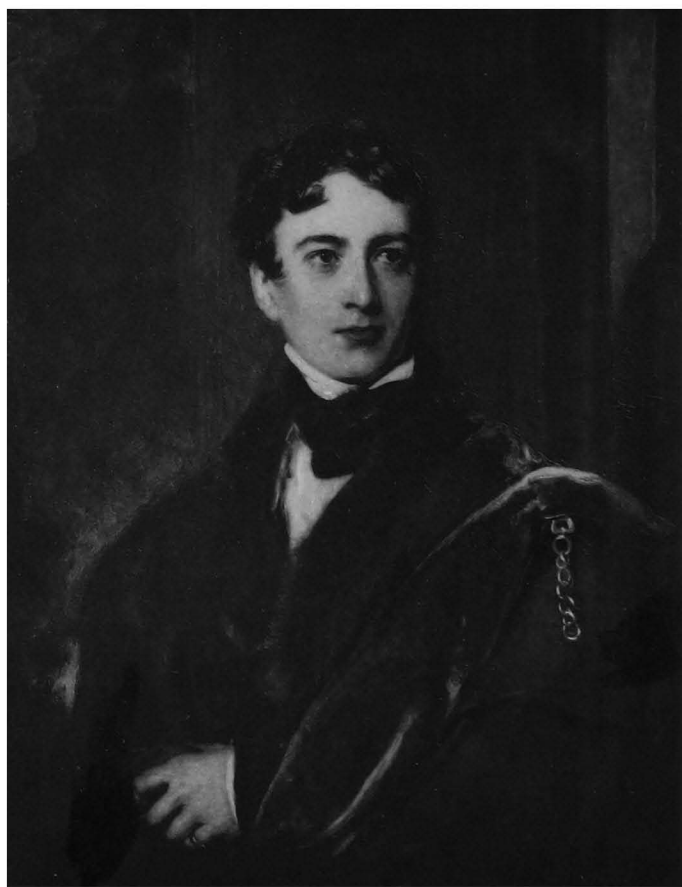


**LORD DURHAM**

OXFORD UNIVERSITY PRESS  
AMEN HOUSE, E.C. 4  
LONDON EDINBURGH GLASGOW  
LEIPZIG NEW YORK TORONTO  
MELBOURNE CAPETOWN BOMBAY  
CALCUTTA MADRAS SHANGHAI  
HUMPHREY MILFORD  
PUBLISHER TO THE  
UNIVERSITY



*John George Lambton, First Earl of Durham, G.C.B.  
from the portrait belonging to the Earl of Durham*

# LORD DURHAM

A BIOGRAPHY OF

JOHN GEORGE LAMBTON

FIRST EARL OF DURHAM

BY

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Ph.D., Professor of History  
McMaster University, Toronto

OXFORD

AT THE CLARENDON PRESS

1929

V 72, 11y7L92

F9

83 87

Printed in Great Britain

**TO MY WIFE**

## P R E F A C E

THIS book is written for the general reader as well as for the student of history. The foot-notes are designed for the latter, and the former may, of course, disregard them if he so desires.

Democratic government in Great Britain, confidence in the permanence of the British Empire, Anglo-American friendship, the self-governing nationhood of Canada and her sister peoples, are such significant and well-accepted factors in our modern life that it is with a feeling of strangeness that we go back to a world in which they did not exist. Yet they have come into being in less than a hundred years. The most powerful champion of all of them in the early years of their development advocated them with considerable success but at the cost of political adversity, and died at the age of forty-eight with his eyes fixed confidently on that future which is our present. It is his life-story that is told in these pages.

Lord Durham was the first British statesman (after the American Revolution) to urge that the relation between Great Britain and Canada should and must be regarded as a permanent one. But he did more than proclaim that faith to the world; he blazed the way to its realization in the last great effort of his physical strength. He pointed the way to a reconciliation of self-government and imperial unity. All of Canada's sister-nations of to-day—including the Irish Free State—are enjoying the fruits of that achievement. One by one their destinies have been shaped by the Durham ideas. But before he or any other man could blaze that path successfully, Great Britain herself had to be freed from the oligarchic rule which had lost the better part of the old empire—the 'American colonies'—and had to be guided towards democracy. Among the statesmen who effected that revolution of 1832, Durham displayed the most persistent zeal, the clearest vision, and he took the leading part in the actual preparation of the emancipating legislation. With almost equal clearness

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he saw the importance of the friendship of Great Britain and the United States.

He also played a decisive part in the establishment of an independent and neutral kingdom of Belgium, did much to save the peace of Europe in the 'thirties, was at least the nominal leader of the enterprise which resulted in New Zealand becoming a British colony; and the changes which he advocated (together with many middle-class leaders, but almost alone among cabinet ministers and their friends) with respect to the ballot, household suffrage, Ireland, and the fair treatment of Dissenters and Roman Catholics, became the great reforms of the next generation. He never concealed his opinions on any subject; he was too fond of them for his own comfort or that of any one else. But of the strange notions of 'Radical Jack', the judgement of history has justified all but one.

