MEMORIAL PRESENTED TO CONGRESS

BY THE PUERTO RICAN DELEGATION THROUGH THE RESIDENT COMMISSIONER FROM PUERTO RICO

CANADA IN 1839

PUERTO RICO IN 1922

WASHINGTON, D. C.
1922

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IT NEEDS no change in the principles of government, no invention of a new constitutional theory, to supply the remedy which would, in my opinion, completely remove the existing political disorders. It needs but to follow out consistently the principles of the British Constitution, and introduce into the government of the great colonies those wise provisions by which alone the working of the representative system can in any country be rendered harmonious and efficient.

The responsibility to the United Legislature of all officers of the Government, except the Governor and his Secretary, should be secured by every means known to the British Constitution. The Governor ..... should be instructed that he must carry on his government by heads of departments, in whom the United Legislature shall repose confidence; and that he must look for no support from home in any contest with the Legislature, except on points involving strictly Imperial interests.

LORD DURHAM.

COLEGIO UNIVERSITARIO DEL TURABO
CENTRO DE RECURSOS DE APRENDIZAJE

MEMORIAL PRESENTED TO CONGRESS BY THE PUERTO RICAN DELEGATION THROUGH THE RESIDENT COMMISSIONER FROM PUERTO RICO

The delegation that is now in this country petitioning for a remedy to the political situation prevailing in Puerto Rico deems it its duty to reprint in pamphlet form the introductory note to a volume published by Mathuen and Company, London, 1902, because by placing that great and noble example within the reach of those who are going to legislate for us in Congress, we will help demonstrate to them, although they know it before hand, that in all problems from race to race and from people to people, there exists no wiser or more practical solution than equality and justice.

It is surprising to find the really astonishing similarity there is between the political situation in Canada in 1839 and that of Puerto Rico in 1922. Both peoples, at the different times, went through a deep crisis and suffered the pains inherent to a profound metamorphosis. It may be that the situation of the former seventy-five years ago differed in some minor details from that of the latter at the present moment; but, generally speaking, the causes being identical, so much the effects be and appear. The Canadian crisis was solved by the British Parliament under the advice of Lord Durham: the Puerto Rican crisis is to be solved by the American Congress. In the first case, Canada was redeemed by the principles of British liberty; in the latter, Puerto Rico hopes to be redeemed by the principles of American liberty.

The American Congress is fully advised as to conditions in Puerto Rico. Proceeding by elimination, it seems to be generally understood that statehood is not possible. Ethnical and economic problems of no probable solution will ever be in the way to that end. Great American statesmen, as Root and Stimson, have openly declared against it saying that the insular possessions should be governed by laws strictly autonomous in their character. Statehood is to be preceded by incorporation. And here lies the crux of the whole question. But what does

this word *incorporation*, so much used and abused, impart? What does it mean? It means assimilation. As Mr. Snow aptly says:

> "The regime which the French call the regime of assimilation, the majority of the Supreme Court in the Insular Tariff Cases call the regime of 'incorporation.' The French word seems the more proper. 'Incorporation' means 'admission into the body and personality' of the State. In the case of a State under popular government, incorporation of lands and populations can only occur by admission of them to a representation in the Legislature on equal terms with the lands and populations already constituting the body and personality of the State, and with equal participation in the vote for the Executive if he is elective. In the case of Federal State, incorporation of lands and populations can only occur when they form a State and that State is admitted into the Union as a State, on equal terms respecting representation in the Congress or Parliament, and with equal participation in the vote for Chief Executive if he is elective. Lands and populations, however, though not incorporated into the State, may be dependent upon the State under a regime *similar* in all respects, except participation in the election of the Central Government, to that which prevails in the lands and populations which are actually incorporated into the State. Such a dependency is under the regime of 'assimilation,' as distinguished from the regime of 'autonomy.'"

