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## The New Brunswick Civil Letter Book, 1824-1826

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## THE LETTERS OF SIR HOWARD DOUGLAS

*(The New Brunswick Civil Letter Book, 1824-1826)*

By Professor LEO HARVEY, University of New Brunswick

Major General Sir Howard Douglas was a soldier who served under the Duke of Wellington in the Peninsular War and was Lieutenant-Governor of New Brunswick from 1824 until 1831. There is a comprehensive article on his life in the Dictionary of National Biography by the late H. Manners Chichester; much shorter account in the eleventh edition of the Encyclopaedia Britannica; and a volume, now out of print, by the late Stewart Watson Fullom, "at one time his private secretary," which is a complete life. This is especially interesting for the early period of Douglas's life, but as regards his work in New Brunswick, it is disappointing, because, if he had access to the Letters, as he seems to have done, he does not appear to have made full use of them. This Life is a good one, so far as one can gather, but it is very Victorian, that is, Victorian of a certain kind. That does not imply that Tennyson was not a great poet, or that Queen Victoria was neither good nor great. But, for example, the description by Fullom of what Sir Howard did in the great fire, the Miramichi fire of 1825, is a long one, full of rhetoric, which is less effective than a quotation from the Letters themselves would have been. The writer of these letters wrote in a distinct, restrained, and military style, though none the less literary. Most of the letters are brief, fascin-

ating in their concise courtesy, but instant in the disposal of business, so that when he permits himself to write at any length, the effect is remarkable.

There is a miniature portrait of Sir Howard in the possession of his granddaughter, Mrs. Berkely Portman, of Dorchester, Dorset, and there is a copy in monochrome of this in the Library of the University of New Brunswick, Fredericton, N.B. "It is," writes Mrs. Portman, "an exceedingly fine miniature and an admirable likeness, but it is not signed and it is now impossible to trace the artist." It has been remarked by those who have seen copies of this portrait that it shows a "face of which one can believe anything good."

The letter book, that is the original MS. is in the possession of the family. A copy was made by the photostat for Dr. J. C. Webster, of Shediac, N.B., not long ago when he found these documents and he gave the copy to the Archives. This was sent by Dr. Doughty, the Public Archivist, to the University of New Brunswick, where Sir Howard was the first chancellor, and in that province the Government authorized copies to be made and the study of the MS. encouraged.

It is the purpose of this paper, not to analyse, or study the letters in detail, but to give some idea of the work done in New Brunswick during his brief term of office, and to suggest what kind of man he was.

He was in London for some months before he could begin work in New Brunswick. The Sign Manual of his Commission as Lieutenant-Governor and Captain General was dated the 1st of April, 1823, but he did not take the oath and assume office until the 28th of August, 1824. None the less, he showed at once a vigour, foresight, and thoroughness as regards duties, both private and public, which are like those qualities which Spenser wished to embody in his Prince in the Faery Queen, as the two fold character of the magnanimous man, noble in both politic and private virtues. Such praise will not seem too high to anyone who has read the account of Sir Howard in the D.N.B., and may be seen clearly in these letters, despite the impersonal, self forgetting style.

In London his mind was already exercised about the Maine Boundary question, a matter then not settled, and full of possibilities. He studied the facts, as far as he could; formed an opinion subject to revision on the spot, and when sailing from Portsmouth for New Brunswick, he sent to Canning his "written observations on the Boundary, as agreed by the Treaty of Ghent." About the same time there are letters referring to the need for household accommodation upon his arrival; his anticipation of the "summer heats" (based perhaps upon his earlier acquaintance with Kingston); and other such matters. It is to him that Fredericton owed its first Government House, which was, however, burned not long after his arrival in the great fire; and to him also the University Arts Building is due, a solid stone two-storey building, finished in 1829. From what he did, or prepared to do in London, it is clear that he was not an opportunist, but rather than deal with things only as they arise, he carefully prepared himself before hand by acquainting himself with the subject of importance that he was at pains to discover, so as to be able to control matters in accordance with a definite plan. Wellington spoke of him, after a disagreement as to the means of taking Burgos, as being right and the Duke himself wrong. Sir Walter Scott also, after the work in New Brunswick was done, spoke in the highest terms of Sir Howard. The effect

of military experience and ability, not limited to one kind, was invaluable at a time when, in New Brunswick, which he himself called "this infant province," everything was in confusion and he seems to have been the only directing mind.