These historical developments are dramatized for us by association with his personality. Much of the storminess of his life may be ascribed to the conflict of great political and social forces, but not a little of it was due to the directness of his methods, the loftiness of his courage, his hypersensitive pride, and his violent temper. In him a magnificent manhood was hampered and marred by a singular childishness—a strange blending of noble visions and petty vanities, high sacrifices and puny impatience, sustained devotion and fiery temper, and through it all more than a touch of heroism. All his life the state of his health was such that few men so circumstanced would have thought of engaging in any form of public work. Through seasons of intense pain, and into one physical breakdown after another, he laboured on for the love of England that was in him; though frequently embittered, he responded to every call and continued to make labour and trouble for himself until tuberculosis, added to his other maladies, cut off his life. He was spurred on, no doubt, by ambition as well as by patriotism, but it was the sort of ambition that we covet for our sons and daughters.



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I do not pretend to have been unmoved by such considerations, but I believe that the weaker elements in Lord Durham's character are also clearly revealed. My business has been primarily to describe and interpret, and not to praise or blame. I have conceived of the task of the biographer as simply to set the stage and permit the central figure, his colleagues, friends, and opponents, to speak and act for themselves.

From this conception of biography it follows that the preface is the author's only refuge from anonymity. Here I have only one confession to make. I am a Canadian of the third generation and all of my grandparents were living in Canada in Lord Durham's day. That subjects me, I feel confident, to no party bias, but it does expose me to a pride that in the life of my own country there have developed certain world-shaping conceptions. It was my original intention to add an epilogue tracing those ideas from Lord Durham to their fulfilment in our own day, showing that it was our Canadian forefathers who cherished most warmly Durham's conceptions, that it was they who took the lead in insisting that the British Empire should not break up again, and in bringing his vision of the permanence and character of the Empire to a fuller fruition than even he had dreamed. But I decided that that was another story and that my task should end with his death.

Although I have gone to primary sources for nearly all of my information, my work has been made easier by those who have written on related themes and by the only previous biography of Lord Durham, that of the late Stuart J. Reid. It was this latter book, written twenty-two years ago, that first called attention to the fact that Lord Durham's place in British history is much larger than that associated with the writing of his famous Report. Stuart Reid's book was based almost entirely on Lord Durham's papers at Lambton. Only one who has studied that mass of papers himself can appreciate the industry involved in making a way through

them for the first time. But my principles of selection were very different from his, the greater part of the material which I have taken from the Lambton papers was not utilized by him, and I have tapped a large number of additional sources.

I have been particularly fortunate in the nature of the assistance I have received in my researches and the willingness with which it has been afforded. Several years ago the third Earl of Durham generously donated to the Canadian Archives all of his grandfather's papers which related to Canada. He also very kindly placed at my disposal all of the papers remaining at Lambton and relating to the other parts of the first Lord Durham's career. From the first he understood and approved of the type of biography which I proposed to write—no faults to be obscured, no unfavourable criticism withheld where it was necessary for a discernment of the truth. He granted me the use of all the papers unconditionally, without either reservation or suggestion. To such an attitude history and biography must always owe an incalculable debt. Lord Durham kindly assisted me in the search for other papers, although most of the inquiries for original letters of the first Lord Durham elicited the response that none could be found. He continued his kindly and friendly interest in my work up to his death in the very week in which the printers began their work on this book.

I also owe the sincerest thanks to Earl Grey, whose family has probably been more closely associated with Canadian political development than any other in England, for the cordial manner in which he afforded me access to the papers of the second Earl Grey, Lord Durham's father-in-law and political chief. My researches in England were also facilitated by the Hon. Peter Larkin, the Canadian High Commissioner, and by Dr. G. M. Trevelyan and Sir Charles Lucas. Among the many others who rendered assistance in the 'Old Country', my thanks are especially due to the officials of the British Museum and the Public Record Office. I wish also

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to express my appreciation of the assistance afforded to my work in Canada by Colonel Alexander Fraser, the Ontario Archivist, and by the librarians and attendants of the libraries of the University of Toronto, the Law Society of Upper Canada (Osgoode Hall), the Canadian Archives, and the Toronto Public Library. Of these institutions in which the greater part of my work was done, special mention must be made of the Canadian Archives, the great repository of sources for Canadian history. The greatly increased efficiency of the Archives in recent years, due largely to the efforts of the Dominion Archivist, Dr. A. G. Doughty, has placed historical scholars under a deep obligation. My last acknowledgements, and by no means the least, are due to Dean W. S. W. McLay of McMaster University and Professor R. G. Trotter of Queen's University, who read the whole of my manuscript from literary and historical points of view respectively, and to Professor R. Flenley and Professor W. S. Wallace of the University of Toronto, each of whom read several chapters. All of these made helpful criticisms and suggestions.

C. W. N.

McMASTER UNIVERSITY,  
TORONTO, 1928.

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John George Lambton, First Earl of Durham, G.C.B.

