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[Aller au sommaire du numéro](#)

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SIR CHARLES METCALFE AND THE CANADIAN UNION

W G. ORMSBY

Public Archives of Canada, Ottawa

The emphasis which Canadian historians have been accustomed to place on constitutional development has produced a distorted picture of Sir Charles Metcalfe. He is usually seen as the uncompromising agent of the British Government, intent upon regaining the constitutional ground lost under Sir Charles Bagot and thus restoring the office of Governor to its rightful place in the Canadian constitution. If the responsible government theme is considered in isolation, there is a degree of truth in this picture, but, even within this restricted sphere, a plausible defence of Metcalfe could be developed. However, a close examination of the numerous other aspects of his administration reveals elements of realistic statesmanship not generally attributed to Lord Metcalfe.

I

When Metcalfe arrived in Canada in March, 1843, he was confronted with a situation which had been developing for the last four years. Lord Durham had seen the national possibilities in a federal union of British North America, but when this proved to be beyond his grasp he could not bring himself to recommend a federal union of the Canadas alone. He believed that responsible government was the only solution for Canadian problems, but that it could not be conceded unless French Canada was assimilated in a complete legislative union with the upper province. Of Durham's several recommendations probably the one in favour of assimilation was most in accord with the views of the Melbourne Government. The Act of Union was designed primarily to accomplish that objective.

The assimilation of French Canada would have been difficult, if not impossible, in 1791 — fifty years later it was an entirely unrealistic objective. Lord Sydenham was able to convey the impression that the union had been successfully inaugurated and that French Canada had no alternative but to submit to anglicization. However, under Bagot, it soon became obvious that Sydenham's success was more apparent than real. Nonetheless, when Metcalfe left for Canada neither Lord Stanley nor any of his colleagues in the Tory Government were prepared to admit that assimilation could not be accomplished; to have done so would have been to renounce the primary purpose of the union.

During Metcalfe's first week in Canada, three contentious items of unfinished business — the seat of government, the amnesty, and the civil

list — were brought before him in the Executive Council. In reporting upon these subjects, Metcalfe revealed a spirit of conciliation and a realistic understanding of French Canada or which he has never been given credit.

While he recognized that there might be some regrettable circumstances connected with Bagot's "greated measure", Metcalfe found that it appeared to have produced "many beneficial effects". The exclusion of the French Canadian population from office was "an injustice and would have been a perpetual cause of disaffection" he declared to Stanley.¹

When his Council recommended Montreal as the permanent seat of government, Metcalfe forwarded the recommendation with the observation that it was "decidedly the fittest place". He was aware that one of the reasons for the selection of Kingston had been the belief that the process of anglicization could be accelerated by locating the capital in Upper Canada, but he denounced the entire policy of enforced assimilation :

If the French Canadians are to be ruled to their satisfaction, and who would desire to rule them otherwise ? , every attempt to metamorphose them systematically must be abandoned, and the attainment of that object, whether to be accomplished or not, must be left to time and the expected increase and predominance of the English over the French Population. The desired result cannot be produced by measures which rouse an indignant spirit against it.²

Metcalfe admitted that the selection of Montreal as the capital would not be popular in Upper Canada. Harrison had already made a vigorous presentation of the Upper Canadian point of view in the Executive Council and had refused to concur with his colleagues in their recommendation. However, the Governor considered it obvious that no location could be selected which would meet with general approval in both sections of the province.

In 1842 Sir Charles Bagot had recommended a general amnesty for all those not actually convicted of treasonable activity in connection with the rebellions, but Lord Stanley had countered with a request for more information. Metcalfe took up the amnesty question at this point and went beyond his predecessor's recommendation. He forwarded all the information available on the individuals concerned and urged that past troubles and dissensions should be buried under a general amnesty excepting only those who were guilty of cold-blooded murder.³

Before the Legislature met, the Governor provided additional evidence of his desire to effect a complete reconciliation with French Canada. The language clause of the Act of Union, he informed Lord

¹ Public Archives of Canada, C.O. 537, Vol. 142, pp. 16-24, Metcalfe to Stanley, April 25, 1843.

