

## The Death of Whiggery: Lower-Canadian British Constitutionalism and the *tentation de l'histoire parallèle*

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### Article abstract

The Constitutional Act of 1791 was sought to create in Lower Canada a community whose social and political values reflected the basic assumptions of late-eighteenth-century Whiggery. These included representation of interest rather than of individuals, the importance of the "due" weight of property, and the organic nature of the British constitution. These values of "Liberty and Property" constituted the focus of the emotional and cultural image of the British Constitution. For the British Lower Canadians of the 1830s, these values were not fossilised remnants. Rather, they formed a coherent framework that made legitimate their conflict with the French-Canadian majority for control over politics. The influence of organised Constitutionalism did not disappear with the Act of Union of 1841. In the opening years of the union, anglophones identified with the Constitutionalist party which dominated both opposition and government in Canada East. They remained an influence until midcentury. Indeed, the final disintegration of Constitutionalism as a defensible basis for British Lower-Canadian politics was not the result of the inevitable triumph of La Fontaine's Responsible Government. Because they strongly identified, not simply with Britain, but with specific elements of British society, English-speaking Lower Canadians responded to changes in British political society. "La tentation de l'histoire parallèle" ensured that the Irish Repeal agitation and the Free Trade campaign would disrupt the assumption of a united British "interest." After the 1840s, the disproportionate power of British-Canadian élites in Lower Canada was based on their influence among the leaders of political parties rather than a collective identity rooted in the values of "Whiggery."

# The Death of Whiggery: Lower-Canadian British Constitutionalism and the *tentation de l'histoire parallèle*

MICHAEL MCCULLOCH

## Résumé

*The Constitutional Act of 1791 was sought to create in Lower Canada a community whose social and political values reflected the basic assumptions of late-eighteenth-century Whiggery. These included representation of interest rather than of individuals, the importance of the "due" weight of property, and the organic nature of the British constitution. These values of "Liberty and Property" constituted the focus of the emotional and cultural image of the British Constitution.*

*For the British Lower Canadians of the 1830s, these values were not fossilised remnants. Rather, they formed a coherent framework that made legitimate their conflict with the French-Canadian majority for control over politics. The influence of organised Constitutionalism did not disappear with the Act of Union of 1841. In the opening years of the union, anglophones identified with the Constitutionalist party which dominated both opposition and government in Canada East. They remained an influence until midcentury.*

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*L'intention de l'Acte Constitutionnel de 1791 était de créer au Bas-Canada une communauté dont les valeurs sociales et politiques refléteraient les suppositions de base des Whigs de la fin du dix-huitième siècle. Celles-ci comprenaient entre autres la représentation des intérêts plutôt que des individus; une représentation des propriétaires digne de leur importance; et une croyance en la nature organique de la constitution britannique. Ces valeurs liées à la "propriété" et à la "liberté" constituaient le point de mire des images culturelles et affectives reliées à la constitution britannique.*

*Dans les années 1830, les Bas-Canadiens d'origine britannique ne considéraient pas ces valeurs comme un archaïsme, mais bien comme un ensemble de principes cohérent. Ces idées procuraient une légitimité aux conflits qu'ils entretenaient avec la majorité canadienne-française, pour obtenir le contrôle de la vie politique. L'influence de cette pensée constitutionnelle ne disparut pas avec l'Acte d'Union de 1841. Au cours des premières années du gouvernement d'Union, les anglophones attachés au Parti constitutionnaliste dominèrent l'opposition, de même que le gouvernement du Canada Est. Et leur influence se perpétua jusqu'au milieu du siècle.*

*En effet, ce n'est pas la victoire inévitable du gouvernement responsable de La Fontaine qui provoqua la désintégration de cette pensée constitutionnelle comme fondement de la position des Bas-Canadiens d'origine britannique, mais bien la réaction de ces anglophones aux transformations des cercles politiques britanniques. Ils s'identifiaient non seulement avec la Grande-Bretagne, mais avec des composantes particulières de sa société, et 'la tentation de l'histoire parallèle' allait décider de leur attitude: l'agitation pour l'annulation de l'Union avec l'Irlande ("Repeal") et la campagne libre-échangiste ébranlèrent le principe d'un "intérêt britannique" unique. Ainsi, si les élites canadiennes d'origine britannique purent conserver un pouvoir politique disproportionné après 1840, ce ne fut plus en raison d'une identité collective enracinée dans les valeurs whigs, mais bien grâce à leur influence auprès des leaders des partis politiques.*

The nature of Whiggery is one of the great academic battlegrounds in British political and intellectual history.<sup>1</sup> "Whig" was, after all, a partisan epithet rather than a philosophical concept. The fluidity of political debate forced a fluidity of vocabulary.<sup>2</sup> H. T. Dickinson has argued that the defence of the "Whig constitution" in the 1790s focused on certain basic principles that were common to all but a few radicals: the importance of property and influence, the representation of interests rather than individuals, and the tripartite and "balanced" nature of the British constitution. These three factors, the Whigs argued, had proven to be the guarantors of the "Liberty and Property" of British subjects since the Glorious Revolution.<sup>3</sup>

Traditionally, the Constitutional Act of 1791 has been discussed in terms of its political objectives.<sup>4</sup> More recently, historians have examined the cultural values and social institutions intended by the act. From this point of view, it was emphatically a Whig document. David Milobar has commented that its "conservative" nature reflected "a general philosophy of government and society based on the axiom that all men are

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1. J. W. Burrow, *Whigs and Liberals: Continuity and Change in English Political Thought* (Oxford, 1988), 1 ff.; J. C. D. Clark, *English Society 1688-1832* (Cambridge, 1985), esp. 42-198.
  2. Donald Southgate, *The Passing of the Whigs, 1832-1886* (London, 1962), xiv; Burrow, *Whigs and Liberals*, 7-8.
  3. H. T. Dickinson, *Liberty and Property: Political Ideology in Eighteenth-Century Britain* (London, 1977), 270-318; for J. C. D. Clark's points of agreement and disagreement with this analysis, see his *English Society*, 199-200.
  4. *Canadian Encyclopedia*, 2nd ed., 1: 502.

not created equal.’’ The model used here is explicitly that of Dickinson’s ‘‘Establishment’’ Whiggery.<sup>5</sup>

The Lower-Canadian goals of the Constitutional Act were quite clear. The ‘‘introduction of the new constitution’’ was to produce ‘‘the extension of commerce and wealth in the province.’’<sup>6</sup> The avowed intention of the division of Québec was to ‘‘assimilate the [French] Canadians to the language, the manners, the habits, and above all, the to the laws and constitution of Great Britain.’’<sup>7</sup> Central to this was the creation of an influential and socially entrenched property-owning class. Pitt planned this as the basis of the ‘‘aristocratic branch of a free government.’’<sup>8</sup> Lower Canada would thus acquire the three elements of the British constitution in their fullest: the monarchical, the aristocratic, and the popular. The local influence of propertied men would ensure social and political order.