By kind permission of the Earl of Durham,

K.G. . . . . *Frontispiece*

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## APPENDIX

### THE AUTHORSHIP OF LORD DURHAM'S REPORT

THE question of the authorship of the Report has not been dealt with in the body of this book because in a work that is intended for general readers as well as historical scholars, one should, so far as possible, emphasize the results of research and reflection rather than the processes by which those results have been reached. Although the consensus of historical scholarship in recent years has been to the effect that there is no reason to question Lord Durham's substantial authorship of his Report, I have sought out everything that might bear on this question and given it the most careful consideration. I have found that the suggestions that any one but Lord Durham was the principal author of the Report emanated in earlier years from those only who sought to attack and discredit it for political reasons; that they were repeated later only by those who were not in a position to know the facts; and that the evidence supporting Durham's authorship is stronger than might naturally be expected under the circumstances and is quite convincing in character.

For the sake of historical scholars, not familiar with the details of this particular field, I am giving here a summary of the evidence on this question.

It will be evident from previous pages of this biography that during the two months which preceded the presentation of the Report, Lord Durham was hard at work on something which forced him to decline all invitations and that apart from the Report nothing seems to have been pressing; that he and Lady Durham both wrote to personal friends at the time to the effect that he was working hard on the preparation of his Report; that he told the Lords that he had completed it 'at the cost of considerable labour and much anxiety of mind'; that he wrote with his own hand all of his most important dispatches; that he realized that the Report was his greatest work and that, in respect to it, he was under a solemn pledge to the people of Canada; that the report of the Reform Bill committee, his writing of some of Prince Leopold's most critical communications, his report on the Belgian situation, and the report on Russia show that this was just the sort of work that he did best and that he was quite aware of that; and that the Report bears a character that corresponds exactly with that which he displayed throughout his public career.

Even if no other facts which pointed in that direction were available, these would be so conclusive in themselves, that only

the strongest sort of direct evidence to the contrary could make the question an open one. What is the character of the evidence in the latter direction? Lord Brougham began it five days after *The Times* commenced the publication of the Report, when he met Macaulay in Lincoln's Inn Fields and told him that it was a second rate article for the *Edinburgh Review*; 'the matter came from a swindler [Wakefield], the style from a coxcomb [Buller]; and the dictator furnished only six letters, D-U-R-H-A-M.' How could Brougham, of all men, be possessed of information which could justify such a statement within two weeks of the completion of the Report? There are other reasons why Brougham was not a good witness. His disregard of truth when he had a point to gain was the weakest aspect of his character. The point in this case is not difficult to discern. The Report itself was to be disparaged, both for its own sake and because of the possibilities of its association with the policy of the Government; the best way to disparage it was to represent it as being the work of Wakefield and Buller. Durham himself was not to be attacked, partly because his reputation for political ability was far above theirs and partly because Brougham thought of him at this time as a possible ally in the destruction of Melbourne. We have seen that during the following weeks Brougham was at great pains to be friendly to Durham on every public occasion. Two months before this Wakefield had warned Durham that in their effort to secure his support the Whigs had adopted the policy of sparing Durham but falling hard on his advisers. 'If this trick should succeed with you, they would then say that your acts in Canada were but nominally yours and really those of Turton, Buller, and myself. They go about now, saying that all the "indiscretions" you have committed . . . were our doing.' What was good policy for the Whigs in December was good policy for Brougham in February, and he had the advantage of being able to build on the basis of the hints which the Whigs had thrown out. We may be sure that Brougham had this rumour spread far and wide.

Five days after this conversation between Brougham and Macaulay, Judge Haliburton, champion of the Nova Scotia Tories, began his series of violent attacks on the Report. Nothing was too bad for him to say about it. But some things apparently were too bad to charge against Lord Durham. The reference to Sir John Colborne in connexion with the rectories is represented as being crafty, mean, and insinuating. 'I cannot believe it to have emanated from your pen. It is evidently the work of an inferior mind and as the document bears internal marks of being

the joint product of several persons, I gladly avail myself of the supposition to avoid the pain of charging it upon your Lordship.' The account in the Report of Sir Francis Head's administration is represented as being full of falsehood, slander, and even disloyalty. Again 'the poisoned arrows discharged in this Parthian flight belong not to a British armoury, and whoever the auxiliaries were that used them, they were unworthy to be found in the train of an English Viceroy'. Further on Haliburton wrote: 'This report is not your own, my Lord; your prejudices are strong, your politics bad; and your credulity greater than either; but you are a man of honour and a man of truth.' There is no evidence here, nothing but surmise or the shift of a controversialist. If it was solely the latter, as it probably was, Haliburton's game was different from that of Brougham. His interest was not in English politics, but in the effect of the Report on the situation in British America, where much of its value depended on its being accepted as the work of Lord Durham. No one can read Haliburton's letters to *The Times* without being convinced that he was determined to bring out everything that he could to injure the Report. Yet he made no attempt to point out the 'internal marks' of the Report being a joint product.