² *Ibid.*, pp. 68-75, Metcalfe to Stanley, April 29, 1843.

³ *Ibid.*, pp. 102-8, Metcalfe to Stanley, May 3, 1843.

Stanley, was resented by French Canadians "as one of the supposed attempts to destroy their nationality and anglify them by force".⁴ The repeal of this offensive symbol of assimilation would produce a good effect and at the same time remove a cause of discontent "which as long as it exists will excite bad feeling and be made use of by designing men for that purpose". If the concession was not made, Metcalfe declared that there was little doubt the language question would be agitated in the approaching session.

Sir Charles Metcalfe's recommendation that the policy of enforced assimilation should be abandoned was dictated in part by a sympathetic appreciation of the French Canadian view, but he had other, and perhaps stronger, motives. Although his first confidential despatch reveals that he came to Canada prepared to accept the degree of responsible government which had been attained under Bagot,⁵ both he and Lord Stanley were determined that no further concessions would be made. Shortly after his arrival he began to realize that when the Legislature met, his Government would probably resign and force a test of the responsible government principle on one of four issues — control of patronage, location of the seat of government, the amnesty question, or the civil list. In this situation it would be surprising indeed if the Governor did not perceive that concession upon two of these points would provide a basis for an alliance with French Canada designed to resist any further extension of responsible government. He recognized that although the French Canadians and the Upper Canadian Reformers were acting together their alliance was based more upon the personal friendship of Baldwin and LaFontaine than upon common objectives :

They (the French Party) may act with other parties on the principle of reciprocity, support for support, but their views are purely French Canadian, including in their objects the preservation of their own Laws and Language — They strongly resent every attempt that has been made to anglify them.⁶

Metcalfe did not fear the challenge that he foresaw, but he hoped to avoid it if possible, and if it was inevitable, he would meet it upon grounds of his own choosing. After carefully reviewing the situation, he advised Stanley against permitting the civil list to be the point of issue in any responsible government test.⁷ The Imperial Government's action in making a civil list of £75,000 an integral part of the Act of Union was generally unpopular in Canada. "Before this question", Bagot had reported previously, "all others sink into unimportance; it is the only one on which all parties are free to attack the Government and which

⁴ *Ibid.*, pp. 353-4, Metcalfe to Stanley, June 27, 1843.

⁵ *Ibid.*, pp. 1-14, Metcalfe to Stanley, April 24, 1843.

⁶ *Ibid.*, pp. 16-24, Metcalfe to Stanley, April 25, 1843.

⁷ William G. ORMSBY, "The Civil List Question in the Province of Canada", *Canadian Historical Review*, XXXV, (1954), pp. 93-118.

would unite against it not only those who usually form the opposition, but those who usually vote in its support".⁸

Metcalfe requested authority to announce to the Legislature that if an adequate civil list was provided under a provincial act, steps would be taken to repeal the relevant clauses in the Act of Union. By a process of elimination the Governor had decided that, of the probable issues, the control of patronage presented the only favourable grounds for a contest.

Although he entertained some hope of being able to win over the French party, Metcalfe had no illusions about LaFontaine whom he reported had been "inoculated with ... responsible government and has taken it in its utmost violence".⁹ "I wish to do justice in every respect to the French Canadian People, and to consult their feelings as much as possible. But I have no expectation that I shall thereby conciliate their Leader", he informed Lord Stanley.¹⁰ If LaFontaine could not be won, he would have to be replaced as the leader of French Canada, and Metcalfe soon began to see D. B. Viger in this role. Despite Stanley's vigorous denunciation of Viger when Bagot had suggested his appointment to the Legislative Council, Metcalfe renewed the nomination with the observation that his exclusion was "a sore point which rankles in the Hearts of French Canadians and I trust Your Excellency will permit me to heal it".¹¹

II

In England Stanley and his colleagues appreciated the difficulty of Metcalfe's position, but they urged him to stand firm and "play the game which we recommended to Sir Charles Bagot".¹² They were afraid they could detect in Metcalfe the same readiness to recommend concessions which they had criticized in his predecessor. The Governor was authorized to make many of the concessions which he had recommended but the authorization was granted so reluctantly that he hesitated to make use of it.

