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UNIVERSITY OF OKLAHOMA  
GRADUATE COLLEGE

LOYALIST TO LIBERAL: THE REFORM PERSUASION IN  
NEW BRUNSWICK POLITICS, 1837-1857

A Dissertation

SUBMITTED TO THE GRADUATE FACULTY

In partial fulfillment of the requirements for the

degree of

Doctor of Philosophy

By  
ROBERT JOHN LIVELY  
Norman, Oklahoma  
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NEW BRUNSWICK POLITICS, 1837-1857

A Dissertation APPROVED FOR THE  
DEPARTMENT OF HISTORY

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## INTRODUCTION

In the decades between the War of 1812 and the American Civil War, Anglo-American societies on both sides of the Atlantic went through periods of political reform that produced similar yet distinct variants of liberal-democratic political culture. In common, each had roots in classical republican, classical liberal and Scottish political thought, as well as evangelical Protestant ideals. In contrast, each rested on distinctive national traditions such as the British Monarchy and Parliament, the American Revolution, and in British North America, the Loyalist heritage.

During the period from 1837 to 1857, a small group of reformers in the British colony of New Brunswick consciously drew on the ideas and values of the broader transatlantic political culture to fashion their own political persuasion.<sup>1</sup> That persuasion, reflected in the public rhetoric of reformers, represented a middle path between American and British traditions and between liberal and democratic ideals. At the center of this reform persuasion was a type of constitutional liberalism incorporating principles of autonomy, popular sovereignty, social justice and progress. Through the influence of liberal reformers, those concepts became the basis of a new political culture in

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<sup>1</sup> I consider a persuasion to be a type of political world view. The basic assumptions of that world view are composed of ideas, attitudes, emotions and techniques that are only meaningful when viewed within the context of the individual's political environment. For an example of this type of approach see Robert Kelley, *The Transatlantic Persuasion: The Liberal-Democratic Mind In the Age of Gladstone* (New Brunswick, N.J.: Transaction Publishers, 1990),

New Brunswick. In its international context, that political culture was virtually identical to those that developed in the other British North American colonies, and had much in common with the liberalism then developing in Britain and the newly emerging culture of the American Whigs.

This study examines the political ideals of five men who were New Brunswick's first liberal reformers. It is not concerned as much with the roots of their political thought as with the actual conditions of political thought. It is a study of routine political events and activities and the ways in which these men adopted and molded certain ideas and values to solve the political problems of their day. Those ideas and values were not epiphenomenal, but were an integral part of political events. For that reason careful attention must be paid to the impact of external influences and the clash of interests which framed those events.<sup>2</sup> Above all I am concerned to understand how the reformers themselves viewed the political world which they inhabited and how they went about constructing their persuasion.

There has been no study of the political persuasion of New Brunswick's early reformers; indeed, until quite recently, there has been relatively little work done on the history of either New Brunswick or Canadian political thought.<sup>3</sup> Canadian historians have tended to ignore the history of the Maritime Provinces or adopt condescending and dismissive attitudes toward the region. Furthermore, much of what has been written about New Brunswick political

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Introduction.

<sup>2</sup> My understanding of this approach is drawn from Pauline Maier, *American Scripture: Making the Declaration of Independence* (New York: Alfred A. Knopf, 1997).

<sup>3</sup> For a discussion of this tendency see Jeremy Rayner, "The Very Idea of Canadian Political

history has been influenced by an over-dependence on British records with their attendant biases, and a corresponding negative attitude toward colonial politicians. Excellent work has been done by regional historians since World War II, but the bulk of that research has been in social and economic history.<sup>4</sup>

While Whig historians once dominated interpretations of Canadian History, the dominant interpretation of Canadian political thought in the post World War II period has been termed the "Tory Touch" interpretation. This view holds that Canadian political theory has been most influenced by a pre-capitalist Tory ideology resulting from the founding Loyalists' rejection of the ideals of the American Revolution.<sup>5</sup> That interpretation formed the basis of a conservative-nationalist school of Canadian History, often referred to as the Laurentian School.<sup>6</sup>

In recent days the "Tory Touch" interpretation has been challenged by new approaches, some stressing the dominance of civic humanist thought, and others focusing on the dominance of constitutional liberalism.<sup>7</sup> This study belongs to the latter category. New Brunswick reformers sought the golden

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Thought: In Defense of Historicism." *Journal of Canadian Studies* 26(2) (Summer 1991): 7-24.

<sup>4</sup> Exceptions to this tendency would include works by Philip Buckner, T.W. Acheson, Gail Campbell, and David G. Bell. For an examination of these problems see Phillip Buckner, "The Maritimes and Confederation: A Reassessment," *Canadian Historical Review*, 71(1), (1990), 1-45.

<sup>5</sup> For a key work of this type see Gad Horowitz, "Conservatism, Liberalism and Socialism in Canada: An Interpretation," *Canadian Journal of Economics and Political Science*, 32 (1966).

<sup>6</sup> This interpretation had been strengthened by the work of Seymour Martin Lipsett, "American Exceptionalism Reaffirmed." In Byron E. Shafer, ed. *Is America Different?: A New Look at American Exceptionalism* Oxford: Clarendon Press, 1991. In his comparisons of the U.S. and Canada in such works as *The First New Nation* and *Continental Divide*, Lipsett has developed his own version of the "Tory Touch" interpretation in which Canada emerges as more conservative, less individualistic and less democratic than the United States.

<sup>7</sup> For examples of these approaches see the essays in, Janet Ajzenstat and Peter J. Smith, *Canada's Origins: Liberal, Tory or Republican* (Ottawa: Carleton University Press, 1995).

mean between oligarchy and democracy. The liberal persuasion they adopted provided them with a middle way. The battle against entrenched privilege and prerogative was a dominant concern, but reformers were equally wary of excessive democracy.

Liberalism and democracy have been intimately related for so long that the tension between them has become obscure. However, they remain distinct ideals. The focus of liberalism is on limiting power in the interest of liberty, while democracy has to do with the manner in which power is distributed. Liberalism is just as much opposed to excessive popular power as it is to excessive government power. In a sense, these two ideals represent the polar extremes of modern western political thought, inextricably connected but always in tension.<sup>8</sup> My purpose is to understand how New Brunswick's first liberals chose constitutional liberalism to resolve that tension and how they used it to bring order to their world.

This study is concerned with understanding a part of the history of Canadian political thought. It does not represent an attempt to understand the crisis of modern liberalism or the current state of Canadian liberalism. However, it is undertaken with the understanding that the brand of constitutional liberalism discussed here provided the foundation for modern Canadian politics and much of what is unique in contemporary Canadian political culture.

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<sup>8</sup> For an interesting contemporary analysis of the tension between liberalism and democracy see Fareed Zakaria, "The Rise of Illiberal Democracy," *Foreign Affairs*, 76 (Nov/Dec 1997), 22-43.

## CHAPTER 1 – THE TRANSATLANTIC PERSUASION

By the early nineteenth-century, burgeoning commerce and deep ties of language, religion, and politics, connected Anglo-American societies in Britain, the United States, and British North America. This transatlantic community was resulted from English colonization efforts in the seventeenth and eighteenth centuries. English policy makers had envisioned a mercantile empire created through colonization. The close ties among these societies were facilitated by communications networks among politicians, businessmen, evangelicals and members of various reform groups. While each society was distinctive and each exceptional in its own way, one is most struck by the similarities of character, particularly in the realm of politics. After 1815, in spite of two wars in 40 years, the relationship among the nations of the North Atlantic community was an increasingly close and interdependent one.<sup>1</sup>

The period between 1815 and 1860 was one of tremendous transformation and considerable chaos. The most visible changes reflected a new economic order. The growth and movement of populations created new markets. In the southern United States, the rise of “King Cotton” increased the

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<sup>1</sup> General agreement on the need for comparative studies and the usefulness of a transatlantic perspective has produced little fruit. Among the few studies see; John Bartlett Brebner, *North Atlantic Triangle: The Interplay of Canada, the United States and Great Britain* (New Haven, Conn.: Yale University Press for the Carnegie Endowment for International Peace, Division of history and economics, 1945); Frank Thistlethwaite, *America and the Atlantic Community: Anglo-American Aspects, 1790-1850* (New York: Harper, 1959) and Robert Kelley, *The Transatlantic Persuasion: The Liberal-Democratic Mind in the Age of Gladstone* (1969; reprint,

tempo of the Atlantic economy. The industrial revolution spread to North America attended by a new spirit of commercialism and increasing urbanization. Advances in technology and transportation had a radical impact on the lives of many people on both sides of the Atlantic. These changes were accompanied by a rising sense of optimism and willingness to take risks. The world of the eighteenth-century, of Britain's first empire, and the American Revolution, was rapidly being replaced by another world of unimaginable experience and opportunity. But, it was also a world of rapid change, uncertainty, and anxiety.<sup>2</sup>

Equally unsettling were related political and social changes that ushered in the first great period of nineteenth-century reform. The old society, based on deference and hierarchy, crumbled under the onslaught of revolution, revival, and commerce. Traditional political institutions proved inadequate for the greater complexity and increased scope of government. In Britain, the United States, and in Britain's North American colonies, a new generation of politicians emerged to challenge their respective national establishments. A mixture of moderate reformers and more radical democrats, these men were the vanguard of new classes of people clamoring to participate in their national political systems. Calling for democracy as they perceived it, they demanded increased

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New Brunswick, N.J.: Transaction Publishers, 1990).

<sup>2</sup> For a good synthesis of economic, social and political developments in the United States during this period see Charles Sellers, *The Market Revolution* (New York: Oxford University Press, 1991), for Britain see Asa Briggs, *The Making of Modern England, 1783-1867: The Age of Improvement* (New York: Harper & Row, 1965).

opportunity, refused deference and battled against arrogant prerogative.<sup>3</sup>

The leaders of these political movements were driven by a combination of political radicalism and a sense of moral order, the latter largely derived from evangelical religion. Both the political radicalism of the era and the surging revivalism were transatlantic in scope. Each reinforced the inherent individualism in Anglo-American political culture. American radicals drew not only on the tradition of their own revolution, but also the traditions of British radicalism, in particular those of the Opposition Whigs and the Glorious Revolution. British Radicals looked to the United States as the “best country” because of its institutionalized democracy and unselfconscious egalitarianism. In Britain’s North American colonies, descendants of American Loyalists and more recent immigrants were politically schizophrenic, piously loyal to Great Britain, but intently eyeing political and economic developments to the south. In those colonies as well, the liberal-democratic combination of radicalism and revivalism challenged the old regime.<sup>4</sup>

The mixing of religion and politics was not a new feature of Anglo-American political culture. The English had long fused politics and religion through the mechanism of a national church establishment. Since the seventeenth-century the interaction of Calvinist theology and Civic Humanist values had formed an important part of the dissenting or nonconformist political

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<sup>3</sup> For a general treatment of transatlantic politics and reform see Thistlethwaite, *America and The Atlantic Community*.

<sup>4</sup> For an understanding of transatlantic radicalism and the rise of liberal-democratic political culture see Kelley, *Transatlantic Persuasion*, chapter 1.



tradition in Britain and in her colonies. Non-Calvinist groups such as Quakers also developed their own distinctive blend of social and political radicalism.<sup>5</sup>

In the beginning decades of the eighteenth-century, evangelical religion was a dominant feature of Anglo-American culture. The distinguishing characteristic of evangelical religion was revivalism. Stimulated by Methodism in Britain and the First Great Awakening in America, revivalism could be found among groups espousing both Calvinist and Arminian theologies.<sup>6</sup> Based on a belief in conversion leading to a personal relationship with God, unmediated by priest or church, evangelicalism had a far reaching impact on society and politics. The personal nature of the evangelical experience focused attention on the individual and helped to undermine the hierarchical and deferential conventions of the old culture. That tendency was reinforced by romanticism. These trends eventually fused with the individualism inherent in Liberal thought, proving particularly strong in North America where the frontier environment reinforced the individualistic ethos. Evangelical religion also carried with it a social ethic that would prove to be a vital element in the moral core of nineteenth-century liberalism. Transatlantic communications networks hastened the spread of these evangelical values.<sup>7</sup>

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<sup>5</sup> Raymond G. Cowherd, *The Politics of English Dissent: Religious Aspects of Liberal and Humanitarian Reform Movements From 1815 to 1848* (New York: New York University Press, 1956), 7-8.

<sup>6</sup> In contrast to the deterministic nature of Calvinism, Arminianism and its Methodist variant, Wesleyan-Arminianism, were characterized by a belief in free will. The compatibility of free will theology and democratic politics became increasingly important in the early nineteenth-century.

<sup>7</sup> See Richard Carwardine, *Transatlantic Revivalism: Popular Religion in Britain and America, 1790-1865* (Westport, Conn.: Greenwood Press, 1978)

Activists and reformers throughout the Anglo-American world corresponded with each other, read the same books and newspapers and increasingly, as the rigors of travel eased, visited each other's countries. Voluntary organizations, most notably temperance and antislavery groups, on both sides of the Atlantic maintained contact with each other and in many cases cooperated closely. Major revivals spread from one side of the Atlantic to the other, evangelists traveled back and forth, and evangelicals engaged in mutually reinforcing activities. Newspapers on both sides of the Atlantic reprinted news from other English speaking countries in copious amounts, and this was particularly the case for provincial newspapers in British North America, where large portions of local papers were often given over to news from the "states" and the "mother country." The existence of specialized presses concentrating on such issues as temperance and abolition intensified the effect. High rates of literacy made this process an essential connection that tied the Atlantic community together in ways that mere commercial enterprise could not, and reinforced similarities in developmental patterns and culture.<sup>8</sup>

Certain key Anglo-American political traditions provided a foundation for the Liberal-Democratic political culture that developed in the early nineteenth-century. Among these was the tradition of resistance to authority. On the

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<sup>8</sup> On the importance to transnational revivalism of communication networks based on voluntary organizations see Mark Noll, "Introduction," in Mark A. Noll, David W. Bebbington and George A. Rawlyk, *Evangelicalism: Comparative Studies of Popular Protestantism in North America, the British Isles and Beyond, 1700 to 1990* (New York: Oxford University Press, 1994), 8, and in the same volume Marguerite Van Die, "The Double Vision: Evangelical Piety as Derivative and Indigenous in Victorian English Canada," 262; Cowherd, *Politics of English Dissent*, 18.

periphery of the British Isles, resistance to English domination had for centuries resulted in periodic rebellions by the Scots and the Irish. Within England itself there were tensions between the southern English core area and outlying provinces, particularly in the north. In the seventeenth-century, the tradition of opposition to arbitrary authority established itself firmly with the Puritan Revolution and the Glorious Revolution. Politically, the Opposition Whigs or Country Party of the early eighteenth-century carried on that tradition, and eventually bequeathed it to American revolutionaries. Paradoxically, many of the Loyalist refugees of the American Revolution who constituted a dominant element in the British North American Colonies, saw themselves as resisting the arbitrary and unrestrained power of the Patriots. The political traditions created within Britain's first North American colonies, particularly in the colonial assemblies, were another important influence, and even British radicals were impressed with such ideas as legislative independence based on the power of the purse.<sup>9</sup>

Within the societies of the North Atlantic community, these traditions contributed more than memories. At least three principle sets of political ideals developed out of the various layers of tradition. While for purposes of clarity these are often pictured as discreet and coherent belief systems, it is doubtful

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<sup>9</sup> For a discussion of the way these traditions influenced liberal-democratic culture see Kelley, *Transatlantic Persuasion*, chapter 1, and Dorothy Ross, "Liberalism," in Jack P. Greene ed., *The Encyclopedia of American Political History: Studies of the Principal Movements and Ideas*, vol. 2, (New York: Scribners, 1984), 750-763. On the Loyalists see Janice Potter, *The Liberty We Seek: Loyalist Ideology in Colonial New York and Massachusetts* (Cambridge, MA.: Harvard University Press, 1983)

if the reformers who adopted these principles saw them in that way. There was considerable overlapping and intermixing of ideas and influences. The difficulty of apprehending such a welter of interconnected ideas creates an almost irresistible temptation to simplify, reduce, and render concrete the abstract. No doubt some of that is necessary; however, it is important to remember that we are seeking the mind of an age and not merely our own reflection in it. With that caveat it is possible to make some generalizations about the major influences that contributed to the liberal-democratic political culture of the nineteenth-century.<sup>10</sup>

The oldest of these ideologies was classical republicanism, or civic humanism, and it rested on an Aristotelian view of man as political animal. In its barest outlines, the lineage of this type of thought runs from Aristotle through Cicero to the Florentine and Venetian thinkers of Renaissance Italy. It was Niccolo Machiavelli who in the sixteenth-century suggested that republics exposed to the corrupting influence of wealth and power tended to degenerate over time. Such decay could only be resisted by virtuous and active citizens with the public interest at heart. Following England's Glorious Revolution, Country party writers such as James Harrington and Algernon Sydney found that these ideas accurately reflected their struggle against the entrenched

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<sup>10</sup> For a sense of the complex ways in which ideas combined and influenced each other in the transatlantic world see Daniel Walker Howe, "European Sources of Political Ideas In Jeffersonian America," *Reviews in American History*, 10(Dec. 1982), 28-44; James Kloppenberg, "The Virtues of Liberalism: Christianity, Republicanism, and Ethics in Early American Discourse," *Journal of American History*, 74(June 1987), 9-33; Robert Shalhope, "Republicanism and Early American Historiography," *William and Mary Quarterly*, 38(April 1982),

influence and corruption of the "court" ministries. Classical republicanism remained largely unnoticed by modern historians, until recent decades when scholars became aware of its central place in the ideology of the American Revolution.<sup>11</sup>

American scholars have been aware of the influence of Scottish Enlightenment thinkers for some time, particularly in the area of moral philosophy. However, it has only been in the last two decades that serious attention has been paid to the political impact of Scottish thought. Beginning in the late seventeenth-century and running through the early years of the nineteenth, lowland Scotland spawned a vital intellectual culture that had no equal in its breadth and coherence. The Scots, part of Great Britain's Celtic fringe, inhabited a dependent and somewhat marginal area. Largely excluded from access to political power and with close ties to the continent, they bent their creative energies toward philosophy, both moral and natural. The Scottish universities were the best of their day, and they provided a haven for English nonconformists excluded from Oxford and Cambridge, as well as those seeking a higher quality of education than that available in eighteenth-century English institutions. Universities such as Edinburgh and Glasgow produced first rank scholarship in science, medicine, economics, and most significantly, moral

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334-56.

<sup>11</sup> See Robert Shalhope, "Toward a Republican Synthesis: The Emergence of an Understanding of Republicanism in American Historiography," *William and Mary Quarterly*, 29 (Jan 1972), 49-80, and Shalhope, "Republicanism and Early American Historiography;" For a more critical view see Daniel T. Rogers, "Republicanism: The Career of a Concept," *The Journal of American History*, (June 1992), 11-38.

philosophy. David Hume, Adam Smith, Francis Hutcheson, Thomas Reid and many others made their influence felt throughout Europe and America, and had an impact on such diverse figures as Thomas Jefferson and Immanuel Kant.

The Scots produced works in many fields, but their greatest impact was in the field of epistemology. Setting forth powerful and distinctive views regarding human nature and human society, these thinkers altered the intellectual infrastructure of the Atlantic world with their Moral Sense and Common Sense philosophy. Scottish ideas swayed English thinkers from John Locke to John Stuart Mill and in turn, the Scots greatly admired Locke and Newton. This reciprocal influence poses some difficulties for scholars of the period. The very breadth and inclusiveness of Scottish thought becomes a hindrance to understanding. Determining who influenced whom and even distinguishing separate intellectual traditions is difficult at best. Ascertaining the political impact of these ideas is even more problematical.<sup>12</sup>

John Witherspoon and others brought Scottish Common Sense ideals to the U.S. in the nineteenth-century, and they proved very congenial to the pragmatic and religious aspects of the American character. It has been argued that in the United States various elements of European Enlightenment thought

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<sup>12</sup> A good general treatment of the Scottish Enlightenment can be found in Jane Rendall, *The Origins of the Scottish Enlightenment* (London: Macmillan Press Ltd., 1978), and the essays in Istavan Hont, Michael Ignatieff eds., *Wealth and Virtue: The Shaping of Political Economy in the Scottish Enlightenment* (Cambridge: Cambridge University Press, 1984); for recent American historiography relating to Scottish Enlightenment thought see Howe, "European Sources," 29-33.

coalesced in the Scottish Philosophy of the early nineteenth-century.<sup>13</sup> At the same time in the British North American Colonies, Scottish Common Sense ideals fused with evangelical Protestantism to form the basis of a distinctive liberal-democratic political culture that represented a middle path between American and British values.<sup>14</sup>

In the 1950's and 60's, Louis Hartz and other "consensus" historians argued for the dominant influence of John Locke on the American founding fathers. This view rested largely on the conviction that Locke had been the primary influence on Jefferson's *Declaration of Independence* and a more generalized feeling that America was in its bones naturally Lockean. In the "consensus" reading of American history, Locke seems more a symbol than a historical figure. He has been made to represent the liberal heart of America, in much the same manner that Andrew Jackson has come to symbolize the spirit of his age. Despite a more sophisticated understanding provided by recent scholarship on classical republicanism and Scottish thought, for many, Locke continues to be the central figure in the development of liberalism. His reputation as a political thinker today rests largely on his *Two Treatises of Civil Government*.<sup>15</sup>

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<sup>13</sup> Henry May, *The Enlightenment in America*, (New York: Oxford University Press, 1976), 337-50.

<sup>14</sup> For the most perceptive treatment of the impact of Scottish thought on American politics see Morton White, *The Philosophy of the American Revolution* (New York: Oxford University Press, 1978), On the impact of Scottish Common Sense Philosophy on Canadian political thought see Michael Gauvreau, "The Empire of Evangelicalism: Varieties of Common Sense in Scotland, Canada and the United States," in Noll et al, *Evangelicalism: Comparative Studies*, 219-52.

<sup>15</sup> Louis Hartz, *The Liberal Tradition in America: An Interpretation of American Political Thought*

Following Hobbes, albeit in a considerably less mordant vein, Locke posited a state of nature in which existence was precarious due to essential flaws in human nature. The answer to this essentially unstable predicament was for a group of self-interested individuals to form a political society, to covenant or contract among themselves to sacrifice some portion of their God-given rights in order to form a more secure and just order. In line with Locke's Christian assumptions, and perhaps his Scottish influences, virtue inhered in the rational individual and not in governments. Embedded in this conception of government were several ideals, that while not exclusively Lockean, have achieved the status of holy writ in modern democratic societies; ideals such as personal autonomy, popular sovereignty, social contract and limited government. Despite such obvious contributions, it is again important to remind ourselves that our understandings of early liberalism and republicanism often appear deceptively concrete and coherent. Both are in effect *ex post facto* creations of political theorists and intellectual historians. The term "liberal" was not commonly used in English and Canadian politics until the early nineteenth-century, and even later in the United States.<sup>16</sup>

The impact of religion on the development of liberalism has often been overlooked. Modern scholars have tended to be, at best, disinterested in

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*Since the Revolution*, (New York: Harcourt Brace, 1955); Kloppenberg, "The Virtues of Liberalism," is an attempt to show how republicanism, Scottish thought and Protestant influences combined to create a liberal synthesis. Howe, "European Sources," 42, argues for "fitting Locke back in."

<sup>16</sup> John Locke, *Two Treatises of Government*, ed., Peter Laslett, (Cambridge: Cambridge University Press, 1960), This edition includes a useful introduction by Peter Laslett; See Ross,



religion, and at worst, hostile and dismissive. Indeed, modern liberalism is almost by definition a secular faith, and this has skewed our understanding of the liberalism of earlier generations, a liberalism that was intimately related to religious faith. Even Locke's political ideals were built on essentially Christian assumptions.<sup>17</sup> In the seventeenth and early eighteenth centuries the weight of a rationalistic and politicized Calvinism played an important role. In many respects, Calvinism complemented secular political ideals. This was especially true in the case of classical republicanism.

However, in the second half of the eighteenth-century, evangelical Arminianism began to transform and to displace Calvinism as a primary religious influence in politics. Free will theologies proved naturally compatible with the evolving democratic cultures on both sides of the Atlantic. Inherently individualistic, yet retaining an intense biblocentrism and emphasis on personal salvation, these religious ideals were tailor-made. Such ideas not only coexisted with liberal-democratic values, but contributed to their development by providing an essential moral base that came to be characteristic of the liberal-democratic persuasion in the nineteenth-century. The Methodist revivals of the eighteenth-century had a revolutionary impact on the British Isles and changed the essential nature of nonconformity, particularly with regard to

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"Liberalism," 750, on the term liberal, and liberalism as a nineteenth-century construction.

<sup>17</sup> For a discussion of the influence of Christianity on liberalism see Kloppenberg, "The Virtues of Liberalism," 12-14, and his discussion of John Dunn's argument for the influence of Christianity on Locke's political thought, 16n9; John Dunn, *The Political Thought of John Locke: An Historical Account of The "Two Treatises of Government,"* (London: Cambridge University Press, 1969).

politics. In the United States Methodism first swept the South and the western frontier. In the early decades of the nineteenth-century, it moved north and east, becoming more respectable in the process. By its very presence it transformed the Calvinism of groups such as the Presbyterians and Congregationalists.<sup>18</sup>

From this variety of ideas and traditions a Liberal-democratic culture gradually coalesced in the years after 1815. That culture was to form the basis of Anglo-American politics until the advent of World War I. The ideals and rhetoric of nineteenth-century liberalism proved to be extremely flexible and versatile.<sup>19</sup> In the United States, Democrats employed such ideas to fight against the “monster” Bank of the United States and the tariff, American Whigs to battle “King Mob,” British Whigs to repeal the Corn Laws and launch the Great Reform Bill, and British North American reformers to achieve Responsible Government and a measure of autonomy within the British Empire. While in each of these societies a unique political system emerged, each rested on a common core of ideas, the essence of liberal-democratic

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<sup>18</sup> For the importance of Arminian or free will theology see Richard Carwardine, *Transatlantic Revivalism*, 3, 10-11, 91-92, and Bebbington, *Evangelicalism*, 60-64; On the rapid growth and increasing influence of Methodism in the U.S. see Carwardine, 10-11; For a discussion of Methodism in Canada see Goldwin French, “The Evangelical Creed in Canada,” in *The Shield of Achilles: Aspects of Canada in the Victorian Age*, ed. W.L. Morton, (Toronto: McLelland and Stewart Ltd., 1968), 15-35.

<sup>19</sup> The manner in which this process functions is examined in Michael Freeden, *Liberalism Divided: A Study in British Political Thought, 1914-1939* (Oxford: Clarendon Press, 1986), Intro. Freeden suggests that liberalism is made up of “cluster concepts,” which are formal and empty and are able to accommodate different meanings. These concepts function differently in different cultural contexts. Distinct types of liberalism use the core concepts in unique ways and therefore political ideals only make sense when examined in the specific environments where they serve as solutions for particular political problems.

political culture.<sup>20</sup>

Fundamental to liberalism was the concept of the autonomous individual as the basic element of politics. Government existed to provide each individual with at least the opportunity for a good and productive life. Locke's Christianity led him to view the human individual as a moral and rational being, and liberalism was first and foremost construed in moral terms. Individuals possessed a God-given right to live with freedom and dignity. The moral nature of the individual implied certain self-evident rights. Personal rights such as the right to think, to talk, and to worship could only be assured in a system of "known laws and known procedures" that would protect the citizen and restrain rulers. In addition to personal rights, the Lockean scheme envisioned civil liberties that were embodied in the ideal of a free society with open avenues for human participation. These included liberties such as the right of free association and freedom to write and publish.<sup>21</sup>

Also essential were social rights based on an assumption of human equality and providing for advancement and social mobility. If God created each individual in personal relationship to himself, then all conventional distinctions such as wealth and prestige should, it seemed, be inconsequential.

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<sup>20</sup> David Greenstone, *The Lincoln Persuasion: Remaking American Liberalism* (Princeton: Princeton University Press, 1993), xxii, takes a different approach than Freedman, arguing the existence of a "genus liberalism," composed of essential core concepts common to all liberals. Different strands of liberalism are distinguished by their distinctive choice of other non-essential tenets.

<sup>21</sup> My understanding of the moral, economic and political cores of liberalism draws upon Roy Macridis, *Contemporary Political Ideologies: Regimes and Movements*, fourth edition (Glenview, ILL.: Scott, Foresman and Company, 1989), however Macridis gives less weight to the influence of evangelical Protestantism and more to Bentham and the philosophical radicals.

Contact with evangelical culture in the eighteenth-century strengthened these assumptions, particularly the assumption of equality. Evangelicalism was highly individualistic in nature, emphasizing the creation of each man in God's image, the personal nature of each man's relationship with God, and the individualistic nature of salvation. The dominance of free will theologies after 1830 further intensified the individualistic bias and interjected an egalitarian element.<sup>22</sup>

In addition to life and liberty, Locke's triumvirate of rights included property, and he speculated on the economic aspects of liberty, even postulating a rudimentary labor theory of value. Published almost a century after Locke, Adam Smith's *Wealth of Nations* was the first full blown explication of the nature of economic liberalism, and it would come to represent the values of a rising middle-class in opposition to the landed aristocracy. In the twentieth-century, Smith's work has been viewed, almost without exception, as a treatise on liberal economics. Yet Smith's mentor was Francis Hutcheson, the great Scottish moral sense thinker who also influenced Locke. Smith himself was fundamentally a moral philosopher, and his interest was in the conflict between man's self-interest and his natural benevolence, what has been called "the Adam Smith problem." He saw the market as a mechanism able to harness the tensions inherent in human nature.<sup>23</sup>

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<sup>22</sup> Carwardine, *Transatlantic Revivalism*, 3, 91-92; Ross, "Liberalism," 751.

<sup>23</sup> Macridis, *Contemporary Political Ideologies*, p25-28; For a discussion recent interpretations dealing with Smith's moral philosophy in *The Wealth of Nations* see Kloppenberg, "Virtues of Liberalism," 17-19, n11.

At the heart of economic liberalism we again meet the autonomous individual. Smith's "economic man" possessed a right to private property and the right to participate in voluntary economic activity within a free market. Such activity would include the right to produce and to consume, to buy and sell material and labor, and to enter into contracts. Indeed, contract was to be the basis of relationships rather than social status. Smith saw the market as having its own calculus, being kept in balance by the tension between such forces as supply and demand, and more importantly self-interest and competition. Within that context, the role of the government was also limited. That role was to protect private property and to provide a secure environment in which the free market could operate unhindered by either domestic or foreign interference. Such arrangements would produce an economic system in which humans could be productive and satisfied.<sup>24</sup>

The liberal view of human nature demanded a certain type of political system, and the mechanism that held out the most hope was representative democracy. Beginning with the concept of a voluntary social contract, the most basic requirement of such a system was that citizens freely give their consent to be governed. While the social contract was a prerequisite, the authority of such a government was by fiduciary trust held at the pleasure of the citizens. Locke maintained that the only way for this to succeed was through legislative supremacy, but that in itself was not enough. Intrinsic to the liberal ideal of

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<sup>24</sup> Robert Heilbroner, *The Worldly Philosophers*, fourth edition (New York: Simon and Shuster, 1972), 40-72.

government was that it be “limited.” That is, government must be restrained from infringing the moral, economic or political rights of individuals. The power of government could be limited through such structural features as checks and balances and parliamentary sovereignty, as well as through the principle of constitutionalism under which the limits of authority are stipulated. This view of the state is a much more pragmatic and instrumental than that embodied in pre-modern republicanism. This liberal state is no repository of virtue; rather, a machine constituted by contract. However, early nineteenth-century liberals did not conceive of the political process as value neutral. Drawing from various traditions, and particularly Christian values, early liberals viewed politics as a quest for justice beyond mere legality. This was reflected in a concern not only with protecting rights, but with establishing fairness and equity in human relations.<sup>25</sup>

It is true that language and ideas are an important part of any political culture, perhaps the most important. But, there are also psychosocial components, powerful attitudes and emotions that partially resist verbalization, yet, that are critically important in directing political actions. Liberal-democratic values appealed most to self-identified out-groups, those who were on the margins of society and who were denied access to the political system. These people found in liberal ideas a reflection of their own anxieties and ambitions. Although nineteenth-century British Whigs and liberals were aristocrats, their

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<sup>25</sup> Locke, *Two Treatises*, chap. 4; Macridis, *Contemporary Political Ideologies*, 32-38; on the instrumental view of the state among early Canadian liberals see Gauvreau, “Empire of

reforms were often aimed at remedying the problems of the working class. But, nineteenth-century liberalism is most often associated with the interests and concerns of the rising Victorian middle-class. Yet class has proven to be an unreliable predictor of who would be liberal. A variety of people found liberal ideals and policies congenial. Ethnocultural historians have argued that group hatreds were a central factor in attracting people to the liberal-democratic persuasion, and that often the only thing holding diverse groups of people together was a powerful sense of a common enemy. Certainly the pervasive sense of unfairness and the need to attack prerogative and arbitrary power are difficult to avoid in the rhetoric of nineteenth-century reformers. In the liberal quest for justice, ethnic and religious identities were very important factors.<sup>26</sup>

Such was certainly the case in Britain, where clearly identifiable core and peripheral groups existed and where the class structure served to intensify divisions. It was the southern English set against the northern English, Scots, Welsh and Irish, churchmen against dissenters, and the landed aristocracy against the new business and commercial classes. In the United States where great diversity and pluralism were the rule, the situation was much more complex. At least two major variants of liberalism spanned the mainstream of politics in the decades leading up to the Civil War. The Democrats have been

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Evangelicalism," 224-225.

<sup>26</sup> Kelley, *Transatlantic Persuasion*, chap. 1, provides an extended discussion of the role played by ethnic and religious prejudice in the formation of liberal-democratic values in the Anglo-American world. Also in *The Cultural Pattern in American Politics: The First Century* (Boston: University Press of America, 1979), 84, 272, Kelley examines the same subject in relation to the formation of "egalitarian republicanism" in the middle states.

characterized as the party of the “have nots” and the Whigs as the party of the “haves,” the Democrats as irreligious and the Whigs as religious, Democrats were the party of immigrants and the Whigs the party of “old stock.” There is some truth in these characterizations, but they are gross generalizations. Still, the dynamic of the commonly perceived enemy remains. The Democrats were fueled by indignation at the unfairness of eastern elites symbolized by the National Bank. After Jackson captured power, the Whigs responded, equally indignant at the demagoguery and excesses of “King Mob.” Both felt themselves the object of injustice, excluded from the political process, and jeopardized by enemies who threatened to destroy the Constitution. In Upper and Lower Canada where the Loyalist oligarchies constituted home-grown aristocracies and where there was at least a quasi-established church, similar patterns emerged. However, increasing ethnic diversity and a strong American influence made relationships there more complex and fluid than in Britain. In Britain’s Atlantic colonies there is no doubt that a highly developed sense of a common enemy was part of the glue that held liberals together.<sup>27</sup>

Beyond a visceral reaction against the common enemy and ideals such as autonomy and popular sovereignty, mainstream liberals held a common vision of the good society. Visions of the common enemy and the common good existed side by side and operated interdependently. At its core this vision

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<sup>27</sup> Kelley, *Transatlantic Persuasion*, xiii-xiv; A recent interpretation that supports the concept of two types of liberalism is David Greenstone, *Lincoln Persuasion*; While this is not a new idea, neither Kelley who sees the Democrats, not the Whigs, as holders of the liberal-democratic tradition, nor Daniel Walker Howe, who has declined to call the Whigs liberals, would agree.



embodied a faith in the possibilities for both moral and material progress. The rhetoric of early nineteenth-century reformers reflected great optimism and a willingness to take risks in the pursuit of a just and orderly society. The skepticism of Hume had not taken hold, and faith was not yet undermined by Darwin or German theology. In this generation, perhaps for the first time in human history, change seemed inevitable, and liberals believed that with discipline and effort, change would be progress. They had already seen enough material progress to glimpse the possibilities for a richer more comfortable life. More importantly, the liberal mind held to a tangible certainty regarding the potential for moral transformation in both individual and society. The best reflection of this vision is to be found in the goals and activities of the many moral reform movements that flourished on both sides of the Atlantic. Growing out of religious revivalism, these voluntary groups represent an amalgamation of evangelical and liberal ideals.<sup>28</sup>

And so it was that various groups of political outsiders constructed a culture to give their rapidly changing world meaning and to solve the problems that they encountered. They tended to be members of regional or ethnic sub-groups, religious dissenters or sectarian evangelicals, small businessmen, artisans, people of small or ordinary means who wanted to get ahead and who wanted a better world for their children to live in. As Anglo-Americans, whether they were in England, the States or British North America, they shared certain

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<sup>28</sup> Bebbington, *Evangelicalism*, 69; Cowherd, *Politics of English Dissent*, 7.

characteristics. They were energetic, pragmatic, materialistic, and moralistic. At the same time these were separate societies with distinctive historical traditions and unique political environments. Within each, the liberal-democratic culture proved sufficiently malleable to suit local conditions.

By the 1830s, Britain was the most mature of the three societies despite trailing the United States in the development of democratic political structures. The Industrial Revolution had been underway since the eighteenth-century; however, many of the accompanying social and economic effects had been delayed or sidetracked by the impact of the French Revolution and the Napoleonic Wars. British preoccupation with events on the continent stifled political radicalism and forestalled political reform. The conservative reaction to European upheaval produced a long period of Tory government. The obverse of that was that the Whig aristocrats and gentry who had inherited the reform tradition of 1688, while continuing to pay lip service to old reform ideals, went into internal exile. The Whigs remained in the political wilderness for almost thirty years and only began to make a comeback in the 1820's.<sup>29</sup>

The collapse of the Tory party resulting from a combination of post war economic distress and internal conflict facilitated the return of the Whigs. Eighteen thirty was a critical year. The French Revolution of that year, although comparatively bloodless, sent shock waves through the British political system. The election of 1830, coming after the death of George IV, returned a centrist

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<sup>29</sup> The following overview depends on Walter Arnstein, *Britain Yesterday and Today*, sixth edition (Lexington, MA: D.C. Heath and Company, 1992), chaps. 1-4, and Norman McCord,

Tory ministry led by the Duke of Wellington. That government was in turn quickly consigned to the dust heap by a vote of no confidence. The resulting rematch brought the Whigs to power for the first time in fifty years.

The Whigs, like the Tories they replaced, were aristocrats. The lower orders of British society had as yet no direct representation in the political system, nor would they for another half century. The leaders, men such as Lord Grey and Lord John Russell, were moderate reformers of the eighteenth-century sort who believed that politics was an activity for men of property. They were nonetheless, heirs to a reform tradition, and had a broader base of support than the Tories. Their constituency included elements of the London commercial community and north country manufacturers.<sup>30</sup>

The Whigs great accomplishment, the Reform Bill of 1832, achieved some restructuring of the electoral system and increased the electorate by fifty per cent. This, however, did not shift power away from the aristocracy. In most respects, it was a case of "same horse different rider." More importantly for the long term, a reform process was set in motion that would last into the late nineteenth-century. As a result, the number of reformers in the House of Commons increased dramatically, and groups such as Protestant dissenters achieved greater access to the political system. Efforts by the House of Lords to defeat the Reform Bill resulted in the power of the upper house being substantially and permanently undermined, and foreshadowed the eventual end

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*British History, 1815-1906* (New York: Oxford University Press, 1992), chaps. 4-6.

<sup>30</sup> John Vincent, *The Formation of the British Liberal Party* (New York: Charles Scribner's Sons,

of aristocratic rule.

Increasingly during the 1830s, the Whigs found themselves at odds with their supporters. While intent on righting abuses, they were by no means democrats, and they were not the party to lead Britain into a new era. For the Whig leaders, the Reform Bill was an end, not a beginning. This conservative approach to reform alienated political radicals who yearned for an American style democracy. Also, in spite of some evangelical influences, the Whigs as a party displayed an antipathy toward religion that made their relationship with religious dissenters increasingly difficult. In the 1830's, dissenters began to desert the Whigs, eventually moving into the Liberal party where they formed coalitions with various radical reformers. Since radicals and dissenters were the essential elements of the reform mix, the loss would eventually prove fatal for the Whigs.<sup>31</sup>

Nineteenth-century British religious dissent had its roots in the revolutionary Protestantism of the seventeenth-century and the Methodist revivals of the eighteenth. While Britain did not experience the same extreme religious pluralism as the United States, the religious world of early Victorian Britain exhibited great diversity. A variety of dissenting sects, High, Low ( or evangelical) and Broad church Anglicans, Wesleyan Methodists, and Roman Catholics uneasily coexisted within an environment of restricted religious liberty

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1966), xii, xvii.

