

Les patriotes aux Bermudes en 1838 Lettres d'exil (suite)

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DOCUMENTS INÉDITS *

LES PATRIOTES AUX BERMUDES EN 1838

LETTRES D'EXIL
(suite)

WOLFRED NELSON À M. CHARLES WAND

On board H.M.S. Vestal
17 July 1838

Mr Charles Wand, gaoler
Montreal

Dear Sir:

I saw Mr Buller, the chief secretary and in the course of conversation I stated that several opportunities had been offered me for escaping from jail during last winter and that I refused them, and even repelled the suggestion. I think at the time I mentioned to you from what source some of these offers came (you will recollect the American). It would have been *ernel* to have divulged the names of certain of the persons, I conceive, were actuated by the noblest motives (humanity) in tendering their services in assisting me evasion.

But at the same time, it is due to you and to your immediate servants to state that no person of your establishment ever intimated any thing of the kind to me, and I am equally certain, to no one else of the prisoners. I had many opportunities for seeing you exercise your duties but painful as they were you performed them with decision and nerve, but to your honer, I will say, also with humanity and a due regard to the feelings of the prisoners. In the estimation of a certain class this was no doubt a grievous error on your part, but every good man in authority must applaude you for this conduct.

I am apprehensive in the general way I spoke to Mr Buller, he may have conceived the idea that I alluded to some of your establishment, wherefore it is that I have written you the

* Voir notre *Revue*, XVI: 117-126. Documents fournis par M. Yvon Thériault, des Trois-Rivières, P.Q.

present letter, and give you full liberty to make what use of it you may think fit to repel any thing of the kind, should you be accused.

It was reported that you had been suspended in consequence of Lussier's escape; should this be the case, it would be an act of injustice. I do not see how you can be made responsible for the acts of others, and of which you must necessarily be ignorant.

I trust your family is well and that you may not be punished for a fault I am firmly convinced you never participated in.

I am, dear Sir, your humble servant

Wofd Nelson

17 July 1838 — 350 miles from Bermuda.

P.S. The Vestal leaves Bermuda almost immediately after putting us in there, Hence is is I have written this hasty letter you may stand in need of it. W. N.

* * *

BRIEF SKETCH OF THE AFFAIRS (POLITICAL) OF CANADA WHICH LEAD TO THE TROUBLE OF 1837 AND 1838 — DRAWN UP BY RT. S. M. BOUCHETTE, AND WOLFRED NELSON, ON BOARD OF HER MAJESTY'S SHIP VESTAL, WHILE ON THEIR WAY TO BERMUDA — 18 JULY 1838.

BRIEF SKETCH OF CANADIAN AFFAIRS HASTILY DRAWN UP ON BOARD *H. M. SHIP VESTAL* BY PARTICULAR REQUEST OF SEVERAL OF THE OFFICERS OF THAT SHIP.

To give a full account of the Grievances of which the people of Canada have long complained would involve the political History of the colony for the last five and twenty or thirty years in particular; and this would require a large volume. But it may not be unimportant succinctly to investigate the causes of the late events in both Canadas, merely to demonstrate how fallacious is the recent opinion that in Lower Canada at least, a deep laid conspiracy existed to overthrow the Queen's Government in that Province.

It is fit to preface that the Legislative assembly of L.C. consist of 84 members, of this an overwhelming majority fluctuating from 65 to 75, upholds the views and represents the opinion of the great mass of the population and form the Liberal side of the house. The minority are the adherents of the administration. The assembly thus composed has proved itself the jealous guardian of the rights of its constituency and an enemy to colonial abuses, which it has been active in detecting and active in exposing by repeated remonstrances to the executive authorities and to the parliament of the Mother country.

Amongst the many grievances of which they have incessantly complained, — were the improvident grants of the wild Crown lands in the province and their maladministration.

The irresponsibility of certain, may most of the public officers which exposed the public and the Province to great frauds and losses, instanced in the case of the Receiver General who was proved a defaulter to the extent of £100,000, also in the malversation of two of the sheriffs of Quebec, the late commissioner of Crown lands, &ca.

The maladministration of justice ascribable not to the ignorance, only of the Judges; but to their impolitic dependence on the Executive Governments from whom they hold office, during pleasure. Same with Sheriffs.

The plurality of offices, whereby in some instances four different situations were found in the hands of one, and the same individual. The extremely absurd constitution of the court of appeals, in which the judgments of what might be deemed the first Lawyers of the land, are revised and often reversed by men who have never professionally, at least, studied the science of jurisprudence and who are often grossly ignorant of it.

The unpaid apportionment of the public revenues between this and the Upper Province.

The injudicious and unjust nomination of the magistracy commissioners &ca. &ca.

The composition of the executive and Legislative Councils, the latter of which has so often proved its dependency on the former. Hence all loss of public confidence in the constitution of the Legislative Council and the appeal of the assembly and of the people to have it remodelled on the elective principle or otherwise.

