁸⁸ These letters, memoirs, and correspondence are primarily contained in the Durham fonds now housed at Library and Archives Canada, where between 1907 and 1926, Durham's grandson, the third Earl of Durham, deposited them at the request of Dominion Archivist Arthur George Doughty.⁸⁹ Doughty's work and his insistence that 1838 was "one of the most critical years in Canadian history" secured Durham's mission a prominent place in the Public Archives of Canada.⁹⁰ The intimate and private sources Doughty catalogued are complemented by the writings of various individuals who were a part of Durham's administration, especially Charles Buller, Edward Gibbon Wakefield, and Thomas Edward Michell Turton.⁹¹ To garner the reactions that local Lower Canadian

⁸⁸ LAC, MG24 A27, Lambton fonds, "Lady Durham's Journal," Vol. 48. Lady Durham's journal and letters were reproduced by the Literary and Historical Society of Québec [Hereafter LHSQ], *Lady Durham's Journal*, (Quebec: 1915) and Lady Durham, *Letters and Diary of Lady Durham*, ed. Patricia Godsell, (Toronto: 1979). LAC, MG24 A10, Grey Family Papers, Vols. 3–8. Charles Grey's journal and his letters are reproduced in, Charles Grey, *Crisis in the Canadas 1838–1839*, ed. William Ormsby, (Toronto: 1964).

⁸⁹ Arthur George Doughty, *Annual Report of the Archives Branch*, (Ottawa: 1907, 1911, and 1926).

⁹⁰ Jarett Henderson, "I Am Pleased with the Lambton Loot': Arthur George Doughty and the Making of the Durham Papers," *Archivaria* 70 (Fall 2010): 155–76.

⁹¹ LAC, MG24 A26, Charles Buller fonds.

elites had to Durham's administration the letters and private correspondences of Louis-Hippolyte LaFontaine, Wolfred Nelson, Siméon Marchesseault, and Robert Bouchette were particularly valuable.⁹² Similarly, the published papers of Louis Perrault, Ludger Duvernay, the former editor of *La Minerve*, Louis Joseph Papineau, and Amédée Papineau detail how those exiled Patriots leaders in the United States reacted to Durham's mission. Collectively, these personal papers, whether of friends or critics, provide valuable insight into Durham's experiences of empire in the Canadas.

The second main archival source is the vast set of state records that include, but are not limited to the debates of the imperial parliament or the Legislative Assembly of Upper Canada: no debates took place in Lower Canada due to the suspension of constitution. These sources provide a wider imperial context to the Durham mission. They reveal that while metropolitan officials anxiously debated the end of apprenticeship, convict migration, the protection of the aborigines, and the reformation of the Legislative Assembly of Jamaica (subjects that have frequently garnered the attention of the "new imperial historian") they also spent significant time debating the future of the British colonies in BNA. Between 1837 and 1841, the "affairs of Canada" was one of the most frequently debated subjects in the imperial parliament.⁹³ Also included with these state

⁹²LAC, MG24 B14, Collection Louis Hippolyte Lafontaine; Louis Hippolyte Lafontaine, *Au Nom de la Loi: Lettres de Louis Hippolyte LaFontaine à divers correspondants, 1829–1847*, (Montréal: 2003); Robert S. M. Bouchette, *Mémoires de Robert S.-M. Bouchette (1804–1840)*, ed. Errol Bouchette et Alfred DeCelles, (Montreal: 1903); LAC, MG24 B34, Wolfred Nelson fonds; LAC, MG24 B139, Robert S. M. Bouchette and family fonds; LAC, MG24 B8, Collection rébellion de 1837–1838; and Bibliothèque et Archives nationales du Québec à Montréal [Hereafter, BAnQM], P224, Collection rébellion de 1837–1838.

⁹³ See *Debates*. British Parliament, 1837–1841.

papers are the detailed instructions and commissions that accompanied Durham's appointment⁹⁴ and the nearly one hundred proclamations, public addresses, and replies that were delivered and received between 29 May 1838 and 1 November 1838.⁹⁵ I have also consulted the official legislative acts of metropolitan or colonial administrations: specifically, the Canada Coercion Bill (10 February 1838), the Bermuda Ordinance (28 June 1838), and the Indemnity Bill (15 August 1838). The journals of the Special Council of Lower Canada and the minutes of the Privy Council of Bermuda, like the other state papers, preserve specific local reactions to and critiques of the global reach of Durham's mission.⁹⁶

The third major archive that informs this dissertation is the records of the British Colonial Office. Although much of this correspondence has been published, and therefore typed by order of the imperial parliament, the handwritten originals and drafts remain invaluable;⁹⁷ both are held at the Library and Archives Canada and the National Archives in England. The records of the Colonial Office ought to be recognized as a different kind of source than state papers. Original despatches were painstakingly numbered, dated, and reproduced in triplicate as per the guidelines set out by the 1837 Colonial Office publication, *Rules and Regulations*.⁹⁸ Communications were to be labelled "secret,"

⁹⁴ LAC, MG24 A27, Lambton fonds, "Commission and Instructions," Vols. 4–6.

⁹⁵ LAC, MG24 A27, Lambton fonds, Vols. 2–3.

⁹⁶ *Journals of the Special Council of Lower Canada*, (Montreal: 1838–1841) and *Minutes of the Privy Council of Bermuda*, (London: 1838).

⁹⁷ Stoler, *Along the Archival Grain*.

⁹⁸ Colonial Office, *Rules and Regulations for Colonial Officials*, (London: 1837). Lord Glenelg gave Durham a copy before he departed for Canada. This volume was revised in 1843. Stricter guidelines were included to regulate colonial correspondence, see Laidlaw, *Colonial Connections*; Bruce Curtis, "The Canada 'Blue Books' and the Administrative

“confidential,” or “private” based on content; they were to be confined “to a single subject”; and they were to accompany “every legislative act” performed by a governor. Moreover, these despatches were to explain the objectives and motives of any act (metropolitan or colonial) and anticipate any questions of legal importance that might arise.⁹⁹ In this period, trans-imperial correspondence was frequently exchanged between Lord Gleneg, the secretary of state for the colonies, and the countless colonial governors. These documents contain contextual information that state papers produced in and for one locale do not. The nearly two hundred despatches posted between Lords Durham and Glenelg between January and November 1838 not only filled countless “bulging mail-bags” that trooped back and forth across the Atlantic, as one historian has remarked, but also constitute a tangible, trans-imperial link between the British North American colonies and the imperial metropolis.¹⁰⁰

I consulted both the handwritten and the reproduced typed versions of the same despatch, and in the process, stumbled across some very glaring omissions. Although such a task may appear tedious, this attention to detail was necessary, for published versions of Colonial Office despatches could be reproduced as “EXTRACTS” or “COPIES” of an original handwritten communication. As the discussion in chapter four reveals, these published “EXTRACTS” often constructed versions of an event that were very different from those contained in the handwritten correspondence. In addition to

Capacity of the Canadian State, 1822–67,” *CHR* 74:4 (1993): 535–65; and Helen Taft Manning, “Who Ran the British Empire 1830–1850?” *The Journal of British Studies* 5:1 (November 1965): 88–121.

⁹⁹ *Rules and Regulations*, (1837), 83–7.

¹⁰⁰ Brown, “The Durham Report and the Upper Canada Scene,” 147.

consulting despatches between Durham and Glenelg, I have also examined correspondence between Durham and members of his administration and neighbouring governors, such as Sir George Arthur in Upper Canada and Sir Stephen Chapman in Bermuda. The correspondence that Durham had with these colonial governors details the ways in which colonial administrators “on-the-spot” understood and dealt with questions that, although under the purview of the Colonial Office, were frequently handled more efficiently at the local level and without imperial interference.

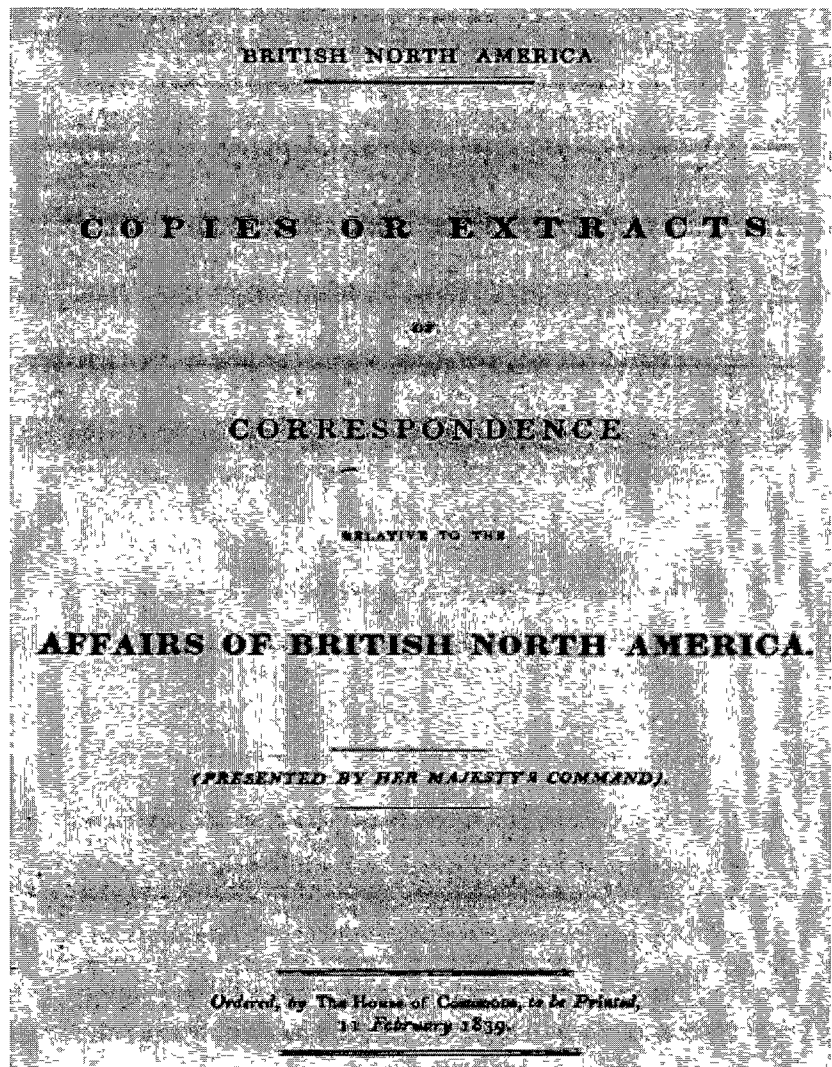


Figure I.6:
The public face of
published Colonial
Office despatches

The final set of sources employed in this dissertation is the plethora of daily and weekly newspapers that were, as Yvan Lamonde notes, the “crucible of public opinion and also of colonial culture.”¹⁰¹ The press, like the correspondence of Colonial Office officials, was also locally specific but trans-imperial in focus. Local editors published a wide range of material in their papers. News articles, editorials, opinion pieces, letters to editors, regulations passed at public meetings, public addresses, as well as transcriptions of the parliamentary debates in England and from across the empire appeared in almost every issue. The colonial press in BNA, as in other outposts of empire, brought the diverse and distant parts of the empire (and the world) together in a single issue for one to read (or have read to them). This process simultaneously confirmed and transgressed the distance between metropole and colony, and between colonies themselves. The practice of reprinting world news surely brought the empire home to British North Americans, but it could also mean, as was the case in Lower Canada, that not all segments of the settler population were represented in the press. Pro-Patriot newspapers in Lower Canada, such as the *Vindicator* and *La Minerve*, were forced to close following the first rebellion as a result of Colborne’s Special Council’s ordinance banning the publication of “seditious” newspapers. Their editors fled to the United States where they lived in exile for the duration of Durham’s tenure. In the United States, they started new, smaller, and unsuccessful papers, which Stephen Kenny interprets as an indication both of the difficulty they had in reaching their demographic in Lower Canada and of a decline in

¹⁰¹ Yvan Lamonde, “Canadian Print and the emergence of a Public Culture in the Eighteenth and Nineteenth Centuries,” in *Les idées en mouvement*, 179.

their necessity.¹⁰² Where possible, I have made a concerted effort to include these American newspapers as well as the other French- and English-language newspapers published in Lower Canada that covered the political spectrum.

The Canadian colonies had relied on steamers to transmit news between Quebec, Montreal, and Toronto since the 1820s; however, 1838 was the first year that steamships transmitted news between London and Lower Canada.¹⁰³ These transatlantic steamships had a dramatic effect upon the transmission of news between the metropole and its colonies. They reduced from seven to four weeks the time it took to transfer news between BNA and England; however, this did not mean that “everyone read news from the metropole and from the colony simultaneously” as was the trend by end of the nineteenth century.¹⁰⁴ This rift in time and space played a significant role in determining what news would be printed where and when, and the reactions to it in both England and Lower Canada. Although the arrival of metropolitan news temporarily overshadowed local concerns, imperial matters did not conceal local news for long as local editors in Toronto, Kingston, Montreal, and Quebec had the final say about what news appeared in their papers. Yet, the distance of BNA from England and the technologies of transportation did affect what colonists knew and when they knew it. Distance shaped colonial knowledge

¹⁰² Stephen Kenny, “Strangers’ Sojourn: Canadian Journalists in Exile, 1831–1841,” *American Review of Canadian Studies* 17:2 (1987): 181–205; and Stephen Kenny, “Duvernay’s Exile in ‘Balenton’: The Vermont Interlude of a Canadian Patriot,” *Vermont History* 52:2 (Spring 1984): 103–22. Many thanks to Dan Horner for these references.

¹⁰³ Frank Mackey, *Steamboat Connections: Montreal to Upper Canada, 1816–1843*, (Montreal-Kingston: 2003).

¹⁰⁴ Julie Codell, ed., *Imperial Histories: National Identities and the British and Colonial Press*, (Madison, NJ: 2003), 17.

of imperial affairs and helps to explain why certain matters occupied the attention of Durham and the Canadian colonists when they did.

This dissertation brings a fresh perspective to an old topic. It fuses the historiography of the struggle for responsible government in the Canadas – that on Durham, the Rebellions, and the growth of the Canadian state – with an international literature on the making of white settler societies to illustrate that these two processes, often considered separately, were part and parcel of the same imperial project. In the 1830s, in Britain and throughout its empire, the nature of governance and the rights of subjects were called into question from within and without: first by the 1832 Reform Act, then with the abolition of slavery in 1833, the establishment of the Select Committee on Aborigines in 1836, and finally the anti-transportation movement of 1837. This “Age of Reform” encompassed the empire. Entangled within these empire-wide debates over race, political rights, and British subjecthood was Lord Durham’s mission. Between 1836 and 1841, Lower Canada posed very real threats to metropolitan rule. Not only because its inhabitants were demanding “independent” colonial self-government, but also because the very process of making Lower Canada into a white, *British* settler society posed a novel problem: where did white, francophone British subjects, who were considered by most anglophones as uncivil for rising in rebellion, fit in this emerging imperial order? For as the 1837 handbook, *Rules and Regulations*, designed for Colonial Office officials and given to Durham before he departed England explained: Lower Canada was a colony of conquest and settlement.¹⁰⁵

¹⁰⁵ Colonial Office, *Rules and Regulations*, (1837).

CHAPTER 1

“Like a Stone Tied to Lord Durham’s Neck:” Rumours in Westminster and the Executive Council of Lower Canada

“I cannot but consider Mr. Turton like a stone tied to Lord Durham’s neck,” began an ominous letter to the editor of the *Montreal Herald*, the most conservative, anti-reform, anti-French, and anti-Catholic newspaper in Lower Canada. “The metaphor will stand the test of strict criticism,” continued the individual identified only as E, “for Lord Durham must either cast off Mr. Turton or sink with him.” E did not begrudge Mr. Turton, who, had been recently appointed to the Executive Council, his salary. “What I deprecate in common with every other person is the fact, that an individual, of whom even Lord Melbourne was more ashamed in London than of a lie, has been deemed by Lord Durham good enough for Quebec.”¹ This letter, composed by E on 5 June 1838, appeared in the *Herald* four days later. On 1 June 1838, as the first act of his administration, Durham dissolved the appointed Executive Council of Lower Canada that had consistently provided, since its creation in 1791, successive governors with unwavering support.² In an effort to restore political stability and balance the conditions that Lower Canadians attached to their loyalty, Durham appointed, in its place, his own council of five “independent men.”³ E did not refer to this event in his letter, yet it is clear that it was this

¹ *Montreal Herald*, 9 June 1838. E does not appear in the dictionary of newspaper pseudonyms as a contributor to the *Herald*, however, an E did write to the *Nova Scotian* in this period. That E has been identified as Joseph Howe.

² Hilda Neatby, *Quebec, the Revolutionary Age: 1760–1791*, (Toronto: 1966; 1977); and Ouellet, *Lower Canada*.

³ *Quebec Gazette*, 2 June 1838.

act of Durham's administration that had not only encouraged E to write to the *Herald*, but had also provoked such sentiment: "on this subject there cannot be two opinions."

E did not disclose in the pages of this self-proclaimed organ of Lower Canadian conservatives what it was that Turton had done that "degraded [him] in the eyes of the world." Turton's transgression, it seems, was either too infamous to detail in the pages of a colonial press that sought to establish a respectable public or was something that most people were familiar with. That E did not have to identify Turton's transgression reveals that they were a part of his colonial common sense.⁴ E did not explain to readers what it was that Turton had done; yet E was certain that it would bring about the failure of Durham's mission. "In one word, I tell Lord Durham," declared E, "that the importation of Mr. Turton converted into universal distrust the general determination of all classes to receive this lordship with respect and confidence. With Mr. Turton, his lordship's mission is a failure; without him, it is a triumph." If Turton's transgression had been as outrageous as E alluded to in his letter, why then did Durham appoint such an individual to his Executive Council? The answer to this question suggests that the tensions between colonial and metropolitan politicians that had long plagued Lower Canadian society could reveal themselves in a variety of ways; in both the high politics of empire and the intimacies of the everyday. E's critique of Turton's appointment, in the pages of a Tory press, and Durham's decision, as a Radical-Whig statesman, to appoint Turton underline how political differences often intersected with contemporary notions of gender and reputation, and how porous the bonds between the public and the private were in the

⁴ Stoler, *Along the Archival Grain*.

immediate post-rebellion period. “Let his lordship mark my words,” E ominously threatened in the last line of his letter.⁵

This chapter focuses on the debate that Durham’s *rumoured* appointment of Thomas Turton as one of his Executive Councillors, ignited in the public press and in the private mailbags of the Colonial Office between April and June of 1838. It begins by describing the Executive Council and how, by the time Durham arrived at the end of May 1838, it had become an institution hated by the Patriots and admired by the Tories. It then traces Turton’s sexually transgressive past, the ways in which notions of gender and sexuality intersected with reform and conservative politics, and the role of the public and private in this equation. The third section examines Turton’s “non-appointment,” as the *John Bull* termed it in May 1838⁶ and the debate it sparked in the House of Lords just days after Durham’s departure. This debate reveals one way that matters of intimacy could become the business of the state, and how the personal experiences of metropolitan statesmen in the years before Durham’s mission affected reactions to it in 1838. The final section brings together the dislike of the Executive Council in Lower Canada and the metropolitan dislike of Turton to examine how the entire affair was debated in BNA.

By assessing the debate that emerged in London and spread to Lower Canada, I plot the ways the public and the private worlds of empire collided. Historians have yet to recognize the importance of Turton’s appointment in the trajectory of Durham’s administration. In 1937, William Smith, one of the few historians to have drawn attention to the role of Turton’s appointment, argued that Turton’s “lapse” in character paled in

⁵ *Montreal Herald*, 9 June 1838.

⁶ *John Bull*, 6 May 1838.

comparison to his overall “great ability” and “integrity” as a lawyer.⁷ In her study of politics and virtue in Upper Canada, Cecilia Morgan found that Conservative critiques of political opponents, much like that expressed by E, often questioned the fitness of men’s private character for public office, whereas reforming statesmen often promoted a division between private reputation and suitability for public office.⁸ The latter was precisely Durham’s argument: an argument rooted in a Whig political tradition that, as Leslie Mitchell observes, paid little attention to critics who thought adultery had no place in fashionable or political life.⁹ Durham defended his decision to appoint Turton on three fronts. First, that Turton had exceptional legal qualifications for the post of legal secretary and Executive Councillor. Second, that his was a colonial appointment, not a metropolitan appointment and, therefore, metropolitan statesmen had no right to meddle in colonial affairs. And third, that any critique of Turton’s appointment undermined Durham’s ability to act independently of both colonial and metropolitan influences to restore political stability in Lower Canada.

The debate drew domestic, local, and imperial politics into a seamless whole. Although Turton’s transgression was a private one and his appointment to the Executive Council of Lower Canada a public one, the intimate connection between these two spheres has not been explored, nor have the ways in which the debate exposed the intersections of gender, reputation, and politics in Lower Canada and the empire at large. This chapter takes seriously Chester New’s insistence that Turton’s appointment mattered

⁷ Smith, “Lord Durham’s Administration,” 209.

⁸ Morgan, *Public Men and Virtuous Women*.

⁹ Mitchell, *Lord Melbourne*, 5.

and interrogates it alongside Kirsten McKenzie's insight that "the repercussions of sexual transgression [were] felt far beyond the lives of the protagonists themselves."¹⁰ The reaction to Turton's non-appointment in London and his actual appointment in Lower Canada confirms what Alan Lester, David Lambert, Julie Evans, Catherine Hall and others have recently shown: that individuals often do not fit comfortably within the hegemonic discourses of gender, sexuality, and imperialism that have so often been the object of historical inquiries at the expense of individual experiences.¹¹ The debate about Turton's appointment in public and in private, in Lower Canada and in Great Britain, indicates that these ideologies were not of little consequence, but that for Thomas Turton, Lords Durham and Melbourne, and E they operated in very real ways. This inherently political debate over a rumoured colonial appointment is preserved in the records of the Colonial Office, in colonial newspapers, and in personal private papers, as well as in the published debates of the House of Lords. However, as the silences in E's letter indicate, piecing together Turton's transgression and the ways in which it manifested itself in 1838 requires that these sources be read against the grain – keenly seeking what they reveal and what they do not.¹²

“A Perennial Bone of Contention”: The Executive Council of Lower Canada to 1837

In June 1791, “An Act to repeal certain Parts of an Act, passed in the fourteenth Year of his Majesty's Reign, entitled, An Act for making more effectual Provision for the Government of the Province of Quebec, in North America; and to make further Provision

¹⁰ New, *Lord Durham*; and McKenzie, *Scandal*, 92.

¹¹ Lambert and Lester, *Colonial Lives across the British Empire*; Evans, *Edward Eyre*.

¹² Stoler, *Along the Archival Grain*.

for the Government of the said Province” came into effect. This act, better known as the Constitutional Act, preserved the rights guaranteed in the Quebec Act of 1774: religious freedom for Roman Catholics, the continuation of the seigniorial system, and the affirmation that French civil law would continue to exist alongside British criminal law in the new province of Lower Canada.¹³ The Constitutional Act marked the third time in thirty years that metropolitan statesmen experimented with the structure of colonial government for their empire along the St. Lawrence.¹⁴ The act also divided the former Province of Quebec into the Provinces of Lower and Upper Canada, the former predominantly French-speaking and Roman Catholic, the latter English-speaking and Protestant. Inhabitants of both were considered British subjects. To the existing offices of Governor and Legislative Council established in the Quebec Act were added an elected House of Assembly and an Executive Council. This new executive institution, added in 1792 by a special order-in-council, was not responsible to the elected members of the House of Assembly but to the governor, who in turn answered only to the imperial government.¹⁵ This new Constitutional Act came into effect on 26 December 1791; four months later, on 12 April 1792, John George Lambton was born.

Between the passing of the Constitutional Act and Durham’s High Commission to BNA, the political, economic, and social climate of Lower Canada changed radically. Central to these changes were colonists’ critiques of the structure, workings, and composition of the colonial government, in particular, the Executive Council. Members

¹³ Neatby, *Quebec*, 125–41.

¹⁴ Peter H. Russell, *Constitutional Odyssey: Can Canadians become a Sovereign People?* (Toronto: 2004).

¹⁵ Ouellet, *Lower Canada*, 27.

of the Executive Council were appointed on instruction from the Crown, conveyed by a Royal Warrant, or at the governor's discretion. Most held their appointments for life. All were white men. The intention was that these men would advise and assist the governor in his executive, legislative, and judicial functions in the colony. Before 1814, tensions between French- and English-speaking members in the House of Assembly, between the legislative and executive branches of government, and between the diverse settler population of Lower Canada and the imperial officials on Downing Street had begun to emerge. It is important that we understand the nature of these anxieties between settlers, between these two levels of local colonial governance, and between the colonial government and British state if we wish to comprehend the strength and variety of responses that the selection, appointment, and composition of Durham's new Executive Council ignited in 1838.

In 1822, the appointed Executive Council and the elected, *Canadien*-dominated House of Assembly divided over the appropriation of monies for "civil governance." Members of the *Canadien* party argued that they had the right to approve and reject every detail of government expenditures connected to the civil list of pensions and salaries; whereas the governor and his council insisted that their authority was paramount. Although this issue continued to fester until after the 1837 rebellion, it came to a head in 1827–8 when Lord Dalhousie and his Executive Council employed the British military to coerce the *Canadien* opposition.¹⁶ Following a vigorous campaign of protest, the British

¹⁶ Greer, *Patriots and the People*, 124–6.

state appointed a select committee to inquire into the matter.¹⁷ In July 1828, the solution that the Select Committee on the Civil Government of Canada “strongly impressed” upon the metropolitan state was that it would be advantageous to render “the Governor, the Members of the Executive Council, and the Judges, independent of the annual votes of the House of Assembly for their respective salaries.”¹⁸ Members of the Select Committee hoped that this would preserve if not strengthen the ties of empire in Lower Canada as well as secure for these officials their status as “independent men.”

Throughout the 1830s, the *Canadien*-dominated House of Assembly grew increasingly radical in its program of reform. In 1834, the Patriots, as they had re-branded themselves in 1826, submitted a petition to the imperial parliament that highlighted the abuses of the Executive Council and protested the “*interference* of the Imperial Government in matters relating entirely to the internal affairs of the Colony.”¹⁹ That same year the Assembly of Lower Canada passed its 92 Resolutions for reform. Although these resolutions may appear as a “long-winded and rather disorganized collection of grievances, assertion, and threats,”²⁰ four dealt specifically with the Executive Council. These four resolutions commented on the composition and function of the council, and argued that it was *vicieuse* and *irresponsable* in its administration of the colony’s affairs.²¹ Yet Lower Canadians did not unanimously support the 92 Resolutions.²² In

¹⁷ *Report of the Select Committee on the Civil Government of Canada*, (London: 1828), 68–9.

¹⁸ *Report of the Select Committee on the Civil Government of Canada*, 7.

¹⁹ *Petition from Lower Canada, with Explanatory Remarks*, (London: 1835), 33. [My italics].

²⁰ Greer, *The Patriots and the People*, 137.

²¹ *Report of Commissioners on Grievances Complained of in Lower Canada*, Third

April of 1835, “certain inhabitants of Annfield and Beauharnois” with the assistance of George Young, a member in the British House of Commons, laid before the imperial parliament a petition expressing their “entire disapprobation.”²³ These petitioners identified themselves as “British subjects.” They stated that their “great cause of complaint” stemmed from “the manner in which they were excluded from their common rights as British subjects, by the mode in which legislation was carried on in Canada.”²⁴ The petition denounced the proceedings of the legislature of Lower Canada. It also prayed for protection from the French majority that had passed these resolutions. Joseph Hume, a radical British member of parliament who worked to advance the program of reform in Lower Canada, and, who would later argue that Prime Minister Melbourne “jolly well knew all about [Turton’s appointment],” insisted that both French and English Lower Canadians had grounds for complaint.²⁵ Hume reminded the Commons that the 92 Resolutions “had received the deliberate approbation of the House of Assembly, and as such they were entitled to respect.”²⁶ Hume’s assertion highlighted the complexities that existed between the respect for self-government and those rights that individuals demanded as British subjects.

Between the passage of the 92 Resolutions and Durham’s arrival in BNA, the metropolitan government made one final attempt to “conciliate” the settler population of Lower Canada. In an effort to preserve metropolitan authority in colonial affairs, a

Report, 3 May 1836, (London: 1837), 109.

²² Little, *Loyalties in Conflict*, 67–9.

²³ *Debates*, Parliament of Great Britain, House of Commons, 2 April 1835, 650.

²⁴ *Debates*, Parliament of Great Britain, House of Commons, 2 April 1835, 651.

²⁵ *The Age*, 8 July 1838.

²⁶ *Debates*, Parliament of Great Britain, House of Commons, 2 April 1835, 652.

commission was appointed to investigate all the “Grievances affecting His Majesty’s Subjects of Lower Canada.” This commission, conducted under the authority of Governor General Lord Gosford, George Gipps, and Charles Edward Grey, the Chief Justice of Calcutta and the individual believed to have recommended Turton’s appointment,²⁷ submitted one general report and five additional reports to the British parliament, beginning in January 1836. The Gosford Commission has been interpreted as either another failed attempt at conciliation or as a delay tactic of an indecisive English administration.²⁸ Bruce Curtis identifies the Gosford Commission as “la première application, en Amérique du Nord, de cet instrument relativement nouveau du gouvernement libéral anglais – la commission royale d’enquête.” He argues that the commission marked a shift in the *mentalité* of colonial governance and indicates that imperial policy was already transitioning from mercantile ideas towards a more liberal system in the years before Durham’s administration. Yet, as Curtis makes clear, this system of governance was able to accommodate contradictory notions of equality in matters of political representation.²⁹ Nowhere can these contradictions be better observed than in the *Third Report* of the Gosford Commission that investigated the Executive Council.

The *Third Report* detailed “the origin and history of the [Executive Council] ... its existing functions ... the complaints which have been proffered against it, the various remedies that have been proposed, and the alterations which we ourselves are prepared to

²⁷ *The Age*, 6 May 1838.

²⁸ Buckner, *The Transition to Responsible Government*, 208–22

²⁹ Bruce Curtis, “Le redécoupage du Bas-Canada dans les années 1830: Un essai sur la « gouvernementalité » coloniale,” *RHAF* 58:1 (Été 2004): 27–66.

recommend.”³⁰ It was accompanied by the testimonies of George Ryland, assistant clerk to the Executive Council; John Neilson; René-Édouard Caron, the mayor of Quebec; and Andrew Stuart, author of *Review of the Proceedings of the Legislature of Lower Canada in the Session of 1831*.³¹ Stuart, Neilson, and Caron had all been elected to the House of Assembly, and all three had recently broken their ties with the increasingly radical Patriot party.³² Gosford, Gipp, and Grey concluded, based on the testimony of these four men, that “a very general impression exists that [the Executive Council] is inadequate to any useful end, and all parties agree in objecting to it, though probably not on the same grounds.”³³ The lack of attention that Ryland, Neilson, Caron, and Stuart paid to the reasons behind their critiques of the Executive Council is striking. Although none deemed it necessary to officially regulate access to the Executive Council based on ethnicity (or race), rank, religion, or language, Neilson’s testimony makes it clear that he believed an individual’s status ought to be considered. Neilson argued that since there were only a limited number of men to choose from in the colony, “education, acknowledged abilities, experience in public affairs, and independence as to pecuniary

³⁰ *Report of Commissioners on Grievances Complained of in Lower Canada*, Third Report, 3 May 1836, (London: 1837), 107.

³¹ Andrew Stuart, *Review of the Proceedings of the Legislature of Lower Canada in the Session of 1831: With an Appendix Containing Some Important Documents Now First Given to the Public*, (Montreal: 1832).

³² See, “Appendix No. 4,” *Report of Commissioners on Grievances Complained of in Lower Canada*, Third Report, 3 May 1836, (London: 1837), 127–36. J.-C. Bonenfant, “René-Édouard Caron,” *DCB*; Sonia Chassé, Rita Girard-Wallot, and Jean-Pierre Wallot, “John Neilson,” *DCB*; and Ginette Bernatchez, “Andrew Stuart,” *DCB*.

³³ See, “Appendix No. 4,” *Report of Commissioners on Grievances Complained of in Lower Canada*, Third Report, 3 May 1836, (London: 1837), 127–36.

circumstances” ought to be favourably considered.³⁴ The Executive Council, these men testified, ought to be composed of independent men of property and independent in action, but dependent upon the pleasures of the people. Each agreed that the Executive Council lacked the confidence of the people.³⁵ Independence and experience, it seems, were held in equally high regard for both individuals and the very structures of colonial governance in Lower Canada.

To remedy the problem of executive governance, the Gosford Commission proposed a series of structural changes to the imperial project of Lower Canada. A recommendation was made that would limit the Executive Council to no more than fifteen and no fewer than nine men. Caron, Neilson, Ryland, and Stuart all testified that they thought there should be between five and sixteen members (five, the minimum number of councillors deemed sufficient, was the number that Durham appointed in 1838). They further recommended that councillors should be appointed by the governor and approved by the monarch within one year of their appointment, and that only one in four councillors could hold another office under the Crown. Specific guidelines recommended that there should be one, and no more than three Legislative Councillors, and two, and no more than five members of the House of Assembly on the Executive Council. Moreover, councillors should come from among landed proprietors, commerce, and the legal profession, and from the different districts of the province.³⁶ The commission proposed that meetings be held regularly: they recommended twice monthly.

³⁴ Neilson, Testimony, 30 March 1836, “Appendix No. 4,” (1837), 129.

³⁵ See, Testimonies in Appendix 4, Third Report, 3 May 1836, (London: 1837).

³⁶ *Third Report*, 3 May 1836, (London: 1837), 114.

If other meetings were needed, due time was to be given to ensure that distance and difficulty of communication, problems that hindered local governance as much as they affected the ability of metropolitan administrators to communicate with their colonial officials, did not prevent attendance. Quorum was set at five. Gosford, Gipps, and Grey did not recommend the election of Executive Councillors, as the Patriots had desired; yet they did acknowledge that there was “perhaps, no matter in which it is more proper to observe the salutary maxim of *not interfering* unnecessarily in the domestic concerns of the Province” than the question of executive governance.³⁷ Before the 1837 rebellion and Durham’s arrival, then, the issue of limiting metropolitan meddling in Canadian affairs was understood to be particularly pressing concern both in the colony and among British politicians in the Colonial Office.

On 18 August 1837, as tensions increased in Lower Canada, members of the House of Assembly debated Gosford’s opening address that articulated his position on colonial reform. “While it is expedient to improve the composition of the Executive Council,” Gosford explained to the Patriot-dominated legislature, “it is unadvisable to subject it to the responsibility demanded by the House of Assembly.”³⁸ For one week, members of the Assembly in committee, led by Antoine-Charles Taschereau, carefully composed their response to Gosford. “After full and calm deliberation” the House of Assembly tabled its response on 25 August 1837.

We are, then, bound by our duty, to declare to Your Excellency, under the solemn circumstances in which we are placed ... that since the time when we were last called to meet in Provincial Parliament, we have seen in the conduct

³⁷ *Third Report*, 3 May 1836, (London: 1837), 114–5. [My italics].

³⁸ *Debates*, Legislature of Lower Canada, House of Assembly, 18 August 1837, 16.

and proceedings of the Metropolitan Government and of the Colonial Administration towards this country nothing which could re-establish in the people, the confidence and affection which the long and fatal experience of the past had almost destroyed.³⁹

Taschereau and the committee drew attention to the lack of confidence that Lower Canadian colonial administrators had in the conduct of the metropolitan government: “While they admit the reality of the great portion of the abuses and grievances of which we have complained,” they explained, “the Commissioners do not recommend their removal and the destruction of the causes which had produced them.”⁴⁰ Then, for what would be the final time before the 1837 rebellion, the Lower Canadian Assembly emphasized their long-standing grievance towards the Executive Council and the perpetual inaction of the metropolitan government:

Your Excellency had been pleased to allude distantly to the improvement of the composition of the Legislative and Executive Councils of this Province. With regard to the Executive Council, we shall here forebear any painful reflections on the unmodified experience of that body, after it had been so solemnly repudiated by Your Excellency in the name of the Crown, and on its co-operation with the other portions of the Provincial Executive in a system of premeditated coercion to effect the overthrow of the Laws and Constitution, of incrimination, persecution, and arbitrary removals from office, directed against the mass of the people who remain faithful to the true principles of the British Constitution and who have manifested their attachment to their assailed liberties.⁴¹

The address, with minor revisions, was agreed to by a majority of members in the House of Assembly on Saturday, 25 August 1837 by a vote of 48 to 31. Augustin-Norbert Morin, Jean-Baptiste Meilleur, Edmund Bailey O’Callaghan, and James Leslie, four members of the assembly, delivered the news to Gosford.

³⁹ *Debates*, Legislature of Lower Canada, House of Assembly, 18 August 1837, 23.

⁴⁰ *Debates*, Legislature of Lower Canada, House of Assembly, 18 August 1837, 24.

⁴¹ *Debates*, Legislature of Lower Canada, House of Assembly, 18 August 1837, 25.

These debates over the composition of the Executive Council linked local and imperial politics. They also indicate that the questions of who had the right to control colonial finances and how much authority the British government ought to have in Lower Canada in the years leading up to the rebellion were, as Allan Greer suggests, a “perennial bone of contention.”⁴² By 1837, then, the composition and function of the Executive Council had become key to both the independent colonial administration demanded by the Patriots and the growing support for a policy of non-interference. In the eyes of Lower Canadian Tories, the Executive Council preserved imperial ties and kept the colony’s francophone population in check. For them these debates about the Executive Council in the decades leading up to the rebellion questioned the validity of the imperial project in Lower Canada. On 1 June 1838, Durham appointed an Executive Council independent of metropolitan and colonial influences. He had hoped that this decision would garner the confidence of all Lower Canadians and differentiate his administration from those “fatal” administrations of the past that had led to discontent and rebellion. But as E noted, it was not Durham’s radical reconstitution of the Executive Council that was concerning to some, but rather his appointment of Thomas Turton, a man whom even “oriental slaves” would resent, as an Executive Councillor of Lower Canada.⁴³

⁴² Greer, *The Patriots and the People*, 125. See also *Debates*, Legislature of Lower Canada, House of Assembly, (1835), 1134–47.

⁴³ *Montreal Herald*, 9 June 1838.

“Degraded in the Eyes of the World”?

Thomas Edward Michell Turton was born on 8 November 1790 in Surrey, England.⁴⁴ Although the Turton family had lived in Stafford County for “a considerable time” and Thomas’s father had served as Member of Parliament for Southwark, he had only recently received the title of Baron, the lowest rank amongst the gentry and the only hereditary knighthood.⁴⁵ Thomas, like many of his status, was educated at Eton College, where he and Durham, then Lambton, first became friends. A decade later, they became colleagues. Between 1815 and 1845, Turton held prominent legal positions in Britain, India, and Canada that intimately bound him to the transformation of the imperial and colonial state. Turton penned the first reform bill that Lambton, then M.P. for Durham County, presented to the British House of Commons in the 1820s.⁴⁶ In 1838, Durham asked Turton, who had recently returned to England from India, to accompany him to BNA. Apparently, Durham promised Turton the position of legal secretary and intimated that upon his return to London he would receive a prestigious post in India. He finally received this post in 1841, and sat on the Supreme Court of Calcutta until 1848. He died in 1854 on the island of Ceylon, now Sri Lanka.

Historians have had little to say about this seemingly distinguished trans-imperial career; Turton has never been the subject of a biography and makes only brief cameos in

⁴⁴ Arthur Collins, *The Baronetage of England: Containing a New Genealogical History of the Existing English Baronets*, (London: 1806), 463–4.

⁴⁵ John Debrett, *Debrett's Baronetage of England: Containing their Descent and Present State, Their Collateral Branches, Births, Marriages, and Issue, From the Institution of the Order in 1611*, Volume 2, (London: 1815), 1032.

⁴⁶ John Reid, *Sketch of the Political Career of the Earl of Durham*, (Glasgow: 1835), 67, 75.

those of Durham and Edward Gibbon Wakefield.⁴⁷ Much of this silence is the result of a notably sparse personal archive. No collection of Turton's private papers exists, and therefore, unlike many of his contemporaries who preserved their public successes (and failures) for posterity, snippets of Turton's life must be found elsewhere. Here the records of the Colonial Office, the Indian Office, and the Durham fonds are particularly useful. Yet two events in Turton's life are not cloaked in mystery: his scandalous 1831 divorce and his equally controversial appointment as a member of Lord Durham's Executive Council. Newspapers and the debates of the British House of Lords document both. However, in order to understand the uproar surrounding Turton's 1838 appointment we must first comprehend the event that, as E alluded in his letter, left Turton "degraded in the eyes of the world."

Recent work by Kirsten McKenzie, Anna Clark, and Matthew Kinservik has highlighted the ways in which sexuality, status, and politics, and the scandals ignited by transgressing socially imposed boundaries for any of these, were intimately linked to a renegotiation of status and respectability in Britain and its empire in the late-eighteenth and early-nineteenth centuries.⁴⁸ Although the Turton divorce reverberated across the empire in a manner similar to the Wylde affair examined by McKenzie, Turton's transgression lingered in the imperial imagination much longer.⁴⁹ The Turton divorce was

⁴⁷ New, *Lord Durham*; Philip Temple, *A Sort of Conscience: The Wakefields*, (Auckland: 2002).

⁴⁸ McKenzie, *Scandal*; Anna Clark, *Scandal: The Sexual Politics of the British Constitution*, (Princeton: 2004); and Matthew Kinservik, *Sex, Scandal, and Celebrity in Late-Eighteenth-Century England*, (New York: 2007).

⁴⁹ Kirsten McKenzie, "Women's Talk and the Colonial State: The Wylde Scandal, 1831–1833," *Gender & History* 11:1 (2002): 30–53.

both infamous and disgraceful. It shook the new gender, familial, and sexual hierarchies that Catherine Hall and Lenore Davidoff have demonstrated were fundamental to the preservation of status, respectability, and order in the nineteenth century.⁵⁰

In 1812, Thomas Turton married Louisa Browne, the second daughter of General Browne. Thomas was twenty-one; Louisa, eighteen. Thomas was then a practising lawyer with a promising career ahead of him. According to the claim that Louisa filed in April 1831, “the two parties lived happily together until 1821,” when Louisa stumbled upon her husband’s promiscuities: she had found a letter between her husband and her younger sister, Adelaide.⁵¹ This letter “led her to suspect that a strong attachment existed between her sister, Miss. Adelaide Browne and Mr. Turton” and revealed, without any doubt, reported the *London Times*, that an “an adulterous intercourse was carried on between them.”⁵² At the divorce proceedings, Louisa testified that she was “anxious to conceal the circumstance from her aged parents,” as she feared that it would prematurely cause their death. With the assistance of her elder sister, Louisa arranged to remove both her sister Adelaide and their parents to Bath. Such an arrangement was deemed necessary because the relocation would “prevent any further intercourse between Mr. Turton and Miss. Adelaide Browne” and it would “conceal the infamy and disgrace attached to their conduct.”⁵³ The repeated references to concealment indicate the complex interplay between appropriate displays of private heterosexuality within marriage and the desire to

⁵⁰ Leonore Davidoff and Catherine Hall, *Family Fortunes: Men and Women of the English Middle Class, 1780-1850*, (Chicago: 1987).

⁵¹ *London Times*, 1 April 1831.

⁵² *London Times*, 1 April 1831.

⁵³ *London Times*, 1 April 1831. See also, *Journals*, Parliament of Great Britain, House of Lords, 30 March 1831, 399.

keep transgressions from such a model out of the public eye. Louisa's active attempts to conceal the transgression of both her husband and her sister indicate that she aimed to contain the unfortunate effects it could have upon her character and the reputation of her family. Sex in the confines of marriage was acceptable, however, once such transgressive heterosexuality became public, one could quickly slide down the all-too-slippery slope to disrepute.⁵⁴

Yet, for all of Louisa's efforts at concealing the affair, Thomas, it seems, had other arrangements in mind. Thomas thought it an appropriate time to leave London for India. Louisa, according to her testimony at the trial, resolved to accompany her adulterous husband to India, convinced that the distance of empire would sufficiently conceal Thomas's lascivious behaviour and physically separate him from Adelaide. Thomas, with Louisa's consent, travelled to Portsmouth where he arranged their voyage. When Louisa had the household in order, she departed for Portsmouth, where, upon her arrival and "to her great surprise, she met her sister and Mr. Turton together!" Thomas then revealed to his wife that Adelaide ought to "accompany them to Calcutta," as she was, "far gone in the family way." This, he explained, would be "the best means of *concealing* the scandal and infamy of her situation."⁵⁵ Unlike Louisa's effort at concealment, designed to preserve her reputation as a wife as well as the health of her parents, Thomas appears interested only in the effect that his sexual transgressions would have, if revealed, upon his public character and career. In choosing to sail for Calcutta,

⁵⁴ Thomas A. Foster, *Sex and the Eighteenth Century Man: Masculinities and the History of Sexuality in America*, (Boston: 2006), 11; McKenzie, *Scandal*.

⁵⁵ *London Times*, 1 April 1831. See also, *Journals*, Parliament of Great Britain, House of Lords, 30 March 1831, 399.

Thomas, with his wife and mistress in tow, sought to preserve his reputation and status and conceal a scandal-in-the-making.

Within a few months of their arrival in India, Adelaide gave birth to a child and Louisa resolved that she ought to return to England. Illness, however, delayed her return. Louisa finally returned to London in 1824, leaving behind a husband, a sister, and at least one illegitimate child. Louisa lived alone in England for four years, without any news from Thomas. In 1828, Thomas returned from India with Adelaide and three young children. Divorce proceedings, at Louisa's request, followed in 1831. The trial lasted for much of that year and culminated on 5 September 1831 when, the House of Lords passed a bill that dissolved the marriage between Thomas and Louisa Turton and enabled Louisa to remarry if she so desired.⁵⁶ Such a proceeding had happened only once before in England, in 1801, when Mrs. Addison successfully sued for divorce.⁵⁷ "E" was not the only one who considered Thomas Turton unfit for public office – Vigil, who wrote to the *Times* at the end of April 1838, exposed the rumour of Turton's appointment and revealed that he too shared E's sentiments.

"The Most Infamous Degradation of the Honour of Civil Government"

Two days after Durham quit England for BNA, on Thursday, 26 April 1838, an individual identified only by the signature, Vigil, wrote to the editor of the *London Times*. Vigil was, as the name suggested, a moral and diligent observer. On this day, and on those that

⁵⁶ *Journals*, Parliament of Great Britain, House of Lords, 5 September 1831, 959.

⁵⁷ Sybil Wolfram, "Divorce in England 1700–1857," *Oxford Journal of Legal Studies*, 5:2 (Summer 1985): 155–86.

followed, Vigil homed in on the debates in the imperial parliament that surrounded Durham's mission.⁵⁸ The subject of Vigil's letter was the rumoured appointment of Thomas Turton as Durham's legal adviser. Earlier that same month, on 3 April 1838, members of parliament debated Lord Chandos's motion to limit the expense of Durham's administration to that of his predecessor, Lord Gosford.⁵⁹ This debate over efficiency and authority confirms and extends Zoë Laidlaw's argument that, in the years between 1815 and 1835, the predominating trends of imperial policy were to first run the empire more efficiently, and second, to assert metropolitan authority over both governors and settlers, well into 1838.⁶⁰ It also reveals that critiques of Durham's administration included both political ideologies and personal connections that were magnified by the instability of Prime Minister Melbourne's own administration. Although Melbourne's Whigs had won the 1837 election, they had secured fewer seats than in 1835, and had only managed to defeat Lord Chandos's motion by, what the *John Bull* termed, a "glorious majority of TWO." Frustrated that so few conservative members voted, the *John Bull* blamed two men intimately connected to Durham – "Mr. Charles Buller, who is going out to Canada [and] ... Mr. Hedworth Lambton, Lord Durham's brother" – for the defeat of Chandos's motion.⁶¹ Yet for all the Tory opposition to the governor general's lavish suite, the burden it would place upon the public purse, and the limits of imperial authority – critiques that were about both Durham's manliness and politics – members of parliament

⁵⁸ *London Times*, 26 April 1838.

⁵⁹ *Debates*, Parliament of Great Britain, House of Commons, 3 April 1838, 385–88.

⁶⁰ Laidlaw, *Colonial Connections*, 40.

⁶¹ *John Bull*, 8 April 1838.

and the metropolitan press were soon preoccupied with the question of who Durham appointed to his administration.

The rumour to which Vigil's letter provided an answer claimed that Durham had appointed five aides-de-camp; however, Vigil was not the first to speculate on the composition of Durham's council. On 3 February 1838, *Figaro in London*, a journal of political satire designed to provide "good-humoured squibs on passing events of primary popular interest," published an article and caricature of "Lord Durham's Council." Published in the midst of the parliamentary debate over the suspension of the Lower Canadian constitution where much concern was expressed over the extensive powers granted Durham, the paper, although it did not object to Durham's appointment, certainly played into Tory fears by depicting Durham as "King of Canada." As King of Canada, Durham had "full authority to cut off every rebellious head, stop, with a cannon ball, every rebellious mouth, put out every eye that dare to look upon matters in a rebellious light, and nail to the pillory every ear that is disposed to listen to the very tone of rebellion." With such powers, *Figaro in London* further argued that Durham would surely appoint "such a *sharp blade* as the axe, such a *warm friend* as the torch, such an *eloquent speaker* as the cannon, such a *gallows* firm supporter as the gibbet, and last not least, such a useful instrument as the *head* of affairs, as the guillotine."⁶² The gossip that filled the metropolitan press over the composition of Durham's council eventually made its way into the halls of Westminster and the bureaus of the Colonial Office where concern about the identities of Durham's aides-de-camp, and in particular, who had been

⁶² *Figaro in London*, 3 February 1838.

appointed Durham's legal adviser, led to what Chester New has called, "the scandal of [Durham's] aides-de-camp."⁶³



LORD DURHAM'S COUNCIL.

Figure 1.1:
"It is with such a 'council of five,' that Durham goes out to establish the 'peace,' of Canada."

Source:
Figaro in London,
3 February 1838.

The uncertainty surrounding whom Durham had appointed as legal adviser concerned metropolitan statesman most. The services of such an individual would be beneficial, Durham argued, in settling the difficult legal question of what to do with the nearly 500 men imprisoned for participating in the 1837 Lower Canadian rebellion. Vigil broke the news that Durham had appointed Turton, a man "of flagrant immorality" to fill this prestigious post. Whether fact or fiction, Vigil's mention of Turton's name in

⁶³ New, *Lord Durham*, 362–3; Only the appointments of Charles Buller and Edward Ellice junior had been announced before Durham departed for BNA. *Debates*, Parliament of Great Britain, House of Commons, 3 April 1838, 385–422.

connection with Durham's mission, a mission important to the future of the empire, ignited flames of controversy in London circles. Although nearly a decade had passed since Turton's sexual transgressions first shook metropolitan society, both status and reputation remained currencies that held strong in the late-1830s. As Louise Carter reminds us, "private behaviour had become as crucial to masculine reputation as it had long been to female reputation."⁶⁴

As Vigil pondered the possibility of Turton's appointment, his letter prodded others into action. A day after Vigil's first letter appeared in the *Times* a reply was printed that neither confirmed nor denied the rumoured appointment. Whether the appointment had taken place did not seem to matter, as the question was about Turton as a public man and not the appointment. Vigil expected public men to command respect in public and private, an expectation shared by Upper Canadian Tories in the same period.⁶⁵ Yet, Vigil argued that Turton's infamy was so great that it ought to disqualify him from holding public office. It also raised questions about the statesmanship of Lords Durham and Melbourne, and drew attention to the different standards that guided aristocratic political comportment. As a reply to Vigil's letter, published on 27 April 1838, pointed out, Turton's appointment could easily fracture the already fragile political reputation of Prime Minister Melbourne.⁶⁶ Not only was Melbourne the illegitimate child of the Earl of Egremont, he had also endured an "unfortunate marriage" to Lady Caroline Ponsonby

⁶⁴ Louise Carter, "British Masculinities and the Queen Caroline Affair," *Gender & History* 20:2 (2008), 265. See also, Nicholas Rogers, *Crowds, Culture and Politics in Georgian Britain*, (Oxford: 1998), 248–73; and Anna Clark, *Scandal*, 177–207.

⁶⁵ Morgan, *Public Men and Virtuous Women*.

⁶⁶ New, *Lord Durham*, 157–64.

that was riddled with her adulterous liaisons with men that included Melbourne's own brother. The prime minister also knew too well the effects that questionable private behaviour could have on one's reputation. In 1836, he had been accused of "criminal conversation" with Caroline Norton, the early feminist activist for child custody and married women's property rights, by her estranged husband George Norton.⁶⁷ The trial, which occurred on 22 June 1836, returned a verdict of acquittal without a single witness being called or the jury leaving the box.⁶⁸ Although anti-climactic, the proceedings did reveal, as Clarke Olney suggests, how rumour, sexual transgression, and "Tory skulduggery" were able to undermine confidence in Melbourne's government.⁶⁹ Moreover, as Leslie Mitchell has recently argued, these personal experiences left Melbourne "unable to cope with distressing and embarrassing situations" in public.⁷⁰ By drawing Melbourne's controversial past into the debate, then, *Vigil* reminded readers that manliness existed in connection with womanliness and warned that Melbourne's tainted reputation even threatened that of the young Queen Victoria.⁷¹

Picture to yourselves, ENGLISHMEN, the countenance of Lord MELBOURNE while making [this] tremendous avowal! Picture to yourselves, if you can dare, the eye and cheek withering silence of VICTORIA on the first discovery that such a person as this TURTON has been actually sent out to Canada to expound, and assist Lord Durham in enforcing, those laws for the upright governance of HER MAJESTY'S subjects, which he himself, the new law adviser, has so scandalously and disgracefully outraged! ... The appointment

⁶⁷ James Hoge and Clarke Olney, *The Letters of Caroline Norton to Lord Melbourne*, (Columbus, OH: 1974). Thanks to Elizabeth Elbourne for drawing my attention to this.

⁶⁸ Mary Poovey, "Covered but Not Bound: Caroline Norton and the 1857 Matrimonial Causes," *Feminist Studies*, 14: 3 (Autumn, 1988), 469.

⁶⁹ Clarke Olney, "Caroline Norton to Lord Melbourne," *Victorian Studies*, 8:3 (March 1965), 255.

⁷⁰ Mitchell, *Lord Melbourne*, 77.

⁷¹ *London Times*, 26 April 1838.

of Mr. TURTON is literally, in our eyes, the most infamous degradation of the honour of civil government, the most shameless prostitution of the Royal patronage and power, and the most pointed insult to the QUEEN, that we have read or heard of. It must become the subject of debate in Parliament; and now to Parliament we leave the result.⁷²

Within forty-eight hours of the publication of Vigil's letter in the *Times*, peers in the House of Lords debated, for the first of many times that session, the rumour of Turton's appointment which had been gleaned from the pages of the metropolitan press. The Earl of Winchilsea, a Tory peer brought word of Turton's non-appointment to the attention of the Lords. Winchilsea, indicating the political power that both the press and gossip had in this period, explained that he had only become aware of this controversy after "having seen the newspaper of that morning." He then stated that he desired the answer to what he conceived of as a "very easily answered" question: was "the individual mentioned in that paragraph the same individual who had been at the Lordship's bar three or four years ago in a case of shameful adultery?" Winchilsea then declared his hope that the "public journal to which he had alluded was in error of reporting that the appointment was made."⁷³ Earlier that month, Melbourne had written to Queen Victoria of his cabinet's decision not to appoint Turton as Durham's legal adviser.⁷⁴ Melbourne and the queen were aware that Durham intended to take "Mr. Turton out with him as a private friend," and both agreed that this was something that "need not be mentioned."⁷⁵ Melbourne's reply to Winchilsea's question, was cryptic, brief, and revealed his

⁷² *London Times*, 27 April 1838. [Original emphasis].

⁷³ *Debates*, Parliament of Great Britain, House of Lords, 27 April 1838, 623–4.

⁷⁴ LAC, MG24 A29, Victoria, Queen of Great Britain fonds [Hereafter Victoria fonds], File 1, 11 April 1838, 24.

⁷⁵ LAC, MG24 A29, Victoria fonds, File 1, 12 April 1838, 25.

reputation as a terrible parliamentary speaker.⁷⁶ Melbourne explained, with what *The Age* described as a “natural horror of all matters involving adultery,”⁷⁷ that “no appointment took place.”⁷⁸ Winchilsea, ever the “frank-hearted gentleman, [and] not prone to suspect another of duplicity,” declared himself satisfied with the reply.⁷⁹ The subject was dropped.

On Monday, 30 April 1838, a second letter by Vigil appeared in the *Times*. It attacked Melbourne for exerting his influence over the young queen in an effort to remain in power. In 1839, following the defeat of Melbourne’s party in the Commons over a vote on the suspension of the constitution of Jamaica, these intimate ties led to both the “Bedchamber Crisis” and the temporary dissolution of Melbourne’s government.⁸⁰ Vigil argued that Turton’s non-appointment affected the sensibilities of the British nation, the empire, and Canada. In an effort to “place the matter in its true light,” Vigil posed two questions: “When did this reconsideration take place?” and “Does Mr. Turton yet know of it?” Vigil was convinced that Turton had relinquished his Calcutta office and proceeded to Canada with Durham, for a man would not give up one office without the assurance of another. “Mr. Turton’s offence is ‘rank,’ it needs not, as has been alleged, to draw aside the veil of private life to disclose it. It has been given to the world in the publicity of an act of Parliament,” opined Vigil. “It is a moral plague-spot, a leprosy

⁷⁶ Leslie Mitchell argues that Melbourne was often anxious about expressing his opinion and that he never improved much as prime minister. Mitchell, *Lord Melbourne*, 98–100.

⁷⁷ *The Age*, 8 July 1838.

⁷⁸ *Debates*, Parliament of Great Britain, House of Lords, 27 April 1838, 624.

⁷⁹ *London Times*, 30 April 1838.

⁸⁰ Mitchell, *Lord Melbourne*, 199; Woodward, *The Age of Reform*, 103–10.

which puts him out of the pale of society. The question, then, is not the offence, but the man!”⁸¹

Vigil then turned to Canada. He begged those in the metropole to consider the effect that such an appointment would have upon “our transatlantic brethren.” He reminded readers that Durham had powers never before vested in an imperial official. Moreover, Durham was also the queen’s representative in Canada. As work by Penny Russell suggests about the Australian context, colonial administrators like Durham were expected to reflect and constitute the best qualities of (and for) Her Majesty’s subjects across the empire.⁸² Durham’s elevated station and authority garnered his actions as a statesman much attention. Vigil feared that because Durham had transgressed these standards he might encourage others, especially the “simple-hearted” and “misled” Canadians, to abandon such manners in their own society. “Does his democratic Lordship take [Turton] with him as a private friend, to show to the inhabitants of North America his utter indifference to moral conduct, his total disregard for private character?” inquired Vigil. Durham’s indifference as well as his “ignorance of the feelings of mankind, and more especially of our transatlantic brethren, prove the unfitness of Lord Durham for the important mission conferred upon him.”⁸³ Even the *John Bull* found it difficult to defend

⁸¹ *London Times*, 30 April 1838.

⁸² Penny Russell, “Ornaments of Empire? Government House and the Idea of English Aristocracy in Colonial Australia,” *History Australia* 1:2 (July 2004): 196–208; and Penny Russell, “The Brash Colonial: Class and Comportment in Nineteenth-Century Australia,” *Transactions of the Royal Historical Society* XII (2002): 431–453.

⁸³ *London Times*, 30 April 1838.

Durham's actions: "The appointment of Mr. Turton was considered an outrage, not only upon the Queen and the county, but upon the Canadians themselves."⁸⁴

When debate resumed in the House of Lords on the afternoon of 30 April, Winchilsea, who was initially satisfied with Melbourne's reply, appears to have spent his weekend pondering Turton's rumoured appointment. After the peers had dealt with the plans for Victoria's coronation on 28 June, debate again shifted to the "Turton Job." Winchilsea demanded that Melbourne "give an explicit answer to a statement, which affected not only the character of the country, but the character of their Sovereign." Winchilsea then clarified his earlier point. He reiterated that he did not object to the usefulness of a legal adviser for Durham, but that his "objection rested solely on the ground of character, and character only."⁸⁵ The attention that both Winchilsea and Vigil placed upon Turton's private character confirms what Phillip Carter has argued about this period: that inner virtue and strength of character took on added importance in evaluations of a man's social reputation.⁸⁶

This emphasis on private character also had political underpinnings. Tory opponents of Durham and Melbourne such as Winchilsea had radically different conceptions of the boundaries between public and private life and the workings of gender. Radicals like Durham, as well as other Whig politicians, conceived of a divide between a man's private life and his fitness for public office. Tories and their supporters

⁸⁴ *John Bull*, 28 April 1838.

⁸⁵ *Debates*, Parliament of Great Britain, House of Lords, 30 April 1838, 671–2.

⁸⁶ Phillip Carter, *Men and the Emergence of Polite Society, Britain, 1660–1800*, (Harlow, England: 2001).

argued against this separation of the public and the private.⁸⁷ When debating the fitness of a man for political office, Winchilsea could not comprehend why a man such as Durham, who had been selected to “fill so dignified a situation,” would have such little regard for his own character by wilfully associating with a man “whose conduct had banished him from all female, from all moral society.”⁸⁸ Winchilsea’s concern for female society separated his conservative view of the politics of gender from that of liberal statesmen like Durham, Melbourne, and even Durham’s father-in-law, Earl Grey, who had fathered an illegitimate child with the Duchess of Devonshire.⁸⁹ Although such behaviour sparked controversy from some, “the Whig world” remained, as Mitchell insists, largely insensitive to such criticism.⁹⁰

That Winchilsea and others represented Turton’s rumoured appointment as a threat to women aligns statesmanliness with what Louise Carter has identified as a central tenet in the construction of manliness in the period: the protection of women.⁹¹ Winchilsea’s concern for the young monarch may have been sincere. However, at its core was his desire to preserve his own manliness. Winchilsea argued that the actions of Melbourne’s ministers amounted to a “gross dereliction of duty” that was magnified when “the tender years, the inexperience, and the confiding nature of their royal

⁸⁷ Mitchell, *Lord Melbourne*; and Morgan, *Public Men and Virtuous Women*.

⁸⁸ *Debates*, Parliament of Great Britain, House of Lords, 30 April 1838, 671–2.

⁸⁹ In 1814 this child, Eliza Courtney, married her uncle Edward Ellice’s brother, Robert Ellice, thus further linking the Grey, Ellice, and Lambton families. Edward Ellice was the father of Edward Ellice junior, who had been one of Durham’s private secretaries in Russia in 1834 and in BNA in 1838.

⁹⁰ Mitchell, *Lord Melbourne*, 5.

⁹¹ Carter, “British Masculinities.”

Mistress” were considered.⁹² To guard the character of the queen, or at least appear to do so, was the highest duty and one that all *men* ought to comprehend.

If there were one duty more imperative upon Ministers than any other, it was to guard the public and private character of the Queen – to encourage around her worth and virtue. Those formed the best defence and security to the Throne. They commanded the affections of the people, and while they added dignity to the Throne, they encouraged the growth of virtue and morality throughout the whole community.⁹³

As this political debate of mere rumour entered its second day, Winchilsea repeated the question he had asked the previous week. Melbourne carefully stated that no situation had been offered to “the Gentleman whose name has been alluded to.” He then added that if this *gentleman* had gone out to Canada, it was “without any appointment, without any intention on [the] part of the Government, or on the part of my noble Friend, the Earl of Durham, to appoint him to any public situation whatever.”⁹⁴ Although the debate had ended in the Lords, for the time being, the outrage ignited by Turton’s rumoured appointment continued in private in Colonial Office correspondence and personal letters. Reaction to this debate in Lower Canada, as we will see, was shaped by both the tyranny of distance and the differing schedules of metropolitan and colonial time.⁹⁵

“Beware of Scamps and Rogues, Whatever Their Ability May Be”

On 1 May 1838, while Durham was crossing the Atlantic in the *Hastings*, Melbourne posted a hasty letter to Durham. “I write this in great anxiety and in hopes that it may

⁹² *Debates*, Parliament of Great Britain, House of Lords, 30 April 1838, 672.

⁹³ *Debates*, Parliament of Great Britain, House of Lords, 30 April 1838, 672–3.

⁹⁴ *Debates*, Parliament of Great Britain, House of Lords, 30 April 1838, 673.

⁹⁵ Blainey, *The Tyranny of Distance*; and Hall, *Civilizing Subjects*.

reach you soon and in time entirely to preclude any hasty and indiscrete step,” he began, but quickly turned his attention to Turton’s rumoured appointment. The personal letters of imperial administrators such as Melbourne and Colonial Secretary Lord Glenelg reveal that Turton’s behaviour was so infamous that it could tarnish the gendered reputations of men and women alike. They also illustrate that individuals were often unsure about how to record their reactions to Turton’s rumoured appointment, for the mere acknowledgment of Turton could cast doubt upon their character. This section explores how the private letters of metropolitan statesmen portrayed Turton’s non-appointment and his infamous past.

That Melbourne interjected at all in the Turton debate was uncharacteristic of his statesmanship. Among both his critics and supporters, Melbourne had a reputation for being an “unresponsive” statesman.⁹⁶ The prime minister privately confessed to Durham his belief that “there [was] no intention either on the part of the government or on yours to appoint Mr. Turton to any public situation in the colony. You must bear me out in this and must, by no means, put him forward in any manner.” Melbourne, who found colonial questions “troublesome and intrusive,” was also wholly “indifferent” as to the retention of both the Canadian and West Indian colonies.⁹⁷ Yet Melbourne who, according to Woodward, was the “most conservative of the Whigs” appears to have shared Tory understandings of statesmanly comportment. Such a view, however, was likely

⁹⁶ Woodward, *Age of Reform*, 98–9.

⁹⁷ Woodward, *Age of Reform*, 380. Melbourne to Durham, “The final separation of these colonies might not be of material detriment,” but it would be a “serious blow to the honour of Great Britain” and a “blow certainly fatal to the character and existence of the ministry under which it took place.”

influenced by Melbourne's own personal encounter with scandal.⁹⁸ He advised Durham to "beware of scamps and rogues, whatever their ability may be" and warned, that if Turton received an appointment, Durham ought to "expect personally much animadversion."⁹⁹

Melbourne's imperial anxieties were not confined to Turton alone. Another of Durham's intimates, Edward Gibbon Wakefield, also posed a threat to the reputation of Durham and his mission. In 1826, Wakefield was imprisoned in Newgate Gaol for three years for abducting, and forcibly marrying, sixteen-year-old Ellen Turner.¹⁰⁰ Like John Dow who, in 1825, had been transported to Van Dieman's Land for posing as Edward Lascelles the son of Lord Harewood, Wakefield, Turton, as well as other dubious men found that the empire provided various opportunities to repair tainted reputations.¹⁰¹ Melbourne, aware of the slippery slope to disrepute particularly in the realm of politics, was less than optimistic about his own turn to empire. He warned Durham against forging

⁹⁸ Woodward, *Age of Reform*, 98, 103.

⁹⁹ Melbourne to Durham, 1 May 1838, reproduced in New, *Lord Durham*, 383.

¹⁰⁰ *The Trial of Edward Gibbon Wakefield, William Wakefield and Frances Wakefield: indicted with one Edward Thevenot, a servant, for a conspiracy, and for the abduction of Miss Ellen Turner, the only child and heiress of William Turner, esq., of Shrigley Park, in the county of Chester*, (London: 1827); *An accurate report of the trial of Mr. Edward Gibbon Wakefield, Mr. Wm. Wakefield, and Mrs. Frances Wakefield: for a conspiracy to effect that abduction of Miss Ellen Turner ... at the Lancaster Assizes, March 23, 1827: to which is added, a narrative of Mr. E.G. Wakefield's elopement*, (London: 1827); Ged Martin, *Edward Gibbon Wakefield: Abductor and Mystagogue*, (Edinburgh, Scotland: 1997); and Abby Ashby and Audrey Jones, *The Shrigley Abduction: A Tale of Anguish, Deceit and Violation of the Domestic Hearth*, (London: 2005).

¹⁰¹ McKenzie, *A Swindler's Progress*, 166; Temple, *A Sort of Conscience*; McKenzie, "Performing the Peer,"; and McKenzie, "Social Mobilities at the Cape of Good Hope: Lady Anne Barnard, Samuel Hudson, and the Opportunities of Empire, c. 1797-1824," in *Moving Subjects: Gender, Mobility, and Intimacy in an Age of Global Empire*, ed. Tony Ballantyne and Antoinette Burton. (Urbana and Chicago: 2009), 274-95.

political ties with Wakefield, whom he identified as more dangerous to a man's reputation than Turton, and thus revealed the link between politics and masculinity which was, as Matthew McCormick argues, inseparable in this period.¹⁰² "If you touch G. W. with a pair of tongs," cautioned the prime minister, "it is utter destruction, depend upon it!" So scandalous was the mere mention of Edward Gibbon Wakefield's name that Melbourne, ever mindful of his own fragile statesmanliness, referred to him only by initials. "If you do not disembarass yourself of all these sorts," lectured Melbourne, "they will pull down your public character, and reduce it to nothing, even if it were ten times as high as it is."¹⁰³ Although Melbourne's lecture on morality and friendship was intended to protect Durham's statesmanly independence, it was also an affront to it. Melbourne had reminded Durham of his place in the imperial order of things and in the process asserted metropolitan authority over colonial affairs. Three days later Melbourne wrote Durham again and repeated much of this moral lecture.¹⁰⁴

Few in London supported Durham's decision to associate with men the likes of Wakefield and Turton. Lord Glenelg loathed the situation in which Durham had put the government and refused to write Turton's name in its entirety. In a private letter Glenelg merely alluded to Turton as "Mr. T—n."¹⁰⁵ Just the mention of Turton's name elicited such controversy that in 1839, when copies of the despatches between Durham and Glenelg were published by an order of parliament, all references to Turton were removed. These civilized "EXTRACTS" of Colonial Office despatches not only removed Turton

¹⁰² McCormick, *The Independent Man*.

¹⁰³ Melbourne to Durham, 1 May 1838, reproduced in New, *Lord Durham*, 383.

¹⁰⁴ Melbourne to Durham, 4 May 1838, reproduced in New, *Lord Durham*, 384.

¹⁰⁵ Glenelg to Durham, 4 May 1838, reproduced in New, *Lord Durham*, 384.

from the official state record, but also reproduced a version of events that, as we will see in chapter four, constructed the metropolitan administration as completely unaware of Turton's ties to Durham's administration. Others, like Charles Greville, a clerk of the Privy Council and parliamentary insider-cum-gossip noted, somewhat optimistically, "Everything blows over, so probably this will." Yet Greville confided in his diary that "It is calculated to produce a very bad effect both here and in Canada, and to deprive Durham of all the weight which would attach to him from the notion of his being trusted and trustworthy."¹⁰⁶

Lord John Russell, who along with Durham, Sir James Graham, and Lord Duncannon had drafted the 1832 Reform Bill, made no effort to sever his ties of friendship with Durham.¹⁰⁷ In a letter dated 2 May 1838, Russell expressed his condolences to Durham over the "great noise" that had been made about the Turton's rumored appointment. Writing from his home on Wilton Crescent, in London, Russell feared that all "this violence will extend to Canada ... I admire the generosity which has prompted you to do all you can for an early friend, but I really do not think that your interests will be harmed by connecting him in any way with your mission. I trust you will find that acquiescence which [has been] hoped for, among the Canadians of both Provinces."¹⁰⁸ Although Russell's gender politics were more radical than were those of his brother-in-law Melbourne, the attitudes of both statesmen were coloured by their

¹⁰⁶ *The Greville Memoirs: A journal of the Reigns of King George IV, King William IV, and Queen Victoria, Vol. IV*, (London: 1888), 114.

¹⁰⁷ LAC, MG24 A27, Lambton fonds, Vol. 48, "Lady Durham's Journal," Reel C-1859.

¹⁰⁸ LAC, MG24 A27, Lambton fonds, Vol. 8, Russell to Durham, 2 May 1838, Reel C-1849, 583-6.

experiences in private life. Throughout the 1820s, Russell, in addition to his political life was also the intimate friend of Edward Lascelles, the noble that John Dow had been transported to Van Dieman's Land for impersonating. Russell had played a central role in assisting the Lascelles family conceal Edward's sexual transgressions that had made him such a suitable candidate for Dow to impersonate.¹⁰⁹ As a result, Russell, who was likely well aware of both the strength of friendship and the power of scandal, praised Durham's generosity and Turton's legal abilities, but could not overlook Turton's dubious character.

With the issue of Turton's non-appointment apparently settled by Melbourne's characteristically clumsy speech in the Lords and anxious warnings on their way to Canada, two unanswered questions remained in metropolitan circles: Did Turton leave England with Durham on 26 April 1838? And if so, for what purpose? Two articles published in the *Times* wove together the diverse concerns of metropolitan society that emphasized loyalty to the monarchy, the perpetuation of Christian morals, respect for women, and the performance of patriarchal masculinity. After he recounted the debate and speculated on the odious consequences that Turton's rumoured appointment would surely have on Durham personally and politically, the editor of the *Times* explained that:

TURTON, branded irredeemably, and excluded from all decent society, had actually sailed from Portsmouth for Canada in HER MAJESTY'S ship, *Hastings*, of 74 guns ... placed at the especial disposal of LORD DURHAM, fitted upon in a superb manner, and at an enormous cost, for his Lordship's family, his Lordship's suite, and such other intimates and associates *only* as it should please the high and mighty dictator.¹¹⁰

¹⁰⁹ McKenzie, *A Swindler's Progress*, 126–7.

¹¹⁰ *London Times*, 1 May 1838.

That Turton, a man of “discriminating morality” had sailed to Canada threatened to undermine the moral foundation of Durham and Melbourne’s reputations as statesmen and civil subjects. “Yes, the disgraced profligate Mr. TURTON sailed,” exclaimed the editor of the *Times*, “by the especial authority of the Government, and the especial invitation or permission of Lord DURHAM, as a member of that noble Lord’s domestic circle.” Yet the most unfathomable aspect of Turton’s departure was that he had sailed “aboard the very man-of-war from which [its] own reverend clergyman, selected by the Crown and paid by the country, for administering Christian rites and office to a crew of between 500 and 600 men, *was excluded by the express command of Lord DURHAM, because his dictatorship’s attendants were so numerous that there was no room for the chaplain!*”¹¹¹ Turton’s presence had compromised the morality of Durham, his administration, and everyone who had sailed to BNA aboard the *Hastings*.

Although confirmation of Turton’s departure answered one question, it was more difficult to determine why Turton had left England. The *Times* hesitated to speculate on the reason but asked:

Does any man in his right sense, believe that Mr. THOMAS TURTON would have been such an idiot as to throw up a salary of 1000£ a year, break up his establishment, dispose of his house, set himself once more adrift in the world, quit England bodily, and fly off to Canada, if some provision had not been, in one way or another, secured to him?¹¹²

Only intelligence from BNA would provide a definitive answer and quell the storm that, within five days of Durham’s departure, had broken out in London over a *rumoured* colonial appointment. Until an answer “satisfactory to the country” arrived, “no man will

¹¹¹ *London Times*, 2 May 1838. [Original emphasis].

¹¹² *London Times*, 2 May 1838.

believe that there is one syllable of truth in the negative assurances of the QUEEN'S Prime Minister." Turton's non-appointment had tarnished Melbourne's fragile reputation, but how did Lower Canadians respond to this transaction that in the metropole carried "foulness and shame upon its forehead"?¹¹³

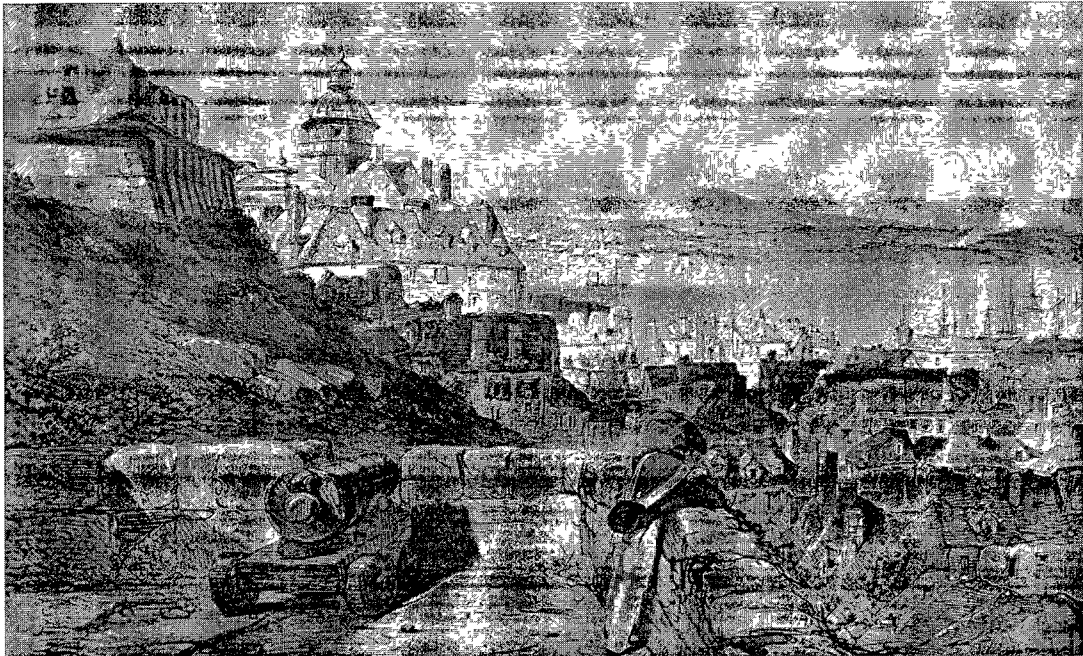


Figure 1.2: Quebec City, 1838
Source: Smyth, *Sketches in the Canadas*, 1839

A New Executive Council for Lower Canada?

Durham arrived off the banks of Newfoundland on Sunday, 13 May 1838. Two weeks later, on 27 May 1838, the *Hastings* anchored at Quebec City at 1 P.M. Two days later at mid-day, he made his regal entry into Lower Canadian society and was installed as governor general.¹¹⁴ The distance of Quebec from London, and the slow transmission of intelligence from one side of the Atlantic to the other, meant that Durham arrived in

¹¹³ *London Times*, 2 May 1838.

¹¹⁴ LAC, MG24 A27, Lambton fonds, Vol. 41, "Daily Engagement Diary," Reel C-1858.

Lower Canada completely oblivious to the debate that broke out after his departure. It would be nearly two weeks before Durham and Lower Canadians received news of the debate. This difference between metropolitan and colonial time increasingly made it difficult for Durham to govern Lower Canada. When Durham appointed Charles Buller, George Couper, Randolph Routh, Dominick Daly, and Thomas Turton to the Executive Council on 1 June 1838, he had not received Melbourne's anxious warning. Even if he had, it is unlikely that Durham, who was often described by his opponents as ill tempered, would have altered his independent course designed to provide political stability and secure the loyalty of both francophone and anglophone Lower Canadians. Durham's decision to dissolve the Executive Council, only days after his spectacular arrival, was praised by the majority of Lower Canadian newspapers: only the *Herald* objected. This independent act, François-Xavier Garneau, then a contributor to *Le Canadien*, would later argue in his *Histoire du Canada*, removed "the originators of all the late troubles" and persuaded people to place their loyalty and confidence in Durham's administration.¹¹⁵

Earlier I outlined the tense relationship between the elected, predominantly francophone, liberal Assembly of Lower Canada, and the appointed, predominantly anglophone, conservative Executive Council that had become, by the time of Durham's arrival, a "perennial bone of contention" in the colony.¹¹⁶ The dissolution of the Executive Council, then, was Durham's first effort at separating his administration from those of the past. It gave evidence, Mason Wade argued, that Durham's proclamation was

¹¹⁵ Garneau, *Histoire du Canada*, 466.

¹¹⁶ Greer, *The Patriots and the People*, 125.

“more than mere fine words.”¹¹⁷ That Durham refused to reappoint “des conseillers exécutifs présageait un grand coup,” argued *La Quotidienne* on 5 June 1838: “son excellence voulant répudier tous les existences du passé pour embrasser plus librement l’avenir.” Although the dissolution of the Executive Council frustrated the *Herald*, it was joyously reported in the more moderate French and English papers. Even the *Montreal Gazette* supported Durham’s decision. As *La Quotidienne* observed, it was an act that marked Durham’s administration as distinct from those of the past that had only given lip-service to reform: dissolving the Executive Council had, at least temporarily, secured the conditional loyalties of “la presse libérale et la voix du peuple.”¹¹⁸

On 2 June 1838, a headline in the *Quebec Mercury* exclaimed: “HIS EXCELLENCY THE GOVERNOR GENERAL, has been pleased ... to DISSOLVE the EXECUTIVE COUNCIL.”¹¹⁹ The previous day, *Le Canadien* had also announced its pleasure with Durham’s decision: “Maintenant, il n’y aura plus de doute, on saura à qui s’adresser, et c’est une garantie d’attention et de vigilance de la part de l’Exécutif.”¹²⁰ The dissolution of the Executive Council was also eagerly applauded in *Le Populaire*. On 6 June 1838, *Le Populaire*, moderate and prudent in its politics reported that, “L’exercice du même Conseil Exécutif, sous un nouveau gouvernement, ne fait autre chose que de perpétuer les abus de l’ancien, et par conséquent n’est propre à rien moins qu’à pervertir la bonne intention d’un gouverneur.”¹²¹ Hinting at what had become by 1838 the long and tense history between

¹¹⁷ Mason Wade, *The French Canadians*, (Toronto: 1955), 181.

¹¹⁸ *La Quotidienne*, 5 juin 1838.

¹¹⁹ *Quebec Mercury*, 2 June 1838.

¹²⁰ *Le Canadien*, 1 juin 1838.

¹²¹ *Le Populaire*, 6 juin 1838.

the appointed Executive Council and the popularly elected Legislative Assembly, most newspapers intimated that readers ought to consider the dissolution satisfactory. *Le Populaire*, *La Quotidienne*, and the *Mercury* all reminded their readers that Durham's decision marked an important shift in the history of executive governance in the colony and on the continent. It not only separated Durham's administration from those of the past that had perpetuated old grievances and maintained political alliances, it also gave credence to demands of the Patriot party for an imperial policy of non-interference.

When newspapers across BNA reported the dissolution of the Executive Council, they often reprinted the letter that informed councillors that Durham would no longer require their services. The *Quebec Mercury*, the *Montreal Gazette*, the *Bytown Gazette*, and *Le Canadien* each published the letter. The *Quebec Gazette* described it as "sufficiently courteous to the most scrupulous manner," while the *Mercury* boasted, on 2 June 1838, that it was a "masterly letter" indicating that Durham's decision to dispense with the services of the Executive Council had not stemmed from any feeling of dissatisfaction with their conduct.¹²² The letter, signed by Charles Buller and dated 31 May 1838, explained that Durham did not intend to continue the Executive Council "according to its present composition."