<sup>31</sup> Cowherd, *Politics of English Dissent*, chap. 11; On the Whigs and religion see Joseph Hamburger, "The Whig Conscience," in Peter Marsh ed., *The Conscience of the Victorian State* (Syracuse: Syracuse University Press, 1979), 23.

and inequality. This vigorous and fractious religious culture was one of the hallmarks of the early Victorian era and an essential part element in the reform process. Beginning with the Toleration Act of 1689, dissenters had gained some measure of relief. But toleration, more often than not, merely institutionalized second class citizenship. Evidence of discriminatory treatment was most obvious in marriage laws, university entrance requirements and access to various professions. The resulting civil disabilities were particularly galling and effectively kept dissenters from participating in politics. To the energetic Victorian "man-on-the-make," such constant reminders of inferiority and limited potential were intolerable. For this reason, religious liberty was the preeminent political goal of dissenters, one that eventually spawned a profusion of reform efforts from antislavery to municipal reform. Political radicals also recognized the essential connection between religious and political liberty and they increasingly allied themselves with dissenters.<sup>32</sup>

The political influence of dissenters increased rapidly in the three decades after Waterloo, and peaked around mid-century. The Religious Census of 1851 indicated that there were at least as many dissenters in the population as Churchmen, even without counting Wesleyan Methodists who remained within the Church of England. While important elements of the dissenting sects were from the working class, it was the presence of substantial

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<sup>32</sup> My understanding of the nature and role of nonconformists or dissenters in British reform politics is based on Cowherd, *The Politics of English Dissent*; Vincent, *The Formation of the British Liberal Party*, and Bebbington, *Evangelicalism*.

numbers of middle-class people that gave them their political power. The quietism of earlier eras gave way to a more activist approach to social and political problems. That activism stemmed from the tradition of revolutionary Protestantism in the seventeenth-century, evangelical teachings on assurance, confidence in the validity of experience, and as time progressed, the influence of romanticism. Initially stimulated by the Religious Toleration Act of 1813, by the mid-eighteen twenties, a new generation of more assertive and articulate leaders displayed a renewed sense of mission. In many respects evangelicalism and liberal-democracy had become synonymous.

The roster of dissenting sects mirrored the hierarchical structure of British Society. At the top were Unitarians and Quakers, followed by Presbyterians, Baptists, Congregationalists and Methodists. In Scotland where Presbyterians were the establishment, Anglicans were considered non-conformists. Since the seventeenth-century dissenting groups had been characterized by volunteerism and lay control. Much of the work of these groups was done by evangelical societies, controlled by men of the who had connections with sympathetic Peers such as Lord John Russell. The close connection of dissent to the middle class insured political support for reform measures. These groups eventually came to have considerable political power and formed part of the basis for the new Liberal party in the late 1850's.

The repeal of the Test and Corporation Acts in 1828 and the passage of the Reform Bill in 1832 resulted from agitation that began in 1819, after the Peterloo Massacre. These were political milestones for dissenters that

guaranteed them a voice in the reform process. The Test Acts were seventeenth-century acts intended to limit the influence of dissenters by preventing access to universities, the professions and government office holding. The "test" was taking Anglican communion. The Corporation Acts also originated in the seventeenth-century, and they prevented dissenters from serving on municipal corporations and resulted in rule by Tory oligarchies. The repeal of these Acts greatly increased political access for dissenters, and when combined with the impact of the Reform Bill, the effect was even more striking. By disenfranchising some small towns and enfranchising others, broadening the voting franchise to include the middle class, and increasing the influence of urban centers where dissent was strong and the Church was weak, the Reform Bill extended the political power of dissenting groups substantially.

As dissenters gained power, it became apparent that the Whigs were not able or willing to satisfy their political aspirations. It was clear during the 1837 election that the Whigs had lost their reform fervor and would not support the desire of dissenters for increased religious liberty. During 1838-39, dissenters found new allies among Benthamite radicals and advocates of free trade, who shared many of the same political goals. One issue that united these groups was the battle over Church rates. The requirement that members of dissenting chapels continue to support the Church of England with their taxes was a highly symbolic and volatile one. That conflict spawned many voluntary organizations, and these groups developed into a coalition of reformers pushing for religious

liberty, free trade and democracy.<sup>33</sup>

The reform coalition of radicals, free traders and dissenters, formed in the late 1830's and 1840's, had its greatest success in the 1846 repeal of the Corn Laws. By 1859, that coalition had evolved into the British Liberal Party. While the Liberals have been viewed as the party of the middle class this was only partly true. The Liberals were supported by segments of the middle class and the business community, but the critical element in the mid-nineteenth-century was the rural and small town radical tradition. If we can generalize as to who was a Liberal, it appears to have been the man of small property, the man for whom to be human was to "provide for his family - have his own religion and politics and call no man master."<sup>34</sup> This was a group that had experienced social discrimination, and it was above all the bitter taste of prejudice that drove nineteenth-century British reformers.<sup>35</sup>

Certain aspects of the American environment help explain the rather different development that occurred there.<sup>36</sup> The combined traditions of colonial politics, the American Revolution, and the Constitution helped to

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<sup>33</sup> The central importance of the Church rates issue is described in J.P. Ellens, *Religious Routes to Gladstonian Liberalism: The Church Rate Issue in England and Wales, 1832-1868* (University Park, P.A.: University of Pennsylvania Press, 1994)

<sup>34</sup> Vincent, *Formation of the British Liberal Party*, xiii.

<sup>35</sup> Vincent, *The Formation of the British Liberal Party*, best illustrates the weakness of using class as a determinant of political behavior in nineteenth-century British politics; Kelley, *Transatlantic Persuasion*, 28-48.

<sup>36</sup> It is not my intention to enter the ongoing debate on American Exceptionalism. It is my assumption that each of the Anglo-American societies was exceptional in some respects and that at the same time one of the best ways to study these societies is by using the comparative method that allows both differences and similarities to come into focus. For an introduction to this problem see the essays in Byron E. Shafer, ed., *Is America Different? A New Look at American Exceptionalism* (Oxford: Clarendon Press, 1991)



institutionalize particular elements of liberal-democratic culture that distinguished the American system from those of Britain and its colonies. The relatively classless nature of American society, and particularly the lack of an aristocratic class, gave American politics a distinctive dynamic. American society was also very heterogeneous, and the resulting pluralism was an important factor that, in part, explained the high level of sectarianism. The absence of both an aristocracy and established church meant that in-group status was transitory. Certainly in the 1840's, both Whigs and Democrats managed to perceive themselves as out-groups fighting a tyrannical opponent that was subverting the Constitution. The Constitution of the United States separated church and state, but politics and religion were often closely intertwined. In Britain and its North American colonies, national church establishments formally united government and Church, but religion and politics remained separate. Politics and economics occupied the public sphere, and religion was more a matter of private concern. Finally, in the United States political parties were unique. American parties had begun to develop into large electoral coalitions sheltering numerous and sometimes contradictory interests. Each party shared a common rhetoric, but often construed the language in very different ways.<sup>37</sup>

The Jacksonian generation was the first to internalize the values of the Revolution and the Constitution. They believed implicitly in the egalitarian

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<sup>37</sup>Richard J. Ellis, *American Political Cultures* (New York: Oxford University Press, 1993), 157.

implications of those ideals. The Founding Fathers conception of “government by the people” was not capacious enough to embrace the type of populist democracy that characterized the Jacksonian faith. However, the Jacksonian Era was also one of striking contradictions. Americans attained the broadest suffrage in the world and citizen participation became a reality. At the same time, it was a period of increasing social stratification and inequality. The Democratic Party that came to power in 1829 had its roots in the old Democratic Republicans and the Virginia – New York coalition forged by Thomas Jefferson and James Madison. The party itself was a coalition of northerners led by Martin Van Buren and southerners led by John C. Calhoun. While Britain and her colonies were in the throes of political reform, the United States had already remade itself through the Revolution and the Constitution. The politics of the Jacksonian era reflected competing visions of the nation. But, the primary question to be answered was whether there would continue to be one nation. Paradoxically, the nation that led the world in the creation of democratic government could not be at all certain of its own survival. That problem first reached crisis proportions during the Nullification Crisis of 1828-1833, but would of course remain ultimately unresolved until the Civil War.<sup>38</sup>

Other issues hinged on the question of what shape the national government would take. Chief among those issues was the Bank of the United States, long a bone of constitutional contention. The Democrats' intense

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<sup>38</sup> My understanding of the Jacksonian period is based on Marvin Meyers, *The Jacksonian Persuasion*, (Stanford, CA.: Stanford University Press, 1960); Sellers, *The Market Revolution*,

hatred of the Bank reflected their conviction that it represented the narrow and selfish interests of the wealthy, was unfair to the common man, and did damage to the economy. Indian policy, and specifically the question of what to do with the eastern civilized tribes, was an issue intimately related to the disposition of public lands and one of particular interest to southern and western states, which resented the meddling of the national government. In these matters and others, the Democrats adhered to a negative concept of liberty, liberty as freedom from restraint. Such liberty could be accomplished only by limiting the scope and power of the national government.<sup>39</sup>

In 1834, the backlash against Jackson and his policies resulted in the creation of the Whig Party. Formed from the National Republicans of Adams, Clay and Webster, bolstered by Anti-Masons and disaffected Democrats, the Whigs were never as unified or cohesive as the Democrats. The sectional crises of the 1850's damaged the party irretrievably. Their place was quickly taken by the Republican Party. In spite of the Whigs' rather checkered history, it has been argued that Whig political culture had a greater impact on the future of the Republic than that of their politically more successful opponents.<sup>40</sup> While it is difficult to generalize about the Whigs, it seems true that they were socially more conservative than the Democrats. For this reason it has seemed reasonable to classify the Democrats as liberal and the Whigs as

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and Kelley, *Cultural Pattern*, chaps. 5-6.

<sup>39</sup> Daniel Walker Howe, *The Political Culture of the American Whigs* (Chicago: University of Chicago Press, 1979), 20, discusses the use of the concepts positive and negative liberty.

<sup>40</sup> *Ibid.*, Intro.

conservative.<sup>41</sup> However, from a transatlantic perspective, that view does not seem accurate. In the broader context, the Whigs appear genuinely liberal and their faith, quite similar to the liberalism that was developing in Britain and in British North America. Unlike the negative liberalism of the Democrats, this variant placed a more positive construction on liberty. To be free in the positive sense was to live in a society where moral order prevailed and where there would be “positive help and incentives” for individuals to reach their full potential.

In the two decades before 1854, Whigs and Democrats became each others best enemies, and both were able to maintain the specter of a common enemy essential to the liberal mindset. Democrats saw Whigs as representing a native born aristocracy of money and position who manipulated the government and the economy for their own class interests. Whigs saw the Jacksonians as a homegrown popular dictatorship maintaining its position by swaying popular opinion through the skillful use of demagoguery and the new mass campaign politics.<sup>42</sup>

The liberalism of the American Whigs seems then, in many respects, quite similar to the moderate constitutionalist liberalism developing in Britain and her colonies. This was the “reform liberalism” that was most congenial to the new Victorian middle classes; liberalism with an ironic, yet optimistic view of human nature, a stress on order, and concern for both moral and material

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<sup>41</sup> Ibid, 210.

progress. While not eschewing Locke or Smith, these liberals were much more likely to look to Montesquieu, Burke or Blackstone. Neither Paine nor Jefferson were part of their pantheon. They maintained a great appreciation for the benefits of liberty, but were ultimately skeptical about unrestrained freedom and an excess of democracy.<sup>43</sup>

One of the factors that distinguished “reform liberalism” from “humanistic liberalism” was the pervasive influence of evangelical religion. While the more radical forms of liberalism tended to be irreligious or anti-religious, religion contributed core values to “reform liberalism” that gave it a unique moral intensity.<sup>44</sup> In the end, that moral intensity motivated the most significant social and political reforms of the nineteenth-century Anglo-American world. The intimate connection between evangelical religion and mainstream liberalism comes as no surprise. Both were by nature protest movements patronized by political outsiders and deeply rooted in British opposition tradition. The brand of liberalism produced by the union of these forces was the single most important influence in the evolution of nineteenth-century liberal-democratic practice.<sup>45</sup> That influence extended beyond Britain and the United States to Britain’s colonies in North America

At the end of the Napoleonic Wars, the British North American colonies

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<sup>42</sup> Greenstone, *Lincoln Persuasion*, xxii, 60-61.

<sup>43</sup> Greenstone, *Lincoln Persuasion*, uses the terms “reform” and “humanitarian” to distinguish the two types of nineteenth-century U.S. liberalism. For types of Canadian liberalism see Ajzenstat, “Constitutionalism,” 209-14.

<sup>44</sup> On the Whigs and the Second Great Awakening see Howe, *American Whigs*, 18.

<sup>45</sup> Both Carwardine, *Transatlantic Revivalism*, 4; Cowherd, *Politics of Dissent*, 7-8.

included Upper and Lower Canada or present day Ontario and Quebec, Nova Scotia, New Brunswick, tiny Prince Edward Island and Newfoundland. Of these, the two Canadas, Nova Scotia and New Brunswick, would eventually form the basis of the new Dominion of Canada in 1867. The population of these colonies was variously composed of Indians, French, pre-Revolutionary war Yankees, Loyalists of the American Revolution, and in the post-Napoleonic period, increasing numbers of immigrants from the British Isles.<sup>46</sup>

The boom and bust cycles of the period affected the British North American colonies as they did other parts of the North Atlantic world. The profound economic dependency of the colonies intensified the impact of such disruptions. The War of 1812, with its threat of American invasion, unified the colonists and intensified their anti-American bias. It did not, however, cause severe economic dislocation, and in some cases, the colonists were even able to profit from the war. Overall, the conflicts of the Napoleonic era provided economic stimulus and transformed the nature of the colonial staples trade. Where fur had been the major staple, timber, and eventually wheat became the primary products, reflecting the needs of Britain's wartime economy. With the advent of peace, increasing numbers of immigrants from the British Isles looked toward the colonies with hopes for new beginnings. In the period from 1820 to

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<sup>46</sup> For the general details of Canadian history see J.M.S. Careless, *Canada a Story of Challenge*, revised edition, (New York: St. Martins Press, 1970), or A.R.M. Lower, *Colony to Nation: A History of Canada*, (Toronto: Longmans, 1964); For a more recent work on colonial politics see Phillip Buckner, *The Transition to Responsible Government: British Policy in British North America, 1815-1850* (Westport, Conn.: Greenwood Press, 1985).

1850, these factors would transform frontier colonies into more mature colonial societies with aspirations of controlling their own destinies.

In many respects, Britain's North American colonies were similar. Each had a government that reflected the practices of the old colonial system. This included a structure composed of a Royal Governor, an appointed Council and an elected Assembly. It was a system very much like that of the thirteen colonies before the American Revolution. These governments operated as de facto oligarchies. All power resided with the representative of the Crown, and he appointed local notables to advise him. Suffrage was quite broad due to the availability of land, but the right to vote did not translate into electoral power. Local assemblies retained the power of the purse which they guarded jealously; however, without the leverage of taxation their power was not analogous to that of the assemblies in the former thirteen colonies. The structures were eventually modified to accommodate bicameral legislatures, but remained functionally unchanged.

The Colonial Office regulated the relationship of each colony with the British government. While this department loomed large in the lives of the colonists, in the British context it was not a particularly powerful or influential ministry. In its day-to-day operation this system resulted in what the colonists referred to as "government by dispatches." The Colonial Office and the Royal Governors made policy through the exchange of dispatches or memos. Despite its obvious limitations, the system did have some advantages for the colonists, the majority of whom desired to remain within the British Empire.

There was no direct taxation, relatively little interference in the daily lives of the colonists, and the colonies benefited from inclusion in the British trading system by receiving preferential treatment for colonial goods. Local issues such as land policy, control of education, and the privileges of the Anglican Church dominated colonial politics. While displeasure with British policy was not uncommon, there was little of the bitter wrangling that characterized eighteenth-century American relations with the Imperial authorities.<sup>47</sup>

In other respects, the British North American colonies differed substantially from each other. There were obvious differences in location, size, and natural resources. Upper and Lower Canada benefited from large amounts of fertile land, access to the Great Lakes, and to rapidly growing American markets.<sup>48</sup> The Maritime Provinces, while small and with more limited resources, benefited from good ports, proximity to Atlantic trade routes, and easy access to the northeastern states. The pattern of relationships with the mother country tended to be similar, but the tenor of the relationships could be quite different depending on the personalities involved and the idiosyncrasies of Colonial Office bureaucrats. As might be expected, colonies such as Upper and Lower Canada that had more fractious politics also had more difficulty dealing with the Imperial Government. Relations with the United

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<sup>47</sup> On the mechanics of colonial government, the "dispatch" system and "backstairs" influence in the colony of New Brunswick, see George E. Fenety, *Political Notes and Observations*..... (Fredericton, N.B.: S.R. Miller, 1867), xxii.

<sup>48</sup> From 1791 until 1841, the terms Upper Canada and Lower Canada were used for present-day Ontario and Quebec. From 1841 to 1867 the terms Canada West and Canada East were in official use. However, in practice the terms were used interchangeably throughout the latter



States also varied. Upper Canada, Nova Scotia and New Brunswick all had substantial Loyalist populations, and the Loyalists, as well as their descendents, had reason to dislike Americans and despise their politics.

But even among Loyalists, there were substantial differences. New Brunswick, with the highest percentage of Loyalists, probably had the best relations with the States. In Upper Canada, where the Loyalists clashed with large numbers of late arriving American settlers, there tended to be more anti-Americanism; although this often seemed to result as much from political frustrations as anything else. In addition, the rapid growth and booming economy of the republic to the south often excited envy and frustration among colonists. Britain's attempts to strengthen trading relations with the United States, even at the expense of its own colonies, naturally exacerbated such tensions. On the other hand, individual colonists frequently showed a genuine ambivalence. Many were descended from families that had been in the American Colonies for several generations, and they were by most measures culturally "American." In spite of this, they disliked the American political system and felt threatened by their southern neighbor, sometimes for good reason.<sup>49</sup>

Another important distinction lay in the ethnic make-up of each colony. Lower Canada stood out because of its large French Roman Catholic majority.

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period.

<sup>49</sup> S.F. Wise, "Canadians View the United States: The Annexation Movement and its Effect on Canadian Opinion, 1837-1867, 115-47, in *God's Peculiar People's: Essays on Political Culture in Nineteenth-Century Canada*, edited and introduced by A.B. McKillop and Paul Romney (Ottawa: Carleton University Press, 1993), examines the nature and impact of anti-American sentiments in the British North American colonies.

Since the ruling oligarchy in Lower Canada was predominantly English, reform politics had a particular intensity in that province. One of the oddities of this system was that the French reformers in Quebec were in many ways extremely conservative due to the influence of the Catholic Church and the traditional nature of Québécois society. In rapidly growing Upper Canada, large numbers of immigrants from the British Isles, including Scots and Irish Protestants joined Loyalists and late arriving Americans. Religion confounded ethnicity, with American Methodists, Scottish Presbyterians and English and Irish Anglicans competing for influence and patronage. All this within a system that featured a quasi-established church, which, depending on the area, could be either Anglican or Presbyterian.<sup>50</sup>

Nova Scotia on the Atlantic coast had a population of pre-Revolutionary New Englanders and Loyalists from the lower thirteen. The distinctions between these groups intensified existing political cleavages and resulted in a rough and tumble political climate. The weakness of the church establishment in Nova Scotia intensified the influence of evangelical religion that had deep roots in the Alineite revivals of the eighteenth-century.<sup>51</sup> The most important evangelical groups were Baptists and Methodists.

New Brunswick was, by contrast, a relatively new colony, carved out of

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<sup>50</sup> While the British government and ruling elites very much wanted the stability of a church establishment, the variety of religious and ethnic influences and the ineffectiveness of the Anglican hierarchy made this ultimately unrealistic.

<sup>51</sup> On revivalism in Nova Scotia see George Rawlyk, *Ravished by the Spirit: Religious Revivals, Baptists and Henry Aline* (Kingston and Montreal: McGill-Queen's University Press, 1984). Stephen A. Marini, *Radical Sects of Revolutionary New England* (Cambridge, Mass: Harvard

the wilderness by 15,000 Loyalists who joined a small existing population at the end of the American Revolution. As the colony developed, political conflicts tended to reflect divisions between the New England Loyalist elite and a populace of rank and file Loyalists, many of whom hailed from the middle states. In addition to the overwhelming dominance of the Loyalists, a scattered population, the frontier environment, lack of a strong church establishment and the relative immaturity of the political system produced a somewhat more relaxed political atmosphere than in the other colonies.<sup>52</sup>

It was in this context that movement toward political reform began in the 1830s. In each of the British North American colonies a new generation of politicians began to agitate for major political change. The stimulus for this agitation was similar to that in the other Anglo-American societies. Economic transformations magnified by the increasing pace of the Industrial Revolution, advances in transportation, and the rise of capitalist market economies increased the scope of government. The remnants of eighteenth-century political structures could not cope with such developments, and colonial politicians formulated new ways of looking at the political process. They needed new ideas with which to make some sense of the rapid pace of change and to accommodate the desires of new classes of people to participate in government. In addition to these common underlying factors, specific events in

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University Press, 1982), examines the Alinite revivals in a broader New England context.

<sup>52</sup> On the Atlantic colonies see the essays by Rosemary Ommer, T.W. Acheson and Ian Ross Robertson, in Phillip A. Buckner and John G. Reid eds., *The Atlantic Region to Confederation: A History* (Fredericton, N.B.: Acadiensis Press, 1994)

each of the colonies acted as catalysts for change.

In both Upper and Lower Canada, the reform movements contained both radical and moderate camps. In each of these colonies unique conditions rooted in ethnocultural factors resulted in political environments that can best be characterized as conflicted. In 1837, within the space of a few months, there were rebellions in both the Canadas. In Upper Canada, the conflict focused on the control of patronage by the governing oligarchy or “family compact.” The major issues had to do with the ownership of large tracts of land by Americans, land speculators, and the established church. There was also bitter disagreement over Anglican control of the provincial school system. In Lower Canada, religious, cultural and linguistic differences intensified the political conflict. The French-speaking Roman Catholic majority felt their way of life was threatened by the English minority, and this fear was intensified by the influx of English-speaking immigrants. Economic difficulties, particularly those faced by farmers added to the tensions.<sup>53</sup>

In November 1837, fighting broke out near Montreal between government troops and supporters of the Parti Patriote, who were for the most part small farmers. Government forces quickly dispersed the rebels and their leader Louis Joseph Papineau fled to the United States. In early December, revolt broke out in Upper Canada near Toronto. The leader there was a newspaper publisher named William Lyon Mackenzie, who was an advocate of

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<sup>53</sup> For an understanding of the rebellions and their impact see the general works cited above as well as Buckner, *Responsible Government*, Chapter 6.

Jacksonian style democracy. Like those in Lower Canada, the Upper Canadian rebels were primarily small farmers who were also quickly routed. Mackenzie followed Papineau to the States and tried unsuccessfully to continue the revolt from there. A few of the leaders were hanged, the rest jailed or transported to Australia. Eventually both Papineau and Mackenzie returned to Canada and received pardons.

The 1837 rebellions were the closest Canada would come to revolution, and while they seem, in retrospect, little more than armed riots, they were of major significance to both the colonists and the British. By discrediting the more radical reformers who favored a republican form of government, the rebellions allowed moderate reformers to come to the fore. Just as importantly the British government, convinced that decisive action was required, sent Lord Durham to Canada in 1838 to investigate and report.

John George Lambton, First Earl of Durham, or “Radical Jack” as he was called in Britain, was one of a small group of Whig aristocrats who favored not only reform of the British political system but also advocated far reaching reforms for the colonies. He was the son-in-law of the Second Earl Grey, a leading Whig who was Prime Minister from 1830 to 1832. Durham’s reform ideas were too radical for most Whigs, including Grey. Nonetheless, his connections and his political skills propelled him into a political career as a cabinet minister and diplomat. After serving as ambassador to Russia from 1835 to 1837 he was appointed Governor General of Canada.

Durham arrived in Canada in the Spring of 1838. He had been given

unusually extensive powers due to British concerns over continuing disorder among the French Canadians and worries about United States intentions toward Canada. In the space of a few months he pardoned the rank and file rebels and restored order to Lower Canada. However, his lenient treatment of the French-Canadians provoked intense criticism and he subsequently resigned and returned to England. In January 1839, Durham submitted his *Report on the Affairs of British North America* which was based on his discussions with a wide variety of colonial politicians.<sup>54</sup> In the summer of 1840, he died of tuberculosis.

But his legacy, the Durham Report, became one of the foundational documents of the Canadian constitution. Ranging far afield, Durham criticized the local oligarchies, the grossly unfair land grant system, and the privileges of the Anglican Church. He commented on the educational systems, canal building, local government, the administration of justice and fiscal responsibility. Among his solutions, Durham proposed limited self-government to firmly attach the loyalty of the Canadians and to avoid the threat of American annexation. Under this system, the colonists would control their own domestic affairs while external affairs, including trade, were to remain under British control. Durham supported the concept of Responsible Government, a modified cabinet system that had been advocated by leading colonial reformers such as Joseph Howe in Nova Scotia and Robert Baldwin of Upper Canada. He also suggested that the

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<sup>54</sup> Gerald Craig ed., *Lord Durham's Report: An Abridgement of the Report on the Affairs of British North America by Lord Durham*, (Toronto: McClelland and Stewart, Carleton Library,

French-Canadians be forced to abandon their language and culture and assimilate.<sup>55</sup> British politicians were divided on Durham's suggestions; the most committed colonial reformers thought it the ideal solution, but others were reluctant. Many were not yet able to visualize how colonies could be self-governing and still remain loyal subjects of the Empire. Colonial oligarchs of course saw Responsible Government as the death of their political power and patronage.<sup>56</sup>

Responsible Government entailed replacement of the old colonial system with a structure based on the British cabinet system. All of this was easier said than done, and initially there was considerable resistance to the concept. The fact that throughout the 1830's and 40's it was not altogether clear what Responsible Government entailed, further complicated the issue. More importantly, politicians on both sides of the Atlantic associated Responsible Government with self-government, and it took some time to develop a hybrid system incorporating elements of both self-rule and Imperial rule.<sup>57</sup>

However, by the early 1840's, the cumulative effects of reform in Great Britain were producing results. British reformers holding more progressive

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<sup>55</sup> Janet Ajzenstat, *The Political Thought of Lord Durham*, (Kingston and Montreal: McGill-Queen's University Press, 1988), 11, Ajzenstat explains the idea of French assimilation in the context of Durham's liberalism and notes that Durham and de Tocqueville shared similar views on the matter.

<sup>56</sup> Phillip Buckner, *The Transition to Responsible Government*, Chap. 7.

<sup>57</sup> Ibid, Buckner provides the clearest analysis of the concept of Responsible Government from both the Imperial and the colonial perspectives.

attitudes on colonial affairs began to influence Colonial Office policies.

Furthermore, the British move toward free trade encouraged a conception of independent colonies as equal partners within an Imperial trading system. The advent of free trade initially sent shock waves through the colonies, because it struck at the heart of the system of preferential duties on colonial staples. The colonists, having grown dependent on their favored status within the Empire, believed that the removal of such benefits would bring disaster. At first, only the most enlightened of colonial reformers were able to see beyond short term parochial concerns to a more expansive concept of Empire embodying the ideals of free trade. While these factors destabilized colonial politics for a time, they created a stimulating environment for reform.

The debates over great constitutional issues such as Responsible Government and free trade energized reform politicians in the colonies and produced the first elemental evidence of party formation. As colonists wrestled with the implications of events largely beyond their control, they searched for new constructions of the relationship between metropolis and colony. The removal of the more radical reform element after the Canadian rebellions and the weakening of conservative elements eventually produced a politics of compromise and accommodation that would in the future become a hallmark of Canadian politics.



## CHAPTER TWO – THE LOYALIST COLONY

The British colony of New Brunswick provides an excellent case study of the transition from eighteenth-century traditions to nineteenth-century ideals. The province was one of the first to move toward Responsible Government, but the last to truly achieve it. In the 1830s, this was a young and relatively underdeveloped political system which did not yet have political parties. The gradual and evolutionary way in which the province approached liberal reforms is a good example of the ways in which nineteenth-century reformers utilized liberal ideals to create their own unique versions of liberal-democratic culture.

The Atlantic seaboard colony of New Brunswick was originally the northwestern portion of Nova Scotia. Situated between Maine to the west and Quebec to the north, it was set aside as a refuge for Loyalists at the end of the American Revolution, but proved too distinctive to remain within the older colony. The most heavily forested of the British North American colonies, New Brunswick was almost 90% woodland. The province was blessed with an abundance of water. That included two large navigable rivers that proved invaluable for general transportation and for the lumber industry during the colonial era. Deepwater ice-free ports on the Bay of Fundy provided excellent access to Atlantic trade routes and U.S. coastal markets. In addition, the north shore of the province allowed connections to Britain's inland colonies by way of the Gulf of St. Lawrence and the St. Lawrence River. The close proximity of

those bodies of water also provided a rich fisheries resource. While the growing season was short compared to more southerly areas, the land was fertile enough, and in sufficient supply, to support a substantial agriculture.

The original Nova Scotia colony consisted of the entire area of the present day Maritime Provinces. Algonquian-speaking Indians of the Micmac, Maliseet and Passamaquoddy tribes inhabited the area before the arrival of Europeans. The French claimed the territory as a result of explorations by Champlain and DeMonts in 1604. Acadia, as the French called it, included the present day provinces of Nova Scotia, New Brunswick and Prince Edward Island. Granted to three great landholders or seigneurs, Acadia remained second in importance to New France, the primary French North American colony. The Treaty of Utrecht ceded Acadia to Britain in 1713, ending almost a century of French control. Renamed Nova Scotia, it became an important pawn as the British and French sought to assert themselves in the quest for empire.<sup>1</sup>

In 1749, the British, determined to solidify their hold on Nova Scotia, established the strategic port of Halifax on the Atlantic coast. They also sought to extend their control over the colony's scattered townships and fishing settlements. At the beginning of the French and Indian War, doubts about Acadian loyalty led the British to exile thousands to Louisiana. Many of the exiles eventually returned, and along with some that had escaped exile, formed communities in remote northern parts of the province. Beginning in 1759,

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<sup>1</sup> A standard text for the history of the Atlantic provinces is W.S. McNutt, *The Atlantic Provinces: 1712-1857*, (Toronto: McClelland and Stewart, 1965) A more recent source is provided by the essays in Philip A. Buckner and John C. Reid eds., *The Atlantic Region to Confederation: A History*, (Toronto: University of Toronto Press, 1994). On New Brunswick the standard work is

Governor Lawrence moved to replace the Acadians with settlers from New England and the British Isles. These people were invited to come to Nova Scotia on the promise of generous land grants. Several thousand "planters," as they were called, pressured by New England land shortages, eventually moved into the area accompanied by smaller numbers of settlers from Britain.

The settlements thus formed had barely gained a foothold when the American Revolution broke out. That conflict brought unusual hardships. In 1775, trade with the thirteen colonies ended, cutting the settlers off from their major trading partner and interrupting immigration from the south. There is little evidence that American Patriot forces had any serious interest in Nova Scotia, but the settlers were subject to recruitment pressure, destruction of property and robbery by American privateers. Such forces were for the most part from the Maine district of Massachusetts and included former residents of Nova Scotia. The destructive behavior of the American raiders undermined what little support they might have expected. While a few Nova Scotia Yankees sided with the rebels, the majority remained loyal to the Crown or attempted to maintain neutrality.<sup>2</sup>

When the influx of Loyalist refugees began at the end of the American Revolution, they joined a mixed population. There were New England planters, British immigrants such as the Yorkshiremen on the Chignecto Isthmus,

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W.S. MacNutt, *New Brunswick: A History, 1784-1867*, (Toronto: MacMillan, 1963)

<sup>2</sup> Gordon Stewart and George A. Rawlyk, *A People Highly favored of God: The Nova Scotia Yankees and the American Revolution*, (Toronto: University of Toronto Press, 1972); J. M. Bumstead, "Resettlement and Rebellion, 1763-1783," in Buckner and Reid eds., *Atlantic Region*, 168-72.

Acadians who had returned to the northern fringes of the colony without permission, and a small population of indigenous Indians. In the area north of the Bay of Fundy the total pre-Loyalist population was no more than three or four thousand. The English, Acadians and Indians had relatively little contact with each other. The major pockets of English settlement were at the head of the Bay of Fundy and on the Petitcodiac River, where agriculture on the former Acadian lands was the primary enterprise, and on the Saint John River. There was a major trading post at the river's mouth; fishing, fur trading, lumbering, lime burning and shipbuilding were carried on along its length. In the north, near present day Quebec, the Acadians lived largely isolated from the English. There were a few additional small pockets of population, such as that on Passamaquoddy Bay straddling the modern Canada – United States border, where fishing, trading, and lumbering were carried on by a handful of settlers.

Until the end of the American Revolution, Nova Scotia was ruled by a Governor and Lieutenant Governor appointed by the Lords Commissioners of Trade and Plantations. Governor Lawrence wanted nothing to do with a popular assembly, but was forced to accede to one in order to attract settlers. In 1765, Cumberland and Sunbury counties were created out of the area north of the Bay of Fundy that is present-day New Brunswick. Two members were elected from each of the new counties, but seldom attended due to the press of work and the distance and difficulty of travel. The isolation of the area kept the links between the new counties and Halifax relatively weak. At the end of the American Revolution roughly 28,000 Loyalists came to Nova Scotia, and

slightly more than half of those settled in the new counties north of the Bay of Fundy, most along the Saint John River Valley.

The Loyalists who came to Nova Scotia were part of an estimated 100,000 that left the thirteen colonies. Of these, only a small minority wanted to go to Britain, and even fewer were able. Those remaining faced the choice of trying to return home, impossible in most cases, or going into exile in one of Britain's other North American colonies. Of the fourteen and a half thousand Loyalists who settled north of the Bay of Fundy, half were "provincials," that is those who had fought in Loyalist regiments during the war. The rest were refugees forced to seek protection behind British lines during the conflict. Added to these were a few other small groups such as the seven hundred Loyalists of the Penobscott settlement in Maine. These determined people moved themselves and their entire settlement, including houses, across the bay to the British side. In its totality the Loyalist migration doubled the population of the Nova Scotia colony.<sup>3</sup>

In the area that was to become New Brunswick, the Loyalists overwhelmed the small population of "old settlers."<sup>4</sup> Some 70% of the newcomers were from the middle colonies and only 7% from the South. New Englanders constituted 22% of the total, but had disproportionate political influence as influential members of the small Loyalist oligarchy that would come to control the province. Aside from this small elite, the Loyalists appear to have

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<sup>3</sup> Wallace Brown, *The Loyal Americans: The Loyalists in the American Revolution*, (New York: Morrow, 1969), 192;

<sup>4</sup> The traditional term "pre-loyalist" is misleading as many of the "old settlers" also remained loyal to the crown.

been relatively ordinary folk, farmers and artisans of modest means.<sup>5</sup> Fewer than ten percent had enough property before the war to justify filing a claim with the Loyalist Claims Commission. There was a substantial representation of minorities such as Dutch, Huguenots and Quakers originating in Pennsylvania, New Jersey and New York. While there were a good number of Church of England adherents, there were at least an equal number representing other religious traditions. The greatest proportion of those were dissenting evangelicals. Most of the Loyalists came from families that had been in North America for several generations. Over 90% were born in the Thirteen Colonies.<sup>6</sup>

While late nineteenth-century writers romanticized the story of the Loyalists and their exile, recent scholarship makes it clear that the motivations of the Loyalists were complex. For many, the experience of exile was an extraordinarily difficult and embittering one. Since perhaps as many as 20% of the population of the Thirteen Colonies remained Loyal to the Crown during the Revolution, the majority obviously decided to stay on in their homeland and submit to the new regime. The exiles tended to be those who could not return to their homes. For most this was a matter of loyalty, but for many it was also a matter of reality. Having lost their property and facing violence if they went

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<sup>5</sup>Murray Barkley, "The Loyalist Tradition in New Brunswick," *Acadiensis* IV(2), (Spring 1975), 3-45, describes how in the late nineteenth-century historians stressed the patrician origins of the Loyalists and the nobility of their cause. This Loyalist "myth" was very much at odds with the actual composition of the Loyalists who came to New Brunswick.

<sup>6</sup>Esther Clark Wright, *The Loyalists of New Brunswick* (Wolfville, N.S.: E.C. Wright, 1985 printing), provides a detailed analysis of the numbers and composition of the Loyalist migration; Anne Gorman Condon, *The Envy of the American States: The Loyalist Dream for New Brunswick*, (Fredericton: New Ireland Press, 1984) is a study of the Loyalist elite and its ambitions for the new colony of New Brunswick. Her list of Loyalist leaders shows fourteen of

back, they often left simply because they could not stay.<sup>7</sup>

The choice to remain loyal to the Crown was, like most political decisions, a function of both personal principle and self-interest. It was above all, a decision subject to the dictates of local politics. In areas where political conflicts resulted in one side or the other depending on the Crown, Loyalism became a pronounced phenomenon. Whether it was tenants in the Hudson River Valley or backcountry farmers in South Carolina, the political adversaries of Patriot elites were driven into the arms of Loyalist forces. Loyalism was a choice, not an ideology; it presupposed no particular political creed. In fact, studies of Loyalist ideology suggest that almost the full range of colonial ideologies was present among the Loyalists during the Revolution as well as among those who went into exile. In contrast with civilian refugees, Loyalist troops had the added incentive of staying with trusted leaders and units. In many cases they also enjoyed the benefit of retirement on half-pay. All Loyalists were promised and received land, but for many, that was a poor substitute for what they had lost.<sup>8</sup>

The Loyalists who came to Nova Scotia, unlike those who settled in New Brunswick, joined a large number of original settlers who were for the most part

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twenty to be from New England, 218-19.

<sup>7</sup> Robert M. Calhoun, *The Loyalists in Revolutionary America, 1760-1781* (New York: Harcourt Brace Jovanovich, 1973); For a discussion of the number of Loyalists see Paul H. Smith, "The American Loyalists: Notes on Their Organizational and Numerical Strength," *William and Mary Quarterly*, 25, (1968), 259-77; the dilemma facing Loyalist exiles in New York City is detailed in Condon, *Envy of the American States*, Chap. 2.

<sup>8</sup> See for instance Janice Potter, *The Liberty We Seek: Loyalist Ideology in Colonial New York and Massachusetts*, (Cambridge, Mass.: Harvard University Press, 1983); Michael Kammen, "The American Revolution as a *Crise de Conscience*: The Case of New York," in Richard M. Jellison ed., *Society, Freedom and Conscience: The coming of the Revolution in Virginia, Massachusetts, and New York*, (New York: W.W. Norton and Company, 1976), 125-89 provides

of New England extraction. There was considerable conflict between the Loyalists and the old settlers, a conflict that would shape Nova Scotia politics for years to come. The Loyalists did not completely trust the Nova Scotia Yankees, suspecting them of republican tendencies and disloyalty to the Crown during the Revolution. In addition, the Loyalists north of the Bay of Fundy wanted their own colony. That fact, along with the distinctiveness of the area and its settlers, convinced British officials that a separation would be best. As a result in 1784,

the British created the new colony of New Brunswick. Colonel Thomas Carleton became the new Lieutenant Governor. He was the younger brother of Sir Guy Carleton, the commander-in-chief of British forces in North America who had endeared himself to the Loyalists during their internment in New York City. While there was some feeling at the time that Carleton was a temporary appointment, he was to remain the colony's governor for over three decades.<sup>9</sup>

On arriving in New Brunswick, Carleton confronted a chaotic situation resulting from the scramble for land and influence. Being a military man with few political skills, Carleton chose as his advisors individuals he had known during the Revolution. These were men from New England and New York, who desired to create a British society dominated by landed gentry. Although there was an awareness on the part of those in control that the Loyalists were American in their political orientation, this elite group had no tolerance for

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a good description of the difficulties faced by New Yorkers caught up in the events of the Revolution.

<sup>9</sup> On Carleton see David G. Bell, *Early Loyalist Saint John: The Origin of New Brunswick Politics, 1783-1786*, (Fredericton : New Ireland Press, 1983), 94-5.



republicanism which they associated with disloyalty. Since the population was overwhelmingly Loyalist, the prospects for creation of a "loyalist Elysium" seemed promising.<sup>10</sup>

From the beginning, however, there were problems. The settlers were a demanding and troublesome lot. Among the rank and file Loyalists there existed a stratum of republican sympathy that was at odds with the idea of a deferential society controlled by landed magnates. The first elections, called after a substantial delay, made this quite evident. In Saint John the opponents of the Loyalist elite won in a contest replete with protest, republican rhetoric and violence. However, high-handed and corrupt election tactics approved by the Governor quickly reversed the victory. This became the pattern of government in the early years. The Governor and the Loyalist oligarchy retained firm control over the political system, and while there was occasional opposition, most of the colonists were too busy surviving to expend energy on politics.<sup>11</sup>

The structure of the new government was little different from those of the former thirteen colonies, having a Royal Governor, an appointed Council and a popularly elected Assembly. The intention of the Governor and the leading Loyalists was to create a system in which political decisions emanated from the executive with the popular assembly exercising no more than a ratifying function. The new rulers wanted to avoid using the New England colonies, with their strong tradition of citizen participation, as a model. They preferred the pattern of New York or one of the southern colonies, which they perceived to be

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<sup>10</sup> Condon, *Envy of the American States*, x.

