

COLONIAL ADOLESCENCE:

A Study of the Maritime Colonies of British North America,
1790-1814

by

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ABSTRACT

The original intention of this thesis was to study the opinions and activities of the Maritime colonies during the War of 1812, in an attempt to explain the colonies' almost neutral position throughout the hostilities. The Maritime attitude has already been explained in terms of economic ties binding the colonies' interests with those of New England. This thesis was therefore directed by a desire to ascertain whether or not such economic interests constituted the dominating influence in Maritime policy or whether there existed equally important influences of a political and social nature. The conclusion attributes Maritime reaction in 1812 to a combination of economic, political, and social factors shaping the colonies' activities during the preceding twenty years. In the course of defining these factors, however, the emphasis shifted from the war itself to the preceding two decades

which emerged as a period of experiment and adjustment--a period of confused adolescent fumbling toward the larger powers and responsibilities of adulthood. Into the midst of these struggles the War of 1812 was projected, to be greeted by the Maritimers as an interruption meriting attention only in so far as it could contribute to their provincial interests. In this thesis, therefore, the War of 1812 is presented as but the epilogue illustrating the trend of Maritime interests and policy during the period 1790-1810.

It is not the intention of this thesis to view Maritime history strictly in terms of a cyclical development paralleling the human life cycle. However, the contradictory character of the Maritime scene during this period, as the colonies see-sawed between dependency and self-sufficiency in their claims, resembles the confusion of adolescence and the title of Colonial Adolescence was chosen for lack of a better description of this transitional phase. In the study of the Maritime colonies' transitional struggles, this thesis seeks to illustrate how the social-economic complex of a community moulds and is reflected in its political life.

Although the period 1790-1814 was one of isolation and individualism for the colonies, the majority of Maritime communities faced similar problems in their

struggles for stability and identity. Geography had rendered them an economic unit; the British administration had endowed them with similar political organizations; and settlement had produced similar social problems. This thesis, therefore, treats its subject in terms of basic economic political, and social situations as they were faced in the Maritimes, with whatever variations each colony might offer. The three chapters dealing with these situations constitute the core of the thesis. In the first chapter an attempt has been made to set the scene of British politics and administration, for it was in this context that the colonies pursued their objectives influenced at all times by the changing fortunes of British politics. The study throughout tends to concentrate upon the mainland colonies of Nova Scotia and New Brunswick, partly because the developments of this period were centered here, since Prince Edward Island remained a backward variant; and partly because the nature of sources dictated such an approach.

Research was concentrated mainly upon the Colonial Office records pertaining to Maritime affairs during this period. These included the official correspondence passing between the Colonial Office and the colonial governors, in which the policy of the British administration and its colonial deputies is outlined and colonial reaction commented upon. Also included were the journals of Assembly and Council,

shipping statistics, petitions and memorials from individuals and associations in the colonies reflecting something of colonial opinion, needs and activities. These records were supplemented by secondary sources, drawn upon for an outline of British and North American activities and policies; to a more limited extent colonial newspapers and private papers provided contemporary comment on the Maritime scene--but the Maritimers do not emerge from these researches as an articulate lot.

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INTRODUCTION

During Britain's struggles of the Napoleonic era the interests of her colonial possessions were subordinated to the imperial necessities of trade and defence--necessities that dictated a retrenchment of the colonial system, with reforms and relaxations generally offered as but temporary expedients. So far as they contributed to the Mother Country's policies of economic and naval warfare, the colonies could command an interest in Britain's legislative halls and market places. Apart from these interests, however, Britain turned in disillusionment from her colonial charges, leaving them to handle as best they might the problems of reconciling imperial policies with the facts of a reconstructed and maturing empire. In the Maritime colonies of British North America these problems were of particular significance as they complicated the basic struggles of communal establishment confronting pioneer settlement. The provinces of New Brunswick, Nova Scotia and Prince Edward Island that emerged from the reorganization of 1784 spread from an society already several generations old; but this was an establishment suddenly expanded beyond all its resources by the aftermath of the American Revolution. The Loyalists were to find an establishment

that could offer them little more than a design and the first rude foundations which were often to prove more a hindrance than a help in subsequent construction. The chaos of the Napoleonic period extended a mixed offering of opportunity and obstruction which strongly influenced initial efforts of the Maritime colonies to organize as distinctive entities. The strategic importance of the colonies, their privateering opportunities and their trade privileges brought them wealth, offered them the promise of a substantial future with the experience and example to guide its attainment, and projected them within the sphere of Westminster's consideration. But the European struggle also aroused fears and prejudices to colour social and political relations, just as the colonies were striving to define and reconcile these relations.

The problems and opportunities confronting the Maritime colonies were largely the product of their geographical condition--a condition of strategic importance and yet of insularity, colouring their relations with the Empire, their neighbours, and with one another. The records of these post-Revolution years leave a strong impression of Maritime insularity as the colonies pursued a course of self-interest and provincial pre-occupation. The peculiarly Maritime character directing such a course was revealed during the diplomatic rupture of 1812, shrewdly described as "an incident to Britain, a crises to Canada--and to the

Maritime province it was a spectacle and an opportunity."¹ Little else could be expected from the conditions of environment and historical background which set the Maritime community apart.

In the political division of 1784, fashioned by the inter-play of local concerns and imperial policy, lay the roots of Maritime particularism. The settlements of the Acadian peninsula, the St. John River Valley and the Island of St. John were thus freed to concentrate on problems peculiar to themselves, in a manner peculiar to themselves. The necessity of co-operation and a united front was not forgotten, but this was first a period of self-centeredness nurturing the political struggles that began to emerge with purpose in these colonies around 1790.

By 1790 the initial confusion of reorganization had been resolved and the Maritime colonies were prepared to embark on their political campaigns. Through the spirit and expansion of political activity can be traced the general development of the colonies. But political activity was the product, and closely involved partner, of social alignments and economic enterprises during these early years of colonial self-consciousness. Political struggles cannot

¹Whitelaw, W.M.: The Maritimes and Canada Before Confederation; Oxford University Press; Toronto, 1934; p. 61.

be evaluated in isolation, but must rather be studied as a reflection of their social background, and for what they may say of that background.

CHAPTER I

THE IMPERIAL BACKGROUND

To appreciate the interplay of social and political factions in the Maritime colonies during the Napoleonic era, the arguments of the colonists must be studied within the larger context of the British imperial system. The influences of family character and family tradition were interwoven with those of colonial environment and experience to mould the character of the Maritime communities. No endeavour or attitude of the colonies can be evaluated without reference to the design of the parent society, for it was this design that colonial society was meant to follow. In the attempt to adopt this design lay much of the colonies' domestic confusion, while in the variations produced can be read something of the Maritime character. The merry-go-round of British politics and the rather cynical temper of British imperial sentiments during this period were also factors determining the fate of colonial ambitions. Thus, the framework of British society, the changing character of its political scene, and the principles informing both must be taken into account if the significance of Maritime colonial activities is to emerge.

Eighteenth century British society was one of meticulously defined class structure, ruled by a code of paternalism. Providence had ordained each rank its particular power, privilege and obligation--the wealthy man succoured the poor, from whom he could expect obedience. Such was the right balance of relationships on which the right order of society depended. In the Maritimes, where the customs of the New World had modified the rigid principles of the Old, these virtues were nonetheless real, and outrage echoed through Governor Wentworth's bitter complaint of popular rallies "convened throughout the country, composed of uneducated tradesmen, labourers, and farmers, who from the nature of their labour and industry, cannot possibly have any real information."¹ It was presumptuous of such men, without training or position, to assume a role that Providence had not ordained, and it could bring the whole social complex toppling. Such was the fear underlying observations like that of Edward Winslow:*

One arrangement, however, I think we shall have cause to regret--our gentlemen have all become potato planters and our shoemakers are preparing to legislate. If the operations of the latter do not turn out more profitably than those of the former, we shall certainly have a d....d bad time.²

¹Murdock, B.: A History of Nova Scotia, or Acadie vol. iii; J. Barnes; Halifax, 1867; p. 261.

*See Appendix.

²Raymond, W.O.: "A Sketch of the Life and Administration of General T. Carleton"; Nova Scotia Historical Society, vol. 2 (1899); p. 470.

Reversals in the hierarchical balance of society would be reflected in the balance of government which was based on the concept of Parliamentary representation voiced by Jenkinson:

We ought not to begin by first considering who ought to be elected; but we ought to begin by considering who ought to be elected, and then constitute such persons electors as would be likely to produce the best elected.³

The 'best elected' were men from a tradition of public school and public service--men possessed of the broader view whose interests and loyalties know no boundaries of constituency or party; and possessed too, of the means to maintain such independence. The opposition of the colonial executives in Nova Scotia and New Brunswick to Assembly salary demands and the organization of opposition parties was rooted in the Burkian concept of Parliament as "not a congress of ambassadors from different and hostile interests but a deliberative assembly of one nation,"⁴ drawn from an independent and traditional governing class.

Throughout the feuds of colonial officials which bedevilled the Maritime colonies in 1790, there ran a preoccupation with the maintenance of order and balance as

³The Parliamentary History of England vol. xxx (1792-94); Hansard; London, 1817; pp. 810-811. Jenkinson's speech on Parliamentary reform, May 3, 1793.

⁴Briggs, A.: The Age of Improvement; Longman's, Green Co.; London, 1959.

these were symbolized in the allocation of precedence and spheres of authority. In the struggles of the Nova Scotian outposts with Halifax officialdom there was sounded a concern over the system of paternalistic supervision that was a bulwark of imperial authority within the colonies. These colonial struggles were given significance by the very real challenge they offered the traditions of the Mother Country. The social nobility and party interests that were being introduced by a mercantile middle class into eighteenth century Britain were also penetrating colonial society. The colonial aristocracy of civil servants and wealthy merchants strove to play a role for which they could find small support, in colony or in pre-occupied Britain; while from the sidelines came the increasing clamour of Assembly factions striving to attain the foremost position on the colonial scene.

11.

The framework within which the colonists of Nova Scotia and New Brunswick sought the realization of their ambitions was that of the British Empire--a framework raised by accident, maintained by necessity, and at this darkened by the gloom of doubt and disillusionment. The Empire had brought the Mother Country wealth and power, and the necessity of a design for the protection of such power. To inform this design there grew a philosophy of empire in

which pride, fear and ambition were inextricably mixed; and as the fruits of empire bred satisfaction, this philosophy became a gospel that could be challenged only at the expense of bitter disillusionment. Just such a challenge was offered by the American Revolution, and as the arguments of revolutionaries were vindicated in the days following Yorktown, doubt and criticism appeared among the British public.

Anti-imperialism was born at Yorktown where colonial facts tumbled the basic assumptions of imperial theory and practice; and it was nurtured by an economic readjustment that belied the dependence of British prosperity upon a system of barricaded possessions. Shelburne's remark in 1778 that "the moment that the independence of America is agreed to by our Government the sun of Great Britain is set and we shall no longer be a powerful and respectable people,"⁵ reflected the injured pride and the pessimism that enveloped much of England. With the American Revolution there came, too, an awareness of constitutional problems bedevilling the British political system. Revolution made men question the validity of Westminster's role in Britain, and involved them in the debate over Westminster's imperial rule. Prevalent among

⁵Fitzmaurice: Life of Shelburne vol. ii; Macmillan and Co.; London, 1912, p. 14.

the critics was an almost fatalistic attitude toward the future of Empire. Traditional virtues of imperialism, as argued by the merchants and admirals, were rejected by men who now regarded the colonies as millstones strangling Britain's energies. They considered Empire to be of little value, arguing that:

England derives little advantage except prestige from her dependencies, and the little she does derive is quite over-crippled by the expense they cost her and the dissemination they necessitate of her naval and military strength.⁶

J.S. Mill was not alone in his querulous complaint of Britain's ill-repaid sacrifices, and the indifference to Empire shared by his countrymen was reflected in the fate of colonial administration during the several decades following Yorktown. Officials and departments played a continual game of musical chairs in which colonial considerations frequently gave place to political necessity, while politicians turned their attention to the domestic scene where renown was to be won more easily.

There were many, including Burke, who regarded the loosening of Empire as an inevitable and probably advisable process.

⁶Selley, W.T.: England in the Eighteenth Century; Adam and Charles Black; London, 1949; p. 273 quoting from Knowles: The Industrial and Commercial Revolution in Great Britain.

The last cause of this disobedient spirit in colonies is hardly less powerful than the rest as it is not merely moral but laid deep in the natural constitution of things. Three thousand miles of ocean lie between you and them. No contrivance can prevent the effect of this distance in weakening government. Seas roll and months pass, between the order and the execution, and the want of the speedy explanation of a single point is enough to defeat a whole system. You have indeed winged ministers of vengeance who carry your bolts in their pounces to the remotest verge of the sea, but there a power steps in, that limits the arrogance of raging passions and furious elements and says "So far shalt thou go and no further." Who are you that you should fret and rage and bite the chains of Nature? This is the inevitable condition, the eternal law, of extensive and detached empire.⁷

Thus Burke described the inherent geographical weakness of Empire which he believed Britain had compounded with a restrictive economic-political system that could only arouse the independent spirit shared by all her subjects. Britain should rather encourage the fundamental unity of kinship among her offspring by fostering the spirit, rather than the letter, of the Constitution, even if implementation of such policy brought the political disintegration of Empire.

Let the colonies always keep the idea of their civil rights associated with your government;--they will cling and grapple to you, and no force under heaven would be of the power to tear them from their allegiance. But let it be once understood that your government may be one thing and their privileges another, that these two things may exist without any mutual relation, the cement is gone; the cohesion is loosened, and everything hastens to decay and dissolution. As long as you have the wisdom to keep the sovereign authority of this country as the sanctuary of liberty, the sacred temple consecrated

⁷Burke, E.: Works (ed. F.G. Revington) vol. iii; London, 1863, p. 56. Burke's speech on the Conciliation of America.

to our common faith, wherever the chosen race and sons of England worship freedom they will turn their faces toward you This is the commodity of price, of which you have the monopoly. This is the true act of navigation which binds to you the commerce of the colonies and through them secures to you the wealth of the world Do not dream that your letters of office, and your instructions, and your suspending clauses are the things that hold together the great contexture of this mysterious whole. These do not make your Government It is the spirit of the English Constitution, which, infused through the mighty mass pervades, feeds, unites, invigorates, verifies every part of Empire, even down to the minutest member.⁸

Anti-imperialist arguments were given point by the facts of the American Revolution and its aftermath, and received definition in Adam Smith's criticism of the mercantilist theories of empire.⁹ His projected reforms echoed those of his contemporaries: an extension of authority and Parliamentary representation, proportional to their share of financial responsibility, to the colonies who would thus be transformed from factious subjects to allies bound by self-interest. Shelburne attempted reforms of a similar nature in 1778 and again in September 1782 when he wrote to colonial governors requesting a report on the

⁸Ibid.: pp. 123-124.

⁹The 1770's-1780's substantiated Smith's argument that to construct an economy on the monopoly of one large market was to increase vulnerability and obstruct the easy flow of economic reform and adjustment; whereas prosperity and mobility were to be found in preferential ties with a variety of friendly markets. Variants of this argument were to be voiced in colonial petitions in subsequent years. Smith, A.: The Wealth of Nations (ed. E. Cannon); Modern Library; New York, 1937; pp. 581-584.

working of their instructions and any conflicts these might have with "the long established customs" of the colonies--a report that he intended for use as a guide in the reorganization of colonial policy. These projects of reform, however, gathered dust in government files and were given but vague recognition in official policy. Rather than reforms, ministers maintained a policy of reluctant interference in colonial affairs--such interference had only brought upheaval in the Thirteen Colonies. After much urging they did follow Townshend's advice to rescind the Coalition regulation demanding that the colonies subscribe to an oath acknowledging the British Parliament as their superior legislative authority. It was reluctant acquiescence, for few understood the colonial temper.

Despite the protests of its critics, the old imperial system maintained its sway amidst change at home and abroad. Despite their pessimism, imperial administrators were determined to make the best of what they had for as long as they could. Only when piecemeal changes in economic, social and political practice had coalesced in the public mind as coherent, workable policy, could reform in imperial policy be seriously entertained. The merchants and politicians in England kept silent as they watched the course of post-war readjustment, warily avoiding commitment and directing their energies to the more pressing demands of the domestic scene. Moreover, the colonies were still taken for

granted as fixed objects in the firmament, with a still powerful 'raison d'etre': colonial port duties constituted a considerable addition to Treasury reports, the tropical produce of the West Indies was in strong demand, while the West Indies cotton supply was fostered as a means to lessen British manufacturer's dependence on the United States. National pride and the influence of groups with a vested interest in colonial empire were powerful incentives to a continuance of the 'status quo.' It was felt in many political and commercial circles that the voluntary sacrifice of colonies was too much to ask.

Such sacrifices, though they might frequently be agreeable to the interests, are always mortifying to the pride of every nation and what is perhaps of still greater consequence, they are always contrary to the private interests of the governing part of it, who would thereby be deprived of the disposal of many places of trust and profit, of many opportunities of acquiring wealth of distinction which possession of the most turbulent, and to the great body of people, the most unprofitable province seldom fails to afford.¹⁰

So Adam Smith summarized the motivating forces in colonial policy, for forces which had been given political justification by the war pressures of the Napoleonic era and which underlined the arguments insisting upon the necessity for maintaining sea power.

During the Napoleonic era the new ideas of imperial-colonial relations were in the background slowly educating,

¹⁰Ibid.: p. 581.

and brought out for implementation when diplomacy and economic necessity allowed. These were periods of exception, however, of concession in practice only while imperial principles stood firm. Official British attitude found its most explicit expression in the Canadian Constitutional Act of 1791 in which were reflected the Secretary of State's major considerations: the lightening of Parliament's financial burden and the strengthening of a landed executive authority as a check on a too democratic spirit among colonists. While the British administration was prepared to achieve the first objective with concessions to colonial legislative powers, the implementation of its second objective often tended to limit the effect of those concessions, and to provide yet another goad to the colonial demands for a reorganization of imperial policy and practice.

iii.

The background of domestic politics against which imperial theories were argued and colonial affairs administered was an ever changing scene of factional alignment. The Coalition Government's East India Bill of 1783 brought it to defeat and opened doors to Pitt's "mince pie administration" which belied all prophecies and retained power for the next seventeen years. Gathering around him those recently led by Shelburne in the Chatham tradition,

and later those Whig factions dissatisfied with Foxe's advanced ideas, Pitt entered the last decade of the eighteenth century with a policy of gradual reforms. In this decade, however, Britain was confronted with a second 'democratic revolution' that was to impose upon British politics the repressive attitudes of conservative reaction.

Initially, the French Revolution was applauded in Britain by men who interpreted it in terms of 1688. Pitt felt that "the present convulsions in France must sooner or later culminate in general harmony and regular order . . . and thus circumstanced, France . . . will enjoy just that kind of liberty I venerate."¹¹ But as passions caught events in their whirlwind, and war involved national fears and rivalries, England reacted throughout her Empire with a tightening of mercantile policy. Those tolerated as critics in 1784 were fulminated against as Jacobean and 'agitating democrats' in 1794. Although some fear of goading democratic tendencies among the colonists restrained reactionary policies in imperial administration, while the extraordinary circumstances of the times superimposed a complex of temporary exceptions upon standard policy, the atmosphere of the Napoleonic era did subject colonial affairs to a rigidity in political thought. In Britain the political see-saw subjected colonial administration to ministerial

¹¹Briggs, A.: op. cit., p. 130.

fluctuations that precluded consistent policy or conscientious supervision. Only with the formation of Percival's government in 1809 was the political scene vouchsafed a measure of stability, and the colonies some relief from the war preoccupations of British administrators.

War preoccupations complicated the administration of colonial affairs already plagued by indifference and confusion. Edmund Burke had been foremost in the cry for reform, and largely upon his instigation the Board of Trade and Plantations was abolished in 1782.¹² Until that year the colonies had been administered by the Board, functioning as an independent body, chiefly concerned with routine administration and the collecting of information for use by other government departments. Responsibility and authority had been shared by two Secretaries of State, dividing affairs into Home and Foreign categories, the latter sub-divided into North and South Departments with colonial affairs allocated to the North Department. The reorganization of 1782 instituted a Home Department and a Foreign Department as separate bodies with Shelburne administering the latter, including its colonial business. Two years later the Board of Trade was replaced with a Committee of the Privy Council for Trade and Plantations, instituted along similar lines

¹²Young, D.M.: The Colonial Office in the Early Nineteenth Century; for Royal Commonwealth Society by Longmans; London, 1961; p. 10.

but as a subordinate body of the Privy Council. In July of 1794 the Foreign Department was restricted to extra-imperial affairs, while the Home Department was replaced by two Secretaries of State administering domestic, and war and colonial affairs. However, political rivalries dictated that this system should be temporarily set aside to placate the Duke of Portland with the dual jurisdiction of domestic and colonial affairs, leaving Dundas to administer war affairs. Finally, in August 1801, colonial affairs were returned to the War Office, now under Lord Hobart's direction, and thus they remained until reorganization within the Office in 1810 divided the affairs of war and colonies into separate departments. Although reorganization had been instigated in the interests of reform, it reflected the secondary consideration given colonial affairs in the public mind where they were subordinated to the interests of defence, economic retrenchment, and political expediency. Only with the sub-division of the War Office in 1810 might the colonies be said to have returned into their own.

After 1784 the Committee of the Privy Council for Trade and Plantations became the depository of colonial information and the advisory body on colonial affairs to the British government. Its duties encompassed the review of colonial legislation, the approval of colonial administrative appointments, and the hearing of colonial complaints. Despite the unwritten principle of post-Revolution

imperial policy of ministerial non-interference in colonial affairs, these duties carried the Committee into fields of authority where it could effectively influence the course of colonial activity. Every colonial governor was required to forward to England the journals of Council and Assembly, with his comments on the business of the legislative session. This material was then referred to the government's legal counsellors for judgement, and it was only with the Privy Council's approval that colonial legislation could be put into effect and the colonies' progress with their business. The executive officers in the colonies had also to meet the approval of the Committee, and any complaints the colonies might have about the administration of these officials were referred to the Committee of the whole Council for judgement--usually to be dismissed as storms in colonial tea cups.

The Committee generally confined itself to the routine application of the imperial system, depending upon the Secretary of State for the details of colonial issues. He was the awful presence uppermost in the colonial conscience. The business of the Home Department was described by Grey Elliott, a clerk of the department, as concern with "the management and direction of the business formerly transacted by the Board of Trade, especially the preparation of drafts for commissions, and instructions of governors and of all other civil officers in the colonies, the examination of the proceedings in the several councils

and assemblies, the laws passed, and the correspondence with the committee of the Privy Council; the preparation of estimates of the colonial establishments for Parliament in general, the inspection of the civil, legislative and administrative government of the colonies."¹³ Although the important decisions regarding colonial policy, as these were enunciated in the instructions forwarded to the governors, were made by the Secretary, routine duties were relegated to departmental clerks, while much of the colonial correspondence was conducted by the Under-Secretary. Indeed, the Under-Secretary was very often the British official most familiar to the colonies, providing the personal link between governors and the Home Department. The relationship that often existed between the governors and the Under-Secretary might be read in the despatches that passed between Governor Wentworth* of Nova Scotia and John King, whom the former addressed as a personal friend and called upon as agent to argue the colony's case and the governor's personal petitions. Many of these petitions were in the interests of the governor's appointees and appealed to the Secretary's power of patronage--the distribution of which was probably his second most important function. Besides the governorship

¹³Manning, H.T.: British Colonial Government After the American Revolution 1782-1820; Yale University Press; New Haven, 1935; p. 85.

*See Appendix.

itself, the three influential posts of Provincial Secretary, Provost Marshall, and Naval Officer, with senior judicial offices, were at the disposal of the Secretary. Through his appointment of friends and political supporters the Secretary could secure a strong voice within the colony, and assure the imperial administration of control over one branch of the colonial establishment.

Nevertheless, the Secretary laboured under difficulties that constituted fundamental weaknesses in the administration of colonial affairs. The Home Office was a clearing house for the domestic undertakings of the British government. Its Secretaries acted as coordinators of domestic and colonial affairs involving the Treasury, the Board of Customs Commissioners, the Commander in Chief, the Admiralty, and a multitude more whose independent functioning, each with its own policy and code of instructions, resulted in the confusion and conflict that was a familiar element in colonial political life.¹⁴ Coordination was not always successful and when accommodation of imperial principle to colonial circumstances in one department was not adopted in another there resulted misunderstanding in the colony to strain relations.¹⁵ There was confusion, too, and delay in

¹⁴Ibid.: p. 84.

¹⁵In 1795 Governor Wentworth, acting on British instructions, imported salt provisions from Boston for naval use, only to have the ships captured by Customs and tied up in court cases that brought bitter complaints from both sides. C.O. 217/36 Wentworth-Whitehall, 1795.

the review and confirmation of colonial legislation. An attempted remedy was made in 1800 when the Committee of Trade recommended that laws not confirmed in three years should be automatically disallowed. However, this made no differentiation between those acts submitted for automatic approval and those submitted with suspending clauses. Neither did this recommendation substantially alleviate the hardships of delay, such as those suffered by New Brunswick when its election act of 1791, necessary to the regulation of political life in the colony, was left in suspension until 1795 despite the bitter protests of colonists.¹⁶ Nor was the Secretary overburdened with assistance from his Cabinet colleagues who left him a free hand in colonial policy and turned their debates to domestic and European affairs.

The policies emerging from the Home Office were directed by information that was often fragmentary, gathered at a distance through officials whose participation in the life of the colony was restricted to channels dictated by social structure and the character of their office. The results very often brought complaints that McGregor was to echo in his observation of several decades later:

. . . nearly all the errors committed in treating with foreign powers concerning His Majesty's colonies, as well as all the blunders which have occurred in our colonial policy have been the

¹⁶C.O. 188/5 Carleton-Dundas, June 6, 1793.

results of the meagre information possessed by our government.¹⁷

Policies were also clouded by confusion. Theoretically the division of authority was to follow the traditional lines of demarcation between executive and legislative jurisdictions. The Mother Country was to exercise the executive prerogatives of advice and review, while the colony was to enjoy legislative initiative and formulation. In actual practice, however, the division was one of imperial and colonial affairs which cut across the traditional three-way division. Jurisdiction over taxation and local administration was delegated to the colonial Assembly, while the imperial aspect was reflected in the laws of trade and Admiralty courts, in the persons of military and naval commanders, customs collectors, and executive officers. The authority wielded by these officers was in fact a mixture of executive, legislative and judicial functions.

Despite their political theories of non-interference and colonial responsibility, the British administration exerted considerable control over all branches of colonial government. Wherever the interests of defence and external commerce (involving as they did the powerful lobbies of Admiralty and merchant houses) were involved the imperial authority exerted itself in a legislative and judicial, as

¹⁷McGregor, J.: British America vol. 1; W. Blackwood; London, 1833; p. 811.

well as executive, capacity. The dependence of the colonies upon the Mother Country for their defence rendered them susceptible to pressure and ever-aware of their dependence. The presence in some colonies, like Nova Scotia, of a considerable military and naval establishment introduced into the colony's political life an element of imperial interest quite independent of whatever pressures or limitations the Assembly might exert. Through their civil establishments, also, the colonies were susceptible, due to their financial incapacity. Although it had been an early principle of colonial administration that the colonies should be self-supporting, that principle had bowed to the facts of reality of mid-eighteenth century. The British government had relinquished its right to tax the colonies, apart from its regulation of external commerce, on the understanding that the colonies vote their revenue to the maintenance of its civil list. However, in the smaller and less developed colonies revenue was almost non-existent and had been supplemented by parliamentary grants. Such a system had kept in British pay the influential positions of Governor, Chief Justice, Colonial Secretary, Attorney General, Surveyor General, Treasury Agent, Naval Officer--officials whose independence of colonial support enabled them to maintain an impartiality in colonial affairs that

was to the interest of the imperial administration.¹⁸ These officials exerted an influence all the stronger as most colonies suffered from a lack of men of ability, experience, and education to guide affairs within the colony and to fight its battles. This was a disability which the colonies in no way mitigated by their refusal to vote adequate and attractive salaries for administrative offices.¹⁹ But it was through the executive branch of the colonial establishment, the Governor and Council, that the British government exerted the most effective control over colonial activities.

Following the American Revolution, British imperial policy laid much emphasis upon the authority of the colonial governor, for the holocaust in the Thirteen Colonies was widely attributed to a weakening of the executive position in the colonies. This viewpoint was summarized by an anonymous writer in British North America reporting to the Colonial Office:

¹⁸C.O. 217/62, Parr-Grenville, April 24, 1790. "It is to be lamented that the Justices of the Supreme Court of Judicature . . . should have been dependent on the House of Assembly for their support . . . must be obliged to court the Favour of the leading members of the Assembly or be liable to Complaint or Impeachment on every occasion, however frivolous, which may present itself."

¹⁹In 1793 several counties of Nova Scotia submitted petitions complaining of all Supreme Court sittings being confined to Halifax, causing inconvenience and expense to those travelling in from the outposts. Yet the Assembly had refused to provide salaries for the extra judges to serve on circuit. C.O. 217/64, Wentworth-Dundas, December 4, 1793.