Stanley informed Metcalfe that, while the Cabinet had no serious objections to an amnesty from a purely Canadian point of view, the prevalence of minor disturbances in the United Kingdom made it necessary to avoid creating the impression that treason would be treated lightly. However, if Metcalfe felt a general amnesty was essential to the peace of Canada, if a unanimous demand for it developed, if the resignation of his Council on this point would render it impossible to carry on the Government, if nothing less would satisfy public opinion, and, above all, if he found it impossible to delay taking the step at once, the Cabinet

⁸ P.A.C., Record Group 7, G9, Vol. 12, Bagot to Stanley, March 16, 1842.

⁹ C.O. 537, Vol. 142, pp. 257-68, Metcalfe to Stanley, May 10, 1843.

¹⁰ *Ibid.*, p. 292, Metcalfe to Stanley, May 10, 1843.

¹¹ *Ibid.*

¹² *Ibid.*, Vol. 141, pp. 5-19, Stanley to Metcalfe, July 3, 1843.

would support him in proclaiming a general amnesty for all except those guilty of murder and arson.¹³ Upon receiving Lord Stanley's despatch, Metcalfe remarked that the authorization was so hedged around with conditions he felt obliged to resist a general amnesty as long as possible. He had hoped to be able to proclaim it as a magnanimous gesture on the part of the Crown, but now he could do nothing more than consider each application as it was submitted and grant pardons in worthy cases which fell within his jurisdiction.

Metcalfe was also denied authority to make the spontaneous concession he had recommended regarding the civil list. The Legislature was at liberty to address Parliament on the subject if it wished to do so, but the Governor was not to give the project an appearance of royal approval by introducing it in a message to the Assembly.

Stanley was not opposed to the proposal that Montreal should become the provincial capital, but he refused to accept Metcalfe's recommendation that its selection should be announced immediately as a decision taken by the Crown. He noted Metcalfe's observation that the removal of the seat of government would likely produce an outcry in Upper Canada and refused to permit the Executive Council to avoid it by hiding behind the Crown.¹⁴ In reply, Metcalfe stressed the danger of repeal agitation in Upper Canada :

The only hope felt for the British Party in Upper Canada is a dissolution of the Union; and this conviction aided by the exasperation if the Seat of Government should be placed in Lower Canada, will produce a strong desire for that remedy.¹⁵

For a brief moment Metcalfe considered placing the question before the province in a general election. He suggested to Stanley that by this means the French party might be placed in a minority in the Assembly "which could only happen at present on a question in which Upper Canada would be all united".¹⁶ Stanley advised against a dissolution and remained firm in his original decision. If the Executive Council wished the capital to be moved to Montreal, an address to that effect would have to be carried in the Legislature.¹⁷

In recognition of the difficulties which Metcalfe faced, Stanley withdrew his objections to the appointment of Viger as a member of the Legislative Council,¹⁸ but his rejection of Metcalfe's recommendation for

¹³ *Ibid.*, pp. 59-70, Stanley to Metcalfe, July 3, 1843.

¹⁴ *Ibid.*, p. 49, Stanley to Metcalfe, July 3, 1843.

¹⁵ *Ibid.*, Vol. 142, pp. 368-75, Metcalfe to Stanley, July 19, 1843.

¹⁶ *Ibid.*, pp. 376-80, Metcalfe to Stanley, July 21, 1843.

¹⁷ *Ibid.*, Vol. 141, pp. 101-7, Stanley to Metcalfe, August 31, 1843.

¹⁸ Metcalfe did not appoint Viger to the Legislative Council because he felt his support was needed in the Assembly. However, he was defeated in the election of 1844 and thus was absent from the Assembly during the session of 1844-1845. He finally obtained a seat in the Three Rivers by-election in July, 1845.

the repeal of the restrictions on the use of the French language revealed the British Government's great reluctance to admit that assimilation was not a realistic objective :

The avowed purpose of the enactment was to promote the amalgamation of the French and English races. Its repeal, therefore, would I think, be viewed in no other light than as an abandonment of that purpose & would, I apprehend, be so considered by the British Population.¹⁹

