

THE DECLINE OF TORYISM IN UPPER CANADA
1837-1841

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ABSTRACT

This thesis will examine the decline and fall of the Tories of Central Canada during the period from 1837 to 1841, attempting to explain how, from an apparently entrenched position of widely accepted leadership in 1838 they had become a minority on the defensive by 1841. Emphasis will be given to their ideas and attitudes because, while there are many factors present in the decline of Tory strength these were of great importance.

Tory rule, in 1838 depended upon two factors. It was accepted in Upper Canada because it seemed to represent the type of reassurance Upper Canadians needed in 1838 and because it coincided with the desires of the Colonial Office. The American Patriot invasions initially bolstered the Tory position for the invasions seemed to show that only the Tories could prevent the infiltration of Americanism. In the long run however, the Tory response was exaggerated and proved detrimental, for the Colonial Office did not concur. Intransigence in this matter eventually undermined the Tory position. The policies of Lord John Russell and Charles Poulett Thomson showed that the Colonial Office no longer viewed Tory rule as satisfactory.

The inability of the Tories to adapt to changing conditions led to their collapse. The Tories refused to believe that the threat of American invasions had disappeared and that the time had come for Canada to concentrate on its own economic development. The moderate Conservatives realized this and abandoned the Tories to follow Sydenham. Sydenham was so effective in altering the course of Canadian politics that by 1841, the old Tories had become a rather insignificant splinter group--disorganized, leaderless and without a clear cut program. In the first United Parliament, their only course was defensive and their efforts were quite futile.

Abbreviations Used in the Notes

<u>A.P.</u>	C. R. Sanderson, ed., <u>The Arthur Papers</u>
PAC	Public Archives of Canada
PAO	Provincial Archives of Ontario
RG7 G4	<u>Great Britain. Colonial Office, Correspondence of the Minister at Washington with the Governor-General</u>
Series G	<u>Great Britain, Colonial Office, Correspondence of the Colonial Office with the Governor General</u>
Series Q	<u>Great Britain. Colonial Office, Correspondence of the Governors, Lieutenant-Governors and others to the Colonial Office prior to 1841</u>

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INTRODUCTION

Prior to the rebellion of 1837, the Conservative Party in Upper Canada had proved successful, as a political entity, because of its ability to combine a progressive economic program with other traditional Conservative priorities, the need for a structured society, a continuation of the relationship between Church and State, loyalty to the Crown and maintenance of the British connection. But the rebellion changed all this. The foundation of the existing Canadian framework, although not cracked, was indeed shaken. The Conservatives reacted strongly, too strongly in fact. Although one can sympathize with their reaction, it nevertheless proved fatal for themselves. In a confusing era, the Conservatives latched onto a traditional relic of the past, loyalty. A progressive conservatism which had sponsored the formation of the Canadian banking system and such internal improvement projects as the Welland Canal, became an almost reactionary movement which vented its frustration in pleas for severe punishment of "pirates" and "traitors" and in the exclusion from politics of any radical, a term in the eyes of many, which covered any critic from Mackenzie to Robert Baldwin.

The nature of the many sided conflict was not solely an outgrowth of the Canadian rebellion but was complicated by the invasion of Canadian territory by the American Patriot forces. And yet a curious

situation arose. While the American invasions complicated the situation for the Colonial Office trying to adjust Canadian problems, the Canadian Conservatives' view of reality became strangely simplified. By interchanging at will the terms, reformer, republican, democrat, American, and traitor, the Conservatives rejected anything which they felt was not in the loyalist tradition. Subsequently, their ability to accept any new proposals or to "compromise" in practise was severely restricted if not entirely eliminated. At a time when the colonies were suffering under the handicaps of a rather serious depression their steadfast refusal to accept such legislation as the Union bill did not endear them to Lord Durham, Lord Sydenham or the Colonial Office. Nor did it prove popular with most of the population. Conservatives in viewing their part in this period would probably term their course as one which showed evidence of "steadfastness". Their disenchanted contemporaries called it "stubbornness". At any rate, the Conservative reaction to the events of 1837-1841 contributed to their downfall. By the time of the inauguration of the Union government in 1841, the prominent Tories, men like Sir George Arthur, the Lieutenant-Governor, Bishop John Strachan, Legislative Councillor, Inspector General John Macaulay and Chief Justice John Beverley Robinson had been removed from the centre of decision making.

The interim period then, 1838-41, was a period of assault upon Conservative values. This attack commenced with Mackenzie, was followed by the American Patriots, the Durham Report, the attack upon the established Church, implicit in the Clergy Reserves issue and concluded

with the issue of union and responsible government. In the eyes of a Conservative, these attacks were all related for they had as a directing light, the desire to replace the ways of the British Empire with the ways of Republicanism. Certainly in the case of the American Patriots, they were correct. The Conservatives erred however. Seeing the success they had obtained from their use of vociferous anti-American diatribes, they were quite prepared to maintain that the threat of Republicanism was inherent in the Durham Report and Union. Lord Durham had a liberal outlook but his attachment to the British Empire was well founded.

To fear the United States and American institutions was a common phenomena throughout the history of Upper Canada but this fear was most extreme in the aftermath of the border rebellions. In this case, Canadian fear led to a violent attack on Americanism. This attack originated from a very high source--Upper Canada's Lieutenant-Governor, Sir Francis Bond Head:

I am doing all in my power to encourage among Her Majesty's Canadian Subjects hatred and animosity towards American institutions and certainly nothing can be more detestable than they are, nothing can be more degrading than the barbarous[sic] tyranny of mob-government.¹

Professor S. F. Wise is correct when he states that Canadians saw American institutions "only through the chinks in an extremely constricting

¹ Sir Frances Bond Head to Lord Glenelg, March 6, 1838, Great Britain, Colonial Office, Correspondence of the Governors, Lieutenant-Governors and Others to the Colonial Office, prior to 1841, Series Q, Vol. 403 Part I, p. 13, Public Archives of Canada.

ideology,"² and that Canadians really didn't understand American Republicanism. Conservatives however, felt that they understood enough to realize that Americanism was a direct threat.

Criticism of American institutions and American public officials was initially effective in rallying the citizens of Upper Canada to the defense of their homeland. The loyal citizens of Upper Canada were indeed upset by the many invasions of January and February of 1838, aroused by the burning of the British steamer, the Sir Robert Peel, on May 31, 1838, and extremely indignant that the Hunter's Lodges were allowed to continue and effect a raid on Upper Canada in November of 1838. Canadian opinions of American intentions were confirmed by their view of American officials. Henry S. Fox, Great Britain's Minister to the United States was convinced that John Forsyth, President Van Buren's Secretary of State was:

. . . by no means friendly to Great Britain; he is not. I have reason to believe on very cordial terms with the President; and I am under the conviction that he thinks the President has all along set too great a value upon the preservation of peace with Great Britain.³

The consensus amongst historians of Canadian-American relations tended to disagree with the Conservatives on this point.⁴ O.E. Tiffany is

² S.F. Wise and R.B. Brown, Canada Views the United States (Toronto, The Macmillan Company of Canada Limited, 1967), p. 22.

³ Henry S. Fox to Lord Palmerston, September 28, 1839. Correspondence of the Minister at Washington with the Governor General, RG7 G4, Vol. V, p. 360, P.A.C.

⁴ For example, "There was every desire on the part of the government at Washington to prevent trouble from arising." Edgar McInnis, The Unguarded Frontier (New York, Doubleday, Doran & Co., Inc., 1942), p. 151.

decidedly friendly to Van Buren, portraying the President as determined to keep the peace in the face of many obstacles.⁵ Even Van Buren's most bitter critic, Alexander Holmes gives the President credit for paving the way for a settlement with England.⁶ Canadian historians, too, have been less critical of the Americans than they have of Upper Canadian officialdom.⁷

Upper Canadian Conservatives would never have accepted these opinions, particularly in 1838. Through 1839 and 1840 the intensity of the bitter feelings subsided as the American Government showed increasing signs of good faith. By the time the McLeod case⁸ burst into prominence in the winter of 1840-41, Canadians were more concerned with the fruits of the impending union than they were with upholding the integrity of the British Empire. For a time, Sir George Arthur, Bond Head's successor was successful in arousing public opinion, but it became increasingly clear that it was only the old line Tories who supported Arthur in his denunciation of the Americans. By 1841,

⁵ O.E. Tiffany, "The Relations of the United States to the Canadian Rebellion of 1837-38," Publications of the Buffalo Historical Society, 1905, Vol. VIII, p. 74-75.

⁶ Alexander Holmes, The American Tallyrand (New York, Harper and Brothers, 1935) p. 350-51.

⁷ On the whole, Canadian historians were less hasty in white washing the Van Buren administration, none the less, the historians, old and new, sympathized with his position. Witness, Walter Sage, Sir George Arthur and his Administration of Upper Canada, (Kingston, The Jackson Press, 1918), p. 15 and Gerald M. Craig, Upper Canada, The Formative Years 1784-1841 (Toronto, McClelland and Stewart Limited, 1963) p. 258.

⁸ Alexander McLeod, a sheriff of the Niagara district, was arrested in New York because of his alleged involvement in the Caroline affair. The subject will be discussed at greater length in Chapter IV.

most Canadians seemed to want to forget the United States, for the moment, and concentrate on their own advancement.

Of more importance than the actual course of Canadian-American diplomatic negotiations, the Patriot invasions provoked an almost irrational witch hunt within the boundaries of Upper Canada. These attacks could be, at times, petty and irrelevant. One newspaper wanted to close down all taverns in the Province because the taverns were owned primarily by Americans, men who gathered about them "the most worthless and discontented vagabonds," men who were "actively or passively encouraging revolution and treason."⁹ Beyond this, Upper Canadian Conservatives' perception was limited after the rebellion and the American invasions. Their response to the important proposals formulated between 1838 and 1841 was directed by past happenings rather than present conditions. This thesis will look at these reactions and attempt to evaluate the Conservative state of mind for their attitudes and behaviour during this critical period led to the end of the dominance they had held.

The term Conservative, can be at times misleading. In 1838, it became exceedingly misleading for in the aftermath of the rebellion, practically everyone called themselves Conservative. Professor Wise sums up the ambiguity of the term:

If Upper Canadian conservatism lacked uniformity and homogeneity, this is only another way of saying that it was an alliance of different interests and outlooks.¹⁰

⁹The Patriot, (Toronto), November 23, 1838.

¹⁰S.F. Wise, "Upper Canada and the Conservative Tradition" in Profiles of a Province, (Toronto, Ontario Historical Society, 1967), p. 24.

To Professor Wise, the Conservative alliance consisted of three groups, the "pure Tories"--men like John Strachan or John Beverley Robinson. These Tories were normally found on the two appointive Councils. The second component of Upper Canadian Conservatism was the more moderate Conservatives who did not always agree with the High or pure Tories; these men were usually found in the Assembly, an example being William H. Draper, the Solicitor General. The third element was the business conservatives--men who, with the elimination of the moderate Reform option found it expedient to be government supporters. William H. Merritt a prominent business man from St. Catharines would be typical of this group. What then would bind these people together?

In 1838, when there was a fair amount of cohesion within the Conservative "party", three assumptions were held, to varying degrees, by all Conservatives. There was a general agreement on ideology. The Conservatives were committed to an ideology centered on several basic concepts, reverence for the Crown and Empire, stratified society, a mild type of elitism in government, mild in the sense that the elite was not completely closed--new faces were readily accepted, and the desire to maintain the dominance of the Anglican Church. Of the three types of Conservatives cited, the pure Tories would be foremost in the full acceptance of these commitments. The moderates, as the term implies, would not accept the more extreme applications of this ideology. Specifically, when the time came to guarantee the position of the Anglican Church, the moderate hesitated and many balked. The business Conservative allegiance was based largely on expediency.

Expediency and ideology do not always mix and when the pure Tories exerted their control in 1839 and 1840 and pushed an extreme position upon the ranks of Conservatives, the business Conservative left. This is exactly what happened. The pure Tories in the face of the attack precipitated by the Durham Report, neglected the positive elements of conservation and concentrated upon "loyalty". This effort in addition to the partisan Tory attempt to equate Reform with Rebellion alienated most of the Moderates and business Conservatives.

The second element which initially cemented the Conservatives was their commitment to the economic progress of the Province. This became a dividing point for the Conservatives in the period, 1838-41. As loyalty became more crucial, economics became secondary. The Conservative determination to see threats to Canadian integrity everywhere, disillusioned the business Conservatives. When the Durham Report and the Union proposal offered the business community an alternative, they were quick to agree.

The third feature which initially united Conservatives came in the end to be most divisive. In 1838, to be a Conservative meant that one supported the administrations of Sir Francis Bond Head and Sir George Arthur. From the outset, this did not apply to everyone, The British Colonist claimed to be a Conservative paper although it did not support the Family Compact. It believed in the Conservative ideology and in the general scope of the economic proposals, but was not associated with the administration. It did not, however, rebuke the Arthur administration in 1838. It took the Durham Report and

increased evidence of Tory mismanagement to convince the Colonist that reform was essential. The staunch Conservative papers defended the existing Upper Canadian government completely. The Kingston Chronicle and Gazette although they believed the term, Family Compact, was inaccurate felt it was only natural that the respectable families in Upper Canadian society should be prominent members of the government, ". . . and we are not prepared to deny that it was rather an advantage than otherwise that it should exist."¹¹ Indeed, the ruling party in Upper Canada had served a useful function and as Professor Wise indicates, it is unfair to be overly critical:

Despite their inefficiencies and miscalculations, there was an undeniable statesmanship in the pragmatic conservative acceptance of the positive role that government must play in order to counteract the vulnerabilities of the Canadian economy and polity.¹²

As the Conservatives of Upper Canada became less concerned with positive government, and more and more reactionary, they became less of a viable alternative to Upper Canadians.

If the term, Conservative, is misleading and only truly applicable to describe an alliance of different interests, then the term, Tory, is equally vague. In 1838, contemporaries used the two terms interchangeably and with the general agreement amongst Conservatives at that time, this was quite acceptable. It must be remembered that the terms, Tory and Conservative, were not used in an European

¹¹Kingston Chronicle and Gazette, July 27, 1839.

¹²S.F. Wise, op. cit., p. 30.

context, rather in Upper Canada they were general terms used to denote the administration of Upper Canada at all levels. The arrival of the Durham Report and the subsequent debate over union and responsibility, changed this situation. The two terms now had more precise meanings-- a distinction could be drawn between High Tories or staunch Conservatives and the moderate Conservatives. This distinction became most pronounced during the passage of the Union Bill and the Clergy Reserves Bill. The High Tories, on the whole, rejected union and the re-apportionment of the Reserves. They clung to Conservative ideology and the existing administration. They were led by Christopher Hagerman, Attorney General from Kingston, John Strachan and the other Tories of the Executive and Legislative Councils. The moderate Conservatives, grouped around Thomson, fought for union and re-apportionment. In contrast to the Tories, they opposed the existing administration and placed the economy above ideology. They were led by William H. Draper in the House and Robert Baldwin Sullivan in the Legislative Council.

CHAPTER ONE
THE TROUBLES OF THE REBELLION,
1837-38

Upper Canadian Conservatives had become conditioned to being on the defensive. Prior to the War of 1812, the frontier atmosphere was not particularly conducive to political dissent. The post war period with the struggle over pensions and land grants saw the beginning of a protest movement. Heightened by the appearance of Robert Gourlay and the subsequent attack on Crown and Clergy Reserves, the assault was intensified by the seesaw political battle for control of the House of Assembly in the late 1820's and early 1830's. Yet Mackenzie's insurrection posed by far the biggest problem the Conservatives had to face and it was typical of their reaction throughout the period that they felt their followers needed reassurance. As John Macaulay said:

In such a moment, it is most important to confirm the loyal in their confidence by due organization, and the provision of adequate means for resisting any desperate attempt.¹

The subsequent organization proved more than adequate and, in fact, the Conservatives found they had little to fear from internal rebellion. However, Mackenzie's arrival in northern New York and his efforts to

¹ John Macaulay to John Kirby, December 4, 1837 Macaulay Family Papers, Provincial Archives of Ontario, Toronto.

organize an American based invasion added a new element to the picture. The ramifications of these futile invasions appeared most threatening to native Canadians, most distracting (and expensive) to the Colonial Office and most embarrassing to government officials in the United States. The purpose of this first chapter will be to discuss the evolving attitudes of the official participants in this war of nerves, particularly the Upper Canadian Conservatives. In their initial response the germs of later fears were evident. The Conservative over reaction to the American invasions was the first step towards downfall.

At the outset, active American participation was not even considered a possibility by at least one British Cabinet minister who feared instead a general flocking of European "adventurers" to North America.² The British minister at Washington, Henry S. Fox realized the explosive nature of the situation since there was no substantial American army and no effective legislation to control unruly citizens. However, he was far from pessimistic, observing "nothing which should lead me to doubt the honesty of the President's intentions; . . ."³ He was fearful though, lest open rebellion re-occur in Upper Canada, in which case honest intentions would hardly be enough to subdue the restless border ruffians.

² Lord Fitzroy Somerset to Sir John Colborne, December 23, 1837 Great Britain. Colonial Office, Miscellaneous Correspondence, C.O. 537, Vol. XXV, p. 62, Public Archives of Canada.

³ Henry S. Fox to Lord Gosford, December 18, 1837 Great Britain. Colonial Office, Correspondence of the Minister at Washington with the Governor General, RG7 G4, Vol. IV, p. 91, P.A.C.

The meetings held by Mackenzie in mid-December preceding the actual occupation of Navy Island on December 13,⁴ were well received by the American border press which revelled in the anticipation of a Canadian invasion. However, a significant segment of the American press, further removed from the border, and more concerned with maintaining friendly relations with Great Britain was outspoken in its criticism of the "Patriot Army". The Daily Albany Argus called the Patriots "hot-headed and indiscreet meddlers".⁵ In its appeal to halt American involvement, the New York Commercial Advertiser made perhaps the most astute observation:

The best commentary that can be made upon the Upper Canada affair, is found in the fact, that the people themselves, liberals and conservatives, have united and crushed the movement almost in its inception."⁶

The fact that the American Patriot Army had successfully "invaded" British soil was discomfoting but not particularly alarming. Sir Francis Bond Head, himself prone to over-reacting, was careful to caution his equally rambunctious lieutenant, Sir Allan MacNab against any offensive action. Head reasoned that Mackenzie's position on Navy Island "subjects him to inconvenience, embarrassment, suffering and expense. Their cold frosty nights will I think cool the courage of

⁴Mackenzie and a handful of followers arrived on December 13; the "Patriot Army" as such was not a real force until December 19. See: John C. Dent, The Story of the Upper Canadian Rebellion, Vol. II (Toronto, C. Blackett Robinson, Publisher, 1885), pp. 184-193.

⁵Daily Albany Argus, December 20, 1837.

