CONTENTS

THE MARITIME PROVINCES OF BRITISH NORTH AMERICA AND THE AMERICAN REVOLUTION

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This is the second study of what the writer hopes will be a series on the colonies which did not join in the American revolution, the first, on Bermuda, having been published by the Princeton Press in 1936. I have used chiefly manuscript sources and some others as follows:

Nova Scotia

1. The state papers in the Public Archives of Canada, containing transcripts of the correspondence of governors, other officials and certain private individuals with the Board of Trade and the securities of state for the colonies, also the minutes of councils and assemblies.

2. The special collections in the same archives; the Dartmouth Originals, the Shelburne Transcripts, the transcripts from the records of the Society for the Propagation of the Gospel, the Haldimand Papers, the township records of Nova Scotia, the copy of the diary of Simeon Perkins of Liverpool.

3. The Journals of the S. P. G, consulted in London, containing the correspondence of the missionaries in Nova Scotia.

4. The papers in the Public Archives of Nova Scotia, principally reports and correspondence internal to the province and proceedings of the legislature.

5. The documents of the revolutionary period in the Archives of Massachusetts which give the American version of events and become valuable after the outbreak of hostilities. Here are the lengthy and tedious reports of Colonel John Allan. The Sparks manuscripts in the Widener Library, Harvard University, were helpful with one or two points.

6. The papers of the Continental Congress in the Congressional Library, Washington, which contain more of Allan's reports and other documents of use.

Of printed sources the most valuable are the various series issued by the Massachusetts Historical Society, certain publications by the government of Nova Scotia like those of R. J. Uniacke and T. B. Akins, the Journals of the Continental Congress, the publications of the Maine Historical Society in which are many of Allan's letters, the newspapers of Boston, the calendar of the Nova Scotia state papers in the annual report of the Public Archives of Canada for 1894.

The secondary material is of course abundant. The general histories of the province are of little value for my purpose; but the county histories and the publications of the Nova Scotia Historical Society and the New Brunswick Historical Society yielded important details. Recent short studies of merit are those by Professor J. B. Brebner of Columbia, Professor D. C. Harvey of the Provincial Archives and his staff. These are found in the annual reports of the Canadian Historical Association, the Dalhousie Review, the Canadian Historical Review, the location in each case being specified in the foot-notes.

The most noteworthy study of the subject, however, is Professor Brebner's recent **The Neutral Yankees of Nova Scotia,** Columbia University Press 1937. He has presented a history of the province in the revolutionary period in detail from the local point of view. I have attempted an easier task, an account of the conditions and events which led the province to stay within the empire; and I have approached it from the general viewpoint, with conditions in the other colonies in mind. In these circumstances differences of interpretation have arisen; but these, I hope, are in the main of such a nature as to make the studies complementary to each other.

I take great pleasure in acknowledging the assistance I have received from Professors Brebner and Harvey who have read much of the manu-

script and furnished valuable criticisms and advice and from H. P. Smith, Esq., of Poole who contributed information about the Francklin family in England.

St. John's Island (Prince Edward)

The chief sources for St. John's Island in the revolutionary period are the transcripts of the state papers contained in the Public Archives of Canada. The correspondence of governors and other officials with the Board of Trade and the secretaries for the colonies are in series A vols. 1-6; the minutes of executive council in series B vols. 1-2; those of the legislative council and the assembly in series C vol. 1 and D vols. 1 and 2 respectively. D 1 and D 2 ought to be transposed as the contents of D 2 precede those of D 1. The same archives have the interesting manuscript of Thomas Curtis describing his visit to the island in 1775, which ought to be printed. John Stewart's **An account of Prince Edward Island 1806** has reminiscences of value. Two recent studies are indispensable, A. B. Warburton's history of the island, Charlottetown 1923 and D. C. Harvey's **Early settlements and social conditions in Prince Edward Island,** Dalhousie Review, January 1932.

Newfoundland

The chief sources for Newfoundland are the correspondence of the governors and other officials with the Board of Trade and the Secretaries of State for the Colonies contained in Colonial Office Papers, series 194 vols. 15-20, 27-35 and 195 vols. 9, 10 in the Public Record Office, London. A few of these are printed in the Canada-Newfoundland Boundary Papers. The important reports of the investigating committee of 1793 are in the official papers of the House of Commons. The correspondence of the missionaries is of much value; it is in the Journals of the S.P.G., chiefly vols. 17-22. The Dartmouth Originals in the Public Archives of Canada have a volume on Newfoundland; and the same archives have a copy of the loyalist

refugee Gardner's manuscript about the island. The early histories by Anspach and Reeves give much information about the social conditions and the system of justice. Of general histories the only one worth notice is D. W. Prowse, A history of Newfoundland, London, 1896, which cites the documents from the office of the local secretary. From these some additional information has been furnished me by Mr. P. K. Devine of St. John's. Much the best of recent work is R. G. Lounsbury's The British Fishery at Newfoundland, Yale Press 1934 which carries the story of the island to 1763. Professor Lounsbury has been good enough to read my manuscript and to make suggestions of which I have tried to take advantage.

CHAPTER I.

The Provinces and their Inhabitants

The three Maritime provinces of British North America have always had certain interests in common. They are close neighbors, separated by narrow straits. Their peoples live in greater or less part from the resources of the sea about them and are noted sailors and fishermen. The proximity of New England, the nearest region of important commerce and industry, has led Maritimers to do much of their business and to form social connections there; and Boston has generally been their metropolis. But they have an alternative; for these three provinces are the nearest parts of North America to Europe and in particular to Great Britain. Access to the British Isles has always been comparatively easy and has encouraged the growth of a common interest in business and politics. After a fashion, these three provinces stand between New England and Great Britain, while the interior of Canada and the central and southern parts of what is now the United States are strange country to them. The fair unity of geography has had its influence in politics and in economics; but it did not give the peoples an identity of historical and social background by reason of differences in the manner and times of settlement. Both similarities and differences had been established, although not completely, by the time of the American revolution.

Nova Scotia was in the course of a transformation from 1750 to 1770. Ceded to Great Britain by France for the last time in 1713, it long contained a small garrison and a few New England merchants at Annapolis Royal and an Acadian population of perhaps 10,000 souls on the low lands about the Bay of Fundy. But after the war of the Austrian succession (King George's war), the British authorities determined for reasons chiefly strategic to plant a considerable colony in

the peninsula. Governor Edward Cornwallis led an expedition in 1749 which founded Halifax; and the Board of Trade stimulated immigration from Great Britain, New England and certain Protestant areas of the European continent. The foreign Protestants, who were chiefly Germans, a few French and Swiss, settled principally about Lunenburg, the subjects of the King about Halifax. The British treasury bore the expenses of the undertaking and nourished the colony by liberal annual grants. The expulsion of the Acadians in 1755 opened the way for the predominance of Anglo-Celtic stock in the province. But for five years the lands of Fundy remained vacant and Nova Scotia was a political tadpole, a head without much of a body. It had three towns, Annapolis, Halifax and Lunenburg, and little else.

In the winter of 1759-60, Governor Charles Lawrence set about the task of populating the province and issued invitations to migrants, dwelling on the opportunities afforded by the vacated farm lands of the Acadians. He secured a ready response and drew general attention to the Maritime Provinces. New England fishermen came in to use the south shore as a base and New England farmers proceeded to occupy available lands anywhere and chiefly those of Fundy from Annapolis by Cobequid and Chignecto to the St. John. As is the rule in migrations, some of the newcomers lacked persistence in the face of difficulties and abandoned their holdings, returning to New England with no good word for the country; but most of them made headway and learnt the art of cultivating marsh lands. The migration was in flood from 1760 to 1764 and continued thereafter slowly until the early seventies. By that time two thirds or more of the population were New Englanders.

Of other Americans there was a small group in Pictou who came from Pennsylvania and Maryland in 1767-69. The remaining Nova Scotians were far from homogenous. A group of north Irish who had lived for some time in the northern colonies accompanied the New Englanders and made homes for themselves in Truro and Onslow;

and others settled beside them principally in Londonderry, brought directly from Ireland by the enterprising speculator Colonel Alexander McNutt. Of other Irish there were a few at New Dublin by Lunenburg. The English were represented by some west countrymen at Blandford, St. Margaret's Bay and by a considerable group of Yorkshiremen who came to Chignecto in the period 1772-5 at the persuasion of Michael Francklin. A few Scots came to Pictou and Cobequid. The Acadian element did not disappear; a few remained in Chignecto, Argyle and Canso and some returning wanderers were permitted to occupy lands in Clare. As has been said, there were Germans, English, Irish and Scots in Halifax and Germans, French and Swiss in Lunenburg. All these served merely by contrast to emphasize the New England origin of the majority. The New Englanders lost some of their number in 1773-4 who returned to the homeland to share in the continental prosperity of the early seventies; but they were still easily the dominant element in the population of Nova Scotia, which may have reached 17,000.[1]

St. John's Island, later renamed Prince Edward, was part of the French domain in North America until the Seven Years War and inhabited by Acadians, 4700 or so in number. But most of these were deported in 1758 and only two or three hundred remained under the regime of the English conquerors, having agreed to take the oath. They did not trouble themselves much about the soil and lived by hunting, fowling and fishing. In 1763 the island passed to the British Empire by treaty and was annexed to Nova Scotia. During the next five years the tide of New England migration touched St. John's, bringing a few newcomers; and some Britons, including ex-soldiers, found their way here also. In 1768 by a census there were 68 immigrants of the British regime and 203 Acadians, 271 in all. The newcomers engaged chiefly in the fishery, only a few trying to grow wheat; and the island remained practically

vacant. This condition attracted the attention of land speculators in Britain and led a number of persons to petition for grants. In 1767 the Board of Trade allocated the island by lot, with reservations for the people already there and for certain public purposes, exacting the promise of a quit-rent with deferred payments.[2]

The new proprietors had in their ranks an Irishman or two like Walter Patterson of Donegal, some Englishmen and some Scots, who proved to be the most active group. They came to believe that they could do better if the government of the island were in their hands and in 1768 petitioned the Crown for a separate administration, undertaking to meet the expense out of the quit-rents. The Board of Trade accepted the offer and appointed Walter Patterson the first governor and Thomas Desbrisay lieutenant-governor, who, however, stayed in Ireland until 1779. The arrangement about finance soon proved defective and the officers of government were presently pleading for a Parliamentary grant like that to Nova Scotia. The Board of Trade relented and from 1776 the island received £3000 or more a year. With a council appointed in 1770 and an assembly called in 1773, St. John's Island was on the same footing as the other colonies.[3]

In the meantime the proprietors had the task of finding settlers for their lands. Most of them did nothing; one or two were content merely to transfer Acadians to their lots; but a number of Scots made serious efforts and sent or brought out some hundreds of their countrymen. Desbrisay sent a few families from the north of Ireland until peremptory orders from the Board of Trade brought him to a halt. Robert Clark of London took some Englishmen to New London on the north coast. The American element was not absent, for most of the adventurers of 1763-8 were from New England, as we have seen. A proprietor of lot 37 brought two families from that country and the manager of Clark's saw mill was an American. The Scots, however, easily retained their

majority. In 1774 the island contained 1215 souls by the governor's estimate. The settlers found conditions very favorable, the soil excellent, birds and fish in plenty and the climate so mild for that year at any rate, as much to surprise Patterson. Certain difficulties arose from the improper timing of arrivals, newcomers of the autumn risking a shortage of food before the spring; and some groups of Scots who arrived toward the end of 1774 were in trouble for eighteen months until most of them moved across the strait to Pictou. Hardships of this kind, though severe, were transitory; and when Patterson, absent since 1775, returned in 1780, he declared that the colony had improved beyond his most sanguine expectations. The people had doubled their numbers, had large stocks of cattle, were comfortable in their situations and abounded in the necessaries of life. They fished chiefly to replenish their larders; two attempts were made to establish fishery and trade on a large scale but both came to grief. There were a few merchants, especially in the rum trade; but the colony was chiefly agricultural and prospered as such during the period of the revolution.

Newfoundland had long been an object of international rivalry from its proximity to the great fishing grounds of the western Atlantic. But the British, interested since 1583, had increased their hold until by the treaty of Utrecht in 1713 they had obtained the island save for certain fishing rights reserved to the French. Through most of the 18th century Newfoundland was Britain's chief post in the north Atlantic, exposed to the stresses of international conflict. As late as 1762 a French expedition had captured St. John's. It was shortly expelled and by the peace of 1763 the island was confirmed to Great Britain. The French kept St. Pierre and Miquelon and their fishing rights in the north; but deprived of Cape Breton and Canada, they were not likely to be a source of danger. The troubles of Newfoundland from enemies seemed at an end and its commercial prospects improved by the addition to its govern-

ment of Labrador, Anticosti and the Magdalens, temporary though the increase proved.[5]

The British population interested in the island was of two sorts by the standard of habitation; those who came over from the British isles every spring and returned in the fall, and those who remained in Newfoundland over several or many winters or a lifetime. These were distinguished in the correspondence of the time as fishermen and inhabitants, though both were concerned in the fishery. The fishermen came from Jersey, Guernsey, Ireland and the west country of England which for this purpose included all the coast from Wight to Severn; and they were about 10,000 in number. The inhabitants were supposed to number 15,484 in 1765; and just under half of them were Irish.[6] The island had not escaped the attention of migrating Americans. A few had settled with a view to trade before the mid-century, like the Gills who attained leading positions and others who became justices of the peace according to one report. After the treaty of 1763, a number of American fishermen came to live in Newfoundland as others had come to Nova Scotia and Cape Breton. Our only authority describes them as "many" but they cannot have been more than a few hundreds. The British were at all times in the great majority.[7]

In the three Maritime Provinces therefore, British and New England populations were intermingled. The New Englanders were the strongest element in Nova Scotia; they had some influence in Newfoundland and little of either strength or influence in St. John's Island. The British were strong in numbers in Newfoundland and St. John's Island and weak in Nova Scotia. While all regarded each other as fellow-subjects of the empire, no difficulty arose; but when the division began in the empire after the peace of 1763, the peoples of the Maritime Provinces were compelled to choose between New and Old England. Our first attention is accordingly directed to the political state of mind of the peoples in these provinces.

CHAPTER II.

Political Influence in the Maritime Provinces

The most obvious political influences among the inhabitants of the Maritimes were the stocks of ideas which they had brought with them from their various homelands. The English, Scots, and Channel Islanders did not change their opinions from the mere fact of migration, and remained good Britons. The Germans, Swiss and French of Nova Scotia, finding themselves in a foreign land, had no strong political attachments and were willing enough to take things as they found them. The native Newfoundlanders and the Roman Catholic Irishmen we leave for later consideration. The Protestant Irish of Nova Scotia were a robust industrious lot, strong dissenters and equalitarians, little respectful of law and order; and those of them who had resided in the mainland colonies were inclined to American ideas, though superficially only. The New Englanders of the three provinces brought to them all the religious and social independence of their homeland. In their new homes, however, they were subject to the influence of their neighbors from other lands and of the groups who directed the governments.

Much the most noteworthy of these groups was that of Nova Scotia. During the middle and later periods of the Seven Years War, Halifax became important as a base of military and naval operations. The needs of the services brought about a boom; fortunes were made and men rose rapidly to the top. Peace in 1763 heralded a reckoning; but in the meantime a leading group had established itself. It developed from the old circle of Annapolis Royal and the new one of incoming merchants and employees of the governors, particularly of Cornwallis. Among the merchants were Joshua Mauger, a person of uncertain lineage and varied experience, indifferent to the distinctions between legal and illegal commerce; the

Grants, John, Robert and Alexander; a group of Bostonians, Jonathan Binney, Benjamin Green who became provincial treasurer, Malachi Salter who waxed fat from war contracts, the Gerrishes, Joseph and Ben who had abandoned unprosperous mercantile enterprises in Boston and Joseph considerable debts, to try their fortunes in a new province; the Newtons, John and Henry who had some claim to be native Nova Scotians, their father having been a councillor at Annapolis; and Michael Francklin who deserves special notice. Among the former employees of Governor Cornwallis were Richard Bulkeley, provincial secretary, Archibald Hinshelwood of Lunenburg and William Nesbitt, long the attorney-general and still longer speaker of the assembly. With these men certain individuals came to associate in their professional capacities; John Breynton, rector of St. Paul's and missionary of the Society for the Propagation of the Gospel, Charles Morris the surveyor, Jonathan Belcher, a New Englander educated at Harvard and the Middle Temple and now chief justice of Nova Scotia, and a few demobilised officers like Winckworth Tonge. By nationality, most of these men were New Englanders; the Grants, Hinshelwood and probably Nesbitt were Scots; Breynton and Francklin were English, Belcher ranking with them in sentiment if not in origin. The personnel of the circle varied from time to time but its existence remained the principal fact of provincial government in the 1760's and 1770's.[2]

We have selected Michael Francklin for particular notice as he came to enjoy the greatest single political influence in Nova Scotia of the revolutionary period. A relative of Mauger, born at Poole in Dorset in 1733, he sought his fortunes in the province in 1752. He had a ready wit, a persuasive manner and an attractive personality which won him friends at every turn. Success came fairly easily to him in business enterprise; but his great chance came in 1758 and from profits out of contracts with the army and navy, he established himself among the leading merchants

of Halifax. Having a knowledge of French, he made friends with the local Acadians and Indians; and on one occasion he spent three months with the Micmacs, gaining a familiarity with their ways which stood him in good stead the rest of his life. In Halifax he associated with the New Englanders and acquired their confidence; and he went often to Boston for business or pleasure. At the same time he kept on good terms with the third of the Halifax governors, Charles Lawrence. With such general support he found it easy to enter the assembly in 1759, to advance to the council and finally to the lieutenant-governorship in 1766. So close were his relations with New England that he married a Boston girl, Susanna Boutineau, grand-daughter of the well-known Peter Faneuil. The connection, however, had no political consequence; Francklin's sentiments were at all times for his native land.[3]

He and his friends soon developed a system for managing the provincial government. About 1760 Mauger retired with his winnings to England and became member of Parliament for Poole. He made an alliance with the firm of Brook Watson and Robert Rashleigh, chief exporters to the province and was able to gain the confidence of John Pownal, secretary to the Board of Trade. In this way he became for a time the most influential person in London in Nova Scotian affairs. He had two distilleries in the province and depended on John Butler, his former servant, to look after his affairs there; and he had an interest in the general welfare of Nova Scotia, acting as its agent from 1763 to 1768. His friends were presently in the majority of the council of the province; and they in Halifax and he in London worked together to manage provincial affairs. They tried the combination first against the lieutenant-governor Jonathan Belcher who took over the adminstration after the death of Lawrence in 1760, and enjoyed complete success. Belcher lost his office and retired to the bench; and the new governor, Montagu Wilmot, 1764-66, allowed himself to be

guided by the circle of Halifax. None knew better, however, than these men of the world that such a system needed discretion in the management, and they used it only as a last resort. Normally the councillors humored a governor and only after long suffering appealed to Mauger. The arrangement of hands across the sea remained influential in Nova Scotian affairs until 1776 in spite of occasional weakening of the clasp.