His Excellency has come to this determination not from any feeling of dissatisfaction with the conduct of that Council or any of its members. On the contrary ... His Excellency deems it essential for the objects of his mission that during the temporary suspension of the Constitution, the Administration of affairs should be completely independent of, and unconnected with all parties and persons in the Province.¹²³

¹²² *Neilson's Gazette*, reproduced in, *The Newfoundlander*, 28 June 1838; *Quebec Mercury*, 2 June 1838.

¹²³ Charles Buller, 31 May 1838. Reprinted in *Le Canadien*, 1 juin 1838; *Quebec*

The *Mercury* declared that this “independent course” was “manly” and, like *Le Canadien*, it was pleased that Durham had endeavoured to remain “aloof from connection with all parties and persons in the Province” and that he was willing to claim “undivided responsibility for all acts” that his government might perform.¹²⁴

The *Herald* did not approve of Durham’s dissolution of the Executive Council. That Durham had discharged his executive duties without the “advice or assistance of any who have been participators in the struggle on one side or the other,” charged a letter to the editor of the *Herald*, “throws his lordship into the hands either of obscure residents or ignorant strangers.”¹²⁵ That the *Herald* did not like Durham’s independent act was a cause of frustration for other newspapers. John Jones, the editor of the moderate *L’Ami du Peuple*, confessed that he was astonished at the *Herald’s* conduct. “Lord Durham had scarcely got foot on our soil, when he was assailed by the *Herald* in the most ferocious manner,” Jones noted before he argued that such sentiments were “sent forth to excite public opinion against [Durham]. The *Herald* has done all in its power to destroy the confidence that the public was disposed to place in the present administration.”¹²⁶ Amédée Papineau expressed similar sentiments in his private journal. On 6 June 1838 Amédée remarked on the opinions expressed by the *Herald* in connection with the dissolution of the Executive Council, and noted that “Les tories en sont fâchés et les

Mercury 2 June 1838; *Bytown Gazette*, 13 June 1838. This letter was also reproduced in Robert Christie, *A History of the Late Province of Lower Canada*, (Quebec: 1866), 155–56.

¹²⁴ *Quebec Mercury*, 2 June 1838; *Le Canadien*, 1 juin 1838.

¹²⁵ *Montreal Herald*, June 1838.

¹²⁶ *L’Ami du Peuple*, reprinted in, *Quebec Mercury*, 19 June 1838.

Canadiens s'en réjouissent.”¹²⁷ Two days later, he expressed his conditional support for the dissolution of the new Executive Council: “C’est bien. Espérons!”¹²⁸

News that Durham had dissolved the Executive Council extended beyond the settler geography of Lower Canada and the formal webs of empire. On 9 June 1838, an article published in the weekly gazette of exiled Upper Canadian reformer William Lyon Mackenzie alerted readers in New York State that Durham had dismissed both the Executive and Special Council of Lower Canada.¹²⁹ It took an additional three days for this same news to arrive in Mackenzie’s former home of Toronto, the city that had bestowed on him, in 1836, the honour and title of mayor.¹³⁰ On 12 June 1838, the *Toronto Patriot and Farmer’s Monitor* told politically engaged settlers in the Upper Canadian capital that Charles Buller, Thomas Turton, George Couper, Dominick Daly, and Randolph Routh had been appointed to the Executive Council of Lower Canada.¹³¹ Founded in 1832 by Thomas Dalton of Kingston to support metropolitan conservatives in Upper Canada, the *Patriot* was otherwise silent on Durham’s decision to dissolve the Executive Council, although it had “most heartily wish[ed] His Excellency all success in his high mission” the previous week.¹³²

Harriet Martineau, the controversial journalist, political economist, abolitionist, feminist, and intimate friend of Durham and Buller argued in her *History of the Peace*,

¹²⁷ Papineau, *Journal d’un Fils de la Liberté*, 178–9.

¹²⁸ Papineau, *Journal d’un Fils de la Liberté*, 179.

¹²⁹ *Mackenzie’s Gazette*, 9 June 1838.

¹³⁰ Charles Lindsay, *The Life and Times of Wm. Lyon Mackenzie: With an Account of the Canadian Rebellion of 1837, and the Subsequent Frontier Disturbances, Chiefly from Unpublished Documents*, (Toronto: 1862).

¹³¹ *Toronto Patriot*, 12 June 1838.

¹³² *Toronto Patriot*, 3 June 1838.

that this independent act was “so characteristic” of Durham “that it was worth mentioning.”¹³³ She claimed that Durham had been plotting an independent course since the early 1820s when he first proposed reforming Britain’s Parliament.¹³⁴ Martineau attributed her insider knowledge of Durham’s mission to the numerous fireside chats she shared with Charles Buller, one of the newly appointed councillors, who “diligently discussed business” and provided her with “the strongest impressions of his heart.”¹³⁵ “It was the custom,” she explained in *History of the Peace*,

on the arrival of a new governor, to swear in the old executive council. Lord Durham did not intend to do this, being aware of the thoroughly party character, and therefore present helplessness, of the late Executive Council; but the thing was very nearly done by an audacious attempt of the clerk of the council to surprise Lord Durham into swearing in the old members. To break up the notion that office in the council was for life, Lord Durham selected a few quiet new members, with whom he joined his three secretaries.¹³⁶

Although Durham’s council was not as numerous as those of his predecessors it did meet the qualifications that Caron, Neilson, Ryland, and Stuart had presented to the Gosford Commission in 1836. More important, however, in a predominantly francophone colony like Lower Canada and as a letter from L. Pairo to exiled Patriot and former editor of *La*

¹³³ Harriet Martineau, *History of the Peace: Pictorial History of England during the thirty years' peace, 1816–1846*, (London: 1858), 552. On 19 January 1834, *The Satirist, and the Censor of the Time* remarked upon the “peculiar views” exchanged between Martineau, the “petticoat political economist,” Mr. Malthus, and the Earl of Durham on the population argument. See, *The Satirist, and the Censor of the Time*, 19 January 1834.

¹³⁴ Harriet Martineau and Durham’s eldest daughter, Mary Lambton, together originated the “Weekly Volume.” Harriett Martineau, *Autobiography*, (London: 1877), 428.

¹³⁵ Martineau, *Autobiography*, 425.

¹³⁶ Martineau, *History of the Peace*, 552.

Minerve, Ludger Duvernay, indicates, was that “tout l’entourage de Durham parle le français.”¹³⁷

Neither the size nor the language skills of Durham’s councillors were subjects frequently remarked upon in private or in the public columns of the Lower Canadian press. That Durham and his entourage were fluent in French was surely important. However, editors and reporters paid more attention to the political reputations of the men Durham had appointed. The *Quebec Mercury*, *Le Canadien*, and the *Montreal Gazette* each defended Durham’s decision to select politically reputable councillors and men dedicated to the progress of the empire. It was simple, explained the *Mercury* – what Durham’s council lacked in number, it made up for in character. “The Executive Council is composed of men,” noted the *Mercury*, whose many interests “lie in other and higher spheres of action.” Although Durham’s handpicked group of councillors stood out from past Executive Councils, it fit with Durham’s own history of working with a small group of like-minded men. Therefore, it is only within such a context that we comprehend the reference made in *Figaro in London* to Durham’s “council of five,” an inference that undoubtedly harkened back to his days a member of the “committee of four” that had drafted the Reform Bill.¹³⁸

In Lower Canada, the press was particularly concerned with not only the identities of Durham’s councillors, but also their political associations. The *Herald* did not much like Durham’s appointees to the Executive Council, men who the paper identified as

¹³⁷ Pairo à Duvernay, 16 juin 1838, in *CANJ*, (1909), 165.

¹³⁸ George Trevelyan, *Lord Grey of the Reform Bill: The Life of Charles, Second Earl Grey*, (London: 1952), 305

“strangers to the personal character of parties” in Lower Canada. As if to keep the *Herald* in check, the *Mercury* published an article that detailed the “powerful and practiced” talents, abilities, and the characters of the new Executive Council.”¹³⁹ First published in Quebec on 2 June 1838 and reprinted in Montreal, Kingston, and Toronto, this article not only introduced Durham’s council of strangers to settlers across BNA. It also outlined their “highly respectable” careers.

For all the speculation surrounding the composition of Durham’s council and Turton’s non-appointment in England, it had not been anticipated that Durham would dissolve the Executive Council.¹⁴⁰ Charles Buller, who had issued the letter announcing the dissolution and who already held the post of chief secretary, was the first councillor to claim the *Mercury’s* attention. Charles was born in Calcutta, in 1806, to an employee of the East India Company. Both he and his younger brother Arthur (who also accompanied Durham to BNA) had a childhood that mirrored the trajectory of many other British children born in India.¹⁴¹ At the age of eleven, the boys returned to the metropole to acquire a “British” education. From 1822 to 1823, Charles took classes at the University of Edinburgh under the tutelage of Thomas Carlyle before he completed a law degree at Trinity College at Cambridge. By the 1830s, Buller’s attention had shifted from law to politics. During the Reform Bill debates, he sat as the radical MP for West Looe, a borough that stood to be condemned if the bill passed. Nonetheless, Buller supported the

¹³⁹ *Quebec Mercury*, 2 June 1838.

¹⁴⁰ *Debates*, Parliament of Great Britain, House of Commons, 3 April 1838, 385–422.

¹⁴¹ Elizabeth Buettner, *Empire Families: Britons and Late Imperial India*, (Oxford: 2004). On Arthur Buller see, Bruce Curtis, “The Buller Education Commission; or, The London Statistical Society Comes to Canada, 1838–42,” in *The Age of Numbers/L’ère du chiffre*, ed. J.-P. Beaud and J.-G. Prévost, (Quebec: 2000), 278–97.

bill and, in what the *Mercury* described as an example of his “rare patriotism,” voted “away his own right to sit in Parliament.”¹⁴²

As Buller’s sphere of influence evolved, so too did his skills. The *Mercury* described him as a public man “gifted with a rapid and fervent eloquence” whose “persuasive powers are very happily blended with a high order of the argumentative faculty in which analytical reasoning and forcible illustration are conspicuous.”¹⁴³ Moreover, he was identified as having a keen knowledge of the “leading questions” of the period: the ballot, tithes, and the system of church rates; issues that reverberated with politically engaged settlers in Lower Canada. His growing interest in governance, tempered by his radical politics, increasingly led him, in a decade when debates over slavery, aborigines, convicts, and colonial self-government dominated the attentions of metropolitan administrators of empire, to an interest in colonial questions.¹⁴⁴ In the months before he departed for BNA, Buller sat as a member of the Select Committee on Transportation, a post that, as we will see in chapter two, likely influenced Durham’s decision to transport eight Lower Canadian Patriots to Bermuda. As the *Mercury* concluded its character sketch of Buller, it reckoned that he occupied one of the “first places in the public attention” and was among “the few rising statesmen marked out by general opinion ... to wield the destinies of the Empire.”¹⁴⁵ Durham, it seems, had done well to appoint this independent, radical, and respectable man to the Executive Council.

¹⁴² *Quebec Mercury*, 2 June 1838; *Montreal Gazette*, 9 June 1838.

¹⁴³ *Quebec Mercury*, 5 June 1838; *Montreal Gazette*, 9 June 1838.

¹⁴⁴ David Haury, *The Origins of the Liberal Party and Liberal Imperialism: The Career of Charles Buller 1806–48*, (New York: 1987).

¹⁴⁵ *Quebec Mercury*, 5 June 1838; *Montreal Gazette*, 9 June 1838.

Yet praise for Buller did not ring loud throughout all of BNA. In Upper Canada, the *Toronto Patriot* concluded a “long and hastily written” front-page article that set forth the paper’s views on education, religion, and federal union with a reference to an appointment that had garnered “decided disapprobation.” “We mean,” clarified the *Patriot*, “that of Charles Buller!” The paper then asserted that “the men of business ... in Canada will not relish his jokes; [they] will require something more solid.” Buller’s reputation for levities in the Commons had reached Toronto before he did. The *Patriot* assured Buller that the merchants, the barristers, the merchant tailors, and the grocers of Upper Canada “are not to be weighed in the scales with a London shopkeeper, or the party tomfools of a House that shall be nameless.”¹⁴⁶ The *Mackenzie Gazette*, like the *Patriot*, was less than enthusiastic about Buller’s appointment to the extent that it mocked his status as an “Honorable Member” of the House of Commons.¹⁴⁷

The second man appointed to the Executive Council, Colonel George Couper, also had a reputation and career that traversed the imperial world. Couper had served alongside Lord Dalhousie during the Peninsular War and worked as his private secretary in Nova Scotia and Lower Canada between 1816 and 1822. In 1822, he was promoted to the post of Deputy Quartermaster General and transferred to Jamaica. The *Mercury* praised his abilities: “few Officers of rank ... compare to Colonel Couper” whose “high and confidential employments” required “talent, integrity, and ability.” Nevertheless, Couper also had an advantage that made him particularly suited to his work as an Executive Councillor. For in addition to his imperial adventures, the “Colonel is well

¹⁴⁶ *Toronto Patriot*, 29 May 1838.

¹⁴⁷ *Mackenzie Gazette*, 29 May 1838.

known in Canadian society, and esteemed for his ability and enlightened understanding. No man can be better qualified, to give assistance upon those matters of military business upon which the economy of a military establishment so much depends.”¹⁴⁸ Couper’s career fused local and imperial knowledge, and therefore made him, as Alan Lester and David Lambert have argued about other such imperial careerists, particularly suited to make connections and comparisons between colonies.¹⁴⁹ The imperial careers of Couper and Buller may have made them strangers to settlers across BNA; however, they were far from the “ignorant strangers” that the *Herald* intimated they were.

The two “obscure residents” that Durham appointed to the Executive Council were anything but obscure. Both Randolph Routh and Dominick Daly were well acquainted with the particularities of Lower Canada. Their influence within the colony was so well known, that the *Mercury* deemed it necessary to explain why less ink had been spilt on these two men. The *Mercury*, careful to preserve its reputation and those of Routh and Daly, apologized to its readers and explained that, “We have but little space left to speak of Messers Routh and Daly, but this is less needful, as these gentlemen have been long before the public here.” Although the *Mercury* did not think it necessary to expand upon the “able and dispassionate minds” of these two independent men because they were well known to settler society, their reputable careers were worthy of consideration.¹⁵⁰

¹⁴⁸ *Quebec Mercury*, 5 June 1838; *Montreal Gazette*, 9 June 1838.

¹⁴⁹ Lester and Lambert, *Colonial Lives Across the British Empire*.

¹⁵⁰ *Quebec Mercury*, 5 June 1838; *Montreal Gazette*, 9 June 1838.

Randolph Routh's political and social reputation in Lower Canada was reflected in his lived history. Louis-Joseph Papineau, the former Patriot leader turned political exile, once explained that Routh's interest in uniting English and French Canadians had convinced him of the man's merits and manners.¹⁵¹ In 1822, Routh made his first foray into imperial political life in the Caribbean before his promotion, in August 1826, to the office of Commissary General for Canada. At the time of his appointment to the Executive Council, Routh had lived in Lower Canada for nearly fifteen years. His first wife, Adèle Joséphine Laminière, died in Quebec in 1827, and, like many men in this period, he remarried quickly. In 1830, he again wed a French Canadian woman. Routh's second wife, Marie-Louise Taschereau, was the daughter of Judge Gabriel-Elzéar Taschereau and sister of Antoine-Charles Taschereau, the chair of the committee that, in 1837, denounced Gosford's reforms.¹⁵² These familial ties were also political ones and bound Routh to both Lower Canada and the empire. The single line that the *Mercury* devoted to Routh reminded readers that he was thoroughly familiar with the difficult fiscal circumstances of the province and well acquainted with the commercial statistics of the country; skills that the paper argued would serve him well but were perhaps not as significant as his great ability to conciliate "all parties and Governments at home, whether Whig or Tory."¹⁵³

In 1823, Dominick Daly, the fourth of Durham's five appointees, arrived in Lower Canada from Ireland as the private secretary to Lieutenant Governor Sir Francis

¹⁵¹ Elinor Kyte Senior, "Sir Randolph Isham Routh," *DCB*.

¹⁵² John Sweetman, "Sir Randolph Isham Routh," *ODNB*, (Oxford: 2004); and Honorius Provost, "Gabriel-Elzéar Taschereau," *DCB*.

¹⁵³ *Quebec Mercury*, 5 June 1838; *Montreal Gazette*, 9 June 1838.

Burton. By 1827, Daly had secured for himself a promotion to the office of Provincial Secretary for Lower Canada. As Provincial Secretary, Daly prepared all the official government documents for the colony and the official correspondence of the governor. Daly, perhaps because of his Roman Catholic faith, had successfully integrated himself with the French Canadian reformers and found that he sympathized with many of their grievances.¹⁵⁴ He was thirty-nine when Durham appointed him to the Executive Council and had twelve years experience navigating the tumultuous currents of Lower Canadian politics.¹⁵⁵ Daly had, explained the *Mercury*, “the rare merit of having passed through the storms and dissensions of the period with the character of a temperate politician, standing high with both parties, upon the score of personal and political honour.”¹⁵⁶

Although Durham’s Executive Council was not the elected body that Patriots had demanded for nearly twenty years, it was a council that employed skilled and politically astute men with various degrees of familial and political ties to Lower Canada and the empire. Louis-Hippolyte LaFontaine, the moderate Patriot and believer that the rights French Canadians claimed as British subjects ought to be respected,¹⁵⁷ wrote to congratulate Daly – “le seul membre de ce corps qu [il] conn[ait]” – on his appointment. Although LaFontaine, who had fled to Europe following the 1837 rebellion, hoped to impress on Daly the importance of a general amnesty for the prisoners, his letter also

¹⁵⁴ Elizabeth Gibbs, “Sir Dominick Daly,” *DCB*.

¹⁵⁵ A. Shaw, “Sir Dominick Daly,” *ODNB*, (Oxford: 2004).

¹⁵⁶ *Quebec Mercury*, 5 June 1838; *Montreal Gazette*, 9 June 1838.

¹⁵⁷ LAC, MG24 A27, Lambton fonds, Vol. 25, LaFontaine à Ellice, 17 avril 1838, Reel C-1855, 454–57.

indicates that he approved of Durham's Executive Council.¹⁵⁸ LaFontaine was not the sole Patriot to support Daly's appointment. On 16 June 1838, Pairo wrote to Duvernay that Durham had appointed a new Executive Council. "La petite famille est fort contente de la nomination de Daly à l'Exécutif, elle le considère un patriote enragé," Pairo informed Duvernay. "Je sais qu'il est bon dans l'appointement de Routh, il paraît que la p.f. [petite famille] a dit que c'était à peu près une nullité, dans un sens tel que Durham a cru que la nomination ne serait pas mauvaise."¹⁵⁹ The two local men that Durham appointed to the Executive Council appear to have met the conditions that the exiled Patriots attached to their loyalty, even if Routh and Daly were not as radical in their politics as those in exile.

The fifth member of the new Executive Council, Thomas Turton, ought to have been its most controversial if the uproar in London over the rumour of his appointment was any indication. Perhaps because the news of the metropolitan debate had not yet reached the colony by 2 June 1838, the *Mercury* did not mention Turton's adulterous past and controversial divorce. That British North Americans would have been completely oblivious to Turton's past transgressions, however, is unlikely given the publicity that they received in the press and in the House of Lords in 1831. Instead, the *Mercury* was consistent in its praise for Turton and, as it had done with the four other councillors, the paper emphasized the scope of Turton's trans-imperial career, his abilities as a lawyer,

¹⁵⁸ LaFontaine had also asked Daly to inform Durham of his "most profound" and "sincere wishes for the success of his important mission." LAC, MG24 B14, Fonds Louis-Hippolyte LaFontaine [Hereafter Fonds LaFontaine], Vol. 1, 11 juin 1838, Reel M-860.

¹⁵⁹ L. Pairo à Ludger Duvernay, 16 juin 1838, in *CANJ*, (1909), 165.

and his work as a civil servant in both India and England. Even conservative papers such as the *Montreal Gazette*, which reprinted the *Mercury's* article after news of the controversy arrived, did not alter the original article. Indeed, most newspapers in BNA refused to condemn Turton for his past and private transgressions, a silence that reminds historians of empire, as Kirsten McKenzie and Robert Ross have done, that the ties of manners and morality that bound metropole and periphery sometimes crosscut the domestic and the political worlds of empire in unpredictable ways.¹⁶⁰

The *Mercury* identified Turton as a “gentleman of the highest legal attainments” and as it had done with Couper and Buller, it provided Lower Canadians with as much information as possible about Turton’s “distinguished” place at the bar of the Supreme Court of Calcutta. Turton’s important, respectable, and “most lucrative practice (averaging 10,000£ a year),” explained the *Mercury*, led to his selection as the agent to the European petitioners of Madras and Bengal against the Black Act. The Black Act stated that British subjects no longer enjoyed extra-territoriality and were to be placed under local East India Company courts that followed the practice of native laws. This accidental circumstance, inflected with patriotic duty and the bonds of friendship, led Turton to BNA in the spring of 1838. “On account of his eminent qualification for the office,” explained the *Mercury*,

the accident of his presence in England, under circumstances, which enabled him to leave it for a limited period, was considered a happy one. It would have been impossible to induce any gentleman of an equivalent order of talents to abandon his prospects at the Bar of England for aught the Canadas could offer him. Patriotic feeling and the prompting of an honourable ambition to take a

¹⁶⁰ McKenzie, *Scandal*; and Robert Ross, *Status and Respectability in the Cape Colony, 1750–1870: A Tragedy of Manners*, (Cambridge: 1999).

leading part in a mission so exalted, as settling the political Constitution of these Colonies upon a final basis of harmony and prosperity.¹⁶¹

The *Mercury* reasoned that the possibility of providing the Canadian colonies with a prosperous future had induced Turton to exchange the “care and comforts ... which a residence in the Mother Country is known to possess for one coming from India, for the toils of office and sojourn in a land to which he is a stranger.”¹⁶²

Yet the publication of this article detailing the political achievements of the members of Durham’s Executive Council, and its republication in the *Montreal Gazette* on 9 June 1838, meant that Turton, Buller, Couper, Routh, and Daly would not remain strangers to Lower Canadians for long. Although the *Gazette* republished the article, an editorial introduction explained that its support was conditional for the article had “evidently been sketched by a friendly and congenial hand.” The “Executive Council must stand or fall by its acts in relation to CANADA,” explained the editor, “and not by the previous political tenets of its Members.”¹⁶³ Previous political experiences may have eased the anxiety that some had over Durham’s council, but as the *Gazette* made explicitly clear, these experiences did not directly translate into results or the unconditional support of Lower Canadians.

On 1 June 1838, Durham wrote to Prime Minister Melbourne explaining how he hoped to secure the loyalty of the Canadian colonists by dissolving the Executive Council. He informed Melbourne that he had done so not only to separate his administration from those of the past, but also to encourage tranquillity and prosperity in

¹⁶¹ *Quebec Mercury*, 5 June 1838; *Montreal Gazette*, 9 June 1838.

¹⁶² *Quebec Mercury*, 5 June 1838; *Montreal Gazette*, 9 June 1838.

¹⁶³ *Montreal Gazette*, 9 June 1838.

BNA. Durham reiterated how important it was to the conditions that both francophone and anglophone Lower Canadian attached to their loyalty that his Executive Council be independent of both colonial and metropolitan participation. There is “no man here not committed in one way or the other, & whose presence in my Councils would not expose me to the suspicion of being influenced by the colour of his Politicks,” he conveyed to Melbourne.

So far then I am satisfied, but the labour of the task is Herculean, I have to prepare all these different parties – to soothe their feelings – to inspire them with confidence – to infuse a higher description of political feeling into their mind – & at the same time to keep myself entirely independent of them with respect to my Executive & Administrative Acts.¹⁶⁴

Party influence and political independence were uncomfortable bedfellows, especially so in the anxious realm of Lower Canadian politics. Meeting the conditions that the different parties attached to their loyalty, however, would be a challenge that Durham continued to encounter for the duration of his mission. By dissolving the previous Executive Council and appointing five known reformers, Durham managed to garner the conditional loyalty and confidence of politically engaged settlers in Lower Canada, which was, as Durham explained to Melbourne, no easy feat.

“They Have Done No Mischief Here”

News that Turton’s rumoured appointment as Durham’s legal adviser had ignited debate in the House of Lords reached Lower Canada barely a week after Turton had been appointed to the Executive Council. News of Turton’s non-appointment, originally

¹⁶⁴ LAC, MG24 A27, Lambton fonds, Vol. 46, “Correspondences,” Durham to Melbourne, 1 June 1838.

published in the *Times*, arrived in Lower Canada on Saturday, 9 June 1838. A reprint of the original controversial *Times*' article in the *Montreal Gazette*, strategically situated below the *Mercury* article, exposed Turton's offence "so frequently darkly alluded to" to Lower Canadians. This article detailed Turton's "continued adultery" and his "highly controversial" divorce. A week later, on 15 June 1838, the *Bathurst Courier and Ottawa General Advertiser* similarly reprinted the articles from both the *Times* and the *Mercury* in succession.¹⁶⁵ Neither the *Gazette* nor the *Courier*, however, provided an opinion on the matter; that was the responsibility of the reader. Only the *Herald* directly commented upon Turton's infamy. The paper identified Durham's administration as "half-Russian and half-Hindoo [sic]" and explained that, "In offering any remarks upon Mr. Turton, we take him at Lord Melbourne's London estimation of him, in contrast with Lord Durham's Quebec estimation of him."¹⁶⁶ E, whose letter to the *Herald* began this chapter, thought that it would be "Better, far better for his Lordship's fame and felicity to send home MR. TURTON." And although those Patriots exiled in the United States noted Turton's appointment to the Executive Council in their letters and journals and supported it, they did not much like that the *Herald* had reported Turton's past transgressions.

On 16 June 1838, nearly a week after news of Turton's past had appeared in the *Herald*, Pairo wrote to inform Duvernay that Durham had formed a new Executive Council. "Huot prépare une histoire des accusations contre les officiers publics, portées par la Chambre pour prouver que ce sont les origines étrangères qui ont porté plainte. L'affaire d'adultère reprochée à Turton par le *Herald* de Montréal, et autres Jones

¹⁶⁵ *Bathurst Courier and Ottawa General Advertiser*, 15 June 1838.

¹⁶⁶ *Montreal Herald*, 9 June 1838.

[propriétaire de *L'Ami du peuple*] est arrivée il y a 20 ans. Il revenait des Indes et à bord du vaisseau, il fit un enfant à sa femme puis engrossa sa belle-sœur. Il fut poursuivi en séparation.” Pairo confessed, “Je ne sais le résultat.”¹⁶⁷ Pairo was not the only *Canadien* to note and then ignore the *Herald's* exposé of Turton's past. Louis Perrault similarly passed along the news of Turton's appointment. Perrault casually noted Turton's “affaire d'adultère” in a letter to Edmund Bailey O'Callaghan, the former editor of English-language Patriot paper, *The Vindicator*, on 21 June 1838.¹⁶⁸ That similar standards of morality as well as ones particular to Lower Canada were employed should not be unexpected, for such differences also existed in other sites of empire.¹⁶⁹ Yet what is fascinating is the consistency with which Patriots and other Whigs/Radicals – in contrast to Conservatives in both Lower Canada and London – noted but ignored Turton's scandalous past, and welcomed the appointment of this uncivil civil servant.

Durham as well as his opponents fused ideas of independence and manliness to critique Turton's reputation and fitness as a public man. On 16 June, one week after E's letter first appeared in the *Herald*, the paper published a reply that not only sought to preserve its independence, but also to affirm that although they had criticized Turton they had confidence in Durham. “We have been accused of opposing [Lord Durham] because we republished an article from the *Times* regarding the appointment of Mr. Turton to be his legal adviser, and inserted some letters and observations of a similar purport ... here is but one opinion as to the propriety, in a moral view, of the appointment. People who

¹⁶⁷ Pairo à Duvernay, 16 juin 1838, *CANJ* (1909), 164; and 16 juin 1838, L. Pairo à Ludger Duvernay, *Lettres d'un patriote réfugié à Vermont*, 95–6.

¹⁶⁸ Perrault à O'Callaghan, 21 juin 1838, *Lettres d'un patriote réfugié à Vermont*, 105.

¹⁶⁹ McKenzie, *Scandal*.

reason as our accusers do,” the *Herald* explained, “are destitute of any feeling approaching to a proper independence of spirit of manly honesty.” A more liberal supporter of Durham, and reader of the *Herald*, argued that opposition to Turton’s appointment could be understood had he “been appointed to the Bishoprick [sic] of Quebec.” For only then would there “be some excuse in tearing off the veil from his alleged errors; but, as his office is not ecclesiastical, that veil should have been left undisturbed. A man may be a very good secretary and legal adviser, although he has yielded to those temptations which have, in all ages of the worlds, occasionally overthrown the most upright.”¹⁷⁰ Durham surely agreed with this interpretation, while Melbourne, who did not much like scandal and knew first hand of its effects, feared that Turton’s appointment would not only undermine the integrity of established institutions, but also threaten his metropolitan administration.¹⁷¹

Durham’s private correspondence with Melbourne and Glenelg archive his reaction to the Turton job. In a letter dated at Quebec, Friday, 15 June 1838, Durham indicated his Radical-Whig understanding of the connection between politics and statesmanliness. The letter began by reminding Melbourne of the understanding the two men had reached before Durham’s departure.¹⁷² It had been understood, or so Durham intimated, that Turton would receive no nomination as legal adviser, an office in which the holder was responsible to the metropolitan government, but that he, as governor general and high commissioner, retained his “liberty” to employ Turton in Canada upon

¹⁷⁰ *Montreal Herald*, 9 June 1838.

¹⁷¹ Mitchell, *Lord Melbourne*, 19.

¹⁷² Durham to Melbourne, 15 June 1838, reproduced in, Reid, *Life and Letters*, 196; and Melbourne’s explanation in, LAC, MG24 A29, Victoria fonds, File 1, 12 April 1838, 24.

on his own “responsibility.” It was according to such an arrangement that Durham justified Turton’s appointment. Durham remained adamant that the appointment could not be altered. He argued that to rescind the appointment would inspire doubt in his ability to act independently in BNA. It would also raise questions about the confidence of Melbourne’s government in Durham’s ability to forge a future of progress, unity, and tranquillity in Lower Canada as well as the determination of the imperial parliament to permanently reform the structures of colonial governance in Lower Canada. “The colonies are saved to England,” Durham insisted.

But you, must be firm. Do not *interfere* with me while I am at work. After it is done, impeach me if you must. I court the fullest responsibility, but leave me the unfettered exercise of my own judgment ... You provide me with no – or at least inadequate – means from yourselves, and you then interfere with the arrangement I make to supply myself with the best talent I can find. They [the colonists] believe in my good intentions towards all, and in my having support from home.¹⁷³

As chapters four and five reveal, the interference of meddling metropolitan statesmen that Durham alluded to above not only eroded the conditional loyalty that he had worked hard to cultivate in BNA, but also fostered an anti-metropolitan sentiment amongst Lower Canadian Patriots and Tories. Durham insisted that, “The proceedings about [Turton] in England have created general disgust here, and the most strict people in the Province have gone out of their way to be civil to mark their sense of them.”¹⁷⁴ It seems that reaction to the metropolitan debate about Turton’s fitness for public office in Lower Canada, or at least Durham’s understanding of it, revealed that the conditional loyalty

¹⁷³ Durham to Melbourne, 15 June 1838, reproduced in, Reid, *Life and Letters*, 196. [My italics].

¹⁷⁴ LAC, MG24 A27, Lambton fonds, Vol. 46, “Correspondences,” Durham to Melbourne, 15 June 1838.

placed in Durham did not automatically translate into loyalty toward the imperial parliament or the empire.

Recall that Melbourne had also warned Durham about appointing such a dubious character as Edward Gibbon Wakefield. He had instructed Durham not to touch “G.W.” with a “pair of tongs.” Durham, not impressed with Melbourne’s effort to limit his independence, pointedly addressed the effects that constant interference from England had upon those politically engaged settlers who, in the years leading to rebellion, were frustrated by metropolitan meddling in colonial affairs.¹⁷⁵ Durham explained that this interference only increased the difficulty of his already “super human” task. However, Melbourne’s letter had arrived before Durham had appointed a commission to investigate Crown lands and immigration and ensured that Wakefield would not receive a public appointment. Unlike Turton’s appointment, which had garnered the attention of those in the metropole, no one but Durham’s most intimate friends and colleagues knew that he desired Wakefield’s expertise, and therefore not appointing him would not compromise Durham’s “own character and independence.” “[Wakefield] holds no employment or official situation whatever, nor will his name appear before the public at all,” Durham assured Melbourne, “Oh, no! We never mention him; his name is never heard. Really, if it was not very inconvenient, all this would be ludicrous.”¹⁷⁶ This “incessant interference” of the metropolitan government in colonial matters, as Durham would refer to it later that

¹⁷⁵ Peter Burroughs, *British Attitudes towards Canada, 1822–1849*. (Toronto: 1971).

¹⁷⁶ LAC, MG24 A27, Lambton fonds, Vol. 46, “Correspondences,” Durham to Melbourne, 15 June 1838.

summer, increased with time, and fundamentally undermined his effort to govern Lower Canada.¹⁷⁷

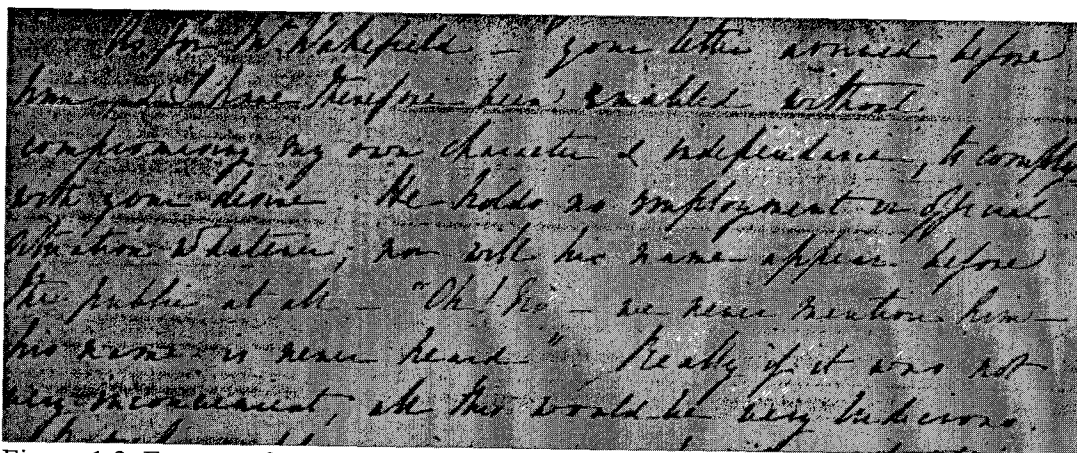


Figure 1.3: Excerpt of Lord Durham's letter to Prime Minister Melbourne, 15 June 1838
Source: LAC, MG24 A27

Although the debate over Turton's rumoured appointment focused on the effect that Turton's transgression, because of his proximity to Durham, would have on the reputations and administrations of various statesmen, women were not entirely excluded from the debate. We saw Winchelsea express his concern for the reputation of Queen Victoria. The *Times* thought it incredible that Durham could find "pleasure" in "Mr. TURTON'S society," and wondered if he had no regard for Lady Durham or his children? "Lord Durham cannot ... have introduced Mr. THOMAS EDWARD TURTON into that close, inseparable companionship with Lady Durham and his children, which is unavoidable in a passage of some weeks."¹⁷⁸ Such concerns reiterate what historians of colonialism have long argued, that women, symbolically and bodily, functioned as barometers of

¹⁷⁷ LAC, MG24 A27, Lambton fonds, Vol. 12, Durham to Glenelg, 30 July 1838, Reel C-1850, 193-203.

¹⁷⁸ *London Times*, 1 May 1838.

civilization.¹⁷⁹ Moreover, as Penny Russell argues about the Australian context, the wife of the governor, much like the empire's queen, "bore the weight of responsibility for the moral virtue and social conduct that both preserved links with British culture and sustained and solidified class relations within colonial society."¹⁸⁰ Others interpreted Durham's appointment of Turton as a blatant disregard for Lady Durham's reputation and a shirking of his duties as a patriarch. Such neglect was a stain on Durham's statesmanliness. Had Lady Durham been asked her opinion of the whole matter, she would have surely confessed, as she did in private, that she considered her social duties as the governor general's wife more irksome than this "Turton business."¹⁸¹

On the day that Durham replied to Melbourne and Glenelg's letters, Lady Durham recorded her thoughts on the "Turton business" in a letter to her mother, Lady Mary Grey. Lady Durham's letter further reveals that there was no universal reaction to Turton's appointment and that politics played a significant role in determining one's reaction. As the daughter of former Whig Prime Minister Earl Grey, Lady Durham was keenly aware of the political rivalries of the period, and in particular, of the way that sexual transgressions could affect families and households. "I am very sorry for the attacks on Mr. Turton," she confessed to her mother, "but happily they have done no mischief here. All parties agree on the absolute necessity of standing by [Turton] now, &

¹⁷⁹ See, for example, McClintock, *Imperial Leather*; Carter, *Capturing Women*; and Colin Coates and Cecilia Morgan *Heroines and History: Representations of Madeleine de Verchères and Laura Secord*, (Toronto: 2002).

¹⁸⁰ Russell, "The Brash Colonial," 432.

¹⁸¹ LAC, MG24 A27, Lambton fonds, Vol. 48, "Lady Durham's Journal," Reel C-1859. Jarett Henderson, "'I would not lift a finger to help the Gov't': Lady Louisa Lambton and the 'Inner History' of the Durham Mission," Unpublished paper presented to the Canadian Historical Association, June 2008.

Lambton says the use he has been to him in the legal business is incalculable.”¹⁸² Lady Durham did not, and likely did not have to, explain Turton’s transgressions to her mother, which was perhaps an indication that the matter was one easily, or uneasily recalled if we consider the Grey family’s own brush with scandal. Like her husband and the majority of the newspapers in the Canadas, Louisa lamented the controversy that Turton’s rumoured appointment had sparked across the Atlantic.

It is a thousand pities there is a blot on his former character, for now he seems to be unexceptionable, & when one sees him it is really difficult to believe there ever could have been anything wrong. He is extremely-gentleman-like, quiet, & kind in his manner, he is exactly the person one should choose to rely on as a friend. I cannot understand it in the least.¹⁸³

Even Jane Ellice, whose husband, Edward Ellice, in addition to being Durham’s secretary and the nephew of Earl Grey’s illegitimate child, Eliza Courtney Ellice, had no qualms about associating with a man of Turton’s questionable morality. Jane Ellice not only embraced the status she thought being the English wife of a seigneur accorded her in Lower Canada, but also frequently remarked in her diary about the many pleasant conversations and breakfasts she shared with Mr. Turton.¹⁸⁴

The one individual who was particularly silent on the whole matter is Thomas Turton himself. A single letter, preserved in the Durham fonds, contains the only surviving contemporary account penned by Turton wherein he addresses his appointment to the Executive Council. In this letter, dated 7 June 1838 and addressed to Durham, Turton offered to resign his posts as Executive Councillor and legal secretary and return

¹⁸² LAC, MG24 A27, Lambton fonds, Vol. 48, “Lady Durham’s Journal,” Reel C-1859.

¹⁸³ LAC, MG24 A27, Lambton fonds, Vol. 48, “Lady Durham’s Journal,” Reel C-1859.

¹⁸⁴ Jane Ellice, *The Diary of Jane Ellice*, ed. Patricia Godsell, (Toronto: 1975), 35, 42, 115.

to England. "It is with the utmost surprise after your Lordship had waived my direct appointment from Ministers on the parliamentary establishment," he confided in Durham, "that I now find them expressing a desire that I should not be appointed by your Lordship to an important office in this colony." Turton offered Durham his heartfelt thanks for years of friendship and the estimation that he was "fit" to hold his Canadian appointments. "I cannot but feel that your confidence in me *and* in my capacity to serve my country more than counterbalances the censure of those who unhappily know little of me but from circumstances which I must always deeply deplore. To me, my Lord, this will always be a heartfelt solace to the hour of my death."¹⁸⁵ Durham refused to accept Turton's resignation. He did not yield to metropolitan interference: he was determined to act independently, and convinced that this was the best policy to pursue if he was to balance the conditions of loyalty in Lower Canada.

Conclusion

The debate that Turton's non-appointment ignited in the House of Lords indicates one way that the connection between the intimacies of domestic life and the very business of the state were played out in the late 1830s. In London, conservative enemies and critics of Durham's mission and Melbourne's Whig government mobilized Turton's past sexual transgressions and created a rumour of his appointment to meddle with Durham's administration. The reactions of imperial administrators indicate that they were not only struggling to preserve metropolitan power at the end of decade when their authority over

¹⁸⁵ LAC, MG24 A27, Lambton fonds, Vol. 26, Turton to Durham, 7 June 1838, Reel C-1856, 589-95.

colonial matters was being fundamentally recast. Their reactions also reveal that their own personal brushes with scandal and sexual transgression, as well as the ties of friendship and family significantly affected their responses to Turton's non-appointment.

In Lower Canada, most parties welcomed Durham's decision to dissolve the Executive Council as it had existed since its creation in 1791. This first act allowed the newly arrived governor general to meet, at least for the time being, the conditions that politically engaged settlers attached to their loyalty. That Durham had appointed Turton, to the Executive Council appears to have mattered little to the editors or the readers of reform and conservative newspapers in Lower Canada, except for the emphatically conservative *Herald*. Yet even if Turton's "continued adultery" was reported, newspapers were careful to assert that such news should not undermine the confidence that Lower Canadians had placed in Durham's ability to remedy the ills of colonial governance and re-establish political certainty. Peter Burroughs has characterized this period in metropole/colonial relations as one of "imperial appeasement and procrastination,"¹⁸⁶ and the early lesson that both Durham and politically engaged settlers in Lower Canada learned was that procrastination was often accompanied by an increase in imperial interference. Moreover, as chapter two indicates, metropolitan meddling also increased in tandem with colonial declarations of loyalty and confidence in Durham and his efforts remedy the evils of colonial misgovernment.

¹⁸⁶ Peter Burroughs, *The Colonial Reformers and Canada: 1830–1849*, (Toronto: 1969), 109.

CHAPTER 2

“Justice for the Guilty ... Mercy for the Misguided”: Negotiating the Bermuda Ordinance, British Subjectness, and the Conditions of Loyalty

Anonymous handbills posted throughout the city and suburbs of Quebec on Wednesday, 27 June 1838, informed citizens that “the morrow” would be a holiday. People were instructed to close their places of business for the day and to illuminate their residences in the evening, two practices that by the mid-nineteenth century were familiar to settlers across BNA and the empire.¹ On holiday Thursday, however, inhabitants of Quebec awoke to find “counter notices” signed by the head of police, T.A. Young, posted throughout the city. These handbills issued “by authority” of the governor general, Lord Durham, announced that “the proposed illumination would not take place in consequence of the fear of accidents by fire, during the absence of a large number of heads of families from their habitations, at the ball [to be] given by His Excellency.”² On that Thursday, British subjects in Lower Canada, like others throughout the British imperial world gathered to celebrate the coronation of Queen Victoria. In London, the heart of the empire, the spectacle of the event was unimaginable. When descriptions of the affair reached Quebec a month later, just as Durham returned from his tour of the Canadas, the colonial press spent a week reprinting articles that described the grandeur of Victoria’s coronation. Yet for all the attention that the spectacle garnered in the pages of the British

¹ Ian Radforth, *Royal Spectacle: The 1860 Visit of the Prince of Wales to Canada and the United States*, (Toronto: 2004); David Cannadine, *Ornamentalism: How the British Saw Their Empire*, (Oxford: 2001); and Mark Francis, *Governors and Settlers: Images of Authority in the British Colonies, 1820–60*, (Christchurch: 1992).

² *Quebec Mercury*, 5 July 1838.

North American and imperial newspapers, it was the events that occurred in Lower Canada, and in particular at Quebec City, that remained the object of public and private debate in the days and weeks following Victoria's coronation. For it was on this day, after a month of tribulations and no trials, that Durham and his newly appointed Special Council decided the fate of the 161 Patriot prisoners still incarcerated upriver at the New Montreal Gaol. That the attention of the colonial press focused upon Lower Canadian politics should not at all be surprising given the tense political climate of the months that followed the 1837 rebellion and its suppression by the British militia. Many, including Durham, desired to see how Her Majesty's Lower Canadian subjects would commemorate Victoria's coronation: would there be parties or protests? Durham was anxious to see if the conditional loyalty that Lower Canadians had offered him upon his arrival would be extended to the ordinance that he planned to sanction in the Special Council that afternoon. On this edge of Victoria's empire, 28 June 1838 was much more than the "holiday" that the official and unofficial handbills proclaimed!

This chapter revolves around the "Ordinance for the Protection and Security of Lower Canada," passed by Durham and his Special Council in honour of Queen Victoria's coronation. The Bermuda Ordinance, as contemporaries termed it, transported eight Lower Canadian Patriot leaders to Bermuda. It also banished the sixteen most fervent Patriots who had fled to the United States following the December 1837 rebellion, making it illegal for them to return to Lower Canada without the permission of the governor. It identified each of these twenty-four men by name, an act that reminded the public of their "treasonable" acts, but also, for some, forever marked these men as proud,

devoted Patriots. All the remaining men who had been incarcerated since early December 1837 save for Amable Daunais and François Nicolas, the men accused of murdering Joseph Armand, known as Chartrand, a stonemason from Saint-Jean in November 1837 — were released.³ Ultimately, the Bermuda Ordinance proved to be the general amnesty that most in the colony had desired and that Lord Glenelg in the Colonial Office had urged Durham to consider.⁴

A proclamation was delivered following the public reading of the Bermuda Ordinance, some time between Durham's inspection of the troops at the citadel at noon and the ball he and Lady Durham hosted that evening. The proclamation explained that the ordinance had been designed to provide "justice for the guilty" and "mercy for the misguided." After issuing the proclamation, wherein Durham clarified that the ordinance had been enacted "in the Queen's name," he wrote to Victoria.⁵ He explained to the young queen that his ordinance was no ordinary imperial act. It was a public declaration that mercy and justice were to characterize both his administration and her reign. Moreover, Durham explained that it was the only way that he could demonstrate his fealty being so far removed from her on such a momentous occasion as her coronation. Yet the Bermuda Ordinance had other intended consequences. It had been designed to

³ On the trial, see F. Murray Greenwood, "The Chartrand Murder Trial: Rebellion and Repression in Lower Canada, 1837–1839," *Criminal Justice History*, 5 (1984): 129–59.

⁴ Lord Glenelg urged Lord Durham to avoid punishment except in cases of murder, capital punishment. The colonial secretary identified banishment, transportation, imprisonment, and fines as acceptable and sufficient alternatives. See for example, LAC, MG24 A27, Lambton fonds, Vol. 7, Glenelg to Durham, 21 April 1838, Reel C-1849, 371–91.

⁵ Proclamation, 28 June 1838. LAC, MG24 A27, Lambton fonds, Vol. 10, "Proclamation," Reel-C-1850, 763–69. *Quebec Mercury*, 30 June 1838; *Le Canadien*, 2 juillet 1838; *Kingston Chronicle and Gazette*, 7 July 1838; *Toronto Patriot*, 10 July 1838.

reinvigorate loyalty to the empire and Queen Victoria, the first female sovereign to rule over French Canadians since the British Conquest. As Allan Greer argues, imperial sentiment in Lower Canada was founded on the intimate and personal relationship between ruler and ruled.⁶ The ordinance was designed to illustrate Victoria's prerogative to offer mercy. However, the ordinance had very real repercussions for those men it identified by name, their families, and their friends. This chapter examines the negotiation and the passing of the Bermuda Ordinance from the perspective of Durham and his Special Councillors as well as those of the eight men sentenced to transportation on 28 June 1838. It attends to the different understanding of British subjectness that each side articulated before and after the passing of the ordinance as well as the reactions that settler society writ large had, in private letters and in the pages of the colonial press, to the Bermuda Ordinance. The bulk of the chapter reveals that the Patriots sentenced to transportation articulated their rights as British subjects by mobilizing the popular (and successful) political rhetoric that abolitionists and opponents of convict migration had employed throughout the 1830s.⁷ In the summer of 1838, these Patriots used this rhetoric, that linked ideas about freedom, whiteness, and political independence, to justify their participation in the 1837 rebellion and demand parliamentary reform in Lower Canada.

The Bermuda Ordinance is often identified as the act that led to the downfall of Durham's administration. Both Nina Edwards and Thomas Gunn who have explored the Bermuda Ordinance and its effects on Durham's government argue that it exposed the

⁶ Greer, *Patriots and the People*, 189–218.

⁷ McKenzie, *A Swindler's Progress*; McKenzie, *Scandal*; Colley, *Britons*.

limits of Durham's authority in the Canadian colonies.⁸ However, Edwards and Gunn have focused only on the debate about the ordinance in the House of Lords in August 1838 where its legality was repeatedly questioned and, eventually, overturned. The negotiations that led to the passage of the ordinance as well as the declarations of confidence that this measure received from those exiled and in columns of the Lower Canadian press have not been examined. F.X. Garneau, the French Canadian nationalist historian, described the Bermuda Ordinance in his *Histoire du Canada* as an act that was both "sage and humane" and "favourably looked on" by the *Canadiens*.⁹

This chapter complicates not only understandings that historians have of this period and of Lower Canada as a site of empire, but also how Patriots comprehended their place in the colonial order of things. Durham's decision to negotiate with the Patriots imprisoned in Montreal indicates his desire to act independently of colonial and metropolitan influences. It also legitimized their involvement in the 1837 rebellion and acknowledged that these eight British subjects, seven of whom were francophone, were entitled to the same political rights as other anglophone subjects of empire. Durham did not explicitly locate this consideration in the shared whiteness of these Patriots, although he never thought to extend political rights to Lower Canada's aboriginal population. The negotiation and subsequent passing of the Bermuda Ordinance, much like Durham's

⁸ Thomas Gunn, "Convicts to Bermuda: A Reassessment of Earl Durham's 1838 Bermudan Ordinance," *Australian Journal of Canadian Studies*, 25: 2 (2007): 7–28; Nina Edwards, "The Canadian Exiles in Bermuda," *Bermuda Historical Quarterly*, 37 (1980): 42–45, 63–68; B. B. Kruse, "The Bermuda Exiles," *Canadian Geographical Journal* 14 (1937): 353; Douglas Hemmeon, "The Canadian Exiles of 1838," *Dalhousie Historical Review*, 7 (1927): 13–16.

⁹ Garneau, *Histoire du Canada*, 467.

dissolution of the Executive Council, had again met the conditions that politically engaged francophone and anglophone British subjects in Lower Canada attached to their loyalty.

On the morning of Wednesday, 4 July 1838, the day that Durham commenced his tour of the Canadas, Wolfred Nelson, Robert S.-M. Bouchette, Luc H. Masson, Rodolphe DesRivières, Siméon Marchesseault, Bonaventure Viger, ToussiantGoudu, and Henri A. Gauvin departed Quebec City aboard the *Vestal* for Bermuda. This chapter begins by explaining the purpose and function of the Special Council, the body created by the imperial parliament to rule Lower Canada in the wake of the 1837 rebellion and responsible for passing the ordinance. The second section examines the negotiations between John Simpson and the eight Patriot leaders, as well as the meeting Charles Buller had with the leaders of the British and French parties in Montreal that led to the Patriots' admission of culpability and made it possible for Durham's Special Council to transport them to Bermuda. Records of these meetings are preserved as private correspondence within the Durham fonds as well as in the letters and memoirs of Nelson, Bouchette, and Marchesseault. In the third section I examine the passage of the Bermuda Ordinance by the Special Council and Durham's private exchanges explaining the measure to Lord Glenelg in the Colonial Office, as well as the reaction of the Lower Canadian public as gauged by their expressions of conditional loyalty in the pages of the colonial press. The fourth section begins by examining the removal of the eight Patriot leaders from the Montreal Gaol to Quebec and follows them as they leave Lower Canada for Bermuda, where they entered the empire in new ways. The chapter concludes by

exploring the debate that erupted upon the arrival of these eight men in Bermuda and how their presence in Hamilton harbour, the capital city of Bermuda, forced these eight Patriots and colonial officials in Bermuda to reckon with their identity as British subjects.

A Special Council?

The imperial parliament's suspension of the constitution of Lower Canada on 10 February 1838 was a newsworthy event. In late March, *Le Canadien* alerted its francophone readers of the historical significance of 10 February:

C'est une coïncidence singulière que le jour que le Parlement britannique a décrété la suspension de nos privilèges Constitutionnels, se trouve être le même auquel le Bas-Canada fut cédé à l'Angleterre par le traité de paix définitif entre cette puissance et la France, savoir le 10 février. Ainsi, le 10 février 1838 les habitants du Bas-Canada se trouvent pour ainsi dire remis au même état où ils étaient le 10 février 1763, quant à la nature de leur Gouvernement.¹⁰

Others like Amédée Papineau recorded the event in their journals. On 27 March 1838, Papineau noted that John Colborne, the interim governor of the colony, had proclaimed in Montreal that the constitution of the colony was suspended until 1 November 1840.¹¹ The suspension of the constitution meant that Lower Canada no longer had any form of representative government, an institution that even the former slave colonies in the West Indies had. This imperial act had dissolved the House of Assembly and the Legislative

¹⁰ *Le Canadien*, 30 mars 1838.

¹¹ Papineau, *Journal d'un Fils de la Liberté*, 161.

Council, and made provisions for a new form of legislative body — a Special Council — to govern Lower Canada.¹²

The Special Council that governed the colony from April 1838 until February 1841, four months longer than it was designed to, was modeled after a similar council that operated in the Cape Colony, in South Africa.¹³ From the moment of its conception then, this temporary institution was designed to operate not as a forum for debate; strict rules and regulations governed this body.¹⁴ The Special Council, which was the only site of colonial legislative action in the immediate post-rebellion period, could not have been further from the parliamentary reforms that Durham had proposed in 1820 that would have ensured statesmen govern according to the “feelings of the people.”¹⁵

Three different British governors chaired the Special Council from the time of its creation in April 1838 until it was replaced by an elected legislature following the 1841 Act of Reunion. Charles Poulett Thomson was the longest-serving governor to administer the Special Council and did so from November 1839 to February 1841. Sir John Colborne was the only governor to occupy the post of chair twice: from 18 April to 15 May 1838 and from 5 November 1838 until 13 April 1839. The third governor to chair the Special Council was Durham and he did so for the shortest time.

The limited tenure of Durham’s Special Council has led historians to dismiss its significance. For example, Philip Goldring’s 1978 doctoral thesis contained an entire

¹² Great Britain, Parliament, House of Lords, *A Bill intituled an Act to make Temporary Provision for the Government of Lower Canada*, (London: 1838).

¹³ Watt, “State Trial by Legislature,” 252.

¹⁴ See LAC, MG24 A27, Lambton fonds, Vol. 50, “Rules and Orders for the Special Council,” Reel C-1858.

¹⁵ John Reid, *Sketch of the Political Career of the Earl of Durham*, (Glasgow: 1835), 68.

chapter on the Special Council but completely ignored Durham's council, and argued that it "hardly existed at all."¹⁶ Steven Watt who has intricately detailed the workings of the Special Council has similarly cast Durham's council to the margins of the Special Council's history because it does not fit tidily into his characterization of the council as an exceptional imperial institution that passed exceptional legislation at the bequest of local colonial politicians.¹⁷ However, it is precisely because Durham's Special Council interrupted the elevation of the desires of British Tories of the Montreal Constitutional Association that it ought to be examined.¹⁸ The lack of attention that this "Durham interlude" has garnered means that historians know very little about Durham's Special Council, the type of legislation it passed, and whose influences the council served.¹⁹ This omission becomes more apparent when compared to the valuable work of Brian Young and Bettina Bradbury on the Special Council. Young has demonstrated that the Special Council, specifically councils constituted after Durham's departure, affected nearly every aspect of Lower Canadian society from work to religion to family life.²⁰ Bradbury has illustrated how the changes made to the colony's dower law by the Special Council in 1839–40 at the request of a small group of elite, male, and anti-Patriot anglophones from Montreal affected the everyday lives of Lower Canadian women as both wives and

¹⁶ Philip Goldring, "British Colonists and Imperial Interests in Lower Canada," (PhD dissertation, University of London, 1978).

¹⁷ Watt, "State Trial by Legislature," 248–78.

¹⁸ Watt, "Authoritarianism, Constitutionalism, and the Special Council."

¹⁹ Fecteau, "This Ultimate Resource," 207–47.

²⁰ Young, "Positive Law, Positive State," in *Colonial Leviathan*, 52.

widows, and sought to replace the “uncivil” *Coutume de Paris* with elements of the more “civilized” British common law.²¹

Historians have come to interpret the Special Council as an important but unfortunate institution because of its authoritarian power. Its members did play a critical role in the transformation of the legislative agenda of Lower Canada between 1838 and 1841.²² Yet this consensus has emerged at the expense of any real examination of Durham’s council. In those rare instances when Durham’s council is mentioned, it is often compared with those that followed it, rather than those that preceded it. Such ahistorical comparisons have no bearing on Durham’s actual administration. Neither Thomson’s administration nor Colborne’s second administration, both of which followed Durham’s, had any influence on the composition of his council or the ordinances it passed. Of the 218 ordinances passed by the Special Council between 1838 to 1841, one-fifth were passed during Colborne’s first administration, and all of those were proposed not by the governor or his council, but by the British Colonial Office.²³ Durham passed only six ordinances between 28 June and 31 October 1838. Of these ordinances, three sought to provide political stability for Lower Canada, while the others dealt with specific monetary issues that were designed to ensure that local employees of the colonial administration, from the caretaker of the House of Assembly to its elected members, all

²¹ Bradbury, *Wife to Widow*; Bradbury, “Colonial Comparisons,” 135–58.

²² See Greer and Radforth, *Colonial Leviathan*.

²³ Special Council of Lower Canada, *Journals of the Special Council of the Province of Lower Canada, 28th June; 9th July; 23rd August and 31st October 1838*, (Quebec: 1838); Special Council of Lower Canada, *Ordinances made and passed by the governor general and Special Council for the affairs of the province of Lower Canada*, Vol. 2, (Quebec: 1838). See also Watt, “State Trial by Legislature.”

received their salaries.²⁴ Moreover, unlike Colborne's council, which sanctioned ordinances that emerged from the backrooms of the Colonial Office and ensured that metropolitan statesmen could continue to interfere in Canadian affairs, Durham's six ordinances were proposed and authorized by the Special Council in Lower Canada. Durham's independent administering of the colony through the Special Council, like the Executive Council, was welcomed by the politically engaged settlers of Lower Canada. Its ordinances did not go unnoticed.

On 2 July 1838, *Le Canadien* announced that Durham had dissolved the nascent Special Council and formed a new council with five men of his choosing. The article proclaimed that "le nouveau Conseil Spécial a été formé dans le même esprit que l'a été le Conseil Exécutif."²⁵ *Le Canadien* also reminded readers of the connection between this act and Durham's reform of the Executive Council a month earlier. In his composition of the Special Council, the paper noted that Durham had once again concentrated all the responsibility of his administration not in the treacherous terrain of local politics or in metropolitan meddling, but in himself and his reputation. By dissolving Colborne's council, *Le Canadien* argued, Durham had sheltered "the people" from the "influences" that had predominated in the former council. Although *Le Canadien* noted that it would have welcomed the appointment of one or two local men to the new Special Council, the editors expressed their satisfaction and confidence that Durham had made the correct decision: "les hommes qui composent l'administration sont trop éclairés dans la science

²⁴ Special Council of Lower Canada, *Journals*, (1838).

²⁵ *Le Canadien*, 2 juillet 1838.

du Gouvernement.”²⁶ Durham’s appointment of five men, the minimum number of councillors required for quorum, none of whom were from Lower Canada, is a stark contrast to the twenty-two men Colborne had appointed in April 1838, and this is often used to demonstrate that Durham understood neither Lower Canada nor its politics. Yet in the immediate post-rebellion period, *Le Canadien* made it clear that independence from both local faction and metropolitan interference took precedence over the ethnicity and birthplace of the new Special Councillors.

The size and composition of Durham’s Special Council – three members of his suite, four military men, and no local politicians – surely makes it exceptional, as Steven Watt astutely argues.²⁷ It also indicates that Durham, who had been in Lower Canada for a month when he appointed his council, was intent on resolving the struggle of principles that he later identified in his report, and to do so he paid particular attention to the shade of men’s politics, whether colonial or metropolitan. The point that Watt and Goldring have missed in their studies of the Special Council is that the political ideology of Durham’s five-man council was substantially different from those that sat before 28 June and after 31 October 1838. In his classic account of the history of French Canada, Mason Wade exposed what more recent scholarship has omitted with his suggestion that Durham was aware that political tensions had led to rebellion. Yet historians emphasize the half-francophone, half-anglophone, all-colonial Special Council that Colborne appointed in April 1838, and ignore the fact that not one of those twenty-two men supported the Patriot party. Wade’s work importantly reminds us that John Colborne’s council was

²⁶ *Le Canadien*, 2 juillet 1838.

²⁷ Watt, “State Trial by Legislature,” 268.

composed of Tories, Bureaucrats, and *Chouayens* (francophone conservatives) all of whom opposed, some more vehemently than others, Patriot demands for political reform.²⁸ In April 1838, when Colborne's Special Council first met, Louis Giard wrote Duvernay, from his home in Saint Hyacinthe, that Colborne's council "n'est pas formé de manière à inspirer une grande confiance: mais son pouvoir ne s'étend que jusqu'à l'arrivée de Lord Durham, qui pourra y appeler d'autres hommes s'il juge à propos."²⁹

Giard had correctly assessed Durham's independent statesmanliness. On 28 June 1838, Vice Admiral Sir Charles Paget, Major General Sir James Macdonell, the Honourable Charles Buller, the Honourable Colonel George Couper, and the Honourable Lieutenant Colonel, Charles Grey swore their allegiance to Victoria and her empire as prescribed by Imperial Act, 1st Victoria, Chapter IX and took office.³⁰ Two of these men, Buller and Couper, already held appointments on the Executive Council and their appointments to the Special Council, as we will see in chapter four, became an object of criticism in the metropole. For politically engaged subjects in Lower Canada, however, their appointment reaffirmed Durham's declaration that he desired to separate his administration from previous administrations and from political factions in the colony and act independently. Durham hoped that working with such a close circle of intimates would preserve his reputation as an independent statesman and reformer as well as

²⁸ Wade, *The French Canadians*, 80–2. Although this appears to support Watt's argument about the Tory politics of the Special Council in these years, Watt also privileges the equality of origin in Colborne's council when comparing it to Durham's council. See, for example, Watt, "Authoritarianism, Constitutionalism, and the Special Council"; and Watt, "State Trial by Legislature."

²⁹ Louis Giard à Ludger Duvernay, 19 avril 1838, *CANJ*, (1909), 115–16.

³⁰ LAC, MG24 F30, Paget fonds.

continue to secure him the confidence and loyalty that Lower Canadians, and British North Americans more generally, had thus far accorded him. Four of the men appointed to Durham's council, Charles Paget, James Macdonell, George Couper, and Charles Grey, were military men and keenly aware of the workings of imperial politics. Paget had sat as a member of the British parliament between 1831 and 1834, and was present for the passing of the Reform Act of 1832. In 1837, he attained the rank of Vice Admiral and commander of the North America and West Indies squadron. Major General Macdonell, of Roman Catholic Highland gentry background, was a commanding officer in the Quebec district. Lieutenant Colonel Grey, Durham's brother-in-law, represented Wycombe in the British House of Commons from 1832 to 1837 before he decided to travel to BNA with Durham. On 28 June 1838, as Special Councillors, these five men took their seats around the council table to sanction the Bermuda Ordinance. Before turning to the passage of this ordinance and reaction to it in Lower Canada, it is necessary to first understand the negotiations that led to its making.

Negotiating Exile: "Guilt in High Aspirations," "A High-flying Acknowledgment of Heroism and Patriotism," or "Une reconnaissance pure et simple de culpabilité"?

One of the first issues that commanded Durham's attention was the "delicate" and "dangerous" question of what to do with the men who had been imprisoned for their role in the 1837 insurrection.³¹ Durham began his investigation into this subject by personally reviewing the depositions of the remaining 161 men incarcerated at Montreal. By 2 June

³¹ LAC, MG24 A27, Lambton fonds, Vol. 12, Durham to Glenelg, 29 June 1838, Reel C-1850, 112-7.

1838, when he had dissolved both the Executive and Special Councils, 326 of the nearly 500 men arrested the previous winter, had been released from the New Montreal Gaol. Those that remained were considered Durham's problem. With the assistance of Thomas Turton, his legal adviser, and Charles Buller, his private secretary, Durham determined that eight of the 161 state prisoners were the most culpable: Wolfred Nelson, Robert S.-M. Bouchette, Bonaventure Viger, Siméon Marchesseault, Henri A. Gauvin, Toussiant Goddu, Rodolphe DesRivières, and Luc-Hyacinthe Masson. Durham, Turton, and Buller decided that a confession was required and that once these Patriots had admitted their culpability, the real objectives of Durham's mission could begin: his inspection into the causes of the 1837 rebellion and his proposals to reform the structures of government in the British North American colonies.³²

Few historians have paid attention to what Durham referred to in a private correspondence with Prime Minister Melbourne as the "most difficult and delicate question of the prisoners."³³ Although both Gunn and Watt have examined the legality of the Bermuda Ordinance, and Edwards and Hemmeon have described the experiences that the eight Patriots had while in Bermuda, historians have yet to focus on the negotiations that led to the passage of this controversial ordinance.³⁴ There are two reasons for the scant attention paid to this aspect of rebellion and Durham historiography. First, very few documents record the negotiations that led to the admission of culpability eventually

³² LAC, MG24 A27, Lambton fonds, Vols. 2-5, "Instructions."

³³ Reid, *Life and Letters*, 204.

³⁴ Gunn, "Convicts to Bermuda"; Watt, "Authoritarianism, Constitutionalism, and the Special Council"; Watt, "State Trial by Legislature"; Edwards, "The Canadian Exiles in Bermuda"; and Hemmeon, "The Canadian Exiles of 1838."

signed by Nelson, Bouchette, and the others on 26 June 1838. The colonial press was silent, if not completely oblivious, to the fact that any negotiations had occurred prior to the passing of the ordinance. Moreover, I have been unable to locate any documents that detail the actual negotiations that occurred between John Simpson and the eight Patriot prisoners. Yet some traces do remain. Nelson, Bouchette, and Marchesseault, three of the eight Patriots exiled to Bermuda, recorded aspects of their imprisonment, the negotiations that led to their transportation, and their subsequent exile in journals or in private letters to friends and family in Lower Canada.³⁵ Their private letters shed light upon the days and weeks surrounding the passing of the ordinance. Moreover, their writings reveal that by mobilizing a rhetoric that fused slavery and convict transportation, these Patriots claimed rights as independent, politically engaged, British subjects without making explicit claims to whiteness. These private recollections help to flesh out the traces found in correspondence between Durham, Buller, and John Simpson.³⁶

The second reason that accounts for this lack of attention is that historians, preoccupied with the events of the 1837 and the 1838 rebellions have glossed over both Durham's mission and the transportation of eight Patriots to Bermuda on 4 July 1838.

³⁵ LAC, MG24 B139, Bouchette fonds; LAC, MG24 B34, Nelson fonds; Bouchette, *Mémoires*; Siméon Marchesseault, *Lettres à Judith : correspondance d'un patriote exilé*, ed. Georges Aubin, (Sillery, Québec: 1996); Wolfred Nelson, *Écrits d'un patriote, 1812–1824*, ed. Georges Aubin, (Sillery, Québec: 1998); Yvon Thériault, "Les Patriotes aux Bermudes en 1838: Lettres d'exile," *RHAF*, 16:1 (1962): 117–26; "Les Patriotes aux Bermudes en 1838: Lettres d'exile, (suite)" *RHAF*, 16:2 (1962): 267–272; "Les Patriotes aux Bermudes en 1838: Lettres d'exile, (suite)" *RHAF*, 16:3 (1962): 436–440; and "Les Patriotes aux Bermudes en 1838: Lettres d'exile, (suite)" *RHAF*, 17:1 (1963): 107–112.

³⁶ LAC, MG24 A27, Lambton fonds, Vol. 26, Buller to Durham, 21 June 1838, Reel C–1856, 631–8; and LAC, MG24 A27, Lambton fonds, Vol. 26, Buller to Durham, 26 June 1838, Reel C–1856, 643–58.

Yet the negotiations between Durham's administration and the Patriot leaders in June 1838 were a central component of Durham's mission. They reveal the Patriots' understanding of the causes of the 1837 rebellion, their place in it, and firmly situate Lower Canada within the broader imperial world. These Patriots used their distinction from slaves and convicts to repeatedly justify their efforts to reform the structures of colonial governance in Lower Canada and by doing so, they situated their efforts within the larger Age of Reform. Furthermore, their writings suggest that this "most difficult question" was a problem that not only occupied the imperial imaginations of many in Lower Canada, but also others across the empire.

Talks between Durham's administration and the Patriot prisoners did not commence until Saturday, 16 June 1838; however, since Durham's arrival the lives of the prisoners in the Montreal gaol had dramatically changed. Amédée Papineau noted in his journal on 11 June 1838: "depuis l'arrivée de lord Durham, on permet aux prisonniers à Montréal de respirer un peu l'air frais dans la cour de la prison."³⁷ Bouchette, one of the eight prisoners to negotiate the conditions of his Bermudan exile, noted in a letter to Colonel Henry Dundas penned from his cell, how his imprisonment had changed since Durham's arrival. "La plupart d'entre nous sommes depuis six mois entre les murs d'une prison, privés du droit de voir nos familles et nos amis, et même de leur écrire. Depuis l'arrivée de lord Durham, on a mitigé quelque peu cette sévérité. Nous pouvons maintenant écrire et recevoir des lettres."³⁸ Bouchette, like many of the other Patriots

³⁷ Papineau, *Journal d'un Fils de la Liberté*, 180.

³⁸ Bouchette à Dundas, 9 juin 1838, *Au Pied-du-Courant: Lettres des prisonniers politiques de 1837-1839*, ed. Georges Aubin, (Montréal: 2000), 68.

imprisoned in Montreal or in exile in the United States expressed his hope that Durham would issue an “amnistie générale.”³⁹

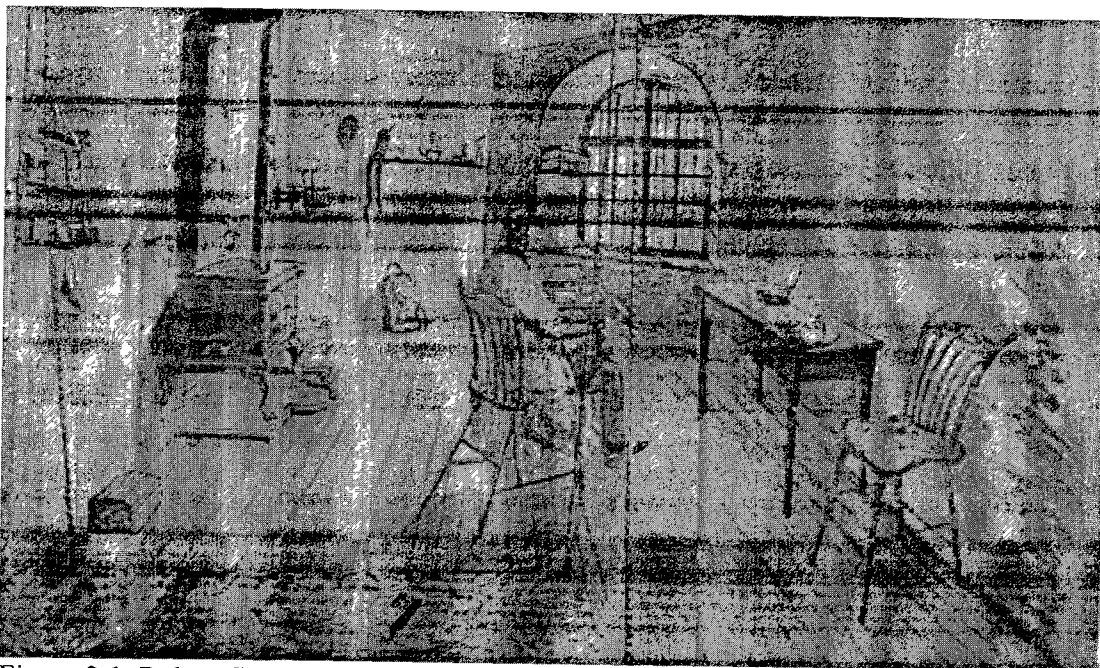


Figure 2.1: Robert S. -M. Bouchette in Montreal Gaol
Source: LAC No. 1970-83-2

John Simpson, the collector of customs at Coteau-du-Lac and step-father of John Roebuck, a Patriot sympathizer and member of the British House of Commons, conducted the deliberations that made it possible for Durham’s Special Council to pass the Bermuda Ordinance.⁴⁰ Bouchette, who had led a band of Patriots against the British troops stationed at Moore’s Corner on 6 December 1837, explained in his *Mémoires* that Simpson had been granted “carte blanche” in his negotiations.⁴¹ For two days, Simpson and the Patriots deliberated over the conditions of what would become, on the 18 June

³⁹ Bouchette à Dundas, 9 juin 1838, *Au Pied-du-Courant*, 68.

⁴⁰ John Thompson, “John Simpson,” *DCB*; Peter Burroughs “John Arthur Roebuck,” *DCB*.

⁴¹ Bouchette, *Mémoires*, 60.

1838, their first admission of culpability. The signed admission provides historians with an opportunity to observe Patriot understandings of both the 1837 rebellion and the evils that had plagued colonial administration throughout the 1830s. It reveals that these Patriots identified as British subjects, an identity they legally shared by other white and non-white British subjects in Lower Canada and the empire. However, these Patriots articulated their identity not in their Britishness as anglophones in Lower Canada did, but in the rights they were accorded as subjects of Queen Victoria: in what I call their subjectness. Although the British subjectness of the Patriots included complicated claims to “race” that were often expressed in a rhetoric similar to that used by other reformers, in particular abolitionists and opponents of convict transportation, these eight men asserted their political rights as British subjects, as free white men, and as fellow Christians. In other colonial contexts, white *British* subjects could protect their identity as *British* colonizers by mobilizing a discourse of “race” that was clearly defined by skin colour. However, in Lower Canada where white British subjects could be francophone, anglophone, or even bilingual like Nelson and Bouchette, definitions of “race” not only included whiteness, but also differing conceptions of culture, language, religion, and civilization.

In *The Patriots and the People* Allan Greer argues that although Patriot supporters cruelly took issue with the age and gender of Queen Victoria in the summer of 1837, this should not be interpreted to mean the queen was “a zero” in the French-Canadian countryside or among the Patriots. Rather, it was precisely because the Patriots and their supporters had such a highly personalized concept of both the state and the empire that

they responded in this way.⁴² The confession that the eight Patriots signed and the ways they articulated their rights as British subjects extends Greer's argument into the immediate post-rebellion period. Moreover, that Nelson, Bouchette, Marchesseault and those other Patriot leaders who admitted their culpability understood their British subjectness as founded upon the reciprocal duties of protection and subjugation is further suggested in the first lines of their confession where they stated that they had rebelled neither against Victoria nor her empire.

These Patriots confessed that the 1837 rebellion was their reaction to "la mauvaise administration coloniale."⁴³ They asserted that colonial independence, like that demanded by the American colonies in 1775, was not the goal. Rather, they sought the constitutional protection that their subjugation guaranteed. "Nous nous sommes révoltés," the eight admitted, "ni contre la personne de Sa Majesté ni contre son gouvernement, mais contre une vicieuse administration coloniale. Nous protestâmes, on se moqua de nous; on épuisa contre nous l'invective, la calomnie, l'outrage. Poussés à bout, nous eûmes soit à résister courageusement à l'injustice, ou bien, acceptant l'esclavage, à devenir un peuple dégradé et apostat. Nous nous mîmes en armes pour nous défendre, non pas pour attaquer."⁴⁴ The eight then appealed to Durham as "the ardent defender of civil liberties," as the friend and arbitrator he had proclaimed he was upon his arrival in the colony three weeks earlier. "Ressentant et déplorant la violation de notre constitution," they explained were the causes of rebellion. "Nous luttâmes, non pas pour

⁴² Greer, *Patriots and the People*, 190–3, 197.

⁴³ 18 June 1838, quoted in Nelson, *Écrits*, 65; and Bouchette, *Mémoires*, 61.

⁴⁴ 18 June 1838, quoted in Nelson, *Écrits*, 65; and Bouchette, *Mémoires*, 61.

l'indépendance, mais pour le maintien du véritable esprit de la constitution et de la liberté britanniques."⁴⁵

That these eight Patriots depicted themselves as free British subjects and distinct slaves suggests that they knew how to mobilize their claims to civilization if not whiteness in an imperial world that was increasingly granting different rights and privileges to white British subjects than it was to black, brown, or red ones. The Patriots' confession suggests that their "racial" struggle was an effort to preserve their claims to their British *subjectness*. To articulate this, it was not necessary to explain that they were not British, in much the same way that they did not have to proclaim their whiteness. Rather their voices as politically engaged (white) subjects of empire, who had more than fifty years of engagement with British civil government, made this a part of their colonial common sense. Just as Durham did not think it necessary, or perhaps proper, to extend the rights that (white) politically engaged British subjects claimed across the empire to aboriginals, it was unnecessary for either francophone or anglophone subjects in Lower Canada to announce their claims to whiteness. In Lower Canada, where opponents of the Patriot party were white, anglophone British subjects and not Black slaves or aboriginal people, the struggle was depicted as Durham articulated it in his report: as one not "of principles" but "of races."

The Patriot confessions negotiated by members of Durham's administration suggest that the rebellion was not so much a struggle between the French and English "races" as it was a struggle to assert equal rights as British subjects in an empire that was

⁴⁵ 18 June 1838, quoted in, Nelson, *Écrits*, 66; and Bouchette, *Mémoires*, 62.

being reformed from within and without.⁴⁶ Anglophone and often-conservative opponents of the Patriots attempted to “protect” their British subjecthood by arguing that the Patriots were a threat to the Britishness of Lower Canada but not its whiteness. In such a predominantly French, Roman Catholic, yet white, British colony such an argument is not surprising. The Patriots and their francophone supporters, in contrast, asserted that they struggled to protect their rights as British subjects and they did so in ways that sought to prevent them being tainted by shades of bondage, whether as slaves or convicts, in an empire that had recently freed millions of Black British subjects. “Si ou en juge par les dernières discussions de vos Chambres,” wrote Louis-Hippolyte LaFontaine from Paris on 10 March 1838, “on serait porté à croire que la race noire dans vos colonies, éprouve[?] de la part des vos législateurs plus de sympathies que n’en éprouve[?] l’homme à la peau blanche, parce que le sort de la naissance lui donne pour ancêtre une nation jadis rivale de l’Angleterre.”⁴⁷ Although local conditions altered the meaning and applicability of the reform rhetoric for Lower Canadians,⁴⁸ debates in the imperial parliament reminded French Canadians like LaFontaine not only of their whiteness and their Frenchness, but also of their rights as British subjects.

In addition to archiving this complicated intersection of “race”, politics, and British subjectness in Lower Canada, the confession signed by the Patriots on 18 June

⁴⁶ *Report on the Affairs of British North America*; Julie Evans, Patricia Grimshaw, David Philips, Shurlee Swain, *Equal Subjects, Unequal Rights: Indigenous Peoples in British Settler Colonies, 1830–1910*, (Manchester: 2003).

⁴⁷ LAC, MG24 A27, Lambton fonds, Vol., 25, Louis-Hippolyte LaFontaine à J. Parkes, 10 mars 1838, Reel C-1855, 326–29.

⁴⁸ On the adaptability of this reform rhetoric see, McKenzie, “My Voice is Sold”; and McKenzie, “Discourses of Scandal.”

1838 also expressed their confidence in and loyalty to Durham and his administration. These expressions of support, however, were based not upon whiteness but upon their shared identity as Christians. Christian identity as Elizabeth Elbourne has illustrated in her examination of the Cape Colony and Great Britain in the second quarter of the nineteenth century, underwent a transformation away from a marker of civilization (civilized or savage) to a marker of race and an indicator of white respectability.⁴⁹ Lower Canadian Patriots employed a similar understanding of this connection between Christian identity and whiteness. “We pray to God for the success of your Lordship’s peaceful mission, so that all the people, worshipping the same God, can become a united people.” They stated, as Durham had done in the past and had thus far demonstrated by his independent actions in Lower Canada, that they too refused “tout ce qui différencie entre les origines.”⁵⁰ Although not explicit about their claims to whiteness, these Patriots appear to be well acquainted with the authority that a Christian identity could purchase in the British imperial world, and they mobilized their Christianity to claim the same political rights as white anglophone British subjects in the colony. Their shared Christianity was also used to transcend the difference of “racial” origin. These Patriots by emphasizing their Christian identity discursively marked their difference from uncivil and non-white subjects. They did not claim the identity of the colonized, but rather that of the colonizer; an identity that was shared in Lower Canada by British subjects of both French and English origin.

⁴⁹ Elizabeth Elbourne, *Blood Ground: Colonialism, Missions, and the Contest for Christianity in the Cape Colony and Britain, 1799–1852*, (Montreal–Kingston: 2002).

⁵⁰ 18 June 1838, quoted in, Nelson, *Écrits*, 66; and Bouchette, *Mémoires*, 62.

Although this admission of culpability was designed to serve as a testament of guilt, it was not until the document's final lines that anything resembling a confession appeared. Only after they had explained their actions in 1837, outlined the grievances of the Patriot party, and declared their confidence and placed their conditional loyalty in Durham and his political sensibilities and independent statesmanship, did they admit that "if there be guilt in high aspirations, we confess our guilt, and plead guilty."⁵¹ Such a confession was designed to be ambiguous. Bouchette described the confession in his memoirs as a collection of "carefully phrased remarks" that were "revised" and "modified" before being endorsed by their signatures.⁵² Marchesseault, one of the most influential Patriots at Saint-Charles-sur-Richelieu in 1837, wrote to his wife, Judith Morin, after he had affixed his signature to the document. In his letter, Marchesseault outlined the events that had transpired in the gaol. He begged his *chérie* not to be embarrassed by his signing the confession: "[Au] contraire, rencontre cet événement avec courage et détermination comme je suis prêt à le faire. Soyons orgueilleux de nos souffrances et de nos privations. *Martyr*, pour avoir combattu pour les libertés de son pays, et le plus beau comme le plus noble des titres. Mon pays avant tout!"⁵³ Such sentiment, detailed in the confession and preserved in the few remaining records of the men who signed it, was not a brand of Patriot nationalism external to or independent from empire. It was a form of Patriot nationalism that manipulated dominant imperial discourses to create a homespun colonial nationalism that endeavoured to make room for

⁵¹ Nelson, *Écrits*, 66; and Bouchette, *Mémoires*, 62.