<sup>11</sup> See Bell, *Early Loyalist Saint John*, chaps. 6 and 7 for a description of the political conflict in

better governed. A relatively broad franchise, a fairly democratic charter for Saint John, and the American political culture of the general population prevented this model from working exactly as its architects had foreseen. The British government's decision not to tax the colonists directly was another feature that set the new colony apart from the old colonial system. By relying instead on the timber, land and customs revenues of the colony to support the cost of government, the British intended to avoid the type of conflict that had contributed to the breakup of the First Empire.<sup>12</sup>

The British displayed an ambivalent attitude toward the new colony. The Loyalist Claims Commission repaid wealthier refugees for losses in the Revolution and most Loyalists received land. However, the measure of Imperial gratefulness was limited, and despite the fact that the Atlantic Colonies were strategically important to the Empire, the British often viewed them as a bothersome drain on the treasury. One also senses that the Loyalists were an embarrassing reminder of an unpleasant episode. Decades of war and the loss of the thirteen colonies had sapped British energies, but there is little evidence that they had learned from their mistakes. The home government had no real plan for a Second Empire aside from the intention to wield a slightly looser rein and make the colonies pay for themselves through trade and commerce.<sup>13</sup>

Colonial administrators originally conceived of the Atlantic colonies as an entrepôt for the British West Indies, particularly as a source of much needed

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Saint John and the ways in which it influenced the early politics of the province.

<sup>12</sup> MacNutt, *The Atlantic Provinces*, 99-101.

<sup>13</sup> Anne Gorman Condon, "Loyalist Arrival, Acadian Return, Imperial Reform," in Philip A. Buckner and John C. Reid eds., *The Atlantic Region to Confederation: A History* (Toronto:

foodstuffs. However, the paucity of exports from the Atlantic colonies forced New Brunswick and Nova Scotia ships to carry either British or American goods to the Indies. Another potentially strategic function for the new colony rested on the availability of vast stands of prime timber. The British government quickly asserted the King's masting rights over all the best trees in the province, stamping them with the broad arrow of the Surveyor General. For some years to come, New Brunswick would be the primary source of masts for the Royal Navy. Unfortunately, despite a degree of integration into the Imperial trading system, the colonial masters did a poor job of promoting growth. After 1790, land grant restrictions made it difficult for colonists to get clear title to their grants, and often reduced them to the status of squatters. As a result immigration was severely restricted. This state of affairs lasted for over seventeen years, during which time population growth was negligible.<sup>14</sup>

War with France broke out in 1793, and in its early phases the conflict exacerbated the colony's problems. For the first decade, the British ignored the North American colonies due to the exigencies of the war in Europe. There were no new plans, no expansion and most seriously, the war disrupted the vital trade with the West Indies. Despite its unpopularity in the United States, the Jay Treaty of 1794 did give the Americans access to the West Indies trade. This was a serious economic blow to the Atlantic colonies where the resulting sense of betrayal produced considerable anti-British feeling. The choice of

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University of Toronto Press, 1994), 187-88.

<sup>14</sup> Graeme Wynne, *Timber Colony, A Historical Geography of Early Nineteenth Century New Brunswick*, (Toronto: University of Toronto Press, 1981) details the relationship between metropolis and colony based on timber.

Halifax as the primary North Atlantic naval port further disadvantaged New Brunswick. That action relegated the northern colony to a subsidiary role in the commerce of the region. In spite of these worrisome setbacks, the economy eventually began to prosper as a result of wartime economic activity. The last decade of the war proved to be quite profitable for New Brunswick. A particularly beneficial effect of the war was the development of the timber trade into New Brunswick's major staple industry.<sup>15</sup>

The second phase of the Napoleonic Wars brought economic growth but also political stagnation. In 1803 Carleton left the province, in effect becoming an absentee governor. This development distressed the local oligarchs, although, given his political ineffectiveness, it is doubtful if his absence made any real difference in the day-to-day governance of the colony. More upsetting to the Loyalist leaders was the fact that after 1808, New Brunswick was relegated to the status of a military sub-district of Nova Scotia. To make matters worse, the Imperial government appointed a military governor for New Brunswick, Major General Hunter, who answered to the British commander in Halifax.

On the positive side, the rescinding of the Jay Treaty in 1808, reversed some of the shipping privileges that had been granted to the Americans. This was a good economic omen, and the colonists were at the same time partially successful in their efforts to have Britain favor its own colonies over the new states to the south. New Brunswickers could hardly suppress their glee at

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<sup>15</sup>MacNutt, *New Brunswick: A History*, 96, 144.

Jefferson's Embargo Act and Madison's Non-Intercourse Act, measures that enraged New Englanders. All concerned understood that the Atlantic colonies would benefit at the expense of New England. The British permitted the establishment of free ports on both sides of the Bay of Fundy to draw away American trade and to encourage the vital smuggling and bartering economy of the border areas. The subsequent rush of prosperity resulted in a reversal of migration patterns. New Englanders, escaping their own suffering economy, began to migrate into New Brunswick to take advantage of the rapidly expanding shipping, shipbuilding and lumbering industries.

In its early years New Brunswick had great difficulty competing with the Maine district of Massachusetts in the commercial timber industry. A small population and poor infrastructure put the province at a serious disadvantage. However, the choice of New Brunswick as a principal source of timber following Britain's exclusion from the Baltic trade in 1807, reversed the situation and gave the province an advantage over its New England rivals. The War of 1812 further promoted growth and seemed to give New Brunswickers a new sense of identity and self-confidence. The peaceful post war period permitted prosperity to continue and brought with it essential new immigration from the British Isles that included Gaelic speaking Highland Scots, English speaking Lowland Scots and an early wave of famine Irish. In the years to come, the periodic displacements of excess populations of the Industrial Revolution proved to be critical to the Atlantic Colonies. This was particularly true of New Brunswick where population growth had been painfully slow.

The political atmosphere in New Brunswick was considerably more amicable than that of neighboring Nova Scotia, but there was evidence of some dissension and poor morale. The extreme dependency of the colony and the often arrogant and patronizing attitudes of British officials exacerbated these problems. There were periodic outbreaks of political dissent led by men such as Elias Harding, who agitated against the control of the Loyalist elite in early Saint John, and later James Glenie, a well connected Scot with the support of commercial and landed interests. These disruptions resulted from a combination of underlying dissatisfaction among the rank and file and the Loyalist elite's heavy-handed pursuit of their ambitions.

The most intense political battles of the early years dealt with money matters such as the perennial issue of who should have the power to initiate money bills. The Assembly eventually established control over the power of the purse, but the issue continued to be important during the pre-Confederation period and eventually became a stumbling block in the struggle for reform. The question of whether members of the Assembly should be paid was another issue that reflected a clash of views on the nature of government and political representation. In the early period of the colony, the assembly met only every second year, and yet, the pay of members amounted to a substantial portion of the revenues of the colony. Another issue that consumed the attention of assemblymen concerned the manner in which the Assembly distributed money to various parts of the colony, principally in support of road and bridge construction. The dominance of this issue led to a type of logrolling politics that

was much more American than British.

In addition to political and economic developments there were fundamental social changes taking place in the colony. After an initial period of spiritual quiescence, the 1790s were witness to a period of increasingly intense religiosity. This phenomenon effected all denominations including elements in the Anglican Church. A scattered Roman Catholic community including Acadian French, Scottish Highlanders and Irish communicants grew rapidly both in numbers and fervor, despite the difficulty of ministering to such a diverse flock. The Presbyterians, whose strength lay among the Scots, were another important denomination. Having been a part of the establishment in Scotland, they felt entitled to the same privilege in the colonies. However, along with that sense of entitlement, they brought with them schismatic tendencies that limited their influence. Nevertheless, the existence of a large body of Presbyterians in the colony was one of the factors that precluded a strong Anglican establishment.<sup>16</sup>

The most important and characteristic developments in religion occurred among evangelicals. In the pre-Revolutionary period, revival fires ignited by Henry Aline swept the Atlantic Colonies. This movement was, at its most reserved, mildly Arminian, and at its most extreme wildly antinomian. The Baptists benefited most from this revival fervor, particularly among the Yankees of Nova Scotia.<sup>17</sup> The Loyalists who moved in after the Revolution, particularly

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<sup>16</sup> David G. Bell, "Religious Liberty and Protestant Dissent in Loyalist New Brunswick," *University of New Brunswick Law Journal*, 36(1987), 146-162.

<sup>17</sup> For a description of the Allinite movement see George A. Rawlyk, *Religious Revivals, Baptists and Henry Aline*, (Kingston and Montreal: Queens University Press, 1984); Stephen A. Marini,

those from the middle colonies, had among them substantial numbers of evangelicals. There were also Methodists and Baptists among the immigrants from the British Isles as well as evangelical Presbyterians and Low Church Anglicans. Government leaders and even the Anglican bishop Charles Inglis, recognized that religious pluralism was a fact of life. Government officials took a surprisingly lackadaisical approach to religious dissenters, and this diffused some religious tensions in the early years. Over time, the weakness of the established church and continuing political instability prompted Bishop Inglis and others to worry about what they saw as an inevitable connection between republican ideas and evangelical religion.<sup>18</sup>

In the period after the signing of the Treaty of Ghent, the old pattern of Imperial policy gradually began to reassert itself. The nationalist diplomacy of the early American republic produced the Convention of 1818, a treaty that among other things, reopened the British Atlantic fisheries to American ships and forced unwelcome competition on the Atlantic Colonies. Nonetheless, the post-war economic boom persisted, aided by the gradual opening of U.S. ports to British North American colonists. The northward flow of shipwrights and lumbermen from New England continued.

Still, there remained underlying weaknesses in the economy of the region. The Atlantic colonies had few products of their own to export and lumber, the one exception to this, was substantially dependent on access to a

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*Radical Sects of Revolutionary New England*, (Cambridge, Mass: Harvard University Press, 1982), places the Allinite revivals in a broader context.

<sup>18</sup> Graeme Wynne, "Turning the Century," in Buckner and Reid eds., *The Atlantic Region*, 230-233.



protected British market. The willingness of the British to sacrifice the interests of their own colonists to sustain trade with the United States worried people in New Brunswick and Nova Scotia and as might be expected caused considerable bitterness. However, in spite of the irritations that came with their dependency, New Brunswickers remained, with few exceptions, steadfastly loyal to Britain and determined to remain in the Empire. Increasing immigration from the British Isles held hope for the future, but the newcomers had not yet exerted much influence on a colonial political culture that remained in many respects more American than British.

Religion continued to increase in importance and intensity during the post war period. Conversely, by 1816 any hope of a powerful and influential church establishment was gone. The original law to establish the Church of England was weak and did not provide a solid basis for a strong church establishment. Some even argued that there was no established church in New Brunswick. While the political elite supported the idea of an established church, they made little real effort to create a strong establishment. Other factors including internal rivalries and the increasing numbers of Low Church Anglicans of a decidedly evangelical cast further contributed to the weakness. Many Anglican clergymen were elderly and lacked the energy for frontier ministry. Such men tended to view their appointments as sinecures. Dependence on English sources for financial support meant that parishioners did not develop any sense of responsibility for the Church. The Anglican clergy also lacked the common touch so necessary in a frontier environment and so

much a part of the indigenous evangelical culture.<sup>19</sup>

Baptists continued to be the dominant evangelical group in part because the movement was so pluralistic and partly because Baptists seemed better able to attract capable preachers. Baptist churches were invariably self-supporting due to the tradition of sacrificial giving among even the poorest members. The Methodists also grew during this period but not as quickly. They had more trouble attracting good ministers who were perhaps discouraged by the rigor of the circuit-rider system and the remoteness of the area. The fact that the Baptists of the region adhered to a doctrine quite similar to the free will theology of the Methodists also provided unwanted competition.<sup>20</sup>

While originally affiliated with American Methodists, after the beginning of the War of 1812, New Brunswick Methodists became officially part of the British Wesleyan Methodist movement. This change carried with it both advantages and disadvantages and probably had at least some short-term political ramifications as British Wesleyans tended to be more politically conservative than many other dissenting groups. On the other hand, the lessening of American influence undoubtedly made the group more respectable to the political establishment. But, in New Brunswick, the influence of the British Wesleyans was never monolithic, particularly in the border areas. The

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<sup>19</sup> Bell, "Religious Dissent," and Condon, *The Envy of the American States, 184-90*, deal with the weakness of the established church from different perspectives.

<sup>20</sup> On the Baptists see the essays in Barry Moody ed., *Repent and Believe: The Baptist Experience in Maritime Canada*, (Hantsport, Nova Scotia: Lancelot Press, 1980); For the Methodists see Goldwin French, *Parsons and Politics: The Role of Methodists in Upper Canada and the Maritimes* (Toronto: Ryerson Press, 1962)

Methodists eventually created strong associations in the larger cities, and were particularly strong in the capitol city of Fredericton. They appealed to the more prosperous and well-educated classes of people. Until almost mid-century, Methodist influence was intensified through close relations with evangelical Low Church Anglicans with whom they shared many similarities. An infusion of British immigrants into local Methodist societies and the influence of a substantial number of British clergymen also strengthened the movement.<sup>21</sup> The Methodists were certainly a more potent political force than the Baptists.<sup>22</sup> Although Baptists and Methodists were the dominant evangelical groups, the religious landscape of New Brunswick was one increasingly characterized by sectarianism. There were different flavors of Presbyterianism, including some that were evangelical, as well as Quakers, Lutherans, Unitarians and the more evangelical Universalists. The Catholic Church also continued to grow during this period, despite the difficulty of operating in a primitive environment far from any sources of support.

The existence of an established church, even a weak one, made religious issues inherently political. This in part explains why political reformers in Britain and her North American colonies were more often than not religious dissenters. In New Brunswick the fact that only Church of England ministers could legally perform marriages was a persistent irritant that for many people

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<sup>20</sup> The increasing political activism of the Methodists in the 1830's and 40's may have indicated a lessening of British influence. That in turn seems to have been a factor in the eventual exclusion of Low Church Anglicans from the evangelical fellowship.

<sup>22</sup> Acheson, T.W., "Methodism and the Problem of Methodist Identity in Nineteenth Century New Brunswick," in Charles H. Scobie and John Webster Grant eds., *The Contribution of Methodism to Atlantic Canada*, (Montreal and Kingston: McGill-Queens University Press, 1992)

was emblematic of an unjust system. Education presented a potentially more important problem, or more accurately two distinct yet related problems, the issue of common schools and the question of control of and access to higher education. The conjunction of two such sensitive issues early drew the attention of evangelical dissenters who desired access to higher education for the training of a more capable and learned clergy and who felt passionately their inability to give their sons a quality education. The intensity of this issue illustrates the degree of pluralism in New Brunswick society as well as one of the ways in which opinion was mobilized to support political reform.<sup>23</sup>

In the early 1830's, while Whig reformers in Britain and Jacksonian Democrats in the United States were transforming their respective political systems, a few New Brunswick politicians also began to agitate for permanent changes in the colonial political structure. At first, the critical issues related to revenues and fiscal policy. The collection of customs duties became an increasingly common topic of debate in the legislature. Customs revenues typically went into the colonial treasury, but colonial politicians wanted control of the collections, and particularly wanted the right to set the level of salaries. British customs officials received extremely high salaries by colonial standards and in comparison with official salaries in the United States. British thinking on this matter remained very much in the eighteenth-century mold. The Imperial Government considered patronage positions, such as that of customs agent, as vested rights constituting a form of private property.

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<sup>23</sup> The standard work on New Brunswick education is Katherine MacNaughton, *The Development of the Theory and Practice of Education in New Brunswick, 1784-1900*,

By the late 1820's, salaries accounted for up to 40% of the customs revenues of New Brunswick. Many colonial politicians viewed the reduction of those salaries as an ideal way to lessen the drain on the colonial treasury. This issue concerned questions of prerogative, fiscal responsibility and in the final analysis, colonial self-determination. These were all topics of great importance for the new generation entering provincial politics. In 1830, the New Brunswick Assembly had achieved a measure of control over customs revenues and salaries, but the issue was not completely resolved until 1848 when Britain turned over complete control of the customs establishment to the colonies. Even after that, the issue of official salaries remained an irritant and provoked some of the bitterest debates in colonial politics.

An equally controversial and potentially more important issue involved the Casual and Territorial revenues. These were monies that flowed into the Imperial Treasury from the timber industry and from the sale of Crown lands. The rapid increase of timber revenues after 1815 had the unforeseen effect of upsetting the balance of power in colonial politics. In a system in which the Legislative Assembly retained the power of the purse, the sudden ability of the executive government to access large surpluses at will gave that branch a measure of independence that was uncharacteristic. This produced a situation that was unacceptable to many colonial politicians, and eventually provoked the Brunswick Assembly to action<sup>24</sup>

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(Fredericton, New Brunswick: University of New Brunswick, 1947).

<sup>24</sup> A good contemporary explanation of the issue of revenues, the Civil List and salaries is provided in George Fenety, *Political Observations.....*, (Fredericton, New Brunswick: S.R. Miller, 1867), 299.

During the 1830s, British attitudes toward the colonies changed. British politicians began to show an increasing awareness of the colonies quite in contrast to the benign indifference of earlier years. This was not necessarily a good thing. While a few British radicals expressed sympathy with the situation of the North American colonists, most parliamentary discussion on the colonies focused on the question of their expense to the British treasury. In a time of financial retrenchment members of Parliament were often hypersensitive to colonial expenditures. To make matters worse, their criticism of the colonies was often unfair and poorly informed. When combined with increasing agitation for free trade, this created a political environment that almost guaranteed substantial changes in colonial policy.

The cumulative effects of this dialogue led both the British and their colonists to question the economic soundness of the old colonial system. For many the answer seemed to lie with free trade. The idea that colonies should control their own revenues and pay their own way became increasingly popular. In 1831, the British moved toward such a policy by reducing colonial timber preferences and then taking colonial revenues to pay the cost of government. The cumulative effect of these measures was unsettling, but paradoxically it seemed to give New Brunswickers a sense of independence and self-sufficiency that eventually provided some impetus for reform.

Neighboring Nova Scotia had already developed a reform movement under the eloquent and aggressive newspaperman, Joseph Howe. New Brunswick had no Howe, its political system was not so well developed, and the

political style was considerably more relaxed and genial. Nevertheless, beginning in the early 1830's, it was New Brunswick politicians who took the initiative. In 1833 and 1836, the New Brunswick Assembly sent deputations to England to ask for control of the Casual and Territorial revenues. In 1837, they were successful in becoming the first colony to take this important step toward self-determination. The struggle united disparate forces in the Assembly and helped provoked the growth of a reform press.

The period from 1837 to 1857, from the accession of the Casual and Territorial Revenues to the establishment of Liberal Party control, might be viewed as New Brunswick's "Jacksonian" era. This was the period of maximum reform, roughly conforming to the last phase of the great era of reform in Britain. At the beginning of this period the province had a population of roughly 75,000. In the two following decades, that would expand threefold through natural increase and eventually immigration. The bulk of the English population was still clustered in the Saint John River Valley, at the head of the Bay of Fundy, on the Fundy Coast near the American border and on the Miramichi River. The Acadians remained relatively isolated in the North near the Maine and Lower Canadian borders. The distribution of the population contributed a certain diversity, but made cooperation difficult at times and insured that sectional competition would be a factor of colonial life and politics.

The city of Saint John at the mouth of the river was by mid-century a bustling commercial center, and the third largest city of British North America. Fredericton, the seat of government, was a beautiful little town seventy miles

upriver. Much smaller than the port city, its choice originally reflected the desire of Carleton and his advisors to remove government from what they saw as the corrupting influence of Saint John's commercial community. From a military point of view, Fredericton also had strategic advantages. In the early decades there was a more or less constant agitation by Saint John interests to move the seat of government to their city. Fredericton developed into a garrison town that also played host to the colonial college and eventually an Anglican Cathedral. St. Andrews and St. Stephen in Charlotte County formed another cluster of population on the U.S. border. These were small lumbering, shipping and fishing centers that benefited from the border trade both legal and illegal. There were a few other small centers, but the bulk of the population remained rural. The sectional rivalry between the smaller centers and the politically powerful Saint John business community both complicated and intensified the politics of the reform era.

Traditional interpretations of Canadian history have relied on a theory that stresses the important role of dominant staple crops in developing colonial economies. As a result of the importance of lumber to the New Brunswick economy, Canadian historians have tended to view New Brunswick as little more than a large lumber camp. The substantial contribution of the colony to British naval needs, and the fact that the British saw lumbering as the *raison d'être* of the colony, reinforced this perception. However, more recent research casts doubt on the accuracy of such a view. While lumber remained the dominant export throughout the colonial period, the trend of the early



nineteenth-century New Brunswick economy was to increasing complexity and diversification. Lumbering was being challenged by other industries such as milling, construction, as well as a variety of other small trades and crafts. Certainly many New Brunswickers viewed the colony as having a role far beyond merely supplying British timber needs, and some were quite optimistic about the colony's economic potential. Many colonists recognized the problems of being dependent on British timber preferences and markets beyond their control, and there was an increasing concern about the damaging social effects of lumbering, with its attendant drinking and antisocial behavior.<sup>25</sup>

Of the industries that developed during the early nineteenth-century, none was so spectacular as shipbuilding. In the port of Saint John and a few smaller centers, skilled craftsmen created ships not just for the local market but for export. Compared with Nova Scotia ships, New Brunswick's were much larger ocean going vessels with an excellent international reputation. At its peak, the industry produced such ships as the *Marco Polo*, one of the great clippers of the age. While shipbuilding accounted for a relatively small percentage of the colonial economy, it was an essential element in the economy of Saint John, the colony's only substantial urban center. In addition to the sale of ships abroad, which partially offset the perpetual imbalance of trade, the shipbuilding industry helped support a substantial carrying trade and a large local fleet. Shipbuilding also produced a number of support industries

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<sup>25</sup> S.A. Saunders, *The Economic History of the Maritime Provinces*, (Ottawa: Royal Commission on Dominion-Provincial Relations, 1939); For a discussion of recent research casting doubt on traditional interpretations of the colonial economy see T.W. Acheson, "New Brunswick Agriculture at the End of the Colonial Era: A Reassessment," *Acadiensis*, XXII, 2(Spring, 1993),

such as sail-making, iron foundries, and rope making that in turn attracted large numbers of skilled craftsmen.<sup>26</sup>

Agriculture has not typically been considered an important component of the nineteenth-century New Brunswick economy, and it is true that in the early period of colonial agriculture most farms were small and did not produce enough to support the farm family either in income or in food. However, the traditional stereotype of small unproductive farmer-lumbermen dependent on the largesse of government for survival appears to be at best misleading. Farming was one of several activities that the small farmer used to support his family, with fishing and lumbering being the most common supplementary activities. Recent research suggests that agriculture was not only a significant element, but as in other parts of North America during this period, it was the dominant economic activity in the colony. New Brunswick farmers were at least as successful as their counterparts in the other colonies and in states such as Maine.<sup>27</sup>

This pattern indicates not only a diverse economy, but also an internal market that supplied the farmer with the food he could not grow, and suggests a certain entrepreneurial spirit absent from traditional stereotypes of the New Brunswick farmer. Toward mid-century farms became larger and more productive, partly because of the influx of skilled farmers from the British Isles. These larger farms produced a surplus for the expanding market, supplying

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<sup>26</sup> For the role of shipbuilding in the growth of Saint John see T.W. Acheson, *Saint John: The Making of a Colonial Urban Community*, (Toronto: University of Toronto Press, 1985)

<sup>27</sup> On the importance of Agriculture in the early nineteenth-century economy see Acheson, "New

cities such as Saint John as well as the large segment of the rural population who did not live on productive farms. The existence of a vital agricultural market economy also suggests that, rather than the backward *mentalité* of the subsistence farmer surviving in a moral economy, New Brunswick farmers increasingly displayed a commercial *mentalité* that was both individualistic and entrepreneurial. As in other parts of the Anglo-American world, the existence of such a market orientation proved to be a prerequisite for the development of a liberal-democratic political culture.<sup>28</sup>

Half a century after its founding, the society of New Brunswick was in the process of maturing. It was still a frontier society in many respects, but the lack of a natural hinterland focused the colonists' attention seaward. Relatively easy access to the sea and constant communication with Britain, the States and the other British North American Colonies gave colonial society a cosmopolitan character that set it apart from typical frontier settlements. Attempts by the Loyalist elite to create a hierarchical and deferential society had not been successful, although remnants of the old oligarchy of Loyalists and commercial leaders still dominated the colony. That group, united by ties of commerce and marriage was referred to as the "family compact."

In 1844, the Church of England made New Brunswick a separate diocese with its own bishop. The new bishop, John Medley, was well connected, numbering among his friends William Ewart Gladstone. A capable

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Brunswick Agriculture," and Wynne, *Timber Colony*, 80-4.

<sup>28</sup> Acheson, "New Brunswick Agriculture," ties the importance of agriculture in New Brunswick to the existence of a vigorous local and provincial market economy accompanied by a commercial *mentalité*.

man, and a force to be reckoned with in his early days, Medley constructed Christchurch Cathedral in Fredericton, the first gothic revival church in North America. However, even Medley was unable to restore the fortunes of the Anglican Church, and the control of the establishment continued to slip as economic development and immigration created a more diverse and complex society in which voluntary organizations such as churches, mechanics institutes, and lodges played important roles.<sup>29</sup> These changes brought about intense competition for both social and political leadership. Among those contesting the dominance of the old regime were immigrants, a growing class of artisans and small producers, a larger and more assertive Catholic community, and the still rapidly growing groups of dissenting evangelicals led by the Baptists and Methodists.<sup>30</sup> The key social issues remained the same: the Anglican marriage monopoly, the condition of the common schools, control and financing of higher education, and temperance.

As in other parts of the Atlantic world, the rising importance of evangelical Protestantism was accompanied by a heightened interest in moral reform. For British liberals and American Whigs, this was an essential element in the overall process of political reform and social transformation. While a number of reform issues related to public morality and public welfare captured the attention of New Brunswick citizens in the early nineteenth-century, the

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<sup>29</sup> Medley was a Tractarian or adherent of the Oxford Movement. This was a High Church renewal movement which particularly offended evangelicals. His presence proved divisive and in the end probably weakened the Church.

<sup>30</sup> Acheson, *Saint John*, presents a picture of the changes taking place in New Brunswick's largest community. While not necessarily representative of the entire colonial society Acheson's work gives a good sense of the kinds of change occurring in the colony during the first half of the nineteenth-century.

issue that was most pertinent to their circumstances and that most inflamed their imaginations was temperance. Dissenting Protestants showed an early interest in this issue and maintained close connections with temperance brethren in Britain and the United States. Beginning in the early 1830s, temperance activity intensified to the point where it became a major political issue. In the 1850s temperance reform was a key factor in the formation of the first vestigial political parties.<sup>31</sup>

Throughout the nineteenth-century Atlantic world social change, combined with developments in industry, transportation, communications, and finance, to produce an expansion in the scope of government. The "revolution in government," as it has been called, created new demands on government and substantially expanded citizens' expectations. Many governments were ill suited to meet such demands, and this was certainly so in New Brunswick. There, the Assembly's success in gaining control of revenues, produced a sobering realization that years of dependency and a rickety political structure did not auger well for the colony's fiscal stability. Changes in British commercial policy and a dawning awareness of the need to provide a more robust infrastructure added further pressures, particularly in the form of financing for internal improvements.<sup>32</sup>

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<sup>31</sup> J.K. Chapman, "The Mid-Nineteenth Century Temperance Movement in New Brunswick and Maine," *Canadian Historical Review*, 35, (1954), 43-60.

<sup>32</sup> Oliver MacDonagh, "The Nineteenth-Century Revolution in Government: A Reappraisal," *The Historical Journal* I, no. 1 (1958), 52-67; Henry Parris, "The Nineteenth-Century Revolution in Government: A Reappraisal Reappraised," *The Historical Journal* III, no. 1 (1960), 17-37; Rosemarie Patricia Langhout, "Public Enterprise: An Analysis of Public Finance in the Maritime Colonies During the Period of Responsible Government," (Ph.D. diss., University of New Brunswick, 1989), analyzes the impact of railroad expenditures on the colonial treasuries.

More than any other factor, however, it was increasing autonomy resulting from changes in British policy that enlarged the scope of colonial government. The British wanted to rid themselves of the financial burden of their colonies while at same time maintaining control. The more progressive colonists wanted to remain in the Empire, but with an added measure of autonomy and a more just and efficient political system. In 1837, a Crown appointed Lieutenant Governor answerable only to the Colonial Office was at the head of the political system. The Governor in turn appointed an Executive Council composed of local notables to advise him. It was not necessary for the members of the council to be members of either house of the Legislature although some invariably were. The Governor-in-Council then appointed the upper house or Legislative Council, also composed of important local figures, but there was no requirement that it be representative. Elected representatives from each county comprised the Legislative Assembly. The administrative heads of government departments were patronage appointments who did not need to be Executive Councilors, although, again, some usually were. This structure produced a pattern reminiscent of the old colonial system. The Executive was responsible to the Crown, the Assembly to the people, and there was no real constitutional link between them.

In the 1830s, the political system was obviously inadequate to the task at hand. Attention focused on certain key issues including: the control and disposition of colonial revenues, patronage and salaries, the nature of the executive government and its relationship to the legislature, the role and

behavior of Lieutenant Governors, the relationship of government administrative departments to the executive and legislature branches, the composition and constitutional character of the Legislative Council, the electoral system and the franchise, the nature of local government, and the administration of the judicial system. The overall inefficiency of the colonial system and persistent conflicts between British and colonial political ideals added further complexity. The leveling tendencies in New Brunswick political culture left colonial politicians, particularly the more progressive among them, little disposed to proffer deference to what they saw as arrogant Britons. The British in their turn had no patience with what they perceived as the lack of respect shown by uncultured colonials. While the Loyalist heritage seems to have been relatively unimportant in the politics of this era, the issue of loyalty was very important indeed. Political agitation consistently provoked charges of disloyalty that in turn elicited heated responses and counter charges.<sup>33</sup>

Any occurrence was apt to lay bare the tensions between the home and local governments. The dispute over the Maine-New Brunswick boundary provides an excellent illustration of such tensions. Many New Brunswickers felt that the British had not conscientiously represented the colony's interests during the negotiations leading up to the Webster-Ashburton Treaty of 1842. As a result, the colony suffered a substantial loss of territory. The cozy

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<sup>33</sup> Because the documents of the Public Records Office offer such a splendid and tempting source for research in the politics of the period, and often local sources are poor, historians have made extensive use of the British records. As a result interpretations have often reflected the low view of provincial politicians held by many Imperial officials. For some excellent examples of the arrogance of a British Governor and the low view he held of colonists see J.K. Chapman, *The Career of Arthur Hamilton Gordon* (Toronto: University of Toronto Press, 1964)

relationship between Lord Ashburton and Daniel Webster reinforced colonial suspicions. On another matter, the willingness of Colonial Office officials to allow American vessels free access to the rich colonial fishing grounds produced similar frustrations. The tensions between the Imperial government and its colony were not unique to New Brunswick and were probably inherent in the relationship. In all of the British North American colonies the accumulated effect of such stresses was to make colonial politicians, even some that were relatively conservative, more willing to consider some degree of separation and self-government.<sup>34</sup>

Some colonial liberals accepted the British move toward free trade in the 1830's and 40's, at least in the abstract. Most colonists however, viewed free trade with alarm. The provincial economy could easily be sent into a tailspin by the slightest change of policy in London, and Imperial officials showed little inclination to worry about the impact of their decisions on distant shores. The frustration thus engendered often produced anti-British feeling in normally loyal and quiescent subjects, and at its most intense, provoked talk of annexation to the United States. This was ironic in itself, given that one of the most irritating tendencies of British politicians was to sacrifice the interest of the colonies in favor of their lucrative trade relations with the Americans. The feelings of New Brunswickers toward their neighbors to the south were as ambivalent as their feelings toward the British. As often as they grew irritated with the British they intermittently softened their attitudes to the Americans with whom they shared

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<sup>34</sup> See for instance Fenety, *Political Notes*....., 305.



much in the way of culture. But those moments usually passed quickly, to be replaced by the more usual mixture of suspicion, admiration and envy. While annexation was never a serious possibility in New Brunswick, increasing unease about British trade policy eventually caused colonial politicians to push for reciprocity in trade, not only with other British North American colonies, but also with the United States.<sup>35</sup>

British politicians, on the other hand, found the demands made by the colonies on a barren imperial treasury particularly frustrating. Of particular concern in New Brunswick after 1837, was the rapid expansion of the colony's debt, exacerbated by the extravagance of the Assembly and poor financial management. Colonial politicians had little experience in fiscal policy and were slow to recognize the need for more sophisticated mechanisms for controlling provincial finances. As a result of such shortcomings, fiscal responsibility and retrenchment became a major concern of the more progressive politicians in the province. They often reacted against what they saw as the extravagance of the old patronage system and constantly agitated for better control of revenues and more reasonable salaries. The more prescient among them also recognized that in spite of the obvious benefits of not being taxed by the British

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<sup>35</sup> J.K. Chapman, "Relations of Maine and New Brunswick in the Era of Reciprocity," (M.A. Thesis, University of New Brunswick, 1952); D.F. Macmillan, "Federation and Annexation Sentiment in New Brunswick," (M.A. Thesis, University of New Brunswick, 1961) Liberals tended to favor reciprocity and were the most likely to be free traders, but attitudes toward free trade were also determined by other factors such as sectional interests and economic status. For most liberals annexation sentiment was only skin deep and may have been used as a ploy to goad British officials. The one exception to this was George Fenety the liberal newspaper man who appears to have sincerely supported annexation for a short time. See S.F. Wise, "Canadians view the United States: The Annexation Movement and its Effect on Canadian Opinion," in S.F. Wise, *God's Peculiar Peoples: Essays on Political Culture in Nineteenth Century Canada, 1837-67*, (Ottawa: Carleton University Press, 1993), 115-16, 129.

government, the lack of a tax system limited the revenue base of the colony and made it difficult to fund expensive programs such as education and public works. The fact that public works projects were a matter of local constituency politics often precluded any more sophisticated priority setting by the Fredericton Government.

The growth of a larger and more complex society in the middle decades of the nineteenth-century dictated that in the future, social issues would be an important area of government responsibility. This required a more expansive and positive vision of what government could accomplish toward the transformation of society. Issues such as education, immigration and moral reform were of particular interest to the evangelical segment of the liberal community. In some cases the focus was on removing undesirable remnants of eighteenth-century practices such as flogging in schools and imprisonment for debt. But, in a rapidly modernizing society the need for new institutions was a much more pressing matter. Education was a critical issue in all the Anglo-American societies, and educational reform was a common theme in the transatlantic radical community. The evolving liberal social vision was very much predicated on the assumption of education to engender progress, moral improvement and informed political participation among the common people.<sup>36</sup>

In New Brunswick the common schools became the focus of much concern. The poor opportunities provided for public education and the poor

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<sup>36</sup> On Evangelicals and education see David Bebbington, *Evangelicalism in Modern Britain: A History From the 1730's to the 1980's*, (Grand Rapids, Michigan: Baker Book House, 1992), 68-69; On education in the transatlantic radical community see Frank Thistlethwaite, *America and the Atlantic Community: Anglo-American Aspects, 1790-1850*, (New York: Harper Torchbooks,

quality of the school system created a good deal of dissatisfaction. The old elite had long considered education to be a prerogative of the "better sort", but more and more ordinary folk were beginning to consider education as a necessity and a right. In that respect, New Brunswick proved to be much more American than British.<sup>37</sup>

Higher education also occasioned some bitter debates in the Assembly, but in contrast to their desire for public education, evangelicals preferred sectarian colleges. These were the institutions that would contribute to the general progress of society by producing a new generation of clergymen and leaders. As with the common schools debate, the issue of social justice was never far from the surface. The Church of England controlled King's College and severely restricted admission even though the school was largely supported by public money. Evangelicals argued for provincial funding of denominational colleges, including those of the Baptists and Methodists.<sup>38</sup>

The growing diversity of colonial society resulting from immigration added an additional element of complexity to debates over education and other social issues. Before 1840, a large proportion of immigrants were Irish Protestants. After 1840, Irish immigrants were much more apt to be Catholic, and that proportion increased substantially with the arrival of the Famine Irish after 1847. This created a much larger Catholic community that struggled to

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1959), chap. 5.

<sup>37</sup> Michael Gauvreau, 'Protestantism Transformed: Personal Piety and the Evangelical Social Vision, 1815-1867,' in George A. Rawlyk, *The Canadian Protestant Experience, 1770-1990*, (Burlington, Ontario: Welch Publishing Co., 1990), 90-1 gives a good description of the motivation and attitude of Canadian evangelical reformers toward education and the place it held in their social vision.

<sup>38</sup> For a description of one of the many heated debates on the College issue see Fenety,

assert itself in the years to come. The existence of that community affected such issues as education reform and put pressure on the colonial political system for more inclusive policies. The Catholic Irish joined an already established Protestant Irish community, and the two groups took up the struggle that had marked their relationship in the old country. The growing influence of the Orange Lodge produced conflict and violence, particularly in Saint John which had a large population of poor Irish laborers. Anti-Catholic prejudice was pervasive during the era, but there was strong opposition to the Orange Lodge and its violent tactics.<sup>39</sup> The Orange-Catholic conflict had a substantial impact on political alignments during the reform period with the Catholics eventually helping to bring the Liberal Party to power in 1854, although the alliance eventually foundered on the issue of prohibition.

The years from 1854 to 1857 represented the apogee of liberal reform. After 1857 changes in the political and economic environment brought the reform era to an end. Some scholars have argued that the political battles of the reform period were simply clashes between competing elites, between a powerful clique in power and an ambitious group desiring to replace them. Certainly the old Loyalist oligarchy was a "family compact" to use the Canadian term, but evidence suggests that the reform momentum of the 1830s was much more than just a case of out-group agitation. The small group of political reformers who led the agitation for reform created their own unique version of the transatlantic liberal persuasion. As a tiny minority they upheld liberal ideals

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*Political Observations*, 138-40.

<sup>39</sup> Scott See, *Riots in New Brunswick: Orange Nativism and Social Violence in the 1840's*,

when the prospects for political victory were non-existent. Eventually those values became the standard for a majority of politicians and citizens. By the time New Brunswick entered Confederation in 1867, its citizens had developed their own brand of liberal-democratic political culture. It is those first liberal reformers, four politicians and a newspaperman, to whom we now turn.<sup>40</sup>

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(Toronto: University of Toronto Press, 1993), 106-108.

<sup>40</sup> For an example of the "dual compact theory," see McNutt, *Atlantic Provinces*, 195.

## CHAPTER 3 - THE REFORMERS

In the period between 1837 and 1857, a liberal-democratic political culture emerged in New Brunswick. The men who led that transformation were New Brunswick's first liberals. They were hard working, self-made men from small provincial towns, hardly the type of men one would expect to have the time or disposition for abstract political thought. But, they lived in an increasingly complex age, a time when ideology was replacing tradition as the measure of political action and when demands on government were growing exponentially. The persuasion that they forged in the 1830s allowed them to make sense of the change occurring around them. It was drawn from sets of ideas, attitudes, and emotions circulating in the transatlantic world. Those concepts formed the basis of the "first wave" of democracy that swept the Anglo-American societies in the early nineteenth-century.<sup>1</sup> Like other transatlantic liberals, the subjects of this study molded those concepts to suit the context of their political environment and their own predispositions. The result was a distinctive variety of constitutional liberalism.<sup>2</sup>

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<sup>1</sup> Samuel P. Huntington, *The Third Wave: Democratization in the Twentieth Century* (Norman: University of Oklahoma Press, 1991); According to Huntington the first wave of democracy began with the emergence of general manhood suffrage in the United States in 1828 and continued through the nineteenth-century up to the late 1920's. He defines democracy of this type as consisting of a minimum of 50 percent male suffrage and an executive responsible to a parliamentary majority or directly to its constituents. Huntington's "first wave" coincides with Robert Kelley's period of liberal-democratic persuasion, see Robert Kelley, *The Transatlantic Persuasion: The Liberal-Democratic Mind in the Age of Gladstone*, (New Brunswick, New Jersey: Transaction Publishers, 1990[1969]), chapter 1

<sup>2</sup> It is a basic assumption of this study that although each of the British North American colonies developed in a distinctive manner, the moderate reform persuasions that developed in each

Five men led the early liberal reform movement in New Brunswick and helped to crystallize liberal political values among the province's electorate. The five, George S. Hill and James Brown of Charlotte County, Lemuel Alan Wilmot and Charles Fisher of York County and the Saint John newspaperman George Fenety were in some respects a diverse group. Hill and Brown were from the border country, an area that had intimate connections with the United States. Hill, American born, was a small town lawyer involved in his family's lumber-milling business. Brown, a Scottish immigrant, was a yeoman farmer in a backcountry parish. Wilmot and Fisher were of Loyalist ancestry and both practiced law in the provincial capital. Fenety, a transplanted Nova Scotian, ran the first penny newspaper in the port city of Saint John.<sup>3</sup>

With the exception of Fenety, who spent his life reporting on politics and agitating for political reform, each of these men was a career politician.<sup>4</sup> In religion three were dissenters, Hill and Wilmot were Methodists, and Brown was a Universalist. Fisher and Fenety were Low Church Anglicans, a group that numbered among its adherents many evangelicals. Hill, Brown and Fenety each lived in the United States for a time and the others had the Maritimer's natural familiarity with New England. Hill and Fisher possessed college degrees,

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colony were in most respects quite similar.