The nature of the situation of the Governors in America, the limited extent of their Authority, the dependence in which they frequently found themselves, on the colonies even for their own support and maintenance, the little consequence annexed to their Situation, and sometimes the character and rank of the persons sent there were but ill adapted to remedy the defeats arising from the absence of the Sovereign.²⁰

If the growth of a democratic spirit in the colonies was to be checked, it must be through an executive authority strengthened in its supervisory and prerogative powers whenever possible.²¹ The Governor was regarded as the bulwark of British authority, one of his first duties being the defence of the Crown's prerogative against provincial opposition. Moreover, the Governor was the only colonial official in direct and constant communication with the British administration which endowed him with blanket powers of review. Yet this same authority was to prove, in practice, a considerable weakness in the governor's position.

Colonial governors were chosen from the ranks of the British peerage, the military hierarchy, or the various

²⁰Documents Relating to the Constitutional History of Canada 1759-1791, part 2 (ed. Short and Doughty) Canadian Archives, King's Printer; Ottawa, 1918; sessional paper 18. A discussion of petitions and counter-petitions regarding the change of government in Canada.

²¹The Constitutional Act of 1791 carefully enunciated the character and authority of an Executive Council to be rooted in a landed aristocracy in imitation of the House of Lords.

political lobbies. They were men more often chosen for their social and political acceptability than their administrative experience, which it was expected they should acquire in office and with the aid of their advisors. Unfortunately, governors did not have adequate sources on which to draw for information and advice. The Home Office instructions, by which the governor was supposed to be absolutely bound, were formulated by men unfamiliar with colonial conditions, and as they depended upon the governor for all information the latter official could hardly look to his superiors for constructive criticism. Moreover, small room for initiative, to mould authority in response to changing conditions, was left a governor always moving under the threat of recall.

An alternative source of support was the Executive Council, regarded as the natural ally of the governor. The members' appointment depended upon the governor's nomination, but as they held their warrant for life the councillors tended to form an almost unassailable coterie of business and political associates. They functioned legislatively as a second chamber, and judicially as the highest court of appeal, in addition to their advisory capacity as Privy Council. This situation of mixed function was in part dictated by the scarcity of eligible officials in the colonies, and the Council thus contributed a certain stability to the colonial establishment. However, the

Council tended to become a family compact, monopolizing political and administrative posts (as a glance at the father-son successions in all three maritime colonies, such as the Odells of New Brunswick will illustrate),²² frequently subordinating public interests to private concerns, and controlled by men whose occupations generally removed them from the market places of the colonial settlements. Such a body could not be depended upon for impartial advice; nor could the Governor supplement their advice and simultaneously form attachments with the majority of society, by calling to the Privy Council members of the Assembly, since political principle denied the co-terminus sitting of members in the legislative and executive chambers. The Governor was thus informed by but half of colonial opinion, inadequately supplemented by the Assembly Speaker who was often controlled by the Executive.

The Governor suffered further disadvantages in the denial of an adequate and co-operative civil service, or the powers to effectively control it. The essential instrument of political manipulation was of limited value to colonial governors since the Secretary of State wielded

²²In Prince Edward Island practically the whole Council, with all civil positions, were engrossed by the family network of Chief Justice Stewart and his sons John and Charles: John was Assembly Speaker and Charles was Clerk of the Council, while one son-in-law was Wm. Townshend, Customs Collector, with other children married to offspring of Councillor Thomas Desbrisay, and John was brother-in-law to T. Wright, Surveyor General.

patronage in its most effective areas. Governors did enjoy the right of nomination to office, which in British North American colonies like Nova Scotia, during the post Revolution years, was encouraged as a means of wooing the Loyalist population. This enticement was put to effective use by many, like Governor Wentworth of Nova Scotia,²³ but was subject always to the over-riding vote of the Home Office which could inflict humiliating reversals upon a governor by rejecting his nominees or suspending his officers. Many of the civil servants in the colonies were appointees of government departments other than the Home Office. The Treasury Board, Customs Board etc. maintained their own staffs whose members were responsible directly to Whitehall. They were immune from the governor's supervision and frequently administered policies at variance with his own instructions. The Governor was surrounded by quarrelling factions, himself often at odds with at least one--particularly, if he were a civilian, with the resident naval and military establishments. His contradictory position regarding colonial defence might be regarded as indicative of the Governor's position in general. He was held responsible for the safety of the colony, yet the British authorities had seen fit to settle command over the discipline and

²³C.O. 217/81, Uniacke-Castlereigh, June 8, 1807. Uniacke complained of Wentworth's repeated appointments of his Loyalist friends so that British and Nova Scotia born inhabitants had little chance of office.

disposition of the regular troops in the colony upon a military officer in no way responsible to the governor, apart from a theoretical duty to keep him informed. The sweeping powers enjoyed by the executive authority in principle were thus greatly reduced in practice; the weaknesses from which the Governor suffered were weaknesses undermining the general administration of colonial affairs, and were objects of complaint from the Assembly. But this body, with its machinery of local administration combined with local custom, was yet another obstacle to executive authority.

The Assembly was meant to be the colonial version of the House of Commons, regarded as the voice of 'popular' opinion in the colony. In some respects it served its duty as the popular forum more faithfully than did the House of Commons--the colonists enjoyed a wider franchise than did their brothers in England,²⁴ and there did not exist so powerful an aristocratic element exercising control over the electorate.²⁵ In their powers, however, Assemblymen were rather more limited, confined to purely local concerns of

²⁴In Prince Edward Island the early suffrage was extended to all male Protestants, while on the mainland freehold suffrage was enjoyed, with slightly higher property qualifications for Assembly members. MacKinnon, F.: The Government of Prince Edward Island; University of Toronto Press; Toronto, 1951; p. 41.

²⁵The British peerage had a weak substitute in the wealthy merchant and official class of the colonial urban centres.

which the raising and appropriation of revenue was paramount.

If the relations of executive factions varied with their personnel, their relations with the Assembly maintained a steady course of dispute, both parties arguing rival claims to control of the public purse as this involved the division of authority principle. During the post-Revolution decades this was particularly the case in the British North American colonies where Assemblies were only just beginning a concerted struggle for financial control. Earlier, the colonies' financial troubles had rendered them dependent upon the resources and financial direction of the British administration. Throughout the early seventeen-nineties Governor Wentworth had little trouble from the Nova Scotia Assembly which looked to him to guide them out of their financial chaos; but by the end of the century the Assembly had acquired an independence and political sophistication that caused Wentworth to write:

These general elections have during my time been very quiet and friendly but are now in many places thro' Mr. Tonge's interference agitated with improper zeal and animosity. He has instituted corresponding Societies, Clubs and Committees professing reforms, and proposing instructions as Tests for elections.²⁶

Such agitation from the Assembly made them suspect in England where officialdom's interpretation of democracy was influenced by the years of revolution in Europe and America.

²⁶C.O. 217/73, Wentworth-King, November 27, 1799.

Yet the Assemblies sustained their arguments with reference to the British constitutional tradition, demanding nothing more or less than the privileges of the British House of Commons. Governors were encouraged to resist any Assembly demands for which there was no legal authority or precedent, but they were not encouraged in the old methods of coercion, and soon found such measures reversed by the Home Office.²⁷

Such a policy of conciliation may have been inspired by a fear of provoking a second Yorktown. Officials may have been so moved, as they viewed an international scene ridden with Jacobin argument and example, and the post-Napoleonic years were to prove their policy had been but temporary. While it endured, however, colonial Assemblies seized the opportunity to press claims to their constitutional heritage and to consolidate, wherever possible, a position acknowledged in various British judgments.²⁸ They were to benefit also from the very weaknesses that undermined the Executives near autocracy. The Assemblies might complain of the sinecure offices bedevilling

²⁷Castlereagh was particularly emphatic about this as he stressed the need for diplomacy and avoidance of provocation in the governors' dealings with the Assembly.

²⁸In 1799 the Duke of Portland admitted the sole right of the New Brunswick Assembly to the direction of money bills; he admitted the Assembly's claim to the right of mixing its grants as it wished was not unconstitutional. C.O. 189/10 Portland-Carleton, June 9, 1796.

colonial administration which escaped the provisions of Shelburne's Act,²⁹ but the habit of administering by colonial deputy provided opportunities of establishing local custom in administration, while diminishing the ranks of the governor's English supporters. Assembly and Executive protested many of the same iniquities in colonial administration, but each sought a solution favourable to the extension of its particular authority, and the ensuing contests that characterized colonial affairs during this period were struggles to redefine and reconcile spheres of jurisdiction.

Such was the framework of administration within which the Maritime colonies sought to develop and express themselves as mature and self-sufficient communities. Imperial tradition, imperial necessity, imperial argument were all to exert an influence upon the direction of this colonial development, sometimes encouraging, sometimes obstructing. European conflict and British domestic re-adjustment constituted the backdrop to Maritime activity during the Napoleonic decades, imposing a certain pattern upon that activity. It is, therefore, necessary to keep this backdrop in view if colonial activity is to be properly evaluated.

²⁹In 1782 Shelburne had marshalled legislation requiring that appointees, in England, to colonial posts should serve in the colonies--but exempted were patents dated prior to 1782, and the legislation was later successfully avoided by making appointments by sign manual.

CHAPTER II

THE MARITIME SCENE, 1790-1814

The three Maritime colonies of British North America which stood on the threshold of their separate careers in 1790 were communities fashioned by their geographical condition, rendered particularly sensitive to its dictates by their pioneer circumstance. This condition was one of isolation, cut off on their northern boundary by the wilderness of the St. Lawrence 'North Shore,' and on the west by the unopened woodlands of the Maine border. It was along the south and east coasts that the real frontage of the Maritimes lay, facing onto the Atlantic trade routes between Great Britain and the United States. It was, therefore, natural that the external ties of the Maritime colonies should be guided by these trade routes linking them to Britain, New England, and further south to the West Indies; of their sister colonies in British North America the Maritimes knew little, and entertained small concern with their affairs. As war with the United States twenty-two years later was to illustrate, the interests of Nova Scotia, New Brunswick and Prince Edward Island were determined by their dependence on the sea, for defence, livelihood, and communication. When the Canadian colonists

accepted participation in the conflict of 1812, the Maritime colonies strengthened commercial relations with New England in mutual exploitation of mercantile chaos; and it was from New England, rather than the Canadian struggles, that political ideas were borrowed for the Maritimers' own debates.

Similarly, it was their position, rather than size or wealth, that gave the Maritime colonies significance in the Empire. Their command of the North Atlantic lanes rendered the Maritime ports important defence centres and commercial entrepôts from which Britain might defend her concerns in the New World and penetrate those of rival powers. During the partition of Nova Scotia in 1784 Britain gave the Cape Breton island community a separate legislative existence, with promises of Assembly representation, out of proportion to the size and development of the community. But Cape Breton was regarded as a Gibraltar of the West to be kept under the sure direction and surveillance of London, rather than the less dependable governance of Halifax. Halifax herself had been founded at the command and expense of the British government as naval headquarters for the Atlantic command, and in 1790 she continued to enjoy a special relation among the colonies with the British administration.

If wilderness borders and long sea runs cut Maritime ties with relations and neighbours, these same

problems of geography weakened ties among settlements in the colonies themselves. Clinging to the southern tip of Nova Scotia, Yarmouth enjoyed easier access to Boston than to Pictou in western Nova Scotia; St. John preferred to conduct affairs through New York rather than Halifax, while Halifax looked first to London and the West Indies. The situation could hardly be different where New Brunswick and Nova Scotia enjoyed but fourteen miles of common border, with even this link rendered useless in the absence of overland communications. And Prince Edward Island led a lonely existence of her own in the Gulf of St. Lawrence. Not only were they physically isolated, but geography varied the outlook of these colonies, and conditioned the emphasis given in each to their external ties and influences. Although New Brunswick's wilderness borders were poor bridges, they nevertheless instilled in her a sharper awareness of continental ties than was entertained by her sisters. The difference may be traced through colonial despatches in which Governor Carleton* of New Brunswick strove vainly to impress on London and Halifax the importance of military defence along the Maine border--a necessity of lesser importance to Halifax officials, secure in their peninsular surroundings. Their eyes were turned to the Old Country where Nova Scotia's involvement in the imperial interest was nourished by the naval establishment

*See Appendix.

and London shipping interests that guarded their concerns from her harbours. And Prince Edward Island, without neighbour or significance, was turned inward to a contemplation of her own peculiarities. Thus geography fostered a particularism among the Maritime colonies giving each its sphere of particular concerns, while encompassing all in a Maritime insularity of detachment and preoccupation.

ii.

The insularity that divided the Maritime colonies from the rest of British North America was enhanced by the economic character of the region where forces, peculiar to the Maritime situation of the colonists, fashioned an economic milieu of pressures and problems quite different to that of their northern neighbours. It was through these same economic forces that the communities of Nova Scotia and New Brunswick achieved some degree of Maritime unity, cutting across provincial borders and provincial differences.

The Maritime colonies pursued the same primary occupations, producing the same articles of fish, timber and agricultural staples, with which they courted the same markets in Britain, the West Indies, and New England. Here lay the roots of commercial rivalry, that could accent the separation of the colonies; indeed, such rivalry did separate St. John and Halifax, but geography and the imperial system

combined to bridge such rifts. In the absence of land communications, sea ties determined the direction of economic activity, cutting across political divisions to follow the trade routes of the Atlantic, the Gulf, and the Bay of Fundy. So the Annapolis Valley joined the St. John River valley settlements in designs upon the Massachusetts coasting trade, while Halifax looked east to London. Geography indicated a natural sharing of trade routes and markets, as it placed different emphasis on the direction of regional interests that called for interchange of export and import articles. But a complex of provincial and imperial regulations hampered the flow of such interchange, as it hampered the flow of external trade between the Maritimes and their natural markets. The conflicting demands of geography and administrative policy created a tension and constant argument that became an integral element of Maritime colonial life.

Economic stability, and the maturity it encouraged, were of slow growth, and in some areas never achieved. Throughout this Napoleonic period, Prince Edward Island remained an under-developed area, not yet meriting, or capable of sustaining the political sophistication of representative government. Charlottetown was noted for its elegance, but MacGregor commented upon the nature of that elegance:

Charlottetown is infinitely a cleaner place than mainland settlements: the houses have also in general an air of greater gentility; the inhabitants are more fashionably dressed and have more the appearance of people who have either never been

engaged in active industrious pursuits, or who have retired with small incomes to a country where they can live cheaply.¹

It was the stagnant society of a governing landowning class maintained by the non-productive exploitation of its estates.

The Assembly journals of New Brunswick and Nova Scotia reflect a quite different situation in these mainland colonies, the legislative debates outlining an expanding sphere of provincial activities. One can trace the year by year growth of communities deep in debt and scraping a mere subsistence, to a state of prosperity that could support the institutions of economic expansion.² Some of this prosperity was won by the accidents of geography and European diplomacy which reaped a privateer's fortune for the Maritime colonies during the Napoleonic era. Akins described Halifax in 1800 as a scene of busy prosperity, with war at its height and the Prize Court in full operation;³ but Edward Winslow's description of New Brunswick in 1793 gave a fairer picture of the colonial scene:

Our province goes on in the old way slowly but tolerably sure. The inhabitants gradually extend

¹McGregor, J.: An Historical and Descriptive Sketch of the Maritime Colonies; W. Blackwood; London, 1828; p. 379.

²In 1801 Halifax merchants voted £50,000 toward the establishment of a provincial bank; whereas in 1790 they could not have collected £6000. Murdock: op. cit., p. 205.

³Akins, T.: "The History of Halifax City"; Nova Scotia Historical Society; vol. 8; p. 129.

their cultivation and we begin to feel the benefit of our exertions. We have good markets in the towns and the inhabitants live comfortably.⁴

Economic stability was achieved slowly and fitfully, the halcyon days of privateering alternating with summers of scarcity, like that of 1796 when there was not wheat enough to victual the fishing fleets. Adverse land granting systems were cited as one cause of slow growth,⁵ the slow extension of communications and the absence of sufficient 'encouragement' for basic industry were others, while the shortage of money was a perennial problem. Agriculture was the basic industry on which all other economic activity depended, but as Governor Wentworth pointed out to the Colonial Secretary in 1804, it was inadequate to meet the colonies' needs, and the settlers' commercial transactions were concentrated, in these early years, on securing sufficient supplies of staples.

The growth of provisions, the indispensable basis of all other industry, increases greatly and will soon be abundantly good and cheap, except in bread, corn, for which there are sufficient lands of proper quality to produce a superabundance of every sort as any in America, but from want of encouragement is not sufficiently attended to and of course considerable sums of money are continually drained from thence to the United States to purchase bread and flour for the inhabitants of the sea port towns and to supply the King's stores.⁶

⁴Cited in Raymond: op. cit.; p. 470.

⁵In 1790 New Brunswick had a population of 12,000 and by 1803 had grown to only 25,000 in which year the Assembly voted £300 toward a campaign to encourage immigration to the colony. Hannay, J.: History of New Brunswick; John Bowes; St. John, 1909.

⁶Cited in Murdock: op. cit., p. 233.

On the other hand was the success of the shipbuilding centres at St. Andrews and St. Stephens, the expansion of the gypsum mining around Passamaquoddy Bay where exports of one hundred tons in 1794 had risen to fourteen hundred tons in 1802,⁷ and the steady growth of settlements like Pictou boasting some five thousand inhabitants in 1803 where only four hundred families had established the town in 1790.⁸ It was Murdock's opinion that the decision of Messrs. Mortimer and Fulton to run as candidates for Colchester and Pictou in the 1800 Nova Scotia election was due, not so much to the machinations of an anti-administration part (as Governor Wentworth insisted) as to the natural desire for local representation on the part of communities now grown beyond dependence upon sponsors from the capital.⁹ And with the encouragement given the timber industry in 1810, when Britain's exclusion from continental Europe threw her back upon colonial resources, further impetus was given Maritime expansion as the Miramichi and Restigouche valleys were penetrated by lumbering communities and business enterprises. During the later years of this period the cries of protest from fishermen and merchants were often those of men with a new prosperity to guard and nourish. The insurance, banking, and canal building

⁷Hannay: op. cit.

⁸Murdock: op. cit., p. 84.

⁹Ibid.: p. 190.

schemes of the merchant associations were one facet of colonial industry; indeed, the Committee of Merchants organized in Halifax in 1804, and promoting these schemes, was a significant factor in the economic and political life of Nova Scotia.¹⁰ The one family concerns like that of Simeon Perkins* living in Liverpool, constituted another facet.

Through the terse entries of his diary, Perkins depicts a small scale commercial enterprise that drew on a variety of staple resources to provision a coastal shipping trade whose dimensions were defined by the needs of its home port and region. Upon the harvest of his wood lot, the progress of his wheat crop, and the fortunes of his fishing vessels on the Newfoundland banks depended Perkin's cargoes for the West Indies, from whence he would sail with goods to trade for staple produce in the coastal towns of the United States. Like other communities of its kind, Liverpool had neither staples nor naval supplies enough for its use, and Perkins' imports were chiefly grain, vegetables, and livestock pitch, tar and turpentine, and occasionally lumber from the

¹⁰Of these merchants, G.F. Butler comments "The Committee was the mouthpiece of a body of enlightened traders who recognized agriculture as the handmaid of commerce, and who attempted to aid other interests and to unite with them in promoting the well being of the Province." "Early Organization of the Halifax Merchants"; Nova Scotia Historical Review, vol. 25 (1941); p. 2.

*See Appendix.

United States; from the West Indies he brought rum, molasses, and sugar for home consumption and to supply an outside trade meant to finance the purchase of British manufactures that were a necessity to a non-industrial community. Such were the activities occupying the energies of the typical Maritime colonist, locally orientated and not infrequently at odds with the larger merchant concerns of Halifax and St. John which they fed. From the interplay of the small and large concerns was woven the economic-political pattern of Maritime society.

iii.

When the Loyalists entered Nova Scotia in 1784, they found a population whose core was drawn from New England, mixed with a scattering of Scots, Germans, Irish, Acadians under the administration of British military and civil officials. In the early days of settlement the tested and ready made New England pioneer was preferred to the British greenhorn from army transport and immigrant ship. But with their industry, the New Englanders brought a political precocity that offended Governor Lawrence's paternalistic principles of government, and from the ensuing clashes was born the Governor's policy of introducing agrarian German settlers. From these men in their South Shore settlements, centered about the town of Luxenburg founded in 1753, he could expect a quiet service to the land and laws they found,

unlike the restless activity of their trade minded neighbours from Massachusetts.

The influx of New England settlers began around 1760. These immigrants were chiefly farmers and fishermen urged from their homeland by economic pressures--the need for new land or easier access to the fishing banks--and they brought with them the political and religious traditions of their New England environment which were to mold the character of their new homes, and strengthened the ties of the Atlantic communities. The fishing population had established itself along the South Shore of Nova Scotia, with centres at Yarmouth, Barrington and Liverpool; while the farming settlers had spread over the Minas Basin, Annapolis River valley and Chignecto areas, establishing the small communities of Horton, Cornwallis, Annapolis, Granville, Truro, Onslow, Windsor. Beyond Sackville and Amherst, which marked the fringe of substantial settlement, there were scattered outsettlements in the Baie Chaleur and Passamaquoddy Bay regions where small fishing and trading centres had been established, while north of St. John a sizeable trading community had been given the name of Naugerville. This tide of settlement in the seventeen sixties had been followed a few years later by Alexander MacNutt's sponsored immigration of Ulster Irish to consolidate the towns of Truro, Onslow and Londonderry; then by the entrance of a Yorkshire group into

the marshy isthmus of Cumberland County; and finally by the Scots who settled along the peninsula shores of Northumberland Strait in 1773, to establish the town of Pictou.

Such was the pattern of settlement in Nova Scotia in 1784--scattered rural communities detached from their capital at Halifax by the obstacles of geography and the differences of occupation and outlook. Halifax was stamped by the character of its merchant houses, military and naval establishments, and an official class politically and religiously orthodox. The rural settlements, on the other hand, had retained their non-conformist sympathies, political liberalism, and a degree of independence engendered by the conditions of settlement. Among the settlements outside Halifax, Luxenburg continued a small bastion of government support, while Liverpool earned a reputation as a restless, enterprising community of fishermen and small traders, Annapolis in these days was a fairly substantial trade centre for the Fundy region, and Windsor stood apart from its neighbours as the private estate of Halifax officialdom. The area surrounding this small town was owned by government officers and farmed on a tenant basis, the farms interspersed with military holdings--it was natural that Halifax should later designate the town as the site of the provincial college, which must be secured against democratic and non-conformist influences. Beyond the fringes of peninsula settlement were outposts with a tradition of detachment from

Halifax governance.

It was, then, a mixed society that greeted the Loyalist immigrants, but a society characterized by a basic dualism of Old and New England which the newcomers were to strengthen. Sam Slick was to comment later that:

The old stock comes from New England, and the breed is tolerable pure yet, near about one half apple-sauce, and t'other half molasses, all except to Eastard where there is a cross of the Scotch.¹¹

iv.

Onto this ragged patchwork of settlement was projected the Loyalist immigration of 1784, to consolidate and expand settlement, in some instances to emphasize and in others to conflict with the New England traditions of the old settlers, and to cause a general re-orientation of Maritime relations. It was natural that the Loyalists should have directed their flight to Nova Scotia, in acquiescence with Britain's design for populating her northern colonies, for Halifax and its outports had long been known to the Thirteen Colonies as commercial adjuncts of the Boston and New York merchant houses. There came, then, a tide of some 35,000 refugees. The newcomers were chiefly of the 'humbler' sort, as the more influential classes of wealthy merchants, officials and professional men early migrated to England where ties of influence in government and business were

¹¹Haliburton, T.C.: The Clockmaker.

looked to for compensation. Nevertheless, there were included among the settlers men of ability whose experience at the bar and in the legislatures of the Thirteen Colonies introduced a new element into the Maritime political scene. During the following decades, the registers of officials and representatives were scattered with Loyalist names whose bearers were to prove a mixed blessing to their communities. For the Loyalists brought problems. With their settlement was born the land grant controversy that plagued colonial relations for many years. As successive waves of immigrants over-flowed settlements and knocked awry every Halifax estimate, inequalities in land grants ensued, to divide classes and provide an arguing point for internal dissension.

Such a sudden influx threw on the shoulders of the poorly financed, inadequately staffed Halifax government the burden of providing for some thousands of bewildered and indignant immigrants. The dispersal of these newcomers exposed a lack of communications and local administrative institutions that rendered impossible any effective system of government from Halifax. Nor were these difficulties made easier by the companion problem of assimilation. A disparity of experience and consequent attitudes divided old and new settlers who met often with mutual suspicions of motives and principles. The Nova Scotian Assembly petition for aid "to your Majesty's old and not less faithful

subjects"¹² reflected the old residents' resentment of the Loyalists' virtuous flaunting of hardship; nor had the resident Nova Scotians felt the persecution that moulded the Loyalist character in which conservatism and British loyalty were intensified by bitterness. The condescension in Governor Parr's comment that "there is not a sufficient proportion of men of education and ability among the present adventurers"¹³ was but one of many irritants. And suspicion grew into complaint as Loyalists accused the Halifax administration of irregularities and injustices, born of ignorance and lack of interest. Colonel T. Dundas* voiced the discontent and suspicion that coloured Loyalist attitudes concerning Nova Scotian society: "They [The Loyalists] have experienced every possible injury from the old inhabitants of Nova Scotia, who are even more disaffected toward the British Government than any of the new States ever were. This makes me much doubt their remaining long dependent."¹⁴ Similar difficulties had necessitated the division of Prince Edward Island from Nova Scotia in 1767, and the process was repeated in 1784 when the area north of

¹²C.O. 217/62, Assembly-Whitehall, March 18, 1790.

¹³Wallace, W.S.: The United Empire Loyalists; Brooke and Co.; Toronto, 1914.

¹⁴Raymond, W.O. (ed.): Winslow Papers 1776-1826; Sun Printing Co.; St. John, 1901; p. 337. Col. Thomas Dundas-Earl Cornwallis, December 28, 1786.

*See Appendix.

the Chignecto peninsula was separated from the Halifax administration and created as the province of New Brunswick.

The Loyalists exerted a varied influence upon the character of the Maritime colonies. With family ties in New England that outlived the bitterness of Revolution, they underlined the Nova Scotians' sense of divided loyalties. When the bickering of trans-Atlantic diplomacy strained this division in following decades, Maritimers were to echo the earlier cry of Yarmouth settlers that "we have Fathers, Brothers and sisters in that country New England, we are divided between natural affection to our nearest relations, and good Faith and Friendship to our King and Country."¹⁵ Maritime reaction to the British-American war in 1812 was informed by this consciousness of family ties.

The impact of the immigrants' arrival varied throughout the Maritime region with the distribution of their settlements. A small band of Loyalists merged with the agrarian population of Prince Edward Island, too scattered to exert an appreciable influence. In the peninsula of Nova Scotia they spread throughout the nine counties, favouring the more firmly established agricultural areas of Annapolis, Halifax and Sidney Counties, while an

¹⁵Cited in Martin, C.: The Empire and Commonwealth: studies in Governance and Self-Government in Canada; Clarendon Press; Oxford, 1929; p. 86.

estimated 12,000, attracted by the possibilities of Port Roseway harbour on the South Shore, established the new county and town of Shelburne. But the majority directed their migration toward the northern areas of the mainland colony, where land was rich and sparsely settled, to establish the Loyalist colony of New Brunswick. Although a few settled in the most northern areas of the Mirimachie and Restigouche valleys and Baie Chaleur, the most popular regions among the Loyalists were those of the St. John River valley and the Passamaquoddy Bay which very quickly gave evidence of the divergent characteristics that were to colour New Brunswick politics in subsequent years. The river valley counties of York, Kings, Queens and Sudbury were predominantly agricultural, whereas St. John and Charlotte Counties, covering the east shore of Passamaquoddy Bay and the offshore islands, were commercial areas. St. Andrews was established by settlers from the Penobscot region of Maine, who sought a centre from which to exploit their former coastal trade and to maintain ties with New England, while Governor Carleton long held the citizens of St. John in suspicion as commercial exploiters of dubious political sentiments rather than bona fide Loyalists. It was no wonder, then, that Loyalist officials should have established their capital at the little settlement of St. Annes in the

heart of the conservative farming community;¹⁶ nor was it surprising that Carleton should have sought to harness St. John's opposition by the seeming liberal gesture of granting a city charter. The charter was one fashioned on the conservative model of New York and administered by two government supporters (G. Ludlou and W. Chipman as mayor and recorder*).

The Loyalist immigration was the basis of Maritime development in the following decades, but it was a mixed contribution. One commentator on this period regarded the Loyalist immigration as a beneficial addition to the Maritimes:

These men brought along with them industrious habits, large sums of money, vessels, merchandise, cattle and furniture, and most of them being intelligent men, the courts of justice and the legislatures became consequently more respectable than in most new colonies.¹⁷

But the newcomers were often unsuited for the agrarian livelihood offered them, and unfamiliar with the pioneer element that their fathers had conquered long before in New England. Their efforts in establishing a new home were

¹⁶In the 1802 elections York, Queens and Kings voted solidly in support of the government, St. John and Charlotte counties in opposition, while the further removed counties of Westmorland and Northumberland were divided in their affections.

