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The Canadian Insurrections of 1837-38

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Loyalists must be rescued from their admirers, and studied on their own terms. If Loyalist historiography as been torn between adulation and analysis, the actual Loyalist experience itself appears ambivalent, with important differences among Loyalists in class, ethnicity, regional background, experience and ideology. It would be a mistake to stand the 19th-century image on its head and see only fragmentation where earlier scholars saw unity. But it is essential to come to grips with the tensions within Loyalism before a new synthesis can be reached. When that happens, there will indeed be cause for celebration.

DAVID A. WILSON

Rebels and Prisoners: The Canadian Insurrections of 1837-38

IT IS STRIKING TO NOTE how little our understanding of the rebellions of 1837-38 has advanced in the century and a half that has elapsed since Papineau, Mackenzie, Head, Durham and other participants penned their self-justifying accounts. Much of the historical literature is quite blatantly partisan and, in many cases, the conflict is presented in almost exactly the terms in which contemporaries conceived it. At the risk of oversimplification, one might speak of a "pro-rebel" historiographic tradition which, in its English-Canadian variant, sees the rebellion as part of a struggle against an office-holding clique and in favour of constitutional change.[1] A French-Canadian version of this approach portrays the *patriotes* as defenders of the nation.[2] Always the shadow of crushing defeat looms over the discussion, and pro-rebel historians, following the line established by many chastened insurgents after 1838, tend to play down the republican and genuinely revolutionary thrust of the rising. Opposing this camp is a more conservative, "anti-rebel" school which, like contemporary Tories, sees the rebellion as stemming from the criminal demagogy of a few agitators and the foolishness of their followers.[3] Adopting the economic and

1 See, for example, Edwin C. Guillet, *The Lives and Times of the Patriots* (Toronto, 1938). Traces of this traditional liberal interpretation can still be found in recent works such as Michael Cross, "1837: The Necessary Failure", in M.S. Cross and G.S. Kealey, eds., *Pre-Confederation Canada, 1760-1849, Readings in Canadian Social History, vol. 2* (Toronto, 1982), pp. 141-58, where the rebellions are seen making a contribution toward "political progress" and responsible government. Outside the academic establishment, there have been "radical" accounts, commemorating the insurgents as revolutionary heroes, but these works have generally been unsuccessful, both as history and as propaganda. See, for example, Greg Keilty, ed., *1837: Revolution in the Canadas* (Toronto, 1974), which attempts to portray W.L. Mackenzie as a stout opponent of American imperialism. Stanley Ryerson's work is an exception to the general pattern of low quality left-wing scholarship on 1837 (see footnote 7 below).

2 See, for example, Gérard Filteau, *Histoire des patriotes*, 3 tomes, (Montréal, 1938-42).

3 "Condamnable dans son principe et déplorable dans ses inévitables résultats", 1837 was, for

social vision of the merchant community, some of the more sophisticated versions of this interpretation see these demagogues as backward-looking agrarians stubbornly resisting development and progress.[4]

The other notable feature of the historiography of 1837 is its relative poverty. Professional historians have tended to shun the subject over the course of two or three generations. This may be attributable to a whiggish strain which, in English-Canadian circles at any rate, put the accent on the peaceful and orderly rise of good sense and British liberties. This tumultuous episode did not fit well in their chronicle of orderly progress.[5] It may also have had to do with a feeling that 1837 was a rather shabby and embarrassing excuse for a revolution, lacking as it did the great heroes, glorious battles, and inspiring principles that the Americans and French were so proud of. Whatever the reasons for this neglect, it may be coming to an end, if the recent appearance of four new and almost-new treatments of the rebellions and their aftermath are any indication.