<sup>3</sup> There were a few other New Brunswick politicians who adhered to liberal ideals. However, the choice of these men was dictated by their relative consistency, their persistence, and the fact that they were the first to act on their ideals. Toward the end of the period under study others such as William Johnston Ritchie and Samuel Leonard Tilley would become important figures in the reform movement. They were, in some respects, more modern and consistent in their liberal ideals. But, at least in a political sense, they represented a later generation and entered politics having already experienced at least a decade of reform agitation led by the subjects of this study.

<sup>4</sup> Being a Legislator was not by itself a full time job; the sessions themselves lasted for only three months. Executive Council and Departmental positions required more extensive commitments.

Wilmot had two years of college, and both Brown and Fenety had secondary schooling combined with a strong predisposition toward self-education. Some of these characteristics probably contributed to their political views, but none would have guaranteed a liberal outlook.

As a matter of fact, in many respects the early liberals resembled their conservative colleagues. But, they also possessed a distinctiveness rooted in a shared “outsiders” perspective of the political system fostered partly by the environment and partly by their personal proclivities. This, combined with a good education, a reasonably cosmopolitan outlook and a personal attachment to certain progressive ideals led them to oppose the Loyalist oligarchy or the “family compact,” as they often referred to it. They were united in their opposition to prerogative, their belief in both moral and material progress, and their desire to redefine loyalty in the Loyalist Province.

Whig historians have often pictured the pursuit of liberty in romantic terms, but there was little that was romantic about being a colonial politician. Life was strenuous, and in early nineteenth-century New Brunswick, the rewards for public service were uncertain and often paltry. Through most of the period under study, the legislature sat for two to three months, usually beginning in January. This necessitated members putting private lives and professions on hold during the hard winter months. It was necessary for those from outlying areas to make the arduous journey to Fredericton in the bitter cold of winter and to find lodgings in a boarding house. Contact with family was maintained by post, although that service was often unreliable. Family



emergencies sometimes required a several day trip home over almost impassable roads, on the river ice, or at times by snowshoe.<sup>5</sup>

The sessions themselves could be excruciating. Settling contested elections, quibbling over the appropriation of funds, and waiting for the Executive Council to initiate legislation occupied disproportionate amounts of time. Frantic periods of lawmaking or the consideration of important constitutional issues only occasionally broke the tedium. During this era, liberals constituted a small minority in the assembly. They had little influence and little long-term prospect of gaining any. This could make political service an extremely frustrating experience. Lack of party organization probably added to the frustration, and after years of such service, even the most dedicated liberals were glad to move into government jobs, judgeships, or one of the Councils. On the plus side, politics in New Brunswick was never as acrimonious as in Nova Scotia or the other British North American colonies, and there was a certain congeniality and camaraderie that was no doubt a welcome relief from the tedium of small town and county life.<sup>6</sup>

### ***George Stillman Hill (1794-1858)***

*The rights of man, however desperate the conflict, must ultimately triumph. The interest of religion demands that political justice should be universally prevalent - it demands an essential amelioration in the civil condition of the great mass of mankind - it demands for them a participation in the business of government, as the most effectual*

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<sup>5</sup> The letters of George Stillman Hill in the Provincial Archives of New Brunswick and the Journal of James Brown in the New Brunswick Museum Archives, both, provide interesting descriptions of the hardships associated with public service in early nineteenth-century New Brunswick.

<sup>6</sup> Even a brief perusal of newspaper reports of the Legislative Sessions will bear this out. For a vivid description of the frustration involved in the legislative process given by the Lower Canadian reformer Etienne Parent. See Janet Ajzenstat, "The Constitutionalism of Etienne Parent and Joseph Howe," in Janet Ajzenstat and Peter J. Smith, *Canada's Origins: Liberal, Tory or Republican* (Ottawa: Carleton University Press, 1995), 217.

*guarantee against, and corrective of, misrule, and that all hindrances to mental culture and intelligence should be removed, as a preparatory measure to the diffusion of knowledge, the establishment of civil liberty, and the spread of the Gospel.*<sup>7</sup>

George S. Hill was the man who most clearly stated the ideals at the heart of the evolving liberal-democratic ethos in New Brunswick. At a time when ideology was just beginning to play a role in politics, George Hill was an ideologue. Throughout his political career, in his speeches, newspaper articles, and letters, he displayed the most cogent and consistent vision of the reform ideals that would eventually be characteristic of New Brunswick liberalism. As with many of the early liberals, Hill had one foot in the eighteenth-century and one in the nineteenth. Even with his progressive views on some issues, and his belief that agitation was a necessary element of politics, he was unable to envision a place for political parties or to think of politics from a partisan perspective. In spite of this, he was consistently identified with the liberals in the Legislature.<sup>8</sup>

A competent politician and long suffering opposition man, Hill, according to contemporary descriptions, was not an impressive or charismatic figure. Short and portly, he had a weak voice. In an age that greatly admired oratory,

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<sup>7</sup> George S. Hill, letter to the editor, Nov., 1833, Scrapbook, Hill Papers, MS 6/40, Provincial Archives of New Brunswick, hereafter cited as Hill Scrapbook.

<sup>8</sup> George Stillman Hill is the only one of the five men in this study who does not have an entry in the *Dictionary of Canadian Biography*. However he did leave a collection of private papers. The Hill Papers in the Provincial Archives of New Brunswick contain essays, letters, draft speeches and assorted papers mostly from the 1830's and 40's. The collection is uneven and many documents are undated but Hill's habit of expressing himself in writing has resulted in a good record of his thinking on the major political issues of the day. Biographical information can be found scattered throughout the Hill Papers as well as in Joseph Wilson Lawrence, *The Judges of New Brunswick and Their Times*, (Saint John, New Brunswick: Acadiensis Press, 1907), 462-64, and J.C. and H.B. Graves, *New Brunswick Political Biography*, PANB, although the latter source contains inaccuracies and must be used with care. George F. Fenety, *Political Notes and Observations*, Fredericton, N.B.: S.R. Miller, 1867 contains considerable information on Hill's political activities.

he was an indifferent speaker. To make matters worse, he was something of a curmudgeon, predisposed to lecturing his colleagues on the finer points of political theory. He also appears to have been stubborn and not easily satisfied, criticizing enemies and allies alike for their shortcomings.<sup>9</sup> Despite these handicaps, his fellow liberals valued his grasp of political principles, and the ideologically astute editor George Fenety was impressed with Hill's ideas. For much of his life, George Hill played the role of a public intellectual, his letters and articles appearing frequently in several newspapers. That tendency almost certainly expanded his influence and increased the impact of his ideas. Hill's importance as the fledgling opposition's ideologue explains the disappointment occasioned by his joining a government full of conservatives in 1847.<sup>10</sup>

The Hill family originally emigrated from England to Nova Scotia in the mid-eighteenth-century, and part of the family moved on to Machias, Maine just before the American Revolution. It is not clear what part, if any, the Hills played in that conflict. But, George Hill's father, Abner, moved his family and his milling business to St. Stephen on the banks of the St. Croix River in the early 1790's. There, in 1802, he built the first mill on the main river. George Hill was one of fourteen children of Abner and Polly Hill. Born in 1794, he grew up on the border, part of a large clan that would play a prominent role in the society and politics of the area well into the twentieth-century. Living on the border

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<sup>9</sup> For a contemporary description see newspaper cutting, "Glimpses at the House of Assembly of New Brunswick, in 1846," from *The Headquarters*, Hill Scrapbook.

<sup>10</sup> Of the four politicians in this study, three eventually served in coalition governments with conservative majorities.

undoubtedly influenced Hill's attitudes. People in the border communities often visited the American side and many had relatives living in the States. Hill's writings indicate that he read American papers, and was very familiar with the American political system.<sup>11</sup>

Young George attended school in St. Stephen until 1814, when he was sent to Atkinson Academy in Atkinson, New Hampshire. After 18 months, he moved on to Dartmouth College, entering as a sophomore and graduating in 1818. If his later writings are any indication, George Hill attained a good education at Dartmouth, and was exposed to the intense political currents of the young republic.<sup>12</sup> After his graduation, he returned to New Brunswick and articulated in the Law Offices of Ward Chipman in Saint John. Chipman was a member of the Loyalist oligarchy, and would later be Chief Justice of the province. In 1821, young Hill was admitted to the Bar and became the first barrister to practice law in St. Stephen. From his few remaining legal papers, it appears that much of Hill's practice involved civil matters, in particular, the lumber industry. Evidence suggests that he was a respected attorney, but it may be that politics superceded the law as a major interest. Even so, Hill maintained an active interest in the law and particularly in legal reform

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<sup>11</sup> I.C. Knowlton, *Annals of Calais, Maine and St. Stephen, New Brunswick* (St. Stephen, N.B.: Print n' Press, 1977 reprint of 1875 edition), has useful information about the Hill family in St. Stephen. The fact that he was born and educated in the United States convinced some that his opinions were "tinged with republicanism," but his writings evidence no such tendency. See for instance, newspaper cutting, commentary on selected members of the Legislature, March, 1844, James Brown Papers, MS17, PANB, hereafter cited as Brown Papers.

<sup>12</sup> *Boston Journal*, 9 April, 1879, a brief article lists the twenty-eight members of the Dartmouth Class of 1818. In addition to Hill the class members include an assortment of clergymen, professors, government officials and medical doctor and a General.

throughout his political career.<sup>13</sup>

In 1825, George Hill married Sarah Upton, the daughter of Aaron Upton, his father's business partner. Together they had eight children, the eldest, George Frederick, would carry the family political tradition into the next generation as an M.L.A. and Speaker of the House. This union was undoubtedly a fortuitous one for both families. Hill's letters to his wife are practical down-to-earth missives, revealing a solicitous husband and father, and a family immersed in local politics. In matters of faith, Hill and his father were both Methodists. They belonged to the congregation of Duncan McColl, a Scottish veteran of the American Revolution who came to St. Stephen after the war and built one of the strongest congregations in the province.<sup>14</sup>

The Methodists in St. Stephen, as in the rest of the Province, separated from the Church of England in the early 1790's. They retained, however, a close relationship with the Anglican Church, particularly with those of the Low Church persuasion.<sup>15</sup> The religious life of the St. Stephen Calais border area was intense, but fractious and unstable. There was a good deal of coming and going of Ministers, churches and denominations and considerable competition.<sup>16</sup> Despite his apparently staunch Methodism, Hill showed some

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<sup>13</sup> Hill Papers, 3/26 have several draft essays and letters dealing with law reform. The Hill Scrapbook also contains several newspaper cuttings on the same topic. Hill's interest in law reform was not so much with the legal code itself, but with the inefficient administration of the system and the resulting expense and inconvenience for ordinary people.

<sup>14</sup> T.W. Acheson, "Duncan McColl," *Dictionary of Canadian Biography* (Toronto: University of Toronto Press, 1987) 6:439-442, hereafter cited as *DCB*.

<sup>15</sup> T.W. Acheson, "Methodism and the Problem of Methodist Identity in Nineteenth Century New Brunswick," in Charles H. Scobie and John Webster Grant, *The Contribution of Methodism to Atlantic Canada*, (Montreal and Kingston: McGill-Queens University Press, 1992);

<sup>16</sup> Knowlton, *Annals*, discusses the major denominations and churches in the St. Stephen-Calais Maine area.

evidence of heterodoxy in his writings. At one point he extols the virtues of Swedenborg, the Swedish mystic who influenced American Transcendentalism, although this probably says more about his intellect than his faith. Above all, his writings give clear indication that religion and politics were inextricably connected in his thinking.

George Hill was first won election to the New Brunswick House of assembly in 1830. Thereafter, he was successful in the General Elections of 1834, 1837 and 1842, sitting as a member until 1846. In the fall of 1846, he was defeated and resigned from politics only to be asked to join the Executive Council, or cabinet. In February of the following year, he did so as a member without portfolio. It is not entirely clear why Hill was brought into the government at this time, as he had been a consistent member of the liberal minority throughout his political career. Perhaps it was his reputation for common sense and non-partisanship, or he may have been a token liberal. Lieutenant Governors Colebrooke and Head both favored the idea of coalition government. It is possible that Hill's appointment was meant to mollify the ever more influential and vocal opposition.<sup>17</sup>

Whatever the reason, Hill was roundly criticized by his fellow liberals for going into the government alone. He was joined in the following year by two more liberals, Fisher and Wilmot, and they also came under intense criticism. The liberal press considered their actions a betrayal. Hill's personal motivation for accepting the appointment also remains unclear. However, it seems

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<sup>17</sup> Philip A. Buckner, *The Transition to Responsible Government: British Policy in British North America 1815-1850* (Westport, Connecticut: Greenwood Press, 1985), 306-07; Fenety, *Political*

probable that his actions resulted from a desire to help implement Responsible Government perhaps combined with a high level of frustration resulting from too many years in the Assembly. Whatever his motivation, Hill served in the coalition government until the liberal victory of 1855 and also served on the Legislative Council from 1849 until his death in 1858.<sup>18</sup>

Hill's writings indicate a preoccupation with political theory and constitutional issues. He is the only one of the early liberals whose intellectual heritage can be traced with any degree of certainty. Like his colleagues, he admired the great British reformers of the period, men like Sir Robert Peel and Lord John Russell.<sup>19</sup> He also admired other British North American Reformers such as Joseph Howe and Egerton Ryerson and like them was a reader of the whiggish *Edinburgh Review*, as well as a variety of British and American papers. Hill's references and citations indicate that he had read a broad range of works on politics, and he refers to such contemporary works as Alison's ten volume work on the French Revolution and Francis Wayland's *Political Economy*. As for political theorists, the occasional paraphrase indicates a familiarity with Locke, but it was Montesquieu, Burke and Blackstone who were his mainstays. Hill, like Tocqueville and Durham, greatly admired these thinkers for their moderation and their passion for justice.

George Hill, understood more clearly than most the nature of the

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Notes, 276.

<sup>18</sup>There is nothing in the Hill Papers to indicate Hill's thinking on this matter, although the Scrapbook of Newspaper clippings does contain arguments made by others in his defense.

<sup>19</sup> The irony here is that the New Brunswick reformers represented a more modern view of politics than their British heroes. For Peel and Russell, reform was a matter of removing the most egregious social evils. Hill and his colleagues on the other hand based their reform ideals on a comprehensive vision of the good society.

Responsible Government model laid out by Lord Durham in 1837. The central problem of colonial government, as he saw it, was control by privileged elites at the expense of the public interest. It was his feeling, that a cabinet system based on the concept of a mixed and balanced government would provide the needed protection against all types of absolutism. Fully aware that Responsible Government meant self-government, Hill argued repeatedly that granting the full benefits of the British Constitution to colonists, in effect making them equals, would strengthen rather than weaken the bond of Empire.<sup>20</sup>

Apart from the reluctance of the "compact" to relinquish power, the major obstacle to achieving Responsible Government was, according to Hill, the ignorance and apathy of the public. The solution for this was to improve the education system, increase the flow of information to the public through improvements in transportation and communication, and finally to expand government at the municipal and county levels in order to provide training in government for citizens.<sup>21</sup> Other issues that concerned him during his long political career included fiscal responsibility, reform of the legal system, and the reduction of excessive salaries for government officers. On these issues, as on others, Hill's concern was for fairness and equity exercised in the public interest.

In addition to purely political matters, Hill had the nineteenth-century liberal's faith in material and moral progress. He was convinced that such

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<sup>20</sup> Hill wrote often in defense of Responsible Government and maintained that it would strengthen the Empire, see for instance draft resolution, nd., Hill Papers, MS 3/10.

<sup>21</sup> For an example of this type of argument see Draft Letter, Nov. 1840, Hill Papers, MS 3/26, PANB.



progress could only come with free trade. Hill often objected to the excessive influence of Saint John mercantile interests and the manner in which they benefited from the largesse of government. But, he was more an anti-protectionist than a free trader. He bridled at the injustice of the tariff system, by which the many subsidized the few.<sup>22</sup> Hill also believed that strong drink was undermining the stability of society and impeding social progress. Motivated by his strong middle class and evangelical sensibilities, he championed the issues of temperance and prohibition. So pressing was the problem of intemperance in his mind, that he was willing to set aside dearly held tenets of limited government to allow regulation of public morality by the state. In this, if little else, he resembled his Charlotte county colleague James Brown.<sup>23</sup>

### **James Brown (1790-1870)**

*Started to Granmanan. Weather foggy and nearly calm. Came to the island at last, and landed near Dark Harbor. Traveled a long distance on a rocky beach near the cliffs to a point where I was informed there were inhabitants. Got up to the highlands and found but two empty houses. It was now dark and the rain pouring down in torrents, so I slung my valise over my shoulder with my plaid, and pushed off into the bushes, hoping to find an inhabited house.*<sup>24</sup>

So writes James Brown in his journal, of an 1856 trip to rugged Grand Manan Island in the Bay of Fundy. He continues, describing a long walk in the rain, during which he became lost and finally stumbled on a house, where he

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<sup>22</sup> Draft Essay or Speech, April 4, 1843, Hill Papers, MS 3/26, PANB.

<sup>23</sup> There are several draft essays or speeches on temperance/prohibition in Hill Papers, MS 3/26, PANB

<sup>24</sup> Diaries, 1855-69, James Brown Papers, MS2. Unless otherwise noted all references are to the microfilm edition at PANB.

was allowed to sleep on the floor by the fire. Nothing could be more characteristic of Brown. At the time he was 66 years old and had been serving the New Brunswick Legislature for 26 years. He was a member of the Executive Council and was Surveyor General of New Brunswick, and yet felt it necessary to be present for local election polling.<sup>25</sup>

The contemporary press labeled Brown, the Demosthenes of the House. While not eloquent, he apparently had a strong voice that retained some of his native Scottish burr, and his common sense speeches commanded the attention of all. This was no mean feat in the rowdy atmosphere of the Assembly.<sup>26</sup> The frequency with which he was chosen to serve on important commissions and committees, and given important government jobs is another indicator of the high respect in which he was held. His practical skills and strong work ethic made him an indispensable man. He occasionally fulminated against the Colonial Office for interfering in New Brunswick affairs, but unlike the other liberals, he was generally optimistic and seemed to begrudge time spent on constitutional issues. During the eighteenth-century, the Scots had developed certain habits of mind that allowed them to live with their marginal political status. This may explain Brown's ability to maintain his equilibrium in the face of problems issuing from New Brunswick's dependency and powerlessness. He was much more inclined to get to work and make

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<sup>25</sup> In Addition to the James Brown Papers at PANB, see Michael Swift, "James Brown," *DCB*, 9:86-88; J.C. and H.B. Graves, *New Brunswick Political Biography*, PANB; W.S. MacNutt, *New Brunswick: A History: 1784-1867* (Toronto: MacMillan, 1963); D.F. Maxwell, "Hon. James Brown," *Acadiensis* (Saint John, N.B.) III (1903), 184-91; L.M.B. Maxwell, "James Brown," *Maritime Advocate and Busy East* (Sackville, N.B.) 41 (1950-51), no. 4, 9-13. Fenety, *Political Notes*, also contains information on Brown's political activities.

<sup>26</sup> Newspaper commentary on James Brown and other members of the Legislature, March,

improvements, however small, than to debate issues in the Assembly.

James Brown was born near Dundee Scotland in 1790, and in many respects he seems the quintessential Scottish lowlander, hard working, practical, and full of optimism. After receiving his education in Scotland, probably the best available in the world at the time, he emigrated to North America. In 1810, he arrived in St. Andrews, New Brunswick aboard the Brig *Hector* and he promptly jumped ship. Saving the money he earned from farming and lumbering jobs, he eventually was able to buy a small farm, at Tower Hill in St. David's Parish, Charlotte County. There, surrounded by fellow Scots, he would live for the remainder of his life. In 1817, Brown married Sarah Sherman, and together they had ten children, seven of whom lived. Sarah died in 1839, and in 1842, Brown married a young widow and countrywoman, Catherine Cameron. Together they had eight children, of whom four sons and three daughters survived. His letters to his family reveal a loving and concerned husband and father, reminding a son of the need to plant crops, and sorrowing at the death of a child.<sup>27</sup> He appears to have been a congenial companion who played the bagpipes and enjoyed the fellowship of friends. Brown was especially proud of being a distant cousin of Robert Burns, and he wrote and recited poetry himself.<sup>28</sup>

The typical pattern of Brown's years in politics was for him to work his farm in the spring and summer, and do his government work the rest of the year. For a number of years he taught school in addition to his farming and

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1844, Brown Papers, MS 17.

<sup>27</sup> See family letters included in James Brown Papers, MS 3.

lumbering. That experience would prove extremely valuable in the 1840's, when he became involved in the reform of the provincial school system. Brown valued his time as a legislator, and at one point refused a seat on the Legislative Council so that he would not have to leave the Assembly. The various government jobs he held during his career gave him much needed income to care for his large family. But, he disliked being away from home for such long periods. Brown was a hard worker, and for much of his career he bore large responsibilities. There is some evidence that those responsibilities weighed heavily on him.<sup>29</sup>

In religion, James Brown was a Universalist. There is no evidence to indicate why he gave up the Presbyterian Church of his youth for the small New England sect, but one suspects that the theology and polity better suited his populist leanings. In the United States, Universalism has long been associated with Unitarianism. However, the Universalists of Maine and New Brunswick had little in common with the highly intellectual and cosmopolitan New England Unitarians. This was a more anti-authoritarian creed, popular among the working folk of small New England and Maritime towns, and on the Western frontier. Reaching its peak in the period from 1820-1850, Universalism incorporated an individualistic and common sense approach to the interpretation of scriptures. The doctrine included a belief in the Holy

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<sup>28</sup> D.F. Maxwell, "The Hon. James Brown," 184.

<sup>29</sup> Journal, Jan., 1856, Brown Papers, MS 2/6, Brown noted that he had written to his friend S.L. Tilley, asking for some medicine to quell the "night terrors." Tilley was a Saint John druggist who entered politics in 1850 and eventually became the leader of the Liberal Party and a Father of Confederation. Brown resigned with the rest of the cabinet in 1856 as a result of the prohibition issue. He did not contest the next election, probably due to his health problems.

Scriptures, acceptance of either trinitarian or unitarian views of the Godhead, and most distinctively the belief that all mankind would be saved by a loving God. Beyond those basic elements the Universalists were theologically diverse. They rejected the enthusiastic religion of evangelicals but joined them in support of moral reform.<sup>30</sup>

Brown's choice of church speaks volumes about his practical approach to life, his commitment, and his individualism. Those of other denominations did not hold Universalists in high regard, and Brown occasionally reflected on the prejudice directed toward him on account of his faith.<sup>31</sup> However, he was not deterred, and he wrote and lectured enthusiastically on the topic, whenever he got the chance. This is evident from the request of one constituent, who on asking Brown to give a lecture, felt led to stipulate that the topic must not be Universalism. Since there were no Universalist churches in Fredericton, when the Legislature was in session Brown attended Presbyterian, Methodist and Baptist services. His comments on the preaching and on various points of biblical interpretation indicate a man of serious faith and biblical knowledge. Despite the fact that his chosen faith was not held in high regard, even by other dissenters, Brown's credibility was never seriously questioned, and even the Presbyterians continued to solicit his help with legislative matters.

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<sup>30</sup> On the Universalists in the St. Stephen/Calais area see Knowlton, *Annals*; For a more detailed study of Universalism in New Brunswick see George E. Carter, "Religious Liberalism in the Wild: Universalism-Unitarianism in New Brunswick, 1820-1865," unpublished paper, 1976, Institute for Minority Studies, University of Wisconsin, LaCrosse, Wisconsin. Paul K. Conkin, *American Originals, Homemade Varieties of Christianity*, (Chapel Hill: University of North Carolina Press, 1997), Chapter 2, "Humanistic Christianity," gives a good description of the development of Universalism.

<sup>31</sup> *Headquarters*, 12 March, 1845, speaking in the Assembly on the matter of the Church Establishment, Brown remarked that "Some honorable members seemed to think that he hardly

James Brown's political career spanned thirty-four years, beginning in 1827 with his first defeat at the polls, and ending with a final loss in 1865. He first won election to the House of Assembly in 1830, and entered as a freshman with his Charlotte County colleague George Hill. He was reelected in 1834, 1837, 1842, 1846 and 1854. From 1838 to 1842, Brown was the Supervisor of the Great Road from Fredericton to St. Andrews. His diary entries during that period show a capable and knowledgeable public servant, with an evident concern for the public interest and the public treasury. From 1844 to 1845, Brown was a member of a commission to report on the condition of the public school system, and in that capacity he traveled throughout the province, examining the various types of schools. His detailed accounts of those schools provide an excellent picture of the early education system and also reveal a man with a solid understanding of teaching techniques and educational practice.<sup>32</sup>

In 1849, Brown was part of the Johnson Commission that reported on the nature and status of the colony's agriculture. In 1854, he was appointed to a committee to investigate the state of Kings College, the provincial university. Egerton Ryerson, an influential educational reformer from Canada West, was a part of that committee. It is obvious from Brown's notes and from his later writings on education, that he was much taken with Ryerson's educational philosophy. Using Brown University in Rhode Island as a model, this commission produced recommendations that formed the basis of the 1859 Act

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*belonged to any church at all."*

<sup>32</sup> Diaries, 1844, Brown Papers, MS2.

creating the University of New Brunswick. The fact that Brown was given so much responsibility, even though during much of his career he was identified with the liberal opposition, is testimony both to his abilities and to the confused nature of provincial politics.

From 1854 to 1856 and 1857 to 1861, James Brown served on the Executive Council as Surveyor General and as a member of the Board of Works. These positions required extensive travel, and it is difficult to imagine anyone who knew the province or its roads better than James Brown. After his electoral defeat in 1861, Brown was sent to the British Isles as provincial Immigration Agent, and spent a year travelling and lecturing in Britain. During this time he was one of the New Brunswick Commissioners to the 1862 International Exhibition in London and dined with Queen Victoria. His two unsuccessful election campaigns in 1864 and 1865 were at the request of his neighbors who wanted him to oppose New Brunswick's entry into Confederation.

Brown's writing was very pragmatic and with few exceptions unreflective. He gives no evidence of being influenced by any political theorist. Instead, his political ideals were rooted in his Scottish heritage, his personal experience, and lessons learned from his contemporaries. Like other liberals he admired the great British reformers. Brown kept well informed of the activities of reformers in other colonies the States, and particularly respected Egerton Ryerson of Upper Canada and Joseph Howe of Nova Scotia.<sup>33</sup> He read the

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<sup>33</sup> Ibid, 11 October, 1844; Brown Papers, MS 7/6 contains a description of a debate in Amherst, Nova Scotia that Brown attended. One of the debaters was Joseph Howe and Brown appears to

*Edinburgh Review* and occasionally quoted from it in debate. Although he was a largely self-educated man, there is evidence that he was a methodical researcher when it came to important issues.<sup>34</sup>

For James Brown, the fundamental problem of colonial government was how to insure popular participation and control, while at the same time guaranteeing material progress. He occasionally regretted the apathy of his fellow citizens, but did not seem to share the pessimistic view of the public held by most of his fellow liberals. On the major constitutional issues of the period he was ambivalent. He favored Responsible Government, but readily admitted to being confused as to its exact nature.<sup>35</sup> Very reluctant to transfer the power of initiating money grants from the Assembly to the Executive, Brown viewed the “power of the purse” as the citizens’ prerogative, to be exercised by their representatives. In line with his basic populism, he was most interested in expanding the franchise and modernizing and rationalizing the electoral system. As with many of the early liberals, Brown was a life-long temperance man. He regretted the doleful impact of drinking on the welfare of the poorer classes.

For obvious reasons, Brown was passionate about dissenters’ rights, and despite not being a Presbyterian, felt that the Kirk should be coequal with the Church of England. He disliked the trappings of authority, and favored cutting government salaries in half, despite the fact that this would have

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have been very much impressed by the man and the message.

<sup>34</sup> Brown Papers, MS 7/8 and *Headquarters*, 23 Feb., 1850, for Brown’s research on the history of the Orange Order.

<sup>35</sup> Philip Buckner, *Responsible Government*, 4-5, points out that although we have come to view Responsible Government as a set of concrete and static conventions, the principle’s themselves were not altogether clear in the period under study. There was even more uncertainty regarding how they might be applied in the colonies.



inevitably reduced his own income. Along with his fellow liberals, he was strongly concerned with establishing fiscal responsibility and efficiency in the government. On matters of trade he was a pragmatist. Brown felt that reform and modernization of the educational system was essential for improving the lot of the common man, and providing an informed and involved citizenry. Of nearly equal importance was the building of economic infrastructure, at first roads and later railroads. It was characteristic of him to be concerned that New Brunswick not only develop these systems, but also get the most for its money. Finally, the former immigrant felt that the success of his province required substantial immigration from the old country, and he believed that the system of providing land for immigrants was urgently in need of reform.

Throughout his life he retained a great fondness for his adopted homeland. He was a New Brunswick booster, and he cherished a vision of an independent New Brunswick, operating within the British Empire. In his later years he toured the British Isles to publicize New Brunswick and encourage immigration. Having had direct experience of both the British Isles and the United States, he saw nothing in those places that compared to New Brunswick. His life long faith in the potential of his adopted province eventually led him to oppose Confederation. He believed that the proposed union would not benefit his fellow citizens, and he was not convinced of New Brunswick's need for such an arrangement.

Of the subjects of this study, James Brown seems in some respects the odd man out. He was the oldest of the five, and the only one not born in North

America. He was a very pragmatic man, and there is little in his papers that is overtly ideological. His political ideals often seem relatively old-fashioned. While he was generally considered a liberal, scholars have had trouble categorizing him, at times labeling him a conservative or an independent. Brown seemed to lack the heightened sense of injustice common to the other liberals, which particularly sets him apart from his York County colleague, Lemuel Alan Wilmot.

### ***Lemuel Alan Wilmot (1809-1878)***

When William Wilmot, part owner of a small lumbering firm, was elected to the New Brunswick Assembly in 1816, his fellow assemblymen apparently objected to the fact that he was a Baptist lay preacher. By the time he was reelected in 1824, a law had been passed prohibiting ministers of the gospel from holding seats in the house. In spite of the fact that Wilmot was not an ordained minister, he was denied a seat and escorted from the House. On that occasion he reportedly said; “*Sir the time will come when that lad (pointing to his son Lemuel) will see that justice is done in my memory, by vindicating on the floors of this house the rights that belong to all classes in this province, and when all churches shall be placed on one footing.*” That remark captures the sense of indignation that fueled Lemuel Alan Wilmot’s reform vision.<sup>36</sup> More importantly, the story and its retelling reflect a central theme at the heart of the liberal-democratic

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<sup>36</sup> Such stories seem to have appealed to the liberal sense of injustice. M. Brook Taylor, *Promoters, Patriots and Partisans: Historiography in Nineteenth-Century English Canada* (Toronto: University of Toronto Press, 1989), 184, recounts a similar story about Beamish Murdoch, an important Nova Scotia reform figure whose father was imprisoned for debt.

persuasion, that of privilege abused and entitlement denied.<sup>37</sup>

Lemuel Alan Wilmot was born in Sunbury County, New Brunswick in 1809. Family members were largely rank-and-file Loyalists, but Lemuel's mother, Hannah, was the daughter of Daniel Bliss, a member of the original Loyalist elite that governed New Brunswick in its early years. Hannah Wilmot died when her son was still a young child, and William moved his family to Fredericton, where he became a Baptist lay preacher and tried to enter politics. Young Lemuel attended the Fredericton Grammar School, and then Kings College. He was not an outstanding student, but was a good athlete and a charismatic and popular young man.

In 1825, Wilmot went to work for a local law firm, becoming an attorney in 1830. Two years later he was admitted to the Bar. Wilmot was quite successful at his chosen profession. Not known for his vast knowledge of the law or his brilliant legal reasoning, he was an outstanding orator. He was an impressive looking man with a strong voice and an entertainer's ability to work a crowd that enabled him to sway local juries. Wilmot continued to practice law after he entered politics, and was appointed Queen's Counsel in 1838.

In 1832, Wilmot married a Saint John girl, Jane Ballock, who fell sick and died the following year. During the grieving period, he began to attend the

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<sup>37</sup> Elements of the story appear in George E. Fenety, *The Life and Times of the Honorable Joseph Howe*, (Saint John, N.B.: Progress Office, 1896), 344 and Lawrence, *Judges*, 426-29. There is no collection of Wilmot's papers and the few that remain are scattered about in many places. Biographical sources include C.M. Wallace, "Lemuel Allan Wilmot," *DCB*, 10: 709-14; Joanne E. Veer, "The Public Life of L.A. Wilmot," (M.A. Thesis, University of New Brunswick, 1971); Lawrence, *Judges*; MacNutt, *New Brunswick*; and Fenety, *Political Notes*; John Lathern, *The Honorable Judge Wilmot: A Biographical Sketch* (Toronto: Methodist Book and Publishing House, 1881), despite its hagiographic nature, does contain some useful information.

Methodist Chapel in Fredericton, an association that would last for the rest of his life. In 1834, he married Elizabeth Black, the granddaughter of William Black, a central figure in the development of Maritime Methodism. That liaison strengthened his connection with the church, and there is little question that his faith was of central importance in his life. He remained deeply involved in the Fredericton Methodist Church and helped to build a new modern church when the old chapel burned in 1850. Among his other activities, Wilmot was a long-time member of the colonial militia and was called out with his cavalry regiment when war threatened during the 1838-39 Aroostook border crisis. He continued to be active in militia affairs well into the 1860's when he was promoted to Lieutenant Colonel. He was also an active public speaker, commanding large crowds and speaking on a great variety of topics.

Wilmot was first elected to the House of Assembly in 1834, and proved to be a capable politician and a first rate stump speaker. He wrote very little, and as a result, there is little left to indicate the nature of his ideological influences, except for references in his speeches. We know that he had a substantial library at Evelyn Grove, his home in Fredericton, and was purported to be a great reader.<sup>38</sup> It is clear from his speeches that he was well informed and very much aware of developments in the other colonies as well as in Britain and the United States. He traveled both in the States and Britain and seems to have impressed those with whom he came in contact. From his rhetoric, and his consistent support for certain reform ideals, it seems likely that the major influences on his thought were similar to those that guided the other New

Brunswick reformers.

Unlike his liberal colleagues, who all lost elections during their careers, Wilmot never suffered defeat at the polls. He served in the house until his appointment to the bench in 1851. The most active period of Wilmot's career in the House was from 1836 to 1843. During that period he served as a principal agitator against the ruling oligarchy and was the preeminent spokesman for the tiny liberal minority. His colleagues and the liberal press looked to him for leadership, but he did not seem to have the capacity or the desire for that role. Typical of politicians of his day, he lacked any clear sense of how parties might contribute to the political process.

In 1843, Wilmot accepted an offer to join the Executive Council, but resigned the following year in response to Lieutenant Governor Colebrooke's appointment of his own son-in-law, Alfred Reade, to the important post of Provincial Secretary. In his letter of resignation Wilmot cited the fact that Reade was not a New Brunswick native and argued for the British practice of drawing Cabinet appointments from members of the Legislature.<sup>39</sup> Another opportunity to join the government came in 1846, but Colebrooke refused to accommodate Wilmot's demand that he appoint four other liberals to the council. Returning to the House, Wilmot occupied himself with his favorite reform issues. Finally in 1848, under a new governor, Edmund Head, Wilmot was again invited to join the government. He accepted, and along with his fellow York County liberal, Charles Fisher, he became part of a liberal minority

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<sup>38</sup> Lathern, *Judge Wilmot*, 88.

<sup>39</sup> Fenety, *Political Notes*, 112-18 details the Reade affair and Wilmot's part in it.

on the Council. The third member of that minority was George Hill, who had been appointed to the council in 1846 as a minister without portfolio. Head offered Wilmot the important position of Provincial Secretary, but he held out for Attorney General, probably because it provided a more reliable route to the bench.

Wilmot was not a spectacular Attorney General. In some ways the position played to his weakest qualities. Never a brilliant legal mind, he contributed little in the way of law reform. Although there was plenty to be done on that count as indicated by George Hill's frequent writings on the subject, it would remain for others to modernize the legal system. Still a member of the House, Wilmot was often put in the awkward position of having to defend the policies of the government against fellow liberals. This situation was exacerbated by the fact that some of the younger liberals coming into the house at this time were more aggressive and had begun to develop a sense of party. The awkwardness of defending government policies in the House may have increased Wilmot's tendency to equivocate on important issues.

Finally in 1851, the resignation of the Chief Justice opened the way for an appointment to the bench. While Wilmot hoped for an appointment as Chief Justice, he had to content himself with an inferior judgeship.<sup>40</sup> He was the first dissenter appointed to the New Brunswick bench, and he served there until 1868. He appears to have been a competent, if not brilliant, judge and he remained active in community affairs during his time on the bench. In 1868, after enthusiastically supporting Confederation, he became the first native of

the province to be appointed Lieutenant Governor. Wilmot was an effective and well-respected Lieutenant Governor, who continued to support important issues such as educational reform.

For Wilmot, the overriding concern of colonial politics was the injustice of a government based on prerogative. Each of the reform policies he supported during his career was aimed at doing away with the essential injustice of the old regime. While Hill and Fisher were certainly more interested in constitutional issues, and possessed a greater understanding of such intricacies, at the end of the day it was Wilmot who repeatedly focused the attention of provincial politicians and the public on Responsible Government. The liberal editor George Fenety, who was often sternly critical of Wilmot's failings, in later years described him as the "champion of Responsible Government."<sup>41</sup> Wilmot consistently argued that the initiation of money grants must be given to the Executive Council, and that the government should be composed of department heads, answerable to the Assembly. In this regard, he was following the liberal constitutionalist schema initially laid out in the Durham Report. Wilmot also assumed that Responsible Government was self-government.<sup>42</sup> He was also concerned with several issues hinging on the question of dissenters' rights. These included the issue of fair representation on the Executive and Legislative Councils, equitable distribution of patronage, the right to perform marriage ceremonies and support for sectarian schools.

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<sup>40</sup> Judges of inferior rank were called puisne judges after the British practice.

<sup>41</sup> Fenety, *Honorable Joseph Howe*, 341.

<sup>42</sup> See Fenety, *Political Notes*, 251-254 for description of a speech by Wilmot in which he connects Responsible Government with self-government.

Wilmot was instrumental in gaining control of the casual and territorial revenues in 1836, but seemed less concerned with the generally ramshackle state of the provinces fiscal machinery than some of his colleagues. In general, he did not possess a sophisticated understanding of fiscal matters. He was however, concerned with the excessive salaries of both government officials and judges. Eventually Wilmot's salary as a judge was reduced from £750 to £600, partly as a result of his own agitation.

Wilmot's understanding of commercial policy was no more sophisticated than his understanding of fiscal affairs. For most of his career he espoused a moderate protectionist position that was more indicative of the political and economic environment than any ideological leanings. Colonial attitudes toward trade were influenced by changes in British trade policy, fluctuating attitudes toward the United States, and sectional interests within the province. Like many others, Wilmot seems to have believed that New Brunswick's dependent status dictated some protective tariffs. On issues related to economic progress and particularly the question of railroads, Wilmot was in accord with his fellow liberals.

The achievement of a non-sectarian school system was as important to Wilmot as any of the issues he supported. For liberals, access to education was a critically important element in the pursuit of equality, and for the general progress of society. In addition, education was of fundamental importance to evangelicals. In Wilmot's speeches, he clearly favored a secular American style, public education system, open to all. The pursuit of a just and equitable



educational system, in Wilmot's mind, also required changes in higher education. He objected strenuously to Anglican control of Kings College as the college was supported by large infusions of public money. He was instrumental in the creation of a secular university in 1859.

The difficulty of understanding Wilmot's place in New Brunswick's history is partially related to the way in which his story has been told. After his death local historians memorialized and canonized him, creating what New Brunswick needed: a great man, a Joseph Howe. Recent scholarship has been overly critical. Wilmot left little in the way of written work, and the most convenient and voluminous sources, those of the British government, have painted an unflattering picture of him as an inconsistent and ambitious self-promoter, who used his oratorical skills to further his own political goals and skewer his enemies. Ironically, fellow liberals, disappointed by what they viewed as his lack of party loyalty and disillusioned by his failures as a leader, occasionally reinforced this picture.