¹⁷McGregor: op. cit., p. 300.

*See Appendix.

often pursued in a manner that inspired the observation that agriculture was neglected, as a disreputable occupation, "fathers holding to the plow only from necessity, while sons skulked from rural labours to the woods, or to seek for employment on board of coasting vessels."¹⁸ The new era of Maritime development was undertaken with dreams, but not always with the common sense required for their realization, and the fate of many settlers was reflected in the fate of Shelburne town. The fine natural harbour of Port Roseway attracted many who thought to reconstruct there the wealth and influence they had known in Boston and New York. Some 12,000 immigrants flooded the district in 1784 and raised a town whose splendour was reduced to empty houses and deserted wharves almost as quickly as it had risen. The reasons were summarized several decades later by R.J.

Uniacke:*

Remote from the other settlements of the Province, surrounded by the forest without roads, situated too far from the entrance of the harbour, to reap the advantages of the fishing grounds, and filled with people who were unacquainted with the mode of settling the wilderness, it was impossible that such a town, so constituted could long exist.¹⁹

¹⁸Ibid.: p. 390.

*See Appendix.

¹⁹Haliburton, T.C.: A General Description of Nova Scotia; Royal Acadian School; Halifax, 1825; p. 379.

Similar mistakes and obstacles lay behind many of the struggles that occupied Maritime energies during the decades of Napoleonic conflict.

v.

The Maritime scene in 1790 presented a tangled web of social factionalism, woven from the varied strands of geography, economic concern, and historical background. The political controversies that pursued one another across the colonial stage during the Napoleonic decades must be set against an ever-changing backdrop of factional rivalries, personal feuds, class divisions, and conflicting economic interests. The basic pattern of social character was there: an administrative class of British officials or colonial appointees sharing Whitehall's outlook, a merchant class that was orientated about the few urban centres and often fused with officialdom, a rural community engaged in farming, fishing and small trading enterprises. But it was a pattern varied by shifting alignments where ties of kinship, region, and self-interest constantly broke across another to render impossible any definition of 'party.'

Although every controversy, be it social, economic, or personal in character, became ammunition for the adversaries of the legislative halls, the changing composition of each factional contest allows only a vague definition of 'the administration' and 'the opposition.' Assembly and

Council remained the headquarters of the opposing camps in each controversy; the political leaders in each house remained relatively consistent in their positions, but the composition of their forces changed as the importance of his different ties varied for each individual, according to circumstance. Thus, the friction of Loyalist and pre-Loyalist which divided Nova Scotia socially and politically during the early post-Revolution days gave birth to the Assembly-Council controversies that directed the colony's political course through subsequent decades. Yet these same ties of regional origin were frequently subject to the contrary demands of legislative rivalry and personal ambition, while the gradual resolution of earlier social divisions wrought similar changes in political factions. Exerting pressures from the sidelines, to vary these basic political rivalries, were the ever-present contests of rural and urban communities, of the outpost farmer and the Halifax merchant, of the colonial civilian and the British officer.

Governor Parr's comment that "it is not an easy matter to satisfy an expecting Loyalist"²⁰ indicated the first problem faced by the Maritime communities during their early years of post-Revolution settlement. These were differences of outlook and experience dividing the

²⁰C.O. 217/72, Parr-Napean, April 18, 1788.

Loyalist immigrants from the established population of Nova Scotia. The early core of New England farmers and fishermen had brought with them a heritage of those very 'democratic' ideas that had erupted into the Revolution rejected by the Loyalist newcomers. The accidents of geography and history had insulated the Nova Scotia Yankee from the more extreme interpretation given those ideas by the Revolution, and from the persecution which had embittered Loyalist attitudes to such ideas. The political consequences of these differences were to be felt throughout Governor Wentworth's regime, after the initial struggle between old and new settlers for place and power had been resolved. That this struggle was dictated more by political ambition than by conflicts of political policies would seem to be born out by the course of the struggle and its resolution.

In the first skirmish, projected by the judicial controversy of 1780, the conflict was one between a Loyalist inspired Assembly and a Council and Bench dominated by the older settlers. Studies of this period have shown the Loyalist numbers to have voted together throughout the first five sessions of the Sixth Assembly (1782-1792),²¹ though without organizing as a distinct party or enunciating a precise policy. It may have been that the immediate,

²¹Ells, M.: "Sparks of Liberty"; Dalhousie Review, vol. xvi (1937).

practical concerns of particular issues--judicial reform, revenue control--were too pressing to allow of the more gradual development of a programme of political theory on which to raise party structure. It may have been, too, that suspicion and rivalry were too strong sentiments influencing the mutual reactions of Loyalist and pre-Loyalist to make possible the sustained cooperation necessitated by party association. Certainly there was strong opposition from both groups in the Assembly to the idea of organizing as a distinct party, despite the cooperation that old settlers, like Tonge Sr. and Welfoung were willing to give the Loyalist leadership of Sterns, Taylor and Barclay* throughout the judicial battle.²² Not to be forgotten were the Loyalist ambitions of office that required a free hand for the exploitation of the political shuffling of the times.

It is significant that in 1792, with the judicial controversy scarcely forgotten, Major T. Barclay, who had spoken vigorously against the abuse of justice by Judge Deschamps,**was giving strong support to the executive forces as Assembly Speaker.²³ Indeed, by the end of the

²²Murdock: op. cit., p. 70-72. See Chapter Four.

*See Appendix.

**See Appendix.

²³In later years, as a recognized spokesman for the imperial interest he was appointed British Consul to the Eastern states, and a member of the Maine-New Brunswick boundary commission.

decade, former rebellious Loyalists were filling the seats of Government. In 1797 Sterns was appointed Solicitor-General, thus becoming a colleague of Chief Justice Blowers,* whom eight years before the lawyer had denounced as a traitor to the Loyalist-Assembly cause.²⁴ By 1803 the Executive Council was dominated by the Loyalist-merchant faction which had conveniently forgotten its earlier denunciations of executive claims, which it now claimed for its own.²⁵ The regime of Governor Wentworth reached its peak of power with the consolidation of the Loyalist hold on administration.

The importance of the Loyalist assault, and its consequences on domestic affairs, varied throughout the three Maritime colonies, according to the conditions of

*See Appendix.

²⁴Blowers had resigned his position as Assembly Speaker to take the Attorney Generalship in 1789. Morrison, G.: "The Evolution of Political Parties in Nova Scotia"; unpublished M.A. thesis, Dalhousie University, 1949.

²⁵In 1789 the Nova Scotia Council included J. Pemberton (Chief Justice), R. Bulkely (Provincial Secretary), H. Newton, A. Gould, A. Brymer, I. Deschamps, T. Cochran, J. Halliburton, H. Duncan, S.S. Blowers (Attorney General)--only Blowers was a Loyalist. But in 1803 the Council membership had changed almost completely to include S.S. Blowers (Chief Justice), J. Halliburton, J. Brenton, B. Wentworth (Provincial Secretary), J.B. Butter, A. Belcher, C.N. Wentworth, L. Hartshorne, N. Wallace, A. Croke, W. Forsyth. Dr. Croke was an English official, W. Forsythe a Scottish merchant, and A. Belcher a pre-Loyalist merchant, while the remainder were of Loyalist origin, merchants or lawyers by profession. In comparison, the New Brunswick Council presented a uniformly Loyalist character throughout this period with few changes in membership.

Loyalist settlement. In Prince Edward Island, with its small and scattered population dominated by the policies of a land-owning minority, the impact of the Loyalist immigration was of small consequence. The newcomers mingled with the tenant farming community, embraced as their own the colony's land grant complaints, and added but one more small voice to the rumbling protest. In New Brunswick, settled as a homogeneous Loyalist province, the conflict of old and new settlers was of small proportions and short duration. There existed, rather, a class struggle carried by the Loyalists from the more developed communities of New England. During the early years of settlement there were murmurings of discontent from the lower class, protesting abuses in land granting and favouritism in office, to which the resentful minority of older settlers joined their voice. But the protest was not of major proportions, nor did the colony experience the almost frantic campaign of office solicitation waged by Governor Wentworth on behalf of his Loyalist colleagues in Nova Scotia.

In the despatches passing between Governor Carleton and the Colonial Office there appear few of the petitions for Council seats, or recommendations of 'my worthy countrymen' that form so large a part of Governor Wentworth's correspondence. Nor do there appear such complaints of Carleton's regime as were submitted to the Colonial Office by one anonymous critic of Wentworth's administration. "The

Government of this province is sunk to the lowest pitch in the estimation of the bulk of its people," he affirmed, due to Wentworth's subservience to the merchant-land speculating factions of Hartshorne and Wallace who "relieve his needs and use his authority for their own advancement," thus successfully obstructing assembly demands regarding appropriations and land reform.²⁶ The greater objectivity of Governor Carleton's regime was indicated by his early judgement on the application of Edward Winslow (a valued supporter of the New Brunswick administration) for a Supreme Court judgeship:

The colonel is not a professional man and his talents I apprehend would not atone for his want of Low Knowledge; besides, in a Province where there are several respectable men of the Bar, such an appointment could not fail to give dissatisfaction.²⁷

Differences in the characters of the two governors cannot be ignored, but there were also differences of social-political conditions which seemingly demanded the exploitation of patronage from one and not from the other. Certainly Carleton was by no means adverse to the use of patronage when he considered it necessary for the strengthening and protection of the Executive.²⁸

²⁶C.O. 217/81, Anonymous letter to Castlereagh, August 26, 1805.

²⁷Raymond: op. cit., p. 447.

²⁸In 1792 Carleton demanded the sole right to nominate official appointments to Britain, without interference from the Assembly with its 'democratic' ideas, for 'such a Spirit

It was with similar arguments of administrative defence that Governor Wentworth justified his generous use of patronage. While he might wield this for the advancement or remuneration of personal friends,²⁹ Wentworth seems to have concentrated on the less direct methods of surrounding himself with an Assembly and Council of sympathetic colleagues. On such control of government would the success of his administrative policies depend, and the importance of these to Wentworth might be seen in the stress he laid upon his right to be consulted on all government appointments. It was not mere pettiness, or personal pique that inspired Wentworth to complain in 1795, concerning the projected appointment of a Chief Justice.

I named a person to you some time since, but I would wish, if his friends should apply, that it should be understood that I have good opinion of him, but that some reference to me is thought advisable whoever may succeed.³⁰

will not fail to appear whenever it is understood the most important appointments may be obtained without Government intervention and perhaps by persons known in the Country to be ambitious of embarrassing the administration." C.O. 188/4, Carleton-Dundas, September 2.

²⁹Wentworth was assiduous in securing a milling monopoly with control of army flour contracts for his merchant friends Hartshorne and Tremaine, whose names frequently head the merchant memorials supporting government legislation. C.O. 217/ , October 25, 1792.

³⁰Ells, N.: "Governor Wentworth's Patronage"; Nova Scotia Historical Society, vol. 25 (1942).

He must control the composition of his legislative and advisory bodies if he was to secure the administration of a strong Imperial-executive government, which was regarded by Wentworth as the only alternative to and protection from a repetition of the republican chaos he had experienced in New Hampshire.

Wentworth was forever on guard against popular agitators. Opposition to the administration could only be regarded as sedition, while the governor's personal enemies were invariably denounced as disloyal, as "dark and insidious, secretly connected with seditious purposes."³¹ Such was his judgement of Richard Uniacke who dared support Assembly claims against executive interference, and even stronger was Wentworth's denunciation of Cotnam Tonge Jr. as a tool of the Devil. From this same obsession with disloyalty which compelled him to manipulate an administration of tried and true Loyalists, grew Wentworth's changing attitude toward the Assembly. During the years spanning the turn of the century, both Assembly and Council had been sympathetic toward Wentworth, and the Governor had shown little concern over the sporadic quarrelling occasioned by the Assembly's claims to financial control. But as the Assembly began to take an increasingly independent lead from the Governor around 1804,

³¹C.O. 217/39, Wentworth-Whitehall, January 23, 1795.

and to absorb more members in sympathy with Wentworth's enemies, the Governor's opposition to the Assembly increased, with the resultant cries of 1804-07 in all their bitterness.

With the consolidation of Wentworth's regime resolving the initial division of Loyalist and pre-Loyalist, the stage was freed for the development of the larger contest between Council and Assembly. This contest grew out of its predecessor, the political differences embittered and given character by the fears and suspicions that had inspired the initial dispute. This second was chiefly a political contest, arguing rival interpretations of the three way division of authority outlined by the British Constitution. But beneath the rivalry of legislature and executive, there lay the friction between colony and mother country that was repeatedly voiced in petitions complaining of the conduct of British officials, and of Council claims made in the name of imperial administration. Throughout their campaign, Assembly members were attempting to secure the fullest colonial application of British parliamentary practice, and in so doing, they were combatting, in the person of the Executive Council, the Mother Country's reluctance to recognize such claims to political maturity as this implied. Colonial pride lay at the root of much of the friction--a pride that chafed at maternal apron strings, and resented the condescension of its elders.

This dispute that erupted between the Assembly and Judge Croke* of the Vice-Admiralty Court, almost from their first encounter in 1802, was indicative of feeling in the colony toward the dictation of what was frequently ill-informed imperial policy. The judge's firm intention to educate and discipline the colony in the interests of imperial well-being was a sure goad to the ire of his colonial neighbours, and even of his government colleagues.³² The friction bedevilling relations of the two Houses during the term of Croke's Council Presidency was in part due to the Assembly's identification of the whole executive body and policy with Croke's principles of executive domination and complete colonial subordination. To accept such claims, with their sweeping theories of the Crown's prerogative was to admit defeat for the principles of internal colonial legislative independence with which Cotnam Tonge instructed his Assembly colleagues. Although the Assembly was mistaken in so completely identifying the Council with their President,

*See Appendix.

³²The Executive Council was moved to petition against Croke's disregard of the "small and poor province" where he observed "it must frequently happen . . . that many persons are admitted members, respectable in themselves, but certainly not of sufficient consequence to be ranked above the Judge of the Admiralty." C.O. 217/77, Croke-Hobart, January 25, 1802.

for the councillors had shown a hesitancy to embrace a policy that events of previous years had rendered impossible reactionarianism, yet the text of certain Council complaints would seem to vindicate Assembly suspicions. The judge had scarcely arrived in Halifax in 1802 when Council members began protesting the precedence given him in Council where he was placed second to the Chief Justice. Their complaints increased as Croke's demands for precedence in all government affairs, for veto powers in judicial cases shared with civilian courts, for virtual immunity from colonial jurisdiction followed one upon the other. The Council feared that according such precedence to Croke would destroy the Nova Scotian system of granting administrative jurisdiction to the senior councillor during the Governor's absence, and replace it with the New Brunswick system of arbitrary British appointment. This system the New Brunswick Council had repeatedly criticized as an insult to the colonial administration members were "degraded in the eyes of their neighbours" by such disregard,³³ and noting a similar resentment among Nova Scotian officials, Governor Prevost* commented on Croke's appointment as Council President in 1808:

³³C.O. 188/17, British Agent in New Brunswick-Liverpool, p. 56.

*See Appendix.

. . . the civil government will devolve upon an able though rather unpopular character, the Judge of the Admiralty . . . as he is a new man in the community, I have reason to believe that on his assuming the chair, the Chief Justice will withdraw from Council for a time.³⁴

Such withdrawal, Prevost felt, would be most unfortunate for public harmony. The Chief Justice was not alone in his jealousy. The Council, too, was moved to its strongest protest, not by the Judge's behaviour during the appropriation controversy, nor by his rigidly orthodox position during the discussions concerned with Windsor College establishment, but by the increasing preferment shown him by Britain--yet another instance of the British policy of preferment resented by native officials.³⁵

It was just such a mixture of fear for the integrity of colonial custom and regulation, and jealousy of position that activated the long standing quarrel between colonial civilian administrators and British military and

³⁴Archibald, A.G.: "Sir Alexander Croke"; Nova Scotia Historical Society, vol. 1-3 (1878-83), p. 115.

³⁵While administering New Brunswick affairs, Hunter observed the resentment shared by colonial inhabitants for the British appointee preferred over one of their own; and he suggested that more posts be filled by colonists. This would give the colony a greater concern with the British tie and would encourage the inhabitants to look to Britain as their benefactor rather than regarding the administration as another illustration of the gulf between the colony and British officialdom. C.O. 188/4, Hunter-Castlereagh, November 16, 1808.

naval officers in the colonies. As the centre of military and naval establishment in the colonies, Nova Scotia again experienced this friction most strongly of all the Maritime colonies. As a civilian and native North American, Governor Wentworth was continually in conflict with military and naval advisors, snubbed by them as they considered their commands to render them virtually immune from colonial jurisdiction. The usual alignment of colonial and imperial officialdom versus the Assembly and its colonial constituents was broken across by the mutual concern of all colonial factions for colonial interests. Wentworth complained to the Colonial Office that General Oglvie "sought to perplex, oppose, create difficulties, countenance those who are opposed to Government," while "it is impossible to reconcile either the representatives or the people to his manner or measure."³⁶

Particularly irreconcilable was colonial opinion when the administration of imperial interests by these officials clashed with colonial economic concerns. Much of the friction in this sphere arose when British officers claimed exemption from the regulations that assured the protection of the colonial economy. When Admiral Murray requested that the excise on spirits be lifted from those supplies used by the naval establishment, he was reminded

³⁶C.O. 217/36, private letter from Wentworth to Secretary of State, May 19, 1794.

by the Council that

. . . it would derange our production and satisfactory system of finance, more than it promises benefit to individuals. It is a very difficult and ungracious move in the Country to grant exemptions of dutys [sic] to one Class or description of people.³⁷

Only the year before Wentworth had reported a serious dispute between the military and the excise officers, caused by the former's refusal to allow their provision ships to be inspected in the usual manner. Wentworth feared that this would undermine the Excise Laws, and arouse Assembly complaints of their legislative rights being infringed upon, with colonial law being suppressed by military--"is it worthwhile to destroy the peace and affectionate attachment to Government of a prospering Colony solely to gratify any military ideas."³⁸ Under the prevailing system of imperial administration, divided as it was among a multitude of department with varying policies and limited communications, such conflict of interests was scarcely surprising. The colony was primarily concerned with its economic development to which it expected all else to be subordinated. Indeed, it was scarcely interested in any other claims upon colonial resources of goods and manpower, and could lightly reject the Admiralty's request, in 1805, for an extension of impressment warrants as unimportant--at least, in comparison to the needs

³⁷C.O. 217/36, Wentworth-King, January 23, 1794.

³⁸C.O. 217/36, Wentworth-Whitehall, June, 1793.

of the merchant fleet already seriously reduced by the navy's claims.³⁹ But not so lightly had the colony greeted Brigadier-General Murray's refusal to provide an armed corps for the protection of the customs schooner 'Earl of Moira' on its expeditions against American coastal privateers.⁴⁰ Even Sherbrooke encountered the obstructions of inter-departmental jealousy during his administration of Nova Scotia.⁴¹ The difficulties Sherbrooke experienced in his attempts to impress the nature of colonial defence needs upon Britain, and to procure cooperation among the various branches of administration illustrated again the nature of the colony's discontent with the imperial administration and its officers, and the colony's vulnerability to the constant factional strife and private feuding that was woven through its political life.

All too often did private feuds dictate the course of public business, and exclusive cliques dominate political divisions. Ties of kinship and friendship frequently cut across alignments of an economic or political nature. Such was the explanation of Governor Wentworth's changing attitude toward J.B. Butler whom he had recommended for a Council seat in 1802 only to violently reject that gentleman's claim in 1804 when his mandamus of office threatened

³⁹Akins: op. cit., p. 137.

⁴⁰C.O. 217/36, Wentworth-Murray, May 26, 1797.

⁴¹On one occasion Sherbrooke was refused a loan from the naval chest for much needed military operations. C.O. 217/64, Sherbrooke-Croke, August 7, 1808.

to supercede those of Wentworth's son Charles-Mary and his friend Hartshorn. For months the Council was torn apart by this dispute, regarding this challenge to the position of two of its members of greater moment than the revenue dispute then pending. Jealousy of position in such small colonial communities where the fruits of office were limited, coloured the reactions of political groups and individuals to one another. So it coloured the initial reaction of the Nova Scotia Council to Cotnam Tonge Jr. who offended the ruling clique with the implications of an early campaign address:

Gentlemen. Without family connections, particular interests or any influence but that arising from public opinion, but encouraged by the request of many respectable members of your body, they leave with great deference singly to offer myself as candidate. On your opinion of my political conduct, which has passed within your immediate observation, I rest my hope of success.⁴²

This was only further aggravation to an enmity Tonge had unwittingly aroused in 1792 when preferred as Naval Officer before one of Wentworth's nominees. By such imagined insult were political relations frequently moulded; in such personal animosity was much of the Maritime colonies' political debate rooted.

The political division of the Maritime communities between Assembly and Council factions frequently paralleled the alignments of the rural fishing and agricultural

⁴²Weekly Chronicle, October 23, 1799, cited in Murdock, op. cit., p. 182.

settlements versus the urban merchant and professional classes. The Nova Scotian Assembly's investigation of Naval Office authority and practice in 1790 had been such an instance of outpost complaint against the administration of Halifax officialdom. When Simeon Perkins wrote to Halifax for instructions regarding the town of Liverpool's part in the controversy, he voiced the general outlook of the rural areas when he commented, "it seems the current is against us in Halifax, and that being the case it is very hard to please."⁴³ Coastal communities like Liverpool had complained of the excessive fees levied by Naval Office deputies, and the petty regulations requiring all ships to report to Halifax for the papers of each voyage. Not only did these communities resent the surveillance such regulations implied, but they protested the obstacles thus confronting the small shipper who felt himself at even more of a disadvantage with the larger shipping and merchant houses of Halifax. Indeed, the small producer and trader of the outpost settlements felt himself at a disadvantage with the urban merchant at every turn. He considered himself exploited by the larger business men who controlled the bulk of the colonial import-export trade. He considered the legislative recommendation of the Executive Council to be weighed in favour of the metropolitan

⁴³Simeon Perkins: Diary (B. Fergusson ed.); Champlain Society; Toronto, 1961, January 18, 1790, p. 7.

merchant community which he repeatedly assailed through the voice of his Assembly representative. The Assembly-Council dispute of 1806 over the regulation of fish bounties was a reflection of this economic-regional conflict; a reflection, too, of the Council's concern to so regulate the export of colonial produce as to reduce the opportunities of illicit trade with American smugglers undermining the urban merchants' economic hold on rural areas. The merchants of St. John and Halifax pursued similar campaigns against this clandestine colonial-American trade carried on in the small border and coastal settlements. Not only did such trade undermine metropolitan monopoly of the West India import trade, but it drained off colonial produce that might otherwise be channelled through the warehouses of the capitol. It also allowed the outport inhabitants to procure goods they would have acquired on credit from the metropolitan merchants,⁴⁴ and for the politically ambitious merchants of the colonial capitols the hold of credit upon rural constituencies was as effective a political weapon as borough purchasing was to the English politician. Simeon Perkins bemoaned the pressure exerted by his Liverpool neighbours to return him to an unwanted legislative seat in 1793. But this was the attempt of a rural area to secure resident representation rather than remain the tools of Halifax merchants. It was not a dream

⁴⁴C.O. 217/74, Wentworth-Portland, July 23, 1800.

easily realized, since "some Gentlemen are so entangled with Mr. Hart [Halifax merchant who had formerly represented Liverpool] by promise or encouragement, that they do not go easily into the Measure."⁴⁵

The rural party, to employ the term loosely, became integrated with political opposition groups when rural members sought the leadership of political reformers like James Glenie and Cotnam Tonge Jr., whose election bids had been rejected by the urban preserves of the executive cliques. Both Glenie and Tonge were accused by their opponents of instigating revolutionary parties in their respective provinces. Both men were denounced as Jacobins and democrats, although neither at any time carried his demands beyond the limits of British parliamentary practice, but Glenie in particular was regarded with suspicion for his connections with the radical Whig party in England.⁴⁶ He was a Scotsman, at one time cashiered from the British army in Canada for insubordination, but his scientific abilities had won him reinstatement in the Engineers Corps and in this service he had arrived in St. John with the early Loyalist settlers. Eventually Glenie resigned his commission for the greater freedom of private enterprise in the timber trade,

⁴⁵Simeon Perkins: op. cit., February 18, 1793, p. 210.

⁴⁶C.O. 188/6, Lyman-King, April 15, 1795.

and was soon combining the careers of a deputy woods surveyor and an opposition. Cotnam Tonge, on the other hand, was a native Nova Scotian, born of pre-Loyalist stock, who spent most of his life in the service of the Naval Office, succeeding his father to the position of Naval Officer in 1798. Like Glenie, Tonge was a minister of the Crown, and the nature of their employment made the opposition of both men to executive measures all the more shocking to colonial officialdom. In numerous letters to the Colonial Office, Governor Wentworth expressed his shock at the behaviour of Tonge who "as an Officer of Government might be expected to wish for peace and quiet in the Community,"⁴⁷ and might be expected to serve government interests. It is not surprising these men had to seek support in the more sympathetic rural districts. Glenie entered politics in 1793, representing Sunbury County which harboured the largest number of pre-Loyalists in New Brunswick; while Tonge entered the Nova Scotian Assembly in 1797 as representative of Newport, having been rejected in his bid for the Halifax County seat. The rural electors were ready to listen to indictments of executive domination, familiar as they were with the consequences of a system that drew its officials from the urban community of the wealthy and professional. The

⁴⁷C.O. 217/13, Wentworth-King, November 24, 1799.

Colonial Office favoured the colonial professional class, as being of "the first respectability and information," whose members were equipped to control an Assembly where lack of education and experience opened the door to demagogues. The condescension and resentment dividing these two factions were all a part of the class structure directing politics in this period, and these attitudes proved considerable factors in the political struggles of the colonies. The first elections held in New Brunswick had illustrated this in the battle between the upper and lower Cove factions of St. John. Ward Chipman voiced the general opinion of the victorious Upper Cove professional class in his scorn for the naivete with which the Lower Cove labouring class attempted to play the political game.⁴⁸

A commentator on this period has remarked on the regional friction in Nova Scotia and its political consequences.

All the members of the house, and especially those who represented the agricultural population were interested and urged by their constituents to obtain as much money as possible for this important purpose (road construction). On the other hand, the public officers and councillors who were all residents in Halifax felt the necessity of such appropriations less-having no constituents to face or re-election to look for, and besides had an interest in securing revenue for salaries, public buildings, etc. Disagreement on this subject was continual and it

⁴⁸Raymond: op. cit., p. 452.

had to do with the contest of the two chambers--the upper House were seeking to cut down the sum for roads, while the lower was always ready to increase it.⁴⁹

A similar conflict of interests was the cause of a dispute which arose in 1800 between the Nova Scotian Assembly and the Halifax merchants over the question of wine duties. Contrary to the merchants' petitions, the Assembly sought to increase wine duties as a means of raising money for road construction. The general opinion of urban officialdom was reflected in Governor Wentworth's observations that the duties would be collected in Halifax where their burden was hardly felt by the rural population, while the greater part of the amount would be expended in those very rural districts. Moreover, the Assembly membership showing a nine to one division favouring country communities over Halifax, representatives would naturally be inclined to obtain as much money as possible into their own districts.⁵⁰ This was the reverse situation to that of 1794 when Halifax representatives moved that Assembly salaries, comprising one-eighth of provincial expenditures, should be charged to the towns and counties represented, thus relieving Halifax of a burden that was chiefly rural in origin.⁵¹

⁴⁹Murdock: op. cit., pp. 229-230.

⁵⁰C.O. 217/37, Wentworth-King, April 7, 1800.

⁵¹C.O. 217/64, Halifax city petition-Assembly, April 6, 1794.

The controversies that so entangled Maritime society in this period were in large part the product of economic-geographical conditions which differed throughout the colonies. As these conditions changed, or responded to varying conditions, regional factions moved back and forth across political lines accordingly. In Nova Scotia the friction between rural and urban interests followed a fairly steady pattern of rural-Assembly alliance versus the urban-Council entente. In New Brunswick, however, a variation was introduced by the rivalry of the two sizeable urban centres, St. John and Fredricton. From the beginning the St. John merchant community had opposed the separate location of the seat of government in the interior centre of Fredricton.⁵² Such an arrangement forced the commercial community to conduct its legal business in a distant capitol, removed the fruits of office and opportunities of lobbying beyond easy access. Thus it was that, one week the St. John merchants might be found allied with Fredricton officialdom in conflict with the coastal communities over smuggling regulations, and the next week these same merchants were leading their coastal neighbours in opposition to Government programmes of interior road expansion and Fredricton public works with their accompanying requests for provincial revenue increase.⁵³

⁵²C.O. 188/6, Lyman-King, April 15, 1795.

⁵³Ibid.

St. John also led the campaign for the lessening of Fredricton's administrative monopoly, joining her voice to that of Westmorland and Charlotte Counties in demand for alternative sittings of the Supreme Court in the more accessible centre of St. John.⁵⁴ The disputes of these two centres reflected a complex of class, regional and political jealousies, producing alliances typical of the unsettled environment of the Maritime colonies as they strove for a proper balance among the many facets of their community.

vi.