⁵² Bouchette, *Mémoires*, 64.

⁵³ Siméon Marchesseault à Judith Morin, 19 juin 1838, in Marchesseault, *Lettres à Judith*, 40.

white, Christian, francophone colonizers as British subjects *within* the British empire. These eight men located this brand of Patriot nationalism not in their Britishness, but by articulating their subjectness; a term that incorporates their multiple identities as colonizers (and colonized), francophones, Christians, and of white European origin. Theirs was a British subjecthood that, as they explained in their confession, “*appreciates and upholds the rights of its subjects, however remote their abode is from the seat of the empire.*”⁵⁴

Charles Buller arrived in Montreal from Quebec on the evening of Wednesday, 20 June 1838, two days after Simpson had completed his negotiations with the eight Patriot prisoners. When Buller arrived at his hotel, Simpson greeted him “with great exaltation” and declared that he “had succeeded in his Mission.” Simpson then immediately escorted Buller to his hotel room where he read out the confession he had so successfully negotiated. “On his reading it to me,” Buller wrote to Durham later that evening, “my calculation was by no means equal to his; for it struck me that it amounted to no formal a confession of either moral or legal guilt; but was rather a high-flying acknowledgment of heroism and Patriotism.” Buller attributed this “high-flying” heroism not to the Patriots, however, but to Simpson’s “variety of authorship” that had the ability to “turn fine, high, [and] wordy, general phrases.” The result of such language, lamented Buller, was that it made it impossible for Durham to “do and justify any public act” based upon it.⁵⁵

⁵⁴ “Confession, 18 June 1838,” in Bouchette, *Mémoires*, 62. Emphasis in original.

⁵⁵ LAC, MG24 A27, Lambton fonds, Vol. 26, Buller to Durham, 21 June 1838, Reel C–1856, 631–38.

Yet, for all the limitations of Simpson's linguistic style, Buller recognized that his efforts had not been pointless. They had removed "all difficulties that stood in the way" of a direct communication between Durham's administration and the Patriot prisoners. "However unsatisfactory their overture," Buller explained to Durham, "they have made the first [move]; however improper the words, in which they pled guilty, and thrown themselves into your hands, they have actually done it." The next step, explained Buller, was to ensure that the "acknowledgment of guilt on their part must be as satisfactory for the ends of justice as a trial. [T]hat acknowledgement must be ample and complete." Buller then instructed Simpson to return to the gaol and "endeavour to get them to put in this simple acknowledgment, an unmotivated prayer for [illegible] then the trial."⁵⁶ For the duration of the negotiations Durham, Buller, and Simpson took care to ensure that the confession would meet all legal standards as well as those of justice that would have been meted out in a trial. As the following section will illustrate, the conservative press in Lower and Upper Canada pointed out this departure from the practice of British law in the days following the passage of the Bermuda Ordinance.

As Simpson renegotiated the confession of the eight state prisoners, Buller embarked upon the second part of his Montreal mission. Durham had instructed Buller to meet with the leaders of the British and French (Patriot) parties in Montreal so that he could determine the "interests" of each "party." On 21 June, Buller met with the leaders of the British party Samuel Gerrard, Peter McGill, and George Moffatt. According to Chester New, these individuals although firm in their politics were "more amenable to

⁵⁶ LAC, MG24 A27, Lambton fonds, Vol. 26, Buller to Durham, 21 June 1838, Reel C-1856, 631-38.

Buller's persuasive power than the bloodthirsty statements of their press would have led one to expect."⁵⁷ When the imperial parliament suspended the constitution of Lower Canada, both McGill and Moffatt lost their positions on the Legislative Council when this news reached the colony on 27 March 1838. They did not lose, however, their influence among the anglophone elite in Montreal. Each of these men would eventually secure a position on the Special Council, although none did so under Durham. Colborne named both Gerrard and McGill to his Special Council on 18 April 1838 (Moffatt's presence in London at the time likely explains his exclusion).⁵⁸ Following Durham's departure from Lower Canada, Colborne promptly returned Gerrard and McGill to their past posts on the Special Council and appointed Moffatt on 5 November 1838.⁵⁹

These three aging men were the leaders of what Buller called the "High British party." They were collectively interested in the economic ventures of the colony – "British interests" – confirmed monarchists, anti-democrats, ex-fur traders, and defenders of the imperial tie. Moreover, these men had a history of being very anti-French and staunchly opposed to Patriot demands for reform. Although this opposition, often expressed in the pages of the *Montreal Gazette* and *Herald*, frequently took their whiteness for granted it did not mean these men were not aware that whiteness had its privileges in both Lower Canada and the empire.⁶⁰ "Nothing could be at greater variance with a due exercise of free institutions, that the whole system of their [French

⁵⁷ New, *Lord Durham's Mission*, 75.

⁵⁸ Special Council of Lower Canada, *Journals*, (1838), 1–2. See also, Gerald Tulchinsky, "George Moffatt," *DCB*.

⁵⁹ Special Council of Lower Canada, *Journals*, (1838), 3–4.

⁶⁰ Hall, *White, Male, and Middle Class*, 21.

Canadians'] manners and customs as well as their laws," explained an article in the *Montreal Gazette* published shortly after news of Durham's appointment had reached the colony. The *Gazette* claimed that French Canadians needed to be "emancipated" from their past and, that "like the aborigines of the country when they first discovered gold, they, neither know the inestimable [sic] value of the treasure [self-government] that lay before them, nor to what purposes to apply it."⁶¹ The Patriots and their supporters, according to this organ of the English and conservative elite were backward, uncivil, and French. To protect the *Britishness* of their subjecthood and if Lower Canada was to be made a truly British colony, the *Gazette* reminded its anglophone supporters that the councils that administered the colony must remain English and that French Canadians, in their laws and culture, were as backward and as uncivil as aboriginal people.

On 21 June, Buller wrote to Durham about his meeting with these men. He conveyed that neither Gerrard nor McGill were in favour of severity in dealing with the prisoners and that they thought "banishment would be sufficient."⁶² Although Moffatt did not offer an opinion on the matter, he did wish to convey his confidence in the governor general's mission. Buller confided that he found the talk of general policy with Moffatt, McGill, and Gerrard "satisfactory," a sentiment that he had not extended earlier to Simpson's negotiations with the Patriot prisoners. "Gerrard is not for severity; nor is McGill," Buller wrote to his superior. "The latter [McGill] said that 'banishment' which he seemed to use as contradistinguished from 'transportation' would do. They both stated

⁶¹ *Montreal Gazette*, 14 April 1838.

⁶² LAC, MG24 A27, Lambton fonds, Vol. 26, Buller to Durham, 21 June 1838, Reel C-1856, 631-38.

that the time for *making examples* was gone by; that we must indicate the supremacy of the law, but that with regard to the prisoners themselves, the first thing was to get them & keep them out of the country.”⁶³ That Buller did not recognize McGill’s distinction between transportation and banishment is surprising, considering Buller’s work on the Select Committee on Convict Transportation that spring. The colonial press also appears to have used the terms interchangeably. “Transportation” was the removal of an individual (often a convicted criminal) to a penal colony, whereas “banishment” is the term applied to an individual exiled from a community or country.⁶⁴ As the final section of this chapter illustrates, this very distinction led to confusion in Bermuda, a penal colony, about how to deal with the arrival of eight British subjects who were neither guilty nor innocent.

Three days later and battling bronchitis, Buller again updated Durham of his meetings with McGill, Gerrard, and Moffatt of the British party and Viger and Rocheblave of the Patriot party. “I think, I may safely say, that hardly any ... desire or expect that the life of a man should be taken for a political offence,” he explained. “They all admit that you have not in the clearest chance of a conviction by Jury ... and they all represent the effect of an acquittal as most disastrous.” The only exception to these general sentiments, Buller explained, was that those in the British party “do not like the

⁶³ LAC, MG24 A27, Lambton fonds, Vol. 26, Buller to Durham, 21 June 1838, Reel C-1856, 631-38.

⁶⁴ Perhaps McGill was relying upon his fur trader knowledge that banishment was often used as a punishment for aboriginals in the fur trade. Due to geography and development, banishment in Canada had far more severe consequences than in England. In England, “transportation” to the colonies was a form of banishment.

idea of them all escaping – being as well off as the loyal people.”⁶⁵ The political climate of Lower Canada, Buller quickly learned, was anything but simple. He concluded his letter with what he described as “the best plan,” which was the one currently being negotiated by Simpson and gave an admission of guilt the same weight as a verdict from a jury.

I believe that an acquittal would be fatal to your mission. It would set the Canadians quite up; your leniency would no longer in any case have the effect of generosity; the prisoners would have been saved of the jury; they would be regarded as innocent men whose lives had been unjustly sought by you, and who had at any rate been exposed to an unjust detention. Nor do I believe that you would fare at all better with the English party, that is, with the violent faction of it. They would say that in bringing these men before an ordinary jury you had desired their escape; and they would raise an outcry against you for not having packed the juries or transferred them to Court Martial.⁶⁶

However, this plan required the assent of the Patriot leaders themselves. Buller signed the letter only to return to it at half-past five to note that Simpson had returned from the gaol and had obtained the assent that they needed. “Simpson has just been to me with a shorter letter from the prisoners, which, I think, will perfectly do. That matter therefore appears settled.”⁶⁷

Simpson’s return marked the end of nearly two weeks of negotiating with the eight Patriot prisoners over their admission of culpability. Durham’s desire to negotiate with these men indicates his willingness to navigate the tumultuous terrain of Lower Canadian politics and perhaps, at this point in his administration, his sympathy for Patriot

⁶⁵ LAC, MG24 A27, Lambton fonds, Vol. 26, Buller to Durham, 26 June 1838, Reel C–1856, 643–58.

⁶⁶ LAC, MG24 A27, Lambton fonds, Vol. 26, Buller to Durham, 26 June 1838, Reel C–1856, 643–58.

⁶⁷ LAC, MG24 A27, Lambton fonds, Vol. 26, Buller to Durham, 26 June 1838, Reel C–1856, 643–58.

politics. Durham, as a radical statesman, endeavoured to look beyond political factions in an effort to institute his political and social reforms just as he had looked not to Turton's past transgressions, but to his abilities as a lawyer. What did Nelson, Bouchette, Marchesseault, and the other Patriots confess to on 26 June 1838 that enabled Durham to proceed with his plan to provide justice to the guilty and mercy to the misguided? Bouchette noted in his memoirs that this second confession was substantially different from the first; however, upon closer examination, the two had much in common. The second Patriot confession contained two parts: the previous admission of culpability and an appended letter intended to clarify the sentiments in that document. Therefore, the second confession reiterated the grievances that had led to rebellion, the men's participation in the rebellion, and their place in both the colonial order and that of the empire writ large. It remained consistent in their claims to British subjectness. It reiterated that by confessing they were performing a "great duty," and that by admitting culpability they preserved their public reputations.⁶⁸

Important changes, however, were made to the "tone and content" of the confession. For example, the appended letter tempered what Buller had identified as the Patriotic fervour of the previous confession. Bouchette noted that "one of the most eminent advocates of the bar of Montreal" served as their counsel and helped them compose this letter. The assistance of this unidentified but respectable man "wholly altered" the sentiments of the previous confession, he explained.⁶⁹ Frederick Bradshaw has suggested that Louis-Hippolyte LaFontaine, who had been in Paris in March but

⁶⁸ Bouchette, *Mémoires*, 63.

⁶⁹ Bouchette, *Mémoires*, 63.

returned to Lower Canada that summer, served as counsel for the state prisoners.⁷⁰ Unfortunately, I have found no record of his presence at the prison, only Bouchette's intimation in his memoirs. The appended letter was not only "une reconnaissance pure et simple de culpabilité,"⁷¹ it also spared the lives of these eight Patriots.⁷²

The letter began by acknowledging Durham's rejection of their previous confession because it had been both "vague" and "ambiguous" in sentiment. The letter then directly addressed the concern that Durham, Buller, and the leaders of the British and Patriot parties in Montreal had expressed, that they would forgo a trial and let their confession stand in place of a jury verdict. These eight Patriots also argued that a trial would have reignited tensions in Lower Canada, and would have done little to usher in the prosperity, tranquillity, and British institutions that Durham had promised.⁷³ The letter explained, in particular, that the willingness of Nelson, Bouchette, Marchesseault, and the others to plead guilty was grounded in their desire to "avoid the necessity of a trial, and thus to give, as far as possible in [their] power, tranquillity to the country." Furthermore, by confessing they claimed to hope to "contribute to the happiness of others" in Lower Canada. "With this short explanation of our feelings," the appended letter concluded, "we again place ourselves at your Lordship's discretion, [and] have the honour to be, with unfeigned respect, your Lordship's most obedient humble servants." Assured by the "strong" opinion of their counsel, who had "pledged his professional reputation on the appended letter" and assured the eight Patriots that it contained

⁷⁰ Bradshaw, *Self-government in Canada, and How it was Achieved*, 190.

⁷¹ Bouchette, *Mémoires*, 63.

⁷² LAC, MG24 B139, Bouchette fonds; and LAC, MG24 B34, Nelson fonds.

⁷³ "Proclamation," reprinted in the *Quebec Gazette*, 29 May 1838.

“nothing derogatory to [their] character, or calculated to admit [their] culpability on a charge of high treason,” Nelson, Bouchette, Viger, Marchesseault, Gauvin, Goddu, DesRivières, and Masson signed the amended confession.⁷⁴

Simpson delivered the confession and appended letter, with the names of the eight Patriots penned in bold strokes along the bottom, to Charles Buller at half-past five on Tuesday, 26 June 1838. That night, accompanied by a letter from Buller, the confession made its way from Montreal to Quebec under the care of Captain Bridges of the Artillery, who, according to Buller, was “a very sensible, liberal man, of thoroughly liberal politics, and great good sense.”⁷⁵ The attention that Buller paid to the political leanings of Bridges further suggests the sensitivity of Durham and members of his administration to a man’s politics in the immediate post-rebellion period. Both the letter and confession arrived in Quebec with a day to spare, on the eve of Victoria’s coronation — the highlight of which would be, in Durham’s opinion, the enactment of the Bermuda Ordinance by his Special Council.

Providing Security, Proclaiming Exile, and Public Opinion

Durham did not immediately appoint new Special Councillors following the dissolution of Colborne’s council on 2 June 1838. For the entire month of June, while Durham, Turton, Buller, and Simpson worked toward an acceptable solution to this “most vexing question” of the prisoners, the legislative capacity of the Special Council was at a

⁷⁴ Bouchette, *Mémoires*, 63–4.

⁷⁵ LAC, MG24 A27, Lambton fonds, Vol. 26, Buller to Durham, 26 June 1838, Reel C–1856, 643–58.

standstill.⁷⁶ Few records remain that detail the inner workings of the Special Council. Unlike the Legislative Assembly of Lower Canada, the published *Journals* of the Special Council only state the date of the meeting, the councillors who attended, and the name of the ordinance passed. Such scant information provides little insight into the discussions that took place at these in camera meetings. The silence in the official record is further compounded by the failure of the Lower Canadian press to report the decisions made at meetings of Durham's Special Council. The only concern over the Special Council to emerge while Durham was governor general occurred not in Lower Canada, but, as we will see in chapter four, in the metropole. Although the *Quebec Gazette* (the official newspaper of the government) and numerous other newspapers across BNA fully transcribed the ordinances that Durham and his councillors passed, there is no evidence of the sustained debate about the merits or legitimacy of the Special Council that occurred during earlier and later incarnations of the Special Council.⁷⁷ These limitations mean that it is difficult to determine what occurred at the 28 June 1838 council meeting that led to the passing of the Bermuda Ordinance; the only ordinance ever to emerge from the Special Council that was rejected by metropolitan authorities.

The first meeting of Durham's Special Council punctuated the celebration of Queen Victoria's coronation in Quebec City. Earlier that day Durham inspected the troops on the Plains of Abraham, partook in the raising of the Royal Standard atop the citadel, and paraded through the streets of Quebec. These events were designed to

⁷⁶ LAC, MG24 A27, Lambton fonds, Vol. 12, Durham to Glenelg, 29 June 1838, Reel C-1850, 112-7.

⁷⁷ Bradbury, *Wife to Widow*; Watt, "Authoritarianism, Constitutionalism, and the Special Council"; and Watt, "State Trial by Legislature."

reaffirm the affective ties that bound Lower Canadians to the empire in these troubled months. In the evening, a ball was held at the Castle of St Louis with fireworks and a garden party. Charles Grey, one of the five men appointed to the Special Council that afternoon, recorded in his diary that the meeting commenced at five o'clock in the building that once housed the Legislative Assembly of Lower Canada.⁷⁸ According to Colonial Office regulation, Durham chaired the meeting. He administered the oaths to the five men who, after proclaiming their "loyalty, integrity, and ability," became Special Councillors.⁷⁹ The *Journals* of the Special Council further indicate that Durham proposed two ordinances to the council. Both were "severally read, [and] were agreed to unanimously."⁸⁰ With no other matters on the agenda, Durham adjourned the first meeting of the new Special Council.

After the meeting, a proclamation issued by Durham as well as the two ordinances passed by the Special Council to provide "order" and "security" to Lower Canada were published. The proclamation explained that the ordinances were designed to "effectually [remove] all causes of dissention, so that Our said province may be established in peace as a loyal and truly British colony."⁸¹ It explained that the Bermuda Ordinance made it lawful to "transport certain persons," named, "to our island of Bermuda during Our pleasure." The proclamation reiterated that:

⁷⁸ Grey, *Crisis in the Canadas*, 58.

⁷⁹ LAC, MG24 F30, Paget fonds.

⁸⁰ Special Council of Lower Canada, *Journals*, 28 June 1838, 4.

⁸¹ *An ordinance passed by the governor and Special Council of Lower Canada, intituled, "An ordinance to provide for the security of the province of Lower Canada", and, of a proclamation issued by the governor of Lower Canada on the 28th June last, (London: 1838).*

Under the peculiar circumstances of Our said province, it is not less expedient in Our judgment than grateful to Our heart to mark, by an act of Royal grace, Our recollection of the ancient and well-proven loyalty of all Our Canadian subjects, rather than, by a severity of punishment, Our sense of the recent disaffection of some of them.⁸²

The ordinance, like the Special Council, was designed to be a temporary measure, as conditions for the Patriots' return to Lower Canada were also appended. The names of the eight Patriot leaders were printed in the ordinance, as was their "acknowledg[ment of] their participation in such high treason." That these Patriots had "submitted themselves to the will and pleasure of Her Majesty" and, unlike those who had fled to the United States to withdraw "themselves from the limits ... and from the pursuit of justice," had stayed the course in Lower Canada ensured that their reputations would remain intact. The ordinance made it "lawful for Her Majesty to transport [the eight Patriots] to Her Majesty's islands of Bermuda" and explained that they would be subject only to "such restraints in the said islands as may be needful to prevent their return to this province."⁸³

Following the proclamation of the Bermuda Ordinance, Durham wrote to Queen Victoria and explained that the ordinance so recently enacted had been framed to honour her name. He offered her his most "humble congratulations" as one of her "most faithful and devoted subjects" and expressed regret that he was unable to tender his homage personally. In lieu of such a display of loyalty, he offered the ordinance as his "best tribute of loyal respect and devotion." Durham did not divulge any particulars about the ordinance. He confessed that he had designed it to "console the unhappy, reassure the

⁸² "An Ordinance to provide for the Security of the Province of Lower Canada" reprinted in the *Quebec Gazette*, 29 June 1838.

⁸³ "An Ordinance to provide for the Security of the Province of Lower Canada" reprinted in the *Quebec Gazette*, 29 June 1838.

timid, and spread that peace and contentment which is ever the object of your Majesty's beneficent heart."⁸⁴

I have been enabled to do this in your Majesty's name without danger ... I have on my own done all that sound policy requires in the way of punishment and security. Not one drop of blood has been shed. The guilty have received justice, the misguided, mercy; but, at the same time, security is afforded to the loyal and peaceable subjects of this hitherto distracted Province, and I may now undertake, without interruption, the remaining part of my mission – the final arrangement of the Constitution of these important Colonies.⁸⁵

The ordinance, as Durham understood and Stuart Reid suggested in 1906, vindicated the authority of the monarchy in Lower Canada and shielded those “misguided” men from death.⁸⁶ Durham reiterated these sentiments in his private and official correspondence. He

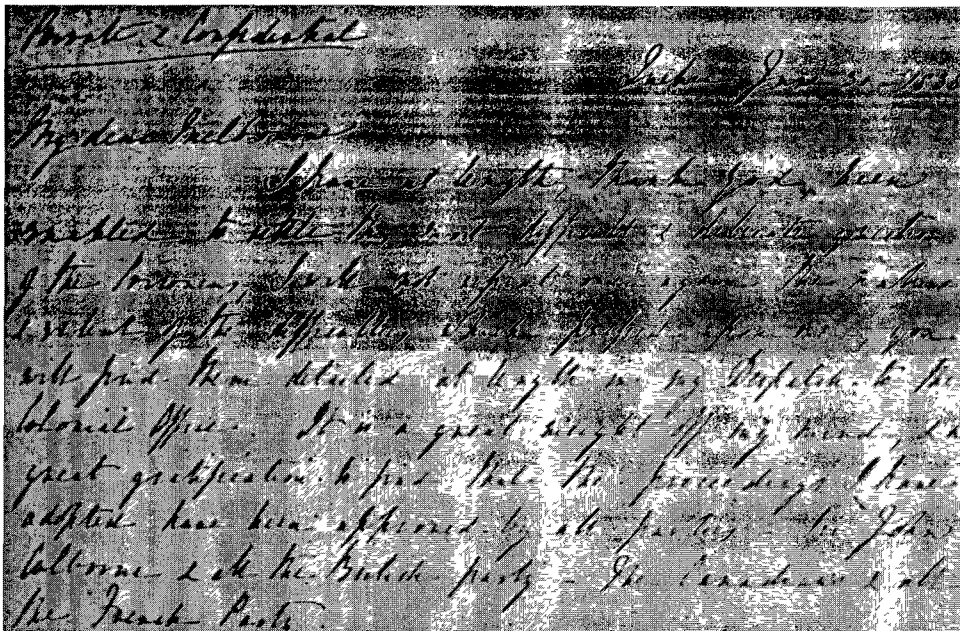


Figure 2.2: Explaining that the ordinance had been “approved by all parties.”

Source: LAC, MG24 A27

⁸⁴ LAC, MG24 A27, Lambton fonds, Vol. 46, “Correspondence,” Lord Durham to Queen Victoria, 28 June 1838, C-1859.

⁸⁵ LAC, MG24 A27, Lambton fonds, Vol. 46, “Correspondence,” Lord Durham to Queen Victoria, 28 June 1838, C-1859.

⁸⁶ Reid, *Life and Letters*, 208.

explained to Glenelg that the “measure produced the salutary consequences that [he had] expected.” To Melbourne he confessed: “It is a great weight off my mind, & a great satisfaction to find that the proceedings I have adopted have been approved by all parties.”⁸⁷ Durham appeared confident that he had once again retained the confidence and conditional loyalty of Lower Canada’s heterogeneous settler population.

News that the Special Council had unanimously approved the Bermuda Ordinance made its way quickly from the Castle of St. Louis and private correspondence to the printing presses of Quebec City. The *Quebec Gazette*, on 29 June 1838, was the first newspaper to reprint both the ordinance and the proclamation. The next day, the pro-Patriot *Le Fantasque* noted the passing of the ordinance but did not reflect upon it at any length. It only observed that it was one of the many announcements that the governor general made on the day of Victoria’s Coronation.⁸⁸ The following week, however, *Le Fantasque* sang Durham’s and the Special Council’s praises for sanctioning such legislation: “In short, all the acts of the Governor have been marked with the stamp of precision, skill, firmness, and independence.”⁸⁹

On Monday, 2 July 1838, in addition to publishing an article on “le nouveau Conseil,” *Le Canadien* also reported news of “L’AMNISTIE!” on its front page. *Le Canadien* declared that the ordinance and the proclamation issued on the “day of the

⁸⁷ LAC, MG24 A27, Lambton fonds, Vol. 12, Durham to Glenelg, 29 June 1838, Reel C-1850, 112-7; and LAC, MG24 A27, Lambton fonds, Vol. 46, “Correspondence,” Durham to Melbourne, 30 June 1838, C-1859.

⁸⁸ *Le Fantasque*, 30 juin 1838. Also noted were that a Police Ordinance had been passed, that Lord Durham was embarking for Montreal and a tour of Upper Canada on Tuesday, and that five men had been appointed to the Special Council.

⁸⁹ *Le Fantasque*, 12 juillet 1838.

coronation of our young Queen” ought to satisfy the “friends of liberal ideas, and the reasonable men from all parties” and constituted “as wide and as generous [a policy] as one could want of the Representative of a large nation, in the current circumstances.” The paper then reminded readers that “LORD DURHAM enjoyed one of the finest reputations in Europe,” that would be either “ruined or crowned” by his execution of his duties in BNA. Look at Upper Canada, *Le Canadien* urged: there, Durham had given Lieutenant Governor Arthur “plus de latitude” in exercising the royal prerogative; there, “justice a fait tomber deux têtes!” In Lower Canada, men’s lives had been saved: “Leur vie et leur honneur sont saufs, et leurs familles ne sont pas privées de leurs patrimoines.”⁹⁰

The only paper in Lower Canada to speak out against the Bermuda Ordinance was the *Montreal Herald*. Although both the *Herald* and *Le Canadien* compared the ways that prisoners in the Upper Canada and Lower Canada were dealt with, only the *Herald* was brazen enough to declare Durham’s actions impolitic:

This measure is impolitic, as it lets loose again upon society those individuals who have been the prime disturbers of the public peace, and will most assuredly make assurance double sure to the *habitans* that the British Government dares not punish treason. The measure is also peculiarly indelicate towards Sir George Arthur, whose character may suffer for having sanctioned [the] executions of Lount and Matthews, who certainly were not more guilty than Wolfred Nelson and Bouchette. The conduct of the discharged rebels in Upper Canada since their release ought to have taught the Executive of this province a lesson, and impressed on it the necessity of preventing rather than crushing revolt.”⁹¹

On 3 July 1838, in one simple sentence, the *Quebec Mercury* made quick work of the *Herald*, which had constructed the Patriots as a threat in what was undoubtedly another

⁹⁰ *Le Canadien*, 2 juillet 1838.

⁹¹ *Montreal Herald*, 3 July 1838.

attempt to resurrect the garrison mentality that predominated among the British in Lower Canada before Durham's arrival.⁹² "We do not think the exiled parties themselves will adopt [the *Herald's*] reading of the Ordinance," exclaimed the *Mercury*. Rather than reprint the contentious article from the *Herald*, the *Mercury* satisfied its colonial readers by publishing an extract from *Le Canadien* that celebrated both the Bermuda Ordinance and Durham's proposed plans for the future of the Canadian colonies.

"We have yet greater benefits to expect," the editor of *Le Canadien* promised his readers, "the establishment of a Constitutional Government upon a permanent foundation. [It] is chiefly on this account that all good Canadians ought to exert themselves to give confidence to the author of our new Constitution in the good disposition of the mass of their countrymen ... After the generosity shown towards the political prisoners, an act which proves how completely all former disastrous influence ought to be repudiated – to be branded as the declared enemy of his country, of the cause of reform, and of the return in all their plenitude, of those liberties and political advantage which belong to us as British subjects."⁹³

As the Patriots had done in their confession, *Le Canadien* constructed the rights of the francophone settler population whom it supported by emphasizing the claims to British subjectness that political engaged French Canadians had been making since the American Revolution.⁹⁴

The *Montreal Gazette* was peculiarly silent about the passage of the Bermuda Ordinance. The editor of the *Gazette*, David Chisholme, who, in 1839 would support Durham's recommendation to reunite Upper and Lower Canada because it would lead to "the entire destruction of French Canadian ignorance and prejudice," did not speculate on

⁹² Murray Greenwood, *Legacies of Fear: Law and Politics in Quebec in the Era of the French Revolution*, (Toronto: 1993).

⁹³ *Quebec Mercury*, 3 July 1838, citing *Le Canadien*, 2 juillet 1838.

⁹⁴ See Ducharme, *Concept de liberté au Canada*.

the effectiveness of the Bermuda Ordinance.⁹⁵ Instead, Chisholme reminded his readers about the importance of upholding their part of the social contract with Queen Victoria and placing, for the time being at least, their confidence in Durham's administration. "In the meantime, it is our duty, as loyal and devoted subjects, to acquiesce in the merciful views of Her Majesty, expressed in the Ordinance, and submit to what must now be admitted to be the law of the land." The *Gazette*, like *Le Canadien*, then appealed to its readers' sensibilities as British subjects, careful that their responsibility to report the news did not undermine the conditional loyalty they had placed in Durham.

Our ready acknowledgement of the obligations which we owe to this or any other law, does not preclude us from expressing our opinion, although it must be admitted that various objections, of both legal and constitutional nature, present themselves to the Ordinance before us.⁹⁶

It seems that the confidence placed in Durham and their duty to their readers pulled the *Gazette* in two different directions, while their coverage of the Bermuda Ordinance reveals that the difficulties Buller and Durham anticipated while negotiating with the Patriot prisoners were not off the mark. "We are not strangers to the embarrassed situation in which the Executive Government discovered itself on every point with respect to the State prisoners, which ought to have been executed long ago, under the administration of LORD GOSFORD," contended the paper.

We are not strangers to the excited state of the Province, in relation to all matters connected with the fate of the State prisoners. If indignation was high against them, on the one hand, for their most unjustifiable crime of treason and rebellion, it is equally true, that, on the other, there was a feeling of

⁹⁵ Carl Ballstadt, "David Chisholme," *DCB*.

⁹⁶ *Montreal Gazette*, 3 July 1838.

national sympathy on their behalf abroad and through the land, which it would be impossible to suppress, even on the day of solemn trial and inquiry.⁹⁷

Although the *Gazette* tempered their objections to the Bermuda Ordinance, it assured its readers and Durham that it was a palatable solution to a difficult problem.

In Upper Canada, reaction to the Bermuda Ordinance in the local press was also based on expressions of conditional loyalty. News of its passage reached the frontiers of Upper Canada on 4 July 1838. Inhabitants in Upper Canada, however, had an opportunity that their fellow British subjects in Lower Canada did not have when forming their opinions. The politically engaged settlers in Upper Canada read about the ordinance at the same time that they read about the reactions to it in Quebec and Montreal. The *Bytown Gazette* was the first newspaper in the colony to provide settlers with this news, and positively described the Bermuda Ordinance as an “Act of grace and amnesty.”⁹⁸ The following week, the *Bytown Gazette* reminded readers not only of the difficulty of settling this question of the prisoners, but that “Lord Durham’s proceeding in this instance is not without precedent.” “Many who were engaged in the Irish rebellion of 1798, suffered no further punishment than being allowed quietly to go to America,” explained the paper, “and in all cases, mercy has been the strongest characteristic of the British Government.”⁹⁹

The “HIGHLY IMPORTANT” news of the Bermuda Ordinance reached Toronto two days later on 6 July 1838. The *Toronto Patriot* promised its readers that the two ordinances and the proclamation would be published in their next issue and apologized

⁹⁷ *Montreal Gazette*, 3 July 1838.

⁹⁸ *Bytown Gazette*, 4 July 1838.

⁹⁹ *Bytown Gazette*, 11 July 1838. Reprinted in, *Montreal Gazette*, 21 July 1838.

because “these documents [were] too long for our present number.” The *Patriot* published in their place an excerpt from the *Mercury* dated 30 June 1838 that supported the Bermuda Ordinance. In an editorial statement introducing this reprint, Thomas Dalton, who was optimistic about Durham’s mission, declared: “This first important measure of Lord Durham, has our fullest approbation!”¹⁰⁰ A week later, gauging his readers’ reactions, Dalton declared: “Many are of opinion that his Lordship has been too lenient and the punishment is not adequate to the crimes they have been guilty of, in respect to those who have been transported to Bermuda.”¹⁰¹ This observation put an end to the *Patriot*’s coverage of the ordinance.

Other newspapers in Upper Canada, like the *Herald* in Lower Canada, reported that reaction to the Bermuda Ordinance was varied. “The first feeling of the public mind – certainly in this vicinity,” reported the *Kingston Chronicle and Gazette* on 7 July, “on the promulgation of what may be termed an act of amnesty, so far as the punishment in proportion to the crime, has been that of disappointment.” According to the editor of the *Chronicle*, James Macfarlane, a champion of the colonial executive and its policies, inhabitants in the Kingston region thought Durham was continuing “the miserable system of conciliation” that had “well nigh ruined Lower Canada.”¹⁰² Yet the *Chronicle* recognized that this question “has been painfully difficult” to settle:

on the one hand unnatural and atrocious rebellion deserved the severest penalties of the law, as well for the sake of justice itself, as those faithful

¹⁰⁰ *Toronto Patriot*, 6 July 1838, reprinting *Quebec Mercury*, 30 June 1838. Ian R. Dalton, “Thomas Dalton,” *DCB*.

¹⁰¹ *Toronto Patriot*, 13 July 1838.

¹⁰² *Kingston Chronicle and Gazette*, 7 July 1838. Jane Errington, “James Macfarlane,” *DCB*.

subjects who suffered severity for their country. On the other hand, even if the law could have been brought to bear upon the “guilty,” it might have been considered unadvisable to punish them with strict “justice,” lest national feelings of animosity and revenge should be revived and cherished in the breasts of the “misguided.” It might be added, too, that much blood had been already shed.¹⁰³

It appears that upon reflection Macfarlane and the *Chronicle* had reached the conclusion that even if the “good subject” – identified as a male – “may not approve of the course pursued by [Durham] in the discharge of an awful responsibility,” he should not “weaken [Durham’s] hands by a useless or captious opposition.”¹⁰⁴ The conditional loyalty of the good subject, it seems, meant that one could critique Durham’s administration or fully endorse it, so long as one did not undermine the confidence that the public appeared to place in his mission. While the ordinance transporting the eight Patriots to Bermuda was debated in the pages of the colonial press, their actual departure from Lower Canada, in contrast, received substantially less attention from their contemporaries.

Removing Subjects and Rethinking Rebellion

On the evening of Saturday, 30 June 1838, Charles Grey, who had been chosen to inform the commanding officer for the military district of Montreal that the Bermuda Ordinance had been passed, arrived in Montreal.¹⁰⁵ General Clitherow, upon receiving Durham’s instructions, proceeded to the gaol where he informed the eight Patriots of their

¹⁰³ *Kingston Chronicle and Gazette*, 7 July 1838.

¹⁰⁴ *Kingston Chronicle and Gazette*, 7 July 1838.

¹⁰⁵ LAC, RG7 G15A, Governor’s Internal Letter Books, Quebec and Lower Canada, Vol. 9, 1830-1939, 30 June 1838, Reel C-921.

fate.¹⁰⁶ The next day, Marchesseault, who had been imprisoned for his role in the battles at Saint-Denis and at Saint-Charles-sur-Richelieu on 23 and 25 November 1837, wrote to his wife Judith Morin of his future. “Je suis condamné à l’exil,” he explained in the very first line of his letter. “[Je] pars demain à quatre heures. [Monsieur] le procureur du Roi me permet de voir mes parents, ainsi, viens immédiatement si tu as assez de force pour venir dire adieu à ton infortuné époux.”¹⁰⁷ Robert S.-M. Bouchette, the godson of Sir Robert Shore Milnes, the Lieutenant Governor of Lower Canada from 1799 to 1805, explained in his memoirs that their transportation had been intimated to them upon the negotiation of their confession.¹⁰⁸ On Monday, 2 July 1838, as news of their transportation was making its way across BNA, the eight patriots had one final opportunity to visit with family and friends. Nelson met with his four “petits enfants,” while Masson’s sixty-five year-old mother came to say farewell.¹⁰⁹ DesRivières and Gauvin also met with their families, while Bouchette, whose family resided near Quebec, was visited by “quelques-uns de ses amis de Montréal.”¹¹⁰ Unfortunately, Marchesseault was the only Patriot who did not receive any visitors before leaving Montreal.¹¹¹

On Monday afternoon, the eight Patriots left the gaol for the first time since their capture in December 1837 and began their trek from Montreal to Quebec and then from

¹⁰⁶ Grey, *Crisis in the Canadas*, 62. Elinor Kyte Senior, “John Clitherow,” *DCB*.

¹⁰⁷ Siméon Marchesseault à Judith Morin, 1 juillet 1838, *Letters à Judith*, 42.

¹⁰⁸ Bouchette, *Mémoires*, 66.

¹⁰⁹ Louis Perrault à Dr O’Callaghan, 4 juillet 1838, in *Lettres d’un patriote réfugié à Vermont*, 126, 129.

¹¹⁰ Louis Perrault à Dr O’Callaghan, 4 juillet 1838, in *Lettres d’un patriote réfugié à Vermont*, 127.

¹¹¹ Louis Perrault à Dr O’Callaghan, 4 juillet 1838, in *Lettres d’un patriote réfugié à Vermont*, 127–8.

Quebec to Bermuda.¹¹² I have found only four newspaper articles that detail their departure from the colony; however, this does not indicate that their departure went unnoticed. Rather, if the few articles that do report on it and the private correspondence of other Patriots are any indication, their departure garnered the attention of hundreds if not thousands of Montreal's politically engaged settlers.

Nelson, Bouchette, Masson, DesRivières, Marchesseault, Viger, Goddu, and Gauvin began their journey that would take them into the empire in new ways at 3 P.M. As they exited the gaol, they were greeted by the exclamations of a substantial crowd. "Il se passa une des scènes les plus déchirantes," Louis Perrault wrote in a letter to Dr. Edmund O'Callaghan, a Patriot exiled in the United States. "Imaginez toute la prison en pleurs, des cris, des sanglots, des gémissements, puis les grincements de dents. Au moment de monter dans le *stage*, on poussa trois «Hourras!»."¹¹³ That countless numbers of the city's inhabitants lined St. Mary's Street, which stretched from the eastern suburbs of Montreal where the prison was located to the wharf, is a testament not only to public interest in their departure, but also to the importance of oral communication in Montreal. According to Joseph Schull, one of the few historians to note the departure of the Patriots in his work, a "great noise" erupted when witnesses noticed that the eight were "enchaînés deux à deux."¹¹⁴ "Ils étaient garrottés deux à deux," explained Perrault to O'Callaghan, "Nelson avec Bouchette, DesRivières et Gauvin, Marchesseault avec

¹¹² Louis Perrault à Dr O'Callaghan, 4 juillet 1838, in *Lettres d'un patriote réfugié à Vermont*, 126.

¹¹³ Louis Perrault à Dr O'Callaghan, 4 juillet 1838, in *Lettres d'un patriote réfugié à Vermont*, 130. See also, J. Douglas Borthwick, *A History of the Montreal Prison, 1784–1886*, (Montreal: 1886).

¹¹⁴ Schull, *Rebellion*, 142.

Masson, Goddu et Viger.”¹¹⁵ Flanked by officers of the cavalry it took an hour for the eight to navigate their way through the crowded streets to Gilbert’s Wharf, where the steamer *Canada* waited to take the prisoners to Quebec.

That they were chained like slaves or convicts, individuals considered to live beyond the pale of society, greatly offended the political and social sensibilities of these Patriots and their supporters in the crowd. As the Patriots made their way to Quebec, and then again as they sailed from Quebec to Bermuda, they repeatedly returned to the issue of their *enchaînement*. In accounts written in July 1838 as well as those following their return from Bermuda in November 1838, the issue was returned to repeatedly. According to Bouchette, Simpson had promised when negotiating their confession that they would “not be subject” to the “unworthiness” of shackles. Yet, this message does not appear to have made its way to the Sheriff of Montreal, Roch de St. Ours, who, appears to have violated Simpson’s promise and tarnished their reputations because he “donna l’ordre de nous enchaîner.”¹¹⁶ Bouchette later explained, that as they exited the prison “nous élevâmes comme en triomphe nos bras chargés de chaînes, afin que nos amis qui se pressaient en foule aux fenêtres et aux soupiraux de la prison, puissent voir et tirer leurs propres conclusions quant au passé, au présent et à l’avenir.”¹¹⁷ According to Schull, Nelson’s voice then boomed over the crowd: “By what authority do you chain us like

¹¹⁵ Louis Perrault à Dr O’Callaghan, 4 juillet 1838, in *Lettres d’un patriote réfugié à Vermont*, 130.

¹¹⁶ Bouchette, *Mémoires*, 67.

¹¹⁷ Bouchette, *Mémoires*, 68.

felons?"¹¹⁸ The answer a dramatic increase in the exclamations of the crowd

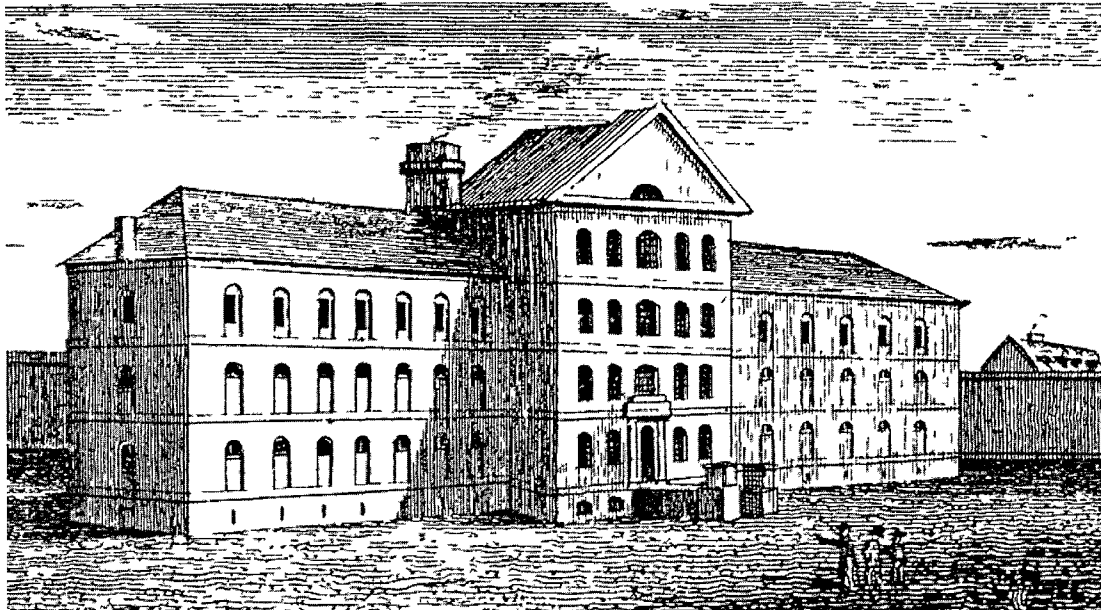


Figure 2 3 New Montreal Gaol, 1838

Source Bosworth, *Early History of Montreal*, 1839

Immediately upon boarding the *Canada*, anchored in the St Lawrence, the blacksmith cut the shackles that bound them like slaves or convicts from their wrists Simpson greeted the Patriots on board, and although he was friendly and animated, they reproached him for violating his word and his honour¹¹⁹ As the eight made their way down the St Lawrence to Quebec City, Nelson walked to the edge of the *Canada*, removed his hat, and bid *adieu* to the crowd that lined the shore¹²⁰ The *Canada* arrived at five o'clock the following morning, when they met, for the first time, Charles Buller¹²¹

¹¹⁸ Schull, *Rebellion*, 142

¹¹⁹ Bouchette, *Mémoires*, 68

¹²⁰ Louis Perrault à Dr O'Callaghan, 4 juillet 1838, in *Lettres d'un patriote réfugié à Vermont*, 130

¹²¹ *Quebec Mercury*, 3 July 1838, *Kingston Chronicle and Gazette*, 11 July 1838, and *Toronto Patriot*, 12 July 1838

They explained to Buller their dissatisfaction with having been shackled and the dishonour it had done to their characters. Marchesseault wrote of this meeting to his mother and father before he left Lower Canada for Bermuda:

Nous avons dit à Mr. Buller, premier secrétaire de lord Durham, que notre surprise avait été grande quand nous vîmes charger nos mains de fers infâmes, de ces mêmes fers qui déjà avaient servi, et ne devaient avoir été fait que pour des êtres vils, scélérats, et méchants. Que ce procédé pouvait avoir de funestes conséquences, et que lord Durham devait en témoigner sa désapprobation, que nos amis ne s'attendaient nullement à un tel traitement; ce récit a paru affecté le noble personnage, et il s'est empressé de nous faire apologie pour cette insulte.¹²²

Bouchette recorded that Buller had assured them, “au nom du gouverneur,” that if Durham had suspected they would be put in shackles, he would have intervened. Bouchette considered the route to the quay satisfactory, but thought that it would have been better had they not been chained.¹²³ Marchesseault similarly praised the route through Montreal and the “honest way” that the 7th Hussars had acted toward them: “They allowed us to speak to all those of our friends whom we met on our passage from the prison to the Steamboat,” he wrote to his parents from Quebec, “I had at the same time the pleasure and the pain of seeing and recognizing my poor wife while passing.”¹²⁴ Judith, although she had been unable to meet Siméon before he left the prison, appears to have received her husband’s brief letter that informed her of his unfortunate fate.

¹²² Siméon Marchesseault à Mon Père et Ma Mère, 3 juillet 1838, “Les Patriotes aux Bermudes en 1838: lettres d’exil,” *RHAF*, 17:1 (1963), 111. The letter was also reprinted in, *Le Clarion*, 14 mars 1930.

¹²³ Bouchette, *Mémoires*, 69.

¹²⁴ Siméon Marchesseault à Mon Père et Ma Mère, 3 juillet 1838, “Les Patriotes aux Bermudes en 1838: lettres d’exil,” *RHAF*, 17:1 (1963), 111. The letter was also reprinted in, *Le Clarion*, 14 mars 1930.

Those newspapers throughout BNA that reported the Patriots' departure did so in a particularly uninterested tone. The *Montreal Gazette* reported "The eight State prisoners confined to gaol in this city, who have been ordered to be transported to BERMUDA, were yesterday, at about four o'clock in the afternoon put on board the steamboat *Canada*."¹²⁵ This article was eventually reprinted in Upper Canada by the *Bytown Gazette* and the *Kingston Chronicle*, where it was explained that the lack of coverage was because colonial authorities had concealed details of the departure in an effort to prevent a spectacle. Yet word of the Patriot's departure appears to have spread. The *Montreal Gazette* reported on 3 July that "a great crowd had assembled to obtain a parting glance of [the prisoners]."¹²⁶ The *Quebec Mercury* reported that they heard "great excitement ... prevailed in the city [Montreal] from the moment of the receipt of the important documents published here on Friday last."¹²⁷ Only one paper in the Canadas expressed any concern for the experiences of these Patriots or their families. On the 4 July, the day that the *Vestal* left Lower Canada for Bermuda, *Le Populaire* reported that:

Depuis samedi dernier la nouvelle s'était répandue en ville, sous diverses formes, que plusieurs des prisonniers devaient être envoyés à Québec, en sorte que chaque départ de bateau à vapeur était surveillé avec soin par une foule dirigée par différents sentiments. Les uns se montraient avides de repaître les yeux d'adversaires politiques déclarés coupables et punis de leurs imprudentes tentatives ... Pendant les deux jours qu'ont précédés le moment où ces hommes, maintenant à plaindre après avoir été tant à blâmer, devaient quitter, sans doute pour longtemps, la ville de Montréal, leurs familles et leurs amis ont eu la permission de les visiter.¹²⁸

¹²⁵ *Bytown Gazette*, 11 July 1838, reprint of, *Montreal Gazette*. This was also reprinted in the *Kingston Chronicle and Gazette*, 11 July 1838.

¹²⁶ *Montreal Gazette*, 3 July 1838.

¹²⁷ *Quebec Mercury*, 3 July 1838: Reprinted in, *Kingston Chronicle and Gazette*, 11 July 1838; and in *Toronto Patriot*, 12 July 1838.

¹²⁸ *Le Populaire*, 4 juillet 1838.

In addition to expressing concern for these men and their families, *Le Populaire* revealed the diversity of the crowd that had gathered to witness the departure of the eight Patriots and the complicated politics that engaged inhabitants of Montreal.

The Canadian press paid even less attention to the Patriots' departure from Lower Canada than it did to their removal from Montreal. On 5 July 1838, the *Quebec Mercury* merely noted, on its last page, that the "HMS Vestal, having on board W. Nelson, Bouchette, etc, sailed for Bermuda yesterday morning, at half past 5 o'clock."¹²⁹ Durham, considering the matter satisfactorily settled, similarly appeared unaffected by the Patriots' departure from the colony. "The state prisoners sailed this morning in Her Majesty's ship Vestal, for Bermuda," he informed Glenelg on 4 July 1838. "At 1 P.M. I embark for Upper Canada."¹³⁰ Durham's silence and that of the colonial press has been amplified by historians who have focused on the nearly 200 men transported to the Australian penal colonies in 1839 for their role in the November 1838 rebellion in Lower Canada and the December 1837 rebellion in Upper Canada.¹³¹ Only George Rudé who argued that

¹²⁹ *Quebec Mercury*, 5 July 1838.

¹³⁰ LAC, MG24 A27, Lambton fonds, Vol. 12, Durham to Glenelg, 4 July 1838, Reel C-1850, 154-5.

¹³¹ Brian Petrie, "The French-Canadian Patriote Convict Experience, 1840-1848," *Journal of Royal Australian Historical Society* 81 (1995): 167-83; John Thompson, "The North American Patriot Prisoners at Probation Stations in Van Diemen's Land," *Australasian Canadian Studies Journal* 25:2 (2007): 117-46; Thomas Dunning, "Convict Bodies in Van Diemen's Land: The North American Experiences," *Australian Studies* 13:1 (1998): 134-44; Beverley Boissery, *A Deep Sense of Wrong*, (Sydney: 1996); Beverley Boissery and F. Murray Greenwood ed., "New Sources for Convict History: The Canadian Patriotes in Exile," *Historical Studies*, 18:71 (October, 1978): 277-287; James Gibson, "Political Prisoners, Transportation for Life, and Responsible Government in Canada," *Ontario History* 67:4 (December, 1975): 185-98; Fred Landon, *An Exile From*

Durham “had behaved with commendable moderation” in his dealings with the Patriots, attempted to locate the transportation of Nelson, Bouchette, and the others in the larger debate over convict migration that preoccupied metropolitan and colonial statesman in this period.¹³²

As these eight Patriots made their way up the St. Lawrence, past the Gaspé, and across the stormy Atlantic to Bermuda they entered into the empire in new ways and in ways that were very different from others transported to Bermuda or New South Wales as “political prisoners.”¹³³ Bouchette explained in his memoirs that the better treatment he and his fellow Patriots received was because of their “quality as political prisoners.” Durham had provided them with amenities designed to “soften the bitterness of our departure for exile” and they were to receive privileges aboard the *Vestal* that “the convicts are never allowed.”¹³⁴ The scattered record of their voyage preserved by Bouchette, Nelson, and Marchesseault reveals that none of the hardships of convict transportation so recently exposed by the Select Committee on Transportation were imposed upon the Patriots.¹³⁵ Charles Buller visited the Patriots before their departure and he provided them with whatever they demanded. “Chose qui pouvait le Demandé qu’il leur procurerait,” Dansereau explained to Duvernay, who learned the news from one of Nelson’s letters. “Nelson dit qu’ils ont été Discret, ils n’ont Demandé que très peu de

Canada to Van Diemen's Land, (Toronto: 1960); and R. Watt, “The Political Prisoners in Upper Canada, 1837–8,” *English Historical Review* 42 (October, 1926): 256–65.

¹³² George Rudé, *Protest and Punishment: The Story of the Social and Political Protested transported to Australia, 1788–1868*, (Oxford: 1978), 83.

¹³³ Rudé, *Protest and Punishment*.

¹³⁴ Bouchette, *Mémoires*, 70.

¹³⁵ Parliament of Great Britain, House of Commons, *Report of the Select Committee on Transportation*, (London: 1838).

chose mais ils ont Reçus des vins en profusion, des Caisses D'oranges Citrons, les plus Beaux hammack, les volailles, les viandes, enfin tout ce que des vrais gentleman de première Classe, peuvent avoir Besoin pour leur voyage.”¹³⁶ Moreover, the parole of honour that the Patriots signed on 3 July 1838, before they departed Quebec City allowed them to move freely about the *Vestal*.

We promise on our Parole of honour that we will not escape or attempt to escape from the Vessel of War on board of which we now are, or after our arrival, and during our residence in the Island of Bermuda whither we are going.¹³⁷

Some Patriots, like Gauvin, DesRivières, and Viger frequently took advantage of their freedom to observe the sea from the top deck. Others like Bouchette and Nelson, spent their time aboard the *Vestal* reading and writing to friends and family in Lower Canada. None of the Patriots, it appears, passed by an opportunity to explain the grievances of the Canadian peoples, the cause of the 1837 rebellion, or the confidence that they had placed in Durham's administration.

On 11 July 1838, Bouchette recorded his “sincere hope” that Durham's endeavours would “put an end to the objections which had existed for such a long time in our colonial government.”¹³⁸ A few nights later, after dining with the officers of the *Vestal*, which was a regular event for the men, Bouchette and Nelson again explained to a “group of smokers and talkers” the “complaints of the Canadians against the colonial government.” Bouchette noted that the officers listened to Nelson with “great attention,”

¹³⁶ See Dansereau à Duvernay, 16 juillet 1838, *CANJ*, (1909), 38.

¹³⁷ LAC, MG24 A27, Lambton fonds. Vol. 10, Reel C-1850, 3 July 1838, “Parole on Honour,” 774–775.

¹³⁸ 11 juillet 1838, Bouchette, *Mémoires*, 77.

and “A majority of the listeners even [had] the frankness to admit that these complaints appeared founded.”¹³⁹ The Patriots were impressed, if not surprised, with the political sentiments of those officers responsible for carrying out their transportation to Bermuda and attributed their support to their Englishness. Nelson, according to a private letter addressed to Duvernay, remarked that the *Vestal* was manned by “des vrais Anglais, et non avec des Ecosais de Montréal.”¹⁴⁰ Bouchette made a similar distinction in his *Mémoires*: “The officers of the *Vestal* appeared to have very liberal opinions as regards to Canadian policy,” he wrote about a conversation he had with Mr. Gascoigne, the Commanding Officer of the Marines, which included such topics as Italy and Greece, drawing and painting, as well as “things of Canada.” “Quelle différence entre ceux-ci et les soldats de terre lesquels épousent toutes les injustifiables haines qui animent les étrangers contre la grande masse des gens du pays.”¹⁴¹

On 18 July 1838, and 300 miles from Bermuda, Nelson and Bouchette penned a lecture on Canadian affairs, apparently at the request of the ship’s officers. This document is perhaps the most detailed Patriot account of the 1837 rebellion produced in the immediate post-rebellion period. The document, like the movement of the Patriots themselves into new imperial spaces, firmly situates Lower Canada, its politics, and population within the broader British imperial world of the 1830s. It details the grievances and events of 1837 that preceded their transportation.¹⁴² This document,

¹³⁹ 15 juillet 1838, Bouchette, *Mémoires*, 79.

¹⁴⁰ Dansereau à Duvernay, 16 juillet 1838, *CANJ*, (1909), 38.

¹⁴¹ 8 juillet 1838, Bouchette, *Mémoires*, 76.

¹⁴² The original can be found at LAC, MG24 B139, Bouchette fonds; and LAC MG24 B34, Nelson fonds, Vol. 1, 4–13.

composed on pale blue paper is an “exposé complet des injustices dont le peuple du Canada se plaint depuis longtemps.”¹⁴³ An original and a copy of this document is preserved in both the Bouchette and Nelson fonds at Library and Archives Canada; however, an envelope accompanies the document contained within the Bouchette fonds. Upon this envelope someone has typed an abstract of the document and the words: “of definite Canadian Historical interest and value.”¹⁴⁴ Although French-Canadian historians have paid more attention to Nelson and Bouchette’s lecture than their English-Canadian colleagues, both have failed to analyze the document at any length, choosing instead merely to reproduce it.¹⁴⁵

The lecture supports the arguments that Allan Greer, Colin Coates, and Michel Ducharme have made about the Canadian rebellion(s) of 1837–38: that both the Lower and Upper Canadian risings ought to be considered together and as part of a larger and longer international process.¹⁴⁶ It reveals that these Patriots not only considered the problems in Lower Canada as the empire’s problems, but also spoke of them in a manner that emphasized the importance of status and reputation, which, as Kirsten McKenzie and others have argued, encircled the empire during the 1830s.¹⁴⁷ The lecture also reiterates the sentiments and understanding of British subjectness expressed by the Patriots in the

¹⁴³ LAC, MG 24 B34, Nelson fonds.

¹⁴⁴ LAC, MG24 B139, Bouchette fonds.

¹⁴⁵ Nelson, *Ecrits d’un Patriote*, 78–83; Thériault, “Les Patriotes aux Bermudes en 1838,” *RHAF* 16:2 (1962), 267–272; and Bouchette, *Mémoires*, 88–92.

¹⁴⁶ Greer, “1837–1838: Rebellion Reconsidered,” 1–18; and Coates, “The Rebellions of 1837–38,” 19–34; Ducharme, “Canada in the Age of Revolutions,” 162–86; Ducharme, “Closing the Last Chapter of the Atlantic Revolution,” 193–210.

¹⁴⁷ McKenzie, *Scandal*; McKenzie, “Social Mobilities at the Cape of Good Hope”; McKenzie, “Performing the Peer”; and Ross, *Status and Respectability*.

two versions of their confession, as well as those grievances detailed in chapter one, specifically the 92 Resolutions. But, as Nelson and Bouchette noted at the start of their lecture, it was never intended to be a “comprehensive volume” that embraced all the objections of the people of Canada. For such a voluminous work, they argued, would need to embrace the entire history of the colony for the last twenty years. Nonetheless, they considered it possible, and a worthy exercise, to “summarize” the causes of the recent rebellion in the *two* Canadas, if only to demonstrate that it is false to argue that “the public men of Lower Canada aimed to overthrow the government of Queen Victoria.”¹⁴⁸

Their lecture begins by detailing the composition of the Legislative Assembly, the institution that the Special Council temporarily replaced. The many grievances of the Canadians and the “anti-constitutional Resolutions of Lord John Russell that virtually disenfranchised the whole of the Canadian population and made them little better than a degraded race of helots” were summarized. That Nelson and Bouchette described the Canadians as a race of helots further links the Patriot movement to other empire-wide debates over changing definitions and expressions of British subjecthood and race in the wake of emancipation. The helot occupied an intermediate status between slave and citizen, a socio-political identity that, they implied, not only embodied the position of French Canadians within the empire as colonizer and colonized, but also linked social, cultural, and scientific definitions of race. Furthermore, by likening the *Canadiens* to helots, Nelson and Bouchette again illustrated how, in a British colony populated by free,

¹⁴⁸ LAC, MG24 B139, Bouchette fonds; and LAC, MG24 B34, Nelson fonds, Vol. 1, 4–13.

white francophone and anglophone British subjects, the language of “race” operated in ways that were rarely explicitly about whiteness.

Nelson and Bouchette then turned their attention, as the Lower Canadian press had done, to justifying the passage of the Bermuda Ordinance and to Upper Canada to further explain the “raced” principles of colonial politics in Lower Canada.

It has been very insidiously asserted by the faction hostile to popular rights in Canada that all this strife, and political discord are to be ascribed to a French Canadian Community — to French prejudice, to a desire for exclusive French domination in the colony — not to a contest of principle. But if this be the case, to what will be ascribed the bold proceedings of the Reformers of Upper Canada, where French Canadians are but a fraction of the population, and where the reformers consist of a mixed population of English, Scotch, Irish, and Americans? Lower Canada has fallen far short of Upper Canada in its demonstration of discontent: and yet Lower Canada had causes of dissatisfaction, which the sister Province had certainly not — The Resolutions of Lord Russell applied not to Upper Canada, nor were the People of Upper Canada avidly upholding as were the people of Lower Canada, the constitutional right and privileges of their house of Representatives.¹⁴⁹

The Russell Resolutions “filled the whole country with indignation” because, Nelson and Bouchette contended, the people were “alarmed at this bold invasion of their rights as British subjects.” As a result, Patriots met across the province to consult on political affairs but these meetings were considered “treasonable and seditious” by the law officers of the colony. In November 1837, tensions climaxed when warrants of arrest were issued wholesale against the “most popular and influential men in the country.” Many of these warrants, the authors charged, “were signed in Blank!” This, declared Nelson’s and Bouchette’s lecture on Canadian affairs, “is what has been construed into Rebellion, and

¹⁴⁹ LAC MG24 B34, Nelson fonds, Vol. 1; Thériault, “Les Patriotes aux Bermudes en 1838,” *RHAF* 16:2 (1962), 271–2. A French version is reproduced in, Bouchette, *Mémoires*, 88–92.

Revolt. This is only the sum of the conspiracy charged against the Canadians. This is what has been qualified as treason, and been set down as an attempt to overthrow the dominion of the Queen of England in her Canadian possessions.”¹⁵⁰

“Much to be thankful for” in Bermuda

On 17 July 1838, the *Royal Bermuda Gazette, Advertiser, and Recorder* reported the arrival of “two important documents” from Lower Canada. The newspaper reprinted both. “By the former of these papers [the Bermuda Ordinance] it will be seen,” explained the *Gazette*, “that out of the number of the traitors captured during the continuance and since the rebellion, eight of the principals are to be transported to these Islands, during Her Majesty’s pleasure.” “It does not appear,” the paper continued, “how these worthies are to be disposed of here; the Ordinance merely says that they are to be subject to ‘such restraints in the said Island, as may be needed to prevent their return’ to Canada.” This point would soon be put to rest, explained the *Royal Bermuda Gazette*, “as these men may be expected to arrive in the course of a month or two.”¹⁵¹ The presence of the *Vestal* off the northern coast of Bermuda one week later, on Monday, 23 July, forced local administrators to act. For four days, Governor Stephen Chapman and his council debated the future of these eight British subjects who had unexpectedly arrived in his colony. At a time when distance and the means of communication made the quick exchange of

¹⁵⁰ LAC MG24 B34, Nelson fonds, Vol. 1; Thériault, “Les Patriotes aux Bermudes en 1838,” *RHAF* 16:2 (1962), 270–1.

¹⁵¹ *Royal Bermuda Gazette, Advertiser, and Recorder*, 17 July 1838. Many thanks to Heather Steel for taking the time to copy this newspaper for me from the Library of Congress.

information between colonies, and between colonies and the metropole, near impossible, colonial administrators in Bermuda acted quickly.

The *Vestal* anchored in the harbour across from Hamilton, the capital of the Bermuda Islands, and remained there for the duration of the debate. While the Patriots floated in the harbour, the Privy Council of Bermuda met to consider the fate of these eight British subjects. Once again, the futures of these men rested on the deliberations of a colonial administration. From their vantage point aboard the *Vestal*, the men would have been able to see the large convict hulks that contained the men and boys transported to the colony for metropolitan crimes and sentenced to hard labour constructing the colony's new breakwater.¹⁵² Compared to the number of convicts in other penal colonies in the British empire, such as Van Diemen's Land or New South Wales, Bermuda had a relatively small number of convict labourers.¹⁵³ The Select Committee on Transportation, of which Charles Buller had been a member, estimated that no more than 900 convicts had been sent to Bermuda between 1831 and 1835, which was significantly fewer than the thousands transported annually to New South Wales. Not only were fewer convicts transported to Bermuda, but those convicts banished to this outpost of empire were, as the *Report of the Select Committee* made clear, considered to be a better sort of convict. "The convicts sent to Bermuda," explained the *Report*,

are selected as being the best behaved. They are kept apart from the free population. They are shut up in hulks during the night; they are worked in gangs during the day. They are always under the superintendence of free

¹⁵² Averil Kear, *Bermuda Dick: The True Story of Forest of Dean Convicts*, (Gloucestershire: 2002).

¹⁵³ A.G.L. Shaw, *Convicts and the Colonies: A study of Penal Transportation from Great Britain and Ireland to Australia and other parts of the British Empire*, (London: 1966).

overseers. They are paid a small amount of wages, a portion of which they are allowed to spend, the remainder forms a fund for the prisoners, when they become free. At the expiration of their sentence, they do not remain in Bermuda and form a criminal population there, but are sent back to this country.¹⁵⁴

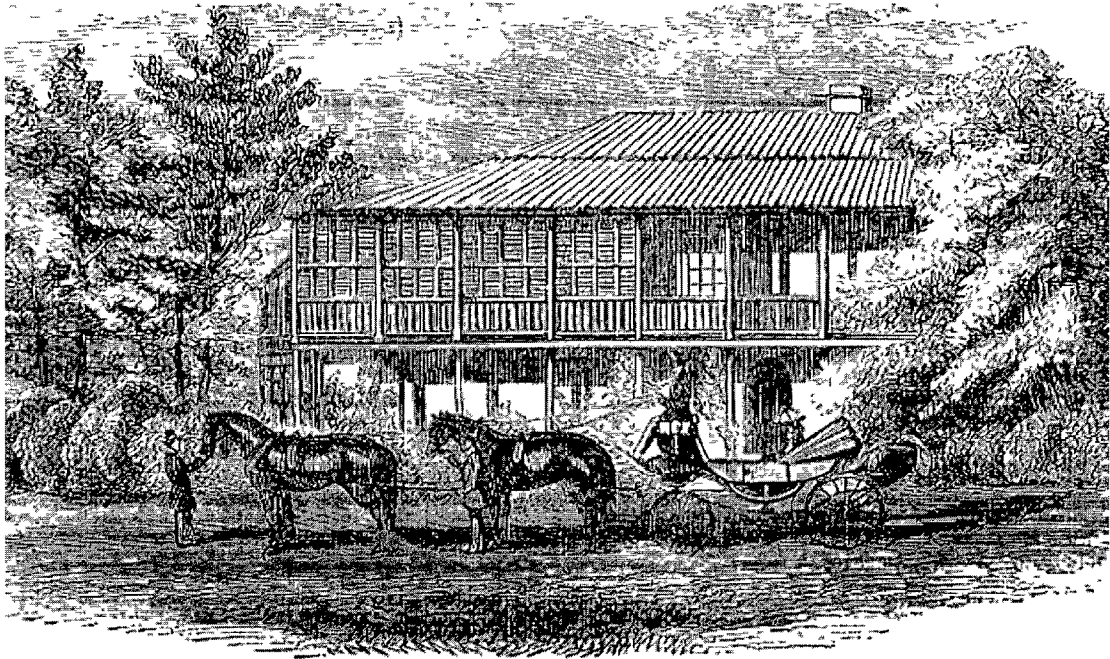
The cost of convict transportation to Bermuda was so minimal that the Select Committee did not record it in the table of expenses listing the total expenditure for the system of convict transportation for the year 1836-37.¹⁵⁵

The circumstances of the eight Patriots' exile are significant: they were sent to Bermuda, a colony known throughout the British imperial world as a different sort of convict colony; they were transported by unconventional means; they had not received a trial before a judge; they were shackled, in error, as they left the Montreal gaol; they had not been confined aboard the *Vestal*. Nelson, Bouchette, Marchesseault and the others were, for all intents and purposes, very different sorts of convicts. As work by Rudé and Shaw has illustrated, men transported to Bermuda occupied a special space in the taxonomy of convict colonies. To transport these men to Bermuda, then, as Durham's Special Council did, not only situated them within a liminal space as convicts, but also marked them off as separate from the settler society from which they came. They were no longer settlers, and they were different sorts of convicts. They were British subjects, like Durham, between categories in an imperial world that depended on order; as a result, their arrival in Bermuda posed a vexing problem for Chapman and his council, who had

¹⁵⁴ *Report of the Select Committee on Transportation*, (1838), x.

¹⁵⁵ "In these estimates of the expense of the system of Transportation, neither the cost of the convict establishment at Bermuda, nor of the hulks at home, are included." *Report of the Select Committee on Transportation*, (1838), xxxvii.

to determine what “restraints” were necessary “to prevent their return to [Lower Canada].”¹⁵⁶



GOVERNMENT HOUSE, BERMUDA.

Figure 2.4: Government House, Bermuda
Source: London *Illustrated News*, 1848

Chapman, with his seven-man council – Thomas Butterfield, Robert Kennedy, Augustus William Harvey, Francis Albany, Samuel A. Smith, and William B. Smith – met at Government House in Hamilton on Wednesday, 25 July 1838 to begin a debate that became a four-day ordeal. Chapman, who was superintendent of convicts as well as the governor of the colony, was well aware of “the strong objection” that inhabitants of his colony had to their reputation as a convict colony.¹⁵⁷ This caused him much anxiety as

¹⁵⁶ “An Ordinance to provide for the Security of the Province of Lower Canada” reprinted in the *Quebec Gazette*, 29 June 1838.

¹⁵⁷ *Report of the Select Committee on Transportation*, (1838), xxxvii.

he and his council debated the future of the Patriots floating in the Hamilton harbor, men who were neither convicts nor settlers. The debate itself reveals the difficulties and inefficiencies that occurred in the administration of a global empire before the invention of the telegraph.

The debate commenced with a discussion of a despatch sent to Chapman from Durham explaining the Bermuda Ordinance.¹⁵⁸ This was then followed by a discussion of two letters from Charles Paget, a Special Councillor who had sanctioned the ordinance. As the Vice Admiral of Her Majesty's North American Fleets, Paget was also well acquainted with Chapman due to his frequent trips between BNA and Bermuda.¹⁵⁹ The parole of honour signed by the eight Patriots as they departed Quebec, in which they promised not to make any effort to escape, either aboard the *Vestal* or from their "residence in the island of Bermuda" was also an object of much consideration.¹⁶⁰ Yet Chapman was as anxious an imperialist as Melbourne and Glenelg in London, and therefore sought the advice and opinions of his council as to "what measures it would be expedient for him adopt in relation thereto?"¹⁶¹ After much deliberation, the council decided that they required the opinion of the colony's highest legal officers and thus forwarded the despatches and documents to J.R. Darroll, the attorney general and D.

¹⁵⁸ LAC, MG24 A27, Lambton fonds, Vol. 18, Durham to Chapman, 3 July 1838, Reel C-1852, 26-30; See also Chapman's reply, LAC, MG24 A27, Lambton fonds, Vol. 18, Chapman to Durham, 29 July 1838, Reel C-1852, 208-17.

¹⁵⁹ LAC, MG24 A27, Lambton fonds, Vol. 10, Paget to Chapman, 3 July 1838, Reel C-1850, 772-3.

¹⁶⁰ LAC, MG24 A27, Lambton fonds, Vol. 10, "Parole of Honour, 3 July 1838," Reel C-1850, 774-5.

¹⁶¹ LAC, MG24 A27, Lambton fonds, Vol. 10, "Minutes of the Proceedings of Bermuda, 25 July 1838," Reel C-1850, 744-7.

Stewart, the solicitor general. Having previously negotiated the conditions of their exile with Durham and survived their stormy Atlantic voyage, the Patriots aboard the *Vestal* did not know why they were prevented from disembarking in Bermuda. While they waited in the harbour, these white Patriots had their first encounter with the local black population that brought them water and fresh produce from Hamilton.¹⁶²

Darroll and Stewart were perhaps the two most efficient legal advisers in the empire. They presented Chapman and his council with their legal opinion the next day. After providing the council with a detailed, four-point description of documents debated the previous day, the attorney general and solicitor general offered their legal opinion on the desired question: “Whether the Governor has any and what authority to impose any and what restrictions on the eight prisoners, with a view to their safe custody in Bermuda?” They were convinced that Chapman had no authority to impose any restrictions upon the men confined to the *Vestal* “with a view to their safe custody here.”¹⁶³ They argued that because the Patriots had not been charged with treason or felony in Lower Canada, but transported to Bermuda by an ordinance that did not have “sufficient legal effect in Bermuda,” it was their opinion “that these persons do not come within the description of convict felons transported to Bermuda (under authority of certain Acts of the British Parliament), to be kept at hard labour on the public works here.”¹⁶⁴ Recognizing, as Durham and his Special Council had, and as the Patriots had

¹⁶² Bouchette, *Mémoires*, 85.

¹⁶³ LAC, MG24 A27, Lambton fonds, Vol. 10, “Report of the Attorney General and Solicitor General of Bermuda, 26 July 1838,” Reel C-1850, 776-85.

¹⁶⁴ LAC, MG24 A27, Lambton fonds, Vol. 10, “Report of the Attorney General and Solicitor General of Bermuda, 26 July 1838,” Reel C-1850, 776-85.

come to realize, that these men were not ordinary transports, Darroll and Stewart explained to Chapman that they were “not receivable on board of the convict hulks stationed here, which are only intended for the reception of such offenders as may be specially selected for that purpose by the Secretary of State for the Home Department.”¹⁶⁵

The extraordinary circumstances of rebellion in Lower Canada and the legislation of Durham’s Special Council had yielded a class of British subjects that was by all legal purposes, unclassifiable. Yet something had to be done, for eight neither innocent nor guilty men were floating in the Hamilton harbour for their third night.

On his third night in the Hamilton harbour, Nelson wrote to LaFontaine, explaining the debate in the Bermudan legislature as he understood it. He conveyed to his friend the news that “les Exilés du Canada” were not “hommes ordinaires.”¹⁶⁶ Nelson highlighted the various, and what he seems to have considered peculiar, arguments put forth by Chapman, his council, and the colony’s legal advisers. The assertions that were made, Nelson informed LaFontaine, ranged from outrageous to bizarre and included the claims that Bermuda had ceased being a penal colony and that the Patriots would support the United States if a war were to break out. There are “a thousand other reports of the same nature,” Nelson explained to LaFontaine, “which will prove to you, that in Bermuda, like everywhere else, one manufactures news with great ease.”¹⁶⁷

¹⁶⁵ LAC, MG24 A27, Lambton fonds, Vol. 10, “Report of the Attorney General and Solicitor General of Bermuda, 26 July 1838,” Reel C-1850, 776–85.

¹⁶⁶ Nelson to LaFontaine, Friday, 27 July 1838, “Les Patriotes aux Bermudes en 1838,” *RHAF* 16:3 (1962), 436.

¹⁶⁷ Nelson to LaFontaine, Friday, 27 July 1838, “Les Patriotes aux Bermudes en 1838: lettres d’exil,” *RHAF* 16:3 (1962), 436.

Chapman and his council finally decided the fate of these extraordinary British subjects on Friday, 27 July 1838. They fully concurred with the opinion of Darroll and Stewart, and decided that the Patriots, having arrived in the colony under “peculiar circumstances,” should not be required “with a view to the internal police and welfare of the colony, to come under some stipulation for their movements therein.” The council then decided that since Durham had put such faith in their parole of honour – which was perhaps peculiar – they would too. It was decided that the Patriots would be allowed to land in Bermuda upon their signing another parole of honour. Word that they were allowed to disembark in Bermuda did not reach the Patriots until Saturday, 28 July 1838. The news did not arrive from an official source, but from a man intimately connected to the governor’s household. Mr. Julius Wood operated a considerable fleet of small boats from which he sold fruits and vegetables to the ship’s crew. Bouchette described him in his memoirs as being “noir” and “un homme célèbre aux Bermudes.”¹⁶⁸ It was Mrs. Wood, however, the governor’s laundress, who was the bearer of the news that they could “d’embarquer[sic] bientôt” and that a hotel had been prepared to receive them in Hamilton. Official confirmation of this rumour arrived later that afternoon.

At three o’clock in the afternoon, the Patriots again affixed their signatures to what by this point was their fourth parole of honour.¹⁶⁹ They promised that upon landing in Bermuda and during their residence in the colony they “will not go or travel beyond

¹⁶⁸ Bouchette, *Mémoires*, 86. On the day of their departure Bouchette observed the colour divide in Bermuda: « Voici l’instant du départ. Une foule compacte se presse sur le quai. Blancs et noirs sont là réunis pour nous souhaiter bon voyage.” Bouchette, *Mémoires*, 95.

¹⁶⁹ Paroles one and two were signed before leaving Montreal gaol; the third upon leaving Quebec for Bermuda; and the fourth was given in Bermuda on 28 July 1838.

such limits by land or by water, within the said islands, as may from time to time be prescribed to us by the Governor for the time being.”¹⁷⁰ Before they disembarked, Nelson found time to write one final letter from aboard the *Vestal*. “We leave without delay for Hamilton, capital of these Isles. We are under *parole* not to seek to leave the Island. We are with *our own expenses and costs*,” he explained to LaFontaine “Thus we will have great need for the \$500 that Mr. Simpson promised to us.”¹⁷¹ As they disembarked, a crowd gathered to witness their arrival. Expected, as Nelson wrote, to “maintain themselves” in the colony on their own accounts, these locals directed them to various places where they could seek accommodation. The following Tuesday, the *Royal Bermuda Gazette* informed its readers that these persons have “much to be thankful for – in the first place for the moderate punishment that has been meted out to them, for their very high offences, banishment to the Bermudas. And secondly, the light restrictions which the Governor and Councillors, have laid on their liberty, by only limiting them to the main island, and merely placing them upon the parole of their honour.” Then, as if to contrast the humanity of Chapman with that of Durham, the *Royal Bermuda Gazette* concluded by reminding both the Patriots and Bermudans, “these persons will be put to death as guilty of treason, should they return to Canada without special permission.”¹⁷²

¹⁷⁰ LAC, MG24 A27, Lambton fonds, Vol. 10, Reel C-1850, 28 July 1838, 786–8.

¹⁷¹ Nelson to LaFontaine, Saturday, 28 July 1838, “Les Patriotes aux Bermudes en 1838: lettres d’exil,” *RHAF* 16:3 (1962), 438.

¹⁷² *Royal Bermuda Gazette, Advertiser, and Recorder*, 31 July 1838.

Conclusion

By examining the negotiations that led to the passage of the Bermuda Ordinance alongside reactions to it in BNA and Bermuda, this chapter has demonstrated that colonists in Lower and Upper Canada as well as colonial officials in Bermuda were willing to place their conditional loyalties in Durham and his Special Council. This chapter also argued that Lower Canada was not severed from other empire-wide debates that, like the 1837 rebellion in the Canadas, threatened the stability of the British empire and sought to redefine the political rights of British subjects across the globe. That these Patriots placed their confidence in Durham is significant, but so are the ways that they articulated their loyalty and participation in the 1837 rebellion. By mobilizing a political rhetoric similar to that which had been employed to end the slave trade in 1807, justify the Reform Act in 1832, abolish slavery in 1833, and recently publicized by the Select Committee on Transportation for their own personal and political ends, these Patriots positioned Lower Canada within the larger Age of Reform. This Patriot understanding of the rights of British subjects did not emphasize Britishness as anglophones in Lower Canada had done, but their subjectness; theirs was an identity grounded on their social contract with Queen Victoria, their Christianity, and the rights they claimed as free white men.

The passage of the Bermuda Ordinance by Durham and his Special Council is a further example of the governor general's desire to act independently of metropolitan and colonial influences. It also confirms his effort to reform colonial society, but only if he could balance the individual liberties of the Patriot prisoners and the common good of all Her Majesty's subjects. Although reactions to the Bermuda Ordinance across BNA varied,

colonists praised Durham's decision to appoint his own independent Special Council, as they had his dissolution of the Executive Council. The "good subject," the colonial press argued, ought to continue to place "his" confidence in Durham.¹⁷³

The private correspondence of the Patriots indicates that they too placed their conditional loyalty in Durham. Whether in Lower Canada, aboard the *Vestal*, or in Bermuda their writings emphasize their distinction from both slaves and convicts. Such assertions in a period dominated by issues of emancipation and convict migration, imperial questions that only tangentially involved Lower Canadians, suggest that these Patriots were well versed in an imperial discourse that privileged whiteness, respectability, and independence. They were as Chapman's council came to recognize, an unclassifiable class of British subject. Durham and the extraordinary legislation of his Special Council had managed to successfully negotiate the conditions of loyalty in BNA.

The 28 July 1838 was as pivotal a day throughout the empire as had been 28 June 1838, the day of both Victoria's coronation and the passage of the Bermuda Ordinance. It was the first time that the Patriots set foot upon Bermudan soil. It was also the day that news of the Bermuda Ordinance reached London, which, as chapter five shows, ignited a controversy that threatened the very foundations of Durham's administration. In Lower Canada, the day marked Durham's return to the seat of his government in Quebec from Upper Canada, where he had spent twenty-three days inspecting and touring these particularly volatile edges of empire. It is to this tour that we now turn.

¹⁷³ *Kingston Chronicle and Gazette*, 7 July 1838.

CHAPTER 3

“The Air Rang Loud with A Thousand Huzzahs”: Touring the Canadian Colonies and Inspecting the Empire

On Wednesday, 4 July 1838, Lord Durham made a rare and brief entry in his day calendar: “left Quebec in the John Bull Steamer.”¹ That same day he posted what was perhaps the most concise of all Colonial Office despatches exchanged between himself and Lord Glenelg. The despatch informed Glenelg of two events that Durham considered pivotal to the success of his North American administration: first, that the “state prisoners had sailed for Bermuda” that morning, and that “at 1P.M. I intend leaving Quebec for the Upper Province.”² Having examined the negotiations and departure of the eight Lower Canadian Patriots in the previous chapter, this chapter takes as its subject the second event that Durham referred to in his despatch and took the time to record in his daybook, an event that the *Quebec Mercury* identified as his “tour of inspection.”³

For twenty-three days in July 1838, Durham toured the Canadas and inspected the state of Her Majesty’s North American empire. He was not the first colonial administrator to do so. In the 1820s, Lord Dalhousie, a former governor general of BNA, conducted a similar tour, while only days before Durham began his travels, Sir George Arthur, the lieutenant governor of Upper Canada, had returned from the western districts of the colony where he had witnessed the effects of the 1837 rebellion. Yet Durham

¹ LAC, MG24 A27, Lambton fonds, Vol. 41, “Daily Engagement Diary, 1838,” Reel C–1858, 4 July 1838.

² LAC, MG24 A27, Lambton fonds, Vol. 12, Durham to Glenelg, 4 July 1838, Reel C–1850, 154–5; *Correspondence*, 139.