⁶New York Commercial Advertiser, December 20, 1837.

his adherents."⁷ But the Navy Island force persisted and became, more than anything a source of annoyance to the Lieutenant-Governor. Head was well aware of his military superiority but was not willing to test the invaders. Sir Francis commented to his superiors:

I have plenty of hot-headed adherents who are urging an attack on them, but I see many reasons against it; first, we should do nothing which could risk a defeat, which if effected, would I am sure be the signal for a general rush into the province.⁸

The crucial episode in these events, the sinking of the Caroline, has been more than adequately discussed and analysed.⁹ Here it is important to note, that the destruction does not denote a desire on Head's part for a diplomatic breach with the United States. Nor were Head's actions rash or tactically speaking, offensive.¹⁰ The attack was necessitated by the persistence of the Patriots and was an attempt to cut the Americans' supply lines, thereby forcing an evacuation without actual armed invasion.

⁷ Sir Francis Bond Head to Allan MacNab, December 21, 1837
Sir Allan Napier MacNab Papers, P.A.C.

⁸ Head to Colborne, December 26, 1837, Great Britain. Colonial Office, Correspondence of the Governors, Lieutenants-Governor and others to the Colonial Office prior to 1841, Series Q, Vol. 398 Part III, pp. 606-07, P.A.C.

⁹ Edwin C. Guillet, The Lives and Times of the Patriots (Toronto, Thomas Nelson and Sons, Limited, 1938), Chapter VII.

¹⁰ It is not known whether Head actually called for the attack. The official correspondence does not mention such a step. The final decision was MacNab's but Head concurred entirely. See: Sydney Jackman, Galloping Head (London, Phoenix House Limited, 1958), p. 109-10.

The resulting effects of this action could have proved disastrous to the continuance of amicable relations between the United States and Great Britain. Even a staunch conservative like John Macaulay, although he could understand and justify the course pursued, was none the less, apprehensive regarding the implications of the situation:

It [Caroline] is an important matter and places us in a new position for we have in our turn violated the American territory. We can, I have no doubt under the law of nations, justify the act while an armed American force occupies our ground and communicated with the American shore by means of this very steamer. Yet these rather slight occurrences which [sic] very frequently form the genus of national wars.¹¹

Sir Francis maintained that the British show of force actually dampened the American zeal.¹² However, this conclusion appears to be merely a rationalization. The Daily Albany Argus felt the incident only agitated the conditions in Northern New York.¹³ The official correspondence reflected this same attitude. The Secretary of State, John Forsyth, felt the Caroline "had the natural effect of increasing the excitement on the border which this government was endeavouring to allay."¹⁴ As a result, the official American reaction took a much sterner course. Forsyth warned against the "rashness of persons" and the dire consequence of "aggressions upon the United States."¹⁵ President Martin Van Buren,

¹¹ John Macaulay to Mrs. Ann Macaulay, December 31, 1837 Macaulay Papers, P.A.O.

¹² Sir Francis B. Head, The Emigrant (New York, Harper and Brothers, Publishers, 1847), p. 148.

¹³ Daily Albany Argus, January 5, 1838.

¹⁴ John Forsyth to Henry Fox, February 13, 1838, United States, Department of State, Notes to Foreign Legations, Great Britain, p. 92.

¹⁵ Forsyth to Fox, January 5, 1838, ibid., p. 72.

in informing Congress of the Caroline talked of "an outrage of a most aggravated character" committed by a hostile invasion force.¹⁶ Most certainly the United States would demand redress from Great Britain. But while Van Buren saw the Caroline incident as an affront to American national honor, he refused to be caught up in any demands for active retaliation. Van Buren warned his citizens:

that they would receive no aid or countenance from their Government, into whatever difficulties they may be thrown by the violation of the laws of their country and the territory of a neighboring and friendly nation."¹⁷

He also asked Congress to pass a new neutrality bill which would provide the federal government with more effective power to prevent any invasion.¹⁸

At first glance, Van Buren's original attitude concerning the Caroline and his other pacific statements may seem contradictory. His statement regarding the Caroline was no doubt necessitated by an incensed public, but the note of calm evident elsewhere was more indicative of the American attitude.

In all of this, there is a note of concern but Van Buren seemed confident that war could be avoided. His personal correspondence contains only one reference to the Canadian problem in 1838. At the height of the most serious invasion, the Prescott raid in November, Van Buren showed no alarm whatsoever. "The Canadian affair gives us much trouble

¹⁶ Martin Van Buren to Congress, January 8, 1838, James D. Richardson, The Messages and Papers of the Presidents, Vol. III (Washington, Bureau of National Literature and Art, 1903), p. 401.

¹⁷ Proclamation by the President of the United States, January 5, 1838, ibid., p. 481.

¹⁸ Van Buren to Congress, January 5, 1838, ibid., p. 399.

but will, I hope work off without serious difficulty."¹⁹ The American federal government acted in good faith directing troops to the border area and issuing orders to the governors of the states involved to curtail their unruly citizens. Notice was taken of this by the British Government who were prepared to accept at face value the declarations of the American officials.

The reaction of the British North American officials to the situation created in the aftermath of the Caroline showed their tendency to panic. This was understandable. To the Americans, the whole situation was merely a minor border skirmish, to the English it was insignificant, but it was Canadian lives and property at stake. The threat of war was remote to the Americans, who were in no position to fight one, and to the British who did not want to bear the economic burden of a North American war. The attitude of the Home Government was very clear and showed great restraint and confidence in the American government:

From Mr. Fox's report H. M. Government have learned with much satisfaction the energy and good faith with which the General Government have exerted themselves to prevent any infraction by American citizens of the amicable relations subsisting between Great Britain and the United States."²⁰

Upper Canadian officials were never as entirely convinced. The Legislative Council was quick to denounce the government of New York for their

¹⁹ Van Buren to Andrew Jackson, November 16, 1838, Martin Van Buren Papers, Role 19, University of Manitoba.

²⁰ Lord Glenelg to Colborne, March 14, 1838, Great Britain. Correspondence of the Colonial Office with the Governor-General, Series G, Vol. LXXXIV Part I, p. 276-77.

inability to protect either their own arsenals or the sanctity of the Canadian border.²¹ Henry Fox feared the American Government was allowing the existing bitterness surrounding the Caroline to go unchecked in order to obtain a better bargaining position when diplomatic negotiations commenced.²²

Henry Fox, in attempting to assess American motivation showed a great deal of ambiguity. At one instant, Fox was prepared to accept the actions of the President and state that, "Their desire to avoid a war with England is certainly sincere."²³ Despite these acts of good faith, Fox, at other times, refused to trust the Americans and had a tendency to consider their motives as somewhat less than altruistic:

All Americans have been born and bred up in the expectation, that the Canadas were necessarily destined to belong, sooner or later, to them. . . . They will neither risk a war, nor commit a great political crime, in order to better their chances of one day possessing Canada; but we cannot suppose that they would in their hearts regret the event, if, without their interference, Canada were to fall from Great Britain.²⁴

American motives were not all that were under suspicion. There was a general feeling amongst Conservatives, that the whole pattern of American society, a society in which the respectable class could not influence the actions of the "rabble", was in a "state of demoralization,

²¹Address from the Legislative Council to Her Majesty on the State of the Province, February 23, 1838, Upper Canada Sundries, Vol. 186, P.A.C.

²²Fox to Lord Palmerston, January 21, 1838, Lord Durham Papers, Section III, Vol. I, p. 93-94, P.A.C.

²³Fox to Head, January 4, 1838, ibid., Section III, Vol. I, p. 64.

²⁴Fox to Arthur, June 26, 1838, C.R. Sanderson, ed., The Arthur Papers, Vol. I, (Toronto, University of Toronto Press, 1959) p. 211.

corruption and disorganization which threatens its inevitable and speedy disolution."²⁵ An end, which one might add, the Patriot eagerly awaited. American democracy had long been a favorite Tory target but now that it interfered with Upper Canada, the attack became more bitter:

The Bench of Justice is shamefully dependent on the same source of all power, Trial by Jury has become no better than investigation by public meetings. Law is a dead letter . . . punishment for outrages committed by a mob . . . is out of the question. The people that is the majority say we made the law and are consequently superior to it.²⁶

The proximity of the United States led the Canadian officials to be more concerned and suspicious than their British counterparts. There was sufficient evidence to be certain the New York officials were lax in administering justice. However, this seemed more serious to Sir George Arthur than it did to Lord Glenelg. Consequently, Glenelg's refusal to read crisis into the situation, his constant urgings to promote a pacific policy towards the United States and his reluctance in favoring additional troops for the Canadian frontier upset Canadian Conservatives. What did the Conservatives see in their position which appeared so threatening?

As Lieutenant-Governor, Arthur was primarily concerned with the internal problems of Upper Canada. Although Sir Francis Head insisted that "as regards the political state of the Province there is nothing whatever to fear,"²⁷ and repeated these same sentiments to Arthur in a

²⁵The Patriot, (Toronto), January 23, 1838. A Conservative paper edited by Thomas Dalton.

²⁶R. B. Sullivan, Report on the State of the Province, June 1, 1838, A.P., Vol. I, p. 133.

²⁷Head to Glenelg, January 10, 1838, Series Q, Vol. 402 Part I, p.13.

personal letter,²⁸ Arthur was not convinced. Throughout his administration, Arthur worked from one basic premise:

. . . disaffection here, can only be considered to be smothered at present, every cause of excitement, it is my duty by all possible means, to remove.²⁹

There is ample evidence that in 1838 the "disaffection question" was indeed serious in the eyes of the conservatives. The Commissioner of Crown Lands, R. B. Sullivan in his Report on the State of the Province, stated quite clearly "that a considerable portion of this community may be said to be disaffected."³⁰ The Upper Canada Sundries are filled with reports on the extent of disaffection. As late as October and December of 1838, reports from sheriffs and from militia leaders were filtering in concerning the dangerous extent of disaffection in their districts.³¹ Certainly Arthur seemed sincere in his conviction that the residents of the western area around London were prone to disloyalty.³² In areas bordering the United States, Arthur acted upon the assumption that insurrection was at least a possibility. Thus he:

. . . proceeded on Sunday morning into the said to be disaffected sections of the District of Niagara so that the waverers might have as little time as possible to hesitate about the side which they would take.³³

²⁸Head to Arthur, February 9, 1838, A.P., Vol. I, p. 53.

²⁹Arthur to Fox, May 22, 1838, ibid., Vol. I, p. 123.

³⁰R. B. Sullivan, op. cit., A.P., Vol. I, p. 134.

³¹Col. O'Brien to Arthur, October 27, 1838, Upper Canada Sundries, Vol. 208 and Sheriff Lachlan to John Macaulay, December 10, 1838, ibid., Vol. 211.

³²Arthur to Colborne, June 22, 1838, A.P., Vol. I, p. 204.

³³Arthur to Durham, June 27, 1838, Series Q, Vol. 406 Part II, p. 386-87.

In the face of this, it is difficult to believe that the disaffection question was simply a stick to beat the reformers out of existence. Through the use of historical hindsight, one knows now that only a very few Canadians advocated anything approaching armed insurrection. However in 1838 disaffection seemed very serious indeed and the nonchalant attitude of the Home Ministry irritated most Conservatives who expected a firmer stance as a reward for their continuing loyalty. Their frustration is most apparent in a letter from John Macaulay:

You will see what a rap is given to Ministerial Knuckles by the Assembly in their address. If the Queen does not hereafter govern us so as to protect the loyal and discourage the malcontents, these colonies will only be an incumbrance to the Empire--and surely she should be proud of Upper Canada for in what other quarter will she find such devoted loyalty.³⁴

As Lieutenant-Governor, Arthur was caught in the middle. Glenelg told him outright that "great caution should be used not to give any just ground of complaint to the People or Government of the United States,"³⁵ and this at a time when less inhibited conservatives were counseling armed retaliation. The inability of Arthur to obtain adequate regular troops, a result of Ministerial policy, further separated Arthur from his loyal supporters. Conservatives, tiring of constant militia duty, complained it was "high time the Governor should send a spare regiment to relieve us of our continuous toil."³⁶ Since guns and ammunitions were

³⁴ John Macaulay to Mrs. Ann Macaulay, January 5, 1838, Macaulay Papers.

³⁵ Glenelg to Arthur, March 14, 1838, Series G, Vol. LXXXIV, p. 315.

³⁶ The Western Herald, (Sandwich, U.C.), December 4, 1838.

scarce, Head and Arthur were forced to distribute them carefully, causing some followers to complain that they lacked sufficient munitions.³⁷ A combination of Imperial policy towards the United States and a seemingly indifferent policy towards what the Conservatives termed "rampant disaffection" caused the conservatives to view the Whig government in Great Britain dimly. It was no wonder that the Conservatives were apprehensive. Required to defend their border, at great personal loss, they received only token moral support from the Mother Country, they so esteemed.

One of the strong points of Upper Canadian Conservatism was its attachment to a productive economic program. In the aftermath of the rebellion and the American invasions, Conservatives were concerned with the economic state of the Province but they were primarily motivated by ideological and sentimental reasonings. Nevertheless, it was alarming to see the ease with which some British journals and Members of Parliament were coldly calculating the financial gains to be obtained by abandoning the colonies. The Kingston Chronicle and Gazette could hardly believe that such a project could even be entertained when the Canadas annually employed some twelve hundred British ships.³⁸ Since complete abandonment was highly unlikely, it was not as disconcerting as the slow withdrawal of credit which occurred in 1838. In this respect, it was felt that the time had come for Great Britain "to render us the essential

³⁷ Archbishop A. Macdonell to A. Manahan, M.P.P., February 20, 1838 Alexander Macdonell Papers, p. 19-20, P.A.C.

³⁸ Kingston Chronicle and Gazette, February 24, 1838.

service of backing our obligations by guaranteeing our debentures for a million sterling."³⁹

The stagnation of the Upper Canadian economy and the resulting effect upon Great Britain was blamed upon the rebels and upon Great Britain's lax foreign policy which fostered internal and external scheming against the Government of Upper Canada. The fact that the merchants of London and Liverpool had withdrawn their letters of credit was attributed directly to the rebellion.⁴⁰ The decline in "Passengers" from September of 1837 to September of 1838 from 21,649 to 2,636 was because of the influence of "agitators and rebels."⁴¹ The frustrations of Upper Canadians and the intenseness of their bitterness towards the policy of both the United States and Great Britain was quite clear:

We are suffering now a part of the inconveniences incident to open warfare, in the depopulation of our country, the depreciation of real estate, and the utter stagnation of business and enterprise.⁴²

Evenutally the economic issue would split the Conservative ranks but for now they were united in their complaints and in their belief that the causes fell beyond the sphere of Conservatism. They saw not a general world wide depression but a Canadian depression brought on by Whig mismanagement, foreigners and rebels.

³⁹ Ibid., April 14, 1838.

⁴⁰ Ibid., February 28, 1838.

⁴¹ Ibid., September 27, 1838.

⁴² The Western Herald, (Sandwich, U.C.), November 13, 1838. The Herald was perhaps the most bitter of the Conservative press in attacking the Whigs, speaking of "the weakness of an imbecile administration."

It was in this way that the road to isolation began for the Conservatives of Upper Canada. The Colonial Office viewed the American attitude in a realistic light, being well aware of the impracticability of defending such an immense frontier from the scattered American fugitives. The Upper Canadian Conservatives over estimated the extent of disaffection and the designs of those considered disaffected thereby causing them to demand too much of the Americans and to accuse the British of poor faith. In the beginning, there was a unity of opinion amongst Conservatives. There existed only one distinction, some Conservatives were more outspoken and critical. But this unanimity was not destined to be long-lived. As the government of Sir George Arthur moved further and further away from the Colonial Office, as the disaffection cry became less potent and as the economic state of Canada continued to deteriorate, Arthur's followers began to question their allegiance.

CHAPTER TWO

LORD DURHAM, IN CANADA: THE CONSERVATIVE RESPONSE

During the first few months of the Arthur administration, a split began within the Conservative ranks. This division was accentuated by the arrival of Lord Durham in the Canadas in May of 1838. During his brief stay, Durham was faced with three delicate problems. The three problems of vital concern were Durham's approach to Canadian-American relations as exemplified by the Grey mission, the question of leniency and defense, and the state of the Upper Canadian economy. On the first two questions, Durham took a very clear stance but on the economic issue he spoke in vague generalities showing a desire to augment Canadian economic growth. On all of these three issues, Durham received the wholehearted support and encouragement of the Colonial Office. Sir George Arthur, on the other hand, was reluctant to accept Lord Durham's policies. Arthur's protests to the public of Upper Canada were not particularly vocal, probably because Lord Durham was his immediate superior. Nevertheless, Arthur, in his correspondence, did express his distaste for Durham's proposals with regards to Canadian-American relations and leniency. The economic question raised less contention primarily because Durham was ambiguous. However, Conservatives were aware of the opinion of Edward Gibbon Wakefield, Durham's lieutenant on

questions of land policy and emigration.¹ Wakefield's appointment would be enough to make Conservatives apprehensive. The question at stake in the economics issue was one of priorities. Conservatives saw the need of decreasing the extent of disaffection and insuring the dominance of the loyal. Hence their insistence in placing the need for a hard line policy towards the Americans ahead of their concern over economic advancement. Durham in 1838 advocated a new, yet to be defined, policy of economic improvement combined with an attempt to placate the Americans and restore internal peace and harmony. The Conservative followers in Upper Canada were then faced with two alternatives and newspaper reactions show the uncertainty of Upper Canadians. They were torn between their allegiance to their rulers who advocated one set of priorities and Lord Durham who came to exemplify a desire for a renewed prosperity.

The ruling Conservatives were uneasy in early 1838. The appointment of Lord Durham was ominous, for his reputation as a Radical had preceded him to Canada. Canadian Conservatives were aware that the Government of Great Britain was considering a union of Upper and Lower Canada. To the Conservatives the result of such a step would be disastrous. They realized their control over the colony would be ended. John Macaulay's reaction was typical. He felt that:

¹Wakefield had read Robert Gourlay's, A Statistical Account of Upper Canada and was an advocate of his scheme to have Imperial control of land policy and to foster planned emigration. The cost of this planned emigration would be deferred by the revenues from the sale of land. This would break the Conservative hold on Provincial lands and also break the patronage web established. See: Paul Bloomfield, Edward Gibbon Wakefield (London, Longmans, Green and Co., Ltd., 1961) pp. 94-104.

Nothing can be so certain as our future political destiny. One fact is perfectly plain--we can never return to our former state of security and repose.²

It is important to note that when Macaulay referred to the future political destiny, he was not referring solely to the Conservatives who were in control but to the whole Province as well. This is characteristic; Conservatives tended to equate the tranquility of the Province with the continuation of their rule.

Plagued by uncertainty, Upper Canadian Conservatives, in the course of time, became much more bitter in their criticism of the United States, and consequently more demanding of the Colonial Office. Macaulay, for instance, could be very rational in his evaluation of the Americans in January expecting that the "American Government itself may take the alarm and not provoke a war."³ By March, Macaulay was convinced that Americans were "as ambitious and grasping as were the Romans or any other Republicans."⁴ Throughout the summer and fall of 1838, Tory tempers continued to rise. Colborne admitted that the border raids posed no major military problem but their internal side effects still continued to worry the Conservatives.⁵

² John Macaulay to Mrs. Ann Macaulay, March 19, 1838. Macaulay Papers.