Behind all the factional disputes, lay the basic division of government and opposition, reflecting in many cases a conflict between imperial tradition and colonial compromise. In this debate the chief contenders sought the support of all other factions. Considering the principles of Church and State alliance as they were advocated in eighteenth century British politics, the question of church establishment might be expected to have figured significantly in British colonial factionalism, yet in the tangled Maritime disputes of this period religious controversy played a minor role.

⁵⁴The cry of these areas that "the holdings of all terms of this Court at Fredricton has rendered the attainment of Justice so difficult and expensive as almost to amount to a total denial of it," was the cry of a community suffering the divisions and impediments of its pioneer condition. C.O. 188/7, Carleton-Portland, March 3, 1796.

Whether through indifference, or recognition of colonial conditions, Britain had introduced her policy of church establishment into British North America with considerable latitude; but reaction to the American Revolution, regarded by most of the governing body as a movement of the sectarian lower class, had greatly narrowed this tolerance and consequently raised the spectre of religious dispute in British North America. Yet the Maritimes remained an exception. Certainly the religious climate of New Brunswick and Nova Scotia felt the effects of the Revolution and its reaction, and certainly the varied denominational scene of the Maritimes was never free of suspicion and complaint. But denominational controversy was relatively insignificant and attempts to enforce the rigid principles of church establishment, with all its political consequences, met with small success.

In 1738 the Nova Scotian Assembly established the Church of England in the colony, but with the provision

. . . that Protestants dissenting from the Church of England whether they be Calvinists, Lutherans, Quakers or under any denomination soever, shall have free liberty of conscience . . . that every popish person exercising an ecclesiastical jurisdiction and every popish priest or person executing the function of popish priest shall depart out of this province on or before the twenty fifth day of March, 1759.⁵⁵

⁵⁵Walsh, H.H.: The Christian Church In Canada; Ryerson Press; Toronto, 1956; p. 91.

But even this single discrimination was disregarded, and a Roman Catholic priest maintained to minister to the scattered Acadian and Indian population in the colony; while in Halifax, assistance in church building was given to other denominations. Shortly after this, there appeared small pockets of Methodists in the Yorkshire settlements of Cumberland County, of Baptists who moved as a single group from New Hampshire to settle Amherst and Sackville, and Presbyterians established at the Ulster Irish settlements, and the Scots community of Pictou; but the strongest denominational following was that of the Congregational Church brought to Nova Scotia with the waves of New England settlement in the seventeen sixties.

By the end of the American Revolution, the Congregational Church had almost disappeared from the Maritime region, and from the reasons for its disintegration can be derived some commentary on the peculiar needs and conditions of a pioneer community. The Congregational Church was brought from New England and continued to look outside the Maritime colony to its old home for support and direction. When these ties were cut by the Revolution the church's physical buttresses were undermined. But a more significant weakness lay in the character of the church, which possessed a formal structure of organization and service geared to the requirements of an organized society with traditional institutions, and a reasonable degree of stability and

intellectual maturity. Such an organization failed to meet the needs of a new society, scattered and unstable, and pre-occupied with the struggles of a subsistence economy that demanded some emotional release and re-assurance. Congregationalism consequently fell victim to the revivalist appeal of the Newlight movement which spread from the Congregational Churches of New England to the Maritime colony where it was fostered by Henry Alline* and became the most significant religious factor in New Brunswick and Nova Scotia during the first decade and half following the American Revolution.

With its concentration upon the spiritual, and its tendency to divorce itself from worldly concerns, the Newlight movement appealed to the rural population which sought some reassurance of 'better times' that could not be found in its physical environment. Moreover, the movement's emphasis upon the select nature of its membership--the chosen few who had achieved enlightenment and cleansing by the spirit--gave a sense of unity to the scattered settlers, and a sense of importance which they had not known within the formal churches guided by eighteenth century principles of class hierarchy. The itinerant nature of the Newlight preachers, whose circuit organization brought religion to the people, was well suited to a society lacking adequate settlement and communications. In all this lay the success of the Newlight movement.

*See Appendix.

By 1790 Alline's 'great awakening' had passed the first peak of its success, experienced during the American Revolution, and was settling into Maritime society as a general revivalist influence. This influence was now expanding beyond central peninsula settlements to those of New Brunswick, in some areas functioning as an independent organization, in others penetrating the other sectarian congregations of Baptists and Methodists. The Baptist organization had been introduced to Nova Scotia from New England where it had grown out of the Congregational Church, and its ties remained wholly with the United States during the early years of this Napoleonic period. Methodism had been revived in Nova Scotia by William Black,* a member of the Yorkshire community in Cumberland County, and the movement's connections with American Methodism were largely formed by necessity, as it was unable to solicit missionary support from the British Wesleyan organization at that time. Simeon Perkin's reference to William Black as a Methodist Newlight preacher,⁵⁶ and to David George, a minister prominent in Baptist development, as a Newlight preacher, indicates the rather confusing connections among these sects. In his diary Perkins followed the course of the Newlight-Methodist combination, a fluctuating course of amalgamation

*See Appendix.

⁵⁶Perkins: op. cit., May 28, 1793.

and dissent, as through the years a breach widened between the two and Methodism strengthened its ranks to become the largest denomination in the Maritimes.

In their early days, however, the Baptist and Methodist sects were the particular objects of suspicion from the Anglican clergy and much of colonial officialdom. The informal nature of service and organization adopted by these denominations scandalized Anglican congregations who feared the effects of such enthusiasm among the lower orders. It was a shocked and aggrieved Bishop Inglis* who complained of Methodist ministers' influence among "people with many of whom vociferation and violent gestures and certain sectarian phrases are in higher estimation than the literary qualifications, regular ordination or the decent order of our Church."⁵⁷ But a more serious objection to these dissenting congregations was created by their American connections for which they were held politically suspect during the years following the American Revolution. During the Revolution, dissenting communities of Scots and Irish had been centres of American sympathy and active revolt, while the rural New England-Congregationalist communities had maintained a passive sympathy for their American cousins.

*See Appendix.

⁵⁷Cited in Clark, S.: Church and Sect in Canada; University of Toronto Press; Toronto, 1948.

The Loyalist-Anglican officials remembered this and were ready to heed Bishop Inglis' warnings against Methodist preachers "whose attachment to our excellent Constitution is scarcely less dubious than the soundness of their religious principles."⁵⁸ And these warnings seemed justified as colonial officialdom watched political opposition growing and organizing among the rural dissenting settlements. It was with some urgency that Halifax administrators urged reinforcements for the Anglican church, arguing that otherwise "the inhabitants' minds would be poisoned by dissenting preachers . . . these fanatics have already had sufficient influence to force several members into the Assembly and should they have a majority in the House it is easy to foresee that disastrous consequences must follow."⁵⁹ Perhaps Bishop Inglis' opposition was sharpened by his awareness of the weaknesses of the Anglican church in the colonies where it was strong only in the older and more established centres. The identification of the Church with an upper class of landowners and government officials cut it off from the rural settlers, while the Church's lack of sufficient missionaries and its refusal to adopt the circuit system of

⁵⁸C.O. 217/86, Inglis-Prevost, November 9, 1809.

⁵⁹C.O. 217/86, Prevost-Whitehall, November 9, 1809. In a memorial to Under-Secretary King, Lyman referred to James Glenie's supporters, such as the Pagan brothers, as 'warm dissentors and ignorant men.' C.O. 188/6, April 15, 1795.

ministration did nothing to bring it closer to the people. During tours of his diocese, Inglis was met with complaints about the clergy's shortcomings. In the St. John area, a centre believed strong in Church support, the Bishop noted "the people of this house complained that Mr. Scovil had not visited this part of his parish for upwards of a twelve month of which neglect the Methodists had availed themselves and were very assiduous in making proselytes."⁶⁰

Yet despite the suspicion and animosity colouring the religious scene in the early years of this period, there were no open denominational clashes, nor political controversy for religious reasons, and the reason for this may be found largely in the character of the dissenting congregations. The Newlight movement had been anti-worldly in its pre-occupations, its members shunning involvement in political activities. "What have the ministers of Christ to do with the administration of civil government? Christ's Kingdom is not of this world. We are neither magistrates nor legislators."⁶¹ In later years much of the opposition to the Baptists and Methodists, which had been directed toward the Newlight character of their teachings, was reduced as these organizations severed their ties with Newlightism and their

⁶⁰Cited in Clark: op. cit., p. 68.

⁶¹Cited in French, G.: Parsons in Politics; Ryerson Press; Toronto, 1962, p. 38.

American sponsors. In 1800 the Newlight movement had waned to such a point that Governor Wentworth could laugh at 'the good bishop's' fears of harm done by scattered Newlight fanatics "who are too ridiculous to be of any sort of consequence."⁶² In the same year the Baptist Association was formed in Nova Scotia as an independent body, disavowing all connection with the Newlights (with whom, in 1797, they had agreed to meet annually in joint conference) while the Methodist body transferred its connections from the American Convention to the British Wesleyan Convention. The Methodist congregations were henceforth ministered to by British missionaries who were more conservative in opinions and action and more sympathetic toward the civil administration. In December 16, 1803 Perkins noted that Mr. Marsden (Methodist minister in Liverpool) "took occasion to explain the nature of Government and our Excellent Constitution."⁶³ This was a position rather different from that of the Methodist communities in 1790, and it indicated a general change of temper marking the move of Methodism (and similarly, of the Baptist movement) out of the sectarian stage toward the more formal organization accepted by maturer communities. For the changing character of denominationalism during this period

⁶²C.O. 217/37, Wentworth-Colonial Office, August 29, 1800.

⁶³Cited in French: op. cit., p. 61.

reflected the growth of the Maritime colonies as mature and individualistic communities, no longer satisfied with naive evangelistic teaching, nor willing to depend on the support of another national organization.

Political disputes of a religious nature were further avoided due to the general temper of colonial thinking regarding church-state affiliations. The Maritime colonies presented a varied denominational character and consequently opposed a system of church establishment that sought to impose a single pattern upon the development of society. This attitude became early evident when the Nova Scotia Assembly doubled the land grant provisions designated for each township for the support of Anglican churches and schools. Such action enabled the settlers to continue their practice of assigning the 'clergy reserve' lots to the first denomination, Anglican or Non-Conformist, that should enter the district, with compensation provided for whichever followed after. In 1812, similar opposition to the idea of Church-State affiliation was voiced with greater firmness when the Nova Scotia Assembly rejected Britain's offer to abolish the quit rent system in return for provincial maintenance of the Anglican clergy. Governor Sherbrooke,* realizing the dangers of such a proposal, hesitated to include the proposal in his

*See Appendix.

throne speech.⁶⁴ His warnings were substantiated by the Assembly's reply that

. . . as the inhabitants of this colony are composed of persons professing various religious sentiments all of whom since the first settlement of this province have been exempt from yielding any support to the church of England, except such as profess to be members of that church; the house of assembly anxiously desirous of preserving harmony among all denominations of Christians, cannot agree to make provision for the clergy of the church of England out of the public treasury or in any way raise taxes on other classes of Christians for the support of the church.⁶⁵

Such religious-political disputes as did cloud the Maritime scene arose in the field of education, where the implications of a Church-State connection was most significant; but here, as in every other factional controversy, the argument was interwoven with other considerations.

In 1783 the Loyalist agents were petitioning that a bishopric and college be established in the Maritime region to nurture 'proper principles' in the colony and to strengthen the inducements to immigration offered inhabitants of the Thirteen Colonies whose political doubts might be decided by the existence of an established church.⁶⁶ An institution for

⁶⁴C.O. 217/89, Sherbrooke-Liverpool, February 14, 1812.

⁶⁵Ibid.

⁶⁶"The fixing of a bishop in Nova Scotia will strengthen the attachment and confirm the loyalty of the inhabitants and promote the settlement of the province." Cited in Walsh: op. cit., p. 104.

advanced education was regarded as necessary if the colonies were to produce a professional class nurtured in the proper principles of government (which would not be the case if inhabitants had to send their sons to the United States for their education), and that this should be an Anglican institution was accepted by a class that regarded religion as the handmaid of government. A memorial from New Brunswick to the Colonial Office in 1701 voiced this attitude in its statement that government encouragement of church institutions "breeds up youth to forming good principles of religion and government; it tends to confirm civilization and enforces obedience to laws."⁶⁷ Such was the principle adopted in Nova Scotia where all school-masters were licenced by Anglican clergy and such was the principle directing the establishment of Windsor College in 1787. Twelve years later Governor Wentworth wrote to Under-Secretary King that the College president ought to be nominated by the British government as "it will tend to establish the controlling influence of Government upon education in this Province, which should never be omitted."⁶⁸ A similar institution in New Brunswick, to be known as the Fredricton Academy, was chartered in 1785 but its actual establishment was delayed until 1800 due to the appropriations dispute between Assembly

⁶⁷C.O. 188/4, Lyman-Colonial Office, 1791.

⁶⁸C.O. 217/37, Wentworth-King, July 3, 1799.

and Council.

In 1793 the New Brunswick Assembly appropriated £10 for each parish to be used in the interests of education, presumably for the support of some system of public elementary education. But this was rejected by the Council as establishing a new principle contrary to eighteenth century ideas of education as a private concern serving class interests. In retaliation, the Assembly rejected the Council's requests for a government grant to Fredricton Assembly and education was shelved for another decade. But provincial schools were the victim of more than a clash of religious-education principles, for behind the particular objections of both houses lay a complex of political, regional, and class conflicts reflected in the debates of government and opposition. In Nova Scotia, dispute arose concerning Windsor College regulations demanding all entrants to subscribe to the Thirty-Nine Articles and to sever all other denominational attachments. Such regulations, demanded by Dr. Croke, indicated a strict application of church establishment and as such was strongly opposed throughout the colony, even by Bishop Inglis who realized the folly of insisting upon such a system in the Maritime region. In later years this issue was to re-appear, argued by a stronger and more clearly defined Church-State party, with a more extensive and vocal Presbyterian opposition. But such disputes belonged to a more sophisticated society in

which basic problems had been resolved and party affiliations clearly defined. In the Maritime colonies before 1812 this stage of development had not yet been entirely achieved; the colonists were experiencing a lull that follows the initial unravelling of factional complexities and party ties. A certain degree of unity can be achieved at such periods, as indicated in this instance by the concerted opposition of all factions in Nova Scotia to Dr. Croke's demands; and such unity, however temporary, was an indication of the colony's development. Moreover, the nature of the colonies' opposition to such British principles was yet another instance of the Colonies' struggle to achieve a compromise of imperial and colonial demands, and the individual Maritime position that was the objective of all their efforts. In the religious sphere, at least, were the Maritime communities successful, in some degree, in resolving their factional divisions.

CHAPTER III

IN PURSUIT OF PROSPERITY

During the Napoleonic decades, the Maritime colonies were insulated from the international disputes of their elders by geography and the all engrossing nature of their own problems. The colonists were faced with the problems of settling and developing a country whose potential was the victim of a scattered pioneer population and unopened forests, of imperial orthodoxy and intermittent concern, and of the rival pressures of a more advanced neighbour. Following the American Revolution the Maritime region had been reorganized with promises of economic prosperity and political significance within the imperial pattern. The struggle to realize these promises, however, became a largely colonial concern, directed toward economic self-sufficiency and domestic political independence. The interests and energies of the colonies were so concentrated upon these goals that international events were regarded as significant only in so far as they contributed to or interfered with the colonies' programme.

The pursuit of their economic potential was given political character by the colonies as it involved them in disputes with the imperial administration and its colonial

representatives. As the colonial Assemblies attempted to define the particulars of their sphere of authority, they were attempting, also, to impress upon the imperial administration the facts of the Maritime condition, and to adapt the details of imperial practice to those facts. The consequent attitude of the Maritime colonists to the imperial economic structure was one of variable concern with strict adherence to the details of this structure in some spheres, and with the necessary modification of these details in other spheres, as changing conditions dictated. From this attitude was bred a changing temper in the relations of the colonies with their parent and their neighbours; while dependence upon fluctuations of the international scene drew the colonies into the trans-Atlantic disputes of parent and neighbour.

The Maritime colonies shared many economic concerns as they contended with the problems of land granting, subsidization of basic industry, and trade regulations. Such sharing of problems and subsequent pooling of resources encouraged some sense of unity among the colonies during a period when politics and geography dictated provincial isolation, and even a certain degree of inter-provincial conflict. Conflict did arise as a result of the subtle differences in the position of each which existed despite the theoretical equality of all. The island communities of

Cape Breton and Prince Edward Island were barely settled, yet enjoyed a political organization actually beyond the capacity of their political and economic development. They could be little more than shadows of the mainland colonies, instructed to follow the political guidance of Nova Scotia, and unashamedly dependent on their more advanced sister in certain spheres like defence. New Brunswick, however, did not so readily accept the actual superiority of her neighbour. Nova Scotia enjoyed a special relation with the British administration and would seem to have been regarded by the Colonial Office as a clearing centre for the whole Maritime region, an agent through which the imperial authorities could issue instructions and dispense funds.¹ This was a situation resented by New Brunswick whose political division from Nova Scotia had grown from physical necessity, and the mutual antipathy shared by the inhabitants of both regions. Governor Carleton resigned his office in 1799 in anger over the supposed insult to his position and the province, which he believed to be implied in the instructions to draw upon the Nova Scotia military paymaster for all the colony's defence needs. He demanded that the equality of the colony's position be recognized in the appointment of all its own

¹Throughout the 1812 war New Brunswick was repeatedly instructed to get its funds and instructions from Sherbrooke in Nova Scotia. C.O. 188/18, Colonial Office-Hunter, July 4, 1812.

administration officers. It was with equal vigour that the governor objected to the subordination of New Brunswick's defence to that of Nova Scotia, employing bitter sarcasm in his complaints--he regarded the military re-organization of 1792 as ill-considered, removing troops from the precarious border areas to Nova Scotia where one regiment and one artillery detachment would be sufficient to protect the Halifax stores from the citizens' depredations "which seem to be the principal duty performed there."² New Brunswick resented the inconvenience and insult of its subordination as it was reflected in various spheres--in economic relations that channelled New Brunswick commerce through the Halifax customs house, even in the minor issue of dependence on a slow and negligent Halifax Post Office.³ There was rivalry, too, which flaired up in the boundary line dispute that strained colonial relations for a period.⁴ It was evident even in minor issues such as New Brunswick's demands for a

²C.O. 188/5, Carleton-Major General Clarke, November 20, 1790.

³C.O. 188/4, Carleton-Napean, October 30, 1790.

⁴The New Brunswick-Nova Scotia dispute arose in 1803 when revisions were suggested, threatening to cede Westmorland to Nova Scotia. Carleton's arguments against the plan reflected the basic concerns of the people--the county was 300 miles from Halifax connected to the government seat only by a water route, whereas it enjoyed road communication with Fredricton. C.O. 188/12, Carleton-Hobart, May 6, 1803.

provincial college like that established at Windsor (New Brunswickers regarded the Windsor institution as but another instance of Britain's partiality toward Nova Scotia).⁵ Yet the rivalry and resentment in the mainland colonies' relations constituted but a small and passing problem in the midst of their struggles for political and economic establishment. Over-shadowing these wranglings were common economic problems bedevilling the colonies' relationship with their imperial sisters, and to a more serious extent, with the United States.

Despite their ties of sympathy, born of common origins and experiences, the Maritime colonies and the New England states had been thrust into opposing camps by the Revolution, and what had been a partnership became a rivalry. Maritimers were made aware of their separate identity, and where formerly they had accepted the absorption of their economic energies by New England enterprises, they were now increasingly concerned with the extent of that absorption. Governor Wentworth reflected this concern in his frequent complaints of the extent to which Maritime funds were draining out of the colonies through one-sided trade relations, and investment practices. It was his hope that with the resolution of Nova Scotia's financial confusion,

⁵C.O. 188/5, Carleton-Grenville, March 9, 1793.

the colony might establish its own investment concern, thus retaining money in the colony for physical expansion while simultaneously weakening yet another Maritime tie with the United States.⁶

More serious attention was given by New Brunswick officials to the Massachusetts-New Brunswick boundary question that was argued throughout this period. The Maritime colonies were now aware of their borders as precarious barriers against a neighbour whose rivalry might someday become hostility, and colonial concern passed beyond territorial claims to encompass every facet of economic expansion. This was a problem of particular concern to New Brunswick, colouring her defence considerations, and raising further problems in the settling of the colony. The uncertainty of the border areas was a deterrent to settlement for, as William Knox explained to Portland, so long as the boundary remained undefined, men felt insecure in their land grants and were loath to develop the area.⁷ From this came the urgency sounded in colonial petitions to England for some resolution of the boundary and land grant chaos.

The border controversy arose over the definition of the St. Croix River boundary which had been designated in 1783 as the mainland division of Massachusetts and New

⁶C.O. 217/65, Wentworth-Whitehall, January 25, 1795.

⁷C.O. 188/10, William Knox-Portland, May, 1799.

Brunswick. The negotiators of 1783 had assumed the St. Croix's course to be fully delineated, but for years after it was subject to conflicting interpretations of charts and treaties, as each contender sought ownership of the valuable timber area in the north-west corner of New Brunswick; involved, too, was the ownership of the Passamaquoddy Bay islands valued by both countries as fishing and trading stations. The boundary commission, established by order of Jay's Treaty, eventually accepted British Minister Liston's choice of the St. Croix's northern branch as the boundary originally intended, but the matter progressed no further toward agreement during this period. Ownership of the islands had been claimed by Britain by right of treaty, and by the United States on the fact of accomplished settlement, and this question too remained unresolved as repeated negotiations shelved the issue in favour of more pressing economic and diplomatic questions. Jay's Treaty of 1794 remained silent concerning the islands and postponed the boundary problem for later convention consideration; but these conventions of 1803 and 1807 were side-tracked by their disputes over impressment and trade laws, and in 1814 the New Brunswick Assembly was still petitioning for consideration of the question in pending treaty negotiations. The repeated shelving of this issue, of such vital importance to Maritime interests, may have contributed to the dampening of Maritime concern in the

later Anglo-American negotiations preceding 1812.⁸

Although of particular concern to New Brunswick, the boundary question had significance for both mainland colonies due to its commercial consequences. The Passamaquoddy islands were of particular significance as they harboured American settlements from which clandestine trade and fishing activities might be pursued, and pursued with impunity so long as the boundary remained in question. But if the islands harboured commercial rivals, watched suspiciously by British colonists on the mainland, they also harboured commercial opportunity. The Maritime attitude toward the islands was a reflection of the colonies' attitude toward the general economic problem posed by the United States. They could welcome the islands as a bridge facilitating Maritime-New England commercial communication or they could seek ownership and thus strengthen the islands as a further barrier to such intercourse. The colonies' choice depended upon, and varied with, the acceptability of the Navigation Laws which governed the commercial life of the British colonies; for the Maritime colonies' relations with their American neighbours were chiefly of a commercial nature and consequently directed by the principles and practices of Britain's imperial trade system. The boundary dispute was regarded as one of the chief

⁸MacNutt, W.S.: New Brunswick: A History, 1784-1867; MacLellan and Co.; Toronto, 1963, p. 118-143.

problems in the colonies' economic life, but the importance of this question lay in the further questions it raised concerning the whole complex of Maritime-New England commercial relations.

At the heart of this complex lay the British mercantalist code of Navigation Laws. These trade and naval laws stemmed from the Act of 1660 "for encouraging and increasing shipping and navigation." This was an Act which sought to secure the profits of long shipping hauls by a direction that specific colonial goods might only be imported by a foreign country in British ships, via British ports, while the colonies might only import European goods in British ships. At the conclusion of the American Revolution, the United States found itself classed as a foreign country, in terms of the imperial trade provisions. This consequence of independence was of great inconvenience to the United States and to the British West Indies which had depended on their New England colleagues for the staples they could not produce. This was a turn of events which projected the Maritime colonies into a new significance as the third corner in the old trade triangle of Great Britain-North America-West Indies. Where once they had but augmented the export concerns of New England, the Maritimes were now to carry the entire burden of staple supply--an opportunity for economic importance and prosperity which the Maritimes accepted with an enthusiasm and confidence not shared by

West Indies merchants or many Whitehall officials. There were many sceptics who criticized the wasted efforts of "peopling and planting such wretched countries as Nova Scotia and St. Johns where the inhabitants are in danger of being frozen to death for nine months of the year and can scarcely produce bread enough to eat the other three."⁹ Yet still the Halifax merchants voiced their faith in a Nature that had "peculiarly formed a Nova Scotia to be a depot and magazine for the British Northern Colonies as well as for their external trade."¹⁰ Consequently there ensued a contest of rival Maritime and West Indies merchant lobbies in Westminster which produced the confusion of policy reflected in the contradictory legislation of Pitt's American Intercourse Bill and the Coalition Government's Proclamation of 1786.

In his Bill of 1783 Pitt recognized the inability of the Maritime colonies to realize their new role satisfactorily, and he sought to modify the Navigation Laws in the interests of West Indies dependence upon New England staples. The Bill prescribed as permanent policy the right of American shipping to carry American produce to the British West Indies and to export the Islands' products to Europe, subject to the same conditions and duties imposed on

⁹MacGregor: op. cit., p. 123.

¹⁰C.O. 217/36, Wentworth-Portland, December 26, 1795.

British shipping. The Bill did not allow American traders to carry non-American produce to the West Indies or West Indies goods to any other port of the Empire; this trade was still reserved to British shipping.¹¹ However, what Pitt wished to render a principle of British trade, the Opposition wished to reduce to an emergency concession, or temporary modification of economic practice.

The British Coalition government was confident of the ability of the various parts of the empire to meet the strain of economic readjustment. It was confident, too, of the United States' inability to retaliate economically at the diminution of their commercial advantage. The Committee of Trade had been assured that "there is at present in this Country an overstock of shipping, which want of employment If this great number of Sailors are not employed by British Merchants, they must go into the Service of Foreigners; They will, perhaps, become the Sailors of the United States."¹² Consequently, the Proclamation of 1786, later confirmed by the Act of 1788, was issued, prohibiting all American trade with the colonies. A single exception was made for the export of specific goods, in British vessels, to the West Indies for as long as the British North American colonies were unable to supply those goods. This was legislation

¹¹Schuyler: op. cit., pp. 80-100.

¹²Privy Council Register cxxlx, pp. 211-265 cited in Manning: op. cit., p. 45.

based on principles outlined by William Knox in his memorandum on Commercial Intercourse between the British colonies and the United States:

. . . if our North American colonies were able to supply all the wants of our islands as our islands can supply them with what they want of West Indies products, the line would be easy to draw; for it would only be necessary to confine their trade reciprocally to each other; but our North American colonies in their present state cannot supply our islands, and therefore the United States must be called in to their assistance and the islands must be permitted to pay them in their products. But whatever permissions of this kind are given it should be remembered that the object of this country, is to exclude the communication of foreigners with our Colonies and that whenever our North American colonies, shall be in a condition to supply our islands wholly the interference of foreigners is to be prevented.¹³

Such was the economic structure within which the Maritime colonies were expected to function during the next several decades. An opportunity had been offered them, but the means of realization denied; and paradoxically the recognition of their limitations had brought, not aid, but a potential and powerful rival. Indeed, colonial fears of this development were to be confirmed by later modifications of the Navigation system, fashioned by Britain in the midst of European conflict. Requiring the bulk of her own shipping for naval warfare, Britain was thrown back upon dependence on neutral shipping for the supply of her empire. One result

¹³Extra-Official State Papers vol. II p. 57, cited in Schuyler, op. cit., p. 90.

of this was the commercial provision of Jay's Treaty allowing American traders to export goods to the West Indies in American ships. Throughout this period the Maritime colonies' chief concern was to combat this competition from American shipping either by prohibitive legislation or by increasing the volume of their own shipping. Yet their resources were so limited in these early days of settlement, that the colonies could only increase their shipping by means of a re-export trade, which required further modifications of the Navigation Laws.

The first breaches in the system were made upon colonial initiative in the first days of re-organization, as colonial governments took advantage of emergency powers to meet the needs of the settlers. In January 1785, Governor Parr explained that he had only prevented starvation in Nova Scotia by issuing licences for imports from New England; Governor Carleton followed suit a few months later, and Britain sanctioned the situation with her Order in Council of April 8, 1785 enumerating goods that might be imported upon governor's proclamation. In subsequent years the import list was extended, in response to petitions such as that from New Brunswick:

. . . the circuitous importation of pitch, tar and turpentine into this and the two neighbouring provinces of Quebec and Nova Scotia is said to enhance the price to a degree that amounts almost to a prohibition; and the unenviable consequence is that articles so indispensably necessary and which cannot be obtained

by any process from the pines and firs of this Country, are introduced by an illicit traffic which in our situation can be effectually prevented by removing the temptation. In consequence, therefore, of repeated applications made to one upon this Subject by the principal merchants of New Brunswick, I beg leave to submit to your consideration and express my hope that this may be thought advisable to extend to these provinces the same permission which has been granted to all West Indies islands--of importing the articles above mentioned under proper restrictions and limitations directly from the American states.¹⁴

As 1790 opened, the colonists' confidence in their economic prospects was being sorely tried by the facts of economic reality. Although British trade with the British North America colonies had increased four fold since the Revolution, the triangular route had yet failed to develop as envisaged. The removal of the New England merchant fleet had exposed inadequacies in British resources and the ships were too few, their size entailed high costs of maintenance, and the distance now to be covered prohibited the easy regulation of sailings to exploit market opportunities. In 1790 these inadequacies were being met by the illegal participation of New England shipping, just as by the same irregularities, aid was being supplied to the beleaguered Maritime colonies.