Les Rébellions de 1837-1838: Les patriotes du Bas-Canada dans la mémoire collective et chez les historiens (Montréal, Boréal Express, 1983) is a curious sort of book. It is edited and partly written by Jean-Paul Bernard, known to historians for his excellent work, *Les Rouges* (1971). Rather more than a collection of readings, but not an original study either, this volume assembles primary source material and historiographic essays by Bernard and his students at the Université du Québec à Montréal, as well as previously published articles, all strung together by the editor's running commentary. The selection of articles is a good one and teachers will appreciate having available in one volume crucial essays by Lionel Groulx, Maurice Séguin, Fernand Ouellet and Stanley Ryerson; French translations of contributions by Donald Creighton, W.H. Parker and Catherine Vance will be even more welcome at a time when French-Canadian students, like their anglophone counterparts, are seldom prepared to read in a second language. There is also some original material in the volume however, the most important being Bernard's very detailed discussion of the historiography of the rebellions from the time of the insurrections down to Gilles

Thomas Chapais, characterized by an "explosion du sentiment démagogique": cited in Jean-Paul Bernard, *Les Rébellions de 1837-1838: Les patriotes du Bas-Canada dans la mémoire collective et chez les historiens* (Montréal, 1983), p. 35. On the Upper Canadian rising, G.M. Craig writes, "Mackenzie and his associates managed to dupe only a few hundred farm lads and other rather simple people...into believing that an armed uprising would cure the province's ills": *Upper Canada: The Formative Years, 1784-1841* (Toronto, 1963), p. 249.

4 For example, Donald Creighton, *The Empire of the St. Lawrence* (Toronto, 1956), pp. 255-320.

5 It seems significant that two major studies of the political history of the early 19th century stop just short of the rebellions: Aileen Dunham, *Political Unrest in Upper Canada, 1815-1836*, 2nd ed. (Toronto, 1963) and Helen Taft Manning, *The Revolt of French Canada 1800-1835: A Chapter in the History of the British Commonwealth* (London, 1962). That quintessential Whig historian, Chester Martin, also did his best, as Carl Berger notes, to write 1837 out of his history of the rise of British Liberty: Carl Berger, *The Writing of Canadian History: Aspects of English-Canadian Historical Writing: 1900-1970* (Toronto, 1976), p. 36.

Bourque and the latest graduate theses. The editor's impressive knowledge of the literature will make this a standard treatment for years to come. And yet, although parts of *Les rébellions* are quite valuable, other parts are less satisfactory; the book as a whole is poorly integrated and, ultimately, disappointing. Surprisingly, Bernard really has nothing of substance to say about the rebellions. Clearly he did not conceive of this as a book in which to air his own views on the subject — which is fair enough — but it seems to me the editor's extended discussions suffer from a severe case of indecision. Because he fails to associate himself with any position, Bernard's comments often seem to be little more than redundant paraphrases of articles republished in this collection, together with pious observations about the complexity of historical processes and the fragility of any interpretation. This is certainly a "balanced" discussion, but not a bold or a penetrating one. We can only hope that Jean-Paul Bernard will present his own interpretation in some future work; it should be well worth waiting for.

Empirical in its approach and deliberately narrow in its focus, Colin Read's monograph on the rising in the London region of Upper Canada is a very different sort of book. *The Rising in Western Upper Canada, 1837-38: The Duncombe Revolt and After* (Toronto, University of Toronto Press, 1982), is particularly welcome, based as it is on prodigious and apparently exhaustive research; in this and in its rather jaundiced view of the local rebels, it recalls the work of Fernand Ouellet on the lower province. Read's subject is the attempt to assemble a force in support of the Yonge Street insurrection. In the days following 7 December 1837, men gathered in the village of Scotland, apparenly with the intention of capturing the nearby town of Brantford and then advancing to Hamilton and Toronto beyond. Led by assemblyman Charles Duncombe, the badly-organized insurrection was doomed from the start as, contrary to rumours circulating through the province, Mackenzie's forces had already been defeated and the Tories had mounted a formidable counter-attack. This eventually became clear to the rebels and they scattered without ever seeing serious action. The region was then occupied by Allan McNab's militia; property was destroyed and hundreds of suspects arrested but, Read assures us, there was no "reign of terror". Throughout 1838, the area remained in a state of alarm as unsuccessful border raids led residents to expect a full-scale invasion from the south.