At first sight, Mauger's meddling appears detrimental to the province. He aimed to maintain a protective tariff on rum for the benefit of his distilleries and in so doing antagonized the importers who paid increased rates for their rum. But he probably derived no great profit from the distilleries, being anxious to sell out in 1773; and from time to time he performed distinct services to the province, notably to the settlement on the St. John which in his honor adopted the name Maugerville[4]. He may well have been the chief influence in the maintenance of the Parliamentary grant at a comparatively high level and on balance he was probably worth his keep. This aspect of the matter, however, became less visible as the years went by and new men arose who thought of him as a sinister figure in the background.

The development of such a leading circle was of course not unique to Nova Scotia; it would be hard to find a colony of the 18th century without its set of persons skilled in the art of anticipating others in the service and the rewards of government. The policies rather than the formation of coteries were of importance in Nova Scotia as elsewhere. In the first years the leading Nova Scotians held that government should be a source of good things and gave themselves preference in public appointments. They took a keen interest in the expenditures of government, divided contracts among themselves in great amity, furnished supplies to officials, and put in force a system of bounties for farmers and fishermen, some benefits of which returned to them. They had an eye to private business as well as public and made

something, although not the most, of their opportunities. It must be admitted that the leading circle of the province had a little of the Midas touch. They gave only perfunctory attention to the amenities of life and to the arts and sciences; but they paid some heed to the improvement of their capital and to that of the district of Windsor which they chose for their country homes by reason of its convenience to Halifax and the Bay.[5]

The attention which the leading circle gave to the public finances, however, was not of the proper sort, at least in the first years. With the acquisition of places went a distaste for the more rigid requirements of book-keeping, by even such persons as the attorney-general, William Nesbitt. Treasurer Ben Green let his accounts lapse into chaos and by his death in 1768 had acquired a deficit of over £6800 although he seems to have derived no personal benefit from it. Many assemblymen performed public functions e.g. in the collection of customs, adopted the prevailing mode of accounting and came to be public debtors with only a negative interest in audits. Some members of the council framed a more positive policy and sought to discourage enquiries; and in these circumstances, no one called an effective accounting ing until 1774. The bounties on hay in the area of Lunenburg gave rise to a definite abuse and in the end furnished a principal constituent to a public debt which became something of an incubus through the period with which we have to deal. The orphan house and the light house were never properly cared for in these years. Such were the natural results of the practices of favoritism and feathering the nest.[6]

In this devotion to the art of acquisition by principal Nova Scotians there was little of novelty to observers of colonial phenomena in the 18th century; and had their achievements ended there, they would have been mere ravening harpies, enemies to God and man, hated like the corresponding group in Bermuda who by one report could not depend on islanders at large to protect

them from invasion. But the Nova Scotians managed better. They took care to distribute among their fellow-provincials at least some crumbs from the public loaf; and the bounties reached farmers and fishermen immediately if merchants remotely. By one account the leading group established a vested interest for the artisans of Halifax and found means to divert competing immigrants to other colonies. The statement needs to be taken with a grain of salt; but the chief Nova Scotians did have an eye for the general welfare and cultivated especially the mixed population of the capital. William Cawthorne, a visitor to the province in 1764, discovered this to his cost, finding a general hostility to himself as a result of a quarrel with Francklin. The only sympathy he could get was from the officers of the garrison and one member of the assembly. Governor Francis Legge in 1774 found a similar state of affairs. "They have so completely acquired the influence and command of the inhabitants of this town that there is at present scarce a merchant, shop-keeper, tradesman, retailer of spirituous liquors and all other laborers and low mechanics but entirely have their dependence on this party." Legge certainly exaggerated but at least bears witness to the influence of the leading group over the people of Halifax. The tactic of stripping the treasury for the benefit of prominent and obscure together was employed in Nova Scotia with notable success. That elements so diverse as New Englanders, Dutch, Germans and Irish yielded up their differences and moved as a whole under the guidance of the directing group is a tribute to the ability and political sagacity of these men.

In this way they had established their position and settled their policies before the great migration of the New Englanders into Nova Scotia after 1759. The advent of the settlers brought opportunities and responsibilities to the leading circle. They turned first to speculation in land, taking an option on the remaining arable areas in 1764-5. But they much overreached them-

selves, failed to fulfill the terms and lost two thirds of the grants by escheat. This experiment of the principal coterie was probably their least fortunate.[9] Trade yielded somewhat better results; and as the settlers arrived, the merchants sold them supplies on long credits. The enterprise was only in part remunerative, for many of the debts were never collected. On the whole, the leading Nova Scotians drew few direct benefits from the settlement of the province.

Nevertheless they did not fail to discharge their responsibility toward the settlers. The government not only assigned lands to the newcomers but excused them from fees and supported them through the first difficult period under guise of loans of provisions which of course were never repaid. In a difficulty of title to lands on the St. John, the council and Mauger secured a favor for the New Englanders at the expense of speculators.[10] Even the acquisition by grantees of vast tracts in 1764-5 brought a remarkable paucity of troubles over rent and purchase. Only two accusations of unfair treatment are in the records and as far as can be seen, both arose from misunderstandings.[11] The establishment of country homes at Windsor facilitated acquaintance with the needs of the farmers; and Francklin visited the counties from time to time and informed himself of their problems. In short, the leaders of the province managed their part of the work of settlement with a minimum of friction.

Further, the system of revenue was maintained with a view to the needs of the newcomers. The province drew its income, apart from the imperial grant, from duties on sugar and alcoholic beverages, excise taxes on the manufacture of such beverages, licenses for their retail and certain petty sources;[12] in short, it raised its revenue from luxuries. The legislature studiously refrained from levying direct taxes on the settlers; and when Belcher proposed such a charge in 1763, council and house unanimously resisted. In the seventies the notion of a tax on land revived and

in 1779 an act passed the legislature but was not enforced.[13] Hence the settlers had no fiscal grievances except for the impost on their favorite beverage, rum; and this they could avoid by smuggling or in the last resort by abstention. Even here the government exercised a grandmaternal indulgence. It permitted the local collectors of customs and excise a large discretion, not holding them strictly to account in view of the difficulties of payment; and they passed the kindness to the settlers. The collectors were normally in arrears, the fishermen and farmers drew the benefits and only the treasury suffered. In 1766 and 1767 proposals to farm the duties were discouraged by the council as likely to prove hurtful and oppressive to the public i.e. by leading to stricter methods of collection.[14] In so far as taxation was a cause of discontent, Nova Scotia was a happy province. The public debt which came to cause concern in the capital was of no interest to the country people; Simeon Perkins in his voluminous diary never mentions it.

Equally lenient was the policy adopted about trade in the outlying parts. Here Francklin is the outstanding example. As the townships around Minas Basin were opened, he sold great quantities of goods to the people on credit. But so far as we know, in no case did he bear hard on individuals for payment. He allowed the debts to stand and in the long run wrote most of them off as uncollectable. Liverpool on the south shore had plenty of debt but was under no pressure from Halifax to pay[15] The merchants of Nova Scotia appear to have been model creditors. In a like spirit they made no attempt to monopolise the business of the settlers able to pay; they looked indulgently on the activities of New England mariners, who presently enjoyed by far the major part of the new trade about the Bay of Fundy. When William Hazen, James Simonds and James White came from Haverhill, Massachusetts, in 1763-4 to undertake commercial operations on a large scale in the valley of the St. John, the provincial leaders wel-

comed them and adopted them into their circle. One visitor of this time with commercial ambitions, William Cawthorne, got into serious trouble; but his case was peculiar.[16] He came to the wrong place at the wrong time and went about his business in the wrong way. Newcomers of the early seventies found business opportunities to their liking and had no complaint of the men of Halifax. Nor did a slump in 1773 in Liverpool and Halifax evoke grievances similar to Cawthorne's. The leading circle saw to it that the friction of commerce did not impair their political and social position.[17]

Another matter requiring discretion was the appointment of magistrates and officers of the militia. Francklin and his friends chose the leading men in each settlement, for instance Simonds and White at the mouth of the St. John, Jacob Barker and Israel Perley at Maugerville, John Allan and Charles Dixon in Cumberland, John Day in Newport, H. D. Denson in Falmouth West, Phineas Lovett Jr. in Annapolis, Richard Upham in Onslow, Robert Patterson in Pictou, Simeon Perkins in Liverpool and endeavored to draw them into the official circle. The appointments could not be fortunate in all cases and complaints arose in Cumberland;[18] but most of the nominees were of the right sort and retained the confidence of the government and of their neighbors. Normally the machinery of administration in Nova Scotia worked smoothly; Perkins has no complaints of his relations with Halifax.

Such an amount of ointment could hardly be clear of its fly, which in this instance troubled the judicial system. In 1763 complaints went to the house about the fees exacted by officers and practitioners in the several courts of judicature. After some delay the legislature enacted a scale of fees. It revised them in 1766 and heard no more of the matter until 1774.[19] Next arose aspersions on the lawyers and the courts. Petitioners from Horton, Cornwallis and Falmouth declared that no attorneys were to be had but at Halifax

and here charges were such that it was better to lose a debt than sue for it. Such a condition of course is in no way peculiar to Nova Scotia or to the 18th century; and the council replied that they would hear any specific allegations. But none were forthcoming. Last arose protests about the inaccessibility of the Supreme Court at Halifax. The legislature adopted remedial measures in 1768 and 1774 which lessened the difficulty.[20] Discovery of faults thus led to correction in good time; and there were some things to be said on behalf of the judicial system. Some officers did not charge fees; in the court of chancery the masters Morris and Bulkeley gave their attendance and trouble for nothing. The justices of quarter sessions in Halifax in 1781 claimed that for nearly thirty years they had acted without fee or reward and had settled many vexatious quarrels. The practice of arbitration was common and few of the settlers went to law. There remained imperfections of organisation and procedure which offended the legal expert; but no grievance of serious interest to the population at large could be conjured out of the defects of the judicial system.[21]

Before long, the leaders reconsidered the financial condition of the province. In the 1750's they had troubled themselves little about the future, looking on Nova Scotia largely as a means to fortune.[22] But the passing years brought a new interest in it and new responsibilities for a large settled population. From 1763 accordingly they modified their policies with a view to the permanent welfare of the province. The third assembly abolished the bounties in 1764 and declared its concern about the debt and Green's management of the treasury.[23] In this way they began the long hard task of restoration of the finances, although the consequences of their past errors remained to plague them for many years.

In short the leaders of Nova Scotia adopted a liberal policy toward their frontier settlements. No other colony had a governing group more or possibly equally alive to the interests of immi-

grants; and in this respect such provinces as Virginia and Pennsylvania fell far behind Nova Scotia. The reward of the Nova Scotians was a harmony which manifested itself in several ways. One of these was in the relations of the inhabitants and the customs officers. There was certainly much smuggling but there was also much payment of duties; and as there were no extraordinary means of enforcement, many inhabitants must have paid them with some grace. In this respect Nova Scotia compares favorably not only with the colonies of New England but with others not of the thirteen, notably Bermuda.[24] Of violent collisions with officers there is only one instance, at Liverpool.[25] The person of a customs officer was as safe in Nova Scotia as in the peaceable Bahamas.

Another evidence of tranquility appears in the condition of local government. The New England settlers expected a similar form of township organization to that in their homeland, as Governor Lawrence had promised townships in one of his proclamations. But Belcher as lieutenant-governor had doubts about this policy and devised a compromise by which the grand juries of the four principal counties chose the township officers. The plan evoked a genuine protest from Liverpool and another from King's County in which intrigue against Belcher played a part. The councillors had in mind to grant the full self-government; but the assemblymen whose horizon was often the boundaries of the chief towns, refused it, consenting only to local arrangements for care of the poor. There were no more protests; and in 1765 the legislature framed an act on the plan of compromise, allowing the grand juries to nominate men for the local offices and the J. P.'s to choose from the nominees. To all appearances this proved successful. In 1770 a little controversy arose in Truro about the officers appointed by the justices; but apparently a town meeting approved the appointees. In Cornwallis in 1771 a committee was chosen to consult McNutt about a charter of

civil and religious liberties; but so far as we know, the matter went no farther. The council issued a warning about these activities and no more are heard of. If these are, as they appear, all the disturbances under the system of local government in Nova Scotia from 1765 to 1775, that system must have had its merits.

The policy of management and conciliation was not reserved for the benefit of the settlers but reached even the two alien elements of the population. Francklin found a considerable unrest among the Indians, partly from economic difficulties, the friction with white settlers and traders; partly from religious troubles, the loss of the French priests and the delay of the British government in fulfilling a promise to send substitutes for them; partly from political inclinations, regret for the loss of the connection with France and suspicion of British expectations in case of a renewal of the war. Francklin who was well qualified to manage the Indians, satisfied them on small points and in the summer of 1768 invited the tribes of the St. John to send him a delegation.[27] The chiefs, led by Pierre Thomas and Ambrose, presently appeared at Halifax; and he found quarters and presents for them, listened to their grievances and applied the principle of giving "perfect satisfaction." He procured a priest from Quebec for them, Charles François Bailly and assured them of His Majesty's protection in case of war and of immunity from military requirements.[28] Their inclination toward France had none of his sympathy, and he arranged with Governor Hugh Palliser of Newfoundland to interrupt their communications with St. Pierre and Miquelon.[29] His tact, care and appreciation of the Indian point of view won its reward. The natives accepted British rule, those of the peninsula and the Gulf coast almost to a man, the more remote tribes of the St. John with reservations. He had laid a good basis for his work as superintendent during the revolutionary war.

Related to the problem of the Indians was

that of the Acadian remnant, and to them Francklin applied the same policy, even in one instance where the interests of the two races were in collision.[20] On another occasion, he received an appeal from a band of 200 Acadians who had taken refuge on St. Pierre and Miquelon until orders had arrived for their transfer to the French West Indies. Preferring a return to their own land even under English rule, they applied to the lieutenant-governor; and he did what he could for them under a permission from the Board of Trade in 1764. He required them to take the oath and with the consent of the home authorities, assigned them lands in the township of Clare, exempting them from militia duty for good measure. He tried to convince them of the error of their attachment to France and by his own account succeeded beyond expectation, all except a few taking the oaths and agreeing to defend the government. On the recalcitrants he brought pressure of another sort, Bailly refusing mass to them. These measures attained their end; the Acadians of Clare, Argyle, King's County and Windsor accepted British rule and became adherents of the government during the revolutionary war.[21]

In brief the leading circle gave Nova Scotia a fair administration. They did nothing to irritate the settlers and they did a good deal to assist them. Not all members of the circle of course were sensitive to the public good; some never looked beyond their personal interest and others, especially members of the assembly, found Halifax and Lunenburg the bounds of their vision. But a sufficiently influential proportion, usually strong in the council, had a sense of responsibility and a gift for stroking the fur the right way. For this and other reasons Nova Scotia enjoyed tranquillity while the mainland colonies passed through a series of political storms.

The chief business of the government in the 1760's and 1770's was the further assistance of settlers, particularly by the making of roads. Francklin and Campbell devoted much attention

to this work, serving the new communities and promoting the trade of the towns; for the art of forwarding several interests at once was that in which Nova Scotians excelled. Francklin, in power for four periods of Campbell's absences, tried to get something for everybody in the province, took liberties with instructions to that end and contrived to throw the cost on the Board of Trade.[32] He was particularly fertile in suggestions as to how that body could spend money on Nova Scotia until a venture of this sort brought disaster. He received an order-in-council for the settlement of St. John's Island and a request for a plan for its civil establishment. He interpreted the instructions most loosely, indulged in a bout of spending and got rid of over £3000, a deal of which went to his friends the officials and merchants. An order to halt and a severe reprimand followed; and though by presenting his case in person in London, he persuaded the authorities to foot his bill he lost much of his credit with the Board of Trade and probably his chance to become governor.[33]

The development of the province was not spectacular. Fluctuations of commerce and outflows of the discouraged occurred but these were pains normal to growing colonies and had no special significance. It sufficed that 17,000 persons, more or less, were making homes and livings for themselves and founding a province. The principal group continued to guide the fortunes of Nova Scotia until Governor Campbell secured the transfer to a less rigorous climate which he had long desired, and departed for South Carolina in the autumn of 1773.

Of political influences in St. John's Island, only one counted, the attachment of the Scots, English and Protestant Irish to the country of their origin. The few New Englanders did not think of dissenting from the opinions of the majority. There was of course some contact with other New Englanders. The people bought their few necessaries like shoes, axes, hardware, from

New England traders who took advantage of the isolation of the island to exact high prices. Their wearables the islanders had from England through Boston and Quebec, brought by the same Yankee traders. They exported only a little fish and timber and had no business with any foreign country." They lived much to themselves and may have had no high opinion of the New Englanders with whom they dealt. At any rate they had no notion of taking the New Englanders for masters in politics. The Acadians apart, they were practically a block of Britons, especially north Britons, only a few years from home. A difference in religion between Roman Catholic and Presbyterian Scots had no political consequences. The affairs of the island were managed by Governor Patterson and the council and their administration provoked no criticism that reached the records. St. John's Island was even more tranquil than Nova Scotia.

The people occupied in and about Newfoundland were, as we have said, known as fishermen and inhabitants. The economic interests of the two groups diverged to a certain extent. The fishing ships were almost all captained by Englishmen or Jerseymen, owned by the captains or by companies of venturers of the English ports and equipped by west-country merchants. The larger ships operated on the banks and were known as bankers; the smaller were conveyances for the inshore fishery, the owners laying them up for the summer and using boats. The crews were practically all on wages, which were high; and they brought with them men in search of work known as passengers. Mercantile or sack ships accompanied the fishing ships to take the cured fish to market. To these fishermen and sailors of all sorts, Newfoundland was merely a place of business, "a great English ship moored near the banks during the fishing season for the convenience of the English fishermen." Whether Irishmen, Jerseymen or Englishmen, the so-called fishermen (about 10,000 in number, as has been said) were

merely Britons abroad to make money and they continued to look on the British isles as home, the focus of their social, political and economic interests.[35]

The inhabitants, reckoned at 15,484 in 1765, had interests divided between Newfoundland and the British isles. Seven eighths of them lived in the peninsula between Trinity and Placentia Bays, the rest in the out-harbors along the coast. They did not yet use their soil to any serious extent for either agriculture or stock-raising; and attachment to the soil hardly existed in Newfoundland. Island society accordingly had little of the agricultural base normal to the North American continent.[36] Its most prominent members were the well-to-do of St. John's, merchants, store-keepers and boat-keepers. Next to them were the small masters who worked the inshore fishery beside their fellows of the British isles, or took salmon in the rivers or seal along the north shore. Most of them contrived to get along without help other than that of their families; but some, and most of the small owners from the British isles, hired available men, usually passengers, calling them servants.[37] These servants formed the third and most numerous group of the population. Some of the masters did fairly well and the better-off of Trinity Bay retired to Great Britain for the winter when they could.[38] Merchants, store-keepers, boat-keepers, masters in general thought of the British isles as a better place to live in than Newfoundland and were Britons away from home, although to a less degree than the fishermen."

