

Appendix 1

Lord Durham's Report

Introduction:

The 1837 Rebellions in Lower and Upper Canada reflected the class and national distinctions in Britain's North American Colonies, as well as the aspirations of the population for democracy. The rebellions were ruthlessly crushed, however the colonial authorities knew that they could not maintain the status-quo and sent Lord Durham to Canada to report on the situation. Durham's report led to fundamental changes in the colonial relationships and contributed to the constitutional development that led to the founding of the country of Canada.

1838 Lord Durham's Report (Excerpts)

Your Majesty, in entrusting me with the Government of the province of Lower Canada, during the critical period of the suspension of the constitution, was pleased, at the same time, to impose on me a task of equal difficulty, and of far more permanent importance, by appointing me "High Commissioner for the adjustment of certain important questions depending on the provinces of Lower and Upper Canada, respecting the form and future government of the said provinces. ." To enable me to discharge this duty with the greater efficiency, I was invested, not only with the title, but with the actual functions of Governor General of all Your Majesty's North American Provinces....

...From the peculiar circumstances in which I was placed, I was enabled to make such effectual observations as convinced me, that there had existed in the constitution of the province, in the balance of political powers, in the spirit and practice of administration in every department of the government, defects that were quite sufficient to account for a great degree of mismanagement and dissatisfaction.

The same observation had also impressed on me 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. 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.

... They [the English in Lower Canada] complain loudly and bitterly of the whole course pursued by the Imperial government, with respect to the quarrel of the two races, as having been founded on an utter ignorance or disregard of the real question at issue, as having fostered the mischievous pretensions of French nationality, and as having by the vacillation and inconsistency which marked it, discouraged loyalty and fomented rebellion. Every measure of clemency or even justice towards their opponents they regard with jealousy, as indicating a disposition towards that conciliatory policy which is the subject of their angry recollection; for they feel that being a minority, any return to the due course of constitutional government would again subject them to a French majority; and to this I am persuaded they would never peaceably submit. They do not hesitate to say that they will not tolerate much longer the being made the sport of parties at home; and that if the mother country forgets what is due to the loyal and enterprising men of her own race, they must protect themselves. In the significant language of one of their ablest advocates, they assert that "Lower Canada must be English, at the expense, if necessary, of not being British."

I have, in despatches of a later date than that to which I have had occasion so frequently to refer, called the attention of the home government to the growth of this alarming state of feeling among the English population. The course of the late troubles, and the assistance which the French insurgents derived from some citizens of the United States, have caused a most intense exasperation among Canadian loyalists against the American government and people. Their papers have teemed with the most unmeasured denunciations of the good faith of the authorities, of the character and morality of the people, and of the political institutions of the United States. Yet, under this surface of hostility, it is easy to detect a strong under current of an exactly contrary feeling. As the general opinion of the American people became more apparent during the course of the last year, the English of Lower Canada were surprised to find how strong, in spite of the first burst of sympathy with a people supposed to be struggling for independence, was the real sympathy of their republican neighbours with the great objects of the minority. Without abandoning their attachment to their mother country, they have begun, as men in a state of uncertainty are apt to do, to calculate the probable consequences of a separation, if it should unfortunately occur, and be followed by an incorporation with the United States. In spite of the shock which it would occasion their feelings, they undoubtedly think that they should find some compensation in the promotion of their interests; they believe that the influx of American emigration would speedily place the English race in a majority; they talk frequently and loudly of what has occurred in Louisiana, where, by means which they utterly misrepresent, the end nevertheless of securing an English predominance over a French population, has undoubtedly been attained; they assert very confidently that the Americans would make a very speedy and decisive settlement of the pretensions of the French; and they believe, that after the first shock of an entirely new political state had been got over, they and their posterity would share in that amazing progress, and that great material prosperity, which every day's experience shows them is the lot of the people of the United States, I do not believe that such a feeling has yet sapped their strong allegiance to the British Empire; but their allegiance is founded on their deep rooted attachment to British as distinguished from French institutions. And if they find that that authority which they have maintained against its recent assailants, is to be exerted in such a manner as to subject them again to what they call a French dominion, I feel perfectly confident that they would attempt to avert the result, by courting, on any terms, an union with an Anglo-Saxon people.