By 1830, it should have been apparent that these plans for the evolution of Lower Canada were a failure. Economic crisis and racial antagonism were the two outstanding characteristics of the colony. Contemporary commentators and modern historians agree that the Legislative Council failed to develop deep social roots.<sup>9</sup> None the less, British Lower Canadians made identification with the constitution their principal rallying-cry. The emergence of Constitutional Associations and the Constitutional party in the 1830s gave British Lower-Canadian élites a new legitimacy. As Ouellet has commented, ‘‘Le parti bureaucrate ne retrouve progressivement son statut de porte-parole des anglophones qu’après 1830.’’<sup>10</sup>

British Lower-Canadian Constitutionalism has been a neglected topic. A recent overview of British colonial élites created by the Whigs discusses the failure of the Constitutional Act only in terms of French-Canadian ideas.<sup>11</sup> English-Canadian historiography either accepts Donald Creighton’s portrait of a dynamic, progressive, and essentially ‘‘modern’’ British Lower-Canadian élite<sup>12</sup> or sees it as a vehicle for commercial capitalism.<sup>13</sup> French-Canadian historians have been influenced by similar images. Fernande Roy has commented on the importance of ‘‘l’idée de ‘l’autre’ des Canadiens français, c’est à dire les Canadiens anglais, protestants, majoritaires, non

5. David Milobar, ‘‘Conservative Ideology, Metropolitan Government, and the Reform of Quebec, 1782-1791,’’ *International History Review* 12:1 (February 1990): 45, n. 3.
6. E. A. Cruikshank, ‘‘The Genesis of the Canada Act,’’ *Ontario Historical Society, Papers and Records* 28 (1932): 296.
7. *Ibid.*, 290.
8. *Ibid.*, 296.
9. Canada. National Archives (NA), Colonial Office Papers, MG 11, C. O. 42, Vol. 228, Sir James Kempt to Sir George Murray, 3 January 1830, 19; Robert Christie, *A History of the Late Province of Lower Canada* (Québec, 1853), 4: 391; Jean-Marie Fecteau, *Un nouvel ordre des choses: la pauvreté, le crime et l’État au Québec, de la fin du XVIIIe siècle à 1840* (Montréal, 1989), 144.
10. Fernand Ouellet, *Le Bas Canada* (Ottawa, 1980), 420.
11. Carl Bridge, P. J. Marshall, and Glyndwr Williams, ‘‘Introduction: A ‘British’ Empire,’’ *International History Review* 12:1 (February 1990): 7.
12. Donald Creighton, *The Empire of the St. Lawrence* (rep. Toronto, 1980).
13. Alan Greer, *Peasant, Lord and Merchant* (Toronto, 1985).

entravées par la religion ou par le nationalisme, et dont on postule que le développement n'a pas été retardé par une idéologie réactionnaire."<sup>14</sup>

This paper does not challenge the importance of social and economic change or the role of specific political circumstances in shaping the political behaviour of the British Lower-Canadian élites. Rather, it makes three specific arguments. The first is that, in the 1830s, Constitutionalism drew its vitality from the mythic images of the British constitution and the debates over its principles that had developed from the Glorious Revolution to the Reform Act. In the context of its time, Constitutionalism provided a legitimate cultural and ideological framework for the united political action of British Lower Canadians.

Secondly, this paper argues that the political importance of organised Constitutionalism did not end with the Rebellions or the Union Act. In its first few years, the politics of the United Province of Canada were shaped by the internal divisions of organised constitutionalism. Its Whig conceptions remained an influence among Lower-Canadian anglophones until midcentury.

The third argument of this paper is that the force that effectively destroyed the Constitutionalist movement came not only from the Lower-Canadian context, but directly from developments in Great Britain. There, the period from 1830 to 1850 was one of intense social, economic, and intellectual change. English-speaking Lower Canadians were affected by the results of imperial power struggles. This paper focuses on two of the most important of these: the renewal of the Repeal movement in Ireland and the Free Trade movement in Britain.

All three arguments are united by a common concept of the colonial experience: the colonials' tendency to interpret their own experience in terms of images of the metropolis. This was not a simple identification with the interests of the Empire. The colonial élite was heterogeneous in terms of ethnicity and economics. As a result, different elements within it identified with different elements within British society. Colonial divisions were parallel to, rather than dependent on, imperial issues. This may be called, in Andrée Désilets' luminous phrase, "la tentation de l'histoire parallèle."<sup>15</sup>

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Fernand Ouellet has commented on the traumatic impact of the election of 1834 on anglophone Lower-Canadian politicians.<sup>16</sup> It is important to bear in mind, however, that the specific events of 1834 represented only the culmination of a series of incidents that showed the Patriotes' contempt for the British constitution. The repeated expulsions of Robert Christie despite his reelections in Gaspé aroused memories of "Wilkes and Lib-

14. Fernande Roy, *Progrès, Harmonie, Liberté: Le libéralisme des milieux d'affaires francophones de Montréal au tournant du siècle* (Montréal, 1988), 16.

15. Andrée Désilets, *Hector-Louis Langevin: Un père de la Confédération canadienne* (Québec, 1969).

16. Ouellet, *Le Bas Canada*, 412.

erty” and showed a determination of the majority to dictate the composition of the Assembly itself. Attacks on Judge J. H. Kerr and Andrew Stuart manifested a determination to master the Executive.

The election of 1834 brought this sentiment to a head for two reasons. On the general level, the election had returned an overwhelming majority of those who had voted for the Ninety-Two Resolutions. As “Constitutionalist,” “the favourite of the friends to the existing order of things,” declared, the reelected members “have attacked the Constitutional Act itself — they have resolved on the annihilation of one of the branches of the Legislature with which they were appointed to act and by that resolve excited the just apprehensions of the two co-ordinate Branches.”<sup>17</sup> Two local events also played an important part in crystallising Constitutionalism as the principal vehicle of British political organisation. In Montréal’s West Ward, the home of the city’s mercantile élite, violence had broken out during the election. The returning officer had stopped the voting and declared “citizen” Louis-Joseph Papineau duly elected. On 20 November 1834, a meeting was held on behalf of the two Constitutionalist candidates, William Walker and Dr. W. Robertson. At this meeting, it was resolved to create a committee of twenty-four “to correspond with our fellow countrymen of British and Irish descent in both Canadas, exhorting them to be prepared to act in concert with us as circumstances may require.”

On 22 November, a public dinner was arranged in Québec City in honour of Andrew Stuart. He had recently returned from London where he had played out the final stages of his struggle against his suspension as the Attorney-General of Lower Canada. As in Montréal, the “Constitutional” candidates of the last election were saluted. With Judge Kerr in the chair, John Neilson expressed the hope that “they *were* Constitutional Candidates, and determined to support the Constitution as by law established.” He proceeded to defend the tripartite nature of the constitution. Stuart claimed that attacks on the Legislative Council were the result of “foolish views of national self-aggrandizement.” The circular of the Constitutional Association was distributed.