If these wealthier persons could not live in the British isles, however, they sought to live in St. John's. This town was no longer a mere convenience for fishermen; it was the centre of administration, justice and social life, the abode of most of the garrison, the focus of a growing commerce. Its people distinguished themselves by keeping the Sabbath and felt a devout loyalty to the empire. Next to St. John's was Placentia, centre of trade for the south side; and here a

detachment of troops was stationed under command of the lieutenant-governor. But the towns did not play a dominant role in the life of Newfoundland. The leading circle of St. John's exercised no such general supervision over their island as did the corresponding group in Halifax over Nova Scotia; and the men of the out-harbors lived a great deal to themselves. The weakness of central direction, however, mattered little for high politics since islanders had much the same outlook and opinions wherever they lived.[39]

The servants were chiefly persons from the British isles who had come over with the fishing fleet and remained for a winter or more. Every year some hundreds of them made their way to the mainland colonies but their places were taken by passengers or sailors who chose to leave their ships. The numbers and personnel of the servant body accordingly fluctuated a good deal but retained a permanent element sufficient to merit consideration in the life of the island. They were generally diligent and labored very hard, doing well if they were sober and industrious.[40] The number of men among them was always greatly in excess of that of the women and Newfoundland had somewhat the aspect of a camp. Most of the servants considered it a temporary place of abode and expected to go back some time to the British isles or forward to the continent. The sentiments of the British-born among the servants were chiefly for the islands they had left. The natives accepted the prevalent way of thinking and there was in Newfoundland little of the strong local feeling which distinguished Bermuda. In return for all this attachment, the authorities in London looked tenderly on Britain's oldest oversea territory. They were not unmindful of its advantage to commerce but regarded it primarily as a nursery for seamen and a school of navigation.[41] The connection of the island with the mother country was close and the people of Newfoundland had that eastern outlook which is still theirs.

It will be seen that Great Britain was home

in a real sense to most Newfoundlanders; and their memories and sentiments were kept active by the annual visit of the fishing fleet. They had a fair business with the mother country, procuring their equipment and part of their provisions there.[42] The Protestants looked to England for religious fellowship and practical assistance. The Society for the Propagation of the Gospel, acting on behalf of the Church of England, maintained two missionaries in the island and on occasion three; and as the Anglican Church has always been a loyal institution, these men exerted an influence for loyalty, consciously or not. Dissenters existed, especially at Carbonear, but they too obtained leadership from England. Their religious opinions took no political turn and did not disturb the prevailing loyalty.[43]

Influences other than British were of course not absent. Newfoundlanders were not isolated from the life of the continent and not ignorant of its political currents. New England vessels, 200 a year, came to their shores to trade, sold rum and provisions, took fish or bills of exchange in return and carried away some of the artisans, seamen and fishermen, to the annoyance of the well-to-do inhabitants. Newfoundlanders took from the Americans twice the value of the goods they had from Great Britain; but the authorities in London adopted a broad view of such matters, supposing that whatever profits the colonials made would finally centre in Great Britain. The trade of the island therefore caused no political difficulty to anyone.[44] The islanders saw many New Englanders in this way and many others who fished on the banks and in the Gulf of St. Lawrence. They got along well with them but they had no notion of learning the political ways of New England. Acquaintance did not lead to imitation or to acceptance of American ideas and commerce was as powerless. The Newfoundlanders had something to do with the French also, bickering with them over treaty rights and buying manufactures from them.[45] The last activity

was contrary to the laws of trade and navigation and a few efforts were made to stop it, in vain; but smuggling was a normal feature of colonial life and it had no political consequences in Newfoundland. In short, the non-British relations of the islanders did not change their attitude to Great Britain.

Two elements of the population, however, had reason to dissent from the prevailing loyalty. The Irish had been present in force since 1720, coming as sailors for English masters or as passengers in search of jobs. They were nearly all Roman Catholics; and they found that the public exercise of their religion was forbidden by law and even the private profession of it was made an excuse for restrictions on their activities and manner of life. They had no love for the British empire, for the Anglican missionaries or for the leading inhabitants to whom they were frequently in debt. In our period, as we have said, they were just under half of the population. They could not catch as many fish as their fellows from the other British islands and their economic difficulties were greater. They took opportunities to get the better of their masters by force or fraud; and when most of the troops had been withdrawn after the treaty of Aix-la-Chapelle, the Irish robbed freely, insulted the magistrates and murdered William Keen, a justice of St. John's. They intimidated west countrymen and natives and even in 1761 some Protestants of the out-harbors were in fear of their lives. When the French arrived in 1762, the Irish received them with open arms. Twenty-five enlisted with the French regulars at Bay of Bulls; the servants robbed the masters and did much more injury to the merchants than did the French. After the departure of the French, the Irish were quiet for a while; but in 1765 they raised a formidable riot in Conception Bay and defied the magistrates and constables. Twelve offenders were finally arrested, brought to St. John's and condemned to corporal punishment. The Irish always would join an

enemy, declared Palliser; and there is no doubt that they were a troublesome part of the body politic.[46] Another race was in difficulties for different reasons; the Indians of the interior, treated like vermin by the New Englanders and Newfoundlanders in spite of the best efforts of the governors. Cruelly used as they were, however, the Indians were too few to be a political factor.[47]

The government of Newfoundland was certainly not such as to win the approval of mainland colonists. The authority was solely in the hands of a governor, a ranking naval officer who came in the spring, kept headquarters on his ship and went away to England in the autumn, leaving a senior officer of the garrison in charge. The commander of the fort and garrison at Placentia had the title of lieutenant-governor but exercised no power in civil matters during our period. No assembly or council existed or trace of representative institutions. There was no regular taxation; funds were normally low and no provision was made for the orphans, for repair of the jail or support of the prisoners except the fines which were insufficient for the purpose. The few offices of government were usually held by prominent men of St. John's like the Reverend Edward Langman and the New Englanders Michael and Nicholas Gill. They were once accused of favoritism but the crime was not serious enough to be mentioned by the governors or the petitioners of 1775. Whatever outsiders may have thought of it, the incompleteness of the administration was not a subject of complaint by Newfoundlanders during our period.[48]

The judicial system was in certain respects normal, in others peculiar. The governor appointed courts of oyer and terminer and justices of the peace, some of whom at least were targets for constant criticism. Grand and petty juries were established institutions; but for the men at sea they could not be assembled conveniently, and justice was supposed to be done by "fishing admirals". These, however, had little time or in-

clination for it and were often willing to let the captains of the King's ships discharge their duties for them. The governor had a court at St. John's which did justice in every matter, civil and criminal; there was a court of sessions and from 1765 a court of vice-admiralty both of which went beyond their bounds in the governor's absence and took all manner of cases. Legalists found much to criticise in this expansion of jurisdiction; ordinary islanders had complaints of the easy ways and partiality of J. P.'s and fishing admirals, and certainly the judicial system or what passed for such would have been a cause of much discontent in any colony to the south. But Newfoundlanders in general put up with it, preferring rough and ready and cheap decisions to legally sound ones involving tedious litigation.[49]

Newfoundland was not without its problems. The instability of population and the preponderance of men gave rise to difficulties of morality. In the winter most of the servants found time heavy on their hands and discovered only the crudest means to pass it. Governor Palliser loudly bewailed their debauchery and the missionaries their carelessness about marriage ties and their profanation of the sabbath.[50]

With the moral problem went an economic. The servant was tempted to run into debt to merchants and boat-keepers for liquor in the winter, pledging his next season's wage. The Irish lent themselves to the process only too readily and the low state of literacy facilitated it; and when the men were hopelessly in debt, they had recourse to various frauds to escape it. For the practise of mortgaging future earnings the governors could not find words of sufficient condemnation. It is possible that they exaggerated the evil and it appears that the J. P.'s favored the servants in their disputes with the masters; for certainly the servants considered their debts private problems only and had no notion of making them political issues.[51] There were other economic troubles. The merchants of St. John's sold sup-

plies to inhabitants at prices from 100 to 300 percent above those of Britain and kept most of the small masters poor. The inhabitants and the fishermen disputed about the use of the shore in certain places, the former desiring to hold it as private property, the latter to maintain it as a public convenience for their business. The friction was not acute, however, for there was still plenty of room in Newfoundland.[52]

These economic problems attracted the attention of Governor Hugh Palliser, who succeeded Admiral Thomas Graves in 1764. He was a person of decided views and much vigor. He believed firmly that Newfoundland ought to be a training school for sailors, as was stated in the Fishery Act of 1699; and he thought that the purpose of this act was being frustrated by the growth of the inhabitant population. He made these people the object of his attack; and in letter after letter, he denounced their habits as fishermen, their treatment of the servants, their morals and their patriotism. Repeatedly he called them savages. They were of no use for manning fleets or for the defence of the mother country, for they were out of reach of it and had no attachment to it. They were of no use to its commerce, for they bought food from the colonies and manufactures from the French. They murdered the Indians and ground the faces of their servants. In brief, they were a danger to the country and to the fisheries.[52]

The remedy was to force them, or as many as possible, back into the ship-fishery which would take them to the British isles every year; and Palliser advised a series of measures to that end. He certainly exaggerated, making no distinction among the inhabitants and charging all with the misdeeds of some. The authorities in London suspected this and refused to consent to a general expulsion of the dwellers in the island; but they allowed him to exercise pressure on behalf of the servants and of the annual return home. He attained some success and in 1767 reported that the home-goers were twice the number usual for the

last sixty years.[54] His ideas inspired the act of 1775 which is known as Palliser's Act.[55] This did something to increase the satisfaction of the servants with their lot; and no doubt the restoration of home-going strengthened British influence in Newfoundland. Accordingly the difficulties of the servants did not disturb the political life of the island.

Had he had his way, Palliser would have provoked trouble between the mother country and the mainland colonies over the question of American participation in the fisheries. He laid it down that in the interest of the fleet, Newfoundland ought to be a British, not an American fishery. He was willing to let the Americans hunt whales, which few Britons cared to do, but he wanted to keep them out of the cod fishery in Labrador and issued a proclamation to that effect. The Americans remonstrated and appealed to the Board of Trade. That body had at first approved Palliser's idea; but now they reconsidered and instructed him not to hinder the Americans about Labrador if they observed the rules of the fishery. The Americans continued to use the waters of Newfoundland at their will until 1775 and Newfoundland escaped controversies with its southern neighbors.[56]

Palliser was an ardent reformer and saw many things wrong in Newfoundland; but his successors were more easy to please and less disturbed about the morals of the inhabitants. Captain John Byron, grandfather of the poet, controlled the administration from 1769 to 1772 and Commodore Molyneux Shuldham from that year to 1774. The latter especially was never weary of describing the people as happy, quiet and satisfied.[57] The only controversy in these years was about the customs office. The island had gone for a long time without benefit of customs, being regarded as a fishery rather than a colony; but at the close of the Seven Years War, the Commissioners of Customs and the Board of Trade decided to impose on it the regulations of other

provinces in this respect only, and appointed a collector. During most of our period the office was held by a Scot, Alexander Dunn, who exacted fees regularly, chiefly on teas from Great Britain. The merchants of St. John's did not take long to discover the inconvenience of the customs office, appealed to the governors for help and finally took legal ground, claiming that the Fishery Act of 1699 had granted them free trade and that more recent revenue acts did not apply to Newfoundland. Collector Dunn defended himself well and made three trips to England until the act of 1775 and a clause in another of 1776 settled the dispute definitely in his favor. The disappointment did not affect the attitude of the merchants to the mother country. Their loyalty was too deep to be disturbed by economic matters. Newfoundland was the third maritime province to enjoy a fundamental tranquillity through the political storms affecting the greater part of the continent during the decade preceding the American revolution.

CHAPTER III

The Legislature of Nova Scotia and a Degree of Controversy

As has been intimated, Nova Scotia possessed a regular legislature from 1758, as a result of an agitation by the New Englanders of the province. The first assembly met in that year and, taking its cue from similar bodies in New England, assumed a high pose and disputed with the council on matters of dignity and privilege, much to the disgust of Governor Lawrence. In 1759 he dissolved it for its vain pretensions and, hoping to encourage candidates more interested in the practical aspects of government, made grants of land to certain men like Francklin, to enable them to qualify for seats. The voters gave their co-operation and the second and succeeding assemblies evinced a temper different from that of the first, much to the pleasure of the governors.[1]

The leading circle of course furnished the first councillors and members of assembly from the chief towns. After 1760 representatives began to come from the new settlements; but for various reasons, chiefly the difficulty and expense of the journey to Halifax and the sojourn in it, they attended irregularly.[2] When they did come, they remained for only a few days and usually acquiesced in the policies of their colleagues from the towns. Through our period accordingly, the views of the assembly tended to be those of the chief towns and Halifax in particular while the council had a somewhat broader outlook. When differences occurred, there was evident on all sides an aversion to conflict and a desire to compromise; and it is difficult to imagine deeper harmony than that which prevailed in the legislature of Nova Scotia in 1763 and 1764.[3] In the latter year, the third assembly came to an end. The fourth, which met for the first time in May

1765, contained fresh blood, a majority of members coming from the new settlements. Like their predecessors, however, they fell in with the ways of the leading circle. The older members associated with themselves the men of force among the newcomers, like John Day of Newport and Benoni Danks of Cumberland, and continued to guide policy.

In these years, however, a difficulty occurred which led to the only controversy worth mention in the provincial politics of the decade prior to the American revolution. This was in origin a question of financial policy; but it became complicated by challenges about the administration of customs and the influence of Mauger and his friends. The fourth assembly resumed the consideration of the public debt which had been discussed by the third; but were at a loss what to do about it. It could have been reduced only by fresh taxation or discovery of other revenue. The first expedient was held to be out of the question but the second seemed practicable if the tariff on liquor were put on a revenue basis. In 1767 therefore with the support of Governor Campbell and no doubt of the importers of rum, the legislature lowered the duty on that commodity and raised the excise on its manufacture. But Mauger had strong objection to this action, which took the protection from his distilleries and increased their costs; and he induced the Board of Trade to require a return to the old scale, which was done. He felt hurt in view of his services to the province and gave up the agency which he had had since 1763, though keeping in touch with his friends. The attempt to increase revenue in this way had come to nothing.[4] It might well have proved a disappointment in any case in view of the facilities for smuggling.

If increase of revenue was impracticable, something might be done to limit expenditures. The principle of annual estimates was easily accepted and a total agreed on between the houses in 1766 became a sort of standard.[5] The chief

difficulty remaining was over the expenditures by governor and council from provincial funds to meet emergencies, real or supposed, between sessions. The reforming group, led by Butler, Day, Charles Morris Jr. and William Smith, knew they could not forbid such expenditures and tried merely to restrict them. At the opening of a session they culled over the interim items of outlay and often made objections which reflected in some way on Treasurer Green. In June, 1766, Butler reported that £795 odd had been paid out under the warrants of the late Governor Wilmot which could not be excused as for contingencies; and a committee addressed Green on the subject, declaring that it was an infringement of the liberties and properties of His Majesty's good subjects for the governor to make such payments with or without consent of council.[6] They were content with reproof, however, and turned attention to future expenditures. They asked for an estimate for next year, received it promptly, reviewed it and decided to save on certain judicial salaries. The council objected; the assembly held to its point until prorogation on August 1st, and published a statement of its views in the Gazette of the 15th.[7] It would seem that the assembly acted partly under the influence of personal irritation at Green, who was in charge of the administration during that summer; for when he gave way to Francklin, the new lieutenant-governor, their tone changed. Francklin presided over the session of October and November, 1766, and managed the objectors so well that at the close, the council and house gave a "genteel entertainment" to His Honor the lieutenant-governor, and several principal gentlemen of the town.[8]

The council now felt the ground so firm under their feet that they paid the disputed salaries of the justices, another to Binney as magistrate at Canso and special allowances to the treasurer. When the legislature met again in July, 1767 under the presidency of the new governor William Campbell, the house discovered the payments and

made protests. But Campbell, who also knew something of the management of men, mollified them without conceding their point. They were shortly expressing profuse thanks for favors and laying on the table a motion by Day to prevent members from becoming collectors or farmers of revenue.[9] The next session, in October, was free from discord and the ensuing death of Green removed his name from the controversy for six years, his son succeeding as treasurer. No serious difficulty occurred from that time until the autumn session of 1769. Then the house discovered that the objectionable salaries were still being paid, and complained of this and other matters. The governor promised an enquiry and reform and sent them away pacified. The game of carrot and donkey had sufficed for Nova Scotia's fourth assembly.[10]

Such a condition was unique in colonial America. In all other colonies with legislatures, control of expenditure was assumed to be a natural right of the lower house and no voice other than "yea" or "nay" was allowed to the council. In Bermuda, for instance, the assembly took fire at transfers of small sums from one account to another by the treasurer, and for four years demanded the appointment of its own receiver-general for taxes.[11] If any council among the thirteen colonies of the mainland had taken such liberties with public moneys, it would have raised a storm that would have ranked among the chief causes of the revolution. Further, the control of provincial finance by assemblies, was a principle in favor with the Board of Trade and the Colonial Secretaries. These would certainly have supported the lower house of Nova Scotia if it had appealed to them; but it chose not to do so. Most of the non-revolutionary colonies in the period 1760-1783 experienced constitutional struggles involving adjournments and dissolutions by the governor, refusal of supplies and appeals to the crown by the assemblies; but the only event at all of this nature in Nova Scotia was the petition of

June, 1775, described below.[12] The members of the house could show that they were not tools of the council and they had had their way in the main on the total of estimates. But they had carefully kept considerations of sentiment from inflaming their discussions of business. They were reluctant to push their differences with the council or to air them out of the legislative family circle. They had well shown the virtue of moderation so essential to parliamentary government. The council had also known how to compromise. This limiting of disputes indicates that the members of both houses felt common interests more important than divergent ones. Therefore the council kept a discretion in the management of interim expenditure and the assembly, although not pleased, contained its wrath.