The "Duncombe Revolt" was certainly not a very impressive uprising, which may be why it has received scant attention from historians in the past. Nevertheless, it was part of a thorough-going crisis of the Upper Canadian state, one in which the normal niceties of constitutional government had to be discarded in favour of the rule of brute force. While some local men took up arms against the government, many others took up arms in its defence and showed themselves to be dedicated and relentless rebel-hunters. Thus the crisis seems to lay bare some of the tensions of western Upper Canadian society and to justify the painstaking analysis Colin Read devotes to it. Read's research is certainly

impressive. He sorts out the thread of events from confused and contradictory evidence, carefully following, for example, the divergent fates of individuals arrested at various stages, and deciding how many were granted bail, how many released, how many convicted and how many punished, where earlier historians jumped to summary conclusions on the basis of partial data. Furthermore, he brings together information on active rebels and loyalists in an effort to analyse the social, ethnic and religious bases of conflict.

It is in his chapter on "Rebels and Loyalists" that Read makes his most important contribution, presenting a detailed profile of 197 identified insurgents and 57 "accomplices". When broken down into categories, his figures are quite small and, in many cases, of doubtful significance. Still, they do justify a number of observations. The rebels were, in Read's words, "relatively stable, well-settled people" (p. 173). He shows them to have been, for the most part, mature, property-owning family men. The largest occupational group was farmers, but labourers, professionals and others were well-represented. Most came from the richest, most well-established townships in the region. Three quarters of these men were either born in the province or came to Upper Canada from the United States long before the rebellion. Insofar as their religious affiliations could be identified, they seem to have included a disproportionate number of Quakers, Congregationalists and Baptists, but very few Methodists, Presbyterians or Anglicans. Not content with aggregate figures, Read looks more closely at the contending parties in Bayham township on Lake Erie, comparing rebels and early volunteers for the government militia. Again, the small size of the samples and the rather crude statistical procedures do not inspire confidence, but the findings are suggestive and congruent with evidence from "qualitative" sources. Rebels and loyalists of Bayham differed, it seems, not only in religious denomination, national origin and occupation — the former included a higher proportion of farmers — but also in residence. The loyalists tended to be concentrated in and around the little lakefront urban centre of Port Burwell, while the insurgents generally lived in the rear sections of the township.

These findings about the London region seem to point towards a number of conclusions about the Canadian crisis of 1837-38. First, there is clearly a town versus country axis of conflict visible in the geography of rebel and loyalist recruitment, in Bayham township and throughout the region. Centres such as London were recognized as citadels of Toryism. Of course, the correspondence is less than perfect and, just as there were Anglican radicals and American-born Tories, one can find loyalist farmers in the western countryside and rebel journalists in the town of St. Thomas. Nevertheless, a rural/urban divergence is hard to deny. It is apparent also in the dynamics of the insurrection itself and here the parallels with the Yonge Street rising and the Lower Canadian insurrection are obvious. Charles Duncombe's followers felt secure only in the fields and villages of the region and, when they prepared for aggressive action, it was against the cites that they turned in fear and anger. Their enemies, on the other

hand, tended to assemble in the towns, even though many of the militiamen actually came from rural areas, and they made use of urban bases to foray out into the countryside. Donald Creighton is one historian who long ago emphasized this conflict of town and country — or rather of agrarian and commercial — in the general Canadian crisis,[6] but, surprisingly, Colin Read, his nose rather too close to his research notes and tables, seems reluctant to give much attention to such overarching themes.