³ John Macaulay to Mrs. Ann Macaulay, January 8, 1838, ibid.

⁴ John Macaulay to Mrs. Ann Macaulay, March 19, 1838, ibid.

⁵ Colborne to Arthur, June 25, 1838, A.P., Vol. I, p. 207.

Canadian attitudes towards the United States were shaped to a large degree by their view of the Hunter's Lodges. The Lodges organization, activities and designs were chronicled by Oscar Kinchen in his Rise and Fall of the Patriot Hunters. What was more important than Patriot activities was the Canadian view of the Lodges. Conservatives consistently believed that the Lodges were in league with the Democrats. Upper Canadians would be prone to accept as fact the disposition of one W.J. Kent an ex-Patriot who stated that "The Patriots are almost all administrative men, friends to Mr. Van Buren."⁶ Prior to the formation of the Lodges, Henry Fox warned Sir John Colborne that Van Buren could not afford to be too aggressive in his suppression of Canadian sympathisers for this would hurt him politically.⁷ Arthur expressed an opinion which summarized Upper Canadian attitudes:

Your Lordship is well aware that during the months of October and November last, the elections were going forward in the States. The 'Patriot Cause' as it is termed, was there a popular cause, and thus, from political motives, the iniquitous conspiracy formed against Canada received either tacitly or openly the countenance and support of men of all Parties.⁸

The election of William H. Seward as Governor of New York was ascribed to his catering to the Patriot vote.⁹ Upper Canadians regularly over-estimated the actual strength of the Patriots. Henry S. Fox felt there

⁶ Deposition of W.J. Kent, October 22, 1838, Upper Canada Sundries, Vol. 208.

⁷ Fox to Colborne, February 7, 1838, Sir John Colborne Papers, Vol. 14, p. 3914.

⁸ Arthur to Glenelg, January 24, 1839, Series Q, Vol. 413, Part I, p. 130.

⁹ Kingston Chronicle and Gazette, July 31, 1839.

were as many as forty thousand organized Hunters prepared to invade Canada. In light of this, the American troops numbering some two or three thousand were far from sufficient.¹⁰ Information like this led Arthur to panic. He wrote that "The whole frontier is overrun with Patriots or Hunters."¹¹ The Patriots, of course, never mustered anything approaching forty thousand troops. Their attempts were futile but very exasperating to the Upper Canadians. In light of these activities within the United States, Henry S. Fox, the British minister at Washington, did not approve of the conduct of the newspapers and officials at home:

They [Americans] have been complimented far beyond what I think was necessary, by the British public, by many of our public men, and by almost all the English newspapers, upon their faithful observance of neutrality! There may have been good reason for all this: but the effect has been, to lead the American into a delusive notion that the forbearance of Great Britain is inexhaustible.¹²

It was in this atmosphere that Fox recommended the sending of further reinforcements to Canada.¹³

Durham arrived in Canada with instructions from Lord Glenelg which did not coincide with Conservative desires. He had been ordered to avoid any disturbances with the United States and to attempt to foster friendly relations.¹⁴ In this, Durham has been given credit for obtaining

¹⁰Fox to Arthur, October 4, 1838, A.P., Vol. I, p. 294-95.

¹¹Arthur to Glenelg, October 22, 1838, ibid., Vol. I, p. 314.

¹²Fox to Colborne, November 15, 1838, RG7G4, Vol. IV, p. 244-45.

¹³Fox to Palmerston, June 24, 1838, Durham Papers, Section VI, Vol. I, p. 897-98.

¹⁴Glenelg to Durham, April 21, 1838, ibid., Section I, Vol. I, p.374-75.

a fair degree of success.¹⁵ In his first diplomatic dealings with the United States however, Durham chose a stern course. The British steamer, the Sir Robert Peel, was sunk in the Thousand Islands area by Bill Johnston, a notorious American pirate. Durham called upon Lieutenant-Colonel Charles Grey to act as his personal envoy in demanding redress. Durham's instructions to Grey show his state of mind:

. . . the redress of this particular outrage must be accompanied by measures for the prevention in future of similar crimes. The British frontier can not be left exposed to these perpetual attacks and this constant irritation.¹⁶

The course of the mission, however, served to temper Durham's original position. Perhaps, somewhat unexpectedly, Durham's firm stance was "universally approved" in the United States.¹⁷ The Daily Albany Argus, for example, hoped Durham would not be misled and take the attitudes of the handful of sympathizers as indicative of the true state of things in the United States.¹⁸

Grey was convinced of the sincerity of the Americans and stated that "nothing could be more satisfactory than the manner of both the President and Wm. Poinsett."¹⁹ To show American determination to avoid

¹⁵ A.B. Corey, The Crisis of 1830-1842 in Canadian-American Relations (Toronto, Ryerson Press, 1941), p. 93-95.

¹⁶ Durham to Lt. Col. Charles Grey, June 5, 1838, Durham Papers, Section II, Vol. I, p. 47.

¹⁷ Lt. Col. C. Grey to the Second Earl of Grey, June, 11, 1838. William Ormsby, ed., Crisis in the Canadas: 1838-1839, The Grey Journals and Papers, (Toronto, Macmillan of Canada, 1964), p. 31.

¹⁸ Daily Albany Argus, June 17, 1838.

¹⁹ Wm. Poinsett was Van Buren's Secretary of War and was considered friendly towards the Great Britain. Grey to Durham, June 22, 1838, Durham Papers, Section II, Vol. I, p. 102-03.

conflict, Grey enclosed the instructions passed from Mr. Poinsett to the Commander of the Northern Division of the Army, General Malcolm. These instructions commanded the army to "adopt all necessary measures to carry them [the laws of the United States] into prompt and vigorous execution."²⁰ Durham even before receiving this important letter was aware of the improvement in the relations with the United States and saw less threat of further invasions. He was now prepared to act jointly with the American army to maintain peace in the Thousand Islands area.²¹ In this regard, Durham's faith was well grounded, for throughout 1838 the Americans showed a desire to co-operate with the Canadians. Early in 1838, Van Buren's New York aides realized that the invasions were farcical but nevertheless, they "enrage the people in Canada to a state of desperation."²² After the Patriot invasion of November, Van Buren was again warned, by another New York Democratic aide, not to treat the Canadians lightly, but that co-operation was necessary to solve the problem.²³

The Colonial Office agreed completely with Durham, expressing a continued faith in American officials and a general desire to co-operate in all ways with the Americans.²⁴ It is difficult to ascertain the opinion of Upper Canadian Conservatives on the Grey mission, for there

²⁰W. Poinsett to General Malcolm, June 17, 1838, enclosed in Grey to Durham, June 22, 1838, ibid., Section II, Vol. I, p. 102-03.

²¹Durham to Glenelg, June 23, 1838, ibid., Section II, Vol. I, p. 85-86.

²²M. Sterling to Benjamin Butler, Attorney General of New York, February 23, 1838, Van Buren Papers, Role 18.

²³Azariah Flagg to Van Buren, November 23, 1838, ibid., Role 19.

²⁴Glenelg to Durham, July 20, 1838, Series G, Vol. 89, Part 1, p. 143-44.

are no references. The Kingston Chronicle and Gazette was extremely critical of the Van Buren administration for its handling of the Sir Robert Peel affair, but it did not mention the Grey mission.²⁵ Arthur did not discuss the mission in his correspondence with Durham, but Durham visited Arthur in early July and perhaps it was discussed in person. The only official specifically to discuss the Grey mission was Henry Fox. Fox was apprehensive lest Durham and the Home Ministry over-estimated American good will. In letters to both Durham and Lord Palmerston, Fox was willing to grant a degree of success to the Grey mission but he was still unconvinced that the Americans could control their citizens.²⁶ In this, Fox was overly critical. Generals Malcolm and Winfield Scott were doing an admirable job considering the length of the border.

The Sir Robert Peel showed Arthur's dislike for "appeasing" the Americans and the dangers he felt inherent in such a step:

My difficulty has been to draw the Proclamation in such terms as might give no reasonable grounds of offence to the American Government: but at the same time to express the indignation I feel, in common with the loyal population of the Province, whose tone of feeling it is of the greatest importance at this moment not to lower since upon that I must mainly depend for the protection of this province.²⁷

Glenelg's reply to this letter showed no real concern for the feelings of the loyal. He was pleased with Arthur's Proclamation not because it

²⁵ Kingston Chronicle and Gazette, June 30, 1838.

²⁶ Fox to Lord Palmerston, June 24, 1838, A.P. Vol. I, p. 212.
Fox to Durham, June 16, 1838, ibid., Vol. I, p. 213.

²⁷ Arthur to Glenelg, June 1, 1838, Series Q, Vol. 406, Part I, p. 7-8.

obtained an acceptable degree of balance, in the attempt to appeal to both Canadians and Americans, but because it sufficiently warned Upper Canadian citizens against acts of retaliation.²⁸ In later correspondence, Glenelg assured Arthur that the Americans were now "fully alive to the danger likely to arise from such unchecked aggressions,"²⁹ and that consequently Arthur should exert himself to maintain peace with the United States.

The handling of internal problems resulting from the American invasions placed great stress upon the relations between the Conservatives and the Colonial Office. The two primary causes of dissention were the so called "leniency question"--how severe should punishment be for traitors, both American and Canadian, and the issue of militia duty. The large number of pardons was by far the most crucial complaint Upper Canadian Conservatives had against the Colonial Office. From the outset John Macaulay felt there was a need for a strict policy in the cases of Lount and Matthews, two Upper Canadians, who had been involved in the original Mackenzie rebellion of December 5, 1837:

Lount and Matthews have paid the penalty of their offence, and I think the effect on the public mind cannot be otherwise but good. Had they escaped capital punishment no one else could have suffered, and it is easy to imagine what construction the disaffected would have put in the mistaken leniency of the Government.³⁰

²⁸ Glenelg to Arthur, July 18, 1838, ibid., Vol. 406, Part I, p.11.

²⁹ Glenelg to Arthur, August 22, 1838, ibid., Vol. 406, Part II, p. 381.

³⁰ John Macaulay to Mrs. Ann Macaulay, April 14, 1838, Macaulay Papers.

Public opinion on this point was adamant. Even a moderate paper like the British Colonist saw the need for some capital punishment.³¹ The Kingston Chronicle and Gazette was convinced that Upper Canada had to be severe because American courts refused to apply a restraining influence.³² The pardons so generously handed out were not appreciated by the Western Herald, which felt these amnesties would only invite American settlers into the London area where there were already a number of settlers of American origin and where the Conservatives wanted British emigration to form a "sounder population."³³ Although actual invasions ended in 1838, the demand for severity lingered. The Militia in the Western District, frustrated by their inability to obtain justice through legal channels found their own approach when Colonel John Prince, fiery Conservative leader of the Sandwich area militia and M.P.P., shot four prisoners without trial. It could have been worse:

The readiness--aye--the eagerness manifested by our Militia to execute the Col's. order, warrent us in believing, that had not certain officious gentlemen interfered, not one prisoner wo'd have escaped instant retribution, and the country would not now be saddled with the enormous expense of transporting the vagabonds from place to place.³⁴

Frugality was not the essential issue here but rather the agitated state of mind of the citizens of the outlying districts of Upper Canada. Even

³¹ The British Colonist, (Toronto), July 5 and 12, 1838.

³² Kingston Chronicle and Gazette, July 14, 1838.

³³ The Western Herald, (Sandwich, U.C.), July 25, 1838.

³⁴ Ibid., January 15, 1839.

after all serious threats of invasion had died there was still a demand that there be "an end to pardoning and that the remainder of the Prisoners [will] be punished according to their guilt."³⁵

The official reaction reflected the same concern over, what they termed, the Whig tendency to extend too many pardons:

The loyal people are disheartened and deeply dissatisfied with the policy which has been pursued [sic] the lenity shown to others they consider as a punishment to them and there is none of that lively exciting determination to support the Government, which one would wish to see exhibited at such a moment.³⁶

Arthur gave two reasons which he felt made severity necessary. Without punishment the Upper Canadian Militia would be uncontrollable. Certainly footnote 26 of this chapter would testify to this. Arthur felt militiamen would either take the law into their own hands or wholesale desertion would occur.³⁷ Secondly, capital punishment would disillusion the American partisans who were far from enthusiastic about dying for their cause.³⁸ Despite this, Arthur was aware that he was fighting a losing battle. Glenelg was "averse to any Capital Punishment,"³⁹ and Arthur knew that Durham was under very explicit orders to "avoid severe or extreme punishment."⁴⁰

³⁵ Kingston Chronicle and Gazette, May 8, 1839.

³⁶ Arthur to Colborne, October 24, 1838, A.P., Vol. I, p. 317.

³⁷ Arthur to Durham, June 27, 1838, Series Q, Vol. 406, Part II, p. 396.

³⁸ Arthur to Glenelg, July 10, 1838, ibid., Vol. 406, Part II, p.515.

³⁹ Arthur to Colborne, June 26, 1838, A.P., Vol. I, p. 210.

⁴⁰ Colborne to Arthur, September 23, 1838, ibid., Vol. I, p. 283.

Durham's approach to this problem, brought forth a completely new attitude. Whereas the Conservatives had sought to keep the province in a state of preparedness by exciting the citizens to a fever pitch, Durham was the first Canadian official to attempt to allay the feelings of Upper Canadians. To Durham the crisis had ended:

Judicial proceedings would only have agitated the public mind afresh--would have put in evidence the sympathy of a large portion of the people with rebellion, and would have given to the disaffected generally a fresh assurance of impunity from political guilt.⁴¹

Durham also added that his policy was making beneficial gains in restoring tranquility along the border. The American reaction seems to bear Durham out on this. There was some concern expressed; had leniency not been employed, American border citizens might have been induced to revolt anew.⁴² The pardons extended were accepted by the American Secretary of State, graciously. Forsyth felt the pardons aided in restoring peace along the border.⁴³ Appeals like Durham's, when made by the Conservatives were generally half-hearted. Arthur had previously attempted to coax Canadians to exhibit a "kind and generous forbearance" towards their "misguided fellow Subjects" involved in the Mackenzie Insurrection or Patriot plots,⁴⁴ but was rebuked by the Kingston Chronicle

⁴¹ Lord Durham's Proclamation quoted in The British Colonist, (Toronto), October 18, 1838.

⁴² John Palmer to Martin Van Buren, March 8, 1839, Van Buren Papers, Role 19.

⁴³ John Forsyth to Fox, October 31, 1839. U.S. Department of State, Notes to Foreign Legations, Great Britain, p. 135.

⁴⁴ Proclamation of Sir George Arthur, May 8, 1838, in Kingston Chronicle and Gazette, May 18, 1838.

and Gazette which demanded revenge.⁴⁵ This then, formed the basis of the dispute over "leniency"--with the Conservatives clamoring for justice and Durham and the Colonial Office desiring leniency. A leniency intended to appease the Americans and calm Upper Canada. In 1838, this policy did not have the desired results. The Conservatives were not yet ready to accept a return to normal conditions, if normal conditions meant exonerating ex-rebels.

The motives of Sir George Arthur in this respect have been a topic of some debate. Certainly contemporary Americans found him cold hearted and brutal while Conservatives considered his policy judicious.⁴⁶ Gerald Craig states that after the execution of Lount and Matthews, Arthur was reluctant to use capital punishment.⁴⁷ Craig is not entirely accurate. Arthur continually urged a sterner policy and was not immune to the passions of the era:

I shall be glad to limit capital execution to Fifteen!
That is one for every life lost in the Prescott affair.⁴⁸

Of less importance historically than the leniency question, which was a sore point in diplomatic affairs, militia duty was a crucial issue to the contemporaries in Upper Canada. Militia duty had become quite unsavory by the winter of 1838. Prominent Conservatives, like Henry

⁴⁵ Ibid., June 6, 1838.

⁴⁶ See footnote 22, this chapter.

⁴⁷ Gerald M. Craig, Upper Canada, The Formative Years, 1784-1841 (Toronto, McClelland and Stewart Ltd., 1963), p. 255.

⁴⁸ Arthur to William H. Draper, December 26, 1838, A.P., Vol. I, p. 481.

Boulton wrote on behalf of their neighbours who complained against the financial losses involved and the sporadic calling out of the militia.⁴⁹ The situation was in fact serious. In November of 1838 when invasions along the length of the American border were imminent, recruitment was well below required standards. Only 150 of the required 600 men could be raised in the Western District⁵⁰ and the same situation arose at Drummondville.⁵¹ The reasons for the people's reluctance have been more than adequately chronicled in C.R. Sanderson's dissertation.⁵² The primary cause of complaint was economic. The citizens disliked being away from their work and were displeased by the Commissariat Departments' tardiness in settling accounts.⁵³

In light of this, Arthur made a serious mistake. He had sent "reporters" into the United States to assess the situation with regard to the Hunters Lodges and received evidence of their dwindling power and influence.⁵⁴ In spite of this, and in view of public opinion against

⁴⁹ Henry J. Boulton to Arthur, November 19, 1838, Upper Canada Sundries, Vol. 210. Also, George Ryerse to J. Macaulay, December 15, 1838, ibid., Vol. 211.

⁵⁰ Richard Airey, Lt. Col., 34th Regiment, Amherstburgh to Arthur, November 17, 1838, Series Q, Vol. 409, Part II, p. 513.

⁵¹ Col. Booth, Commander of Militia, Drummondville, to Arthur, November 20, 1838, ibid., Vol. 409, Part II, p. 529.

⁵² Charles R. Sanderson, Sir George Arthur, Last Lieutenant-Governor of Upper Canada, 1838-1841, A Vindication (Unpublished Masters Thesis, University of Toronto, 1940), Chapters III and IV.

⁵³ Arthur to Glenelg, November 14, 1838, Series Q, Vol. 409, Part II, p. 317. Also, The Western Herald, (Sandwich, U.C.), September 18, 1838.

⁵⁴ Capt. H. Taylor, 85th Light Infantry to Arthur, November 3, 1838, Series Q, Vol. 409, Part II, p. 343 and Lt. H.W. Jones, 43rd Light Infantry to Arthur, November 5, 1838, ibid., Vol. 409, Part II, p. 349.

militia duty, Arthur wanted to call out four additional regiments to serve for four years.⁵⁵ Although this decision was made on the eve of the Prescott invasion when tension was high, Arthur remained convinced of the need throughout 1839, a peaceful year. His decision was unpopular with both the populace and the Colonial Office. Although Sir John Colborne was not from the Colonial Office, his views were indicative of their response when somewhat earlier he had hoped it would not be:

. . . necessary again to call out the Militia, an expense which our Govern^t. cannot bear if it be too often repeated, particularly as it really appears there has been no necessity for such a measure, with reference to the projects of our unseen Enemy [.]⁵⁶

The economic situation in 1838 does not lend itself to easy analysis. The severity of the depression was recognized by all Canadians but few officials had specific suggestions to counteract it. Lord Durham, during his stay in Canada, did not precisely outline his proposals for economic improvement. The Governor General desired increased British immigration and further internal improvements. Specific details, however, were never discussed and consequently Arthur and the Conservatives could readily agree. This agreement was not wholehearted but as long as Durham remained ambiguous, there was little need for any conflict.