In Québec, six basic objectives were established for the provincial movement. The first was “to obtain for persons of British and Irish origin . . . a fair and reasonable proportion of the Representation in the Provincial Assembly.” The second and third called for reforms in the judicature and the composition of the Executive Council. The fourth was “to resist any appointment of Members of the Legislative Council otherwise than by the Crown, but subject to such regulation as might ensure the appointment of fit persons.” The fifth called for efforts to “maintain the connexion of this colony with the Parent State.” The last called for “peace and good order.”

In Montréal, a similar meeting launched an appeal “To Men of British or Irish Descent.” It declared that changes in the nature of the Legislative Council “would remove barriers that defend us against French tyranny, and give to a majority hostile to British interests, a power that would be used to sever the connection between Canada

17. *Gazette* (Montréal), 20 November 1834.

18. *Ibid.*, 25 November 1834.

19. *Ibid.*, 16 December 1834.

and the Empire.’<sup>20</sup> Constitutional Associations for Leeds, in the county of Megantic, and St. Andrews in Deux Montagnes made similar declarations.<sup>21</sup> The petition to the Crown of the Constitutional Association of Three Rivers summed up the basic doctrine of the movement. Its signatories declared that they would “ever preserve and defend the present Constitution by all lawful means, being persuaded that it provides ample power to uphold and protect the just rights of all your Majesty’s loyal subjects in this province of whatever origin.”<sup>22</sup>

Thus, by the spring of 1835, Constitutionalism had developed a range of arguments that centred on the defence of the British Constitution. Constitutionalists clearly rejected any idea of blind, unresisting opposition to reform. Both John Neilson and Andrew Stuart had worked with the *parti canadien*. The tradition of British reform was made an explicit part of the Constitutionalist position by the *Montréal Gazette* when it declared that there numbered “in our ranks many who, both in Britain and Ireland, were foremost in the cause of reform.”<sup>23</sup> Reform of both the Legislative and Executive Councils was envisaged, as long as it was within the principles of the British Constitution.

Secondly, there was a clear rejection of the constitutional legitimacy of the Patriote majority. That they commanded a clear preponderance of the popular vote was not significant. They were “the salaried followers of a few demagogues, and mischievous Agitators.”<sup>24</sup> They were “a party, which under the specious guise of popular institutions, would sever wisdom from power, and respect from intelligence, and consign us to unendurable bondage.”<sup>25</sup> Papineau’s supporters were “a conspiracy of factious and disappointed men” seeking “an undue preponderance to the majority.” They were not “the representatives of the sense, virtue, and property of the country — but rather of its poverty and ambition.” William Walker warned that “when a popular majority is allowed to achieve power for the moment, and to represent what is falsely called the will of the people, political proscription will become the cause of the many against the few.”<sup>26</sup> There could be little more representative of the Whig tradition than this assumption of the natural alliance of wisdom, sense, property, virtue, respect, intelligence, and power.

The assumption that wisdom and intelligence lay with the British minority illustrates the third and most important aspect of the Constitutionalist agitation. It was profoundly ethnocentric.<sup>27</sup> In this, it appealed to well-established traditions of the superiority of British institutions, society, and character that had evolved in the eighteenth

20. *Ibid.*, 8 January 1835.

21. *Ibid.*, 8 December 1834 and 10 January 1835.

22. *Ibid.*, 31 January 1835.

23. *Ibid.*, 8 January 1835, reprinting the address of the Montreal Constitutional Society.

24. *Ibid.*, 8 January 1835, reprinting the declaration of the St. Andrew’s Constitutional Association.

25. *Ibid.*, reprinting the address of the Montreal Constitutional Association.

26. *Ibid.*, 31 January 1835.

27. It is true that the articles of the Quebec Constitutional Association were modified to allow French Canadians to belong and that Lord Aylmer noted that the association had “drawn to it several of the most respectable French Canadians.” NA, MG 11, C. O. 42, Vol. 252, 540-1, Aylmer to Spring Rice, 20 December 1834. Colonel Hertel de Rouville was one of the

century. Andrew Stuart declared that “a population of more than 100,000 souls of British origin, united thank God by late events as one band of brothers ought to be, is more than sufficient to regenerate a country, whose whole population does not exceed five times that number.”<sup>28</sup> One of the most interesting illustrations of this invocation of superiority lay in William Walker’s definition of the two sides involved in the struggle: “those who look to France of modern days for principles to aid in the reconstruction of the Government — and those who cherish the institutions of their fatherland.”<sup>29</sup> That such a remark could be made in the days of the “Bourgeois Monarchy” suggests the continuing power of the European debate over the French Revolution. The term “Constitutional Associations” was an echo of the organisations formed in England in the 1790s to oppose the ideas of the French Revolution.<sup>30</sup>

This appeal to tradition was not restricted to those of English stock. A constant theme in the Constitutionalist campaign was the importance of a close alliance between “Men of British and Irish Descent.” This was an explicit rejection of Patriote attempts to identify their struggle with that of Daniel O’Connell in Ireland for the emancipation of Irish Catholics. In both cities, prominent Irishmen were involved in the formation of the associations. The identification of the English, Scottish, and Irish interest in the preservation of the constitution was constantly stressed.

The basic themes of the Constitutionlists and the symbols that expressed their cultural universe were given physical expression in the decorations for the public dinner given to Andrew Stuart in Québec:

the devices, all of the most loyal and constitutional character, were deservedly admired. Above the President’s chair was a beautiful transparency of the Imperial arms, surmounted by evergreens, and supported by the national colours festooned along the walls in graceful curves. At the bottom of the room above the orchestra, was another transparency, representing the Crown and other national emblems, with the motto “Law and Constitution” and underneath two hands firmly clasped with the motto “We’ll support them” . . . . In the centre of the south side of the room there was another appropriate transparency, representing the British Union Flag planted by a British Tar. Towards this were seen three figures advancing, representing *England, Ireland* and *Scotland*, arm in arm, and shoulder to shoulder. Above was the motto of the order of the Bath, “*tria juncta in uno*.” This transparency, which expressed so happily the object of the convivial meeting, was also supported by festoons of flags, among which was a large green one for Ireland.<sup>32</sup>

These symbols were effective not only among the élite but also on the popular level. Ethnic polarisation in voting became manifest from 1834 onwards.<sup>33</sup> Constitutionalism

signatories of the St. Andrew’s Constitutional Association declaration, along with a handful of other French Canadians. see *Gazette (Montréal)*, 8 January 1835. For the ethnic character of the movement, see the sources listed below.

28. *Gazette (Montréal)*, 25 November 1834.

29. *Ibid.*, 31 January 1835, reprinting a letter to the Electors of the West Ward.

30. Robert R. Dozier, *For King, Constitution and Country* (Lexington, 1983), 59.

31. *Gazette (Montréal)*, 18 December 1834.

32. *Ibid.*, 25 November 1834.