The truth of the matter is more complex. Wilmot, like almost all politicians, promoted himself, his family, and his constituents. Despite the occasional obligatory reference to the eighteenth-century virtue of disinterestedness, these politicians knew well that the system was predicated on the pursuit of self-interest. Charged with abandoning the liberals in 1843, Wilmot did only what each of his colleagues did at one time or another, and to his credit, he gave up an executive appointment when he refused to enter the government without four of his liberal colleagues. The fact is that outside of the

mind of George Fenety and the liberal press there was no Liberal Party to abandon. It is likely that for each of these men, the chance to enter the executive government seemed the only way to insert liberal principles into the political process.<sup>43</sup> In addition to disloyalty, both his contemporaries and modern scholars have accused Wilmot of inconsistency. A modern biographer has noted that he displayed a tendency to back down and change his mind.<sup>44</sup>

However, an examination of Wilmot's career shows that in the long term, he consistently pursued reform in areas that were critical to liberals. He was a small town lawyer who also happened to be a spectacular orator. Despite the need of others to make him into a great man, he sought no such distinction for himself. He in fact often pursued policies that were not in his own self-interest. Indeed, being part of the small liberal opposition in its early years could hardly be viewed as a wise career move. Wilmot sought salary reductions, knowing that if he was successful his own salary would be reduced. He defended Catholic victims of Orange persecution in opposition to prevailing public opinion. In the final analysis, he served the colony and his community faithfully and with distinction throughout his life. Most of all, in the critical years when liberal ideas were new in the colony, he, more than any other man, articulated those ideas for the public, and through his political agitation focused attention on needed reforms.

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<sup>43</sup> The liberal press assessment of Wilmot's actions is given ample coverage in Fenety, *Political Notes*. Fenety does not note that in 1840, his friend Joseph Howe was not only a member of a similar coalition government but was at the same time Speaker of the Nova Scotia Assembly. See Brian Cuthbertson, *Johnny Bluenose at The Polls* (Halifax, Nova Scotia: Formac Publishing, 1994), 70-75; MacNutt, *New Brunswick*, provides a rather negative view of Wilmot reflecting his heavy reliance on Colonial Office sources.

<sup>44</sup> Veer, "Public Life," 68.

### **Charles Fisher (1808-1880)**

*He could tell them what a liberal was in his opinion. A true liberal believed that there existed in the proper constitution of the country a remedy for every evil; this was the grand principle of Colonial Responsible Government. The Liberals were those who had contended that Responsible Government was suited to these colonies ever since its introduction into Canada. The Conservatives were those who had always opposed it as being unsuited. The Liberals felt these things; he well recollected the Election of '41, when he and his colleague (Mr. Wilmot) were told by the old Loyalists of the country, that they were Rebels.<sup>45</sup>*

The first Liberal Party government in New Brunswick took office in 1854, following a vote of no confidence in the Legislative Assembly. The leader of that ministry was Charles Fisher. In many respects, Fisher was the pivotal man of the early New Brunswick reform movement. Despite the fact that the more charismatic Wilmot was often viewed as the leading liberal, Fisher was actually the founder of the New Brunswick Liberal Party.<sup>46</sup> Fisher's life has received relatively little attention compared to Wilmot, perhaps because his contemporaries found him to be somewhat of an enigma. His long career stretched from 1837, well into the post Confederation period, and included service as one of New Brunswick's first representatives to the new Canadian Parliament.<sup>47</sup>

Charles Fisher's roots were similar to Wilmot's. Both came from respectable but non-elite Loyalist families. Peter Fisher, Charles' father, was a

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<sup>45</sup> From a speech by Charles Fisher during the 1847 Legislative session, Fenety, *Political Notes*, 238.

<sup>46</sup> This is somewhat ironic since for much of his career Fisher did not believe that parties were necessary in New Brunswick.

<sup>47</sup> There is no Charles Fisher manuscript collection and, as with Wilmot, what remains is scattered. For bibliographical information see C. M. Wallace, "Charles Fisher," *DCB*, 10: 284-90 and Lawrence, *Judges*. On Fisher's political career see Eric Dewitt Ross, "The Government of Charles Fisher of New Brunswick, 1854-61," (M.A. Thesis, University of New Brunswick, 1954); Fenety, *Political Notes* and MacNutt, *New Brunswick*, contain a good deal of information on

small business man and lumber operator who harbored the same leveling anti-establishment sentiments as L.A. Wilmot's father. With the publication of *Sketches of New Brunswick* in 1825, Peter Fisher became New Brunswick's first historian.<sup>48</sup> Charles, his eldest son, was born in 1808 and as a child attended the Fredericton Collegiate or Grammar school. He was eventually admitted to Kings College from where he was graduated in 1830 with a B.A. degree.

After studying law with the province's Attorney General, George Frederick Street, he studied at the Inns of Court in London. On returning from England in 1833, he became a Barrister in Fredericton. In 1836 Fisher married Amelia Hatfield, and together they had four sons and four daughters. In religion, the Fishers were Low Church Anglicans, although there is nothing to suggest that Fisher was an intensely religious man. In spite of belonging to the established church, he was a strong supporter of dissenters' rights.

Charles Fisher first sought election to the House of Assembly from the county of York in 1834. He lost that election, but was successful in 1837, coming to the house just as the colony was gaining control of the Casual and Territorial Revenues. Fredericton was the seat of Government, home of the colonial university, and also a British garrison town. But, in most respects, it was still a small provincial town with a political environment that placed a premium on a man's abilities as a stump speaker. Fisher successfully merged that world with the world of constitutional issues. Never quite as popular as

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Fisher's political career.

<sup>48</sup> Peter Fisher, *A History of New Brunswick* (Saint John, N.B.: New Brunswick Historical

Wilmot, he tended to run lower in the polls and lost elections in 1850 and 1851. However, he was by all measures a capable politician. According to contemporary accounts he was a powerful speaker, although his long speeches on constitutional matters held little interest for many of the members. Fisher successfully contested elections in 1842, 1846, 1854, 1856, 1857, 1861, and 1865 and remained active in electoral politics until 1868.

In 1848, Fisher and Wilmot joined George Hill on the Executive Council. Like the others, he received considerable criticism from liberals, and particularly the liberal press, for accepting the appointments. The move was considered a betrayal of the reform party. Fisher rejected this criticism, as he rejected the whole notion of parties. He believed that at best they were a necessary evil, as in Nova Scotia, but was convinced that they were not necessary in New Brunswick. Fisher did not play an important role on the Executive Council, and lost his seat in the election of 1850. At that point, according to procedure, he should have resigned from the Executive Council. However, he remained until the beginning of 1851. When he finally resigned, it was ostensibly due to the manner in which Governor Head had filled the Supreme Court vacancies. His contention that Head's action was a betrayal of Responsible Government was disingenuous. Astute observers clearly understood that, while lip service had been paid to Responsible Government, in reality it had not yet been implemented in New Brunswick.<sup>49</sup>

During the period from 1851 to 1854, while out of Assembly, Fisher

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Society, 1921, originally published in 1825 as *Sketches of New Brunswick*).

<sup>49</sup> Fenety, *Political Notes*, 362-63.

served on a committee that accomplished a new codification of the New Brunswick statutes and produced a report on the administration of the courts. This was an important issue for liberals, due to its impact on distribution of justice to the public. Fisher was reelected to the Assembly in 1854, at the beginning of a critical era in New Brunswick Government. When he was first elected to the Assembly, in 1837, the liberal minority had been very small, and the dissemination of liberal reform ideals had only just begun. By 1854, the voters had elected a substantial number of new members with liberal sympathies, a reflection of the increasing popularity of liberal ideals among the voting public.

In October 1854, the new Lieutenant Governor, John H.T. Manners-Sutton, called the Legislature into special session to consider the question of trade reciprocity. Fisher found himself with a majority in the chamber, and quickly called for a vote of no confidence. The motion was carried, and Fisher was asked to form a new government. This marked the first time a New Brunswick government was forced to resign due to a lack of support in the Assembly and must be considered the beginning of true Responsible Government. It was also the first Liberal government in New Brunswick history and represented the beginning of the Liberal Party, and party government. Apart from Fisher, James Brown, the new Surveyor General, was the only "old liberal" on the cabinet. George Hill had been left off for reasons that are uncertain. It was a government representing an anti-establishment, middle-class and evangelical constituency.

The Fisher government quickly carried out a number of reforms that represented the pent-up expectations of its new constituency, reforms that when viewed as a whole represented a virtual catalog of the issues that had preoccupied liberals for over a decade. The most important of these included, transferring the power of initiating money grants to the Executive Council, reducing the power of the Upper House or Legislative Assembly by making the presiding officer a member of the Executive Council, broadening the franchise, and voting by ballot. Among other changes were an expansion of the system of municipal government, creation of a Department of Public Works, procedural reforms in the judicial system, authorization of a new teacher training school and currency reform, to mention only a few.

Defeated in 1856, on the issue of prohibition, the Fisher Government returned to power within the year and remained in control of the province until 1861. However, there were signs that power was passing to a newer group of liberals including William Johnstone Ritchie and Samuel Leonard Tilley. In 1861, Fisher was implicated in a scandal involving the Crown Lands, and forced to resign from the government. He was reelected in the election of that year and again in 1865. During his last years in provincial politics he served as Attorney General, and he played an important role in convincing New Brunswickers to support Confederation. As a result of that service he was sent as a delegate to pre-Confederation conferences in Quebec and London.

Remaining in the Legislature until 1867, Fisher became one of the first New Brunswick members of the new Canadian Parliament. However, national

politics did not seem to his liking. The larger provinces dominated parliament, and Fisher found himself caught between the Federal Government and his constituents on complex issues such as the tariffs and railroads. Those factors, compounded by advancing age, caused him to retreat to the bench. In 1871 he took up the judgeship recently vacated by the new Lieutenant Governor Lemuel Alan Wilmot. As with Wilmot, he was only a competent judge. But, in his later years Fisher became one of the grand old men of New Brunswick politics and an important and much honored figure in Fredericton society. He died suddenly of a lung infection in 1880.

Charles Fisher's attitudes were very much those of the other "old liberals," He was consistently anti-establishment and non-deferential, and with minor exceptions he pursued the reform goals they all valued. Fisher viewed himself as a constitutionalist.<sup>50</sup> He corresponded with Joseph Howe of Nova Scotia and shared many of his views. Like his colleague Wilmot, Fisher left little in the way of written work, but from his speeches, he appears well informed and an avid reader of newspapers such as the *Edinburgh Review*.<sup>51</sup> As for his ideals, like the others he remained pragmatic and moderately progressive. There is little in his speeches to suggest that he was an avid reader of political theory. But, he was like the other lawyers, obviously influenced by Blackstone, adhering to the "stake in the country" principle and being wary of universal suffrage.<sup>52</sup> He was more concerned with the actual

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<sup>50</sup> Ibid, 238.

<sup>51</sup> See for instance *Headquarters*, 13 April, 1850.

<sup>52</sup> John Garner, *The Franchise and Politics in British North America* (Toronto: University of Toronto Press, 1969), 6, 8-9. As Garner points out, one of the reasons for Blackstone's



constitutional structure of government than any of the other reformers, and while Hill played the ideologue, Fisher's perspective remained more that of the constitutional lawyer. Because of the length and nature of his political career we are able to clearly see in Fisher the progression from old ideas to new. One only has to look at the reform policies of Fisher's Liberal government to see where his priorities lay.<sup>53</sup>

Apart from his failure to understand the role of political parties, Fisher possessed a clear conception of Responsible Government and how it could be effectively implemented in New Brunswick. He believed that the full implementation of the British Constitution through adoption of the British cabinet system was the only way to restore order to the chaos created by the changes of 1837. In Responsible Government, Fisher saw a system that would respond to the needs and desires of the people, and not just those of an elite class. In addition to insuring popular sovereignty, New Brunswick needed a structure of government that would restore order and fiscal responsibility

On other issues we can also see the progression of Fisher's thinking. Throughout most of the 1840's, Fisher believed that with the rather fluid and consensual political system of New Brunswick, it would be possible to have Responsible Government without party government. His eighteenth-century view of parties, and his close observation of the nature of party politics in Nova Scotia, seemed to bear this out. Seen in this light, his decision to join the coalition government of 1848 appears to be consistent. However, Fisher's

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popularity was that his ideas appealed to men of differing persuasions.  
<sup>53</sup> C.M. Wallace, "Charles Fisher," *DCB*, 10:286.

frustrating experience with that government, and his eventual resignation and forced absence from politics, seems to have convinced him that Responsible Government needed to be party government and departmental government.

While constitutional issues consumed his attention, Fisher held progressive ideas on many other issues that put him in the mainstream of liberal thought. He was instrumental in the legal reforms that were intended not only to modernize the statutes but also to make the legal system less expensive and more accessible for ordinary citizens. He worked hard for removal of civil disabilities on dissenters and a secular public school system. While he was a graduate, and for a time Registrar, of Kings College, Fisher worked for the removal of Anglican control and the creation of a secular University. On other matters he was an energetic railroad booster, supported changes in fiscal policy such as reduction of civil list salaries, limits on interest rates and the change to a decimal currency. He advocated regulation of the medical profession and was interested in the administration of prisons and asylums. In the end he was able to accomplish much of what the small band of liberals had worked for, including the banishment for all time of the family compact.<sup>54</sup>

### **George Fenety (1812-1899)**

*The Press must be the popular schoolmaster to train the people in a knowledge of local politics, and fit them for local self-government.*<sup>55</sup>

*To the Press of this Province is due at least half of the credit for the success which has*

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<sup>54</sup> Ibid, 10:286-87.

<sup>55</sup> George S. Hill, Newspaper Cutting, Feb., 1846, Hill Scrapbook.

*attended the great struggles both in and out of the legislature – and for the political privileges which the people now enjoy-...<sup>56</sup>*

Throughout the Atlantic world the popular press played a major role in the dissemination of liberal political values.<sup>57</sup> In New Brunswick, where there were no political parties, the press took on added importance. Not only did liberal papers report the speeches of the House but they often acted as arbiters of ideological correctness, at one and the same time prodding, correcting, guiding and encouraging. In other words, the press performed some of the functions that normally fell to political parties: defining issues, providing *esprit de corps* and creating a palpable self-identity. There were several liberal papers in print during the reform era, including the *Saint John Courier* and the *Fredericton Sentinel*, but the dominant liberal voice was the *Saint John Morning News*. The *News* was the first penny newspaper in British North America and for many years, an important factor in colonial politics. The paper's creator, owner, and operator was George Edward Fenety.

George Fenety was in many respects the quintessential nineteenth-century liberal. He lived through much of the century, imbibed liberal principles at an early age, and proceeded to apply those principles in a life of intense involvement and public service. As the most influential liberal newspaperman in the province, he acted as a virtual public relations man for reform causes and liberal values. In addition, as part of his incessant activity, he reported on the

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<sup>56</sup> Fenety, *Political Notes*, 476.

<sup>57</sup> John Vincent, *The Formation of the British Liberal Party* (New York: Charles Scribner's Sons, 1966), xxxi, xxxiv. Vincent describes the central role of the provincial press in the formation of the British Liberal Party.

politics of the province at a time when even newspapermen were not always much interested in politics. Both he and his paper exerted a substantial influence on contemporary political events. Unlike some of his contemporaries, Fenety had a sense of history.

Because he understood the need for recording the important events of his day, students of the era invariably consult either the *News* or Fenety's *Political Notes and Observations*. It is all but impossible to avoid his influence along with its biases and colorings. That said, in an environment that accepted outrageous and scurrilous reportage as normal, Fenety emerges as a reasonably fair and objective observer. His prejudices and predilections were displayed for all to see, thus, he is a good source. His views provide a reasonable corrective to the Colonial Office bias that has influenced some scholars. Fenety was a major participant in the reform movement, as well as an important chronicler of the era.<sup>58</sup>

George Fenety was born in Halifax, Nova Scotia in 1812. His father William Fenety was a draftsman and an architect, and George was his fourth son. Young George attended Halifax schools, and at 17 was apprenticed to Joseph Howe a Halifax newspaperman. Howe's paper, the *Nova Scotian*, was the foremost liberal reform paper in the province, and Howe himself was destined to be a leading voice for reform in the British North American

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<sup>58</sup> In addition to his paper, *Morning News*, Saint John, N.B., my understanding of Fenety is drawn from the following sources: C.M. Wallace, "George Edward Fenety," DCB, 12: 313-14 and "Saint John Boosters and the Railroads," *Acadiensis*, 6 (1976-77), 71-91; also Fenety, *Political Notes* and the second part of that work which appeared in *Progress*, (Saint John, N.B., 1894) and is available at the New Brunswick Museum in a scrapbook, T.W. Acheson, *Saint John: The Making of a Colonial Urban Community* (Toronto: University of Toronto Press, 1985), has information on Fenety and the community in which he lived.

Colonies. The association with Howe was one of the formative influences in Fenety's life. Howe was a clear thinker and a forceful advocate for reform. His ideas greatly influenced Fenety, who remained a great admirer of Howe throughout his life. After six years at the *Nova Scotian*, Fenety went to the United States, first visiting New York City and then points south.

In 1836, Fenety went to work for the *Planters Advocate* in Donaldsville, Louisiana, and shortly thereafter became a part owner and operator of the paper. This was at the height of the Jacksonian period, and the experience undoubtedly reinforced the already pronounced populist drift of his thinking. It may be that the time spent in the States also intensified Fenety's natural entrepreneurial qualities. He was always quick to adopt recent innovations in printing and typesetting, and went so far as to run a telegraph cable, mounted on trees, from Fredericton to Saint John in order to have timely access to the latest political news. There is little doubt that his American experience left him with a more cosmopolitan perspective than many of his contemporaries.

Fenety returned to the Maritimes in 1839, and settled in Saint John where, with the help of one of his brothers, he started the *Morning News*. During this period he married; however, his first wife died in childbirth. In 1847, he married Eliza Arthur, whom he met on a trip to New York City. Together they had eleven children. Throughout his life, his family remained a high priority. He was a Low Church Anglican in religion, a moderate temperance man, and an inveterate civic booster.

Appointed to the position of Queen's Printer in 1863, Fenety sold *The*

*Morning News* and moved his family to Fredericton, where he remained for the rest of his life. The period of intensive reform had passed, but Fenety's interest in politics continued, and he proved an avid supporter of Confederation. He served as mayor of Fredericton for five years and belonged to a long list of civic and business organizations. As in Saint John, he took a very active role in community affairs and was responsible for numerous civic improvement projects. He continued to write almost until his death, finishing a book on his idol Howe in the last decade of the century. George Fenety died at Fredericton in September of 1899.

Most often called *The Morning News*, although the title changed periodically, the Fenety paper was a tri-weekly with an additional weekly edition. Fenety did much of the work himself, and he eventually built up the largest circulation in the province. Though not a sophisticated writer, he was a hard worker and highly energetic. Fenety viewed the *News* as a paper for the common man, and its motto was "Reform and Responsible Government." Having witnessed the pivotal political role played by the press in Nova Scotia and in the States, Fenety was convinced that he had an important part to play in the education of the New Brunswick electorate and the reform of the political system. He set about to accomplish that task with his usual energy.

Even though he came to the province at a time when reform activity was increasing, the lack of interest in politics and the small number of reformers in the Assembly disappointed Fenety. He decided to remedy that problem by focusing attention on the activities of the Legislature. Since the Legislature's

own recording system was inconsistent and of poor quality, Fenety paid for a reporter to cover the sessions, and his paper carried debates along with commentary and editorials.

In some respects Fenety was out of step with the liberal politicians of his day, being more cosmopolitan and more modern in his ideas. His view of the reform movement often reflects as much his own vision as it does contemporary reality. The ideological inconsistency of the liberal politicians bothered him, but in fairness seems to have been characteristic of most politicians of the period. The 1840's were years of flux, and the ideological environment was extremely fluid, as one might expect during a time of rapid change. In New Brunswick the lack of political parties and the sectional nature of provincial politics exacerbated the political confusion. The absence of party organization and the refusal of politicians to accept any party discipline seemed foolish to Fenety. The willingness of men like Hill, Wilmot, and Fisher to join a coalition government was incomprehensible to a man who believed that Responsible Government was party government.

Fenety was to feel much more comfortable with later additions to the liberal fold, such as William Johnstone Ritchie and Samuel Leonard Tilley, who entered politics in the late 1840's and early 1850's. He knew these men well from years of association in Saint John church and civic organizations, and their ideals were much more like his own. They were progressive thinkers and confirmed party men like Fenety. However, when measured against Fenety's idol, Joseph Howe, they, like the other New Brunswick liberals, were found

wanting. The failure of New Brunswick to produce a leader of Howe's stature was a great disappointment. The frustration was particularly evident in the case of Wilmot, who was one of the great orators of his day, but lacked Howe's acute understanding and his devotion to politics.

For George Fenety, Responsible Government meant self-government. Although he remained a loyal subject of the British Empire throughout his life, he was less patient with the foibles of British administrators than many and he was more willing than most to consider the day when the province's ties with the Metropolitan Government would be broken or at least substantially weakened. His support of annexation with the United States in the 1850's was not shared by any of the "Old Liberals," and it is a tribute to the high regard in which Fenety was held that his stand did not do serious damage to his reputation. It is almost certainly true that such sentiments were only skin deep in New Brunswick, more a sign of frustration with the British government than any real desire to become part of the United States.<sup>59</sup>

Responsible Government demanded popular sovereignty. For George Fenety, the British Constitution seemed to offer the best chance to achieve government by the people and at the same time to avoid both oligarchic and democratic excesses. Despite his flirtation with annexation, Fenety displayed little genuine interest in American political practices. Like his fellow liberals, he felt that the greatest obstacle to the implementation of the British Constitution

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<sup>59</sup> S.F. Wise, "Canadians View the United States: The Annexation Movement and its Effect on Canadian Opinion, 1837-1867," 115-147, in *God's Peculiar People's: Essays on Political Culture in Nineteenth-Century Canada*, edited and introduced by A.B. McKillop and Paul Romney, (Ottawa: Carleton University Press, 1993), 129.



was often the British Government itself.

Almost stereotypical in his progressive middle-class attitudes, Fenety possessed what would become the most salient characteristic of nineteenth-century liberalism, an unlimited faith in human nature and in the potential for progress. He was a grand example of a type of civic and provincial booster, who desired not only political reform, but also the wholesale reform of society.<sup>60</sup>

Fenety supported temperance, although his good sense told him prohibition would not work. At various times he was involved with movements to reform prisons, asylums and hospitals. He radiated a faith in the virtue of material progress, supporting various public works initiatives, and at the same time demanding more fiscal responsibility. In the New Brunswick context, his desire for material progress was best reflected in his avid support for various railroad projects. The unwillingness of the British Government to aid with capital investment for railroads proved a major factor in convincing Fenety and other Saint John boosters to consider annexation to the United States as an option.<sup>61</sup>

While the political system of the United States had few admirers in New Brunswick, the American economy was greatly admired. Fenety had full confidence that such economic progress was well within the reach of his adopted province, if the home government would aid rather than obstruct.<sup>62</sup>

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<sup>60</sup> David Folster, "The Greening of Fredericton," 10 May, 1997, *New Brunswick Reader/Telegraph Journal*, 16-18.

<sup>61</sup> Fenety was a major figure in an organization called the Reform Club. It was formed in 1848 to promote railroad building and for a time was at the center of agitation for annexation.

<sup>62</sup> Wallace, "Saint John Boosters," provides a good description of the attitudes of Fenety and his colleagues in Saint John.

## **Conclusion**

At the heart of the evolving political culture in New Brunswick was constitutional liberalism, a moderate version of the liberal-democratic persuasion that constituted a “middle way” between the political cultures of Britain and the United States.<sup>63</sup> In the absence of political parties, and in what was at best a difficult and unrewarding political environment, New Brunswick liberals sought to create a political system rooted in the British Constitution, but at the same time embodying more modern concepts of autonomy, popular sovereignty and progress.

Situated between high Tory and radical democratic thought, this form of liberalism rested on the ideas of Locke, Montesquieu, Burke and Blackstone, as well as Scottish Enlightenment thinkers. Its proponents sought to avoid on the one hand, government based on prerogative, and on the other, the type of democratic despotism that they associated with Jacksonian democracy. Any form of absolutism was anathema. An ironic view of human nature, drawn from evangelical religion, ordained that virtue would not be found in government. Instead, virtue could only be cultivated in citizens through family and chapel. Just as important was the liberal's fundamental sense of equality, which was

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<sup>63</sup> Such liberalism defies easy categorization based on modern conceptions of conservative and liberal, but in its modern guise, remains characteristic of Canadian politics. For a discussion of constitutionalism see Janet Ajzenstat, “The Constitutionalism of Etienne Parent and Joseph Howe,” in Janet Ajzenstat and Peter J. Smith, eds., *Canada's Origins: Liberal, Tory or Republican*, (Ottawa: Carleton University Press, 1995), chap 9; Michael Gauvreau, “Protestantism Transformed: Personal Piety and Evangelical Social Vision, 1815-1867,” in George A. Rawlyk ed., *The Canadian Protestant Experience, 1760-1990*, (Burlington, Ontario: Welch Publishing Company, 1990), 90, claims that in Upper Canada this “middle way” was created by the convergence of moderate Whig, moderate reformer and Moderate Tory ideals. The resulting mixture was situated between the High Tory and radical democratic ideas then in circulation.

rooted in evangelical values. Each man was created by God. Each man treated with God as an individual. Therefore, each was equal in the only way that really mattered, his essential humanity.

This conception of politics, while backward looking in some respects, viewed in another light seems quite modern. For these practical men, the state had lost its mythic qualities. What they required was not a creed but an ideology. Central to that ideology was a concept of the state as an instrument for the ordering of society. The focus of existence lay not in the public sphere, but in the private, the realm of family and chapel. Politics was not the purpose of man, not an all-important, all-encompassing enterprise. But, politics was important, and it would help ensure material and even moral progress.<sup>64</sup>

New Brunswick's first liberals did not constitute a political party in any modern sense of the term. Before 1854, they were at best a consistent faction. There is some evidence that they caucused occasionally and they periodically corresponded with each other. Although they often voted together, they disagreed on some issues, such as the voting franchise, free trade and prohibition. However, a shared set of common values produced agreement on certain essential issues. Following the Durham report in 1837, each of the five supported the adoption of Responsible Government, as they understood it. But, they were most unified on issues stemming from the moral core of

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<sup>64</sup> Some recent interpretations have stressed the influence of classical republican or civic humanist ideas and English Country Party traditions. See for instance Peter J. Smith, "Civic Humanism vs. Liberalism: Fitting the Loyalists In," *Journal of Canadian Studies*, 26 no.2 (1991), 25-43; Evidence of such influence is present, and there is no doubt that nineteenth-century liberal-democratic political culture was a mixture of the old and the new. But, in the period under study such influences were rapidly decreasing in importance and were in the process of being replaced by more modern liberal ideas.

liberalism. Each believed fervently in the importance of education, and favored sweeping expansion and improvement of the colonial school system along with increased accessibility and equity in higher education. They consistently demanded social and political equality for members of dissenting sects, and their resistance to the activities of the Orange movement reflected their concern for fairness and equity. Their support of moral reform movements and particularly temperance illustrated not only a desire for moral progress, but also a belief in the efficacy of political solutions for prevailing social problems.

All of these early reformers believed that the problems of colonial government, particularly the tendency toward government by elites, resulted not from the British Constitution itself, but from the Constitution Act of 1791. That document had produced a system of government incompatible with British liberties. The best solution for that problem was the application of a British style cabinet system based on the principle of mixed and balanced government.

In its fullest iteration this involved the principle of Responsible Government including a party government requiring cabinet responsibility to the legislature and alternation of parties in office. Since the three orders of society did not exist in the colonies, the colonial modification resembled a vertical system of checks and balances with a Crown appointed executive, an appointed and independent Upper House, and a popularly elected Lower House. Such a system could provide political freedom through competition for office and individual freedom through limited government. Resting on a foundation of moderate individualism, this was a system that presupposed participation,

although not unlimited participation, and equality before the law rather than equality of condition.<sup>65</sup> These were the principles that guided New Brunswick's liberal reformers in their two-decade struggle to recreate the colonial political system.

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<sup>65</sup> Reformers accepted the full extent of these ideas only gradually.

## CHAPTER 4 – RESPONSIBLE GOVERNMENT

New Brunswick reformers drew their political ideals from a broader Anglo-American political culture and modified them to satisfy their own circumstances and preferences. These were the tools they used to make sense of their world and to guide their actions. In the process they habitually sought the golden mean, sometimes between Tory and democratic ideals, sometimes between British and American traditions. The reform persuasion that evolved from this process was constitutional liberalism. In many respects it was modern, but in the minds of colonial reformers it was also a logical outgrowth of the British Constitution. Their rhetoric and actions reflected that persuasion as they dealt with the most pressing political issues of their day: the implementation of Responsible Government, achieving financial stability, reforming the electoral system and instituting local government.

In 1837, while rebellion swept through Upper and Lower Canada, New Brunswick politicians of all stripes rejoiced as their colony became the first to wrest control of provincial revenues from the British government. The British were also pleased and considered the agreement a potential model for other colonies. But, the satisfaction on both sides was short-lived. Despite gaining some small measure of independence, it soon became obvious that the old colonial political structure was inadequate to deal with its increased fiscal responsibilities.

Several factors, including the increasing size and diversity of the population, the weakening of the old loyalist oligarchy, and sectional competition had already undermined political stability. The large amount of revenue suddenly available to the Legislative Assembly further destabilized the system. The resulting disorder, combined with the effects of political upheaval in the other British North American colonies, and overall dissatisfaction with British policy, led reformers to search for a more lasting solution. The need for a more efficient political structure and the irksome dependency of the colony demanded that constitutional reform be of the highest priority.<sup>1</sup>

Under the old system, the Crown appointed executive councilors for life. Their primary purpose was not to make policy but to advise the royal governor. It was not required that councilors hold seats in the Legislature or be heads of government departments. In New Brunswick, the Executive Council was not responsible to the legislature in any meaningful way, although some of the members typically came from the Assembly and the Legislative Council. The fact that the British Government did not tax citizens and the Legislature alone had the power to initiate money bills, offset the concentration of power to some extent. As long as economic times were good and government funds available for roads, the public remained largely unconcerned.

However, dependency remained a constant factor in colonial politics. The amount of influence wielded by the colonists in their own affairs varied,

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<sup>1</sup> The events of the 1820's and 30's which led to political instability are described in W.S. MacNutt, *New Brunswick, A History: 1784-1867* (Toronto: Macmillan of Canada, 1963), chaps. 9-10; and Philip Buckner, *The Transition to Responsible Government: British Policy in British North America, 1815-1850* (Westport Conn.: Greenwood Press, 1985), 217.

depending on the character of the governor and the political climate. But, even in New Brunswick, which had relatively competent governors, colonial politicians were always aware that they did not control their own fate. The lieutenant governors were British aristocrats who, in spite of good intentions, often displayed condescending attitudes and had relatively little practical knowledge of local conditions. Also, Colonial Office bureaucrats felt free to interfere in local affairs at will, and this meant a good deal of pleading and supplication was required to see that local interests were considered. For colonial politicians involved in the process, this could be a humiliating and maddening process, one that required a level of deference that was well beyond the reach of the more progressive amongst them.

The governor drew the members of his Council from a small self-interested and self-perpetuating elite. By the eighteen thirties, that elite had expanded to include not only the remnants of the old loyalist oligarchy, but also representatives of the powerful Saint John commercial community. With few exceptions, councilors were members of the established church. Since the advice they proffered largely determined the governor's perception of local conditions, the makeup of the council was a matter that directly influenced government policy. The inherent unfairness of the system played to the reformers' typical out-group mentality and contributed to the intensity with which they approached these issues.

In sum, the New Brunswick political system was relatively inefficient and sorely lacking in any meaningful checks and balances. The representatives of



the people had little ability to exercise a direct influence on the policy decisions of the governor and his council. Conversely, the Assembly controlled all legislation related to money bills. This produced a logrolling type of politics that was very wasteful and resulted in a rapidly growing provincial debt.

In 1838, while New Brunswick was adjusting to its new circumstances, Lord Durham arrived in Canada as Governor General and Lord High Commissioner. His initial task was to sort out the causes of the Canadian rebellions and suggest possible solutions. The Durham Report, issued in January 1839, embodied the principles of constitutional liberalism. More importantly, Durham crystallized and legitimized ideas already in circulation among colonial reformers. The Report provided a means for replacing the old oligarchies with more efficient political structures, and the same time it allowed for some autonomy within the British Empire and an increasing measure of popular sovereignty.<sup>2</sup>

Reformers had quite naturally concluded that the essential element of any reform was to link the disconnected executive and legislative elements of government by making the executive, at least the Executive Council, responsible to the legislative branch. Although Durham did not use the term Responsible Government, it must have seemed an obvious choice to colonial reformers, among whom it was in common usage by 1840.<sup>3</sup> Responsible

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<sup>2</sup> C.P. Lucas, *Lord Durham's Report on the Affairs of British North America* (Oxford: Clarendon Press, 1912, 3 vols.).

<sup>3</sup> George Hill in an open letter to Lieutenant Governor Sir John Harvey published in the *Courier* newspaper in June of 1837, one and a half years before the Durham report was issued, argued that "The tendency of power is to abuse..., when that power is freed from any effective responsibility as in the case of the Executive Council..." Hill Papers, MS 6/40, Scrapbook, Public Archives of New Brunswick (PANB) Hereafter cited as Hill Scrapbook. This scrapbook

Government did not constitute one clearly defined political structure so much as a number of conventions that defined the relationship between the legislature and the executive.<sup>4</sup> George Fenety described the reformer's view of

Responsible Government from the perspective of 1867:

*They held that the Governor should be responsible to the Colonial Office – his Advisors to the House of Assembly – and they in turn to the people. That the Legislature should have the privilege of dealing with all questions purely local, irrespective of the Lieutenant Governor, or the Colonial Office; but matters strictly Imperial, to be avoided. That the members of the Government should hold seats in either branch of the Legislature – that the heads of departments should be members of the government; and the relinquishment of their positions dependent upon their ability to secure a majority of supporters in the House. That the Government, supposed to have every means of information, should originate the principal measure of a Session, such as were calculated to develop the resources of the country, and stand or fall by them. Finally, that the Government should be carried on “in accordance with the well understood wishes of the people.”<sup>5</sup>*

By contrast, the Colonial Office placed a somewhat different construction on Durham's report. The primary concern of the imperial government lay in maintaining control of its colonies. In the short term, this involved restoring political order and preventing the recurrence of political disturbances. In the longer run, British officials wanted to secure the loyalty of the colonists and thus resist any potential American expansion. They did not see colonial self-government as a viable way to accomplish those aims. As a result of pressure from colonial reformers and supporters of Lord Durham, the Colonial Secretary, Lord John Russell, was eventually forced to enunciate British policy. He

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contains newspaper cuttings of George S. Hill's speeches, letters to the editor and other related material.

<sup>4</sup> Buckner, *Transition*, 5.

<sup>5</sup> George Fenety, *Political Notes and Observations* (Fredericton, New Brunswick: S.R. Miller, 1867), xxi-xxii.

attempted that task in an 1839 dispatch to the new Governor General of Canada, Charles Poulett Thomson.<sup>6</sup>

Unfortunately, the dispatch was unclear and lent itself to a wide variety of interpretations. Russell managed, at one and the same time, both to state his approval of the Durham Report and disavow its principles. James Brown admitted during a February 1840 debate in the New Brunswick Assembly that he found Russell's dispatch "puzzling."<sup>7</sup> He may have been the only man honest enough to admit it, but as future debates would illustrate, he was not the only one who was puzzled. His fellow reformers chose to interpret the dispatch as meaning that Responsible Government was granted.<sup>8</sup>

It is clear that Russell intended nothing of the sort. He did not support Durham's idea that giving the colonies a measure of independence would strengthen their attachment to the Empire. And, as he was at pains to explain in his dispatch, he did not think that the British cabinet-style of government was workable in a colonial dependency. It did not seem possible to him, for instance, that a governor, appointed by and answerable to the British Crown, could rule with an executive council or cabinet responsible not to the Crown, but to the citizens of the colony through their elected representatives. This fundamental problem, along with other difficulties rooted in the context of

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<sup>6</sup> W.P.M. Kennedy, *Statutes, Treaties and Documents of the Canadian Constitution 1713–1929* (Toronto: Oxford University Press, 1930), 421–423.

<sup>7</sup> Canadian Historians have often attributed the confusion of colonial politicians regarding constitutional issues to ignorance. However, New Brunswick reformers appear quite well versed in British political practice. The problem was that it was not at all clear, even to the best informed observer, exactly how those principles were to be applied in the colonies. For instance were Colonial Office dispatches to carry the weight of the Constitution?

<sup>8</sup> Hill Scrapbook, Newspaper cutting, Assembly debate on the Russell dispatch, 28 Feb., 1840.

colonial politics, decreed that the adoption of Responsible Government would be a long process in New Brunswick.<sup>9</sup>

And so, while it first appeared to reformers in New Brunswick that Responsible Government had been accomplished, they had achieved considerably less. The British government had, in effect, merely agreed to allow the desires of the colonists to play a larger role in the formation of policy by providing for a broader representation of interests, and by listening more attentively to colonial demands. This could be accomplished through the use of coalition councils that contained representatives of major political factions. In New Brunswick, it took the form of appointing a minority of reformers to the Executive Council. Such an approach had the added advantage of co-opting the principal reform agitators and neutralizing their influence. From the British perspective, the Council's purpose was to offer advice to the chief executive. Therefore, having the British Governor allow all major factions and interests to take part in the advising seemed to be an adequate solution. However, as George Hill complained repeatedly, this was mere lip service to Responsible Government. Despite these adjustments in the manner of selecting the cabinet, for more than a decade the pattern of New Brunswick government remained unchanged.<sup>10</sup>

Of course, what Russell offered was a far cry from what colonial reformers had in mind. In line with their basic constitutional liberalism, New Brunswick reformers, like fellow liberals on both sides of the Atlantic, felt that

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<sup>9</sup> Kennedy, *Statutes*, 382-383.

<sup>10</sup> For example see Hill Papers, MS 3/26, Draft , 7 October 1842.

good government required two essentials, autonomy and popular sovereignty. In the colonial context autonomy meant self-government, not complete independence. More radical reformers in other colonies had dreamed of breaking the British connection entirely. For moderate reformers, such as those in New Brunswick, the ideal was self-government within the British Empire. This accommodation between dependency and independence was typical of the choices they made. Such an arrangement provided not only the material benefits of empire but also the rights of British subjects based on the British Constitution. Viewing the reform process as a natural evolution of the British Constitution allowed newly incorporated ideas to be legitimized by tradition.<sup>11</sup>

Although the Colonial office had trouble conceiving of how such an arrangement might work, it was quite clear to Durham, and seemed quite natural to colonial reformers that, under such a scheme, local policy would be set by the colonists themselves. The Imperial Government would control foreign affairs, trade, disposal of public lands, and constitutional issues. George Fenety pointed out that the most obvious symptom of the lack of self-government was the tendency of the Colonial Office to meddle in purely local affairs of which they had little knowledge. The fact that they often did so at the invitation of the Lieutenant

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<sup>11</sup> This is a common theme in the rhetoric of New Brunswick liberals. See Greg Marquis, "In Defense of Liberty: 17<sup>th</sup> Century England and 19<sup>th</sup> Century Maritime Political Culture," *University of New Brunswick Law Journal* 42 (1993): 69-94; For the same tendency in Lord Durham's thought see Janet Ajzenstat, *The Political Thought of Lord Durham* (Kingston and Montreal: McGill-Queen's University Press, 1988), 53-54.

Governor and his family compact council obviously made this all the more irritating to supporters of Responsible Government.<sup>12</sup>

Beyond the practical details of its implementation, it is clear that for New Brunswick reformers, as for liberals everywhere, autonomy through self-government was a matter of deep principle.<sup>13</sup> As early as 1833, well before Responsible Government became an important issue, George Hill in a letter to the editor, full of Lockean language, spoke of England as the cradle of liberty and the great tradition of self-government on this side of the Atlantic. L. A. Wilmot characterized "the benefits of free institutions and self-government as the birthright of the "sons of New Brunswick. During the same debate over the Russell dispatch in February of 1840, Charles Fisher indicated his complete agreement with the Durham Report, and concluded that Responsible Government was inevitable. He was convinced that the Dispatch itself was a direct affirmation of the Durham Report.<sup>14</sup>

As for Russell's fear that colonial autonomy would result in the break-up of the Empire, Durham had based his report on precisely the opposite assumption. Allowing the colonists to experience the full range of British rights would bind them more tightly to the mother country. Russell himself was certainly aware of this argument when he wrote his October dispatch. A June

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<sup>12</sup> Fenety, *Political Notes*, xxi-xxii, 269.

<sup>13</sup> James T. Kloppenberg, "The Virtues of Liberalism: Christianity, Republicanism and Ethics in Early American Political Discourse," *Journal of American History* 74(June 1987), 23, in discussing the aims of the American Revolution argues for the use of the term autonomy, rather than the more ambiguous term freedom. Originally drawn from Scottish thinkers such as Francis Hutcheson and Thomas Reid, the concept is intimately related to the ideal of self-government and presupposes certain legal and moral restraints.

<sup>14</sup> Hill Scrapbook, Letter to the editor titled "European Prospects," nd.; Fenety, *Political Notes*, 254; Hill Scrapbook, newspaper report of Assembly debate, 28 February 1840.