In 1839, the Report was published. The critique of Canadian land policy and the subsequent proposals certainly would alienate the ranking

⁵⁵ Arthur to Glenelg, October 30, 1838, ibid., Vol. 409, Part I, p. 175.

⁵⁶ Colborne to Arthur, July 8, 1838, A.P., Vol. I, p. 228.

Conservatives. Charles Buller⁵⁷ in Appendix B of the Report criticized the existing system because it was "complicated, irregular, and partial; it neither checks the acquisition of land by those who do not intend to improve it, nor facilitates such acquisition by those who do."⁵⁸ To avoid further discrimination, Buller proposed to establish a central committee to deal with land policy and emigration in the Canadas. This committee would be based in Great Britain.⁵⁹ This scheme if adopted would end Conservative control and one would expect that the Conservatives would rebuke, or at least attempt to rebuke, the Report's accusations. John Beverley Robinson when reviewing the Report, referred to land policy only briefly. Basically, Robinson felt Buller's measures were inoperative.⁶⁰ Since the Reform element in 1839 did not make an issue of land policy, Conservatives probably realized they were vulnerable and concentrated their attacks on other aspects of the Report. In 1838, land policy statements were non-existent.

On certain aspects of the economic issue, Durham and the Conservatives disagreed. Conservatives tended to look back upon the Rebellions, blaming their problems upon the rebels. Durham, although he did not disagree

⁵⁷ Although Appendix B was signed by Charles Buller, Buller himself gives Edward G. Wakefield credit for the ideas presented. Appendix B incorporates all of Wakefield's concepts of land policy and emigration.

⁵⁸ Sir C.P. Lucas, Lord Durham's Report on the Affairs of British North America, (Oxford, Clarendon Press, 1912) Vol. III, p. 90.

⁵⁹ Ibid., Vol. III, p. 128.

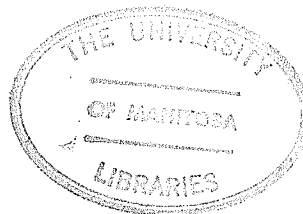
⁶⁰ John Beverley Robinson to Lord Normanby, February 23, 1839, A.P., Vol. II, p. 61.



with their analysis, tended to look to the future. By doing so, Durham hoped to avoid past animosities thereby creating a new and less hostile atmosphere. Durham and the Conservatives disagreed over priorities. Durham felt that the threats to Upper Canadian stability from both the rebels and the American Patriots had sufficiently decreased to allow more concentration upon problems of the economy. Conservatives did not agree. They constantly urged that Great Britain reinforce the defenses of Upper Canada. Conservatives were not quite willing to believe that the danger had passed.

Restoring prosperity was not the Conservatives first task. To a Conservative, prosperity could never be restored until after all threats of further rebellion had been removed. Nevertheless, they recognized the seriousness of this matter. Thomas Rolph analysed the situation accurately when he estimated that the Canadas were losing some 7500 British emigrants annually to Australia.⁶¹ The decline was, to Rolph, a direct result of the instability of Canadian government and politics. He was convinced that if the Canadas maintained a semblance of order and reiterated a continuing devotion to the British Empire, emigration, the life line of any colony, would be revitalized. The Patriot agreed completely to the extent where they favored the establishment of a

⁶¹Thomas Rolph was a leader of many immigration projects sponsored by Upper Canadians and was reportedly an expert on the subject. His views were included in a letter to the Editor of The Patriot dated August 15, 1838. See, The Patriot; (Toronto), August 17, 1838.



Canadian newspaper in London to swear to the fidelity of Canadians.⁶²

If these measures were necessary, the Conservative's continued discussion of the disaffected, would not serve as an impetus to immigration from Great Britain. Neither would the attitudes of men like John

Macaulay:

Many of the younger men are said to be going away because they don't like to be tainted with their late treasonable doings. The loss of traitors we need not lament.⁶³

There was no doubt that Conservatives were torn between their attachments to the Toryism which had guided them through the post rebellion era and Durham. Durham had received a poor press prior to his arrival in Upper Canada and was viewed skeptically. Yet his solutions although ambiguous, were tempting. He cleverly combined an economic program based on internal improvements with the traditional polemics of the necessity of maintaining the British connection. Durham was not being facetious for he believed very strongly in both. In a speech delivered at Kingston he advocated the building of the Rideau Canal (no doubt to a receptive audience) feeling it would have beneficial results--immigration would:

. . . pour into the Province, from the agricultural classes at home, a loyal, industrious, honest well disposed population, by which means the possibility of any further revolt will be removed.⁶⁴

⁶²Ibid., August 17, 1838.

⁶³John Macaulay to John Kirby, May 1, 1838, Macaulay Papers.

⁶⁴Lord Durham's Speech at Kingston, July 20, 1838. Reported in the Kingston Chronicle and Gazette, July 21, 1838.

The Kingston paper was quick to applaud this ambitious scheme.⁶⁵

Durham was very perceptive. He felt that American merchants were supporting the Patriots because the Patriots took the minds of Canadians off internal improvements--a successful way of meeting one's opposition. Durham's above speculation is difficult to substantiate but his recommendations were astute. As early as July of 1838, he believed that a progressive economic program would restore tranquility and turn the attention of Canadians from the American threats which, he felt, had run their course.⁶⁶ He also analysed the motives of the British party in Canada. His analysis was very critical but it did seem to summarize adequately the High Tory attitude in 1839 and 1840. Durham felt Conservatives were willing to chance, and it seemed as if they almost desired a war with the United States:

The British imagine that a war by compelling the Imperial Gov't to rely altogether upon their party, would enable them to arrive by the shortest cut at their grand object: e.g. the restrictions of Canadian institutions and powers.⁶⁷

The difference of opinion existing between the High Tories and Durham was most evident in an address of the citizens of Upper Canada and in Durham's reply. The Tory demands were very explicit:

His Lordship on the contrary will tell Her Majesty's Ministers that they are mistaken, that more troops, and still more troops must be sent to Canada, and most especially Plenty of Artillery. His Lordship will

⁶⁵ Ibid., July 25, 1838.

⁶⁶ Durham to Glenelg, July 16, 1838, Durham Papers, Section II, Vol. I, p. 173-74.

⁶⁷ Durham to Glenelg, August 9, 1838, ibid., Section II, Vol. I, p. 279.

clearly point out, that it is on this very spot that the battle of freedom is to be fought, and that consequently the strength and chivalry of the British Empire should be here assembled.⁶⁸

Durham however did not share their opinion. He offered instead a new direction:

I am firmly convinced, that if I obtain your co-operation and that of the other intelligent and influential communities which compose the North American Colonies, I shall succeed in obtaining for you all, political institutions which shall contribute to the permanent security of persons and property--to the possession of all just rights and liberties, and to the incalculable advancement of that agricultural and commercial prosperity, the seeds of which have been too long suffered to be dormant and uncultivated . . . all I ask is, that you will assist me by the abandonment of all party and personal consideration.⁶⁹

One can only hypothesize as to whether Durham could have significantly altered Tory attitudes. His resignation in the fall of 1838 left the Government in the hands of Sir John Colborne, interim Governor-General, and Sir George Arthur. Also, the threatened Patriot invasions and the subsequent attack at Prescott diverted attention from other matters.

However, the Patriot defeat at Prescott signalled the end of the Hunter's Lodges as a real threat. Upper Canadian Conservatives were not willing to listen to Durham in July, when the situation along the American border seemed most desperate. The winter of 1838-39 brought not only further American invasions but also further recession, and some Tory papers came to share Durham's concern over Upper Canada's economic

⁶⁸The Patriot, (Toronto), July 20, 1838.

⁶⁹Ibid., July 20, 1838.

affairs. An address from the City Council of Toronto signified their concern:

. . . we feel deeply that the commercial and agricultural interests of the Province are suffering to an intolerable extent by the state of disquietude and alarm kept up by the inimical portion of the people of the American frontier.⁷⁰

This statement was obviously anti-American in tone but it has deeper implications. The council felt the only reason the Patriots were still in existence was because they were under the impression that within Upper Canada, disaffection still existed. The logical conclusion of this assumption would be that if the rumours of disaffection were terminated from within Upper Canada, the Americans would stop the invasions and prosperity would return.

The Kingston Chronicle and Gazette was closely aligned with the business interests in Kingston. In 1838, they had been extremely bitter in their criticism of the United States. But their prosperity depended upon maintaining friendly relations with their neighbours. Consequently they were not willing to castigate the Americans after the issue had died:

The inhabitants of this Province, therefore, are deeply interested in watching the indications of returning friendship from a people, with whom we must always remain in contact and whose good will it is our strongest interest honourably to cultivate.⁷¹

A situation was in the making in which Upper Canadian citizens would have

⁷⁰ Address of the Mayor and Common Council of Toronto, December 10, 1838. Ibid., December 14, 1838.

⁷¹ Kingston Chronicle and Gazette, January 5, 1839.

to make a decision. They would have to chose between High Toryism and the new course. The High Tories, despite their fervent, almost feverish concern for the British connection were not receiving the "approbation" of the Colonial Office. The new course represented a desire to forget the American invasions, solve the Clergy Reserves question and in general, enhance the economic state of the Province. The Durham Report and Union would solidify opinions one way or the other.

CHAPTER THREE

DISAFFECTION VS. LOYALTY AND THE DURHAM REPORT

Upper Canadian Conservatives were faced with a different set of problems in 1839. In 1838, they had viewed the American border apprehensively. In 1839, Conservatives watched the actions of the Colonial Office carefully, for in 1839, the Durham Report was published. Although the Colonial Office rejected the principles laid down by Lord Durham; a liberal, Charles Poulett Thomson, was appointed Governor General and the Union proposal was accepted by the Colonial Office. 1838 had been a hectic year and the relative quiet of the first nine months of 1839 prior to the arrival of Thomson in Canada, must have been welcomed by most Canadians. The principal cause of excitement, the threat of an American invasion, had been substantially reduced along the Upper Canadian frontier. Bitter feelings were rekindled by the "Aroostook War" between Maine and New Brunswick but Maine was far away.

With tension decreasing along the border, Upper Canadians turned to internal problems. Public opinion rose over two controversial issues. In March of 1839, the House of Assembly attempted to solve the vexacious Clergy Reserves question and in the summer of 1839, the Durham Report provoked a heated response. This chapter will look only briefly at border relations during 1839 and will concentrate upon the

Conservative state of mind throughout the first nine months of 1839. Of particular importance was the disaffection theme. It is important to determine precisely what the Conservatives meant by disaffection, and to examine the consequences of their attitude. Specific details of the Durham Report or the Clergy Reserves bill tell us little about Conservative thinking. The reaction engendered by these measures would be more relevant.

To all but the most devoted Upper Canadian Conservative, the American border situation ceased to be an important issue in 1839. Correspondence from the Colonial Secretary, Lord Glenelg, and his successor, Lord Normanby was very meager on this point, illustrating the British inclination to absolve the Americans and resume peaceful relations. This did not seem to deter Upper Canada's Lieutenant-Governor. Arthur, writing in early January about the Hunter's Lodges, estimated their strength at approximately 160,000, a strong enough contingent to "dictate who shall be the next President."¹ Arthur, however on this issue no longer had the support of Henry S. Fox, who had exhibited strong anti-Americanism and a general distrust of the American people. Fox felt the "firm state of defence and preparation exhibited within Her Majesty's Provinces"² was making an impression on American society. He also told Arthur that the Hunter's Lodges had lost their momentum and were no longer a force to fear.³

¹ Arthur to W.H. Hamilton, January 2, 1839, A.P., Vol. II, p. 4.

² Fox to Palmerston, February 21, 1839, F.O. 5, Vol. 331, p. 46.

³ Fox to Arthur, January 31, 1839, A.P., Vol. II, p. 26-27.

Canadian-American relations in 1839 hinged on the Maine-New Brunswick boundary dispute. Sir John Colborne the Governor General for most of 1839, disliked withdrawing troops from the Canadas to protect New Brunswick for the "unrestrained violence and bad spirit" of American border citizens required a strong Canadian armed force.⁴ Arthur however did not feel that the American could use the boundary dispute to begin further border incidents along the Upper Canadian frontier.⁵ If the Maine--New Brunswick dispute did not generate further conflict on the Upper Canadian border and if the Hunter's Lodges were in fact losing their affectiveness then Arthur's persistent concern over the danger of invasion is inexcusable, especially in the light of information received about the determination of the American government to avoid incidents.⁶ Arthur, it seemed, preferred not to believe positive statements but relied upon reports which cast evil aspersions upon the Americans. Colonel Richard Airey of the Upper Canadian militia reported an interview with General Brady, of the American Army in the Detroit area, in which Brady stated that "the Civil Authorities do all but openly countenance these Patriots."⁷ Arthur used these types of reports to dramatize the extent of danger, to present the difficult position he,

⁴ Colborne to Sir John Harvey, Lieutenant-Governor of New Brunswick, February 27, 1839 in the Sir John Colborne Papers, Vol. XXI, p. 6186-87, P.A.C.

⁵ Arthur to Glenelg, March 9, 1839, Series Q, Vol. 414, Part I, p. 162.

⁶ Captain Sandom, R.N. to Arthur, July 10, 1839, Upper Canada Sundries, Vol. 224.

⁷ Col. Airey to Arthur, May 6, 1839, Colborne Papers, Vol. 22, p. 6541.

as Lieutenant-Governor was in, and to forewarn the Colonial Office of impending invasions.⁸ Lord Normanby was more sympathetic with Arthur's position than his predecessor, Lord Glenelg, but he nevertheless felt the American government could be trusted.⁹ Normanby subtly cautioned Arthur to avoid taking an extreme position but it took a long time for Arthur to finally accept the American government's actions and intentions in good faith and when he did so, it was only grudgingly. He complained that:

Until within a few weeks past, all officers of the United States Civil Government directly encouraged the disgraceful conspiracy which, miserable as there Government is--might certainly have been avoided.¹⁰

The bitterness of this language showed Arthur's dislike for the new position pressed upon him by the Colonial Office. In the same vein, Arthur was not quite willing to believe that the probability of active internal disaffection had died.¹¹ Again, Arthur was overruled. Where Arthur demanded severity, Thomson, the Governor General urged forgiveness. He felt it was:

. . . most desirable to allay irritation, and to calm, instead of exciting unnecessary alarm, and nothing can more impede the return of tranquility, so essential to the prosperity of this province, than any unnecessary inquiries into the past, calculated only to harass individuals, and excite the public mind.¹²

⁸ Arthur to Lord Normanby, August 27, 1839, Series G, Vol. 44, Part I, p. 10-11.

⁹ Normanby to Arthur, May 7, 1839, ibid., Vol. 44, Part I, p. 174-76.

¹⁰ Arthur to Col. Love, November 18, 1839, A.P., Vol. II, p. 318.

¹¹ Arthur to Charles P. Thomson, October 26, 1839, Correspondence of the Lieutenant-Governor of Upper Canada to the Governor General of Canada, Vol. I, p. 3-4, P.A.C.

¹² C.P. Thomson's reply to an address of the House of Assembly quoted in the Kingston Chronicle and Gazette, January 1, 1840.

Disaffection vs. Loyalty

Throughout 1838 and 1839, the Conservative element became even more firmly entrenched within the governmental structure of the colony. From this vantage point, the Conservatives were in a position to place undue importance upon their own interpretation of the concept of loyalty. Loyalty meant not only a love of British institutions and a determination to maintain the British connection but loyalty also implied an acceptance of the local administration. Disaffection became the antonym of loyalty and implied that the "disaffected" were, in fact, rebels. Did the Conservatives use loyalty in an attempt to eliminate their political rivals? Ardent Conservative newspapers, like the Patriot and the Western Herald and their political leaders, men like Henry J. Boulton advocated such ideas. Boulton, a member of the Provincial Parliament sponsored a bill in December of 1839 to disqualify as voters, all those associated with the rebellion or other treasonable activities.¹³ Had Boulton been in charge of instituting such a policy, the disqualifications would have been extensive. Most Conservatives would agree in general terms with Boulton for their devotion to the concept of loyalty was sincere. However, the word "used" has such a charged connotation that one hesitates to use it. Rather, the loyalty concept as a determining factor in Canadian politics grew so far out of proportion that the High Tories could no longer

¹³ Summary of Assembly Debates for December 19, 1839. Quoted in The Western Herald, (Sandwich U.C.), January 1, 1840.

distinguish the difference between the intent to rebel and political discontent stemming from the existing administration. Dependence upon the terms, loyalty and disaffection, to distinguish distinct groupings in Upper Canada did not stop with the Family Compact. The loyal inhabitants of Upper Canada felt that their loyalty entitled them to concessions from the government; in particular, they felt entitled to a share of the Clergy Reserves. In this instance, the resulting by-product of the Tory "loyalty" cry came back to haunt them. If loyalty was such a crucial issue then loyal Catholics and Presbyterians demanded acceptance into the favored circle on the grounds that they too were loyal.

Sir Francis Bond Head before leaving the Province had initiated the watchword for Upper Canadian Conservatives:

Lastly, the British people will I trust, observe with considerable alarm, that the leading advocates for organic changes in our institutions, are either at this moment, lying in our jails as traitors, or from having absconded, are self-banished from the Province; in short, that their pretended efforts to obtain in Upper Canada what they called, 'Liberty for the People', has ended in a most infamous and self-interested attempt to plunder private property, rob the Banks, and burn to ashes the rising capital of their country.¹⁴

In 1838, disaffection was interpreted by Conservatives to mean a willingness to participate in armed rebellion. If this assumption was correct then Conservatives were justified in defending the Province against internal turmoil. Their initial concern was well founded.

¹⁴ Sir Francis B. Head's Farewell Address to the Joint House, March 6, 1838 quoted in The Patriot, (Toronto), March 9, 1838.

Mackenzie's rebellion in 1837 had been poorly organized but there certainly was no guarantee that had it been better organized, more disgruntled reformers would not have participated. In addition, Mackenzie from his New York base assured his American supporters that once Canada had been invaded, their Canadian Reform brothers would join the Patriots.¹⁵ On the basis of this, one can sympathize with the Conservative zeal in curbing the disaffected. By 1839, the need for this vigilance had disappeared. Americans had successfully entered the Canadas a number of times, and the Reformers showed no inclination to welcome them with open arms. Conservatives had no substantial evidence that Canadian reformers were working in conjunction with the Patriots in planning these attacks or that the Reformers were even aware of the intentions of the Patriots. In fact, one of the existing Reform newspapers, The Brockville Recorder, quickly repudiated any accusations of a Reform desire to join the Americans.¹⁶ Despite the accumulation of evidence to the contrary, High Tories refused to believe that the Reformers were not merely dissatisfied with the existing framework. Arthur was prone to pointing at the Reformers' American element and their past history to discredit them:

The whole body of Americans settled in the Province have, with some bright exceptions, gone with the Reform Party, and have been identified with them, and all the persons engaged in actual rebellion were, and, I believe still are, members of the Reform Party.¹⁷

¹⁵ C. Lindsey, The Life and Times of William Lyon Mackenzie (Toronto, P.R. Randall, 1862), Vol. II, p. 125.

¹⁶ The Brockville Recorder, January 4, 1838.