Knowing now that the words "incorporation" and "assimilation" represent equal concepts, we ask, is assimilation possible in Puerto Rico, hundreds of miles apart from the national environment, with a native population numbering nearly one million three hundred thousand souls? Mr. Paul Reinsch writing on the subject, in his admirable work "Colonial Administration," says:

> " * * * the policy of assimilation has thus far in practice proved unsuccessful and at times even disastrous.
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> "The policy of assimilation rests upon the old rationalist doctrine of the universality of human reason. An institution once declared rational must as such be applicable at all times and in all places; and though individuals may at first resist the introduction of such institutions, they will,

if forced to accept them, be ultimately liberated thereby and raised to a higher plane of existence and civilization. The essential element in this belief is that reason is the one controlling force in human conduct, and that rational institutions are productive of rational action and hence are the sole requirement for well-ordered and civilized life. As a matter of fact, however, the science of the nineteenth century has abandoned this belief in the universal supremacy of the conscious rational faculty. Men are governed far more by their inherited beliefs, customs, and instincts, than by a conscious choice between different courses of action. This is true among ourselves * * *. The doctrine of assimilation makes a demand upon the rational element in human nature which not even the action of the most highly developed individuals, to say nothing of nations, could justify. The natives are to abandon the entire complex of customs and beliefs which have thus far guided them through life, and by an act of selective reason, to adopt institutions foreign to their social experience. Modern science is agreed that inherited psychological elements—the constitution of the mind—are the most persistent phenomena of which we have any knowledge. New ideas may be poured into the consciousness, may even be understood by the rational faculties, but they will leave no trace upon the mental constitution and upon the real spring of action.

"The actual experience of colonizing nations and the results of scientific investigation leave room for but one opinion upon the policy of assimilation, that it rests upon a purely ideological basis and runs counter to the scientific laws of psychic development."

Basing himself undoubtedly on reasons of like import Mr. Alpheus Snow, in his book "The Administration of Dependencies," says:

"All the insular dependencies of the Union and Alaska are probably destined never to be incorporated into the Union as States, because it is best for them and for the Union that they should permanently remain in a relationship of dependence on the Union. In the latter relationship, they can properly have a higher degree of statehood than in the former. Under a well-balanced and expert ad-

ministration * * * they can have that distinct community life which their isolated position makes necessary."

Only an autonomous form of government seasonably granted to Puerto Rico will solve the present political situation. It will create contentment, enhance the affection and good faith always evidenced by the people of the United States towards the people of Puerto Rico and bring about a closer tie that time will prove indestructible. The United States can be as generous to Puerto Rico as Great Britain has been to Ireland. In short, paraphrasing from the pamphlet we reprint, it will be hailed as an honor to this the greatest of all Democracies to make a Puerto Rico governed by itself, a country where freedom should beget loyalty, and we venture to say that the last hand which will wave the American flag on our Island will be that of the Puerto Rican.

ANTONIO R. BARCELÓ,
President of the Senate.

FÉLIX CÓRDOVA DÁVILA,
Resident Commissioner at Washington.

MIGUEL GUERRA-MONDRAGÓN,
Chairman, House Finance Committee.

WALTER MCK. JONES,
Member of the House.