In 1791 the merchants of Shelburne petitioned Governor Parr:

¹⁴C.O. 188/4, Carleton-Grenville, November 9, 1789.

. . . that the scarcity of proper Timber on the shores . . . the want of Inland Navigation and of Roads of Communication with the Interior Parts of this New Country . . . so greatly enhances the price of articles to shippers as to put it out of their power to continue that trade without considerable loss.¹⁵

This could only be avoided by the revision of regulations and extention of government support. Certainly there was an abundance of the fish and lumber demanded by her partners in the commercial triangle, but the colonists of Nova Scotia and New Brunswick were unable to exploit their resources due to the backwardness of their pioneer condition. The lack of communications between source and port, the inhibitions that land clearance placed on staple production, and the unfitness of much of the Loyalist population to meet pioneer demands easily had created a situation in which the Maritimers met their commercial commitments only by resort to the supplies of her neighbours. In 1790 there passed from American to Maritime ports some 4,000 bushels of flour, 80,000 bushels of grain, and 924,980 feet of lumber--most of it by illegal exchange along the shores of Passamaquoddy Bay.¹⁶

Thus, Maritime trade rested in 1790--dependent upon a provincial licencing system for the adequate supply of their home and export markets, and upon whatever 'extras' might be acquired through clandestine commercial dealings.

¹⁵C.O. 217/63, Parr-Grenville, June 28, 1791.

¹⁶Haliburton: op. cit., p. 98.

ii.

An entry in Simeon Perkins' diary indicates one direction in which Maritimers sought relief for their commercial wants. "H.M. Rattler" had anchored off Liverpool, Perkins noted, "to make us Honest as we have had a great name for Smuggling."¹⁷ With trade regulations what they were, smuggling was the inevitable result, indeed it was accepted as a normal part of economic enterprise. Governor Wentworth adopted a fatalistic attitude toward the outports' clandestine relations with American traders, accepting a certain amount as natural and unavoidable, and objecting that too much preventive legislation could only obstruct "the quiet current of commercial industry."¹⁸ Such relations were facilitated by the 1783 provisions granting the United States fishing rights along the coasts of the Maritime colonies where many an isolated outpost had established a depot for unofficial commercial transactions; they were facilitated also by American settlements on the Passamaquoddy islands where fishing stations, warehouses, and American customs had been established. The Bay was a particularly active centre of illicit trade, situated adjacent to the New Brunswick gypsum and plaster of Paris

¹⁷Perkins: op. cit., September 29, 1790, p. 57.

¹⁸C.O. 217/73, Wentworth-Whitehall.

mines whose products were so badly needed by New England. The official correspondence of New Brunswick includes frequent petitions from customs inspectors to British authorities in London and the United States requesting agreements to prohibit the landing of gypsum and plaster of Paris anywhere north or east of Boston. Such a move, it was felt, would restrict the trade to the larger British shipping, eliminating the small American coaster which menaced the economic integrity of Passamaquoddy shores.¹⁹

Customs Superintendent Leonard* deplored the lack of co-operation he received, from officials and inhabitants, in combatting illicit trade and enforcing prohibitive legislation. With custom centres established at Halifax, St. John, and Shelburne only deputies were left isolated in their scattered posts along the coast, without adequate means to enforce their instructions, and open to bribery from their neighbours. It was not until 1800 that Leonard succeeded in establishing a coastal patrol system with the schooner, "Earl of Moira," and frequently colonial attempts to aid the customs service became the victim of political and private feuding in government circles.²⁰ It was Leonard's

¹⁹C.O. 188/11, Leonard-Sullivan, November 10, 1802.

*See Appendix.

²⁰In 1802 the Nova Scotia Assembly's vote of two hundred pounds for Naval Office expansion was vetoed by a Council suspicious of Naval Officer Tonge. C.O. 217/77, Wentworth-Hobart, October 18, 1802.

opinion that there was little enthusiasm in the colonies for an extensive campaign against the American intruders.

There is little expectation from the popular assemblies (and particularly where most of the members are directly or indirectly concerned in trade) to pass any act or grant supplies to suppress illicit practices.²¹

The Superintendent was free, too, with his accusations of complicity on the part of his colleagues--the integrity of customs officers was questionable, since some were known to sell trade licences to American captains. Little co-operation in checking intercourse with the Passamaquoddy islands was forthcoming from Nova Scotia where Liverpool prospered from the trade and Halifax depended on American exports to supply her defence bases.²² Although the colonies did pass legislation like that of the New Brunswick Assembly in 1807, imposing high duties on goods illegally entered,²³ such measures were infrequent, and the strongest criticism came from the merchant associations which were not solely motivated by imperial orthodoxy.

The goods that entered the Maritime colonies through the settlers' clandestine activities were acquired chiefly for the home market, in an attempt to avoid the

²¹C.O. 188/18, Leonard-Sullivan, December, 1803.

²²C.O. 188/10, Leonard-Whitehall, November, 1800.

²³Hannay: op. cit., p. 293.

high prices of British imports. A certain amount of the staple imports was also channelled into the re-export trade by which the Maritimes hoped to bolster their position in West Indies markets. Competition here was offered by a United States enjoying significant advantages in the Atlantic routes over British and colonial shipping. The United States enjoyed a proximity to the West Indies which allowed her to make frequent voyages as market conditions proved advantageous, whereas British vessels were limited to annual round trips on which they were restricted, by their size, to the larger ports of the North American coast and West Indies islands. British vessels also suffered higher insurance rates and the convoy charges necessitated by war. But the significant advantage enjoyed by American commerce over that of the Maritimes was the more advanced development of the United States which enabled her to maintain the secondary industries that fed her commerce. The potential abundance of the Maritime region was countered by such pioneer obstacles as the lack of roads, isolating New Brunswick settlements from their northern timber stands and thus compelling the settlers to import their lumber from New England.²⁴ Moreover, the colonies lacked the capital of the United States.²⁵ Indeed, conditions in the colonies

²⁴C.O. 188/4, Carleton-Grenville, July 15, 1791.

²⁵Wentworth was concerned about the lack of a bank in Nova Scotia where it could benefit the economy through the regulation of currency. C.O. 217/79, Wentworth-Hobart, April 14, 1808.

were such that Governor Wentworth could complain in 1803 that the Maritimes were still rendered a fishing colony of the United States.²⁶ The Maritime settlements had either to sell their produce directly to the larger ports of New England, or they followed a triangular trade route such as that outlined by Simeon Perkins.²⁷ In 1791 Perkins noted that his brig "Union" had arrived back from the West Indies via Virginia ports from which it had collected some 2,000 bushels of corn, 150 bushels of flour and bread "so that the Settlement is now well supplied."²⁸ In 1796 he noted the return of a dozen ships, with similar provisions, from the American ports of Boston, Salem, Newbury, Norevish, Philadelphia and Baltimore.²⁹

United States commerce further enjoyed preferential treatment in West Indies markets. There were frequent complaints passing from the colonies to Britain concerning the favouritism accorded United States' shippers by West Indies authorities who subjected British North American goods to higher duties than those placed on American

²⁶C.O. 217/88, Wentworth-Duke of Clarence, May 26, 1803. Uniacke shared such fears as he predicted that should conditions be allowed to continue there should be little legitimate trade left. C.O. 217/79, Uniacke-Whitehall, October, 1804.

²⁷See Chapter II.

²⁸Perkins: op. cit., September 5, 1791.

²⁹Ibid.

goods.³⁰ The petition of the Halifax Merchants Association submitted to Britain in March, 1804 was a reflection of the colony's complaint. It was claimed that the United States did not suffer 2 $\frac{1}{2}$ % duties on their exports to the West Indies, and they were aided by government bounties, whereas the Maritimers were at such a disadvantage they could only sell at reduced prices in American ports from whence their goods were re-exported at high profits. Moreover, the Maritimers were at that stage of development where they could experience rapid expansion if not impeded, and consequently the merchants requested that Britain at least grant the Maritimes equal privileges to those of the United States. It was to be wondered at, the Association commented, that the West Indies, who could now afford to sacrifice a little profit, should be so unwilling to assist a sister colony.³¹ A later petition from the merchants was more explicit in its complaint:

. . . they are concerned to be obliged to state that from various causes, so great has been the emigration of Fishermen and others from this Province to the American States that the customary offers of Merchants, which is all they can possibly afford, have hitherto proven insufficient to drain them back again to this Province, on the contrary, during the last session even a great many industrious families have gone to that country. This has been in

³⁰C.O. 217/79, Wentworth-Hobart, February 25, 1804.

³¹C.O. 217/79, Halifax merchants-Whitehall, March, 1804.

a great measure, occasioned by encouragement by bounties held out by Legislatures of those States, and partly by the burthens, expenses, inconveniences, and depressions to which this Trade is peculiarly subject in time of war³²

The conclusion of these observations was a further petition that the governing authorities "take the promises into consideration and from its wanted zeal for the prosperity of the Province afford the Petitioners and their Constituents such aid and encouragement as lie within their power to grant."³³

The Maritime colonies regarded American privileges in the West Indies as a breach of faith on the part of the British administration. Promises had been made in 1783 and the colonies had fashioned their economy about these promises, only to find them valueless. The merchants explained there was

. . . nothing so injurious to their interests as a changeable policy, which leading them with unfounded hopes into ruinous expenses will keep these colonies in perpetual infancy, disable this portion of His Majesty's Dominions from serving their Mother Country or benefitting themselves and render his subjects both in the West Indies and in these Colonies forever dependent on foreigners who, restless and insatiable, can never be gratified by any indulgences in the power of Britain to afford them.³⁴

Consequently, the merchants requested such 'exclusive privileges' as "supplying their fellow subjects in the West

³²C.O. 217/79, December, 1805.

³³C.O. 217/79, Halifax merchants-Dr. Lyon, December 21, 1805.

³⁴C.O. 217/85, Halifax merchants-Whitehall, January 31, 1809.

Indies with the article of fish caught on North American coasts"--and these were privileges that could only be secured by the cancellation of American-West Indies trade licences.³⁵ Britain responded with some well intentioned, if inadequately realized, instructions to West Indies officials: American goods were to be admitted only in emergency, rum and molasses were to be removed from the list of American exports allowed out of West Indies ports, since these were staple Maritime imports exchanged for fish products. Unfortunately Britain ignored these instructions after 1806, when she adopted a policy of commercial placation toward the United States.

But Maritime demands for redress were not confined to the specific area of West Indies trade. They requested encouragement of colonial industry, and imperial officials replied with bounties and market preferences in all the colonies' staple products. Wheat cultivation, fish export, and salt imports were encouraged by bounties, while preference was given Maritime lumber imports in British markets, after continental hostilities had closed Baltic sources. There was need, too, for a general revision of trade regulations to expand the colonies' sphere of trade and to allow the exploitation of every market opportunity available to

³⁵Ibid.

encourage infant industry. There were requests that the colonies be allowed to import directly from Europe and thus avoid the higher costs entailed in British shipping.³⁶ There were requests, too, for the removal of duty restrictions on commercial intercourse between the various British North American colonies. Halifax merchants believed the Maritimes could become the entrepot for British-British North American trade if a free flow of goods among the colonies were facilitated. Much needed Canadian grain could thus be procured by the Maritimes to expand their West Indies trade, and New Brunswick commercial centres would flourish where once they had been isolated from their nearest markets by duty barriers.³⁷ And always there were the petitions for an expansion of the list of enumerated goods that the Maritimes might import from the United States--demands which increased as war preparations expanded the Maritime's naval and military establishments and strained the colonies' supply resources.³⁸

The nature of the colonies' petitions reflected their dual attitude to the United States--on the one hand, a competitor to be combatted with all the rigidity of the

³⁶C.O. 217/77, Halifax merchants-Hobart, January, 1802.

³⁷C.O. 217/67, Halifax merchants-Whitehall, December 26, 1794; July 8, 1794.

³⁸C.O. 217/64, Wentworth-Dundas, October 25, 1792.

Navigation Laws; on the other, a very necessary factor in the realization of Maritime ambitions. This dualism was particularly strong during the later years of the Napoleonic period, as the colonies differentiated between the New England and West Indies spheres of commerce. In the early years of untried confidence following the American Revolution, the Maritimes advocated rigid commercial orthodoxy. This attitude was given expression in an address of the Nova Scotia Assembly submitted to the Colonial Office:

It is of the utmost consequence that His Majesty's Subjects now have the benefit of being Carriers of the produce of the American States to our Islands, by which the Navigation of His Majesty's dominions must increase and thereby form a nursery of Seamen to oppose any hostile policy that future events may produce against the British Empire.³⁹

Yet such declarations were infrequent during the early 1790's when Maritimers were pre-occupied with exploiting the commercial advantages of wartime privateering, letters of marque etc. The prosperity resulting from these adventures tended to blind the colonies to the inroads being made upon British North American trade by United States neutral shipping. With the return of peace, however, the Maritimes were confronted with the advantages their rivals had secured. By 1804 colonial fortunes had plunged to the depths and Halifax merchants were prophesizing doom:

³⁹Wentworth-Dundas, September 16, 1794 cited in Graham: op. cit., p. 73.

The Northern Colonies have struggled with all the difficulties incident to a young Country and they are now arriving at a Period when, if duly encouraged they may be enabled to reap the Fruits of their honest labour; but burthened also in the manner here stated in their West Indies trade, the Petitioners cannot contend with America, but look forward with the most distressful prospects, to the means of procuring a future subsistence unless His Majesty in his goodness shall be pleased to afford them protection and Relief.⁴⁰

But three years later the colonies had regained confidence in their abilities and their future.

The resurrection of Maritime hopes was effected by the Embargo whose exclusion of American shipping from the Atlantic routes freed the colonies from the pressures of competition and gave them the longed for opportunity to prove their capabilities. The American government's self-inflicted exclusion was begun with the passage of the Non-Importation Act, ordered by President Jefferson in an attempt to attain recognition of his country's maritime rights by bringing economic pressure to bear upon England. This legislation was meant to prevent American consumption of British manufactures, and when it proved insufficient, was strengthened by the passage of the Embargo Act prohibiting any ships sailing out of American ports to foreign ports for commercial purposes. The West Indies were now thrown back upon the Maritimes for their staple imports, while the United States became dependent upon

⁴⁰Graham: op. cit., p. 185.

their colonial neighbours as outlets for their produce.

The Embargo was passed December, 1807 and the colonial administrations were not slow in exploiting the situation. Lieutenant Governors Prevost and Hunter,* of Nova Scotia and New Brunswick, took advantage of earlier authorization to establish an emergency licence trade and opened colonial trade to neutral shipping in June and July, 1808. An Act passed by the British Parliament in August, 1807 had authorized the import of enumerated articles from the United States through specific "free" ports, but it had not indicated these ports. Prevost, therefore, took this action upon himself and designated Halifax, Shelburne, and St. John as free ports, receiving official sanction later by the Order-in-Council of October 26, 1808. Prevost's glee at the turn of events reflected general colonial jubilation.⁴¹

I cannot dissemble that my Proclamation admitting neutral vessels into the Ports of Nova Scotia with provisions of every description has been of great annoyance to the executive of the United States, it having produced numerous attempts and uncommon exertions on the part of residents of the Seacoasts of the adjacent States to evade and violate the non-importation law, and also obliged the President to

*See Appendix.

⁴¹An American commented on the colonial reaction in the New York Evening Post, February 28, 1809: "our Embargo is an excellent thing for this place. Every inhabitant of Nova Scotia is exceedingly desirous of its continuance as it will be the making of their fortune."

resort to coercion in a manner unfavourable to his popularity and contrary to his natural disposition.⁴²

And well might he exult, since a year later port statistics indicated an influx of United States⁴³ shipping, and his action brought the applause of the British administration.⁴⁴

Such British accommodation of United States-Maritime problems continued, but not without difficulties. The Act of August, 1807 had covered the period to March, 1809, by which time Britain had taken no action to renew the measure, thus returning the colonies to the restricted conditions of pre-Embargo days and throwing their economy into chaos. This confusion continued until an Order-in-Council, October 1, 1811, designated St. John, St. Andrews, and Halifax as free ports; but in the meantime, measures, legal and clandestine, were taken by both New England and the Maritimes to surmount the obstacles thrown up by officialdom.⁴⁵ Thus, during the several years preceding the outbreak of war in 1812, Maritime commerce was promoted on

⁴²C.O. 217/82, Prevost-Cooke, May 8, 1802.

⁴³Graham: op. cit., p. 206.

⁴⁴C.O. 217/83, Whitehall-Prevost.

⁴⁵One Massachusetts politician suggested that his constituents might retain their commercial ties with Nova Scotia by simulated 'capture' of British merchant vessels, for which the Americans would have previously deposited a bond of \$20,000 in Halifax. C.O. 217/92, Memorial to Sherbrooke, 1813.

an unofficial basis as colonial officials justified their exploitation of emergency authority with appeals to the principles rather than the details of British policy at that time. These were principles that sought to encourage New England's evasion of Washington policy, and thus undermine American retaliatory efforts while securing a stronger hold on American markets. Such action was taken by British and colonial authorities in the knowledge that it would be well received in the New England States where opposition to Jefferson's legislation was rampant. As a commercial centre whose wealth was secured on the Atlantic shipping lanes, and as the bastion of Federalist support, New England had double reason for opposing the Embargo which was yet another step in Jefferson's anti-British campaign. The extent of New England's opposition was illustrated in her reaction to the declaration of war--the Massachusetts legislature, in an address to the people, requested that their disapproval be 'loud and deep' and voiced in a refusal to volunteer for federal military service. Indeed, the state was so adamant in its opposition to the war effort that Jefferson threatened to send troops to discipline the inhabitants.⁴⁶ Official Anglo-American relations during this period followed a fluctuating pattern of Orders-in-Council and

⁴⁶Adams, J.T.: New England in the Republic 1776-1850; Little, Brown, Co.; Boston, 1926, p. 269.

enforcing legislation, never surmounting the diplomatic stalemate that met its only solution in war. But for the Maritime colonies, war meant the reinstating of those concessions and modifications affecting the colonial adaptation of imperial trade policy which had been their economic goal throughout this period.

While the Maritime colonies experienced bitter political feuding between the various branches of their domestic administration during these Napoleonic decades, a general harmony reigned in affairs of external commerce. It was not an unbroken harmony, for the rivalry of Council and Assembly over the division of authority could not fail to become involved in the direction of colonial commercial provisions. This had become evident as early as the summer of 1798 when the Nova Scotia Council had objected to the Assembly passing legislation "to prevent Clandestine Importation of India and other Foreign Manufacturers and Merchandise and Goods liable to Duties by the laws of this Province and for better securing the Trade thereof"--a field of legislation which the Council regarded as an imperial matter delegated to the licencing authority of the executive.⁴⁷ It was with similar fears of Assembly encroachment upon

⁴⁷C.O. 217/69, Council Minutes 1798, pp. 310-312.

executive authority that the Council objected to Assembly petitions and legislative motions concerning the conduct of customs, etc.⁴⁸ But if colonial factions differed over the manner of influencing their commercial structure, they were of one opinion in their objective of an economic system adapted to the special needs and capabilities of the Maritime colonies.

⁴⁸C.O. 188/13, Council Minutes, 1806, pp. 125; C.O. 217/81, Council Minutes, 1807.

CHAPTER IV

TWENTY YEARS OF FEUD AND DEBATE

The development of the Maritime colonies as politically mature communities began during the several decades of deceptive calm which preceded Britain's second clash of arms with her American offspring. These were years of chaos abroad, but so engrossed were the Maritimers with the political debates of their own bailiwicks that they had little attention to give the international scene. In Nova Scotia and New Brunswick these debates followed much the same course, produced by similar factional discontents and argued for similar reasons. The contrast of political life here with that in Prince Edward Island was a contrast in stages of social and political maturity. The Island's legislative scene was dominated by petty private feuds such as had characterized the mainland's infant days of the pre-Revolution era. These feuds were still an influential element in the mainland's political life; but the mainland communities had now achieved the educated men to lead, the experience to direct, and the relative leisure to allow general participation in political discussion, as it concentrated upon provincial problems. This stage had not yet been attained by the Island settlers.

On the mainland, factional feuding remained to colour political dispute. But during these decades, factions broadened in character and developed some nucleus of policy on which to divide--policy that took the general direction of a contest for legislative initiation and financial control, which represented superior administrative authority. Yet, as these factions sought justification for their claims and canvassed for support, they formulated political theories that fell into the pattern of 'reform' versus 'the establishment.' This division was frequently identified with that of colony and mother country, and during this century of revolution when the established order had been taught to identify all opposition with 'Jacobinism,' it was perhaps inevitable that the party of colonial protest should be denounced as 'republican' and even seditious. Ever conscious of their New England neighbours from whom many a Maritimer had acquired his education, Tory officialdom raised this cry repeatedly, thus allowing the hysteria of international crises to confuse what was essentially a definition of political principles.

The three colonial provinces which earnestly embarked on their political education in 1791 were in full possession of the machinery of representative government, in accordance with the eighteenth century principle that an Assembly of freeholders was indispensable in British

provinces as "no government can properly be carried on without such an Assembly."¹ The Nova Scotia Assembly, established in 1758 after thirty years of intermittent petitioning and indignant complaint, was the model for her sister colonies. It had been won by a political determination that would seem at variance with the colony's later reputation as a 'docile dependency.' This docility might be explained by the interplay of official policy and colonial self-interest which remained fundamental elements in the Nova Scotia character, still directing events in 1790.

Halifax had been founded as the key defence of British interests in North America, and thus regarded as the essential guardian of British dominion on the continent, its establishment was informed by a determination to assure imperial ascendancy in the colony. This policy was reflected in the initial encouragement of British immigration to the colony, in the generous Parliamentary expenditure on the colonial establishment, contrary to the policy of colonial self-maintenance, and in the preoccupation with the Virginia system of government by appointment. The particular relationship enjoyed by Nova Scotia with the Mother Country must pre-dispose a strong influence from the imperial viewpoint, while the colony's economic backwardness,

¹Lords of Trade - Governor of Nova Scotia, May 7, 1775, quoted in Martin: op. cit., p. 1.

with no immediate prospect of paying her own way further weakened incentives to legislative independence. Nor did the colony possess the machinery to marshall such incentives on the local basis where they found their greatest strength. Such was the situation when Nova Scotian settlers took their first tentative steps toward domestic self-government.

From its beginnings, Nova Scotian society was divided into the two camps of settlers and officials, advocating the different political ideas of New England and Great Britain which reflected different conditions, and stood in frequent conflict. The early struggle for township government was such a conflict of political aspirations, in which victory was again determined by the circumstances of Nova Scotia's conception. The colony's Yankee settlers came from colonies originally settled by individual groups that had had to rely on themselves for the means of defence and administration, and had thus built a society that looked to the local elective council as the nerve centre of their political activity. But in Nova Scotia the central government had blazed the trail, establishing prior claims over the settlers it brought in as agents of an imperial design. The subsequent dispute of colonists and officials consequently revolved about arguments of position and priority so dear to sensitive executive authority. An implied promise of the Massachusetts system was given the New Englanders in Governor Laurence's Proclamation of January 11, 1759:

That the Government of Nova Scotia is constituted like those of the neighbouring colonies, the Legislature consisting of Governor, Council and Assembly and every township as soon as it shall consist of Fifty Families will be entitled to send two representatives to the General Assembly; the Courts of Justice are also constituted in like manner to those of Massachusetts, Connecticut and the other Northern Colonies.²

The Colony's Secretary and Chief Surveyor were to amplify this in their explanation of 1763:

Upon the application of Settlers from New England for Townships to Governor Laurence among other promises to induce them to come, this was not the least prevalent, that they should be Intitled to the same privileges they enjoyed in the other Colonies, and in particular, that of being constructed into Townships and having officers chosen by the respective Towns to regulate their own affairs, this would be very essential to establishing peace and good order among them and promoting their welfare.³

But while the colonists were reading the Proclamation, Governor and Council were defining county boundaries and establishing the local administrative machinery of magistrates and Quarter Sessions, later firmly entrenched by the Act entitled "An Act for the Choice of Town Officers and the regulating of Townships." Its regulations required the Grand Jury of each township to nominate two persons for each administrative office from whom the Court of Quarter Sessions would appoint officers. As the judges of the

²Harvey, D.C.: "The Struggle for the New England Form of Township Government in Nova Scotia," Canadian Historical Association Annual Report, 1933, p. 18.

³Ibid.

Inferior Court were appointed by the Governor in Council, it was a system of executive centralization implemented, in British fashion, through local magistrates. Such was the system of local administration for the next century, dictating the pattern of local society in 1790, when the Nova Scotia capital was still labouring under the primitive machinery of village government.⁴ And the arguments that raged during its establishment were repeated during the years subsequent to 1790 by dissatisfied colonists echoing their fathers from Liverpool who had complained in 1762 that they had

. . . looked upon ourselves to be freemen and under the same constitution as the rest of His Majesty King George's other subjects not only by His Majesty's Proclamation but because we were born in a Country of Liberty in a land that belongs to the Crown of England; therefore we conceive we have right and authority vested in ourselves (or at least we hope we may) to nominate and appoint men among us to be our Committee and to do other Offices the Town may want. His present Excellency, your Honour and the Council of Halifax have thought proper to disrobe and deprive us of the above privileges which we first enjoyed. This we imagine in encroaching on our Freedom and Liberty and depriving us of a privilege that belongs to no body of people but ourselves.⁵

These were the sentiments long shared by the Maritime colonists and given voice in their struggles with executive authority.

⁴In this respect New Brunswick could boast a lead on her elder sister, as St. John was incorporated in 1783--though yet with the mixed system of elected aldermen and Council appointed mayor, sheriff, and clerk that Carleton's conservatism demanded. Raymond: op. cit., p. 449.

⁵Harvey: op. cit., p. 20.

This fettered condition of political life in the Maritime colony was prolonged during the immediate post-war years of the seventeen-eighties by the shocked reaction of the Loyalists, and the physical hardships of settlement that distracted energies and interests from political crusades. In 1790 the colonies were only once more quickening to political liveliness. Indeed, Governor Parr was complaining that the Loyalists had brought a factious spirit into the colony, annoyed as he was with the questioning and contest that had returned to political life.⁶ The issues contested were rooted in the social-political system that past circumstances had imposed, now confronted with forces projected by the American Revolution and imperial-colonial reorganization.

ii.

The first return of political dispute in the Maritime community arose from the rivalry of old and new settlers--a product of the Revolution and subsequent influx of Loyalists into the Maritime colonies. The Loyalists' concept of the British Constitution had been bred in the New England colonies where ideas and practices of government were more advanced than in the younger British North American

⁶Governor Parr attributed the judicial controversy then raging in Nova Scotia to "a cursed factious party spirit which was never known here before the Emigration of the Loyalists who brought with them those levelling republican principles." C.O. 217/62, Parr-Napean, March 18, 1790.

provinces. Their experiences during the Revolution inspired a tory reaction among many, especially the professional and administrative classes who had lost most, and in later years they were to argue a narrower version of the Constitution. Nevertheless, they arrived with expectations of the continued enjoyment of an impressive voice in domestic colonial affairs, which inspired the support of a reform opposition movement among the Nova Scotian Assembly members; and they arrived, too, with expectations of colonial administrative positions to compensate for recent losses.

The judicial controversy in Nova Scotia with which this period opened was summed up by Governor Parr as chiefly a move on the part of Loyalist lawyers to replace sitting judges with men from their own party of new settlers; but it was not a matter to be taken lightly for "it is not an easy matter to manage and satisfy an expecting Loyalist, their present want is every office in this Government."⁷ The controversy began in 1787 when the Assembly communicated to the Governor complaints of maladministration of justice made by lawyers Sterns and Taylor against Supreme Court judges Deschamps and Brenton. Judge Brenton's reaction was that of established officialdom--indignation that the Assembly had allowed itself to be swayed by men of indifferent abilities and questionable intentions. He declared he would resign

⁷C.O. 217-72, Parr-Napean, April 18, 1788.

from the Bench rather than be part of a government where "justice can only be administered but under the influence of a popular party."⁸

Directed by Sterns and Taylor, the Assembly convened in closed session to review the charges, and then demanded an official inquiry into the judges' conduct. Such methods aroused fears among officialdom that republicanism had been brought across the border:

. . . whatever loyalty these men have brought from the states is strongly tinged with the Republican Spirit and if they meet with any Encouragement it may be attended with dangerous consequences to this Province--one of them /Sterns/ aims at being the Wilkes of Nova Scotia.⁹

And this suspicion coloured the Council's attitude throughout the whole affair, despite the judges' insistence that Sterns and Taylor had been suspended from the Supreme Court that year for their libellous language in the Halifax newspapers. The ensuing battle between Council and Assembly brought charge and counter-charge of executive tyranny and the unlawful assumption of executive authority by the Assembly. When the open trial demanded by the Assembly was not forthcoming, the lower house accused the Council of oppressing the peoples' rights while protecting its own clique, and insisted the Council had punished the lawyers merely as scapegoats in

⁸C.O. 217/72, Brenton-Sir A. Hammond, April 18, 1788.