¹⁷ Arthur to Thomson, November 9, 1839, Correspondence of the Lieutenant-Governor of Upper Canada with the Governor General, Vol. I, p. 66-67. P.A.C.

The effects of attitudes such as Arthur's were fairly obvious. It became almost essential in any correspondence with the Provincial Government to re-affirm one's loyalty. The Irish were a good example. In a petition of the Irish of Toronto which requested that Her Majesty send more troops to Canada, they commenced by observing "the promptitude, unanimity and enthusiasm" with which the Irishmen of all classes had shown an "unhesitating display on this occasion [the Rebellion of 1837] of truth and loyalty to Her Majesty."¹⁸

Loyalty could be employed as a test case in many instances. The rivalry between Kingston and Toronto was acute and historically rooted in a jealousy over the site of the Provincial capital. The Kingston Chronicle and Gazette noting that Toronto was the home of Mackenzie, Bidwell and the other "Republicans" felt Kingston was a much more suitable location for the capital since "the animal--'a Radical' is known only by name in Kingston."¹⁹ On reflection, this appears almost comic but Kingstonians reveled in being the most Conservative, and loyal, part of the Province and felt their loyalty deserved recognition.

High Tories could at times, be unyielding and quite unreasonable in their use of loyalty. William H. Merritt, best known for his efforts on behalf of the Welland Canal, had been a valuable ally of the Compact. His devotion to the Conservative cause came, not because

¹⁸ Quoted from, The Patriot, (Toronto), February 23, 1838.

¹⁹ The Kingston Chronicle and Gazette, March 28, 1838.

of an ideological commitment to conservatism, but rather because Merritt's economic schemes fitted the Tory pattern of rule. As Tory interests in economic issues dwindled, Merritt changed allegiance and after the publication of the Durham Report, became a Durhamite. By doing so, Merritt left himself open to the attacks of the Conservatives. In an attempt to discredit Merritt, Arthur was not above using loyalty--he made it known "that Mr. Merritt was a secret but influential partizan in the Patriot cause" and was now plotting with the French Canadians to overthrow British interests.²⁰ These examples point to the extent some Tories were prepared to go, in their use of the loyalty issue. They also point to the saliency of this concept in Conservative minds.

The one issue which most pointedly brought into view the use and abuse of loyalty was the Reserves question. Alexander Macdonell, Upper Canada's Catholic bishop was perfectly correct when he stated that "of all the causes of envy, jealousy and discontents, the greatest and most fertile source is the question of the Clergy Reserves."²¹ Members of the principal sects in Upper Canada were quite prepared to point to one another's disaffected elements in an attempt to better their own position. Sir George Arthur apparently agreed with Macdonell; the Reserves question had to be solved. Arthur believed that the Upper Canadians could never solve this issue. Consequently, when he convened

²⁰ Arthur to Normanby, September 27, 1839, Series Q, Vol. 419, Part II, p. 366.

²¹ Macdonnell to Colborne, March 10, 1838, Macdonell Papers, p. 29, P.A.C.

the Provincial Assembly he suggested that the controversial issue be left in the hands of the British Parliament.²² James Buchanan, British Consul in New York city thought he understood the significance of this issue to Conservatives:

One of my sons who is a Magistrate and Militia officer in the London District, states his fears, as the discontented is so general that the Militia generally will not turn out, on account of the Clergy Lands, and that Church questions had produced the worst effects while the Tory party wished to attribute the disaffection to other causes.²³

The "Church question" principally affected three denominations,-- the Methodists, the Presbyterians and the Catholics. The Anglicans, as the established Church felt threatened by the demands of the other denominations. Using their established position and relying upon their record of fixed determination to maintain the British connection, they struck out at their opposition. The Methodists were the most assailable. The Methodist spokesman, Egerton Ryerson made the unfortunate mistake of defending a Reformer, Marshall Spring Bidwell,²⁴ who had been asked to leave Upper Canada by Sir Francis Bond Head. Ryerson further incensed the Conservatives when he accepted the Durham Report. Consequently, the Methodists were accused of "constitutional unsoundness."²⁵

²²The British Colonist, (Toronto), February 27, 1839. Arthur was not merely trying to circumvent a touchy issue. The House of Lords would protect Anglican interests.

²³James Buchanan to Palmerston, November 7, 1838. F.O.5, Consular Despatches, 1838, Vol. 25, p. 168, P.A.C.

²⁴Letter to the editor signed by a "United Empire Loyalist" Upper Canada Herald, (Kingston), May 8, 1838. Cited in G.M. Craig, op. cit., p. 256.

²⁵Rev. A.N. Bethune, Cobourg to Bishop John Strachan, ibid., July 4, 1838, in the John Strachan Papers, P.A.O.

The Western Herald called Ryerson a "Yankee Episcopal Methodist" bent upon destroying British institutions.²⁶ The Methodists were at an obvious disadvantage because of Conservative claims of "traitor" levelled against their leader. They sought therefore to confirm their allegiance by stating that "whatever differences of opinion may exist between us and some of our fellow subjects with reference to important Church questions", the Methodists were, "second to none in our warm attachment to Her Majesty's Government."²⁷ This could not absolve them from guilt in Tory eyes. Methodists warned their leader about the path he had chosen. In an open letter from a "Prominent Wesleyan Methodist" to Egerton Ryerson, Ryerson was criticized for his democratic leanings and because he "issued ceaseless misrepresentations of the venerable establishment of the Church of England." The letter suggested that "Ryersonian Methodism" be thrown aside in favor of true Wesleyan Methodism in order to "uphold British Ascendancy, British Institutions and British Principles."²⁸ But attempts to dissociate themselves from the stigma of Ryerson were unsuccessful and so too were the Methodists in their attempt to obtain a share of the Reserves in 1839.

²⁶ The Western Herald, (Sandwich, U.C.) May 15, 1839. The Patriot found Ryerson's actions "insidious and unpatriotic", The Patriot, (Toronto), Nov. 2, 1838.

²⁷ Petition of the Wesleyan Methodist Society of Toronto to Sir George Arthur quoted in Kingston Chronicle and Gazette, December 12, 1838.

²⁸ Quoted in Kingston Chronicle and Gazette, June 5, 1839. The same sentiments were expressed in an open letter from a "true Wesleyan", ibid., December 15, 1839.

The Catholics enjoyed a rather unusual position in Upper Canada. In the Province, Catholics owed their advantageous position primarily to the exertions of the Catholic Bishop, Alexander Macdonell. The Brockville Statesman, organ of the Orange Lodges, vehemently attacked the Catholics accusing them of disloyalty. This was hardly surprising but the response of the Patriot in coming so quickly to the defense was.²⁹ Macdonell built his case around the loyalty of the Catholic inhabitants. Prior to the rebellion, the Bishop pointed out that the Catholics were becoming the "bulwarks" of the Provincial Government, specifically referring to their exertions in the election of 1836 when they helped elect "loyal and constitutional" members to the House.³⁰ In a letter to Lord Durham, Macdonell gave his analysis of the rebellion of 1837:

So successful were the exhortations of the Catholic Clergy to their flocks that scarcely any of them were implicated in the Rebellion. The leaders and chief contrivers of the late outbreak were Protestants, Presbyterians and Methodists; but the majority of the rebels were Methodists and Presbyterians.³¹

Here, Macdonell was not merely gloating, but had a specific point to make. He knew that, the Catholics "altho not disaffected to the Govert., are far from being satisfied." Time and time again, Catholics had

²⁹ The Patriot, (Toronto), May 3, 1839. The Patriot reprinted the anti-Catholic article from the Brockville Statesman, and then denounced both the article and the paper.

³⁰ Some account of the Catholics who emigrated from the Highlands of Scotland to the British Colonies of North America, November 9, 1837, Macdonnell Papers, p. 14-15, P.A.C.

³¹ Macdonell to Durham, June 14, 1838, ibid., p. 32.

proven their loyalty, but their exertions had not provoked a favorable response from the government:

Unable to build places of worship for themselves or educate their children they [Irish Catholics] as well as the Scots Highlanders, feel greatly disappointed and annoyed at being excluded from their share of The Clergy Reserves and at not receiving any assistance from Govert. for the education of Their children, altho the Methodists obtained this very year a grant of four thousand one hundred pounds towards their seminary at Cobourg.³²

This attitude--that loyalty deserved recognition and a share of the Clergy Reserves, remained throughout the period from 1838 to 1840.

The Catholics were not the only body to reflect upon their loyalty. The Presbyterians too, felt they were deserving of ample appropriations. While the Catholics had used a more subtle approach in their statements, the Presbyterians were more blunt and threatening:

It seems, indeed, to be almost fatuous that, into the already surcharged cauldron of political discontent and disaffection, the Government should throw the element as it is esteemed, of religious persecution of a large powerful section of Her Majesty's Canadian subjects.³³

Presbyterians warned Canadian officials that they must support the loyal citizens, in this case the Presbyterians, if further dissatisfaction was to be avoided.³⁴

³² Macdonell to Durham, June 14, 1838, ibid., p. 33.

³³ Edinburgh Advertiser, November 2, 1838 reprinted in Kingston Chronicle and Gazette, January 19, 1839.

³⁴ Address of the United Synod of the Presbyterian Church of Upper Canada to Sir George Arthur, June 26, 1838, Series Q, Vol. 418, Part I, p. 177.

It has not been my intention to analyse in detail the progress of the Clergy Reserves Bill introduced into the Upper Canadian Parliament in March of 1839, but rather to discuss the atmosphere existing at the time and the results provoked by its inclusion in the business of the Assembly. To the dismay of the Anglicans, the Assembly showed a desire to compromise. William Crooks, a Presbyterian and a Legislative Councillor, wrote to William Morris, chief spokesman of the United Presbyterian Synod, that John Strachan had had to revert to "shameful trickery" to defeat any contemplated compromise.³⁵ Strachan, it appeared, used the loyalty of the Anglicans and the fear of disaffection to good avail.

Sir George Arthur was aware of the explosiveness of the Clergy Reserves as an issue prior to the opening of The House. He attempted to smooth the course by pointing to the threat of further American invasions. Upper Canadians must unite to protect the country; religious differences must be secondary. He admitted that differences resulting from:

. . . conscientious scruples in matters of religion will necessarily exist; . . . But when the plunder of our property and the total overthrow of our venerable constitution, have become the 'latest dream at night, and the earliest vision of the morning' . . . , it is the part of prudence, no less than duty, to lay aside all differences on minor matters, and to unite heart in hand in the defence of every thing that is most dear to us.³⁶

³⁵ William Crooks to William Morris, May 9, 1839, Morris Family Papers, P.A.C.

³⁶ Arthur's Proclamation of November 5, 1838 in The Western Herald, (Sandwich, U.C.), November 20, 1838.

To all but the Anglicans, the readjustment of the Clergy Reserves was not a minor matter. These sects became incensed when Arthur proposed that the Clergy Reserves be settled by the House of Lords, where Anglican interests would receive a friendly reception. To their surprise, the denominations were joined in opposition by some Anglicans. The Conservative revolt was led by William H. Draper the Solicitor General. Draper shared the Conservative desire to maintain the British connection and defend Upper Canada against American annexation but he did not support Anglican exclusivism. As Chairman of the House Committee on Clergy Reserves, Draper recommended including all religious denominations in the proceeds gained from the sale of the Reserves.³⁷ The behavior of Strachan and the High Tories had alienated many men of more moderate conviction who felt it was a poor time to press for Anglican dominance. The persistence of the loyalty cry in the Reserves issue could serve no positive end. From the Anglican point of view, it was a tactical mistake to raise this issue for the Catholics and Presbyterians had been every bit as loyal as the Anglicans in 1837-38. In the end, the attitude of John Strachan and his followers, worked to the advantage of Charles Thomson for it showed the moderate Conservatives that the position of the High Tories was no longer defensible.

³⁷ Draper proposed to sell all the Clergy Reserves, invest the principal in Provincial Debentures, thereby allowing the Province to build new roads, and divide the interest obtained from the Debentures amongst all major religious denominations. The Church of England would retain $\frac{1}{4}$, the Church of Scotland, $\frac{1}{4}$, and the other $\frac{1}{2}$ would be divided as the Lieutenant-Governor in Council saw fit. Draper's resolutions were accepted by the House but defeated in the Legislative Council. See, Kingston Chronicle and Gazette, March 23, 1839.

As G. Alan Wilson states, "Realists like R.B. Sullivan and W.H. Draper, both Anglicans, became valuable lieutenants in Thomson's war with the Ultras and the voluntarists."³⁸

The Durham Report

On January 31, 1839, Lord Durham's long awaited Report appeared in England and by late April had been well publicized in Upper Canada. A paper with many significant aspects, the Report, in the Canadas, was very important as a focal point. "Like the rebellion it cut for the moment through confusion and uncertainty and forced men to take sides on what seemed like a clear question."³⁹ The Durham Report was rarely considered, by Reformers and Conservatives alike, as a whole. Durham's recommendations regarding Union and Responsible Government were the source of most consideration. John Beverley Robinson, Chief Justice of Upper Canada on sick leave in England at the time of the publication of the Report, wrote off Durham's proposals for municipal institutions by stating that Durham would never have made the recommendations "if his Lordship had been aware of the actual nature of the institutions of the Province, and of the feelings of its people."⁴⁰ Durham was

³⁸ G. Alan Wilson, The Political and Administrative History of the Upper Canada Clergy Reserves, 1790-1855 (Unpublished Doctoral Dissertation, University of Toronto, 1959) p. 467-68.

³⁹ George Brown, "The Durham Report and the Upper Canadian Scene", Canadian Historical Review, Vol. XX, 1939, p. 140.

⁴⁰ John B. Robinson to Normanby, February 23, 1839, A.P., Vol. II, p. 60.

never forgiven by Conservatives for spending only five days in Upper Canada. Other Durham recommendations, such as those concerning land policy and a new railroad were rarely considered--if they were, they were dismissed as totally inoperative.

The reaction to the Union proposal is the subject of Chapter 4. This chapter concerns itself with the reaction to the idea of Responsible Government. Again, specific details were rarely discussed. Neither the Conservatives nor the Reformers were concerned with Durham's division between local affairs and matters of interest to the Empire. They either attacked or supported Responsible Government on the basis of the principle. It was not unusual to see that in different quarters, Responsible Government was interpreted differently. What the Conservative reaction reflected is essential to an understanding of the Conservative state of mind. Did Conservatives fear only institutional reform or were they looking beyond reform to their experiences in the rebellion of 1837 and in their experiences through the period of American invasions?

The immediate reaction to the Report showed the Conservative awareness of the power of the theme of Responsible Government as a rallying point for their opponents. John Macaulay was one of the first to voice this fear:

Indeed, Lord Durham having sanctioned 'responsible government,' I fear the people of the province will not rest until it has been obtained in all its democratic fulness.⁴¹

⁴¹ John Macaulay to Mrs. Ann Macaulay, April 15, 1839, Macaulay Papers.

John Beverley Robinson was the most articulate Conservative critic of Responsible Government. Well versed in the workings of the British concept of a balanced constitution, Robinson was one of the few Upper Canadian Conservatives to criticize Responsible Government⁴² because of the inherent danger of the institutional reforms proposed. The Chief Justice reasoned that to transplant the British system to Canada was a dire mistake, for Canada lacked an aristocratic element like the House of Lords. Without an aristocracy, the British system would be doomed in Canada:

There is in short but the presumed good sense, and good feeling of an uneducated multitude (which may be too tempted) to stand between almost universal suffrage and those institutions which proudly distinguish Britons from the subjects of other monarchies.⁴³

The Legislative Council's analysis approached Robinson's in attempting to interpret the impact of the Report in terms of the theory of government. The Council's Report criticized Responsible Government for under it, "the usefulness of the Governor will be at an end" and Canadian Government will be similar to the American system. Responsible Government would lead ultimately to a lack of control and direction and the creation of a stalemate between the Executive and the Legislative

⁴²Most Canadians, be they Conservatives or Reformers, interpreted Responsible Government to mean a direct transferal of the British Cabinet Government to Canada.

⁴³Robinson to Normanby, February 23, 1839, A.P., Vol. II, p. 62.

branches.⁴⁴ Both Robinson and the Legislative Council showed a concern lest the American system be instituted in Canada.

The difference between the approach of Robinson and Sir George Arthur was subtle and sophisticated. Both men feared the same result-- government in the wrong hands--but they expressed their fears differently. Robinson was concerned with the impact of Responsible Government on the Conservative concepts of structured society and the balanced constitution. Arthur's fears were less ideological and more concerned with practical politics. For instance, Arthur thought Responsible Government would lead to certain parties using the scheme to their economic advantage.⁴⁵ In addition, Arthur saw Canadian Durhamites as rebels associated with the rebellion of 1837. To him, Responsible Government was synonymous with "McKenzie's schemes for getting rid of what Mr. Hume called the 'baneful domination' of the Mother Country."⁴⁶

The Conservative reaction to the Durham Report became bitter after the Durham meetings in the summer of 1839. These meetings were called initially to simply pass resolutions favoring the implementation of Durham's recommendations but they became the sounding board for the

⁴⁴ Report of the Committee of the Legislative Council of Upper Canada on Lord Durham's Report, May 11, 1839, W.P.M. Kennedy, ed., Statutes, Treaties and Documents of the Canadian Constitution 1713-1929, (London, Oxford University Press, 1930), p. 378. The Report was signed by the chairman of the committee, John Simcoe Macaulay but is reputed to be the work, primarily, of Robert B. Sullivan.

⁴⁵ Arthur to Colborne, April 6, 1839, A.P., Vol. II, p. 221.

⁴⁶ Arthur to Normanby, August 21, 1839, Series Q, Vol. 419 Part I, p. 28.

resurgent reform movement. The turnouts at these meetings were very good and must have alarmed the Conservatives. The Durham meetings showed the Conservatives that the activity created by the publication of the Report was not going to subside and consequently the Conservatives became more outspoken in their criticism. Arthur was concerned because the disaffected were "the foremost for renewed agitation,"⁴⁷--an agitation that was disrupting the tranquility of the Province. In October of 1839, Arthur cautioned the new Colonial Secretary, Lord John Russell against giving any active support to the rebels:

The Republican Party which after the rebellion was prostrate, have greatly revived of late; and the loyal party are so jealous of any measures that may give an ascendancy to their opponents that it is impossible just now to be too cautious.⁴⁸

That dispatch to Russell gave a somewhat false impression to the Colonial Office for it implied that the Conservatives were united in their opposition and their jealousy. This was not in fact the case. Not all Conservatives were disposed to criticize the Report. It is difficult to analyse the proportion of those Conservatives who accepted Durham's proposal because this was rarely discussed by the Tory leaders.⁴⁹ However, the large Durham meetings at Tory strongholds like

⁴⁷ Arthur to Normanby, July 1, 1839, ibid., Vol. 418 Part I, p. 4.

⁴⁸ Arthur to Lord John Russell, October 15, 1839, ibid., Vol. 420 Part I, p. 37.

⁴⁹ Tories like Arthur, John Strachan, and Macaulay bitterly denounced turncoats like Egerton Ryerson and William H. Merritt but these men were not really true Conservatives. Merritt and Ryerson were opportunists who had temporarily allied themselves with the Conservatives.