³ *Quebec Mercury*, 3 July 1838.

covered more ground and attracted larger crowds than had any previous governor's tour, and he did so at a pivotal time in the lives of British North Americans. He surveyed the fortifications at Kingston and along the American frontier at Niagara. At Welland and Lachine, he scrutinized the construction of canals. In Montreal and Niagara, former centres of rebellion, he reviewed the troops stationed there to protect civil subjects from uncivil ones. He marched in parades and processions in Montreal and Toronto, and he and Lady Durham hosted levees, dinners, and dances in Montreal, Niagara, and Toronto events that, to borrow Nicholas Rogers' phrase, "dramatized social order."⁴ For over three weeks, this social and cultural work of empire occupied Durham. This work, he confessed to Glenelg in a despatch penned from Montreal as he neared the end of his tour, both "fatigued" and "excited" him.⁵ Durham recorded every destination that he visited on this "tour of inspection" in short and concise entries in his private day calendar. That the governor general made the effort to archive his travels, in what was otherwise a notably empty day calendar, would seem to suggest that this tour was particularly important to him.

Touring the Canadas did not only excite Durham, it also garnered the attention of the colonial press, which detailed every aspect of the tour. The columns of daily and weekly newspapers in BNA plotted the movements of the governor general, his reactions to the places he visited, as well as the reactions that settlers from both Canadas had to his presence in their community. For six weeks, from the beginning of July until well into

⁴ Nicholas Rogers, *Crowds, Culture, and Politics in Georgian Britain*, (Oxford: 1998), 9.

⁵ LAC, MG24 A27, Lambton fonds, Vol. 12, Durham to Glenelg, 24 July 1838, Reel C-1850, 191-2; *Correspondence*, 147.

August, colonists were inundated with information about what Durham did, what he wore, whom he saw, and what he said. In large centres like Quebec, Montreal, Kingston, Niagara, and Toronto, local newspapers reprinted detailed descriptions of the comings and goings of the governor general, his family, and their expansive suite. Headings like the one in the *Kingston Chronicle and Gazette* announced the “ARRIVAL OF THE EARL OF DURHAM,” all in capital and bold text, suggesting that settlers in the Canadas were as excited to see Durham, as he was to inspect them.⁶ Furthermore, that Durham and the colonial press both chronicled his movements indicates that Durham *and* the members of these settler societies were the objects of the other’s imperial gaze.⁷

In contrast to the pages of the colonial press that vigorously reported Durham’s tour, historians have paid very little attention to his travels. Most ignore it entirely. Mason Wade noted cavalierly that Durham “sketched out his plans for administrative reorganization” while he made a “royal progress through Lower and Upper Canada.”⁸ Others dismiss it as a brief visit that had little or no effect upon the settler populations of Upper and Lower Canada.⁹ Still others, like Stuart Reid, who in 1906 published a two-volume biography of Durham, have many of the details of the tour incorrect, although Reid correctly observed that the tour provided Durham with an opportunity to publicly

⁶ *Kingston Chronicle and Gazette*, 14 July 1838.

⁷ Radforth, *Royal Spectacle*; Cannadine, *Ornamentalism*; and Francis, *Governors and Settlers*.

⁸ Wade, *The French Canadians*, 182.

⁹ R. G. Trotter, “Durham and the Idea of a Federal Union of British North America,” *Report of the Annual Meeting of the Canadian Historical Association*, 4:1 (1925): 55–64; Smith, “The Reception of the Durham Report in Canada,” 44.

outline the broad contours of his reform agenda for the Canadian colonists.¹⁰ As Mark Francis has argued, tours such as Durham's also enabled the "politically active settler" to address the governor general directly.¹¹ In this chapter, I conceive of Durham's tour as having a dual purpose: it provided Durham with an opportunity to inspect the people and reach of empire in BNA, and it allowed settlers an opportunity to publicly declare their confidence in his administration and address any concerns that they had with the state of the imperial project in their community.

This chapter moves away from the legislative aspects of Durham's mission to consider the social and cultural duties that he and the Canadian colonists performed in connection with his vice-regal tour. The chapter begins by detailing Durham's itinerary. It plots the coordinates of the tour that took the governor general from Quebec to Montreal on 4 July, across Upper Canada, and back to Quebec by the 28 July 1838. The second section examines the reactions of settlers across BNA. It pays attention to the efforts that settlers made to welcome Durham as well as the effects that time of day and weather had upon the number of spectators who came to express their confidence in Durham's independently acting administration. This general discussion sets the stage for the following two sections that explore the effects of Durham's presence in two sites of empire: Durham's arrival in Montreal on the 6 July 1838, and his procession through the streets of Toronto on 19 July 1838. In the final section, I interrogate the addresses presented to Durham alongside his replies to illustrate the broad contours of Durham's colonial policy and the peculiarities of empire in the Canadas. News of Victoria's

¹⁰ Reid, *Life and Letters*, 220.

¹¹ Francis, *Governors and Settlers*, 1.

metropolitan coronation reached Quebec on the day that Durham returned from his tour of inspection and with it intelligence that the imperial parliament persisted in its meddling in colonial affairs. By the end of July it was becoming increasingly apparent to both Durham and British North Americans, as chapters four and five indicate, that it was not the confidence and conditional loyalty of the settler population that Durham should have been cultivating, but that of his metropolitan colleagues.

Itineraries of Inspection

On 3 July 1838, the *Mercury* reported that “His Excellency, the GOVERNOR GENERAL, will leave Quebec on Wednesday, 4 July, in the *John Bull* steamer, upon the tour of inspection which it is his intention to take throughout the two Provinces of Upper and Lower Canada.”¹² Then, in rather vague terms, the *Mercury* explained that Durham would inspect “the defenses upon the whole of our frontier line.” Montreal, Kingston, and Toronto were the only sites of empire especially identified. This limited detail, the paper explained, was because “His Excellency will probably deviate materially from the direct course to visit such portions of the Provinces that may seem to require his presence.”¹³ The colonial press had few details about the coordinates of Durham’s tour of inspection to report because, as those intimately connected to Durham already knew, there was no exact, predetermined route through the Canadas. The only firm aspects of Durham’s tour confirmed before he departed were his anticipated arrival in Montreal and his arrival in Upper Canada the following week. An undated and unsigned memo preserved in the

¹² *Quebec Mercury*, 3 July 1838.

¹³ *Quebec Mercury*, 3 July 1838.

Durham fonds, likely penned by Colonel Couper, a member of Durham's Executive and Special Councils and the man responsible for organizing his Canadian tour, reveals that Durham did not have a firmly established itinerary. In fact, the "proposed route of His Excellency," included no destinations after 11 July.

List of the Proposed Route of His Excellency the Governor General

- 4 July – Leave Quebec
- 5 July – arrive in Montreal
- 6, 7, 8 – Remain in Montreal
- 9 July – Arrive at Cornwall
- 10 July– Arrive at Prescott
- 11 July– Arrive at Kingston (in eleven hours from Prescott)¹⁴

Durham's itinerary was not the only aspect that remained undetermined by the time the *John Bull* chugged its way down the St. Lawrence to Montreal on 4 July 1838. It was also unclear who would travel with the governor general. On 29 June, Lady Durham wrote to her mother, Lady Grey, about the indecision that accompanied her family's travel plans to the Upper Province. "It is still doubtful we women shall go further," she wrote, "the Pirates [the American pirate Johnson and his men] are still troublesome & they say we should be in the way. Nobody speaks of anything like danger & if we should find on arriving at Montreal that all is quiet, I yet hope we may be allowed to proceed, as I would much rather keep all together & besides, I am anxious to *have seen* all sights without delay."¹⁵ Lady Durham did eventually inspect the Canadas alongside her husband

¹⁴ LAC, MG24 A27, Lambton fonds, Vol. 26, Reel C-1856, 753-4.

¹⁵ On the day of Durham's arrival in Lower Canada, Johnson, an American pirate captured and burned the *Sir Robert Peel* steamship in the Thousand Islands. Although Durham had issued a proclamation and reward for his capture almost immediately, Johnson had yet to be apprehended by the time of Durham's tour of inspection. LAC, MG24 A27, Lambton fonds, "Correspondence between Lady Louisa Lambton and Lord and Lady Grey," Lady Durham to Lady Grey, 29 June 1838, Reel A-1220.

and, like many other female imperial tourists of her rank and status she recorded her experiences of empire in a private journal.¹⁶ This record is, without question, the most comprehensive account of her husband's Canadian tour.

In spite of the indecision regarding Lady Durham's presence and the trajectory of the tour, the staggering size of Durham's suite ensured that his arrival in any site of empire would be noted. Over fifty people were on one list of those who were to accompany Durham to Niagara. A confidential memorandum indicates that 58 people, identified either by name or by rank, and 16 horses, would arrive and require accommodations at Niagara, then a frontier town of about 2000 people.

Memorandum of the Party to accompany His Excellency the Governor General on the Tour to Niagara

2. His Excellency and Lady Durham
3. The Ladies Mary, Emily, and Alice Lambton
1. Lord Lambton
2. Colonel and Mrs. Grey
1. Sir John Doratt
1. Colonel Couper
5. Aides-de-Camps
1. Governess
1. Mr. Smyth
1. Assistant Commissioner General
1. Admiral
1. Secretary
1. Flag Lieutenant
1. Sir John Colborne
3. Aides-de Camp
- 25**
1. Colonel Couper's Clerk
3. Messengers
12. His Excellency's Servants

¹⁶ Penny Russell, *This Errant Lady: Jane Franklin's Overland Journey to Port Phillip and Sydney, 1839*, (Canberra: 2002).

12. do. Of Suite
3. do. Admiral
6. do. Sir John Colborne

33

16. Horses¹⁷

The party that accompanied the governor general to Niagara was composed of his wife and their children, friends, tutors, servants, and men historians have come to identify as agents of empire. Mr. Smyth, the Lambton children's drawing tutor, created two of the images of the tour that are reproduced in this chapter, in addition to ensuring that Mary, Emily, Alice, and George received the necessary education for children of their social status. Others, like the twelve unnamed servants, ensured that the Lambton household, even while on tour, continued to reproduce and parade those gender and class hierarchies that structured their domestic life in Quebec and England. Durham's tour put both his family and the authority of empire on display and revealed that domestic life and imperial authority needed to be renegotiated while the Lambtons toured the Canadas. It was eventually decided that the governor general would follow the principal water routes through the Canadas. For twenty-three days, Durham visited and travelled to places about which he and many other statesmen in the metropole had only read. For, as Helen Taft Manning reminds us, "Few of the colonial secretaries of the day had ever crossed the Atlantic, and none had ventured as far south as Capetown or knew anything at first hand about the colonies south of the equator."¹⁸ At the same time, Durham's tour gave

¹⁷ LAC, MG24 A27, Lambton fonds, Vol. 26, Reel C-1856, 755-6.

¹⁸ Helen Taft Manning, "Who Ran the British Empire 1830-1850?" *Journal of British Studies*, 5:1 (November 1965), 93.

Canadian colonists an opportunity to witness, speak to, and report on a man whom they had also only read about.

The *John Bull* steamer, which had been specifically fitted to house the Lambton family for the duration of their travels, left Quebec on 4 July and arrived in Montreal the following morning. In Montreal, Durham inspected the troops in a grand review on Mount Royal and met the city's most respectable gentlemen at a levee. On Tuesday, 11 July, he left Montreal at 7A.M., not aboard the *John Bull*, as it was too large to travel up the St. Lawrence south of Montreal, but by land. From Montreal, Durham travelled nine miles to Lachine, where he boarded the *Henry Brougham* steamer. From Lachine, he headed upriver to Pointe-des-Cascades, then again by land to Coteau-du-Lac. There, he received an address and delivered a reply, as he would do at almost every stop on his tour. That night, after what Lady Durham described as "a long and fatiguing day," they arrived in Cornwall, Upper Canada.¹⁹ There would be little time for rest on Durham's tour of inspection. The next day, 12 July 1838, after only about four hours of sleep, the party awoke at 3A.M. so that they could depart Cornwall at sunrise.

At Dickenson's Landing, they exchanged their "uncouth" looking carriages for the comforts of the *Brockville* steamer.²⁰ The *Brockville* carried them to Prescott, through the Thousand Islands, and to their next destination, Kingston, where they arrived at 11P.M. Lady Durham remarked that there was little to enjoy in Kingston.²¹ On Thursday, 12 July 1838, Durham woke early to inspect the docks, Fort Henry, and the situation of

¹⁹ LAC, MG24 A27, Lambton fonds, Vol. 48, Lady Durham, Journal, Reel C-1859.

²⁰ LAC, MG24 A27, Lambton fonds, Vol. 48, Lady Durham, Journal, Reel C-1859.

²¹ LAC, MG24 A27, Lambton fonds, Vol. 48, Lady Durham, Journal, Reel C-1859.

the town before they quit Kingston at 2 o'clock. Aboard the *Cobourg* steamer, they headed across Lake Ontario towards Niagara. They arrived at Fort Niagara, or Fort St. George, at the entrance of the Niagara River on Friday, 13 July 1838, at 7A.M. There they met Sir John Colborne and his suite, and together continued upriver to Queenstown, where Durham, Colborne, and the Lambton children proceeded by horseback to the Brock monument. After inspecting the monument, Durham's entire suite travelled by horse and carriage to Niagara Falls and arrived at the Clifton Hotel at one o'clock in the afternoon.

Niagara Falls was the mid-point in Durham's tour of inspection. For five nights, their longest stay anywhere in Upper Canada, Lord and Lady Durham entertained dinner guests at the Clifton Hotel. Durham, accompanied by his numerous suite, travelled to Fort Erie and inspected the 43rd Regiment stationed at Niagara. He even crossed over to the American side of the Falls, where, he was very politely received and toasted the American President; an act that Chester New argues marked Durham off from previous governors who had "maintained an attitude of aloofness" toward American society and politics.²² Too overcome by exhaustion to inspect the southern extremities of the Welland Canal, Durham entrusted this responsibility to Special Councillors Charles Paget and Charles Grey. The spectacle of the falls, both Lord and Lady Durham agreed, made their time at Niagara enjoyable.²³ On Wednesday, 18 July 1838, as they departed Niagara for

²² New, *Lord Durham*, 399.

²³ LAC, MG24 A27, Lambton fonds, Vol. 46, Durham to Melbourne, 17 July 1838, Reel C-1859. This letter is also reprinted in, Reid, *Life and Letters*, 226. See also, LAC, MG24 A27, Lambton fonds, Vol. 48, Lady Durham, Journal, Reel C-1859.

Toronto, Lady Durham recorded in her journal that they did so with “great regret.”²⁴ “Our time here has but made our exile worthwhile,” she wrote to her mother.²⁵

As the *Cobourg* circled Lake Ontario, it stopped at Port Dalhousie so Durham could inspect the mouth of the Welland Canal. Ill health, however, combined with exhaustion prevented him from landing in Hamilton and delayed his arrival in Toronto “till the last moment.”²⁶ No other welcoming in the Canadas rivalled Durham’s reception in Toronto. Much to the disappointment of Torontonians, Durham spent less than twenty-four hours in the city, although he still managed to receive at least four deputations, host a levee attended by the city’s most respectable citizens, and attend a grand dinner in his honour at Government House where he delivered two speeches. From Toronto, Durham and his suite returned to Kingston, where this time the city’s inhabitants had composed an address to mark his arrival. After he delivered his reply, Durham departed Kingston for the Thousand Islands, where he passed by the wreck of the *Sir Robert Peel*, the steamer that American pirates had destroyed upon his arrival in Lower Canada.²⁷ An error in communication prevented him from stopping in Brockville where a deputation was waiting to mark his arrival. He arrived in Prescott on 20 July 1838, at 8 P.M.

²⁴ LAC, MG24 A27, Lambton fonds, Vol. 48, Lady Durham, Journal, Reel C-1859.

²⁵ LAC, MG24 A27, Lambton fonds, “Correspondence between Lady Louisa Lambton and Lord and Lady Grey,” Lady Durham to Lady Grey, 18 July 1838, Reel A-1220.

²⁶ LAC, MG24 A27, Lambton fonds, Vol. 48, Lady Durham, Journal, Reel C-1859.

²⁷ Durham issued a £1000 reward upon his arrival for any information leading to the arrest of persons involved in the burning of the *Sir Robert Peel* steamer. LAC, MG24 A27, Lambton fonds, Vol. 12, Durham to Glenelg, 2 June 1838, Reel C-1850, 28-32; LAC, MG24 A27, Lambton fonds, Vol. 20, Colonel Dundas to Captain Goldie, 30 May 1838, Reel C-1853, 148-61; and LAC, MG24 A27, Lambton fonds, Vol. 20, Colonel Dundas to Captain Goldie, 30 May 1838, Reel C-1853, 162-77.

From Prescott, Durham travelled by bateau down the Long Sault rapids to Dickenson's Landing before continuing to Cornwall. From there he travelled by Durham boat, a boat designed especially to travel through rough waters and used in the fur trade, over the Cedar and Cascade rapids to Beauharnois, where he and his suite resided at the Ellice seigneurie until Tuesday, 24 July 1838. At Beauharnois, the Ladies Lambton, accompanied by Indian guides, explored the seigneurie by canoe while their father received four addresses, one in French and three in English, from the British subjects of the seigneurie. The *Henry Brougham* steamer removed the Lambtons from Beauharnois to Lachine. From Lachine, they again made their way by land to Montreal. As they had upon their previous visit, Durham resided aboard the *John Bull* anchored in the harbour. On his second visit to Montreal, Durham received an address pertaining to the burden of feudal dues and distributed prizes to pupils at the Catholic seminary. On 26 July 1838, at 6 P.M., he left Montreal. The *John Bull* arrived in Sorel at about 11 o'clock, where it anchored for the night, before departing for Quebec the next day at four in the morning. As the *John Bull* made its way into Quebec at 11 A.M., on 27 July 1838, Lady Durham remarked in her journal, "we are not sorry after our journeys ... to find ourselves once again at home."²⁸ For twenty-three days it was impossible for the Lambton family to escape the incursion of colonial and imperial politics into their daily lives. Although the tour had exhausted Durham, it provided the Canadian colonists with an opportunity to see, meet, and interact with the governor general and his family. Moreover, Durham's

²⁸ LAC, MG24 A27, Lambton fonds, Vol. 48, Lady Durham, Journal, Reel C-1859.

tour allowed politically engaged settlers in Lower and Upper Canada to publicly express their confidence and conditional loyalty in Durham and his administration.

“Highly Gratified” and “Repeatedly Cheered”

Durham attracted the attention of both the colonial press and the settler population as he toured the Canadas. The local newspapers always reported the ceremonies designed to mark his arrival, while other newspapers across the Canadas, BNA, and even the United States repeatedly published articles on his travels. This section interrogates the reactions that colonists, as reported in the colonial press, had to Durham’s tour. Newspaper articles on Durham’s travels repeatedly remarked on the number of colonists that had interrupted their daily affairs to attend what the press often described as an event worth remembering for both colonists and the noble tourist who had come to inspect them. Bruce Curtis has recently pointed out that Durham was the most popular man in all of BNA in 1838.²⁹ The number of newspaper articles, addresses, and the settlers’ reactions to Durham that were reported, would seem to confirm such an observation. For the colonists who lined the wharf in Montreal and Toronto, or the persistent women in Cornwall who, in spite of the rain, were determined to welcome the governor general, something was to be gained by respectfully welcoming this distinguished statesman who “personified the imperial connection” to their community.³⁰

²⁹ Curtis, “Most Splendid Pageant,” *CHR*, 56.

³⁰ Peter G. Goheen, “Parading in Early Victorian Toronto,” in *Ideology and Landscape in Historical Perspective: Essays on the Meanings of some Places in the Past*, ed. Alan R. H. Baker and Gideon Biger, (Cambridge: 1992), 333. See also, Barbara Messamore,

Order and precision reigned over Durham's arrivals, and reconfirmed the importance of rank and status in the relatively small settler societies that he visited. Much as Durham had done when composing his councils, the arrival of the governor general, his family, and his expansive suite in a community brought together individuals from civil and military society. Durham's receptions, therefore, further reiterated the important role that civil and military officers had in his efforts to re-establish political stability in BNA following the 1837 rebellion. The eruption of guns marked his arrival or imminent landing. When safely on shore, those men, they were always men, who held the highest civic and military offices in the community had the honour of welcoming Durham. The local press always reprinted the names of these "respectable" citizens and thus conferred a rank and status upon them that separated them from the men and women who were nameless spectators on the shores or streets. To meet Durham and have this status conferred upon one's person or community was so important that a deputation from Brockville, Upper Canada, went to great lengths to receive this honour.

On his return to Lower Canada, a communication error prevented Durham from stopping at Brockville, where the local newspaper reported the whole "town was on the tip-toe of expectations." The *Brockville Statesman* revealed that "through some mistake, the copy of the Address, forwarded to Kingston, was not delivered to his Lordship, and he passed without calling."³¹ Rather than miss the opportunity to meet Durham and declare their loyalty, the Brockville deputation immediately proceeded to the

Canada's Governors General, 1847-1878: Biography and Constitutional Evolution, (Toronto: 2006).

³¹ *Brockville Statesman*, reprinted in, *Montreal Gazette*, 30 July 1838.

neighbouring town of Prescott. James Morris, Ogle Gowan, Alexander Morris, George Mallock, John Bogart, Joseph Wenham, John Bland, Samuel Reynolds, and David Mair reached Prescott late that evening, and “although his Lordship had retired for the night, he instantly made preparations to receive the deputation,” boasted the *Brockville Statesman*. “[T]he Address was presented to him in the Ladies Cabin, to which he made a most gracious reply, and after which, he requested to be introduced to each member of the deputation individually to whom he behaved in the most courteous and affable manner; and the deputation was highly gratified and delighted.”³² At Cornwall, where Captain Crawford’s company of Volunteers and an amateur band played *God Save the Queen*, the *Cornwall Observer* reported that the cheers of the settlers were so loud that they overpowered the sounds of this military display.³³ Once the settlers had respectfully greeted Durham, he and his family often proceeded through the town, either to the next stop on the governor’s exhausting tour or to a local hotel that would provide them with respite for a few hours. Similar scenes occurred in reverse on his departure from a community.

Although deviations in Durham’s itinerary were an occasional cause for anxiety, as those men from Brockville learned, they had a minimal effect on the number of individuals that decided to line the streets, canal banks, and wharves to welcome Durham. Almost everyone, it seemed, male and female, white, black, and aboriginal, francophone and anglophone, British subjects and American citizens, celebrated Durham’s arrival in their community. It did not matter whether Durham came ashore or remained aboard his

³² *Brockville Statesman*, reprinted in, *Montreal Gazette*, 30 July 1838.

³³ *Cornwall Observer*, 12 July 1838.

steamer in the local harbour, colonists wanted to see him and proclaim their loyalty. For example, in Prescott, where Durham merely met with a deputation of “respectable” men aboard one of the colony’s best-fitted steamers, it was reported that “vast numbers” lined the wharf with “the hope of being able to see his Lordship.”³⁴ In Toronto, the number of citizens expected to greet the governor general led Lieutenant Governor George Arthur to request that the number of “Peace Officers” be increased “to maintain order.”³⁵ Although it is impossible to determine why the Canadian colonists reportedly came out in such large numbers to see Durham, the spectacle of these events was surely one reason as was Durham’s distinguished status as an earl. Another perhaps, as Ian Radforth argues about the 1860 tour of the Prince of Wales that followed a very similar trajectory, was that the presence of an independent and distinguished statesman like Durham was a welcome change from the squabbling of colonial politicians.³⁶ Phillip Howell and David Lambert argue that the exuberant greetings that welcomed governors were not straightforward endorsements of empire, but rather expressions of settler frustration with previous colonial administrators.³⁷ That Lower and Upper Canadians came to see Durham, took the time to plan for his arrival, and spilled ink reporting on his movements indicates their hope for a reformed empire as well as their interest in seeing this “most splendid

³⁴ *Montreal Gazette*, 17 July 1838, reprinted in, *Quebec Mercury*, 19 July 1838.

³⁵ City of Toronto Archives [Hereafter CTA], fonds 200, Series 1081, File 35, J. Macaulay on Special Constables, 17 July 1838.

³⁶ Radforth, *Royal Spectacle*, 23.

³⁷ Philip Howell and David Lambert, “Sir John Pope Hennessy and Colonial Government: Humanitarianism and the Translation of Slavery in the Imperial Network,” in *Colonial Lives Across the British Empire*, ed. Lambert and Lester, 228–56.

pageant.”³⁸ Their presence also reaffirmed for Durham, as did their support of his Executive and Special Councils, that they had confidence in his policies and had, at least temporarily and conditionally, placed their loyalty in his administration.

The time of day that Durham arrived, the number of spectators that celebrated his arrival, and the weather were the three topics most often reported by the colonial press when detailing the arrival of the governor general. The majority of Durham’s arrivals occurred at midday, between the hours of eleven and one o’clock. Although Durham did arrive at Fort Niagara at 7A.M., it was uncommon for him to arrive at a destination after nightfall. The one exception to this was his arrival in Kingston on Wednesday, 12 July 1838 after midnight! When the *Kingston Chronicle and Gazette* boasted of the “honour” that had been bestowed on the community because it had been inspected by Lord and Lady Durham, it was peculiarly silent on one aspect of the governor general’s arrival: no one had been there to welcome him. This was news not fit to print. “The Governor General arrived at this place in the Steamboat *Brockville* from Prescott, on Wednesday night, between 12 and 1 o’clock, and immediately landed and proceeded with his family and suite to Macdonald’s British America Hotel, the whole of which had been previously engaged for their reception. It had been generally supposed that his Lordship would not arrive until the afternoon of the following day.”³⁹ That Durham’s midnight arrival had deviated from the “generally supposed” course of his travels meant that the welcome he received at Kingston was underwhelming and embarrassing. In larger centres, like Montreal and Toronto, where Durham arrived at 12P.M. and 5P.M. respectively, the local

³⁸ *Toronto Patriot*, 20 July 1838.

³⁹ *Kingston Chronicle and Gazette*, 14 July 1838.

newspapers boasted that a substantial number of citizens gathered to greet him. The *Montreal Courier* reported: “The day being delightfully fine, the wharves for a considerable distance were crowded with spectators, as also were the streets on the way to the Government House.”⁴⁰ The *Toronto Colonist* announced: “When we state that the number of persons assembled on this occasion, (exclusive of the military in attendance) amounted to 12 000, we are rather under than above a correct computation.”⁴¹ Unlike Kingston, Toronto and Montreal, as well as all other ports on Durham’s tour, mustered a substantial number of spectators to demonstrate their confidence and loyalty in Durham’s administration. Even in the smallest outposts of empire, time of day had little effect upon the number of spectators that attended his landings.

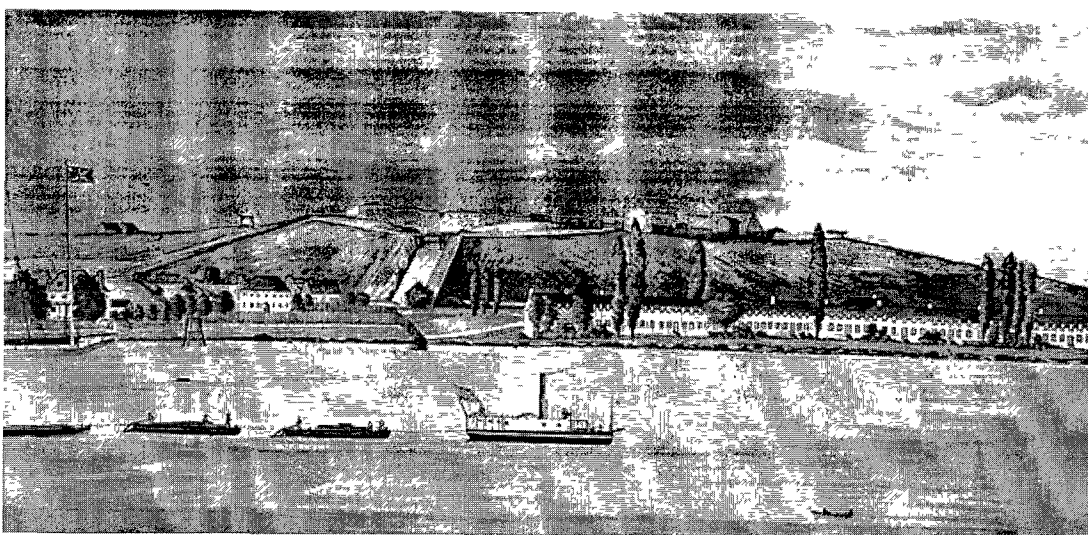


Figure 3.1: Fort Henry, Kingston, 1838

Source: LAC, No. 1955-128-16

In addition to reporting the time of Durham’s arrival and the number of people present, newspapers remarked upon the weather and its effects, if any, on those who had

⁴⁰ *Montreal Courier*, reprinted in, *Kingston Chronicle and Gazette*, 11 July 1838.

⁴¹ *Toronto Colonist*, 19 July 1838.

come to welcome the governor general. It appears that neither rain nor excessive heat prevented the politically engaged settlers of the Canadas, well accustomed to the extremes of weather in the colonies, from gathering to declare their confidence in Durham's administration. In Cornwall, where the Lambton family arrived at 10P.M. to "the enthusiastic cheers of the assembled multitude," Lady Durham recorded that although "a violent thunderstorm [had] interfered very much with their arrangements," there was a "Guard of Honour & people waiting to receive him."⁴² The local newspaper, the *Cornwall Observer* noted, as Lady Durham had done, that "most of the inhabitants of the town were present to witness the landing of His Excellency." In Cornwall, the desire to see Durham was so strong that "many of the ladies of the place, in spite of the rain, which at one time fell in torrents, maintained their ground determined to witness the novel sight." These ladies, who had lined themselves up along the bank of the canal, greeted Durham as he rode past "by the waving of their handkerchiefs. His Excellency very gallantly returned the compliment by uncovering his head and bowing very graciously."⁴³ That rain could not dissuade the women of Cornwall from their efforts to welcome Durham only further increased the community's status. When Durham reached Beauharnois in the final days of his tour, the *Kingston Chronicle and Gazette* noted that, "notwithstanding the badness of weather, he was greeted on his entry by a large number of persons, anxiously awaiting his arrival."⁴⁴

⁴² LAC, MG24 A27, Lambton fonds, Vol. 48, Lady Durham, Journal, Reel C-1859.

⁴³ *Cornwall Observer*, 12 July 1838.

⁴⁴ *Kingston Chronicle and Gazette*, 28 July 1838.

Kingston had a second opportunity to declare its confidence in Durham's administration on 20 July 1838, at the more appropriate, and sunny, hour of 11A.M. This time, the *Kingston Chronicle and Gazette* boasted that Durham "was repeatedly cheered ... by the immense assembly who had greeted his arrival." All the "boats and stores on the wharf" were "thickly covered," exclaimed the paper, as were the houses that "overlooked the streets through which [Durham] passed."⁴⁵ Undoubtedly, midday entries and sunny skies made attending Durham's arrival more comfortable, yet thunderstorms and torrents of rain rarely prevented settler men and women from witnessing such a memorable event. Only on one occasion did inclement weather prevent Durham from landing, and this was at Montreal on Thursday, 5 July 1838, the first stop of his tour; however, this delay only appears to have increased the spectacle that eventually took place there a day later.

Montreal: "This Reception Has Afforded Me the Truest Pleasure"

Montreal and Kingston had the honour of welcoming Durham to their communities twice. Unlike Kingston the citizens of Montreal provided Durham with a majestic welcome both times: the first, on the 6 July, as he was making his way to Upper Canada; the second two weeks later, on 24 July, as he was returning to the seat of his government in Quebec. Durham's private papers and his Colonial Office despatches indicate that his

⁴⁵ *Kingston Chronicle and Gazette*, 21 July 1838 reprinted in, *Montreal Gazette*, 26 July 1838.

arrival in Montreal caused him much anxiety.⁴⁶ As a result, his welcome there affected his sensibilities the most. That those in Montreal had come to greet him, and had done so magnificently despite rumours of discontent, convinced Durham that Montrealers had confidence in his administration.

When Durham left Quebec for Montreal, on 4 July, Stuart Reid argues, “all sorts of wild rumours were in the air.”⁴⁷ Charles Buller, in his 1840 sketch of Durham’s mission, noted that a “state of terror and uncertainty” was believed to exist and “was testified to us by a hundred alarming rumours.”⁴⁸ Durham’s brother-in-law, Charles Grey, wrote to his father after Durham’s arrival in Montreal, of these “alarming rumours.” Grey explained that when he arrived in Montreal following the passage of the Bermuda Ordinance, he found that a “widely different feeling” existed in Montreal. The “French party” was thought too downcast with the part of the ordinance pertaining to Papineau and the other refugees who had fled to the United States.⁴⁹ However, *Le Canadien*, one of the few remaining French-language, pro-Patriot newspapers in Lower Canada, had criticized neither this part of the ordinance nor the exile of the eight Patriot leaders to Bermuda. In fact, and as Grey informed his father, the French looked favourably upon the general sprit of Durham’s amnesty. It was the “high English party,” as Grey identified them, who were “discontented to the greatest degree” and declared that they considered it

⁴⁶ LAC, MG24 A27, Lambton fonds, Vol. 12, Reel C-1850, Durham to Glenelg, 6 July 1838, 159–63; LAC, MG24 A27, Lambton fonds, Vol. 12, Durham to Glenelg, 24 July 1838, Reel C-1850, 187–92.

⁴⁷ Reid, *Life and Letters*, 219.

⁴⁸ LAC, Charles Buller fonds, MG24 A26, Vol. 1, “Sketch of Lord Durham’s Mission.”

⁴⁹ The Patriot exiles themselves pay less attention to Durham and his administration in both their private journals and personal correspondence between the passage of the Bermuda Ordinance in June and Durham’s resignation in September.

“equivalent to one of general amnesty” because it bordered on the policy of conciliation, that detested policy of the former and despised governor general, Lord Gosford.⁵⁰

As the *John Bull* neared Montreal on Thursday, 5 July 1838, Durham met with his brother-in-law to discuss these rumours. Durham showed Grey the most recent despatches from Sir George Arthur that contained reports of war along the frontier.⁵¹ According to Grey, anti-Durham sentiment was rumoured to be so strong in Montreal that Durham himself was unsure if he should even stop. “To such an extent had this feeling spread,” Grey wrote, “that on Lambton’s arrival here last Thursday he asked me whether I thought there was any chance of his being insulted on landing. [It] was only on being assured by others that no such thing was to be expected that he resolved to make a public entry.”⁵² This most nerve-wracking of all Durham’s arrivals was also the only one to be delayed by weather. The next day Durham landed, precisely at noon, on a day that Lady Durham described as “beautiful but very hot.”⁵³

French and English as well as reform and conservative newspapers in Montreal exuberantly reported his arrival. *L’Ami du Peuple* reported: “Nous avons eu le plaisir d’y remarquer nombre de Canadiens des plus respectables.”⁵⁴ *La Quotidienne* similarly noted that, at Durham’s landing, “nos concitoyens d’origine française étai[en]t comme cela devait être, en très grande majorité.”⁵⁵ The English-language presses in Montreal also

⁵⁰ Charles Grey to Lord Grey, 8 July 1838, in *Crisis in the Canadas*, 66–8.

⁵¹ LAC, MG24 A27, Lambton fonds, Vol. 18, Arthur to Durham, 1 July 1838, Reel C–1852, 1–5.

⁵² Charles Grey to Lord Grey, 8 July 1838, in *Crisis in the Canadas*, 66–8.

⁵³ LAC, MG24 A27, Lambton fonds, Vol. 48, Lady Durham, Journal, Reel C–1859.

⁵⁴ *L’Ami Du Peuple*, reprinted in, *Le Canadien*, 6 juillet 1838.

⁵⁵ *La Quotidienne*, reprinted in, *Le Canadien*, 6 juillet 1838.

reported that vast numbers turned out to witness the landing. Unlike the French press, the English press did not distinguish between francophone and anglophone attendees; when reporting upon the number of people present the *Montreal Courier* boasted, “the crowd assembled to witness the landing, was as great as Montreal could well furnish.” Not to be outdone, the *Gazette* reported that the streets and the windows “were crowded by a vast concourse of spectators, by whom His Excellency was most heartily and enthusiastically cheered as he passed, bowing as he went, in token of his grateful feelings at the reception which his Lordship met with from the inhabitants of MONTREAL.”⁵⁶

That the French press emphasized the presence of Montreal’s francophone British subjects at this imperial spectacle not only acknowledged their participation in empire, but also served to insist that they too had placed their confidence in Durham’s administration.⁵⁷ They were not disloyal subjects as many of the English and conservative newspapers charged. By depicting Lower Canada as a homogenous British settler society and free from internal division, the English press sought to perpetuate their assumption of dominance and proclaim their support for Durham. If a colonist were to read any other article in the *Gazette* or the *Herald*, the colonial order of things in Lower Canada, which included both French and English subjects of empire, would become apparent. French Canadians appear to have taken an interest in both Durham and the British empire, and those who lined the streets to see Durham even celebrated the

⁵⁶ *Montreal Gazette*, 7 July 1838.

⁵⁷ Daniel Horner argues that the composition of the crowds welcoming governors general dramatically changed in Montreal in the 1840s. The inclusive crowds that welcomed Durham were increasingly replaced by exclusive crowds of anglophone supporters of empire. See, Daniel Horner, “Taking to the Streets: Crowds, Identities, and Politics in Mid–Nineteenth Century Montreal,” (PhD Dissertation, York University, forthcoming).

empire,⁵⁸ however, for Montreal’s anglophone elite there was very little room, if any, for these uncivil subjects in their imperial vision. The sizable audience that Durham’s arrival attracted, a point reiterated in both English and French newspapers, indicates that colonists in this “racially” and culturally plural settler society were interested in remedying the past and reforming the present. Moreover, although these imperial visions were drastically different, *Le Populaire* reported that the arrival of the Earl of Durham had “reunited all the political parties to celebrate the arrival of His Excellency.”⁵⁹



Figure 3 2 City of Montreal, 1838

Source Smyth, *Sketches of the Canadas*, 1839

Durham landed in Montreal precisely at noon. A single salute fired from the *John Bull* announced his presence. This gunshot, reported the *Montreal Transcript*, directed

⁵⁸ Buckner and Bridge, “Reinventing the British World,” 81, Coates, “French Canadians’ Ambivalence,” in *Canada and Empire* ed Philip Bucker, 181–99

⁵⁹ *Le Populaire*, reprinted in, *Le Canadien*, 6 juillet 1838

the attention of “every eye of the enormous multitude assembled” towards the steamer.⁶⁰ Durham disembarked from the steamer in a “barge with a green silk awning propelled by fourteen powerful oars” with “the well known red cross upon a white ground, floating stem and stern.”⁶¹ The *Montreal Gazette* reported that such a sight excited the admiration of the “multitude on the wharves, who [were] waiting to welcome Her Majesty’s Representative to this city.”⁶² When Durham landed at the Government Wharf, in front of the commissariat stores, the cheers “of the loyal inhabitants, who had congregated to welcome the representative of their Most Gracious Queen, and the arbitrator of their own complicated interests” were deafening.⁶³ While the *Gazette* observed that from “the moment his Lordship put his foot on shore, he was greeted with a shout of welcome which did honour to the loyalty and good feeling of the citizens of Montreal.”⁶⁴

The reception of Durham on land, as we saw in the previous section, was the responsibility of prominent male community members from military and civil society. In Montreal, Chief Justice James Reid, George Moffat, Peter McGill, and other men who were apparently not noteworthy enough to have their names reprinted in the newspapers, received Durham. Once he had received the congratulations of these gentlemen, as well as local military officers, Durham, dressed in the scarlet attire of the governor general with silver epaulettes and lace, mounted his black charger and proceeded to Government

⁶⁰ *Montreal Transcript*, 7 July 1838, reprinted in, *Toronto Patriot*, 18 July 1838, and *Kingston Chronicle and Gazette*, 11 July 1838.

⁶¹ *Montreal Transcript*, 7 July 1838, reprinted in, *Toronto Patriot*, 18 July 1838, and *Kingston Chronicle and Gazette*, 11 July 1838.

⁶² *Montreal Gazette*, 7 July 1838.

⁶³ *Montreal Transcript*, 7 July 1838, reprinted in, *Toronto Patriot*, 18 July 1838, and *Kingston Chronicle and Gazette*, 11 July 1838.

⁶⁴ *Montreal Gazette*, 7 July 1838.

House with his “brilliant and numerous staff, ... the Countess of Durham and some other ladies in a closed carriage.”⁶⁵ This entire procession was composed of the members of Durham’s Executive and Special Councils and family. It brought together and publicized both his domestic and political worlds and indicates, as Bruce Curtis argues, that “the domestic is neither unambiguously private nor public.”⁶⁶ The 7th Hussars who had, one week earlier, escorted Nelson, Bouchette, and the six other Patriots from gaol, paraded Durham through the city.⁶⁷ Word of Durham’s arrival in Montreal reached Quebec the following day, Bytown on the 11th, and Toronto on the 18th. The *Mercury* reported that: “On landing, His Excellency was most enthusiastically cheered by one of the largest assemblages we have ever seen in the city; and the same marks of respect were shewn in the course of his progress from the river side to the Government House, which his Excellency acknowledged by repeatedly bowing.”⁶⁸

Durham did not forget that Montrealers had publicly declared their confidence in his administration, nor did he forget that they had done so enthusiastically. The rumours that had led to his anxious approach to Montreal appear to have been unfounded. For the duration of his tour, Durham corresponded with Lord Glenelg and these seven despatches preserve Durham’s interpretation of colonial reaction to his presence as well as his responses to these public declarations of support. Of all the receptions that Durham

⁶⁵ *Montreal Gazette*, 7 July 1838, reprinted in, *Toronto Patriot*, 18 July 1838, and *Kingston Chronicle and Gazette*, 11 July 1838.

⁶⁶ Curtis, “Most Splendid Pageant,” *CHR*, 59.

⁶⁷ *Montreal Transcript*, 7 July 1838.

⁶⁸ *Quebec Mercury*, 7 July 1838.

experienced while on tour, none appear to have affected him as much as his first welcome in Montreal. He wrote proudly to Glenelg of his arrival in Montreal:

I am happy to be able to assure your Lordship that nothing could exceed the cordiality, I may say enthusiasm, with which I was received by all ranks and classes. The streets were filled with crowds, who greeted me with the loudest cheers ... This reception has afforded me the truest pleasure, because it was at Montreal where I might have expected marks of coldness or disapprobation, on account of the recent ordinances, in the event of party feeling predominating over sound policy. I met, however, with no trace of opposition, amongst either the people or any of the merchants.⁶⁹

William Thompson argues that in England Durham especially enjoyed “enthusiastic crowds” and “cheering at his carriage;” however, because cheering crowds were not expected in Montreal, a city with a history of violent election riots and clashes between members of the Doric Club and the Fils de la Liberté, it became Durham’s most memorable welcome.⁷⁰

As Durham and the colonial press had done, those intimately connected to Durham similarly observed the good effect that Montreal’s welcome had upon the governor general. Lady Durham, her brother Charles Grey, and Charles Buller each noted that the cheerful welcome of Montrealers had not only eased Durham’s anxieties, but also encouraged him to continue on his independent course. Lady Durham, astutely aware of the ways that colonial politics entered into her household, noted in her journal, “His reception was most satisfactory. [It was] more cordial & enthusiastic than at Quebec, which was particularly gratifying as it was expected that at Montreal if anywhere, some

⁶⁹ LAC, MG24 A27, Lambton fonds, Vol. 12, Durham to Glenelg, 6 July 1838, Reel C–1850, 159–64.

⁷⁰ William Thompson, *The Philosophic Radicals: Nine Studies in Theory and Practice, 1817-1841*, (London and New York: 1979), 339–40; Bradbury, “Widows at the Hustings;” and Greer, *Patriots*.

feeling of disaffection might be manifested on account of the mercy which had been extended to the Prisoners in the Ordinances of June 28th. Nothing however of the sort appeared.”⁷¹ She expressed similar sentiments in a letter to her mother:

In short, Montreal which some people called disaffected, had surpassed Quebec in public demonstrations & it is certainly most satisfactory that it should be so, for on his first landing at the latter place Lambton was not known. Now, on the other hand, he has shown so decidedly what course of policy he means to pursue that the approbation, or otherwise, which he meets with, is not given in uncertainty.... Lambton is quite wonderful, but then he is much gratified & pleased, as he ought to be, with the success of his visit here. He had looked upon it quite as a sort of crisis, & could not have hoped for a more favorable result.⁷²

That Montreal Tories had expressed their confidence in her husband’s administration was only one important component of this display of conditional loyalty. More significant was that both francophone and anglophone British subjects had done so after witnessing the implementation of his policy. Both Charles Grey and Charles Buller had expressed concern over Montrealers’ reaction to the Bermuda Ordinance passed just a week earlier. These two members of the Special Council, then, were particularly satisfied that Montreal had welcomed Durham so respectfully. Charles Grey informed his father that Durham was “met with really a most enthusiastick [sic] reception,” and that he was “happy to say that his coming has been attended, as I was always sure it would, with the best possible effect.”⁷³ Buller was similarly pleased: “When Lord Durham landed on the 6th, the whole city poured out to meet him, and received him with the utmost enthusiasm.” Further

⁷¹ LAC, MG24 A27, Lambton fonds, Vol. 48, Lady Durham, Journal, Reel C-1859.

⁷² LAC, MG24 A27, Lambton fonds, “Correspondence between Lady Louisa Lambton and Lord and Lady Grey,” Lady Durham to Lady Grey, 8 July 1838, Reel A-1220.

⁷³ LAC, MG24 A10, Grey Family Papers, Vol. 2, Charles Grey to Lord Grey, 8 July 1838.

reflecting upon his earlier misgivings, Buller explained that the reaction of Montrealers had taught Durham and members of his administration that they ought to “give very little weight to any rumours that we might hear in Canada.”⁷⁴

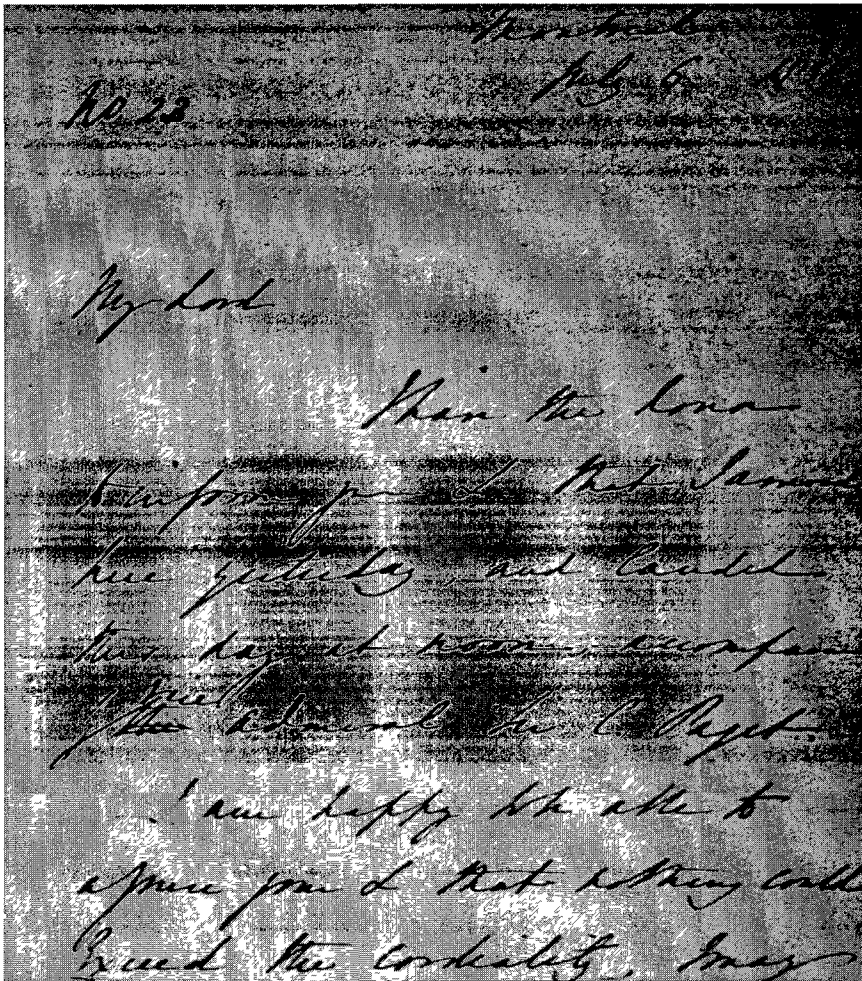


Figure 3.3: Draft despatch in Durham’s hand detailing Montreal reception
Source: LAC, MG24 A27

The public display of confidence and conditional loyalty that greeted Durham that sweltering Montreal day stood out in marked contrast to the reports of disaffection that were believed to have affected all classes of the city’s citizens. Stuart Reid noted in his

⁷⁴ LAC, MG24 A26, Buller fonds, Vol. 1, “Sketch of Lord Durham’s Mission,” 68–71.

biography of Durham that it was “almost as if by magic” that “the tone and attitude of the whole community was turned from an attitude of sullen resentment to almost unbounded enthusiasm.”⁷⁵ Although no record indicates the source of these rumours, they appear to have been a part of Montrealers’ colonial common sense, a sentiment that likely stemmed from the fact that the city was the most “racially” mixed of all communities in Lower Canada and had the largest anglophone population. Recall that the *Herald* was the only paper brazen enough to criticize the Bermuda Ordinance. Even the *Gazette* considered it more politic to offer its conditional loyalty to Durham and support the ordinance. When news of Durham’s arrival at Montreal reached Quebec, *Le Canadien* reported that neither the rumours nor the cries of the *Herald* were worthy of any more attention. “L’événement est venu donner le démenti aux rapports qui présageait une froide et mauvaise réception à LORD DURHAM, à Montréal. Il paraît au contraire que son entrée dans cette ville a été des plus brillantes. Nonobstant les criailleries du *Herald*.”⁷⁶

In addition to reporting Durham’s reception in Montreal, the local newspapers assessed the effect that the landing had upon Lord and Lady Durham, and, like those closest to Durham, the colonial press appear to have accurately gauged their sentiments. The *Montreal Transcript* reported that amidst the “scene of such general excitement” that prevailed in Montreal the “individual who experienced the deepest sense of gratification was doubtless, Lady Durham. [W]hilst his Excellency must be well convinced, that if the free sons of Britain fearlessly express their opinions upon passing events, there is a point

⁷⁵ Reid, *Life and Letters*, 219–20.

⁷⁶ *Le Canadien*, 6 juillet 1838.

of union where, whenever the appeal is made, not a man will be found wanting.”⁷⁷ Such an observation reiterated to Durham that although some members of the Montreal Tories may have disagreed with the Bermuda Ordinance, this did not mean that they had lost confidence in his administration. The *Gazette* observed that the volume of the cheers “evidently made a deep impression upon his Lordship.” “We have no doubt,” continued the paper, that this great welcome “will never be effaced from his remembrance.”⁷⁸ The most optimistic interpretation of Durham’s Montreal welcome, however, came from the *Mercury* in an article that was later reprinted in the *Kingston Chronicle*: “The reception of the Earl of Durham at Montreal ... must be highly gratifying to that distinguished nobleman. We fondly hope that a brighter day is dawning on the Canadas.”⁷⁹

Much was at stake in Durham’s entry at Montreal, and it had caused the governor general much anxiety. However, the deafening cheers, the size of the crowds, and their heterogeneous composition assured Durham and his closest advisers that he had secured the confidence and conditional loyalty of Montrealers. To have the confidence of both Montreal Tories and the francophone population was significant because only Montreal had spoken out against the Bermuda Ordinance. Furthermore, Durham’s Montreal welcome set the tone for the remainder of his transcolonial tour, since it illustrated, as Lady Durham astutely observed, that Lower Canadians of all stripes had declared their support of Durham and the policies of his administration. Yet for all the attention that the

⁷⁷ *Kingston Chronicle and Gazette*, 11 July 1838.

⁷⁸ *Montreal Gazette*, 7 July 1838.

⁷⁹ *Kingston Chronicle and Gazette*, 11 July 1838, reprinting, *Quebec Mercury*, 7 July 1838.

press, Durham, members of his family, and suite gave to his Montreal landing and its effect on Durham's sensibilities, it was Toronto that put on the biggest show.

Toronto: "It Is Generally Spoken of as a Dull Place"

Of all the places Durham visited, Toronto, the capital of Upper Canada, undoubtedly put the most effort into its preparations to celebrate his arrival. In the week before his arrival, the municipal government, acting on the request of twelve of the city's leading men, held a public meeting to "make arrangements for receiving His Excellency."⁸⁰ At the meeting, held on 14 July 1838 at St. Lawrence Market, only days before Durham's arrival, the "utmost harmony prevailed."⁸¹ Those in attendance decided that Mayor Powell would deliver the welcoming address and that the other members of the city council would organize a parade through the streets of Toronto.⁸² The day of Durham's arrival was declared a public holiday. Every municipal organization, including the fire brigade and the various national societies in the city, was to be included in the procession designed to express Torontonians' confidence and conditional loyalty in Durham's administration.⁸³ Members of the Toronto City Council, the corporation, as they were called, were not alone in seeking to ensure that the Lord and Lady Durham were well cared for in Toronto. As the dozen or so city councillors met to plan the components of their local reception of Durham, the task of preserving order came under the purview of Lieutenant

⁸⁰ CTA, Fonds 200, Series, 1081, File 35, Citizens to Powell, Toronto, 13 July 1838.

⁸¹ An account of the meeting was published in, *Montreal Gazette*, 26 July 1838.

⁸² This same process and time frame was reproduced four years later when Governor General Bagot arrived and toured Toronto. See Goheen, "Parading in Early Victorian Toronto," 334.

⁸³ New, *Lord Durham*, 401.

Governor George Arthur. Under his instruction, John Macaulay wrote to Mayor Powell to request that “a sufficient number of Peace Officers” be available “to maintain order at the Parliament Building” upon Durham’s arrival.⁸⁴ In addition to this expressed concern for order, Lieutenant Governor Arthur, from the moment he learned of Durham’s impending arrival, expressed a particular concern for the preservation of Lady Durham’s reputation.

Sir George Arthur had recently arrived in Upper Canada from the Australian penal colony, Van Diemen’s Land, where, as work by Penny Russell and Kirsten Mackenzie illustrates, the protection of the reputations of colonial ladies was of particular importance.⁸⁵ Arthur brought these lessons of antipodean imperialism with him to Upper Canada, where he sought to ensure that both Lady Durham and her reputation would be well cared for. In a private despatch to Durham, dated Toronto, 4 July 1838, Arthur recommended to the governor general “that the Countess of Durham should not reside in Niagara” because he feared that American Patriots would attack.⁸⁶ Arthur’s warning, however, proved inconsequential as not only did Lady Durham accompany her husband to Niagara, but Niagara was the undeniable highlight of her travels.⁸⁷ Arthur also apologized in advance for the poor accommodations that awaited the Lambton family in Toronto.

⁸⁴ CTA, Fonds 200, Series, 1081, File 35, Citizens, J. Macaulay on Special Constables. 17 July 1838.

⁸⁵ Russell, “Ornaments of Empire?” 196–208; Russell, “The Brash Colonial,” 431–453; McKenzie, “Social mobilities at the Cape of Good Hope,” 274–95; and McKenzie, “Performing the Peer,” 209–228.

⁸⁶ Arthur to Durham, 4 July 1838 in, *The Arthur Papers: Being the Papers Mainly Confidential, Private, and Demi-official of Sir George Arthur*, Vol. 1, ed. Charles Rupert Sanderson, (Toronto: 1943), 218–9.

⁸⁷ LAC, MG24 A27, Lambton fonds, Vol. 48, Lady Durham, Journal, Reel C–1859.

My Establishment has not yet arrived from England, so that I cannot make your Lordship and the Countess of Durham by any means as comfortable as I could wish ... the House though small and un-appropriate [sic] will be just habitable for your Lordship's family. Still I must say, I wish the times were more quiet for Your Lordship's visit, because the people generally will be unavoidably prevented from receiving your Lordship as they would otherwise I am sure desire to do.⁸⁸

Arthur lamented that the fear of another rebellion continued to disturb the quiet and would surely affect both his, and Torontonians', ability to give the governor general the welcome his authority and importance demanded.

Four days later, Arthur's concern for Lady Durham's safety at Niagara was allayed, although he continued to regret that he was unable to provide the Lambtons with more comfortable and appropriate accommodations. "The results of the last two or three weeks have altogether placed the province in a better position," Arthur positively reported to Durham, "and even without the protections of the 43rd Regiment, the Countess of Durham might now be free from all apprehension at the Falls." Though the threat of another American attack on the Upper Canadian frontier had subsided, Arthur remained bothered that "All I wished for Your Lordship's accommodation at this Residence is not completed ... I have with pleasure done my best to make it habitable. I wish it were better."⁸⁹ When Lady Durham eventually arrived in Toronto, she recorded that the city had a "pleasing effect" upon her.⁹⁰ Arthur's worries, it seemed, were for naught. In the days and weeks that had passed since Arthur had first expressed his concerns to Durham, the citizens of Toronto had embarked upon a serious effort to

⁸⁸ Arthur to Durham, 4 July 1838 in, *The Arthur Papers*, 218–9.

⁸⁹ Arthur to Durham, 8 July 1838 in, *The Arthur Papers*, 228.

⁹⁰ LAC, MG24 A27, Lambton fonds, Vol. 48, Lady Durham, Journal, Reel C-1859.

welcome the governor general, his family, and his suite to their home. It was hoped that the parade and procession planned for Durham's arrival would ensure that he remembered Toronto and the great lengths its citizens had gone to publicly express their confidence in his administration.

As the date of Durham's arrival loomed nearer, addresses were drafted and redrafted, a parade route plotted, and ornaments of empire hung throughout Toronto. Two days before his arrival, Arthur published an invitation that requested the presence of all public officers on the Queen's Wharf to receive Durham, just as the respectable men of Montreal, Cornwall, and Niagara had done. This invitation came in the form of a public announcement printed in the *Upper Canada Gazette*. It alerted the inhabitants of the city not actively involved in planning for Durham's arrival that a special celebration had been organized to commemorate the occasion. The public invitation, issued on the 16 July, declared that: "The Right Hon, the Earl of Durham, Her Majesty's High Commissioner, and Governor General, having intimated his intention of visiting Toronto on Wednesday next, the 18th instant, the Public Officers are requested to be in attendance, at the Queen's Wharf, on that day, at 4 o'clock P.M., in order to receive His Excellency on his landing."⁹¹ That same day, an "EXTRAORDINARY" issue of the *Upper Canada Gazette* published the invitation as well as a detailed description of the events planned by the local and colonial administrators so that Torontonians and Upper Canadians could publicly declare their support for Durham.

HIS EXCELLENCY, THE RIGHT HONOURABLE, THE EARL OF DURHAM
GOVERNOR IN CHIEF, has intimated to the LIEUTENANT GOVERNOR, that

⁹¹ LAC, MG24 A27, Lambton fonds, Vol. 26, Reel C-1856, 16 July 1838, 848.

HE will be present in the Legislative Council Chamber, on Wednesday next, at Four o'clock, to receive an address from the inhabitants of Toronto, and its vicinity, congratulating His Lordship upon His arrival in Upper Canada, invested with the important powers committed to Him by Her Majesty.

The Lieutenant Governor is persuaded, that all classes of Her Majesty's Subjects will desire to testify their personal respect for His Lordship, and to manifest the deep interest taken by them in the success of His Lordship's Mission, by being present on this gratifying occasion.

His Excellency the Lieutenant Governor, will be happy to introduce to His Lordship, on Thursday next, at Twelve o'clock, at Gov House, those Gentlemen who may desire to be presented previously to the Earl of Durham's departure for Lower Canada, where business of an important nature awaits the return of the Governor General.⁹²

The following day, Toronto City Council posted handbills throughout the city and its vicinity that announced that a procession from Government House to the Queen's Wharf and back would mark Durham's arrival. These handbills outlined for colonists the "order of procession," which reconfirmed, even in this relatively small outpost of empire, the persistent importance of rank and status.

As the poster below indicates, the militia band was to lead the procession. The high-bailiff, the mayor, and then the city council would follow this musical tribute, the city constables and fire companies would be the last of the civic office holders in the procession. The next rung in this "order of procession" consisted of the various "national" associations, which operated in Toronto, accompanied by their colourful banners: the St. Andrew's, St. Patrick's, and St. George's Societies. All those citizens of Toronto who were neither public servants nor association members – "the inhabitants" – were instructed to march at the end of the procession in rows that were no larger than four deep. Additional instructions at the bottom of the handbill declared that the

⁹² *Upper Canada Gazette Extraordinary*, 16 July 1838 in, LAC, MG24 A27, Lambton fonds, Vol. 26, Reel C-1856, 849. See also, *Quebec Mercury*, 26 July 1838.

organizing committee wanted business owners to close their shops by two o'clock "at which hour the Town Bell will ring [so that all] persons engaged in business may attend." Anyone interested in marching in the procession was instructed to meet at city hall,

ORDER OF PROCESSION
Upon the Arrival of
LORD DURHAM.

BAND.

HIGH-BAILIFF.

Mayor and Corporation.

City Constables.

FIRE COMPANIES.

St. Andrew's Society.

St. Patrick's Society.

St. George's Society, with Banners.

INHABITANTS, Four Deep.

The Committee suggest the propriety of Merchants and others closing their shops at Two o'clock, in order that persons engaged in business may attend, at which hour the Town Bell will ring.

The Procession will move from the City Hall, and proceed from thence to the Government Wharf at half-past Two o'clock, P. M. precisely. Persons joining the Procession with carriages, or on horseback, will fall in the rear of the Procession.

By order of the Committee,

JOHN POWELL,
Mayor's Office, July 17, 1838. **Mayor.**

Mr. Alderman GURNETT, Marshall.

Figure 3.4 Handbills announcing parade planned for Durham's Toronto arrival
Source: LAC, MG24 A27

whence they would proceed “to the Government Wharf at half-past Two o’clock, P.M. precisely.” Persons joining the procession “with carriages, or on horse back” were to fall at the rear of the procession. The man responsible for leading this procession through Toronto and ensuring that all conformed to this established order was the parade marshal, Mr. Alderman George Gutnett.⁹³

While city officials and colonial administrators busily issued decrees, posted handbills, and published instructions to inform settlers of the planned events and to ensure that the celebrations would be conducted in an orderly and respectable manner, this same order was not reproduced behind the scenes. As Durham’s arrival proved imminent, Lieutenant Governor Arthur became increasingly anxious. He sent numerous letters to Durham’s primary aide-de-camp, Colonel Couper, who was responsible for managing Durham’s itinerary. “I wrote to you last night to explain that the alteration in the plan proposed for Lord Durham’s movements – by which his Lordship was to arrive at Toronto at 7 o’clock in the Evening of Wednesday, in place of 4 o’clock as before settled – would lead to so much disappointment that I trusted the proposed alteration would be abandoned.”⁹⁴ Since his previous correspondence, Arthur appears to have become convinced that the inhabitants of his colony, and its principal town, Toronto, would come out to greet Durham in great numbers, but that any change in his itinerary would make it difficult for them to do so. Arthur expressed his hope that “his Lordship would adhere to his original intention, of receiving the address of the inhabitants of Toronto & its vicinity at 4 o’clock.” So hastily did Arthur post this letter to Couper that

⁹³ LAC, MG24 A27, Lambton fonds, Vol. 26, Reel C-1856, 850.

⁹⁴ Arthur to Couper, 17 July 1838 in, *The Arthur Papers*, 239.

he again forgot to include the copies of the two addresses to be presented to the Earl of Durham upon his arrival in the city.⁹⁵

Durham and his family and suite approached Toronto from Niagara on the afternoon of 18 July 1838 as originally scheduled. Lady Durham recorded in her journal both this event and the toll that touring and inspecting the Canadas was taking on her husband. According to Lady Durham, her husband was unable to land in Hamilton, only briefly stopping to inspect the river that led into the Welland Canal, due to his poor health. As the *Cobourg* steamer approached Toronto, it slowed in its course so that the Durham could, “by a hot Bath for his feet, & such remedies as could be given for the moment,” endeavour “to palliate the suffering so as to enable him to get thro’ the ceremonies of the public reception which awaited him at Toronto.”⁹⁶ After about an hour or so of rest, the decision was made to continue with his landing. A single gunshot from the *Cobourg* announced the arrival of the governor general in Toronto at four o’clock.

Two hours before the *Cobourg* entered the Toronto harbour, at precisely two o’clock as instructed, the town bell rang. The peal announced the closure of local shops and reminded inhabitants of the impending arrival of the Earl of Durham and of the procession that was about to commence from St. Lawrence Market. “Shops and public offices were simultaneously closed off,” reported the *Toronto Colonist*, as “the inhabitants in vast crowds, resorted to the place of the meeting.”⁹⁷ When Parade Marshall Gutnett had ordered everyone accordingly, the procession, which “formed a train

⁹⁵ Arthur to Couper, 17 July 1838 in, *The Arthur Papers*, 239.

⁹⁶ LAC, MG24 A27, Lambton fonds, Vol. 48, Lady Durham, Journal, Reel C-1859.

⁹⁷ *Toronto Colonist*, 19 July 1838.

extending nearly the whole distance from City Hall to the Government House” proceeded down King Street towards the wharf. As the “column” approached the wharf, inhabitants could observe the *Cobourg* in the distance. The procession was ordered to halt above the Queen’s Wharf. This command, the *Toronto Colonist* observed, was “instantly obeyed.” There, on the green above the wharf, the various bodies that constituted the procession would remain until the *Cobourg* anchored in the harbour.

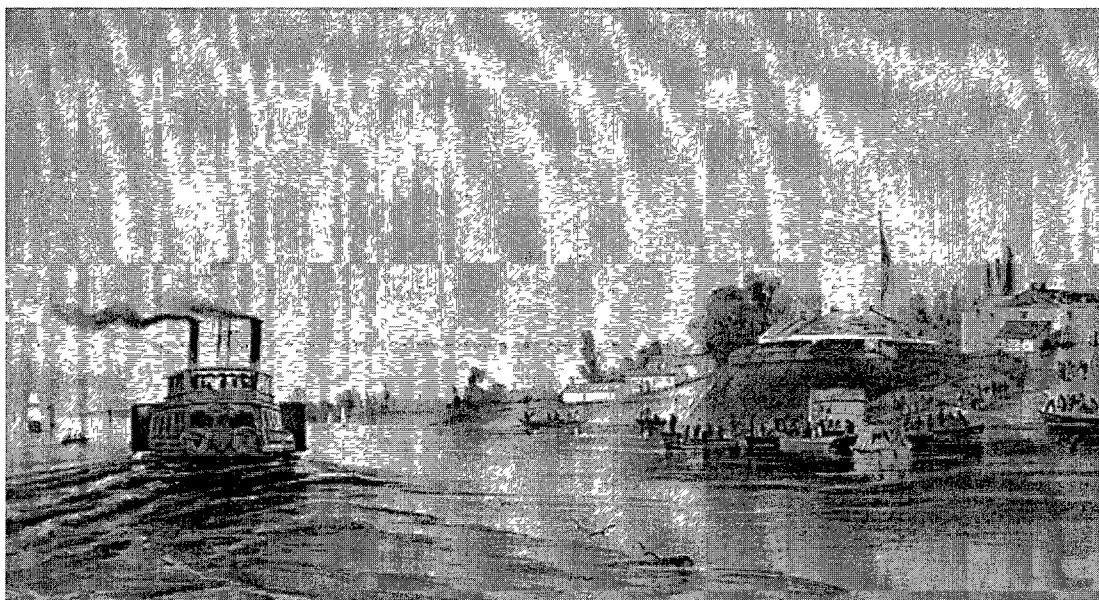


Figure 3.5: Lord Durham’s Arrival in Toronto, 18 July 1838
Source: Smyth, *Sketches in the Canadas*, 1839

When the *Cobourg* finally entered the harbour, Gutnett gave “the order to march for the wharf.” Along the wharf, the various parties that comprised the procession formed two lines, and, in their designated order, awaited the landing of the governor general. However, as this ordered and white procession awaited Durham’s arrival, they were suddenly joined by a “party of Indians from Credit” headed by John Jones, the older

brother of Peter Jones.⁹⁸ The presence of the Port Credit Indians reveals, what Peter Goheen argues was a central aspect of processions in Toronto in this period, that “the desire to participate reached all strata of society.”⁹⁹ Alderman Gutnett seeking to preserve the order of his parade instantly granted the natives a position in the procession. The Port Credit Indians were positioned behind the fire companies, but in front of the three national societies. Here, beneath two triumphal arches erected especially for the occasion, both colonizers and colonized together awaited the landing of the Earl of Durham.

Although there was little novel in the protocol of Durham’s entry into the Upper Canadian capital, the spectacle that greeted him in Toronto was beyond comparison. As he stepped out of the rowboat that had transported him from the *Cobourg* to the shore, a salute of nineteen guns fired from the garrison. Martial music rang out from the instruments of the 85th Regiment and City Guard bands.¹⁰⁰ As had been the case elsewhere, Durham was greeted by local men of appropriate respectability and status. In Toronto, however, the first to greet Durham was Lieutenant Governor George Arthur, the man second in rank and status only to Durham in the Canadas – no other place could boast of having such a respectable and distinguished individual to welcome the governor general. The principal officers of the colonial government, as well as members of the judiciary, assisted Arthur in his reception of Durham.¹⁰¹

⁹⁸ *Toronto Colonist*, 19 July 1838, reprinted in, *Montreal Gazette*, 26 July 1838. On the Jones family see: Donald B. Smith, *Sacred Feathers: The Reverend Peter Jones (Kahkewaquonaby) and The Mississauga Indians*, (Toronto: 1987).

⁹⁹ During Governor General Bagot’s Toronto procession a “considerable body of Indians” also participated. See Goheen, “Parading in Early Victorian Toronto,” 336.

¹⁰⁰ *Toronto Patriot*, 20 July 1838.

¹⁰¹ *Toronto Examiner*, reprinted in *Quebec Mercury*, 26 July 1838.

The most significant distinction of Durham's arrival in Toronto was that in no other place had the local inhabitants put such time and effort into planning and executing a welcome. In a tone that was part-boisterous and part-truthful, the *Toronto Colonist* described the "magnificent preparations ... made for the reception" of the governor general, the countess of Durham, their family, and suite by Torontonians:¹⁰²

Durham proceeded up the wharf, the sides of which were lined with Troops and with Citizens, previously marshaled in procession by the excellent arrangement of the Worshipful Mayor and Corporation, in their respective Societies and Companies, and the Fire and Hook and Ladder Companies, and the St. Patrick, the St. Andrew, and St. George Societies, all with their respective flags and banners, of the richest silks, emblazoned with arms and appropriate devices and mottos in gold, of the most elegant and skillful execution.¹⁰³

The spectacle that greeted Durham was, as the *Toronto Patriot* described, both "imposing" and "brilliant."¹⁰⁴ When Lady Durham wrote about her time in Toronto, she opined, having just witnessed the spectacle of Niagara Falls, that although Toronto "is in general spoken of as a dull place ... the number of people who had come in from the surrounding country, & the animation which prevailed in the town did not admit such an impression upon us. We were, on the contrary, rather struck with the appearance of the streets, which seemed to be better built & to consist of better houses, than any place we had seen ... the large extent of water & the richness of the country have a pleasing effect."¹⁰⁵

¹⁰² *Toronto Colonist*, 19 July 1838.

¹⁰³ *Toronto Patriot*, 20 July 1838.

¹⁰⁴ *Toronto Patriot*, 20 July 1838.

¹⁰⁵ LAC, MG24 A27, Lambton fonds, Vol. 48, Lady Durham, Journal, Reel C-1859.

The second component of Durham's Toronto visit was a procession that wove its way from the wharf back to the parliament buildings, where the first of three addresses was to be presented. Ian Radforth has noted that such processions not only solved the problem of moving distinguished guests like Durham from one part of the city to another, they also imbued such events with a grandeur for inhabitants to witness.¹⁰⁶ Durham's procession through Toronto met both these criteria. Much like tour guides, the inhabitants who were the last to march in the procession to the wharf were the first to leave, and therefore were responsible for leading Durham through their city. This "large concourse of inhabitants" escorted the governor general back through the city and passed the "Fire and Hooks and Ladder Companies, the Indians, [and] several Societies ... [who] heartily cheered." "[Durham] most courteously acknowledged these salutations," reported the *Toronto Colonist*, "and as he passed through the Indians, a smile was perceptible on His Excellency's countenance, when he was greeted by their wild strains of congratulation."¹⁰⁷ The natives, for whom no space had been allotted in the original order of procession, appear to have appreciated the courtesy extended them by the parade marshall because on 20 July 1838, the Indians of Port Credit wrote to Mayor Powell to express their gratitude. "We beg leave most respectfully to tender our hearty thank you for the very high honour conferred on our Tribe," read the letter signed by Joseph Sawyer, John Jones, L. Herkimer, and T. Smith Junior, "by placing us in front of the three Societies of this City, those noble and generous hearted Britons."¹⁰⁸ The

¹⁰⁶ Radforth, *Royal Spectacle*, 110.

¹⁰⁷ *Toronto Colonist*, 19 July 1838.

¹⁰⁸ CTA, Fonds 200, Series, 1081, File 35.

participation of the Port Credit Indians in Durham's welcome illustrates, as Phil Buckner and Carl Bridge argue, that support for the British empire – in this case Lord Durham's administration – could be enthusiastically found among peoples of non-British origin.¹⁰⁹ However, the support of the Port Credit Indians also secured space for colonized people in a political sphere that was focused primarily upon the rights of white British subjects.

A second salute from the artillery announced Durham's arrival at the parliament building located on Front Street, west of Simcoe Street. George Arthur escorted Durham inside the building and into the council chamber to receive his first Toronto address. Lady Durham, who accompanied her husband as he made his way into the chamber, noted that "a number of ladies" were also "present to witness the proceedings."¹¹⁰ When Durham left the parliament buildings, he exited "under a triumphal arch of oak branches" and received a second address, this one prepared by the city council on behalf of the inhabitants of Toronto.¹¹¹ As he listened to Mayor Powell read this address, in what the *Toronto Colonist* described as a "distinct manner," Durham, who was surrounded by family and suite, stood on the stone steps of the building "uncovered" so that he did not conceal himself from the city's inhabitants below.¹¹² Following the address, Lady Durham, who had witnessed the whole event, noted they were "received with every demonstration of respect & rejoicing" and that Durham had "returned an answer & made a short speech with great effect."¹¹³

¹⁰⁹ Buckner and Bridge, "Reinventing the British World," 81.

¹¹⁰ LAC, MG24 A27, Lambton fonds, Vol. 48, Lady Durham, Journal, Reel C-1859.

¹¹¹ *Toronto Colonist*, 19 July 1838.

¹¹² *Upper Canada Gazette*, 19 July 1838.

¹¹³ LAC, MG24 A27, Lambton fonds, Vol. 48, Lady Durham, Journal, Reel C-1859.

The *Toronto Colonist* praised Durham for his reply, “so distinctly and audibly” delivered that “it was heard by the vast multitude assembled in the court in front of the parliament.” The paper also noted that he “was repeatedly cheered during its delivery.”¹¹⁴ After his official reply, Durham relaxed ceremonial convention as Bruce Curtis suggests he did “frequently,” and “spontaneously” delivered a “neat and animated extemporaneous speech” in which he thanked both the mayor and the inhabitants of Toronto for the very flattering reception.¹¹⁵ “The manner in which you have received me this day has afforded me the highest gratification,” he declared from the steps of the Upper Canadian parliament, “and I assure you that it will ever be remembered by me as one of the most pleasing periods of my life.”¹¹⁶ Durham’s sentiments were personal and political and they indicate his ability to turn, as Stuart Reid argues, “formal occasions of ceremony to political purpose.”¹¹⁷ As he fused his personal sentiments with political ones Durham revealed the central tenets of his colonial policy and how he hoped to bring political stability to the British North American colonies.

He requested that Torontonians and Upper Canadians alike “join” him in the “great work” that he desired to complete. He explained that this work was the “amelioration of the conditions of all classes of Her Majesty’s subjects resident in this Province.” Just as he had done nearly two months earlier when he arrived in Quebec City, Durham declared that he came before them “not as an advocate of a party, but as a friend,

¹¹⁴ *Toronto Colonist*, 19 July 1838.

¹¹⁵ *Toronto Colonist*, 19 July 1838; Curtis, “Most Splendid Pageant,” *CHR*, 69.

¹¹⁶ Durham’s Reply reprinted in, *The Toronto Patriot*, 20 July 1838; *Quebec Mercury*, 26 July 1838. Durham also enclosed the Toronto address and reply in a despatch to Lord Glenelg see, *Correspondence*, 142.

¹¹⁷ Reid, *Life and Letters*, 22.

anxious to lay the foundation of such a system that will lead to happiness and prosperity for you all.” He urged those in attendance, and those across the province, to “put aside all political differences, and to join him in the attainment of this, the greatest object of [his] life.” Then, to what the *Toronto Patriot* called the “admiring throng,” Durham explained:

I come here as High Commissioner, appointed by my Sovereign to look into and examine the political and general condition of these provinces, which are among the brightest ornaments in the British Crown. To lay down such a system as will strengthen the union with the mother country, and tend to the lasting and mutual happiness of both; and believe me, I am determined nothing shall be left undone on my part, to consolidate on a firm foundation this desirable and happy consummation.¹¹⁸

Durham not only fused the personal and the political in his reply. He also revealed that he desired to preserve the tie between those in London and Toronto, but upon conditions that would be satisfactory to both. Durham’s reply from the steps of parliament, however, did not mark the end of this “most splendid pageant.”¹¹⁹

The third and final aspect of Durham’s arrival was his removal to Government House. Following Durham’s speech, which Lady Durham noted in her journal was happily cheered, they “drove round the town still in cortege, & at last arrived at the Gov[ernmen]t House where [they] were to be lodged for the night.”¹²⁰ Neither remarked about this accommodation that had caused Arthur anxiety weeks earlier. For Lord and Lady Durham Government House was their final stop; however, for those who had successfully escorted Durham from the Queen’s Wharf to the parliament buildings and from parliament to Government House, there was one final destination: St. Lawrence

¹¹⁸ *Toronto Patriot*, 20 July 1838.

¹¹⁹ *Toronto Patriot*, 20 July 1838.

¹²⁰ LAC, MG24 A27, Lambton fonds, Vol. 48, Lady Durham, Journal, Reel C-1859.

Market. Once the procession had returned to city hall, Mayor Powell, from one of window balconies reread the reply that Durham had delivered minutes earlier. The crowd that had gathered below gave three cheers for the mayor and the corporation. The mayor then “thanked the Societies, Companies, and Inhabitants for having assembled” in such an orderly and respectable manner.¹²¹

What did all this parading mean for Toronto, for Upper Canadians, and for Durham? The *Toronto Colonist*, the Toronto newspaper that published the most detailed account of any paper, boldly stated that:

Never, we will venture to say, in Upper Canada, was there so gratifying a display of the loyal popular feeling, as that which took place yesterday afternoon – Wednesday, July 18 – by the inhabitants of this city and its neighbourhood, on the occasion of the visit paid to Toronto by His Right Honourable, the Earl of Durham.¹²²

Unlike his visits to Montreal and Niagara where Durham stayed for four and five nights respectively, the governor general spent less than twenty-four hours in Toronto. Not once did the press lament this. For, as the *Patriot* explained, this “brilliant spectacle” of Lord Durham’s visit that Torontonians had organized did more for the British North American colonies than the “reports of successive governors, the addresses of corporate bodies, petitions of the people, and the writers of statistics of the Colonies” had ever done. Durham’s visit to Toronto, the *Patriot* asserted, would surely provide Melbourne’s government with “a correct understanding of the importance of the North American Colonies to the vital existence of the British Empire.”¹²³ “From this auspicious event,”

¹²¹ *Toronto Colonist*, 19 July 1838.

¹²² *Toronto Colonist*, 19 July 1838.

¹²³ *Toronto Patriot*, 20 July 1838.

the paper continued, “may Upper Canada date the incipency of her moral and political consequence – from this date henceforth she will be recognized by Great Britain as the western rampart of her extended empire.”¹²⁴

As a newly incorporated “city” struggling with Kingston to retain its status as the capital of Upper Canada, it was fitting and necessary that Toronto demonstrate to Durham both its loyalty and its progress. For Upper Canada, Durham’s visit to Toronto provided colonial administrators with the opportunity to situate the colony within the empire and declare its support for both the empire and Durham’s administration. Moreover, the welcome that Durham received confirmed for the governor general that his acts and policies were not only justified, but also supported by politically engaged settlers in the city and colony. Torontonians and Upper Canadians had demonstrated through this imperial spectacle that they were willing to place their confidence and conditional loyalty in Durham’s administration. Although politically engaged settlers had “great confidence” in Durham, as the final line of J. Smyth’s poem composed five days after Durham’s visit claimed, these declarations did not appear to affect Durham as much as the cheering crowds in Montreal.¹²⁵ For, on 19 July 1838, as Durham left Toronto, he informed Lord Glenelg that Toronto had afforded him “as warm and enthusiastic [a reception] as at any other part of the provinces.”¹²⁶

¹²⁴ *Toronto Patriot*, 20 July 1838.

¹²⁵ LAC, MG24 A27 Lambton fonds, Vol. 26, “A Poem of Welcome” 23 July 1838, Reel C-1856, 897–904.

¹²⁶ LAC, MG24 A27, Lambton fonds, Vol. 12, Durham to Glenelg, 19 July 1838, Reel C-1856, 179–82; *Correspondence*, 142.

“Addressmania”: Addressing Durham and Replying to Settlers

At almost every stop on his inspection of the Canadas, Durham had the “pleasure” of receiving addresses from deputations of politically active, respectable, male settlers. Ian Radforth has argued that by 1860 the presentation of addresses had become “a form of state ceremonial familiar” to those in British settler societies.¹²⁷ Historians of the immediate post-rebellion period, however, have not analyzed the content of the more than twenty addresses presented to Durham by Canadian colonists in July 1838. These addresses shared much with petitions delivered at the Durham Meetings that took place across Upper Canada in 1839 to express settler support for Durham’s report.¹²⁸ That these addresses and replies, like petitions, were rather formulaic perhaps explains why historians have been hesitant to pay attention to them. However, those who affixed their signatures to such documents, argues Peter Goheen, were provided with a “simple and convenient instrument for directing political attention to issues considered by the signatories to be of public interest.”¹²⁹ As the *Gazette* observed upon the completion of Durham’s tour, after a month of continuously reprinting addresses to Durham and his replies to settlers, colonial society appeared to suffer from a severe case of “addressmania.”¹³⁰

¹²⁷ Radforth, *Royal Spectacle*, 70.

¹²⁸ Carol Wilton, *Popular Politics and Political Culture in Upper Canada, 1800–1850*, (Montreal–Kingston: 2001).