33. Ouellet, *Le Bas Canada*, 329-420.



created the base for a high level of cohesion among British Lower Canadians in the face of the Rebellions of 1837 and 1838.<sup>34</sup>

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Discussion has recently been reopened on the nature and quality of Lord Durham's *Report*.<sup>35</sup> This paper accepts the argument for its basic irrelevance.<sup>36</sup> Indeed, it was Governor Charles Poulett Thomson who played the pivotal role in Lower Canada. The management of the Union bill and its attendant details were entrusted to his hands. For him, the objective of the act was not the assimilation of the French Canadians but their marginalisation. He sought to secure the dominance of the "progressive" elements of the population and, for him, this was the British mercantile community. These priorities are clear in his attitude towards the two colonies under his jurisdiction: "the most important portion of the Canadas is the Upper Province . . . Lower Canada has, it is true, a numerical majority of the population. But of what does it consist? — Of a vast body of French Canadian Peasantry cultivating in the most barbarous way a soil of far less fertility." Montréal, he added, existed only by forwarding Upper Canada's production.<sup>37</sup>

Thomson was also convinced of the importance of creating a network of local institutions as a necessary precondition for the union.<sup>38</sup> In this respect, it is clear that Thomson was one of Stanley H. Palmer's "'enlightened statist' who sought to impose unpopular ideas for the public good."<sup>39</sup> Thomson's Utilitarian activism led him to use the untrammelled power of the nominated Special Council extensively to create networks of local governance and control.<sup>40</sup> Of particular importance to Thomson was the creation of a network of municipal institutions and police. These he considered essential to the proper functioning of the Union Act.<sup>41</sup> They set the pattern of government: centralised, authoritarian and, it was anticipated, expensive.

Both Thomson's draft of the Union bill and his local legislation also embodied many of the Constitutionnalists' basic principles. The nature of the Legislative Council

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34. This is not to deny the importance of such English-speaking Patriotes as W. H. Scott, Wolfred and Robert Nelson, James Leslie, Jacob DeWitt, Marcus Child, and Thomas Storrow Brown. These men, however, were in effect marginalised in the British community by the events of the 1830s.
35. Janet Ajzenstat, *The Political Thought of Lord Durham* (Montréal, 1988).
36. Ged Martin, "Attacking the Durham Myth: Seventeen Years On," *Journal of Canadian Studies* 25:1 (Spring 1990): 39-59.
37. NA, MG 11, C. O. 42, Q 272 pt. 1, Charles Poulett Thomson to Lord John Russell, 22 May 1840 (Confidential), 151.
38. *Ibid.*, Q 273 pt. 2, Charles Poulett Thomson to Lord John Russell, 16 September 1840.
39. Stanley H. Palmer, *Police and Protest in England and Ireland, 1780-1850* (London, 1988), 8.
40. Fecteau, *Un nouvel ordre des choses*, 264.
41. NA, MG 11, C. O. 42, Vol. 310, C. P. Thomson to Lord John Russell, 27 June 1840. For a discussion of his attitude towards policing, see my "'Most Assuredly Perpetual Motion': Police and Policing in Quebec City, 1838-1858," *Urban History Review* 19:2 (October 1990): 100-13.

was unchanged. The Executive Council was marginally reformed. Finally, and most importantly, the bill was predicated on the assumption that anglophone Lower Canadians would continue to be bound by ties of culture. The equal distribution of seats between Upper and Lower Canada implied the assumption that British Lower Canadians would break any deadlock in favour of British principles. In the same way, the ordinances of the council were drafted to establish the hegemony of Lower-Canadian anglophone élites on the local level. In particular, his incorporation of the two cities established a ward system designed to establish British control in Montréal and Québec.<sup>42</sup> In this again, Thomson was responding to Constitutionalist concerns: the Patriote dominance of the city council had been one of the Montréal association's strongest complaints in the 1830s.<sup>43</sup> This was not entirely an accident. Rather, it reflected the key role Andrew Stuart, now Chief Justice for Lower Canada, played in the drafting of the clauses of the various bills and ordinances and in advising the Governor General.<sup>44</sup>

Thomson, now elevated to the peerage under the title of Baron Sydenham, pursued this same objective in his management of the first elections under the union in 1841. His adjustment of urban ridings was to ensure the representation of the "commercial interests." Only by excluding the suburbs could he ensure that the anticommercial French Canadians living around the cities would not swamp the true representatives of these mercantile centres.<sup>45</sup> Sydenham's use of executive authority, violence, and bribery in pursuit of the same objectives has become famous.<sup>46</sup>

Preoccupation with Sydenham's abuse of his position has obscured the importance of local forces in the election. In effect, both pro- and antiunion forces were organised and largely directed by the Constitutionlists and reflected an underlying division within the movement. Associated with Sydenham were those Constitutionlists who identified with the Whigs who had supported the Reform Bill in England. Sydenham, after all, had been a member of the government that had brought in the bill and Lord John Russell, the Colonial Secretary, had been one of its principal architects. Thus their Lower-Canadian supporters saw themselves as part of the current of British Whiggery that traced its line of descent from Fox. In his "Address to the Electors of Shefford," Stephen Foster declared that the Union Act was "the true Reform Bill for the Canadas."<sup>47</sup> One of the most important figures in the Montréal district was Benjamin Holmes. A prominent Constitutionlist, a leader in the Irish community, and the general manager of the

42. NA, MG 11, C. O. 42, Vol. 310, C. P. Thomson to Lord John Russell, 25 June 1840. For a discussion of Thompson's "Imperial urbanism," see my "The Defeat of Imperial Urbanism: Power Structures in Québec City 1840-1855," presented at the conference "The Nineteenth Century Canadian City: Internal Change and External Links," held at the Centre of Canadian Studies, University of Edinburgh, 6 May 1989.

43. *Gazette* (Montréal), 22 November 1834.

44. Christie, *A History of the Late Province*, 5: 374.

45. NA, Records of the Governor General's Office, RG 7 G 12, Vol. 57, Sydenham to Lord John Russell, 26 February 1841, 168ff and Sydenham to Lord John Russell, 6 March 1841, 177.

46. Irving Martin Abella, "The 'Sydenham Election' of 1841," *Canadian Historical Review* 47 (1966): 326-43.

47. *Gazette* (Montréal), 3 November 1840.

Bank of Montreal, he deliberately invoked the rhetoric of the debate over the Reform Bill. He told Sydney Bellingham, another Montréal Irish Constitutionalist, that "our adversaries are seeking, as it were by stealth, to sap the foundation of British supremacy by attacking the details of the Bill." As a result, "the whole mass of British electors should go to the poll determined to sustain the Bill, the whole Bill, and nothing but the Bill."<sup>48</sup>

The practical side of Sydenham's campaign also relied on the Constitutionalist network, particularly in the Montréal district. For the city, the pronunion candidates in the city were Holmes and George Moffatt, the latter a merchant and one of the foremost movers of the Constitutionalist Association. The former was of particular importance as one of the fund raisers and organisers for the less-licit aspects of the Governor's campaign. He acted as the Treasurer of a committee to raise funds for the elections in Terrebonne, Montréal county, and Beauharnois.<sup>49</sup> Without such support, the Governor would not have been able to influence the elections as effectively as he did.