He left London on May 12, 1824, reached Halifax on July 28, and St. John, N.B., on September 3. A list of his party may be of interest.

"Major General Sir Howard Douglas and one A.D.C.  
Lady Douglas.  
Three Misses Douglas.  
Two children (six and eight years of age).  
One Governess.

*Servants*

One upper Nurse to be with the Children.  
One Lady's Maid to be with the young ladies.  
Three men servants."

He at once established co-operation with Admiral Lake, commanding the Fleet in North American waters. On September 3 he announced to the Home Government that he had "taken upon himself the Government of New Brunswick" and did so. He disposed at once, with firmness and courtesy, of job-hunters, and left the law to take its course in a case of appeal where there was no clear case for any exercise of prerogative, or clemency, or direction for new trial. He approved of the appointment of an Episcopal Minister, whose services were needed, without delay. He seems to have been more interested in the work than in himself. He sought the magnification of the office, not the man, requiring an official residence not so much to support his own dignity, as to counteract what he called "the levelling tendencies of our neighbours to the south." For the same reason he objected to the first steamboat on the river, owned by a company with a monopoly which provided no other accommodation for the Governor than a cabin which must be shared with negroes and what used to be called "the lower orders." He considered that the Government should provide separate accommodation, at least as regards the cabin, and that the monopoly was bad. He applied for a grant from the King's Casual Revenue for a steamboat for the use of the Governor and this was allowed.

He combined quick decision with promptness of action in a wide range of matters: e.g. education; savings banks (of which he seems to have been the originator in the Army); agricultural societies; the administration of and provision for the quick discharge of justice; various economic affairs; the reorganization of the militia; the building of lighthouses; and, to show that he was human and not above details, he also sought provision for the family of a public servant who had become lunatic.

He found things in confusion and called at once for accounts from the various departments; returns from the Customs, with authority for their charges, perquisites, and fees; stirred up the Naval Officer to fulfil his duties and cease to disregard his office as a sinecure in St. John, with immediate result; commented on the improper condition of the streets of St. John in terms which caused improvement but no lasting offence; took active interest in the Emigrant Society and the Madras Schools, providing such small but essential things as spades for emigrants, and objecting to the expenditure of money for general purposes by the Madras Schools

when it was earmarked for special purposes; and made an arrangement with the judges for regular courts and the increase of the judges meagre salaries; while he ordered accounts to be rendered to the Lords of the Treasury as a final means to ensure the economical discharge of the public services. He lamented the approaching extermination of the Indian and made proposals to hinder this, seeing that to let him become a town dweller was a mistake, and that more hope lay in giving him land where he could work, with encouragement for his industry. He objected strongly to a school where the children of natives were taken from their parents under cover of charity and a mistaken notion of religion and education, where they were confused with children of European descent, and put a stop to this practice. He advised reservations for the Indians of New Brunswick and an inspector, responsible to Government, who should supervise their activities and needs. He sent to King William for the Surveyor General for the Highlands of Scotland, as he found the geological formation of parts of New Brunswick similar, and himself supervised the planning of all the great trunk roads, as from Fredericton to St. John by the Nerepis valley—still the shortest and best road—from Fredericton to St. Andrews and St. Stephen, a road of military importance; and from Fredericton to Quebec. He found the roads of the early settlers no roads, running as tracks over the ridges and spurs in straight lines; he left roads where coaches could travel from Fredericton to St. John in the worst season of the year in twelve hours instead of from three to five days. The original plans of one of these roads are still in the office of Lands and Mines in Fredericton and seem to one who is not an engineer to be beautiful surveys of the line of road, without any attempt to map the surrounding country beyond a few yards. He established a regular line of Posts between all the principal points in the province along the north shore between Nova Scotia and Quebec, by co-operation with Nova Scotia. He found the Provincial College, or Academy, a Grammar School and left it a university with a Royal Charter, and a better building than is likely to be seen now, in a splendid situation, with forest lands from the Crown as an endowment, and above all fought the battle of toleration so that the advantages of an education within the province was not confined to those who would subscribe to the Thirty-Nine Articles. In this he found much and strong opposition, both from the Bishop of Nova Scotia, who had other ideas, and from the archbishop and court at home; but by persistence and courage he finally obtained a wise compromise, so that only candidates for degrees in Divinity were required to subscribe—though the chancellor remained a minister of the Episcopal Church for some years—and this was a victory at that time, which ended in complete freedom afterwards. If he had insisted on this in his time, nothing would have been won.