INTRODUCTORY NOTE

TO THE REPORT OF THE EARL OF DURHAM, HER MAJESTY'S HIGH COMMISSIONER AND GOVERNOR GENERAL OF BRITISH NORTH AMERICA

WOLFE gave to England in 1759 a colony inhabited by 60,000 French settlers with French customs and French laws. It was at first the policy of the British Government to introduce English laws and customs, and so to manufacture a rigid uniformity; but such an attempt was seen to be both imprudent and impossible. In 1775 to her new subjects England secured their religious and legal rights, and until 1783 the French Canadians lived in peace and comparative content. But that year, which saw the independence of America recognized, saw also a great influx into Canada of Loyalists from the United States. In 1790 no less than 50,000 had passed into the country, and, helped by England with grants of land and money, had settled for the most part of Upper Canada. The British Government, knowing that the Loyalists would not rest without some form of representative institutions, and wishing to separate the new-comers from the French settlers, passed in 1791 the Canada Act, by which it was provided that the country should be divided into two provinces—Upper and Lower Canada. To each of the two provinces was assigned a Governor with his executive, a popular Assembly, and a Legislative Council consisting of members nominated by the Crown. The Executive was independent of the Assembly, and was not in any way responsible to it, being the creature of the Crown, and able to carry on the government of the country and to raise money without the assent of the popular body.*

With the fortunes of Upper Canada, where the inhabitants were for the most part British or Loyalty immigrants, we have not to deal. The absence of control by the Assembly over the Executive was not felt so bitterly in this province because both were British in race and sympathy. But many British settled in the lower province also, at first in scant, afterwards in large numbers. Lower Canada thus became a center of racial and religious strife, and its history provides us with a lesson of supreme interest and importance.

The French remained the predominant factor in Lower Canada, and they multiplied exceedingly, so that though increasing numbers of British began to settle in the land, the French num-

*It is interesting to note that Burke, whose inspiration was becoming dulled by events in France, opposed this Constitution as too Democratic.

bered, in 1837, 450,000 out of 600,000 inhabitants. They therefore constituted the majority of the popular Assembly, and by slow degrees they began to control the public expenditure, and finally obtained the right to raise taxes and to vote supplies.

The French Canadians were sprung from the land and lived on the land. They had all the virtues and all the faults of an agricultural community. They were kindly and hospitable, simple and unprogressive. While the upper classes were refined and cultivated even beyond the English standard, the peasant farmers and the lower ranks were suspicious, ignorant, and untrained in politics or in the institutions of local self government; liable therefore to fall under the domination of political leaders and demagogues, who, with no hope of obtaining power, were without prudence or responsibility. To such a population the invasion of British immigrants was unwelcome. These men, independent and pushing, arrogant and ambitious, many of them "very turbulent and demoralized persons," differed from the French Canadians *toto coelo*—in character, race, religion, language, and social life. They soon began to absorb much of the wealth and commerce of the country; and looking on the Provinces "as a vast field for settlement and speculation," demanded of the Government that all obstacles should be cleared from their path.*

> "Among this people, the progress of emigration has of late years introduced an English population, exhibiting the characteristics with which we are familiar, as those of the most enterprising of every class of our countrymen. The circumstances of the early colonial administration excluded the native Canadian from power, and vested all offices of trust and emolument in the hands of strangers of English origin. The highest posts in the law were confided to the same class of persons. The functionaries of the civil government, together with the officers of the army, composed a kind of privileged class, occupying the first place in the community, and excluding the higher class of the natives from society, as well as from the government of their own country. It was not till within a very few years, as was testified by persons who had seen much of the country, that this society of civil and military functionaries ceased to exhibit towards the higher order of Canadians an exclu-

*The quotations which follow are from Lord Durham's Report.

siveness of demeanour, which was more revolting to a sensitive and polite people than the monopoly of power and profit; nor was this national favoritism discontinued, until after repeated complaints and an angry contest, which had excited passions that concessions could not allay. The races had become enemies ere a tardy justice was extorted; and even then the Government discovered a mode of distributing its patronage among the Canadians, which was quite as offensive to that people as their previous exclusion.

"The ascendency which an unjust favouritism had contributed to give to the English race in the government and the legal profession, their own superior energy, skill, and capital, secured to them in every branch of industry. They have developed the resources of the country; they have constructed or improved its means of communication; they have created its internal and foreign commerce. The entire wholesale and a large portion of the retail trade of the province, with the most profitable and flourishing farms, are now in the hands of this numerical minority of the population.