The discussions on finance, however, led to a thornier topic. In the summer of 1766 the house had come upon arrears in the accounts of the customs collectors and declared in favor of farming the duties of impost and excise. The council made objections of law and policy; and the argument continued at intervals as this fourth assembly discovered increases in the arrears, excessive expense accounts by some collectors and failure in payment to government by others, including Danks the member.[13] John Day twice sought to prevent members from becoming collectors or farmers of revenue; but the first time the house would not hear of it and the second time the council stood in the way.[14] The fifth assembly, meeting in 1770, continued the criticism of the collectors to little purpose. In the session of June and July 1771, all was peace.[15] But in the next, June and July 1772, with almost all the country members absent, the house found many things in the accounts and revenues demanding immediate redress, especially in the collection of the customs. There was no account from the officers at Yarmouth and Barrington and the new collector at Liverpool, William Johnstone, could not make the people pay. Other officers

were almost nullifying their remittances by charges for expenses. Finally the members came into the open and spoke what was on their minds. "Almost the whole of the duties received has been collected upon the trade and town of Halifax." They asked Francklin, who was again in charge, to admit them to audit committees and make the collectors pay up. He gave assurances which came to nothing; and the next session, in April 1773, found all quiet on the legislative front.[16]

But an issue had been raised between Halifax and the country. The policy of indulgence to the collectors in the outports was working injustice to the capital, which paid duties more promptly than other parts of the province.[17] The councillors and most of the officials of long standing, held to the policy for the sake of the country people, even at the risk of reducing Mauger's revenue. The town members must have known the difficulties of the country people, but suspected that the collectors traded upon them to defraud the government. The merchants of Halifax, paying the duties, felt a grievance. The rum importers had another, in that they paid the high rates of Mauger's tariff to bring their commodity into the country; and when they sought to sell it out of Halifax, they found their market spoiled, competitors getting advantage from the remissness of the outport collectors. Butler went with the importers in the hope of increasing Mauger's revenue. Rum now became a source of discord in an otherwise tranquil capital; and a division arose between two groups of Halifax men which we may for convenitnce distinguish as the older and the newer. As long as the governor supported the older group and the council, however, no change in policy was to be expected. But Governor William Campbell departed in 1773; and his successor was Francis Legge, relative of the earl of Dartmouth, who was Colonial Secretary at the time.

The new governor was a person of some vigor and the best intentions; for instance, on complaint of usury in King's County in 1775, he sent his

solicitor-general to punish the culprits. At first he was pleased with his new post and even saw better prospects for the province than for any other of the colonies of North America.[18] He was eager for good relations with the assembly and thus became involved in the party differences in the capital, with results which kept him well occupied during his tenure of the governorship.

Under his presidency the assembly put into effect a short reform program of a non-controversial type. It complained of the fees in the courts, but did not press the matter; and it found fault with the management of elections by the provost-marshal John Fenton, desiring the appointment of sheriffs in his stead.[19] The members discussed means of increasing the revenue but did nothing, finding one proposal blocked by the Board of Trade and abandoning the search for substitutes.[20] They were quite unsuccessful in their search for a tax from which in their private capacities they would be exempt. They complained as usual of certain items of interim expenditure, notably the salary which Binney was still drawing as magistrate at Canso. But it was the matter of customs that interested the men of Halifax most. They asked Legge to oblige the officials in arrears to pay up, by suit if necessary, and to stop certain frauds.[21] Legge did not yet prosecute anyone but he made his sympathies plain; and thereby he raised the hopes of the younger group of whom we have spoken. The merchants of Halifax and the importers of rum who felt grievances in Mauger's tariff or in the dilatory methods of the country collectors were now joined by certain men who were anxious for office, or being in office, for promotion, and who suspected that the older group were practising favoritism and feathering their nests. All of these men united in laying the ills of the province, as they saw them, to the domination of Mauger. Chief of the malcontents were Thomas Bridge, William Smith, Tonge and Denson; and Anthony Henry, editor of the Gazette, seconded them with editorials, deri-

sion of individuals in the older group, and satirical letters. A member of the assembly published a pamphlet to the same effect, inveighing against the administration of the province; and party feeling, which had previously smouldered, rose into a tepid blaze.[22]

Meeting in October 1774, the assembly took up the question of collection of customs again. John Day, absent since 1770, appeared as member for Halifax town and was chosen chairman of the committee on accounts. After some investigation, he reported that John Newton, collector for Halifax, had inflated his account for expenses, that Binney had enjoyed an illegal salary, that the light-house keeper was incompetent and that debts should be collected.[23] The council knew that these accusations would have the governor's support and decided to make terms with the assembly. They agreed to farm almost all the outport collections from the beginning of 1775 at a rate which would be no burden to the country people; and in return the assembly accepted a revenue act which continued the distillers' protection except for a clause in favor of West Indian rum. These measures were taken by most Halifax men as a settlement of the two vexed questions of politics.[24] A certain antagonism persisted on its momentum between the parties for six months; but zeal for reform cooled. When Legge renewed his plea for money for the debt, three members including Day sought postponement and leave to go home. Legge replied that he could not understand how an infant colony could incur such a debt; but he allowed the members to go home, promising that he would try to find out. A few of the malcontents urged him on by a private address complaining of the rule of Mauger's group and asking for the appointment of new councillors and judges;[25] but they did not put their names to paper.

Legge referred the debt to a committee, of which James Burrow the controller of customs was the most zealous member. They began with the treasurer, Ben Green Jr. and found that his

father's papers and books had apparently vanished from the earth. By various means, however, they computed that the father had been short £6881 odd in seventeen years at the treasury and the province was £11,000 odd short. Nothing could be done about Green; but they found a fair number of living officials and collectors with deficiencies and imperfect accounts. They cast a wide net, going back to 1751, and working with more zeal than discretion. Next came the problem of bringing the culprits to justice. This duty Legge assigned to the new solicitor-general, James Monk Jr., a Nova Scotia New Englander just returned from law school in England. He went after his quarry of collectors and magistrates with a will, thinking to recover even the money advanced to local justices many years ago to buy provisions for the settlers,[26] Legge rewarded Burrow by a new post, that of inspector-general of collection of customs, and put him on the council. He had the help of the two Morrises and of the legal expert, Richard Gibbons. He asked Lord Dartmouth to discharge Francklin and five councillors. The council, however, bent complaisantly to his will and Legge proceeded with his purge of the official life of Nova Scotia.

The prominent defaulters received ultimatums to pay or be sued; most of them undertook to pay and only five suits were necessary. Binney and Newton gave more trouble than the others. Legge feared that on account of their influence with the people, no "just verdict" could be obtained and took the precautions of packing a jury and attending Binney's trial himself. In these circumstances the pair were convicted indeed but of shortages which were trifling. This revelation and Legge's method of managing the trial created much sympathy for them. Newton paid but Binney refused and went to jail where sympathizers visited and condoled with him. The investigating committee pursued some smaller game, collectors and magistrates who had handled provisions for settlers and presently found a warm scent in

Legge's own circle, pointing to Denson, Tonge and Gibbons, though here no prosecutions took place.[27]

Legge thought he had done what was expected of him. He announced the achievements to the assembly in June 1775 and asked provision for certain salaries for his supporters especially Burrow. The house evaded this suggestion. Yet it appeared pleased and asked for a cessation of prosecutions until it could examine the accounts fully by means of a committee,[28] a request which Legge was prompt to grant.

Now Day proposed and the house accepted a motion for a special address to King and Parliament on the issues of the continental controversy. He, Denson, Tonge, Charles Morris, Jr. and John Gay of Cumberland drew up the address and appended a chapter of grievances to the declaration of loyalty, raking up everything that had caused any difficulty in the province in the last twelve years, whether still relevant or not. The principal remedy proposed was the exclusion of Nova Scotians from various high positions in their own government; others were slight constitutional changes of an American type. The address is in this aspect a partisan document with obvious exaggerations, representing the views of the younger group.[29] These tried to secure a reduction in the assembly's quorum and an increase in the representation of Halifax town and county for their own benefit; but the country members and those of both groups who represented outside constituencies like Tonge, Day and John Newton united in opposition, arguing that the proposal would make the governor absolute, and succeeded in defeating it.[30]

By this time first impressions of the investigators' report had given place to second; and it became clear that the amounts of default were not large and owed much to extenuating circumstances. Green's deficit stood by itself, but that was spilt milk and could not be recovered. In short the worst faults of the leading Nova Scotians were picayune. Most people in Halifax

believed that the governor had been unduly harsh; and those of the country cared nothing, Perkins not thinking the whole dispute worth a word in his diary. Accordingly, John Day took a new tack. When the collections of impost in the outports were put up for auction, he bid for the contracts and got them all except that of Canso.[31] He had thus quite overcome his repugnance to the union in one person of the functions of assemblyman and collector of revenue of which he was even then complaining in the address to King and Parliament. This realization of the advantages of feathering a nest was probably merely coincident with his change of attitude. He had been a member of the investigating committee but had become uneasy about its procedure and had resigned in April. Now he determined to come to the rescue of its victims and at least to place their faults in a better perspective. Tonge reversed himself also, perhaps because his own name was on the committee's lists.[32] Other help was at hand; John Newton, newly elected for Lunenburg, arrived in the house, eager for revenge. William Smith, John Fillis and John Gay of Cumberland, ejected from the bench of justices, had their own grudges to work off. Day played on the fears or hopes of others and soon obtained a majority for his new policy,[33] and Francklin may have helped from his retreat at Windsor, though Butler was not in the alliance.

Day found excuse for Binney, reduced that gentleman's debt to £186 odd and recommended release on bond for the sum, which was shortly done. Next, he led the house in an attack on the committee, declaring that Monk, Burrow and Fenton were persons with an interest in prosecutions and that the others were dependent, expectant and therefore not impartial.[34] Finally he produced an examination in detail of the committee's report and showed its errors and exaggerations. He reduced the amounts of the deficiencies, some to insignificant proportions, some to nothing; and in conclusion, the house asked for the abolition of

Burrow's post. It appeared that the committee had made a mountain out of a molehill; that some officials and collectors had been remiss in their payments to government but were not criminally at fault,[35] in any serious sense.

Legge was astonished at this turn of events. He replied that the assembly itself had asked for the investigation in the interest of its own right to control of expenditures. He tried to defend the committee but had nothing to say to Day's specific allegations about it. His proper policy now was to come to terms with Day's group; and he tried to do so at a conference but had not sufficient diplomatic ability.[36] He consented to the release of Binney and suspended the work of the committee; but refused to dismiss Burrow and instead sent him to England to plead his cause, laying the opposition to the general spirit of disaffection in the continent. He informed the members of the assembly that their heats and animosities were the result of misconceptions and at their own request prorogued them. When the assembly met again in November, Day was not present. Some sniping went on against Legge but much useful work was done, and Legge was pleased. In fact the struggle had been transferred to more important quarters.

In England, Burrow did his best for the governor; and while waiting for a decision, solicited a government job for himself on the ground that it was a family affair, having been his brother's.[38] Thereby he demonstrated that he like Day could at length see good in favoritism and feathering of the nest. Charles Morris Sr. could not go to England but he thought he could confirm Legge's interpretation of events; and he despatched a review of the state of the colonies, ascribing the loyalty of Nova Scotia to Legge's good management and the opposition of the assembly to a republican spirit identical with that in the other colonies. These republicans, he added, controlled more than half of the legislature, were beginning with the governor and would end with the Crown. This view about the motives of the

older group and of Day could not be farther from the truth and illustrates merely Morris' poor judgment of men.[39] James Monk also could not go to England; but he obtained a seat in Yarmouth, entered the assembly and did what he could for Legge in the autumn session of 1775. Legge of course plied Lord Dartmouth with letters on his own behalf, representing Francklin as the arch-conspirator against him.

But the older group had also taken the field. In May 1775, Newton and Butler had appealed to Mauger. This man gave what help he could and did a final service for Nova Scotia by dissuading the authorities from any belief in the accusations of disaffection made by Legge and Morris. When no doubt Mauger had reported progress, at the end of the year the older group under Francklin's direction prepared two petitions for the removal of the governor and sent Binney and Tonge to state their case in person.[40]

The dispute had gone at first to Lord Dartmouth, Colonial Secretary. This eminent person was much perplexed. He was not greatly moved by the charges of "graft", being perfectly familiar with the practise in Britain and the other colonies, and he considered them a mere matter for the provincial legislature. He refused to take action against the older group and urged caution on Legge; but he would do nothing against Legge either. The Earl of Suffolk reprimanded Legge for the fuss he had made over trivial matters when the whole continent was in flames.[41] Early in 1776, Lord George Germain displaced Dartmouth in the Colonial Office; and in February he and the Board of Trade took up the case of Legge versus the principal inhabitants of Nova Scotia. Binney, Tonge and presumably Mauger presented the case for the older group, awkwardly if Burrow is correct, while he spoke for Legge. Germain and the Board decided to recall Legge to England, permitting him to be an absentee governor. Then they turned to Francklin's case. There was no precise accusation against him and no opportunity

for him to defend himself; but with a view to soothing Legge's feelings, they dismissed him from the lieutenant-governorship, presently consoling him with the superintendency of the Indians. On May 12th Legge left Halifax to the accompaniment of hisses and yells as he boarded a launch for conveyance to a man of war. In England, he defended himself well; but the authorities decided that in the interests of provincial harmony he should remain there while a succession of lieutenant-governors ruled at Halifax.[42]

When he had handed over the province to Commodore Mariot Arbuthnot, the older group returned to power and Nova Scotia became normal in that respect. When the legislature met in June 1776, the assembly thanked the King for the recall of Legge "upon the just complaints of your long patient but much oppressed people."[43] They found that the office of inspector-general of accounts continued, to the grievance of the people, and asked Arbuthnot to abolish it, which he forthwith did. They found the collectors' accounts in perfect order. Now came a parade of the victims of the year before in quest of relief, led by Binney and Newton; and relief they obtained at reduced rates. Next the house examined the interim expenditures and made surprising discoveries. Legge had paid Burrow's salary in spite of the assembly's refusal of the year before, and had made Captain Stanton an allowance which the members considered unwarranted. Solicitor-general James Monk was a public debtor, having failed to pay over or account for the £165 he had collected in the usury trials in King's County. In fact Legge and his henchmen had committed precisely the financial sins which they had so roundly condemned in the older group. They were not thereby proved hypocrites; they had merely come to see the necessity for a little laxity in the finances of government which had long been apparent to Francklin and his friends. These could rightly hold a celebration at the end of session; Nesbitt rejoiced at the advent of the right sort

of governor and the return of his friends to their places.[44]

The assembly had complied with its traditions by refusing certain bills presented for service done by order of Legge, though it probably thought that they would be paid anyway. In the sessions of 1777 to 1781 the members occasionally went through the ritual of refusal for expenditures made by Francklin in his duties among the Indians, and in the last year they even framed a mild protest. The lieutenant-governor replied that nothing could be done about it and nothing was done, Francklin getting paid as usual.[45] The matter of sheriffs was settled in 1778 and an adjustment made in the liquor tariff in 1782;[46] and the end of the war found the council still enjoying discretion about the interim expenditures.

After Legge's departure, his followers feared reprisals and mourned over their predicament in letter after letter to him.[47] But the senior group were much too wise to be vindictive; and after the first flush of success, they ignored the past, made friends with their opponents and admitted them to a share in the favors of government. The Morrises had been alarmed for their jobs; but in fact they kept them, and when Charles Morris Sr. died in November 1781, his son succeeded in peace to the surveyorship, introducing his son in turn as assistant and demonstrating that he too could be pleased with the principles of favoritism and feathering of the nest. Richard Gibbons became solicitor-general and presently attorney-general, turning over the former office to Richard John Uniacke, a rebel of 1776 in Cumberland. Once more the older group demonstrated their skill in management; and again there was tranquillity, for both groups now agreed on the matter of the good things of government.

It is difficult to withhold a certain sympathy from Francis Legge. At the wish of the assembly he had undertaken a program of financial reform; and he thought he was doing nothing but right. But his efforts had gone awry. His assistants had

bungled their job and brought discredit on the enterprise, which became something of a hunt for a mare's nest. When this had happened, he had not the adroitness to make terms with the opposition; but continuing a struggle to little purpose, he had come upon disaster. He made the mistake of thinking that Nova Scotia was like the colonies to the south. He had supposed that the assembly like its fellow bodies of New England, held firmly to its rights and that in supporting it he would be constitutionally and practically correct. Instead he had stumbled on a family quarrel and found the participants as likely as not to turn against any well-meaning outsider who should interfere. He did not know until too late that the assembly of Nova Scotia was not given to the flaunting of constitutional right. At his cost he illustrated the tranquility of the province and the readiness of its inhabitants to agree with one another.

The dispute had revealed aspects of government which could have furnished fuel to a separatist agitator. We have mentioned the financial powers of the council; and Mauger's tariff could have been used in this way, laid down as it was from London. The merchants of Halifax could have been depicted to the world as sufferers from a policy which benefitted one man living in England. The skill of a Sam Adams could have found here a grievance like that of the Townshend Acts and could have made out that Nova Scotia was being oppressed by a harsh imperial overlord. But no one in Nova Scotia dreamed of organizing a popular agitation or of appealing to the Americans. The court of appeal was in England and that was enough. To a slight extent each party had made use of the continental crisis to curry favor with London, Legge and Morris by describing the older group as disaffected, Butler by portraying Legge as the disturber who might set the province in flames.[48] Neither of these essays had much success and they were soon forgotten. In other ways the parties had conducted their

dispute as if they were members of the corporations of Leeds or Norwich rather than dwellers on a rebellious continent. The controversy over Legge furnishes a strong illustration of the fundamental quietness of the province.

CHAPTER IV

Nova Scotia and the Agitations 1761-1775

Nova Scotia was bound to New England in many ways, by geography, by ties of blood and by business interests. Most of its exports and imports were to and from the continental colonies; and certainly its economic interests lay predominantly with New England until the outbreak of the revolutionary war. The interests of the leading circle were divided between New and Old England in a ratio which favored the former but is impossible to ascertain.[1] Against this economic attraction to New England must be set the grant from Parliament which furnished a cash basis for many transactions and provided some salaries. But as the variations in the grant produced no corresponding variations in sentiment toward the empire, its influence must not be overrated. The community of economic interest between Nova Scotia and New England had no important political consequence. The independence of political from business relations is of course too common a phenomenon to merit special attention. Nova Scotians exchanged goods with their fellows in the homeland but not political ideas, using rather the stock they had brought with them.