The Family Compact of Upper Canada in its replies to the Report through the Legislative Council, the Legislative Assembly, and John Beverley Robinson's communications to the British Government, threw no doubts on Lord Durham's authorship in the main, but suggested that he was not personally acquainted with that province and that the information on which the Upper Canada section of the Report was based must have been collected by some one else. The *Quarterly Review*, in its bitter, illogical, and most unjust attacks on the Report, spoke occasionally of 'its authors' and of 'Lord Durham's Camarilla'.

In 1846 Sir Francis Head published his *Emigrant*, in which for the first time an attempt was made to provide evidence to support the suggestion that the Report was not written by Lord Durham. Writing in his own vindication and in condemnation of Responsible Government and the Act of Union, he was at great pains to prove that Lord Durham was strongly opposed to the Union project, which was one of the principal recommendations of the Report. But he was not satisfied with that.

'Lord Durham's proclamation in Canada against the British Parliament,—his abandonment of his post without waiting to be relieved,—his march of false triumph from Falmouth to London,—the publication of his Report in *The Times* newspaper before the Queen had laid it before Parliament; and



lastly, its disreputable contents, formed altogether indisputable evidence of the fact which, I trust, will shield his memory from all blame,—namely, that his mind had been temporarily affected; that, to speak plainly, he was for a moment out of his senses, and that in this state he had signed a most voluminous Report and Appendix, the greater part of which he had probably never read,—and, if he had read it, was not in a fit state to understand it.'

On this basis he accused Sir Robert Peel of being less deceived than deceiving when he based his support of the Union Act on his confidence in Lord Durham's personal reputation. In another part of this book Head wrote that 'two of those who were its [The Report's] real authors had been convicted by the tribunals of this country of offences of a most unusual description'. Whatever influence these arguments may have had on those who were not acquainted with the facts, they will appear self-condemned to all who have followed the details of Lord Durham's actions following his resignation. The letters of Edward Ellice quoted in a previous chapter (pp. 488-9, *ante*) destroy in themselves the argument relating to Durham's opposition to the Union. Representing the report to be the work of criminals and subordinates rather than that of a statesman with a reputation of the first order was simply a repetition of the old game begun by Brougham and Haliburton, although the erratic Head probably played it with sincerity.

In 1849-50 Harriet Martineau published her *History of the Thirty Years' Peace*. She stated that Charles Buller had been Lord Durham's chief secretary in Canada and added, 'It is understood that the merit of the celebrated report is mainly ascribed to him' and 'He was but thirty-two when he finished his work at the Canadian report'. At the same time she gave Lord Durham credit for the policies of the Report and stated that 'from the moment when John George Lambton fixed the attention of the best opposition men, by his maiden speech, to that in which he provided for the establishment of responsible government in Canada, he was the trust and hope of the most highly principled Liberals in the country'. In her autobiography, published later, she apparently credits Buller with the style of the Report, which had been highly praised. Harriet Martineau evidently believed that Buller did the actual writing, and the 'merit' she spoke of was, in the main, literary merit.

Here for the first time we have the story that Lord Durham did not write the Report repeated by one who was not actuated by antipathy to it. Miss Martineau was enthusiastic in praise

of the Report and Lord Durham was her particular hero in the political arena. What was the source of her information? She stated in a foot-note that her chapter on Canada was 'written from private knowledge as well as from public documents'. A comparison of her narrative of Lord Durham's mission with Charles Buller's *Sketch* (published for the first time by Sir Charles Lucas in 1912) shows that she employed the Buller manuscript (at that time in the possession of Lord Durham's family) to such an extent that her account was simply a brief summary of it supplemented by scraps of information from current 'public documents'. Her only source of 'private information' then was this manuscript. She stated specifically that Lord Durham told her nothing, and if Buller had told her anything there would have been details in her account which were not to be found in the manuscript. As this statement about Buller writing the report is the one exception, we would be inclined to conclude that it was based on current rumour, were it not that a definite source of information is suggested by the fact that Miss Martineau was a relative of Henry Reeve, who, knowing her to have been a friend of Lord Durham, would probably impart to her the story, referred to below, which Richard Hanson had told to a gentleman who told it to him. Her use of the phrase 'it is understood' and her avoidance of a definite statement that Buller 'wrote' the Report show that she had some doubts in regard to the story, whatever its source may have been. Miss Martineau's *History of the Thirty Years' Peace* was an influential book in its day, and as no one knew what her source of 'private information' was and she was known to have been a friend of Lord Durham and Charles Buller, the statement referred to must have materially strengthened the earlier rumours.

In John Stuart Mill's *Autobiography* (1873) reference is made to 'Lord Durham's Report written by Charles Buller, partly under the inspiration of Gibbon Wakefield'. Occurring as it does in an autobiography written in old age, more than thirty years after the event, with no source of information indicated, and with a rumour to that effect in circulation for decades, apparently accredited by the best history of the period existing at the time, this isolated statement has practically no independent value.