1839 speech to the House of Commons had provoked four open letters from Joseph Howe. The Nova Scotian leader presented a powerful argument for allowing the full operation of the British Constitution in the colonies as a means of uniting the Empire. This was also a recurring theme in the writings and speeches of New Brunswick reformers. Responsible Government, they argued, was the British way. To do less was to invite the loss of the colonies. It was the old regime, based on the Constitution Act of 1791, that violated the constitutional principles of 1688. It was not the reformers who were disloyal; rather those who supported the old regime.<sup>15</sup>

A second and related aspect of self-government, equally important to transatlantic liberals was individual autonomy. Responsible Government would accomplish colonial autonomy, that in turn would allow for individual autonomy.<sup>16</sup> Here again New Brunswick reformers sought the middle way between communitarian British values, and the more atomistic individualism evident in the United States. This balance between individual and community interests was congenial to the reformer's perceptions of British constitutional principles. In many respects it also closely approximated the American Whig idea of autonomy secured through self-discipline.<sup>17</sup>

This ideal reflected concepts of both civil and religious liberty. The former was rooted in seventeenth and eighteenth century English and Scottish

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<sup>15</sup> Kennedy, *Statutes*, 384-414; See for instance, Hill Papers, MS 6/25, journal entry "The British Constitution and Colonial Government," June 1846.

<sup>16</sup> Kloppenberg, *Virtues*, 23, further suggests, that the idea of national autonomy securing individual autonomy was also basic to the motivation of the American Revolution.

<sup>17</sup> Daniel Walker Howe, *The Political Culture of the American Whigs* (Chicago: University of Chicago Press, 1979), 29,33,36-37; Also Howe's, "The Evangelical Movement and Political

political theory, the latter in Protestant Evangelical tradition. In particular, the strong spiritual individualism spawned by free-will theology led to a firm belief in the worth and dignity of the individual. But such individualism was tempered by an equally strong conviction that true individual freedom came only through the exercise of self-discipline within the context of family and community. Liberty was by nature more social than political.<sup>18</sup> Among moderate reformers in British North America these views were almost universal. In the United States the ideal of liberty through discipline remained in tension with a more libertarian concept of freedom stressing the absence of restraint.

George Fenety saw Responsible Government as providing rights inherent in the British Constitution. Unlike colonial conservatives, he did not accept that the conditions of empire demanded a sacrifice of constitutional rights on the part of colonists. George Hill viewed these rights as being natural and inalienable, and he frequently contrasted "popular" and "exclusive rights."<sup>19</sup> In this way of thinking, the concept of individual rights was inherently egalitarian, and equality was fundamental to constitutional liberalism. However,

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Culture in the North during the Second Party System," *The Journal of American History* 77 (March 1991), 1220.

<sup>18</sup> Colin Pearce, "Egerton Ryerson's Canadian Liberalism," in Janet Ajzenstat and Peter J. Smith, *Canada's Origins: Liberal, Tory or Republican*, (Ottawa: Carleton University Press, 1995), 197, Pearce discusses such a confluence of political and religious influences in the Upper Canadian reformer Egerton Ryerson whose ideas very much resemble those of New Brunswick's liberal reformers; Michael Gauvreau, "The Empire of Evangelicalism: Varieties of Common Sense in Scotland, Canada and the United States," in Mark Noll et al eds.

*Evangelicalism: Comparative Studies of Popular Protestantism in North America, the British Isles, and Beyond, 1700-1990* (New York: Oxford University Press, 1994), 230, looks at the connection in Ryerson's thought between Responsible Government and individualism. Both of these works stress the strong Scottish influence's on Ryerson's thinking.

<sup>19</sup> Hill Papers, 3/26, draft on education, nd..



it was not equality of condition, rather equality of rights.<sup>20</sup> New Brunswick reformers felt that such equality could not be secured through participatory democracy, but required a more balanced system such as that represented by Responsible Government.<sup>21</sup>

The great enemy of liberty for constitutionalists was absolutism, or power without proper limits. In New Brunswick that meant first and foremost the oligarchic absolutism represented by the "family compact." In the Jacksonian republic to the south, they perceived another type of absolutism: democratic absolutism practiced by demagogues who claimed to represent the interests of the people, demagogues such as Andrew Jackson. The cure for both types of absolutism was a system of mixed and balanced government, such as that advocated by English Country Party theorists in the eighteenth century. This concept originated in the habit of viewing the structures of government - Monarchy, House of Lords and House of Commons - as an extension of the three orders of society: monarchy, aristocracy and democracy. Good government could only occur when the three elements were in balance. The concept appealed to British North American colonists, but they were fully aware that the social structure of the colonies was fundamentally different from that of the mother country. The old language remained, but the ideal was modified for use in a more modern context, one in which government was seen as separate from society. Mixed and balanced government came to connote a system with

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<sup>20</sup> Janet Ajzenstat, "The Constitutionalism of Etienne Parent and Joseph Howe," in Janet Ajzenstat and Peter J. Smith eds., *Canada's Origins: Liberal, Tory or Republican*. (Ottawa: Carleton University Press, 1995), 226.

<sup>21</sup> Fenety, *Political Notes*, XXI-XXII.

checks and balances among the various constitutional elements of government.<sup>22</sup>

In its practical application as Responsible Government, this meant that the autonomy of individuals could be protected through a representative government with a strong executive checked by the power of the popular branch. In addition, Lord Durham drew on Adam Smith's idea that the power of ambitious men could be contained by providing opportunities for competition among elites.<sup>23</sup> As with much constitutionalist thought, such views reflected a comparatively sober assessment of human nature.

Even though popular sovereignty had its limits, it was the mediating factor between national and individual autonomy. A recurring phrase, government by "the well understood wishes of the people," reflects the importance this principle held for New Brunswick's early reformers. Writing in 1842, George Hill referred to it as the new principle of colonial government and speaking in 1844 used Montesquieu to buttress his idea that all power emanated from the people and that the good of the people constituted the supreme power. The struggle in New Brunswick was, for Hill, part of a larger transatlantic struggle between "two great parties, one based on the people, the other based on the arbitrary fiat of a master."<sup>24</sup> Wilmot quoted Sir Robert Peel's statement that "a crown representative would be foolish who did not consult the

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<sup>22</sup> On the concept of mixed and balanced government in colonial politics see Janet Ajzenstat, "Constitutionalism," 220; For the idea of checks and balances see Joseph Howe in Kennedy, *Statutes*, 407 and, Hill Papers, MS 3/26, Draft nd..

<sup>23</sup> Lucas, *Report*, vol. II, 312.

<sup>24</sup> Hill Papers, MS 3/26, Draft, 7 Oct. 1842; Hill Scrapbook, newspaper Report of George S. Hill speech, 15 Feb. 1844,; Hill Scrapbook, newspaper cutting "European Prospects."

wishes of the local people on local matters, " and referred to conservatives as "those who didn't want power in the hands of the people. On another day he argued that "the freedom of government did not come down from the crown but went up from the people."<sup>25</sup>

The exercise of popular sovereignty was not a mere abstraction, but required active participation by the public. George Hill considered this to be an essential element of Responsible Government. Yet, while he strongly asserted the principles of popular sovereignty and participation, at the same time he despaired at the apathy and ignorance of the people. For this reason he assumed that the adoption of true responsible government would be delayed until the people could be educated. Hill at different times argued for improved roads and a more efficient post office based on need for a more informed and involved citizenry. Others used the same argument to support expansion of government at the municipal level and in support of educational reform.<sup>26</sup>

The frustration engendered by the lack of public concern for constitutional issues was apparent as late as 1847 when Charles Fisher in a letter to Joseph Howe described New Brunswickers as "too loyal and too ignorant."<sup>27</sup> That probably reflected the frustrations of most reformers at one time or another. But, in the same year that Fisher despaired, Wilmot saw a

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<sup>25</sup> Fenety, *Notes*, 119, 252.

<sup>26</sup> See Hill Papers, MS 3/26, "For the Reporter," Nov. 1849; Evidence does not support the idea that the people of New Brunswick were less knowledgeable or less interested in politics than those in the other British North American colonies. The reports of British Officials in this regard must be viewed with a good deal of skepticism. All the liberals except James Brown were occasionally critical of "the people," but one senses that a good deal of that reflects the frustration of reformers at the glacial pace of reform. There was however, a genuine and persistent tension in the minds of reformers, between what Wilmot referred to as the "extraordinary genius of the people," and the view that the people were ignorant and apathetic.

“different day dawning,” as he reflected on the fact that people had jeered Responsible Government in 1842 but had now “informed themselves and had begun to see the glorious principles of the British Constitution.”<sup>28</sup> While Wilmot may have been a bit premature, evidence suggests that the political culture began to change in the late 1840's. This was the result of several factors including economic unrest, political instability, in part caused by changes in British policy, and an increasingly interested and knowledgeable electorate. Changes in political culture also reflected increasing public support for the liberal principles championed by the tiny group of reformers for over a decade. Fenety pointed to recurring irritation with British policy, concern over the extravagance of the Assembly, and the rising provincial debt as factors which increased people's interest in reform issues. Of the beginning of the 1851 session, he remarked, “the people were burning hot with radical zeal.”<sup>29</sup> Partisan hyperbole notwithstanding, evidence suggests that as a result of the growth of liberal political values, the public was becoming more interested and informed.<sup>30</sup>

The reform persuasion presupposed not only liberal ideas but also liberal methods. The idea of pursuing change through persistent opposition to government policy is today considered the trademark of reform politics. But, the technique of constant agitation had not yet gained legitimacy in the colonies

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<sup>27</sup> MacNutt, *New Brunswick*, 290.

<sup>28</sup> Fenety, *Political Notes*, 206.

<sup>29</sup> *Ibid.*, 365.

<sup>30</sup> Gail Campbell, "Smashers and Rummies: Voters and the Rise of Parties in Charlotte County, New Brunswick, 1846-1857," *Canadian Historical Association, Historical Papers - Communications Historique*, (1986): 86-116, illustrates the ways in which changing electoral

and was certainly at odds with traditional political values in the Loyalist province. The old Country Party opposition tradition was one of the fragments that made up transatlantic liberalism and there seems to have been some of that evident in New Brunswick. Agitation was also widely favored by evangelical reformers on both sides of the Atlantic. But, the concept of the loyal opposition was not yet accepted and for the tiny minority of reformers in New Brunswick the path of agitation could be a lonely one.

In an environment that placed a premium on congenial cooperation, deplored the idea of political parties and was hypersensitive about loyalty, agitators were subject to harsh criticism, a degree of alienation and could hope for only limited success in the near term. The fact that New Brunswick's earliest reformers were willing to take that path gives some indication of their commitment. Paradoxically, the absence of political parties and the constantly shifting sands of ideology and faction in the Assembly may have allowed the reformers to avoid being isolated and may account for their relatively high level of involvement in policy making despite their irritating disposition to agitate.

It also appears that for men who viewed themselves as political outsiders, doing battle with the establishment was often quite enjoyable. At least some of these men were born agitators. They also had about them a certain lack of deference which was very American and which many British officials found deeply offensive. Thus they were men predisposed to enjoy their opposition role both through their deep interest in Constitutional issues and their

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behavior reflected fundamental changes in political culture during key elections in the mid-eighteen fifties.

attachment to the tumult of the political battle. Hill often defended agitation as necessary and worthwhile, and at one point quoted Burke to the effect that "*he liked agitation where there was an abuse, the fire bell at night alarmed the neighbors but it prevented people from being burned in their beds.*"<sup>31</sup> In writing of the period from 1842 to 1854 Fenety reflected: "*The people had now – from frequent contests and agitations – been schooled into something like political discipline, and into a knowledge of the importance of giving more of their time and attention to those principles of Responsible Government which were thought to underlie economical, judicious and wholesome legislative action.*"<sup>32</sup>

The financial state of the province provoked as much agitation from reformers as any other issue. In this New Brunswick reformers were in good company, for financial retrenchment was one of the a major themes of transatlantic liberalism. Resulting initially from a reaction against extravagant expenditures and government debt, it became part of an increasing concern for financial responsibility and good management, necessitated by the expanding responsibilities of government. Underlying this tendency was an assumption that the good society could only be achieved through peace, free trade and government that resisted extravagance and debt.<sup>33</sup> This principle was part of an evolving middle class ethos that undoubtedly owed much to the Protestant ethic

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<sup>31</sup> Hill Papers, MS 3/26, Hill's response to "Close Observer," nd.; Hill Scrapbook, newspaper cutting, "Responsible Government."

<sup>32</sup> Fenety, *Political Notes*, 476.

<sup>33</sup> John Vincent, *The Formation of the British Liberal Party* (New York: Charles Scribner's Sons, 1966), 240. This was certainly part of the motivation of Governors like Colebrooke. In the United States, some of the most intensely debated issues of the Early Republic and the Jacksonian period centered on fiscal matters such as the bank, the tariff and government debt.

of frugality and individual responsibility. George Hill considered fiscal responsibility to be a moral as well as a political imperative.<sup>34</sup>

In Britain and her North American colonies the ideal of fiscal responsibility contrasted with the traditional use of lavish patronage and expensive public works projects to augment political power. A persistent theme in George Fenety's *Political Notes* is the extravagance of the Assembly and the damage to the provincial credit resulting from excessive debt. It was clear that not only was this an important issue, but that the rationalization and control of revenues and expenditures was itself a major impetus for reform.<sup>35</sup> After the colony gained control of its territorial revenues in 1837 the situation became more urgent. To further complicate matters, throughout the eighteen forties the economy of the province was subject to severe fluctuations resulting from Atlantic market forces, and from the vagaries of British policy. These were factors that were largely beyond provincial control. It seems probable that even with a relatively efficient government, economic planning and sound fiscal policy would have been difficult to achieve given the larger context of colonial politics. As it was, there was really no budgeting system, no method of auditing government accounts, and no board of public works to oversee expenditures on internal improvements. The system seemed at times to be out of control.

The Legislative Assembly controlled the expenditure of revenues through the mechanism of private member's bills. Simply put, the practice was to spend

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<sup>34</sup>Hill Scrapbook, newspaper cutting, "The Morality of Fiscal Legislation," 1848; Hill Papers, 3/26, Draft, May 1842.

<sup>35</sup>Fenety, *Political Notes*, 29-31, 155.

until the members and their constituents were satisfied, and then add up the damages. Despite its obvious wastefulness and inefficiency, members could rationalize their actions by considering that the people's money was going to the people and was thus not being spent by the hated "family compact." The bulk of the money went for roads and other public works projects which were in many cases worthwhile but, contemporary reports suggested that the citizens of the province were not receiving adequate value for their money. The entire process worked with only occasional reference to available revenues and typically involved a rather cozy system by which members agreed to support each other's funding requests. The only consistent check on spending was the internal competition for funding. The end result of all of this was that particularly from 1842 to 1854, the financial situation of the province was characterized by a steadily growing debt and weakening public credit.

From the beginning, reformers realized that the system could not continue to operate in such a manner. Apart from its obvious wastefulness, the increasing scope of government and the need for the province to seek overseas loans for capital projects made the condition of the public credit of considerable importance.<sup>36</sup> In an 1842 letter, George Hill quoted Sir Robert Peel on "*the miserable expedient of loans to meet growing deficiencies.*"<sup>37</sup> In the same year James Brown received letters from constituents expressing concern about

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<sup>36</sup> On the issue of government finance and credit see Rosemarie P. Langhout, "Public Enterprise: An Analysis of Public Finance in the Maritime Colonies during the Period of Responsible Government," Ph.D. dissertation, University of New Brunswick, 1989.

<sup>37</sup> Hill Papers, MS 3/26, Draft addressed to "Mr. Campbell," 3 May, 1842.



extravagance and public debt.<sup>38</sup> However, the issue did not attract the full measure of public notice until the early 1850's. When substantial numbers of citizens finally became disillusioned with the old system, it became an important reform issue and generated public support for the idea of Responsible Government.

New Brunswick reformers felt that Responsible Government, with its strong executive controls and checks and balances provided an ideal solution to the problem of uncontrolled borrowing and spending. However, what seemed at first relatively simple, proved discouragingly difficult to implement. The Assembly refused to relinquish the power of initiation while the old and "irresponsible" Executive Council was still in power. The idea that the public had a right to spend its own money was still deeply ingrained. In addition sectionalism complicated the matter. James Brown, a country member from Charlotte County, was reluctant to give up the power of the purse to an Executive Council, on which his constituents had no representation, and over which they had no control. The fact that the Executive Council itself made little effort to provide yearly budgets or coherent programs of legislation did not help. But, with the exception of Brown, who lacked the requisite faith, the reformers believed that if the Assembly would give up its initiation powers, Responsible Government would become a reality.<sup>39</sup>

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<sup>38</sup> Joseph Walton to James Brown, 19 Mar. 1842, Brown Papers, MS 3/25. Unless otherwise noted all references are to the microfilm copy at PANB.

<sup>39</sup>Paradoxically among those most insistent on fiscal reform were the succession of reasonably progressive Governors. However, they were hampered by their failure to adequately understand the local political environment, a failure magnified by the unrepresentative nature of their advisors. The condescending manner in which they approached the subject of reform and their own inconsistencies also made it unlikely that many colonial politicians would support their

The desire to reform fiscal policy reflected fundamental changes occurring in the political culture of the Anglo-American societies. The client-patron politics of the eighteenth century was gradually being undermined by a politics based more on interest and constituency groups. Scholars of the period have noted that this type of change was often accompanied by a decline in deference.<sup>40</sup> Such changes were obvious in New Brunswick and the other British North American Colonies, where on matters of patronage, reformers were among those least willing to defer to politicians of the old elite or Imperial officials. While in New Brunswick the immediate political problems had more to do with inefficient government and excessive spending, patronage was always an incendiary issue.

Politicians of all stripes in Britain, the United States, and British North America considered patronage to be a valid and useful instrument of government. George Hill referred to it as the "necessary condition of political power," and Joseph Howe considered it as a legitimate part of "the executive spending power of government." Canadian historians have tended to view the Maritimes as particularly "patronage ridden." But, the evidence does not support that view. New Brunswick actually had less patronage to go around than the larger colonies, and correspondingly less corruption. That was certainly one of the reasons for the relative political stability of the colony.<sup>41</sup>

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initiatives. The Colonial Office chimed in from time to time with what, in some cases, was good fiscal advice but their meddling in local affairs was appreciated by none.

<sup>40</sup> Ronald P. Formisano, "Deferential-Participant Politics: The Early Republic's Political Culture, 1789-1840," *American Political Science Review* 68 (1974), 479.

<sup>41</sup> On the negative stereotyping of Maritime politics by Canadian historians and particularly on the writing of W.S. McNutt see Phillip A. Buckner, "The Maritimes and Confederation: A

What reformers could not accept in the old system was the monopolization of patronage by colonial elites. They attacked then, not the principle of patronage, but the unfair manner in which it was distributed, and particularly the exclusion of dissenters from the largess of government.

All of the reformers, even those who belonged to the Church of England, argued against the advantage granted to Anglicans in the distribution of patronage. Fenety identified the argument that, "no one class in the colony had the right to assume the functions of government, hold all the offices of emolument, levy taxes and distribute revenue....," as fundamental to the reform persuasion.<sup>42</sup> Patronage, in the liberal view, needed to be open to competition from all individuals and classes in society. This was directly at odds with the old colonial system, under which patronage was by definition to be narrowly distributed. The British had long considered this a key element in maintaining control of colonial elites, and it was a crucial element in the relationship between the Lieutenant Governor and his Executive Council. The fact that there simply was not enough patronage to go around, intensified the injustice of the system, particularly in the smaller colonies such as New Brunswick.<sup>43</sup>

In New Brunswick, the bitterest patronage disputes had to do with the related issue of official salaries. In the mid eighteen thirties the operation of the Imperial Customs Service had been a sore point between colonial and Imperial politicians. A portion of that dispute centered on the extravagant salaries and

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Reassessment," *Canadian Historical Review* 71 (March, 1990): 1-45; Buckner, *Transition*, 69 assesses the relative importance of patronage in New Brunswick.

<sup>42</sup> Fenety, *Political Notes*, xii.

<sup>43</sup> Buckner, *Transition*, 9, 69.

fees granted to customs officials, and it foreshadowed a more bitter and long lasting conflict to come. In return for control of the colonial revenues, the province had agreed in 1837 to pay official salaries that were part of the Civil List. Reformers were immediately struck by the extravagance of the salaries, which were much larger than comparable salaries in the United States, and in their view, much more than a poor colony could afford to pay.<sup>44</sup> The matter of fees was of equal concern. Judges and some department heads were permitted to supplement their salaries through the collection of fees paid for various functions and services. These fees had to be paid directly by citizens, and they constituted a disproportionate burden on ordinary folk with little disposable income. The effect of such fees was to enrich those who collected them, and at the same time, to limit the access of citizens to government services and courts of law.<sup>45</sup>

In 1843, Charles Fisher brought a motion in the House to reduce the number of positions on the Civil List, to limit the salary of government officers and to do away with the practice of using fees to supplement salaries.<sup>46</sup> Wilmot, even as Attorney General led the fight to reduce salaries and said that they could reduce his if they wanted to. He spoke in the House of the demoralizing effect of high salaries on the ordinary people.<sup>47</sup> Throughout the reform period, George Hill consistently spoke against high salaries and the fee

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<sup>44</sup> John Bartlet Brebner, *North Atlantic Triangle: The Interplay of Canada, the United States and Great Britain*, (New York: Columbia University Press, 1945), 142-43. For example, Brebner claims that the salary of the Lieutenant Governor of Upper Canada was equivalent to that of the President of the United States. It is important to note that while agitation on the salary issue was often led by liberals, many non-liberals also supported the reduction of salaries and fees.

<sup>45</sup> Fenety, *Political Notes*, 299 gives a good description of the history of this issue.

<sup>46</sup> *Ibid.*, 48.

system. His frequent calls for legal reform often pointed to the difficulty created for the common man by the complexity and expense of the legal system.<sup>48</sup>

However, reducing the salaries proved very difficult. The British government considered patronage positions to be vested rights that attached to the bearer for life as private property. Imperial officials were loath to undermine a system which was so basic to their way of government, and through which they exercised control of the colonies. This created an infuriating impasse for colonial reformers who, again and again, defied the Colonial Office by raising the subject in debate. It was the Colonial Office position that this issue was not within the purview of local politics. But, for New Brunswick reformers, it was another one of those sensitive issues that capsulized the intense frustration generated by the unfairness of the old system, the assumed prerogative, the vested rights, and the inability of the colony to control a large portion of its own expenditures.<sup>49</sup> So strongly did reformers feel about this issue that Wilmot and Brown were eventually responsible for lowering their own salaries. Brown argued that £300 was enough for any man, a figure that represented less than half of what many department heads and judges were making at the time.<sup>50</sup>

The case of Thomas Baillie provided a vivid illustration of this problem. A well-connected Irishman who came to New Brunswick in 1824, Baillie played an important, although largely negative, role in provincial politics for almost

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<sup>47</sup> Ibid., 299; Headquarters, 28 Feb. 1849.

<sup>48</sup> George Hill to Sarah Hill, Feb, 21, 1840, Hill Papers, MS 6/9; also see Hill Scrapbook, newspaper articles for the *New Brunswicker*, titled "Law Reform," Nov. 1, 10, 22, 1849.

<sup>49</sup> Liberals led the way on this issue but they were not the only ones concerned about the salaries. At times this issue was an "Assembly vs. Colonial Office" contest.

<sup>50</sup> Joanne Veer, "The Public Life of Lemuel A. Wilmot," (M.A. Thesis, University of New Brunswick, 1970), 17; Fenety, *Political Notes*, 305.

thirty years. Through his patron, Lord Bathurst, Baillie obtained the position of Commissioner of Crown Lands. He proceeded to treat the Crown Lands of New Brunswick as his own private estate, angering some of the most influential figures in the colony. Among other things, he increased lumber fees on Crown lands, and tried to sell off the richest lands in the province to British capitalists. In addition to being extremely aggressive and ambitious, Baillie had connections which made him difficult to attack. Early on, he married into the powerful Odell family which monopolized the Provincial Secretary's Office for two generations. He also had a brother who was a senior official in the Colonial Office, and who wielded considerable influence in the day-to-day affairs of the colony.<sup>51</sup>

It was, in part, opposition to Baillie that provoked the Assembly to petition Imperial authorities for the transfer of provincial revenues to the colony's control in 1836. His actions particularly angered lumber merchants, but for the reformers, his salary occasioned equally intense irritation. Having come to the province with a salary second only to the Governor, and access to large amounts in fees, Baillie proceeded to enrich himself through means both legal and illegal. By the eighteen forties, he was rumored to have an income in excess of £4,000, which would have made him the highest paid official in the province. The fact that he was protected by his connections and largely beyond reach of even the Lieutenant Governors, made the matter all the more maddening. The issue was debated incessantly, always with the same results.

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<sup>51</sup> McNutt, *New Brunswick*, is a good source for the details of Baillie's career and Fenety, *Political Notes*, provides details of the Assembly debates relating to his salary and pension.

The British government simply refused to consider lowering his salary or limiting his authority.

Baillie agreed to resign after changes in the Crown Lands department placed limits on his income, and he became involved in a scandal involving purported embezzlement of government funds. But, his resignation was contingent on the grant of a pension equivalent to what most department heads were making at the time. The Assembly steadfastly refused to do this.

However, after a decade of wrangling in which he was elected to Assembly, served on the Executive Council and finally went bankrupt, members eventually relented and in 1851 granted him a pension of £500, shortly after which he retired to England. His pension was eventually supplemented by £250 from the Colonial Office. In retrospect, it might have been wiser for the province to pension him off and be rid of him. But, such was the frustration occasioned by his personal arrogance and by the obdurate refusal of the British to deal justly with the matter, that the issue became one of principle. To reformers, surrender seemed intolerable. This heightened sense of injustice was as much a part of the reform persuasion as were the ideals of autonomy and popular sovereignty.

The course of reform following the Russell Dispatch of 1839 was at times slow and tortuous, particularly for the handful of reformers, who had little apparent hope of bringing about substantive change. Aside from the lack of public support for Responsible Government, and the failure of some politicians to fully understand the concept, there were other problems that precluded full implementation. The most serious barrier was the refusal of the Assembly to

surrender the power of initiation to the Executive Council. Certainly some of the reluctance had to do with pressure from constituents who benefited from the incessant “logrolling” in the Legislature.<sup>52</sup> There was also a larger underlying problem which involved conflicting ideas about prerogative. The British tended to view any prerogative exercised by the Assembly as a grant from the Crown. The colonists on the other hand viewed the prerogative of the Assembly as an inherent right of British Subjects.<sup>53</sup>

The Executive Council itself was a major stumbling block, and House members in general had no more reason to trust that body than they had in the past. James Brown’s remarks in the House indicate a deep-seated mistrust, and Assemblymen as a rule were unwilling to relinquish what had long been their sole source of real power, to a Council still dominated by the old elite.<sup>54</sup> Cabinet members were not responsible to the Assembly for the tenure of their offices or in any other meaningful way. Even Hill, who had expressed such high hopes in the beginning, quickly realized that Responsible Government had been conceded in theory only.<sup>55</sup> The unwillingness or inability of the Executive Council to provide any real leadership on policy issues also made it unlikely that Assemblymen would trust them enough to the surrender the power of initiation.<sup>56</sup>

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<sup>52</sup> See for example Joseph Walton to James Brown, Mar. 19, 1842, *Brown Papers*, MS 3/25.

<sup>53</sup> For a discussion of this issue under the old colonial system, see Jack P. Greene, *The Quest For Power: The Lower Houses of Assembly in the Southern Royal Colonies 1689-1776* (Chapel Hill: Published for the Institute of Early American History and Culture, University of North Carolina Press, 1963), 15.

<sup>54</sup> *Headquarters*, Feb. 5, 1845.

<sup>55</sup> After 1840 this is a recurring theme for Hill. See for instance, Hill Papers, MS 3/26, Draft, Oct. 1842.

<sup>56</sup> Fenety, *Political Notes*, 331.



In November of 1847, the Colonial Secretary Lord Grey sent a dispatch to Sir John Harvey, Lieutenant Governor of Nova Scotia, attempting to clarify the status of the Executive Council. Grey instructed that the tenure of the Council should be dependent on its members being able to maintain the support of a majority in the Assembly. This implied not only Responsible Government, but also party government and departmental government. In Nova Scotia, Harvey interpreted the dispatch to mean something quite different, although the instructions were reasonably clear. He was eventually forced to acquiesce by the pressure of events. In New Brunswick, where Lieutenant Governor Colebrooke was on his way out, neither he nor his successor Sir Edmund Head, were disposed to act on the principles of the dispatch. The New Brunswick Assembly agreed, by a substantial margin, to consider Grey's instructions as binding, but no action was taken. The new Lieutenant Governor, Edmund Head, continued Colebrooke's practice of using coalition councils.<sup>57</sup>

In addition to the problematical nature of Executive Council, it was obvious that the Lieutenant Governors, even those with relatively progressive political ideals, were reluctant to give up their power over the Council. On the matter of accepting Responsible Government they remained truculent at best, leading Fenety to compare them to wayward children who were used to having

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<sup>57</sup> Buckner, *Transition*, 297-300, presents a good description of this issue; For the Grey dispatch, see Kennedy, *Statutes*, 494; Charles Fisher's motion on the Grey dispatch is in New Brunswick, House of Assembly, *Journals*, 24 Feb., 1848.

their own ways and who were in need of retraining.<sup>58</sup> In his “four open letters” Joseph Howe singled out the Governors for particularly harsh criticism.<sup>59</sup>

Even Colebrooke, who was initially popular and possessed of a reputation for being progressive, showed a certain disdain for the Assembly by appointing his son-in-law, Alfred Reade, to the powerful post of Provincial Secretary. After bitter complaint from the Assembly, the Colonial Office disallowed the appointment. Surprisingly, some reformers sided with Colebrooke. Hill thought that until Responsible Government was truly put into practice, that sort of thing was to be expected. The ever practical James Brown agreed with one of his constituents who thought the House had wasted too much time on the matter. Both tended to blame the vagueness of British policy and the perversity of the Colonial Office in such matters.<sup>60</sup> It may also be, that some reformers were willing to overlook an indiscretion by Colebrooke, for whom they initially had such high hopes.

During the Reade affair, Colebrooke was criticized for withholding pertinent correspondence from the Assembly. The next year he secretly spent over £2,000 from the Civil List surplus to cover the cost of surveying Crown lands in Madawaska County. According to the precedent set by Lord Glenelg after the original 1837 Civil List agreement, this should have been an Imperial obligation. Colebrooke’s refusal to be forthcoming with the House regarding the issue made matters worse and provoked an acrimonious debate. Reformers

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<sup>58</sup> Fenety, *Political Notes*, 276.

<sup>59</sup> Kennedy, *Statutes*, 392-3, 396.

<sup>60</sup> Fenety, *Political Notes*, 112-118, 126, 128; Joseph and R. Walton to James Brown, Mar. 1845, Brown Papers, MS 3/81.

were highly critical of Colebrooke's actions, although James Brown refused to fault him. The Scot instead placed the blame on his favorite villain, Lord Stanley, the Colonial Secretary.<sup>61</sup> By themselves, these were not matters of momentous importance, but they do illustrate the inadequacy of the existing political structures and the problematical relationship between the Assembly and the colonial governors. Despite the fact that New Brunswick had, in many respects, the best governors of any colony, the attitudes of the Governors themselves, and the fact that they were responsible only to the British government, made them an impediment to the full implementation of Responsible Government.

On another level, the lack of even rudimentary political parties contributed to the difficulty of achieving substantive reform in New Brunswick. To make matters worse, the Assembly was an ever shifting melange of factions which typically displayed great ideological instability. At election time newspapers attempted to provide some order for the electorate by labeling candidates as liberal, conservative, radical, and opposition, as well as a variety of more colorful descriptors such as, "Orange and Temperance," "Roman Catholic, Temperance and Lumber," and "The Agricultural Interest and the Destruction of Bears and Wolves."<sup>62</sup>

Despite the confusion, the need for political parties did not seem apparent to any of the principle reformers, with perhaps the exception of

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<sup>61</sup> Fenety, *Political Notes*, 184; The usually conciliatory Brown referred to Stanley as "the evil genius of colonial politics."

<sup>62</sup> New Brunswick Legislative Library, *Elections in New Brunswick: 1784-1984*, (Fredericton, N.B.: New Brunswick Legislative Library, 1984), 3-4.

George Fenety.<sup>63</sup> The others still held the eighteenth century prejudice against the "spirit of party." They had little regard for the style of party politics they saw south of the border, and Nova Scotia had been subject to intense political conflict ever since the mid-eighteen thirties. New Brunswick, by contrast, had a relatively quiet and congenial political environment, with little of the venom and personal animus that characterized other political systems. It seemed to New Brunswick politicians of all stripes that they could do without parties. It had not yet become apparent to them that the structure of government they advocated would require competitive political parties to operate effectively.<sup>64</sup>

In other colonies, such as Upper Canada and Nova Scotia, parties had the effect of mobilizing participation and focusing political interest on key reform issues. Their absence in New Brunswick quite likely slowed the pace of reform. It does appear that after the election of 1846 the number of reformers had increased to the point that there might be considered to be an informal party system in the house. Certainly in the session of 1847 there was increasing use of the terms "conservative" and "liberal," enough so that Fisher felt led to reassert his opposition to parties.<sup>65</sup> In this, the other reformers generally supported him. Even Hill, the most progressive and knowledgeable thinker of the group, gave no indication that he favored "party government." It was not

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<sup>63</sup> Fenety in several places speaks favorably of the "spirit of party" as if it were a requirement of reform, see for instance *Political Notes*, xvi, 204. In reflecting on the events of the year 1850, Fenety argued that Responsible Government needed to be expanded with party government.

<sup>64</sup> Lord Durham apparently did not favor party formation, see Buckner, *Transition*, 331.

<sup>65</sup> For the increase in party spirit see Fenety, *Political Notes*, p234, 331.

until the mid-eighteen fifties that the first rudimentary parties appeared in response to the temperance/prohibition issue.<sup>66</sup>

The status of the heads of government administrative departments was another source of conflict. It gradually became clear to reformers in the eighteen forties, that for Durham's system to work effectively, the heads of major government departments would need to be members of the cabinet. This would make not only the Governor's Council responsible to the Legislature, but the executive departments of government as well. Due to the expanding scope of government, those departments were playing an increasingly important role in colonial politics. As early as 1841, Hill, speaking in the Assembly, had urged that the principle of responsibility be extended to every department of the public service.<sup>67</sup> Others were not so certain. Wilmot supported departmental government by 1845, but was for implementing it gradually, as he was not sure if the province was ready for it. As late as 1847, Fisher was against both party government and departmental government.<sup>68</sup>

The argument for departmental government seems to have rested on two points. First, under Responsible Government, it was the job of the government – the Executive Council – to lead by suggesting policy initiatives. It would only make sense that the Council be at least partially made up of the heads of administrative departments which were charged with implementing

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<sup>66</sup> Ibid., 160-61; There were political factions in New Brunswick but they were typically unstable and often based on non-ideological factors. Fenety identifies three crosscutting cleavages in 1849; responsible vs. anti-responsible, free trade vs. protection and orange vs. catholic, *Political Notes*, 294. On the temperance/prohibition issue and parties see Campbell, *Smashers*.

<sup>67</sup> Hill Scrapbook, newspaper cutting, George Hill Speech, 28 Feb., 1840.

<sup>68</sup> *Morning News*, Mar. 22, 29, 1847; Fenety, *Political Notes*, 234.

those policies. This being the case, the Government would be able to bring before the Assembly legislation prepared by those most qualified. Secondly, the nature of the political system, and particularly the Legislative Assembly, was such that the members came to the Assembly for only two or three months each year. In a chaotic environment that allowed very little time for thoughtful consideration, they were required to vote on legislation about which they often knew very little. Under departmental government, an Executive Councilor, who was also a member of the legislature as well as administrator of a government department, would bring legislation related to his department into the Assembly “already digested” and prepared for explanation.<sup>69</sup>

This was, in effect, the system used in Britain, and it was compatible with Durham’s conception of a strong executive that allowed for the operation of popular sovereignty, while at the same time permitting maximum efficiency and effectiveness. Unlike the issue of party government which had very little support, several reformers strongly supported the idea of departmental government and felt it to be an essential element of the new system. Lord Grey’s 1847 dispatch, had it been acted on, would have resulted in departmental government. However, as with the case of party government, it did not come into actual practice until the full implementation of Responsible Government in 1855. Apart from those who opposed the whole idea of Responsible Government, some opposed the idea of making the tenure of department heads dependent on the continuing support of the Assembly. This

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<sup>69</sup> Ajzenstat, *Political Thought*, 217.

was making political positions out of jobs that had long been an important source of patronage.

Apart from the structural characteristics of government, there were basic elements of the political process that required attention. The move to broaden the electoral franchise was a characteristic and widespread trend in western democracies during the nineteenth century. In New Brunswick, this issue did not carry the same urgency as Responsible Government, but was nonetheless important. Historians have been critical of New Brunswick politicians and citizens, viewing a seemingly lax attitude toward the franchise as a sign of political backwardness. According to the only comprehensive study of the nineteenth century franchise in British North America, New Brunswick had the most restrictive franchise of all the colonies. In that study, venal politicians, ignorant citizens, cults of personality and the lack of political parties were singled out as some of the shortcomings of the system.<sup>70</sup>

New Brunswick's narrow franchise was no accident. By the Election Act of 1791, Governor Carleton and the Loyalist oligarchs had moved quickly to quell political opposition by instituting a narrow franchise, and thus, excluding popular elements from the political process. Technically, the New Brunswick franchise was the narrowest in the British North American Colonies.<sup>71</sup> However, that fact obscures a substantially more important truth. Because of the manner in which it was administered at the local level, the franchise in New

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<sup>70</sup> John Garner, *The Franchise and Politics in British North America*, (Toronto: University of Toronto Press, 1969)

<sup>71</sup> The initial qualification was a £25 freehold.

Brunswick was in actual practice quite broad and comparable to those in other parts of North America.<sup>72</sup>

The use of an English-style rural franchise when combined with widespread ownership of land proved to be very inclusive. In addition, the rather lax enforcement of franchise laws by local officials meant that there was a substantial class of de facto voters, that in some elections may have amounted to upwards of 25% of the votes cast.<sup>73</sup> The admixture of these factors meant that no important or substantial group was excluded from the franchise, at least by nineteenth century standards.<sup>74</sup> As a result, there was relatively little pressure from constituents for franchise reform. The fact that reformers were preoccupied with achieving Assembly control of the Executive Council rather than popular control of the Assembly, may also have contributed to the lack of urgency accorded the matter.

Of the early reformers, only James Brown could be considered a real democrat on this issue, perhaps because he possessed more faith in his neighbors than did his fellow reformers. He argued in the assembly that any man bound to obey the laws of the colony had a right to vote.<sup>75</sup> The other reformers, in true constitutionalist manner, refused to assume that if participation was good then more was better, and found in Jacksonian America

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<sup>72</sup> Gail G. Campbell, "The Most Restrictive Franchise in British North America? A Case Study," *Canadian Historical Review* 71 (1990): 159-88.

<sup>73</sup> Garner, *Franchise*, 57-58. This figure is for the election of 1828.

<sup>74</sup> Gail Campbell suggests, that while local officials at times did not strictly apply the franchise requirements, in practice, reality and law were not significantly different because the majority of men met the property requirements, *Restrictive Franchise*, 188-87. Campbell estimates that over the course of several elections 78% of the men in Albert County had access to the vote, a broad franchise by the standard of the day and roughly equivalent to the rate of participation in Jacksonian America, see *Restrictive Franchise*, 168-73.



and neighboring Nova Scotia ample justification for that view. While they all endorsed popular sovereignty, the concept was more than a matter of mathematics to them. The prevailing view was that voting was not so much a natural right, as a grant by government to responsible citizens.<sup>76</sup> This accorded with the "stake in the country," theory by which it was argued that only those who owned property should be given the right to vote.<sup>77</sup>

Again, the prevailing ignorance and apathy of the voters were a particular concern for Hill and Fisher. Hill at one point wrote that "*corruption is the legitimate fruit of a prostrated franchise.*"<sup>78</sup> A demagogue could easily manipulate such voters, particularly where the abuse of alcohol was prevalent. There were also other concerns. Some worried that radical elements among newly arriving immigrants would destabilize the political system. This became more of a worry in the 1840's as the British government moved to use the colony as a dumping ground for unwanted populations. There was a more immediate concern that franchise reform could actually result in substantial numbers of people being disenfranchised.<sup>79</sup> Another factor that may have propelled reform was the fear that an unduly narrow franchise would drive some people south to the United States.

Despite these factors which mitigated against franchise reform, there were considerations which kept the issue alive and it was raised almost every

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<sup>75</sup> New Brunswick, House of Assembly, *Debates* 1855, 52-72.

<sup>76</sup> Campbell, *Restrictive Franchise*, 159; Campbell points out that this view of the franchise as a privilege rather than an inherent right is still the basis of Canadian law.