Hamilton, seem to indicate that not all those who attended were old rebels who came out from under cover. In addition, the Anglican minister at Cobourg, a predominantly Tory area reported to his Bishop that "many respectable and loyal persons are abettors of that mischievous Report."⁵⁰ The British Colonist, a Conservative paper, uttered parallel remarks and was highly critical of the Tory cry of "rebel", when it was employed to criticize the significance of the acceptance of the Report:

Of whom then are these [Durham] meetings composed? The mass of them consists of those very men who, by their spirited and patriotic conduct, saved the province from invasion; and now, how are they treated by the government press? Every mark of insult, every term of obloquy--every manner of abuse--is heaped upon those who dare to speak in favor of Lord Durham's report. The term 'Radical' is liberally bestowed. . .⁵¹ applied to the very men who, not long since saved the country.⁵¹

This then forms the basis of the High Tory reaction. A reaction which showed some concern for the problems involved in institutional reform but which primarily equated Durham's proposal of Responsible Government with Mackenzie's dreams of a republic. As can be seen, the official reaction was by no means universally accepted. The whole question of the general reaction of Upper Canadians becomes more clear through an examination of representative newspapers.⁵²

⁵⁰ A. Bethune to John Strachan, July 25, 1839, Strachan Papers.

⁵¹ The British Colonist, (Toronto), August 21, 1839.

⁵² The newspaper selection was not extensive--very few papers are available on microfilm from this period of Upper Canadian history. The Western Herald, The Patriot, and the Kingston Chronicle and Gazette were chosen because they were very solid Tory papers and because they represent three distinct regions of Upper Canada, the Western area, the

The Reform press quite obviously was pleased by the Report. Their motives were not as ominous as Conservatives insisted. To counteract the accusations of the Conservatives, the Reform newspapers were determined to insure that Responsible Government was not equated with American democracy:

We predict it, [acceptance of the Report] the event is certain; the iron rule of a Canadian oligarchy is ended. British liberty, free and untrammelled, is to be the birthright of every Canadian. British Legislation will rear its temples to British justice; and the British laws enforced by a responsible Executive, will guard the sacred right of every citizen.⁵³ (Italics supplied.)

As expected Reformers concentrated their praise upon Responsible Government and it was on this aspect that the Conservative press directed its attack.

The editorials of the Kingston Chronicle and Gazette were indicative of the feelings of the Conservative journals. The Kingston paper's initial response to the Report was vague. Although it did not approve of Durham's principles, its editorial was directed to the numerous factual errors present in the Report. On the whole the Kingston paper showed a lack of concern.⁵⁴ No extensive evaluation of the Report appeared until June. The Gazette's concern with the Durham Report

Toronto area, and the Eastern district. The British Colonist was one of the few "middle of the road" papers, it had no sympathy for the Family Compact but was not truly a Reform paper. The Brockville Recorder was a solid Reform paper and was used as a check.

⁵³ Editorial from the St. Catharine Journal as quoted in the Brockville Recorder, July 4, 1839.

⁵⁴ Kingston Chronicle and Gazette, April 15, 1839.

did not manifest itself until after the Durham meetings. It felt in late June that Durham had simply advocated the scheme of the "Bidwells, Rolphs, Mackenzies, Ryersons, and other 'Reformers',"⁵⁵ but by September the Durham cause became more popular and consequently a direct threat to the Conservative position, and the attack upon its advocates heightened. The Durham meetings, to the Gazette, became gatherings "principally composed of rebels and traitors, met for the purpose of encouraging the plunder and invasion of our country."⁵⁶

The Patriot was the strongest Conservative newspaper in the province and it is unfortunate that its files are incomplete throughout 1839. However, through the papers that do exist one can get an impression of the attitude of this paper. Whereas, The Patriots' Kingston Conservative counterpart had feared a re-emergence of rebels if the Report was adopted, The Patriot feared the Report because of Durham's inclination to imitate American democracy. For this, The Patriot strongly criticized Durham:

Lord Durham, like the bulk of the Whig party, systematically distrusts the loyalty of the colonies--he believes that incipient discontent and desire for change lingers in every colonial bosom--that the Canadians view with envy the prosperity of the United States, sigh in secret for similar institutions, and believe that republicanism or something near it can alone make them prosperous and happy.⁵⁷

⁵⁵ Ibid., June 25, 1839.

⁵⁶ Ibid., September 7, 1839.

⁵⁷ The Patriot, (Toronto), April 9, 1839.

They further warned Canadians not to trust "democratic honor, democratic faith, democratic generosity, democratic honesty, democratic forebearance."⁵⁸

The fear of Americanization was shared by The Western Herald. This Western District newspaper was the only paper to treat the Report lightly. The actual Report and the subsequent Durham meetings received little notice. The Western Herald was primarily concerned with local affairs which meant the threat of American invasions. Summer editions were taken up with accounts of "Yankee Audacity."⁵⁹ No doubt, the Herald's locale, on the American border, accounted for its placing the threat of American invasions above the threats contained within the Durham Report. The Herald has only one critique of Responsible Government in which they voiced a fear of the dangers involved in accepting the schemes of traitors.⁶⁰

The extent of diversity in estimating the effect of Durham's Responsible Government makes the Conservative reaction difficult to interpret. Some conclusions can be drawn. The analyses of John Beverley Robinson and the Legislative Council were perhaps the most sincere. Both statements indicated a great reverence for "British" values specifically that of a balanced constitution and structural society, which they saw usurped by Responsible Government. Beyond this fear, was a concern over their own political future. Robinson, in

⁵⁸ Ibid., May 10, 1839.

⁵⁹ The Western Herald, (Sandwich, U.C.), July 10, 1839.

⁶⁰ Ibid., August 7, 1839.

particular, realized that the rule of the established families of Upper Canadian society was directly threatened. The Robinsons and the Macaulays were concerned not solely because they feared personal loss of power but because the community as a whole would suffer a lack of political leadership. The response of the three major papers showed a different approach. The papers genuinely believed that they were in great danger from rebels and Americans but their attempt to label all Durham's supporters as traitors was not appreciated by all Conservative newspapers.⁶¹ These newspapers like The Patriot played upon the fears of native Upper Canadians by pointing to the turmoil created by either the rebellion of 1837 or the American invasions.

What then of those Conservatives who did not support the High Tory position in 1839? William H. Draper, the able Solicitor General left no personal papers. It is clear however that Draper, who was to become the most important Conservative to split with the old line Tories, did not in early 1839, disagree over the "Responsibility" issue. Draper probably believed that responsibility was not the crucial issue in early 1839. Draper's primary concerns were over the Reserves question and Union.⁶² On both of these issues, the Solicitor General had disagreed with the High Tories, and on the issue of

⁶¹ Witness, The British Colonist, see footnote 51.

⁶² George Metcalf, "Draper Conservatism and Responsible Government in the Canadas, 1836-1847", Canadian Historical Review, Vol. XLII, December, 1961, p. 302. Although Metcalf's article discusses the issue of responsible government. Metcalf does not present Draper's initial response to Durham's proposal.

Responsible Government, Draper no doubt hesitated to voice an opinion. Samuel Bealy Harrison, later to be a prominent Reformer was in 1839, Provincial Secretary under Sir George Arthur. Even though he was reputedly a Reformer, Harrison remained silent over this issue and "served Arthur to the best of his ability."⁶³ Robert Baldwin Sullivan was later to emerge as President of the Executive Council under Sydenham. In 1839, Sullivan was Thomson's "principal advisor in all the negotiations entered into, and his spokesman where he wished his views conveyed through other channels than his own."⁶⁴ This would imply that Sullivan was as skeptical as Thomson concerning the theory of responsibility. In addition Sullivan had been instrumental in the writing of the Report of the Legislative Council which criticized Durham's principle. William H. Merritt, considered by Chester New to be a "consistent Tory", adopted whole-heartedly the principle of Responsible Government.⁶⁵ Ideologically, however, Merritt never was much of a Tory and his career is hardly memorable for its "consistency". Merritt's thoughts on governmental institutions were not well developed. In a letter to Lord Durham, Merritt did not advocate responsibility but rather he recommended that members of the two councils represent the Districts of Upper Canada more adequately.⁶⁶ Merritt's acceptance

⁶³George Metcalf, "Samuel Bealy Harrison: Forgotten Reformer", Ontario History, Vol. L, Summer 1958, p. 118.

⁶⁴David B. Read, The Lives of the Judges of Upper Canada and Ontario, (Toronto, Roswell & Hutchinson, 1900) p. 246.

⁶⁵Chester New, Lord Durham's Mission to Canada (Toronto, McClelland and Stewart Limited, 1963), p. 206-07.

⁶⁶Merritt to Lord Durham, October 5, 1838. J.P. Merritt, Biography of the Hon. W.H. Merritt, M.P. (St. Catharines, D.S. Leavenworth, 1875), p. 188-89.

of the Report was not based upon Durham's proposed institutional reforms, but rather based upon the Union proposal and the inferred economic improvements. In early 1838, Merritt had favored union:

Establish one common interest and our exertion will be directed to one common object. Upper Canadians, Lower Canadians, English, Irish and foreigners, will unite in improving our situation, and making a prosperous country of Canada, it will allay all party feeling and restore a proper spirit.⁶⁷

Merritt as chairman of the committee of the House which was to report on the state of the province showed the same inclinations. The resolutions called for internal improvement and Union.⁶⁸ It appeared that really, Merritt's acceptance of Responsible Government in late 1839 was ancillary to his desire to enhance the Canadas economically through Union.

The once Conservative British Colonist signified the disillusionment with High Tory rule at the time of the Durham Report. The Colonist had never strongly supported Compact rule but it was attached to conservatism and had remained faithful in 1838. Its growing resentment towards the Compact was indicated in its initial response to the Report. Curiously, the Toronto paper felt Durham had not criticized the Compact enough and that Durham had misjudged the cause of Canada's problems--Tory mismanagement.⁶⁹ Despite this antipathy,

⁶⁷ Merritt to C. Buller, May 30, 1838, ibid., p. 184.

⁶⁸ Resolutions 19 and 21, Resolutions on the State of the Province, Committee Report, quoted in Kingston Chronicle and Gazette, March 23, 1839.

⁶⁹ The British Colonist, (Toronto), March 6, 1839.

they were ideological Conservatives and were not willing to accept the Report immediately. No opinion was expressed on Durham's scheme for over two months and it is significant that they accepted the Report only after the Provincial Assembly had agreed to allow the British Parliament to settle the Reserves question. The British Colonist represented the Presbyterian interests in the province and the re-investment of the Clergy Reserves was the last piece of evidence they needed to be convinced of Tory misrule. Consequently they supported the Report:

It is admitted on all sides, that these Provinces are about to undergo some great political change, . . . and as we desire neither to countenance or advocate any change that is not truly British, we purpose to support Lord Durham's Report, because it is so.⁷⁰

Even though they adopted Responsible Government the Colonist had a different concept of what this term implied than an all out Reformer. Where a Reformer would favor a system in which the elected assembly was dominant, The British Colonist viewed Responsible Government as a system in which the assembly would have more power but still only enough to balance the Governor--the end result being moderate government.⁷¹ One could well wonder if this was what Durham had in mind. The essence of the Colonist's acceptance was their distrust of Compact rule and part of this concern was with what they termed Tory economic mismanagement. The Colonist felt that lately the Tories had forgotten the

⁷⁰Ibid., May 15, 1839.

⁷¹Ibid., August 28, 1839.

economic state of the Province and:

. . . that the public works generally that have been attempted, have been converted into jobs to serve party purposes, from the Welland Canal downwards; that in many of these the public money has been expended to little purpose, and the improvements diverted from their proper course to enhance the value of property accumulated in the hands of members of the compact.⁷²

The Tory application of disaffection as an anti-reform argument throughout 1839 and in particular their reaction to the Durham Report alienated some of their own moderate followers. Bethune's letter suggested this. Admittedly the British Colonist was not a real Tory paper--it never supported the Arthur administration but by the same token was it a Reform paper? The Colonist finally broke ranks with the Tories because of the unbending position the Compact had taken. Charles Poulett Thomson's early administration and in particular the Union issue would effectively seal the fate of the old Tories. Conservatism would continue to exist in the Canadas but Tory Oligarchy was ended.

⁷²Ibid., May 29, 1839.

CHAPTER FOUR
CHARLES POULETT THOMSON,
UNION AND THE END OF TORY POWER

The Union proposal as adopted by the Colonial Office became the key to the Tory downfall in Upper Canada. Merely as a concept, union, proved most tempting to the business community but it took a persuasive politician and some advantageous conditions to convince the Upper Canadian Conservatives to accept it. Without any opposition, Conservative control of Upper Canada had continued during 1838, however dissatisfaction with this rule mounted during 1839. This dissatisfaction turned to outright opposition when the House of Assembly was presented with Charles Poulett Thomson's union proposal. In the face of a general acceptance of union, a hard core of Tories determined upon a course of opposition. By doing so, the Tories, who had been so dominant, sealed their fate. The Conservatives who emerged in the 1840's under the leadership of William H. Draper resembled only slightly the Tories of earlier years, men like John Beverley Robinson. This chapter will deal with the Conservatives, both Tory and moderate, attitudes towards Union, the courses chosen by the two groupings and then discuss the Tory outlook through 1840 and 1841. The first United Parliament of June-September of 1841 serves as a good terminating point for it shows very clearly how far the Tories had slipped

from the control of the government of Canada.

The initial response to Union as proposed in the Durham Report showed the basis of the Tory concern. John Beverley Robinson was convinced that the mechanics of Union would break down because of the communication problem. His more basic criticism was that he feared the activities of the French Canadians in a United Assembly. Union would result in an impasse for ". . . a sense of danger would combine every French member in a close phalanx against the British portion of the Legislature."¹ Even R.B. Sullivan, who ultimately accepted Union, shared this fear. In fact, Sullivan carried it one step further, "The French members will always be found ready to act in a body with Upper Canadian liberals;" a reform majority would thereby be obtained and the voice of conservatism would be nullified.² Whenever the Tories discussed union, their concern centered on the French Canadians. As early as 1838 when union was only hinted at, The Patriot showed a strong distrust for their neighbours:

. . . of the thorough faithlessness and utter disloyalty of the French Canadians we can have as little doubt. Under these circumstances, the grand question is, how is the future Government of the Canadas to be settled, so that the British population may have that measure of political influence in the management of these provinces which their numbers, their wealth, their enterprise, their loyalty, so fully entitle them to.³

¹J.B. Robinson to Lord Normanby, February 23, 1839, A.P., Vol. II, p. 58.

²Robert B. Sullivan (for Arthur) to Normanby, September 15, 1839. Ibid., Vol. II, p. 246. The text of the letter was written by Sullivan although Arthur, John Macaulay and Christopher Hagerman made numerous additions. No doubt, all four men shared this opinion.

³The Patriot, (Toronto), June 5, 1838.

The Tories saw within the union proposal other objections in addition to their fear of the French Canadians. The governmental framework, although not altered radically by the new scheme was too radical for the Attorney-General, Christopher Hagerman:

My second great objection [the first being that the French would never be anglicized] to this measure is that it is republican in its tendency. The proposal to appoint Legislative Councillors who are to hold their seats for eight years will be found wholly inadmissible among the Loyal portion of the community in both Provinces.⁴

The Tory press shared this concern over the impact of Union but were prepared to admit that Union might be acceptable if the proper "restrictions" were added to insure Anglo-Saxon dominance.⁵ Tory dislike for union could, in some cases, be modified or even eliminated if particular advantages came into play. The Kingston Chronicle and Gazette's estimate of Union changed appreciably when it was rumored that Kingston would be the capital.⁶

In early 1839, the British Parliament had not yet made any decision on the recommendations of Lord Durham. In an attempt to inform the Colonial Office of their opinion, the Upper Canadian Assembly passed a series of resolutions expressing their views on the subject of Union. The debate over these resolutions showed the emergence of three distinct attitudes. Christopher Hagerman and the "pure" Tories were not prepared to accept union on any terms because Hagerman felt that Union would

⁴Hagerman to Arthur, September 15, 1839, A.P. Vol. II p. 256. John Macaulay agreed completely with Hagerman. Macaulay to Arthur, September 15, 1839, Ibid., p. 262.

⁵Kingston Chronicle and Gazette, April 3, 1839.

⁶Ibid., April 10, 1839.

signify the end of the British connection and a desire for Republicanism would soon manifest itself.⁷ He was supported by a segment of the Conservatives, men like Ogle Gowan who were convinced that the French and the Radicals of Upper Canada would combine to "demand their most ultra requests."⁸ Other Conservatives, notably William H. Draper supported union wholeheartedly. Draper's argument was based upon a desire to rebuild the economy of Upper Canada. This rebuilding would depend upon Upper Canada's ability to restore the confidence of the British financiers and this could not be done unless Lower Canada was also rehabilitated. Union would alleviate much of the tension between the two Provinces and a united Parliament pledged to economic advancement would restore England's faith in Canada.⁹ Between Hagerman and Draper stood a group of Conservatives who desired union but only on the condition that it be heavily weighted in favour of the Upper Canadians. This group feared the French but also saw the economic advantages inherent in Union. This segment of the Upper Canadian Conservatives led by John Solomon Cartwright, a prominent Tory and Kingston merchant, was in the majority and passed a set of resolutions requesting the specific conditions they felt essential.¹⁰

⁷Hagerman's Speech on Union, March 21, 1839 quoted in the Kingston Chronicle and Gazette, April 3, 1839.

⁸Ogle Gowan's Speech on Union, March 21, 1839 quoted in The British Colonist, (Toronto), March 22, 1839.

⁹William H. Draper's Speech on Union, March 22, 1839, quoted in the Kingston Chronicle and Gazette, April 6, 1839.

¹⁰John S. Cartwright's Speech on Union, March 22, 1839, quoted in, The British Colonist, (Toronto), March 27, 1839. The final set of resolutions adopted called for the capital of United Canada in Upper Canada, 62 seats

The climate of opinion in Upper Canada was unsettled when the British Parliament decided in favour of union--a union to be dictated from the Colonial Office not the Provincial Assembly. Even the Reformers were not completely united. Robert Baldwin was initially skeptical. Like the Conservatives, he feared a separation from Great Britain.¹¹ In general though, the Reformers were less hesitant about union than the Conservatives. The appointment of Charles Poulett Thomson as Governor General did little to allay the fears of Canadian Tories. Thomson, as Chairman of the Board of Trade, had gained a reputation as a free trader. It was believed that Thomson favored abolishing the protective tariff on timber causing Canada to compete in an open market with the Balkan producers. Thomson's liberal reputation preceded him and certainly colored his reception.¹² To comfort Canadians, Thomson, on his arrival in Montreal, assured Canadians that union would be based upon sound principles and that Canadians' primary concern should be the state of their economy which would be greatly enhanced by union.¹³

for Upper Canada as opposed to 50 for Lower Canada, the assumption of the Upper Canadian debt by the United Province, a property qualification based upon British Freehold Tenure gradually introduced and guarantees that the economic policy affecting the Upper Province would be controlled by Upper Canadians.