These things, and others like them, show how wide his interests were, how active he was, and how thoroughly he acquainted himself with affairs. He wrote, for example, "I have taken time to look about me" (soon after his arrival, like a soldier making an "appreciation", or anticipation of what way things would go, after a survey of the ground); and, again, "I have read over all the minutes and have made myself thoroughly acquainted," &c. The words themselves, and the handwriting, though formal, do not imply the emptiness often associated with formality.

The chief matters of his term of office in New Brunswick were the boundary question, and the economic question of tariffs, and these matters

led to his return to England, to give evidence before the King of the Netherlands about the boundary, and to resign his office so that he might be free to fight the cause of New Brunswick in Parliament against the advantage given to Baltic timber.

The economic matters may be considered shortly before the other affair of the boundary is finally mentioned.

He objected in writing to the Home Government, and was finally successful in objecting to the prohibition against the importation of foreign sugars. He was not, as he told Sir Robert Peel on a later occasion, "for free trade but for fair trade." He wanted reciprocity and if the U.S. would not give this, there ought to be a tariff to protect an infant province. On the other hand, he thought that American sugars should be admitted, so that N.B. fish could be exchanged. If not, the Canadian fishermen would be deprived of their natural market, the West Indies would not really benefit, the American sugars would meet us in other markets, and smuggling would increase on the St. Croix, in both rum and sugar. He asked for a naval watch over this area. As regards some things, such as tea, he seems to have advocated the present policy of trying to keep trade within the Empire, where possible, making detailed inquiries about the supplies of tea and recommending the importation into St. John direct, and not through American ports, of Indian teas for N.B. use. In the matter of foreign sugars, and in obtaining the University Charter with some degree of toleration, the identification of Sir Howard can be seen with the real interests of the province as against the local interest of the Family Compact, or the Church of England, and the unwise and not well informed policy of the Home Government, making decisions far from the place. His object, he wrote, was to encourage the growth of the province as settled by British subjects to be independent of the U.S. and to counteract the natural tendency of dependence upon and immigration to the south. This is well seen in his action during the Miramichi Fire when he went, giving help and encouragement, all the way through the smouldering forest from Fredericton to Chatham with a team holding money and supplies. He saved many from emigrating to the States in sheer despair. The same helpfulness is seen in his plan for savings banks. He took advantage of some alterations which were to be made in the Acts of Parliament in England which covered savings banks, after studying the many systems of savings banks in Europe before he left, to represent to the government upon his arrival the great need there was for facilities to be given to the people of New Brunswick, so that they might invest their money in British Funds. In this way he desired the extension of savings bank facilities to the colony, to form an economic link with the Motherland as against the natural drift of savings to the U.S.A. His detailed suggestions followed the recommendation of this principle.

In these economic matters he showed a clear grasp of economic principle with a businesslike application to actual needs, certainly no doctrinaire interference on abstract grounds. He found time to take an interest in scientific things too, writing to his friend Sir Humphrey Davy about the possibilities of minerals at the head of the Bay of Fundy and sending him two bottles of water and some salt for analysis and his opinion. Once he was in New Brunswick, he took care to study the boundary question on the spot and was confirmed in his opinion that the United States Commissioners based their claim, during negotiations after the Treaty of Ghent, to a large area of territory, upon grossly inaccurate surveys. Satis-