Constitutionalist support for Sydenham's policies is not surprising. It is striking that resistance to the union throughout the province, including that of the French-Canadian majority, was also dominated by the Constitutionlists, those who identified with a more traditional understanding of the British constitution. John Neilson's Anti-Union Committee, based in Québec City, was directed by a committee of five. Of these, three were Constitutionlists: Neilson himself; J. W. Woolsey, who had presided over Constitutionalist meetings in 1836; and Thomas C. Aylwin, once a Constitutionalist mob leader.<sup>51</sup> In the Montréal district, one of the antiunion candidates was William Walker, the Constitutionalist candidate of 1834. It was under Neilson's personal guidance that Sydney Bellingham was prepared to act in planning his antiunion candidacy in Montréal.<sup>52</sup> In Québec City, David Burnet, a prominent merchant and Constitutionalist, was one of the candidates of Neilson's antiunion organisation. In the Gaspé, Robert Christie also campaigned against the union.

Neilson spoke and wrote explicitly in terms of eighteenth-century British political thought and practice. He did his best to place the events of 1837 and 1838 in the context of British political history.<sup>53</sup> He admitted that changes in the old system were necessary, but that the constitution of 1791 could be restored and made to work.<sup>54</sup> In the same vein, he attacked the administration's whole approach to government. His broader platform

48. *Ibid.*, 18 March 1841 (letters).

49. United Province of Canada. Legislative Assembly, *Journals of the Legislative Assembly* (1841), Appendix JJ, Minutes of Evidence, Benjamin Holmes, ns. 3-5, 13.

50. Francis Hincks expressed his concern about this to La Fontaine; see NA, La Fontaine Papers, MG 24, B14, Francis Hincks to L.-H. La Fontaine, 15 December 1840 and same to same, 29 December 1840.

51. *Herald* (Montréal), 8 February 1840.

52. NA, Neilson Papers, MG 24, B1, Vol. 10, Sydney Bellingham to John Neilson, 17 December 1840, 99ff.; *ibid.*, Vol. 12, Neilson to Bellingham, 23 December 1840 (draft), 584 ff.. As a result of pressure from Benjamin Holmes, Bellingham changed sides at the last minute before the election.

53. *Gazette* (Québec), 31 January, 3 February, and 26 August 1840.

54. *Ibid.*, 2 March 1840.

included basic Whig principles: decentralisation of power, economy in government, and checks upon the Executive. It is in this light that some aspects of Neilson's dislike of Responsible Government can be understood. To Neilson and many others, it was this system that Thomson intended to establish.<sup>55</sup> Rather than perceiving it as a promise of popular participation in government, Neilson and his allies saw Responsible Government as an alliance of a powerful executive with a corruptible lower house for the domination of the province. The editor of the Québec *Gazette* preached the eighteenth-century vision of an independent Crown, a free upper house, and a popular Assembly composed of members unrestrained by party or office. Accordingly, Neilson's attacks on Responsible Government emphasised the rapacious extravagance of the system.<sup>56</sup>

Despite his arguments and his success in securing the allegiance of a number of individuals in Montréal and Québec, Neilson was unable to gain the support of the bulk of the latter's Constitutionalists in his attack on the union. Most of the prominent Constitutionalists declined to attend his meetings. His attempts also provoked an immediate reaction. On 28 January 1841, the Québec *Mercury*, the organ of the commercial class, printed a notice calling a public meeting. It was "subscribed by most of the principal Merchants and a number of others," 878 names in all.<sup>57</sup> A committee was struck to petition the Queen and the Houses of Parliament against a return to the old constitution.

Thus, despite Neilson's success in securing forty thousand signatures, principally French Canadian, to antiunion petitions,<sup>58</sup> the Governor General could inform Lord John Russell that those connected with the Anti-Union Committee were "persons of no public note or influence,"<sup>59</sup> while the supporters of the union represented the "respectability" — the wealthy and the loyal — of the province. This war of petitions could only confirm the Colonial Office in its perception of the racial basis of Lower-Canadian politics, in which a solid block of English loyalists confronted a sullen mass of French-Canadian rebels.

Sydenham carried the election in both Upper and Lower Canada. His success in Canada East was made possible not simply by his corrupt electoral practices, but also by his ability in holding together the English-speaking community. Without its willingness to sanction and support the Governor's extreme measures, the election of twenty-three anglophones out of a total of forty-two representatives in the eastern section would have been impossible. Of these, only five were associated with the antiunionists. None the less, Neilson was the undoubted leader of the Lower-Canadian opposition to the government, including the francophone members. In 1841, A.-N. Morin admitted to Francis Hincks that, if La Fontaine's closest allies "were to support a Government ready to do justice to Lower Canada, and he were to oppose it, we could not go on easily."<sup>60</sup>

55. *Herald* (Montréal), 2 April 1840, quoting the despatch.

56. *Gazette* (Québec), 29 January and 25 March 1840.

57. *Ibid.*, 29 January 1840, quoting the Québec *Mercury*.

58. *Ibid.*, 13 March 1840.

59. NA, MG 11, C. O. 42, Q 270 pt. 2, C. P. Thomson to Lord John Russell, 12 February 1840, 487; see also *Gazette* (Québec), 7 August 1840 for despatches.

60. A.-N. Morin to Francis Hincks, 8 May 1840 as quoted in Sir Francis Hincks, *Reminiscences of His Public Life* (Montréal, 1884), 51.

Resistance to the abstract idea of the union of the provinces was not, on the other hand, a basic aspect of Constitutionalist thought. The Anti-Union Committee only insisted "that Candidates should so disapprove of the Act as to be of the opinion that it requires to be 'repealed or amended'." <sup>61</sup> Even during the campaign, Neilson had made an attack on Sydenham's local legislation an important part of the opposition's programme. The ordinances were denounced as instruments of corruption and a violation of local autonomy, as being a violation of constitutional principles parallel to the union itself. <sup>62</sup>

This theme became the focal point of politics after the elections. During the first session of the legislature, the Anti-Union Committee became active in widespread movement against Sydenham's approach to local government. In particular, his District Council ordinance, his incorporation of the two cities, and his proposed school legislation were attacked. The fear of taxation, as much a characteristic of British pioneer settlements as of the French-Canadian seigneuries, made these issues much more specific and compelling than the rather abstract questions of the Union Act or Responsible Government. It was by conjoining such local grievances with larger theoretical questions that Neilson brought all parts of Canada East within the reach of a common political structure directed by his committee in Québec. The committee criticised the ordinances and the use of corruption in the general election. It also attacked almost all local taxation. Local self-help in education was urged and the 1824 écoles des fabriques were cited as a model. Furthermore, the extension of the same principle to "all that concerns the common weal" was demanded. <sup>63</sup>

Meetings against the ordinances were held throughout Canada East. <sup>64</sup> It is interesting to note that the popularly elected District Councils themselves often served as the mouthpieces for protest against the legislation that had created them. By March of 1842, the Québec *Gazette* could list twenty-four councils that variously had not reported, or had met and refused to do business, or passed resolutions against the Special Council's legislation. <sup>65</sup> Such Québec Constitutionalist as Aylwin and Robert Christie <sup>66</sup> were active in this campaign.