"It is not anywhere a virtue of the English race to look with complacency on any manners, customs, or laws which appear strange to them; accustomed to form a high estimate of their own superiority, they take no pains to conceal from others their contempt and intolerance of their usages. They found the French Canadians filled with an equal amount of national pride, a sensitive but inactive pride which disposes that people not to resent insult, but rather to keep aloof from them who would keep them under."

There gradually arose a bitter feud of race, an utter divergence of aims and life. Each year saw a widening of the breach, and the children lisped the hatred they would feel as men. "The French complained of the arrogance and injustice of the English; the English accused the French of the vices of a weak and conquered people and charged them with meanness and perfidy." The two races were filled with jealousy and bitterness; intermarriage was rare, social intercourse became almost impossible and justice could not be obtained from juries filled with racial distrust. The French endeavored by their power in the Assembly to check the growing influence of the British enterprise; and this, in the absence of all municipal institutions, they were able to do with complete success. The British, who arrogated

to themselves the title of "Loyalists," were infuriated by such obstacles and retorted by violent abuse and slander of their opponents as "rebels" and "traitors" who were seeking to undermine Imperial supremacy and to break away from the British sway. They sought to turn the balance by winning over the other side the Executive and the Legislative Council.

Thus arose a highly dangerous crisis. On the one side was the popular Assembly with an unprogressive French majority and the power of granting or refusing supplies, but without any control of the Executive and hopelessly at variance with it. On the other side were the British Governor, a Legislative Council nominated by British influence, supporting a British Governor, a Legislative Council nominated by British influence, supporting a British Executive and able to reject any measures passed by the popular Assembly. The Ministers of State were thus completely out of touch and sympathy with the representatives of the people.

As Lord Durham says:

> "Instead of selecting a Governor with an entire confidence in his ability to use his local knowledge of the real state of affairs in the Colony in a manner which local observation and practical experience best prescribed to him. it has been the policy of the Colonial Department, not only at the outset to instruct the Governor as to the general policy which he was to carry into effect, but direct him by instructions, sometimes very precise, as to the course which he is to pursue in every important particular of his administration."

The Governor endeavored to throw all his responsibility on the Home Government, and thus "the real vigour of the Executive has been essentially impaired, distance and delay have weakened the force of its decisions, and the Colony has, in every crisis of danger and almost every detail of local government, felt the mischief of having its executive authority exercised on the other side of the Atlantic."

In 1836 the long conflict between the Legislature and the Executive was rapidly reaching a crisis. The Assembly had no responsible Ministers to deal with, and having no influence in the choice of any public functionary and no power to procure the removal of the many officials in whom it had no confidence, it began to assail its opponents individually and to attack them

with impeachments or vexatious prosecutions. Being unable to obtain any redress from the Executive, it endeavored "to disable the whole machinery by the general refusal of supplies."

The Governor, Lord Gosford, a well-meaning but incompetent ruler, and wholly under the influence of the Loyalist faction, assured the British Minister that the ulterior object of the French Canadian politicians was "the separation of this country from England and the establishment of a Republican form of government."

A policy of exasperation was set on foot. The Loyalists grew violent, and the Governor was urged to take strong measures to curb the treasonable activity of the French party, and to end an intolerable state of affairs. Several of the French leaders were arrested on a charge of high treason, and this act of severity was followed by the outbreak of rebellion on a minute scale. The British Government, either alarmed by the dangers of the situation, or taking ready advantage of its opportunity, passed in January, 1837, a Bill for temporary suspension of the Constitution of Lower Canada. Such was the position of affairs which awaited Lord Durham, who by a Royal Commission was appointed Governor-in-Chief of the Canadas and High Commissioner for the adjustment of certain important questions respecting the form and future government of the two provinces.