This attitude was put to a test by several continental crises from 1761 to 1775. Before 1760 New England had been growing steadily in wealth, power and self-esteem. Its rising nationalism, unconscious as yet, entered into conflict with the slight imperial control represented by the laws of trade and navigation, and manifested itself as an excessive sensitiveness in matters supposed to affect provincial dignities. In 1761 James Otis found the writs of assistance a menace to the natural rights of life, liberty and property. When in the same year the governor of Massachusetts diverted a small sum of money to furnish protec-

tion to the fishermen of Salem and Marblehead at their request, Otis and the lower house perceived in the action an annihilation of one branch of the legislature which would make it a matter of indifference to the people whether they were subject to George or Louis. Otis produced a pamphlet on the topic, claiming that no government had the right to make asses and slaves of the subject and hinting at an appeal to heaven and the longest sword; and all this in the midst of the great war with France. The merits of the case of course were entirely overlooked in the controversy. In April 1763, orders to naval officers to enforce the navigation acts brought high protest; and the passage of the Sugar Act next year evoked a considerable agitation. Sam Adams found the New Englanders "reduced from the character of free subjects to the miserable state of tributary slaves"; and the lower house of Massachusetts created committees of correspondence and drew up a petition to Parliament which the council felt obliged to censor. Next, the approach of the Stamp Act provoked open defiance and during the summer of 1765 the towns of New England seethed with protest which at times took the form of riot and destruction.[2]

But one colony inhabited chiefly by New Englanders remained quiet. So far as our information goes, no one in Nova Scotia felt writs of assistance, diversion of money in military emergencies, navigation laws, Sugar Act a menace to his natural rights. In October 1765 two small groups finally manifested sympathy with New England. The men of Liverpool burnt some stamps and at Halifax a timid band described by the stamp-master Hinshelwood as "some of the lowest class" hung an effigy of him on the gallows of Citadel Hill in the dark of a Saturday night. Two prominent men cut the effigy down next day and shortly afterward the house and the council celebrated in challenging fashion the anniversary of George III's accession. After the act had come into force, the editors of the Gazette, Anthony

Henry and Isaiah Thomas who was fresh from New England, did their best to rouse Nova Scotia. They printed news of defiance and agitation in the other provinces, improved their paper by illustrative devices to this end, and took it on themselves to declare that the customers of the tailors were foregoing new clothes until the repeal of the act and that the people in general were waiting impatiently for such news. Finally Thomas cut the stamps off the paper in his office, and as no more was to be had stamped, issued the Gazette without them. A small anti-stamp club supported his efforts and its members were doubtless responsible for anonymous threats sent to Hinshelwood. But all this effort was fruitless. Hinshelwood obtained a guard and went about his duties undisturbed until his supply of stamps was exhausted. Secretary Bulkeley reprimanded Thomas and threatened to withdraw the government business from the Gazette's office; and in March 1766 Thomas returned to New England.[3] He had failed to evoke even one petition against the act at a time when such petitions abounded in the other loyal colonies and in England and were in no way construed as implying disloyalty. The men of Halifax had deliberately chosen to follow Parliament rather than New England. Taxes of any kind are rarely popular and on news of the repeal of the act, the assembly thanked His Majesty and Liverpool held a celebration. But Nova Scotia had been more tranquil than any West India colony, West Florida or Bermuda.[4]

The Imperial authorities were pleased with the province, as Francklin gladly informed the legislature. Governor Campbell, meeting the assembly in July 1767, repeated Francklin's assurance of the royal pleasure at Nova Scotia's attitude. In reply the House declared themselves happy at any opportunity of showing obedience to the King and submission to the laws of Parliament. "The many powerful motives which engage us to this conduct, will, we trust, always render us superior to any seduction by the bad

example of those who may be misled by mistaken opinions" i.e. the New Englanders of the homeland. From all this it is clear that Nova Scotia had chosen its own path by the year 1765.[5]

Presently another opportunity occurred for obedience and submission. The Townshend Act went into force without even the mild protest which had accompanied the Stamp Act. But in Massachusetts the condition was different; the assembly with a view to concerting action among the colonies, despatched a circular letter to the legislatures. Nesbitt, speaker of the House in Halifax, received a copy in March 1768 and took it to Francklin. The two agreed to suppress it; and Francklin, reporting the matter to the Colonial Office, assured the secretary "no temptation, however great, will lead the inhabitants of this colony to show the least inclination to oppose acts of the British Parliament." When the assembly met in June, the letter was not read or answered and no member made reference to it. Francklin thought that there would have been no difficulty in procuring a vote of disapprobation in strong terms if it had been thought necessary; and again he assured the secretary of the highest reverence and respect of the people for all acts of the British Legislature and their affection for His Majesty. Later, in response to an enquiry about the enforcement of the Townshend Act, he stated that the customs officers had met no obstruction and were not likely to meet any. Here he passed over the Liverpool and Lunenburg incident of November 1766 as antecedent to the Townshend Act. In reply the Earl of Hillsborough expressed high approval of the conduct of the Nova Scotian legislature.[6] The "Boston Massacre" of 1770 which brought reluctant New Hampshire into line with the other northern colonies, stirred no echoes in Nova Scotia, inspired not even a line in Perkins' diary; and Campbell was able to reiterate Francklin's assurances. "I do not discover in them any of that licentious principle with which the neighboring colonies are so highly infected." Through

three agitations, Nova Scotia had remained cold to the rising American nationalism.

In the course of the dispute with Legge, the storm from the continent approached Nova Scotia. Anthony Henry, editor of the Halifax journal, did his best to bring it on. He reprinted inflammatory news matter and gave much space to the resistance to the tea while aiding in the campaign against the older group.[8] He did not entirely waste his efforts; and over the question of tea for the first time a breach appeared in the ranks of the men of Halifax.

In July 1774 a cargo of East India tea came to the capital, reshipped from Piscataqua by the alarmed consignee, Edward Parry, to the merchant George Henry Monk. Its arrival provoked complaints from several of the local New England merchants, particularly John Fillis who declared that the measures of government were oppressive. These malcontents refused storage to Monk and William Smith disdained a share in the tea, changing his mind later nevertheless. Monk induced Robert Campbell, a person obviously free from national concern in the doings of New England, to take the tea in storage; and James Crayton the truckman conveyed it to Campbell's, caring as little for its origin as did other artisans and laborers of Halifax. The dissidents, much overestimated by one New Englander as a "great number" of "respectable and popular merchants, traders and inhabitants" resolved among themselves to boycott East India tea; and some on a visit to Boston, professed revolutionary sentiments as warmly as their hosts. But cargo after cargo of tea, rejected at continental ports like Portsmouth and Salem, came into Halifax while the objectors looked on, powerless to interfere. The population of the capital thus demonstrated its loyalist temper.[9]

In September another consignment arrived, this time from Mauger, Watson and Rashleigh. Smith attempted to call a meeting of the merchants to inform them that it was private prop-

erty and free from taint; but Henry Newton of the council, suspecting sedition, imposed a veto. The council and governor held an enquiry, reviewed occurrences since July and in conclusion censured Smith and discharged him and Fillis from their magistracies. But the pair seem to have had a change of heart and to have given satisfactory assurances to their associates; for when a fresh accusation arose against them in June 1775, the assembly cleared their characters. Thereafter they took part in the campaign against Legge, as has been said; and the sequence suggests a bargain with Day and the older group. At any rate the ranks of Halifax were closed again; and in the meantime from October, 1774, the tea had been sold and dispersed through the country without opposition.[10] Anthony Henry had now an opportunity to reflect on the phenomenon of a journal with large circulation and little influence which has so disturbed the newspaper proprietors of our time. A subscriber reprimanded him. "We are surfeited by a constant perusal for a long time past of trash that is no less insulting to common sense than shocking to all lovers of truth." That this subscriber voiced public opinion is indicated by the almost uniform abstention of the townsmen from acts of defiance, more emphatically by their total abstention from petitions to the imperial government against its measures and finally by Legge's reliance on the traders. Henry felt that he had erred and shortly adopted a conservative policy.[11] In 1773-4 as in 1765, 1767 and 1770 the policy of loyalty triumphed. The invitations and threats of the continental congress, the loss of trade with the colonies in revolt, left the provincial leaders unmoved. In the address of June 1775, the assembly made a remarkable declaration of attachment to the empire,[12] offered to bear a share of imperial expenses and set forth a noteworthy suggestion for the settlement of the chief constitutional problem of the day. This attitude was in contrast to that of not only the mainland colonies but also of Jamaica whose

assembly on one occasion denied the right of Parliament to legislate for or to tax the colonies.[13] Nova Scotia was becoming conspicuous for its loyalty.

Until this time the outsettlements had viewed events on the continent with great composure. Now the quiver in the ranks of the merchants affected the New Englanders of Minas Basin and for the first time a small American party appeared there. A chest of tea reshipped from Portsmouth, N. H. to Halifax was taken to Windsor and lodged in a magistrate's house. A group surrounded the house and demanded the tea with threats of setting fire to the building. The magistrate stood firm and the band, not daring to carry out their threat, demolished the wagon which had conveyed the tea. Governor Legge, informed of the disturbance, denounced and forbade such assemblies; and no doubt the prominent men of Windsor aided him. The agitation subsided; the settlers purchased tea freely and viewed with public indifference the plight of Boston under the coercive acts. The affair had demonstrated the weakness of the American party in the province.[14]

That the leading group of Nova Scotians, chiefly New Englanders, had so committed themselves to the cause of loyalty is a fact which still inspires discussion. It is natural to think first of the annual grant from Parliament which supported a number of salaries in Halifax and Lunenburg; and of a judicious use of this and other patronage said to have been practised by Governor Lawrence with the precise object of mollifying opponents.[15] Most men exercise indulgence rather than severity toward their paymasters, openly at least; and certainly the grant must be allowed some influence. The Nova Scotians, however, are not to be dismissed as a mere claque to the King's ministers. The considerable diminution of Parliament's bounty after 1763 produced no disturbance of tranquillity; and the assemblies of Georgia showed a rebellious temper in spite of

similar manifestations of the mother country's generosity.

Georgia had derived continual assistance from Parliament from the date of its foundation, by way of bounties on rice and indigo to a total of £200,000 and direct grants which were still about four fifths of the grants to Nova Scotia in the 1760's.[16] Economic motives for loyalty were stronger in the southern colony than in the northern; and running concurrently with sentiment, did influence the representatives of the original settlers, Oglethorpe's friends. But in 1754-57 a community of New Englanders came to the colony from Dorchester and Beach Hill, S. C., to which their fathers and grandfathers had migrated in 1695. They established themselves on the Medway river and laid out the town of Sunbury and they flourished so that in twenty years they had acquired one third of the wealth of the province. They kept in touch with their relatives in New England, induced some to join them in Sunbury and sent their sons to be educated in New England colleges. They had carefully cultivated their nationality; and though benefitting by grants and bounties, considered these as nothing against sympathy for New England. In the 1760's and 1770's they led in every defiance of imperial authority. Some immigrant planters from South Carolina adopted the same attitude; and even at the time of the Stamp Act, Georgia outside Savannah was a rebellious province.[17] Sentiment had had the better of economics.

It will be seen from this parallel that the feature peculiar to Nova Scotia was not financial dependence but the absence of national sentiment among the New Englanders. Three instances of their opinions are worth recording. James Brenton, a resident of Nova Scotia from 1761 and long solicitor-general, wrote of the relation between himself and Otis. "I served a regular clerkship in the law at Boston under a gentleman who was at that period esteemed eminent but who has since unfortunately for him lost his credit by

pursuing an extraordinary system of politics . . . My principles of government have nevertheless been ever opposite to his." Brenton remained what he had always been; it was Otis who had changed. The second instance is that of Simeon Perkins, as good a New Englander as can be found. He had come from Norwich, Connecticut in 1762 and returned to it for two years 1767-9. Yet he records the disturbances on the continent from 1765 with all the coolness of a spectator. Only the Boston Port Bill moves him to mild reproof of the home government's methods; and thereafter he notices events of the American war much as if they had occurred in the Russian-Turk war concluded in 1774. He was not a man given to expression of emotion; but it is hard to believe that he would have been so impartial if he had felt as did Sam Adams or Perkins' own relatives in Norwich. He calls the American privateers "my countrymen" but he supports the government of Nova Scotia to the best of his ability through the revolutionary war, as lieutenant-colonel of militia. The third instance is that of the petitioners of Yarmouth in 1775, who protested that they were true friends and loyal subjects of King George, in language which breathes sincerity.

Brenton, Perkins and the people of Yarmouth illustrate the breach between the New Englanders of Nova Scotia and those of the homeland.

Some part in this breach must be ascribed to the adroit and persuasive Francklin, who used his influence with the New Englanders at all times in favor of the empire. But in the main the difference between the New Englanders of Nova Scotia and those of the continent sprang from a divergence in development. Those who came to the Maritime Provinces in the 1750's, like Brenton, had been satisfied with imperial relations in their homeland, remained so in the new colony, and were thus open to the influence of grants, patronage and Francklin. They had left New England when national sentiment there was generally undeveloped and they did not cultivate it in

Nova Scotia. But those who stayed in the towns of New England began to acquire a nationalism in the course of the Seven Years war which expressed itself in resentment of any control. There was a difference in national feeling which made possible the parting of the ways.

The incoming settlers of the 1760's were of the same mind. They met fair treatment at the hands of the leading circle of Nova Scotia and were not slow to reciprocate, being often satisfied to elect members of that circle to represent them in the assembly. It would be easy to overestimate the weight of gratitude in politics which like an economic consideration hardly counts against nationalism; and the leading circle did not win so complete an ascendancy over the New Englanders of the outsettlements as they had done over the people of Halifax and Lunenburg. But they gave no irritant to incipient nationalism; they frowned on agitations and guided the province along the path of loyalty. Nova Scotia was largely a New England province indeed, but one devoid of Adamses and Hancocks and led not by separatists but by loyalists.

CHAPTER V

The Revolutionary Agitation in Nova Scotia 1775 to 1777

The outbreak of hostilities between Mother Country and the mainland colonies in the spring of 1775 made no change in the passiveness of Nova Scotians. Like the inhabitants of the non-revolutionary colonies in general, they considered the dispute a temporary matter, to be composed shortly when heads should cool. So Perkins mentioned the fighting only casually; and Charles Morris, Sr., writing a year later, could not believe that the Americans were aiming at independence.[1] On these assumptions the best thing for Nova Scotians to do was to sit quiet, they having no strong feelings for either side.

But the conflict soon touched them in a practical way. General Gage, beset in Boston, turned to the Maritime Province for supplies. The people of the two chief towns responded with alacrity and did their best.[2] The farmers of the region around Fundy were now obliged to decide whether they would supply the army operating against their relatives. They hesitated and some refused with indignation. But presently three of His Majesty's frigates appeared in the Bay and assured a temporary safety for traffic. Now the great majority of farmers sold the troops whatever they had and pocketed the money, yielding to a temptation spurned by their fellows of the homeland. The party of indignation abused the masters of the vessels engaged in the traffic and could do no more.[3]

The business with the army, however, appeared to the Americans as a hostile act, calling for retaliation. In May 1775 a few sympathisers in Halifax set fire to some hay intended for Gage's transport service; and in July they tried to burn the dockyard, in vain. A journeyman printer

reported the doings in Halifax to rebellious Bostonians; and a scare was caused by a news sheet echoing American opinions, though with no ill intent. With these incidents the American efforts in Halifax came to an end.[4] The rest of the province, however, was more vulnerable. The townsmen of Machias became especially zealous for enterprises against it, talking of conquest; and a party of them made a raid on the mouth of the St. John in August 1775, seized some shipping intended for Boston and forbade the people to supply British troops or vessels.[5] Four American privateers were presently threatening the area of the Bay, especially Annapolis. The farmers now faced the prospect of an incursion by their relatives in arms, and shrank from it, a great part of the militia making clear their unreliability.[6]

The American party tried to make use of the uncertainty. In Argyle township, Captain Jeremiah Frost tampered with the allegiance of the Acadian militia, to no result. His brother John, a J. P. justified the Americans zealously and hoped that the British forces would return from America confuted and confused; but being in two minds or finding an unsympathetic audience, he took to prayer for the King and the British nation.[7] Whatever their motives, the Frosts failed to move the Acadians and New Englanders of Argyle; and presently they lost their positions. The people of Passamaquoddy, New Englanders all and nearest to Massachusetts, proved more responsive; they chose a committee of safety and applied to Congress for admission to the union of colonies. But no one else stirred and by October 1775 it was clear that Nova Scotia would remain quiet through the winter.[8]

The government was now obliged to look to the defences of the province. These were in bad condition; for the militia of the threatened areas were short of ammunition as well as in part unreliable, most of the forts had been neglected since the withdrawal of the troops for Boston in 1768 and the garrison of Halifax was at one time down

to 36 men, the others having joined Gage. In response to an appeal from Annapolis, the council resolved to send ammunition, then discovered it had no means of transport. It ordered the colonels of militia to make up a stock of ammunition without indicating a source; and finally informed them that it would send some if they would give notice of rebel plans to land. Whether the rebels would co-operate by sending word and allowing time, the council did not say. Certainly there was much confusion about the defences.[9]

Legge had the idea of forming companies of light infantry out of the reliable militiamen and sent out officers for the purpose. The response was indifferent by Minas Basin and hostile at La Have; but Arthur Goold had some success among the Acadians of Clare and the New Englanders of Yarmouth and Barrington, forming three companies of fifty men each.[10] The government ordered a general subscription to oaths of loyalty and 700 chief inhabitants of Halifax and King's Counties and Annapolis promptly entered into an association acknowledging their fidelity to His Majesty and the supremacy of Parliament, in which the members of the assembly joined them.[11] Some recruiting was done for Gage's army, and Legge endeavored to raise a regiment on a regular basis for home defence, to be commanded by Denson and called the Loyal Nova Scotia Volunteers. His officers looked for recruits with little success. Fearing that preparations were inadequate, he and the legislature passed two acts in November, one to call out a fifth of the militia, the other to impose a tax for its support.[12]

The militia officers fell to the work of organization and met varying responses. The people of the two chief towns complied readily. At Cape Sable the mustering of light infantry was still in progress with no trace of opposition when two privateers appeared. These landed two parties who seized the local officers and informed the inhabitants that if they stayed quiet they would not be molested. The people of Yarmouth took the

hint and petitioned for leave to observe a neutrality during the war. At Liverpool there was a reluctance to take commissions in the militia. Around Fundy the militia bill had a less favorable reception than on the south shore. The men of Onslow and Truro, New Englanders and Irish, asked for exemption from service out of their townships. In the region of Minas Basin and in Chignecto, the American party spread a report that Legge would call out the militia and draft them to Boston. This stroke proved better than the others. The New Englanders of Annapolis, King's County and Cumberland refused the muster.[13] One member of the assembly, probably Rogers of Sackville, declared to his colleagues that the people would rise in arms against the acts; and an Archibald of Truro, meeting Robert Patterson, the loyal magistrate of Pictou on his way to Halifax for a copy of the oath, brandished a pistol and forced him to turn back.[14] It appeared that the New Englanders of the Bay and the Irish were in a state of disobedience; and Legge hesitated. Soon a detachment of the 27th Regiment arrived and provided some security for the capital; and the governor, reassured, informed the people that they would not be drawn from their homes except in case of invasion and postponed **sine die** the collection of the tax. The affair had proved chiefly the unwillingness of Nova Scotia's New Englanders to do service in Boston.