⁹C.O. 217/72, Parr-Napean, March 8, 1788.

their larger assault upon the privileges of the lower house. The Council refused to accept this championship of the lawyers' case as part of a larger contest, nor would it accept the quarrel as a colonial issue to be resolved within the colony. When Parr referred the case to Britain in 1789 there was angry protest from the Assembly, with the result that the next year Parr informed Lord Grenville that the Assembly had "with an assumption of authority and a degree of turbulence" carried out their own trial of the judges after the case had been dismissed by Council and the British authorities. Parr chose to ignore this mover, fearing to arouse the Assembly further. It was Parr's contention that the controversy was the result of the judicial officers' financial dependence on the Assembly which felt it could thus control and manipulate, so destroying the essential independence of the Bench.¹⁰

By July, 1790 the controversy had faded into the background, Sterns having been reinstated in the Court after apologizing to the Council. The dispute might be regarded as a clash of rival power seeking groups, but there had been sounded a sincere protest against executive tyranny with a

¹⁰The Governor complained: "It is to be lamented that Justices of the Supreme Court of Judicature . . . should have been made dependent on the House of Assembly for their support . . . until they are placed like Assistant Judges in New Brunswick upon the King's Establishment they must always either be obliged to court the Favour of leading members of the Assembly or be made liable to Complaint or Impeachment on every occasion however frivolous, that may present itself. C.O. 217/62, April 24, 1790.

demand for recognition of the Assembly's voice. Whatever Sterns' and Taylor's motives, they had been able to command a majority in the Assembly; while Sterns' defeat in the Halifax elections of 1790 by a government nominee, produced day long riots in that town.¹¹

A tempest in a teapot, maybe, blowing over when tempers had cooled and pride had been satisfied. But it was a warning of the direction to be taken by future contests of Assembly and Council; for the essential Assembly position was a challenging of the Council's overbearing attitude toward the disposition of administrative authority and toward the Assembly's right to an unchallenged regulation of its own sphere. Such was the tenor of the Assembly's arguments during the financial debates that enlivened political life in both mainland colonies during the first decade of the next century, as Council and Assembly each jealously defended the powers and privileges of its particular position. A preliminary skirmish in this field took place in Nova Scotia in 1790.

The quarrel began when the Council returned the revenue bills to the Assembly with a request for alterations in the appropriations; this the Assembly refused to do and there ensued a stalemate that was to become all too familiar in the future. The Council contended that His Majesty's

¹¹Akins: op. cit., p. 93.

instructions gave the Council authority to frame money bills as well as the Assembly and that the lower house could not legally refuse the alterations and amendments of the Council.¹² But to such claims the Assembly replied, in its address to the Lieutenant Governor, that it was

. . . determined to adhere to their Bill, conceiving at the same time that it was one of their inherent privileges, that all money Bills should originate with them, and that no interference by Council by attempting to make any alterations in them should be admitted; this inherent privilege the House of Assembly are determined to maintain, as essential to their very existence; they are nevertheless extremely concerned that this struggle for an undoubted privilege /sic/ should be the means of throwing the Public into Confusion and of depriving His Majesty of an annual and efficient Revenue of near Ten Thousand Pounds.¹³

Nevertheless, despite the Lieutenant-Governor's attempted compromise that the revenue bills should originate with the Assembly, with the Council retaining the right to final approval, the session did end in impasse and financial 'inconvenience.'

Particular points of dispute had been raised during the session. In an effort to raise funds for the poor relief programme, the Assembly had voted new duties on wine imports, only to be met with an outcry from the Halifax merchants whose Council spokesmen argued that such a measure was contrary to commercial and imperial interests. Even stronger

¹²Murdock: op. cit., p. 93.

¹³C.O. 217/62, Assembly Journal, March 30, 1790, p. 46.

was the Council's protest at the Assembly's appropriations for salaries which drew from Governor Parr the accusation of purposeful manipulation by the Assembly as a means of prolonging the session with resultant accumulation of salary.¹⁴ These were issues that were to reappear in the future, but behind each particular dispute lay the general problem of readjusting executive-legislative relations. Although the seventeenth century had witnessed a change in the concept of national revenue, now regarded as the public revenue rather than the Crown's possession, with the resultant right of Parliamentary review of public expenditure, the idea and practice of such Parliamentary control had been more slowly accepted. By mid-eighteenth century it was a part of established British parliamentary practice, but not to such an extent as to be automatically transferred to colonial administrations, particularly while the necessity of strong executive control remained a principle of British colonial policy.¹⁵ Consequently, the Executive Councils of the Maritime colonies were reluctant to accept the legislatures' demands for the full implementation of Parliamentary practice. They feared such demands would

¹⁴C.O. 217/37, Parr-Grenville, March 17, 1790.

¹⁵Binney, J.E.D.: British Public Finance and Administration 1774-1792, Clarendon Press, Oxford, 1958.

upset the even tenor of traditional government; and that such sudden innovation could only renew the chaos of revolution. Beneath the petty squabbles over government procedure and legislative etiquette there lay the deeper fear of loss of position.¹⁶

In general, the early seventeen-nineties were a period of political calm in Nova Scotia, due perhaps to its preoccupation with the problem of a large debt. All political factions and branches of government were united in their desire to eliminate this debt and achieve economic stability, to which end they were ready to accept Governor Wentworth's direction of affairs. Simeon Perkins could comment in 1792 that "Mr. Wentworth is well approved of by the People in General."¹⁷ But it was only a temporary calm during which forces were beginning to gather.

Governor Wentworth manipulated wherever he could to prevent any discontent erupting to disturb this calm.

I shall strongly endeavour to avoid any questions being agitated that can afford a pretence for debate; at this time every political discussion should be suppressed.¹⁸

¹⁶In 1790 the Council had hotly protested the Assembly presumption in communicating its demands to the Council by calling in the Council's messenger, rather than observing traditional custom by sending its own messenger. Such a breach of tradition it was feared was but the first step toward complete disregard of the Executive's position. Murdock: op. cit., p. 91.

¹⁷Perkins: op. cit., May 24, 1792, p. 158.

¹⁸C.O. 217/36, Wentworth-Whitehall, June 7, 1794.

And in 1795 he sought to assure a continuance of the calm by calling the General Assembly session during the busy spring season rather than during the summer months "when members have more leisure and therefore more politics."¹⁹ But that the Assembly was not forgetting its aims might be read between the lines of their sessional Address for 1793. The Council had rejoiced

. . . in our unbroken attachment to His Majesty's person and Government, under the benign influence of which we enjoy undisturbed peace and security, the best fruits of our excellent Constitution of Government.²⁰

The Assembly, however, rejoiced in the Constitution for its assurances of representative government, with its provisions for frequent elections of the popular branch of government.²¹ With this interpretation of its constitutional character, it was to gird its loins for further battle.

The political calm of Nova Scotia was now disturbed by the gradual change in Assembly membership from a body almost unanimous in its sympathy with Governor Wentworth, to one adopting the leadership of government critics like Naval Officer Cotnam Tonge. Indeed, Wentworth found cause to complain of the 1797 session which had witnessed the

¹⁹C.O. 217/36, Wentworth-Whitehall, April, 1795.

²⁰C.O. 217/36, Council Minutes, 1793.

²¹C.O. 217/36, Assembly Journal, 1793.

"insidious attempts to arouse dissatisfaction in the province" made by Tonge as he spread his ideas among the militia and rural districts--'revolutionary' schemes which must be nipped in the bud.²² These murmurings of discontent Wentworth did not take seriously at first; but by the turn of the century, the financial chaos had been resolved and dependence on Wentworth's direction lightened. Moreover, the days of the seventeen nineties, when the maritime settlements had prospered from the privateering opportunities of war, had come to an end, and provincial problems that had been forgotten under the impact of sudden wealth now reappeared, blacker than ever.

In previous years Governor Wentworth appeared to have entrenched his administration as the only sure protection against the republican murmurings of the times. But now that position was being challenged, and the Governor was both fearful and annoyed.

These general elections have, during my time, been very quiet and friendly, but are now in many places thro' Mr. Tonge's interference agitated with improper zeal and animosity. He has instituted corresponding Societies, Clubs and Committees professing reform and proposing instructions as to Tests for election--and if possible to introduce dissention into the new assembly. The prudent, sensible, long experienced members of both Houses, and other loyal, good people see and lament these violent schemes and are exerting their utmost care to frustrate them. At this critical period all clubs corresponding Societies, or Committees to regulate or influence Government under any pretence

²²C.O. 217/37, Wentworth-Whitehall, November 18, 1797.

whatever ought to be discouraged and vigorously suppressed. They never have yet failed of producing mischief. It is not eno' that people are happy, prosperous, and well disposed. The fallen Angels, Milton tells us were so in Heaven. Yet Satan introduced corresponding societies, I believe, and dissensions and Evil soon followed.²³

He was annoyed with such political analyses and stirring up of political awareness among the masses. He was annoyed, too, at those persons challenging the sympathetic and dependable circle of colleagues over which Wentworth had long presided at amicable council tables.

In 1800 Wentworth accused Tonge of organizing campaigns throughout the rural areas, with the intention of displacing the old members in Council and Assembly. These new members were inspired with the programme of Assembly financial control that had lapsed in 1790, and the session of 1799 erupted with controversy over the formulation and passing of money bills. All the arguments debated in previous years were presented--the Assembly rejecting the Council's claim to the right to amend financial bills, while reiterating its own right to formulate composite bills covering all appropriations in one. This first skirmish ended in compromise, with the Assembly agreeing to present no more composite bills if the Council would relinquish its claim to amendment rights.²⁴ But this

²³C.O. 217/73, Wentworth-King, November 4, 1794.

²⁴C.O. 217/73, Assembly Journal, July 4, 1799.

amicability did not emerge without warnings of the future, indicated in the Assembly statement that:

The House are free to confess that they have ever considered the Rights and Privileges of the Upper House to be as necessary to the support of the British Constitution as those of the Lower House. With sentiments of this kind the House of Assembly cannot help feeling hurt that His Majesty's Council should think for a Moment, that the Assembly would frame bills to be sent to His Majesty's Council in such manner as to preclude His Majesty's Council from having it in their Power to deliberate upon. The House being well convinced that the best Rule for deciding Questions of this kind is the Usage and Custom of both Houses, and the best Evidence of that Usage and Custom is the most frequent and authentic Precedents The House fervently pray, that no attempt will ever be made by the Upper House to infringe on the constitutional privileges of the lower House and thereby compell the Assembly to depart from a System which it will be their pride and Ambition to transmit in its Purity to the latest Posterity.²⁵

In 1800 the Council contented itself with reiterating that its concessions to Assembly measures were but a temporary move necessitated by the existing financial crises created by the legislative impasse.²⁶ But in 1802 its objections took a different turn as it rejected the Assembly's appropriation of £5000 for bridge and road construction. The Council's demand for a reduction to £3500 was in part inspired by the conflict of its programme with that of the Assembly. As representatives of rural areas, the Assembly

²⁵Ibid.

²⁶C.O. 217/93, Council Minutes, February 20, 1800.

majority responded to the pressure of rural needs for physical improvements, whereas Council interests concentrated upon commercial and administrative demands. But strong too was the Council's fear that such appropriations gave Assembly members excessive control of Treasury funds, which could be drained back into their constituencies for patronage or pocket lining by way of construction contracts etc. Such a possibility quickened the Council's demands that public works be placed under the direction of Executive appointed county commissioners, and that the Assembly submit its appropriations in separate bills.²⁷ Thus the controversy continued through the next two legislative sessions, as the Assembly countered every executive attempt to secure the Revenue Bill without an accompanying appropriations agreement.

In 1803 the Council employed yet another maneuver as it moved for a two year revenue bill, arguing that present yearly supply was too precarious a system during the prevailing period of war and sudden emergency. There was a hint of blackmail in the Assembly's counter-move. Tonge had earlier moved that the Assembly grant £10,000 to aid the British war

²⁷C.O. 217/78, Council Minutes, 1803. Wentworth feared that the extravagance of the appropriation was part of the Assembly's design to deplete Treasury reserves and thus render the government dependent upon the legislative branch; a fear fostered by the Assembly's comment that "it was better to throw all the revenue into the sea rather than leave it as a revenue to Government."

effort, but in the face of Council obstinancy, the grant was rescinded in July 27, only to be revoted when the Appropriation Bill was passed. The next year Governor Wentworth was arguing the Executive's case as he asserted their right

. . . to reserve to the executive government the general superintendence and direction of all appropriations of monies granted to the crown for public service, and the control of such persons as should be appointed to expend the same; and these powers being prerogative rights, although they may have been in some instances left to the management of the Assembly, may be constitutionally resumed by His Majesty's representative when he thinks the general interest requires it.²⁸

As the Assembly continued opposition, he claimed extraordinary powers to prorogue the House and revert to the old practice of appointing expenses from the revenue appropriations of previous years. By 1806, however, financial affairs had become so serious that the Council abandoned its position and passed the Appropriation Bills for 1805 and 1806, thus bringing to a close this central phase in the colony's political battle.

In subsequent years the issue was to reappear with lessening intensity as the Assembly's argument became more widely accepted, and as the pressures of war occupied men's attention. Throughout these struggles the Assembly

²⁸Murdock; op. cit., p. 235.

had kept vigilant watch over its authority, recognizing its financial hold as a tenuous claim to be carefully nourished as the basis for future assaults. Some years later Judge Croke summed up the political situation of these years:

. . . the political state of the Province may be comprehended in a few words--the lower house, as usual, is comprised largely of farmers who have little leaven of democracy among them, suspicious of Government, jealous of their rights and strongly retentative of the public purse. While the Council, mainly of His Majesty's officers was always disposed to second the view of Government--but always with no regular parties organized under one man's direction.²⁹

Governor Wentworth described the session of 1800 as the worst since 1797, although he considered the friction as but a matter of privilege being agitated out of sheer perversity by certain factious elements. With philosophical resignation he commented "It is much to be regretted but it is too true in Political Societies that a little acrid leaven will ferment a large mass."³⁰ Such ferment Wentworth attributed to C.W. Tonge who had entered the political ring in 1797. Now, in 1800, the Governor was accusing Tonge of having taken infinite and unnecessary pains

. . . to exclude several old respectable members, to produce contested elections from whence warmth and bad temper often arises. His only object was to disturb the Peace and Harmony of the Country by the tricks, falsehoods, and folleys used in popular

²⁹C.O. 217/34, Croke-Whitehall, 1809.

³⁰C.O. 217/37, Wentworth-King, April 6, 1800.

elections In this offensive attempt he has been checked by a great Majority.³¹

Wentworth repeatedly affirmed Tonge's voice to be that only of a jealousy minority, hardly countenanced by the respectable and sensible majority;³² yet he feared any hint of the republicanism that had upset his world in 1776, and he disliked personally the man who initiated such opposition. In these sentiments, the Governor was reflecting the general temper of colonial officialdom shared by the executive class of New Brunswick where the provincial 'opposition leader' James Glenie suffered much the same attack as Tonge. They were considered, at best, annoying political quibblers, at worst, the insidious organizers of Satanic societies, all the more feared during this period of French republican chaos. "In these times it is requisite for all in office under me to be unequivocally clear and actively decided in their duty to every branch and port of the King's service,"³³ had been Wentworth's early proclamation of an administrative policy, inspired by the social-political creed that Bishop Inglis later outlined in his charge to the colony:

The return of Peace . . . secures us from the hostile attempts of France; it were devoutly to be wished that we were equally secure from the influence of her principles which are much

31C.O. 217/37, Wentworth-King, February 23, 1800.

32C.O. 217/76, Wentworth-Hobart, April 26, 1802.

33C.O. 217/36, Wentworth-Whitehall, December 7, 1793.

more dangerous. These are calculated to tear asunder the bonds of society, to unchain the worst passions of man, and to let loose the human race to prey upon each other The principles of this system were aetheism, infidelity, and democracy on the levalling of all ranks in Society.³⁴

Such was the nature of Wentworth's opposition to a man wielding such influence among the "less informed people in the Interior Country who from their remote situations are more susceptible of misinformation from artful harangues,"³⁵ men whose education, occupation and station in life could not fit them for political pursuits which should be left unchallenged in the hands of the governing class.

James Glenie disappears from New Brunswick political papers early in this period, but Cotnam Tonge remained an important figure in Nova Scotia politics throughout the first decade of the nineteenth century. He was long the butt of personal animosity which government officials allowed to invade and influence political decisions,³⁶ and repeatedly suffered the obstructions of Governor Wentworth who sought to remove the opposition leader by refusing to accept Tonge as Assembly Speaker, July 1807, after suspending him as Naval Officer the preceding March. Tonge's cardinal sin, in the

³⁴C.O. 217/74, Wentworth-Hobart, 1803. A charge given by Bishop Inglis in the summer of 1800, printed at the government's request and later enclosed in a government despatch.

³⁵C.O. 217/80, Wentworth-Whitehall, May, 1806.

³⁶In 1802 the Council rejected the Assembly's appropriations providing for Naval Office deputies, because they objected to Tonge as Naval Officer.

eyes of the Nova Scotian Executive, was his organization of a political opposition, centered chiefly among the rural districts. The clash between town and country was one of long standing, appearing during the 1790 session when the outport members of the Assembly demanded an investigation of the Naval Office as it was administered from Halifax. Indeed, the friction might be dated from the dispute over township government of some decades earlier when the outport settlements had bid for municipal independence from the Halifax executive. The dispute over fish bounties which bedevilled the Nova Scotian legislative sessions of 1806 and 1807 was an instance of this regional conflict. Opposing the Assembly suggestion of an unconditional fifteen shillings per ton bounty on all fish exports, was the Council's demand for a shilling per quintal bounty confined to exports to Britain or the sister colonies--a condition not only designed to direct trade relations away from the Maritime-New England coastal trade of the coastal community, but also favouring the longer haul of the larger shippers.³⁷

iii.

Like Wentworth, Governor Carleton did not regard the early signs of controversy which appeared during the 1793 session of the New Brunswick Assembly a matter for serious

³⁷C.O. 217/82, Wentworth-Castlereagh, March 28, 1808.

concern. The differences concerning the Appropriation Bill had been resolved when the Assembly, despite its fears of establishing a precedent detrimental to their future demands, had accepted the Council's amendments to the money bills. Little ill-temper had been stirred and Carleton predicted no ill effects remaining to trouble the future.³⁸ Yet the controversy did remain to disturb provincial affairs for the next decade. As in Nova Scotia, the political scene was one of contest for legislative authority--a contest centering about salary appropriations on which the Assembly believed its very existence to depend.

The arguments began earlier in New Brunswick than in Nova Scotia, perhaps surprisingly, for as a homogeneous Loyalist province New Brunswick had not the rivalry for position from which Nova Scotian controversies had sprung, nor had the colony a tradition of like disputes which had given direction to present political discussions in Nova Scotia. Indeed, both its social and political life, New Brunswick presents a rather more straightforward picture than her older sister; New Brunswick was bedevilled by a two way division of rural community versus urban, British official versus colonial settler, which in Nova Scotia was further complicated by old settler versus new. But the

³⁸C.O. 188/5, Carleton-Whitehall, June 6, 1793.

demands for parliamentary practice were basic to every colonial Assembly. New Brunswick began this period with a basically tory administration that was the pride of Governor Carleton who believed it to be free of the Nova Scotian faults that had been produced by too free an intrusion of New England democracy. And Carleton did his best to retain such a situation.

I have on every occasion cautiously avoided publishing any Ordinances in Council which could lead to a belief in an intention to govern without an Assembly; but I think on all accounts it will be best that the American Spirit of innovation should not be nursed among the Loyal Refugees by the introduction of Acts of the Legislature for purposes to which, by Common Law and the practice of the best regulated colonies the Crown alone is acknowledged to be competent.³⁹

For here, Carleton explained:

. . . where a great proportion of people have emigrated from New York and the Provinces to the Southward, it was thought most prudent to take an early advantage of their better habits, and by strengthening the executive powers of Government discountenance its leaning so much on the popular part of the Constitution.⁴⁰

With the election of the second Assembly in 1793, there entered politics a group of men whose habits were not so acceptable to Carleton. The core of opposition was constituted by James Glenie, David Street his running mate in Sunbury County, William and Robert Pagan who represented the

³⁹Cited in Raymond: op. cit., p. 450.

⁴⁰Ibid.

restive commercial interests of the Passamaquoddy region, S. Agnew who voiced the complaints of disappointed landowners--all men with personal grievances to stimulate their political dissatisfaction, who were joined by moderates in the government like Councilor Jonathon Bliss,* and Speaker Andrew Botsford.⁴¹ Confronted with demands of James Glenie and his Assembly supporters, the government hardened in its toryism, apprehensive of an attack that Edward Winslow was later to describe in 1799 as one of

. . . analyzing all the principles of Government, fixing the political longitudes and latitudes, and establishing the boundary line between prerogative and privilege.⁴²

The New Brunswick Assembly began to define these principles in 1795 in defence of an Appropriation Bill that included salary provisions for Assemblymen. The inclusion of such appropriation was regarded by the Council as an infringement of parliamentary procedure, all the more heinous as the Assembly had failed to provide for defence expenditures. On the one hand, the Assembly had included appropriations not previously recommended by the Council, and on the other it had ignored such appropriations as the Council had recommended. To injury was added insult when the Assembly

⁴¹MacNutt: op. cit., p. 108.

⁴²Raymond: op. cit., p. 463.

*See Appendix.

quoted, in its own defence, a statement issued by the Council in 1793:

It is the undoubted right of the House of Assembly to originate a money bill, and to include therein not only what may be recommended from the Executive chair, but also such other sums as they think necessary for the public good.⁴³

Each side accused the other of infringing upon its constitutional rights, while the Assembly supported its claims with references to ancient Parliamentary usage.

The Council objected to the composition of the bills in which the Assembly mixing all items of expense, public services with other foreign matter, rather than presenting each item separately, which enabled the Council to veto one claim without endangering the whole revenue, and thus gave it sweeping areas of control. The government was supported in this by Portland who did not question the constitutionality of the Assembly's claims, but rather their advisability under existing conditions of political tension.⁴⁴ The debate was resumed during the 1796 session when the Assembly rejected the Council's appropriation amendments as an interference in the matter of supply--and a manifest breach of their (Assembly) privileges,⁴⁵ while the Council complained:

⁴³C.O. 188/6, Assembly Journal, March 2, 1795.

⁴⁴C.O. 188/6, Portland-Carleton, May 30, 1795.

⁴⁵C.O. 188/6, Carleton-Portland, May 23, 1796.

. . . if they are compelled to give their assent to all sums directed to be paid by the Assembly without judging whether the service was necessary or advantageous to the public . . . they must acknowledge they are at a loss to know how they can be considered as a free and independent branch of the Legislative or what check they can give to any Grant, however extravagant, or to any service however unnecessary.⁴⁶

Thus were the lines drawn in a pattern familiar to all the mainland communities during this period.

At first, Britain continued to support the Council's authority to direct the actual payment of monies, while the Assembly might only designate appropriations, according to the method of separate bills for each item.⁴⁷ But the Assembly was determined to establish a precedent, and it continued the controversy through the 1796 session, arguing the necessity for

. . . the reimbursement out of the Public Treasury of at least part of the expenses incurred by members of the House of Representatives during their travelling to and attendance in the General Assembly . . . to secure the existence of this branch of the Legislature and to enable the Province to enjoy an equal and free representation and that the rejection of such an appropriation will destroy the beneficent intentions of your Majesty in granting a General Assembly to this province.⁴⁸

By this time the Council had begun to weaken in its opposition, rejecting the Assembly's bill by a scant majority, while

⁴⁶Ibid.

⁴⁷C.O. 188/8, Carleton-Portland, February 25, 1797.

⁴⁸C.O. 188/7, Portland-Carleton, June 6, 1796.

trying to arrange a compromise dependent on the Assembly's willingness to vote a permanent salary list for government officials. The Assembly was scornful of such attempts to sever the Council's financial dependence upon the House and refused to negotiate so long as the Council rejected past precedent as mere temporary concession necessitated by the conditions of an infant colony.⁴⁹

The political impasse continued, to the increasing annoyance of the imperial authorities⁵⁰ and the growing restiveness of a neglected province. At this time the boundary dispute with Massachusetts was promising to increase New Brunswick's territory, while unrest in Vermont was sending emigrants across the border--a period of calm and efficient public service was necessary if the advantages of the situation were to be realized by the colony.⁵¹ Such was the tenor of country petitions that encouraged eventual Assembly acquiescence to Council demands during the session of 1799. With the Council's agreement to cease its opposition to the irregularities of Assembly procedure,⁵² the controversy would seem to have been resolved--only a faint echo of

⁴⁹Ibid.

⁵⁰C.O. 188/9, Portland-Carleton, June 6, 1798.

⁵¹C.O. 188/10, Wm. Knox-Portland, May 11, 1799.

⁵²C.O. 188/10, Carleton-Portland, February 12, 1799.

dissent was heard during the session of 1800. But while the Assembly had relinquished its position so far as the details of one issue were concerned, it had not relinquished the general principle of Assembly legislative authority--it simply sought recognition of this principle in other fields during the next few years.

In 1800 Carleton reported a spirit of harmony in the legislature, but the next year the Council voiced its objections to the assumption of authority implied in Assembly bills that announced officers "appointed by this House" or directing officers to report to the General Assembly. The Assembly might agree to discontinue such exclusive emphases,⁵³ but Carleton was soon complaining that the House had presumed to appoint its own Assembly Clerk. Traditionally this was the right of the chief administrator who employed the clerk as his advisor and informant on Assembly business. That the Assembly subsequently with little fuss withdrew its appointee in favour of the Lieutenant Governor's would seem to support Carleton's opinion that the Assembly merely wished to make the gesture in token of its independence.⁵⁴ But it was an independence

⁵³C.O. 188/11, February 27, 1802.

⁵⁴C.O. 188/11, Carleton-Hobart, April 26, 1802; C.O. 188-12, March 22, 1803.

it took seriously and sought to further at every opportunity, seeking in every direction to weaken the hold of the executive officers upon the daily business of the colony.⁵⁵

iv.

The political activity in Prince Edward Island during these decades must be contrasted to the more sophisticated controversies of the mainland communities. In the Island settlements men were so engrossed in the basic struggles of settlement that they scarcely heeded the private feuds raging among their administrative officers. The Island was still immersed in the struggles of a pioneer community to settle itself, open the land, and establish the basic instruments of community living. In the journals of the Island Assembly there appear the occasional petition for road construction, and various bills for the erection of goals, mills, churches, and other public facilities throughout the scattered settlements. But administrative effect would seem to be sporadically given, subject to the factional feuding that distracted

⁵⁵C.O. 188/11, Carleton-Hobart, April 26, 1802. In 1802 Carleton was seeking Britain's disallowance of an Assembly bill extending the powers of local magistrates and enlarging the jurisdiction of the Inferior Court of Common Pleas.

legislative attention in the small capitol. Most distracting of all was the quarrel between settlers and landowners--a quarrel typical of a community circumstanced as Prince Edward Island.

The administrative framework has been described as too elaborate for such a small colony--"friction between the Governor and his colleagues were almost inevitable in the scramble for the limited power and influence afforded by local politics."⁵⁶ In such a restricted and under-endowed community the chief administrator lacked sufficient paraphernalia of prestige to protect his impartiality, and he was too closely involved with his political environment to remain unaligned in the factional feuds. It was a situation aggravated by the shortage of educated inhabitants and the inadequacy of communications which concentrated the administration in the hands of the few Charlottetown commercial and professional family cliques who competed for control of the spoils, and of the Governor. The family cliques of Chief Justice Stewart* had been opposed to Governor Patterson and thus automatically embraced the cause of Governor Fanning when he arrived to claim his office in 1787. But in their feuds these cliques required a body of

⁵⁶MacKinnon: op. cit., p. 22.

*See Appendix.

support to dominate legislative councils, and thus they aligned themselves on either side of whatever controversial question was exciting public interest. It was thus that the settlers' complaints about the land granting, quit rent systems became the central issue in Island politics during this period, providing officialdom with a rough 'programme' about which it could divide. Yet despite the relevance of the issue to the agricultural population, the controversy seems to have been largely confined to the political factions of the capitol regarded there as little more than a tool of private interests.

From the beginning, the proprietor class, resident and absentee, had offered stubborn resistance to the system of quit rent collection which the British government had devised as the colony's source of financial support. In 1790 the proprietors were complaining that their lands were being sold to pay the arrears of rent, solely on the instigation of government officers who desired to buy up the lands and control their regranting.⁵⁷ In the same year Governor Patterson* was supporting a party campaign in the

⁵⁷The proprietors asked that the issue be made a Westminster issue taken out of the sphere of colonial administration fraught as it was with factional prejudice. C.O. 226/18, Thomas Parkes-Whitehall, November 18, 1791.