In 1885 Henry Reeve edited and published his second instalment of Greville's *Diary*. In a foot-note to this work, Reeve wrote in regard to the Durham Report:

'The copy which appeared in *The Times* was sent to that journal by Mr. Hanson, who was one of the persons allotted to Lord Durham's mission. . . . This gentleman gave the

following account of the transaction. The whole report was written by Charles Buller, with the exception of two paragraphs on Church or Crown lands, which were composed by Gibbon Wakefield and Mr. Hanson. After the report was presented to the Colonial Office, the Government wished these two last paragraphs to be modified. This Lord Durham was inclined to do. Wakefield resented this, and in order to prevent any change he got Hanson to send a copy of the Report to *The Times*, where it appeared the next day. These particulars have been communicated to me by a gentleman to whom Sir Richard Hanson related them.'

This has been thrown out of court by some writers on the ground that no such paragraphs exist in the Report, where instead of paragraphs, whole sections are devoted to Church lands and Crown lands. But it cannot be dismissed so easily. The words do not necessarily mean that these were the only paragraphs relating to Church or Crown lands and may refer to *any* two of the many paragraphs that deal with one subject or the other. The writer was uncertain, however, whether it was Church lands or Crown lands.

This is third-hand evidence, which reveals in itself the marks of confusion and was given nine years after Hanson's death, and forty-five years after he left England. The second and third parties probably knew very little about the Report, and might easily have misunderstood and misrepresented any reference made to it. The accuracy of Reeve's foot-notes on Canada may be judged by the following examples: 'Sir John Colborne, *Lieutenant-Governor of Canada* at the time the insurrection broke out.' 'Lord Durham had passed an ordinance enacting that *Papineau* and the leaders of the Canadian rebellion should be transported to Bermuda.' Upon the receipt of the intelligence of the *Declaratory Act*, Lord Durham at once announced in Canada his determination to resign. The *disallowance* of the Ordinance and his *official recall* crossed this intimation on the road.' Could confusion be worse confounded than these foot-notes designed to smooth the path of the unwary reader?

Assuming that there was anything in the original story, which is open to doubt, I submit the following conjecture. In the 'Public Lands and Emigration' section of the Report (*not* the separate report on that subject, which is out of the question here if the association with the publication in *The Times* is to be retained) there are only four paragraphs on 'Church Lands', that is Clergy Reserves. *Two* of these deal with a subject in itself, the 'violation of law for the benefit of the clergy', that is the actual reservation of one-seventh of the land of each town-

ship, instead of the one-eighth which, it was claimed, was provided for by the Constitutional Act. One of these paragraphs relates to Upper Canada, the other to Lower Canada. In each the statement is made that a certain amount of land and a certain sum of money has been appropriated which rightfully belonged to the public. The Government might well object to some of these statements, particularly as the meaning of the Constitutional Act is not at all clear. Hanson would have a particular interest in these two paragraphs because he had been asked to make a special report on the subject with which they dealt. This special report formed part of Appendix A, which was presented to the Government in manuscript form the day before the main Report was sent to *The Times*. This was the only sub-report signed by Hanson. The only place where his name is mentioned in the main Report is in one of these two paragraphs. Hanson had been taken to Canada specifically to work on the question of public lands, and it is likely that the Public Land section of the Report was the only one in which he was very much interested. He may have told the gentleman mentioned by Reeve that the Public Land section of the Report was written by Buller with the exception of these two paragraphs which were written by Wakefield and himself. The subsequent confusion in the transition of the story would be a very natural one under the circumstances. This would be consistent with the difference in style between this section and the sub-report on public lands and emigration, which appears to have been written mainly by Wakefield, and it does not conflict with the evidence in support of Lord Durham's substantial authorship of the main Report and more particularly the sections on Lower Canada and the recommendations. That is admittedly guess-work, but it is, I believe, plausible, and it is the only way in which I can harmonize the Reeve story with the strong evidence in favour of the Durham authorship. As evidence for Buller's authorship of the Report—and it is all we have—it cannot stand against the mass of direct and circumstantial evidence in support of Lord Durham's authorship.

The latter is not limited to what is summarized at the beginning of this note. That is merely a reference back to matters already mentioned in this book. Lord Durham was not the man to take credit for what had been the work of others. In sending the sub-report on public lands and emigration to the Government, he stated that the main credit was due to Wakefield and insisted that it should be publicly assigned to him. In the House of Lords, July 26, 1839, he gave full credit to his subordinates for the 'information conveyed in the Report'. 'He should be un-

grateful if he did not acknowledge how much he was indebted to those industrious persons by whom he had the good fortune to be surrounded . . . so much so that to their industry more than to his own was the production to be ascribed. It was an epitome of all the information which they gave him'. But he went on to speak of the wording of the Report as his own. 'He hoped that in view of the recommendation that he had made, that a responsible government, as it had been termed—for *he himself had never made use of the phrase*—should be resorted to. . . .' (The phrase was used three times, I think, in the Report, but always in a general sense and not in relation to this recommendation of British cabinet government, where he carefully avoided it. It was this latter, no doubt, that Lord Durham meant.) In a letter to the North American Colonial Association, replying to one of their resolutions, criticizing the Report, Lord Durham said:

*'If my meaning is to be deduced from the clearest terms which the English language afforded me, from the plainest expressions constantly employed, from the simplest arguments enforced, at least with great care and earnestness, it will be seen that instead of representing the "disloyal class" in Upper Canada and other North American provinces as "numerous and respectable" I have represented the loyalty of the population as an enthusiastic and almost universal feeling.'*<sup>2</sup>

Although he never just said 'I wrote my own Report', which was hardly to be expected, Lord Durham at different times said that he was working at it, that he had prepared it and that in it he had said so and so and had employed certain expressions.