Much of the commotion over the militia bill was undoubtedly due to the coincident activities of agents recruiting for the regular regiments or for Legge's special force. These officers called loudly for enlistments against American rebels and traitors; and not being persons of imagination, were shocked when the New Englanders replied with words of wrath. Two officers at Annapolis and Windsor in August 1775, reported disaffected persons, ready to join the rebels at a good opportunity. One lieutenant in October met many snubs and jeers on the south shore. Denson held a recruiting meeting at Falmouth in Decem-

ber and reported an implacable rancor of the people of the country against His Majesty's government. Captain John Stanton, though not on a recruiting trip, came back from Minas Basin convinced that nineteen out of twenty of the inhabitants were rebels at heart, capable of declaring in the heat of an argument or of liquor that they would sooner kill an Englishman than a dog. In the spring, Lieutenant John Solomon returned from Annapolis to report that the men would sooner starve than enlist for the King and that two thirds of them would follow a rebel officer.[15] Strong as these expressions are, they reflect no more than the natural indignation of New Englanders at abuse of their relatives by officious persons in uniform. Sam Willoughby of King's County knew his neighbors and the officers; he denounced recruiting as the ruin of the country, then executed a volteface and offered to bet ten guineas that he could raise more men in four hours than all the recruiting officers yet.[16] It was the methods of the officers that were at fault. The New Englanders were fearful of a draft for the war against their relatives; but they were open to persuasion by one who knew their sentiments and could command their confidence.

The work of pacification was undertaken by Francklin, long their neighbor of Windsor. He secured permission from the government to form a special corps of militia whose services should be limited to the province and whose officers should be men known and acceptable to the farmers; and he drew up for them an oath free from aspersions on the Americans while insistent on the duty of loyalty to the King. On these terms in March and April 1776, he enlisted nine tenths of the men in Windsor, Horton, Falmouth, Cornwallis, Newport, if his claim is correct.[17] As is to be expected, his corps had no great military value; but his action had a political result, in that it ranged the New Englanders of Minas Basin, the largest body of farmers, under the banner of loyalty. From that time this important region remained reasonably quiet.

The American party had not ceased from its efforts. By one account early in 1776 the people of Cape Sable drove out the only loyal family of the locality; but as they displayed no other seditious tendencies, this action may have been misinterpreted. The members for Annapolis and Granville, Phineas Lovett Sr. and John Hall, remained away from the assembly by reason of American sympathies and forfeited their seats.[18] So did William Scurr, Sam Rogers and John Allan of Chignecto, as will be seen later. In the perplexed state of mind of the people, the policy of local leaders often decided their course. In Annapolis, Phineas Lovett Jr., son of the disaffected member, was an ardent loyalist; and he and William Shaw as officers of militia kept control and had the satisfaction of seeing their men do garrison duty at the local forts without trouble in the spring of 1776.[19]

Liverpool on the Atlantic coast seemed an uncertain town, containing American sympathisers at the time of the Stamp Act. In 1775 it was said in Halifax that men had left Liverpool to join the Americans; and shortly the people of Liverpool heard that as a punishment the town would be annexed to Lunenburg and the courts held at Yarmouth. The local leaders thereupon raised a sum to enable Perkins to attend the assembly; and he with some friends exonerated the town, declaring that none of its men had left for the purpose alleged. When soon oaths of loyalty were required, the people of Liverpool generally appeared and took them, only Captain Lemuel Drew refusing. At a general muster of the militia in October 1776, the men showed themselves in much better condition than Perkins, their lieutenant-colonel, had expected, and behaved very decently in view of their lack of experience.[20] There was a deal of smuggling and contraband trade with the Americans which led General Eyre Massey to describe it as a "most rebellious place": but in respect to most of the inhabitants he was quite wrong, as Perkins' diary shows abundantly.[21]

The fishermen of the coast, isolated from their fellow-provincials and by their profession capable of close touch with New England might have caused the government serious concern; but they remained quieter than the farmers, being reckoned by Legge among the best supports of government. In the later years of the war, many of them made touching pleas to Massachusetts for leave to remove to that state; and having secured the certificates, used them simply to secure immunity from the privateers, themselves clinging firmly to their Nova Scotian homes. The trick at least showed their distaste for revolution.[22]

The case of Cobequid was much the same. In Onslow, Truro and Londonderry were the Irishmen whose leaders the Archibalds had earned some suspicion at the time of the militia bill. In the summer of 1776 the Lieutenant- governor Arbuthnot visited them, found them at peace and secured their promise of loyalty; for the Archibalds, whatever their opinion of militia service, had no mind for rebellion.[23] In Pictou the Scots magistrate Robert Patterson and his countrymen stood for loyalty. They met strong opposition from the local Philadelphians, migrants of 1767-69, familiar with the agitations of the continent. These men had refused tea, had called their children after Adams and Washington, had persuaded two visiting American privateers to make a raid on Charlottetown. Now they threatened to murder Patterson;[24] and they would certainly have resorted to arms had they not been too few to undertake anything by themselves. Chignecto and the valley of the St. John we consider separately, remarking only that at the mouth of the river, Simonds, Hazen and White remained effectively loyal. In brief most of the local leaders served the cause of loyalty well and kept disturbing elements under control without the use of force.

But in Cumberland County the leaders were divided. Here were New Englanders and Yorkshiremen brought out by Francklin, some 220 families in all, and thirty families of Acadians in vil-

lages by Bloody Bridge and Jolicoeur. South of Cumberland on the border of Cobequid were twenty families of New Englanders in scattered settlements. On Bay Verte were ten families of fishermen, on the river Memramcook fifty Acadian families while in Hopewell, Hillsborough and Moncton dwelt forty families, two thirds of whom were Acadian.[25] To the north and west lay tribes of Micmac and Malecete Indians, anxious to secure good things from the whites and troubled by lingering regrets for their old father the King of France. Three political sympathies were represented in the isthmus, New England, Old English and French. The Yorkshiremen, led by Charles Dixon and the Reverend John Eagleson, missionary of the S.P.G., were staunch loyalists. The New Englanders, however, in their remote situation felt the influence of the provincial leaders much less than their brethren of Minas Basin; and they had among them a group of prominent men resolved on revolution.

Chief of these was John Allan, Scotch by birth but New England by his associations in the isthmus. He was proprietor of the farm Inverma in Upper Point de Bute and had married Mary Patton, daughter of one of the first New England settlers. He made friends with the local Acadians and Indians and obtained some influence among them. Being a young man of standing, he was chosen sheriff and justice of the peace; and in 1775 he was elected to the assembly at Halifax. He took the oath and his seat but shortly abandoned both from a decision to throw in his lot with the revolting Americans. Jonathan Eddy, born at the present Mansfield, Massachusetts, had purchased an estate in Cumberland in 1763 and settled there. He became deputy provost-marshal; but in 1775 he renounced office to take part in the revolutionary agitation. Sam Rogers the member, William Howe, Zebulon Rowe, Obadiah Ayers, Sam Wethered, Benoni Danks the member and Josiah Throop the engineer officer made common cause with Allan and Eddy; and all formed plans

to draw Nova Scotia into the union of colonies.[26]

In the summer or autumn of 1775 they chose as their point of attack the traffic with Boston, which they viewed with "pain and grief"; and they endeavored to dissuade their fellows of the isthmus from it. But the attraction of the King's gold was too strong; and the agitators decided that they could do nothing without assistance from other parts. In December came news of the militia and tax bills; and at once the New Englanders took alarm, fearing a draft for the war in their homeland. The Acadians professed a similar motive, their kin being scattered by deportations up and down the coast; but doubtless they objected to doing any sort of service for the British government. Even the Yorkshiremen, struggling with the difficulties of pioneers, felt that they could afford neither tax nor service.[27] The general perturbation provided the opportunity for which the agitators had been looking. They played on popular apprehensions, predicted hardship for the families of men on service, denounced the tax as oppressive in a country with little coinage and suggested an appeal to General Washington to invade the province. The county was soon in a "universal uproar." New and Old English alike protested against the bills; but the Yorkshiremen abhorred an appeal to a rebel army and most of the New Englanders hesitated, preferring the safer policy of a remonstrance to Halifax. Allan's group saw that they had gone too far; they laid aside their plan and became advocates of the remonstrance in order to retain some control. They turned to the New Englanders of Cobequid and obtained a little support, James Avery and Captain Thomas Falconer evincing sympathy. They still had some reason for hope.[28]

In December the commanding officer of the militia arrived in Cumberland and summoned the inhabitants to appear before him. They did so and charged him on his personal peril not to draw a man. He refrained; and guided by Allan, they drew up a petition to the government of the prov-

ince. A few loyal phrases served as a sop to the Yorkshiremen and others but the tone was defiant and still more the conclusion "We cannot comply with the law." A request followed for suspension of the acts and dissolution of the assembly which had passed them. Sixty-four persons in Cumberland signed, sixty in Amherst, sixty-seven in Sackville and fifty-one Acadians. The moderate phrases secured general assent among the Yorkshiremen and even a few signatures like those of Thomas Keillor, William Wood, and Charles Dixon who excused himself later as obliged to become all things for quietness' sake.[29] He wrote to Halifax in support of the requests but pleaded for a force to be sent to Cumberland to prevent rebellion and invasion.[30]

The petition was carried to Halifax by Throop and was doubtless a factor in the governor's decision to suspend the acts. Throop took the welcome news back to Cumberland; and most of the settlers were content with it. But Allan's group resolved not to let the agitation die. They held "committees upon committees" and tried to discredit the concessions as made only to gain time. They thus made it clear to the loyalists that Allan's desire for an American invasion had not disappeared as he had professed, but was his ruling motive. The coalition formed against the militia and tax bills now broke up, the loyalists went their own way. The Yorkshiremen saw no fault with the authority of Parliament to which they had always been accustomed; and the argument about imperial taxes they scouted, finding the levies in Nova Scotia ridiculously light as compared with those in their homeland. Charles Dixon retracted his signature to the petition; Lieutenant John Macdonald of the Royal Highland Emigrants came into physical collision with Allan's supporters; and the Reverend John Eagleson by his strenuous loyalty earned from Eddy the title "pest of society."[31] More obscure persons aided as best they could; Barrow, Scott, Law and Lieutenant Barron of the King's Regiment, re-

cuperating in Cumberland from a wound received at Boston. These men reported Allan's activities to Halifax and pressed the government for troops. In Cumberland they spread word of reverses to the Americans and successes for the King's troops. Mrs. Cossins did her bit by reporting that rebel agents were in Cumberland, gathering supplies for the invading army of the spring. And thirty-three inhabitants of Hopewell, Hillsborough and Memramcook sent in a loyal petition affirming their willingness to maintain the peace of the province even at the risk of their lives and property. The names seem Yorkshire, other than that of the Swiss Moses Delesderniers.[22] The loyalists were stiffening their backs.

In face of this opposition, Allan adopted the tactics of the New England Whigs. His men spoke of destroying the property and injuring the persons of the loyalists, selecting four as a beginning and Eagleson in particular. They boasted that the American army which had (nearly) conquered Canada would come thence and invade Nova Scotia in the spring by way of the Gulf of St. Lawrence; and they spoke of killing the bullocks purchased for the British army and salting them for the use of the Americans. Allan's committee met at the house of Eliphalet Reid, two miles from Sackville, on January 27th, voted Dixon and Mrs. Cossins enemies to the common cause and chose a committee of safety to inspect letters entering or leaving Cumberland. Wethered confidently declared that they would allow no more courts of judicature in the county and no couriers to go to Halifax. Having invited the Acadians, they held another meeting at Inverma at the end of the month. There they resolved that the governor's concessions were a pretence to gain time for troops to arrive; and petitioned again for dissolution of the assembly in terms which made plain their sympathy for the American cause. Now Allan and Eddy spoke of an insurrection; but the others protested that even if locally successful, they could not hold Nova Scotia

without help from the Americans, and secured a postponement for the purpose of sounding public sentiment. This was done during the next week, and the finding was adverse.[33] The Yorkshiremen maintained a firm if rather passive resistance; and even the New Englanders, perplexed by conflicting sentiments and calculations, would not rise. Dixon, who knew them, made an estimate of their mental state; they would sell the troops anything they had, "necessity obliges them to it", and left to themselves they would remain quiet. But if forced into the militia, they might turn to the Americans. They were indeed not entirely unmoved by Allan's appeals and would have welcomed an army of invasion; but of themselves they would do nothing.[34]

Allan was disappointed. His committee recognized their weakness and agreed to abstain from action as a whole, allowing individuals to appeal to Washington if they felt so inclined. Eddy then volunteered to take a letter to the American commander. Accordingly an invitation was drawn up and signed by twelve men including Allan and his father-in-law Mark Patton. Eddy took it and set out with a band of fourteen, including Rogers and an Acadian. On his way he picked up a letter from some New Englanders of Onslow asking for armed assistance or vessels to take them back to their own soil. He presented these documents to Washington at Cambridge on March 27, 1776 together with a letter from Allan giving an account of the agitation and assuring the general that 200 or 300 men would secure the region between Cumberland and Halifax.[35] But Washington had far too much business on his hands to spare a force for Nova Scotia. Eddy went on to Philadelphia and addressed himself to the Continental Congress with no better result. He returned to Nova Scotia in May and made his discouraging report to Allan. As last resort the group resolved to try an appeal to the government of Massachusetts. With a view to strengthening their case, they secured a list of persons who

pledged themselves to join an invading army. Eddy, Howe, Rowe, and Rogers departed to Boston with this document, Eddy bringing away his family also.

In the meantime in February a rumor spread in Chignecto that the American army had recaptured Bunker Hill. Allan's friends procured a chaise with six horses, postillions and a flag of liberty, and drove about the isthmus, proclaiming the news and the blessings of liberty. But the people did not stir; and Allan remained quiet, waiting the result of the appeal to the Americans. Presently he incurred an attack of smallpox which laid him low for three or four weeks. Now arrived Thomas Proctor, recruiting agent for Legge's regiment; and viewing the state of the country, he concluded that only ten persons would not join a rebel army on its first appearance. The lull in the commotion induced second thoughts; and loyalists flocked to him and asked him to make arrests or to conduct an enquiry. But he had no power to do anything of the sort; and after some correspondence with Allan who wanted to know whether he was a spy, he departed, his mission fruitless. In May Allan's group tried to make capital out of the dispute over Legge. They called a general meeting ostensibly to thank him for his administration and his attention to their memorial. But the magistrates, presumably Dixon and Black, suspected their intentions, pronounced the assembly unlawful and frustrated it. The county then had a respite from the agitation.[36]

But if the commotion had died down in Cumberland, it flared up in Sunbury. The inhabitants of Maugerville, New Englanders all, had not been forward in the cause of revolution; they had remained at peace through 1775, supplying the British army when not prevented by privateers. They had appealed to the government for help or at least for ammunition, in vain. The militia and tax bills had caused no trouble for the good reason that the people knew nothing about them. But in May, 1776, privateers occupied the harbor of

St. John and sent boats up the river. The crews warned the people of Maugerville about a coming invasion and declared that if the Americans were put to the expense of conquest, they would confiscate the land. At the same time some Indians, returning from a meeting at Boston, reinforced the argument by threats of massacre. Under this pressure, the Reverend Seth Noble, Jacob Barker, Israel Perley, Phineas Nevers, called a meeting at Maugerville on May 14, 1776. The persons present chose Barker chairman, resolved approval of and union with the cause of the Americans and elected a committee to appeal to Massachusetts and meanwhile to control the affairs of Sudbury.

This committee, of which Barker, Nevers and Perley were the leading spirits, canvassed the inhabitants for their support. One hundred and twenty-five signed a document to that effect, twelve or thirteen refused among whom were the traders at the mouth of the river, and twenty heads of families evaded the enquiries. The committee met again on May 21st, drew up a petition to Massachusetts for protection and union and appointed Asa Perley and Asa Kimball to deliver the document in Boston. At this juncture Nevers, Israel Perley and John Anderson received a commission from Halifax to collect the tax of December, which was their first word of it. Astonished, Nevers and Perley repudiated the appointment, informing Boston of their action. Asa Perley and Kimball soon reached that city and presented their documents to the council of Massachusetts. That body hedged on the question of union but ordered the delivery of powder, flints and small arms to the visitors, who presumably transported them to the St. John.[57]

The committee of Sunbury now endeavored to bring around the local loyalists, and found much difficulty with Simonds, White and Gervas Say, a magistrate and friend of the other two and member of the congregation at Maugerville. These men persistently refused answers to ultimata on the question of British or American allegiance.

Simonds, happening to be up river in July, was cited before the committee. He stated that he had written an answer, then decided not to send it. He would not declare his sentiments privately to the committee nor would he take a pledge not to inform the government or invite it to act. It is clear that he was having his fun with the men of Sunbury. The committee, perplexed, told him that they would not esteem him as a friend or have any commerce with him, but even so could not disturb his equanimity. Presently they became uneasy at the silence of Boston about their pleas for union and in September they sent Francis Shaw to Massachusetts for instructions, without result. At the end of the year they were still assuring the council of Massachusetts of their zealous attachment to the States; but they could do little better than play at revolution.[35]

During this time the government at Halifax had been strangely indifferent to events in Cumberland and Sunbury. Dixon and Eagleson had plied the council with frantic letters; Barron sent a corporal and Macdonald came in person to inform them. Francklin had engaged in a long correspondence with Legge insisting that the trouble in Cumberland was the work of half a dozen agitators and offering to go there himself and settle matters. The problem was complicated by the strained relations between the two men, and nothing was done. But in May Arbuthnot and his council took the business of Cumberland in hand and despatched Lieutenant-Colonel Joseph Gorham with about 200 Royal American Fencibles (increased later to 260) to occupy the old fort. Gorham arrived early in June and set about repairing the defences. At his arrival the lukewarm turned to the government's side and the loyalists denounced the leaders of the agitation. Gorham, however, made no arrests, preferring to overlook everything.