Such is the lamentable and hazardous state of things produced by the conflict of races which has so long divided the province of Lower Canada, and which has assumed the formidable and irreconcilable character which I have depicted....

... It will be acknowledged by every one who has observed the progress of Anglo-Saxon colonization in America, that sooner or later the English race was sure to predominate even numerically in Lower Canada, as they predominate already by their superior knowledge, energy, enterprise, and wealth. The error, therefore, to which the present contest must be attributed, is the vain endeavour to preserve a French Canadian nationality in the midst of Anglo-American colonies and states.

... The fatal feud of origin which is the cause of the most extensive mischief, would be aggravated at the present moment by any change which should give the majority more power than they have hitherto possessed. A plan by which it is proposed to ensure the tranquil government of Lower Canada, must include in itself the means of putting an end to the agitation of national disputes in the legislature, by settling, at once and for ever, the national character of the province. I entertain no doubts as to the national character which must be given to Lower Canada; it must be that of the British Empire; that of the majority of the population of British America; that of the great race which must, in the lapse of no long period of time, be predominant over the whole North American continent. Without effecting the change so rapidly or so roughly as to shock the feelings and trample on the welfare of the existing generation, it must henceforth be the first and steady purpose of the British government to establish an English population, with English laws and language, in this province, and to trust to none but a decidedly English legislature...

The utter want of municipal institutions giving the people any control over their local affairs, may indeed be considered as one of the main causes of the failure of representative government, and of the bad administration of the country. If the wise example of those countries in which a free representative government has alone worked well, had been in all respects followed in Lower Canada, care would have been taken that, at the same time that a parliamentary system based on a very extended suffrage, was

introduced into the country, the people should have been entrusted with a complete control over their own local affairs, and been trained for taking their part in the management of that local business which was most interesting and most intelligible to them. But the inhabitants of Lower Canada were unhappily initiated into self-government at exactly the wrong end, and those who were not trusted with the management of a parish, were enabled, by their votes, to influence the destinies of a State....

A monopoly of power so extensive and lasting could not fall, in process of time, to excite envy, create dissatisfaction, and ultimately provoke attack; and an opposition consequently grew up in which assailed the ruling party, by appealing to popular principles of government, by denouncing the alleged jobbing and profusion of the official body, and by instituting inquiries into abuses, for the purpose of promoting reform, and especially economy. The question of the greatest importance, raised in the course of these disputes, was that of the disposal of the Clergy reserves; and, though different modes of applying these lands, or rather the funds derived from them, were suggested, the reformers, or opposition, were generally very successful in their appeals to the people against the project of the Tory or official party, which was that of devoting them exclusively to the maintenance of the English Episcopal Church. The reformers, by successfully agitating this and various economical questions, obtained a majority. Like almost all popular colonial parties, it managed its power with very little discretion and skill, offended a larger number of the constituencies, and, being baffled by the Legislative Council, and resolutely opposed by all the personal and official influence of the official body, a dissolution again placed it in a minority in the Assembly. This turn of fortune was not confined to a single instance; for neither party has for some time possessed the majority in two successive Parliaments. The present is the fifth of these alternating Houses of Assembly.

The reformers, however, at last discovered that success in the elections ensured them very little practical benefits...

A still stronger objection to the creation of a Church establishment in this colony is, that not merely are the members of the Church of England a small minority at present; but, inasmuch as the majority of emigrants are not members of the Church of England, the disproportion is likely to increase, instead of disappearing in the course of time. The mass of British immigrants will be either from the middle classes of Great Britain, or the poorer classes of Ireland; the latter almost exclusively Catholics, and the former in a great proportion either Scotch Presbyterians or English Dissenters.

It is most important that this question should be settled, and so settled as to give satisfaction to the majority of the people of the two Canadas, whom it equally concerns. And I know of no mode of doing this but by repealing all provisions in Imperial Acts that relate to the application of the clergy reserves, and the funds arising from them, leaving the disposal of the funds to the local legislature, and acquiescing in whatever decision it may adopt. The views which I have expressed on this subject sufficiently mark my conviction that, without the adoption of such a course, the most mischievous practical cause of dissension will not be removed....