*See Appendix.

colony's election with the promise to establish a Court of Escheats and distribute the land in two hundred acre farms among the small cultivators. Was this the programme of a popular party, or merely the stratagem of the incumbent governing group which feared that Britain, impatient with the backwardness of her colony, would re-unite the Island with the mainland and thus abolish superfluous administrative framework with its offices and sinecures? To some degree this backwardness must be attributed to the proprietors' obstruction. The issue was shelved for a time after British legislation placated the proprietors with a restoration of their titles; but in September 1802 Governor Fanning was preparing to recommend another bill for the regulation of quit rent collection.⁵⁸

By 1805 there had developed two definite and opposing sides, with the proprietors exploiting the temper of the times as they accused their critics of being influenced by "French levelling principles,"⁵⁹ while Governor Desbarres* complained of being caught between two fires.⁶⁰ Where

⁵⁸C.O. 226/18, Fanning-Whitehall, September, 1802.

⁵⁹The anti-proprietor party had announced a policy of electing to the Assembly only such men supporting a programme of general escheat of the landed class. C.O. 226/21, Desbarres-Whitehall, November, 1805.

*See Appendix.

⁶⁰Ibid.

originally, there had been animosity between the proprietors and officialdom, the lines of faction had shifted, uniting these two groups as a Council party opposed to the Assembly which had organized a Committee of Correspondence to agitate the issue.⁶¹ Thus the familiar colonial pattern asserted itself, and from this point all legislative affairs were engrossed in the one debate. The financial needs of road construction, militia organization, school establishment were made dependent on the enforcement of quit rent collection as the Assembly insisted that the 'lower orders' could not and would not carry the whole burden.

The Assembly association was described by one supporter as a group of

. . . respectable, loyal and independent men associated together on Constitutional Principles under the Title of Loyal Electors, with the object to consider measures for the Introduction of upright independent men into the Assembly, to counteract the dangerous influence long existent in the Island and possessed by persons engaged in land speculation, to the discouragement of industrious settlers.⁶²

But by its opponents it was described as:

. . . a club of men who first come under the specious character of Loyalists but whose principles are more than doubtful. For some time Jacobinal principles

⁶¹The Council regarded such organization as unconstitutional and hinting of a revolutionary spirit as it referred all attempts to executive investigation. C.O. 226/22, Wm. Knox-Whitehall, 1807.

⁶²C.O. 226/25, Wm. Roubel's memorial to Whitehall, 1810.

have flourished in society, nourished successfully by Palmer, whose exhortations have the effect of preparing the inhabitants to receive American invasion.⁶³

Like the officialdom of Nova Scotia, the Island Council was adept at raising the spectre of Jacobinism in its campaigns against its personal enemies--and Solicitor General J.B. Palmer, opposition Assembly organizer and confidant of Governor Desbarres, was its arch-enemy. Palmer was described (perhaps not unjustifiably, if rumors of his past as Irish 'con' man-land agent are to be credited) as an adventurer of infamous character, and he was resented for the control he wielded over the elderly Desbarres.⁶⁴ Under Palmer's direction the Assembly seemed to have assumed the reins of government, instigating attempts to remove members of Council from office, dictating the times of elections and legislative sessions,⁶⁵ and directing government affairs from the inner committee of its Corresponding Society. But by the end of 1812 the executive had successfully exerted its counter-attack. In September they were able to thank Chief Justice Calcough for his procedure against Palmer:

⁶³C.O. 226/26, Proprietors-Whitehall, September, 1812.

⁶⁴C.O. 226/26, J. Hill-Whitehall, June, 1812.

⁶⁵Hill complained that the General Assembly had not been called since 1810, yet in April 1812 the Society caused the Assembly to be dissolved and an election called on a moments notice. Ibid.

It is a matter of deep regret that he should find abettors in derelictions of so gross a nature which, had they not been timely checked, might in their consequences involve this Colony in scenes of Confusion.⁶⁶

Upon his arrival in the province some months later Governor Smith could report Palmer's departure and the return of tranquility to the Colony.⁶⁷

The controversy seems to have fizzled out at this point. Little more of the land complaints was heard at this time. The Corresponding Society gradually disbanded, and after his return to the Island a year later, Palmer remained in the background of politics. During these years the debate was argued by a Council party under the leadership of Chief Justice Thorpe* and Calcough, and an opposition party including Assembly representatives, members of the Stewart clan and a few government officers like Attorney General McGowan. Private animosity and rivalry for office raged between individuals within these groups. McGowan and Thorpe were bitterly opposed in the early days of their administration, when Thorpe antagonized more than McGowan with the attitude that

. . . something might be made of this Island but Government must acquire vigour and respectability, the middle orders more sense and less self-sufficiency,

⁶⁶C.O. 226/26, Grand Jury-Calcough, September 1, 1812.

⁶⁷C.O. 226/26, Smith-Whitehall, November, 1813.

*See Appendix.

and the lower classes must be less drunken and idle before any good can be affected. I have had a laborious, difficult time here, obliged at different times to quarrel with all orders from finding virtue in none.⁶⁸

McGowan's complaint that he had to watch the Chief Justice with a jealous eye, for the protection of his office, was typical of the climate of relations in official Island circles. Indeed, the fever pitch of the political debate in its later years might be attributed to a similar feud fought between Chief Justice Calcough and Governor Desbarres after 1807, instigated by the latter's claim to superior judicial authority as president of the Court of Chancery.⁶⁹

The tale of Island politics during this first decade of the nineteenth century is hardly one of political maturity. But in the small compass of the Island capital were concentrated and magnified the weaknesses bedevilling such small and insular colonial societies as those of the Maritime colonies. To a great extent they were weaknesses involved in a particular stage of social development, and their varied incidence in the political life of the individual colonies might be taken as one illustration in the contrasting advancement of these colonies.

⁶⁸C.O. 226/20, McGowan-Whitehall, 1804.

⁶⁹MacKinnon: op. cit., pp. 27-28.

The political controversies of this period were thus the product of various conditions. On the one hand they arose from a contest for authority between the executive and legislative branches of government. Each house considered the independence of its peculiar powers and privileges essential to the integrity of government, and there arose the resultant squabbles over political etiquette, and the attempts to expand, or at least make effective, the slightest privilege enjoyed by either house. Like Governor Wentworth, the executive class believed that:

Upon the steady support of this body, their selection and rank among themselves and in society will greatly depend the peace, prosperity and proper attachment to Great Britain of this and all other colonies on this continent.⁷⁰

And the Council could interpret as disloyal any assaults upon its independence which the Assembly might make with its demands to inspect Council journals,⁷¹ or to upset Council election decisions.⁷²

On the other hand, much of the controversy arose from the Assembly's attempts to adopt imperial regulations to

⁷⁰Murdock: op. cit., p. 273.

⁷¹C.O. 217/78, Assembly Journal, 1803.

⁷²In 1803 the Assembly declared null and void the election of Thomas Walker, previously sustained by Council on grounds of undue influence, a move which Wentworth feared was another step in the campaign to replace the Council with an elected Legislative Council. C.O. 217/78, Wentworth-Whitehall, July 25, 1803.

colonial conditions, and to establish full Parliamentary practice in colonial affairs. In this, the colonies conflicted with the rigidity of imperial instructions and of its administration. Such an administrator was Judge Croke of the Vice Admiralty Court in Nova Scotia who came from England with a policy of strict adherence to the letter of the imperial system.

Every deviation from this system whether voluntary or from irresistible necessity, every licence to admit foreign vessels into British ports is a nail driven into the Coffin of the British Empire.⁷³

And with the determination to instruct the colonials, Croke assumed the administration of the colony during Prevost's absence in 1809, suspicious of the democratic elements he associated with the Assembly whose claims he was not prepared to recognize. He therefore proceeded to reject the Assembly's Appropriation Bill which he considered too extravagant and too independent in its measures (for the House had included provisions for the employment of its own agent in London, independent of the government appointed provincial agent), and met the resultant opposition with dismissal of the Assembly and a claim to personally administer funds drawn from the Treasury without an Appropriation Bill. In the

⁷³Acadian Recorder, March 27, 1813.

ensuing chaos⁷⁴ Croke was attacked for his unconstitutionality by Assemblymen, Councillors, and government officers alike. For by now such rigid interpretation of executive surveillance was earning general disapproval throughout the colonies. Administrators who justified their policy with the argument that "in the present state of the Province, whilst it is weak, poor, thinly inhabited and badly cultivated there is no hazard in using all constitutional means to restrain them [popular representatives]"⁷⁵ were being replaced by men like Prevost and Sherbrooke. Their more liberal policy may be the result of their preoccupations with gathering war clouds, but they could not have failed to notice that the Maritime colonies were no longer so weak and poor as to accept unprotestingly the former subordination of their popular demands.

⁷⁴The uproar in the Assembly chamber, as councillors, assemblymen and Croke strove to make their arguments heard, was stilled only when the House Sergeant at Arms took his stance before the doors and proclaimed "when shall we three meet again--in fire, in thunder, or in rain?" Murdock: op. cit., p. 288.

⁷⁵C.O. 217/85, Whitehall-Croke, February 11, 1803.

CHAPTER V

THE SPECTACLE AND OPPORTUNITY OF 1812

Although the war of 1812 was fought within the colonial confines of British North America it was not of colonial manufacture, but produced by the rivalries and differing policies of Mother Britain and her former rebellious daughter. James Stephen's remark that "England was the bulwark and safeguard of all nations, which the ambition of many sought to conquer and destroy"¹ was typical of the British superiority which goaded the pride of her rivals--particularly the pride of a vigorous nationalism that eventually led the United States into the conflicts of 1812-14. The involvement of the British North American colonies in this controversy was but another consequence of their subordinate position in the North Atlantic Triangle where geography and history caught them between the policies of their arguing kinsfolk. Colonial status, as but adjuncts to the imperial body, rendered their involvement inevitable but the character of each colony's reaction was fashioned by the nature of their internal condition.

¹Cobbett (ed.): Parliamentary Debates vol. xxi; Hansard; London, p. 1139. Stephen's speech on Brougham's motion regarding Orders in Council and the Licence Trade, March 3, 1812.

The war was produced by a legacy of rivalries and resentments left behind by the American Revolution and aggravated by the events of the Napoleonic era, during which Britain's extraordinary measures of self-defence, revolving about the preservation of her naval and commercial superiority conflicted with the demands of American expansion. As a newly independent country, the United States sought a place in the sphere of international commerce, as a means to domestic expansion and the attainment of recognition in international politics. But attainment of independence had involved a rejection of old world theories and bred contempt for old world politics. The United States came into conflict with Britain's imperial trade system as outlined in her Trade and Navigation Laws--a system that sought to exclude the United States from the markets of her British colonial neighbours and the shipping routes of the Atlantic. There was conflict, too, with the longstanding regulations of European warfare from which the new republic wished to hold aloof.

The course of Anglo-American commercial relations was a fluctuating affair of concession and retaliation governed more by temporary agreement on practice, than by permanent settlements of policy. Intermingling with these negotiations were other issues such as impressment, blockade, and neutral rights which continental warfare had projected

upon the high seas to involve all travellers. At the root of Anglo-American controversy lay conflicting interpretations of international law concerning these issues. The debate found expression in the series of negotiations that began with Jay's mission to London in 1793 and ended with the final hasty Washington conference between Munro and Foster in 1812. A complex pattern of British Orders in Council and American Embargo enforcing legislation was traced out as Britain tried first to coerce and then to persuade from her neutral corner an aggrieved United States. Too late did Britain appreciate the determination of American policy as it demanded redress of maritime grievances, and too late did she realize the extent of American resentment. Britain's repeal of her Orders in Council did not come soon enough to soothe a pride that had been outraged by the Chesapeake incident and embittered by the Orders of 1807.

American nationalism was stung by the complacency of a former mother country which could remark

They and we are now the Two rivals in what has always given Power wherever it has extended Commerce, but I trust that still and for a long time we shall maintain the superiority we do now. They are near us in the Race, but in nothing else are they near us. We drove them into being a Nation when they were no more fit for it than the convicts of Botany Bay.²

²Perkins, B: Prologue to War - England and the United States 1805-1812; Foster - Lady Foster, December, 1805.

It was a nationalism that sought to reaffirm its victory of Yorktown, and looked to its colonial neighbours as the nearest means of worrying the British lion. The colonists themselves were hardly objects of revenge or hostility, although there were elements in the United States which looked covetously toward the north for the satisfaction of expansionist drives, or resentfully toward the eastern coastal communities as commercial rivals. From across the border was returned a certain degree of fearful hostility from colonists jealous for their lands and commercial opportunities; and there lingered still some mutual enmity of Loyalist and republican. Yet such hostility as was exchanged along the border was that produced by the declaration of war, and nourished by subsequent border clash and privateering raids--the consequence of decisions thrust upon reluctant and preoccupied colonial communities.³

Particularly was this true of the Maritime colonies which remained detached and only faintly concerned during the earlier years of the Napoleonic era. In 1807 reaction to the strain in Anglo-American relations was sharp and frantic. Colonial administrators abandoned their usual business to

³For discussion of pressures and attitudes in the United States leading to war, see Perkins: op. cit., and Updyke, F.: Diplomacy and the War of 1812; John Hopkins Press; Baltimore, 1915.

put the colonies into a state of readiness for the expected American invasion,⁴ and all three colonies could report, as did Ludlow, an enthusiastic response to militia muster.⁵ But the significance given the war by the Maritime colonies, and sanctioned by Britain, was reflected in the Colonial Office instructions to Prevost that if he found New England areas disposed to private commercial arrangements he should exploit this for purposes of introducing British and colonial goods.⁶ Tonge had earlier indicated Maritime interest when he suggested a plan to secure a foothold in the Penobscot area in the event of war, as a means of penetrating New England and keeping the staples trade moving.⁷ Such had been the trend of Maritime concern throughout the years preceding 1812--a self-interest that subordinated debates on naval law to the particulars of Maritime boundary and fishery disputes, or the regulations of West Indies trade. These were the real areas of friction between the Maritimes and their American

⁴C.O. 188/13, Ludlow-Castlereagh, October 30, 1807.

⁵C.O. 188/13, Whitehall-Ludlow, September 5, 1807.

⁶It was suggested Prevost might issue licences for the export of gypsum and coal needed by New England, and grant fisheries concessions as an indication of Britain's policy of drawing distinctions between friendly and hostile states. C.O. 217/82 Whitehall-Prevost, February, 1807.

⁷Tonge suggested that "by a judicious combination of policy and force" the border areas could be made useful and harmless. C.O. 217/81, Tonge-Whitehall, 1807.

neighbours, and while they remained in the forefront of Anglo-American problems Maritime concern was strong. But the repeated disappointments of conventions that disregarded these issues or failed to settle policy, gradually dampened this concern, and the subsequent war was regarded as of little direct significance to the colonies.

It was natural that in a war in which British North America provided but the battlefield, and in the absence of strong goads to colonial concern, the colonies' reaction should be determined by internal issues, British pressures, and the external direction of the war. With the United States concentrating her offensive efforts upon Canadian borders, the Maritimes were largely by-passed and suffered no physical involvement, while the strong New England element in Maritime society produced stronger sympathies with the United States than were entertained in the Canadian provinces. These sympathies were strengthened by economic involvement in the areas of New England where political sentiment was chiefly influenced by a Federalist Anglophilia reluctant to press hostilities. This was an atmosphere more conducive to neutrality than that in Upper Canada, offering little incentive to reverse a 'me first' policy which channeled the Maritimes' first efforts into economic exploitation of an extraordinary situation. The colonies' first problem had been to capture the United States' carrying trade and to

develop the Britain-British North America-West Indies trade route. War now offered such an opportunity--but only if economic intercourse with New England could be maintained.

ii.

Throughout this period of Anglo-American tension official correspondence passing between the Colonial Office and colonial officers was filled with extracts from New England papers--a significant indication of Maritime interest in and connection with New England affairs. Timothy Pickering, the Massachusetts Senator, was regarded as the voice of public sentiment in his region when he contended that

. . . it is essential to the public safety that blind confidence in our Rulers should cease . . . and especially that those States whose farms are on the ocean and whose harvests are gathered in every sea should immediately and seriously consider how to preserve them.⁸

No serious offensive was expected from a people so opposed to their government's policies that they could write, as did one contributor to the New York "Commercial Advertiser" concerning the Enforcing Act.

The Custom House Officer will find himself aided in his arduous labours by friendly bands of commissioned spies! The Merchant will see that the mere opinion of a Board of Examiners may conclusively transform his new New England Rum into old Jamaican Spirits! And the Ladies of our Seaport Towns will perceive that they are kindly permitted to throw open their

⁸C.O. 218/82, Hunter-Croke, April 4, 1807.

parlours and bedrooms at all times to a genteel company of Custom House Inspectors!⁹

Thus reassured as to the temper of public opinion among their neighbours, colonial officials were assuring Britain, almost to the last minute, that the actual outbreak of hostilities was unlikely.

Maritime fears were rather concentrated upon the threat of invasion by a French fleet working up from the West Indies, or out of American ports--fears reflected in the official despatches, and daily observations of men like Simeon Perkins. In 1804 Governor Wentworth was anxious to prorogue the Assembly session that its members might return to their districts to lead defence preparations against the daily expected coastal invasion;¹⁰ and in 1807 John Howe was sent on a spying mission to New England to ascertain the extent, character and manner of infiltration of French influence in the United States. Certainly there were areas of friction that roused Maritime hostility to their neighbours. Throughout much of this period commercial rivalry was serious, as the Maritimes resented the United States shipping advantages and New England's persistent pursuit of illicit trade and fishing ventures along Maritime coasts. Passamaquoddy Bay witnessed several clashes between colonists

⁹C.O. 217/17, Hunter-Liverpool, December 27, 1811.

¹⁰C.O. 217/19, Wentworth-Whitehall, May 3, 1804.

and intruders requiring the armed intervention of Nova Scotia patrol vessels,¹¹ while in 1794 the expectation of a more concerted attack from the United States was strong enough to inspire the frantic erection of St. John harbour fortifications.¹² Yet the possibility of attack was not taken seriously until 1807 when Anglo-American relations reached a crises over maritime issues.

Washington's Non-Importation Act was regarded as a preliminary move toward hostilities, and special sessions of the Nova Scotia and New Brunswick Assemblies were called to organize and finance a militia force. Prevost meanwhile increased his demands for a settlement of the boundary dispute, that the border areas might be properly secured.¹³ At this time Prevost was instructed by the Colonial Office to keep tempers calm. He was not to embrace every American move as grounds for hostility, but always to seek peace,

¹¹C.O. 118/11, Leonard's custom report, October 10, 1801.

¹²C.O. 118/5, Carleton-Dundas, March 6, 1794. Maritime officials were growing increasingly suspicious and impatient of American good faith in the face of repeated depredations. "However sincere the American states may be in early declaration of neutrality, their Government appears not to have sufficient energy to prevent such predatory excursions as cannot fail to excite serious alarm in these provinces, and which perhaps may justly be considered as the prelude to open hostility." C.O. 188/5, Carleton-Dundas, August 10, 1793.

¹³C.O. 217/82, Hunter-Castlereagh, March 6, 1808; C.O. 217/82, Prevost-Castlereagh, May 22, 1807.

first making representations to Washington through the British minister--for it was British policy to restrain all action unless the United States made deliberate and systematic hostile moves.¹⁴ Similar instructions preceded the events of 1812 as Britain counselled an amicable disposition and liberal intercourse along the Maritime borders and coasts.¹⁵ Thus it was that at the outbreak of war Hunter informed Liverpool that both mainland colonies were observing a ban on hostilities.¹⁶ He had previously reported a like policy pursued by New England coastal communities such as Eastport which had passed a resolution "to preserve a good understanding with the inhabitants of New Brunswick and to discountenance all depredations upon the property of each other."¹⁷ Official Maritime policy was declared in the proclamation issued by both colonial governors on July 10:

. . . I have therefore thought proper by and with the advice of His Majesty's Council to order and direct all His Majesty's subjects under my Government to abstain from molesting and Inhabitants living on the shores in those parts of the Territories of the United States contiguous to this Province and on no account to molest the goods or unarmed Coasting or Fishing vessels belong to the defenceless Inhabitants upon the Frontiers, so long as they shall abstain on their part from any acts of hostility and molestation

¹⁴C.O. 217/82, Whitehall-Prevost, July 6, 1807.

¹⁵C.O. 188/18, Whitehall-Hunter, September 30, 1812.

¹⁶C.O. 188/18, Hunter-Liverpool, July 4, 1812.

¹⁷C.O. 188/18, Hunter-Liverpool, June 27, 1812.

toward the Inhabitants of this Province and of the Province of Nova Scotia who are in a similar situation.¹⁸

This was a policy inspired by a confidence in reciprocal moves from the New England states, a confidence encouraged by reaction such as that of the Boston merchant houses which lowered the flags of their vessels to half-mast upon hearing of the war declaration.¹⁹

The Maritimes did not observe a complete neutrality, however, nor did the ban on hostilities endure throughout the war--for the opportunities of commercial exploitation were too essential to the colonies' interests to be entirely ignored. Indeed, the administrations of both New Brunswick and Nova Scotia incurred Britain's censure for too eagerly issuing their shippers letters of marque against American shipping.²⁰ Later in the war attacks were made upon border settlements like Castine and Moose Island by Maritime troops who hoped to secure a foothold for commercial penetration of New England--a project that increased in importance as Britain tightened her naval blockade along the eastern American coast. However, conciliatory administration was maintained in these areas where the people were believed to be friendly and, it was hoped, could be persuaded to change their allegiance.

¹⁸C.O. 188/18, Major-General Smythe-Liverpool, July, 1812.

¹⁹C.O. 217/87, Sherbrooke-Liverpool, July 14, 1812.

²⁰C.O. 188/18, Hunter-Liverpool, July 4, 1812.

Sherbrooke was not insistent on the recall of arms from the population he left the administration in the hands of the inhabitants, and announced a policy of issuing trade and fishing licences to those changing their allegiance.²¹ Commercial ties were maintained, although there is little evidence of the hoped for oaths being taken, and in general an amicable temper prevailed in the relations of these eastern neighbours. Evidence of this was given by the testimonials tendered by the Eastport inhabitants upon the departure of the British troops who were thanked for their 'liberal and honourable conduct toward the town shown in the respect and attention paid to the persons and property of the inhabitants.'²²

The sympathy informing relations between the Maritimes and their New England neighbours can be attributed to a complex of ties which Croke indicated in his comment that "whatever the outward appearance of loyalty, the relations, the family and commercial ties, the property of the greater part of the province centre in the United States."²³ Because of these ties, Croke held the loyalty of the Nova Scotia inhabitants in suspicion. But throughout this period colonial officials gave repeated assurances of the loyalty

²¹C.O. 217/93, Sherbrooke-Bathurst, September 10, 1814.

²²C.O. 217/93, August 19, 1814.

²³C.O. 217/85, Sherbrooke-Bathurst, Febraury 11, 1808.

and support of the colonies whose legislative assemblies frequently produced testimonials like that of 1803 when the Nova Scotia Assembly assured the Lieutenant Governor that

. . . we flatter ourselves with the hope that when our exertions are called for your Excellency will find that the hardy sons of Nova Scotia have not degenerated and that every man is ready with his arms to support the constitution which it is our duty to defend and our glory and happiness to enjoy.²⁴

With the heightening of tensions after 1807, these affirmations of loyalty increased--although the extent of implementation left British authorities somewhat less confident of the colonies' concern with their role in the war effort.

In 1796 Wentworth reported an enthusiastic response to the militia muster, indeed, the colony had over-subscribed the force;²⁵ but in 1805 the Governor was commenting on reports of emigration to the United States by colonists who disliked the 'impressment' into militia duty,²⁶ while two years later Major General Kerit was complaining of the difficulties in raising a militia force.²⁷ Such lack of response was not the result of tepid loyalty,

²⁴C.O. 217/78, Assembly Journal, 1803, p. 72.

²⁵C.O. 217/67, Wentworth-Whitehall, October 28, 1796.

²⁶C.O. 217/80, Wentworth-Whitehall, May, 1805.

²⁷C.O. 217/81, Kerit-Castlereagh, October, 1807.

but of a pre-occupation with other concerns that exerted prior demands upon the resources and energies of the population. Manpower was scarce and badly needed for the expansion of agriculture and the fisheries, and in recognition of these needs, militia musters were arranged in alternating duties between the coastal and interior settlements as seasonal pressures dictated. Governor Wentworth outlined the fundamental difficulty in his explanation that:

Families . . . depend altogether on men whose labours produce a Subsistence for women and children which their pay would be entirely unequal to. Labourers are not to be had to carry on its agriculture which now produce meat for the Inhabitants but not more than half the Bread. Therefore any diminution in cultivating lands would immediately cause such a scarcity of food as to induce numbers to remove to the United States.²⁸

There was also a general reluctance throughout the colonies to expand funds and energies in a concern that was of Britain's making and fell within the sphere of British responsibility. During the early seventeen nineties Governor Carleton waged a continual battle with the New Brunswick Assembly which he considered was neglecting its duty to assist proportionally in defence costs. To this contention the Assembly politely replied:

²⁸C.O. 217/65, Wentworth-Portland, December 20, 1794. In April, 1809 Edward Winslow told his son that he had seen fit to disband the New Brunswick militia in the face of agricultural necessity, and had sent the men huzzaing home. W.O. Raymond: Winslow Papers, p. 619.

. . . although they can confidently assure Your Excellency of the ready personal cooperation of all His Majesty's subjects in this province on every occasion in general defence yet they conceive their situation incompatible with the erection of defences or the defraying of expenses attending works of defence.²⁹

By the time war was declared attitudes had changed somewhat and Carleton could report a vote of ten thousand pounds for defence expenditures--a vote "quite beyond their actual ability" and regarded as a sure pledge that "no exertion will be wanting on their part to merit that support and protection to which they look with confidence from the Mother Country."³⁰ But it was feared that the Mother Country did not always provide sufficient support, in men or equipment, to encourage colonial endeavours. The correspondence of the war years is filled with pleas from colonial officers for more arms, more troops, even for such North American necessities as great coats for the sentrymen. They are letters trying to impress upon Britain the peculiar conditions of the colonies, and the character of colonial thinking that must be accommodated. Sherbrooke requested more troops with the observation that an insufficiency in the colony would require a full militia muster, inconveniencing

²⁹C.O. 188/9, Assembly Journal, February 25, 1795.

³⁰C.O. 188/18, Liverpool-Hunter, March 9, 1812.

the inhabitants and arousing dissatisfaction among them.³¹ For the colonies considered the militia as but a supplement to the regular troops, their attitude reflected in the Assembly arrangements for militia duty in the event of invasion,³² and in the militia's tendency to diminish in strength with every increase in the British detachment. It was British troops who led the defensive operations upon the New England border communities, while the Maritimers prepared their warehouses.

iii.

Some apprehension as to the sentiments of the Maritimers might have been stirred by the comment of one Halifax newspaper which stated bluntly that

a separation from Great Britain under any circumstances is a great calamity. But these form but a small portion in comparison with the number whose inclinations would be guided by their interests, and if those articles in the Treaty of 1783 which were so injurious to these colonies should be renewed, there can be no doubt that the inhabitants of the neighbouring States will possess advantages over our Colonies in which they will feel a strong disposition to participate and the Merchant at Halifax or Liverpool, St. Andrews or St. John who sees his Correspondent at Boston acquiring wealth from a trade in which he is not permitted to engage, will

³¹C.O. 217/89, Sherbrooke-Liverpool, August 7, 1812.

³²The Nova Scotia Assembly directed militia forces to be employed in the driving of cattle from coastal areas, should the enemy invade. C.O. 217/67, Assembly Journal, 1796.

feel a natural wish to release himself from those restrictions which deprive him of this advantage-- a wish that will, we fear, be too strong for any sentiment of loyalty he may entertain toward a country which he never saw. These consequences are natural, and the anticipation of them cannot be considered a reproach upon the people who inhabit the colonies. It only supposes that they will be influenced by those motives which activates the generality of mankind.³³

The writer was sharply reprimanded by his brother journalists, but he had only voiced the 'me first' attitude concentrating Maritime concern on the commercial implications of war in 1812. Britain had recognized this concern when she sanctioned the licensing trade, between the colonies and New England, that began at the outbreak of war; and she further facilitated commercial exchange with the creation of free ports at St. John, St. Andrews, and Halifax.³⁴ Such measures were infringements of the Navigation Laws, and Britain was insistent that they were temporary accommodations in practice only, involving no permanent change in principle. Whitehall found it necessary to impress this upon Maritime governors who had started issuing coastal trade licences immediately upon declaration of war,³⁵ arousing fears in Britain that the

³³Acadian Recorder, October 29, 1814.

³⁴Order in Council, October 13, 1812.

³⁵An Order in Council of April 25, 1812 had extended Maritime-United States economic intercourse until March 25, 1815; but the colonies did not receive word of this until July 18, and independently renewed licences earlier in the month.

colonies would exploit the war situation to establish a large scale trade that could be used to affect policy reversals at the peace treaty conferences.³⁶ Britain had various reasons for withholding unconditional sanction to the licence trade. Where conflicts with British interests occurred the restrictions of the Navigation Laws were retained, prohibiting such American imports as salt beef, which had always been an important article in British-colonial trade. Nor did Britain give immediate approval to the suggestion that United States shippers be allowed to export British and colonial goods from the Maritimers.³⁷ It required time and the pressures of necessity to broaden regulations to a fuller accommodation of conditions. Only when British military and naval needs began to over-tax colonial resources was the enumerated list of American imports extended, while lumber was eventually added to the list of the colonial exports allowed to be shipped out in American vessels, as an inducement to American traders to continue undertaking the expensive shipping detours

³⁶C.O. 217/90, Nova Scotia Council Minutes, October 8, 1812.