Allan, who had lain quiet since March, held a committee meeting to discuss the new situation. All agreed that they could do nothing against the

garrison unless they could procure 500 Americans with a good command and supplies. Allan now turned his attention to the local Indians and endeavored to enlist them on the American side. But after conferences and soft words to each party, they preferred neutrality. Allan then appointed a meeting with the tribesmen of Cocagne, on the Gulf Coast, well out of range of Gorham's influence.[29]

Now in June Francklin appeared in Cumberland to execute the plan which had succeeded in the area of Minas Basin. He counted on his influence with his tenants and the Yorkshiremen to secure a like result; and he urged the people to wipe off the stain of disaffection by enrolling in his militia. About thirty, chiefly Yorkshiremen, responded; but most of the Old English and all of the New, hung back. In fact he had overestimated his influence; the men of the north knew him only as a landlord and vendor of real estate, not as a neighbor. The loyalists doubtless considered the garrison sufficient protection while the disloyal rejected any policy which might aid the government. Francklin now had recourse to authority; he declared that those who would not join should forfeit their lands and that he hoped to see the day when no American should have a foot of land in Nova Scotia. Persuasion and threats alike failed; the New Englanders declared their "detestation and abhorrence" of the proposals if Allan is correct, and were at least sullen and immovable. Francklin returned to Windsor and fell ill, Allan having won the first round of a long contest between them. In September came another visitor, Charles Morris Sr., doing circuit duty in his capacity as assistant justice to the supreme court. He had found the people of the province in general well disposed; and in Cumberland he thought the loyalists decidedly in the ascendant. The grand jury made loyal resolutions and the common people who attended showed great zeal and due subordination, heartily sharing the jury's sentiments. It must have been either

honest Yorkshiremen or double-dealing New Englanders who thus thronged the court; and Morris saw much less than Proctor or Francklin. He left Cumberland under an illusion of its loyalty which throws much doubt on his powers of penetration.[40]

In the meantime the government had decided to ignore Allan no more. In July it declared his and Rogers' seats in the assembly vacant and offered £100 each for the two and for Howe and double that amount for Eddy. Leaving a committee of his friends in charge of revolutionary interests, Allan departed from Cumberland in an open boat on August 3rd. He went first to Cocagne, met his Indians and found that they desired only to keep out of the white men's contests; then continued on his way and reached Passamaquoddy on the 11th. Two days later he entered Machias Bay, and there he met Eddy.[41]

This man had importuned the council of Massachusetts for an armed force to conquer Nova Scotia. The council had no force to spare but authorized him to raise men if he could and promised supplies and ammunition. He, Rowe and Howe then persuaded twenty men of Machias to join them and determined to try their luck with what others they could collect in Nova Scotia. At this moment, Allan arrived. He was dismayed at the smallness of the band and counselled abandonment or postponement of the enterprise. But Eddy was headstrong and optimistic and went his way. At Passamaquoddy he picked up a few recruits. He proceeded to Maugerville where he found the inhabitants "almost universally to be hearty in the cause." When deeds were required, however, the heartiness was qualified, and only twenty-seven whites and sixteen Indians would share Eddy's fortunes. His whole force now amounted to 72 men and with these he set out for Cumberland. The difficulty of procuring supplies and the necessity of cutting roads occupied some time; and it was not until the beginning of November that Eddy reached Shepody Point,

where he captured a small outpost left by Gorham. Thence he proceeded to Sackville, and here he met Allan's committee. They took alarm at the small size of the force and its lack of artillery. He had recourse to bullying; he accused them of selling provisions to the British army and declared that if they did not rise, he would return and report them to the States as enemies. But if they would join him, he could promise a reinforcement by a large body of men under Francis Shaw within fifteen days.[42]

This intimidation was successful; the committee succumbed and took the course which their own judgment even now forbade. They called for a rising of the people of Chignecto. Most of the New Englanders and all of the French capable of bearing arms responded and joined Eddy, bringing the total of his force to 180 men; and with these he commenced a siege of the fort. He frightened the loyalists into submission and plundered their property. He had deceived them badly as he had only about half as many men as could have been gathered against him, garrison and Yorkshiremen. He sent out for recruits; and from Cobequid came James Avery and Thomas Falconer at the head of twenty-five men. But the Irishmen held aloof and the New Englanders of Minas Basin made no stir. Hearing of a ship loading at Pictou, Eddy sent a band to seize her. His emissaries received a warm welcome from the local Philadelphians, who were lively in their Americanism. They had already intercepted despatches from Charlottetown in October; and now they readily joined Eddy's men. They obtained the aid of W. Waugh, an old Scots Covenanter and seized the ship, the Molly, owned by Captain William Lowden of Dumfries. They took her to Bay Verte and were obliged to abandon her there. The other Scots of Pictou remained resolutely loyal; and even Waugh, punished by confiscation of his goods, repented and aided the government. But Eddy had procured little help beyond Chignecto.[43]

Gorham meanwhile was conducting a pecu-

liarly unenterprising defence. He could at any time have made a sally and beaten up Eddy's camp; but he stood behind his defences, much overrating his opponents. The naval officers had a better view of the situation, especially Sir George Collier who spoke contemptuously of Eddy's men as "armed banditti."[44] Finally Gorham succeeded in reporting his troubles to Halifax. General Eyre Massey organized a relief force of regulars and asked Francklin to lead a detachment of his militia against a group of the invaders on Partridge Island.To Francklin's chagrin, however, not a man volunteered. When the regulars had departed, the militia did garrison duty cheerfully enough in the forts at Windsor and Annapolis; for they were not disaffected, merely fearful of an independent military enterprise. The regulars in fact did not need the assistance; at the end of November they relieved Fort Cumberland and dispersed Eddy's force. Gorham promptly offered pardon to the local rebels on condition of submission. About half of the New Englanders accepted and most of the Acadians; the others including thirteen Acadians under Captain Isaiah Boudreau, fled with Eddy or joined him and Allan in the succeeding months. The government allowed their families to follow them; and when this was done, American nationalism went to a low in Chignecto.[45]

The rebels of Sunbury remained; and to them also the policy of leniency was applied. Councillor Arthur Goold went to them in the spring with offers of pardon and oblivion. The great majority, unwilling revolutionists at the best, accepted and only a few like Phineas Nevers preferred exile. On Goold's departure, Allan made his appearance with a small force and a commission from the Continental Congress. The story of his expedition will be outlined in the next chapter and it suffices here to indicate the political results. He tried to rouse the settlers of Maugerville again but found them sick of revolution and eager above all to be let alone.[46] The government, notified of his activ-

ities, sent a fresh expedition to the St. John in June and July 1777 under Major Gilfred Studholme; and Francklin brought detachments of militia from Halifax and Windsor. These, acting now with the regulars, acquitted themselves with some credit and partly redeemed their failure of the previous November.[47] Allan was driven off the river and from that time endeavored to incite the Indians against the British, as will be narrated.

The conclusion of the Franco-American alliance in 1778 gave him hope of another revolt in Chignecto; and early in 1779 he sent an agent, John Starr, to discover the mind of the inhabitants and particularly of the Acadians and Indians. The Acadians received Starr with joy and burnt their certificates of submission, but could do nothing for him. The Indians put him off with words; the New Englanders gave him the cold shoulder. From that time the Isthmus was much disturbed by the raids of privateers but political agitation ceased[48]

The attempts at revolution in Nova Scotia were now at an end. The New England settlers had brought to Nova Scotia no quarrel with the empire; and through the care of the provincial leaders, entered on none in the new province. Only individuals or small groups who happened to be in close touch with their homeland (and not even all such, e.g. Perkins) manifested sympathy with the disturbances there. The mind of the majority was no doubt voiced by the petitioners of Yarmouth. "All of us profess to be true friends and loyal subjects to George our King. We were almost all of us born in New England. We have fathers, brothers and sisters in that country. Divided betwixt natural affection to our nearest relations and good faith and friendship to our King and country . . ."[49] Fundamentally they were loyal to the empire as they had always been; but their relatives had changed.

The Philadelphians of Pictou, however, late migrants and familiar with the disturbances of the continent, had absorbed American nationalism

and in 1776 were anxious for revolt, lacking only the power. In Cumberland and Sunbury the hand of the leading circle was least felt and some opportunity arose for agitation. In Cumberland lived a band of capable men who had keen sympathy for the revolutionists; and these made a serious effort to draw the country and if possible the province into the orbit of the colonies in arms. They could not persuade their fellow New Englanders to raise the standard of revolt but they did evoke some sparks of American nationality. In the autumn of 1776 by deceit and threats Eddy overcame the reluctance and caused an insurrection in the isthmus. In his military effort he failed; in his political, he had some success since half of the New Englanders of Chignecto became refugees with him, ignoring offers of pardon. The settlers of Maugerville, who had no strong group like Allan's to follow, adopted the American cause under pressure and subsided at the first excuse. The failure of the agitation led to the departure of the agitators and the province settled down to the status quo. At the best the loyalty of most of the New Englanders was lukewarm in comparison with that of the Yorkshiremen and the Scots; and thanks to the army and navy it escaped a severe test. But such as it was, it preserved the province as a whole from any serious attempt at revolt.

From time to time during the war there were alarms and excursions. While Eddy was in Cumberland, the Irish of Cobequid had remained quiet, as we have seen. In December 1776 a privateer under a captain named William Carlton who had done some burning at Canso, came to Onslow and established friendly relations with the people. Lieutenant-Governor Arbuthnot took this event ill, rebuked the people and in the spring of 1777 sent magistrates to take oaths in Truro, Onslow and Londonderry. Only five persons complied, the rest failing on "frivolous pretences". The assembly punished them by refusing to admit the members of Onslow and Truro, including Sam Archibald. The government sent a party to take

prisoners; but it stopped at Fort Sackville as the officers were ill. A second party reached its destination and sought to execute the mission but found that its birds had flown. In 1778 it was reported that some proscribed rebels were trying to seduce the men of Cobequid from their allegiance. Again the authorities sent a party, forty-odd soldiers, to make arrests; and presumably they were successful as Massey reported good work on their part. Thereafter the trouble subsided and Archibald was a loyal subject. The whole matter is obscure but the disturbance may safely be laid to Irish wit rather than disposition to revolt.[50]

A few instances of supposed disaffection got into the records. In Chester suspicion arose of the Reverend J. Seccombe and of T. Houghton in December 1776. Seccombe was soon brought to time, ordered to find security for good conduct and forbidden to preach until he had formally recanted, which apparently he did. Houghton's motive seems to have been his Protestantism rather than Americanism since he objected chiefly to the favor shown to the Roman Catholics by the Quebec Act. He was convicted but treated leniently and soon took the oaths. The success of this gentle policy proves the strong position of the government; otherwise with such trifling penalties disaffection would soon have been rife.[51]

Some of the New Englanders by Minas Basin found an outlet for personal sympathy with relatives in revolt by assisting prisoners to escape. As the war dragged on, they took a sporting interest in the success of the Americans and teased loyalist refugees by expressions of attachment to the American cause, one woman even hoping for a conquest by the French.[52] But the familiar leaders at Windsor knew better than to take such vaporings seriously, the output of an insignificant minority. The missionary Ellis was able to vouch for the general loyalty of Windsor, Cornwallis, Falmouth and Newport; and in the sack of Annapolis by Americans in August 1781 the militia of

the country acted loyally although slowly as do unpractised troops.[53]

Liverpool, also a town of New Englanders, was much troubled by privateers who on occasion had help from a few of the inhabitants. Perkins endeavored to prevent collisions by treating with the crews when he could; but his policy seemed supine to many townsmen. These built a fort for a small party of regulars and fitted out a privateer of their own which took several prizes. The most serious raid on the town occurred on September 13, 1780. About 3 or 4 a.m. two privateers came in under command of one Ben Cole, surprised the fort and took most of the soldiers in it. At first there was some alarm in the town; but soon the people realized that the enemy were in no great force, and they recovered heart. They captured Cole as he came down street; and the militia were keen for a fight. But Perkins offered to let the invaders go if they would do so with empty hands. They agreed and the affair ended happily for all. Liverpool was now becoming hostile to the Americans. The raids on Annapolis and Lunenburg had much the same effect; they evoked not sympathy but dislike for the Americans and their cause. Nova Scotians in general were stiffening their backs.[54]

The population of Halifax had all the time cheerfully followed its leaders. The aberration of Smith and Fillis in 1774 found no echo among artisans and laborers. In 1775 the embargo laid by the Continental Congress brought commerce to a stop and led Legge to appeal to the home government for flour and pork to avert a famine. Similar circumstances in Bermuda had evoked a negotiation with Congress and a long series of traitorous transactions; but the merchants of Halifax put up with the inconvenience, relieving the stress by dealing with Quebec.[55] In mid-1778 on the appearance of a strange fleet, the inhabitants readily offered their services in defence and would no doubt have been as good as their word had not the fleet proved British. In that year the

grand jury made an address of exemplary loyalty. An agent's report to Washington in 1779 described the 1100 militia in and about Halifax as well disciplined and ready to do their duty. Lieutenant-Governor Hughes thought the militia of Halifax usable though he had no such high opinion of their military value. That of the province at large he considered little dependable, as in some parts difficult to assemble, in others of doubtful principles. At the end of 1781, Lieutenant-Governor A. S. Hammond reported the militia as in tolerable condition and the population loyal except for an unimportant few.[56]

The people of Lunenburg, though no high imperialists, were content enough to do as Halifax and their local leaders desired. Their militia marched to the capital in compliance with orders in 1775; captured an American brig off the harbor in 1780; showed no disaffection if no great efficiency in the sack of the town by Americans on July 1, 1782. The missionary Eagleson considered the Germans as in general well affected, and no doubt knew what he was saying.[57] The virtue of loyalty was not without its reward; for from the middle of 1776 the requirements of army and navy brought prosperity to Halifax and in less degree to the province at large. The accruing revenues reduced the public debt to moderate dimensions (over £11,000) and released the province from financial difficulties. The principal error of domestic policy was thus corrected.[58]

The leaders of Nova Scotia had throughout held steadily to their course. By the year 1765 they had made up their minds on the question of imperial relations; and in 1768-70 and 1775-7 they did no more than continue the policy of the earlier date. They managed the dispute with Legge without a trace of disaffection. In the strain of the revolutionary war, they suffered no defections of note; and the world witnessed the spectacle of a group composed chiefly of New Englanders preferring the cause of the mother country to that

of their own.[56] In such circumstances an inclination to illicit trade by way of Liverpool and the ports of Fundy, indulged in by even Newton and Binney if Massey's suspicions were correct, could be ascribed merely to an amiable weakness. The principal men of the province obtained entire success for their policy of union with the empire. Nova Scotia was not the Vendée of the American revolution; that distinction was reserved for East Florida. The story of the Maritime Province in this period, however, is that of New Englanders perplexed but inclined to the empire, who were well and truly managed by an able leading circle.

CHAPTER VI

The Contest for Western Nova Scotia (New Brunswick)

At the beginning of 1777 it was clear that Nova Scotians would not voluntarily join the union of states. They might have been compelled to do so by invasion in sufficient force; but this the Americans could never afford. In these circumstances it remained only to decide the political fate of the territory between the Chignecto isthmus and the border of Massachusetts. This was part of Nova Scotia but not effectively occupied and seemed a fair field for American enterprise.

The area of the present New Brunswick then contained about 1400 English inhabitants, the great majority of whom had come from New England to occupy the valley of the St. John. In 1775 most of them yet remained about two principal points, the farming settlement of Maugerville and the trading establishment of Simonds, Hazen and White at the mouth of the river. A few had found homes on the Petitcodiac and some fishermen from New England had made Passamaquoddy their base. Four hundred Acadians lived in Sunbury township, at the mouth of the Keswick and in the French Village on the Kennebecasis. But most of the territory was held by tribes of natives who lived by hunting, fishing and selling political favors to their European neighbors, all the while regretting the loss of their priests. The Micmacs of the peninsula and the isthmus had lived for some time under English influence and were disposed to become the King's men. Their brethren of the Gulf Coast (Richibucto, Miramichi, Chaleur), far removed from the revolting colonies, cultivated from both Halifax and Quebec and instructed by the priest Bailly until his return to Quebec in 1772, also looked with favor on the King's cause. On the other hand the Penobscots

of Maine were obviously open to the influence of the colonists in arms. Between them and the Chignecto isthmus lay the Malecete tribes of Passamaquoddy and the St. John, the largest group of whom were seated at Aukpaque above Maugerville. The Indians of the St. John had at that time two chiefs; Pierre Thomas who stood with the elders for a policy of caution, and Ambrose Bear who, though no junior himself, spoke for the younger and more adventurous men. The assistance or even the sympathy of these Indians would be an important factor in the contest for control of the No Man's Land between the isthmus and the border of Massachusetts.[1]

Accordingly the provincial congress of Massachusetts at Watertown in May, 1775, invited the Indians to join the Americans; and Washington sent letters from Cambridge to the same effect. The Penobscots responded by declaring themselves friends of the Colonists. On the St. John, both Ambrose and Pierre at first inclined to the same side; in September, 1775, they assured the Colonists of their sympathy and asked for continuance of trading facilities at the Penobscot. The chiefs of the tribes on the Gulf Coast, however, repudiated the desire of some young men for war and declared for a friendly neutrality. On the British side, Legge was somewhat slow. He held a conference with the Micmacs in the summer of 1775, gave supplies and asked his guests to harry the rebels' settlements if Allan is correct. He called another meeting of the tribes from Chaleur to Sable in March, 1776, which inspired some fear in Allan's group. All the traders but the French of Cocagne were in favor of the government; John Anderson in the St. John valley tried to win Ambrose by pleas and presents. Last, Gorham at the fort in June, 1776, invited the local Indians to a meeting and a distribution of good things, which of course they accepted.[2]

By this time a local influence was at work in favor of the Americans. John Allan, disappointed with the response of the New Englanders of the

isthmus to his efforts, turned to their Indian neighbors in early 1776. They, anxious like St. Paul to be all things to all men, replied to him as to the government with encouraging phrases. But after consulting both him and Gorham in June, they showed a strong inclination toward neutrality on the principle of safety first. The younger Indians, however, were tempted to do a little speculating in Boston. A delegation of them, led by Ambrose and including men from Gaspé, Miramichi, Richibucto, Cumberland, Windsor and La Have, ten in all arrived in Watertown in July for a conference with the council of Massachusetts. Ambrose as spokesman gave up various presents they had received from Anderson and the government, repudiated King George and England and declared a novel double allegiance "All that we shall worship or obey will be Jesus Christ and General Washington." He and others promised to raise the young men on behalf of Boston, estimating 115 in all. In such a favorable atmosphere a treaty was speedily concluded providing for an alliance, abstention from injury, a priest for the Indians and a contingent of 600 men to join Washington's army. It seemed that the Americans stood high in the graces of the Indians.[8] But performance fell much short of promise and Eddy could enlist for his enterprise only sixteen Indians of the St. John, including Ambrose and Pierre. His failure settled the matter of allegiance for the Indians of the peninsula and the isthmus.