Thus a popular movement under the direction of the parliamentary opposition was under way. If sustained and extended, it could have paralysed an important area of government policy. It is in this context that Sir Charles Bagot's invitation to L.-H. La Fontaine to join the Executive Council can best be understood. Sydenham's successor,

61. *Gazette* (Québec), 18 December 1840; the emphasis is in the original.

62. *Ibid.*, 14 October 1840.

63. *Ibid.*, 16 March 1842.

64. *Ibid.*, 1 September 1841 (Lotbinière); 18 February 1842, citing the *Times*; 4 March 1842; 21 February 1842; 3 January 1842; 8 June 1842 (Berthier, Dorchester, St. Maurice, Terrebonne, Saguenay, and L'Islet); 9 March 1842 (New Carlisle, Port Daniel, and Paspébiac); 16 March (Hope and Hamilton); 6 April 1842; 20 April 1842; *Canada Times*, 13 December 1841.

65. *Gazette* (Québec), 25 March 1842.

66. NA, Neilson Papers, Vol. 10, "Censor" to the editor, 7 June 1842, 389 ff. Christie's personal popularity in the Gaspé district made him more independent of Neilson.

nominated by the new Conservative government in Britain, was more influenced by Neilson's campaign than arguments about Responsible Government. As he informed the Colonial Secretary, the French Canadians under the leadership of John Neilson, "that lover of all mischief for its own sake,"<sup>67</sup> had resolved to undermine the Union Act, and "they attack the Municipal Councils as one of the readiest means of attacking the Union itself."<sup>68</sup> In his despatches, Bagot admitted that he was reluctant to admit any French Canadians to the ministry and would have "preferred to pursue the course adopted by Lord Sydenham."<sup>69</sup> The "Great Measure" was forced upon him by practical necessity. Bagot turned to La Fontaine in order to undermine Neilson, rather than to introduce any new constitutional vision.

The new Executive Council for Canada East consisted of La Fontaine as Attorney-General; Dominic Daly, Sir John Colborne's appointee, as Provincial Secretary; T. C. Aylwin as Solicitor-General; and A.-N. Morin as Commissioner of Crown Lands. It is important to understand that the first La Fontaine-Baldwin government did not involve any defeat of the Constitutionalists' principles; rather, it represented their triumph. Thus, at least initially, it commanded Neilson's hesitant support.<sup>70</sup> La Fontaine was also dependent on the support of the bloc that Sydenham had assembled as he was on the French-Canadian members. Benjamin Holmes was frank. He admitted that he had arrived in the Assembly with strong "prejudice for his guide" but, having found the French Canadians "liberal," he expressed confidence in them. John Simpson of Chambly made clear the reason for his support: "The first great concession had been made; from this moment every acre of land would become worth four times its present value." All but three of the English-speaking Lower Canadian members supported the new government,<sup>71</sup> and few of the others owed any electoral debt to La Fontaine. La Fontaine's acceptance of British constitutional principle thus established the combination of "Liberty and Property" in a broad provincial consensus.

### iii

The conflict between La Fontaine and Baldwin and the third Governor General of the province, Sir Charles Metcalfe, is an intrinsic part of traditional Canadian political history. Between 1843 and 1848, La Fontaine was occupied with his struggle with D.-B. Viger for control of the French-Canadian vote.<sup>72</sup> He was also, however, involved in securing the support of prominent British Lower Canadians. Only thus could he present to the Colonial Office the image of parties based on something other than narrow ethnic nationalism. British Lower-Canadian responses to developments in Great Britain alone made this possible.

67. NA, MG 11, C. O. 42, Vol. 490, Sir Charles Bagot to Lord Stanley, 26 March 1842 (Private).

68. *Ibid.*, same to same, 19 March 1842.

69. *Ibid.*, Vol. 495, same to same, 26 September 1842.

70. *Gazette* (Québec), 31 October 1842. It was not until November that Neilson decided that La Fontaine's use of patronage was upsetting the checks and balances of the constitution. *Gazette* (Québec), 23 November 1842.

71. Elizabeth Nish, ed., *Debates of the Legislative Assembly of the United Province of Canada* (DLA), 2:101, 19 September 1842.

72. Jacques Monet, *The Last Cannon Shot* (Toronto, 1969).

Reference to the success of the Constitutionals in establishing the unity of the British and Irish in Lower Canada has been made above. On 15 April 1840, Daniel O'Connell, the Irish lawyer who had played such a large part in securing the enfranchisement of Catholics in Great Britain, founded the Loyal National Repeal Association. On 2 November, a letter signed "O'Connellite" appeared in the Montréal *Herald* to denounce the antiunion candidates on the basis of the antiimmigration tendencies of the "old faction."<sup>73</sup> The advantage, however, lay with the antigovernment forces. On 18 November, the Québec *Gazette* published seven columns reporting a meeting of the Loyal National Repeal Association in Dublin. In an editorial comment, Neilson made explicit the parallels between the Irish Act of Union in 1800 that had united Britain and Ireland under one Parliament and the Canadian Act of Union.<sup>74</sup> This identification of the two acts became a fundamental part of his campaign.

It is interesting that Neilson, so opposed to the introduction of national cries into politics, had no qualms about invoking Irish nationalism in the heat of battle. Irishmen were warned against attempting to appease the authorities: "My countrymen, you must not be misled by such calculations . . . be true at the poll — Freedom, the Constitution — Canada — O'Connell confide in you — Your victory will gladden your faithful countrymen."<sup>75</sup> In his agitation against the ordinances, Neilson made a particular effort to identify the current state of affairs with the behaviour of the "Ascendancy" in Ireland.<sup>76</sup> A meeting of landholders in Frampton and Cranbourne observed that the area was settled by Irishmen "who have fled from their native land in consequence of the heavy burden of taxation."<sup>77</sup>

The progovernment forces suffered a disadvantage more fundamental than the similarities between the two union acts. The "loyalty cry" had played a central role in giving the Tory faction a popular base, particularly on the North Shore of the St. Lawrence in townships such as Kildare in Berthier, and in the Ottawa Valley.<sup>78</sup> Such new settlements, well back from the largely French-Canadian riverfront, had numbers of Irish Protestant and Scottish settlers. For these, the Orange Lodges provided a central focus for the emotional and practical needs of immigrants in an essentially foreign country.<sup>79</sup> To these pioneers, even more than to the Montréal Protestant British, repeal in Ireland, like repeal in Canada, smacked of treason against the cultural values they had brought with them as against the rule of Great Britain. Thus, while occasional attempts were made to use O'Connell's name to support the government,<sup>80</sup> far more often he was invoked by the opposition.

73. *Herald* (Montréal), 2 November 1840.

74. *Gazette* (Québec), 18 November 1840.

75. *Ibid.*, 22 March 1840.