³⁷Sherbrooke first requested permission for this exchange on November 7, 1812 and was refused the following January, but in July and October of 1813 Britain agreed to allow the export of gypsum and plaster of Paris. C.O. 217/92, Committee of Trade-Sherbrooke.

necessitated by the Embargo.³⁸

The Maritime colonies profited by the imposition of the Embargo Act. Not only had the Act proved a valuable goad to New England anti-administration sentiments, thus assuring the Maritimes relative safety from United States war policies; but it had removed New England shipping from the North American-West Indies trade routes where American superiority had formerly prevented the Maritimes from realizing their role as chief provisioner of the West Indian colonies. Where once the Maritimes had played a secondary role as suppliers for the New England re-export trade, it was now American merchants who were dependent upon the Maritime ports as outlets for their goods. Not only did the Maritimers become entrepots for the re-export of American goods, but they sought to exploit the opportunities of developing markets in the United States for Maritime goods, and to establish themselves as middlemen in British-American trade. It was therefore important that the Maritimes do all in their power to protect their commercial ties with New England.

³⁸C.O. 217/90, Sherbrooke-Bathurst, November 6, 1812. Due to the prohibitions of the Embargo Act American ships were having to return to their home ports from Halifax via St. Bartholamew in the West Indies in order to get valid re-entry papers, and travelling in ballast was creating prohibitive expenses.

During the early months of the war Sherbrooke repeatedly stressed the importance of encouraging New England evasion of the Embargo, chiefly by offering American ships the protection of British convoys,³⁹ and throughout the war he requested customs officials to give every consideration to the New England renegades.⁴⁰ At the same time Maritime merchants complained of the lack of convoy protection and of the impressment of seamen from the merchant service.⁴¹ These were the complaints of colonists objecting to a British administration that did not appreciate the colonial viewpoint and persisted in subordinating it to the imperial interest. Britain's concern for trade relations was dictated by diplomacy and her own defence needs; but when these could be served by means other than trade concessions, or when defence strategy conflicted with commercial measures, the latter was relegated to a secondary position. The result was frequently a characteristic confusion of departmental policies and instructions which drew from Sherbrooke in 1813 the request for more precise customs house instructions that repetitions of his quarrel with officials might be

³⁹C.O. 217/89, Sherbrooke-Bathurst, August 7, 1812.

⁴⁰C.O. 217/89, Sherbrooke-Bathurst, November 6, 1812. A request that British ships not molest the American shipping along Maritime coasts.

⁴¹C.O. 217/91, Sherbrooke-Bathurst, July 11, 1813.

avoided.⁴² Protests became bitter when Britain enforced her blockade of the Atlantic coast, hindering commercial exchange just as Halifax and St. John merchants were filling their warehouses for export.⁴³

These were the protests of men who feared to be cheated once more of the wealth that had floated within their grasp. War had brought prosperity to the colonies--not welcomed by all, as prosperity had been accompanied by extravagance and speculation feared by those who did not regard the phenomena of war as a preview of enduring good fortune. One critic described the period as one of extravagant abandon leaving Halifax at war's end with the appearance of a town at the end of a fair.⁴⁴ But war did increase domestic demand for produce, encouraging agriculture and making of the colonial capitols satisfactory markets for the backlands. The impetus given New Brunswick timber industry by Britain's exclusion from European sources

⁴²In August, Customs had seized an American ship for the illegal import of candles and other 'unenumerated' goods which the American traders had claimed to be camouflage cargo only meant to help them evade Embargo. The Board of Trade consequently conceded to Sherbrooke's request that seizure of American ships be henceforth made his sole responsibility. C.O. 217/92, Sherbrooke-Bathurst, April 22, 1813; C.O. 217/92, Whitehall-Sherbrooke, August 17, 1813.

⁴³C.O. 217/93, May 1814. Halifax merchants petitioned that their goods had lost a third in value since the blockade, one company had one and a half million pounds in goods blockaded with no other adequate outlet. C.O. 217/95, Sherbrooke-Whitehall, September 15, 1814.

⁴⁴Haliburton: op. cit., p. 139.

inaugurated an expansion of settlement in New Brunswick. In 1808 men and business firms flocked into the Mirimachi Valley, developing St. Stephens as their centre, and into Northumberland County. The prosperity of war had at last brought the longed for expansion and consolidation of settlement in the colonies. The protection of this prosperity in the future was the concern of the colonies throughout the war years, voiced in Assembly motions and merchant petitions. Early in 1813 Sherbrooke recommended to British notice the Halifax Committee of Trade's petition of November 1812 regarding future peace negotiations, as a reflection of general provincial opinion. Like petitions preceding and following it, this complained of the 1783 Treaty that had left border issues in dispute, taken no strict measures against American trade in the West Indies, and given the American fisheries privileges off the Maritime coasts. The petitioners requested that issues be rectified in future arrangements, especially now the Maritimes had proven their ability to supply the West Indies.⁴⁵

These petitions were frequently the joint effort of Assembly and Council, for during the war period there reigned a unanimity in administrative circles where all factions concentrated on the exploitation of prevailing conditions. The journals and official correspondence of

⁴⁵C.O. 217/93, Assembly-Council petition, 1814.

these years carry little notice of the old factional feuds, appearing to support one newspaper commentator in his contention that "we have no factions to distress our councils, no contending parties to enfeeble the Spring of our government We are unanimous in our designs of resistance."⁴⁶ Was it unanimity in resistance or self-interest? Another newspaper editor was of the latter opinion, as he chastised his fellow colonials:

Happy state of Nova Scotia! among all this tumult we have lived in peace and security invaded only by a numerous host of American doubloons and dollars which have swept away the contents of our stores and shops like a torrent, and from a detachment occupies our very treasury in great force. Our farmers have felt no other effects of war but that hay sells for ten or twelve pounds a ton, turkeys for ten shillings each, and beef and mutton for ten pence a pound. Long may my country enjoy such prosperity. But in the midst of it she should think of her suffering brethren who are fighting her battles. What have we done for the common cause--why nothing--to our shame absolutely nothing We are amusing ourselves with fine speeches about civilizing Indians with Bible Societies and Acadian Societies, and Billingsgate controversies about all these Now is the time to rectify the egregious blunders (if not treachery) of 1783, and in my opinion our Legislature should address the Prince Regent to that purpose.⁴⁷

It was also the opinion of his neighbours in the Maritime colonies, and the war of 1812 came to a close with the colonists demanding security for the commercial advantages

⁴⁶Brittanus in the Weekly Chronicle, July 10, 1812.

⁴⁷Acadian Recorder, May 14, 1814.

that had been their chief concern for months past. Pre-occupation with war and its commercial significance had distracted attention from the political controversies of the pre-war years; yet these pre-occupations were but another phase in the general struggle for domestic security and independence which had been the over-riding concern of the colonies during the decade of the Napoleonic era.

CONCLUSION

In 1811 Prevost observed that

As Nova Scotia becomes sensible of her adolescence her dislike of control will increase and attempts to shake off the Mother Country become more frequent--her ties in my estimation are those of necessity and convenience more than gratitude and affection.¹

But the twenty years of political strife and economic struggle which Nova Scotia and her sister colonies had experienced by 1811 had already illustrated the colonies' adolescent dislike of control. Certainly the colonies depended on Mother Britain for support and sustenance in many areas of their existence; but it was the very restrictions and conditions accompanying that support which repeatedly frustrated the colonies' realization of a self-sufficiency and domestic independence that could have lightened Britain's load. The nature of British administration was frequently a goad to the colonists' resentment of and impatience with a system they considered ill-informed and uninterested. The petitions and complaints that crossed the Atlantic to Whitehall were attempts to adapt the Mother Country's control, and to fully realize all its advantages, rather than to shake it off altogether.

¹C.O. 217/88, Prevost-Whitehall, May 12, 1811.

The struggles experienced by the mainland Maritime communities during these two and a half decades were the first stirrings of that awareness prophesized by Prevost. That the British officer should prophesy with the voice of doom, was a reflection of the political environment of the period. When government administrations were plagued by spectres of republicanism, it did not seem conceivable that their dependents might find it possible, even preferable, to seek revision rather than revolt. The Maritime colonies' attempts to influence administrative revision fell just another victim to such apprehension, as it was communicated to imperial deputies throughout the colonies.

The colonies' endeavours were the victim of more than imperial apprehension, however. British preoccupation with her continental involvement, and the extraordinary provisions demanded by that involvement, prevented any basic revisions of imperial economic orthodoxy during this period, or a lessening of the executive surveillance regarded by Britain as the necessary assurance of that orthodoxy. Moreover, Britain did not share the colonies' opinion that they had already achieved a maturity meriting a greater degree of domestic independence and more equal participation in such fields as trade and commerce. This disparity of opinion was a principal factor in the debates of colonial and imperial representatives during these years; and while the

colonists' arguments did indeed reflect a new maturity and more settled state of society, they were also filled with the contradictions and qualifications of a society still uncertain in its claims and capabilities. Claims to the complete paraphernalia of parliamentary practice as an assurance of domestic independence were countered by an almost complete dependency on the Mother Country's strong arm; demands for more extensive economic privileges were accompanied by requests for economic subsidization. Prince Edward Island represented a still infant condition requiring the restrictions and dictation of the old imperial system; it concentrated within its borders problems still being experienced by its older sisters; it reflected a social pettiness and confusion still bedevilling mainland attempts to resolve its problems; and it was this confusion, reflected in the factionalism of Maritime society, that was probably the greatest obstacle to the colonies' realization of their political and economic aims.

These decades of the Napoleonic era were indeed a period of Maritime 'adolescence,' with its first experiments in a new sphere of powers, authority and responsibilities. The War of 1812 might be regarded as the conclusion of these preliminary experiments, or as the interruption of a more gradual development which it deflected with extraordinary opportunities and concessions. Certainly the three years of war, and the several years preceding, so far as the Maritime

colonies were concerned were an exception to the ordinary rule of imperial administration. But in the relaxation of the Navigation Laws and the conciliation of legislative demands much of what the colonies were pursuing was illustrated, and the colonies provided with a foretaste of achievement. Considering the Maritimes' situation and their preoccupations of preceding years, it is not to be wondered at that they regarded the war as a spectacle and an opportunity. It is in the colonies' activities from 1790 to 1812 that an explanation of their attitude in 1812-1814 can be found; for these were self-conscious, self-centered years of emergence into a definite communal identity, the war as but one more contributing factor, or illustration of these factors.

APPENDIX

APPENDIX

Biographical Notes

Alline, Henry (1748-1784); born in Rhode Island and moved to Nova Scotia in 1760. He became an itinerant preacher and founded the "New Light" sect in the Maritimes.

Barclay, Thomas (1753-1830), born in New York, educated at Columbia University and studied law under John Jay. During the American Revolution he served as an officer in the Loyal American Regiment and at the end of hostilities he moved to Nova Scotia. In 1785 he was elected to represent Annapolis County in the House of Assembly, and in 1793 he was elected speaker of the House. In 1799 he was appointed British consul general in New York and in 1816 was appointed a commissioner under the Treaty of Ghent.

Black, William (1760-1834), born in Yorkshire, England and came to Nova Scotia in 1775. He became a Methodist preacher and founded the Wesleyan Methodist Church in Nova Scotia.

Bliss, Jonathan (1742-1822), born in Massachusetts, educated at Harvard College and studied law under Lieutenant-Governor Hutchison. In 1778 he went to England having been proscribed as a Loyalist. In 1785 he was appointed Attorney General of New Brunswick and settled in St. John. In 1809 he was appointed Chief Justice of the province.

Blowers, Samuel Salter (1743-1842), born in Boston, educated at Harvard College and served as barrister of the Supreme Court of Boston. He was appointed judge of the Vice Admiralty Court of Rhode Island in 1779 and in 1780 Solicitor-General for New York. In 1785 he was appointed Attorney General of Nova Scotia and elected speaker of the House of Assembly. In 1788 he became a member of the Legislative Council, in 1797 he was appointed president of the Council and Chief Justice.

Botsford, Amos (1744-1812), born in Connecticut, educated at Yale College and called to the bar of Connecticut. In 1782 he was appointed an agent of the British government in connection with the settlement of the Loyalists in

Nova Scotia. He represented Westmorland County in the House of Assembly and served as speaker of the House during this period.

Carleton, Thomas (1735-1817), born in Ireland and served in British army. In 1776 he came to Canada and became quarter-master-general of the forces commanded by Sir Guy Carleton. On August 16, 1784 he was appointed first governor of New Brunswick; on May 20, 1786 his title was changed to Lieutenant Governor. In 1803 he returned to England and until 1817 the province was governed by administrators.

Chipman, Ward (1754-1824), born in Massachusetts, educated at Harvard College, and practised law in Boston. During the American Revolution he served as deputy muster-master-general of British forces in North America, and accompanied Sir Guy Carleton to England after the evacuation of New York. From 1784 to 1808 he served as Solicitor General of New Brunswick. He represented first Saint John, and then Northumberland County in the House of Assembly. In 1806 he was appointed to the Executive Council; in 1808 he was made a judge of the Supreme Court.

Croke, Sir Alexander (1758-1842), born in England, educated at Oxford and was called to the bar at the Inner Court. In 1801 he was appointed a judge in the Vice Admiralty Court at Halifax, which position he held until 1815.

Desbarres, Joseph Frederic, Wallet (1722-1824), born of Huguonot descent, educated in Switzerland and at the Royal Military College, England. He served in the British army, during various North American campaigns. He published The Atlantic Neptune (1777), the result of his surveys along the Nova Scotia coast. In 1784 he was appointed Lieutenant-Governor of Cape Breton, but was relieved of the post in 1787, after much conflict with the island community. In 1804 he was appointed Lieutenant Governor of Prince Edward Island and held that post until 1812.

Deschamps, Isaac (1722-1801), born in Switzerland. He settled in Halifax around 1752. In 1768 he was appointed a judge of the court of Common Pleas in Prince Edward Island, then transferred to the Supreme Court of Nova Scotia in 1780. He became Chief Justice in 1785.

Fanning, Edmund (1737-1818), born in New York, educated at Yale College, and called to the bar of North Carolina where he was appointed judge of the Supreme Court. During the American Revolution he raised and commanded the King's American Regiment. In 1783 he was appointed Lieutenant Governor of Nova Scotia and in 1787 became Lieutenant Governor of Prince Edward Island, retiring in 1804.

Inglis, Charles (1734-1816), born in Ireland. He was ordained in England, ministered in New York, and was forced to leave the colony during the American Revolution. In 1787 he was consecrated first bishop of Nova Scotia. In 1788 he founded King's College at Windsor which was granted a charter as the University of King's College. In 1809 he was appointed to the Nova Scotia Executive Council.

Knox, William: Georgia Loyalist; New Brunswick agent in London.

Leonard, George: He served as an officer of the Loyalist Association and was appointed agent of the British government responsible for settling Loyalists in the St. John River valley. He was appointed to the New Brunswick Executive Council, and was appointed Superintendent of Fisheries and Customs for Nova Scotia and New Brunswick.

Ludlow, Gabriel George (1736-1808), born in New York. He served as a colonel in the Loyalist Regiment during the American Revolution and came to New Brunswick in 1784. He was appointed to the New Brunswick Executive Council and in 1803 was appointed president and administrator of the province during Carleton's absence, serving until 1808. He served as the first mayor of St. John for ten years.

Leonard, George Duncan (1734-1808), born in New York. He served as member of the Council of New York and as a puisne judge of the Supreme Court. He came to New Brunswick in 1784; he was appointed to the Executive Council, and was appointed Chief Justice.

Parr, John (1725-1791), born in Ireland; joined the British army. In 1782 he was appointed Governor of Nova Scotia, his commission changed to that of Lieutenant Governor in 1786 when Carleton was made chief administrator of all British North America.

Patterson, Walter (d. 1798), born in Ireland; joined the British army. In 1769 he was appointed governor-in-chief and Captain-general of Prince Edward Island; his commission was changed to Lieutenant Governor in 1784, and in 1787 he was recalled to England to answer charges against him.

Prevost, Sir George Bart (1767-1816). He served in the British army in the West Indies and was appointed Governor of various islands. In 1808 he was appointed Lieutenant Governor of Nova Scotia where he also served as military commander, until transferred to Quebec in 1811 as administrator of Lower Canada and Commander in Chief of British forces during the War 1812.

Perkins, Simeon (1735-1812), born in Connecticut. He settled in Liverpool in 1762 where he became a prominent merchant. He served in the Nova Scotia Assembly for thirty-four years, and as a judge of probate for thirty years.

Sherbrooke, Sir John Coape (1764-1830), born in England, served in the British army. In 1811 he was appointed Lieutenant Governor of Nova Scotia; in 1814 he led the Maritime expedition up the Penobscot to capture Maine. In 1816 he was appointed Governor of Canada.

Uniacke, Richard John (1753-1830), born in Ireland. In 1774 he came to Nova Scotia and was admitted to the bar in 1781. From 1783 to 1793 he sat in the Assembly, serving as speaker from 1789-1793. In 1782 he was appointed Solicitor General, and in 1797 he became Attorney General. In 1808 he was appointed to the Executive Council.

Thorpe, Thomas (d. 1820), born in Ireland and called to the Irish bar in 1781. He was protege of Lord Castlereagh and in 1802 was appointed Chief Justice of Prince Edward Island. In 1805 he was appointed puisne judge of court of King's Bench of Upper Canada.

Wentworth, Sir John Bart. (1737-1820), born in New Hampshire, educated at Harvard College. In 1766 he was appointed Governor of New Hampshire. In 1776 he went to Halifax and then to England. In 1783 he was appointed Surveyor of the King's woods in North America. From 1792 to 1808 he served as Lieutenant Governor of Nova Scotia.

Winslow, Edward (1746-1815), born in Massachusetts, educated at Harvard College. During the American Revolution he served as muster master general of British forces in America. In 1783 he came to Halifax and served for two years as Secretary to the Commander in Chief in North America. In 1784 he was appointed to the Executive Council of New Brunswick; in 1806 he was appointed a judge of the Supreme Court; in 1808 he served temporarily as President and Commander in Chief of the province.

BIBLIOGRAPHY

BIBLIOGRAPHY

Primary Sources:

1. Documents:

- C.O. 217, vols. 36-37; 62-95; 108-133. Despatches from Nova Scotia and Cape Breton to the British administration.
- C.O. 218, vols. 28-29. Outgoing inter-departmental letters from the Secretary of State to Nova Scotia.
- C.O. 220, Sessional papers of Nova Scotia.
- C.O. 221, Shipping returns of Nova Scotia.
- C.O. 188, vols. 1-21. Despatches from New Brunswick to the British administration.
- C.O. 189, vols. 10-11. Outgoing inter-departmental letters from the Secretary of State to New Brunswick.
- C.O. 190, Sessional papers of New Brunswick.
- C.O. 193, Shipping returns of New Brunswick.
- C.O. 226, vols. 12-26. Despatches from Prince Edward Islands to the British administration.

These documents constitute the core of material on which this thesis depends; indeed, the correspondence which passed between the Colonial Office and the colonial administrators constituted almost the only first-hand material I had concerning this period in Maritime history. The Maritime governors wrote frequent and often copious reports covering every facet of colonial affairs. Admittedly, they wrote from one prejudiced viewpoint which had to be taken into account when drawing conclusions from their observations, but the governors often included newspapers, pamphlets etc. which presented other viewpoints and arguments.

Most of this material was studied in the Public Records Office, London, England; some material was

studied through microfilm borrowed from the Dominion Archives, Ottawa, Canada.

2. Debates:

Parliamentary History: Hansard; London, 1917.

A cursory reading was given the debates in volumes xx-xxx concerning departmental reorganization in the British government following the American Revolution, where this involved colonial administration, and those debates on parliamentary reform which were looked to for some reflection of British ideas of representation and the relation of the executive and legislature.

Parliamentary Debates (Cobbett ed.): Hansard; London.

A cursory reading was given the debates in volumes vi, xxi concerning commercial intercourse with America and the license trade in the colonies, as these reflected official opinion on the relation of neutral and colonial commerce to Britain's Navigation System.

3. Government Publications:

Documents Relating to the Constitutional History of Canada 1759-1791: (Shortt and Doughty, editors); Canadian Archives - King's Printer; Ottawa, 1918.

The sessional paper #18 contained in this volume included correspondence between British officials and officials in the British North American colonies concerning reorganization of the Canadian provinces--but the ideas expressed reflected general British policy toward the colonies. Particularly interesting in this respect was the unsigned and undated memorial entitled "Discussion of Petitions and Counter Petitions re the Change of Government in Canada" which summarized British reaction to the American Revolution and its consequences for British North America.

4. Newspapers:

Fredericton Telegraph 1806

New Brunswick Courier 1812-1814

Halifax Journal, excerpts included in the Governors' despatch.

Acadian Recorder 1813-1814

Weekly Chronicle 1810-1812

During this period only the centres of Fredricton, St. John and Halifax enjoyed the luxury of a newspaper and these publications were often little more than advertising sheets and government bulletins. Judging from these papers the Maritime population would not appear to have been very articulate, but the occasional editorial reflected something of public opinion and discussion of the day.

5. Pamphlets:

Aitcheson, N.: "American Encroachments on British Rights"; London, 1808.

Brougham: "Orders in Council"; London, 1808.

Halifax Merchants: "Present Claims and Complaints of America Briefly and Fairly Considered"; London, 1806.

Stephens, J.: "War in Disguise, or the Frauds of Neutral Flags"; London, 1805.

Anonymous American: "Answer to War in Disguise"; New York, 1806.

Anonymous American: "Remarks on the British Treaty with the United States"; Liverpool, 1807.

None of these pamphlets were directly concerned with Maritime affairs, but they were of interest as background material relating to British-United States relations preceding 1812.

Secondary Sources:

1. Books:

Ashton, T.S., An Economic History of England: The Eighteenth Century; Methuen and Co.; London, 1955.

Binney, J.E.D., British Public Finance and Administration 1774-1792; Clarendon Press; Oxford, 1958.

Brady, A., William Huskisson and Liberal Reform; Oxford University Press - Humphrey Milford; London, 1928.

- Briggs, A., The Age of Improvement; Longmans, Green and Co.; London, 1959.
- Burke, E.: Works (ed. F.G. Rivington) vol. iii; London, 1803.
- Burt, A.L., United States, Great Britain and British North America from the Revolution to the Peace of 1812; Yale University Press; New Haven, 1940.
- Clark, S.D., Church and Sect in Canada; University of Toronto Press; Toronto, 1948.
- Coupland, R., The American Revolution and the British Empire; Longman's Green and Co.; London, 1930.
- Fitzmaurice, Life of Shelburne vol. II; Macmillan and Co.; London, 1912.
- French, G., Parsons and Politics; Ryerson Press; Toronto, 1962.
- Graham, G.S., Seapower and British North America 1783-1820, a study in British Colonial Policy; Harvard University Press; Cambridge, 1941.
- Haliburton, T.C., An Historical and Statistical Account of Nova Scotia; Halifax, 1828.
- _____, A General Description of Nova Scotia; Printed at the Royal Acadian School; Halifax, 1825.
- Hannay, J., History of New Brunswick; John A. Bowes; St. John, 1909.
- Harlow, V.T., The Founding of the Second British Empire 1763-1793 vol. 1; Longman's, Green and Co.; London, 1952.
- Select Documents in Canadian Economic History 1783-1885, (Innis and Lower editors); University
- Knorr, E.K., British Colonial Theories 1570-1850; University of Toronto Press; Toronto, 1944.
- MacKinnon, F., The Government of Prince Edward Island; University of Toronto Press; Toronto, 1951.
- MacNaughton, F., The Development of the Theory and Practice of Education in New Brunswick 1784-1900; University of New Brunswick Historical Studies; Fredricton, 1947.

- MacNutt, W.S., New Brunswick: A History 1784-1867; Macmillan and Co.; Toronto, 1963.
- Manning, H.T., British Colonial Government after the American Revolution 1782-1820; Yale University Press; New Haven, 1935.
- _____, The Revolt of French Canada 1800-1835; Macmillan and Co.; London, 1962.
- Martin, C., Empire and Commonwealth, Studies in Governance and Self-Government in Canada; Clarendon Press; Oxford, 1929.
- McGregor, J., British North America vol. 1,2; William Blackwood; London, 1833.
- Mowat, E.B., England in the Eighteenth Century; George Harp and Co.; London, 1932.
- Murdock, B., History of Nova Scotia or Acadie vol. 3; J. Barnes; Halifax, 1867.
- Perkins, B., Prologue to War: England and the United States, 1805-1812; University of California Press; Los Angeles, 1961.
- Diary of Simeon Perkins, (Ferguson, B. editor); Champlain Society; Toronto, 1961.
- Raymond, W.O. (ed.) Winslow Papers 1776-1826; St. John; Sun Printing Co.; 1901.
- Schuyler, R.L., The Fall of the Old Colonial System 1770-1870; Oxford University Press; New York, 1945.
- Selley, W.T., England in the Eighteenth Century; Adam and Charles Black; London, 1949.
- Smart, W., Economic Annals of the Nineteenth Century 1801-1820; Macmillan and Co.; London, 1910.
- Updyke, F.A., The Diplomacy of the War of 1812; John Hopkins Press; Baltimore, 1915.
- Wallace, W.S. The United Empire Loyalists; Brooke Co.; Toronto, 1914.
- Walsh, W.S., The Christian Church in Canada; Ryerson Press; Toronto, 1956.

Whitelaw, W.M., The Maritimes and Canada before Confederation; Oxford University Press; Toronto, 1934.

Young, D.M., The Colonial Office in the Early Nineteenth Century; Longman's, Green, Co. for the Royal Commonwealth Society; London, 1961.

2. Articles:

Akins, T., "History of Halifax City"; Nova Scotia Historical Society Papers; vol. 8, (1895).

Archibald, A.G., "Sir Alexander Croke"; N.S.H.S. vol. 1-3 (1878-83).

Barnestead, A.S., "Development of the Office of Provincial Secretary in Nova Scotia"; N.S.H.S. vol. 24 (1938).

Bell, H.C., "British Commercial Policy in the West Indies 1783-93"; English Historical Review, vol. 31 (1936).

Burnett, E.C., "Observations of London Merchants on American Trade 1783"; American Historical Review, vol. 18 (1912-13).

Butler, G.F., "The Early Organization and Influence of the Halifax Merchants"; N.S.H.S. vol. 25 (1941).

Copp, W.R., "Military Activities in Nova Scotia During the War of 1812"; N.S.H.S. vol. 24 (1938).

_____, "Nova Scotia Trade During the War of 1812"; Canadian Historical Review, vol. 18 (1937).

Ells, M., "Settling the Loyalists in Nova Scotia"; Canadian Historical Association Annual Report, 1934.

_____, "Governor Wentworth's Patronage"; N.S.H.S. vol. 25 (1942).

_____, "Nova Scotia Sparks of Liberty"; Dalhousie Review, vol. xvi (1937).

Harvey, D.C., "The Struggle for the New England Form of Township Government in Nova Scotia"; C.H.A.A.R.; 1933.

Lingleback, A.L., "The Inception of the British Board of Trade"; A.H.R. vol. 30 (July, 1925).

Raymond, W.O., "A Sketch of the Life and Administration of General Carleton"; New Brunswick Historical Society Papers, vol. 2 (1898).

Stanley, C.F.G., "The Defence of the Maritime Provinces During the Wars of the French Revolution"; C.H.A.A.R. vol. 14 (1936-37).

Storey, N., "The Church and State Party in Nova Scotia 1749-1851"; N.S.H.S. vol. 27.

Williams, B., "Chatham and Representation of the Colonies in the Imperial Parliament"; E.H.R. vol. xxll (1907).

The secondary sources were referred to chiefly for background material on British administration, at home and in her colonies, imperial theories, and the general conditions and character of the Maritime scene. Chapter I draws heavily upon those books dealing with eighteenth century Britain and the reconstruction of the Empire following the American Revolution; of particular value were H.T. Manning's book on British Colonial Government, G.S. Graham's book on Seapower and British North America, which provided the skeleton on which to hang the details gathered from other sources. Chapter II, as it studied the character of Maritime society during the post-Revolution decades, relied in great measure upon the publications of T.C. Haliburton, James McGregor, Beamish Murdock, Simeon Perkin's Diary and the Winslow letters. These are men who had lived during this period, or shortly after when they could still draw on the memories of men who had observed or participated in events of the period. The material provided by these books, and the articles, were thus used as a guide and a supplement to Colonial Office records which provided the details for the central chapters of the thesis.

3. Unpublished Theses:

Butler, G.F.: "The Commercial Relations of Nova Scotia with the United States 1713-1820"; submitted to Dalhousie University for the Master of Arts degree in 1935.

Morrison, G.: "The Evolution of Political Parties in Nova Scotia 1783-1848"; submitted to Dalhousie University for the Master of Arts degree in 1948.