<sup>77</sup> Garner, *Franchise*, 5-8; this was the view of Charles Fisher and appears to have been favored by Joseph Howe of Nova Scotia. As a rule, New Brunswick reformers wanted to extend the franchise as much as was practical without granting universal manhood suffrage.

year in the assembly. Charles Fisher, George Hill and James Brown favored a voter's registry.<sup>80</sup> Brown felt that this measure would make it easier to establish local support and control of education.<sup>81</sup> Some reformers favored an assessment franchise, by which a voter's register, based on property qualifications, would determine the right to vote. Reforms were finally achieved by the Fisher government in 1855 and implemented in 1857. At that time the franchise was broadened to include leaseholders and those who held a combination of real property, income and personal property valued at £100. In addition an assessment franchise and voter registry were implemented. The result of these measures, was a moderate expansion of the franchise.<sup>82</sup>

New Brunswick lagged on franchise reform but it was among the first to adopt voter registration and the secret ballot. This reveals much about the priorities of New Brunswick reformers. The constitutionalist view that disorder was a threat to liberty led them to focus on the methods by which elections were administered and the nature of voting itself rather than the franchise. Elections in New Brunswick, as in many frontier societies, were traditionally disorganized and chaotic affairs. Polling went on for several days, and drunkenness, violence and "irregularities" were common.<sup>83</sup> The abuse of

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<sup>78</sup> Hill Papers, MS 3/26, Draft, nd.

<sup>79</sup> Garner, *Franchise*, 66.

<sup>80</sup> According to Garner, it was conservatives who favored voter registration. He does not speculate as to why, but it may be that on this issue liberals and conservatives shared at least some of the same motives. See *Franchise*, 63.

<sup>81</sup> See James Brown to A. Buntin, nd., Brown Papers, MS 3/56.

<sup>82</sup> According to Campbell's studies of Albert County the reform of 1855 enfranchised less than the Crown land reforms of 1848. Together they brought only about 5% of the adult male population under the franchise. Garner states that in some counties the increase was as much as 50%, while in a few others the franchise was narrowed; Garner, *Franchise*, 70-71.

<sup>83</sup> New Brunswick Legislative Library, *Elections*, 5-6.

alcohol, with its attendant violence and corruption, were a matter of great concern to reformers both politically and morally. Moral concerns dictated that temperance and electoral reform were closely related issues for liberal reformers. Liberals tended to be temperance supporters who thought in terms of “purifying elections.”<sup>84</sup> The other major impetus for reform in this area was the high number of controverted elections. These were elections that had to be settled in the House. Such “scrutinies” wasted valuable time during the short sessions.<sup>85</sup>

Reformers believed that these problems were more pressing than franchise reform and all could be solved through a series of measures designed to bring order and discipline to the electoral system. New legislation reduced the time of polling from 15 to 8 days in 1837, and in 1842, limited the length of legislative terms to four years. More substantial reforms came in 1848, when limits were placed on the power of sheriffs by restricting polling to a period of from three to six days. By substantially shortening the time allowed for voting, the festival-like air that led to drunkenness and violence was reduced. The Election Act of 1855 brought simultaneous polling and that in turn curtailed the practice of multiple voting. Newly implemented election circuits specified polling places, and allowed the movement of polls to different locations. This gave those living in remote areas a fair chance to vote and reduced the ability of

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<sup>84</sup> On the connection between the temperance movement and electoral reform see Garner, *Franchise*, 59-60.

<sup>85</sup> *Ibid.*, 188, for a discussion of controverted elections and scrutinies. Garner calculates that in eighty years of colonial government there were an average of 4 scrutinies per legislative session.

sheriffs to manipulate election outcomes.<sup>86</sup> The secret ballot allowed voters to cast their ballots without fear of losing their jobs or suffering violence.<sup>87</sup>

On each of these issues, vested interests stood in the way of reform, and as long as the family compact and the Colonial Office controlled the Executive Council, Assemblymen feared measures that might give some advantage to the old regime. Some felt that introduction of extensive electoral reforms would be too expensive without the existence of municipal government structures. Yet, it was Executive Council control of local government through the appointment of Courts of Sessions and Sheriffs that slowed both electoral reforms and the development of local government.

New Brunswick reformers agreed with Lord Durham's assertion that the expansion of government at the local level was an essential element of Responsible Government. However, progress was particularly slow on this issue, due to tradition and strong opposition from those whose vested interests were threatened. The relative paucity of government at the local level was in part a result of the composition of the founding Loyalists. New Englanders were a minority among the Loyalist refugees. As a result, there was not the strong tradition of local government that there might have been. On the other hand, the ruling elite carried with them a repugnance of the strong local government tradition which they recalled as a cause of the American Revolution. Obviously such men were not disposed to encourage or even allow the development of

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<sup>86</sup> George Hill suggested many of these reforms as early as 1838. See, Hill Scrapbook, George Hill Speech; The Election Act of 1855 was brought in by the Liberal Government of Charles Fisher.

active local governments. Early political disorders in the province only served to harden that prejudice.

In 1785, just after the founding of the province, Saint John was incorporated by Royal Charter, but there were no additional local corporations formed until 1848. The province was initially divided into counties and parishes, and the English system of county government adopted. This system involved government administered by magistrates or Justices of the Peace in Quarter Sessions that met once or twice a year. A local magistrate appointed by the Crown was in charge of expenditures, distribution of local patronage and the overall administration of local government. While in theory these local officials were answerable to the Legislative Assembly, in practice they exercised substantial independent power. The only public participation in the system was through the grand jury system, but until late in the reform era, grand juries acted in a purely advisory capacity. Such a system was inefficient and produced complaints, particularly when incompetent or authoritarian figures held key positions. The Assembly was often called upon by local petition to replace those who were not performing satisfactorily.<sup>88</sup>

Lieutenant Governor Colebrooke made municipal reform a vital part of his program when he introduced the Municipal Corporations Bill in 1842, and in this, both Fenety and Hill applauded him.<sup>89</sup> Colebrooke's attachment to the

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<sup>87</sup> In 1853 liberals refused to support an election bill which did not include the secret ballot, Fenety, *Political Notes*, 453.

<sup>88</sup> Hugh Joseph Whalen, *The Development of Local Government in New Brunswick*, (Fredericton, N.B.: Department of Municipal Affairs, 1964).

<sup>89</sup> Fenety, *Political Notes*, 278; Hill Papers, 3/26, Draft, Apr. 1842.

ideals of the British Whig reformers made this a natural concern for him. In 1835, the British adopted the Municipal Corporations Act. That legislation, when combined with the Reform Bill of 1832, and the repeal of the Test and Corporation Acts in 1828, had removed a long-standing grievance and allowed dissenters a part in local government. At the same time, it was commonly held that the reason the New England states were developing more rapidly than the British colonies to their north, was the long tradition of local government in New England. Colebrooke saw New Brunswick as lacking in this regard. By contrast, local reformers were not inclined to look with much favor on the American system, and blamed any backwardness in the colony on the deleterious effects of dependence and Colonial Office meddling. They had other reasons for encouraging local government.

Some, including Colebrooke, felt that Municipal Corporations would be particularly useful in the distribution of funds and the oversight of local public works projects. The Executive Council could initiate expenditures, and the municipal government would oversee the actual use of the funds. Some opponents of municipal reform saw this as a lightly disguised attempt to bypass the Assembly and to remove its control of revenues. There was undoubtedly more than a little truth in this observation. The governors of the period and many Colonial Office officials saw the Assembly with its free spending habits as the root of all the colony's financial ills.

Reformers came to view the development of local government as a prerequisite for transferring initiation power to the Executive Council. While

efficiency and fiscal responsibility were important considerations, for those who thought like George Hill, educating and training people in the ways and means of self-government was a higher priority, one that, was essential for the proper operation of Responsible Government.<sup>90</sup> So closely related were the two in Hill's mind, that he referred to Colebrooke's 1842 Municipal Corporations Bill, as an "earnest" on Responsible Government.<sup>91</sup> The idea of devolving government power to the local level had the added advantage of being compatible with the evangelical stress on individual responsibility, local institutions and voluntary organizations.<sup>92</sup>

Unfortunately, all of this ran counter to the traditional New Brunswick habit of considering the government in Fredericton as the "local" government. Any change in this arrangement required some rethinking on the part of citizens who were generally satisfied with the old system and often trusted the central government more than they did their neighbors. While the extent of public dependency on government spending has been exaggerated, there is no doubt that it was perceived as an important factor in local economies. There were many who feared a new system would upset the flow of government grants that underwrote public works projects and provided jobs and business. There was also some fear that the introduction of municipal government was merely a prelude to the introduction of local assessment and taxation. That fear was not entirely farfetched. James Brown considered the establishment of municipal

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<sup>90</sup> Hill Papers, MS 3/26, Draft, Apr. 1842.

<sup>91</sup> Hill Scrapbook, newspaper cutting, "Debate on the Board of Works," 3 Mar. 1842.

corporations as a necessary first step toward localizing both the funding and control of education.<sup>93</sup>

As with other reform issues, the most pressing and intractable problem was the continuation in office of the old family compact government. Support for the creation of municipal corporations required faith that the Executive Council would in fact become responsible to the Assembly. Reformers were generally possessed of such faith. Some, like Wilmot, wanted a gradual approach to implementation, allowing citizens to get used to the idea and avoiding any serious disruption.<sup>94</sup> However, Colebrooke's aggressive efforts in 1842-43, combined with his failure to understand local political conditions, and a simultaneous cutback on funding, probably resulted in more opposition to the idea than was really necessary and contributed to the failure of his bill. More importantly, this was a reform that threatened certain long established local interests. Those who were magistrates and Justices of the Peace were by definition important figures in their localities. The advent of municipal corporations threatened to undermine their influence and restrict their access to the public purse and public patronage. The local Assemblyman also stood to lose his major source of power: the ability to capture valuable government grants on behalf of constituents. These factors did not auger well for the development of local government.<sup>95</sup>

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<sup>92</sup> Michael Gauvreau, "Protestantism Transformed: Personal Piety and the Evangelical Social Vision, 1815-1867," in *The Canadian Protestant Experience, 1760-1990*, ed. George A. Rawlyk, (Burlington, Ontario: Welch Publishing Co., 1990), 92.

<sup>93</sup> Brown Papers, MS 7/4, Draft nd..

<sup>94</sup> Veer, *Wilmot*, 107-108.

<sup>95</sup> Whalen, *Local Government*, 21.



Colebrooke's Municipal Corporations Act passed the legislature by one vote in 1843, only to be turned back in the upper house, which was full of exactly the kind of people who benefited from the old system. The Assembly debated similar legislation throughout the 1840's with little progress, until Fredericton achieved incorporation in 1848. In 1850, a bill to consolidate all municipal laws, succeeded in bringing incremental improvement to local governments by limiting the power of magistrates and increasing the power of grand juries. Finally in 1851, a Municipal Corporations Act introduced in the legislature by Lemuel Alan Wilmot passed the house by a narrow margin. But, George Fenety bemoaned the fact that it had been substantially mutilated in the process.<sup>96</sup> This act did not require municipal corporations, but it did permit them. In the years to follow, some counties and cities took advantage of the opportunity to incorporate. Most did not. The permissive legislation undoubtedly made the act less effective by subtly undermining the authority of the corporations that did form. It was not until 1877 that the Assembly adopted a law that required local government incorporation.

Liberal reformers doggedly pursued, what to them were essential political reforms including, Responsible Government, fiscal responsibility, reform of the electoral system and the development of a new system of local government. While there was no threat of revolt as in the Canadas, there was a good deal at stake. Wilmot, speaking in 1847, suggested that if the Imperial Government had not moved toward reform they might well have lost their colonies. George

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<sup>96</sup> Fenety, *Political Notes*, 379-80.

Fenety, during a period of frustration with British policy, publicly supported the idea of annexation to the United States.<sup>97</sup> However, by the mid 1850's, through persistent agitation, they had accomplished much of what they had set out to do, including the overthrow of the "family compact." The efforts of the old elite to protect its interests, and the intransigence of fellow Assembly members, were eventually offset by the growth of liberal values among the electorate. A liberal majority elected in 1854 resulted in a Liberal government led by Charles Fisher. That administration witnessed the first party government, the first departmental government and the first true application of Responsible Government. Those reforms in turn produced improvements in the responsiveness and efficiency of government, Reform legislation rationalized and modernized the electoral system, and brought the franchise into line with *de facto* usage. The attempt to institute a new system of local government was only a partial success, but did result in some expansion of government at the local level.

There were other issues that concerned reformers, some intimately related to Responsible Government, some not. The issue of free trade was hotly debated during the period particularly in Saint John. But, liberals were not of one accord on the question. Some were against free trade, believing that colonial dependency made the provincial economy too vulnerable to benefit from such an economic arrangement. George Hill was the only strong free trade advocate but he preferred to call himself an anti-protectionist. Concerned

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<sup>97</sup> Ibid., 240; S.F. Wise, *God's Peculiar People's: Essays on Political Culture in Nineteenth-Century Canada*, A.B. McKillop and Paul Romney, eds. (Ottawa: Carleton University Press, 1993), 129).

more with social justice than with economic theory, he argued that protection benefited the wealthy at the expense of the working class.

Some sought the creation of a Board of Public works to bring order to the important task of building economic infrastructure and to help bring expenditures under control. George Hill persistently wrote on the subject of law reform, hoping to reform, not so much the law itself, but its administration. Charles Fisher served on the select committee that brought about reforms intended to modernize the legal system and make it more accessible to citizens. Beyond these largely political concerns lay other issues that reflected the distinctive social and economic values of New Brunswick reformers and on which we now focus our attention.

## CHAPTER 5 – THE GOOD SOCIETY

Restructuring the political system was a primary preoccupation of New Brunswick's liberal reformers, and in that pursuit, the principles of constitutional liberalism served to guide their efforts. However, this type of liberalism presupposed commitments beyond those aimed at reforming the political structure. A proper political structure was a necessary but insufficient condition of autonomy and popular sovereignty. In many respects, it was the social assumptions of constitutional liberalism that were most distinctive. Those assumptions were based on a vision of the ideal society. At the heart of that vision was a powerful concept of social justice.<sup>1</sup>

Individual autonomy in particular required certain social conditions that could not be guaranteed by Responsible Government or any other constitutional arrangement. Both Lord Durham and Alexis de Tocqueville assumed that religious liberty was an essential component of civil liberty. De Tocqueville saw this as one of the defining characteristics of political culture in the United States. Indeed, he spoke of combining the spirit of religion and the spirit of liberty.<sup>2</sup> Durham was an active participant in the campaign to remove civil liabilities from dissenters and Catholics in Britain, and there is some evidence that his attitudes were shaped by reading Tocqueville. Neither of

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<sup>1</sup> Robert Kelley, *The Transatlantic Persuasion: The Liberal-Democratic Mind In the Age of Gladstone*, (New Brunswick, N.J.: Transaction Publishers, 1990), Introduction, discusses the centrality of social factors in the development of transatlantic liberalism.

<sup>2</sup> Alexis de Tocqueville, *Democracy in America*, Translated by George Lawrence, J.P. Mayer ed. (Garden City, New York: Doubleday and Company Inc., 1969), 45-46.

them saw any distinction in this regard between the British North American colonies and the United States.<sup>3</sup>

The concern for social justice had deep roots in the moral core of liberalism. The foundation of that moral core was composed of values drawn from evangelical Protestantism. It stands to reason then, that religious freedom was a pivotal issue underlying the persistent efforts of reformers to achieve moral and educational reform. In this regard, the good society required two conditions. First that religion, being an essential element, should be supported and encouraged by government. Secondly, there must be no authoritative religious demands, and no special treatment of any group. In other words, the state must encourage religion without controlling it.

In this way of thinking, religious freedom and political freedom were indivisible. The English Toleration Act of 1689 had granted toleration, but at the same time, relegated British dissenters to second class citizenship. The resulting social inequality and political disabilities brought material hardship and more importantly, social humiliation.<sup>4</sup> In the United States, Jacksonian democracy witnessed the removal of the remnants of religious establishments during a period of fervid sectarianism and revivalism.<sup>5</sup> There was a direct link between the increasingly influential free will theology and certain types of liberal-democratic thought. Evangelicalism was an essential element of the

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<sup>3</sup> Janet Aizenstat, *The Political Thought of Lord Durham* (Kingston and Montreal: McGill-Queen's University Press, 1988), 36-8.

<sup>4</sup> Raymond G. Cowherd, *The Politics of English Dissent: Religious Aspects of Liberal and Humanitarian Reform Movements from 1815 to 1848*, (New York: New York University Press, 1956), 22.

<sup>5</sup> Robert Kelley, *The Cultural Pattern in American Politics*, (Lanham, Maryland: University Press of America, 1979), Chap. 6.

reform mix that characterized political reform movements in all of the Anglo-American societies.<sup>6</sup>

From the beginning, there was more religious freedom in New Brunswick than in the mother country. One of the most obvious reasons for this was the weak position of the Anglican Church. While Loyalist leaders considered a strong church establishment as one of the foundational institutions of their new society, the Church of England was never fully established due to the failings of the original law. The large number of non-Anglicans among the Loyalists and incoming immigrants, the region's strong evangelical tradition, and the organizational inefficiency of the Church itself, also undermined the power of the Church. That weakness in turn undermined attempts by the elite to use the Church as an instrument of social and political control. While this situation was undoubtedly distressing to the members of the family compact, there was remarkably little effort made to strengthen the church establishment. The ineffectiveness of the Church was further compounded by the fact that among Anglicans there were substantial numbers of Low Church evangelicals who had much in common with Methodists. Most of what remained of the establishment was removed in 1854, although a few church state ties remained until just after Confederation.<sup>7</sup>

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<sup>6</sup> Richard Carwardine, *Transatlantic Revivalism: Popular Evangelicalism in Britain and America, 1790-1865*, (Westport, Connecticut: Greenwood Press, 1978), 91-2.

<sup>7</sup> D.G. Bell, "Religious Liberty and Protestant Dissent in Loyalist New Brunswick," *University of New Brunswick Law Journal* 36 (1987), 149-50; Anne Gorman Condon, "The Loyalist Community in New Brunswick." In *The Loyalists and Community in North America*, ed. George A. Rawlyk, 161-73, (Westport, Conn.: Greenwood Press, 1994) 168-70, provides a good description of the Loyalist attitude toward the church establishment.

From the colony's inception, dissenting groups were a major feature of the religious landscape. These groups included Presbyterians who felt that they were in fact part of the establishment as they had been in Scotland, Baptists who were the most numerous, and Methodists who by mid-century were the most influential. There were other smaller groups, such as Quakers, Lutherans, and Universalists, but they were not politically significant. Of the five subjects of this study, two were Methodists, two Low Church Anglicans, and one a Universalist. Through the 1840's Methodists retained close ties with Low Church Anglicans, to whom they were theologically similar. That union undoubtedly increased the political impact of Methodism.<sup>8</sup> Low Church Anglicans thought of themselves as sharing many of the disadvantages of dissenters. George Hill spoke of a "*numerous class of Episcopalians,*" who were no better off than anybody else.<sup>9</sup> It was no coincidence that all of the early liberal reformers in New Brunswick were either dissenters or Low Church Anglicans.

Despite a relatively more tolerant religious climate in New Brunswick, there were still substantial civil disabilities for dissenters. Those in political power were convinced that evangelical religion and republican sympathies went hand in hand. Authorities sometimes questioned the loyalty of dissenting clergy. One of the most sensitive issues involved the manner in which the

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<sup>8</sup> T.W. Acheson, "Methodism and the Problem of Methodist Identity in Nineteenth Century New Brunswick," In *The Contribution of Methodism to Atlantic Canada*, ed. Charles H.H. Scobie and John Webster Grant, 107-23 (Montreal & Kingston: McGill-Queen's University Press, 1992), 113-114.

<sup>9</sup> Hill Papers, MS 6/40, Scrapbook, Public Archives of New Brunswick (PANB) nd. Hereafter cited as Hill Scrapbook.

established church controlled the rite of marriage. In Britain, the Church of England exercised a monopoly on performance of the marriage rite, and this was an important issue for British reformers. In New Brunswick a similar situation existed, and for many people this was one of the most irritating aspects of the old regime.

The Marriage Act of 1791 made marriage a Church of England prerogative. That situation persisted until 1834 when dissenting ministers were given the right to perform the marriage ceremony, but were required to petition and pay fees. In 1845, the thirty-shilling fee was dropped, and in 1848 the petition requirement was completely removed. Finally, in 1854, a new law gave dissenting ministers the same marriage rights as the established clergy. From the early years of the colony's existence this disability was a source of humiliation and anger to dissenters. Until its resolution, the issue provoked persistent challenges to the establishment, including numerous bills and petitions, which became a rallying point for those dissatisfied with the political system. Such activities were partially responsible for a political awakening among dissenters.<sup>10</sup> The marriage issue was partially diffused by the beginning of the reform era, and while not completely resolved until 1854, other more urgent matters took precedence.

Of those matters, the most serious inequities were in the area of representation and patronage. At the beginning of the reform era dissenters

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<sup>10</sup> D.G. Bell, "Religious Liberty," 146-62, details the history of this issue. The issue was partially diffused in the 1840's and was eclipsed by more pressing reform issues. While there was at least one infamous prosecution for violation of the Marriage Act of 1791, rural people and the poor in fact sometimes bypassed this requirement by marrying without the participation



were almost without representation on the Legislative and Executive Councils. George Hill speaking in the Assembly put it this way; "...*they have been from the beginning, almost entirely excluded from the principal official situations in the Province....*" This meant that Anglicans overwhelmingly dominated patronage. In addition, the family compact exercised a considerable measure of social dominance that in combination with civil disabilities was extremely galling for colonists who were essentially American in their attitudes.<sup>11</sup>

Patronage was a particularly important issue to the upwardly mobile Methodists and Low Church Anglicans.<sup>12</sup> Both groups had strong advocates in the Assembly, but the total amount of patronage was limited. With a government dominated by Church of England adherents, it tended to be distributed within extremely narrow limits. Some of the patronage involved important administrative jobs that had an impact on how government services were distributed at the local level. Most, however, involved positions at the local level. In a letter to the editor, George Hill denounced a "Closer Observer's" argument in favor of distributing patronage only to Churchmen. Hill called on men of other denominations to respond to the injustice of that practice.<sup>13</sup> Charles Fisher, although an Anglican himself, repeatedly broached this subject in the Assembly, often in concert with his attacks on the unrepresentative nature of the Legislative Council.

The Legislative Council was the upper house of the Legislature.

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of either magistrate or clergy.

<sup>11</sup> Hill Scrapbook, report of Assembly debate, nd.

<sup>12</sup> Acheson, "Methodist Identity," 116.

<sup>13</sup> Hill Papers, 3/26, draft letter to the editor, nd.

There had originally been only one council, but in 1833, that council was split into an Executive Council of five members and a Legislative Council of twelve members. Later reforms would increase the size of both councils, the Executive to eleven and the Legislative to twenty-one. Initially members could not sit on both councils at the same time or be members of the Assembly concurrently. Both of these prohibitions were eventually lifted. After 1842, the law required House members who were elected to the Executive to resign and run for reelection. Local men of influence made up the Legislative Council; the British apparently believing that it would provide a check on the popular branch like the House of Lords. The upper house was in a position to block important measures and was, therefore, a major irritation to the Assembly, and particularly to reformers.

Aside from that irritation, reformers concerned themselves primarily with the unrepresentative nature of the Legislative Council. There was no attempt at equitable geographic distribution. As late as 1850, thirteen of the twenty-one members represented only three of the fifteen counties. This was of grave concern to the members from outlying areas. But, a more pressing problem was the blatant exclusion of dissenters and low churchmen from the Council along with the attendant patronage disabilities.<sup>14</sup> Fisher brought this issue up repeatedly in the House, and in 1843, submitted a bill to reform the Council that made it through both houses and received Royal Assent, only to be ignored by

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<sup>14</sup> See *New Brunswicker*, 7 Nov, 1846, Hill Scrapbook, for a discussion of this problem and an argument supporting George Hill's appointment to the Legislative Council.

the Executive Council.<sup>15</sup> Eventually, when the Fisher Government came to power in 1855, the Legislative Council became more representative. Making the president of the Legislative Council a member of the newly responsible Executive Council substantially limited the power of the upper house.

Beyond making the Legislative Council more representative, the most common suggestion was to make it elective. There were several attempts to do this throughout the reform era. Each was unsuccessful. In 1850, a rather extensive plan to make the Legislative council much like the U.S. Senate failed to gain support.<sup>16</sup> In 1851, when the house passed a bill to make the upper house elective, the Legislative Council refused assent. The Charlotte County liberals, Brown and Hill, who had by this time been appointed to the Council, voted in favor of the measure. While this reform was only tangentially related to the issue of religious freedom, it would have guaranteed geographic representation and made fair religious representation much more likely.

Wilmot and Fisher, on the other hand, perhaps because they were from a county that had adequate representation, did not favor making the upper house elective. Fisher even supported an increase in the property qualification for the Council.<sup>17</sup> He apparently felt the upper house could be a useful check on the popular branch, and thought it would function more effectively if manned by competent people who could at least afford to be present for the sessions. This

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<sup>15</sup> George Fenety, *Political Notes and Observations* (Fredericton, New Brunswick: S.R. Miller, 1867), 103.

<sup>16</sup> Oddly enough this motion was supported by some conservatives in the Assembly. Fenety, *Political Notes*, 356-57. This would have made the Legislative Council considerably more representative than the U.S. Senate.

<sup>17</sup> Fenety, *Political Notes*, 48.

somewhat cautious approach to democracy was typical of constitutionalist thinking. Both Wilmot and Fisher would have been satisfied with a more representative Council.

Among the dissenting groups, Roman Catholics constituted a special case. In England, evangelicals had an important part in the campaign to remove political disabilities from Catholics. That campaign was closely tied to the repeal of the Test and Corporation Acts.<sup>18</sup> In spite of that convergence of interests, there was considerable mistrust between the two groups in both Britain and the North American colonies. Even though they worked for Catholic emancipation, evangelicals also often displayed intolerance and bigotry toward Catholics.

Initially in New Brunswick, the Roman Catholics were largely French speaking Acadians, and they gained the franchise in 1810. But, the nature of the oath they were required to swear kept many from voting until the oath was modified in 1830.<sup>19</sup> The arrival of large groups of famine Irish after 1846 increased the number of Roman Catholics significantly, but Catholics did not become politically significant until almost 1860. In the mid 1850's Catholics supported the new Liberal Party, although they parted company on the issue of prohibition.<sup>20</sup> Generally Catholics remained distinct from the other dissenting groups and held a separate political agenda<sup>21</sup>

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<sup>18</sup> Cowherd, *English Dissent*, 33.

<sup>19</sup> New Brunswick, Legislative Library, *Elections in New Brunswick: 1784-1984* (Fredericton, N.B.: New Brunswick, Legislative Library, 1984), 11, contains a copy of the disputed oath.

<sup>20</sup> William M. Baker, *Warren Anglin, 1822-96: Irish Catholic Canadian* (Toronto: University of Toronto Press, 1977), chronicles the increasing importance of Roman Catholics in New Brunswick politics.

<sup>21</sup> T.W. Acheson, *Saint John: The Making of a Colonial Urban Community* (Toronto: University

Ethnic problems did not typically play a major role in New Brunswick politics before the 1840's. The French Acadians lived in the far north of the province and had little contact with the English speaking population. However when the famine Irish arrived they joined an earlier group of Irish Protestant immigrants. The Protestant Irish had themselves experienced some prejudice in the colony, being for a time excluded from the colonial militia. But, the growth of the Orange Order in the mid 1840's changed the focus of the conflict and led to a sustained period of violence between Protestants and Catholics.<sup>22</sup>

Evangelicals, like the rest of the Protestant population, felt threatened by Catholicism and often displayed less than charitable attitudes toward Catholics. In spite of those attitudes, a strong penchant for social justice and a desire to keep government neutral on religious matters, led evangelical reformers in New Brunswick to take a strong stand against the Orange Order. This helped maintain a consensus in the Legislature that for a quarter of a century prevented the Orange Order from being incorporated. In this task they were aided by the anti-Orange policy of the British government and particularly the efforts of governors Colebrooke and Head.

Still, fending off the Orangemen was no easy task, as they had substantial support in the Legislative Assembly.<sup>23</sup> John Earle, the Grand Master of the New Brunswick Orange Order was an Assemblyman. The Order drew its

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of Toronto Press, 1985) treats the relationship between Protestants and Catholics in the colony's major urban center.

<sup>22</sup> Scott See, *Riots in New Brunswick: Orange Nativism and Social Violence in the 1840's* (Toronto: University of Toronto Press, 1993).

<sup>23</sup> Ibid, 160, suggests that this difficulty was compounded by the involvement of Orangemen in influential voluntary organizations such as the Mechanics Institute.

support from among Protestants of the "better sort," including both Irish and non-Irish. They were, in general, a class of people far better off than those they persecuted. Foremost among the reformers who opposed the Order were L.A. Wilmot and James Brown. George Fenety's *Morning News* was the leading anti-Orange newspaper in the province. When the Orange Order made a strong drive for incorporation in 1850, Wilmot and Brown spoke out strongly against the intolerance and violence created by the Orangemen. Brown in particular, gave indication of having done substantial research on the matter.<sup>24</sup> Orange mobs burned both men in effigy, Wilmot in Saint John and Brown in Woodstock. Both seem to have considered it an honor.<sup>25</sup>

The Orange-Catholic conflict frequently became violent with assassinations and riots occurring in several places. The most serious incidents were the 1847 riots at Woodstock and Saint John, and a very violent 1849 episode at York Point in Saint John that resulted in the loss of several lives. While there was blame to be assessed on both sides, almost invariably the poor Irish Catholics were prosecuted and the Orange instigators went free. After the 1847 riot in Woodstock, L.A. Wilmot and William Ritchie, one of the newer generation of liberals in the Legislature, offered their services to the Catholic defendants. Wilmot used his considerable talent as a courtroom orator to point out the essential unfairness of a proceeding in which the prime instigators had not been charged. In spite of his efforts, punishment was only meted out to Catholics and tended to be disproportionately harsh. Although the

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<sup>24</sup> *Headquarters*, 13 April, 1850; Brown Papers, PANB, 7/8 draft essay nd.

<sup>25</sup> See, *Riots*, 106-108.

Orangemen and their supporters were a minority, it was a substantial enough minority to make strong action against them difficult.<sup>26</sup>

In all of the Anglo-American societies, attacks on religious establishments accompanied agitation for educational reform. Evangelicals were invariably dedicated to educational advancement and placed high utility on both the moral and practical benefits of education. In addition to its egalitarian impact, reformers considered education to be a guarantee of the material progress so necessary for an ideal society.

In New Brunswick, religious distinctions were an important factor in the struggle for educational reform. From the province's inception, the Church of England attempted to dominate the educational process, either directly by controlling schools and colleges, or indirectly through family compact control of educational policy. In 1837, the New Brunswick educational system included a network of Common or Parish schools along with a few higher quality Grammar Schools in each county. There were also Madras Schools run by the Church of England, several special schools such as the Fredericton Collegiate School, as well as various denominational schools. At the top of the system was Kings College, the Anglican controlled provincial college. In spite of large infusions of money, the public schools suffered from poor teachers, poor facilities, scarcity of books and materials, and generally poor academic results.<sup>27</sup>

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<sup>26</sup> Ibid, 124.

<sup>27</sup> *Headquarters*, 14 March, 1846; New Brunswick was spending more than £12,000 on public education not including the grant to Kings College and other special grants. Wilmot reckoned that this was double the amount spent by other colonies and states which had better quality school systems.

That educational system existed in a frontier environment characterized by geographic separation, religious and ethnic diversity, an economy dominated by lumber, and economic and political dependency. Those conditions along with the predisposition of the colonists made an educational system of the American type a logical choice. Such a system was democratic, utilitarian, non-sectarian and state controlled in contrast to the church controlled British system, designed to perpetuate the existing social order and based on deference and mass dependency. In the United States, education existed as a right; the British viewed it as a privilege.<sup>28</sup>

The Loyalist Oligarchs who controlled the province held a Tory or aristocratic view of education as the prerogative of the “better sort.” Education for the common folk was seen to confer no benefits and could well prove to be subversive. With the exception of the growing middle class, the common folk themselves, particularly in the rural areas, appeared largely apathetic. New Brunswick’s liberal reformers on the other hand considered education to be a very high priority and continued to work for reform despite the distraction of pressing constitutional issues. Some of their strongest support came from British governors, particularly Lieutenant Governor Colebrooke. This was somewhat ironic given that in Britain a strong Church establishment and effects of the class system had prevented substantive educational reform.<sup>29</sup>

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<sup>28</sup> Hill Papers, 3/26, draft speech on education, nd; Hill criticized the exclusive nature of the provincial system and suggested an American style system. New Brunswick reformers often referred to educational systems in other colonies and countries. The most common reference was to school systems in Massachusetts and New York, with which they were quite familiar.

<sup>29</sup> Katherine MacNaughton, *The Development of the Theory and Practice of Education in New Brunswick, 1784-1900* (Fredericton, New Brunswick: University of New Brunswick, 1947), is useful but retains the rather jaundiced view of New Brunswick society that characterized the



Supporters of educational reform in New Brunswick were in good company. Education was a prominent theme of transatlantic liberals who saw it as the great equalizer. For many it was the *sine qua non* of progress, a method of unlocking human potential. Scotland had the best educational system in the world and Scottish influence was ubiquitous.<sup>30</sup> Mid-nineteenth-century political thinkers such as John Stuart Mill and Alexis de Tocqueville saw education as a bulwark against the destructive effects of democratic egalitarianism and the tyranny of the majority.<sup>31</sup> Evangelicals, although often ambivalent about intellectual pursuits, desired education for reasons of their own. In the early nineteenth century, Sunday Schools, meant to provide Bible-reading skills, were often the only educator of the poor and the working class. As time went on the need for an educated ministry became a driving force in the evangelical pursuit of education.<sup>32</sup> New Brunswick's liberals shared all of these views to one degree or another and contributed some of their own.

All of the reforms contemplated by New Brunswick's earliest reformers were aimed at creating some order in their world. In that respect, the

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interpretations of the period. See page 92 on the importance of Lieutenant Governor Colebrooke in the struggle for educational reform.

<sup>30</sup> New Brunswick reformers read the *Edinburg Review* which often featured the most progressive Scottish thinkers in many fields including education; Headquarters, 14 March, 1846; The Upper Canadian educational reformer, Egerton Ryerson had a good deal of influence in New Brunswick and he was also heavily influenced by Scottish ideas. Colin Pearce, "Egerton Ryerson's Canadian Liberalism," in Janet Ajzenstat and Peter J. Smith. *Canada's Origins: Liberal, Tory or Republican* (Ottawa: Carleton University Press, 1995), 183, examines the influence of Scottish thinkers, particularly Lord Brougham, on Ryerson.

<sup>31</sup> See for instance, John Stuart Mill, *On Liberty* (New York: W.W. Norton & Company Inc., 1975), 97-102.

<sup>32</sup> On the importance of education to evangelicals see David W. Bebbington, *Evangelicalism in Modern Britain: A History From the 1730's to the 1980's* (Grand Rapids, Michigan: Baker Book House, 1992), 65; Raymond G. Cowherd, *The Politics of English Dissent: Religious Aspects of Liberal and Humanitarian Reform Movements from 1815 to 1848* (New York: New York University Press, 1956), chap. 3.

educational reforms they pursued were similar to Responsible Government. They were aimed at bringing order to an educational system that was chaotic, wasteful and inefficient. The system was already predicated on the essentially American idea of public funding for education, but large sums of money were being spent to little effect. The task, as it gradually revealed itself, was to exercise some central control over the system so as to guarantee efficiency and cost effectiveness.<sup>33</sup> The difficulty of achieving this goal was in part the old problem of an Assembly unwilling to relinquish control of spending to an executive still very much dominated by the family compact. The sparseness of local government structures further added to the problem by making it difficult to exercise control of expenditures at the local level. Because of these difficulties, James Brown believed that improving the system would require centralized control. The most pressing need was for a permanent and comprehensive inspection system.<sup>34</sup>

Beyond the simple and rather conservative desire for order, there were certain imperatives derived from the evolving evangelical middle class ethos that were more progressive in nature. While social control was certainly a motivation, the desire for order was more proactive than that. Underlying all reform of this type was a firm belief in the redemptive powers of self-discipline and self-control. An essential element of the liberal social vision was the autonomous individual who consciously and voluntarily took control of his own life. This was, not coincidentally, part of the evangelical Christian's idea of

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<sup>33</sup> The reform of the New Brunswick educational system provides a textbook example of the process by which the scope of government increased in the nineteenth century.

commitment and a crucial element of free will theology.<sup>35</sup> Apart from the initial commitment, education made the individual more autonomous by providing the equipment for ongoing thoughtful self-determination. This in turn provided protection against demagoguery and democratic absolutism and created self-reliant citizens.

In the same way that autonomy was central to the reform vision, every phase of reform in New Brunswick eventually touched on the issue of social justice. Questions of equity and fairness were never far beneath the surface. Reformers felt that education was a birthright of the "sons of New Brunswick," and, therefore, access to a quality education must be open to all without regard to class or religious distinction. That being the case, the representatives of the people had to exercise control of the system directly in the public interest. The propensity of an unrepresentative Legislative Council to veto legislation aimed at improving the educational system provided a stark reminder of the essential unfairness of the old regime.<sup>36</sup> Beyond political reforms, the only way to guarantee equality of opportunity in education was a free public school system. Lemuel Alan Wilmot believed firmly in this principle, and along with his fellow reformers was convinced that such a public school system must be secular and beyond the reach of any authoritative religious demands.<sup>37</sup>

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<sup>34</sup> Brown Papers, 7/4, draft speech, nd.

<sup>35</sup> Daniel Walker Howe, "The Evangelical Movement and Political Culture in the North During the Second Party System," *Journal of American History* 77 (March 1991), 1220.

<sup>36</sup> For a modern perspective on the question of justice as fairness, see John Rawls, *A Theory of Justice*, (Cambridge, Mass.: The Belknap Press of Harvard University Press, 1971); and "Justice as Fairness: Political not Metaphysical," *Philosophy and Public Affairs*, 14(3) (Summer, 1985)

<sup>37</sup> *Headquarters*, 24 April, 1850.

Both Wilmot and Brown dedicated large portions of their careers to educational reform. For George Hill, on the other hand, education was important but more peripheral. Politics was always the focus of his concern, and it was the political aspects of education that concerned him most. He believed that colonial autonomy and Responsible Government would result in popular sovereignty only with the full participation of the people. That could only happen when people were politically educated; this in turn, depended on the general education of the common man.<sup>38</sup> Hill argued that what was needed was not a highly educated upper class but a generally educated middle class. That required "seminaries of a secondary grade." He worried about the gap between the Grammar Schools and College. Even though he was a college man himself, he advocated cutting back on college funding to support lower level schools.<sup>39</sup>

Education was in many respects at the center of the liberal vision for the future. George Hill attributed to education the capacity for intellectual and moral improvement, essential to both individual character and public morality.<sup>40</sup> In order to accomplish this, education had to be available to the general public. Listen to Wilmot speaking in the Assembly: *"the question of education is one upon which depends not only the temporal but the spiritual welfare of the youth of the province. The hopes – the future prospects – nay even the eternal*

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<sup>38</sup> Wilmot also stressed the political importance of education at one point arguing that, *"The knowledge of the excellence of our system of constitutional government would nerve every arm in defense of those rights and privileges which they had learned by a sound education to prize dearer than life," Headquarters*, 8 April 1846.

<sup>39</sup> Hill Papers, 3/26 draft letter, nd, response to "A Closer Observer."

<sup>40</sup> Hill Papers, draft essay, nd., on moral and intellectual improvement.

*welfare of the immortal souls of the rising generation hang in some measure on their educational system and demand the deepest – the most earnest attention of the Legislature. Upon the efficiency of their educational system depends the future prosperity of New Brunswick.”* Such education had to by definition be available to all the children of the province for; *“Among the urchins which surround(sic) the door of a log hut there might lurk the germs of a mind capable of assisting in directing the future destinies of the Country.”*<sup>41</sup>

The ideas and plans that reformers developed to improve New Brunswick's educational system came in part from their personal experiences and partly from external influences. James Brown received his schooling in Scotland, and often referred to the excellence of the Parish School system of his homeland. In addition, he taught school for a number of years for his neighbors in St. David's Parish, and his travels enabled him to observe school systems in the United States. Brown was a member of the first comprehensive inspection of New Brunswick schools in 1844. His journal from that period indicates a thorough knowledge of educational process and a good basic understanding of pedagogy. George Hill had the advantage of attending both a prep school and university in the States. That, combined with living a stone's throw from the American side, made him intimately familiar with the American system. Lemuel Wilmot seems to have felt that he was in some measure handicapped by his early education and wanted to spare the children of the next generation the same fate. An 1849 trip to New York City, during which he

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<sup>41</sup> *Headquarters*, 14 March, 1846.

was given a tour of a large public school, left an indelible impression on him, which he shared with the Assembly.<sup>42</sup> Fenety was educated in Nova Scotia and knew the system of that province. He also had the opportunity to observe the American system during the time he spent in New York and Louisiana. Fisher graduated from Kings College, studied at the Inns of Court in London, and like the others traveled in the States.