¹²⁹ Peter Goheen, “Negotiating Access to Public Space in Mid-Nineteenth Century Toronto,” *Journal of Historical Geography*, 21:4 (1994), 434.

¹³⁰ *Montreal Gazette*, 30 July 1838.

Addresses to Durham, like those presented to governors across the British empire, followed an established pattern.¹³¹ Every address began by congratulating Durham on his safe arrival in their community. This greeting was followed by the community's declaration of loyalty to Durham and praise for Her Majesty, Queen Victoria, for having appointed a statesman of such noble rank and independent character. There were of course community variations to this structure. The presentations of addresses, whether on the wharf in Montreal or on the steps of the Upper Canadian parliament in Toronto, were events numerous and cheerfully attended. By presenting an address to Durham, politically engaged settlers in the Canadas were able to publicly address local grievances and declare their confidence in his administration.¹³² These sentiments, these declarations of confidence and loyalty, often fused the personal with the political and conceived of local grievances as problems not external to, but part of, the British empire.

The repeated publication of addresses (and Durham's replies) in colonial newspapers often took place at the expense of other articles, editorials in particular. This suggests that if addressing Durham was not a matter of colonial public interest, editors thought it ought to have been. Moreover, that these addresses were translated from English into French by the editors of *Le Canadien* and *Le Populaire*, and from French into English by the anglophone newspapers of Upper and Lower Canada, further indicates that they were considered particularly important for all citizens and especially so in the immediate post-rebellion period. "This method of interchanging civilities

¹³¹ A similar system was used in 1860 see, Radforth, *Royal Spectacle*, 69-72. See also, Francis, *Governors and Settlers*; and Cannadine, *Ornamentalism*.

¹³² Goheen, "Negotiating Access," 434-37.

between the people in any part of the Province and the representative of our revered Sovereign, is always productive of benefit to all concerned,” explained the *Bytown Gazette*. “By means of such addresses, the inhabitants of the different sections of the country have not only an opportunity of laying before a Governor their candid opinions of his measures. It also enables them to submit to him their wants and capabilities for improvement.”¹³³ To address Durham allowed for more than cheering crowds; it allowed politically engaged settlers across the Canadas to articulate the conditions of their loyalty.

As the *Bytown Gazette* astutely observed, the presentation of addresses was an object of serious concern and great importance in 1838. The presentation of an address was one of the last remaining ways that francophone and anglophone British subjects in the Canadas could engage with colonial administrators (the option to petition the imperial parliament remained) following the suspension of the constitution in Lower Canada and the prorogation of the legislature in Upper Canada. Although settlers across BNA had vastly different interests, addresses were understood as an opportunity to convey to Durham the sentiments of their community.¹³⁴ Repeatedly these sentiments fused local and imperial concerns into a seamless whole. The *Kingston Chronicle*, for example, reported two days after Durham had departed their city, the only locale that did not present him with an address, that “our townsmen ought to be up and doing on this subject.” Although the editor of the *Chronicle* confessed that he did not know “whether the Address to Lord Durham will contain a suggestion that Kingston should be the seat of

¹³³ *Bytown Gazette*, 5 September 1838.

¹³⁴ Goheen, “Negotiating Access,” 434–37; Radforth, *Imperial Spectacle*; Francis, *Governors and Settlers*.

Government of our Province, or not,” he thought “most assuredly [that] the matter should be brought under His Excellency’s consideration.”¹³⁵

Although time consuming, the process of addressing Durham was relatively straightforward. First, a public meeting was held so that politically engaged settlers in a community could debate and decide the content of an address that reflected and promoted the collective interests of their community. These meetings had to be announced in advance, and this was often done in the pages of the colonial press or by posting handbills throughout a community. After the public meeting, they needed Durham to agree to receive the address. A copy was forwarded to the governor general in advance of his arrival so that he could prepare a reply. The press often identified those individuals who attended these meetings by name, and they were generally represented as the most “respectable” in the community. Some locales like Toronto, Montreal, and Bytown formed smaller committees who were responsible for drafting their addresses. Once the committee had drafted their address, they reported to the public meeting, the sentiments expressed in Victoria’s wise decision to appoint him. Addresses to Durham repeatedly emphasized three things. First, addresses proclaimed support for and cooperation with the acts of Durham’s administration. They often reiterated Durham’s previously expressed concern for “all classes” of Her Majesty’s subjects in the Canadas. Second, they acknowledged their reaction to, or their role in, the 1837 rebellion that had led to Durham’s presence in BNA. Finally, they expressed their belief that the future of the British empire in BNA rested on the success of Durham’s mission.

¹³⁵ *Kingston Chronicle*, 14 July 1838.

Most addresses proclaimed, as did the residents of the Seignury of Chateauguay, that it was their “anxious desire to co-operate” with Durham in “the great objects” of his mission.¹³⁶ These declarations of cooperation, like the declarations of loyalty offered to Durham when he dissolved the Executive and Special Councils and after the passage of the Bermuda Ordinance, were conditional on Durham continuing to act in what was judged to be a fair and impartial manner on behalf of peace and prosperity in the colonies. The men of the Prescott deputation assured Durham that they had the “fullest confidence in the justice and impartiality” of his administration.¹³⁷ Farther upriver, the residents of Cornwall expressed similar sentiments. Their address stated that they “feel assured” that Durham would administer “impartial justice to all classes of Her Majesty’s subjects.”¹³⁸ Even the address of the Montreal Tories expressed such cooperative sentiments: “We cherish no other ambition than that of promoting the welfare of all classes of Her Majesty’s subjects in these Provinces, and perpetuating the integrity of the Empire,” proclaimed Peter McGill. “We beg to assure you,” he continued, “that we will heartily cooperate in the arduous, but not impracticable task, of establishing peace and harmony in this Province, by means of a consistent and impartial Administration of the Government.”¹³⁹ When Durham arrived at Beauharnois on 21 July, he received congratulatory addresses in English and French wherein francophone and anglophone

¹³⁶ *Montreal Herald*, 31 July 1838.

¹³⁷ *Montreal Gazette*, 17 July 1838, reprinted in, *Quebec Mercury*, 19 July 1838.

¹³⁸ *Cornwall Observer*, 12 July 1838, reprinted in, *Montreal Gazette*, 14 July 1838; *Kingston Chronicle and Gazette*, 18 July 1838.

¹³⁹ *Montreal Courier*, reprinted in, *Kingston Chronicle and Gazette*, 11 July 1838. LAC, Colonial Office fonds, BNA, Governor Earl of Durham, MG11 CO42Q, Reel C-12589, Montreal Address, 272.

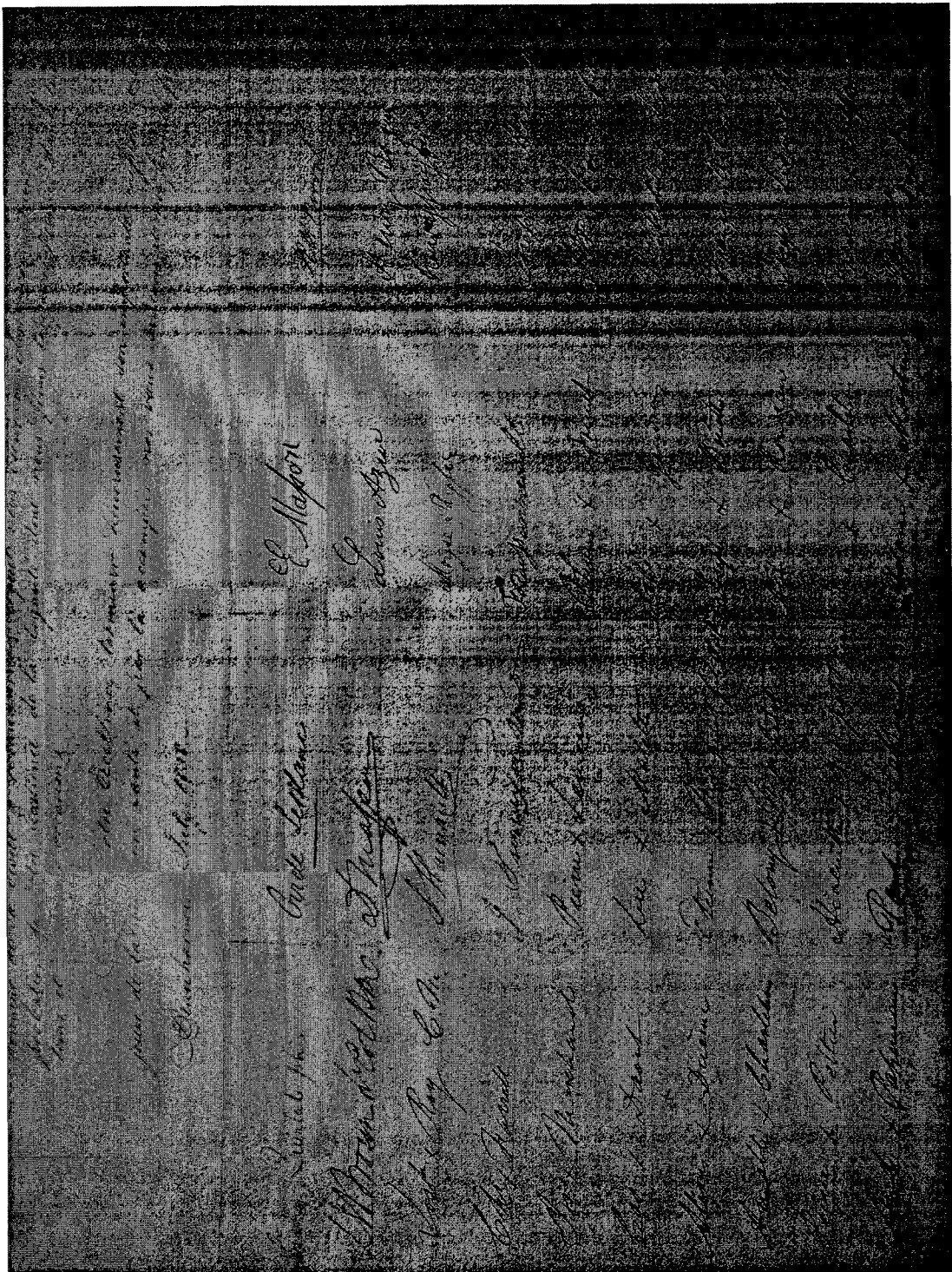


Figure 3.7: Signatures and Xs of French subjects, Beauharnois, July 1838
Source: LAC MG24 A27

subjects of empire assured him of their support and cooperation. On the lawn in front of the Ellice Seignury House, a francophone delegation of “gentlemen,” led by Patriot supporter Marc-Damase Masson whose family business had been destroyed in 1837,¹⁴⁰ declared “notre co-opération la plus [?] dans ses efforts pour le rétablissement de l’ordre, de la paix, et de la prospérité dans notre belle patrie.”¹⁴¹ In addition to declaring their confidence in Durham’s administration by incorporating the rhetoric that Durham had employed on his arrival in Lower Canada, the Canadian colonists were also sure to address the reason for Durham’s presence in BNA – the 1837 rebellion.

Addresses to Durham also clarified a community’s participation in the 1837 rebellion. Involvement in the rebellion, addresses explained, often stemmed from the imperial economy. Such explanations confirm, as Colin Read, Jean-Paul Bernard and other historians have argued, that the colonial economies in both Lower and Upper Canada played significant roles in determining the extent of, and encouraging, political unrest.¹⁴² For example, the address of the inhabitants of Bytown that had been composed but not presented, pointed out that they supplied the empire with nearly “all the Timber exported from the Province” and that their economic interests were “peculiarly bound” to those of the empire. It also highlighted that this “consistent attachment to the Parent Government” was accompanied by “freedom from all revolutionary taint.”¹⁴³ The Cornwall address similarly linked the economic conditions of their region with their role

¹⁴⁰ Andrée Désilets, “Marc-Damase Masson,” *DCB*.

¹⁴¹ *Montreal Herald*, 31 July 1838.

¹⁴² Colin Read, *The Rebellion of 1837 in Upper Canada*, (Ottawa: 1988); Jean-Paul Bernard, *The Rebellions of 1837 and 1838 in Lower Canada*, (Ottawa: 1996); and Greer, *Patriots and the People*.

¹⁴³ *Bytown Gazette*, reprinted in *Quebec Mercury*, 17 July 1838.

in the rebellion. When Durham arrived in Cornwall on 10 July 1838, those who addressed him drew his attention to “the important improvements which [are] now [being made to] the navigation of the River St. Lawrence in this region.” These improvements, the address asserted, demonstrate that Upper Canadians have always been “conspicuous for their loyalty as well as their attachment to the British Constitution.” If Durham remained unconvinced of these sentiments, the address then declared that nothing “could have more fully exemplified both these qualities than their meritorious conduct in the recent unnatural rebellion – when unassisted by a single soldier of the line they saved the Province from treason and anarchy.”¹⁴⁴

Timber and canals were not the only economic issues that the Canadian colonists brought to Durham’s attention. At Coteau-du-Lac, those who addressed Durham insisted on the restraints that the seigneurial system had placed upon Lower Canadians. “The continuance of those feudal burthens” that Lower Canadians had “so long and patiently borne” played a significant role in encouraging rebellion the previous winter. The address explained, in classic British Lower Canadian rhetoric that:

In the late rebellion, many were actuated by a desire to emancipate their suffering countrymen from exactions and oppression unknown in any other part of the free and glorious empire of Great Britain. That we have so long and patiently borne these exactions may excite your surprise, but as a statesman, your Lordship cannot fail to perceive the impossibility of becoming an educated and enterprising people, so long as such exactions and restraints exist. We believe that feudal thralldom is incompatible with British institutions, commercial enterprise or agricultural improvement, and that capital, industry, and energy of character must ever be aliens when that tenure prevails.¹⁴⁵

¹⁴⁴ *Cornwall Observer*, 12 July 1838.

¹⁴⁵ *Montreal Herald*, 21 July 1838.

At Beauharnois on 21 July 1838, one of the anglophone deputations that addressed Durham thanked him for the “high honour conferred on the inhabitants of this country by [his] visit to Beauharnois.” They further explained that they considered his presence as a “compliment paid to the loyalty and good conduct of the inhabitants during the late unfortunate troubles” and concluded their address, like many others across the Canadas, by promising the “cooperation of every good man in this Province, in bringing [Durham’s] good work of pacification to a favourable close.”¹⁴⁶

The third sentiment, and the one that often concluded addresses to Durham, was the belief that the future of the British empire in northern North America depended on the success of Durham’s “arduous” mission. When Kingstonians finally addressed Durham, they did not address the issue of changing the capital of Upper Canada. Rather the deputation sought to convince Durham that they had confidence in his administration. “We cherish hopes that the course of your Excellency’s Administration will be such as to restore peace and tranquillity to these Provinces, and that the integrity of the Empire will be preserved,” cheered the Kingston address.

We venture to assure your Excellency that nothing shall be wanting on our part to aid you in the arduous duty to which it has pleased Her Majesty to call you. We beg to express to your Excellency our confidence in your desire and manifest anxiety to promote our welfare, and the determination already declared by your Excellency to discountenance any course of policy calculated to weaken the ties, which attach these Colonies to the British Empire.¹⁴⁷

¹⁴⁶ *Montreal Herald*, 31 July 1838.

¹⁴⁷ *Kingston Chronicle and Gazette*, 21 July 1838, reprinted in, *Montreal Gazette*, 26 July 1838.

Following such a declaration Durham would have no desire to question the confidence or loyalty of Kingstonians. On 10 July, the deputation from Coteau-du-Lac confessed to Durham that, “as faithful and loyal subjects of her Majesty,” they were “anxious for the success of your Lordship’s administration.”¹⁴⁸ In Montreal, as Durham was making his return trip to Quebec, he received an address from the Natural and Historical Society of Montreal that expressed the society’s hope that his “mission may be crowned with entire success and result in the restoration of the country to a state of tranquillity, prosperity, and happiness.”¹⁴⁹ Employing the rhetoric that Durham first used on his arrival in the colony, an address from Beauharnois located their conditional loyalty in “The declaration, on your Excellency’s assuming the Government, of the principle on which it should be conducted, [which] had filled us with the brightest hopes – at the same time that we feel every confidence in your Excellency’s ability.”¹⁵⁰ To address Durham was not just an opportunity for settler society to explain local grievances or their role in the rebellion, nor was it only an opportunity to declare their confidence in his administration; by addressing Durham, settlers also guaranteed that their community would be honoured with a reply from the governor general himself.

The colonial press reprinted Durham’s replies, just as it did the addresses of settler society. These replies seem to have been the most anticipated part of a visit with the governor general. Addresses were often published at the expense of editorials, but Durham’s replies took priority over all other news. The *Gazette*, for example, noted on 30

¹⁴⁸ *Montreal Herald*, 21 July 1838.

¹⁴⁹ *Montreal Herald*, 31 July 1838.

¹⁵⁰ *Montreal Herald*, 31 July 1838.

July 1838 as it reported the arrival of the governor general at Niagara that “it [was] not necessary to give the two addresses,” one presented by Robert Dickson, and signed by one hundred and fifty persons; the second presented by Captain Eccles, containing five hundred and fifty signatures. Instead, the *Gazette* considered it necessary only to reproduce Durham’s reply, which it did in its entirety.¹⁵¹ The *Gazette* was undoubtedly not the only newspaper in the Canadas to reprint replies rather than addresses. Sometimes newspapers summarized the addresses presented to Durham and then published his replies in full. Perhaps because Durham’s replies contained sentiments that were unfamiliar, and as such were not a part of the “colonial common sense” of the politically engaged settlers in the Canadas, it was customary for newspapers to publish these unfamiliar sentiments over the more familiar ones contained in settlers’ addresses.¹⁵²

The replies that Durham delivered while he toured and inspected the Canadas shared much with the addresses presented to him by the colonial population. His replies also fused personal sentiment, colonial concerns, and imperial responsibilities and although formulaic, they indicate, as Mark Francis has argued, that the task of governing was an intensely personal one.¹⁵³ Each of Durham’s replies began, not by addressing the specific content of an address, but with his expression of heartfelt thanks and gratitude. This could be perceived as political posturing, yet Durham’s declarations of his personal

¹⁵¹ *Montreal Gazette*, 30 July 1838. The Niagara Addresses can be found at, LAC, MG11 CO42Q, Colonial Office fonds, BNA, Governor Earl of Durham, Address No. 26, Reel C-12589; and LAC, MG11 CO42Q, Colonial Office fonds, BNA, Governor Earl of Durham, Address No. 3, Reel C-12589.

¹⁵² Stoler, *Along the Archival Grain*. For example, when reporting Durham’s arrival in Prescott the *Gazette* published only the governor general’s reply, see *Montreal Gazette*, 17 July 1838, reprinted in, *Quebec Mercury*, 19 July 1838.

¹⁵³ Francis, *Governors and Settlers*, chs. 3 and 5.

sentiments were not mere political gestures, or trite offers of friendship, but public proclamations of his most intimate reactions to governing. In his private despatches to Lord Glenelg, Durham reported that he, as Governor General and High Commissioner, the man who occupied what David Cannadine has identified as “the apex of colonial social hierarchy” in BNA, had been “honoured” by the sentiments of those who had addressed him.¹⁵⁴ Even those closest to Durham, who expressed particular concern for his health and the effects that his tour was taking on his body, recorded in their private papers the “good effects” that the addresses had had upon the sensibilities of the governor general.¹⁵⁵

Durham’s replies expanded on the three threads common to the addresses but also included three additional sentiments: that prosperity depended on moving past the rebellion; that his task required the cooperation of *all* of Her Majesty’s subjects; and that the imperial connection between the Canadas and Great Britain ought to be preserved. As such, Durham’s responses detailed the intricate details of the policy of his independent-acting administration. Although Bruce Curtis has recently characterized Durham’s administration as one of condescension, Durham’s language in his replies repeatedly emphasized duty and responsibility, unity and harmony, peace and prosperity, but above all, equality between all classes and “races” in the Canadas.¹⁵⁶ Durham adopted, like

¹⁵⁴ Cannadine, *Ornamentalism*, 32. LAC, MG24 A27, Lambton fonds, Vol. 12, Durham to Glenelg, 6 July 1838, Reel C-1850, 159-63; 12 July 1838, Reel C-1850, 164-68; 16 July 1838, Reel C-1850, 169-78; 19 July 1838, Reel C-1850, 179-82; 20 July 1838, Reel C-1850, 183-86; 24 July 1838, Reel C-1850, 187-92.

¹⁵⁵ LAC, MG24 A27, Lambton fonds, Vol. 48, Lady Durham, Journal, Reel C-1859; LAC, MG24 A26, Buller fonds, Vol. 1, “Sketch of Lord Durham’s Mission.”

¹⁵⁶ Curtis, “Most Splendid Pageant,” *CHR*, 55-88.

other governors across the British empire, what Mark Francis has described as an essentially private language to do service in the public domain.¹⁵⁷ Although Durham employed such rhetoric in his replies, he also spoke a language that emphasized the values of friendship,

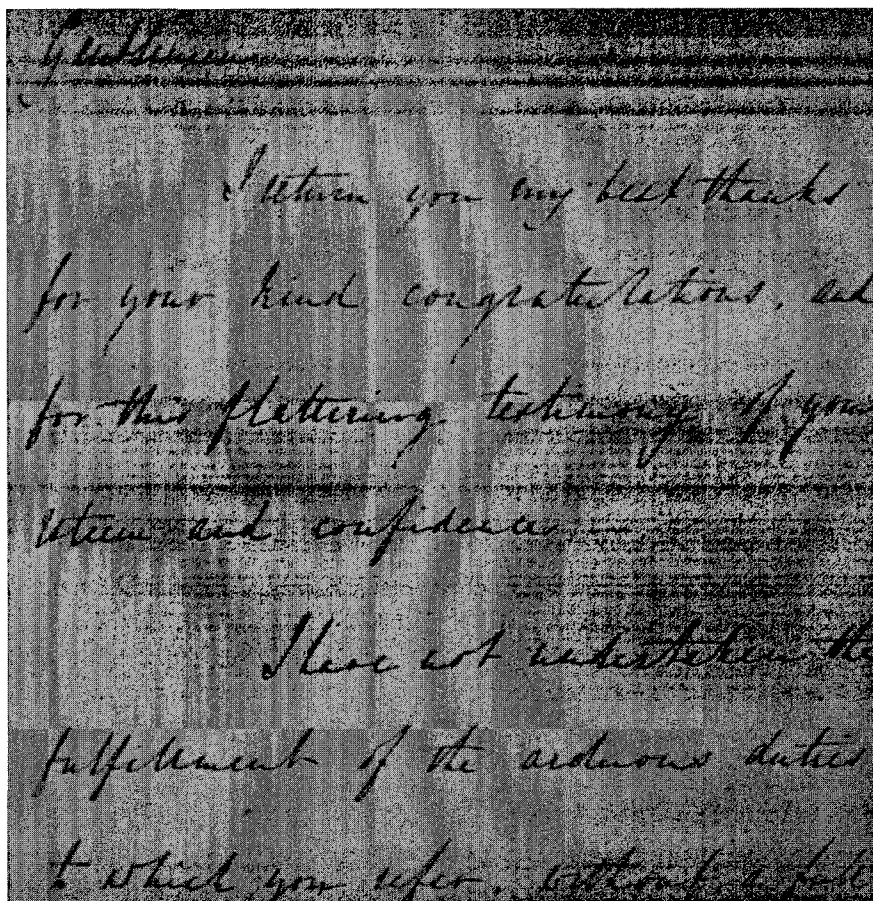


Figure 3.8: Draft reply in Durham's hand
Source: LAC, MG24 A27

cooperation, and union; sentiments that he repeatedly argued were the foundation of success, tranquillity, and prosperity. As he toured the Canadas, Durham learned that British North Americans had many interests: those of party, of “race”, and of class, and

¹⁵⁷ Francis, *Governors and Settlers*, 7.

that each of these had undermined friendships, limited cooperation, and hindered the union of interests. If Durham's replies were any indication, his Canada would be different.

The first lines of every reply Durham delivered began with his expressions of thanks and friendship. Whether in Toronto, Montreal, or Beauharnois, Durham graciously thanked the settlers for their welcome as politely as he had acknowledged the ladies waving their handkerchiefs at him along the canal in Cornwall. Durham's attention to comportment and decorum was central to his effort to reestablish order in this immediate post-rebellion period, for, as he repeatedly stated in his replies, an ordered society was a prosperous one. The first step to achieving this goal of "future prosperity," Durham told the crowd that had gathered to welcome him to Cornwall on 10 July, was to forget the past that had led to rebellion. Although he complimented the people of Cornwall for their "noble resistance" and the "promptitude" with which they had come forward to suppress the late rebellion, Durham expressed his regret that they "ever had this opportunity of showing their zeal."¹⁵⁸ In his reply to the Brockville deputation, delivered in Kingston on the night of 20 July 1838, Durham promised that subjects would "no longer be called upon, to make further sacrifices to protect the country, as the Government would, for the future, take that duty upon itself."¹⁵⁹ He explained that in the past, governments had shirked their duty and had embarrassingly left British subjects to defend their lives and property themselves. "Les yeux d'un Gouvernement fort sont fixés sur eux," explained

¹⁵⁸ Cornwall Reply, *Cornwall Observer*, 10 July 1838, reprinted in, *Montreal Gazette*, 14 July 1838.

¹⁵⁹ Brockville Reply, *Montreal Gazette*, 30 July 1838.

Durham to the francophone delegation at Beauharnois as he neared the end of his tour, “il ne leur sera pas permis d’interrompre le cours de cette tranquillité renaissante, qui seule pourra me faciliter les moyens d’avancer les mesures qui pourront donner une prospérité permanente à cette Province.”¹⁶⁰ Three weeks earlier, his message had been much the same: “Extend the veil of oblivion over the past – direct to the future your energies,” he proposed to the crowd of cheering spectators who had gathered to witness his Montreal landing, “and the consequences cannot be doubtful.”¹⁶¹

Prosperity was Durham’s plan for the future, and this depended on two things: forgetting the past and cooperating in the present. In his replies, Durham repeatedly argued that unity and cooperation would lead to prosperity and, by extension, commercial, agricultural, and manufacturing successes. He consistently reiterated that it was his “humble hope that, with your co-operation, I may be enabled to restore peace and prosperity to the Canadas.”¹⁶² In Toronto, Durham argued that he was “firmly convinced, that if I obtain your co-operation, and that of the other intelligent and influential communities which compose the North American Colonies,” the future of these colonies will be a prosperous one. At Beauharnois, where township plots buttressed seigneurial lands and caused much conflict, Durham received five different addresses. He urged the deputations of anglophones to abandon “party feuds and personal animosities” and explained that only “general co-operation” could lead to the “attainment and permanent

¹⁶⁰ Beauharnois Reply, *Montreal Gazette*, 30 July 1838.

¹⁶¹ LAC, MG11 CO42, Colonial Office fonds, BNA, Governor Earl of Durham, Montreal reply, Reel C-12589, 273.

¹⁶² LAC, MG11 CO42, Colonial Office fonds, BNA, Governor Earl of Durham, Montreal reply, Reel C-12589, 273.

establishment of the general welfare.”¹⁶³ To the francophone deputation in Beauharnois, Durham replied “with great ease and fluency” in French that “Je me repose avec confiance sur la co-opération zélée, dont vous me faites la promesse, comme le meilleur moyen de rendre la tranquillité à ce pays déchiré.”¹⁶⁴ In addition to moving past old grievances and the need for cooperation, Durham frequently spoke about the need to foster imperial sentiment by reforming commerce and agriculture. Together this would, he assured the colonists, ensure that BNA would remain a prosperous, integral part of the British empire.

As Durham made his way through the Canadas, he revealed additional aspects of his colonial policy, all of which hinged upon his idea of prosperity. Until this point in his administration, Durham had made only one previous declaration of his policy, and this was on the day when the Special Council issued the Bermuda Ordinance. That day, the Special Council also issued a statement, reprinted in the colonial press, that Durham planned to pass ordinances relative to a jury law, a bankruptcy law, the judicial establishment, municipal institutions, general education, the establishment of registry offices, and the equitable commutation of feudal tenure.¹⁶⁵ Durham wove threads of these proposed reforms into his replies, as many topics had already become objects of separate investigations by the time Durham began his tour. Between 18 June and 25 August, he

¹⁶³ Beauharnois Reply, *Montreal Gazette*, 30 July 1838.

¹⁶⁴ Beauharnois Reply, *Montreal Gazette*, 30 July 1838.

¹⁶⁵ *Quebec Mercury*, 30 June 1838.

had initiated six smaller commissions to investigate these matters; their findings eventually made their way into Durham's final report.¹⁶⁶

Two factors influenced the content of Durham's replies while he toured the Canadas. First, Durham took into consideration his local audience: where he was affected the content of his message. Second, Durham rarely repeated himself. He seemed particularly aware that the colonial newspapers were publishing all his replies, and it was by this well-established method that Durham's policy made its way throughout the Canadas. The only exception to this trend appears to be what the press referred to as his "spontaneous" replies, which Durham occasionally delivered when he felt either particularly moved, as he did in Toronto, or, as in the case of Prescott, when he had insufficient time to compose a written reply. In these spontaneous replies, Durham wove together various components of his prosperity policy and showed little regard for the locale or what plank of his policy he had announced on the previous stop.

A central plank in Durham's prosperity platform focused on the economy. In Brockville, he argued that it was his desire not only to "restore peace, loyalty, and unanimity to these interesting and beautiful Colonies," but also to encourage their

¹⁶⁶ On 18 June 1838, Charles Buller, R.D. Hanson, and C.F. Head were appointed to the Commission of Inquiry on Crown Lands and Emigration; on 14 July 1838, Arthur Buller and C. Dunkin were appointed to the Commission of Inquiry on Education; on 25 August 1838, Charles Buller, William Kennedy, and Adam Thom were appointed to the Commission of Inquiry on Municipal Institutions. In other capacities and connected to Durham's inquiries, Thomas Turton was drafting a registry bill, Charles Buller a bill for the commutation of feudal tenure on the Island of Montreal, and Turton and Arthur Buller were examining the entire legal system of the British North American colonies. As with the Executive and Special Councils, Durham continued to work within an intimate circle of men, many of whom had multiple responsibilities. New, *Lord Durham*, 386–7. The reports of these commissions, their findings, and the testimonies that were gathered form the basis of the appendices in the *Report on the Affairs of British North America*.

“facilities for agriculture, mercantile, and commercial pursuits,” which were “unequaled to any part of the world, in which he had ever been.”¹⁶⁷ In Toronto and Montreal, the largest two commercial centres in the Canadas, Durham declared that he would encourage the cultivation of the seeds of agricultural and commercial prosperity, “which have been too long suffered to lie dormant,” to yield an “incalculable advantage.”¹⁶⁸ When Durham arrived in Kingston on 20 July 1838, he delivered the most elaborate economic statement of his entire tour. He explained that his objectives for visiting Upper Canada were twofold: he endeavoured first to “take such steps as would prevent a reoccurrence of those outrages to which they had lately been subject,” and second, “to observe what improvements were calculated to promote the prosperity of the Colony.”¹⁶⁹

[T]he prosperity of the Province was so intimately connected with the encouragement of agriculture and commerce, and the improvement of the inland communication, that after a personal inspection of the Welland Canal, and the evident necessity of a free and uninterrupted communication with the ocean, he had already strongly recommended a loan from the Home Government to complete that work, the Rideau Canal, and other works. [This would] induce men of capital to settle in this fine Province, and divert a great portion of the trade to the West, that was enriching a neighbouring country, which did not possess advantages equal to Upper Canada.¹⁷⁰

The prosperity of BNA that Durham described in his replies was intimately connected to older mercantile staple economies like agriculture and timber, as well as new, emerging ideas about emigration and technology.

¹⁶⁷ Brockville Reply, *Montreal Gazette*, 30 July 1838.

¹⁶⁸ LAC, MG11 CO42, Colonial Office fonds, BNA, Governor Earl of Durham, Toronto Reply, Reel C-12589, 293.

¹⁶⁹ Kingston Reply, *Kingston Chronicle and Gazette*, 21 July 1838, reprinted in, *Montreal Gazette*, 26 July 1838.

¹⁷⁰ Kingston Reply, *Kingston Chronicle and Gazette*, 21 July 1838, reprinted in, *Montreal Gazette*, 26 July 1838.

If emigration, the promotion of agriculture and commerce, the construction of canals, and the retention of a mercantile economy did not establish “an inseparable dependence of these Colonies upon the Parent State” and foster a feeling of cooperation between the British North American colonies as Durham explained in Kingston, then the governor general hoped his proposed plan for the future government of BNA would.¹⁷¹ He first announced his plan for a federal union of BNA on 10 July 1838 while replying to an address at Cornwall, near the border of Upper and Lower Canada.¹⁷² As with the other revelations of his policy that came through his replies, this one sparked intense reaction in the press. The *Toronto Patriot*, the *Kingston Chronicle and Gazette*, and *Le Canadien* each reported that Durham had proposed to strengthen the communication between all the British North American colonies through a federal union. *Le Canadien* noted that “l’adoption de ce plan jetterait les fondements d’un nouvel empire sur cet continent, et fixerait l’incertitude où sont ces colonies sur leurs avenir. La perspective que cette mesure leur courrait serait assez flatteuse pour les empêcher de la laisser entraîner à d’autres espérances moins en harmonie avec les intérêts de l’Empire.”¹⁷³ The *Gazette*, an active supporter of plans to unite the two Canadas into a single legislature and assimilate the francophone population of Lower Canada, was the only paper to question the validity of Durham’s proposal.¹⁷⁴ Although Durham never addressed this subject directly in any of his following replies, he frequently reiterated his belief, upon which this plan was

¹⁷¹ *Kingston Chronicle and Gazette*, 21 July 1838, reprinted in, *Montreal Gazette*, 26 July 1838.

¹⁷² Cornwall Reply, *Montreal Gazette*, 14 July 1838.

¹⁷³ *Le Canadien*, 16 juillet 1838.

¹⁷⁴ *Montreal Gazette*, 12 July 1838.

based, that the connexion between metropole and colony ought to be renegotiated but not severed. In Toronto, he explained that the colonies of BNA were “some of the most precious ornaments of the Crown of Great Britain” and that “their eternal connection with that Crown should be the object of every British Statesman, who values the safety and prosperity of the Empire.”¹⁷⁵ In Kingston the following day, he reiterated this argument and announced that he desired no separation between the British North American colonies and the mother country, not within a century or a thousand years. Durham’s stance was not only remarkably different from Prime Minister Melbourne’s unresponsive attitude toward colonial questions and his indifference as to the retention of colonies, but also hinted at the loss of the American colonies in 1783.¹⁷⁶ “For every Englishman, especially every statesman,” he explained, “ought to know that the greatness of the British Empire depended upon her vast Colonies. And no Englishman, attached in heart to that Empire, should view with indifference that prospect, however distant, of the separation of any, even the smallest portion of those Colonies.”¹⁷⁷

Conclusion

According to the *Kingston Chronicle*, Durham’s tour of inspection had assured the governor general of “the transcendent importance of the North American Provinces.”¹⁷⁸

Durham appears to have agreed with the *Chronicle’s* assessment. From Montreal on 24

¹⁷⁵ LAC, MG11 CO42, Colonial Office fonds, BNA, Governor Earl of Durham, Toronto Reply, Reel C-12589, 293.

¹⁷⁶ Mitchell, *Lord Melbourne*, 197.

¹⁷⁷ Kingston Reply, *Kingston Chronicle and Gazette*, 21 July 1838; *Montreal Gazette*, 26 July 1838.

¹⁷⁸ *Kingston Chronicle and Gazette*, 28 July 1838.

July 1838, he penned his final despatch to Lord Glenelg concerning his inspection of the Canadas. “Everywhere, in the most insignificant village as in the most populous town, I have been received with the utmost enthusiasm. [In] fact, in no part of England have I ever been more warmly greeted, or received more unequivocal marks of respect from all ranks and classes,” he wrote, proudly detailing for Glenelg the support of the Canadian colonists. “I announce this fact to your Lordship with much satisfaction,” he continued, “as it is an unerring mark of the feeling with which the measures, which I have adopted for the public good, have been regarded by the great majority of the inhabitants of the two provinces.”¹⁷⁹ In every despatch he posted to his metropolitan colleagues that detailed his tour, Durham included copies of both settler addresses and his replies. These, he hoped would, assure those in the heart of the empire that he had secured the confidence and loyalty of Her Majesty’s Canadian subjects.

Yet touring the Canadas for twenty-three days took a toll on Durham’s already poor health. Illness had delayed his landing in Toronto and caused him to cancel his inspection of the entire Eastern Townships in southeastern Lower Canada.¹⁸⁰ For those politically engaged British subjects in BNA, men and women, white and aboriginal, francophone and anglophone who did greet Durham in their communities, his tour appears to have been a significant event. As addresses to Durham proclaimed their confidence and loyalty, his replies reiterated that his policy for these “loyal” subjects of empire included political stability, economic prosperity, and cultural cooperation. The act

¹⁷⁹ LAC, MG24 A27, Lambton fonds, Vol. 12, Durham to Glenelg, 24 July 1838, Reel C-1850, 187–92.

¹⁸⁰ LAC, MG24 A27, Lambton fonds, Vol. 26, Couper to Ellice, 20 July 1838, Reel C-1856, 892–5.

of governing, at least for Durham, was an intensely personal and intimate one. Upon his return to Quebec, he commenced work on the proposed federal union of all the British North American colonies that he had announced in Cornwall. However, the day after Durham returned from his tour, accounts of Queen Victoria's metropolitan coronation reached Quebec and with it, news of the most recent debates in the imperial parliament. These debates, examined in chapters four and five, indicate that it was not the confidence, cooperation, or the conditional loyalty of settler society in BNA that Durham should have been cultivating, but that of his meddling metropolitan colleagues.

CHAPTER 4

The “Present Parliamentary Phalanx of Colonial Assailants”: Surprises, Regrets, and Metropolitan Meddling in Canadian Affairs

“It would appear, by the Debate in the House of Lords on the 3rd instant, which I have this morning received,” wrote Durham sharply from Quebec on 30 July 1838, just days after returning from his inspection of the Canadas, “that Lords Brougham and Ellenborough have the intention of governing the North American colonies from their places in Parliament.” “If this is to be the case,” Durham wrote to Colonial Secretary Glenelg, and “the Executive powers of the Governor are to be transferred to the Imperial Parliament, the sooner I am made acquainted with the determination entered into, the better – I may resign into their hands the powers with which H[er] M[ajesty] has invested in me. It is to be hoped, however, that these Noble Lords will prove eventually to be less ignorant than their recent observations would lead a common observer to suppose.”¹ This original introduction to Despatch No. 31, now preserved in the Durham fonds, was not reproduced in the published *Correspondence Relative to the Affairs of British North America*, which, the British House of Commons ordered to be printed on 11 February 1839.² There is no explanation as to why these portions of Durham’s despatch, and one additional paragraph, were omitted from this official state record. The rest of the despatch details the work of the Lower Canadian Court of Appeals for the month of July, as well as Durham’s reaction to what he called the “misapprehension in Parliament” upon the

¹ LAC, MG24 A27, Lambton fonds, Vol. 12, Durham to Glenelg, 30 July 1838, Reel C–1850, 204–5.

² *Correspondence Relative to the Affairs of British North America*, Durham to Glenelg, 30 July 1838, 148–9.

subject of his Executive and Special Councils. Durham promised to address both these subjects further in a future despatch.³ With this promise, the “extract” published in *Correspondence* concluded. Durham, however, had broached one final topic in his original folio version of the correspondence to Glenelg. “To enable Y[our] L[ordship] to judge, in some degree of the state of public feeling here upon the subject of the late Debate in the House of Lords,” wrote Durham, “I forward with this Despatch a Copy of the *Quebec Mercury Extraordinary* published today, a paper wholly independent of this Government.”⁴

Durham’s despatch, in its original form, linked Lower Canadian and metropolitan politics and intimated that personal, British, and imperial politics were shaped by past experiences and present circumstances. Furthermore, the published extract indicates the extent that imperial officials would, and did, go to create an image of colonial politics that suited metropolitan political agendas. By including the 30 July 1838 edition of the *Mercury*,⁵ Durham hoped to demonstrate that the interference of metropolitan statesmen in colonial affairs was fraying the imperial tie and undermining his efforts to improve the system of colonial governance. This metropolitan meddling, as it was understood in BNA, fundamentally affected the conditions of loyalty that Durham had worked to establish in the Canadas since his arrival on 29 May 1838.

This chapter focuses on the political debate in the House of Lords to which

³ LAC, MG24 A27, Lambton fonds, Vol. 12, Durham to Glenelg, 30 July 1838, Reel C-1850, 207; *Correspondence*, 149.

⁴ LAC, MG24 A27, Lambton fonds, Vol. 12, Durham to Glenelg, 30 July 1838, Reel C-1850, 207.

⁵ *Quebec Mercury Extraordinary*, 30 July 1838.

Durham referred in the above reply to Lord Glenelg. It begins by exploring the ways in which Durham's administration was discussed in the imperial parliament. Tory peers were quick to press their advantage against Melbourne's struggling government by criticizing the first acts of Durham's mission. Although some peers purported to argue in the best interests of the Lower Canadian colonists, a closer examination of the debate not only reveals that metropolitan statesmen grossly misunderstood the complicated nature of Lower Canadian politics, but also that their understandings were shaped by past relationships and party lines. Therefore, rather than speaking for the Canadian colonists, imperial statesmen like Brougham and Ellenborough struggled to preserve metropolitan authority in colonial matters, critique Melbourne's government, and undermine the political reputations of statesmen with whom they had worked for nearly twenty years. The second section examines the private communications that those in the metropole, in particular Lords Melbourne and Glenelg, had with Durham to illustrate how matters of intimacy, status, and reputation were debated and subsequently removed from the official state record. In the third section, I return to the debate in the Lords, reinvigorated in mid-July by the rumour that Edward Gibbon Wakefield had travelled to Canada to join Durham. The chapter concludes by examining the reactions of Durham, members of his suite, and the Lower Canadian press to what was increasingly being constructed, in public and in private, as unwelcome metropolitan meddling and imperial interference in colonial affairs. This debate and the reactions to it in Lower Canada reveals the ways in which reputation, gender, and politics operated throughout the British world as well as the ways in which they travelled across colonial and imperial spaces. It also sets the stage

for those events that precipitated the attack in the Lords that August over the Bermuda Ordinance.

The House of Lords debate began on 2 July 1838, upon confirmation of Turton's appointment to the Executive Council of Lower Canada. Before it concluded on 18 July 1838, it had evolved into a heated exchange that exposed the constraints on Durham's authority in BNA. Records of the debate can be found in the journals of the House of Lords, in metropolitan and colonial newspapers, and in private letters and public despatches. By interrogating this debate, this chapter fills a substantial gap in the secondary literature on both Durham's 1838 mission and the history of the House of Lords; although historians have frequently alluded to this as a pivotal moment in Durham's mission, the debate itself has largely escaped scrutiny.⁶ Only Frederick Bradshaw's 1903 study of the achievement of self-government in the Canadian colonies and Chester New's 1929 biography of Lord Durham provide us with any details of the debate.⁷ New's account, based solely on letters and despatches which, as we saw above, could be significantly altered as they were made public, makes no reference to the published *Debates*. In this chapter, I read "along the archival grain" to examine the discrepancies between the published and unpublished despatches and situate them alongside the actual debate itself.⁸

To date, historians have depicted this debate in the House of Lords

⁶ Davis, *A Political History of the House of Lords* pays very little attention to debates of colonial questions in the House of Lords. New, *Lord Durham*, 404–08; Reid, *Life and Letters*, 208–29; Schull, *Rebellion*, 143–4; Curtis, "Most Splendid Pageant," *CHR*, 76 and 86.

⁷ New, *Lord Durham*; and Bradshaw, *Self Government*.

⁸ Stoler, *Along the Archival Grain*.

straightforwardly as an attack on Durham by his enemies leading to his abandonment by his metropolitan colleagues. By examining the Lower Canadian reaction to the debate, alongside the metropolitan debate, this chapter presents a more complicated picture of this debate, of the ties that bound Lower Canada to the empire, of the efforts of Tory peers and disgruntled Whigs such as Brougham to preserve power in both colonial and domestic matters, and of the ways in which the intimate entered into imperial politics. Although British North Americans viewed the debate as another example of metropolitan meddling or imperial interference, peers in the House of Lords had a constitutional, and as some argued, a moral and a patriotic right to question both Durham's actions and Melbourne's ministry. For those metropolitan statesmen who participated in this debate, their intervention was a duty as well as a form of enlightened despotism designed to educate uncivil subjects about status and reputation, politics and empire, and civil governance.

“Very Great Concern and Surprise”

Confirmation that Lord Durham had assumed the government of Lower Canada reached London five weeks after the fact on 1 July 1838. The following day, Lord Wharncliffe, a Tory peer who, in 1829, had supported Catholic emancipation and managed to offend both the Tories and the Whigs during the reform debates of 1831-32,⁹ rose in the House of Lords to address a subject that “had been noticed on two former

⁹ G. Le G. Norgate, “Wortley, James Archibald Stuart-, first Baron Wharncliffe (1776–1845),” *ODNB*.

occasions.”¹⁰ Before Wharncliffe posed his question, he recounted the debate that had occurred in April over Turton’s then rumoured appointment as Durham’s legal secretary. As we saw in chapter one, Melbourne had denied Turton’s appointment, though not that Turton had gone to Canada. Then, setting aside “any *sympathy* his Lordship [Melbourne] may have for *sinner*s of Mr. Turton’s character,” Wharncliffe questioned the “gross untruths” uttered by the prime minister.¹¹ Wharncliffe confessed that he “thought it most extraordinary to see” reported in the *Quebec Gazette* that “this gentlemen (Mr. Turton) did go out to Canada in the same ship, and in the same society, with Lord Durham.”¹² The *Gazette*, along with Durham’s first despatches from Lower Canada, conveyed by W. W. Henderson to the Colonial Office had recently arrived in London.¹³ These first despatches of the governor general detailed the “friendly feeling” that “seemed to animate the assembled multitude” upon his arrival. They also listed Durham’s appointments to the Executive Council and to his administration.¹⁴

Turton’s name appeared twice: first as the second secretary of the general government (the first was Charles Buller); second, as one of the five newly appointed independent Executive Councillors. The arrival of Durham’s despatches and the *Quebec Gazette* in London confirmed the rumours of Turton’s appointment as Durham’s legal adviser, that had been making their way around metropolitan gossip circles since April. It

¹⁰ *Debates*, Parliament of Great Britain, House of Lords, 2 July 1838, 1165.

¹¹ *The Age*, 8 July 1838. [Original emphasis].

¹² *Debates*, Parliament of Great Britain, House of Lords, 2 July 1838, 1166.

¹³ *Quebec Gazette Extraordinary*, 29 May 1838 sent as enclosure on 31 May 1838, *Correspondence*, 104.

¹⁴ LAC, MG24 A27, Lambton fonds, Vol. 12, Durham to Glenelg, 31 May 1838, Reel C–1850, 18–21; reprinted in *Correspondence*, 104–5.

also reignited the debate in the Lords over Durham's association with a man of Turton's character. Once again, critics of Durham used Turton's appointment to interrogate Durham's administration, challenge Melbourne's government, and keep the flickering embers of past feuds aglow. The debate, of which Turton's appointment was but one thread also focused upon the dissolution of the Executive Council, the composition of the Special Council, and the newly publicized rumour that Edward Gibbon Wakefield had also received an appointment in BNA. This second Turton debate, then, not only exposed the very limits of Durham's ability to govern independently of metropolitan influence, but also that Durham's actions, like those of any colonial governor, were accountable to the Colonial Office and the imperial parliament. It revealed that metropolitan officials, as late as July 1838, continued to intervene in the lives of colonial residents and that the suspension of the Lower Canadian constitution allowed for this greater imperial interference in colonial affairs.

Wharncliffe's query set the stage for a debate about Turton's appointment as Durham's secretary and Executive Councillor that, as it ensued, remained only tangentially about Turton. There was no doubt that the appointment had taken place: the *Gazette* made that clear. As Wharncliffe addressed the Lords he was careful not to detail either the "character of this gentleman (Mr. Turton)" or the "circumstances" that had destroyed his reputation. Wharncliffe considered Turton's character so infamous that he declared "he was most unwilling to advert" to it. The reason for his inquiry, Wharncliffe finally disclosed, was that he did not know how to reconcile the "fact" of Turton's appointment, as reported in the *Gazette*, with the two answers that Prime Minister

Melbourne had given in April and May. “It was ... quite clear,” he explained, “that at the time when Mr. Turton went out – not withstanding what had been said by the noble Viscount – the Earl of Durham had formed a determination to appoint him to some situation.”¹⁵ Wharncliffe exposed the inconsistencies of Melbourne’s statesmanliness that characterized not only his handling of the crisis in the Canadas, but also other domestic and imperial issues.¹⁶

Melbourne’s reputation as an ineffective statesman, his “inertia”, and his “principle of no-principle” government that frequently frustrated his opponents, was further tested by Turton’s colonial appointment.¹⁷ Wharncliffe was concerned with neither Turton nor Durham, but with the veracity of Melbourne’s answer, which, he argued, was more deplorable than Turton’s past or his appointment. Wharncliffe stressed the “importance of having answers given by Ministers of the Crown, when questions were put to them, which might be fully depended upon.” Nothing said by members of the House of Lords, “in any case,” should “turn out to be contrary to the facts of the case.”¹⁸ The arrival of the *Quebec Gazette* had exposed for metropolitan subjects of empire the inaccuracies of Melbourne’s past statements. As he returned to his seat, Wharncliffe reiterated that he brought this point forward, not to debate whether “this gentleman [Turton] was or was not fit” for the position to which he had been appointed, but to enable Melbourne to “set himself right.”¹⁹

¹⁵ *Debates*, Parliament of Great Britain, House of Lords, 2 July 1838, 1166.

¹⁶ Mitchell, *Lord Melbourne*.

¹⁷ Mitchell, *Lord Melbourne*, 164.

¹⁸ *Debates*, Parliament of Great Britain, House of Lords, 2 July 1838, 1166–7.

¹⁹ *Debates*, Parliament of Great Britain, House of Lords, 2 July 1838, 1167.

Melbourne did not deny the accuracy of Wharncliffe's statement. Instead, he attempted to repair the damage that Turton's appointment posed to his reputation, which, as *The Age* observed, would "be most difficult for him to extricate himself with honour."²⁰ Melbourne agreed that the arrival of the *Gazette* "left no doubt as to the fact" of Turton's appointment. In an effort to preserve his integrity and remove his government from what he felt was an "extremely precarious position," Melbourne declared that he was in no way responsible for Turton's appointment. Such a statement hints at the departmental freedom that was emblematic of Melbourne's administration, wherein cabinet members such as Colonial Secretary Glenelg ran their departments as "independent kingdoms."²¹

Melbourne who did not much like Durham and was frustrated by "the fact that this trouble was so unnecessary," calmly made Durham the scapegoat.²² He blamed the vague despatches from the governor general that had accompanied the newspaper, an accusation later condemned in Lower Canada as unmanly. "The despatches received from Lord Durham," Melbourne brazenly announced, "contained no account whatsoever of that appointment, or the grounds on which such an appointment was intended to be made."²³ Although the despatches from Durham, dated Quebec 1 June 1838, contained no direct acknowledgment of the appointment of a new Executive Council or of Turton as one of the these councillors, a private letter to Melbourne (dated the same day), in addition to the *Quebec Gazette*, detailed this first act Durham's administration. Durham

²⁰ *The Age*, 8 July 1838.

²¹ Mitchell, *Lord Melbourne*, 156.

²² New, *Lord Durham*, 406.

²³ *Debates*, Parliament of Great Britain, House of Lords, 2 July 1838, 1167.

explained that he and John Colborne thought it advantageous to form his “Executive independently of Colonial Participation – there being no man here [Lower Canada] not committed in one way or the other, & whose presence on my councils would not expose me to the suspicion of being influenced by the colour of his Politicks.”²⁴ This letter and the list of new Executive Councillors published in the *Quebec Gazette* enclosed in Durham’s despatch together conveyed the news that Turton had been appointed and that the appointment had been made, in Durham’s opinion, in the best interests of the colony and upon his own responsibility. The appointment was, Durham would insist upon learning of the debate, wholly independent of Melbourne’s ministry and had no connection to Queen Victoria.²⁵ Rather than explain this situation to the Lords, Melbourne decided to declare his “very great concern and surprise” on seeing the appointment announced.²⁶

Melbourne’s avowal that he knew nothing of Turton’s appointment, and that he was concerned and surprised by it, did little to curtail the debate. Brougham, who in 1834, had cast himself as Durham’s most violent adversary and whom Harriet Martineau described as neither “sane nor sober,” rose to defend Turton!²⁷ Surprise, it seemed, was the business of the day in the House of Lords. Rather than attacking the inconsistent statesmanliness of Melbourne, the man responsible for his exclusion from cabinet, Brougham uncharacteristically defended Turton while patronizing Melbourne and his

²⁴ LAC, MG24 A27, Lambton fonds, Vol. 46, Durham to Melbourne, 1 June 1838, Reel C-1859.

²⁵ LAC, MG24 A27, Lambton fonds, Vol. 12, Durham to Glenelg, 30 July 1838, Reel C-1850, 193–202.

²⁶ *Debates*, Parliament of Great Britain, House of Lords, 2 July 1838, 1167.

²⁷ Martineau, *Autobiography*, 236.

government.²⁸ Brougham asserted that he “had no doubt” that Melbourne, “at the time he made the reply,” had “no expectation that the nomination and appointment in question would take place.”²⁹ But Brougham had his own personal connection to Turton, and as he defended this uncivil civil servant, he was careful to mark his own distance from Durham’s controversial councillor. In 1831, Brougham, who had then occupied the post of high chancellor in Earl Grey’s government, was induced to pass, along with the other peers, “contrary to the usual rule, a divorce bill at that insistence of the wife, against the husband [Turton], for adultery.” Brougham declared that Turton’s offence was “foul” in a “moral point of view,” but that in “all his other conduct of life, the learned person [Turton] ... had been the most scrupulous correct.”³⁰ Turton’s offence, Brougham admitted, was a “very aggravated one” but it remained “the only charge ever brought against him.” Turton was, Brougham declared, as we saw Durham and the *Quebec Mercury* do in chapter one, “a person of the highest attainment in his profession.” He had sacrificed a professional income from Bengal of £2,000 per annum to accompany the Earl of Durham on his mission.³¹ Brougham and Durham as Radical-Whig statesmen appear to have ranked ability above reputation; however, Brougham, who, in 1816, had an affair with Caroline Lamb, Lord Melbourne’s sister-in-law, appears more attuned to the repercussions of being friends with a man of as dubious a reputation as Turton.³²

Brougham’s defence of Turton offended the sensibilities of the bishop of London,

²⁸ On Brougham, see Michael Lobban, “Henry Peter Brougham,” *ODNB*; Bradshaw, *Self Government*, 173.

²⁹ *Debates*, Parliament of Great Britain, House of Lords, 2 July 1838, 1167.

³⁰ *Debates*, Parliament of Great Britain, House of Lords, 2 July 1838, 1167.

³¹ *Debates*, Parliament of Great Britain, House of Lords, 2 July 1838, 1168.

³² Lobban, “Brougham,” *ODNB*.

Charles James Bloomfield, who, as Richard Davis argues in his history of the House of Lords, took what had become his “usual line” on the “vital necessity of preserving the Christian State.”³³ Bloomfield declared that it was “impossible” for him to let this debate pass without stating his “solemn and earnest protest” against Brougham’s defence of Turton and his ranking of ability above morality. That Durham had disregarded the code of conduct appropriate for a statesman in appointing Turton was one thing, but to do it in such a manner that, the bishop suggested, so blatantly disregarded God’s law was arrogant and foolhardy. Morality and virtue ought to be upheld, exclaimed the bishop.³⁴

After the initial question of Turton’s appointment, Melbourne’s answer, and Brougham’s defence of Turton, the debate in the House of Lords turned to the legality of Durham’s first acts in Lower Canada. Upon the conclusion of this first day of debate, Melbourne wrote to Queen Victoria to inform her that it was “necessary” to have “a Cabinet [meeting] at one o’clock tomorrow” because he had been questioned upon the appointment of Mr. Turton.³⁵ Although no record of this cabinet meeting remains, Melbourne’s cabinets were known, particularly among members of the Grey family, for being ineffective.³⁶ Frederick Bradshaw assures us that “no one cared to suggest that Durham should be ordered to revoke Turton’s appointment.”³⁷ When debate resumed in the Lords on 3 July, Durham’s dissolution of the Executive Council was the first object of concern. We saw in chapter one that the Lower Canadian press of almost every political

³³ Davis, *Political History of the House of Lords*, 265.

³⁴ *Debates*, Parliament of Great Britain, House of Lords, 2 July 1838, 1169–70.

³⁵ LAC, MG24 A29, Queen Victoria fonds, Letter book, 26.

³⁶ Mitchell, *Lord Melbourne*, 156.

³⁷ Bradshaw, *Self Government*, 174.

faction welcomed Durham's break from past administrations and supported his decision to appoint an independent Executive Council. Yet, in spite of the conditional loyalty detailed in the *Mercury* that Durham had enclosed with his despatch, the emerging gist of the debate over the composition of Durham's Canadian councils was the purported concern that metropolitan statesmen had for Her Majesty's Canadian subjects. However, this enlightened despotism was expressed without taking into account what Lower Canadian subjects of empire thought about the matter; it would have, as chapter five illustrates, unexpected consequences in BNA.

On 3 July, the Earl of Ripon declared "Lord Durham had formed a new [Executive] council, and formed it upon the very principle that the people of Canada had always contended it ought never to be formed. The new council was composed of five officers connected with the Governor-general, and a similar formation of the previous council had given rise to all the complaints of the Canadian people, and been the origin of all the disputes and disturbances, which had arisen in the colony. The result," he concluded, was "that a new [Executive] council had been created upon the very principle against which the people of Canada had for the last twenty years been contending."³⁸ Ripon was correct in locating the grievances of the *Canadiens* in the composition of the Executive Council, but the problems of the "last twenty years" were not that the governor had appointed the council, but that the governor had consistently appointed to the Executive Council men politically opposed to the reforming *Canadien-Patriot* party.³⁹

³⁸ *Debates*, Parliament of Great Britain, House of Lords, 3 July 1838, 1225–6.

³⁹ On the "political paralysis" in the years leading to rebellion see, Ouellet, *Lower Canada*, 183–274.

Glenelg maintained then, as he did throughout the debate, that Durham had the power to appoint whom he pleased.⁴⁰

Others like Lord Ellenborough, the peer who initiated debate on 3 and 5 July, turned to the Gosford Commission to argue that the Canadians were frustrated by Durham's actions. Although Ellenborough did not have a history of confrontation with Durham or Melbourne that rivalled Brougham's, his private life came uncomfortably close to that of Turton. In October 1824, Ellenborough, a widower, married Jane Digby; six years later, and one year before Turton's divorce, Ellenborough successfully divorced Jane for having adulterous affairs with her cousin, George Anson, and Felix Schwarzenberg, an Austrian statesman.⁴¹ With little to say about Turton's sexual transgression, Ellenborough remarked solely upon the legality of Durham's appointments. He argued that the governor general had no power to appoint men independent of metropolitan authority. The Executive Council as composed by Durham on 1 June, Ellenborough stated on more than one occasion, was nothing more than a "sham council."⁴² Ellenborough explained that the first and the third recommendations of Gosford's report on the Executive Council stated, respectively, that "the Executive Council should be so composed as to secure as much as possible the confidence of the people," and that "the number of office holders in the council should never exceed more, on average, than one in four."⁴³

⁴⁰ *Debates*, Parliament of Great Britain, House of Lords, 3 July 1838, 1225–6.

⁴¹ Mary Lovell, *A Scandalous Life: The Biography of Jane Digby*, (London: 1995).

⁴² *Debates*, Parliament of Great Britain, House of Lords, 3 July 1838, 1222; *Debates*, Parliament of Great Britain, House of Lords, 5 July 1838, 1267.

⁴³ *Debates*, Parliament of Great Britain, House of Lords, 5 July 1838, 1267.

Ellenborough, however, mistook the Gosford Report for a colonial creation, which it was not. It had come about as the result of an imperial act and metropolitan commission, much like the one entrusted to Durham.⁴⁴ To argue, then, that these recommendations were those of the Canadians and that Durham's appointment of three of his secretaries, one of his principal aides-de-camp, and the commissary-general to the Executive Council revealed the "arbitrary disposition" of the governor demonstrates a complete lack of understanding not only of colonial grievances, but also of the acts of Durham's administration. Ellenborough manipulated his concern for Lower Canadians to argue that the Executive Council, as it had been constituted, was not a *bona fide* council so that he could question "the legality of the whole proceeding" and, as a Tory peer, attack Melbourne's Whig government.⁴⁵ Members of Melbourne's ministry could have easily turned to the pages of the *Quebec Mercury*, *Le Canadien*, and even the conservative *Montreal Gazette*, all of which had, by early July, arrived in London, to illustrate that in contrast to Ellenborough's accusations, Lower Canadians were in fact quite pleased with the "independent course" set by Lord Durham.⁴⁶ "We duly appreciate the motive as well as the policy which has actuated the Earl of Durham in dismissing the previously existing councils," reported the *Montreal Transcript* on 5 June. "Every part of the old constitutional fabric was rotten."⁴⁷

Yet Melbourne and Glenelg remained both anxious and indifferent towards

⁴⁴ Curtis, "Le redécoupage du Bas-Canada dans les années 1830," *RHAF*, 27–66.

⁴⁵ *Debates*, Parliament of Great Britain, House of Lords, 3 July 1838, 1221.

⁴⁶ *Le Canadien*, 1 juin 1838; *Quebec Mercury*, 2 June 1838; *Montreal Gazette*, 9 June 1838.

⁴⁷ *Montreal Transcript*, 5 June 1838.

Durham and his administration. Glenelg was perhaps the only individual in the metropole, other than Lady Durham's parents, the Earl and Countess Grey, who had any form of extended correspondence with the Lambtons while they were in BNA. Glenelg, aware of the difficulty Melbourne had faced in the Lords and the predicament of empire in Lower Canada, navigated the debate by proclaiming half-truths. Glenelg addressed questions directly but was careful not to instigate further debate with his responses. As a result, he has been criticized by historians such as Richard Davis for his "timid and indecisive" handling of the Canadian question.⁴⁸ The unfortunate result of Glenelg's lofty comments was that he appears much more uninformed about, and in some cases opposed to, Durham's administration than his letters and correspondence would suggest. When he was asked by Ellenborough if Durham had provided the Colonial Office with any information about the principle that he had followed in his composition of the Executive Council, Glenelg replied, unruffled and matter-of-factly, that "the only information the Government had received was contained in the *Canadian Gazette*, and that source of information was open to all their Lordships."⁴⁹ Ellenborough had already read the entire letter issued by Charles Buller on 31 May 1838 and published in the *Quebec Gazette* to the Lords. The letter announced that Durham had dissolved the Executive Council so that his administration of the affairs of the colony could be "completely independent of, and unconnected with, all parties and persons in the province." Glenelg explained that the letter was the only information conveyed but that it appeared to develop the

⁴⁸ Davis, *Political History of the House of Lords*, 247–8; Laidlaw, *Colonial Connections*.

⁴⁹ There was no such thing as the *Canadian Gazette*. *Debates*, Parliament of Great Britain, House of Lords, 3 July 1838, 1220.

“independent” principle upon which Durham grounded his actions.⁵⁰

Once again employing a rhetoric that espoused concern for the Lower Canadian colonists, opponents of Melbourne and Durham questioned the governor general’s authority not only to dissolve the Executive Council, but also to appoint whomever he desired to both the Executive and Special Councils. Ellenborough asserted that only Her Majesty herself could displace persons on the Executive Council, and then only “for misconduct, or some sufficient cause.” Durham’s dissolution of the Executive Council, he proclaimed, was therefore illegal.⁵¹ Concerning the Special Council, Ellenborough expressed his hope that it had not been constituted in the same manner as the Executive Council. “The Act created a governor and a [Special] council, the council being for the purpose of advising with the governor on all questions of policy relating to the colony,” he explained.

No one in that House [of Lords], nor in the other House of Parliament ... imagined when the Act ... was under discussion, that they were to create a Governor-general, to act with a sham council. But, on the contrary, that the object was that the councils should be composed of persons resident in the country, possessing extensive local knowledge, and therefore, competent without hesitation, to offer sound and independent advice on all the propositions to the governor, and in every case of emergency.⁵²

The “emergency” in Lower Canada had not only necessitated the suspension of the colony’s constitution, but made it possible for metropolitan statesmen to justify, as Ellenborough had done, their increased meddling.

⁵⁰ *Debates*, Parliament of Great Britain, House of Lords, 3 July 1838, 1220. On this see Manning, “The Colonial Policy of the Whig Ministers, 1830–37: I,” *CHR*, 203–36; and Manning, “The Colonial Policy of the Whig Ministers, 1830–37: II,” *CHR*, 341–66.

⁵¹ *Debates*, Parliament of Great Britain, House of Lords, 3 July 1838, 1221.

⁵² *Debates*, Parliament of Great Britain, House of Lords, July 1838, 1222.

Word that Durham had in fact constituted the Special Council in the same manner as the Executive Council had not yet reached the metropole. It would be three more weeks before this news, accompanied by that of the enactment of the Bermuda Ordinance and the endorsement of the Lower Canadian population of this act of mercy, reached the halls of Westminster. For the time being, Glenelg explained that Ellenborough was incorrect in his understanding of the composition of the Special Council. He explained that there was “nothing in the instructions issued by the Government to the Governor-general as to adhering to any particular class of persons in the formation of the council, or anything limiting the persons to be appointed, or reserving the appointment to persons not resident in the colony.” Durham had the “power, of deciding upon his arrival in the colony, what would be the best course for him to pursue,” asserted the colonial secretary.⁵³ Moreover, the rules and regulations of the Special Council merely established that there was to be a minimum of five male members all over the age of twenty-one. There were no specific instructions that were to guide Durham’s selection of his Special Councillors.⁵⁴ Brougham who frequently huffed that he was the victim of a Grey family conspiracy that fostered his dislike of Durham,⁵⁵ declared Glenelg’s answer “whimsical” and “*jejune*.” He then inquired a second time if any provisions had been made to appoint only “fit” persons to the Special Council? Brougham explained that he could not help thinking that “some dictatorial individual had been appointed ... [who] would not only domineer over Her Majesty’s subjects, but who did not think it necessary to give his

⁵³ *Debates*, Parliament of Great Britain, House of Lords, 3 July 1838, 1223–4.

⁵⁴ See chapter two. See LAC, MG24 A27, Lambton fonds, Vol. 50, “Rules and Orders for the Special Council,” Reel C–1858.

⁵⁵ Mitchell, *Lord Melbourne*, 176.

masters at home any information.”⁵⁶ Glenelg, frustrated with Brougham’s “excursive imagination,” reiterated that the government had issued no special instructions to Durham for the composition of his Special Council and nor who ought to be included or excluded from the council.⁵⁷

As the debate raged on in the Lords, every aspect of Durham’s administration became subject to opposition ridicule. Ellenborough demanded that the commission issued to Durham and a copy of the commission issued to Lord Gosford be supplied to the House.⁵⁸ The Earl of Ripon demanded to know the extent of Durham’s power in the other British North American colonies of Upper Canada, Nova Scotia, and New Brunswick.⁵⁹ Both Ellenborough and Brougham attacked Durham’s decision to offer a reward for any information about the individuals involved in the destruction of the *Sir Robert Peel* steamer by American pirates days after Durham arrived in Lower Canada.⁶⁰ Finally, on 5 July 1838, the Marquis of Lansdowne made an effort to defend Durham’s actions. Lansdowne, who held the post of Lord President of the Council, an office that he had occupied in the administration of Durham’s father-in-law, inquired: “was it convenient, not to say courteous, thus to act on the first intelligence received of things done on the spur of the moment, and on the noble Lord’s first reaching the seat of his government?” “There was no probability or nay practical purpose being effected by now discussing Lord Durham’s conduct,” he lectured the peers, “which, with its

⁵⁶ *Debates*, Parliament of Great Britain, House of Lords, 3 July 1838, 1225.

⁵⁷ *Debates*, Parliament of Great Britain, House of Lords, 3 July 1838, 1225.

⁵⁸ *Debates*, Parliament of Great Britain, House of Lords, 5 July 1838, 1259.

⁵⁹ *Debates*, Parliament of Great Britain, House of Lords, 5 July 1838, 1261.

⁶⁰ *Debates*, Parliament of Great Britain, House of Lords, 5 July 1838, 1261–2.

consequences, must come before the public at a proper and fitting time.”⁶¹

Brougham, who not only had a history of supporting the demands of the Patriots, but also the reformers of Upper Canada, did not abandon his queries.⁶² He again invoked his concern for Her Majesty’s Canadian subjects as his reason for pressing on; although it was becoming increasingly clear that his critiques had very little to do with Lower Canadians themselves, but were in fact personal attacks upon both Melbourne and Durham rooted in their shared histories. Brougham exclaimed that his cries were justified because the “liberties of 500 000 of her Majesty’s subjects” had been taken away because “some half dozen in a corner had been guilty of irregularities.” To wait for information from Durham, for reports and explanations, amounted to nothing more than an “absolute indemnity to all colonial governments and governor-generals.”⁶³ The Duke of Wellington, proposed waiting until the instructions were laid on the table before they discussed Durham’s actions further: before they could determine whether or not Durham had exercised his powers with “discretion,” it was important to know if his powers were “enormous.”⁶⁴ Without such knowledge, there could be no limit to the enlightened despotism exerted by peers in the House of Lords over Lower Canadian affairs.

The debate ignited by Turton’s appointment as Durham’s secretary and an Executive Councillor in Lower Canada had quickly transformed into a discussion of Durham’s every act of administration since his arrival in Lower Canada. Opponents of

⁶¹ *Debates*, Parliament of Great Britain, House of Lords, 5 July 1838, 1262–3.

⁶² Interestingly, the correspondence Brougham received from William Lyon Mackenzie in 1831 dealt with the frustration colonists had with the composition of the Executive Council. See, Chester New, *Life of Henry Brougham to 1830*, 188.

⁶³ *Debates*, Parliament of Great Britain, House of Lords, 5 July 1838, 1263–4.

⁶⁴ *Debates*, Parliament of Great Britain, House of Lords, 5 July 1838, 1265.

Durham, like Brougham, Ripon, and Ellenborough all purported that it was their concern for Her Majesty's Canadian subjects that sparked their queries. Yet it became increasingly apparent that metropolitan statesmen knew very little about the Canadians. Moreover, their critiques of Durham and his administration were also political manoeuvres coloured by party alliances and previous encounters designed to bring about Durham's resignation and the fall of Melbourne's ministry. To those in Lower Canada this enlightened despotism was anything but a lesson in civil governance as the central grievance of Durham and British North Americans alike was that metropolitan statesmen ought to not meddle in colonial affairs. Lansdowne summed up the falsities of the debate brilliantly when he congratulated Durham's opponents for the rapidity of their judgment:

The Earl of Durham arrived in Canada on the 29th of May, the vessels which brought home the accounts sailed on the 3rd of June, and the despatches were dated on the 1st. Now, it was in the proceeding of those two or three days that the noble Baron [Brougham] discovered enough to make him say, that the government of the Earl of Durham was arbitrary and unconstitutional.⁶⁵

The subject was then dropped in the Lords for the time being. However, much ink would continue to be spilt upon the subject in private, as the debate moved from the imperial parliament to communications transmitted from metropolitan statesmen to Durham in Lower Canada.

“Private Letters and Public Despatches”

Upon the conclusion of the first day of debate in the House of Lords, Melbourne, who had already written two letters upon the subject of Turton's controversial appointment,

⁶⁵ *Debates*, Parliament of Great Britain, House of Lords, 5 July 1838, 1266.

penned a third frantic letter to the governor general. Melbourne, who, as Leslie Mitchell argues, “saw imperial issues as unnecessarily complicating the already difficult task of holding his government together,” was again forced to intervene in Durham’s administration.⁶⁶ In his letter to Durham, all formalities were set aside. Melbourne, frustrated with the entire affair, got straight to the point. He began by chastising Durham for not mentioning in his despatch, or in his two letters, that he had appointed Turton as a secretary and Executive Councillor in one of the “first and foremost acts of [his] government.”⁶⁷ Melbourne contended that it was only by the *Quebec Gazette* that he was able to determine that these appointments had taken place. “This step,” he explained, “must necessarily place us all, and me more particularly, in great difficulty and embarrassment.” Melbourne, who seemed to reach to colonial problems with an “extended yawn,” recounted for Durham the debate in the Lords that evening.⁶⁸ He reported that he had declared, “with great concern and great surprise,” his learning of Turton’s appointment.⁶⁹ As Melbourne concluded his letter, he remarked half-heartedly that, “with the exception of this unfortunate, and from the beginning most-ill advised proceeding, your letters seem satisfactory.”⁷⁰

Two days after the House of Lords had returned to the topic of Durham’s administration, Lord Glenelg posted a “confidential” despatch to the governor general. This despatch, dated 4 July 1838, was subsequently reprinted by order of parliament in

⁶⁶ Mitchell, *Lord Melbourne*, 199.

⁶⁷ Melbourne to Durham, 2 July 1838, reproduced in, *Lord Melbourne’s Papers*, 425.

⁶⁸ Mitchell, *Lord Melbourne*, 200.

⁶⁹ Melbourne to Durham, 2 July 1838, reproduced in, *Lord Melbourne’s Papers*, 425–6.

⁷⁰ Melbourne to Durham, 2 July 1838, reproduced in, *Lord Melbourne’s Papers*, 425–6.

February 1839 in *Correspondence Relative to the Affairs of Canada*. The publication of official despatches was one way that private state information became public knowledge in this period. Glenelg's despatch, as reproduced in *Correspondence*, however, is somewhat peculiar. First, it does not follow the very specific rules and regulations established in 1837 to guide "official correspondence" between colonial governors and the Colonial Office. Second, the published despatch does not refer to the most recent controversy in the House of Lords. "I avail myself of this early opportunity," wrote Glenelg, "to congratulate your Excellency on your happy arrival at the seat of your Government and on the very gratifying manner in which you have been received by all classes of Her Majesty's subjects in the province. Her Majesty's Government entirely approves the spirit and language of your proclamation on assuming the government."⁷¹ That Glenelg did not allude to the debate that, as Chester New has argued, led to the first serious break between Durham and the metropolitan government and offered happy accolades instead is indeed surprising.⁷² However, the manuscript copies of this despatch reveal very different sentiments and indicate the extent that the metropolitan state could, and did go to, in order to curtail debate of such an uncivil topic as Turton's appointment.

As noted above, Glenelg's despatch did not adhere to the strict guidelines established in *Rules and Regulations for the Information and Guidance of the Principal Officers and Others in His Majesty's Colonial Possessions*, which was first consolidated and published under Glenelg's authority in 1837. *Rules and Regulations* established an

⁷¹ LAC, MG24 A27, Vol. 9, Glenelg to Durham, 4 July 1838, Reel C-1849, 93–7; *Correspondences*, 50.

⁷² New, *Lord Durham*, 404.

expansive framework designed to guide all official correspondence between the Colonial Office and the British colonies. Chapter twelve of *Rules and Regulations*, for example, was dedicated to the topic of “correspondence.” It contained twenty-eight points to regulate the construction and composition of colonial despatches. All despatches were to be numbered, confined to a single subject, and classified as secret, private, or confidential. Those despatches marked “private and confidential” were not “recorded as an official document, unless some urgent occasion should render its production necessary,” and “no official cognizance whatever [could] be taken of any communication marked ‘private.’”⁷³ The original *confidential* despatch that Glenelg sent to Durham, then, and not the one reprinted for “public” viewing in *Correspondence*, indicates the reasons for the despatch’s confidentiality and its expurgation.

At four pages in length, Glenelg’s official despatch was written in the “large and distinct hand” that *Rules and Regulations* specified. It was also substantially longer than the single paragraph “extract” that was published in *Correspondence*.⁷⁴ The actual folio version of Glenelg’s despatch is preserved in the Durham fonds and reveals that the original despatch was very different from the one reprinted in *Correspondence*. After complimenting Durham on the “Spirit and Courage” of his proclamation, Glenelg raised the subject of Durham’s dissolution of the Executive Council and his appointment of Thomas Turton, which had ignited debate in the House of Lords. Glenelg relayed to Durham that he considered the letter signed by Charles Buller, and reprinted in the *Quebec Gazette*, a sufficient “explanation of the motives which influenced his selection”

⁷³ Colonial Office, *Rules and Regulations*, 1837, 86.

⁷⁴ Colonial Office, *Rules and Regulations*, 1837, 83.

of Charles Buller, Colonel Couper, Randolph Routh, and Dominic Daly as his Executive Councillors. The Colonial Secretary may not have wholeheartedly endorsed Durham's actions as the Canadian press had, but he saw "no reason to question the propriety of [his] proceeding in this matter."⁷⁵ The nomination and appointment of Thomas Turton as an Executive Councilor and a secretary to the government of Lower Canada, however, was an altogether different matter, which Glenelg addressed in a separate paragraph.

This despatch to Durham was perhaps the only time during Durham's mission that the colonial secretary and the prime minister ever articulated the same message to the governor general, and thus gave a peculiar consistency to Melbourne's government. Melbourne had expressed his surprise and regret both in public and in private at learning of Turton's appointment. Glenelg's despatch expressed very similar sentiments. However, Glenelg's despatch exposed what Melbourne had denied in the Lords: Melbourne *had* been aware of Durham's intention to employ Turton in Lower Canada, upon his own responsibility, before they had quit England in April. Melbourne had misled the Lords. Glenelg explained:

Amongst the appointments notified in the Gazette, that of Mr. Turton is included, even after the communication made to you before your departure from England by Lord Melbourne in reference to Mr. Turton. Her Majesty's Government observes with surprise and regret the appointment of that gentleman to a high official situation. But as you have not given in your Despatches any explanation of the reason, which led to this appointment, I content myself with this remark, especially as I feel confident that by the next packet I shall receive from you a full communication on this subject.⁷⁶

⁷⁵ LAC, MG24 A27, Lambton fonds, Vol. 9, Glenelg to Durham, 4 July 1838, Reel C-1849, 93-7.

⁷⁶ LAC, MG24 A27, Lambton fonds, Vol. 9, Glenelg to Durham, 4 July 1838, Reel C-1849, 93-7; *Correspondences*, 50.

Glenelg was confident that Durham knew the proper protocol regarding the construction of official correspondence because he had forwarded him a copy of *Rules and Regulations* for his “information and guidance” that spring.⁷⁷ However, in his determined effort to pursue an independent course in the Canadas Durham had overlooked the eighteenth rule that required an explanatory statement from the governor general on every legislative act.⁷⁸ Glenelg concluded his request for “full communication” by drawing Durham’s attention to those “debates which occurred in the House of Lords at the close of April last” without ever stating their specific nature.⁷⁹ Glenelg received three despatches from Durham, two dated 30 July, and a third dated 25 September, referring to the debate that Turton’s appointment had ignited in the Lords. All three chronicled the reaction of Durham and Lower Canadians to this surprising and regrettable debate.⁸⁰ Four months passed before Glenelg replied to the concerns Durham expressed in his despatches.⁸¹ However, by that time, Durham had resigned and a second French-Canadian rebellion had been crushed. Yet in less than two weeks the halls of Westminster were again filled with queries about Durham’s mission. This time, the object of inquiry was not Thomas Turton, but the rumoured appointment of Edward Gibbon Wakefield.

⁷⁷ LAC, MG24 A27, Lambton fonds, Vol. 9, Glenelg to Durham, 4 July 1838, Reel C-1849, 93–7.

⁷⁸ Colonial Office, *Rules and Regulations*, 1837, 86.

⁷⁹ LAC, MG24 A27, Lambton fonds, Vol. 9, Glenelg to Durham, 4 July 1838, Reel C-1849, 93–7.

⁸⁰ LAC, MG24 A27, Lambton fonds, Vol. 12, Durham to Glenelg, 30 July 1838, Reel C-1850–51, 198–204; and LAC, MG24 A27, Lambton fonds, Vol. 13, Durham to Glenelg, 25 September 1838, No. 66, Reel C-1851, 95–101.

⁸¹ LAC, MG24 A27, Lambton fonds, Vol. 53, Glenelg to Durham, 12 November 1838.

No. 31

Castle of St. Louis.
Quebec, July 30. 1850.

My Lord,

It would appear, by the Debate
in the House of Lords on the 3^d inst. which
I have this morning received, that Lords
Brougham & Ellenborough have the intention
of governing the North American Colonies
from their place in Parliament. If this
is to be the case, & that the Executive power
of the Governor are to be transferred to the
Imperial Parliament, the sooner I am made
acquainted with the determination entered
into, the better, — that I may resign into
their hands, the powers with which Her
Majesty has invested me.

Figure 4.1: An official handwritten copy of Despatch No. 31
Source: LAC, MG24 A27

— No. 31. —

(No. 33.)

Copy of a DESPATCH from the Earl of *Durham*, G. C. B., to Lord *Glenelg*.

My Lord,

Castle of St. Lewis, Quebec, 30 July 1838.

I trust in a few days to be enabled to transmit to you a report on the state of Lower Canada.

This communication has been alone delayed by my journey into the Upper Province, and has become more than ever necessary in consequence of the statement made by Lord Gosford in the House of Lords as to the limited extent of the disaffection which in his opinion existed.

I regret to say that, from the information I have received, and the observation I have personally made, I am warranted in coming to a directly opposite conclusion.

The disease was general, not partial, and its recurrence can alone be prevented by the most decisive remedies.

I have, &c.
(signed) *Durham*.

No. 31.
Earl of *Durham*
to Lord *Glenelg*,
30 July 1838.

Figure 4.2: Despatch No. 31 as reproduced in *Correspondence*

“This Unfortunate and Foolish Affair of Mr. Turton”

After the spirited debate at the beginning of July, ten days passed without a mention of Durham and the affairs of Canada in the imperial parliament, as members of the House of Lords were preoccupied with discussions of slavery in the Crown colonies. On Monday, 16 July 1838, as Durham was touring Niagara, the Earl of Winchilsea broke this silence. Winchilsea, the Tory peer who was responsible for first drawing the attention of the House to Turton’s rumoured appointment in April, returned to his favourite subject and demanded to know whether “the individual” that he could only “allude to” had been recalled?⁸² Winchilsea announced that, unlike Melbourne, he was not surprised by the news of Turton’s appointment: “[I] entertained no doubt that the individual alluded to had gone out with a view to his becoming a member” of Durham’s administration. Winchilsea announced that it was “his opinion” that “no one should have been employed

⁸² *Debates*, Parliament of Great Britain, House of Lords, 16 July 1838, 202.

on such a mission, except his character was free from taint or blemish.”⁸³ He maintained that Turton’s adultery and divorce held serious and direct implications for his ability to discharge his public office in BNA. Moreover, Winchilsea argued that Turton’s character threatened that of the young monarch. He objected to Turton’s appointment “because he viewed it as being closely connected with the character of the Sovereign.”⁸⁴ Winchilsea remained consistent in the version of statesmanliness that he had articulated during the first Turton debate that April, and, once again, fused his patriarchal, masculine duty to protect women with his statesmanly duty to guard the character of Queen Victoria from uncivil men.