Stanley declared that the British Government was "unfeignedly anxious" to preserve the French population in all their rights and privileges and to avoid any measure which would "violate their feelings of nationality or shock their prejudices". Nonetheless, it was of great importance that Canada should gradually become a British province, and the Cabinet was "unwilling to take any course which would be understood as affirming an opinion on their part that such an amalgamation could not be hoped for".²⁰

III

With the limitations upon Metcalfe's proposed concessions it is somewhat surprising that he was not forced to face a test of the responsible government theory on some more contentious issue than control of patronage. At least once before the Legislature met he was threatened with the resignation of LaFontaine and his colleagues. When pardons were granted to Rolph, Duncombe, and Montgomery, LaFontaine demanded that a writ of *nolle prosequi* be entered on behalf of Papineau and two other French Canadians. Metcalfe resisted, but, after four interviews with LaFontaine he yielded rather than face the consequences of a resignation on this question.²¹ By way of explanation Metcalfe informed Lord Stanley that he had considered pardoning the three prominent Upper Canadian rebels "a wise and unobjectionable act on the part of Her Majesty's Government calculated to produce beneficial effects in the Province by tending to bury past troubles in oblivion".²² He admitted, however, that he had "lost sight of due caution" and had not taken into consideration the jealousy of the races. Stanley was critical of the Governor's lack of foresight :

You must excuse me for expressing my regret that before selecting for pardon three of the most notorious offenders, the natural and inevitable results were not more deliberately weighed than they appear to have been.²³

Despite his efforts to avoid a collision, Metcalfe's relations with the members of his Executive Council had never been cordial. He realized

¹⁹ C.O. 537, Vol. 142, pp. 355-7, Stanley to Metcalfe, August 18, 1843.

²⁰ *Ibid.*

²¹ P.A.C., LaFontaine Papers, pp. 4361-85, Notes by LaFontaine regarding the amnesty.

²² C.O. 537, Vol. 142, pp. 428-42, Metcalfe to Stanley, August 7, 1843.

²³ *Ibid.*, Vol. 141, p. 108, Stanley to Metcalfe, Sept. 3, 1843.

that the necessity of maintaining a Council which was in harmony with the Assembly demanded that he should do his best to work with Baldwin and LaFontaine, but all his natural sympathy lay with the staunch Tories whose loyalty had never been in doubt. From the opening of the session of the Legislature at the end of September, 1843, the gap between the Governor and his Council widened with increasing rapidity until the celebrated resignation occurred two months later.

Before their resignation took place Baldwin and LaFontaine introduced and carried a motion for an address requesting that the capital should be transferred to Montreal. Although the question failed to produce the repeal agitation which Metcalfe had anticipated, it clearly revealed the clash of sectional interests inherent in the union. Just before the session began, Harrison resigned when his colleagues refused to permit the location of the capital to be an open question. The resolution introduced by Baldwin and seconded by LaFontaine passed by large majorities but not before attempts were made to retain the capital in Upper Canada, to hold a referendum, and to refer the question back to the British Government for decision.

Early in the session, before many Lower Canadian members had arrived, the Legislative Council passed an address requesting that the seat of government should be permanently located in Upper Canada. When the Council was invited to concur in the Assembly's address later in the session, several members protested that it was contrary to parliamentary procedure to consider a question twice in one session. When they were voted down, fourteen Upper Canadians including the Speaker, R. S. Jameson, walked out of the Council Chamber in protest. At the same time Jameson resigned as Speaker, but four days later Metcalfe replaced him with R. E. Caron, and with the protesting members still absent the Council voted unanimously to concur in the Assembly's address.

Because of the pardons which he had granted, Metcalfe got through the session of 1843 without an address in favour of a general amnesty, but he could not avoid one on the civil list question. Early in December resolutions were adopted in favour of an address expressing the Assembly's willingness to provide a civil list if the relevant clauses of the Act of Union were repealed. Metcalfe forwarded the address to Stanley with the recommendation that the offer should be accepted.