... The disorders of Lower Canada admit of no delay; the existing form of government is but a temporary and forcible subjugation. The recent constitution is one of which neither party would tolerate the re-establishment, and of which the bad working has been such, that no friend to liberty or to order could desire to see the province again subjected to its mischievous influence. Whatever may be the difficulty of discovering a remedy, its urgency is certain and obvious.

Nor do I believe that the necessity for adopting some extensive and decisive measure for the pacification of Upper Canada, is at all less imperative. From the account which I have given of the causes of disorder in that province, it will be seen that I do not consider them by any means of such a nature as to be irreconcilable, or even to be susceptible of no remedy, that shall not effect an organic change in the existing constitution. It cannot be denied indeed that the continuance of the many practical grievances, which I have described as subjects of complaint, and, above all, the determined resistance to such a system of responsible government as would give the people a real control over its own destinies, have, together with the irritation caused by the late insurrection, induced a large portion of the population to look with envy at the material prosperity of their neighbours in the United States, under a perfectly free and eminently responsible

government; and, in despair of obtaining such benefits under their present institutions, to desire the adoption of a republican constitution, or even an incorporation with the American Union. But I am inclined to think that such feelings have made no formidable or irreparable progress; on the contrary, I believe that all the discontented parties, and especially the reformers of Upper Canada, look with considerable confidence to the result of my mission. The different parties believe that when the case is once fairly put before the mother country, the desired changes in the policy of their government will be readily granted: they are now tranquil, and I believe loyal; determined to abide the decision of the Home Government, and to defend their property and their country against rebellion and invasion. But I cannot but express my belief that this is the last effort of their almost exhausted patience, and that the disappointment of their hopes on the present occasion, will destroy for ever their expectation of good resulting from British connection. I do not mean to say that they will renew the rebellion, much less do I imagine that they will array themselves in such force as will be able to tear the government of their country from the hands of the great military power which Great Britain can bring against them. If now frustrated in their expectations, and kept in hopeless subjection to rulers irresponsible to the people, they will, at best, only await in sullen prudence the contingencies which may render the preservation of the province dependent on the devoted loyalty of the great mass of its population.

... I believe that the great mass of discontent in Upper Canada, which is not directly connected with personal irritation, arising out of the incidents of the late troubles, might be dispelled by an assurance that the government of the colony should henceforth be carried on in conformity with the views of the majority in the Assembly....

... I believe that no permanent or efficient remedy can be devised for the disorders of Lower Canada, except a fusion of the government in that of one or more of the surrounding provinces; and as I am of opinion that the full establishment of responsible government can only be permanently secured by giving these colonies an increased importance in the politics of the Empire, I find in union the only means of remedying at once and completely the two prominent causes of their present unsatisfactory condition.

Two kinds of union have been proposed. federal and legislative. By the first, the separate legislature of each province would be preserved in its present form, and retain almost all its present attributes of internal legislation; the federal legislature exercising no power, save in those matters of general concern, which may have been expressly ceded to it by the constituent provinces. A legislative union would imply a complete incorporation of the provinces included in it under one legislature, exercising universal and sole legislative authority over all of them, in exactly the same manner as the Parliament legislates alone for the whole of the British Isles.

... I cannot doubt that any French Assembly that should again meet in Lower Canada will use what ever power, be it more or less limited, it may have, to obstruct the government, and undo whatever has been done by it. ... I believe that tranquility can only be restored by subjecting the province to the vigorous rule of an English majority; and that the only efficacious government would be that formed by a legislative union.

If the population of Upper Canada is rightly estimated at 400,000, the English inhabitants of Lower Canada 450,000, the union of the two provinces would not only give a clear English majority, but one which would influence of English emigration; and I have little doubt that the French, when once placed, by the legitimate of natural causes, in a minority, would abandon their vain hopes of nationality. I do not mean that they present animosities, or instantly renounce the hope of attaining their end by violent means. But the experience of the British Isles may teach us how effectively the strong arm of a popular legislature would compel the obedience of the French Canadian. The hopelessness of success would gradually subdue the existing animosities, and incline the French Canadian to a new state of political existence.

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