Turton was not the only individual whose improper conduct was an object of concern that day in the House of Lords. Winchilsea, with his penchant for rumour, alerted the Lords that “he heard it reported” that “another individual, who had been imprisoned for three years, on account of a very grave offence, had left this country, with a view to an appointment on the same commission.” Winchilsea did no more than allude to Wakefield, whose dubious reputation was known across the British world. The mere reference to a three-year “imprisonment” and his “grave offence” would have been indication enough for all present to deduce that the individual in question was Edward Gibbon Wakefield. For his was, as Winchilsea pointed out, “a most peculiar case.”⁸⁵

Between 1826 and 1827, Wakefield was the cause of what the *London Times* then identified as a “most trifling sensation ... an extraordinary case of elopement, or

⁸³ *Debates*, Parliament of Great Britain, House of Lords, 16 July 1838, 202.

⁸⁴ *Debates*, Parliament of Great Britain, House of Lords, 16 July 1838, 203.

⁸⁵ *Debates*, Parliament of Great Britain, House of Lords, 16 July 1838, 203.

rather abduction.”⁸⁶ This scandal was not confined to Britain; it reached settlers in such far-flung sites of empire as New South Wales, Van Diemen’s Land, and Upper Canada.⁸⁷ In Lower Canada, the *Quebec Mercury* condemned Wakefield’s forced marriage to Miss Ellen Turner, who was “by far the richest heiress in the Kingdom.”⁸⁸ A year after the abduction, on 28 May 1827, the *Montreal Gazette* reported on the spectacle of “the trial of the Wakefields,” which, had been the “leading topic of conversation” the previous week, noted the paper.⁸⁹ In June 1838, when Charles Grey dined with other members of Durham’s administration in Quebec, the day after the passage of the Bermuda Ordinance, he recorded in his journal his meeting with Gibbon Wakefield, “of Miss Turner notoriety,” whom he described as “a very agreeable man.”⁹⁰ Wakefield’s dubious reputation was not easily forgotten and in the debate in the House of Lords, both Wakefield and Turton were regardless of their abilities constructed as threats to the queen, the empire, and the Canadian colonists.

In the House of Lords, it was often argued that the “importance” of Lord Durham’s mission warranted the concern over the private characters of Durham’s public men. Winchilsea confessed that he “was ready to make all just allowances for the failings of individuals,” “for the weakness of human nature,” and clarified that he did not think these men “ought never to be allowed to hold any appointment under the Government.” His objection was that such tainted men had been appointed to “one of the highest and

⁸⁶ *London Times*, 22 March 1826.

⁸⁷ *The Sydney Gazette and New South Wales Advertiser*, 13 January 1827; *Colonial Times and Tasmanian Advertiser*, 3 August 1827; and *The Gore Gazette*, 4 August 1827.

⁸⁸ *Quebec Mercury*, 9 May 1826.

⁸⁹ *Montreal Gazette*, 28 May 1827.

⁹⁰ 29 June 1838, in Grey, *Crisis in the Canadas*, 62.

most important missions that had ever been sent from this country.” As he returned to his seat to await Melbourne’s reply, Winchilsea regretted that “two persons had been selected for important situations which they were unfit to fill, and from which they ought to be removed.”⁹¹

To construct Turton and Wakefield as threats “to the character of the Sovereign” and demand their resignation was one way for metropolitan statesmen like Winchilsea to maintain metropolitan authority over colonial matters at a time when settler societies across the British empire, of which the Canadian colonies were but one example, were demanding greater local control of their own affairs.⁹² Melbourne’s reply, characteristically brief, indicated his frustration with the entire debate. He said that ministers had only very recently received an account of the appointment and that they had not yet had time to communicate with Durham’s administration. “Under these circumstances,” Melbourne declared, “it would not at present be convenient to state the course which Government intended to pursue.”⁹³ Such a “limited response” was one of the two principles that guided Melbourne’s government; the second, which further explains the reaction of Melbourne’s administration to the Bermuda Ordinance, was that governments must cling to legality and that what was not illegal had to be tolerated.⁹⁴

When the House of Lords met on the evening of Tuesday, 17 July 1838, the first order of business was once again Durham’s Canadian appointments. The Earl of Winchilsea wasted no time and immediately demanded to know whether any information

⁹¹ *Debates*, Parliament of Great Britain, House of Lords, 16 July 1838, 203.

⁹² Lester, *Imperial Networks*; Laidlaw, *Colonial Connections*; McKenzie, *Scandal*.

⁹³ *Debates*, Parliament of Great Britain, House of Lords, 16 July 1838, 203.

⁹⁴ Mitchell, *Lord Melbourne*, 119.

had been received as to the appointment of “the Gentleman, Mr. Gibbon Wakefield”?⁹⁵ The country had every right, he exclaimed, to “full information on every point” connected with “this important colony so peculiarly situated.” That Winchilsea considered the matter of great national importance can be observed by his announcing rather than merely alluding to Wakefield’s name in the House of Lords. The nation’s reputation was more important than his own, and as a statesman it was his responsibility to do what he could to guard it. If appointments such as Turton’s and Wakefield’s were not overturned by the metropolitan authorities, Winchilsea declared that he would “not be worthy of holding a seat in that House!”⁹⁶ Melbourne took the advice that he had once offered Durham, and would not touch Wakefield with a pair of tongs.⁹⁷ The prime minister reiterated what he had stated the previous night: “he had received no information on the subject of the appointment alluded to,” and “he certainly did not think that the appointment ... had taken place.”⁹⁸

As Melbourne had now done following each of the three earlier debates in the Lords, he wrote Durham about this “unfortunate and foolish affair of Mr. Turton.” The prime minister again summarized the arguments made in the Lords. He again warned Durham that this whole debate “will do you much harm; it will do me much harm; it will do your government and mission some harm.”⁹⁹ Although in Lower Canada Durham’s independent acts had been welcomed, the matter was understood very differently by

⁹⁵ *Debates*, Parliament of Great Britain, House of Lords, 17 July 1838, 251.

⁹⁶ *Debates*, Parliament of Great Britain, House of Lords, 17 July 1838, 251.

⁹⁷ Melbourne to Durham, 1 May 1838, quoted in New, *Lord Durham*, 383.

⁹⁸ *Debates*, Parliament of Great Britain, House of Lords, 17 July 1838, 251–2.

⁹⁹ Melbourne to Durham, 17 July 1838, reproduced in, *Lord Melbourne’s Papers*, 426.

Melbourne whose interest in colonial questions was eclipsed by concern for his own fumbling administration.

It is one of the gratuitous and unnecessary difficulties which men must unaccountably create for themselves. It is not fair to yourself, it is not fair to the Government, it is not fair to the important duty which you have undertaken to discharge, to array and to enlist against yourself so great a mass of public feeling as you have done by the association with yourself and your government of this gentleman and of others whom you have with you ... It is incredible that a man of common sense should show such ignorance or such disregard of public feeling and public opinion as you have done in the selection of these gentlemen. If their abilities and powers were superhuman, they would not counter balance the discredit of their characters. They will materially weaken us; they will cause every act of your government to be viewed with a jealousy and suspicion to which they would not have otherwise been exposed.¹⁰⁰

The enlightened despotism of metropolitan statesmen ranked metropole above colony by mobilizing a discourse that purported to have the best interests of Lower Canada at heart. However, statements made in the House of Lords and in the private correspondence of metropolitan statesman not only reveal, as Kirsten McKenzie has pointed out that “all politics is local.”¹⁰¹ They also demonstrate that local and personal politics could and did significantly alter both British domestic and imperial politics.

Moreover, as Melbourne suggested, the intimate connection between private virtue and public office was a matter of common sense. To ignore this connection as Durham had done affected everyone. “Only consider how you injure you own private character by the association of such men with yourself and your family,” reminded Melbourne. “Only consider how you injure the Queen, whose age and character demand some respect and reverence,” he continued. “Only consider what topics you furnish to

¹⁰⁰ Melbourne to Durham, 17 July 1838, reproduced in, *Lord Melbourne's Papers*, 427.

¹⁰¹ McKenzie, *A Swindler's Progress*, 32–9.

your adversaries. The real insignificance of these difficulties, if indeed they were insignificant, and the ease with which they might have been avoided, only render them the more annoying and provoking, especially when we consider the magnitude of the consequences that might flow from them.”¹⁰² If common sense had thus far evaded Durham, Melbourne made one final attempt to exert his prime ministerial authority over the independently minded governor general. He ordered Durham to keep both Turton and Wakefield’s names “seen as little as possible” and to “let Mr. Buller continue to sign all [his] public acts.” A hiatus in Melbourne’s correspondence to Durham between 18 July and 19 August provided the governor general with some semblance of independence from ministerial criticism and metropolitan meddling. However, as we will see in chapter five, this break from imperial interference in Canadian affairs did not last.

“There Will Be an Explosion at Quebec When this Debate Arrives”

How did British subjects on the other side of the Atlantic understand the debate that had occurred five weeks earlier in London? What effects did it have on Durham’s administration? In this final section, I examine how those in Lower Canada, especially the colonial press and those intimately connected to Durham and his mission understood what they conceived as metropolitan meddling or imperial interference in Canadian affairs. Such an understanding had links to the rhetoric of non-interference that, as we saw in chapter one, the Patriots had employed since the late 1820s as well as demands for “independent” or “responsible” government.

¹⁰² Melbourne to Durham, 18 July 1838, reproduced in, *Lord Melbourne’s Papers*, 428–29.

Confirmation that Turton's appointment had reignited debate in the House of Lords, accompanied by the news of Victoria's metropolitan coronation, arrived in Lower Canada at the end of July. On the 28th, the *Montreal Gazette*, the first newspaper in BNA to draw attention to the debate, reported that "the appointment of Mr. TURTON, to be one of the Secretaries of Lord DURHAM, was made the subject of discussion."¹⁰³ Two days later, *Le Canadien*, the *Quebec Mercury*, and the *Gazette* each noted the reappearance of the Turton debate in the House of Lords. By the second week of August, newspapers in both Lower and Upper Canada had published complete transcriptions of the debate.¹⁰⁴ On Saturday, 11 August 1838, the *Kingston Chronicle & Gazette* reported that Mr. Turton's appointment was *still* being debated in the Lords on 17 July 1838.¹⁰⁵ That same day, in New York State, the paper of exiled Upper Canadian radical, William Lyon Mackenzie, printed in his *Mackenzie's Gazette* a communication from his "Foreign Correspondent" that outlined Turton's "*sin*" and suggested that there was no job, "however dirty," that Wakefield would not undertake.¹⁰⁶ As the previous sections have illustrated, confirmation of Turton's appointments to the Executive Council and as second secretary to Lord Durham's administration, as well as the rumoured appointment of Wakefield, were but two threads in a much larger debate that threatened to unravel the very fabric of Durham's administration. That the editors of Lower Canada's leading newspapers reprinted the debate in its entirety, in both French and English, would seem to suggest

¹⁰³ *Montreal Gazette*, 28 July 1838.

¹⁰⁴ *Le Canadien*, 30 juillet 1838; *Quebec Mercury*, 30 July 1838; and *Montreal Gazette*, 30 July 1838.

¹⁰⁵ *Kingston Chronicle and Gazette*, 11 August 1838.

¹⁰⁶ *Mackenzie's Gazette*, 11 August 1838.

that Lower Canadians considered, or in the editors' opinions at least ought to have considered, this debate to be of particular importance.

When Charles Grey stumbled on the arrival of this "unpleasant" news on Monday, 30 July, he recorded it in his journal.¹⁰⁷ His entry for that day was entirely devoted to the subject of Turton's appointment and the debate in the House of Lords. "The *Gazette* contains a debate from the London Papers on the appointment of Mr. Turton which will not please Lord Durham," he wrote crisply in his journal.

Lord Melbourne had stated that [Turton] was gone to Canada without an appointment and without the slightest intention on the part of Lord Durham to appoint him to anything, and now, in answer to Lord Wharncliffe, [Melbourne] states that he had not expected it and that he has since heard of his appointment with 'equal surprise and concern.' Lord Brougham, with the professed intention of doing *justice* (!) to Mr. Turton, gives a whole history of the transaction, with which probably few people were acquainted, but which must now be pretty well known.¹⁰⁸

Grey concluded his diary entry with the prediction that: "There will be an explosion at Quebec when this debate arrives there."¹⁰⁹

Although Lieutenant Colonel Charles Grey had underestimated the global currency that Turton's sinful past had purchased for him across the British empire, he had correctly anticipated how the Lower Canadian press and his brother-in-law would react to this metropolitan meddling. Editorials and letters to editors quickly appeared in the pages of Lower Canada's newspapers and continued to appear on the subject until mid-September when imperial discussions of the Bermuda Ordinance redirected the gaze of the colonial press. Despatches that preserve Durham's reaction to the debate and his

¹⁰⁷ 30 July 1838 in, Grey, *Crisis in the Canadas*, 89–90.

¹⁰⁸ 30 July 1838 in, Grey, *Crisis in the Canadas*, 89–90.

¹⁰⁹ 30 July 1838 in, Grey, *Crisis in the Canadas*, 89–90.

perception of “public feeling” in Lower Canada were drafted, copied, and posted to the Colonial Office. Durham composed two despatches on the subject, both dated 30 July 1838, but only one appeared before the imperial public in the published *Correspondence* the following February. By that time, all references to the debate and Turton had been removed.

The most active hub of colonial anti-metropolitanism in Lower Canada after receiving the news of this debate was at Quebec City, perhaps because this was where Durham resided and was the seat of his government. There, on 30 July, the *Quebec Mercury* expressed their regret that Lord Wharncliffe’s inquiries were designed to gratify Tory “party spirit” and that they were without “any view of the welfare of this Colony.”¹¹⁰ “We think,” remarked the paper, that “the welfare of Canada and of the British North American possessions would be better promoted by allowing [Lord Durham] to carry out his own views by the means which suggest themselves, on the spot, than by attempting to clog his steps by calling out for explanation in Parliament, on every move he may find necessary to make.”¹¹¹ Durham had enclosed this *Extraordinary* edition of the *Mercury* in his subsequently censored despatch in an effort to indicate to Lord Glenelg the “public feeling” that prevailed in Lower Canada after people had learned of the debate in the House of Lords.¹¹² Frustration with such metropolitan meddling and the desire to support Durham’s independent administration was reiterated in the pages of *Le Canadien* and the *Quebec Gazette*. Both papers argued that “the

¹¹⁰ *Quebec Mercury*, 30 July 1838.

¹¹¹ *Quebec Mercury*, 30 July 1838.

¹¹² LAC, MG24 A27, Lambton fonds, Vol. 12, Durham to Glenelg, 30 July 1838, Reel C-1850, 204-5.

inhabitants of the Colonies, who have full as much interest in what is passing here as any nobleman or gentlemen, members of Parliament, would be very much obliged ... if they would let Lord DURHAM alone.”¹¹³

Durham expressed similar sentiments in his two despatches. He explained that this imperial interference would undoubtedly have a negative effect upon his administration of affairs in Lower Canada. This “misapprehension in Parliament,” he explained, would not only hinder his ability to act independently, it would also cause the colonists to question their confidence in his administration, which they had so recently demonstrated as he toured the Canadas.¹¹⁴ Durham’s two despatches were in fact replies to the communications from Lord Glenelg that had been rushed off from the Colonial Office after the return of the Turton debate to the House of Lords in early July. Of the two despatches, No. 31 was altered before it appeared in published form. No. 30, on the other hand, was completely excluded from *Correspondence*, and for good reason: it cast Melbourne and his administration in a most unflattering light.

Durham’s frustration is apparent from the very first line. Despatch No. 30 begins with Durham reprimanding the colonial secretary, on the subject on which he had recently lectured Durham: the proper method of composing colonial correspondence. “I have the honour of receiving this day by the Post, a Despatch from your Lordship without any number, and only dated generally, July 1838,” Durham wrote reprovingly. Glenelg likely did not date or number his despatch in an effort to keep his communication of this

¹¹³ *Le Canadien*, 3 août 1838; *Quebec Gazette*, 1 August 1838; *Quebec Mercury*, 2 August 1838.

¹¹⁴ LAC, MG24 A27, Lambton fonds, Vol. 12, Durham to Glenelg, 30 July 1838, Reel C-1850, 204-5.

uncivil subject unofficial. That he did so suggests he wanted to guard his reputation from the taint of Turton. Unlike Glenelg's despatch, Durham dated and numbered his correctly – 30 July 1838, No. 30. It was four pages in length. No ink was wasted getting to the point. From his first to his final line, Durham chronicled his frustration with metropolitan affairs. He explained what were in his opinion the effects that this metropolitan meddling had (and would have) in Lower Canada. "Referring to that part of [the debate] which relates to Mr. Turton's appointment as one of my Secretaries and a Member of my Executive Council, I lament that it has excited the "surprise and regret" of Her Majesty's Government," he wrote derisively.¹¹⁵ He reminded Glenelg that his reasons for employing Turton were detailed in a previous communication. He reiterated that, in spite of Melbourne's meek declarations in the Lords, he had "stated to Lord Melbourne before leaving England" that he would waive "any appointment by the Government at home for Mr. Turton," with the understanding that he was at "full liberty" to employ Turton on his arrival in Lower Canada. "Mr. Turton is my own secretary, and not the Civil or Provincial Secretary, or one of the Secretaries named in the establishment submitted to Parliament," he explained. "His appointment as one of the Executive Councillors is not under Mandamus from the Crown, and is derived from myself alone." That Melbourne had known of Durham's intentions but chose to intimate otherwise caused Durham to jeeringly declare his own "surprise" and "regret" with the whole matter.¹¹⁶

¹¹⁵ LAC, MG24 A27, Lambton fonds, Vol. 12, Durham to Glenelg, 30 July 1838, Reel C-1850, 202.

¹¹⁶ LAC, MG24 A27, Lambton fonds, Vol. 12, Durham to Glenelg, 30 July 1838, Reel C-1850, 202.

No 30
 Castle of St. Charles
 July 30 1850

My dear Sir

That the hour
 of mailing this day
 by the post, a
 despatch, ^{from you}
 without any number
 and dated July 1850

Referring to that
 part of it which allude
 to Mr. Ingham's appointment
 as one of my Secretaries
 and a member of the
 Executive Council, I
 cannot but be glad
 to state that the "Supra-
 dition" of the 18th

In Lower Canada, Melbourne's timid handling of the matter was criticized in both private correspondence and the colonial press. Unlike in the metropole, however, where critiques of Melbourne were designed to undermine both his statesmanship and his administration which were attacked for its views on secret ballots, the Corn Laws, and its handling of crisis in Canada, most commentators in Lower Canada had little concern for the state of British politics. Lower Canadians lamented Melbourne's handling of the whole matter for the effects that it would have upon Durham's administration and the future of their colony. Moreover, those politically engaged settlers in Lower Canada who read or wrote to the colonial newspapers had more pressing concerns than the political manoeuvres of metropolitan statesmen; they

Figure 4.3: Draft of despatch No. 30
 Source: LAC, MG24 A27

frequently remarked on the ways in which this interference would affect Lower Canada. “The House [of Lords],” explained the *Quebec Mercury*, seemed to consider the “paltry attempts” of Lords Wharncliffe and Ellenborough to “embarrass the government as undeserving of its support.” “We cannot say that Lord Melbourne has appeared in the matter to which we allude in so clear a light as could be desired. His explanations have appeared to both friends and foes equally irreconcilable with probabilities. An unwonted timidity has betrayed the noble Viscount apparently into a position of some difficulty and of some delicacy.”¹¹⁷

The editor of the *Mercury* was not the only individual in Lower Canada to note the poor quality of Melbourne’s orations in the Lords. John Richardson, who wrote to Durham from Montreal on the 31 July after reading “with much concern” the debates of the House of Lords, regretted Melbourne’s statements. Richardson, who had been hired by the *Times* of London in the spring of 1838 to serve as the Tory paper’s foreign correspondent and to report on the 1837 rebellion, did not think it “proper” that Lord Melbourne “express[ed] chagrin at a certain appointment made by Your Lordship in this Country. Surely it would have been ... more becoming in the Prime Minister of England,” he wrote, if Melbourne had “declined answering any questions put to him on the subject, or if answering, to have stated his ignorance of, and unwillingness to interfere with, any of Your Lordships [sic] Colonial arrangements.”¹¹⁸ After joining Durham on his tour of the Canadas and corresponding with him in Montreal and Quebec, Richardson

¹¹⁷ *Quebec Mercury*, 2 August 1838.

¹¹⁸ LAC, MG24 A27, Lambton fonds, Vol. 26, Richardson to Durham, 31 July 1838, Reel C-1856, 971-2.

had become a strong supporter of the governor general and his independently acting administration, a sentiment that ultimately led to his dismissal from the *Times* later that year.¹¹⁹

Lady Durham did not much like Melbourne, likely due to the prime minister's shocking declaration that he thought that the authors of the Reform Bill, which included both her husband and father, "ought to be hanged."¹²⁰ On 10 August, after she and her husband had received news that Canadian affairs had again been debated in the Lords on the 16th and 17th of July, Lady Durham wrote to her mother that she was "very much vexed at this business of Mr. Turton." "I cannot help thinking Ld. Melbourne is shabby about it. He certainly knew when [Turton] went that he was not going on a party of pleasure, & ought to have been prepared for his appointment here ... I hope the storm about [Turton] may blow over, as nothing fresh has been done here to excite it, but it is an annoying affair when otherwise everything would be going on so well."¹²¹ Lady Durham's remark that "nothing fresh has been done here" should not be interpreted as a lack of knowledge of the politics of empire in Lower Canada. Rather, her wording suggests that the "public feeling" of Lower Canadians was more concerned with the

¹¹⁹ David R. Beasley, "John Richardson," *DCB*. An unsigned and unaddressed extract of a letter, dated 16 August, that was sent to the metropole, by way of the *Great Western*. The letter strongly criticizes Melbourne's conduct in the recent parliamentary "clamour against Lord Durham for certain of his Provincial Appointments." The letter further suggested that Melbourne's "most extraordinary" conduct did not befit an experienced statesman: "Now his Lordship's hairs are not so many nor are his wrinkles so few that he should have felt it incumbent of him to make a reply worthy only of a novice in diplomacy." LAC, MG24 A27, Lambton fonds, Vol. 2627, 94-96.

¹²⁰ Mitchell, *Lord Melbourne*, 21.

¹²¹ Lady Durham to Lady Grey, 10 August 1838, in *Lady Durham's Journal*, 74-5; See also, LAC, MG24 A27, Lambton fonds, Reel A-1220.

interference of metropolitan statesmen in colonial affairs than they were with Turton, his past transgressions, or Durham's appointment of this uncivil civil servant. The *Montreal Herald* explained that the lack of attention paid by the press and the public was in fact a declaration of confidence in Durham's administration. "The appointments of Mr. Turton and Mr. Wakefield were freely spoken of by the public and most delicately alluded to in the press, on the arrival of the Governor General," reminded the *Herald*. The appointments were "submitted to by all parties, not because they overlooked the immoral character of the two gentlemen," explained the paper, "but because they wished to show Lord Durham that the British inhabitants of Canada were disposed to place entire confidence in the rectitude of his intentions to redress their grievances. They were unwilling to place any obstacles in his way."¹²²

Others in Lower Canada also expressed their confidence in Durham and his appointments. An unsigned letter to the editor of the *Montreal Gazette* dated Quebec, 12 August, was published on the 16 August, and like the *Herald*, it addressed the question of Turton's appointment directly. "I know none of Lord Durham's suite," the unidentified colonist wrote, "but I must say what every candid observer will admit, that they bear, for the most part, the reputation of talent; and all of them appear to be hard working, practical men. Of the two gentlemen, whose appointments have been objected to, Mr. Wakefield is of unquestionable ability, and perhaps the best informed man in England on the Subject of the department over which he presides." The unidentified colonist then reminded readers that "during the last session of the Court of Appeals," Mr. Turton had

¹²² *Montreal Herald*, 20 August 1838.

“won the golden opinions of the Bar, by his acuteness, his application, his unaffected earnestness in the pursuit of information, and his gentlemanly deportment. I look at these gentlemen in their public capacity. I recognize them as public characters only, and as yet, I see nothing to disapprove – much to commend.”¹²³ The *Mercury* argued that Durham’s appointments were not a cause for concern in Lower Canada, and that Lords Ellenborough, Winchilsea, and Wharncliffe had exploited Turton and Wakefield’s dubious reputations “for the sake of personal or party interests.”¹²⁴

No sooner had the Noble Earl entered upon his arduous task than a malignant clamour was raised against him on the score of certain appointments his Excellency had made of gentlemen, who it is admitted are every way capable of fulfilling the duties allotted to them and against whose conduct in public life there is nothing to object. And here let be observed, that no expression of discontent on the subject of these appointments had been forwarded from these Colonies, which might have given rise to the inquiry and the objections raised by these ultra Conservative Peers.¹²⁵

To shore up colonial support for Durham, the *Mercury* published two articles that delved into the past and private histories of those public men who were “endeavouring to interfere with the safe government of these Colonies under their present ruler.” Although the results of these two articles were unexpected, the *Mercury*’s observations reveal the different visions of colonial governance that existed in metropole and colony as well as the different understandings that liberals and conservatives had of the relationship between public and private reputations.

An unsigned article, published on 2 August 1838, focused primarily on how the behaviour of Lords Ellenborough, Wharncliffe, and Winchilsea interfered with Durham’s

¹²³ *Montreal Gazette*, 16 August 1838.

¹²⁴ *Quebec Mercury*, 16 August 1838.

¹²⁵ *Quebec Mercury*, 18 August 1838.

colonial administration. It chronicled the differences between their version of colonial governance and that of Lord Durham. The *Mercury* argued that the “theory of governing distant Colonies” put forth by these noblemen was one wherein a “directing committee” in London controlled the “wording of every Ordinance and the appointment of every Officer of the Country.” Within such a scheme, the *Mercury* asserted, the office of the governor itself would be “abolished as useless and burthensome.”¹²⁶ Two weeks later, the *Mercury* again attacked what it identified as the “present Parliamentary phalanx of colonial assailants.” However, this time the paper sought to “blacken” their reputations in an effort to secure public confidence in Durham’s independent administration. Lord Ellenborough’s statesmanship was declared a “jest and a bye-word” because his despatches on Indian affairs were depositories of “official humour.” The Earl of Winchilsea’s “most malignant” opposition to his fellow Roman Catholic subjects and his “savage denunciations of them in Parliament” positioned him, like Ellenborough, beyond the pale of society. The Marquis of Chandos, who was the first to question the expenses of Durham’s administration in the House of Lords that April, was exposed as one of the “most considerable slave holders” in the West Indies. “In former days,” the *Mercury* asserted, he “held the traffic in human flesh as a most Christian practice, and [has] opposed every attempt to ameliorate the condition of the unfortunate beings thus carried into bondage.”¹²⁷ The *Mercury* presented all these past transgressions – the composition of ignorant Indian despatches, the opposition to Roman Catholics, and involvement in the slave trade – as tales of ruin as uncivil as Turton’s adultery and Wakefield’s

¹²⁶ *Quebec Mercury*, 2 August 1838.

¹²⁷ *Quebec Mercury*, 16 August 1838.

imprisonment. Moreover, that the *Mercury* considered such politics uncivil, unmanly, and un-British thus reiterated the important role that status and reputation played in the 1830s. Furthermore, it suggests awareness in Lower Canada of the much larger imperial debates that, as Linda Colley, Kirsten McKenzie, and Catherine Hall have shown, played fundamental roles in redefining what it meant to be a British subject within the wider empire.¹²⁸

Two days later, on Saturday, 18 August 1838, the *Montreal Gazette* declared its “disgust” at the *Mercury* for attempting to defend Durham’s administration by entering into a “suppositious sketch of the personal history” of his opponents by attempting to “blacken their character with the most malignant expressions.”¹²⁹ Is this the way, inquired the *Gazette*, that “the conduct of the Governor General ought to be defended, if it required a defence?” If Durham’s appointments did require defending, the *Gazette* further argued, “reason and argument” rather than the “weapons of opprobrious and indecent abuse” would be better and more gentlemanly ammunition. The editor of the *Mercury* had exposed the “basest feelings” in the hearts of men, exclaimed the *Gazette*, by mistaking “scandal for argument, and defamation for reasoning.”¹³⁰ The *Herald* similarly declared its “regret” that it was bound to address the “disagreeable subject” presented in the *Mercury*. The *Herald* warned that “if the same course of conduct is persevered in, the administration of Durham, will lose the confidence and respect of those whose good

¹²⁸ McKenzie, *A Swindler’s Progress*; Colley, *Britons*; and Hall, *Civilizing Subjects*.

¹²⁹ *Montreal Gazette*, 18 August 1838.

¹³⁰ *Montreal Gazette*, 18 August 1838.

opinion it is worth having, and will gain their scorn and contempt.”¹³¹ Although these two Conservative newspapers spoke out in favour of Lords Ellenborough, Winchilsea, and Wharncliffe and asserted that it was their right to inquire into the appointments of Durham, they did not seek to undermine the colonial confidence that had been placed in Durham. Rather, by speaking out against the *Mercury*, both the *Gazette* and the *Herald* endeavored to preserve for Durham the confidence of the people in his integrity and “statesmanliness” that they had so recently expressed on his tour of the Canadas. Nevertheless, this was, as Durham’s final despatch on the subject indicates, an increasingly difficult task. Imperial interference in colonial affairs was not just beginning to fray the ties that bound Lower Canadians, both francophone and anglophone, to the empire and each other; it was also straining the more tense ties that secured their conditional loyalty to Durham and his administration.

On 25 September 1838, Durham penned what would be his final despatch on the July debate that had questioned his authority to act independently in BNA. As with Durham’s previous despatches on the topic, all his references to Turton and the debate his appointment had sparked in the metropole were removed from the published version in *Correspondence*. The manuscript copy of the despatch, however, reveals Durham’s interpretation of the reactions that the Lower Canadians, both French and English, had to the metropolitan debate that July. Durham explained that both he and the Canadian colonists have “appreciated” the “talents and uncommon assiduity” of Mr. Turton. Moreover, neither welcomed the manner in which his authority had been “vigorously

¹³¹ *Montreal Herald*, 20 August 1838.

assailed by the Opposition, and feebly defended by the Government.” Durham explained that although these sentiments were his, they were confirmed by the “public voice of these colonies, where all men, of whatever class or party, were agreed in thinking that unless I should be cordially supported by the Legislature ... there was not the slightest prospect of any satisfactory result.”¹³² The conditional loyalty that Lower Canadians had offered Durham upon his arrival in the colony, through their decision to support his Executive and Special Councils and the Bermuda Ordinance, as well as the confidence they declared in his administration while he toured the Canadas, was being reconsidered: not because of Durham’s actions, but because he had been unable to curtail the interference of metropolitan statesmen in colonial affairs. Politically engaged settlers in Lower Canada could not be confident that Durham would be able to restore political stability and thereby fulfill the conditions of their loyalty or meet their demands for an independent colonial government, if he did not have the support of the imperial parliament. As chapter five reveals, this anti-metropolitan sentiment culminated with the repeal of the Bermuda Ordinance, which weakened the ties that bound Lower Canadians to the metropole and caused a British Tory backlash and a second French-Canadian rebellion in fewer than twelve months.

Conclusion

This second Turton debate exposed the limits of Durham’s ability to govern independently in Lower Canada. It revealed that metropolitan officials not only continued

¹³² LAC, MG24 A27, Lambton fonds, Vol. 44, Durham to Glenelg, 25 September 1838, Reel C-1851; and *Correspondence*, 181–3.

to intervene in the lives of colonial subjects in ways that those subjects deemed inappropriate, but that this enlightened despotism, as it was understood by those in the metropole, was influenced by a combination of personal, political, and legal motives. The suspension of the Lower Canadian constitution that made this greater intervention possible, increasingly frustrated Durham and the Canadian colonists. Durham's despatches, in their original form, indicate that politics in Lower Canada and the metropole were fundamentally linked, while the published extracts indicate the extent to which imperial officials would go to create an image of colonial politics that suited metropolitan political agendas. Through his correspondence Durham hoped to demonstrate that the meddling of metropolitan statesmen was upsetting the affective bonds between the empire and British North Americans who had little interest the political jockeying of British statesman. Durham argued that this interference undermined his efforts to reform colonial government and act independently in Lower Canada. Moreover, it raised the menace of a future rebellion. Although the imperial statesmen who instigated this second Turton debate claimed to be speaking for the Canadian colonists, they were struggling to preserve both their authority over colonial matters as calls for reform, often emerging from the colonists themselves, threatened to weaken British authority over the colonies *and* their own political fortunes in England. In the House of Lords, both Melbourne's inconsistent statesmanship and Durham's authority in BNA were put on trial in a debate that set the tone for a final attack of Durham's administration that August over the Special Council's enactment of the Bermuda Ordinance.

CHAPTER 5

“The Disaffected are Elated, the Confident Depressed”: The Disallowance of the Bermuda Ordinance, Anti-Metropolitan Sentiment, and the End of Conditional Loyalty

“A public mark of indignation at the conduct of Lord Brougham, in respect to the act of the Governor General, was given in a way not often witnessed in this country,” reported the *Quebec Mercury* on Thursday, 27 September 1838. Two days earlier, at about 8 o’clock in the evening, an “immense number of inhabitants” assembled near a four-wheeled carriage, parked in front of the Quebec jail. The *Mercury* reported that the carriage, especially “built for the occasion,” was drawn by “several sturdy fellows” and “surrounded by men bearing lighted torches.” Cries of “*down with Brougham*” and other similar “expressions of disgust” emerged from the “mob of gentlemen” that had gathered to express their frustration with a recent debate in the imperial parliament. On the carriage, a wooden bust that “bore no small resemblance to ... the ex-Chancellor [Brougham]” stood erect, clad in “wig and gown.” “The platform on which the figure was placed,” the *Mercury* explained, “was illuminated so as to render the culprit a conspicuous object. [It] showed the ex-Chancellor with a rope round his neck which was held by his Satanic Majesty, who stood in an attitude as if dragging his victim to a place, which, we shall not shock our readers by naming.” On the four sides of the carriage were transparencies, each with a different motto. Atop the figure of Brougham was a placard: “GOT HIM.” The right side of the carriage read: “THE EX-CHANCELLOR BROUGHAM, THE EX-HERO OF COMMON SENSE,” while the transcription on the left announced: “LORD BROUGHAM, THE FACE OF HIS COUNTRY.” The rear of the carriage read: “GO ON MY

FRIEND TO YOUR WORTHY END.” This figure, “amid the vociferation and exclamations of an immense crowd,” was paraded through Quebec until it arrived at the Place d’Armes, where, opposite the residence of the governor general, the procession halted. It was here, in front of the Castle of St. Lewis, amidst the “most enthusiastic” cheers for Her Majesty and Durham that “the torches were applied to his Lordship’s robes.”¹

The *Mercury* reported that the “burning in effigy of the Great Lawyer and the whole matter was conducted with a solemnity and decorum that rendered it more irresistibly ludicrous.”² Not all of Quebec was opposed to Brougham who was known as a reformer and Patriot sympathizer. Indeed, the francophone population at Saint-Roch supported Brougham and held a public meeting in favour of his Act of Indemnity that had encouraged others to burn the ex-Chancellor in effigy. Although the anglophone press, and even *Le Canadien*, dismissed this gathering of the colony’s francophone population, Amédée Papineau did not disregard its importance. When he learned of the meeting at Saint-Roch “pour remercier lord Brougham,” Amédée noted in his journal: “Je crois que c’est la première assemblée publique des Canadiens depuis l’insurrection.”³ Yet the rarity of such an extraordinary public mark of indignation made it a poignant example of how the conditions that Lower Canadians attached to their loyalty had changed following the news of the abrogation of the Bermuda Ordinance.

Since Durham’s arrival in Lower Canada on 29 May 1838, politically engaged settlers, francophone and anglophone had both offered him their loyalty and proclaimed

¹ *Quebec Mercury*, 27 September 1838; *Le Populaire*, 5 octobre 1838.

² *Quebec Mercury*, 27 September 1838; *Le Populaire*, 5 octobre 1838.

³ Papineau, *Fils de la Liberté*, 226.

their confidence in his ability to rectify their grievances. These declarations of loyalty were located in the condition that Durham could, armed with near-despotic powers, remedy the evils of colonial misgovernment that had led to years of political uncertainty and instability in Lower Canada. This chapter rounds out this story by examining the final six weeks of Durham's administration. It argues that a rising tide of anti-metropolitan sentiment among Lower Canadians, and among British North Americans more generally,⁴ suggests that those colonists who had publicly supported Durham's initiatives and welcomed his promises of hope, tranquillity, and prosperity for the future had once again become frustrated with the uncertainty of the imperial project in BNA.⁵ However, the object of their frustrations was neither Durham nor his administration, but something all too familiar to Lower Canadians: imperial interference in Canadian affairs. When imperial statesmen like Lords Brougham, Melbourne, and Glenelg were burnt in effigy in September 1838, unlike a year earlier when St. Denis's Patriots honoured Governor Gosford and his supporters with a similar fate, the object of colonial frustration had clearly shifted from local colonial authorities to metropolitan ones.⁶ This anti-metropolitan sentiment, sparked by Brougham's Act of Indemnity and the acquiescence of Melbourne's ministry in the disallowance of the Bermuda Ordinance to save itself,

⁴ Similar effigies of Brougham, as well as Melbourne and Glenelg were burnt in both Montreal and Toronto, see *Le Canadien*, 26 septembre 1838; *Toronto Patriot*, 6 October 1838; and *Le Populaire*, 5 octobre 1838.

⁵ Grey, *Crisis in the Canadas*, 126; Richardson, *Eight Years in Canada*, 48.

⁶ Greer, *Patriots and the People*, 218.

undermined the stability of Durham's administration and his ability to guarantee political stability, ultimately altering the conditions of loyalty in Lower Canada.⁷

Although anti-metropolitan sentiment increased during the final six weeks of Durham's administration, Durham continued to receive the near unanimous support of francophone and anglophone British subjects residing in Lower Canada. In fact, the number of politically engaged settlers in Lower and Upper Canada who chose to publicly offer Durham their confidence is astounding.⁸ However, as Chester New pointed out in 1929, "Durham knew ... [that this] was not universal love for him, although there was a heartfelt sympathy and a deep respect." Then, in almost unpalatable prose New continued: "these glowing epistles and public meetings, resolutions, addresses, burning of Brougham and carting of Melbourne, all Canadians except last year's [1837's] rebels united for once in a common feeling ... [of] ... Canadianism." This expression of "Canadianism" New argued united all the discontented groups in Lower Canada and enabled the "Canadian people to give to the world the finest and most effective blending of nationalism and imperialism."⁹ I consider these expressions not as nationalism or even anti-colonialism, as scholars have done for Quebec and other colonial contexts, but rather

⁷ *Quebec Mercury*, 27 September 1838; *La Quotidienne*, 5 octobre 1838. News that Brougham was burnt in effigy reached the antipodes in early 1839. See, *The Sydney Gazette and New South Wales*, 23 February 1838 and *The Perth Gazette and Western Australian Journal*, 4 May 1839.

⁸ These contemporary displays of confidence in Durham are especially surprising compared to the controversy that a placard with his likeness caused in November 2007.

⁹ New, *Lord Durham*. 446. Carl Berger made a similar argument about Canadian nationalism in the late nineteenth century nearly fifty years later. See, Carl Berger, *The Sense of Power: Studies in the Ideas of Canadian Imperialism, 1867–1914*, (Toronto: 1970).

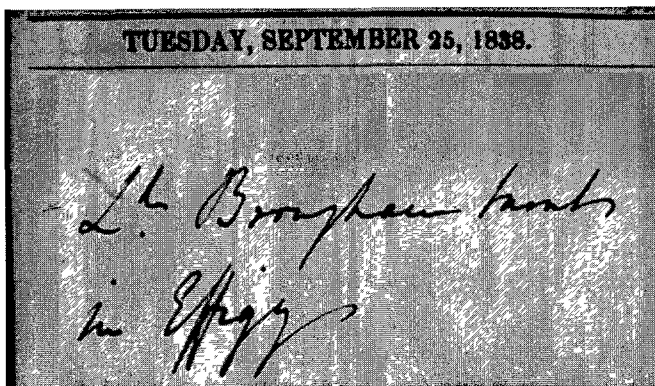
as expressions of anti-metropolitanism that fused Lower Canadians' frustration with the imperial parliament and their support for Durham's anticipated reforms.¹⁰

This chapter illustrates that support for Durham came from all parties and factions and stemmed from a variety of complicated and at times contradictory reasons. Yet the one constant that ran through all expressions of support and sympathy offered to Durham between mid-September and his departure on 1 November 1838, was that colonists were again frustrated by what they considered imperial "interference" in Canadian affairs. For some this translated into further loyalty to Durham; for others like those who had gathered at St. Roch it meant that the conditions attached to their loyalty, in particular Durham's ability to bring about permanent change, were no longer being met. Some wanted to remain a part of the British empire, while others rallied for independence and separation. Others still wanted Durham to stay and finish the work he had started. Some wanted him to return to England immediately. These diverse reactions – this anti-metropolitan sentiment – ultimately stemmed from Lower Canadians' frustration with the administrative structures of British imperialism that preceded the granting of responsible government. People wanted their colonial government and the constitution reformed in varying degrees, either within or without the realm of empire. As this chapter illustrates, the renunciation of the Bermuda Ordinance combined with the passing of Brougham's

¹⁰ Marcel Bellavance, *Le Québec au siècle des nationalités: essai d'histoire comparée*, (Montréal: 2004); Lester, *Imperial Networks*; Catherine Hall, "White Visions, Black Lives: the Free Villages of Jamaica," *History Workshop Journal* 36:1 (1993): 100–132; Stephen Howe, "Minding the Gaps: New Directions in the Study of Ireland and Empire," *The Journal of Imperial and Commonwealth History* 37:1 (March 2009): 135–49; William Louis, "American Anti-Colonialism and the Dissolution of the British Empire," *International Affairs* 61: 3 (Summer, 1985): 395–420

Act of Indemnity altered the conditions of loyalty in Lower Canada not towards Durham, but to the imperial parliament, between francophone and anglophone settlers, and, for some, to the empire. This enlightened despotism as it was understood by metropolitan statesman or as imperial interference by colonists in BNA not only demonstrated that Durham was accountable to the British government. It also revealed that one of the central conditions of loyalty among Lower Canadians was the belief that Durham, an independently acting Whig-Radical statesman, was capable of permanently reforming the structures of colonial government.

Durham did not only witness the most spectacular display of anti-metropolitan sentiment when Brougham's effigy was reduced to ash, he also noted it in his daybook: "Ld Brougham burnt in Effigy."¹¹ Lady Durham, whose dislike of Brougham was known to both her husband and father, also recorded this extraordinary event in her journal.¹² "A large mob paraded the streets," she scribbled, "Ld Brougham was burnt in Effigy."¹³ Her



brother Charles Grey, similarly recorded this public outburst in his diary. "There was but one expression of indignation against the authors of the mischief, of confidence in Lord Durham's

Figure 5.1: Lord Durham's entry in his daybook for 25 September 1838
 Source: LAC, MG24 A27

¹¹ LAC, MG24 A27, Lambton fonds, Vol. 41, Reel C-1858.

¹² Durham to Grey, 4 October 1830, in Trevelyan, *Lord Grey of the Reform Bill*, 221.

¹³ LHSQ, *Lady Durham's Journal*, 45.

administration, and of regret and dismay at this departure. Addresses and deputations came pouring in from every town and village in the Canadas. So much unanimity had never before existed.”¹⁴ As Grey’s entry suggests, the actions of metropolitan statesmen led to more than burnt effigies and public displays. The disallowance of the Bermuda Ordinance and the passing of the Act of Indemnity on 13 August 1838 had three unexpected consequences in Lower Canada. First, it led to Durham’s hasty resignation on 9 October 1838. Second, it encouraged public expressions of confidence in Durham, but this was a sentiment that no longer hoped for reform, but due to the return of political uncertainty, feared rebellion. Thirdly, it exposed the fragility of the imperial project in BNA by magnifying the struggle of “races” that Durham identified in his report and had created space for a second French-Canadian rebellion in November 1838. Those “meddling mischief makers,” as the *Quebec Mercury* identified those in the House of Lords, had interfered in colonial affairs and altered the conditional loyalty of Lower Canadians.¹⁵

This chapter hinges on the metropolitan debate that goaded colonists into burning metropolitan statesmen in effigy at the end of September 1838. Between 30 July and the 16 August 1838, peers in the House of Lords debated the ordinance that, as we saw in chapter two, transported eight Patriots to Bermuda. The chapter begins by exploring this debate, its depiction in the pages of the metropolitan press, and how it was articulated in official Colonial Office correspondence. Rather than detailing the entire debate as other

¹⁴ Grey, *Crisis in the Canadas*, 126. See also, Garneau, *L’Histoire du Canada*, 471 and Richardson, *Eight Years in Canada*, 48.

¹⁵ *Quebec Mercury*, 13 September 1838.

historians have done, I pay particular attention to the rhetoric that metropolitan statesmen used to justify their interference in Canadian affairs. The second and third sections examine reaction in BNA to the news that metropolitan statesmen had not only took issue with another aspect of Durham's administration, but had also disallowed the Bermuda Ordinance. The reaction reproduced in the colonial press, in public addresses presented to Durham, and in private correspondence document settlers' confidence in Durham, their frustration with the political acts of his "meddling" metropolitan colleagues, and the return of political uncertainty. The chapter concludes by considering Durham's representation of the effects that this "interference" had upon the state of empire in BNA.

A "Long and Arduous Debate"

Word that Durham's Special Council had transported eight Patriots to Bermuda reached London on 28 July 1838, the same day that Nelson, Bouchette, and the others set foot upon Bermudan soil. The *Spectator*, a reform paper begun in 1828 by Robert Stephen Rintoul, was one of the many metropolitan papers to report on the ordinance and the debate it sparked in parliament. It informed its readers that notwithstanding "his curious theories" Durham is "popular even among the 'High Tories' of the English party in [Lower Canada]," a sentiment not shared by their metropolitan counterparts.¹⁶ That same day, Prime Minister Melbourne had also learned of the passage of the ordinance in a "private" letter from Durham, dated 28 June 1838, which contained the news that the question of the state prisoners in Lower Canada had been successfully settled. "It is a

¹⁶ *The Spectator*, 28 July 1838.

great weight off my mind and a great gratification” to find that all the proceedings “have been approved of by all parties – Sir John Colborne and all the English Party, the Canadians, and all the French Party,” explained Durham.¹⁷ Within forty-eight hours, this “colonial intelligence” made its way into the chambers of the imperial parliament.

Between 30 July and the prorogation of parliament on 18 August 1838, metropolitan statesmen debated the legality of the Bermuda Ordinance. This debate, much like the Turton debates in April and July, revolved around the extent to which Durham was able to act independently in BNA. Had Durham overstepped, what the *Standard* called, the “legal geography” of his authority?¹⁸ The metropolitan press, often divided between its dislike of Durham, its frustration with metropolitan statesmen, and the legality of the ordinance, repeatedly linked British domestic and imperial politics. “Though no admirers of Lord Durham’s political opinions, and perfectly disgusted by his choice of councillors,” noted an editorial in the *Standard* reprinted in the *Examiner* on 12 August 1838, “we must acknowledge that we do not consider the documents under consideration, if fairly interpreted, as going beyond the necessity of the case.”¹⁹ Both historians and Durham’s contemporaries have had difficulty determining the legality of the Bermuda Ordinance. Thomas Gunn and Steven Watt argue that Durham surely overstepped his legal authority.²⁰ That historians have sought answers to this question is

¹⁷ Although a copy of the ordinance and proclamation were included in the letter, Durham did not mention the complicated negotiations that led to passing of the Bermuda Ordinance. Melbourne later chastised him for this omission. LAC, MG24 A27, Lambton fonds, Vol. 46, “Correspondence,” Durham to Melbourne, 30 June 1838, C-1859.

¹⁸ *Standard*, reprinted in, *Examiner*, 12 August 1838.

¹⁹ *Examiner*, 12 August 1838.

²⁰ Gunn, “Convicts to Bermuda,” 7 – 27; and Watt, “State Trial by Legislature,” 254–61.

not surprising, for as Mason Wade noted in 1955, the passage of the Bermuda Ordinance “aroused a storm of protest in England” that was “somewhat obsessed with legality.” Yet Wade also drew attention to a second aspect of this debate that was remarked upon in the metropolitan press and has been overlooked by more recent historians: metropolitan statesmen were often “unaware of local conditions” in Canada.²¹ As the *Examiner* noted on 5 August 1838, “throughout this tirade the peculiar difficulties of the case are kept out of view, and the matter is argued as if the course of justice were as clear in Canada as in Westminster Hall.”²²

Both supporters and opponents of the Bermuda Ordinance remarked upon its legality. They did so by mobilizing a rhetoric that expressed concern for the law, for the integrity of the empire, and for the place of the Canadian colonists within it. How then did metropolitan statesmen like Brougham, Melbourne, and Glenelg and others articulate the rights of the Canadian colonists? What effect did they think their actions would have in Canada? How did these metropolitan statesmen justify their “interference” in Canadian affairs? The answers to these questions suggest that metropolitan statesmen had a limited knowledge of, and concern for, the predicaments of empire in the Canada. Moreover, they also fundamentally underestimated the effects that their acts of enlightened despotism would have upon the political and cultural sentiments that divided Lower Canada. This was also the third time in five months that metropolitan statesmen exercised their authority in colonial matters in an effort to undermine the administrations of Durham and Melbourne. Although the preservation of metropolitan authority in colonial

²¹ Wade, *French Canadians*, 182.

²² *Examiner*, 5 August 1838.

affairs was becoming an increasingly difficult and even controversial task, the passage of the Bermuda Ordinance provided metropolitan statesmen with an opportunity not only to flex their muscle over Lower Canadian affairs, but also provided an opportunity to attack Melbourne's floundering government.²³

Debate erupted in the House of Lords on the evening of 30 July 1838. Lord Brougham not only led the "attack," but also wielded, as Stuart Reid has colorfully described, a double-edged sword that damaged Durham's reputation and brought Melbourne's ministry into contempt.²⁴ It is no surprise that Brougham, who had blamed Melbourne for his exclusion from cabinet and had feuded with Durham since the 1831 reform debates, instigated this third debate on Durham's administration.²⁵ Since the passage of the Canada Coercion Bill on 10 February 1838, which suspended the constitution of Lower Canada and gave Durham his extraordinary powers, Brougham had objected repeatedly to every act of Durham's government.²⁶ Brougham began his attack by exclaiming that: "If the noble Earl [of Durham] presumed to carry into effect [the Bermuda Ordinance], he would be guilty of no less a crime than murder!"²⁷ The vociferousness of Brougham's orations and his rhetoric of legalese only increased as debate continued; as Major John Richardson explained in 1848, the debate allowed Brougham to combine his "love of sarcasm" with his "proud assumption of legal

²³ Mitchell, *Lord Melbourne*.

²⁴ Reid, *Life and Letters*, 231.

²⁵ Mitchell, *Lord Melbourne*, 176; Trevelyan, *Lord Grey of the Reform Bill*, 221, 257.

²⁶ See chapters one and four.

²⁷ *Debates*, Parliament of Great Britain, House of Lords, 30 July 1838, 756.

knowledge.”²⁸ On the first night of debate, Brougham declared that: “So outrageous, so abominable a violation of law [that] it ought not, if it did exist, to be suffered to continue for an hour!”²⁹ The news that the eight Patriots had been transported to Bermuda did not reach London until the following week; its arrival only increased the vehemence of Brougham’s assault.

Brougham’s persistence culminated in the abrogation of the Bermuda Ordinance and the passage of an Act of Indemnity on 13 August 1838. This Act of Indemnity declared that the ordinance could “not be justified by law” and proclaimed that all “persons advising or acting under or in obedience” to the ordinance, as well as those who had “made certain confessions” or had “subjected such persons to restraint” were to be indemnified by the imperial parliament.³⁰ Brougham was not the only metropolitan statesman to pronounce the ordinance’s illegality and endorse his Act of Indemnity. Lord Ellenborough, the Tory peer who had previously expressed his disgust that Turton had accompanied Durham to BNA, repeated his dislike of Durham’s independently acting administration. Ellenborough, who had come “fully charged with matter of accusation against Durham,” moved that the Colonial Office table a copy of the ordinance and proclamation for discussion.³¹ Reportedly disappointed that his query had been “anticipated” by Brougham, Ellenborough demanded that the “names of the persons

²⁸ Richardson, *Eight Years in Canada*, 54.

²⁹ *Debates*, Parliament of Great Britain, House of Lords, 30 July 1838, 756.

³⁰ “A bill intituled An act for indemnifying those who have issued or acted under certain parts of a certain ordinance made under colour of an act passed in the present session of Parliament, intituled “An act to make temporary provision for the government of Lower Canada,” [Hereafter: “Act of Indemnity”], London: Her Majesty’s Printer, 1838.

³¹ *Examiner*, 5 August 1838.

appointed to act on the Special Council, and the day on which the proclamation and ordinance had been passed”³² be presented so that a proceeding “likely to bring into hatred the authority of this country [in Canada]” could be curtailed.³³ Brougham again insisted that had Canadians been appointed to Durham’s administration this “outrageous” ordinance, out of line with “Canadian interests,” would never have been sanctioned.³⁴ When news of this debate reached BNA in early September, it quickly became apparent that Ellenborough and Brougham had misunderstood both “Canadian interests” and the “hatred” that this debate provoked. Those in the imperial parliament “see only the map, as it were, of action,” explained the *Examiner*, “Lord Durham sees the country, and has, doubtless, informed himself of the feelings which will favour the main part of his plan of operations.”³⁵

Colonial Secretary Glenelg explained that his knowledge of Durham’s operations was limited to the “ordinances and some private letters, which he was not at liberty to produce.” He then cautioned Brougham, a Radical-Whig supported by Tory peers, that “It was premature to condemn the conduct of Lord Durham, which had gained the confidence of both parties in Canada.”³⁶ Chester New characterized Glenelg as an ineffective colonial secretary;³⁷ however, he was one of the few metropolitan statesmen to correctly judge the conditions that Lower Canadians had attached to their loyalty and

³² *Examiner*, 5 August 1838; *Debates*, Parliament of Great Britain, House of Lords, 30 July 1838, 757–8.

³³ *Debates*, Parliament of Great Britain, House of Lords, 30 July 1838, 759.

³⁴ *Debates*, Parliament of Great Britain, House of Lords, 30 July 1838, 756.

³⁵ *Examiner*, 5 August 1838.

³⁶ *Debates*, Parliament of Great Britain, House of Lords, 30 July 1838, 759.

³⁷ New, *Lord Durham*, 430.

the effects that such hasty condemnation could have on the uncertain politics of empire in BNA. Prime Minister Melbourne, who had previously expressed his frustration with Durham over his association with Turton and Wakefield, initially defended Durham and his ordinance. Nevertheless, Melbourne who was “always nettled wherever Brougham was concerned” was forced to consent to his Act of Indemnity in order to save his faltering Whig government.³⁸

Melbourne feared that his administration would be brought down over, what Leslie Mitchell describes as, the “nagging crisis in the Canadas.”³⁹ On 9 August 1838, he wrote to the queen: “The debate was a very disagreeable one. Lord Durham’s conduct is impossible to be defended, particularly in its details. Lord Glenelg did the best for him, but Lord Brougham with a good cause in his hands is a terrible antagonist.”⁴⁰ The next day Melbourne’s cabinet had determined to disallow the ordinance.⁴¹ Melbourne’s inconsistent statesmanliness has caused historians to characterize his support of Durham as “lukewarm.”⁴² Yet it was Melbourne, who, “with considerable warmth of manner,”⁴³ urged metropolitan statesmen to:

Consider the difficulties of Lord Durham’s position; consider the distracted state of the colonies over which he was sent to preside – consider the state of the empire, and how deeply the empire might be affected by what had passed in that House. [This debate] was sacrificing the interests of the country to the interests of party. It was sacrificing the highest objects to the desire of attacking an individual, to pass such a decided and determined condemnation upon an act which had been deemed necessary by the noble Lord who was

³⁸ New, *Lord Durham*, 430; Mitchell, *Lord Melbourne*, 144.

³⁹ Mitchell, *Lord Melbourne*, 199.

⁴⁰ LAC, MG24 A29, Victoria fonds, 9 August 1838, 27.

⁴¹ LAC, MG24 A29, Victoria fonds, 10 August 1838, 30.

⁴² Richardson, *Eight Years in Canada*, 47; New, *Lord Durham*, 433 and 435.

⁴³ *Examiner*, 5 August 1838.

upon the spot, and had the best means of judging what was fit to be done and what was for the benefit of the State.⁴⁴

Neither Glenelg nor Melbourne objected to the production of papers upon the subject or to having the fullest discussion in the Lords. Moreover, Melbourne had finally accepted Durham's assurances, as had the metropolitan press, that Lower Canadians had confidence in the governor general's administration. Such a revelation had no effect on the enlightened interference of Durham's metropolitan colleagues and political adversaries.

When Melbourne spoke in parliament he repeated, what Durham had insisted in private, that the confidence and loyalty of the Canadians were not sentiments to be considered lightly. He reminded Conservative opponents of his Whig government that Lower Canadians had supported Durham's appointment of a Special Council independent of all parties as well as the ordinance which had obtained "the confidence of all classes."⁴⁵ Furthermore, he reminded the Lords that the Canadians were not the only British subjects to have placed their confidence in Durham. The imperial parliament had placed "extensive powers" in Durham's hands, and they had done so with "the general approbation of all parties."⁴⁶ "[We] had given [our] confidence to [Durham], and if [we] did not give [our] confidence," Melbourne contended, then the members of parliament had "exercised something very like laying a trap for this individual."⁴⁷ This assertion that both Canadians *and* metropolitan statesmen had placed confidence in Durham indicates

⁴⁴ *Debates*, Parliament of Great Britain, House of Lords, 30 July 1838, 759–60.

⁴⁵ *Debates*, Parliament of Great Britain, House of Lords, 9 August 1838, 1094.

⁴⁶ *Debates*, Parliament of Great Britain, House of Lords, 9 August 1838, 1093.

⁴⁷ *Debates*, Parliament of Great Britain, House of Lords, 9 August 1838, 1093.

that this debate had effects beyond the imperial island. However, as these metropolitan statesmen began to turn their attention to Canada, and to the effects that their debate would have upon this “misguided” colony, they not only revealed how they conceived of their role as administrators of empire, but also how they situated Canada, and Lower Canadians, within their imperial order of things.

The rhetoric opponents of the “wholly illegal” Bermuda Ordinance employed to justify their “interference” in colonial affairs purported to have both the best interests of Lower Canadians and the empire at heart. However, as I have argued in previous chapters, these instances of metropolitan meddling were about maintaining authority in colonial and domestic matters. On 10 August, Brougham predicted, “The people of Canada will not make this conduct of ours or of the [metropolitan] Government ... the pretext for further outrage.” If they do, he continued, the Canadians will encounter the “paramount authority of the imperial state” and be proclaimed guilty of “willful crime.”⁴⁸ Brougham then reassured his peers that if this debate “has produced an increase of disaffection towards [the imperial parliament], and a distrust of their motives [in Canada],” it would “for the first time, shed daylight on this obscure question.” Regardless of the disaffection that may occur in the Canadas, Brougham was convinced that the enlightened course of the Lords “will lead to a conciliation of the affection and the respect of many, even among the disaffected.”⁴⁹ Lord Lyndhurst, a Tory peer and one of Brougham’s most vocal allies, argued that although Durham may have acted with “the best possible motives,” “the best intentions,” “the best possible feeling,” and “the most

⁴⁸ *Debates*, Parliament of Great Britain, House of Lords, 10 August 1838, 1134.

⁴⁹ *Debates*, Parliament of Great Britain, House of Lords, 10 August 1838, 1135.

humane considerations,” he had “no doubt” that Durham had acted “contrary to the Acts of Parliament.” Durham’s opponents charged that because he had decreed guilt without a trial and transported the Patriots directly to Bermuda and not first to England, the ordinance was criminal. Although Lyndhurst considered the proceedings that rendered the disallowance illegal, it was because parliament “had entrusted [Durham] with [his] extraordinary powers” that peers were able to “interfere” with his colonial administration.⁵⁰ Of those opposed to Durham’s ordinance, the Earl of Wicklow, an Irish representative peer, was perhaps the most misguided. Wicklow observed that this debate would “raise the character of their Lordships [in Canada] and prove that they were the most careful guardians of the interests of the empire at large.”⁵¹ Brougham agreed. He argued that the disallowance of the ordinance would “strengthen” and “perpetuate the colonial subjection of the Canadas.”⁵²

Not all those who debated Durham’s ordinance were oblivious to the effects that such a debate could have on the already “disaffected” Canadian population. Nonetheless, most metropolitan statesmen found ways to justify their “interference.” Melbourne reminded his colleagues: “It is impossible for us to say in what state or condition of feeling these debates and this bill may find the people and the inhabitants of that colony.”⁵³ He insisted that in Lower Canada this debate could be interpreted as being “in favour” of one party or “an encouragement” to another. It would encourage that “party which had lately excited rebellion against this country,” clarified Melbourne, before

⁵⁰ *Debates*, Parliament of Great Britain, House of Lords, 9 August 1838, 1084–1086.

⁵¹ *Debates*, Parliament of Great Britain, House of Lords, 10 August 1838, 1139.

⁵² *Debates*, Parliament of Great Britain, House of Lords, 9 August 1838, 1061.

⁵³ *Debates*, Parliament of Great Britain, House of Lords, 10 August 1838, 1129.

adding that this party was “bent upon the separation of the two countries.” The dismantling of the British empire in Canada would be the result, warned Melbourne, who had little interest in “troublesome” and “intrusive” colonies: “You may depend upon it.”⁵⁴

Peers in the Lords also used the fear of another rebellion and the perceived volatility of Canadian sentiment towards the reach of empire to further justify their meddling. The Marquis of Lansdowne, who held the office of President of Council in Melbourne’s ministry, spoke in support of the ordinance. Lansdowne, who had advocated the abolition of slavery and Catholic Emancipation in the 1820s, argued that the preservation of the empire was of paramount importance and justified metropolitan interference in colonial affairs. He reminded his colleagues, “We cannot overlook the fact that the possible effect of what had taken place might be to convince a party in Canada, however unjustifiable the conclusion, that the Governor-general and the government there had no longer the authority they had believed them to possess.” Later that year Durham repeated this argument in a private despatch to Glenelg.⁵⁵

The maintenance of imperial authority over Lower Canada took on added significance in light of the 1837 rebellion. Lansdowne argued that it “was essential to the preservation of peace and tranquillity in the colony, and to the continuance of the connexion between the two countries.” Preserving this tie between metropole and colony, no matter how frayed it had become, ought to be the imperial parliament’s “first object” of attention. Yet this object of concern was also intimately connected to another: “Were

⁵⁴ Mitchell, *Lord Melbourne*, 197; and *Debates*, Parliament of Great Britain, House of Lords, 10 August 1838, 1129.

⁵⁵ LAC, MG24 A27, Lambton fonds, Volume 44, Durham to Glenelg, 25 September 1838, Reel C-1859.

[we] not ... bound to consider what would be the effect of this measure [the Act of Indemnity] on the minds of persons in Canada, who were still disposed to give encouragement to the cause of rebellion in that country?" inquired Lansdowne.⁵⁶ Even the Earl of Ripon, who served with Durham in his father-in-law's administration and was responsible for ushering the Slavery Abolition Act through the Lords in 1833, supported Brougham's proposed indemnity. Ripon argued that the 1837 rebellion "justified the interference" of the metropolitan state in Canadian affairs.⁵⁷ Melbourne, who, at the start of debate, had urged peers not to interfere, eventually acknowledged, when the disallowance of the ordinance had become inevitable, that the "peculiar circumstances" in Canada required their interference. Yet Melbourne, who as Leslie Mitchell observes "approved of small adjustments" and "balked at any more extended schemes," advised caution and warned that they should not "come to a decision that might involve much heavier consequences than they were aware of."⁵⁸

On 9 August 1838, the decision to overturn Durham's ordinance and issue an Act of Indemnity passed its second reading in the Lords by a margin of eighteen votes. Melbourne's ability to act with men of all parties, prized in the early 1830s, was beginning to be a problem by the decade's end, particularly when "sharply focused issues," both domestic and imperial, "demanded clear responses."⁵⁹ Four days later, a

⁵⁶ *Debates*, Parliament of Great Britain, House of Lords, 10 August 1838, 1138.

⁵⁷ *Debates*, Parliament of Great Britain, House of Lords, 9 August 1838, 1080.

⁵⁸ Mitchell, *Lord Melbourne*, 106; *Debates*, Parliament of Great Britain, House of Lords, 9 August 1838, 1096.

⁵⁹ Mitchell, *Lord Durham*, 142.

lasting blow to Melbourne's crumbling administration occurred when the queen publicly repealed the Bermuda Ordinance.

While those in the Lords argued along party lines and personal interests, metropolitan newspapers reprinted extracts of Canadian newspapers to illustrate the confidence that Canadians had in Durham. Even though London newspapers publicized Canadian reaction to the Bermuda Ordinance, Melbourne and his Whig government did not wield these accounts as support for Durham or his ordinance.⁶⁰ From the moment the *London Courier* noted that "Lord Durham has once more been honoured with an attack in both Houses of Parliament"⁶¹ until late in August, the metropolitan press was divided over what news was fit to print. Articles about the abolition of apprenticeship in the West Indies, the demands of the Chartists, and information about Durham's administration often competed for space in the same paper. Chester New has pointed out that the metropolitan press frequently reported that the "sympathies of the [Canadian] public went strongly with Lord Durham."⁶² Although it is true that the metropolitan press frequently criticized the statesmanliness of Brougham, Melbourne, and Glenelg, it is difficult to determine whether these critiques translated into support for Durham. Nonetheless, metropolitan newspapers did endorse Durham's independent administration, a position they justified by arguing that the "present state" of the Canadas demanded extraordinary measures.

⁶⁰ The Bermuda Ordinance was an issue that both Radicals and Tories united around to defeat. Had Melbourne actually supported it he and his ministry would have been defeated. See New, *Lord Durham*, 428.

⁶¹ *London Courier*, 31 July 1838.

⁶² New, *Lord Durham*, 436.

On 31 July 1838, the *London Globe*, which had supported Melbourne in the Turton debate that spring, continued to support the ministry. The *Globe*, whose politics were slowly shifting from “radicalism to respectability” in the 1830s,⁶³ welcomed this opportunity to argue that Brougham’s behaviour was unstatesmanlike. “Lord Brougham was evidently impelled by headlong impulse, rather than guided by understanding and reason in his attack last night on Lord Durham’s proclamation respecting the persons in custody for the part taken by them in the late Canadian insurrection,” noted Walter Coulson, the editor of the *Globe* and a former amanuensis of Jeremy Bentham.⁶⁴ Coulson explained that although Durham’s Special Council had taken a course “contrary to that which the law prescribed,” it was justifiable by the “present state of affairs in Canada ... where the operation of the law cannot be arrived at without prejudice or impediment.”⁶⁵ The *Globe’s* concern for the “present state” of the Canadas, spurred its attack on Brougham and his encouragement of the debate in the imperial parliament.

The more radical newspapers in the metropole, rather than endorse the actions of Melbourne’s administration or criticize, as the *Northern Star* had done on 4 August 1838, Brougham’s “tone of contemptuous banter,” regretted both Melbourne’s defence of the ordinance and its attack by Brougham and the Tories. During the week-long interval between the start of the debate on 30 July and its continuation on 7 August, Robert Rintoul, the editor of the *Spectator*, a metropolitan newspaper that had wholly supported the 1832 Reform Bill, reported that “Lord Durham has been again subjected to a

⁶³ Dorothy Deering, “The London ‘Globe’ of the 1840s and 1850s,” *Victorian Periodicals Newsletter*, No. 10, 3:4 (Nov. 1970): 28.

⁶⁴ *London Globe*, 31 July 1838.

⁶⁵ *London Globe*, 31 July 1838.

formidable attack from Lord BROUGHAM.” “We may remark here,” Rintoul’s editorial continued while drawing attention to the Melbourne government’s history of inaction,⁶⁶ “that Ministers were, *as usual*, unwilling or unable to advance any thing like a defence for the absent Governor-General.”⁶⁷ Rintoul then turned his attention to empire. He informed metropolitan readers that Canadians had a very different opinion of Durham. Although “the governor general has not a single friend in the House of Peers to see that he has fair play,” noted Rintoul, Durham “was becoming popular” in BNA.⁶⁸ The *Durham Chronicle* shared this contempt for “the Minister’s abandonment of Lord Durham” whom the paper identified as “the worst-used man in the Queen’s dominions.”⁶⁹ That the *Chronicle* had condemned both Melbourne’s government and the debate itself garnered the praises of the *Spectator* later that month. “The *Durham Chronicle* is right,” applauded Rintoul. “Whatever question as to the legality of Lord Durham’s proceedings there may be, there is none whatsoever as to the treachery and baseness of the Ministerial treatment of him.”⁷⁰ Even the leading Chartist paper in Britain, the *Northern Star*, which had sided with the Patriots immediately after the 1837 rebellion,⁷¹ noted that the ordinance that pertained to the Canadian “insurgents” had again become the subject of discussion. Rather than endorsing Durham’s actions or chastising Brougham, the paper charged, as

⁶⁶ Mitchell, *Lord Melbourne*.

⁶⁷ *The Spectator*, 4 August 1838. [Emphasis added].

⁶⁸ *The Spectator*, 4 August 1838.

⁶⁹ *Durham Chronicle*, reprinted in, *The Spectator*, 25 August 1838.

⁷⁰ *The Spectator*, 25 August 1838.

⁷¹ Michael Michie, “‘Three Cheers for the Canadian Peasants’: The Response of British Radicals and Chartists to the Canadian Rebellions of 1837–8,” unpublished paper, 1996. On the *Northern Star* see Jim Mussell, “The *Northern Star* 1837–1852,” <http://www.ncse.ac.uk/headnotes/nss.html#d62e2056>.

the other radical presses had done, that the meek defence mounted by Melbourne and Glenelg was “totally destitute of argument.”⁷²

Although the *London Times* explicitly attacked Durham, the governor general was not the only statesman reprimanded by this conservative press. For the duration of the debate, the *Times* consistently taunted Melbourne, who deplored newspapers and even considered them a threat to elite politics.⁷³ On 29 August 1838, nearly two weeks after the ordinance had been disallowed, the *Times* remarked that “true to their base and selfish instincts, the time-serving Whigs, in deference to whom the noble Earl had at great personal sacrifice placed himself in the van of their Canadian conflict, have at first shot deserted, dishonoured, and dismissed him.” Melbourne found his cabinet to be in “dangerous waters,” the paper explained, and in order to “save themselves [he] flung [Durham] and his ordinance overboard.”⁷⁴ Earlier that month the *Times* had reported:

The turn which appears to be taking in Canada affords unequivocal confirmation, not only of our worst suspicions in regard to Lord DURHAM’S unfitness for his present mission, but of the gross incapacity of HER MAJESTY’S ministers, who, if they did not grievously mistake the temper and judgment requisite for such an appointment as his Lordship’s, are charged with the graver reproach of having jeopardized the welfare of an important colony.⁷⁵

Like the Tory peers who opposed the ordinance, the *Times* purported to have the best interests of Canadians and the empire at heart. However, the *Times*’ representation of Canadian sentiment was at odds with descriptions in both the columns of the Canadian press and Colonial Office despatches.

⁷² *Northern Star*, 11 August 1838.

⁷³ Mitchell, *Lord Melbourne*, 22, 24, 40, and 154.

⁷⁴ *London Times*, 29 August 1838.

⁷⁵ *London Times*, 4 August 1838.

As the metropolitan press worked to craft public opinion, private letters and Colonial Office correspondence from Melbourne and Glenelg were making their way across the Atlantic. These communications contain both Melbourne and Glenelg's "official" and "unofficial" reactions to the Bermuda Ordinance, and not surprisingly, their content mirrors the shift that occurred in their opinions in the Lords. Their first letters intimated that although the ordinance was contrary to the "word of the law," it ought to be supported. Melbourne was perhaps too quick to convey his "most distinct, clear, and satisfactory" approbation of the ordinance to Durham.⁷⁶ The tone of Melbourne's letter was noticeably different from past correspondence that he had had with Durham about Turton and Wakefield. "I have nothing to express," the prime minister remarked less than forty-eight hours before Brougham made his first inquiries in the Lords, "but the most entire approval and concurrence. I am very happy to hear that you have settled the very difficult affair of the prisoners and settled it so well." To be fair, Melbourne did acknowledge that "some difficulties might be apprehended" in Bermuda upon the arrival of the Patriots there, but these "difficulties" could be dealt with. In addition to his approval, Melbourne assured Durham that "Her Majesty was much gratified" with his handling of this difficult question.⁷⁷ Durham's independent administration, it seemed, had finally garnered the confidence of the prime minister; but what about Colonial Secretary Glenelg?

⁷⁶ LAC, MG24 A27, Lambton fond, Vol. 9, Melbourne to Durham, 28 July 1838, Reel C-1850, 231.

⁷⁷ LAC, MG24 A27, Lambton fond, Vol. 9, Melbourne to Durham, 28 July 1838, Reel C-1850, 231.

On 31 July 1838, Glenelg wrote a “few unofficial lines” to Durham expressing “the pleasure” he felt upon “receiving [Durham’s] Despatch of the 29th June” that transmitted news of the “proceedings regarding the prisoners.” Glenelg was pleased that Durham had acted in near accordance with metropolitan wishes. Before Durham had departed for Canada, Glenelg had urged three points upon the governor general in reference to the nearly 500 men imprisoned in Montreal for their role in the 1837 rebellion. First, Glenelg confessed to Durham that he thought it would be wise to release all those who were “minor offenders” and only punish “serious offenders.” The colonial secretary also suggested that if it was necessary to punish the “serious offenders,” it should be done by an ordinary jury, not a special tribunal. Lastly, Glenelg urged that the best option would be to allow the “serious offenders” to plead guilty and to voluntarily “withdraw from Her Majesty’s domains” rather than execute them.⁷⁸ In effect, the Bermuda Ordinance had met the first, and part of Glenelg’s third, recommendation: “The course you have taken is in consonance with the wishes expressed in my communications.” However, Glenelg’s letter also contained the news “that our old enemies attacked your ordinance & proclamation last night [in the House of Lords].” Yet the colonial secretary assured Durham that:

These attacks are after all impotent in this country. I trust they may be equally harmless in the colony. All reasonable people here approve your conduct. My colleagues and I entirely approve – Our opinion is that, altho’ there may be some legal inaccuracies of form, the substance is entirely right & the result satisfactory. You have solved a very difficult question most judiciously &

⁷⁸ Gunn, “Convicts to Bermuda,” 13; New, *Lord Durham*, 388.

ably. In a way at once merciful & just, and equally grateful to most parties & impartial judges.⁷⁹

Like Melbourne, Glenelg appears to have finally recognized that there was a connection between the loyalty that Lower Canadians offered Durham and the meddling of metropolitan statesmen in colonial affairs. “I congratulate you on this [ordinance], & on the confidence, which, I hear on all sides, all classes in Canada repose in you. Go on & prosper,” he assured Durham, before reminding him that: “Parl’t will soon be up, & your measures will not have this running fire to meet.”⁸⁰

Only one “official” despatch was exchanged between the Colonial Office and Durham for the duration of the debate. This despatch, signed by Glenelg and dated 5 August 1838, was composed during the interval between the first and second debate in the House of Lords. This brief, three-paragraph despatch did little more than acknowledge the receipt of Durham’s despatch that detailed the proceedings adopted for “disposing of the [state] prisoners.”⁸¹ It acknowledged that Melbourne’s government was “fully alive to the difficulties by which this question was surrounded” and that they had been “afforded much satisfaction that [Durham had] been able to surmount these difficulties.” Particular congratulations were offered because the ordinance had been “favourably received in the Province as equally free from the imputation of too great severity or of excessive and ill considered leniency.” Glenelg also intimated that “legal

⁷⁹ LAC, MG24 A27, Lambton fonds, Glenelg to Durham, 31 July 1838; New, *Lord Durham*, 439.

⁸⁰ LAC, MG24 A27, Lambton fonds, Vol. 9, Glenelg to Durham, 31 July 1838, Reel C-1850, 233.

⁸¹ LAC, MG24 A27, Lambton fonds, Vol. 44, Glenelg to Durham, 5 August 1838, Reel C-1859.

objections” might occur, but as both he and Melbourne had done in their private letters, little was made of this news.

Not until after parliament was prorogued on 18 August 1838, did anyone officially convey to Durham the news that the Bermuda Ordinance had been disallowed. After twenty days of silence, Melbourne, undoubtedly with great caution, picked up his pen and addressed Durham:

Dearest Durham, I ought to have written you sooner. The turmoil and difficulty of the close of the session of Parliament have been so great that I have not had the time to write as fully and as largely as the importance of the matters demanded.⁸²

Glenelg also wrote Durham, and like Melbourne, he waited until after the Act of Indemnity had become law. Glenelg’s letter chronicled the debate and what he called the government’s “extreme reluctance” to acquiesce in the attacks of the opposition. Glenelg expressed his hope that “these proceedings which [were] indeed calculated to seriously injure the best interests of the Province” would not “affect [Durham’s] well mentioned popularity in North America.”⁸³ Four days later, Glenelg wrote again through official channels. Once again, he expressed both his “deep regret” that Melbourne’s government had been forced to pass Brougham’s indemnity bill in order to save itself and his hope that this would not “raise anew ... those difficulties and obstacles ... rapidly on the decline” in Canada.⁸⁴

⁸² LAC, MG24 A27, Lambton fonds, Vol. 46, Melbourne to Durham, 18 August 1838, Reel C-1859.

⁸³ LAC, MG24 A27, Lambton fonds, Vol. 9, Glenelg to Durham, 14 August 1838, Reel C1850, 279–82.

⁸⁴ LAC, MG24 A27, Lambton fonds, Vol. 9, Glenelg to Durham, 18 August 1838, Reel C1850, 367–86.

Critics of the Bermuda Ordinance argued that they opposed this piece of Special Council legislation because it did not have the best interests of Canadians or the empire at heart. However, the remainder of this chapter illustrates that the predictions made by Brougham, Lyndhurst, Wellington, and Wharcliffe about Canadians commending them for interfering with Durham's mission were far from accurate. The news of the abrogation reached BNA in mid-September, and with it, as Joseph Schull argues, "every political problem in the colony was returned to its old chaos."⁸⁵ The disallowance exposed the willful ignorance of the enlightened despotism of metropolitan statesmen, magnified the struggle of the "races" in the colony, and threatened the already fragile ties that bound Lower Canada to the British empire.

"A Very Unfavourable Change Has Been Produced in Public Feeling in these Provinces by the Late Debates in Parliament"

News that the Bermuda Ordinance had sparked debate in the imperial parliament reached Lower Canada in two distinct phases that mirrored the trajectory of the debate and reveals as Catherine Hall has astutely noted, that metropolitan time and colonial time significantly affected colonial governance.⁸⁶ The moderate and once explicit supporter of the Patriot, *Le Canadien*, was one of the first papers to report that the measures adopted by Durham pertaining to the political prisoners had become "l'objet de nouvelles attaques de la part de ses adversaires politiques dans le parlement."⁸⁷ *Le Canadien* promised its francophone readers in Quebec that additional information would appear in a later

⁸⁵ Schull, *Rebellion*, 148.

⁸⁶ Hall, *Civilizing Subjects*, 65 and 440.

⁸⁷ *Le Canadien*, 10 septembre 1838.

edition, while Montreal francophone readers learned the details of the debate in the 10 September 1838 issue of *Le Populaire*.⁸⁸ By 13 September 1838, the *Quebec Mercury* had published a transcript of the entire 31 July 1838 debate and did not hesitate to offer its opinion of these “meddling mischief makers.” “LORDS BROUGHAM, ELLENBOROUGH, & CO have resumed their vocation of impeding, to the best of their ability, the satisfactory adjustment of Canadian affairs,” reported the *Mercury*.⁸⁹

The colonial press insisted that this imperial interference was both unmanly and unpatriotic. “Would it not be better and manlier,” Thomas Cary asked the readers of the *Mercury*, “for these self prompted censors to pause until the policy of the Canadian government had been fully developed?” Yet Durham’s administration was not only being tarnished by the “unpatriotic and selfish” endeavours of Brougham, Ellenborough, and others, so too was his “reputation as a statesman.”⁹⁰ In Kingston, the *Chronicle* considered it “exceedingly unstatesmanlike and unpatriotic” to indulge in “a petty and *personal* warfare on such a momentous subject as the destiny of these Colonies.”⁹¹ The *Montreal Gazette* similarly questioned the patriotism and statesmanliness of the “certain individuals” who “eagerly seize every opportunity of displaying a species of patriotism upon this subject, which appears to be very gratifying to their feelings, as statesmen.” However, it was the lack of understanding behind this patriotic display of enlightened despotism that the *Gazette* considered problematic: “But what does this zeal amount to?”

⁸⁸ *Le Populaire*, 10 septembre 1838.

⁸⁹ *Quebec Mercury*, 13 September 1838.

⁹⁰ *Quebec Mercury*, 13 September 1838.

⁹¹ *Kingston Chronicle and Gazette*, reproduced in *Montreal Gazette*, 6 October 1838. [Emphasis in the original].

This organ of the Montreal Tories explained that these individuals have interfered without “knowing or caring a single rush what progress may have been made towards the establishment of a better order of things, or what may ultimately be the fate of the country.” Not only was their meddling “reckless to the welfare of these Colonies, and the general interests of the empire,” the paper asserted, it was also “universally disapproved of and condemned in the CANADAS.”⁹² As the news that Durham’s administration had once again become the object of metropolitan debate made its way across BNA, colonial newspapers repeatedly criticized the patriotism and the statesmanliness of those imperial statesmen who questioned Durham’s efforts to promote peace and tranquillity.