The problem was one which might have daunted the bravest heart. It was one which would have convinced a weak man that force was the only remedy and from force would have resulted a tragedy, dark and bitter. But Lord Durham was neither weak nor foolish, and though in the fashionable world of London he had been regarded with little respect, he made a careful investigation into the problem from every point of view, and in a little time he issued a Report on Canada which was not only characterised by the keenest insight into the difficulty of the moment, but was in its eloquence, its imagination, and the profoundity of its statesmanship, the most valuable utterance in the English language on the great questions of Colonial policy.

The difficulties which met Lord Durham, the factors of the problem, the origin and main outlines of the controversy which had turned Lower Canada into a land of racial unrest, the solution of the statesman—these must be read in the Report; and whoever reads may expect a rich reward. Here let us only quote some of the more salient and striking passages.

The High Commissioner found himself face to face with a state of things which far surpassed his expectation. He was

prepared to find and to heal a disorder of government; he discovered a fundamental evil:

> "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.
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> "The national feud forces itself on the very senses, irresistibly and palpably, as the origin on the essence of every dispute which divides the community; we discover that discussions which appear to have another origin are but form of this constant and all-pervading quarrel, and that every contest is one of French and English in the outset, or becomes so ere it has run its course."

Of the French Canadians he writes:

> "They clung to the ancient prejudices, ancient customs, and ancient laws, not from any strong sense of their beneficial effects, but with the unreasoning tenacity of an uneducated and unprogressive people. Nor were they wanting in the virtues of a simple and industrious life, or in those which common consent attributes to the nation from which they spring."
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> "It is not difficult to conceive how greatly the evils, which I have described as previously existing, have been aggravated by the war; how terror and revenge nourished in each portion of the population a bitter and irreconciliable hatred to each other and to the institutions of the country. The French population, who had for some time exercised a great and increasing power through the medium of the House of Assembly, found their hopes unexpectedly prostrated in the dust * * * Removed from all actual share in the government of their country, they brood in sullen silence over the memory of their fallen countrymen, their burnt villages, of their ruined property, of their extinguished ascendency, and of their humbled nationality. Nor have the English inhabitants forgotten in their triumph the terror with which they suddenly saw themselves surrounded by an insurgent majority, and the incidents, which alone appeared to save

them from the unchecked domination of their antagonists. They find themselves still a minority in the midst of a hostile and organized people. Apprehensions of secret conspiracies and sanguinary designs haunt them unceasingly, and their only hope of safety is supposed to rest on systematically terrifying and disabling the French, and in preventing a majority of that race from ever again being predominant in any portion of the legislature of their province."

The French population were distrusted and held down: The English were violent and exasperated. Even the moderate men of both parties had been drawn into the vortex. The two races had drifted utterly apart:

> "They rarely meet at the inns in the cities; the principal hotels are almost exclusively filled with English and with foreign travellers; and the French are for the most part, received at each other's houses, or in boarding houses, in which they meet with few English."

The Loyalists were determined to keep their political rivals in subjection. They threatened that if equal rights were granted to the French, if England forgot what was due to them, they would sever the connection that bound them to the Mother Country and would seek a union with the United States:

> "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 * * * They do not hesitate to say that they will not tolerate much longer the being made the sport of the parties at home; and that if the Mother forgets what is due to the loyal and enterprising men of her own race, they must protect themselves. In this significant language of one of their own ablest advocates, they assert that 'Lower Canada must be *English*, at the expense, if necessary, of not being *British*.' "

The result of this racial discord was lamentable:

> "The entire mistrust which the two races have thus learned to conceive of each other's intentions induces them to put the worst construction on the most innocent conduct; to judge every word, every act, and every intention un-

fairly; to attribute the most odious designs, and reject every overture of kindness or fairness as covering secret designs of treachery and malignity."

The newspapers of one party were unintelligible to the other side, and the majority of readers were unable to correct a misrepresentation by reading their rivals' arguments.

"It is difficult to conceive the perversity with which misrepresentations are habitually made, and the gross delusions which find currency among the people; they thus live in a work of misconceptions, in which each party is set against the other, not only by diversity of feelings and opinions but by an actual belief in an utterly different set of facts."