The speeches and debates of these men were laced with references to the latest educational developments in Europe, Britain and the United States. They were not overly impressed with the progress they observed in Maine and Nova Scotia, where the school systems were probably equivalent to those in New Brunswick. The Massachusetts system was considered to be of very high quality. However, in the United States it was the schools of New York that they most admired. Among the other British North American colonies the educational system of Upper Canada seemed to offer the most promise. That system resulted from the work of the Canadian reformer Egerton Ryerson.

Ryerson was not only an important political and educational reformer but had much in common with the New Brunswick reformers. He was a Methodist and adhered to a moderate constitutionalism very similar to that which guided the New Brunswick liberals. He was heavily influenced by Scottish thinkers, particularly the moderate philosophical whiggism of the Edinburgh Review. Ryerson's ideas were widely admired among New Brunswick reformers and his research into educational systems in other countries received close attention.

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<sup>42</sup> Ibid, 24 April, 1850.

He was eventually hired as an educational consultant by the New Brunswick government and seems to have made quite an impression on James Brown who worked with him on the college commission.<sup>43</sup> The hiring in 1848 of a British expert, Marshall d'Avray, as director of the new teacher training school probably gave the cause of reform a boost. D'Avray was urbane and knowledgeable about educational reforms going on in Britain and Europe, and his presence undoubtedly raised the level of the deliberations substantially.<sup>44</sup>

Out of the education debates of the 1840's and 50's emerged a set of educational priorities. The greatest need was for good teachers and that required proper training, adequate pay and better working conditions. A second urgent requirement was for high quality textbooks and materials. Finally, the province needed a uniform standard for educational facilities that were often abysmal, particularly in the rural areas. Beyond those basic requirements, the province required a system of central control and inspection, local assessment, and local participation similar to those that existed in the States and Upper Canada .

Despite the heavy involvement of evangelicals in this process and a general appreciation for the contributions of denominational schools, there was little desire for a sectarian school system. Like Ryerson in Upper Canada, Wilmot and Brown wanted a secular public school system open to all and supported by the state. These men wanted to avoid sectarian indoctrination,

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<sup>43</sup> Brown Papers, 7/4, nd. Draft speech on education.

<sup>44</sup> MacNaughton, *Education in New Brunswick*, 121.

but still felt that Christian principles should be at the core of public education.<sup>45</sup>

Hill viewed education as the guarantor of public morality, and Wilmot went so far as to suggest that a proper educational system would lessen the need for police. They all felt that the future of the colony was dependent to a large degree on successful reform of the educational system.<sup>46</sup>

The progress of reform was slowed by the same factors that delayed the adoption of Responsible Government. As long as the family compact regime was in place there was little chance that Assembly members would give up the power of the purse. The fact that the province was already spending a large amount on education and getting relatively little for its money, made it easy for some to resist pressure for reform. For this reason few were willing to spend more, and yet most also resisted the centralization necessary for a more efficient and effective system. The British, while always full of advice, offered little in the way of useful support.

Despite these structural problems, progress did come. Before 1837, only incremental reforms were accomplished, gradually chipping away at Anglican control. Beginning in that year, with the creation of county school boards, the

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<sup>45</sup> Michael Gauvreau, "The Empire of Evangelicalism: Varieties of Common Sense in Scotland, Canada, and the United States." In *Evangelicalism: Comparative Studies of Popular Protestantism in North America, the British Isles, and Beyond, 1700-1990*, edited by Mark A. Noll, David W. Bebbington and George A. Rawlyk, (New York: Oxford University Press, 1994), 230-31. Gauvreau in an analysis of the thought of Egerton Ryerson, suggests that this was a more modern political perspective than those dominant in the United States and Britain. In this way of thinking, virtue did not exist in the public sphere, which was primarily economic in nature, but in the private sphere of family, chapel, and school. For this reason, adherence to external constitutional creeds was not of crucial importance as it was in the United States. Education played a pivotal role in the maintenance of virtue in the private sphere. Voluntary associations acted as mediators between the private and public sphere. Such a perspective encouraged an instrumentalist view of government much like that which existed in Scotland.

<sup>46</sup> *Headquarters*, 21 March, 1846.



pace of reform quickened. In 1842, a select committee, chaired by Wilmot, was formed to study education in the province. As a result of that committee's work, a full-scale inspection of the colonial schools was mandated by the legislature. James Brown was one of the three members of that commission, and he traveled widely throughout the province inspecting all schools funded by public money. What he saw ranged from the sublime to the ridiculous, but overall the school system inspired little confidence. The inspection team presented its report in 1845, and although it provoked no immediate action, the report eventually provided a basis for future reforms. Finally, in 1847, the Legislature passed the Grammar Schools Act. That legislation called for a colonial board of education, the creation of a training school and the creation of a system for classifying and licensing teachers. In 1848, Marshall d'Avray arrived to start the training school and a model school connected with it. In 1852, a new Parish Schools Act mandated the hiring of school inspectors and created a provincial Superintendent of Schools to chair the Board of Education.<sup>47</sup>

Although there were tangible gains, there were also constant problems. Marshall d'Avray, though very competent, was not popular in all quarters, and many of his ideas received little support. The task of getting experienced teachers certified was difficult, as it required teachers to take time off and come to Fredericton to complete a course of study. This imposed an expense that many could not bear. The licensing system was a source of constant wrangling in the early years. Parents in Fredericton were unwilling to send their children

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<sup>47</sup> MacNaughton, *Education in New Brunswick*, 97-99, 117-120, 144-150, 152.

to the model school and subject them to the constant change of instructors. Finally in 1850, the Teacher Training School in Fredericton burned down, in one of the ubiquitous blazes that plagued the colony, and the training function was left to the remaining school in Saint John.<sup>48</sup>

The reform of local educational structures proved even more difficult. In rural areas where apathy reigned, it was difficult enough to find qualified and willing men to serve on the local boards. Wilmot, Hill and Brown were committed to the principle of supporting education through the assessment of local property. Observation of the American and Canadian systems had convinced them that such local support was necessary, not so much from a fiscal standpoint, as to insure local involvement in the school system. But, in a colony that had never been taxed, talk of assessment was incendiary. Brown and Wilmot advocated the assessment principle repeatedly in the Assembly, even though such a stand was, to say the least, politically risky.<sup>49</sup> Finally in 1852, the concept of local assessment principle was accepted. Unfortunately, the legislation was permissive and made assessment a local option. Some success might still have been possible, but the failure of the law to incorporate the assessment of non-resident property, proved to be a fatal flaw.<sup>50</sup> Local assessment for support of education did not finally become a reality until the creation of colonial system of free public schools in 1871. Wilmot's long term commitment to educational reform is illustrated by the important role he played

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<sup>48</sup> Ibid, Chapter 7 examines these issues in detail.

<sup>49</sup> See *Headquarters*, 18 & 21 March, 1846, for arguments by all three in support of the assessment principle.

<sup>50</sup> MacNaughton, *Education in New Brunswick*, 148.

in the passage of the new legislation. This, despite the fact that he was out of active politics and serving as the first native born Lieutenant Governor of the new Canadian Province of New Brunswick.

The constant agitation for reform of the provincial school system also extended into the realm of higher education. The colony's sole institution of higher education, King's College, was controlled by the Church of England. Access to the college was limited, and for a number of reasons, the institution was unsuitable for a frontier colony. Nonetheless, the school was maintained at considerable expense to the public, and this fact became the focus of recurring attacks against the college. Wilmot moved unsuccessful reform measures in 1839 and again in 1845. Even had he succeeded in passing his measures through the House, it is highly unlikely they would have cleared the Legislative Council.<sup>51</sup>

Complaints centered on three issues, the most basic of which was the contention by reformers that if the college was to be supported by public money, then the Legislature must have some say in its governance. In 1845 Wilmot had the temerity to remind the College Council that the college was sitting on land granted to the City of Fredericton for the use of its schools and that if some substantial reform was not forthcoming, the land might be forfeit. However, it is clear that Wilmot did not wish to completely remove Anglican control or to destroy the college. He objected to the total dominance of the College by Churchmen, and particularly the inclusion of the new Anglican

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<sup>51</sup> Joanne Veer, "The Public Life of Lemuel A. Wilmot " (M.A. Thesis, University of New Brunswick, 1970), 179; Fenety, *Political Notes*, 133-38, details the long and stormy 1845 debate

Bishop as an ex officio member of the College Council.<sup>52</sup> Even Fisher, an alumnus and member of the College Council, felt that reform was needed.

The fact that the school only served fifteen students, largely from compact families, was seen as an insult and a travesty. This compared to the one hundred students attending the excellent Methodist Academy in Sackville. Wilmot at one point calculated that it would be cheaper for the government to send all of the King's students to Oxford or Cambridge.<sup>53</sup> Finally, many critics felt the classical curriculum was impractical for a frontier college. For the critics of the college the dissolute lifestyle of the young gentlemen scholars proved an additional irritation.<sup>54</sup> In general, operation of the school closely resembled the mediocre English universities of the day. The excellent Scottish Institutions would have provided a much better and more practical model.

The clubby atmosphere, exclusiveness, and use of the Oxford-Cambridge curriculum often earned the ire of country members, who occasionally suggested that it be closed down. One member even suggested that the college be turned into an agricultural school with a model farm.<sup>55</sup> While none of the reformers went that far, they were typical of evangelical reformers in the other colonies who wanted a more practical and modern curriculum. This

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on the college issue.

<sup>52</sup> Fenety, *Political Notes*, 387; According to Fenety, in 1851, the college council was composed of ten Anglicans, two Presbyterians, two Methodists, and one Baptist. The Visitor, the Chancellor, the President, the Principal, six of seven professors, and the two examiners were Anglicans. The chapel services were according to the rites of the Church of England.

<sup>53</sup> Ibid, 107; Headquarters, 15 March, 1845.

<sup>54</sup> Hill Papers, 3/26, draft, nd.

<sup>55</sup> Fenety, *Political Notes*, 387.

was more the approach taken by denominational colleges in the colonies.<sup>56</sup>

The early refusal of the Legislature to consider funding denominational schools intensified the dispute.

After numerous and sometimes bitter debates, the crest of the reform wave finally propelled the college issue to the fore. In 1854, during one of the incessant attacks on the institution, an attempt was made to end its funding. This prompted the formation of a commission composed of among others, James Brown, J.W. Dawson of Nova Scotia, Egerton Ryerson of Canada West, and Francis Wayland of Brown University, to examine the college issue. As they began their study, committee members became convinced that any meaningful investigation had to include the entire educational system; they knew the college was only one component.<sup>57</sup>

The Dawson Report issued in 1855 recommended that education in the province should be open to all and that every citizen was required to contribute toward that goal. More specific recommendations involved the operation of Normal and Model Schools and the support of public libraries. Several suggestions were made with reference to the college, but in part due to the political turmoil of the period, no immediate action was taken. Finally in 1859, the recommendations of the committee were embodied in legislation drafted by

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<sup>56</sup> Michael Gauvreau, "Protestantism Transformed: Personal Piety and the Evangelical Social Vision, 1815-1867," in *The Canadian Protestant Experience, 1760-1990*, ed. George A. Rawlyk, 48-97, (Burlington, Ontario: Welch Publishing Co., 1990), 73.

<sup>57</sup> MacNaughton, *Education in New Brunswick*, 152.

Lemuel Alan Wilmot creating the University of New Brunswick. The new school was completely secular and governed by a senate of laymen.<sup>58</sup>

Among transatlantic reformers there were two other social reform movements that elicited as much energy and attention as education. One of those was abolition which was of only peripheral interest in New Brunswick. The other was the temperance movement. Temperance was one of the most vital and enduring social reform movements spawned by the evangelical revivals of the early nineteenth century. The various movements for temperance and prohibition ran on for over a century in the English speaking world. In their diversity such organizations reflected not only the common concerns of evangelical reformers but also the deep divisions that existed within the movement regarding ideology and method.

The roots of the movement were in the United States, where there were signs of temperance activity as early as the beginning of the nineteenth century. In the years after the War of 1812, there was an increasing awareness of drinking as a social problem and of the health risk associated with heavy drinking. By the 1820's, the impetus provided by the second Great Awakening served to energize moral reform campaigns, and temperance gained substantial momentum in New York's "burnt over" district and in New England.<sup>59</sup>

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<sup>58</sup> Ibid, 153; W.S. MacNutt, *New Brunswick, A History: 1784-1867*, (Toronto: MacMillan of Canada, 1963),371.

<sup>59</sup> Jan Noel, *Canada Dry: Temperance Crusades Before Confederation* (Toronto: University of Toronto, 1995) is the new standard on temperance in British North American; Frank Thistlethwaite, *America and the Atlantic Community: Anglo-American Aspects, 1790-1850* (New York: Harper Torchbooks, 1959),90, examines the transatlantic nature of the movement.

Temperance ideas quickly spread to British North America and Britain itself through the literature and newspapers of evangelical reform networks. In Britain, the movement was not as intense but was well organized and had a substantial impact. In the United States, the movement, a response to the excesses of frontier drinking habits, was intense and revivalistic. The British North American temperance movement was predominantly influenced by British temperance ideals in its early years but in the late 1840's, increasingly came under American influence. In Upper Canada, the movement was slowed by deep seated anti-Americanism, but the Atlantic provinces were much more open to American influences, and it was there that the temperance movement was most intense.<sup>60</sup>

Much of the American influence came from the neighboring state of Maine, which had much in common with New Brunswick. Both were frontier areas, dependent on lumbering, and with strong ties to the sea. In one respect such environments would seem to be unpromising areas for temperance reformers. The hard work, rough conditions and isolation encouraged frontier drinking habits. Drinking was very much a part of the work culture of both the lumbering and shipping industries. Great quantities of strong drink were consumed as a matter of course. Alcohol was used as a trade commodity, a currency, a medicine and for recreation. In many areas it was a staple of the local diet.<sup>61</sup>

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<sup>60</sup> Noel, *Canada Dry*, 15.

<sup>61</sup> Ibid, 14; J.K. Chapman, "The Mid-Nineteenth Century Temperance Movement in New Brunswick and Maine." *Canadian Historical Review* 35 (1954), 43-60, provides the best comparison of the movement in New Brunswick and its neighbor and shows how the Maine

The problem was compounded in New Brunswick by a plentiful supply of cheap, and often over-proof, rum from the West Indies. Rum was a primary trade good and the Caribbean Islands were major trading partners. The influential men who dominated the West Indies trade had obvious vested interests in keeping consumption high. The issuing of liquor licenses was a significant source of government patronage, but more importantly the customs duties on rum provided anywhere from one quarter to one half of the provincial revenue. Such a concurrence of social habit and vested interests did not bode well for those who came to oppose the corrosive effects of alcohol on the social fabric.<sup>62</sup>

Modern historians have not generally warmed to the subject of temperance, a movement that was so quintessentially Victorian. There has been a tendency to view the battle against alcohol as a thinly disguised effort by the rising middle class to exercise social control in its own interest. There is some justification for this assertion; however, the truth is more complex. That the movement was in all of its phases characterized by middle class leadership, and was disproportionately middle class, is without question. But, recent scholarship suggests that temperance in British North America was also a truly mass movement with important contributions from the working class and the quickly rising artisan and small producer classes that were so influential in evangelical circles. The only segments of society that appear to have been

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movement influenced events in New Brunswick.

<sup>62</sup> Chapman, "Temperance Movement," 43-45; Acheson, *Saint John*, 140, points out that in Saint John in 1830, one in fifty residents had a liquor license, compared to one in eighty in New York City.



largely underrepresented were the highest and the lowest, wealthy commercial men and political elites and the lower elements of the working class such as lumbermen and seamen. In some cases this contributed to the underlying element of class conflict that was part of the reform in British North America.<sup>63</sup>

While self-interest must be viewed as a component of most human motivation, it would not do to assume that temperance reformers were hypocritical or insincere. In New Brunswick, as in other parts of the North America, drinking was a serious social and economic problem. Reformers were well aware by the 1830's, that alcohol contributed substantially to the incidence of both crime and poverty. The liberal social vision was predicated not so much on the principle of social control, as on a concept of a good society based on the principle of autonomous and disciplined individuals.<sup>64</sup> In this respect, the motivation for temperance was the same as that which drove educational reform. It reflected the Victorians' optimistic faith in the possibility of transforming human nature in the pursuit of progress.<sup>65</sup>

Above all, temperance was a religious and a moral issue. In New Brunswick, as in other areas of North America, the movement was led by evangelical reformers, and often took on the technique and style of religious revival. There were some utopian and millennial influences, but the primary impetus came from mainline evangelicals, Baptists and Methodists, along with

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<sup>63</sup> Noel, *Canada Dry*, 8,34; Acheson, *Saint John*, 141, examines the importance of artisans and small producers in the temperance movement. In a sense those classes represented a bridge between the working class and the middle class.

<sup>64</sup> Howe, "Evangelical Movement," 1220.

<sup>65</sup> Noel, *Canada Dry*, 35; George Hill's writings on temperance consistently maintained the connection between temperance and both moral and material progress.

evangelical Anglicans and Presbyterians. A strong Catholic involvement also bolstered New Brunswick temperance. Unlike Maine, where Irish was synonymous with liquor seller, in New Brunswick, the Catholic temperance movement, led by men like Timothy Anglin and Father James Dunphy, was an integral part of temperance reform. Catholic temperance forces did not take their inspiration from the American movement, but from the Irish Temperance movement of Father Theobald Mathew. The existence of a viable Catholic temperance movement added both strength and complexity to the New Brunswick movement. It was one of the factors, that allowed Catholics to feel comfortable supporting liberal politicians. But evangelicals remained suspicious of growing Catholic influence, and Catholics clearly understood that temperance was in many respects a vehicle intended to extend the influence of evangelical values.<sup>66</sup>

The same factors that provoked other social and political reforms, propelled temperance reform. Rapid but uneven economic growth, increasing socioeconomic complexity and technological change, increasing immigration and social mobility, and the growing importance of religion all characterized the period. These factors when combined with the instability resulting from colonial dependency created a rich environment for social reform. The fact that the key denominations, Baptists and Methodists, had achieved some critical mass and were increasingly trying to exert their influence in government and society offered further encouragement. The strong reliance of evangelicals on

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<sup>66</sup> William M. Baker, *Timothy Warren Anglin, 1822-96: Irish Catholic Canadian* (Toronto: University of Toronto Press, 1977), 31-33, and Acheson, *Saint John*, 146-148 detail the Catholic

voluntary associations made the temperance movement a natural development for them

A recent study of temperance in British North America has identified two phases in the movement, distinct but not mutually exclusive. The first, beginning in the 1820's and lasting until the late 1840's, was predominantly religious and revivalistic in nature. The second phase, beginning around 1847 and lasting for a decade or more, was more secular and political in nature. This model fits New Brunswick quite well. The early phase began in New Brunswick in 1830 with the formation of the first temperance societies and was primarily motivated by moral concerns about the social effects of drinking. It was led largely by clergy and influential laymen, was voluntary in nature, and stressed personal abstinence to one degree or another.<sup>67</sup>

George Hill's writings on temperance and his involvement in activities surrounding the Methodist Chapel in St. Stephen offer insight into the nature of the early movement and the difficulties that it encountered. Temperance meetings fitted easily into the normal flow of Methodist organization with its strong emphasis on lay activity, and St. Stephen was a logical place for temperance activity. The churches were strong and the population was better educated and more prosperous than in most outlying areas of the province. The town was just across the river from Maine with its strong and incessant temperance activity, and a large number of its citizens had connections to the

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temperance movement from different perspectives.

<sup>67</sup> Noel, *Canada Dry*, 9; As Noel indicates this characteristic bifurcation of the movement was identified by Maritime Historians in the 1950's, for instance See Chapman, "Temperance Movement," 43.

lumber industry. As such, they were frequently exposed to the disorder created by the abuse of liquor in that industry. However, that proximity also meant that in the early days of the movement there was often strong opposition to temperance.<sup>68</sup>

The port city of Saint John provided another example of the progress of temperance during its early years. Saint John was a shipping and lumbering center with a substantial immigrant population. It was the type of place that was typically plagued with alcohol related problems. Temperance activity began in earnest around 1830 and increased rapidly in size and intensity. Initially, the movement was dominated by middle class evangelicals, predominantly evangelical Anglicans, espousing moderate and voluntary abstinence. Within a few years, they were joined by more radical evangelicals from dissenting churches who advocated total abstinence and a more pietistic and separatist approach to the problem. In the early 1840's, Roman Catholics with their own brand of moderate temperance ideals, added their strength to the movement.<sup>69</sup>

Temperance organizations in Saint John eventually involved a sizeable portion of the local population, with perhaps as many as 30% of local adults belonging to the various temperance groups by the late 1840's. In spite of disagreements, these groups worked tirelessly, and their activities were very much visible in both the Protestant and Catholic communities.<sup>70</sup> While Saint John evidenced the greatest amount of temperance activity in the province, the

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<sup>68</sup> Hill Papers, 3/26, draft statement, nd., In a mission statement for a new temperance society Hill details some of the difficulties encountered by previous temperance organizations.

<sup>69</sup> Acheson, *Saint John*, Chap. 7.

<sup>70</sup> Ibid.

increasing number and size of temperance and prohibition petitions that were brought before the Legislature also offer a good indication of the province-wide scope of temperance activity.<sup>71</sup>

However, notwithstanding the large amount of enthusiastic temperance activity, progress was not completely satisfactory, particularly for the most dedicated temperance advocates. The rapid progress of temperance, and eventually prohibition, in Maine served to heighten impatience in New Brunswick. The economic and political turmoil of the 1840's also added to the desire for stronger action. After 1847, the movement was increasingly driven by economic and political concerns. While the religious and moral implications continued to be important, the call for voluntary abstinence gave way to demands for coercive legislation and total abstinence.<sup>72</sup>

There was considerable disagreement among the temperance reformers on both goals and methods and those divisions reflected natural cleavages in the movement itself. This became more apparent as prohibition rose to the top of the temperance agenda in the period after 1847. The sensitive nature of the issue and the unwillingness of politicians to offend temperance supporters almost certainly prevented some from being entirely candid about their feelings. However, it is clear that liberal reformers were not of one mind on the subject. Of the five subjects of this study, Charles Fisher was no more than lukewarm on the issue. Fenety's *Morning News* supported temperance in Saint John, but Fenety was not himself a total abstinence man. He was highly critical of

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<sup>71</sup> See for instance Fenety, *Political Notes*, 427, 472-73.

<sup>72</sup> Chapman, "Temperance Movement," 47.

prohibition legislation despite the fact that he was an admirer and friend of Samuel Leonard Tilley who introduced the Prohibition Act in 1855. Wilmot had left active politics by 1851, and while he supported temperance, he was not in favor of prohibition. He fulminated from the safety of the Bench that; *"the law was conceived in tyranny and ended in fanaticism and violence."*<sup>73</sup>

Brown and Hill, on the other hand, qualified as temperance zealots. Hill's involvement in temperance organizations can be traced back to the earliest days of temperance activity in St. Stephen. While there is evidence that the local Methodist society served "spirits" at its social meetings in the 1820's, by 1830 temperance had become a serious preoccupation along the border. Hill appears to have been a member of several of the early organizations, was a charter member of the Sons of Temperance in 1847, and remained a member until his death in 1858. Hill was very much aware of the international dimensions of temperance and kept himself informed on the progress of temperance movements in Britain and the United States. Hill's writings on temperance are scattered throughout his papers and include a temperance journal. In 1841, he chaired a committee that prepared a report on the damage wrought by the abuse of alcohol in the province.<sup>74</sup>

George Hill's concerns about intemperance seem to have spanned the entire range from religious and moral concerns, issues of social justice and social order to concerns about the effects of intemperance on material progress

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<sup>73</sup> Quoted in MacNutt, *New Brunswick*, 351.

<sup>74</sup> In 1841 the committee circulated a questionnaire in the province containing thirty questions related to the effects of alcohol and religion on communities. The range of the questions provide an interesting insight into the temperance concerns of the day. Journals of the House

and the future of the next generation.<sup>75</sup> His attitudes on issues of temperance and prohibition were unbending. He was particularly critical of people of his own class who would not support the movement. Like his liberal colleagues, he viewed government as a force for positive good, but unlike more moderate temperance advocates, he argued that all law was inherently coercive and that coercive laws were justified. He quoted both Montesquieu and Burke to support his view that the safety of the people justified the use of coercive law, and further contended that it was the duty of the government to supplement the Decalogue. He obviously accepted the paradox of government forcing the individual to be autonomous by restricting individual behavior.<sup>76</sup> In the final analysis, Hill saw the temperance movement as comparable to the abolition movement but attacking something "*far more general in its evils.*"<sup>77</sup>

James Brown was equally zealous for temperance but unlike Hill's concerns, which always appear to be religious and ideological, Brown's motivation was more personal and practical. He lived in the same county as Hill and was exposed to the same environment with its lumbering and shipping industries. Brown was always concerned with the plight of the common people, and his practical nature certainly caused him to consider the waste and inefficiency caused by the abuse of liquor. He particularly worried about the effect of alcohol on his countrymen. On the occasion of the death of a fellow

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of Assembly of the Province of New Brunswick, 1841, 1842.

<sup>75</sup> Hill Papers, 3/26, draft speech, nd.; "...the habit is an expensive one, the cost of which will amount to no small item in the course of a year. It is destructive to all habits of application and business, it is injurious to health and ruinous to character and when character is one's only capital, it becomes us to take good care of it."

<sup>76</sup> T.W. Acheson, "Methodist Identity," 116, discusses this characteristic in the context of the Methodist belief system.

Scot from alcohol, he reflected that the number of such deaths during the previous year had been near one hundred. On a more personal note, he worried about his sons, and in one letter full of news and instructions for his family, he firmly lectured his son Charles on the dangers of alcohol.<sup>78</sup> His commitment to the temperance cause may be gauged by the fact that while dining with Queen Victoria in 1861, he refused the wine offered to him. This drew the notice of the Queen, who consequently presented him with a signed volume of poetry by his hero, Robert Burns.<sup>79</sup> In 1855, Brown chose to join his friend Samuel Leonard Tilley in sponsoring the prohibition legislation. He subsequently lost his job along with rest of the cabinet.

The rapid passage and repeal of the prohibition law marks a strange episode in the history of New Brunswick politics. Maine passed its first prohibition law in 1851, followed by successively stronger legislation in 1853 and 1855. The "Maine Liquor Law," as it was referred to, became a model for such experiments in many of the American States and in British North America. The fact that this was a period of friendly relations between Maine and New Brunswick undoubtedly strengthened the impact of Maine ideas. Following the arrival of the Sons of Temperance in 1847, prohibition became the Holy Grail for New Brunswick temperance advocates. However, despite the obvious similarities between Maine and New Brunswick, there were differences in their political environment that made prohibition a much more difficult fight in the

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<sup>77</sup> Hill Papers, 3/26, draft speech, nd.

<sup>78</sup> Brown Papers, James Brown to Catherine Brown, 16 May, 1855.

<sup>79</sup> Lillian M. Maxwell, "Hon. James Brown, One of the Founders of U.N.B., *The Maritime Advocate and Busy East* (November, 1950), 12.



British Colony. The political environment of Maine was more confused and conflicted than that of New Brunswick, at least partly as a result of stronger political parties. The Maine prohibition law was the creation of a Whig Party, strengthened by the combination of temperance and abolition forces.<sup>80</sup>

In New Brunswick, while temperance was a liberal issue, it was not a party issue.<sup>81</sup> At no time was temperance a part of the liberal platform. In spite of this, the leadership of the party went along with the passage of the legislation because it was politically unwise to resist it. Temperance supporters did not compose an absolute majority of New Brunswick voters, but the movement had the support of a large, energetic and articulate minority. That minority had ties to other reform elements, as well as an active press and strong support from the churches. The swelling tide of public opinion in favor of prohibitory legislation was buoyed by success of similar legislation in Maine. The lack of any concerted opposition convinced temperance leaders that the goal was within their reach. Some politicians bowed to public pressure, others probably assumed that the legislation would be killed in the Legislative Council or by the Lieutenant Governor, or that it would not be enforced. At any rate, the private members' bill introduced by Tilley and Brown in the Spring of 1855 passed both houses and received Royal Assent. When the bill went into effect in January 1856, it quickly became apparent that it would be impossible to enforce. In addition, the law caused serious civil conflict within the province. More

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<sup>80</sup> Chapman, "Temperance Movement," 52.

<sup>81</sup> Gail Campbell, "Smashers and Rummies: Voters and the Rise of Parties in Charlotte County, New Brunswick, 1846-1857," Canadian Historical Association, *Historical Papers/Communications Historique*, 1986, 108-09.

importantly, the prospect of losing a large portion of the public revenues at a time when the province was already in debt loomed increasingly larger in the minds of politicians.<sup>82</sup>

The difficulties created by the Prohibition Act, combined with the rather tepid support accorded the act by the Liberal government of Charles Fisher, would have almost certainly resulted in its eventual repeal. Before that could happen, Lieutenant Governor Manners-Sutton, who had taken office in 1854, took things into his own hands, and in the process, created a constitutional crisis. Manners-Sutton was very much against the Act, and he disliked his Executive Councilors who apparently were not deferential enough for his tastes.<sup>83</sup> A few months after the Prohibition Act took effect, Manners-Sutton decided that the combined threat to the provincial revenues and the credibility of the law necessitated repeal. The cabinet, however, refused to go along with the repeal of the law, and in May, the Governor dissolved the Assembly and called an election. The ensuing resignation of his cabinet rid him of his hated advisors. The election held in the summer of 1856, resulted in a new government dominated by Conservatives, which immediately repealed the law. But, the Conservatives gained only a bare majority in the House, and did not survive the session. Another Election was called for 1857.

The political effects of the prohibition interlude were unexpected but profound. In the election of 1857 the Liberals were returned and remained in power until Confederation in 1867. The elections fought over the prohibition

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<sup>82</sup> Noel, *Canada Dry*, 45; Chapman, "Temperance Movement," 54.

<sup>83</sup> Campbell, "Smashers," 108-09. Apparently Manners-Sutton blamed the Baptists for the Act.

issue saw the beginning of party or slate voting in the province and gave a boost to the new political parties. The intensity of the prohibition issue also appears to have increased interest in politics and resulted in a corresponding increase in voter turnout.<sup>84</sup> The actions of the Lieutenant Governor were constitutional despite accusations from the liberal press to the contrary. However, his rather high-handed actions proved to have been unwise. He was shortly forced to coexist with a Liberal cabinet which had little respect for him and which proceeded to ignore him thus destroying any effectiveness he might have had.<sup>85</sup>

The social impact of the temperance movement and the prohibition law was more complex. The Sons of Temperance suffered from the defeat for a time, but for the temperance movement in general it seems to have been only a minor setback. The actual decline in the consumption of alcohol was much less spectacular in New Brunswick than in some other colonies and states, and this has led some to conclude that the temperance movement was not in the final analysis effective.<sup>86</sup> However, recent studies suggest that the temperance movement had a substantial long-term impact on New Brunswick. Attitudes about drinking and its place as a dietary staple changed radically, and there is some indication that even where drinking continued, drinking habits changed and less potent types of alcohol were consumed.<sup>87</sup>

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<sup>84</sup> On the political effects of the prohibition issue see Gail Campbell, "The Most Restrictive Franchise in British North America? A Case Study," *Canadian Historical Review*, 71(2) (1990), 186-87; and Campbell, "Smashers," 97-8, 113.

<sup>85</sup> Chapman, "Temperance Movement," 60.

<sup>86</sup> *Ibid.*, 61.

<sup>87</sup> Noel, *Canada Dry*, 51-52.

In the long term temperance became part of the fabric of New Brunswick culture, and the effect would make the province the driest in Canada during the last three decades of the nineteenth century.<sup>88</sup> Beyond the issue itself, the battles over temperance seem to have strengthened the churches.

Temperance organizations also provided useful social outlets and increased the sense of solidarity in provincial society.<sup>89</sup> In many cases, the groups also provided education and various types of training in debate and critical thought. Women benefited not only from their direct involvement in the movement, but from changed attitudes and concern for family values.<sup>90</sup> The temperance movement's connection to the political reform movement was informal, but the connection remains as part of what one scholar has termed the "mythology of reform."<sup>91</sup>

Commitment to social values such as religious equality, education, and temperance was as essential to the reform persuasion in New Brunswick as was adherence to the principles of constitutional liberalism. Progress toward an ideal society composed of autonomous individuals required social justice, a high standard of public morality and a large measure of material progress. In the context of mid-nineteenth century New Brunswick politics, that meant not only reform of the political system, but religious liberty, the development of a

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<sup>88</sup> Ibid, 53, Noel mentions an 1898 referendum in which 87% of New Brunswickers voted for prohibition.

<sup>89</sup> Marguerite Van Die, "The Double Vision: Evangelical Piety as Derivative and Indigenous in Victorian English Canada," in *Evangelicalism: Comparative Studies of Popular Protestantism in North America, the British Isles, and Beyond, 1700-1990*, eds. Mark Noll, David Bebbington and George A. Rawlyk (New York: Oxford University Press, 1994), 262.

<sup>90</sup> Noel, *Canada Dry*, 32-3.

<sup>91</sup> Acheson, *Saint John*, 152.

free public education system, and more generally, the attainment of a disciplined and orderly society.

The issue of religious freedom was most basic because of its broad implications for political equality and economic justice, and because it constituted a constant and humiliating reminder of social inequality. In New Brunswick, the absence of religious freedom was a central impediment to the achievement of a modern educational system. Provincial reformers shared with other transatlantic liberals the belief that high quality education was necessary for material progress. Just as importantly, an educational system based on Christian principles was seen as a guarantor of social justice and equality. Finally, temperance provides the best example of the social reform impulse that derived from the reformers evangelical background. Despite occasionally conflicting opinions among liberals as to the best way of achieving basic goals, they continued to share optimistic assumptions about human nature and the possibilities for progress. In concert with other social reform issues, the temperance movement reflected the reformer's vision of the good society based on self-discipline and order.

## CONCLUSION

The Liberals returned to power in May of 1857, and despite their disappointing experience with prohibition, they continued to dominate the political system for the next ten years. Perhaps it was part of the natural cycle of progress and consolidation or perhaps the battles of the past twenty years had exhausted the passion for reform. Whatever the case, the era of reform was over. There had been some failures such as prohibition and municipal government. But, much had been accomplished in the years between 1837 and 1857. The colony had gained a substantial measure of autonomy, and Responsible government had brought a new and more efficient political structure. The electoral system was reformed and the franchise broadened. The battles over various reform issues increased public awareness and spread liberal principles.

Beyond politics, New Brunswick society had become more modern and egalitarian. The old religious distinctions and prejudices were fast disappearing. Free public education would soon be available for all New Brunswickers within a much more efficient and effective school system that included a new provincial university. Evangelical religion remained a distinctive feature of New Brunswick life and was an important element of the increasingly influential middle class culture.

By 1857, the “old liberals” were either gone or nearing the end of their careers, their places taken by a new generation of politicians. Wilmot had been a judge since 1850. In 1867, he would become the first native Lieutenant Governor of the province. Hill remained on the Legislative Council, but played a diminished role. He died during the legislative session of 1858. Brown was reelected in 1857 but lost in 1861, and then again in 1864 and 65, when he opposed Confederation. Even Fenety seemed to have lost his zeal for the old reform issues. He eventually gave up the *Morning News* to become Queen's Printer in Fredericton. After 1861, Fisher's political influence began to wane even in the Liberal Party he had created. He eventually became one of the first new Federal Members of Parliament. When federal politics proved not to his liking, he moved on to the Bench and finished his career there.

More than anything else, reform issues were pushed aside by an increasing preoccupation with the question of colonial union. Most of the “old liberals” supported the idea of a union, although not without reservation. For many, it seemed to be the only way that the colonies could attain increased autonomy and still hope to make their way in the transatlantic world. However, of the four colonies that were joined in 1867, New Brunswick was alone in initially rejecting union. In 1864, the province voted against Confederation, and James Brown was one of those who campaigned against it.

Brown, like many other New Brunswickers, did not approve of the conditions being offered to his native province. He also had more confidence

than many in the ability of New Brunswick to survive on its own.<sup>1</sup> In retrospect his position and that of the other Anti-Confederates was not an unreasonable one.<sup>2</sup> New Brunswick went from being a colonial dependency to being a marginal part of a larger political system dominated by central Canada. Since Confederation, there have always been those who have argued that it was no great improvement.<sup>3</sup> The changes brought about by Confederation altered the dynamics of provincial politics, brought about political realignment and reduced the importance of political reform. However, the liberal-democratic principles which guided the early reformers remained as the core of New Brunswick's political culture.

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<sup>1</sup> David G. Bell, "The Confederation Issue in Charlotte County New Brunswick." M.A. thesis, Queens University, 1977, examines the motivation of Anti-Confederates in James Brown's county.

<sup>2</sup> This does not imply that the Anti-Confederate movement was born of some nascent nationalism, but only that those who opposed the union were unhappy with the conditions agreed upon at the Quebec conference in 1864.

<sup>3</sup> Phillip A. Buckner, "The Maritimes and Confederation: A Reassessment," *Canadian Historical Review*, 71 (March 1990), 1-45, examines how scholarship of the Anti-Confederate movement has been affected by the central Canadian bias as well as Whig and nationalist interpretations.



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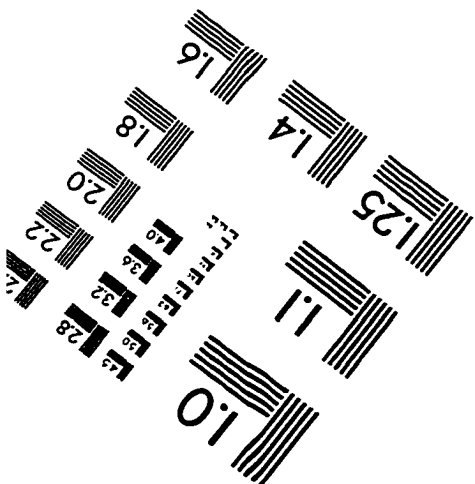
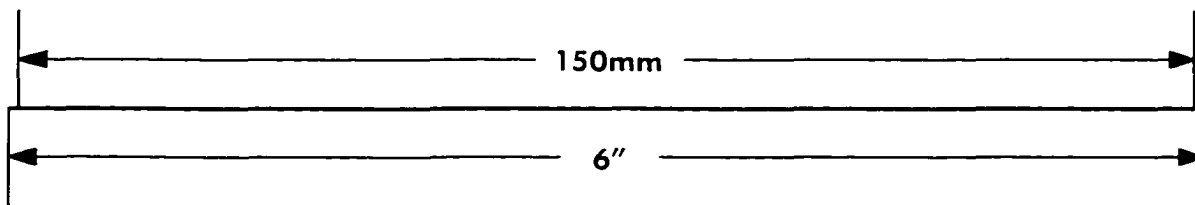
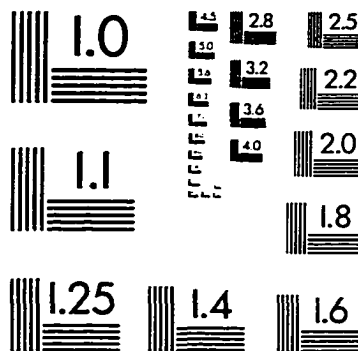
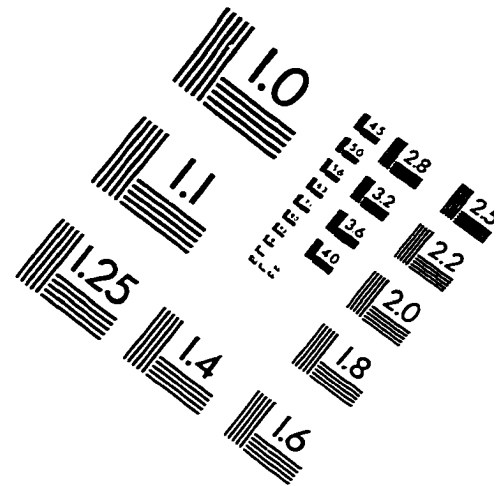
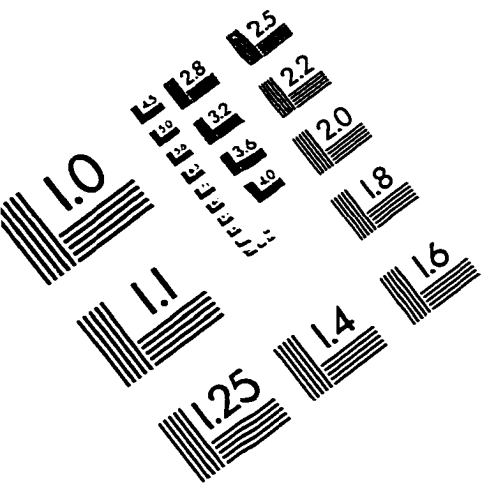
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