76. *Ibid.*, 3 December 1841 and 12 January 1842.

77. *Ibid.*, 12 January 1842.

78. Cecil J. Houston and William J. Smyth, *The Sash Canada Wore* (Toronto, 1980), 53-54. It is possible that these authors understate the significance of the Orange Lodge in these areas. Sydney Bellingham, something of an expert, declared in his memoirs that there were sixteen lodges in Argenteuil in 1854; see NA, MG 24, B25, "Memoirs of Sydney Bellingham," Vol. 2.

79. Hereward Senior, *Orangism: The Canadian Phase* (Toronto, 1972), 12.

80. *Gazette* (Québec), 8 February 1840, citing the Québec *Mercury*.

The repeal movement also spurred the creation of new organisations for mobilising Irish activism. In October of 1841, the Montréal Loyal Repeal Association was established. The address of the new association asserted that its members were to hold themselves apart from local politics but, at the same time, a close association with the French Canadians was urged.<sup>81</sup> A parallel development took place in Québec City where, in September of 1841, a branch of the National Repeal Association, O'Connell's organisation in Ireland, invited "All friends of justice, domestic legislation, equal representation and foes to oppression" to join together.<sup>82</sup> The antigovernment nature of the Québec organisation was even more clearly defined than that of the Montréal association, for Vital Têtu and F.-X. Méthot were on the executive.<sup>83</sup> Both were French-Canadian antiunion activists. Thus, in both cities, the opposition, barred from controlling the traditional organs of the Irish community, created new, more aggressive structures that appealed directly to a reinvigorated Irish nationalism.

The political arrangements within the Assembly papered over such divisions between British and Irish Lower Canadians. The collapse of the first La Fontaine-Baldwin government, however, took place both in a manner and at a time that accentuated this split. Metcalfe's reservation of a bill outlawing the Orange Lodge was less important from the point of view of constitutional theory than the question of patronage, but none the less of considerable importance. Robert Baldwin, in fact, spent more time explaining the reservation as a reason for the resignations than in discussing the issue of patronage.<sup>84</sup> The year 1843 also saw the emergence of the Young Ireland movement. Dissatisfied with Daniel O'Connell's peaceful agitation, this group urged more extreme measures. The British government in turn attempted to proscribe the whole repeal movement, O'Connell included.

Anxious not to alienate the loyalist element among their followers, La Fontaine and Baldwin attempted to restrain those of their papers that had endorsed repeal too vigorously.<sup>85</sup> L. T. Drummond, La Fontaine's Montréal Irish organiser, resigned from the executive of the Young Men's Repeal Association, although he later denied that this was the result of the Imperial government's interdict on Repealers holding office.<sup>86</sup> After the ministers' resignation from office in December, there was no longer any need for such public reticence. The exministers were building a party that combined French-Canadian and Irish nationalism under the flag of Responsible Government.

Metcalfe's supporters attempted to recreate the Irish-British alliance of the 1830s.<sup>87</sup> These attempts were all unsuccessful. To all such steps, the *Pilot* had one resounding answer. The paper's columns were filled with long and savage attacks on the growth and strength of the Orange Lodge. It declared that, as Irishmen, "we prove our sincerity

81. *Herald* (Montréal), 25 October 1841, quoting the association's address, with a strongly critical commentary.

82. *Gazette* (Québec), 10 September 1841.

83. *Ibid.*, 2 July 1841.

84. *DLA*, 3:1035, 29 November 1843.

85. *Mercury* (Québec), 13 July 1843.

86. *Gazette* (Montréal), 15 and 17 February 1844.

87. *Pilot* (Montréal), 28 June and 11 September 1844.



by using our best endeavours to get rid, in this the land of our adoption, of the direst curse that has afflicted the land of our birth, viz: Orangeism.’<sup>88</sup> No one would forget that it had been one of the grounds for the exministers’ resignations that the Governor General had reserved a bill that would have banned the lodge.

The government was again handicapped in any attempt to respond to such charges. Metcalfe and his immediate associates rejected any attempt to introduce Irish conflicts into Canadian politics. None the less, official British attempts to contain, if not suppress, Irish nationalism associated colonial officials with a policy that was no longer acceptable to Irish Canadians. On the popular level, the government depended on the support of those for whom rejection of repeal was a part of their identity as patriotic British subjects. The prominsty press could not be restrained from vitriolic attacks on O’Connell and repeal.<sup>89</sup>

The debate over free trade was a basic issue in British politics in the nineteenth century. Far more than a simple economic debate, it expressed a conflict over basic concepts about society and government. The *Montréal Gazette* was no doubt correct in saying that, in 1846, the ‘‘people of Canada, as a whole, are Protectionists.’’<sup>90</sup> None the less, the Montréal commercial élite was by no means unanimous in its detestation of the repeal of the Corn Laws. There were those who placed their faith more in the innate promise of the St. Lawrence system than in the framework of Imperial tariffs, and were therefore open to the appeal of total and untrammelled mercantile laissez-faire. The *Gazette*’s editor and a self-proclaimed Whig, Robert Abraham, emerged as one of those who saluted the new opportunities. Renewed entrepreneurial aggressiveness and reductions in taxation were the solution to this new challenge, rather than futile meetings demanding the continuation of an out-dated system.<sup>91</sup>

The year 1846 in fact saw the emergence of a lobby committed to the fundamental principles of free trade. On 22 March, the Free Trade Association of Montréal held its first meeting. John Young, a pro-Metcalfe activist and a rising merchant, was elected chairman. The executive included such well-known commercial Montréalers and ministerialists as D. L. Macdougall, D. L. Macpherson, Henry Chapman, and Robert Abraham.<sup>92</sup> The principles of the new organisation were announced in the ‘‘Address of the Free Trade Association to the Inhabitants of Canada.’’ This declaration expressed an absolute commitment to the virtues of unrestricted commerce, not only for the merchant but also for the manufacturer and the farmer, and issued a call for political activity to secure such benefits:

Believing as we do, that the principle of Free Trade, applied generally to the commerce of a country, is sound, and the wisest, under all circumstances, for a nation to adopt in order to secure the prosperity of all classes; . . . we have deemed it prudent and expedient to form ourselves into an Association for the purpose of collecting into one body all who agree in opinion with us. By this measure we shall extend our influence, con-

88. *Ibid.*, 17 June 1844.

89. *Ibid.*, 5 April 1844; *Gazette* (Montréal), 28 October 1843.

90. *Gazette* (Montréal), 12 June 1846.

91. *Ibid.*, 23 March 1846.

92. *Ibid.*

solidate our views and interests, attain unity of purpose and action, and thereby place ourselves in a position to secure the ascendancy of our principles in the Commercial Laws of the Province.