The multitude of useful measures originated in the assembly and rejected in the Council E-G, the education Bill, the corporation Bill, the Bill for the appointment of an agent in England.

These as mere outlines, may serve to give a general idea of the nature of the existing grievances in Lower Canada. But to form an adequate opinion of the subject, reference must be had to public documents. The famous 92 Resolutions passed in the Assembly in 1832, will supply most if not all the informations that may be sought for on these points.

This being the political dilemma of Lower Canada the house of Assembly with a view of advancing the reforms the people prayed for, asserted their right of stopping the Supplies until grievances were redressed. This right, one of the very first elements of the British Constitution, The very shield and protection to the people's Liberties, a right not purely theoretical but to be resorted to in such extreme cases as occurred in Canada, was boldly denied to the house, but by it, as pertinaciously insisted upon.

What was the remedy resorted to by the Crown ? how were the Canadian remonstrances met by the British parliament ? They were met by the anticonstitutional Resolutions of Lord John Russell, Resolutions that virtually disfranchised the whole Canadian population and made them little better than a degraded race of helots ; these resolutions fired the whole country with indignation. The people alarmed at this bold invasion of their rights as British subjects met in all parts of the province, to consult together upon their political affairs. The proceedings of the numerous meetings held at this juncture, bore the universal character of increased energy, and in general, were found to ascribe this wanton violation of the provincial constitution to the tyrannical exercise of power — the crushing of the weak by the hand of the strong without regard to Justice.

The tone of these public meetings appeared to have at length fastened the attention of Government and to have demonstrated that the people had been earnest in their demands for reform and that they were now equally earnest in the expression of their deep sense of the wrong inflicted upon them by the Resolutions of Lord John Russell. Nevertheless, it is confidently believed that none of the Resolutions passed, or the speeches made at any of the public meetings in Lower Canada, exceed the bounds of freedom of debate and proceedings sanctioned by the British constitution. It is very certain at all events that proceedings and speeches had been held and made in England, on the same subject quite as emphatic, if not more so than anything that had taken place in Canada. Yet were the proceedings of the public meetings in this province and the speeches there held denounced and set down as treasonable or seditious. Two or three months

however were allowed to elapse before the law officers of the Crown appeared to have come to that conclusion, and then as if a master stroke of policy was to be struck, it was determined to arrest all the chairmen and secretaries of these public meetings, and also incarcerate the movers and seconders of the various Resolutions proposed and passed — this class of individuals comprised all the leading and most influential men of the province, most of whom were magistrates, officers of militia, commissioners &ca., — of these various offices they were forthwith deprived — and such of their adherents as held commissions under the Crown, threw them up spontaneously, when not called upon so to do by the governor, — 50 commissions have been sent in at once from one parish only.

Meanwhile the political adversaries of the house of Assembly were publicly arming and training themselves, and in the towns insulted and molested the popular party — These in their own defense, began to speak of organizing themselves for the purposed of protection, and in Montreal an association of young men for that object was formed under the name of "*The Sons of Liberty*".

Thus matters stood when in November last, the warrants of arrest issued by wholesale against the most popular and influential men in the country and would it be credited that many of the warrants were signed in Blank !

It was generally rumoured and believed that it was the intention of government to make of some of the Leaders, signal and sanguinary examples, (as they termed it), to intimidate the population — hence an additional incentive was given to the resistance offered by the inhabitants, to the arrest of their Leaders who aware of the influence of government over sheriffs who are its nominees and of the consequent improbability of ever having a fair trial before an impartial jury. (the sheriffs being obnoxious to the reproach of often packing juries to try political or party offenders). The leaders as we have said, aware of this, accepted the protection tendered by their respective adherents, and thus opposed their capture, which in most cases was attempted to be enforced by *military* instead of *civil* power.

This is what has been construed into Rebellion, and Revolt. This only is 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.

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 populations 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 avoldly upholding as were the people of Lower Canada, the constitutional right and privileges of their house of Representatives.

The collision in Lower Canada was virtually, between the assembly and the Legislative and Executive councils, between the Assembly and the colonial office; had not the body that had so ably and firmly maintained the rights and immunities of the people a claim upon there support ? — such was the contest — was this treason ? Yet hundreds were manacled — cruelly to the red with ropes, — dragged into dungeons — and languished for upwards of 6 months within the walls of a prison; Private property was sacrificed — and whole villages destroyed, pillaged, and wantomly burnt to the ground, not in the heat of action, but deliberately, and nefariously when not a shadow of pretance was offered — such are the exploits of Sir John Colborne.

For the correctness of this general outline and summary of events we may confidently appeal even to the statements contained in the documents published by the enemies of Reform — whose language betrays forcibly the most inveterate hatred to every thing that is Canadian and that love of persecution which is a disgrace to an age of enlightenment and civilisation.

W. N.

H.M.S. VESTAL
July 18 1838.

(à suivre)