fied of this by careful examination, he now pressed the observations which he had already made to Canning when he was leaving England, and maintained that we should not give up 10,000 square miles of rich territory in Madawaska for a mere "point d'appui," Rouse's point, a place established by the United States to be on the map where it was not on the ground. Their claim involved the New Brunswick settlement of Madawaska, which they alleged to be in the State of Maine. He wrote fully to Mr. Addington, British Chargé d'affaires at Washington, April 26, 1825, showing that acts of sovereignty had long been exercised in more than one kind over those tracts of territory now claimed by the United States Commissioners appointed to adjust the boundary line. He maintained that they advanced very "exaggerated pretensions and interpretations of the second article of the Treaty of 1783, referred to in the fifth article of the Treaty of Ghent." He showed that neither our Commissioners nor our Government had conceded these claims. He intended to act in accordance with the views of the Home Government as expressed to his predecessors, and found that the American claims in this area were defined by Lord Bathurst, the Secretary of State for the Colonies, as encroachments. He thought that the only way out of the increasing difficulties was to come at once to an amicable settlement, upon those terms of "reciprocity, mutual convenience, and concord," originally pledged by the Treaty of 1783, "so as to give each claimant a share of the course and benefit of the rivers which have their sources in, run through, and empty themselves into the sea within the territories of the respective claimants." On April 29, 1828, he writes to Lord Bathurst: "Your Lordship will perceive. . . . that. . . . with an increased sense of the immense value and importance to the British Government, of the territory in question, I do not consider myself at liberty to surrender any of the rights of possession which we have long held in that territory; but I will exercise it with great *discretion*."

This statement embodies the substance of a long correspondence and is in itself an epitome of what Sir Howard both thought and did. By refusing to do anything himself and referring everything to His Majesty's Government with reiterated emphasis of the importance of standing fast, he maintained our position and avoided a quarrel which the State of Maine was only too anxious to provoke. He pointed out that Maine was claiming to adjudicate the disputed territory as if it were a sovereign state. Now part of the disputed territory lay in Vermont, part in what was claimed as Maine. The importance of this claim, in Sir Howard's view, lay in the fact that, should the Americans gain this territory which they claimed on the Upper Saint John River, "they would apply with double force, with respect to the navigation of that river, the principle upon which they have already claimed right to the navigation of the Saint Lawrence." This claim to control the waterways, the State of Maine openly avowed, he said. But Sir Howard foresaw a far more embarrassing claim, the navigation of the St. John to its mouth. He referred again to the principles and spirit of the Treaty of 1783. He referred to the circumstances at the time of that treaty and sought guidance in its spirit where the letter might be obscure. He pointed out that the Americans were then satisfied with their independence and were contracting at Paris for a boundary to mark, when it should be settled, the territory of the United States, without notion of aggrandisement. Maine did not then exist. The line was not pretended to be laid down topographically, as the interior was then utterly unknown. The country now under litigation was then settled under grant from the

Crown before the American constitution was adopted. It could not be supposed that "in 1783 our negotiations could have contemplated the surrender to the State of Massachusetts of a wilderness territory extending towards our province so far from their own settlements and obtruding into the very heart of what is now New Brunswick." The claim of Maine, he urged, was recent and actuated by a desire to aggrandise itself. He referred to Lord Dorchester and his procuring of the erection of what is now New Brunswick into a separate province, and to his brother, Governor Carleton, of New Brunswick. Both of these knew well the real principle and spirit in which the line of demarcation was intended to apply. Sir Howard was anxious that the Home Government should be well informed and not sacrifice so important a section, full of so much valuable and untouched forest land.

Some New Brunswick men from the Upper St. John made an incursion into the disputed territory and began to cut timber. He had them arrested. The State of Maine would have been outraged had they been allowed to stay, but itself sent Land Agents who offered to sell sections of the disputed area to British subjects and tried, in vain, to dissuade men from their annual militia training. Sir Howard therefore pointed out to Lord Bathurst that while Maine required us not to prejudice the disputed territory in any way, they deliberately sold timber licenses. He feared disorders if such depredations on British territory were allowed to continue.

The result of his remonstrances to Washington was that the Federal Government directed Massachusetts and Maine to suspend the measures complained of. The last letters in this MS. show that he encouraged an address of both Houses in Fredericton to His Majesty, stating the case correctly and demanding preventive measures in temperate and dignified terms. He himself wished to avoid collision, and a speedy end to the dispute.