IV

When the long anticipated test of responsible government came, Metcalfe turned to D. B. Viger. It was the Governor's hope that the high regard in which Viger was held by his compatriots would enable him to supplant LaFontaine as leader, or at least to split the solid French party. Although Viger earnestly endeavoured to accomplish this task from December, 1843 until August of the following year, he met with almost

no success. From the beginning Metcalfe had feared that such would be the result, and yet he was at a loss to provide himself with a satisfactory explanation of Viger's failure :

The pardons of their Countrymen convicted of Treason, which have taken place, as the whole conduct of Government towards them during my administration, ought to have given me some influence among them as Her Majesty's representative, but I see no symptoms of any such effect. There seems to be a perverse readiness to oppose the British Government which requires only the opportunity to display itself. It may proceed from the habitual distrust which is said to form part of their character. It will eventually be seen whether this will be counteracted by the personal influence of Mr. Viger.²⁴

Metcalfe was sincere in his endeavours to abandon the policy of assimilation. He felt he had given ample evidence of his good intentions and he could not understand why French Canada should doubt his sincerity. With a sense of injury he informed Stanley that the French Canadians only had doubts regarding Viger — they were quite certain the Governor was opposed to their interests. He began to suspect that the French party was determined to dominate Lower Canada completely with no consideration being given to the English-speaking minority. If this was their objective, he would resist it to the end.

The Governor failed to realize that when his quarrel with the former members of his Council degenerated to the level of personalities, many French Canadians became convinced that *la survivance* was dependent upon responsible government as personified by Baldwin and LaFontaine. Coupled with this, the reluctance of influential French Canadians to take the risk of being labelled a "vendu" was sufficient to defeat Viger's efforts.

By the end of July, 1844, it was obvious that Viger's success would be limited to the acquisition of D. B. Papineau, a brother of the rebel leader and a close relation of his own. Metcalfe had no hope of forming a Government which would be sustained in the Assembly, and there was no course open to him but an appeal to the province in a general election. The loyalty theme, which had been introduced by Metcalfe in his replies to addresses and which had been stressed by pamphleteers supporting his stand, had its effect in Upper Canada. Baldwin was elected for the fourth riding of York, but the ranks of his supporters were seriously depleted. As a result, the Government was able to command a small majority in the new Assembly.

Reporting the election results to Stanley, Metcalfe declared they revealed that British feeling and loyalty prevailed in Upper Canada and the Eastern Townships, but "disaffection" was predominant among the French Canadian constituencies. He explained that by disaffection he

²⁴ *Ibid.*, Vol. 143, pp. 4-34, Metcalfe to Stanley, Jan. 26, 1844.

meant the "anti-British feeling, by whatever name it ought to be called or whatever its foundation, which induces, habitually, a readiness to oppose Her Majestys' Government".²⁵ He assured Stanley, however, that the French party did not aim at immediate separation from the Empire, union with the United States, or the formation of an independent republic. "If it has any definite object, it is the ascendancy of the French Canadian Nationality", he added.

Metcalfe was naturally disappointed that the measures which had been adopted during his administration had failed to reduce the anti-British sentiments of French Canada, but he saw quite clearly that the answer was neither exclusion from office nor a return to assimilation :

It is my belief that by a consistent conduct, steadily pursued for a series of years, this hostile phalanx might be successfully combatted and dispersed. The course which I would recommend would be to leave the French race no pretext for complaint; to treat all as if they were well affected; to give office, emolument and privilege equally to the French or British race, equal fitness being presumed; and to avoid the exclusion even of those ranged in opposition whenever the occasion might justify a selection from among them, but to be careful to distinguish and reward those of the French race who shew a loyal disposition and a desire to support Her Majesty's Government. I entertain a strong conviction that this course would, in a short time, lead the French Canadian politicians to perceive that a pertinacious opposition to Her Majesty's Government would not tend to promote their own interests.²⁶