Lord Durham died in 1840, and immediately after his death Charles Buller wrote his sketch of the Durham mission to Canada. It remained in manuscript form until 1912. In this document, Buller frequently spoke of his own part in the work of the mission and his advice to his chief, but in regard to the Report, apart from a statement to the effect that he stayed behind in Canada to collect some material for it, he gives full credit to Lord Durham. The Report is represented as Lord Durham's crowning achievement. In relation to it he speaks of persons who regretted 'that Lord Durham should have said anything about Responsible Government, or at any rate that what he said should have been published to the world'; he speaks of 'Lord Durham's views'.

'In this, as in every other part of his course through life, he left the trodden path of old routine and bygone systems and was the first to advance towards whatever of wider and clearer

<sup>2</sup> *D.P.* 6, iii, 163 seq. The italics are mine. The words are printed here for the first time.

views the enlarged experience of mankind has in these days reached. Here, as in other matters, his foresight enabled him to base his policy on those principles on which the coming age of the world will be ruled. . . . As coming events in their appointed course shall prove the sagacity with which he foresaw them . . . so will shine forth with daily increasing brightness the character of that statesman, who alone in his day rightly appreciated the worth of our Colonial Empire, and saw on what deep and sure foundations of freedom its prosperity might be reared.'

Could such words have been written by Charles Buller if he himself had written the Report or if any one else had written it except Lord Durham himself? Certainly Buller knew the facts.

I find the same thing in Buller's letters, where he speaks of Lord Durham's policies, Lord Durham's views, and 'what Lord Durham meant by Responsible Government' (this last in Buller's letter to Lady Durham, August 27, 1840), all in relation to the Report. In the House of Commons, within six weeks of its completion, Buller was quite uncertain about the wording of the Report and had to fall back on what he knew to be its general intention. What is more significant is that he was *wrong* about what the Report said and he had to partially retract a contradiction of a correct statement of Hume's.<sup>1</sup> 'He did not speak to the words of the report,' reads Hansard, 'nor as to how far these words bore out the impression which he knew to have been made and impressed on Lord Durham's mind by the evidence taken with great pains on the spot. . . . He was sure, however, that the object of the Report was to free Sir Francis Head from the charge of creating fictitious votes.' In speaking on the Union Bill a year later, Buller clearly misinterpreted the Report on a cardinal point when he said: 'The plan before the House was not that which Lord Durham had proposed, for instead of the union of the two provinces, his noble friend had proposed to unite the British provinces altogether. . . . What had been proposed by his noble friend was the best of two alternatives—and then, if it were not possible to do that, to unite the Canadas.'<sup>2</sup>

During Lord Durham's life, the story that the Report was written by somebody else appeared publicly only in Haliburton's attack, whose insulting language was beneath Lord Durham's contempt, and the Tory reviews, which were not much better. They simply made assertions without supporting them in any way, and there could not have been any satisfaction to Lord

<sup>1</sup> Compare *Hansard*, 3rd series, xlv, 1314, with *Report*, p. 162, on Head and land-patents in the election of 1836.

<sup>2</sup> *Hansard*, 3rd series, liv, 740; compare *Report*, pp. 322-3.

Durham in saying 'You are liars' to persons who had been lying about him all his life. But in Head's *Emigrant* (1846) for the first time there is a show of evidence and argument to support the suggestion. Buller replied to that in reviewing the book for the *Edinburgh Review*, April 1847, in which he characterized the statement that 'Lord Durham was not its [the Report's] author' as a 'groundless assertion'. Although this review was unsigned (as all reviews were at that time), it was definitely stated that Buller wrote it and his authorship has never been questioned. Even if it were, the evidence would still be strong, as the review bears internal evidence of its author having been a member of Lord Durham's staff.

In many of its more important features it may be authoritatively stated that the ideas of the Report are not Buller's ideas. His reported expressions of sympathy with the French-Canadians both before and after Lord Durham's sailing from Quebec are inconsistent with his authorship of the Lower Canada section. And Wakefield wrote to Molesworth as late as September 29, that he disagreed with Buller and held that 'this country *must* be made English by one means or another'.<sup>1</sup> Ellice's letter quoted on p. 489 of this book shows that at the last moment Buller was still fighting for the recommendation of an immediate federation of all the colonies against Durham's decision for a legislative union of the two Canadas. Nor is there any evidence that Buller was converted on either point; he submitted in the sense that he did not publicly oppose Durham's views at the time, but that is not conversion. Four years later in an admirable speech on colonization, Buller said:

'The only passage in Lord Durham's report which subsequent events have at all shown to be founded in error is that in which he deplores the impossibility of ever reconciling the existing generation of French Canadians to the British government. The mistake shows that, highly as he has rated the amiable qualities of that people, he underrated their forgiving disposition, and that he has also underrated the efficacy of those great measures of conciliation which he recommended.'