What is one to make of the differing religious and ethnic composition of Read's rebel and loyalist contingents? To Tories at the time, and to Read himself, it seems, it was largely a matter of nature and nurture: "Yankees" (the term often applied to Canadian-born settlers as well as Americans) had a natural tendency towards democracy and republicanism and religious dissenters were also inclined to turbulence and defiance of authority; British immigrants, on the other hand, were just as naturally attached to order, hierarchy and the existing government, particularly if their loyalty was reinforced by the teachings of the Church of England. There is more than a grain of truth in this view, but it relies heavily on a reified conception of national character and religious mentalities. Moreover, it establishes no hierarchy of factors. It could well be that the "American" origins of the majority of insurgents were not so much a *cause* of their behaviour as an incidental reflection of the fact that the early immigration to the region was from the United States and it was the well-established settlers of the region who rose against the government. By the same token, Quakerism, Congregationalism and Baptism were the religions of the long-settled rural folk of the London district. The actual beliefs of the various sects no doubt played a role — the case of the Quakers is particularly striking in this regard — but they can hardly be considered fundamental.

For all its empirical strength then, Read's analysis remains inconclusive and unfinished; it contains no serious attempt to determine the basic tensions at the root of the 1837 conflict. Thus it provides valuable materials for future examinations of the rebellion — the rich store of raw data in the appendices will be particularly useful — but it makes little direct contribution to a new understanding of the crisis. Moreover, his "Conclusion" is unanalytic in the extreme. The Upper Canadian rebellions, he informs us at the end of the book, were the work of "unquiet spirits" like Mackenzie and Duncombe. Duncombe and his "cohorts" used lies and false reports to seduce hundreds of men into the path of treason. Now it becomes clear why the author made no effort to identify the antagonisms underlying the revolt: he does not believe that there was any serious conflict! Instead, he sees the insurrection, just as the Tories of 1837 did, as a criminal conspiracy aimed at disturbing a basically tranquil community. What promises at first to be a socio-political treatment of a neglected rebellion thus ends as a melodrama of malice and folly fit for the mid-Victorian stage.

6 D.G. Creighton, "The Economic Background of the Rebellions of 1837", *Canadian Journal of Economics and Political Science*, III (August 1937), pp. 322-34.

What happened to the fools and mischief-makers who took up arms against the Queen? In the London District and elsewhere in the Canadas, they met various fates: some slipped over the border into the United States, some returned to their homes and managed to escape detection, many had their property destroyed by the "forces of order" and, of course, hundreds were arrested. Of the latter, many tasted the clemency of Her Majesty and secured their release after a few months in jail, while a smaller number were sentenced to fines, exile, execution or transportation. This was all very mild punishment in view of what the laws covering treason provided for, but it may nevertheless have seemed severe to men who denied the legitimacy of their judges and jailers and who doubtless believed that their only crime was to have lost. One can only guess at their likely reaction to the legalistic and seemingly "objective" accounts of modern historians who pronounce on the justice and leniency of the procedures that settled the fates of the rebels of 1837-38. Would they be amused at the way these detached scholars accept without question the crucial Tory position that the courts, the law of treason and its application can be taken as given and, even for a moment, be separated from the power struggles that settled these conflicts?

For 154 Patriots captured in the two provinces during the second wave of fighting in 1838, punishment took the form of transportation to Australia. What better proof could the British empire have offered them of its strength and integrity than to send them to the far side of the world to share the fate of exiled Tolpuddle Martyrs, Irish ribbonmen, Scottish Jacobins and Rebecca rioters from Wales? Ninety-six of these men — the majority of them American citizens — were taken in Upper Canada and the remaining 58 were Lower Canadians. After a voyage of five months crammed in the dark hold of H.M.S. *Buffalo*, they arrived in February 1840, those from the upper province disembarking in Tasmania (Van Diemen's Land) while the French-Canadians continued on to New South Wales. There they were portrayed in the Sydney press as a menace to public order and civilization and narrowly escaped being sent to the terrible Norfolk Island settlement, normally reserved for the most serious offenders. In earlier times, it was common for convicts to be "assigned" to private employers for the duration of their stay but, about the time the Canadians arrived, a new system aiming at the rehabilitation of criminal souls was instituted. In line with current penal theories, convicts were to be subjected to preliminary imprisonment under a regime of strict discipline and hard labour; accordingly, the Canadians and Americans from the *Buffalo* spent 18 months to two years in prison camps before being allowed some limited freedom within the colony. Only in 1844-45 were they issued pardons, but still most of them had to stay in Australia another year or two to save for their return passage for the government did not provide transportation home.