During the session of 1844-1845 Metcalfe felt obliged to sanction an assault upon the restrictions on the use of the French language despite his instructions to the contrary. With the Governor's approval, D. B. Papineau introduced an address requesting the repeal of the restrictions which was carried unanimously in both houses. Metcalfe frankly admitted to Stanley that he had disregarded his instructions, but claimed that there were extenuating circumstances. From the opening of the session it was obvious that LaFontaine and his followers intended to make the restrictions on the French language "a claptrap for popularity". If they had been left to introduce the address, and if Metcalfe had ordered the members of his Government to oppose it, LaFontaine would have succeeded in the "double game of producing a feeling of hatred against the Government, and of ruining in the estimation of their Countrymen the French Canadian members of the Executive Council".²⁷ D. B. Papineau was well aware of the trap which LaFontaine was preparing for him as the only French Canadian member of the Government sitting in the Assembly. He had already been placed in the embarrassing position of being required to vote for MacNab as Speaker instead of his countryman, Morin. He urged Metcalfe to permit him to steal a march on the opposition by initiating the movement for the repeal of the language restrictions. The Governor

²⁵ *Ibid.*, pp. 196-215, Metcalfe to Stanley, Nov. 23, 1844.

²⁶ *Ibid.*, pp. 325-62, Metcalfe to Stanley, May 13, 1845.

²⁷ *Ibid.*, pp. 240-5, Metcalfe to Stanley, March 13, 1845.

agreed because he was unwilling to force Papineau into an untenable position. In justifying his action to Stanley, Metcalfe argued that English predominated in the province and would continue to do so to a gradually increasing degree as British immigration flowed in. However, this increase was retarded rather than promoted by the existing restrictions on the use of French. They were seized upon "in order to incense the minds of the People, and rouse a spirit of counteraction calculated to diminish the use of the English Language".²⁸ Metcalfe was not prepared to predict that the concessions which he recommended would remove the "malignity of the misleaders" of French Canada, but he asserted "it would at least deprive them of what is apparently the only remaining plea on which they can ground their excitement of general discontent".

In England, G. W. Hope, Stanley's Under-Secretary, approved Metcalfe's views but they found no favour with Sir Robert Peel. In a memorandum prepared for the Cabinet, Peel asserted that an application to Parliament on the subject would be "ill-timed". He considered Metcalfe to have acted imprudently in permitting the application to be made with the Government's sanction. "The reason he alleges for doing so will justify the anticipation in the same way of still more objectionable proposals by his opponents", Peel declared.²⁹ The Prime Minister realized that it would be difficult now to negative the request, but he hoped that the application to Parliament for an amendment to the Act of Union could be postponed at least. Peel's opinion prevailed and almost a year went by before a despatch³⁰ was written authorizing Cathcart, Metcalfe's successor, to inform the Legislature that the language restriction would be repealed, and it was two years more before the amendment to the Act of Union was actually passed.³¹ The real significance, however, lay not in the delay involved, but in the fact that by the time Sir Charles Metcalfe left Canada the policy of enforced assimilation had been completely, albeit reluctantly, abandoned.

V

Because he was not wedded to the policy of assimilation, Metcalfe soon became aware of the basic weaknesses of the union. When he had been in the province just three months he wrote to Lord Stanley :

I wish I could anticipate the day when all would be reconciled, and United Canada would be really united in Internal Harmony and attachment to the British Crown. Such a consumation is, I fear, remote and uncertain....³²

²⁸ *Ibid.*

²⁹ P.A.C., Derby Papers, Memorandum by Peel, April 25, 1845.

³⁰ P.A.C., Record Group 7, G5, Vol. 34, pp. 412-3, Gladstone to Cathcart, Feb. 3, 1846.

³¹ 11 & 12 Vic., Cap. 56.

³² C.O. 537, Vol. 142, pp. 347-52, Metcalfe to Stanley, June 25, 1843.

He realized that assimilation was neither possible nor desirable and he sensed that without it there was no justification for the union. To John Beverley Robinson he confided:

My own opinion of the Union, formed since I came to Canada, is that it was an unwise measure fraught with much mischief that has naturally resulted from it... My present duty is to work the Union as well as I can and not to find fault with it (but) my best endeavours to do that, or to administer the Government of this province with any good effect, are I fear likely to end in complete failure.³³