¹¹ G.E. Wilson, The Life of Robert Baldwin, (Ryerson Press, Toronto, 1933), p. 71.

¹² Montreal Gazette, September 26, 1839 and the Kingston Chronicle and Gazette, September 28, 1839.

¹³ Montreal Gazette, October 24, 1839. The Gazette's article accepting Thomson was carried and approved by most Upper Canadian Newspapers.

Thomson not only had to face an apprehensive population but also a Lieutenant-Governor who was not convinced of the merits of Union. Arthur agreed there were "many and most substantial advantages to be gained by the measure" but not until after "an extensive infusion of British population by immigration".¹⁴ In addition, Arthur was closely identified with the Tories of Toronto and had his suspicions about the intentions of Thomson:

The ostensible object [of Mr. Thomson's appointment] is to propose the Question of Union; but I am quite persuaded that another, not less important, is to change the current of political feeling in the Province wh. for many years, has been amongst all the Canadian party highly Conservative.¹⁵

Despite Arthur's personal reluctance, he was under pressure from both above and below. Some of his trusted advisors and a good deal of the population of Upper Canada favored union and certainly Arthur's superiors in the Colonial Office had accepted that proposal. This placed Arthur in a delicate position. Was his duty to his conscience, or to his superiors? The correspondence of the two Lieutenant Governors, Arthur and Sir John Colborne of Lower Canada showed Arthur's thinking. Arthur continually wrote Colborne discussing his position and the steps he should take in the light of his personal antipathy to the Government proposal. In this matter, Colborne proved to be of some assistance. As early as August of 1839, Colborne warned Arthur that the majority of Upper Canadians favored Union.¹⁶ He also suggested to Arthur that there simply

¹⁴ Arthur to Russell, October 18, 1839, A.P., Vol. II, p. 289.

¹⁵ Arthur to Lord Fitzroy Somerset, November 11, 1839. Ibid., Vol. II, p. 308.

¹⁶ Colborne to Arthur, August 27, 1839, ibid., Vol. II, p. 223.

was "no alternative to the Legislative Union of the Canadas."¹⁷ This constant pressure proved successful and in the end, Arthur, although he still had some doubts, accepted Union because it was the policy of Her Majesty's Government.¹⁸

Thomson arrived in Upper Canada with a well laid out strategy. Equipped with the guarantee of an additional incentive,¹⁹ Thomson felt confident that he could, using all the means available, obtain Upper Canada's acceptance for the concept of union. The Tory make-up of the House, made it fairly certain that an effort would be made to attach conditions but Thomson insisted that the details of the bill would be left in the hands of the British Parliament.²⁰ In addition to the very favorable terms Thomson had to offer, he also had the assistance of Sir George Arthur. To obtain passage, it was essential that some of the Conservatives support the Union proposal. The Reformers would agree but they were a very distinct minority. Through Arthur, Thomson worked upon the staunch Tories, men like Henry Sherwood and John Cartwright.²¹ In

¹⁷ Colborne to Arthur, October 23, 1839, ibid., Vol. II., p. 295.

¹⁸ Arthur to Thomson, November 9, 1839, ibid., Vol. II, p. 305-6.

¹⁹ Lord John Russell assured Thomson that the united Canadas could be sure of a loan of £1,500,000. Russell to Thomson, September 2, 1839. In addition, Thomson offered equal representation and the assumption of the Upper Canadian debt. The Third stipulation was the guaranteeing of a Permanent Civil List. Paul Knaplund, ed., Letters of Lord Sydenham to Lord John Russell (George Allen and Unwin Ltd., London, 1931), p. 31.

²⁰ Thomson to Russell, November 25, 1839, ibid., p. 37.

²¹ Arthur to Thomson, November 28, 1839, A.P., Vol. II, p. 329.

addition Arthur was not certain about the position of the Solicitor General, William H. Draper. There was some concern lest Draper would favor adding conditions to Thomson's recommendations. In this respect, Arthur proved helpful to the Governor General. In a series of interviews with Draper, Arthur pointed out the official policy of the Colonial Office.²²

The reaction to Thomson and the Union proposal was not unanimous. The Reform press, which was revitalized after the publication of the Durham Report, generally saw Union as a stepping stone to Responsible Government and were overjoyed. The Conservative papers either considered this absurd or used it as an argument against the bill. Those papers which supported the proposal, did so for economic reasons.²³ Not all Tory papers accepted this argument and those that opposed the bill were outspoken in their criticism:

The question then presents itself--is it safe or right to trust the management of the affairs of our country into the hands of these TRAITORS?--or even to afford them a remote chance of raising their hydra heads in triumph over the tried and faithful loyalists?--we emphatically say NO.²⁴

A fear of the French Canadian influence in the United Parliament dominated the editorials of both The Western Herald and The Patriot.²⁵ The Tory papers were so convinced that Union would lead to separation from Great Britain that even after the passage of the Union bill in the Canadas, The Patriot could not believe that the British Parliament would allow such

²² Arthur to Thomson, December 15, 1839, ibid., Vol. II, p. 344.

²³ The British Colonist, (Toronto), November 27, 1839.

²⁴ The Western Herald, (Sandwich, U.C.), December 5, 1839.

²⁵ The Patriot, (Toronto), January 3, 1845.

a measure to be instituted.²⁶

Not all Upper Canadian newspapers were as committed to union as The British Colonist or as opposed as The Patriot. The inability of the Kingston Chronicle and Gazette to decide whether economic advancement or ideological attachment was of the foremost importance, was indicative of the generally uncertain state of opinion in Upper Canada. The Kingston paper saw the "immediate enlargement of the Welland Canal [and], the completion of the St. Lawrence Canal", as more important than the "endless political squabbling"²⁷ and seemed at this point to favor union. Nevertheless, the Kingston Chronicle and Gazette always insisted that proper checks must be maintained if they were to be "associated with the discontented and rebellious French Canadians."²⁸ However, the Gazette was in for a rude awakening. Thomson had, on a number of occasions, referred to the fact that union would be based on the "equal justice for all" principle and this hardly offered, in Tory eyes, the required safeguards:

Disaffected Districts are to be received into the union with the same marks of respect and consideration as the most true and faithful portions of the Colony. Rebels, Durhamites, Radicals, and Loyalists are to find equal favor and protection²⁹ under the wings of the Right Hon. Charles Thomson.

This dismissal of Union seemed most final yet within two weeks, the Gazette had reversed its field again and was now favoring union. It seemed that upon reconsideration, the assumption of the Upper Canadian debt and the

²⁶ Ibid., February 18, 1840.

²⁷ Kingston Chronicle and Gazette, September 28, 1839.

²⁸ Ibid., November 16, 1839.

²⁹ Ibid., November 27, 1839.

re-occurring rumors that Kingston would be the capital, were too tempting.³⁰

When the Union Bill was brought into the Assembly in December of 1839, the same dividing lines that had existed in the debate over the March Resolutions were present. Christopher Hagerman was the most prominent Tory to oppose union completely, and he did so because of the same fear that had motivated him in March--fear of the end of the British connection. Hagerman could not alter the opinion of the House. Of fifty-five voting members, only ten voted in favor of W.B. Robinson's amendment to have no union whatsoever.³² A strong contingent of Conservatives led by William H. Draper, men ranging from Ogle Gowan and Henry Sherwood to William H. Merritt supported the Union principle. Draper argued along economic lines in the Assembly but in a private letter, Draper suggested an additional reason for acceptance:

. . . I have felt that in order to afford myself a prospect of being again returned to Parliament should I continue to hold office and H. Majesty's Government, require my presence in the Legislature, it was indispensably necessary for me to adhere to the Course I am now taking.³³

³⁰ Ibid., December 11, 1839.

³¹ Hagerman's Speech on Union, quoted in The Western Herald, (Sandwich U.C.), January 1, 1840.

³² Of the ten, six were major Tories--Hagerman, George S. Boulton of Durham County and a member of a prominent Tory family, John S. Cartwright of Kingston, Mr. William Gamble of the 1st Riding of York, Sheriff Jarvis of the Gore (Hamilton) District and William B. Robinson of Simcoe County. The four minor figures were Messrs. Caldwell, Elliott, McCrae and Murney. Although not all of these members stood for re-election in 1841 it is perhaps significant that only one, John Cartwright, sat in the First Parliament. For the voting on the different resolutions see: The British Colonist, (Toronto), January 1, 1840 or The Patriot, (Toronto), January 7, 1840.

³³ William H. Draper to Arthur, December 16, 1839, A.P., Vol. II, p. 353.

Draper was not totally successful in holding all the Conservatives when the specific resolutions, on which Union would be based, were voted on. Most of the prominent Tories agreed with John S. Cartwright's amendment to the Union resolutions, which would have imposed as conditions the Resolutions of March 1839. This measure was defeated by Draper, the moderate Conservatives and the Reformers by a vote of 34 to 21.³⁴ The men who demanded conditions were the clearly definable Tories in the Assembly and certainly 21 would be their maximum strength. Reform strength was never listed, even by Francis Hincks, at more than 14.³⁵ This left a group of approximately 20 in the middle who supported Union without any conditions. These men, with the exception of Draper and Merritt, were not well known or major figures. As a group, they would be similar to Anthony Manahan, member from Kingston who represented business and Catholic interests. Manahan supported Thomson and union completely. It is difficult to analyse the thinking of these members but the observation of the Kingston Chronicle and Gazette, that they were converted by arguments that were not altogether altruistic, seemed accurate:

³⁴The Attorney-General after opposing Union in general terms proceeded to vote for the Government Resolutions. The other nine men mentioned in footnote 32, with the exception of Mr. Caldwell, all voted for Cartwright's conditions. They were joined by Mr. Bockus of Prince Edward County, Ogle Gowan from Brockville and of the Orange Lodge, Alexander McLean of Stormont, Deputy-Speaker Henry Ruttan, George Rykert and Henry Sherwood, all fairly important Tories.

³⁵Sir Francis Hincks, Reminiscences, (William Drysdale and Co., Montreal, 1884), p. 40.

The whole of the proceedings in the Council and the Assembly afford a melancholy proof of the power of self-interest and prejudice. The debt and national origins, distinctions, seems to be the leading motives.³⁶

The voting in the Legislative Council was less dramatic but from the newspaper reports, it appeared to follow the same pattern as in the Assembly. Robert Baldwin Sullivan argued most effectively in favor of Union. The opposition was led by John Strachan who characteristically saw a threat to Anglican dominance because of the strength of the Roman Catholics. He was supported by a group of Tories, men like William Allan, a prominent Toronto banker, who feared that Upper Canada would become subservient to the Lower Province.³⁷ The only important reversal would appear to be the vote of John Macaulay, the Inspector General. Macaulay did not approve of Union nor did he support Thomson but he believed that as an officer of the government, he was duty bound to vote for government measures.³⁸ In evaluating the Tory voting, the Brockville Recorder, a strong Reform paper, was more sympathetic towards the Tories than the Kingston Chronicle and Gazette had been. The Recorder believed that the Tories voted for union because union was "a government measure, or because they conscientiously believed in the propriety of the course."³⁹

³⁶ Kingston Chronicle and Gazette, January 8, 1840. In this the Gazette was somewhat unfair for according to footnote 30 this paper was connected to Union for almost the same reasons.

³⁷ Unfortunately the actual voting was not reported by the newspapers. However, the Kingston Chronicle and Gazette did publish the "dissents" of the Legislative Councillors who opposed union. Ibid., January 1, 1840.

³⁸ Macaulay to Arthur, September 15, 1839, A.P., Vol. II, p. 258.

³⁹ The Brockville Recorder, January 2, 1840.

What did the passage of Union signify? Beyond the very important impact upon the Canadian governmental framework, Union dealt the finishing blow to Upper Canadian Toryism. This Toryism had depended upon two factors--the patronage web which extended from the Executive Council downward and the ability of the Tories to win at least half of the elections to the Upper Canadian Assembly. Charles Poulett Thomson's usage of personal control and his determination to build a party from the moderate ranks and avoid the extremities of the political spectrum meant the end of Tory patronage. It would be extremely difficult to win elections, for not only did the Tories of 1840 face opposition from two angles, from Thomson and the moderate Conservatives and from the Reformers but they did so without patronage, and without patronage they would never hope to control an Upper Canadian Assembly. Even under optimum conditions, with a strong leader and an alliance with Lower Canadian businessmen, the Tories would be hard pressed to maintain control of the United Legislature. Within days of the passage of the Union, Sir George Arthur was pessimistic about the future for the Tories:

The Constitutional party wh. supported Sir P. Maitland-- Sir J. Colborne--Sir F. Head--and myself, are as a body, so thoroughly undermined, that I would not on any acc't remain in the Province to witness their utter prostration.⁴⁰

The Tories of Upper Canada were indeed leaderless. Sir George Arthur who really was a Tory had to disassociate himself from that group

⁴⁰ Arthur to Lord Fitzroy Somerset, December 24, 1839, A.P., Vol. II, p. 364.

because of the pressure of both Thomson and the Colonial Office. John Beverley Robinson, upon his return to Canada in 1840 was not, upon orders from Thomson, re-instituted as the Speaker of the Legislative Council. John Macaulay, because he was a good administrator and had some financial ability was offered a place in the government if he would stand for election to the United Assembly, but he refused.⁴¹ John Strachan was considered too extreme even by most of the Tories and The British Colonist was correct when it assumed that Christopher Hagerman was shuttled off to the Bench because he was "looked upon as a political nuisance, whom it might be expedient to shelf."⁴² Leadership in the Assembly fell by elimination upon two men, Sir Allan MacNab and John S. Cartwright. Both were thoroughly discredited in the eyes of the Thomson administration because of their opposition to the Governor-General's measures. In addition to a lack of leadership, the Tories suffered from a lack of followers. The small contingent of Tories in the first United Parliament, although vocal, could do nothing to shape policy. In general, their only course was a rear guard defensive action which rarely proved successful.

Riding high on a crest of success, as a result of the passage of the Union bill, Thomson tackled the Clergy Reserves question. The relative ease with which the settlement was affected and the generous appropriations to the many denominations, pointed to the dwindling influence of the Tories in Upper Canada. Thomson considered the issue crucial.

⁴¹ Arthur to Sydenham, November 26, 1840, A.P., Vol. III, p. 189.

⁴² The British Colonist, (Toronto) January 22, 1840.

He definitely was concerned about the Reserves and hoped that the settlement would hasten the return of prosperity but this was not his primary concern. Thomson rather feared that the continuation of the debate over the Reserves would prove disastrous to the political destiny of Upper Canada:

With a good settlement [no major revision of the Canadian bill in the British Parliament] you may get quiet Elections for the United Parlt.--In a bad one, you will get a return of mere agitators upon that point, worthless and mischievous for all purposes of Legislation.⁴³

Thomson was inadvertently aided by the intransigence of John Strachan. Strachan's attitude had been harmful in March, but then the proponents of the division of the Reserves had not had a forceful Governor General to bolster their cause. Sir George Arthur commented that "The course taken by Doctor Strachan in this matter is deeply to be lamented."⁴⁴ John Macaulay who had been one of Strachan's closest allies now realized that "the struggle by Churchmen against the spoilation is hopeless."⁴⁵ Even Strachan who initially was adamant complaining of Thomson's pandering to traitorous Yankee Methodists,⁴⁶ eventually came to realize that what he termed "spoilation" was inevitable. This did not, however, deter Strachan from attempting to salvage as large a chunk of the

⁴³ Thomson to Arthur, May 15, 1840, A.P., Vol. III, p. 67.

⁴⁴ Arthur to J.B. Robinson, December 25, 1839, ibid., Vol. II, p. 366.

⁴⁵ John Macaulay to Mrs. Ann Macaulay, January 6, 1840, Macaulay Papers.

⁴⁶ Strachan to Rev. A.M. Campbell, Secretary of the Society for the Propagation of the Gospel in Foreign Parts, (S.P.G.F.P.), April 28, 1840, Strachan Papers, Letterbook, 1839-1866 to the S.P.G.F.G., p. 14.

Reserves as he could.⁴⁷

The reaction to Thomson's Clergy Reserves Bill was mixed but it appeared that the majority would accept any settlement so long as it was final. The Patriot was the only paper that was indignant. The Patriot simply could not believe that the British ministry was "so besotted, as by the division of the Clergy Reserves, to place the Ryersonian Hierarchy, dominant over those of England and Scotland."⁴⁸ The denomination that fought Anglican exclusiveness so strongly, the Presbyterians, now seemed satisfied.⁴⁹ The Kingston Chronicle and Gazette caught the spirit of the times when it argued that division was the best solution and that the Anglicans should accept this and make the best of the situation:

Those members of the Church of England who are not strongly [prejudiced?] in favor of their exclusive rights, must admit that any settlement whatever is preferable to leaving the matter in its present shape. The Radicals will thus be deprived of their chief bone of contention, and it will be one step towards restoring that tranquility to the country of which it stands so much in need.⁵⁰

The reaction to the Clergy Reserves was only one in a series of reactions which indicated two different approaches to the Thomson regime in 1840-41. The Conservative politicians and the newspapers followed one of two courses--either they acquiesced in the programs proposed by

⁴⁷ Strachan to Campbell, May 22, 1840. Ibid., Letterbook, 1839-1843, p. 58.

⁴⁸ The Patriot, (Toronto), February 18, 1840.

⁴⁹ R. Burns to William Morris, July 29, 1840, Morris Papers. The British Colonist which supported the Presbyterian claim was satisfied with the solution, The British Colonist, January 22, 1840.

⁵⁰ Kingston Chronicle and Gazette, January 15, 1840.

Thomson or they reacted bitterly. This was to varying degrees. William H. Draper and the moderates were quite pleased to follow the Governor General whereas John Cartwright refused. Not all Tories went as far as Cartwright. There were a good number of men running in the election of 1841, like Henry Sherwood and George Munro in Toronto⁵¹, who grudgingly paid lip service to Thomson. These same divisions were also true of the newspapers. The British Colonist was enthusiastic in its support of Thomson,⁵² while the Kingston Chronicle and Gazette was more reluctant. But the Gazette realized it was faced with a fait accompli and that therefore the time had come for Conservatives, despite their reservations, to accept Union and the Governor General. It was now the duty of "all good citizens [to] unite in their endeavour to return a loyal House of Assembly to the united Parliament."⁵³ In this appeal to accept the new policy, the Gazette was joined by a rather unusual source, John Strachan. In a reply to a request to call a meeting of the Anglican clergy which was to criticize the policies of Lord Sydenham, Strachan argued that the Anglican Church must not be found in opposition:

His Excellency neither anticipated nor can anticipate any opposition from the Church to any measure that he can feel it his duty to bring forward. Her [the Church's] attachment to the Queen and connexion with the Parent State is too well known to receive any strength from a departure from established usage.⁵⁴

⁵¹Both men ran as Constitutionists against John H. Dunn, the Receiver General and Isaac Buchanan, a prominent Toronto businessman. Sherwood, of the prominent Tory family and Munro, Mayor of Toronto, claimed to be "Administration Men."

⁵²The British Colonist, (Toronto), February 19, 1840.

⁵³Kingston Chronicle and Gazette, February 12, 1840.