This punitive aspect of imperial history is the subject of George Rudé's book, *Protest and Punishment: The Story of the Social and Political Protesters Tran-*

sported to Australia, 1788-1868 (Toronto, Oxford University Press, 1978). Rudé is of course well known for his pathbreaking work on popular violence in 18th and 19th-century France and England and *Protest and Punishment*, bringing together as it does material from three continents, once again shows him to be a scholar of exceptional range and erudition. Combing through the records in Britain and Australia, Rudé attempted to sort out from among the thousands of transported convicts those charges with clearly political offences such as treason — all the Canadian prisoners fit into this category — as well as those whose "marginal" crimes (poaching, arson, assault, etc.) seem to have been committed as part of a collective movement and not for purely personal motives. Armed then with some 3600 case histories, he sketches for readers the movements that led to his subjects' getting into trouble with the authorities, discusses their trials and describes the voyages to the Antipodes and the convicts' experiences in Australia.

The treatment of each of the various groups of protesters is necessarily brief and summary; specialists interested in a particular nation or movement will therefore find little here that is startlingly new. Rudé's account of the Canadian rebellions, for example, is based on secondary works and is marred by the odd howler: on page 47, he has Mackenzie fleeing Toronto in 1837, "never to return to Canada...". His real contribution, however, lies in his ability to transcend national frontiers and deal with an area where British, Irish, Canadian and Australian historiographies meet. For our purposes, this has several advantages; not only does it allow him to discuss with some authority the Australian experiences of the Canadian exiles, but it also enables him to compare the rebellions and their repression with other British insurrections. Thus we learn that the relatively mature solid citizens and family men of the Lower Canadian rebel contingent (the Americans arrested in Upper Canada were a different sort of group) were typical of political and "social" prisoners transported from the Mother Country and quite unlike the generally youthful and economically marginal elements that came to Australia as common criminals. Rudé also points out that the Canadian insurgents captured in 1837-38 were treated quite leniently by prevailing British standards; the percentage of men convicted and hanged or transported was much lower here than it was in Britain. He does not, however, explain this low rate of conviction. It may have been partly a reflection of the high incidence of arrest. No doubt it was also connected with the delicate position of colonial authorities such as Lord Durham who were dealing with latent unrest throughout the country and therefore had to conciliate as well as to chastise. All this suggests that Rudé might have drawn a sharper line between "protest", which poses no serious threat to the established order, and "revolution", which, even when it fails miserably as in the Canadian case, takes places in the context of a crisis of the state.

Things might have been worse for the prisoners of 1837-38. The punishment could have been more severe and more widespread, but certainly it was bad

enough for those sentenced to transportation. For the Chateauguay bailiff, François-Maurice Lepailleur, seven months into his stay at Longbottom camp near Sydney, "the misery of exile is worse than death on all counts". His story is told in F. Murray Greenwood, ed. and trans., *Land of a Thousand Sorrows: The Australian Prison Journal, 1840-1842, of the Exiled Canadian Patriote, François-Maurice Lepailleur* (Vancouver, University of British Columbia Press, 1980). The inadequate food, the cramped cells, the boredom, the cold and the vermin were bad enough, but what bothered Lepailleur most were the indignity of imprisonment itself, the uncertainty about its duration, and his concern for his family. Like most adult males in pre-industrial Canada, Lepailleur was accustomed to being his own master and it was galling in the extreme to be "the slave of everyone", ordered about, sworn at and threatened by guards. Above all, he resented being treated as a common criminal when there was no doubt in his mind that he was there as a prisoner of war. The prison uniform was the source of much distress and when, on the first day, the Longbottom insignia "LB" was stencilled onto each man's clothes, all agreed that this was "very humiliating for respectable people". After three months, they were allowed to attend mass at Parramatta, but they had to wear their convicts' attire; many refused to go on such conditions and those who did found this privilege also "a great humiliation". The "crowning humiliation" (always this same word) came when the prisoners were assigned to work on the highways, exposing themselves and their servile condition to public view. These incidents may seem trivial to a modern reader when compared to the physical hardships of imprisonment and yet clearly they wounded the prisoner deeply because they attacked his conception of himself and of his cause.