Although the colonial press did not, or could not, speculate on Durham’s reaction to the debate or the effects it would have upon Canadian affairs, this silence did not extend to those intimately connected to the governor general. When Charles Grey read about the debate in the Montreal newspapers, he promptly recorded it in both his journal and in a letter to his father, Earl Grey. “The mail arrived this morning to the 1st August,” wrote Charles, who then confessed to his father that he had spent “all the afternoon” reading about the debate and pondering the effects that it would have on his brother-in-law’s administration. To do this, he turned his attention to the global frame of empire. Charles informed his father that: “between the English party here, who regard the Ordinances in the light of a general amnesty, and the trio at home, Lords Brougham, Lyndhurst, and Ellenborough, who consider them a disgrace to Central Africa, Lambton

⁹² *Montreal Gazette*, 13 September 1838.

has certainly difficult work.”⁹³ By expanding his frame of reference to include Africa, Charles Grey likened the statesmanliness and party politics of Durham’s opponents with one of the most “uncivil” outposts of the British empire.

While Charles Grey linked the debate to one of the most contentious objects of imperial interests in the 1830s to articulate his reaction, Buller and Wakefield focused their attention on the heart of the empire. In a letter dated September 1838, Buller endeavoured to impress upon Durham the “proof” that the “public at home” were in “utter ignorance” regarding “the affairs of Canada.”⁹⁴ Chester New has argued that the draft of this particularly frank letter, now preserved in the Durham fonds, “bears the marks of Wakefield’s co-operation.” New proposes that it is a “fair assumption” to make that much of the letter was suggested by Wakefield because it is “difficult to imagine the gentle Buller writing such a letter.”⁹⁵ Regardless of its authorship, this letter, signed only by Buller, casts light on the ways in which a member of Durham’s administration understood the debate, the importance of personal networks, and the effects that such a debate would have on the colony’s position in the broader British world.

It remains unclear from the content of the letter exactly what Buller knew of the most recent debate in the imperial parliament. Yet the date of the letter and the information that it was composed in Montreal, would suggest that, like Grey, he had learned of Brougham’s attack before Durham in Quebec. The letter expressed little regard for Durham’s political adversaries in England.

⁹³ Grey, *Crisis in the Canadas*, 121; and 9 September 1838.

⁹⁴ LAC, MG24 A27, Lambton fonds, Vol. 27, Buller to Durham, [n.d.] September 1838, Reel C-1856, 134–65.

⁹⁵ New, *Lord Durham*, 422.

You have been attacked by the Tories. Did you ever expect anything else? Tories hate you more than any man in England, because you have given them the most reason to hate & fear you. They will do everything to damage & ruin you in public estimation. It is natural that they should do so. Everybody anticipated it.⁹⁶

Yet the Tories were not the only metropolitan statesmen whom Buller held accountable.

Melbourne and his deceptive ministry were also to blame.

The Ministers have not given you the support you had a right to expect. They have betrayed you; nobody ever imagined they had any love for you. Everyone regards you as the most formidable rival or rather actual competitor that they have to dread. I never talked on this subject to any Whig that did not speak of Ld Melbourne's sending you out here as a very cunning device for getting rid of the only person who overshadows him among the Liberal party; or any Radical who did not attribute the same object to the Ministry.

But Whigs were not Tories, and even Buller frustrated by the "mischief" caused by both parties, confessed that the "Ministers have not done half as ill by you as most people expected ... They have defended you as courageously as they defend themselves." Buller then clarified, while hinting at the inconsistencies of Melbourne's own government, "They have betrayed you as they are in the habit of betraying themselves."⁹⁷

Buller also expressed concern over the effects this meddling would have on Durham's ability to govern in Lower Canada. "Home support has failed you already; any aid from that quarter is utterly out of the question. Here you must conquer success in spite of the government & opposition at home. You are Governor General, you have your Special Council for Lower Canada," wrote Buller before he reiterated the argument made in the colonial press that June.

⁹⁶ LAC, MG24 A27, Lambton fonds, Vol. 27, Buller to Durham, [n.d.] September 1838, Reel C-1856, 134-65.

⁹⁷ LAC, MG24 A27, Lambton fonds, Vol. 27, Buller to Durham, [n.d.] September 1838, Reel C-1856, 134-65.

That is the line you took when instead of throwing yourself into the hands of a party, you composed your Executive & Special Councils of persons representing no will but your own. By so doing, you declared your intention of pursuing your own course careless of the opinion of the parties here. This system has perfectly succeeded; all parties have acquiesced in it or rather approved of it.⁹⁸

By mid-September, however, it was becoming increasingly apparent that regardless of Durham's work in Lower Canada, the frequency and consistency with which his metropolitan colleagues asserted their authority over Canadian affairs was beginning to alter the conditions of loyalty in the colony. Like Grey and colonial newspaper editors, Buller was upfront about the effects of this meddling and the political uncertainty it was sure to cause:

It is perfectly obvious that a very unfavourable change has been produced in Public feeling in these provinces by the late debates in Parliament & the inference which is being naturally drawn from them, that you are not strong enough at home to carry your own policy into effect. This is the mischief: before that people here thought you strong: now they think you are weak.⁹⁹

How the conditions of loyalty would change, however, could not officially be determined until news of the debate's conclusion arrived.

The editors of the colonial press and members of Durham's administration were not the only ones to chronicle this "unfavourable change." Lady Durham conveyed this "unfortunate news" to her mother in a private letter, confessing that she did not have "words to express what I think of the wickedness of Ld. Brougham's conduct, [who] in

⁹⁸ LAC, MG24 A27, Lambton fonds, Vol. 27, Buller to Durham, [n.d.] September 1838, Reel C-1856, 134-65.

⁹⁹ LAC, MG24 A27, Lambton fonds, Vol. 27, Buller to Durham, [n.d.] September 1838, Reel C-1856, 134-65.

gratifying his malicious spite, is quite indifferent as to the mischief he may do here.”¹⁰⁰ It appears that four months in Lower Canada had been sufficient time for Lady Durham to grasp the complicated nature of Lower Canadian politics, but this new knowledge overshadowed neither her keen understanding of metropolitan politics nor her own personal dislike of Brougham. “Lord John seems to have spoken very well & Lambton thinks that Mr. O’Connell has put the question in the right point of view,” Louisa explained to her mother, demonstrating her command of the high politics of empire, “but [Lambton] must regret, & so do I *very much*, that *he* [O’Connell] should have been the person to do it.”¹⁰¹ Lady Durham, who, along with her mother, sister, and eldest daughter, had copied the 1832 Reform Bill, had learned that metropolitan and colonial politics were intricately bound.¹⁰²

A private letter addressed to Lord Glenelg preserves Durham’s initial reaction to the debate of his Bermuda Ordinance. This letter, composed on the same day that Lady Durham wrote to her mother, recounts what Durham considered the insubordinate attitude of Lieutenant Governor George Arthur, to explain how the conditions of loyalty were being altered. Durham explained that Arthur’s determined effort “not [to] recognize [his] authority” and proceed as he wished with the Upper Canadian prisoners had been “encouraged by the language adopted towards [him] in England. The same consequences are appearing every day in the Press, & in other quarters.” Although Durham could not articulate precisely how the conditions attached to the loyalty of Lower Canadians were

¹⁰⁰ Godsell, *Lady Durham’s Journal*, 85.

¹⁰¹ Godsell, *Lady Durham’s Journal*, 85.

¹⁰² Trevelyan, *Lord Grey of the Reform Bill*, 275.

changing, he was certain that it was connected to metropolitan politics. He explained that because the Canadians “imagine that I am not supported by the Gov’t,” they are “beginning to change their tone.”

I cannot adequately describe to you the amount of difficulties which have thus been thrown in the way of the great final arrangements. Everything was going on well before – now doubt & hesitation as to the Course of the Home Gov’t prevail. This feeling was the true secret of all former failures, & its absence at my arrival will account for the general success which attended every movement of mine at the outset – indeed up to the hours of the receipt of the debates in which I was censured by Lord Melbourne.¹⁰³

Although Durham’s allusion to the re-emergence of anti-metropolitan sentiment, grounded in a politics of uncertainty is significant, it remained nearly impossible for Durham to determine if Lower Canadians’ frustration with imperial statesmen would include him. His letter also suggests his awareness that the conditional loyalty of Lower Canadians rested, not only upon his promises to reform the structures of colonial governance, but also on the condition that he could make permanent changes that would secure the political stability of BNA. “I fear,” Durham confided to Glenelg, “it is hopeless to attempt now to reconquer the prestige of my political capacity to carry through my measures – but I shall try, & struggle on as long as I can.”¹⁰⁴

“A Day I Can Never Forget”

On Wednesday, 12 September 1838, the steamship *Medea* approached Quebec. Aboard were twelve men, all colonial politicians from Nova Scotia, New Brunswick, and Prince

¹⁰³ LAC, MG24 A27, Lambton fonds, Vol. 46, Durham to Glenelg, 13 September 1838, C-1859.

¹⁰⁴ LAC, MG24 A27, Lambton fonds, Vol. 46, Durham to Glenelg, 13 September 1838, C-1859.

Edward's Island.¹⁰⁵ The presence of this deputation of Maritime delegates marked the second time in as many months that Durham hosted a transcolonial conference to discuss his plan to unite all the British North American colonies in a single federal union. This plan was, as Durham alluded to above, to be one of his "great final arrangements."¹⁰⁶ The liberal press reported positively on the arrival of these men and the purpose of the meeting. *Le Canadien* boasted about the meeting in an article entitled: "CONFEDERATION DES COLONIES."¹⁰⁷ Like the *Mercury*, *Le Canadien* supported Durham's plan of a federal confederation. As we saw in chapter three, Durham first announced this plan in Cornwall on 10 July 1838, as he toured the Canadas. After his return to Quebec, Durham spent much of August meeting with, and communicating his plan of a federal union with influential and politically engaged colonists such as Upper Canadian reformer Robert Baldwin and Adam Thom, a supporter of the Montreal Tories.¹⁰⁸

Durham's plan represented but one option for political reform. The conservative Montreal merchants that made up the Tory party in Lower Canada opposed the plan and

¹⁰⁵ Those in attendance were: J. Johnston, Member of the Legislative Council, Nova Scotia; James Uniacke, Member for the County of Cape Breton and Member of Council; William Young, Member of Assembly for the Territory of Inverness; M. B. Huron, Deputation from Nova Scotia; Charles Simmons, Member of the Executive Council, and Speaker of Assembly, New Brunswick; Henry Peters, Legislative Council; E. Botsford, Member of Executive and Legislative Council; Hugh Johnston, Member of Executive and House of Assembly; James Kirk, John Robertson, Deputation from New Brunswick; J. Havilland[?], Member of Executive and Legislative Councils; George Dalrymple, Speaker of House of Assembly; and Joseph Pope, Member of Assembly for Prince County Deputation from Prince Edward's Island.

¹⁰⁶ LAC, MG24 A27, Lambton fonds, Vol. 46, Durham to Glenelg, 13 September 1838, C-1859.

¹⁰⁷ *Le Canadien*, 15 septembre 1838.

¹⁰⁸ LAC, MG24 A27, Lambton fonds, Vol. 27, Baldwin to Durham, 1 August 1838, Reel C-1856, 1-44; LAC, MG24 A27, Lambton fonds, Vol. 27, Thom to Durham, 17 August 1838, Reel C-1856, 98-101.

demanding a legislative union of the two Canadas that would protect “British interests” and assimilate the francophone population. The tone of conservative articles demanding legislative union became increasingly hostile as news of the debate made its way throughout Lower Canada. On 27 September 1838, the *Herald* reported that:

If Lower Canada is to have a local representative Government, it will be quite impossible to prevent the majority of Canadian being returned, who would thwart the British minority for no other reason than that they were British, and the consequence would inevitably be, that the heartburnings, strife, and animosity, which now so unhappily exists, would be continued between the two races without the slightest prospect of their ever terminating.¹⁰⁹

Durham, however, as Chester New argued, intent on encouraging unity among French and English British subjects considered this scheme of McGill and Moffatt “a pet Montreal project, beginning and ending with Montreal selfishness.”¹¹⁰ Thom, who, on 25 August had been appointed to Durham’s municipal commission, endeavoured to use his sway among conservative circles as the former editor of the *Herald* to convince this faction of the merits of a federal union. Durham did not anticipate, however, that in the midst of this transcolonial conference, news would arrive of the Bermuda Ordinance’s disallowance. This news encouraged old “racial” struggles in Lower Canada, threats of rebellion, and demands for independence from across the political spectrum. It violently altered the conditions of loyalty in BNA.

Durham had set aside ten days to negotiate the details of his federal union scheme and planned tours of the countryside, state dinners, and other public events. Midway through an excursion to Lake Calvaire, on 19 September 1838, a steamer from Montreal

¹⁰⁹ *Montreal Herald*, 27 September 1838.

¹¹⁰ New, *Lord Durham*, 467.

arrived with what Lady Durham described in her journal as “the intelligence of those events whose fatal consequences, we were, alas! so far from anticipating.”¹¹¹ Very little is known about the actual negotiations that took place at this conference for two reasons. First, the records of the meeting, much like those of the Special Council, were not documented. Second, this discussion of federal union was quickly overshadowed by the news that metropolitan statesmen had interfered in Canadian affairs and overturned the Bermuda Ordinance that had been designed to provide “protection” and “security” for Lower Canadians. The ordinance, because it had established some semblance of political certainty in the midst of turmoil, had met the central condition that Lower Canadians attached their loyalty.

Lady Durham was the first to remark upon the anti-metropolitan sentiment encouraged by the disallowance of the Bermuda Ordinance. Increasingly aware of the effects that metropolitan rule had upon the day-to-day administration of the colony and her household, Lady Durham, described the day when the news reached her as “A day I can never forget.” Her lengthy account of this unforgettable day underscores the links between metropole and colony, intimacy and governance, and conditional loyalty and anti-metropolitan sentiment in Lower Canada.

He called me into his room, & I could soon see that something unusual had occurred... He had received a bag with letters & despatches from England containing the account of the reception of the Ordinances, with private letters from Lord Melbourne, Lord Glenelg & others, rejoicing over the manner in which the difficult affair of the Prisoners had been settled, & bidding him “go on & prosper” with other expressions of unqualified approbation.¹¹²

¹¹¹ LHSQ, *Lady Durham's Journal*, 41.

¹¹² LHSQ *Lady Durham's Journal*, 41.

Lady Durham also noted that a letter from the queen expressed “her thanks & her satisfaction at all that was going on.” Nothing could have been more “gratifying than these communications,” she confessed, but the steamer had carried more than this bag of letters from England. It also transported a New York newspaper “with later intelligence from home” that “reversed all these visions of success & happiness.” It contained, exclaimed Lady Durham, an “account of the proceedings in Parl! The disallowance of the Ordinances!”¹¹³

The speed with which the news of the disallowance made its way from the House of Assembly where the Lambton family resided, to the streets of Quebec City, Montreal, and Toronto was phenomenal. “In the course of the evening ... the greatest excitement prevailed in the town, the news having already spread through it,” recorded Lady Durham. She then explained that:

The most violent language was openly held in the streets; separation from England was talked of. It was said that it would be better to be connected with the United States, than with a country, which was so reckless of the interests of its Colonies. This kind of feeling was general among all the British Inhabitants of Canada ... [T]he French, as soon as they were roused from their astonishment, became excited & encouraged to resume those intrigues & projects of insurrection, which if never entirely laid aside, had appeared so hopeless that in all probability the attempts to revive them would have been faint & of trifling importance ... [T]hese events had inspired them with fresh confidence. Not only among the colonists did such sentiments exist but also in the British Army & Navy, among all the Officers no matter of what party, one general feeling of disapprobation & regret at what had occurred seemed to prevail. [T]he first impression on the minds of all on hearing the news, was, that he would riot, that he could not stay, that he must resign, & return home instantly... [T]he greatest alarm was felt on the prospects for the winter.¹¹⁴

¹¹³ LHSQ *Lady Durham's Journal*, 41.

¹¹⁴ LHSQ, *Lady Durham's Journal*, 41–2.

The news of the disallowance led to political uncertainty and undermined the central condition of loyalty in Lower Canada. It restored, temporarily, an interest in separation and independence that Michel Ducharme argues dramatically declined after the failure of the 1838 rebellion.¹¹⁵ It also excited talk of rebellion and concern for the place and future of the empire in the Canadas. Such sentiments appeared in stark contrast to those Durham received while he toured the Canadas. Jane Ellice, who had welcomed the Lambton family to her home at Beauharnois, learned of the disallowance while in Kingston. “Bad news from England,” she wrote in her journal on 24 September 1838. “Ministers declare that Lord D’s sending the Rebel prisoners to Bermuda is illegal & disallow the validity of his Ordinance. I fear after this he will not remain here.” Jane Ellice could not contain her dislike for Brougham: “I could beat that spiteful toad Ld. Brougham.”¹¹⁶ Lady Durham and Jane Ellice were not alone in predicting the effects that this metropolitan meddling would have on Durham’s administration or the state of empire in Lower Canada. The press and politically engaged settlers wasted little time expressing their opinions on this “important” news.

Later on the day that Durham learned of the disallowance, *La Quotidienne* reported that “NOUVELLES FORT IMPORTANTES D’ANGLETERRE!!” had just arrived in Montreal. *La Quotidienne*, a paper recently started by François Lemaître, a Patriot supporter who Durham had released from prison that July, was the only paper to name the eight Patriot exiles in their coverage of the debate. “Lord Brougham, lord Lyndhurst, et avec eux tous les lords, condamnent les mesures adoptées contre Messrs. Nelson,

¹¹⁵ Ducharme, “Rebellions 1837–1838.”

¹¹⁶ Godsell, *Diary of Jane Ellice*, 106.

Bouchette, Masson, Goddu, Marchessault, Viger, Gauvin, et Desrivières, prisonniers d'Etat exilés à la Bermuda sans avoir été jugés par leurs pairs," explained Lemaître, "et déclarent qu'il est illégal."¹¹⁷ Although *La Quotidienne* reported the news of the disallowance, it was a rare dissenting voice and one of the few Patriot papers in BNA to praise Brougham's actions and openly support the return of the Patriots.

The most common response to the abrogation of the Bermuda Ordinance in the colonial press was that this imperial interference was neither unbelievable nor surprising. On 19 September 1838, the day *La Quotidienne* published its article celebrating the eventual return of the exiled Patriots, *Le Populaire*, a French newspaper that supported Durham's constitutional reforms, reported that: "The news received from the mother country, respecting this colony, is of such extraordinary character and so serious a nature that but for a certain official appearance which it bears, we should doubt its truth."¹¹⁸ Most papers, such as the *Herald* and the *L'Ami du Peuple*, were less surprised. "We are happily arrived at an epoch when nothing can create surprise, and for some time, we have been so familiar with strange events, that we are prepared for anything," explained an editorial in *L'Ami du Peuple*. "Had we not been so prepared, we confess we should have fallen senseless in reading the news received yesterday in this city by the New York packet."¹¹⁹

In its coverage of the disallowance, the *Quebec Gazette* reminded its readers that since Durham's arrival metropolitan statesmen had continuously meddled in Canadian

¹¹⁷ *La Quotidienne*, 19 septembre 1838.

¹¹⁸ *Le Populaire*, 19 septembre 1838.

¹¹⁹ *L'Ami De Peuple*, reproduced in, *Quebec Mercury*, 22 September 1838.

affairs. Although the decision to disallow the Bermuda Ordinance was lamentable, it should not have come as a surprise.

Lord Durham had hardly been appointed, before he was attacked on the expenses likely to be occasioned by the offices necessary to the success of his mission. He had not been a month in the country before he was assailed on account of the immoral conduct, many years ago, of some persons appointed to office. [He was] attacked again as to the nominations of his Special Council, and his ordinances sifted and held out as odious and illegal to the public in England, and in the highest tribunal of the Empire, with all the acumen of special pleaders. His acts condemned by the House of Lords, which had unanimously cheered his nomination and the declaration of the course which he meant to follow in his Government, and which he has actually followed.¹²⁰

There was little that was surprising, insisted the *Gazette*, either in Durham's actions or with the imperial parliament's decision to repeal the ordinance, yet such reflection did not make the news any less frustrating. Even the *Herald*, which had formerly expressed its disapproval of the ordinance, reiterated that they were "far from wishing to embarrass [Durham's] government," and hesitated to predict, "What may result from this proceeding."¹²¹ The one thing that a majority of Lower and Upper Canadian newspapers agreed upon, was that both francophone and anglophone British subjects in the Canadas ought to continue to place their confidence and loyalty in Durham's measures: this was essential if colonists were going to protest the interference of metropolitan statesmen in Canadian affairs.

Newspapers throughout BNA repeatedly took issue with the interference of imperial statesmen in colonial affairs, particularly because this meddling reminded Canadian colonists that Durham's mission was entangled with the struggle for colonial

¹²⁰ *Nelson's Gazette* [sic], reproduced in, *Montreal Gazette*, 20 September 1838.

¹²¹ *Montreal Herald*, 27 September 1838.

self-government. As a result, the disallowance was interpreted as further evidence of the metropolitan prerogative to hinder, not promote, Canadian affairs. “We have no hesitation in saying,” reported the *Montreal Courier*, “that if the vexatious interference with the Colonial matters upon such grounds as have been displayed by the House of Lords, be preserved in the British Parliament, a spirit will be aroused in the Colony that will laugh to scorn all their legislation.”¹²² On 21 September 1838, the editor of *Le Canadien*, Étienne Parent, noted that “The proceedings which have lately taken place in the House of Lords have excited in all classes of society an emotion such as our political history, though fruitful enough in events of thriving interest, has seldom been equaled.” Metropolitan meddling and colonial self-government were issues that affected everyone: “It is felt by everybody, it comes home to everybody, the disastrous consequences which these Noble Lords sitting at ease on their sensational couches are preparing for us in Canada.” *Le Canadien* found it particularly unpalatable that the imperial parliament “did not even wait for complaints from the colonists; on this occasion they went ahead of them and played the part of officious agents.”¹²³

The *Mercury* also weighed in on the issue, reporting that “There is but one general expression of indignation at the reckless and unworthy conduct of LORD BROUGHAM and his confederates, who would jeopardize the safety of these Provinces and the continuation of their colonial dependence on the mother country to gratify a personal pique against Lord Durham.”¹²⁴ In the *Mercury*, Thomas Cary argued that “embarrassing

¹²² *Montreal Courier*, reproduced in *Quebec Mercury*, 22 September 1838.

¹²³ *Le Canadien*, 21 septembre 1838.

¹²⁴ *Quebec Mercury*, 22 September 1838.

[Durham's] measures" will rob the governor general of "his already high reputation as a statesman that must have accrued to him had he been left to complete the settlement of Canadian differences which he was in the fair road of effecting."¹²⁵ In spite of Cary's assertion that Durham was well on the way to settling "Canadian differences," the abrogation of the Bermuda Ordinance clearly exposed, for the first time since Durham had arrived in Lower Canada, the fault lines that divided French and English British subjects in the colony. "If the British inhabitants of this city study their own interests and those of the Colony," explained the *Montreal Courier*, "they will have, without delay, a public meeting, solemnly to record their wish and determination to give Lord Durham a *fair trial*, to express their willingness to wait, and judge him by his measures; and to protest against childish Imperial interference."¹²⁶ Although critiques of metropolitan meddling such as this drew attention to the familial metaphor often used to describe the politics of empire, it also acknowledged "race" in a way that had not occurred in Lower Canada since the 1837 rebellion.

That the imperial parliament had once again interfered in Canadian affairs did not yield, as Brougham suggested during the debate, a love for the metropole among the colonial population. Rather, its interference, without the approbation of the colonists, as *Le Canadien* noted, encouraged expressions of anti-metropolitanism and renewed displays of confidence in Durham's administration. Anti-metropolitan sentiment and confidence in Durham, as the numerous articles in the colonial press indicate, were two sides of the same coin. "The expression of disgust against the Lordly cabal, which has

¹²⁵ *Quebec Mercury*, 22 September 1838.

¹²⁶ *Montreal Courier*, reproduced in *Quebec Mercury*, 22 September 1838.

seized on Canada as an engine for party purposes,” charged the *Quebec Mercury* on 22 September 1838 “is accompanied by an equally general expression of confidence in the Administration of Lord Durham.”¹²⁷ The *Mercury* further explained that, although it had not the time to translate the leading articles from *Le Populaire* and *Le Canadien*, these papers were both consistent in their frustration with the proceedings of the imperial parliament and their confidence in the governor general.¹²⁸

The leading Tory newspapers in Montreal, the *Herald* and the *Gazette*, each published articles that simultaneously assured Durham of their confidence in him and vented their frustration with meddling metropolitan statesmen. However, these organs of the “British party” made it very clear that they addressed their remarks to the “British” British subjects of Lower Canada. “We are therefore confident that we express their [the anglophone population’s] general and decided wishes, when we say, that the loyal inhabitants of these Provinces are still disposed to place utmost confidence in the Administration of His Excellency the Governor General,” the *Gazette* remarked. “They [the anglophone population] will not cease to afford to him all the aid and support that can possible be expected from them, as free and independent British subjects.”¹²⁹ The *Herald* was less cryptic about who constituted a “loyal subject”: by their omission, it was obvious that it did not consider the *Canadiens* loyal. “The Canadas appear at present to be a trump card in the hands of political gamblers in the Imperial Parliament,” remarked the *Herald*. “[E]fforts are unceasingly made by Lord Brougham and the disappointed

¹²⁷ *Quebec Mercury*, 22 September 1838.

¹²⁸ *Quebec Mercury*, 22 September 1838.

¹²⁹ *Montreal Gazette*, 25 September 1838.

clique under his control to raise difficulty in the way of ministers, and disgust the loyal inhabitants of the Canadas.”

They [loyal inhabitants] have borne much insult and much injury at the hands of such legislative quacks and mountebanks, who, now that Lord Durham is absent on a mission of extraordinary difficulty and importance, scruple not to throw every obstacle in his way, disregarding altogether what effect such reckless conduct may produce either in the parent state or in the colonies ... [We] have been unwilling to abate one jot or one tittle of the confidence we have, in common with the British and Irish inhabitants of this Province, placed in the integrity, firmness, and ability of Lord Durham ... [It is] the duty of all who profess to be loyal to show that they are really so, by proving true to themselves, by sinking all minor considerations, and, knowing, as all here must do, the difficulties by which the Executive has been surrounded, to rally round the Government and express their conviction that the measure now abandoned by the Ministers, though it did not inflict upon the guilty the measure of punishment due to their desserts, was the best that could be adopted.”¹³⁰

Montreal newspapers like the *Herald* and the *Gazette* may have intimated that only the “British” were truly “loyal,” but others, like the *Courier*, which had also insisted that “British inhabitants” ought to support Durham and ignore the “petty interference” of metropolitan statesmen, assured its readers that this was not an issue to be divided by party or “racial” lines. Like many other newspapers in the Canadas, the *Courier* insisted that public meetings be convened to demonstrate colonial support for, and confidence in, Durham. The *Courier* explained that these meetings “need not compromise the principles of any party, Whig or Tory. [They] might simply be to deprecate Lord DURHAM’S government being unnecessarily embarrassed by petty interference; and to declare our determination not to prejudge him; but to lend our hearty cooperation in all measures that are for the good of the Colony, however distasteful they may prove to the politician in

¹³⁰ *Quebec Mercury*, 20 September 1838.

Britain.”¹³¹ Anti-metropolitan sentiment as it emerged in Lower Canada following the disallowance of the ordinance included frustration with the metropole and support for Durham, but most significantly, it drew attention to the ways in which the struggle for colonial self-government was one of principles and “races”.

A majority of the newspapers in Lower Canada agreed that Durham should remain in the colony, and the “childish” behaviour of metropolitan statesmen should be condemned. There was less consensus surrounding the future of both the colony and Durham’s administration of it. The *Gazette* claimed on 25 September 1838,

There is every reason to believe that the Administration of His Excellency the Earl of Durham in these Provinces will be a short one; and that, in consequence of the late Proceedings in Parliament, in regard to LOWER CANADA, and the imbecilic conduct of the Ministry, his Lordship will, at no distant period, resign his trust into the hands of others, and return to ENGLAND to vindicate both his character and his measures.¹³²

Although the *Gazette* lamented making such a prediction, it was certain that “no one [would] be surprised” with such an outcome.¹³³ *L’Ami du Peuple* agreed, but its assessment was more dire. “It is clear that Lord Durham cannot remain here after having received such treatment, and we see in this extravagance of the House of Lords the commencement of a series of follies which cannot fail to lead to the separation of this country from the mother country.”¹³⁴ The *Herald* also pondered the effect of this metropolitan meddling: “It may force ministers from office, and Lord Durham would naturally retire with them, or it may induce Lord Durham to throw up his mission in

¹³¹ *Montreal Courier*, reproduced in *Quebec Mercury*, 22 September 1838.

¹³² *Montreal Gazette*, 25 September 1838.

¹³³ *Montreal Gazette*, 25 September 1838.

¹³⁴ *L’Ami du Peuple*, reproduced in *Quebec Mercury*, 22 September 1838.

disgust.”¹³⁵ Perhaps because former *Herald* editor Adam Thom had managed to secure himself a position in Durham’s administration, the paper expressed its “hope” that Durham would not resign. Then by employing the “garrison mentality” that had served anglophone British subjects in the colony so well during the revolutionary period,¹³⁶ the *Herald* explained why it hoped Durham would remain in Lower Canada. “For, in the present distracted state of the colony, when its loyal inhabitants in the rural districts are in terror for their lives, and the hopes of the revolutionists are strong, a new Governor would be under the necessity of going over again the system of conciliation, and excite a new feeling of distrust.”¹³⁷ As the conditions that Lower Canadians attached to their loyalty continued to change following the disallowance of the Bermuda Ordinance, both Tory papers like the *Herald* and Reform papers like *Le Fantasque* predicted “une nouvelle rébellion!”¹³⁸

Although most newspapers speculated on the long-term effects of this metropolitan meddling, news of the disallowance did have some immediate impact on the administration of Lower Canadian affairs. The *Gazette* reminded its readers that the transcolonial conference designed to debate Durham’s plan of a federal union had been cut short by reports of the debate. “All inquiry into the subject [of constitutional reform],” the *Gazette* reported, had “for the present, been dropped.”¹³⁹ The *Gazette*, as a supporter of a legislative union of the two Canadas, was likely more relieved than frustrated by this

¹³⁵ *Montreal Herald*, 27 September 1838.

¹³⁶ Greenwood, *Legacies of Fear*, 104–5.

¹³⁷ *Montreal Herald*, 27 September 1838.

¹³⁸ *Montreal Herald*, 27 September 1838; *Le Fantasque*, 15 septembre 1838.

¹³⁹ *Montreal Gazette*, 25 September 1838.

departure. In contrast, both the *Quebec Gazette* and the *Mercury* were particularly ominous about the future. “We poor colonists cannot understand these things; but we can understand very well that the country which we inhabit, in which the interests and affections of many of us are centered, is thrown back into the position which it occupied last spring.” The *Quebec Gazette* feared that “all passions are again let loose, our hopes withered in the bud, our difficulties and our dangers increased, without any prospect of their speedy termination.”¹⁴⁰ The *Mercury* considered the prospects of Lower Canada so regrettable that it hesitated to remark upon them. “Our prospect, which, heaven knows, was dark enough before, has been rendered more gloomy by the conduct of the Ministers in denying their support to the local Government, whose measures, conceived in a knowledge of the actual state of the colony, were framed to meet the exigencies of the dangerous position in which it was placed.”¹⁴¹ In Toronto, the *Patriot and Farmer’s Monitor* was confident with its prediction for the future: “Secret mischief is brewing, there is no doubt. We learn from various sources that the disaffected are at their work again, now that so many of their leaders have been restored to them by the amnesty.”¹⁴²

Yet not all of the effects of the disallowance were speculative, as segments of the colonial public did rally around Durham, in ways that were both spontaneous and planned. These displays of confidence in Durham and frustration with the imperial parliament included such premeditated acts as public meetings and the presentation of addresses, as well as spontaneous acts such as cheering Durham’s presence at the theatre

¹⁴⁰ *Nelson’s Gazette*, reproduced in, *Montreal Gazette*, 20 September 1838.

¹⁴¹ *Quebec Mercury*, 20 September 1838.

¹⁴² *Patriot and Farmer’s Monitor*, 15 September 1838.

or, as we saw earlier, burning metropolitan statesmen in effigy. On Thursday, 20 September 1838, one day after news of the disallowance reached Quebec, over 300 of the city's inhabitants reportedly made their way to the House of Assembly to sign their name and declare their confidence in Durham's administration. When *Le Canadien* published this news the following day, it reported that it was "les citoyens" who desired the "prompt rétablissement de l'ordre constitutionnel" who had signed the register.¹⁴³ The *Mercury* noted that "The visit being intended to convey a feeling of respect and confidence towards Lord Durham, and of indignation at the base manner in which he has been assailed, in his absence, by jealous and not over scrupulous political antagonists."¹⁴⁴ This spontaneous display of conditional loyalty impressed Lady Durham, who recorded in her journal that "crowds of people" had come to "put down their names at the Gov't House." "I believe there was not a respectable person among the British Inhabitants of Quebec who omitted this mark of respect."¹⁴⁵ This was not the only spontaneous display of colonial sentiment in the days and weeks following the disallowance.

That next evening, Lord and Lady Durham, accompanied by members of his administration, attended a performance of "Love Chase" at the Quebec theatre. When the Lambton family arrived at their private box, the *Mercury* reported that "enthusiastic cheers and waving handkerchiefs" filled the hall. Apparently this outpouring of emotion continued for "an unusual length of time" before the "compliment was acknowledged by His Excellency who was evidently gratified at this mark of respect and confidence so

¹⁴³ *Le Canadien*, 21 septembre 1838.

¹⁴⁴ *Quebec Mercury*, 22 September 1838.

¹⁴⁵ LHSQ, *Lady Durham's Journal*, 43.

unequivocally expressed by a numerous audience.” As Durham and his party left the theatre, the audience repeated the “same lively marks of respect with which they had greeted his arrival.”¹⁴⁶ Lady Durham noted that they were “received with the greatest acclamation” at the theatre, and “in consequence of the events which had now occurred, the House which in general was very ill attended, was on this occasion excessively full.”¹⁴⁷ Although *Le Fantasque*, known for its cynicism and support of the Patriots, was not convinced by the size of this spontaneous display of confidence, it did assert that it was undoubtedly the result of “des sottises discussions de la chambre de Lords.” “C’est une petite erreur de courtisan,” *Le Fantasque* explained on 22 September 1838: “sur dix personnes il y en avait deux qui applaudissaient, trois qui sifflaient, et cinq qui ne disaient rien.”¹⁴⁸ As both Lady Durham and the colonial press observed, support for Durham and his administration remained, however, it was no longer as uniform as it once was.

In the midst of these expressions of confidence, Durham announced his intention to resign. Three days passed before Durham spoke publicly about the abrogation of the Bermuda Ordinance. This wait had given the colonial press sufficient time to speculate about its effects, report their frustrations with metropolitan statesmen, and repeatedly proclaim their confidence in Durham. Two days before Durham announced his resignation, he informed Sir John Colborne, in a confidential letter, “that immediately on the receipt of the official intimation of the disallowance by Her Majesty’s Ministers of the Ordinances, I shall return to England for the purpose of placing at Her Majesty’s

¹⁴⁶ *Quebec Mercury*, 22 September 1838.

¹⁴⁷ LHSQ, *Lady Durham’s Journal*, 44.

¹⁴⁸ *Le Fantasque*, 22 septembre 1838.

disposal my Commission as Governor General and High Commissioner, which I can, in these circumstances, no longer consent to retain.”¹⁴⁹ Although the confirmation that Durham sought had not arrived by 22 September 1838, he could no longer delay publicly addressing the subject and announcing that Colborne, who was hated by the francophone population of Lower Canada because of his violent suppression of the 1837 rebellion, would again administer the colony. As he assured Lord Glenelg three days later, “public opinion here does not wait for the receipt of official intelligence on matters vital to the Interests of all.” Moreover, public opinion in Lower Canada had “been most deeply affected by the sufficiently authentic intelligence already received. I have had no choice, as I shall fully explain in a future dispatch, but to declare whether or not I should resign my now useless office.”¹⁵⁰

Durham announced his resignation from his “now useless office” when replying to an address from the Maritime delegation whose work had been cut short by the disallowance. On the eve of their departure from Lower Canada, these colonial politicians unanimously offered Durham their “highest respect” while expressing their “deep concern” over his rumoured departure. The deputation assured Durham they would “[for]ever remember with gratitude the statesman, who, exalted in the first rank, and treading on the highest eminences of political life in our common country, hesitated not at the call of his Sovereign, with disinterested zeal to undertake an office of unparalleled difficulty, and has given to these distant territories the benefit of his enlarged experience

¹⁴⁹ LAC, MG24 A27, Lambton fonds, Vol. 19. Durham to Colborne, 20 September 1838, Reel C-1853, 294–96.

¹⁵⁰ LAC, MG24, Lambton fonds, Vol. 44, Durham to Glenelg, 25 September 1838, Reel C-1859; and *Correspondence*, 1839, 181–3.

and vigorous conceptions.”¹⁵¹ Durham’s reply quickly confirmed the rumour. “It is impossible for me to express to you in language sufficiently strong, the feelings of gratitude and pleasure with which I have received this address,” began the reply in his first public ceremony since news of the disallowance. As Durham had done on his tour of the Canadas, he used his reply as an opportunity to review the policies of his administration and to transform this ceremony for a political purpose:

I have, indeed, had a difficult and laborious duty to perform. The result of my endeavours, however, is one, which I need not be ashamed. In the short space of little more than three months, I have seen tranquillity restored and confidence reviving. I have caused substantial justice to be administered, tempered by mercy. I have carefully examined, with a view of reformation, all the institutions of the province more immediately committed to my charge; and I was on the point of promulgating such laws as would have afforded protection to all those great British interests which had been too long neglected. I had also, as you well know, devoted the most careful attention to all subjects which could affect the general interests of all the colonies; and had brought nearly to maturity the Plan which I intended to submit in the first instance to the consideration of the Provinces, and eventually to the Cabinet and the Imperial Parliament.¹⁵²

Durham did not only recount his endeavours. He also declared for those loyal Lower Canadians what his future and by extension, their futures, held. Durham blamed what Chester New has identified as the “outworn system of government that permitted British politics to paralyze Canadian progress.”¹⁵³

In this, I trust useful course, I have been suddenly arrested by the interference of the British Legislature, in which the responsible advisers of the Crown have deemed it their duty to acquiesce. Under these circumstances, I have but one step to take – to resign that authority, the exercise of which had thus been so

¹⁵¹ LAC, MG24 A27, Lambton fonds, Vol. 44, 22 September 1838, Reel C–1859; and *Correspondence*, 1839, 183–4.

¹⁵² LAC, MG24 A27, Lambton fonds, Vol. 44, Reel C–1859; and *Correspondence*, 1839, 184.

¹⁵³ New, *Lord Durham*, 440.

weakened as to render it totally inadequate to the grave emergency, which alone called for its existence.¹⁵⁴

The meddling of metropolitan statesman had to be checked if “welfare and prosperity” were to take hold in BNA, asserted Durham. He concluded by assuring Lower Canadians that his “unexpected and abrupt termination” did not mean he would cease to promote their interests.¹⁵⁵ Durham’s resignation signified that political uncertainty had once again returned to Lower Canada, which as Buller explained in his account of Durham’s mission, spread “terror and grief throughout British North America.”¹⁵⁶ However, equally concerning for many was that Colborne, a Tory who had no sympathy for the Patriots, had been proclaimed as Durham’s successor.

For some, like Montreal’s Tories, Durham’s announcement confirmed their worst fears; for Patriot supporters it inspired new hope as the disallowance meant that Patriot refugees in New York and those exiled to Bermuda could return to the colony. In Lower Canada, Tories, Patriots, francophones, and anglophones all reacted differently to the disallowance and Durham’s resignation. We have seen how the colonial elite at the theatre, those politically engaged settlers that signed the visitor book at the House of Assembly, and the colonial press understood this imperial interference. But what about settler society writ large? Although it is difficult to track down these muffled voices, letters to the editor, public addresses, and correspondence between elite settlers and

¹⁵⁴ LAC, MG24 A27, Lambton fonds, Vol. 44, Reel C-1859; and *Correspondence*, 1839, 184.

¹⁵⁵ LAC, MG24 A27, Lambton fonds, Vol. 44, Reel C-1859; and *Correspondence*, 1839, 184.

¹⁵⁶ LAC, MG24 A26, Buller fonds, “Sketch,” 110.

Durham (and members of his suite) suggest that the integrity of the empire was on the minds of many in the last quarter of 1838.

Letters to the editor articulated settler opinion and sometimes exposed the “racial” divisions that existed in both Upper and Lower Canada. Almost immediately after Durham announced his resignation, a letter by an individual identified only by the initial “F” appeared in the *Mercury*. F, who expressed “hope” at the “sudden demonstration of attachment” to Durham, was undoubtedly disappointed by Durham’s announcement. Nonetheless, F’s letter encouraged other settlers in Quebec and across BNA to call public meetings to express “their wish that he [Durham] may remain.” F hoped that Durham could be persuaded to “persevere in remedying the evils existing in this Colony” and “harmonize all classes under a well framed Constitution.”¹⁵⁷ Another letter penned by a Toronto “IRISHMAN” appeared in the *Montreal Gazette* at the end of September. “I cannot refrain from giving vent to my indignation at the conduct of Lord Brougham and those who follow him in his attacks upon the Earl of Durham.” This Irishman, like the content of addresses presented as Durham toured the Canadas, turned to the 1837 rebellion to explain his present feelings. “Full of eagerness and zeal did I exert myself here last winter to suppress the rebellion ... Full of gratitude and good will did I listen to Lord Durham when he addressed us from the steps of the Parliament House, last summer; And now, with sorrow, and deep indignation do I peruse the proceedings of the House of Lords against him. Are we to become the sport of political partisans?” This Irishman had little regard for the imperial parliament and those “men who are now making themselves

¹⁵⁷ *Quebec Mercury*, 22 September 1838.

odious to every good and loyal and honest Britons in the Provinces.” The “ravenous appetite of political partisans for public office and power,” he concluded, “is fast demoralizing the Statesmen of the world – for now I can hardly recognize a true Patriot among them – and if there be one, I venture to affirm that Lord Durham is that one.”¹⁵⁸ Confidence in Durham made an “honest Briton” out of this politically engaged Irishman.

That Toronto newspapers reproduced the most letters to editors exposing anti-metropolitan sentiments is not particularly surprising considering the display of confidence that the city had demonstrated in July 1838. On 28 September 1838, Thomas Rolph, who authored *Emigration and Colonization* in 1844, was one of the few individuals to identify himself in his letter to the *Toronto Patriot*. Rolph asserted, “The Canadian question, as usual, had contributed to illustrate in a remarkable degree, the truth of Earl Durham’s declaration, that THE PROVINCES ARE ALMOST UNKNOWN IN GREAT BRITAIN.” What will be the result, Rolph inquired: will “this pestiferous interference” of Lord Brougham and “his attacks on the Executive Government of these Provinces” “agitate” and “incite” another rebellion?¹⁵⁹ White colonizers were not alone in expressing their support for Durham and their frustration with the imperial Parliament. A letter from “Tecumseh,” an indigenous supporter of the British empire in the War of 1812 who was killed by Americans at the Battle of the Thames in 1813, was published in the *Toronto Patriot* and the *Montreal Gazette*. Writing as “An Old Indian,” Tecumseh appealed to his “Friends and Fellow Countrymen” to defend Durham from Brougham and “other wicked,” “selfish” and “weak men” who have “peril[ed] our peace, our safety, our

¹⁵⁸ *Montreal Gazette*, 21 September 1838.

¹⁵⁹ *Toronto Patriot*, 28 September 1838.

properties, and our lives, in their struggle for the place, and profit, and power in the Government of the Empire.” Tecumseh, like Rolph and, as we will see shortly, many of those who composed addresses to Durham or attended public meetings feared another rebellion. “We are in danger from Traitors within and Traitors from without, and from all that is base and bad in the Neighbouring States ... Prepare yourselves, everyone of you, Fathers and Sons, Brothers and Husbands, and make your Wives, and Your Daughters, and your Sisters proud of you ... Should Lord Durham feel himself constrained to leave us, let us consider ourselves as virtually abandoned for one winter more, and let us, at once, brace ourselves.”¹⁶⁰

I have only located a few private letters that document the reaction of individual settlers to the disallowance and Durham’s resignation. However, those that I have found express frustration with the imperial parliament, confidence in Durham, and the fear of another rebellion. On 29 September 1838, Reverend Quiblier of the Seminary of Montreal wrote the governor general. Quiblier explained that he deplored Durham’s departure and feared that it would again throw the country into “l’anarchie.”¹⁶¹ Three weeks later, Thomas Gibbs Ridout, a cashier of the Bank of Upper Canada, wrote to his “dearest Matilda” with the news that “Lord Durham is going to leave.” Ridout explained that Durham’s departure was of great concern among the local Toronto elite. “Robert Sullivan and the rest of our big wigs are getting frightened out of their lives as they dread another rebellion this winter,” he explained. “You can hardly imagine the alarm that

¹⁶⁰ LAC, MG24 A27, Lambton fonds, Vol. 27, Reel C-1856, 201-204.

¹⁶¹ LAC, MG24 A27, Lambton fonds, Vol. 27, Reel C-1856, 228-29.

exists.”¹⁶² Even the prominent Upper Canadian Tory, John Strachan, a former member of the Executive Council of Upper Canada, supported Durham’s administration. When he heard of the disallowance, Strachan wrote Charles Buller and confessed that there could not be “ten honest men of reflection in the Canadas who do not consider this shameful and uncalled for interference with the Governor General’s administration ... I feel convinced that the outrage offered to His Lordship will unite them more strongly than ever in his causes, for it has already produced a general burst of indignation.”¹⁶³

Many of the exiled Patriots, frustrated that Durham had not issued a general amnesty, paid little attention to Durham’s administration after July 1838. Only the letters of Julie Papineau, whose husband, Louis-Joseph Papineau, one of the sixteen men taking refuge in the United States, and their son, Amédée Papineau, brazenly critiqued Durham’s administration in its final days. In his journal Amédée summarized the debate that led to the disallowance and sarcastically noted: “Durham! Le grand homme d’Etat! Ha, ha, ha, ha, ha!”¹⁶⁴ A week later, Amédée had somewhat tempered his reaction, and merely recorded that: “Durham a annoncé son intention de retourner aussitôt en Angleterre, dans sa réponse à une adresse de la députation des provinces inférieures.”¹⁶⁵ Writing from Saratoga, New York, on 20 October 1838, Julie Papineau informed her family in Lower Canada that Durham appears,

ne pas avoir l’air de comprendre que l’état du pays est pire qu’au moment de son arrivée ... On s’attendait qu’il ferait bien des efforts pour le pacifier et

¹⁶² AO, F43 Ridout Family Papers, MC 537, Reel #2, 9217–9.

¹⁶³ LAC, MG24 A27, Lambton fonds, Vol. 27, Strachan to Buller, 20 September 1838, Reel C–1856, 194–5.

¹⁶⁴ Papineau, *Journal d’un fil de la liberté*, 222.

¹⁶⁵ Papineau, *Journal d’un fil de la liberté*, 224.

maintenant on a l'assurance qu'au contraire il était décidé à nous anéantir. Quant à moi, il ne m'a pas trompée, sinon que je croyais qu'il serait un peu plus habile et qu'il serait plus longtemps à nous tourmenter, mais en cela il a été encore plus incapable qu'aucun de ses prédécesseurs. C'est tout ce qu'il nous fait de bien, de nous favoriser de son prompt départ.¹⁶⁶

Although Julie Papineau and her son favoured a prompt departure for Durham, most of the public addresses presented to Durham between 20 September and his departure from the colony on 1 November 1838 begged him to stay. These addresses and the public meetings that determined their content, like letters and editorials in the colonial press, illustrate the confidence that settlers placed in Durham, the rising tide of anti-metropolitanism, and the fear of a second rebellion. Durham received addresses from across Lower Canada. Some addresses were signed only by the chairman and secretary, like those from Montreal and the "British Inhabitants of the Seigneurie of Beauharnois."¹⁶⁷ Others included the signatures of a number of politically engaged settlers: 4287 individuals signed the address from Quebec and its vicinity; 134 in the township of Beauharnois; and 92 from Ste. Thérèse de Blainville, near St. Eustache where, on 14 December 1837, British forces defeated the last remaining Patriot camp.¹⁶⁸ Organizations such as the Literary and Historical Society of Quebec, the Quebec Agricultural Society, and the Press of Lower Canada also presented addresses to Durham.¹⁶⁹

¹⁶⁶ Julie Papineau, *Une Femme Patriote, Correspondance, 1832–1862*, (Sillery, 1997), 152–3.

¹⁶⁷ LAC, MG24 A27, Lambton fonds, Vol. 3.

¹⁶⁸ LAC, MG24 A27, Lambton fonds, Vol. 3.

¹⁶⁹ LAC, MG24 A27, Lambton fonds, Vol. 3.

Yet these addresses, although numerous, came predominately from Lower Canadian anglophones, and, as the addresses from Beauharnois and Ste. Thérèse suggest, this “racial” distinction was important. Unlike the addresses presented to Durham in July, the ones he received in September and October made little effort to cloak the attitudes that “British inhabitants” had towards the *Canadiens*. The *loyal* inhabitants of British origin at Ste. Thérèse de Blainville informed Durham that they felt “deep regret and indignation” at the proceedings of the imperial parliament and that they had “unbounded confidence” in him. Yet, because these “loyal” and “British” British subjects lived “in the midst of a population which *we know* by experience to be hostile to everything British in its nature or origin, we have looked forward to the events of the coming winter with all the anxiety that our peculiarly exposed condition cannot fail to excite.”¹⁷⁰ Confidence in Durham and frustration with the metropole appear to have increased among the anglophone population of Lower Canada in the aftermath of the disallowance, but so too did expressions of the “racial” prejudice that had characterized the pre-rebellion period. However, as the address signed by Temoleon Quesnel and L. Archembeault from the parish of Blairfindie indicates, not all francophone British subjects supported the Patriot cause or opposed Durham. “After having been exposed to so much persecution and ill treatment last fall on account of our political principles, opposed to those of the majority of our fellow countrymen in the parish which we live, we now enjoy so much peace and

¹⁷⁰ *Quebec Gazette*, 18 October 1838.

happiness, duty and gratitude, compel us to acknowledge that we are solely indebted to your Excellency's humane and judicious administration."¹⁷¹

Le Canadien, like Quesnel and Archembeault, drew attention to the lack of francophone participation in the presentation of addresses to Durham and at public meetings.

We therefore submit to our fellow countrymen the propriety of holding public meetings, to take into consideration the recent proceedings in the House of Lords, in order to express our regret at the inappropriate interference of that body in the administration of Lord Durham. [This] interference which can only retard the establishment of constitutional order, by embarrassing the views and measures of the Governor General and that will probably give rise to a series of events disastrous to these Colonies.¹⁷²

Le Canadien feared that the disallowance would encourage "discontent and new attempts, from without, against the peace of the country."¹⁷³ This rallying cry of *Le Canadien* had little effect upon the francophone population of Lower Canada. Of the forty or so addresses presented to Durham between 24 September and 1 November, no more than five contained signatures from Lower Canada's francophone population. The remainder were composed and signed by anglophone supporters of Durham, frustrated with the metropolitan meddling of imperial statesmen and eager to assert their Britishness.¹⁷⁴ Although politically engaged francophone British subjects were similarly frustrated with the interference of the British government, rather than continuing to place their loyalty in Durham whose promises of political stability were shattered by the passing of Brougham's Act of Indemnity, many turned to the pro-Patriot Hunters' Lodges which

¹⁷¹ *Quebec Gazette*, 18 October 1838.

¹⁷² *Le Canadien*, 21 septembre 1838.

¹⁷³ *Le Canadien*, 21 septembre 1838.

¹⁷⁴ On the connection between Britishness and petitioning, see Wilton, *Popular Politics*.

saw membership dramatically increase during the final weeks of Durham's administration.¹⁷⁵

On 4 October 1838, the cover of the *Montreal Gazette* announced that a "GREAT PUBLIC MEETING" had occurred at St. Anne's Market. Peter McGill, who acted as chairman, expressed his regret at the "repeated and unmanly attacks" upon Durham's administration. Four of the five resolutions considered that afternoon sought to determine what sentiments were appropriate to convey to the governor general. The fifth, moved by George Moffatt and seconded by C.D. Day, dealt with Durham's plan for a federal union that had been on hold since the disallowance of the Bermuda Ordinance. This resolution made explicit, and public, that the Montreal merchant elite considered "any general federation of the British North American Colonies" to be "inadequate." Moffatt argued that a "legislative union of the Canadas [was] the only means of accomplishing their pacification and of perpetuating their connexion with the empire." This "Great Meeting" made clear that the "unbound confidence" that the Montreal merchant elite offered Durham was conditional: their loyalty depended upon the union of the Canadas and the assimilation of the *Canadiens*. "We were hardly surprised," reported the *Montreal Gazette*, "that the meeting was wholly composed of men of British or Irish origin because it could scarcely be expected that the party spirit existing between them and the Canadians is so far allayed as to permit of their uniting for any purpose whatever."¹⁷⁶ In the weeks before Durham quit Lower Canada, his experiences of empire impressed upon him that the struggle for reform may have been one of political principles, but it was also

¹⁷⁵ Greer, *Patriots and the People*, 340–44.

¹⁷⁶ *Montreal Gazette*, 4 October 1838.

highly raced. How did Durham represent these incidents of anti-metropolitan sentiment and conditional loyalty, and their intersection with both “racial” and political identities in Lower Canada, to his meddling metropolitan colleagues?

“But an Echo of the Public Voice in these Colonies”

Although Durham announced his intent to resign on 22 September 1838, he did not officially resign until 9 October 1838. Durham continued his administrative work for these sixteen days while carefully monitoring public opinion in the Canadas. Durham first tried to understand the changing state of affairs in this “distracted colony” on 25 September 1838 in a despatch to Glenelg, one of the metropolitan statesmen whose likeness was paraded around Montreal and burnt in effigy. Durham’s last despatches detailing the situation in Lower Canada emphasized three things: the ways in which his administration had been affected by his metropolitan colleagues since leaving England that April; the effects his administration had had on the Canadian colonists; and how his treatment by the imperial parliament had hindered the work of his high commission.

Durham outlined his perceptions and experiences of empire in three lengthy despatches to Glenelg, on 25, 26, and 28 September 1838.¹⁷⁷ “Previous communications from me will have made your Lordships aware of the very injurious effect upon the course of my Government occasioned more or less, by all the proceedings, with respect to my mission, which have taken place in the House of Lords since my departure from

¹⁷⁷ LAC, MG24 A27, Lambton fonds, Vol. 44, Durham to Glenelg, 25 September 1838, Reel C-1859; LAC, MG24 A27, Lambton fonds, Vol. 44, Durham to Glenelg, 26 September 1838, Reel C-1859; and LAC, MG24 A27, Lambton fonds, Vol. 44, Durham to Glenelg, 28 September 1838, Reel C-1859.

England,” began Durham’s despatch of 25 September. Much of this ten-page correspondence outlined for Glenelg the various ways in which metropolitan ministers had meddled in colonial affairs. Durham’s grievances were in fact so many that he merely alluded to the debate that erupted upon his departure but spilt a significant amount of ink detailing how the Turton debates and “the late debate in the House of Lords, and the observations which have been there upon the Ordinance passed by the Special Council” had affected his administration.¹⁷⁸

Durham assured Glenelg that neither he nor the politically engaged settlers of the Canadas had forgotten Melbourne’s expression of “very great concern and surprise” at Turton’s appointment. That Durham had “persevered” in his course and “constantly refused to accept Mr. Turton’s repeated proffers of resignation,” he explained, had secured for him the confidence of the Canadian colonists because it proved that he had the strength of his convictions.¹⁷⁹ As the address from the inhabitants of Stamford on the Niagara peninsula in Upper Canada illustrates, Durham had accurately assessed the sentiments of settler society. “We heard with astonishment and deep sorrow, the violent and unjustifiable attacks made upon your Excellency’s conduct as Governor General of the Canada, by Lord Brougham, in the House of Peers, and with equal *regret and surprise* that the Premier, Viscount Melbourne has advised Her Majesty to disallow the [Bermuda] Ordinance,” conveyed the Stamford address.¹⁸⁰ Unlike the imperial

¹⁷⁸ LAC, MG24 A27, Lambton fonds, Vol. 44, Durham to Glenelg, 25 September 1838, Reel C-1859.

¹⁷⁹ LAC, MG24 A27, Lambton fonds, Vol. 44, Durham to Glenelg, 25 September 1838, Reel C-1859.

¹⁸⁰ [my italics]. *Quebec Gazette*, 18 October 1838.

parliament, Durham was clearly not out of touch with settlers in the British colonies under his authority.

The second instance of imperial “interference” in Canadian affairs that Durham detailed in his despatches had the greatest effect upon the conditions of loyalty in Lower Canada: the disallowance of the Bermuda Ordinance. On 25 September, Durham had not yet officially learned of the disallowance, but he certainly knew of the debate that had erupted in the House of Lords. The debate, Durham asserted, had “weakened” his authority and “encouraged the disaffected.”

[F]orty eight hours after [news of the debate] ... had been published here, the tone of that part of the press, which represented the disaffected, exhibited a remarkable change: giving evidence, no longer of submission, however unwilling, to extraordinary powers unhesitatingly exercised, but of discontent, irritation, and seditious hopes. From that time forth, too, down to this day, I have continually received intimations of a State of feeling amongst the Canadian peasantry of the District of Montreal, which threatens – if not actual disturbances during the winter – still so much combination of purpose and means amongst the disaffected, as to require the utmost vigilance on the part of the Government.¹⁸¹

Durham’s description of the disallowance and its effect upon the conditional loyalty of Lower Canadians draws attention to the links between loyalty in Durham and his ability to promote political certainty. As we have seen, French and English newspapers in Lower Canada depicted a common sentiment of anti-metropolitanism that Durham gladly conveyed to his metropolitan colleagues. Durham made clear in his despatches that the emergence of anti-metropolitanism also gave rise to familiar discourses of “racial” conflict and political instability. His references to the “disaffected” indicate this. Durham

¹⁸¹ LAC, MG24 A27, Lambton fonds, Vol. 44, Durham to Glenelg, 25 September 1838, Reel C-1859.

located the loss of confidence in his inability to implement reforms that would settle the conflicts that had resulted in the 1837 rebellion, suggesting that, in lieu of the disallowance of the Bermuda ordinance, he could no longer protect Lower Canadians from future revolutionary action. As a result, he argued, Lower Canadians both francophone and anglophone felt underappreciated as British subjects because their sacrifices for Britain in 1837 and the years leading to rebellion were overlooked in the imperial parliament.

These Gentlemen, when the news in question arrived from England, -- when they perceived that I was left alone to struggle with unparalleled difficulties -- could no longer rely on the accomplishment of any of the important measures that I had projected. They were therefore led, most naturally as it appears to me, instead of looking with confidence to the future, first, to despair of any fruit from my exertions, and next to recur to the past with feelings of irritation as violent as were ever produced amongst the British race in this colony by the worst previous sacrifice of colonial interests to the objects of mere party in the Mother Country. Such is the unanimity of opinion and feeling amongst the British population of this Colony...fairly represented the whole class.¹⁸²

After official confirmation that the Bermuda Ordinance had been disallowed reached Quebec on the evening of 26 September 1838, Durham wasted no time replying. That evening he composed another lengthy despatch to Glenelg, followed by another two days later. He explained that the disallowance “overthrows all confidence in my engagements” and “deprives my pledged word of weight and value.”¹⁸³ Although, as Durham explained, his “representations” of the effects of this “interference” were “but an echo of the public voice in these colonies ... all men of whatever class or party, were

¹⁸² LAC, MG24 A27, Lambton fonds, Vol. 44, Durham to Glenelg, 25 September 1838, Reel C-1859.

¹⁸³ LAC, MG24 A27, Lambton fonds, Vol. 44, Durham to Glenelg, 26 September 1838, Reel C-1859.

agreed in thinking [that] unless ... cordially supported by the [imperial] Legislature ... there was not the slightest prospect of any satisfactory result.”¹⁸⁴ The disallowance had united Lower Canadians in opposition to the imperial parliament; however, it had also divided the colonial population amongst themselves. Both French and English British subjects in Lower Canada lost confidence in Durham’s ability to implement reform and in the imperial parliament’s willingness to support it. As a result, francophones and anglophones reverted to pre-1837 sentiments and divisions that had led to rebellion. “The despondency and irritation of the [English] were as conspicuous as the half elated and threatening activity of the disaffected portion of the French Canadians,” Durham explained. “Such was the effect produced upon both classes, that is, upon the great bulk of the people, by the party proceedings at home.”¹⁸⁵

Durham broached the subject of the disallowance a final time in a “private” letter addressed to Lord Glenelg one week before he publicly proclaimed his ordinance disallowed and issued the Act of Indemnity which made it possible for the Bermudan exiles and American refugees to return to Lower Canada. Durham refused to re-suspend *habeas corpus* as Lord Glenelg had instructed. His letter refers to despatches 66 and 68 that “fully” detailed his reasons for resignation. He did not repeat them in this letter. Instead, he used this opportunity to convey to Glenelg that he “never could have anticipated the possibility of such treatment as I have received.” Durham was particularly frustrated because he was on track to “restoring tranquillity & inspiring Confidence all

¹⁸⁴ LAC, MG24 A27, Lambton fonds, Vol. 44, Durham to Glenelg, 26 September 1838, Reel C-1859.

¹⁸⁵ LAC, MG24 A27, Lambton fonds, Vol. 44, Durham to Glenelg, 25 September 1838, Reel C-1859.

over the Continent of North America. I little suspected the Reward I have received from home: disavowal & condemnation.” Durham ominously warned the colonial secretary of “the fatal consequences of this course of conduct. – The disaffected have been encouraged, the loyal disheartened, the moral power of the civil Gov’t destroyed, & the dangerous question of the separation of the Colonies from the Mother Country advanced 50 years at least.”¹⁸⁶ According to George W. Brown, “The fact remains that the problems of administration and the tangled concepts of loyalty which were involved in them provided one of the most serious elements in the complications of the Canadian scene.”¹⁸⁷ In spite of his best efforts, Durham had been unable to juggle both the administrative aspects of empire and the conditional loyalty of his Canadian subjects. Durham’s mission not only did little to improve the integrity of the empire, but ultimately it did even less to promote the tranquillity, prosperity, and unity among Lower Canadians that he had repeatedly expressed hope for in his public proclamations and in personal papers.

Conclusion

As anti-metropolitan sentiment spread throughout Lower Canada, it transformed the conditions of loyalty in the colony and reignited past “racial” struggles. By mid-October, the hope that Durham would be able to institute lasting change in the form of political stability, a belief that had garnered him the confidence of Lower Canada’s diverse settler

¹⁸⁶ LAC, MG24 A27, Lambton fonds, Vol. 46, Durham to Glenelg, 29 September 1838, Reel C-1859.

¹⁸⁷ Brown, “The Durham Report and the Upper Canada Scene,” *CHR*, 147.

population, appeared to be a fleeting memory. On 9 October 1838, Durham had proclaimed the Act of Indemnity that had replaced his abrogated ordinance and with it, delivered a proclamation that outlined his desire to make Lower Canada a *British* colony in both character and name. This proclamation is often used to explain the effective disdain of francophone British subjects towards Durham in the final weeks of his administration. Yet this was not the first time that Durham had publicly stated this aspect of his proposed reforms: he had done so when he first arrived in Lower Canada and while on tour. The disallowance of the Bermuda Ordinance, however, had altered the conditions of loyalty in Lower Canada and with it, the reactions of politically engaged settlers to Durham's policies: francophone British subjects were anxious about what "British character" meant, while anglophone British subjects interpreted the announcement as a success.

Durham received news almost daily from those regions of BNA that bordered the United States detailing the "alarming state along the frontier." Durham made no effort to conceal that "an emergency" existed in Lower Canada; rather he seems to have reveled in it, as proof of the imperial parliament's unwelcome interference. He predicted not only that there would be enormous financial expense if military action was not taken immediately, but also that the Canadian colonies' "connexion with the British Crown" would be lost. "The whole of this has been occasioned," he explained to Glenelg, "by your late proceedings in the Cabinet & the House of Lords. The folly & criminality of which are not to be described." Durham reiterated, as we have seen throughout this chapter, that imperial interference had altered the conditions of loyalty not only to

Durham and the empire, but also amongst the colonists themselves. “The change from tranquillity to excitement, from peace to war, from confidence to distrust, has been more rapid & extreme than the wildest imagination could have ventured to predict. Every man in the province is now armed on one side or the other; every house out of the towns will become, in one month, a fortress; & every town, will be a garrison,” warned a weak and exhausted Durham on 20 October 1838.¹⁸⁸

Rumours of a second rebellion crisscrossed the colony. “If I reach England safely I shall hope to give you the fullest details as to the critical state in which these Colonies are now placed.”¹⁸⁹ As Durham wrote, Patriot supporters were mobilizing in the southwestern portions of the colony and along the American frontier, encouraged by the political uncertainty that accompanied the disallowance of the Bermuda Ordinance and was further compounded by Durham’s resignation and looming departure. British troops, which had dramatically increased in number over the course of the year, were moving throughout the colony. On the eve of Durham’s departure, the imperial project in Lower Canada was no more secure that it had been before his arrival, the evils of colonial misgovernment that had led to rebellion in 1837 and Durham’s mission continued to plague the colony, and once again, political uncertainty and rebellion threatened to turn civil subjects into uncivil ones.

¹⁸⁸ LAC, MG24 A27, Lambton fonds, Vol. 46, Durham to Glenelg, 20 October 1838, Reel C-1859.

¹⁸⁹ LAC, MG24 A27, Lambton fonds, Vol. 46, Durham to Glenelg, 20 October 1838, Reel C-1859.

CONCLUSION

“A Colony *pas comme les autres*”: Situating Lower Canada and Lord Durham’s Mission within the British World

“Another Day Never to be Forgotten”

“I have the honour to inform you that I propose embarking this day on board Her Majesty’s frigate Inconstant,” an exhausted and ill Durham informed Lord Glenelg in his final despatch from Lower Canada.¹ It was 1 November 1838; it snowed on the second. Durham’s departure could not have been more different from the zealous greetings he received on tour in July or his arrival that May. Shortly before two o’clock, preparations for the Lambton family’s return to England were complete. “We went in procession to the landing place,” Lady Durham explained in her journal. “He was in an open Barouche [carriage] with me, Sir John Colborne, and Sir James MacDonnell.” In front of the carriage marched soldiers and members of the various Quebec societies – “I do not exactly remember what they were” – she confessed. The waving of flags and the chime of musical instruments added to the spectacle, and although it was “intensely cold” and “crowds of people filled the streets,” “a kind of silence [prevailed amongst] the dense masses of people who surrounded the carriage.”² Only as the former governor general passed by the builders’ yards along the St. Lawrence did “acclamations burst forth.”

In general the feelings of deep respect & profound interest, seemed to prevent all the common demonstrations of applause. I never beheld any public

¹ LAC, MG24 A27, Vol. 14, Durham to Glenelg, 1 November 1838, Reel C-1851, 553–55.

² LAC, MG24 A27, Vol. 48, Lady Durham, Journal, Reel C-1859.

ceremony so deeply affecting, and all the feelings, which pressed upon me on leaving England, were slight in comparison of those I now experienced on departing from Quebec. Little did I imagine, on the first occasion, that I could ever feel regret on returning home ... There was now something so sad and solemn in the scene, so heart-breaking in the unmerited disappointment which had fallen upon Him, and upon a great People, that a long life of happiness afterwards could never have effaced the impression made upon me at that moment.³

It was, Lady Durham observed, “Another day never to be forgotten.”⁴

A lot happened in Lower Canada between Durham’s sombre departure from the colony and his arrival in Plymouth, England twenty-five days later. Charles Buller, noted that Durham was so ill, he “did not expect to reach England alive.”⁵ Immediately after Durham had left, Colborne was reinstated as governor, a post he had held just six months earlier. He returned both the Executive and Special Councils to their previous contentious composition and again suspended *habeas corpus*; Durham had refused to carry out this Colonial Office order on 9 October when he had proclaimed the disallowance of his Bermuda Ordinance.⁶ The day of Durham’s departure, Buller explained, “seemed to mark the restoration of the ancient system of administration.” That night Charles Buller, Thomas Turton, and Arthur Buller – “the last remains of Lord Durham’s government” – dined at the home of the provincial secretary, Dominick Daly.⁷ Daly, who would end his political career as governor of South Australia in 1868, was one of few politicians to successfully navigate the tumultuous terrain of Lower Canadian politics between 1820

³ LAC, MG24 A27, Vol. 48, Lady Durham, Journal, Reel C-1859.

⁴ LAC, MG24 A27, Vol. 48, Lady Durham, Journal, Reel C-1859.

⁵ LAC, MG24 A26, Buller fonds, “Sketch,” 124–25.

⁶ LAC, MG24 A27, Vol. 13, Durham to Glenelg, 28 September 1838, Reel C-1851, 126–87.

⁷ LAC, MG24 A26, Buller fonds, “Sketch,” 124–25.

and 1840.⁸ Turton returned to India in 1839 and Charles Buller, until his premature death in 1848, continued to promote colonial reform and systematic colonization from London as outlined in his, *Responsible Government in the Colonies*.⁹

On 3 November 1838, less than forty-eight hours after Durham's departure and Colborne's reinstatement as governor, Robert Nelson, who had unsuccessfully proclaimed the independence of Lower Canada in February, again read his declaration, this time in Napierville. As Nelson and Cyrille-Hector-Octave Côté, encouraged by both Durham's resignation and the rising tide of anti-metropolitan sentiment in Lower Canada, readied nearly 1500 Patriots supporters for conflict in Napierville,¹⁰ similar Patriot rallies occurred in Beauharnois, Saint-Maurice, Saint-Constant, Saint-Matthias, Boucherville, and Terrebonne.¹¹ At Kahnawake, a group of Patriots from Chateauguay who attempted to seize weapons from Sault St Louis Iroquois were captured and transported to prison in Montreal.¹² The most sustained Patriot resistance occurred at Beauharnois, where as we saw in chapter three, Durham had received congratulatory addresses from francophone and anglophone inhabitants of the seigneurie. On 4 November 1838, Patriots barricaded the Ellice family manor house, captured Edward Ellice junior, Durham's former secretary, and destroyed the *Henry Brougham* steamship; acts that indicate the frustration Patriots had with imperial statesmen of all sorts. "The whole house is surrounded by

⁸ Elizabeth Gibbs, "Sir Dominick Daly," *DCB*.

⁹ LAC, MG24 A27, Vol. 28, Turton to Durham, 8 January 1839, Reel C-1857, 20-30; Charles Buller, *Responsible Government for the Colonies*, (London 1840); Heather Lysons-Balcon, "Charles Buller," *DCB*.

¹⁰ Richard Chabot, "Cyrille-Hector-Octave Côté," *DCB*.

¹¹ Greer, *Patriots and the People*, 344-50.

¹² Matthieu Sossoyan, "Les Iroquois de Kahnawake et de Kanesatake et les rébellions de 1837-1838," *Bulletin d'histoire politique* 12.1 (2003): 107-15.

Guards,” Jane Ellice wrote in her journal, “I sketched some of them from the window – picturesque ruffians.”¹³

In November and December of 1838, 851 Patriots were arrested and imprisoned



in the same gaol that had housed Nelson, Bouchette, and the six other Patriots who had been transported to Bermuda. Unlike those arrested in 1837, the Patriots arrested in 1838 were charged and tried; there was no partial amnesty and none were fortunate enough to be transported to Bermuda.¹⁴ On the day that the second rebellion broke out in Lower Canada, the eight Bermudian exiles left Hamilton. “Une foule compacte se presse sur le quai,” noted Bouchette in

Figure C.1: Jane Ellice’s insurgents, November 1838

Source: LAC, No. 1990-215-24R

¹³ LAC, MG24 A2, Edward Ellice and Family fonds, Diary of Jane Ellice, 7 November 1838, Reel C-4648.

¹⁴ Beverley Boissery, *A Deep Sense of Wrong: The Treason Trials, and Transportation to New South Wales of Lower Canadian Rebels after the 1838 Rebellion*, (Toronto: 1995).

his memoirs. “Blancs et noirs sont là réunis pour nous souhaiter bon voyage.”¹⁵ A week later they arrived in the United States. By 1840 both Viger and Marchesseault had returned to Lower Canada; Nelson, Masson, Bouchette, and DesRivières did not return until Louis-Hippolyte La Fontaine, who, as the newly appointed attorney general of Canada East, entered a *nolle prosequi* that legalized their return.¹⁶ Of the 851 Patriots arrested in 1838, 111 men were tried for high treason in early 1839, of these, twelve were hanged, and fifty-eight transported to New South Wales. When these Patriots arrived in Sydney, the local settler population greeted them with disdain that was simultaneously anti-convict and anti-Catholic.¹⁷ Such anti-Catholicism was, Linda Colley observes, a significant, but waning marker of Britishness in England in this period.¹⁸ However, in Lower Canada, where following the Canadian rebellion, the Catholic church grew in power, influence, and popularity, the grammar of difference that both anglophone and francophone British subjects began to employ vigorously and violently marked not only linguistic, cultural, “racial”, and national differences, as they had before the rebellions, but also religious ones.¹⁹

¹⁵ Bouchette, *Mémoires*, 95.

¹⁶ Michel de Lorimier, “Siméon Marchesseault,” *DCB*; John Beswarick Thompson, “Wolfréd Nelson,” *DCB*; Yves Tessier, “Robert–Shore–Milnes Bouchette,” *DCB*; Michel de Lorimier, “Rodolphe Des Rivières,” *DCB*; Andrée Désilets, “Luc–Hyacinthe Masson,” *DCB*; and Jean–Marc Paradis, “Bonaventure Viger,” *DCB*.

¹⁷ Ann Curthoys, “The Dog that Didn’t Bark: The Durham Report, Indigenous Dispossession and Self Government for Britain’s Settler Colonies,” unpublished paper, 2010.

¹⁸ Colley, *Britons*.

¹⁹ Horner, “Taking to the Streets,” (PhD Dissertation, *forthcoming*).

On 26 November 1838, Durham wrote to inform Glenelg that he had arrived at Plymouth Sound and would proceed to London as soon as possible.²⁰ Although Durham's return to England was the subject of numerous articles in the metropolitan press, Ged Martin argues that beyond this Durham received a "lukewarm public response."²¹ Edward Gibbon Wakefield was reported to have been "amazed" that Durham was not "hailed with great applause" upon his return.²² However, Grace Fox argued in 1935 that the media frenzy accompanying Durham's return, and interest in the second Canadian rebellion indicates that under Melbourne's indecisive administration there was "more interest in British overseas possessions" than historians have recognized.²³ This dissertation supports her argument. Although "Uncivil Subjects" illustrates that while Canadian affairs were not the only colonial question to garner the interest of metropolitan statesmen and newspapers in this period, they undoubtedly occupied the attention of many and ought to be considered a part of the larger Age of Reform that encompassed, and in places like Canada threatened, the stability of empire.

Throughout the 1830s, debates in Great Britain and its colonies increasingly brought into question the limits and extent of metropolitan authority. These debates were often laden with differing and frequently conflicting notions of "race" and civilization. Throughout this dissertation, I have argued that to comprehend the reactions that

²⁰ LAC, MG24 A27, Vol. 14, Durham to Glenelg, 26 November 1838, Reel C-1851, 564.

²¹ Martin, *The Durham Report and British Policy*, 54.

²² 2 December 1838, *Greville Memoirs: A Journal of the Reign of Queen Victoria from 1837 to 1852*, (London: 1885), 137. Ursilla N. MacDonnell, "Gibbon Wakefield and Canada Subsequent to the Durham Mission, 1839-1842," *Queen's Quarterly* 32 (November 1924 and February 1925): 119-36 and 285-304.

²³ Grace Fox, "The Reception of Lord Durham's *Report* in the English Press," *Canadian Historical Review*, 16:3 (March 1935): 276-88.

metropolitan statesmen and Canadian colonists had to Durham's administration, we must consider them within the broader British imperial context. The 1833 abolition of slavery, the establishment of the Select Committee on Aborigines in 1836, and the commencement of anti-transportation campaigns in 1837 each grappled with redefining the rights of British subjects throughout the empire.²⁴ Entangled within these empire-wide debates over "race", civilization, and subjectness were the 1837 and 1838 Canadian rebellions that bookended Durham's mission. Although Canadian historians have been hesitant to interrogate those imperial ties that wove inhabitants in the Canadian colonies to Great Britain and its empire, and imperial historians have been reluctant to problematize Lower Canada as a white settler society populated by francophone and anglophone British subjects, "Uncivil Subjects" reveals that Lower Canadians were acutely aware of their place within, and struggled to reform, what Ann Laura Stoler has called "the colonial order of things."²⁵

In Lower Canada, "race" and colonial reform were intimately linked, yet unlike on other British colonies cultural difference and not colour took priority and was increasingly used to distinguish civil from uncivil subjects and to legitimize British authority in the colony. As *Canadien* Patriots struggled to reform this order, first through British parliamentary traditions and then through rebellion, and Tories sought to preserve it, both made claims to their rights as British subjects. However, as we saw in chapters 1, 4, and 5 metropolitan administrators made an equally concerted, and ultimately more

²⁴ Midgley, *Women Against Slavery*; McKenzie, *Scandal*; Laidlaw, *Colonial Connections*; Laidlaw, "Aunt Anna's Report"; Elbourne, "The Sin of the Settler"; and Lester and Dussart. "Masculinity 'race', and family in the colonies."

²⁵ Stoler, *Race and the Education of Desire*.

successful, effort to preserve imperial authority in colonial affairs and, in particular, in those structures that governed the administration of empire in Lower Canada. Durham's *Report* proposed remedies for the evils that had plagued colonial administration in BNA, and did so by drawing attention to the effect that the meddling of the metropolitan statesmen had upon the "racial" politics of the Canadian colonists and their loyalty to the empire.

Durham dated and signed his *Report on the Affairs of British North America* on the last day of January 1839.²⁶ It was presented to the Colonial Office four days later, on 4 February. Immediately following the reading of Her Majesty's speech opening parliament the next day, Durham rose in the House of Lords and demanded to know when his *Report* would be tabled.²⁷ Prime Minister Melbourne, whose Whig government managed to weather the storm of controversy caused by Durham's administration and cling to power until 1841, replied that he did not intend to delay the introduction of the report, but that his government needed time to read and consider it.²⁸ Between Friday, 8 February and Monday, 11 February 1839 when Melbourne finally tabled the *Report*, the entire report had been published in the columns of the leading metropolitan newspapers.²⁹ The *London Times* described the report as "a kind of political dissertation," explaining

²⁶ Lord Brougham is reported to have announced following the publication of the *Report*, that "Wakefield thought it, Buller wrote it, and Durham signed it." See H. J. M. Johnston, "Edward Gibbon Wakefield," *DCB*.

²⁷ *Debates*, House of Lords, 5 February 1839, 6.

²⁸ *Debates*, House of Lords, 5 February 1839, 7.

²⁹ *The Times*, 8 February 1839; *The Times*, 9 February 1839; *The Times*, 11 February 1839; *The Standard*, 8 February 1839; *The Standard*, 9 February 1839; *The Standard*, 11 February 1839; *The Morning Chronicle*, 9 February 1839; and *The Morning Chronicle*, 11 February 1839.

that it was “ill described as a ‘report.’”³⁰ The liberal *Morning Chronicle* maintained that the report was “one of the most valuable papers ever laid before Parliament. [A]ll who have the interest of the empire at heart must rejoice that the *Report* opened so fair a prospect of placing a connection between the parent state and these valuable colonies on a footing ... [that] can only insure its permanency.”³¹ The *Spectator*, the leading radical paper, was even bolder in its assertions. It argued that the proposal to make “Government responsible to the governed” made the *Report* a “most valuable textbook for Colonial Reforms in time to come. It has sapped the very foundation of our wretched Colonial System.”³² However, by the end of February discussion of the *Report* had ceased in the daily metropolitan press: even speculation that the colonial secretary, Lord Glenelg, had resigned because of the *Report* could not maintain public interest.³³

News of the *Report's* publication reached BNA in April. In Upper Canada, reaction came in many forms. Hamilton Merritt, an elected member of the Upper Canadian legislature from St. Catharine's, wrote to Edward Ellice that the “majority of the House of Assembly expressed an unfavourable opinion of the principles contained in [the] *Report*.” There was little surprising about such a reaction: the House of Assembly in Upper Canada was dominated by a faction of conservative men whom Durham identified in his *Report* as the “family compact.” This official opinion appeared in May 1839 in the *Report of the Select Committee on the Report of the Right Honourable the Earl of*

³⁰ *The Times*, 8 February 1839.

³¹ *Morning Chronicle*, 16 February 1839.

³² *Spectator*, 9 February 1839.

³³ LAC, MG24 A27, Lambton fonds, Vol. 28, Wakefield to Durham, 9 February 1839, Reel C-1857, 155; Edith Dobiel, “The Dismissal of Lord Glenelg From the Office of Colonial Secretary,” *CHR* 23:3 (1942): 280–5.

Durham.³⁴ Merritt, however, also acknowledged that the report of the Legislative Council expressed an opinion that was distinct from “three-fourths of the entire population not holding office [who] are decidedly in favour” of Durham’s report. Carol Wilton has examined the public support that the *Report* garnered across Upper Canada immediately after its publication. Wilton argues that the sixteen Durham meetings held in the summer and fall of 1839, which were attended by huge crowds who composed petitions to the imperial parliament, indicate that popular support for the principal recommendations of the *Report* was high in Upper Canada.³⁵ It appears that following the publication of the report the majority in that colony continued to place their confidence and loyalty in Durham as we saw they did in chapter 3 during his tour.

In Lower Canada, the colony in which Durham had resided and detailed so intricately in his *Report*, there were surprisingly few expressions of public opinion either in favour of or in opposition to the *Report*. In early 1839, the Lower Canadian press was preoccupied with the causes and effects of the second rebellion in fewer than eleven months: the state trials underway in Montreal garnered much more attention than Durham’s proposed remedies.³⁶ The leading English newspapers in Montreal, the *Herald* and the *Gazette*, gave the *Report* a warm welcome, while the *Transcript* advertised that

³⁴ Legislative Assembly of Upper Canada, *Report of the Select Committee on the Report of the Right Honourable the Earl of Durham*, (1839).

³⁵ Carol Wilton, “A Firebrand amongst the people’: The Durham Meetings and Popular Politics in Upper Canada,” *CHR* 75:3 (September 1994): 346–75.