When Metcalfe looked to the future, he saw the break-up of the union. He apparently never realized that he had cleared the way for the operation of a quasi-federalism which would save the union for another twenty years. LaFontaine, however, was instinctively aware of the federal elements implicit in the Canadian situation. Early in his celebrated correspondence with Hincks he had suggested that a federal union would more adequately answer Canadian requirements than a legislative one. While admitting the validity of LaFontaine's claim, Hincks had brushed it aside with the assertion that the contemplated municipal councils would provide the federal system which he sought. The close affinity which developed between Baldwin and LaFontaine caused the French Canadian leader temporarily to lose sight of the federal solution, but the situation created by the election of 1844 brought it to the fore again. The French Canadian members continued to hold a large majority of the Lower Canadian seats in the Assembly, but among the Upper Canadian members Baldwin's supporters were in a decided minority. From 1845 to 1847, in a sporadic correspondence with Caron, Draper continued Metcalfe's efforts to align the French party in support of the Government. Upon being asked for his advice, LaFontaine suggested that the French party should insist that the Government be constructed upon a double majority basis. In other words he advocated the creation of a quasi-federal system within the framework of the legislative union. Caron's reply to Draper was based entirely upon the advice which LaFontaine had given :

It has been assumed as a principle that the direction of affairs should be in the hands of the two prevailing parties in each section of the Province, that the administration ought no more to govern Lower Canada by means of a majority obtained in Upper Canada than it ought to govern the majority of Upper Canada by means of the aid Lower Canada should give it.³⁴

The Upper Canadian members of the Executive Council were supported by a majority from their section of the province, but just the opposite was true of the Lower Canadian representatives in the Council. As a *sine qua non* Caron demanded the Lower Canadian seats in the Council should be placed at the disposal of the French party.

³³ P.A.C., J. B. Robinson Papers, Vol. 3, Metcalfe to Robinson, March 11, 1844.

³⁴ LaFontaine Papers, Caron to Draper, Sept. 18, 1845.

Although Draper and his colleagues were prepared to go a long way to meet Caron's demands, they were reluctant to accept a full scale reorganization of the Lower Canadian section of the Government, and, as a result, the alliance was not achieved. Even if Draper had accepted Caron's terms the evidence of the 1860's would indicate that the double majority principle could not have operated satisfactorily in the Assembly. However, the prominence of the concept in the Draper-Caron negotiations is indicative of the strength of the federal elements in the United Province of Canada. The legislative form of the union prevented a full assertion of the federalistic tendencies as envisaged by the double majority concept, but it still left room for the development of a modified federal system which expressed itself in political and administrative dualism.

Sir Charles Metcalfe's biographer³⁵ sought to create the image of a strong man standing resolutely against the attempts of ultra democratic politicians to encroach upon the royal prerogatives. There is considerable truth in the picture which Kaye has given, but it is incomplete. He failed to show that Metcalfe, even more than Bagot, realized that assimilation was an unrealistic objective and dragged a reluctant, piecemeal admission of the fact from the British Government. By the end of his administration there remained no justification for preferring a legislative over a federal union, and the natural federalistic character of the Canadian union soon began to emerge without encountering opposition from the Imperial Government or the Governor.

The failure of Metcalfe and Draper to effect an alliance with the French party has induced Canadian historians to accept Kaye's lead and perpetuate the myth that Metcalfe, as an opponent of Baldwin and LaFontaine, was *ipso facto* an opponent of *la survivance*. From such a thesis it follows naturally that the survival of French Canada was obtained through the achievement of responsible government and that the two themes are virtually inseparable. A review of the evidence suggests a new perspective. Assimilation was abandoned before responsible government was conceded. Indeed, it might be asserted that by depriving the union of its original purpose, Metcalfe had unwittingly made it easier for the British Government to concede the full degree of responsibility claimed by Baldwin. In any event it is quite clear that there was no essential association of the two themes — responsible government and *la survivance*. Responsible government has been given the greater predominance in Canadian historiography, but the emergence of a federal concept, which was primarily the result of the survival of French Canada, would seem to merit much more attention than it has received. It was the pressure of federalistic forces which determined the character of the union and to a great extent it was the same forces which determined the character of the national union in 1867.

³⁵ John William KAYE, *Life and Correspondence of Charles, Lord Metcalfe*, (new and revised ed., London, 1858), *Selections from the Papers of Lord Metcalfe*, (London, 1855).