"I will not dwell on the melancholy scenes exhibited in the progress of the contest, or the fierce passions which held an unchecked sway during the insurrection, or immediately after its suppression. It is not difficult to conceive how greatly the evils which I have described as previously existing have been aggravated by the war; how terror and revenge nourished, in each portion of the population, a bitter and irreconcilable hatred to each other, and to the institutions of the country.

"In such a state of feelings the course of civil government is hopelessly suspended. No confidence can be felt in the stability of any existing institutions, or the security of person and property. It cannot occasion surprise that this state of things should have destroyed the tranquility and happiness of families; that it should have depreciated the value of property, and that it should have arrested the improvement and settlement of the country."

Lord Durham was too wise to ignore the Imperial dangers of such discord:

"Without a change in our system of government the discontent which now prevails will spread and advance. As the cost of retaining these Colonies increases their value will rapidly diminish. And if by such means the British nation shall be content to retain a barren and injurious sovereignty, it will but tempt the chances of foreign aggression by keeping continuously exposed to a powerful and ambitious neighbor a distant dependency, in which an in-

vader would find no resistance, but might rather reckon on active co-operation from a portion of the resident population."

He traces the evil to the odious system of Crown Colony Government:

"It is difficult to understand how any English statesman could have imagined that representative and irresponsible government could be successfully combined * * * It has never been clearly explained what are the Imperial interests which require the complete nullification of representative government * * * To suppose that such a system could work well here implies a belief that the French Canadians have enjoyed representative institutions for half a century without acquiring any of the characteristics of a free people; that Englishmen renounce every political opinion and feeling when they enter a Colony, or that the spirit of Anglo-Saxon is utterly changed among those who are transplanted across the Atlantic."

"It was vain delusion to imagine that by mere limitations in the Constitutional Act, or an exclusive system of government, a body, strong in the consciousness of wielding the public opinion of the majority, could regard certain portions of the provincial revenues as sacred from its control, could confine itself to the mere business of making laws, and look on as a passive or indifferent spectator while those laws were carried into effect by men in whose intentions or capacity it had not the slightest confidence. Yet such was the limitation placed upon the authority of the Assembly of Lower Canada; it might refuse to pass laws, vote or withhold supplies, but it could exercise no influence on the nomination of a single officer of the Crown. The Executive Council, the law officers, and whatever heads of departments are known to the administrative system of the province, were placed in power without any regard to the wishes of the people or their representatives; nor indeed are there wanting instances in which a mere hostility to the majority of the Assembly elevated the most incompetent persons to posts of honor and trust. However decidedly the Assembly might condemn the policy of the Government, the persons who had advised that policy retained their offices and the power of giving bad advice. If

a law was passed after repeated conflicts, it had to be carried into effect by those who most strenuously opposed it.

"It would be performing more than can be reasonably expected from human agencies if any man, or set of men, should always decide in an unexceptionable manner on subjects that have their origin thousands of miles from the seat of the Imperial Government where they reside, and of which they have no practical knowledge whatever; and therefore wrong may be often done to individuals, or a false view taken of some important political question, that in the end may throw a whole community into difficulty and dissension, not from the absence of the most anxious desire to do right, but from an imperfect knowledge of facts upon which to form an opinion."

He said that it could not be to the interest of England to hold an unwilling Colony by military force in order that a Governor or Secretary of State might be able to confer Colonial appointments on one rather than another set of persons. Like Burke, he seeks a remedy in the example and principles of the British Constitution:

"It needs no change in the principles of government, no invention of a new constitutional theory, to supply the remedy which would, in my opinion, completely remove the existing political disorders. It needs but to follow out consistently the principles of the British Constitution, and introduce into the government of these great Colonies those wise provisions by which alone the working of the representative system can in any country be rendered harmonious and efficient."