³⁶ *Report of the State Trials before A General Court Martial held at Montreal in 1838–9: Exhibiting A Complete History of the Late Rebellion in Lower Canada*, Volumes 1 and 2, (Montreal: 1839).

copies could be purchased at the *Herald* office.³⁷ *Le Canadien*, which, as we saw in chapter 5, had rethought the conditions of its loyalty and, though a former supporter the Patriot party, was becoming the newest voice of francophone moderates in Lower Canada, supported Durham's proposed plan of responsible government. *Le Canadien*, William Smith has observed, was "prepared to co-operate with their neighbours in a united effort to make the plan a success."³⁸ In June 1839, Ludger Duvernay, the former Patriot editor of *La Minerve*, republished Louis-Joseph Papineau's pamphlet, "Histoire de l'insurrection du Canada en réfutation du rapport de Lord Durham," in his *La Revue Canadienne*. Papineau, who was in exile in Paris, patriotically asserted that Durham's *Report* was "Vrai quand il accuse le pouvoir, faux quand il accuse le peuple."³⁹ Others like Adam Thom, the former editor of the *Herald* suggested that the problem, regardless of Durham's proposed reforms, was the francophobic anglophone population of Lower Canada. Thom, who relocated to Red River after Durham's mission, claimed that "The main obstacle to the permanent adjustment of all differences will be the prejudices of the English race."⁴⁰ As chapter 5 illustrates, the "racial" prejudice of the Lower Canadian anglophone elite hardened in the days and weeks following the disallowance of the Bermuda Ordinance. We saw how the anti-metropolitan sentiment that some anglophone British subjects expressed employed cultural markers of race, not whiteness, to articulate

³⁷ *Montreal Transcript*, 11 April 1839.

³⁸ Smith, "Reception of the Durham Report in Canada," 53.

³⁹ Louis-Joseph Papineau, *Histoire de la résistance du Canada au gouvernement anglais*, (1839).

⁴⁰ LAC, MG24 A27, Lambton fonds, Vol. 28, Thom to Ellice, 14 April 1839, Reel C-1857, 317; Robert Baker, "Creating Order in the Wilderness: Transplanting the English Law to Rupert's Land, 1835-51," *Law and History Review*, 17:2 (1999): 209-246.

their Britishness in a colony dominated by white, francophone British subjects and to legitimize their loyalty. As categories of “race” came to be defined by colour throughout the nineteenth century, the lack of attention that both francophone and anglophone Lower Canadians paid to whiteness is significant. As we saw in chapter 2, those eight Patriots who were exiled to Bermuda remarked upon the *visages noirs* that they encountered upon their arrival, an indication that they were well aware of the status that whiteness could purchase both in Lower Canada and in a colony composed of white and recently freed black subjects. The history of “race” and colonialism in Lower Canada in this period, then, reveals what Diedre Coleman has termed the “plurality of whiteness” and reminds students of colonialism that “complexion” was a particularly “unstable boundary marker” in a white *British* settler society like Lower Canada.⁴¹

News of Durham’s report was not limited to Canadian or metropolitan realms of empire: by the end of 1839, news of the *Report* had circled the empire. The *Sydney Morning Herald* published excerpts from, and their reaction to, the *Report* on 19 July 1839.⁴² In December 1839, Edward Gibbon Wakefield, whose imperial interests took him to the New Zealand Company before he returned again to Canada in the 1840s, sent Durham two Van Dieman’s Land newspapers as a “sample of the reception of your Report in that part of the world.” In New South Wales, as in Canada and Great Britain, the *Report* was printed in its entirety. Then, in an effort to situate Durham, his mission, and the *Report* within the British world, Wakefield proudly reported: “It has now gone

⁴¹ Diedre Coleman, “Janet Schaw and the Complexions of Empire,” *Eighteenth Century Studies*, 36:2 (2003): 169–93.

⁴² *The Sydney Morning Herald*, 19 July 1839.

the round, from Canada, through the West Indies and South Africa, to the Australias, and has everywhere been received with acclamation. It seems to have made as much impression in the Australian colonies as in Canada.”⁴³ Without perpetuating what Ged Martin has identified as “the Durham myth” about the report, it is necessary that this conclusion suggest, or at the very least speculate on, the ways in which Durham’s experiences of empire affected the recommendations in his *Report*.

REPORT ON THE AFFAIRS

OF

BRITISH NORTH AMERICA,

FROM THE

EARL OF DURHAM,

HER MAJESTY'S HIGH COMMISSIONER,

ES. ES. ES.

Figure C.2: The public face of the *Report on the Affairs of British North America*, 1839.

⁴³ LAC, G24 A27, Lambton fonds, Volume 28, Wakefield to Durham, 26 December 1839, C-1857, 414-17.

Reporting on the Affairs of British North America

It was intended that Durham's High Commission settle, for the last time, the predicaments of empire in BNA: the *Report on the Affairs of British North America* endeavoured to do just that. I had not read Durham's *Report* in its entirety until I was ready to write this conclusion: I did this for two reasons. First, because the report resulted from the subject of my dissertation, I did not want it to actively frame my analysis of the mission that led to its making. Second, I was interested in how, or if, Durham's experiences of empire made their way into the *Report* and the effect they had upon his reporting on the affairs in BNA. I was particularly interested, as a Canadian historian endeavouring to situate Lower Canada in the British imperial world, how Durham reported the tension between local and imperial authorities, between the various levels of the colonial administration in Lower Canada, and between francophone and anglophone British subjects, threads that weave their way through both this dissertation and Durham's mission. As the Sparks Street exhibit discussed at the start of this dissertation revealed, and as nearly every Canadian or Quebec history textbook published since the 1960s suggests,⁴⁴ it is understood that Lord Durham's *Report* presented "two main recommendations": (1) that the 1791 Imperial Act, Bill 31st George III, be repealed and Lower and Upper Canada reconstituted as the United Province of Canada, and (2) that irresponsible government in the colonies be terminated and responsible government introduced. For various reasons that other historians have detailed, English Canadian and French Canadian nationalists, and later, Quebec nationalists, often had determined and

⁴⁴ Many thanks to professor Marcel Martel for sharing this unpublished research.

contradictory reactions to these two recommendations. Undoubtedly, it is the following most referenced and mis-cited phrase in Durham's 107-page report that continues to garner the most determined reactions:

I acknowledge that my experience derived from my residence in the Province had completely changed my view of the relative influence of the causes which had been assigned to the existing disorders ... I expected to find a contest between a government and a people: I found two nations warring in the bosom of a single state: I found a struggle, not of principles, but of races; and I perceived that it would be idle to attempt any amelioration of laws or institutions, until we could first succeed in terminating the deadly animosity that now separates the inhabitants of Lower Canada into the hostile divisions of French and English.⁴⁵

The most striking aspect of the above extract is not that Durham found a struggle of “races” – French and English in Lower Canada – or the warring of two nations – *la nation Canadienne* and the British nation, (which as recent historiography reminds us, was defined by its colonial possessions) – within a single (imperial) state, but how Durham juxtaposed his “expectations” with what he “found” in BNA. Durham's experiences of empire in the Canadas, he intimated early on in his report, are reflected in his celebrated and controversial conclusions.

I argued in the introduction that historians have paid more attention to Durham's *Report* than they have to his mission: an imbalance that “Uncivil Subjects” has sought to remedy. Yet one question intimately connected to this argument remains: did Durham's experiences of empire affect the recommendations he meticulously detailed in his report, and if so, how and in what ways? Durham repeatedly made clear that they did. From the report's introductory letter to Queen Victoria wherein he asserted that “every day's

⁴⁵ *Report*, (1839), 6.

experience and reflection impressed more deeply” upon his mind the importance of a “prompt and final” decision,⁴⁶ to his concluding remark a hundred pages later that alludes to the anti-metropolitan sentiment found in the addresses presented “in consequence of the events which occurred in the last session of the British Parliament,”⁴⁷ he shows that his mission influenced the writing, tone, and recommendations of his report. It is therefore possible to locate the genesis of many of the *Report’s* recommendations in Durham’s lived experiences of empire in Lower and Upper Canada. These “on the spot” observations were shaped by Durham’s own particular impression of the meddling of metropolitan statesmen and the conditional loyalty of the Canadian colonists; sentiments that can be located in the two main recommendations of his report.

In chapters 1 and 2, we saw how Durham set about marking his administration off from those of the past. He dissolved both the Executive and Special Councils as they were constituted upon his arrival. I argued that these acts met the conditions that Lower Canadians in this “racially” and politically plural settler society had attached to their loyalty. Although Durham did not explicitly link his dissolution of these councils in June 1838 with the frustration that politically engaged settlers in the colony had expressed since the late-1820s, he observed in his report that the Executive Council had exercised power “without any regard to the wishes of the people or their representatives” – an observation shared by the Patriot party in Lower Canada and articulated by Durham in

⁴⁶ *Report*, (1839), 5.

⁴⁷ *Report*, (1839), 107.

the imperial parliament since the 1820s.⁴⁸ Having witnessed the limits of conditional loyalty only months earlier, Durham detailed in his report how responsible government would make Lower Canadians permanently, not conditionally loyal.

A Governor, arriving in a colony in which he almost invariably has had no previous acquaintance with the state of parties, or the character of individuals, is compelled to throw himself almost entirely upon those whom he finds placed in the position of his official advisers. His first acts must necessarily be performed, and his first appointments made, at their suggestion. And as these first acts and appointments give character to his policy, he is generally brought thereby into immediate collision with the other parties in the country, and thrown into more complete dependence upon the official party and its friends. Thus, a Governor of Lower Canada had almost always been brought into collision with the Assembly, which his advisers regard as their enemy.⁴⁹

Durham marked off his brand of independent statesmanliness, his reforms, and his desire to promote the permanent loyalty of Canadian colonists as different from other English statesmen. “It is difficult to understand,” he wrote, “how any English statesmen could have imagined that representative and irresponsible government could be successfully combined.”⁵⁰ Durham, having experienced the capriciousness of the conditions of loyalty, appears to have conceived of responsible government as a way of attaching the loyalty of the Canadian colonists, not to each other or the empire, but to a stable form of colonial government.

The metropolitan meddling that both Durham and the Canadian colonists encountered in 1838 also appears to have further influenced his decision to limit the interference of the imperial parliament by promoting responsible government. Durham

⁴⁸ Greer, *Patriots and the People*; Ducharme, *Concept liberté au Canada*; and Reid, *Political Career of the Earl of Durham*.

⁴⁹ *Report*, (1839), 25.

⁵⁰ *Report*, (1839), 25.

identified at least three ways that metropolitan meddling had hindered colonial governance in Lower Canada. The first was distance from the imperial metropole. Although Durham noted in his report that technological advances had made the transmission of intelligence between Britain and BNA, and between colonies, more rapid, having to await instructions from England made governing a colony particularly inefficient for colonial administrators. In his report Durham turned to what one Australian historian has called “the tyranny of distance” to illustrate how the administration of affairs in Canada had been “essentially impaired.”⁵¹ “Distance and delay have weakened the force of its decisions,” he explained, “and the colony has, in every crisis of danger, and almost every detail of management, felt the mischief of having its executive authority exercised on the other side of the Atlantic.”⁵² Durham argued that metropolitan meddling was not only time consuming, it also unnecessary, and, as we saw in chapters 1, 4, and 5, it could have serious repercussions on the loyalty of the Canadian colonists. “The matters which so concern us [the imperial parliament] are very few,” Durham wrote midway through his report. Yet Durham did not propose the complete cessation of imperial interference in colonial affairs, but he did identify four key areas where metropolitan involvement could be justified: “the constitution of the form of government, the regulation of foreign relations, and of trade with the mother country, the other British colonies, and foreign nations, and the disposal of the public lands, are the

⁵¹ Blainey, *The Tyranny of Distance; and Report*, 1839, 32.

⁵² *Report*, (1839), 32.

only points on which the mother country requires control.”⁵³ This division of powers ignored the political rights of aboriginal peoples, and as Julie Evans argues, not only excluded indigenous peoples from claiming formal political rights in the nineteenth century, but also indicates the very real connection between responsible government and the making of white settler societies.⁵⁴ Moreover, these divisions of power share much with those that appeared twenty-five years later as provincial, federal, and imperial responsibilities were being debated in connection to Canada’s confederation.⁵⁵ Still Durham’s report identified one final reason why metropolitan meddling ought to be curtailed and responsible government introduced in the British North American colonies: the integrity of the empire.

The third, although by no means the final, way in which Durham’s experiences of empire intersected with the recommendations in his report surrounds his insistence on preserving the connection between Lower Canada and the empire. Durham repeatedly alluded to the ways that metropolitan meddling affected the conditions of loyalty in the Canadian colonies, but it was the deleterious effects that this meddling had on the ties that bound Lower Canadians to empire that concerned Durham the most. The loyalty that colonists placed in the “connection with the empire,” he explained,

⁵³ *Report*, (1839), 125. The disposal of “public lands” could have included the question of aboriginal title, however, this is not explicit in Durham’s report.

⁵⁴ Evans et al, *Equal Subjects, Unequal Rights*, 34–37.

⁵⁵ G.P. Browne ed., *Documents on the Confederation of British North America: A Compilation Based on Sir Joseph Pope's Confederation Documents Supplemented by other Official Material*, (Toronto: 1969); Ged Martin ed., *The Confederation Debates in the Province of Canada, 1865: a selection by Peter B. Waite*, (Montreal–Kingston: 2006); and Janet Ajzenstat and Ian Gentles eds., *Canada's Founding Debates*, (Toronto: 2003).

is certainly not strengthened, but greatly weakened, by a vexatious interference on the part of the home government with the enactment of laws for regulating the internal concerns of the colony, or in the selection of the persons entrusted to their execution. The colonists may not always know what laws are best for them, or which of their countrymen are the fittest for conducting their affairs; but at least they have a greater interest in coming to a right judgment on these points, and will take greater pains to do so, than those whose welfare is very remotely and slightly affected by the good or bad legislation of these portions of the empire.⁵⁶

Durham's remark above can be seen as an endorsement of the principle of responsible government, but it also reveals the ways that metropolitan public opinion differed from public opinion in BNA. In Durham's experience, this was particularly evident in reactions to his appointment of Thomas Turton and Edward Gibbon Wakefield and the disallowance of the Bermuda Ordinance. Durham had witnessed how "vexatious interference" from the metropole threatened the conditions of loyalty and reignited the struggle of races in Lower Canada.

There is no question that Durham's depiction of some French Canadians as uncivil people without an history in his report leaves much to be desired and has inspired the work of generations of French Canadian and Quebec historians. However, the way in which Durham articulated "racial" conflict in Lower Canada and the remedies he proposed suggest that he endeavoured to incorporate some of the lessons of his mission into his report. Durham argued that the tensions between the various branches of colonial government and the division of powers between metropole and colony "aggravated the animosities of race; and [that] the animosities of race have rendered the political

⁵⁶ *Report*, (1839), 90.

difference irreconcilable.”⁵⁷ He argued that the effects of this “racial” struggle – separation and disunion – could be observed in the addresses he received while he toured the Canadas. “The complimentary addresses which I received on various occasions, marked the same entire separation,” Durham explained, “even in a matter in which it might be supposed that party feeling would not be felt, or would, from mere prudence and propriety, be concealed. I had, from the same places, French and English addresses; and I never found the two races uniting, except in a few cases, where I met with the names of two or three isolated members of one origin, who happened to dwell in a community almost entirely composed of the other.” The union of the Canadas coupled with responsible government would unite the Canadian colonists around political principles rather than dividing them by “race,” a division that, as Durham’s experience suggests, was only aggravated by the meddling of metropolitan statesmen.

The conditional loyalty of the Lower Canadian population, both francophone and anglophone, was of particular concern for Durham in his report, and likely influenced his decision to propose the reunion of the Canadas (having abandoned his initial plan of a federal union of the British North American colonies) and responsible government. Durham returned to those experiences in Canada that framed his recommendations at the end of his lengthy report. He concluded by explaining, one last time, the connection between the conditional loyalty of Lower Canadians and metropolitan meddling. He explained that the “state of feeling” in the two Canadas at the time of his departure “evinced by all classes and all parties” was the “consequence of the events which

⁵⁷ *Report*, (1839), 23.

occurred in the last session of the British Parliament.” Durham, who had seen in September and October of 1838 exactly how tense the ties of empire had become in Lower Canada, warned in the final lines of his report that if the conditions of loyalty were once more frustrated “all these feelings will recur with redoubled violence” and “danger will become immeasurably greater.” Durham hoped that his two principal reforms – responsible government and the union of the Canadas – would curtail metropolitan meddling, make Canadian colonists not conditionally loyal, but permanently and eternally loyal to each other and to the empire, and ultimately transform uncivil subjects in Canada into civil ones, forever ensuring that the British North American colonies would be the “brightest ornaments” in Victoria’s imperial crown.⁵⁸

“A Colony *pas comme les autres*”

Ramsay Cook has recently argued that in the years following the British conquest of Quebec in 1763, the imperial parliament and its administrators in North America had to learn how to govern a British colony that was “*pas comme les autres*.”⁵⁹ Cook argues that the granting of representative government to the French Canadians in 1791 has proved, in hindsight, ironic. “French Canadians rather than being assimilated,” Cook shows “assimilated [British] parliamentary institutions and made them their own” by making their claims to the “rights of Englishmen.”⁶⁰ “Uncivil Subjects” has examined how Lord

⁵⁸ *Report*, (1839), 107.

⁵⁹ Ramsay Cook, “Governing a Colony ‘*pas comme les autres*’: The Dilemmas of Unplanned Conquest,” in *Realities of Representation: State-Building in Early Modern Europe and European America*, ed. Maija Jansson, (London: 2007), 187-202.

⁶⁰ Cook, “Governing a Colony ‘*pas comme les autres*’,” 198–9.

Durham's governance of this predominantly white, francophone, and Catholic *British* colony was understood seventy-five years after the "integration" of this settler geography into the British empire had begun.⁶¹ To do so it examined the particular, the private, the political, and, as some nineteenth-century contemporaries termed it, the *peculiar* history of colonialism in Lower Canada. Exploring the diverse responses that Durham and his mission garnered in the Canadian colonies, Bermuda, and Great Britain through the lens of mid-nineteenth-century British imperialism has revealed what Adele Perry calls the "simultaneous presence and mutability of the British world."⁶² Furthermore, the ways that members of the imperial parliament, Durham's administration, and politically engaged settlers across Lower Canada understood the evils associated with colonial misgovernment reveal that although each of these groups argued that political reform was important, there was little consensus about what the political problems were and how reform ought to be achieved. These connections and disconnections to both Durham and the imperial project lay at the heart of what I have called throughout this dissertation conditional loyalty. In 1838 in Lower Canada, the conditions of loyalty demanded and sought constitutional reform while acknowledging the power of the British empire: a

⁶¹ Pierre Tousignant, "The Integration of the Province of Quebec in the British Empire, 1763–1791," *DCB*, Vol. IV: 1771–1800, (Toronto: 1979): xxxii–xlix.

⁶² Adele Perry, "Whose World was British? Rethinking the 'British World' from an Edge of Empire," in *Britishness Abroad: Transnational Movements and Imperial Cultures*, ed. Kate Darian-Smith, Patricia Grimshaw, and Stuart Macintyre, (Melbourne: 2007), 135. See also Saul Dubow, "How British was the British World? The Case of South Africa," *Journal of Imperial and Commonwealth History*, 37:1 (March 2009): 1–27; and Donal Lowry, "The Crown, Empire Loyalism and the Assimilation of Non-British White Subjects in the British World: An Argument against 'Ethnic determinism,'" *The Journal of Imperial and Commonwealth History*, 31:2 (May 2003): 96–120.

tension that indicates how “enormously powerful and necessarily partial and deeply compromised” imperial projects could be.⁶³

Durham’s arrival in BNA inspired hope. His public addresses and the first two acts of his administration not only promised change for the future, they also set his administration apart from the past administrations that had led to rebellion. As Durham toured the Canadas, he articulated and outlined a new vision of empire that sought to promote unity and cooperation in this “racially” plural settler society, along with British (imperial) interests and the integrity of the empire. These interests formed the backbone of his *Report*. Durham and members of his administration, Charles Buller, Charles Grey, Thomas Turton, Dominick Daly, and Charles Paget, worked tirelessly to forge a future that would neither embarrass metropolitan administrators of empire nor cause them anxiety while simultaneously protecting the rights that francophone and anglophone British subjects claimed in this white settler society. The dissolution of the Executive Council of Lower Canada on 1 June 1838, the appointment of a new Special Council and the negotiations that culminated in the Bermuda Ordinance on 28 June 1838, and Durham’s vice-regal tour of the Canadas that July, all met the conditions that Lower Canadians had attached to their loyalty, in particular, their want of a stable system of governance. In return, politically engaged Lower Canadians, both francophone and anglophone, Tory and Reformer, proclaimed their confidence and their determination to give Durham and his administration a fair trial.

⁶³ Perry, “Whose World Was British?” 135.

This conditional loyalty that politically engaged settlers in Lower Canada placed in Durham's administration, however, was not reproduced in the imperial parliament. As we have seen throughout this dissertation, every act of Durham's administration, even before sufficient information had arrived in the metropole documenting an appointment or act, was put on trial. Tory peers in the House of Lords made sure that every act of Durham's administration came under scrutiny and debate. Individual peers especially the Tory Lords Ellenborough, Winchelsea, and Wharncliffe, repeatedly questioned Durham's patriotism and statesmanliness. Others, like Lord Brougham, who had a long history of conflict with Melbourne, Durham, and Durham's father-in-law, Earl Grey, took every opportunity to attack Durham's administration by purporting to be concerned with the rights of Canadian colonists, but Brougham and his allies were ultimately seeking to preserve metropolitan authority over the colony, undermine Melbourne's government, and tarnish Durham's reputation. Such "interference," as Durham and the colonial press termed it, combined with the lack of support Durham received from Prime Minister Melbourne, Colonial Secretary Glenelg, and the Whig government that had appointed him, undermined the confidence that politically engaged settlers in BNA had placed in Durham's ability to institute reforms that would bring about social and political stability.

By September and October of 1838, the meddling of metropolitan statesmen was having negative effects upon the conditions of loyalty in Lower Canada. When news of the second Turton debate reached the colony, followed rapidly by the news that the Bermuda Ordinance had been disallowed, it became clear that the loyalty politically engaged Lower Canadians had placed, not only in Durham or his efforts to establish

political stability, but also in the imperial parliament and (for some) the empire, was *conditional*. News that metropolitan statesmen had meddled in Canadian affairs led to vigorous displays of anti-metropolitan sentiment by francophone and anglophone Lower Canadians that exposed the fragility of the imperial project in Lower Canada. This anti-metropolitanism magnified the “struggle of the races” in the colony that Durham spent much of his report detailing by encouraging division among the colonists themselves. Frustrated and unable to juggle the conditional loyalty of the Canadian colonists and the administration of this *peculiar* and *distracted* colony under the confines of interference from his meddling metropolitan colleagues, Durham officially resigned his governor generalship of the British North American colonies on 9 October 1838.

Durham’s five-month mission did little to improve the integrity of the empire. It reminds students of colonialism that “race” was political and that politics were “raced” and that Lower Canada, a product of the *British* world, had problems that were like other “racially” and culturally plural sites of the British empire. It served, as Adele Perry has argued about British Columbia in the mid-nineteenth century, as a “reminder that such a world could never be conclusively achieved.”⁶⁴ Yet Lower Canada was also a distinct colonial society wherein “race” meant very different things. In Lower Canada “race” was mobilized not only to highlight the difference between Upper and Lower Canadian rebels, but also to separate the colony from other sites of empire. Throughout the 1840s, much like the 1830s, white francophone British subjects who were considered uncivil for rising in rebellion continued to pose a series of novel and vexing questions over what

⁶⁴ Perry, “Whose World Was British?” 135; Perry, *On the Edge of Empire*, 2001.

political and social rights should be granted to white subjects of empire, like French Canadians or Cape Dutch, who were both colonized and colonizers. Durham's mission and his subsequent report offered but one of many possibilities.

The struggle for responsible government in Lower Canada and metropolitan efforts to make a white *British* settler society out of this "racially", linguistically, and culturally plural colony were not easily (or ever) achieved and involved significant debate, public protest, and threats of violence. In November and December of 1837 this struggle had led to a rebellion between white francophone and anglophone British subjects in Lower Canada that marked the colony as one that was "pas comme les autres."⁶⁵ In January 1838, Durham was appointed to inquire into and report on a rebellion that made uncivil subjects out of civil ones. After a tumultuous stay, he returned to England on 1 November 1838. Two days later, a second rebellion that was violently suppressed by the British military, shook Lower Canada. Durham's *Report on the Affairs in British North America* brought together new ideas of governance and colonization, colour and culture, and set out a vision of empire based on responsible government and systematic colonization. Throughout the 1840s, the recommendations of Durham's *Report* were instated in a piecemeal fashion by the imperial parliament. On 23 July 1840, royal assent was given to the Canada Bill, which reunited Lower and Upper Canada into the United Province of Canada. Five days later, on 28 July 1840, John George Lambton, the first Earl of Durham died. Both Durham and Lower Canada, conceived in the heart of empire in 1791, officially ceased to be within days of each other.

⁶⁵ Cook, "Governing a Colony 'pas comme les autres'."

BIBLIOGRAPHY

A. PRIMARY DOCUMENTS

I. ARCHIVAL COLLECTIONS

ARCHIVES DE MONTRÉAL

VM1 Fonds du Conseil de ville de Montréal

BIBLIOTHÈQUE ET ARCHIVES NATIONALES DU QUÉBEC À MONTRÉAL

ZQ3 Collection Sir Louis-Hippolyte Lafontaine

P224 Collection rébellion de 1837-1838

P1000 D890 Wolfred Nelson

CITY OF TORONTO ARCHIVES

Minutes of City Council, 1836–1838

Fonds 200, Series, 1081, File 35

LIBRARY AND ARCHIVES CANADA

MG11 CO42 Colonial Office fonds, BNA, Governor Earl of Durham

MG19 F15 Address from the Mississauga Indians of Port Credit

MG24 A2 Edward Ellice and Family fonds

MG24 A10 Grey Family Collection

MG24 A19 John Arthur Roebuck fonds

MG24 A26 Charles Buller Fonds

MG24 A27 John George Lambton fonds

MG24 A28 John Russell fonds

MG24 A40 John Colborne fonds

MG24 A50 George Arthur fonds

MG24 A68 Archibald Acheson fonds

MG24 B14 Louis-Hippolyte LaFontaine fonds

MG24 B34 Wolfred Nelson fonds

MG24 B37 Fonds de la famille Perrault

MG 24 B39 Jean Baptiste Henri Brien fonds

MG24 B82 Collection rébellion de 1837-1838

MG24 B61 Victoria, Queen of Great Britain fonds

MG24 B139 Robert S.M. Bouchette and family fonds

MG30 D26 Arthur George Doughty fonds

MG24 F30 Charles Paget fonds

ONTARIO ARCHIVES

F17 William Baldwin family fonds

F528 Thomas Need fonds

MS 78 Macaulay Papers
MS 516 William Lyon Mackenzie fonds

TORONTO REFERENCE LIBRARY
Robert Baldwin Papers
George Arthur Letter book
Powell Papers

VICTORIA UNIVERSITY ARCHIVES, UNIVERSITY OF TORONTO
Peter Jones fonds

II. PUBLISHED GOVERNMENT DOCUMENTS

British Colonial Office. *Copies or Extracts of Correspondence Relative to the Affairs in British North America*. London: 1839.

_____. *Rules and Regulations for Colonial Officials*. London: 1837.

Legislative Assembly of Lower Canada. *Journals of the House of Assembly*. Quebec: 1830–37.

Legislative Assembly of Upper Canada. *Report of the Select Committee on the Report of the Right Honourable the Earl of Durham*. Toronto. 1839.

_____. *Journals of the House of Assembly*. Toronto: 1837–39.

Parliament of Great Britain. *Report from the Select Committee on the Civil Government of Canada*. London: 1827.

_____. *Report of the Select Committee on the Affairs of Lower Canada*. London: 1836.

_____. *Report from the Select Committee on Transportation*. London: 1838.

_____. *Report of Select Committee on Aboriginal Tribes (British Settlements)*. London: 1837.

_____. *Report on the Affairs of British North America*. London: 1839.

_____. *Debates of the House of Commons*. London: 1838.

_____. *Debates of the House of Lords*. London: 1838.

_____. *Journals of the House of Lords*. London: 1831.

Report of the State Trials, Before a General Court Martial Held at Montreal in 1838–9: Exhibiting a Complete History of the Late Rebellion in Lower Canada, Volumes 1 and 2. Montreal: Armour and Ramsay, 1839.

Special Council of Lower Canada. *Ordinances passed in the first session of the Special Council for the Affairs of Lower Canada, Montreal, 1838.* Montreal: 1838.

_____. *Journals of the Special Council of Lower Canada.* Montreal: 1838.

III. NEWSPAPERS

Lower Canada

Le Canadien
Le Quotidienne
Montreal Gazette
Montreal Herald
Montreal Courier
Québec Mercury
Le Populaire
La Fantasque
Le Courier Canadien
Quebec Gazette
L'Ami du Peuple

Upper Canada

Bathurst Courier and Ottawa General Advertiser
Bytown Gazette
Gore Gazette
Toronto Patriot
Toronto Courier
Kingston Chronicle and Gazette
Niagara Falls Chronicle
Upper Canada Gazette
Upper Canada Herald

Bermuda

Royal Bermuda Gazette and Advertiser

United Kingdom

Age
Examiner
Figaro in London
John Bull
London Times
Morning Chronicle
Satirist and the Censor of the Time
Spectator
Northern Star

United States of America

Albion
Mackenzie's Gazette

Australian Colonies

Colonial Times and Tasmanian Advertiser
Perth Gazette and Western Australian Journal
The Sydney Gazette and New South Wales Advertiser

VI. ADDITIONAL PUBLISHED DOCUMENTS

Ajzenstat, Janet, and Ian Gentles, ed. *Canada's Founding Debates.* Toronto: University of Toronto Press, 2003.

- An Accurate Report of the Trial of Mr. Edward Gibbon Wakefield, Mr. Wm. Wakefield, and Mrs. Frances Wakefield: For a Conspiracy to Effect that Abduction of Miss Ellen Turner ... at the Lancaster Assizes, March 23, 1827: to which is added, a narrative of Mr. E.G. Wakefield's elopement.* London: 1827.
- Aubin, Georges, ed. *Au Pied-du-Courant: Lettres des prisonniers politiques de 1837–1839.* Montréal: Agone, Comeau, and Nadeau, 2000.
- _____. *Robert Nelson: Déclaration d'indépendance et autres écrits, 1832–1848.* Montréal: Comeau & Nadeau, 1998.
- _____. *Wolfred Nelson: Écrits d'un patriote, 1812–1842.* Montréal: Comeau & Nadeau, 1998.
- _____. *Siméon Marchesseault. Lettres à Judith: correspondance d'un patriote exilé.* Sillery: Septentrion, 1996.
- Bell, Kenneth and W. P. Morrell, eds. *Select Documents on British Colonial Policy, 1830–1860.* Oxford: Clarendon Press, 1928.
- Bentham, Jeremy. *Canada: Emancipate Your Colonies! An Unpublished Argument.* London: Effingham Wilson, 1838.
- Blanchet, Renée, ed. *Julie Papineau. Une femme patriote: correspondance, 1823–1862.* Sillery: Septentrion, 1997.
- Bouchette, Robert Shore Milnes. *Mémoires de Robert-S.-M. Bouchette, 1805–1840.* recueillis par son fils Errol Bouchette et annotés par A.-D. Decelles. Montréal: la Cie de publication de la Revue canadienne, 1903.
- Browne, G.P., ed. *Documents on the Confederation of British North America: A Compilation Based on Sir Joseph Pope's Confederation Documents Supplemented by other Official Material.* Toronto: McClelland and Stewart, 1969.
- Buller, Charles. *Responsible Government for the Colonies.* London: James Ridgway. 1840.
- Borroughs, Peter, ed. *The Colonial Reformers and Canada, 1830–1849: Selections from Documents and Publications of the Times.* Toronto: McClelland & Stewart Ltd, 1969.
- Coupland, Reginald. *The Durham Report: An Abridged Version with An Introduction and Notes.* Oxford: Clarendon Press, 1945.

- Craig, G. M. ed. *Lord Durham's Report: An Abridgement of Report on the Affairs of British North America*. Toronto: McClelland and Stewart Limited, 1963.
- _____, and Janet Ajzenstat, ed. *Lord Durham's Report: An Abridgement of Report on the Affairs of British North America*. Afterward by Guy Laforest. Montreal–Kingston: McGill–Queen's University Press, 2007.
- Duncombe, Thomas, ed. *The Life and Correspondence of Thomas Slingsby Duncombe: Late M.P. for Finsbury*. London: Hurst and Blackett, 1868.
- Godsell, Patricia, ed. *Letters and Diary of Lady Durham*. Toronto: Oberon Press, 1979.
- _____. *Diary of Jane Ellice*. Toronto, Oberon Press, 1975.
- Greville Memoirs: A Journal of the Reign of Queen Victoria from 1837 to 1852*. London: 1885.
- Hoge, James and Clarke Olney eds. *The Letters of Caroline Norton to Lord Melbourne*. Columbus: Ohio State University Press, 1974.
- LaFontaine, Louis-Hippolyte. *Au Nom de la Loi: Lettres de Louis Hippolyte LaFontaine à divers correspondants, 1829–1847*. Ed. Georges Aubin, Montréal: Publisher, 2003.
- Literary and Historical Society of Quebec. *Lady Durham's Journal*. Quebec: Literary and Historical Association of Quebec, 1915.
- Lucas, C.P., ed. *Lord Durham's Report on the Affairs of British North America*. Oxford: Clarendon Press, 1912.
- Mill, John Stuart. "Radical Party and Canada: Lord Durham and the Canadians," in *London and Westminster Review*, VI & XXVIII, (January 1838): 502–33.
- Ormsby, William, ed. *Charles Grey. Crisis in the Canadas, 1838–1839: The Grey Journals and Letters*. Toronto: Macmillan, 1964.
- Papineau, Amédée. *Journal d'un Fils de la Liberté, 1838–1855*. Ed. Georges Aubin. Montréal: Septentrion, 1998.
- Papineau, Louis–Joseph. *Histoire de la résistance du Canada au gouvernement anglais*. N.p.: L. Duvernay, 1839.
- Perrault, Louis. *Lettres d'un patriote réfugié au Vermont, 1837–1839*. Ed. Georges Aubin. Montréal: Éditions du Méridien, 1999.

- Prieur, François-Xavier. *Notes d'un condamné politique de 1838*. Montréal: Librairie Saint-Joseph, Cadieux & Derome, 1884.
- Richardson, John. *Eight years in Canada: embracing a review of the administrations of Lords Durham and Sydenham, Sir Chas. Bagot, and Lord Metcalfe; and including numerous interesting letters from Lord Durham, Mr. Chas. Buller, and other well-known public characters*. Montreal: H. H. Cunningham, 1847.
- Sanders, Lloyd C., ed. *Lord Melbourne's Papers*. London: Longmans, Green, and Co., 1889.
- Sanderson, Charles Rupret, ed. *The Arthur Papers: Being the Papers Mainly Confidential, Private, and Demi-official of Sir George Arthur*. Vol. 1. Toronto: Toronto Reference Library, 1943.
- Stuart, Andrew. *Review of the Proceedings of the Legislature of Lower Canada in the Session of 1831: With an Appendix Containing Some Important Documents Now First Given to the Public*. Montreal: Thomas A. Starke, 1832.
- The Trial of Edward Gibbon Wakefield, William Wakefield and Frances Wakefield: indicted with one Edward Thevenot, a servant, for a conspiracy, and for the abduction of Miss Ellen Turner, the only child and heiress of William Turner, esq., of Shrigley Park, in the county of Chester*. London: 1827.
- Thériault, Yvon. "Les Patriotes aux Bermudes en 1838: Lettres d'exile," *RHAF*, 16:1 (1962): 117–26.
- _____. "Les Patriotes aux Bermudes en 1838: Lettres d'exile, (suite)" *RHAF*, 16:2 (1962): 267–272.
- _____. "Les Patriotes aux Bermudes en 1838: Lettres d'exile, (suite)" *RHAF*, 16:3 (1962): 436–440.
- _____. "Les Patriotes aux Bermudes en 1838: Lettres d'exile, (suite)" *RHAF*, 17:1 (1963): 107–112.

V. NINETEENTH CENTURY/ CONTEMPORARY SOURCES

- Borthwick, John Douglas. *History of the Montreal prison from A.D. 1784 to A.D. 1886: containing a complete record of the Troubles of 1837–1838, burning of the Parliament buildings in 1849, the St. Alban's raiders, 1864, the two Fenian raids of 1866 and 1870*. Montreal: A. Periard, bookseller, publisher and importer, 1866.

- Bradshaw, Frederick. *Self-Government in Canada and How it Was Achieved: The Story of Lord Durham's Report*. Toronto: McClelland & Goodchild, 1877.
- Collins, Arthur. *The Baronetage of England: Containing a New Genealogical History of the Existing English Baronets*. London: John Stockdale, 1806.
- Christie, Robert. *A History of the Late Province of Lower Canada*. Vol. V. Montreal: Richard Worthington, 1866.
- Debrett, John. *Debrett's Baronetage of England: Containing their Descent and Present State, Their Collateral Branches, Births, Marriages, and Issue, From the Institution of the Order in 1611*. London: F. C. and J. Rivington, 1815.
- Garneau, François-Xavier. *Histoire du Canada: depuis sa découverte jusqu'à nos jours*. Vol. 3, Troisième édition. Québec: N. Aubin 1859.
- Lindsay, Charles. *The Life and Times of Wm. Lyon Mackenzie: With an Account of the Canadian Rebellion of 1837, and the Subsequent Frontier Disturbances, Chiefly from Unpublished Documents*. Toronto: Samuel Pike, 1863.
- Reid, John. *Sketch of the Political Career of the Earl of Durham*. Glasgow: John Reid & Co, 1835.
- Martineau, Harriet. *History of the Peace: Pictorial History of England during the Thirty Years' Peace, 1816–1846*. London: W. & R. Chambers, 1858.
- _____. *Autobiography*. London: Smith, Elder, & Co, 1877.

B. SECONDARY SOURCE MATERIAL

I. MONOGRAPHS AND EDITED COLLECTIONS

- Ajzenstat, Janet. *The Political Thought of Lord Durham*. Montreal–Kingston: McGill–Queen's University Press, 1988.
- Ashby, Abby, and Audrey Jones. *The Shrigley Abduction: A Tale of Anguish, Deceit and Violation of the Domestic Hearth*. London: Sutton Publishing, 2003.
- Ballantyne, Tony. *Orientalism and Race: Aryanism in the British Empire*. New York: Palgrave, 2002.
- _____, and Antoinette Burton, ed. *Moving Subjects: Gender, Mobility, and Intimacy in an Age of Global Empire*. Urbana and Chicago: University of Illinois Press: 2009.

- _____, ed. *Bodies in Contact: Rethinking Colonial Encounters in World History*. Durham, N.C.: Duke University Press, 2005.
- Beasley, Edward. *Mid-Victorian Imperialists: British Gentlemen and the Empire of the Mind*. London: Routledge, 2005.
- Bederman, Gail. *Manliness & Civilization: A Cultural History of Gender and Race in the United States, 1880–1917*. Chicago: University of Chicago Press, 1996.
- Belich, James. *The Victorian Interpretation of Racial Conflict: The Maori, the British, and the New Zealand Wars*. Montreal–Kingston: McGill–Queen’s University Press, 1986.
- Berger, Carl. *The Sense of Power: Studies in the Ideas of Canadian Imperialism, 1867–1914*. Toronto: University of Toronto Press, 1970.
- Bernard, Jean–Paul. *Les Rébellions de 1837–1838: Les Patriotes du Bas–Canada dans la mémoire collective et chez les historiens*. Montréal: Boréal Express, 1983.
- Blainey, Geoffrey. *The Tyranny of Distance: How Distance Shaped Australia’s History*. Melbourne: Sun Books, 1966.
- Bloom, Ida, Karen Hagemann, Catherine Hall, ed. *Gendered Nations: Nationalism and Gender Order in the Long Nineteenth Century*. Oxford: Berg, 2000.
- Boissery, Beverly. *A Deep Sense of Wrong: The Treason Trials, and Transportation to New South Wales of Lower Canadian Rebels after the 1838 Rebellion*. Toronto: Dundurn Press, 1995.
- Brownie, Robin Jarvis. *A Fatherly Eye: Indian Agents, Government Power, and Aboriginal Resistance in Ontario, 1918–1939*. Toronto: University of Toronto Press, 2003.
- Buckner, Phillip A. *The Transition to Responsible Government: British Policy in British North America, 1815–1850*. Westport, Conn.: Greenwood Press, 1985.
- Buettner, Elizabeth. *Empire Families: Britons and Late Imperial India*. Oxford: Oxford University Press, 2004.
- Burton, Antoinette, ed. *After the Imperial Turn: Thinking With and Through the Nation*. Durham, NC: Duke University Press, 2003.
- _____, ed. *Gender, Sexuality, and Colonial Modernities*. London: Routledge, 1999.

- Burroughs, Peter. *The Canadian Crisis and the British Colonial Policy, 1828–1849*. Toronto: Macmillan, 1972.
- _____. *British Attitudes Towards Canada, 1822–1849*. Toronto: Macmillan, 1971.
- Cannadine, David. *Ornamentalism: How the British Saw Their Empire*. Oxford: Oxford University Press, 2002.
- Carter, Phillip. *Men and the Emergence of Polite Society, Britain, 1660–1800*. London: Longman, 2001.
- Carter, Sarah. *Capturing Women: The Manipulation of Cultural Imagery in Canada's Prairie West*. Montreal–Kingston: McGill–Queen's University Press, 1997.
- _____. *The Importance of Being Monogamous: Marriage and Nation Building in Western Canada to 1915*. Edmonton: University of Alberta Press, 2008.
- Charon, Joel. *Ten Questions: A Sociological Perspective*. Belmont, CA: Wadsworth, 2009.
- Clark, Anna. *Scandal: The Sexual Politics of the British Constitution*. Princeton: University Press, 2004.
- Coates, Colin, and Cecilia Morgan. *Heroines and History: Representations of Madeleine de Verchères and Laura Secord*. Toronto: University of Toronto, 2002.
- Codell, Julie ed. *Imperial Co-Histories: National Identities and the British and Colonial Press*. Madison, NJ: Rosemount Publishing, 2003.
- Colley, Linda. *Britons: Forging the Nation 1707–1837*. New Haven: Yale University Press, 1992.
- Cooper, Frederick, and Ann Laura Stoler, ed. *Tensions of Empire: Colonial Cultures in a Bourgeois World*. Berkeley: University of California Press, 1997.
- Craig, Gerald. *Upper Canada the Formative Years, 1784–1841*. Toronto: McClelland and Stewart, 1963.
- Creighton, Donald. *The Empire of the St. Lawrence: A Study in Commerce and Politics*. Toronto: Macmillan, 1956.
- Curtis, Bruce. *The Politics of Population: State Formation, Statistics, and the Census of Canada, 1840–1875*. Toronto: University of Toronto Press, 2002.

Dictionary of Canadian Biography. www.biographi.ca.

Ducharme, Michel. *Le Concept de liberté au Canada à l'époque des Révolutions atlantiques, 1776-1838*. Montreal-Kingston: McGill-Queen's University Press, 2010.

Errington, Jane. *The Lion, the Eagle, and Upper Canada: A Developing Colonial Ideology*. Montreal-Kingston: McGill-Queen's University Press, 1987.

Evans, Julie. *Edward Eyre, Race, and Colonial Governance*. Dunedin: Otago University Press, 2005.

_____, et al. *Equal Subjects, Unequal Rights: Indigenous Peoples in British Settler Colonies, 1830-1910*. Manchester: Manchester University Press, 2003.

Foster, Thomas A. *Sex and the Eighteenth Century Man: Masculinities and the History of Sexuality in America*. Boston: Beacon Press, 2006.

Francis, Mark. *Governors and Settlers: Images of Authority in the British Colonies, 1820-1860*. Christchurch: Canterbury University Press, 1992.

Fyson, Donald. *Magistrates, Police and People: Everyday Criminal Justice in Quebec and Lower Canada*. Toronto: University of Toronto Press, 2006.

Greenwood, Murray. *Legacies of Fear: Law and Politics in Quebec in the Era of the French Revolution*. Toronto: The Osgoode Society and University of Toronto Press, 1993.

_____, and Barry Wright, ed. *Canadian State Trials. Volume 2: Rebellion and Invasion in the Canadas, 1837-1839*. Toronto: The Osgoode Society and University of Toronto Press, 2002.

Greer, Allan. *The Patriots and the People: The Rebellion of 1837 in Rural Lower Canada*. Toronto: University of Toronto Press, 1993.

_____, and Ian Radforth, ed. *Colonial Leviathan: State Formation in Mid-Nineteenth-Century Canada*. Toronto: University of Toronto Press, 1992.

Hall, Catherine. *Civilizing Subjects: Metropole and Colony in the English Imagination, 1830-1867*. Chicago: Chicago University Press, 2002.

_____. *White, Male, and Middle Class: Explorations in Feminism and History*. London: Routledge, 1992.

- _____, ed. *Cultures of Empire: A Reader—Colonisers in Britain and the Empire of the Nineteenth and Twentieth Centuries*. Manchester: Manchester University Press, 2000.
- _____, and Lenore Davidoff. *Family Fortunes: Men and Women of the English Middle Class, 1780–1850*. Chicago: University of Chicago Press, 1987.
- _____, and Sonya Rose ed. *At Home with the Empire: Metropolitan Culture and the Imperial World*. Cambridge: Cambridge University Press, 2006.
- _____, Keith McClelland, Jane Rendall. *Defining the Victorian Nation: Class, Race, Gender and the British Reform Act of 1867*. Cambridge: Cambridge University Press, 2000.
- Hamel, Marcel–Pierre. *Le Rapport de Durham*. Montreal: Editions du Québec, 1948.
- Hamelin, Jean. *Histoire du Québec*. Québec: Privat, 1976.
- Haury, David. *The Origins of the Liberal Party and Liberal Imperialism: The Career of Charles Buller, 1806–48*. New York: Garland, 1987.
- Johnson, J. K. *Becoming Prominent: Regional Leadership in Upper Canada, 1791–1841*. Kingston–Montreal: McGill–Queen’s University Press, 1989.
- Kear, Averil. *Bermuda Dick: The True Story of Forest of Dean Convicts*. Gloucestershire: Lightmoor Press, 2002.
- Kelly, Stéphane. *La petite loterie: comment la Couronne a obtenu la collaboration du Canada français après 1837*. Montréal: Boréal, 1997.
- Laidlaw, Zoë. *Colonial Connections, 1815–45: Patronage, the Information Revolution, and Colonial Government*. Manchester: Manchester University Press, 2005.
- Landon, Fred. *An Exile from Canada to Van Diemen's Land*. Toronto: Longmans and Green, 1960.
- Laporte, Gilles. *Patriotes et Loyaux: leadership régional et mobilisation politique en 1837 et 1838*. Sillery: Septentrion, 2004.
- Lester, Alan. *Imperial Networks: Creating Identities in Nineteenth–Century South Africa and Britain*. London: Routledge, 2001.

- _____, and David Lambert, ed. *Colonial Lives Across the British Empire: Imperial Careerism in the Long Nineteenth Century*. Cambridge: Cambridge University Press, 2006.
- Létourneau, Jocelyn. *A History for the Future: Rewriting Memory and Identity in Québec*. Translated by, Phyllis Aronoff and Howard Scott. Montreal–Kingston: McGill–Queen’s University Press, 2004.
- Levine, Phillipa. *The British Empire: Sunrise to Sunset*. Harlow: Pearson Longman, 2007.
- _____. *Prostitution, Race and Politics: Policing Venereal Disease in the British Empire*. New York: Routledge, 2003.
- _____. *Feminist Lives in Victorian England. Private Roles and Public Commitment*. Oxford: Basil Blackwell, 1990.
- _____, ed. *Gender and Empire: Oxford History of the British Empire Companion Series*. Oxford: Oxford University Press, 2004.
- Little, J.I. *Loyalties in Conflict: A Canadian Borderland in War and Rebellion, 1812–1840*. Toronto: University of Toronto Press, 2008.
- Lovell, Mary. *A Scandalous Life: The Biography of Jane Digby*. London: Richard Cohen Books, 1995.
- Mackay, Julien S. *Notaires et Patriotes, 1837–1838*. Sillery: Septentrion, 2006.
- Mackey, Frank. *Steamboat Connections: Montreal to Upper Canada, 1816–1843*. Montreal–Kingston: McGill–Queen’s University Press, 2003.
- Mansergh, Nicholas. *The Commonwealth Experience: The Durham Report to the Anglo–Irish Treaty*. Toronto: University of Toronto Press, 1983.
- Manning, Helen Taft. *The Revolt of French Canada, 1800–1835: A Chapter of the History of the British Commonwealth*. New York: St Martin's Press, 1962.
- Martin, Chester. *Empire and Commonwealth: Studies in Governance and Self Government in Canada*. Oxford: Clarendon Press, 1929.
- Martin, Ged. *The Durham Report and British Policy: A Critical Essay*. Cambridge: Cambridge University Press, 1972.

- _____. *Edward Gibbon Wakefield: Abductor and Mystagogue*. Edinburgh, Scotland: 1997.
- McClintock, Anne. *Imperial Leather: Race, Gender and Sexuality in the Colonial Contest*. London: Routledge, 1995.
- McCormick, Matthew. *The Independent Man: Citizenship and Gender Politics in Georgian England*. Manchester: Manchester University Press, 2005.
- _____, ed. *Public Men: Masculinity and Politics in Modern Britain*. London: Palgrave, 2007.
- McKenzie, Kirsten. *A Swindler's Progress: Nobles and Convicts in the Age of Liberty*. Sydney, University of New South Wales Press, 2009.
- _____. *Scandal in the Colonies: Sydney and Cape Town*. Melbourne: Melbourne University Press, 2004.
- McNairn, Jeffrey L. *The Capacity to Judge: Public Opinion and Deliberative Democracy in Upper Canada, 1791–1854*. Toronto: University of Toronto Press, 2000.
- Messamore, Barbara. *Canada's Governors General, 1847–1878: Biography and Constitutional Evolution*. Toronto: University of Toronto Press, 2006.
- Messier, Alain. *Dictionnaire encyclopédique et historique des patriotes 1837–1838*. Montréal: Guérin, 2002.
- Midgley, Claire. *Women Against Slavery: The British Campaigns, 1780–1870*. London: Routledge, 1992.
- Mills, David. *The Idea of Loyalty in Upper Canada, 1784–1850*. Montreal–Kingston: McGill–Queen's University Press, 1988.
- Mitchell, Leslie. *Lord Melbourne: 1779–1848*. Oxford: Oxford University Press, 1997.
- Morgan, Cecilia. *Public Men and Virtuous Women: The Gendered Languages of Religion and Politics in Upper Canada, 1791–1850*. Toronto: University of Toronto Press, 1996.
- Neatby, Hilda. *Quebec, The Revolutionary Age: 1760–1791*. Toronto: McClelland, 1966.
- New, Chester. *Lord Durham: A Biography of John George Lambton, first Earl of Durham*. Oxford: Clarendon Press, 1929.

- _____. *Life of Henry Brougham to 1830*. Oxford: Clarendon Press, 1961.
- Ouellet, Fernand. *Histoire économique et sociale du Québec, 1760–1850: structures et conjoncture*. Montreal: Fides, 1966.
- _____. *Lower Canada, 1791-1840: Social Change and Nationalism*. Toronto: McClelland and Stewart, 1980.
- Oxford Dictionary of National Biography*. www.oxforddnb.com
- Pouvinelli, Elizabeth A. *The Empire of Love: Toward a Theory of Intimacy, Genealogy, and Carnality*. Durham: Duke University Press, 2006.
- Paquet, Gilles, and Jean–Pierre Wallot. *Lower Canada at the Turn of the Nineteenth Century: Restructuring and Modernization*. Ottawa: Canadian Historical Association, 1988.
- Partha, Chatterjee. *The Nation and Its Fragments: Colonial and Post Colonial Histories*. Princeton: Princeton University Press, 1993.
- Perry, Adele. *On the Edge of Empire: Gender, Race and the Making of British Columbia, 1849–1871*. Toronto: University of Toronto Press, 2001.
- Phillips, Jock. *A Man's Country: The Image of the Pakeha Male, A History*. Auckland, N.Z.: Penguin Books, 1996.
- Porter, Bernard. *The Absent–Minded Imperialists: Empire, Society and Culture in Britain*. Oxford: Oxford University Press, 2004.
- _____. *The Lion's Share: A Short History of British Imperialism, 1850–1983*. London: Longman, 1984.
- Pratt, Mary Louise. *Imperial Eyes: Travel Writing and Transculturation*. London: Routledge, 1992.
- Radforth, Ian. *Royal Spectacle: The 1860 Visit of the Prince of Wales to Canada and the United States*. Toronto: University of Toronto Press, 2004.
- Reid, Stuart. *Life and Letters of the First Earl of Durham*. 2 Vols. London: Longmans, Green, and Co., 1906.
- Rheault, Marcel J. and Georges Aubin. *Médecins et patriotes, 1837–1838*. Québec: Septentrion, 2006.

- Rogers, Nicholas. *Crowds Culture, and Politics in Georgian Britain*. Oxford: Clarendon Press, 1998.
- Ross, Robert. *Status and Respectability in the Cape Colony, 1750–1870: A Tragedy of Manners*. Cambridge: Cambridge University Press, 1999.
- Rudé, George. *Protest and Punishment: The Story of the Social and Political Protesters Transported to Australia, 1788–1868*. Oxford: Oxford University Press, 1978.
- Rudin, Ronald. *Making History in Twentieth Century Québec*. Toronto: University of Toronto Press, 1997.
- Russell, Penny. *This Errant Lady: Jane Franklin's Overland Journey to Port Phillip and Sydney, 1839*. Canberra: National Library Australia, 2002.
- Russell, Peter. A. *Attitudes to Social Structure and Mobility in Upper Canada 1815–1840: 'Here We Are Laird Ourselves.'* Lewiston/Queenston/Lampeter: E. Mellen Press, 1990.
- Russell, Peter. H. *Constitutional Odyssey: Can Canadians become a Sovereign People?* Toronto: University of Toronto Press, 2004.
- Ryerson, Stanley B. *Unequal Union: Confederation and the Roots of Conflict in the Canadas, 1815–1873*. Toronto: Progress Books, 1968.
- Schull, Joseph. *Rebellion: the Rising in French Canada 1837*. Toronto: Macmillan, 1971.
- Shaw, A.G.L. *Convicts and the Colonies: A study of Penal Transportation from Great Britain and Ireland to Australia and other parts of the British Empire*. London: Faber, 1966.
- Sinha, Mrinalini. *Colonial Masculinity: The 'Manly Englishman' and The 'Effeminate Bengali' in the Late Nineteenth Century*. Manchester: Manchester University Press, 1995.
- Senior, Elionor Kyte. *Redcoats and Patriotes: The Rebellions in Lower Canada, 1837–8*. Ontario: Canada's Wings, 1985.
- Smith, Donald B. *Sacred Feathers: The Reverend Peter Jones (Kahkewaquonaby) and The Mississauga Indians*. Toronto: University of Toronto Press, 1987.
- Stoler, Ann Laura. *Along the Archival Grain: Epistemological Anxieties and Colonial Common Sense*. Princeton: Princeton University Press, 2009.

- _____. *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule*. Berkeley: University of California Press, 2002.
- _____. *Race and The Education of Desire: Foucault and the Colonial Order of Things*. Durham, N.C.: Duke University Press, 1995.
- _____, ed. *Haunted By Empire: Geographies of Intimacy in North American History*. Durham, N.C.: Duke University Press, 2006.
- Temple, Philip. *A Sort of Conscience: The Wakefields*. Auckland: Auckland University Press, 2002.
- Thomas, William. *The Philosophical Radicals: Nine Studies in Theory and Practice, 1817–1841*. Oxford: Clarendon Press, 1979.
- Tosh, John. *A Man's Place: Masculinity and the Middle-Class Home in Victorian England*. New Haven, C.T. and London: Yale University Press, 1999.
- _____. *Manliness and Masculinities in Nineteenth-Century Britain: Essays on Gender, Family, and Empire*. London: Pearson Longman, 2005.
- _____, and Michael Roper, ed. *Manful Assertions: Masculinities in Britain since 1800*. London: Routledge, 1991.
- Trevelyan, George. *Lord Grey of the Reform Bill: The Life of Charles, Second Earl Grey*. London: Longmans, Green, and Co, 1952.
- Wade, Mason. *The French Canadians, 1760–1945*. Toronto: Macmillan, 1955.
- Ward, John. *Colonial Self Government: The British Experience, 1759–1856*. London: Macmillan, 1976.
- Wheeler, Roxann. *The Complexion of Race: Categories of Difference in Eighteenth-Century British Culture*. Philadelphia: University of Pennsylvania Press, 2000.
- Wilton, Carol. *Popular Politics and Political Culture in Upper Canada, 1800–1850*. Montreal–Kingston: McGill-Queen's University Press, 2001.
- Woodward, Llewellyn. *The Age of Reform, 1815–1870*. Oxford: Oxford University Press, 1962.
- Woollacott, Angela. *To Try Her Fortune in London: Australian Women, Colonialism, and Modernity*. Oxford: Oxford University Press, 2001.

_____. *Gender and Empire*. London: Palgrave, 2005.

Young, Brian, and John A. Dickinson. *A Short History of Quebec: A Socio-Economic Perspective*. Toronto: Copp Clark Pitman, 1988.

II. ARTICLES AND BOOK CHAPTERS

Alexander, Kristine. "The Girl Guide Movement and Imperial Internationalism during the 1920s and 1930s." *The Journal of the History of Childhood and Youth* 2.1 (2008): 37–63.

Baker, Robert. "Creating Order in the Wilderness: Transplanting the English Law to Rupert's Land, 1835–51." *Law and History Review* 17:2 (1999): 209–246.

Ballantyne, Tony. "Race and the Webs of Empire: Aryanism from India to the Pacific." *Journal of Colonialism and Colonial History* 2:3 (Winter 2001): online.

Barry, J. "The Transported Canadian Patriotes." *The Journal of Criminal Law, Criminology, and Police Science* 43 (May–June, 1957): 71.

Beaglehole, J. C. "The Colonial Office, 1782–1854." *Historical Studies: Australia and New Zealand* 1 (1940–41): 170–89.

Belich, James. "Colonization and History in New Zealand." In *The Oxford History of the British Empire: Historiography*, Vol. V. edited by Robin Winks, 182–93. Oxford: Oxford University Press, 1999.

Bernard, Jean–Paul. "The Rebellions of 1837 and 1838 in Lower Canada." Ottawa: Canadian Historical Association, 1996.

Boissery, Beverly, and F. Murray Greenwood, ed. "New Sources for Convict History: The Canadian Patriotes in Exile." *Historical Studies* 18:71 (October, 1978): 277–287

Bradbury, Bettina. "Colonial Comparisons: Rethinking Marriage, Civilization and Nation in 19th century White Settler Societies." In *Rediscovering the British World*, edited by Phillip Buckner and R. Douglas Francis, 135–58. Calgary: University of Calgary Press, 2005.

_____. "Widows at the Hustings: Gender, Citizenship, and the Montreal By–Election of 1832." In *Women On Their Own: Interdisciplinary Perspectives on Being Single*, edited by Rudolph M. Bell and Virginia Yans–McLaughlin, 82–114. Piscataway, NJ: Rutgers University Press, 2008.

- Brown, George W. "The Durham Report and the Upper Canadian Scene." *CHR* 20:2 (1939): 136–60.
- Bucker, Phillip. "Whatever Happened to the British Empire?" *Journal of the Canadian Historical Association* 4:1 (1993): 3-32.
- _____, and Carl Bridge, "Reinventing the British World," *The Round Table*, 92:368 (January 2003), 77-88.
- Bumsted, J. M. "The Consolidation of British North America, 1783–1860." In *Canada and the British Empire*, edited by Phillip Buckner, 43–65. Oxford: Oxford University Press, 2008.
- Burroughs, Peter. "Imperial Institutions and the Government of Empire." In *The Nineteenth Century: The Oxford History of the British Empire*, edited by Andrew Porter, 170–97. Oxford: Oxford University Press, 1999.
- Carter, Louise. "British Masculinities on Trial and the Queen Caroline Affair of 1820." *Gender & History* 20:2 (2008): 248–69.
- Coates, Colin. M. "French Canadians' Ambivalence to the British Empire." In *Canada and the British Empire*, edited by Phillip Buckner, 181–99. Oxford: Oxford University Press, 2008.
- _____. "The Rebellions of 1837–38, and Other Bourgeois Revolutions in Quebec Historiography." *International Journal of Canadian Studies* 20 (Fall 1999): 19–34.
- Coleman, Diedre. "Janet Schaw and the Complexions of Empire." *Eighteenth Century Studies* 36:2 (2003): 169–93.
- Cook, Ramsay. "Governing a Colony 'pas comme les autres': The Dilemmas of Unplanned Conquest." In *Realities of Representation: State-Building in Early Modern Europe and European America*, edited by Maija Jansson, 187–202. London: Palgrave, 2007.
- Curtis, Bruce. "The 'Most Splendid Pageant Ever Seen': Grandeur, the Domestic, and Condescension in Lord Durham's Political Theatre." *CHR* 89:1 (March 2008): 55–88.
- _____. "Le redécoupage du Bas-Canada dans les années 1830: Un essai sur la «gouvernementalité» coloniale." *RHAF* 58:1 (2004): 27–66.

- _____. "The Buller Education Commission; or, The London Statistical Society Comes to Canada, 1838–42." In *The Age of Numbers/L'ère du chiffre*. edited by J.–P. Beaud and J.–G. Prévost, 278–297. Québec: Presses de l' Université du Québec, 2000.
- _____. "The Canada 'Blue Books' and the Administrative Capacity of the Canadian State, 1822–67." *CHR* 74:4 (1993): 535–65.
- Deering, Dorothy. "The London "Globe" of the 1840s and 1850s." *Victorian Periodicals Newsletter* No. 10, 3:4 (Nov. 1970): 28–9.
- Dobie1, Edith. "The Dismissal of Lord Glenelg From the Office of Colonial Secretary," *CHR* 23:3 (1942): 280–5.
- Ducharme, Michel. "Penser le Canada: la mis en place des assises intellectuelles de l'Etat canadien modern, 1838–1840." *RHAF* 56:3 (2003): 357–86.
- _____. "Canada in the Age of Revolutions: Rethinking Canadian Intellectual History in an Atlantic Perspective." In *Contesting Clío's Craft: New Directions and Debates in Canadian History*, edited by Michael Dawson and Christopher Dummit, 162–186. London: Institute for the Study of the Americas Press and the Brookings Institution, 2009.
- _____. "Closing the Last Chapter of the Atlantic Revolution: The 1837–1838 Rebellions in Upper and Lower Canada." In *Liberty! Égalité! Independencia! Print Culture, Enlightenment and Revolution in the Americas, 1776–1838* edited by David S. Shields, Caroline Sloat, et al, 193–210. Worcester, MA: American Antiquarian Society, 2007.
- Dubow, Saul. "How British was the British World? The Case of South Africa." *Journal of Imperial and Commonwealth History* 37:1 (March 2009): 1–27.
- Dunning, Thomas. "Convict Bodies in Van Diemen's Land: The North American Experiences." *Australian Studies* 13:1 (1998): 134–44.
- Edwards, Nina. "The Canadian Exiles in Bermuda." *Bermuda Historical Quarterly* 37 (1980): 42–45 and 63–68.
- Elbourne, Elizabeth. "Indigenous Peoples and Imperial Networks in the Early Nineteenth Century: The Politics of Knowledge." In *Rediscovering the British World*, edited by Philip Buckner and R. Douglas Francis, 59–85. Calgary: University of Calgary Press, 2005.

- _____. "The Sin of the Settler: The 1835–36 Select Committee on Aborigines and Debates Over Virtue and Conquest in the Early Nineteenth–Century British White Settler Empire." *Journal of Colonialism and Colonial History* 4:3 (Winter 2003): online.
- _____. "'The fact so often disputed by the Black man': Khoekhoe Citizenship at the Cape in the Early to Mid Nineteenth Century." *Citizenship Studies* 7:4 (December 2003): 379–400.
- _____. "Race, Warfare and Religion in Mid–nineteenth Century Southern Africa: The Khoikhoi Rebellion Against the Cape Colony and its Uses, 1850–58." *Journal of African Cultural Studies* 13:1 (2000): 17–42.
- Fahmi, Magda. "Reflections on the place of Québec in Historical Writing on Canada." In *Contesting Clio's Craft: New Directions and Debates in Canadian History*, edited by Christopher Dummit and Michael Dawson, 1–20. London: Institute for the Study of the Americas, 2008.
- Fecteau, Jean–Marie. "'This Ultimate Resource': Martial Law and State Repression in Canada." In *Canadian State Trials: Rebellion and Invasion in the Canadas, 1837–1839*, Vol. 2, edited by F. Murray Greenwood and Barry Wright, 207–47. Toronto: University of Toronto Press, 2002.
- Fox, Grace. "The Reception of Lord Durham's Report in the English Press." *CHR* 16:3 (1935): 276–88.
- Francis, Mark. "Colonial Political Culture and the Mentality of British Governors: 1825–1860." *Political Science* 38 (1986): 133–146.
- Gallagher, John and Ronald Robinson. "The Imperialism of Free Trade." *Economic History Review* 6:1 (1953): 1–15.
- Gibson, James. "Political Prisoners, Transportation for Life, and Responsible Government in Canada." *Ontario History* 67:4 (December, 1975): 185–98.
- Goheen, Peter. "Negotiating Access to Public Space in Mid–Nineteenth Century Toronto." *Journal of Historical Geography* 20:4 (1994): 430–449.
- _____. "Parading: A Lively Tradition in Early Victorian Toronto." In *Ideology and Landscape in Historical Perspective: Essays on the Meanings of some Places in the Past*, edited by Alan R. H. Baker and Gideon Biger, 330–51. Cambridge: Cambridge University Press, 1992.

- Goldring, Philip. "Province and Nation: Problems of Imperial Rule in Lower Canada 1820 to 1841." *Journal of Imperial and Commonwealth History* 9:1 (October 1980): 38–56.
- Greenwood, F. Murray. "The Chartrand Murder Trial: Rebellion and Repression in Lower Canada, 1837–1839." *Criminal Justice History* 5 (1984): 129–59.
- Greer, Allan. "1837–38: Rebellion Reconsidered." *CHR* 76:1 (1995): 1–18.
- _____. "La République des Hommes: Les Patriotes de 1837 Face aux Femmes." *RHAF* 44:4 (1991): 507–28.
- _____. "La Rébellion de 1837–183 au Bas Canada: Une Approche Géographique." *Cahiers de Géographie du Québec* 33:90 (décembre 1989): 345–77.
- Gunn, Thomas. "Convicts to Bermuda: A Reassessment of Earl Durham's 1838 Bermudan Ordinance." *Australian Journal of Canadian Studies* 25:2 (2007): 7–28.
- Hall, Catherine. "Imperial Careering at Home: Harriet Martineau on Empire." In *Colonial Lives Across the British Empire: Imperial Careering in the Long Nineteenth Century*, edited by David Lambert and Alan Lester, 335–59. Cambridge: Cambridge University Press, 2006.
- _____. "What did A British World mean to the British? Reflections on the Nineteenth Century." In *Rediscovering the British World*, edited by Philip Buckner and R. Douglas Francis, pages. Calgary: University of Calgary Press: 2005.
- _____. "Men and their Histories: Civilizing Subjects," *History Workshop Journal* 52 (2001): 49–66.
- _____. "Of Gender and Empire: Reflections on the Nineteenth Century." In *Gender and Empire*, edited by Phillipa Levine, 46–76. Oxford: Oxford University Press: 2004.
- _____. "'Going–a–Trolloping': Imperial Man Travels the Empire." In *Gender and Imperialism*, edited by Claire Midgley, 180–99. Manchester: Manchester University Press: 1998.
- Harvey, D. C. "Nova Scotia and the Durham Mission." *CHR* 20:2 (1939): 161–77.
- Hemmeon, Douglas. "The Canadian Exiles of 1838." *Dalhousie Historical Review* 7 (1927): 13–6.

- Henderson, Jarett. "‘I Am Pleased with the Lambton Loot’: Arthur George Doughty and the Making of the Durham Papers." *Archivaria* 70 (Fall 2010): 153–76.
- _____. "‘No Money, but Muscle and Pluck’: Cultivating Transimperial Manliness for the Fields of Empire, 1870–1900." In *Making it Like a Man: Canadian Masculinities in Arts and Culture*, edited by Christine Ramsay et al, Waterloo, ON: Wilfrid Laurier University Press, *forthcoming*.
- Howell, Phillip and David Lambert. "Sir John Pope Hennessy and Colonial Government: Humanitarianism and the Translation of Slavery in the Imperial Network." In *Colonial Lives Across the British Empire: Imperial Careering in the Long Nineteenth Century*, edited by David Lambert and Alan Lester, 228–56. Cambridge: Cambridge University Press, 2006.
- Kennedy, William Paul McClure. "The Centenary of Lord Durham’s Mission to British North America, 1838–1938." *Juridical Review* 50:2 (1938): 136–41.
- Kenny, Stephen. "Strangers’ Sojourn: Canadian Journalists in Exile, 1831–1841." *American Review of Canadian Studies* 17:2 (1987): 181–205.
- _____. "Duvernay’s Exile in ‘Balenton’: The Vermont Interlude of a Canadian Patriot." *Vermont History*. 52:2 (1984): 103–22.
- Kruse, B. "The Bermuda Exiles." *Canadian Geographical Journal* 14 (1937): 353–54.
- Laidlaw, Zoë. "Heathens, Slaves and Aborigines: Thomas Hodgkin’s Critique of Missions and Anti-Slavery." *History Workshop Journal* 64:1 (Autumn 2007): 133–61.
- _____. "Richard Bourke: Irish Liberalism tempered by Empire," In *Colonial Lives Across the British Empire: Imperial Careering in the Long Nineteenth Century*, edited by David Lambert and Alan Lester, 113–44. Cambridge: Cambridge University Press, 2006.
- _____. "Closing the Gap: Colonial Governors and their Metropolitan Agents." In *Imperial Communications: Australia and Britain*, edited by Simon J. Potter, 47–89. London: Menzies Centre, 2005.
- _____. "‘Aunt Anna’s Report’: The Buxton Women and the Aborigines Select Committee, 1835–1837." *Journal of Imperial and Commonwealth History* 32:2(May 2004): 1–28.

- _____. "Integrating metropolitan, colonial and imperial history: the Aborigines Select Committee of 1835–1837." In *Writing Colonial Histories: Comparative Perspectives*, edited by T. Banivanua Mar and J. Evans. 75–91. Melbourne: RMIT Publishing, 2002.
- Lamonde, Yvan. "Canadian Print and the emergence of a Public Culture in the Eighteenth and Nineteenth Centuries." In *Les idées en mouvement: perspectives en histoire intellectuelle et culturelle du Canada*, edited by Damien-Claude Bélanger, Michel Ducharme, Sophie Coupal, 175–90. Québec: Presses Université Laval, 2004.
- Lester, Alan. "Imperial Circuits and Networks: Geographies of the British Empire." *History Compass* 4.1 (2006): 124–41.
- _____. "British Settler Discourse and the Circuits of Empire." *History Workshop Journal* 54 (2002): 27–50.
- _____. "'Otherness' and the Frontiers of Empire: The Eastern Cape Colony, 1806–c1850." *Journal of Historical Geography* 24:1 (1998): 2–19.
- _____. "Settlers, the State and Colonial Power: The Colonization of Queen Adelaide Province, 1834–37." *Journal of African History* 39 (1998): 221–46.
- Lester, Alan and Fae Dussart. "Masculinity, 'race', and family in the colonies: protecting Aborigines in the early nineteenth century." *Gender, Place and Culture* 16: 1 (2009): 65–76.
- _____. "Protecting Aborigines in Early Nineteenth Century Australia and New Zealand." *The New Zealand Geographer* 64:3 (2008): 205–20.
- Lester, Alan and David Lambert. "Missionary politics and the captive audience: William Shrewsbury in the Caribbean and the Cape colony." In *Colonial Lives Across the British Empire: Imperial Careering in the Long Nineteenth Century*, edited by Alan Lester and David Lambert, 88–112. Cambridge: Cambridge University Press, 2006.
- Levine, Philippa. "What's British about Gender and Empire? The Problem of Exceptionalism." *Comparative Studies of South Asia, Africa and the Middle East* 27: 2 (2007): 273–82.
- _____. "History in the Archives: The Public Record Office and Its Staff, 1838–1886." *The English Historical Review* 101:398 (Jan 1986): 20–41.

- Lowry, Donal. "The Crown, Empire Loyalism, and the Assimilation of Non-British White Subjects in the British World: An Argument Against 'Ethnic determinism.'" *The Journal of Imperial and Commonwealth History* 31:2 (May 2003): 96–120.
- MacDonnell, Ursilla N. "Gibbon Wakefield and Canada Subsequent to the Durham Mission, 1839–1842." *Queen's Quarterly* 32 (November 1924 and February 1925): 119–36 and 285–304.
- Manning, Helen Taft. "Who Ran the British Empire 1830–1850?" *The Journal of British Studies* 5:1 (Nov 1965): 88–121.
- _____. "The Colonial Policy of the Whig Ministers, 1830–37: I" *CHR* 33:3 (1952): 203–36.
- _____. "The Colonial Policy of the Whig Ministers, 1830–37: II." *CHR* 33:4 (1952): 341–66.
- Martin, Chester. "Lord Durham's Report and Its Consequences," *CHR* 20:2 (1939): 178–94.
- McCulloch, Michael. "The Death of Whiggery: Lower Canadian British Constitutionalism and the *tentation de l'histoire parallèle*." *Journal of the Canadian Historical Association* 2:1 (1991): 195–213.
- McKay, Ian. "The Liberal Order Framework: A Prospectus for a Reconnaissance of Canadian History." *CHR*. 81:4 (December 2000): 616–678.
- McKenzie, Kirsten. "Social Mobilities at the Cape of Good Hope: Lady Anne Barnard, Samuel Hudson, and the Opportunities of Empire, c. 1797–1824." In *Moving Subjects: Gender, Mobility, and Intimacy in an Age of Global Empire*, edited by Tony Ballantyne and Antoinette Burton, 274–95. Urbana and Chicago: University of Illinois Press: 2009.
- _____. "'My voice is sold, and I must be a Slave': Abolition, Industrialisation and the Yorkshire Election of 1807." *History Workshop Journal* 64 (2007): 48–73.
- _____. "Performing the Peer: Status, Empire and Impersonation." *History Australia* 1:2 (July 2004): 209–228.
- _____. "Discourses of Scandal: Bourgeois Respectability and the End of Slavery and Transportation at the Cape and New South Wales, 1830–1850." *Journal of Colonialism and Colonial History* 4:3 (2003): online.

- _____. "Women's Talk and the Colonial State: The Wylde Scandal, 1831–1833." *Gender & History* 11:1 (April 1999): 30–53.
- Moogk, Peter N. "'Thieving Buggers' and 'Stupid Sluts': Insults and Popular Culture in New France." *William and Mary Quarterly* 36:4 (October 1979): 524–47.
- Mussell, Jim. "The *Northern Star* (1837–1852)," online: <http://www.ncse.ac.uk>
- New, Chester. "Lord Durham and the British Background to his Report," *CHR* 20:2(1939): 119–35.
- Noel, Jan. "Defrocking Dad: Masculinity and Dress in Montréal, 1700–1867." In *Fashion: A Canadian Perspective*, edited by Alexandra Palmer, 68–89. Toronto: University of Toronto Press, 2004.
- Olney, Clarke. "Caroline Norton to Lord Melbourne." *Victorian Studies* 8:3 (March 1965): 255–62.
- Ouellet, Fernand. "Le nationalisme Canadien–français: de ses origines à l'insurrection de 1837." *CHR* 45:4 (December 1964): 277–293.
- Owram, Douglas. "Canada and Empire." In *Oxford History of the British Empire: Historiography*, edited by Robin Winks, 146–62. Oxford: Oxford University Press, 1999.
- Perrault, Antonio. "Le Conseil Spécial, 1831–1841." *La Revue du Barreau*, III (1943): 130–144, 213–20, 265–74, and 299–307.
- Petrie, Brian. "The French–Canadian Patriote Convict Experience, 1840–1848." *Journal of Royal Australian Historical Society* 81 (1995): 167–83.
- Perry, Adele. "Women, Gender, Empire." In *Canada and the British Empire*, edited by Phillip Buckner, 220–39. Oxford: Oxford University Press, 2008.
- _____. "Whose World was British? Rethinking the 'British World' from an Edge of Empire." In *Britishness Abroad: Transnational Movements and Imperial Cultures*, edited by Kate Darian–Smith, Patricia Grimshaw, and Stuart Macintyre, 133–52. Melbourne: Melbourne University Publishing, 2007.
- _____. "Metropolitan Knowledge, Colonial Practice and Indigenous Womanhood." In *Contact Zones: Aboriginal and Settler Women in Canada's Colonial Past*, edited by Myra Rutherdale and Katie Pickles, 109–30. Vancouver: University of British Columbia Press: 2005.

- _____. "The State of Empire: Reproducing Colonialism in British Columbia, 1849–1871." *Journal of Colonialism and Colonial History* 2:2 (Fall 2001): online.
- Poovey, Mary. "Covered but Not Bound: Caroline Norton and the 1857 Matrimonial Causes." *Feminist Studies* 14: 3 (Autumn, 1988): 467–85.
- Radforth, Ian. "Performance, Politics, and Representation: Aboriginal People and the 1860 Royal Tour of Canada." *CHR* 84:1 (March 2003): 1–32.
- Read, Colin. "The Rebellion of 1837 in Upper Canada." Ottawa: Canadian Historical Association, 1988.
- Russell, Penny. "Ornaments of Empire? Government House and the Idea of English Aristocracy in Colonial Australia." *History Australia* 1:2 (July 2004): 196–208.
- _____. "The Brash Colonial: Class and Comportment in Nineteenth-Century Australia." *Transactions of the Royal Historical Society Sixth Series, XII* (2002): 431–53.
- Smadych, Russell. "Contemplating the Testimony of Others: James Stephen, the Colonial Office, and the Fate of Australian Aboriginal Evidence Acts, Circa 1839–1849," *Australian Journal of Legal History*. 8 (2004): 97–143.
- _____. "'To Soften the Extreme Rigor of Their Bondage': James Stephen's Attempt to Reform the Criminal Slave Laws of the West Indies, 1813–1833." *Law and History Review* 23:3 (Fall, 2005): 537–88.
- Smith, Phillipa Mein and Peter Hempenstall. "Australia and New Zealand: Turning Shared Pasts into a Shared History." *History Compass* 1 (2003): 1–8.
- Smith, William. "Lord Durham's Administration." *CHR* 3 (September, 1927): 208–23.
- Sossoyan, Matthieu. "Les Iroquois de Khanawake et de Kanesatake et les rébellions de 1837–1838." *Bulletin d'histoire politique* 12.1 (2003): 107–15.
- Thompson, John. "The North American Patriot Prisoners at Probation Stations in Van Diemen's Land." *Australasian Canadian Studies Journal* 25:2 (2007): 117–46
- Tosh, John. "What Should Historians do with Masculinity?" *History Workshop Journal* 38 (Autumn 1994): 179–202.
- Trotter, R. G. "Durham and the Idea of a Federal Union of British North America." *Report of the Annual Meeting of the Canadian Historical Association* 4:1 (1925): 55–64.

- Watt, R. "The Political Prisoners in Upper Canada, 1837–8." *English Historical Review* 42 (October, 1926): 256–65.
- Watt, Steven. "State Trial by Legislature: The Special Council of Lower Canada, 1838–1841." In *Canadian State Trials: Rebellion and Invasion in the Canadas, 1837–1839*, Vol. 2, edited by F. Murray Greenwood and Barry Wright, 248–78. Toronto: University of Toronto, 2002.
- Wilson, Kathleen. "Empire, Gender, and Modernity in the Eighteenth Century." In *Gender and Empire*, edited by Philippa Levine, 14–45. Oxford: University of Oxford Press, 2004.
- Wilton, Carol. "'A Firebrand Amongst the People': The Durham Meetings and Popular Politics in Upper Canada." *CHR* 75:3, (Sept 1994): 346–75.
- Wolfram, Sybil. "Divorce in England 1700–1857." *Oxford Journal of Legal Studies* 5:2 (Summer 1985): 155–86.
- Wrong, George. "The Two Races in Canada," *Report of the Annual Meeting of the Canadian Historical Association*. 4:1 (1925): 21–7.
- Young, Brian. "Positive Law, Positive State: Class Realignment and the Transformation of Lower Canada, 1815–1866." In *Colonial Leviathan: State Formation in Mid-Nineteenth Century Canada*, edited by Allan Greer and Ian Radforth, 50–63. Toronto: University of Toronto Press, 1992.

III. THESES, DISSERTATIONS, AND UNPUBLISHED PAPERS

- Curthoys, Ann. "The Dog that Didn't Bark: The Durham Report, Indigenous Dispossession and Self Government for Britain's Settler Colonies." Unpublished paper, 2010.
- Durrer, Rebecca. "Changing British Imperial Ideology: Edward Gibbon Wakefield and the Colonization of New Zealand." PhD Dissertation, University of Houston, 2000.
- Goldring, Philip. "British Colonists and Imperial Interests in Lower Canada." PhD dissertation, University of London, 1978.
- Henderson, Jarett. "'I would not life a finger to help the Gov't': Lady Louisa Lambton and the 'Inner History' of the Durham Mission." Unpublished paper presented to the Canadian Historical Association, June 2008.

- Horner, Daniel. "Taking to the Streets: Crowds, Identities, and Politics in Mid-Nineteenth-Century Montreal." PhD Dissertation, York University, *forthcoming*.
- Lee, Tai-Sook. "Edward Gibbon Wakefield and the Movement for Systematic Colonization, 1829–1850 (South Australia, New Zealand, British Empire)." PhD Dissertation, University of California, Berkeley, 1986.
- Michie, Michael. "'Three cheers for the Canadian peasants': The Response of British Radicals and Chartists to the Canadian Rebellions of 1837–8." York University, Unpublished Paper, 1996.
- Sossoyan, Matthieu. "The Kahnawake Iroquois and the Lower-Canadian Rebellions, 1837–1838." MA Thesis, McGill University, 1999.
- Watt, Steven. "Authoritarianism, Constitutionalism, and the Special Council of Lower Canada, 1838–1841." MA Thesis, McGill University, 1997.