⁵⁴John Strachan to William Macaulay, November 9, 1840, Strachan Papers, Letterbook, 1839-1843, p. 77.

Not all the Tories agreed, finding opposition more acceptable than voting for Government measures which did not appeal to them. The Patriot never really accepted Union and was the most outspoken newspaper in opposition to Thomson. The appointment of Robert Baldwin as Solicitor General over men like Henry Sherwood or Allan MacNab who were noted for their loyalty, shocked The Patriot.⁵⁵ This Toronto paper was convinced that Thomson was a "bitter enemy of every friend of Monarchy, and the encourager of Democracy and Republicanism."⁵⁶

Even the Kingston Chronicle and Gazette, which had become a supporter of the Governor General was upset by the appointment of Baldwin, asking "if this be the reward of disaffection, what is the use of being loyal?"⁵⁷ It was understandable that this newspaper did not like the appointment of Baldwin but it never went to the same extremes as The Patriot. The Kingston paper's endorsement of Thomson seemed to stem from practical reasons rather than an approval of his policy. In discussing the election for the town of Kingston, the Gazette approved of Anthony Manahan for he was a supporter of Thomson, and there was "little fear of his sitting on the opposition benches, a circumstance of more consequence to the town, than at first sight may be imagined."⁵⁸

⁵⁵ The Patriot, (Toronto), February 14, 1840.

⁵⁶ Ibid., July 17, 1840.

⁵⁷ Kingston Chronicle and Gazette, October 10, 1840.

⁵⁸ Ibid., August 8, 1840.

The Kingston Chronicle and Gazette always claimed to support moderate men, members who would be acceptable to the Governor General. However, it interpreted "moderate" differently than Thomson claiming that Cartwright and MacNab fit this category.⁵⁹ Despite this apparent misconception about whom Thomson favored for the United Parliament, the Gazette could be called a supporter of the Governor General.

In general, Thomson, as of August 1840 Lord Sydenham, was successful in managing the affairs of Upper Canada within the guidelines of "moderation". He could not, however, extend this principle to all matters. In the winter of 1840, Alexander McLeod, sheriff of the Niagara District was arrested for his alleged participation in the Caroline affair. It is not my intention to discuss the legal technicalities or the impact on Canadian-American relations of the court proceedings; this has received attention from Alastair Watt.⁶⁰ In Upper Canada, the case provoked another outburst of anti-Americanism which surely did not please Sydenham. Tories easily justified their existence in 1838 because they were foremost in the defense of the country. At a time when the Canadas were about to embark upon the proposed Union, Sydenham did not want the McLeod case to provide the ammunition which would lead to the resurgence of the Tory cause. He had too many measures to implement to allow anti-Americanism to run rampant. Although he was concerned about McLeod,

⁵⁹ Ibid., February 27, 1841.

⁶⁰ Alastair Watt, "The Case of Alexander McLeod". Canadian Historical Review, Vol. XII, June 1931.

Sydenham never reacted to the same extent as Sir George Arthur and the Tories.

The attack on the United States engendered by the McLeod case was not restricted solely to the Tories. William Draper, a Sydenhamite still showed signs of anti-Americanism.⁶¹ While moderate Conservatives were angry, the Tories were incensed. Sir George Arthur realized that McLeod was far from respectable or reliable and that McLeod would "delight in a broil with the States, and would pass through some personal suffering to effect such an object."⁶² To Arthur this did not in any way, lessen the guilt of the United States. In a sense, the McLeod affair, tended to justify Arthur's distrust for the Americans for it did not appear as if Van Buren was making much of an effort to stop the proceedings of the New York courts. Arthur pointed out to the Colonial Office that they could expect little from the Americans, but more of these cases, and that Great Britain must never concede anything to the Americans. If they conceded, the consequences would be disastrous for:

We have to deal with a low, cunning, unprincipled class of men who would most certainly take advantage of such a proceeding, and incarcerate as many Mr. McLeods as they calculate upon obtaining ransom for.⁶³

The McLeod affair was extremely frustrating to Upper Canadians for there was little they could do. The Whig administration at home and Sydenham were concerned but not willing to force a confrontation. Sydenham

⁶¹Mr. Draper's Report on 3rd Victoria, C.12, November 28, 1840, Correspondence of the Lieutenant-Governor of Upper Canada to the Governor General, Vol. II, p. 319-20.

⁶²Arthur to Sydenham, January 11, 1841, A.P., Vol. III, p. 238.

⁶³Arthur to Thomson, January 25, 1841, Series Q, Vol. 428 Part 1, p. 170.

suggested that it might be wise to have private citizens post bail and then have McLeod skip the country.⁶⁴ Arthur was adamant on this point. He was much more willing to force a confrontation no matter what the consequences.⁶⁵ The lack of activity on the part of British officials was not appreciated by the two strongest Tory papers.⁶⁶ Even The British Colonist which was warm in its support of the Sydenham administration hoped that something would be done.⁶⁷

The excitement created by McLeod's prolonged stay in an American jail could not be sustained. McLeod was the center of attraction through the winter of 1840-41, but after Union was initiated in February, McLeod became much less important. Although there was some grumbling about Whig mismanagement, it was not translated into a Conservative swing away from Sydenham. Politically, McLeod did little harm. Sir George Arthur, who had disagreed with Sydenham over the McLeod affair, was no less friendly towards his superior. Relations between the two men, which had been somewhat strained at the time of Sydenham's arrival, were becoming more and more cordial. The correspondence of the two men was very frank and cordial. With the passage of time, Arthur was coming to share more of Sydenham's views, not only on union and administrative policy, but also on the election of 1841. Arthur was quite willing to

⁶⁴ Sydenham to Arthur, January 15, 1841, A.P., Vol. III, p. 244.

⁶⁵ Arthur to Sydenham, January 18, 1841, Ibid., Vol. III, p. 251.

⁶⁶ The Western Herald, (Sandwich, U.C.), September 8, 1841 and The Patriot, (Toronto), December 25, 1840.

⁶⁷ The British Colonist, (Toronto), January 13, 1841.

accept the endorsement of moderate Reformers over staunch Constitutionalists.⁶⁸

The Tory position during the election of 1841 and the first session of the United Parliament was not always clear. Many of the Tories claimed to support the government during the election even if they had voted against union. Political labels were not very helpful for they were rarely used, although some of the old Tories did run as Constitutiona-
lists. The newspapers also reflected this ambiguity. The Conservative papers did not think it inconsistent to favor the policy of the Governor General and also support their own Tory candidates. The Western Herald supported John Prince in the County of Essex because of his Toryism.⁶⁹ Thomas Dalton's The Patriot was the only Tory paper to oppose directly the policies of the Governor General. In the Toronto elections, the Receiver General, John Henry Dunn and Issac Buchanan were endorsed by Sydenham, but The Patriot was insistent that "the rallying cry of the supporters of British Rule and British Institutions will be 'Sherwood and Munro'".⁷⁰ The Patriot, with a change of editors and with the continued popularity of Sydenham, was coming to realize that it was not wise to be in continued opposition to the Governor General.⁷¹ After the resignation of Baldwin, The Patriot, although not overly enthusiastic was pleased with the government because people like R.B. Sullivan, W. Draper and Ogden Day represented the Conservative point of view in the

⁶⁸ Arthur to Sydenham, January 4, 1841, A.P., Vol. III, p. 232-33.

⁶⁹ The Western Herald, (Sandwich, U.C.), February 17, 1841.

⁷⁰ The Patriot, (Toronto), September 22, 1840. The Patriot, while Dalton was editor was strongly anti-Sydenham. However Dalton died in November of 1840 and although the editorial policy did not change drastically the paper was less antagonistic towards the administration.

⁷¹ Ibid., February 28, 1841.

Executive Council.⁷²

The election of 1841, in general proved disastrous to the Tories. In the County of York, two Tories, William Gamble, and Captain Macaulay were defeated by two "ultra Reformers", J.H. Price and J. F. Small. George Rykert was defeated by William Merritt, W.B. Robinson by the Reformer Captain Steele and so on. The only major defeat suffered by the moderates came in Hamilton where S.B. Harrison, the Provincial Secretary was defeated by Sir Allan MacNab. In the election for the 42 seats in Canada West, Sydenham was so successful that only 7 or 8 Ultra Reformers and 5 or 6 Tories were elected. The Tory ranks had been so thinned out by Sydenham and the remaining Tories had become so accustomed to accepting the triumphs of the Governor General, that there was little or no outcry at the defeat. The defeat of so many "Constitutionalists" in 1841 showed how far the Tories had fallen. Yet, newspapers greeted the election results cheerfully seeing a good deal of benefit to be derived:

The result of the late Elections for United Canada will, we trust, have the effect of restoring confidence at home in the stability of our present institutions, and of not only restoring that confidence which recent events have so strongly tended to diminish, but also of inducing wealthy gentlemen to seek a home, and to invest their capital among us.⁷³

One person who expressed his discontent over Sydenham's interference in the election, and foresaw with foreboding, the ensuing results, was John

⁷² Ibid., April 23, 1841.

⁷³ Kingston Chronicle and Gazette, April 21, 1841.

Strachan:

Perhaps the present Governor may by his peculiar management get through one session and retire but the countenance which he has given to the Reformers or radicals or something worse in this Province has procured a return of so many that whenever they choose to join the French from Lower Canada the Govt. will [be?] only at the mercy of a Majority some of whom were open traitors and more their friends and abettors.⁷⁴

Sydenham's choices involving the Executive Council and the program of the First Parliament showed quite clearly that the Tory option had been eliminated as an alternative in Canada. During that first Session, there was some concern expressed because the first month produced very little legislation.⁷⁵ Amongst the Tories, the prevailing attitude was to wait and see what became of this first Session. The Patriot showed signs of moderation when it endorsed Sydenham, hoping that his policy would be adopted rather than having the House waste its time on "useless discussions upon theoretical points of government."⁷⁶ Sydenham's internal improvements were received very favorably. The only measure which received a hostile reception was John Prince's Alien Bill. Prince was the Militia Commander in the Western District who had shot four Americans without trial. Obviously, he had altered his opinions drastically for in 1841 he sponsored a bill which attempted to induce Americans to settle in

⁷⁴ John Strachan to the Bishop of Nova Scotia, May 24, 1841, Strachan Papers, Letterbook, 1839-1843, p. 115.

⁷⁵ Kingston Chronicle and Gazette, July 24, 1841.

⁷⁶ Admittedly this was a qualified endorsement. The Patriot preferred Sydenham to the Reformers but in the light of earlier editorial policy, this was a step in the right direction. The Patriot, (Toronto) June 4, 1841.

Canada and also to aid those misguided Canadians who had participated in the Rebellion so that these "exiles from the soil might be very soon recalled."⁷⁷ The Tory press was amazed at this action and not at all anxious to allow Americans and rebels back into Canada.⁷⁸

One of Sydenham's major pieces of legislation in 1841 was the District Councils Bill. This measure divided Canada West into Districts and established elective Councils which were to be responsible for local legislation. In past years, Tories would have united to oppose a measure which was so democratic but in 1841 the reaction was minimal. In the House, John S. Cartwright led a small group who felt that these councils would "pave the way for the introduction of republican institutions"⁷⁹ but the bill was passed easily. Again it was John Strachan who reacted in a typical Tory fashion:

John [the Bishop's son?] has thereby sent the Municipal District Bill which appears to me the worst specimen of Democratic Legislation that I have yet seen. It is more levelling in its principle than anything to be to be past [sic] in the United States or was ever put in power. It contradicts all the principles of political economy in as much as it taxes Capitol [sic].⁸⁰

⁷⁷ John Prince on the Alien Bill, July 12, 1841, quoted in the Kingston Chronicle and Gazette, July 17, 1841.

⁷⁸ The Western Herald, (Sandwich, U.C.), August 25, 1841 and The Patriot, (Toronto), August 24, 1841.

⁷⁹ J.S. Cartwright on District Councils Bill on August 14, 1841. Quoted in Kingston Chronicle and Gazette, August 18, 1841.

⁸⁰ John Strachan to Rev. Robert Cartwright, July 28, 1841. Strachan Papers, Letterbook, 1839-43, p. 128.

Neither Cartwright or Strachan could rally any support amongst the Tories. The newspapers, for example, were unanimous in their support of the District Councils bill.

The first session of the United Parliament was adjourned in September of 1841. Sydenham was pleased with the success but he had little time to savor his victories for he died in mid-September. Thomson's policy of moderation had worked admirably. Robert Baldwin was discredited in the eyes of moderates for they felt he had resigned without sufficient reason. In addition, Torontonians were angry because Baldwin had voted against the measures to add new roads to the Toronto area.⁸¹ The Tories as a political group were badly disorganized and discredited. In light of the activity of the Sydenham Parliament, Family Compact rule, appeared in retrospect, to have been a bad era. In fact it is debatable whether one could, in 1841, even call the Tories an effective political group--they certainly could not be termed a political party. The Kingston Chronicle and Gazette in summing up the first Session, dismissed the Tories as simply, "Sir Allan's [MacNab] Tory party--(of which he is the head and tail)".⁸² In general, the old Tories had become extremely disillusioned with Canadian politics and many were more than happy to disappear from the political scene. The first United Legislature ended in a flurry of activity surrounding the debate over the resolutions on Responsible Government. This theory proposed by Baldwin was altered by

⁸¹The British Colonist, (Toronto), September 15, 1841.

⁸²Kingston Chronicle and Gazette, September 11, 1841.

Samuel B. Harrison's amendments but even Harrison's revised edition ran contrary to everything the Tories held dear. A government in which elitist control and the concept of structured society was sacrificed for democratic principles held no future for the old school Tories. John Macaulay's attitude was typical:

In the course of a fortnight or so, I shall learn whether I shall have the good fortune to obtain a long retirement. There is nothing any longer desirable in office for the tenure of it has become most uncertain and politics will become very violent and personal and those will be the happiest who have the least to do with them.⁸³

⁸³ John Macaulay to Mrs. Ann Macaulay, March 7, 1841, Macaulay Papers.

CONCLUSION

The general scope of the business passed by the Assembly of Upper Canada in January of 1838 when compared to the United Parliament of 1841 points to the transition which had occurred in just slightly over three years. The mood in 1838 was one of anxiety. The predominantly Tory House was concerned not only with American invasions but also with internal disaffection. This was reflected in the laws passed which dealt almost exclusively with the administration of the militia and with court martial proceedings. In 1841, the general mood was optimistic. In August and September of 1841, the United Parliament passed not only the District Councils Bill but also a score of internal improvement bills. There is no doubt that the relaxation of tension along the American border contributed to the optimism of 1841 but the general excitement surrounding Lord Sydenham and the new Union was the primary factor.

Only one element of the Upper Canadian polity was pessimistic. The Tories were still convinced that without their guidance the Canadian provinces would, within the decade, find themselves members of the American Republic. Tories refused to believe that the population of Upper Canada, if given a direct hand in the management of the affairs of the Province, would prefer the British "way" to the American "way". However, the Tories in 1841 were viewed as reactionary politicians, men

who placed their own self interest as of more consequence than the development of the country. Governors-General sent to Canada, by the Colonial Office, were now told to avoid the Tories and align themselves with Canadians of a more moderate persuasion.

This had not always been the case. In 1838, most Upper Canadians would have agreed that without Tory control it was within the realm of possibility that Upper Canada might have become American property. Sir George Arthur, upon his arrival, was pleased to accept guidance from the Tories and the Colonial Office voiced no objections. The initial unanimity was not destined to be long-lived. The Whigs under Melbourne had never been viewed too favorably by Upper Canadians. When the Tories requested more regular troops, more money to equip the militia and a strong policy towards the American government and saw that the Whigs were bent upon appeasing the Americans, the Canadian Tories were convinced that the Whig administration was weak and vacillating. From the other side, the Colonial Office maintained that Upper Canadian Tories were reacting too strongly to the border situation. The criticisms of the Family Compact contained in the Durham Report although not completely accurate, were damaging to the Tory cause. After 1838 when Lord John Russell replaced Lord Normanby, as Colonial Secretary, the attitude of the Colonial Office was decidedly against Tory rule.

In time, the population of Upper Canada and the moderate members of the Conservative party came to share the Colonial Office's reservations. By 1839, it did appear as if the Tories were in fact overreacting. The

disaffected proved that they were not potential rebels--only opponents of Tory rule. The Tory definition of rebel as opposition to the government did not appeal to the moderates. The voice of opposition in 1838 and early 1839 was not too strong and was not able to contradict the Tory assumption that rebel and reformer were synonymous. The publication of the Durham Report helped to bolster the Reform cause but it alone was not enough. Similarly, the use of the "loyalty" cry by the Legislative and Executive Councils to protect Anglican dominance over the Clergy Reserves alienated many moderate adherents but this disillusionment by itself could not turn the tide against the Tories.

To abolish Tory rule, an alternative had to be provided. The alternative was Charles Poulett Thomson. Union by itself could not provide the answer. No matter how objectionable Tory rule may have become, a good number of the moderates, men like Robert B. Sullivan were initially skeptical about joining the French Canadians. The proposal, as adopted by the British Parliament, would have to be favorable to Upper Canada and it would have to be presented by a persuasive politician. Both of these conditions were fulfilled by the very astute Colonial Secretary, Lord John Russell.

Canadian Politicians of this era, viewed the Union proposal very seriously. The maintenance of the British connection and the desire to have Canada modelled, in every detail, upon the British example was so central to all Conservatives that they were hesitant to join ranks with Thomson unless they were absolutely sure that the British example would

be in no danger under union. The moderates viewed the economic advantages with eager anticipation but they were not to be "bought off". By the same token, the Tories looked long and hard at the Union proposal. There is no doubt that Union if it passed would terminate their own individual careers, but in most cases, this did not motivate them to reject union. A person like Christopher Hagerman firmly believed that the Union proposal would put the continuance of the British connection in great jeopardy. The Tories could see no way that the French Canadians would be anglicized rather they felt the French Canadians would reject union and work to destroy the project. The Tories were convinced that without a true British element at the helm, Canada would go astray. The Tories, by being so convinced of the ill affects of union, lost sight of one of the principles they had always claimed to adhere to. Tories might object to certain pieces of legislation but in the end they felt it their duty and obligation to accept the dictates of the Colonial Office no matter how strong their personal reservations. In some cases, notably Sir George Arthur and John Macaulay, this belief weighed most heavily upon the minds of the Tories, causing them to accept Union.

As Professor Wise suggests, Canadian Conservatism does have roots in the Upper Canadian Tory tradition¹ but the thread connecting the Conservatism of John A. Macdonald to the Toryism of pre-1841 was extremely thin in 1841. Most Tories saw little in the Sydenham administration

¹S.F. Wise, "Upper Canada and the Conservative Tradition", op. cit., p. 32.

that they could identify with, and consequently became disillusioned with Canadian politics. Tories felt their principles were no longer respected. The Conservatives of the later 1840's had to abandon the extremes of Toryism for instance, they had to tone down their all prevailing fear of Americans and the "popular element" in Canada, they had to eliminate their hatred of French Canadians and realize that the position of the Anglican Church could no longer be guaranteed--before they could become an effective political force.

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