It seemed to him impossible either to govern from Downing Street or to give absolute constitutional freedom to Lower Canada. The former solution was no solution; the latter would place the English minority at the mercy of their rivals. A Federal Union, by which each province became autonomous, seemed imprudent. He determined, therefore, to join Lower Canada to Upper Canada by a Legislative Union, and by such a union to redress the balance and to fuse the two races. He hoped that the more vigorous nature of the English would gradually affect and change the character of the French Canadians, and that thus in the lapse of years the population would become not only loyal, but would present the type of a British people.

With a wisdom which stood out in bold relief to the timidity of the politicians of the day he urged that if we wished to keep our colonies we must trust them, not looking upon them as preserves for English aristocrats. Political discontent and unrest would never cease until the Executive became the servant rather than the master of the Assembly. He decided that the fullest constitutional privileges should be granted to the United Legislature, and that the Executive should be responsible to that Legislature:

> "The responsibility to the United Legislature of all officers of the Government, except the Governor and his Secretary, should be secured by every means known to the British Constitution. The Governor * * * should be instructed that he must carry on his government by heads of departments, in whom the United Legislature shall repose confidence; and that he must look for no support from home in any contest with the Legislature, except on points involving strictly Imperial interests."

Such was the noble and simple plan which Lord Durham laid before the Queen's Ministry, and it should be placed to their credit that they accepted it in a dispatch which reflects the fine spirit of Lord Durham's Report.

A Bill was passed through the British Parliament in 1840, and on June 13, 1841, the first Parliament of the United Provinces was opened in State. It is true that Durham's hopes in one sense were never realized: the English and the French races have never fused into one. It is impossible to destroy a white nation, and the French of Canada retained their language, their religion, and their cherished customs. But the two races, sensible of their common dangers, and not unresponsive to the large-hearted policy, were able to live in amity until in the fullness of time the legislative union of the two Canadas gave way to the great Federal Dominion of 1867.

The edifice of which Lord Durham laid the foundation stone was not indeed reared without bitter wrangling. In England the Tories and the *Quarterly Review* were indignant, and talked at length about the rewards of treason and the bitter humiliation of the Loyalists. The Loyalists were furious that the franchise should be granted to their rivals, and they showed the "most intense and unrelenting indignation" because affairs "were not administered in entire accordance with their sense of what is right."

In a work of the day, "Trifles from My Portfolio, 1839, by a Staff Surgeon" (vol. 11 p. 214), Dr. Henry writes of the Report in the language which he was accustomed to hear:

> "Lord Durham's Report was made the subject of official notice by the Legislative Council and House of Assembly of Upper Canada in the Spring of 1839, and by the Lieutenant-Governor, Sir George Arthur, in a letter to the Colonial Secretary. The former Lieutenant-Governor, Sir Francis Head, has also animadverted upon it, and numerous vital errors in its assertions as respects the province have been pointed out. I believe I am authorized to say that Sir John Colborne and the great majority of intelligent and influential people here, including a member or two of Lord Durham's Executive Council, designate this far-famed Report as a most imprudent, unpatriotic, erroneous, and inflammatory document, lament its publication, and while they believe that some good will result from it, are of the opinion that the evil will greatly preponderate.
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> "It is certain that his Lordship has unwittingly furnished the disaffected with a powerful lever to upset so bad a government as he has exposed; however distorted and false may have been the likeness he has drawn. It cannot be very satisfactory to him to find that his elaborate Report has been copied and circulated with avidity by the disloyal in both provinces, and has now become the very manual of treason, lowering the character of the British nation, the British Government and Colonial Government, perverting the weakminded by its sophistry, and seducing the well-affected or filling them with doubt and despondency. It has unquestionably reanimated the drooping courage of the traitorous and of the exiles in the States, and kindled anew the almost extinct sympathies of their American friends, who have engraved the name of Lord Durham on the blades of their bowie knives in demonstration of their idea of the certain result of 'Responsible Government.'"