It has been suggested that the Report was written 'under the inspiration of Wakefield', but no evidence of this has ever been presented, and no matter how innocently it may have been repeated, it had its origin in the attempt to discredit the Report by suggesting that its substance, or its 'matter', to use Brougham's word, came from a man who had served a prison sentence for a particularly heartless conspiracy to defraud. The ideas on public

<sup>1</sup> Mrs. Fawcett, p. 201.

lands and emigration are, of course, Wakefield's. For years Wakefield had concentrated his attention on efforts to convert men to those theories known collectively as 'the Wakefield system'. But he had never indulged in theories of government. The fact that in a Utopian frame of mind he had written one sentence in the Letter from Sydney (1829) which suggests the enjoyment of ministerial responsibility by a colonial government is of hardly any significance. Although a voluminous writer, he never developed the idea, never even mentioned it again in a period of ten years. He was taken to Canada to do a specific piece of work, to make investigations and recommendations in his own field—that of public lands and emigration. Durham, who had been engaged with constitutions all his life, went there to make investigations and recommendations in regard to a new form of government. In the absence of any evidence to the contrary and the presence of much in that direction, one may assume that Wakefield, who had specialized in economic theory, provided the economic theory in the Report, and that Durham, who had specialized in political theory, provided its political theory. Again, what I have called the 'character' of the Report is, in its main sections, as unlike Wakefield as it is like Durham.

The style of the Lower Canada section and of the recommendations is that of Durham's dispatches and his earlier reports. But the sections on Upper Canada, the other provinces, and public lands and emigration are more doubtful. The Upper Canada section sounds like Durham occasionally, but one feels that he cannot be sure of it; that may be because, if it was written by Durham, he was discussing a field concerning which he knew very little directly and was obliged to depend upon information supplied by others. The remainder, following closely reports and digests, shows few characteristics of style, but the public lands section seems to come from a different hand than Appendix B.

The solidification of the judgement of scholarship in recent years in favour of what I have called 'substantial Durham authorship' has been quite decided. That position has been taken by every writer who has investigated the subject. Until quite recently no such investigation was made, and, in any case, many of the facts here adverted to were not available. Dr. Garnett in his *Life of Wakefield*, 1898, concluded that Durham wrote the section on Lower Canada and the recommendations section, and that Buller *may* have written the section on Upper Canada. He also believed that whatever suggestions and digests were presented by his lieutenants, everything that went into the Report was given the most careful consideration by Durham himself. Dr. Garnett



stated later that the style of the introduction and the Lower Canada section is Durham's, subsequently another style appears, probably Buller's, further on still another, probably Wakefield's, and in the recommendations section Durham's style can again be recognized. But, as I have suggested, those differences could be accounted for by the difference of subject-matter.

Professor Egerton, the leader for a number of years in all matters of colonial history, expressed in his Oxford lectures and in the *English Historical Review*, the conclusion that Lord Durham wrote the whole Report. Mr. Bradshaw in his *Self-government in Canada* (1903) ascribed the section on Lower Canada and the recommendations to Durham, although he believed that Wakefield made some contributions to them, and the Upper Canada section to an original draft by Buller worked over by Durham. 'Durham was too honest to accept praise for other men's work and too haughty to sign his name to other men's opinions.' Mr. Bradshaw agreed with Professor Egerton that the decisions and policies were Durham's, no matter from whom the information may have come. He designated the sources of information with a confidence which I cannot share. Dr. Stuart Reid in his *Life of Lord Durham* (1906) made a strong but incomplete and somewhat inaccurate statement supporting Durham's authorship. Mr. E. M. Wrong, in his work on *Charles Buller and Responsible Government* (1926), expressed his conclusions as follows:

'Historical gossip, for it is little more, often regards Buller as the chief author of that Report. Brougham spread and possibly originated that story. . . . As far as style is evidenced the main body of the Report reads as if it were by the author of Durham's dispatch on 9th August, 1839, and Durham drafted that with his own hand. . . . In origin it is a composite document. But it has never been proved that Durham did not put the whole together in its final form and write large sections with his own hand. For such a view there are strong arguments. . . . Buller never claimed the authorship, and in 1847 wrote that the statement that Durham had not written the Report was groundless. . . . Of course the question whether Durham penned every line is a very minor one; probably sections were drafted by others for his amendment and incorporation in the whole.'

Thus it will be seen that, while differing in detail, all those who have investigated the question are agreed in ascribing the authorship substantially to Lord Durham. To their conclusion I add some disagreement and some scepticism on minor points, an acquiescence in the main position, and whatever is new in the evidence I have adduced and the manner in which I have presented it.