Just as difficult for Lepailleur to bear was the maddening uncertainty about the prospects for release. From the beginning, the authorities assured the *patriotes* they would be liberated shortly if they worked hard and behaved well. The months dragged on however, and time and again there would be hints and rumours that led them to be certain that the next day would bring news of a pardon or of a "ticket-of-leave" for freedom within the colony. Just as often, the expectations were unfulfilled, leaving the men more demoralized than ever. All the while, Lepailleur worried about his wife, Domitile, and two small children back in Canada. For almost two years, he had no news of them. His diary records several dreams about his wife and the undertones are naturally erotic, but also, and just as naturally, anxious and full of fears of rejection. The slow and capricious mail service finally brought him a letter from Domitile in July 1841, almost two years after the *Buffalo* left Quebec. It brought him reassurance, but also further cause for concern as he learned that Domitile, unable to support a family, had been forced to place the children with foster parents. The story has a happy ending all the same, with Lepailleur returning to Chateauguay in January 1845 and presumably picking up his life where he left off more than six years earlier.

Lepailleur's diary, as translated and published by Murray Greenwood, provides a rare glimpse of convict life. Several other Canadian and American exiles wrote accounts of their experiences after the fact, but, as an immediate record of events and of the prisoner's feelings, Lepailleur's journal is much more valuable than the rest. The editor's helpful annotations seem to be based on extensive research in Canada and Australia. Unfortunately, he did not have time to translate more than a portion of Lepailleur's manuscript journal, that covering the period of imprisonment in Australia; those parts dealing with his trial and with the sojourn in the Montreal jail, as well as with the voyages to and from Australia and with the years spent at large in New South Wales, remain unpublished.

Thanks to the efforts of Greenwood and Rudé, we now have a much better appreciation of how the punishment of Canadian rebels fits into larger patterns in the British empire. Meanwhile, Bernard and Read have greatly enhanced our knowledge of who the insurgents were and what they did. Still missing though is any discussion of how the rebellions themselves fit into wider international currents of a period that Eric Hobsbawn calls "The Age of Revolution".[7] After all, Lower Canada was by no means the only place where movements proclaiming national independence and liberal constitutionalism rose in revolt under the leadership of seigneurs and professionals. Neither was Upper Canada the only site of armed conflict between agrarian democrats and state and business elites. Indeed, whether we look to Hungary or Ireland, Peru or Bohemia, contemporary parallels abound for almost every aspect of the Canadian rebellions, including their pathetic miscarriage. Closer attention to the general phenomenon of revolution in the first half of the 19th century must surely lead to a better understanding of some of the dynamics at work in the abortive revolution of 1837-38. It might also help historians to transcend the polemics of the period and give serious consideration to the position, the ideology and the aims of the various groups involved in the crisis.

ALLAN GREER

7 E.J. Hobsbawm, *The Age of Revolution, 1789-1848* (London, 1962). Stanley Ryerson is the one historian who has made a serious attempt to present the Canadian rebellions in their international context: *1837: The Birth of Canadian Democracy* (Toronto, 1937) and *Unequal Union: Roots of Crisis in the Canadas, 1815-1873*, 2nd ed. (Toronto, 1973), pp. 42-132. Suggestive and insightful because of the author's grasp of the European background, Ryerson's account is nevertheless flawed by some highly questionable assumptions about Canadian realities; most critics, even sympathetic ones, have difficulty with his assertion that a struggle between industrial and merchant capital was central to the conflict.