It is impossible to assess what portion of, and to what degree, the Montréal commercial community was attracted by this message of hope. G. J. J. Tulchinsky has described the association as "tiny" and commented on the short career of the association's organ, the *Canadian Economist*.<sup>93</sup> None the less, the momentum of the movement was such that, in the summer of 1846, it managed to capture the Council of the Board of Trade of Montréal. The free traders were thus in effective control of the official mouthpiece of the city's merchants. In August of 1846, the council, under the presidency of George Moffatt, adopted a report produced by a committee of the board that included members of the Free Trade Association's executive.<sup>94</sup> When its demands for the repeal of duties and the Navigation Acts are compared with the Free Trade Association's petition to the Imperial government,<sup>95</sup> it is clear that the official policy of commercial Montréal was that of the association.

The terms of the free traders' manifesto, with its attacks on local as well as Imperial tariffs, made the movement innately political, but did not necessarily make it partisan. La Fontaine's party, with its established policy of agricultural protectionism, was as vulnerable to attack as those ministerialists with firm mercantilist principles. If the *Gazette* initially supported the association, the pro-La Fontaine *Pilot* was cool to the point of hostility at the beginning. "The Free Traders are moving a little too fast," it commented, adding that protection was beneficial to colonists.<sup>96</sup>

The success of the Anti-Corn Law League in Britain had shown the political effects of such a movement. In Lower Canada, it appeared that free trade could also cut across party lines. The signatories to a requisition for a public meeting on the subject included not only Constitutionlists such as George Moffatt and Benjamin Holmes, but also the former Patriote Jacob DeWitt and the newly returned Louis-Joseph Papineau.<sup>97</sup> It is this that makes the relative size of the free trade group in Montréal unimportant. The British supporters of the ministry claimed an influence out of proportion to their numbers on the grounds that they alone represented the true commercial interest. An arguably important part of the mercantile community was evidently prepared to seek a new political alliance to establish a new policy. That this policy had become the official view of the British government made the division all the more important. Between 1846 and the general election of 1848, a number of developments took place that ensured that the opposition would gain most of the benefits from the association's efforts, while at the same time the movement would open up new divisions among the ministry's supporters.

93. G. J. J. Tulchinsky, *The River Barons* (Toronto, 1977), 86.

94. NA, MG 11, C. O. 42, Vol. 538, "Board of Trade, Montreal, 14 August 1846. Special Meeting of the Council of the Board of Trade, the Hon. George Moffatt, M. P. P., in the Chair."

95. *Ibid.*, Vol. 533, petition of the Free Trade Association of Montreal, forwarded in Lord Cathcart to W. E. Gladstone, 27 July 1846.

96. *Pilot* (Montréal), 11 April 1846.

97. *Ibid.*, 7 April 1846.

One such development was the withdrawal by the fall of 1846 of Robert Abraham from the Free Trade Association. Indeed, the *Gazette* spent much of its time in the latter part of the year in a vitriolic controversy with the association's *Canadian Economist*. The key point in the dispute was not the abolition of the Corn Laws, but rather the application of free-trade principles to the Navigation Laws, the original keystone of Britain's mercantilist system. For the *Gazette*, the laws were the key to "the maritime defence of the Empire."<sup>98</sup> Abraham admitted that there was no economic benefit to the colony from this aspect of the Imperial system; its preservation was purely a question of loyalty to England. Therefore, the *Canadian Economist* was simply disloyal.<sup>99</sup>

This position placed the ministry's most reliable and widely read journalistic proponent in opposition to a growing sentiment inside the Montréal commercial community. The *Herald* carried on its tradition of disagreement with the *Gazette*,<sup>100</sup> and the Montréal Board of Trade was now on record as desiring an end to that portion of the Imperial system. Thus, "the anti-Navigation Law fervour reached its climax in Montreal."<sup>101</sup> The exact significance of each of the components of the mercantilist system produced disputes that helped to split the Lower-Canadian ministerialists into a number of camps. William Bristow, a former disciple of Sir Andrew Stuart, wrote in favour of free trade in articles in the *Pilot* that were so savage in their attack on Robert Abraham that a duel ensued.<sup>102</sup>

La Fontaine's party finally committed itself to free trade. The need for such a decision became apparent in the summer of 1846. Dissatisfied with the efforts of its member in the Assembly, George Moffatt, the association called for free-trade candidates, independent of any party. Francis Hincks, now working in Montréal for La Fontaine, appealed to British precedent by invoking the alliance of John Cobden, the great English apostle of free trade, with the Radicals.<sup>103</sup> By 1 July, the *Pilot* was rejecting the claims of the free traders "to exclusive liberalism in commercial policy,"<sup>104</sup> and endorsed the association's stand on the intrinsic superiority of the St. Lawrence system.<sup>105</sup> In 1848, La Fontaine's running mate in Montréal was Benjamin Holmes, now a committed free trader. La Fontaine himself was nominated by John Young on the basis of his support for free trade.<sup>106</sup>

It can be seen, then, that between 1840 and 1846, changes in the British situation affected an important component of the Constitutionalist alliance. Responses to the Irish situation and the messianic appeal of free-trade doctrines divided former Constitutionalist. In Great Britain, after the Lichfield House Pact of 1835, a similar development

98. *Gazette* (Montréal), 22 October 1846.

99. *Ibid.*, 6 and 9 November 1846.

100. *Ibid.*, 12 and 14 September 1848.

101. G. N. Tucker, *The Canadian Commercial Revolution* (Toronto, 1964), 88.

102. Queen's University Archives, John Young Papers, Folder 4, Legal Documents II, 26 December 1847.

103. *Pilot* (Montréal), 23 July 1846.

104. Cited in *Gazette* (Montréal), 1 July 1846.

105. *Pilot* (Montréal), 21 July 1846.

106. NA, La Fontaine Papers, La Fontaine to John Young, 3 January 1848.

was transforming the Whigs into the British Liberals. There, however, the continuing influence of great territorial families acted as a counterforce until the last decades of the nineteenth century.<sup>107</sup> In Canada, no such force existed and the process was complete by 1850.

iv

In the election of 1848, seventeen of the forty-two members returned for Lower Canada were anglophones. While this was a decline from the figures for 1841 and 1844, it was still well out of proportion to the anglophone share of Lower Canada's population.<sup>108</sup> This disproportionate representation was not based, however, on the Constitutionalist ideal of an organic and united British interest. It was based on the privileged position of British Lower Canadians within a party system, rather than their weight within society. Ten of the elected anglophones can be said to have owed their seats to the support of La Fontaine's Liberal party.<sup>109</sup> Party loyalty, rather than the natural influence of wisdom, wealth, and standing, was now unquestionably the key to an ambitious man's political success. In a fundamental sense, the death of Whiggery is a more important event than the rise of Responsible Government. Change, rather than stability, had become the basic assumption of politics as "liberty and progress" replaced "liberty and property."

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107. Southgate, *The Passing of the Whigs*.

108. In 1844, there were 524,307 French Canadians, and 171,446 British Canadians; see *Census of Lower Canada under 4&5 Victoriae Cap. 42 as revised in 7 Victoriae cap. 24: Recapitulation by Districts and Counties* (Montréal, 1846).

109. See my "English-Speaking Liberals in Canada East, 1840-1854," PhD diss., University of Ottawa, 1986, 360.