No more of this important and interesting affair can be studied in the New Brunswick Civil Letter Book, 1824-1826, as it ends at this point. But further study in the Public Archives and enquiry into the Boundary Papers there, amply justify Fullom's description in his "Life of Sir Howard", of the successful way in which he avoided this collision which he feared, and Maine did its utmost to provoke. After this order from the Federal Government to Maine to desist, that state sent a man called Baker, who "burst into a British Government settlement and hoisted the American flag in token of sovereignty". This was done deliberately at a time when feeling on both sides was high. The Governor of Maine also called out the Militia and marched it to the Frontier, hoping that Sir Howard would do likewise. "He made no allowance," says Fullom, "for American magnificence" and fell into no such trap. He sent a constable who knocked down the flagstaff and took Baker into custody, taking him off in a wagon before the crowd understood. Thus there was no disturbance in N.B., while the Maine Militia marched up and down the Frontier spoiling for a fight. Its Governor sent an envoy to Sir Howard demanding the instant release of Baker, but the envoy was not officially received, though he was hospitably entertained. Sir Howard wisely and calmly maintained that he was unable to enter into the subject at debate, as no communication between the two Governments was authorized except through the British Minister at Washington and the Central Authorities.



This firm refusal to allow the Province and Government to become embroiled in a quarrel which might have led to war, was highly approved. Among others, the Governor General, the Earl of Dalhousie, wrote and said: "Nothing more firm, polite, and proper, could have been done in these delicate and very important matters". Sir Howard yielded to no representations from Maine; "he persevered in the prosecution of Baker, who was tried before the Chief Justice, found guilty, sentenced to be fined, and the fine paid". The end of the matter, and the result of Sir Howard's attitude was that public attention was drawn to the matter; the Government at home could not let the affair go unheeded any more, and the question of the Boundary was submitted to arbitration. "Sir Howard was called to assist in Europe in preparing the British case before the King of the Netherlands".

He never returned because, while he was in England, the other question of timber duties came up before Parliament and Sir Howard, who regarded himself as a trustee for the interests of the Province, wished to be free to urge the need for a British Preference for Colonial, and particularly for New Brunswick lumber against what he thought to be the foolish advantages afforded to lumber from the Baltic States. He presented a memorial to Sir Robert Peel on this matter and his resignation at the same time. In the end, he won here also.

There are many other things which he did in N.B. mentioned in these Letters, of which these may be enough to show that he was a man remarkable in more than one respect. He had foresight and political wisdom of an unusual kind, with a vigour and courage in the prosecution of what he considered his duty which could not be exceeded. He was not always right, for he prophesied the disruption of the United States, and withstood the introduction of iron warships, but when he foretold that as fast as armour plate could be increased, so fast would guns be invented that would penetrate that armour, he looked ahead as far as the War and the loss of the 'Lion.' He looked forward, even in 1825, to Confederation, but in a letter to Lord Sidmouth he commented on the inadvisability of any haste and argued against the premature Legislative Union of the Provinces until the ground should have been well prepared. It seems, in his great Treatise on Military Bridge Building, that the idea of the Suspension Bridge was his own, given to Telford, with whom he corresponded. He was always applying his knowledge of mathematics to practical ends. He proposed while he was in N.B. the Baie Verte Canal, to promote coastwise trade and trade with the interior of the Province and N.S. and had three surveys made, writing to Telford to send him a good Engineer. He wondered whether a canal or a railway would be better. At Grand Falls he wanted a tunnel built to save timber from injury and he wished to introduce the Bramah hydraulic machine into the Province for hauling heavy logs. If hydro had been heard of at that time, no doubt he would have considered its application to an 'infant province' with due economy. In providing for the possession of the River Saint John as a permanently British River, so far as he could, he may be said to have made this new development of hydro possible. He wanted the channel of the River improved, if possible, at the Reversing Falls to deepen it for shipping, and if this had been, or could have been done, there might have been no question before the Privy Council about the height of the Bridge at this point. He wrote about the iron and coal in the province, and caused Lighthouses to be built on St. Paul's

Island in the Gulf; at a point off the Island of Grand Manan, and elsewhere, remembering his early experience of shipwrecks on these coasts.

There does not seem to be any need for wonder at the high opinions of him which were held by Sir Walter Scott, who had the same nurse as Sir Howard, and by Wellington. Throughout his life, whether in the Peninsula during the War, in command of the training School for Officers at High Wycombe which he planned and of which he was the first Commandant, or later as Lt. Governor of New Brunswick, and finally High Commissioner for the Ionian Islands, he seems to have been working throughout with the ideal of public service always before him, and to this end he consecrated all his many and various gifts, leaving behind him wherever he went, not least in New Brunswick, a work that has not perished.