## BIBLIOGRAPHY

As this book is based almost entirely on primary sources, the part of the bibliography dealing with secondary works is of minor importance. Every book which embodies even in the briefest manner the outline facts of imperial or Canadian history must make some reference to Lord Durham and his Report; consequently the listing of books which make mention of Lord Durham would be a task as impossible as it would be useless. Only books which make an unusual or extended reference are included here. I have attempted to indicate the general accuracy or inaccuracy of these. A few secondary works contain contemporary letters and documents bearing on Lord Durham's life which are not to be found elsewhere; these, of course, are primary sources, although the books, on account of their general character, are listed as secondary works. A very few secondary works convey information which cannot be traced to any source, material which must, of course, be delicately handled, but which is sometimes found to be valuable after collation with the known sources. General histories of Great Britain, of Canada, and of the British Empire are not included in this bibliography, except where they are very extensive, e. g. Kingsford's *History of Canada* (ten large volumes to 1841).

While my work has been built on primary sources, secondary material has, of course, been of value in the orientation of the subject, but to endeavour to include here all the books that have played their part in this orientation would be out of the question. This is a bibliography of Lord Durham, not of the history of the period. No bibliography of the background chapters is attempted. There are a number of good bibliographies of the movement for Parliamentary Reform in Great Britain. While there is no complete bibliography of Canadian history from 1791 to 1841, Miss F. M. Staton's excellent bibliography of the material in the Toronto Public Library relating to the Rebellion of 1837-8 covers the whole background of the rebellion and the period up to the Act of Union and is exhaustive in character, including every variety of both primary and secondary materials. The *Review of Historical Publications Relating to Canada*, published by the University of Toronto, for many years under the editorship of Prof. G. M. Wrong, Mr. H. H. Langton, and Prof. W. S. Wallace and continued in the *Canadian Historical Review*, includes what is practically a complete bibliography, as well as a review, of all books on Canadian history published since 1895. Prof. R. G. Trotter's *Canadian History, A Syllabus and Guide to Reading* (Toronto, 1926) contains a most useful bibliography in small compass.

### PRIMARY SOURCES

#### IN MANUSCRIPT

##### *At Lambton Castle.*

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from Lord Grey to Lord Durham and to Lady Durham, and from Lady Durham to Lady Grey. A collection of several hundred letters from Lord Durham to Joseph Parkes, and from Parkes to Lord Durham. Another large collection of letters from Edward Ellice to Lord Durham, with a few copies of letters from Durham to Ellice. Personal and political letters to Lord Durham from intimate friends, e.g. Lord Brougham, Sir Robert Wilson, Poulett Thomson, E. J. Stanley, T. S. Duncombe, E. L. Bulwer; relatives, e.g. Lord Duncannon, Lord Howick, and Hon. Charles Grey; Whig leaders, e.g. Lords Holland, Lansdowne, Palmerston, John Russell; Radical leaders, e.g. Grote, Molesworth, Col. Leslie Grove Jones; newspaper owners and editors, e.g. Easthope, Fonblanque, Barnes, Rintoul; and a number of middle-class leaders and some working-class leaders not in active politics. Some copies of letters of Lord Durham to these correspondents. Durham election papers, broadsides, &c. Documents relating to the Reform Bill, and correspondence with members of the Reform Bill Committee and with Lord Althorp relating to the Bill. Business correspondence. A collection of about forty letters, intimate and political, from Leopold, first King of the Belgians. (Lord Durham's autograph letters to King Leopold were apparently destroyed in a fire at the Castle of Laeken.) A number of letters relating to Belgium from Baron Stockmar to Lord Durham and a few from Durham to Stockmar. A number of letters from the Duchess of Kent and Sir John Conroy; a few (purely formal) from William IV. About ten large bundles of papers relating to Lord Durham's Russian mission and Russian embassy, including letters to and from the Emperor Nicholas, Count Nesselrode, Lords Grey, Palmerston, Melbourne (all of Lord Durham's letters to Palmerston were copied by the former into separate books), and short Russian diaries of Lord Durham and Lady Durham. All papers classified as Canadian have been donated to the Canadian Archives, but a few letters in the other bundles at Lambton Castle, as well as a number of Ellice's letters, relate to Canada. Correspondence relating to New Zealand. Collection of newspaper clippings on Lord Durham's death. A few documents not in these manuscript collections, e.g. Lady Durham's journal for the last six months of Lord Durham's life, were also kindly placed at my disposal by the third Earl of Durham. Lady Durham's Canadian journal has been published (see printed sources *infra*). These two journals of Lady Durham's bear marks of having been re-written during the year that elapsed between Lord Durham's death and her own.

*At Howick Hall.*

Howick MSS. The papers of the Second Earl Grey, including letters of Lord Durham to Lord Grey, and letters of Lord Grey to and from his sons, relating to Lord Durham.

*At the British Museum.*

ADD. MSS. Additional Manuscripts, among which the following collections contain material relating to Lord Durham—Place MSS. (frequent references to Durham in Place's voluminous correspondence; a few letters from Lord Durham); Wilson MSS. (a number of letters from Lord Durham to Sir Robert Wilson; references to Durham in Wilson's correspondence); Hobhouse MSS. (a few letters from Lord Durham and frequent references). There are a few other letters from Lord Durham among the Additional Manuscripts.

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