It is not easy at this distance of time to estimate at its true value the provident boldness of Lord Durham. The Tory party, who had forgotten that their policy of force had lost Britain its American Colonies, were quite ready to lose Canada by the same methods; and even some of the Whigs found it difficult to reconcile a free Colony with a sovereign Britain. But Durham had a

statesman's vision: he could look beyond the factious cries of the day into a future obscure to dullards. He could see on the one hand a Canada held down by fear and force, distracted by racial strife, and with the French population held in subjection to the Loyalists, and all things under the arbitrament of irresponsible governors. Out of this he could see only chronic discontent, an armed and costly peace, and finally union with the United States. On the other hand he saw a fairer vision: a Canada governed by itself, a colony where freedom should beget loyalty, and where a profounder peace should be maintained by good will and consent than by the sword of the dragoon.

Durham was not allowed to see the fruit of his wisdom. Even before his Report was ready he had resigned his office, irritated by the censure of an act which he had thought necessary for the safety of Canada. To say that Durham's plan was successful in every detail would be to say that it was a monster of perfection. It had faults which time and experience alone could discover. But in the main it was a noble and courageous act of policy, and Durham had made a Nation, which his son-in-law, Elgin, was to rule with a wisdom and calmness which Durham had not surpassed. In 1849 Elgin supported a Bill which the Canadian Ministry had introduced indemnifying persons in Lower Canada who had suffered losses in the rebellion of 1837-8. This, the final act of healing mercy, was vehemently opposed by the Loyalists. They had received compensation for their own losses, but they were determined that the French, who had suffered equally with them, should receive no help from the Government. The Loyalists broke out into fierce rioting, assaulted the Governor-General in the streets, and set fire to the House of Parliament while it was sitting. Their leaders demanded the recall of Lord Elgin, and their demand was supported by the Tory press in England, but Elgin stood firm, the Home Government supported him, and the storm passed away.

In a memorable passage Elgin compares the success of his policy, carried out in the teeth of bitter opposition, to the wise and clement measures of Lord Canning in India. Both had to suffer from the virulence of selfish and obstinate men, and both saw their policy justified by a brilliant success:

> "If I were to venture to compare great things with small, I should say that the feeling of the natives toward Canning were due to causes somewhat similar to those which earned for me the good will and confidence of the French Canadians

in Canada. Both he and I adopted on some important points views more favorable to the subject races than those which had been entertained by our respective predecessors. So far we establish substantial and legitimate claims on their regard. But it was not so much of the intrinsic merit of those views, still less was it the extent to which we acted upon them, which won for us the favor of those races; we owed that mainly to the uncompromising hostility, the bitter denunciations, and the unmeasured violence which the promulgation of those views provoked from those who were regarded by them as their oppressors."

Lord Elgin left Canada in the full enjoyment of the peace which his illustrious father-in-law had gained for her, and in his last dispatch he lays down the rules which should govern the attitude of the constitutional Viceroy. Durham had determined "to know nothing of a British, a French, or a Canadian party," but "to look on them all as her Majesty's subjects." So Elgin points out the path:

"Placed by his position above the strife of parties—holding office by a tenure less precarious than the Ministers who surround him—having no political interests to serve but that of the community whose affairs he is appointed to administer, his opinion cannot fail, when all cause for jealousy and suspicion is removed, to have great weight in the Colonial Councils, while he is set at liberty to constitute himself in an especial manner the patron of those larger and higher interests—such interests for example, as those of education and or moral and material progress in all its branches—which unlike the contests of party, unite instead of dividing the members of the body politic."

His wise counsel is as useful now as it was then, and its fruit may be as splendid:

"Let them feel that their religion, their habits, their prepossessions, their prejudices if you will, are more considered and respected here than in other portions of this vast continent, and who will venture to say that the last hand which waves the British flag on American ground may not be that of a French Canadian?"

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