In the meantime, Allan had left Cumberland in August, 1776, taking with him Lewis Fred Delesderniers whose uncle Moses, a Swiss immigrant, remained resolutely loyal. Allan proceeded first to Cocagne and met some chiefs of the Micmacs, as has been said. He found them determined not to take sides, though protesting friendship; and disappointed again, he went off to Machias. As most of the whites living among the Indians were zealous for government, Allan perceived advantages in the appointment of a

superintendent who should live with the natives, supervise their trade and win their affection for the States. Cogitating further on the matter, he could see none more qualified for the post than John Allan. Accordingly he proceeded to Philadelphia and addressed Congress. That body was easily persuaded to appoint him superintendent of the eastern Indians and colonel of infantry with a salary and allowances. Having learnt in the meantime of Eddy's repulse, he requested the sanction of Congress for a second invasion of Nova Scotia and promptly secured it, being referred to Massachusetts for the men and supplies. He returned to Boston and applied to the General Court of that state. This authority gave its approval and resolved to raise a considerable force; but by reason of its commitments elsewhere found its achievements much short of its ambition and could enlist only 100 men, most of whom seem to have been refugees from Cumberland. Nevertheless Allan established a base at Machias and determined to try his luck.[4]

But while he had been in Philadelphia, the British had not been idle. Admiral Howe kept frigates in the Bay of Fundy; and Goold, having pacified the people of Maugerville, treated with the Indians, secured some oaths and a promise, and undertook in return to try to obtain a priest. When his back was turned, Allan was ready to move. He sent ahead two of his aides, Howe and John Preble, to the mouth of the St. John. They reached it but their boats and supplies were gathered in by H.M.S. Vulture. Allan followed with 43 men, 22 of whom were Indians, and arrived at the St. John on June 1st. He raided the settlement there, seized Hazen and White and presently let them go on parole. A reinforcement of 42 men arrived; and Allan left a total of 60 under Captain Jabez West at the mouth while he proceeded upstream. Soon he reached Maugerville, found the people cured of revolutionary tendencies, and continued to Aukpaque. Here Ambrose was friendly. Pierre cool and the tribes impressed

by Goold's offers. Allan made every effort to gain their favor, remained three weeks with them and achieved initiation into the tribe. In the event, he acquired their confidence, only Pierre standing out and declaring that he was half English, half Boston and would not take up the hatchet. The old chief was doubtless allowing the cat plenty of time to jump.[5]

Allan's progress was soon reported to Halifax. Arbuthnot and Massey prepared an expedition of 340 men under Major Gilford Studholme whom Francklin was to accompany as civil magistrate. Studholme and his men reached the mouth of the St. John on June 30 and shortly disposed of West's force, Hazen and Simonds jeering at the discomfiture of the Americans. Francklin arrived next day from Windsor with 150 more troops and militia, and all proceeded upstream in search of Allan. En route they met Pierre Thomas, anxious to please the stronger party, and took him on board. They soon came on Allan's force at Aukpaque and captured baggage, arms and three of the men; but the rest and the Indians got away to the mouth of the Keswick.[6]

Operations now halted while Francklin took charge of diplomacy. He despatched Pierre to ask Ambrose to visit him and offered $400 for Allan, dead or alive. But Ambrose, loyal to the Americans, spurned the invitation; and Allan, assuring the Malecetes that the Americans would soon regain the river and reward their friends, persuaded the great majority to accompany him to Machias. Francklin and Studholme had only Pierre Thomas and his small section of the tribe, to whom they allotted the presents and a flag. Nor were they sure even of these; for Pierre Thomas presently came to Machias, having still an open mind on the question of sides. Francklin turned to the local Acadians, won their good graces and appointed one of them captain, they sealing the bargain by promising him a consignment of nuts; and the expedition returned to Nova Scotia.[7] The men of Machias presently meditated another descent on

St. John; but Admiral Sir George Collier interrupted the plan by a naval raid on the town in August. In return a privateer under Captain Crabtree of Machias plundered St. John; and the inhabitants complained loudly to Halifax. Accordingly in November 1777 the authorities again despatched Studholme with fifty men. These built Fort Howe as a permanent post which assured the communication with Canada. The No Man's Land was now west of the St. John; and the advantage of the year remained with the British.

Allan meanwhile had reached Machias with his 480 Indians. He soon found his guests grumbling at the loss of their homes and hunting grounds and at the cancellation of the project against Nova Scotia, announced by Massachusetts in spite of Allan's promises. He held a dinner and staged a show for their benefit, putting up Major Newell to address them in the role of an envoy from Washington, and himself reading a fictitious letter from the council at Boston. Whether the Indians were impressed does not appear; but they found means to amuse themselves until he complained of them as "of a fluctuating turn of mind and so subject to liquor." He found work for some, hunting for others, and received supplies from Boston which solved his problem of entertainment for the winter. At the same time reinforcements arrived, much short of a stipulated 300 and a commission as commander on behalf of Massachusetts. He was now able to keep some control and to make plans for the spring.[8]

The fortunes of war in the principal theatres soon became known to the Maritime Indians. The surrender of Burgoyne at Saratoga in October, 1777, appears not to have affected them seriously. Pierre Thomas indeed brought a band with him on his visit to Machias, but doubtless they desired chiefly to compare American bounty with British. The approaching entrance of France into the conflict in 1778, however, roused memories of the French regime, political and religious, which might be turned to American account. Allan made

the most of his opportunity. He sent out agents in every direction with promises of presents and of French assistance for a revolt against the British. He appealed even to the Micmacs of the Gulf Coast; and these assembled on the Miramichi in 200 canoes, held a conference and shortly sent him a favorable message, though professing inability to act at the moment. He incited the minority of Malecetes on the St. John; and he held a series of conferences at Machias in May, at St. Andrew's Point on July 1st and again at Machias on July 30th. There he communicated the French treaty to the natives and urged them to throw aside their indolence and lethargic spirit and commence hostilities against the English. All replied that they were ready on the shortest notice and held a festival in honor of the occasion.[9]

The first to respond were the minority on the St. John, 25 or more families of Aukpaque by Allan's estimate. These seized a sloop from Halifax with ammunition and clothing and dismissed her with a prohibition of the river to the King's vessels. They seized another boat and held her to ransom; then turned events to immediate account by stealing cattle from the settlers. Finally they reported to Allan at Passamaquoddy, professing to want only directions and suggesting an attack on Fort Howe. At this message Allan was triumphant, feeling "the Indians are prodigiously roused through every tribe." He expected a general war of the natives against the British; and he dispatched most of his Malecetes back to Aukpaque with some Passamaquoddies and Penobscots, furnishing them with a declaration of war. Within a week, however, he had heard that the Malecete minority were wavering, declaring that Americans like Britons were interested only in making money. He sent another band to order them to send back the colors given by Studholme, to arrest the Acadian captain but no settler, to proceed to the fort, destroy cattle around it and encourage desertion. Before they could carry out this program, the majority from Machias had

joined them; and now the united Indians of the St. John returned the colors to Studholme and sent the declaration of war. For the first time there was serious danger of an Indian war on Nova Scotia.[10]

All summer Francklin and Studholme had been anxious about the behavior of the tribesmen. Studholme had tried to attract them from Allan's meeting in May, in vain. Francklin felt the need of closer supervision than he could exercise from Windsor and chose James White his deputy on the St. John. He sought funds for presents and finally secured a grant from the provincial legislature through the good offices of Richard Hughes, successor to Arbuthnot. He sent a preliminary cargo to White in August. White had just heard of the arrival of Allan's Indians at Aukpaque; and he boldly went up the river to the head of the Long Reach and there met the chiefs. Pierre Thomas trimmed again and with his aid and that of the presents, White was able to spin out negotiations until his superior could come to his aid. In the meantime Francklin had determined to play his best card. He induced Hughes to borrow the priest Joseph Mathurin Bourg from the mission post of Chaleur; and with the reverend father and another cargo of presents, he arrived on the St. John in September. He broadcast invitations to a conference and by his combination of spiritual and material commodities, he proceeded to melt the hearts of the natives, Allan having difficulty holding even his remnant at Machias.[11]

The conference opened on September 24th at Menaguashe in St. John harbor. Francklin announced to the assembled Indians the arrival of a priest for their eternal welfare and his own desire to heal the differences between them and their white neighbors. Bourg produced a letter from the Bishop of Quebec forbidding mass to any Indian guilty of aiding the rebels and asking for a list of the disobedient. The threat was sufficient; the Malecetes expressed contrition, offered to restore the stolen property or provide compensation,

promised to abstain from communication with the enemy and to reveal any hostile designs which might come to their ears, and took oaths of loyalty to George III. As crowning proof of their conversion, they surrendered Washington's presents, the treaty of 1776 and a letter from Allan. Francklin inspired a reply to Allan, requesting him to stay at Machias; and three chiefs signed, including Pierre Thomas. All drank the King's health and Francklin distributed the good things. The conference concluded on September 26th in grand style with salvos from fort and ship and fond farewells. Bourg accompanied the Indians up river and soon turned back some Micmac chiefs on their road to Machias. The affair was a diplomatic triumph for Francklin and brought him much praise in high quarters.[12] Seven Indian families separated from Ambrose and came in to Fort Howe. Most of the Malecetes remained on the St. John for a year and the Micmacs continued in their tranquillity. Allen's greatest effort had been brought to nought; and he remained at Machias the rest of the year, rebuking the distant Malecetes and apologizing to those present for his bad goods. In November he sent a party under Lieutenant Andrew Guilman to Medoctic, 140 miles from the mouth of the St. John, and others to points lower down; but these reconnoitered, found no sympathy and withdrew.[13] The year 1778 was certainly Francklin's.

The advantage gained was followed by a military stroke. In June, 1779, the British seized the mouth of the Penobscot and established a fort there. The principal area of conflict in this sector was now the Maine coast; and New Brunswick, except the southwest corner, became a British sphere of influence. A new post on the Oromocto, Fort Hughes, secured the communications with Canada. It was now safe to use the resources of the St. John valley; and William Davidson, a Scot, cut timber for masts there in contract with the government, Francklin aiding the enterprise by letters and presents to the Indians. The induce-

ments proved sufficient; and despite occasional alarms, Davidson continued to supply masts to the navy during the remaining years of the war.[14]

After his success of September, 1778, Francklin was content to rest his oars for a time, merely providing a trading house at St. John and entertaining a number of Indians at Windsor. Early in the new year the Micmacs gave him some cause for uneasiness. He assured White that he would counterplot them; and through the good offices of Haldimand at Quebec, he procured threats to the Penobscots from the Indians of Canada. Proceeding more directly, he called in the indispensable Bourg and with him made a tour of the east coast in May, 1779, distributing presents and erecting a chapel for a mission station at Miramichi.[15] After he had left, a difficulty arose there. The Indians of that river attacked and plundered some local traders. In return Captain Augustus Hervey of H.M.S. Viper trapped sixteen of the Micmacs by a display of French and American colors. One was killed in the scuffle; and the captain carried off a dozen to Quebec, releasing the others. The Indians complained to Francklin. He at once provided for the families of the prisoners and took the matter up with their chiefs. These soon signed a treaty giving assurances to the traders and pledges about correspondence with Allan and other rebels; and in return Francklin undertook to protect them from molestation by British subjects or armed forces and to provide facilities for trading. He sent to Quebec for the prisoners; and when they arrived in Halifax he discharged seven, keeping two as hostages. Eventually the Indians conducted to him the author of the original disturbance, and Francklin pardoned him and let the hostages go. The happy termination of the affair was certainly due to his skilful management.[16]

He had some difficulty with his own authorities who felt less need to cultivate Indian goodwill in the new military situation and accordingly kept him short of provisions and made trouble

about paying his rather large bills. Eventually they paid; and in the meantime Germain enquired whether the generosity did not deserve a little military service on the part of the Indians. Francklin in reply drew up a careful statement which he sent to Sir Henry Clinton in New York. He had induced a small party to attack an American privateer in Cape Breton and might expect others to follow the example; but he could do no more. Only a small number if any of the natives would leave the province for military purposes; and the claim of their families for support would make the matter a doubtful investment. The attachment of the Indians to the French was yet strong and their regard for the Americans much increased by the alliance. If a French fleet should appear, they might yet take arms and lay waste the frontier settlements. His advice therefore was to nurse them in their neutrality;[17] and Germain and Clinton acquiesced.

All this while Allan had been struggling with multiplied difficulties. Painfully aware of his principal deficiencies after his defeat of 1778, he promised his Indians better supplies and a priest and went to Boston to plead for help. The General Court discovered a strange constitutional scruple about the supplies; but it searched for a priest and finally procured a certain Delamotte. But again the superintendent was doomed to disappointment; for from the first Delamotte's demands exceeded Allan's ability to provide. In the summer the priest went to the Indians of the Penobscot who at first vied with each other for the honor of entertaining him; and for a brief space Allan thought that the reverend father was giving satisfaction. But presently Delamotte evinced a disposition to quarrel with persons of all races impartially; and after complaining of him through the summer, Allan dismissed him as "a most dangerous person to continue in the department."[18] He was obliged to fall back on conferences, and held one at Passamaquoddy in July. He made donations and exhorted his guests to attack

the British, getting in return promises of more than the usual vagueness. Four Micmacs appeared from the Gulf Coast; and Allan took them to Machias and entertained them for some time to the usual little purpose. The authorities of Massachusetts now planned an attack on the fort at Penobscot and asked Allan's help. He paid a second visit to Passamaquoddy in the hope of enlisting the Malecetes; but was foiled by White and Bourg and could obtain only a few of the local Indians. With these and some Penobscots he tried to join the American forces. But owing to false reports, bad weather and most of all to a lack of enterprise, he failed to reach the Penobscot in time for the action.[19] His absence did not affect the result; the men of Massachusetts were heavily defeated by land and sea.

The reverse changed the temper of Allan's Indians; and they were presently abusing him and the Americans, making insatiable demands, stealing from the people, yearning for the flesh-pots of St. John or skulking away together. Some whites of Machias had similar notions and soon built up a thriving trade with Nova Scotia which Allan was powerless to prevent. Last, a packet of his despatches fell into the hands of a party of raiders from Canada under Captain Lunier. His fortunes were at low ebb.[20] But after a time the Indians returned to their normal mood, seeing no attempt by the British to make capital out of the success at Penobscot. And the Malecetes of St. John, finding the stream of Francklin's bounty reduced to a trickle, turned a favorable eye to Machias. In October Allan sent a party to that river under Delesderniers. They took a vessel, plundered two or three inhabitants, then held an assembly of the tribesmen and invited them to Passamaquoddy. Most of them accepted and came to the St. Croix in November, having open minds about gifts at all times. Allan had some hopes of organizing an attack on Fort Howe but soon discovered their vanity and instead invited the Indians to winter with him at Machias. The promise of entertain-

ment there was sufficient to draw 280, a slight majority of the Malecetes, but no Micmacs.

While they were still on the St. Croix, Pierre Thomas appeared and professed to open his heart. He apologised profusely for his errors and undertook that henceforth he would obey Allan in anything for the good of America and the King of France.[21] No doubt he was putting in his bid for presents with protestations strong in proportion to the number of his about-turns; and in any case his adherence to the American cause proved no gain. When he and the other Malecetes had reached Machias, Allan found the problem of caring for them difficult and the whites inclined to murmur at the presence of the unwelcome guests. Through the spring of 1780 he plied the Boston authorities with reports of empty store-houses, the breaches of his promises, the dispersion of his Indians. Eventually he received some powder "of a most inferior quality" and provisions of a higher grade; and he and Preble laid plans for a grand conference at Passamaquoddy in May, broadcasting invitations as far as to the Micmacs and Madawaskas and trying in vain to entice Bourg.[22]

At the same time Francklin was exerting himself to retain the favor of the tribesmen. He had been expecting a cargo of presents ordered for him by Germain in the previous autumn, but had had no news of its arrival and could not persuade General McLean, successor to Massey, to allow him military stores in lieu of it. For this reason he had cancelled an intended meeting at St. John when news came of Allan's plan for the conference at Passamaquoddy. The provincial government then loosened its purse-strings and gave him something for supplies and presents. He issued invitations for another meeting at the beginning of June, summoned Bourg and set off. En route he induced the naval authorities to send two schooners to distract Allan's Indians at Passamaquoddy.[23]

The schooners proceeded to the destination and found the Penobscots and Allan's Malecetes in

conference. The captains invited the Indians to come on board; and in spite of their promises to Allan, the trimmer Pierre Thomas and Louis Neptune of the Penobscots came and received presents. The schooners then returned to the St. John; and in the ensuing recriminations at Passamaquoddy, one of Ambrose's relatives killed Pierre. The conference broke up and even Ambrose felt impelled to go to the St. John to clear himself of the suspicion of murder. Francklin and Bourg now had an open field for their conference and presents.[24] Francklin planned a mass gathering of the Indians of the New Brunswick area to take place at Aukpaque from June 24th; and he had already arranged with Haldimand at Quebec to bring more pressure on the Maritime Indians through the Iroquois and other tribesmen of Canada. He left the conduct of the meeting to Studholme, White and Bourg; and in accord with his arrangements, an ultimatum arrived from Iroquois, Ottawas, Hurons, Algonquins, Abenakis, requiring their Maritime brethren to withdraw from the American alliance. These replied that they would remain quiet if allowed to hunt and fish at will and to keep their priests. A better atmosphere was no doubt created by a distribution of presents from Windsor; and the conference concluded on the 27th.[25]

Allan was not so easily put off the field, however. He called another conference at Passamaquoddy for July 1st. But when he had assembled his guests, three Indians presented themselves with letters from Bourg requiring attendance on ecclesiastical business, and from Studholme promising pardon, protection and presents. Allan strove to hold his Indians; but the majority resolved to see the priest in any event and took their leave. Allan lamented the outcome but held to his purpose with true Scottish tenacity. He spent five weeks in an Indian village to calm the fears aroused by the threats from Canada; and when he thought the time opportune, called another conference at Passamaquoddy. But Bourg played

the same trick and drew the natives off again. Twice Bourg and Studholme had stolen his show; and from that time they retained the majority of the Malecetes on the St. John.[26]

Allan now looked for another French priest to compete with Bourg; and in August 1780 he obtained an elderly chaplain from the French fleet at Rhode Island, whom he called **de Bourgen** At the same time he suffered a loss in the death of his loyal follower Ambrose. He now sent a circular letter to the Indians expressing his grief at the occurrence and announcing the coming of his priest to a meeting at St. Andrew's. Accordingly on November 14th he brought the priest and some young French officers to Machias, the rendezvous having been changed. Six canoes had come from the St. John; and the Indians became "so elated with the sight of the priest" and so intoxicated that nothing could be done with them. When they had recovered their equilibrium, he held three more conferences during the next six weeks at Passamaquoddy, and secured the customary declarations of attachment. He was so pleased with the success of his priest that he thought all the Indians as far as Canada to be ready to join in any enterprise the States might wish if sufficient supplies were on hand.[27] But the expectation much exceeded the realization; and when Allan arrived again at Passamaquoddy on May 25, 1781, he found a small gathering and much gloom, coolness and grumbling. Disappointed, he returned to Machias, leaving the priest and his aides Stillman and Delesderniers to do what they could. The priest, too infirm to go inland, left in June or July; the others were of little avail. Allan remained that summer in Machias, perforce content if he could prevent defections. In October he learned that some men of Goldsboro were going to the St. John for jobs in Davidson's masting business; and he appealed to the Indians to intercept them, in vain. He had seen his hopes in the priest dashed; he had been unable to attract Francklin's Malecetes or to

disturb the logging on the St. John. The year was one of failure.[28]

Francklin too had his difficulties, being denied supplies by McLean who was contemptuous of Indians, and buffetted from the assembly which referred him to Germain and from Germain who referred him to Clinton. By persistent effort he obtained from Germain an order to McLean for allowances of rations from the military stores. With it went a warning against encouraging the natural indolence of the tribesmen who ought to get their goods by exchanging furs for them with the traders. Also there was now less need to cultivate Indian goodwill on behalf of the settlers who could if they would live on good terms with the natives. Francklin could not but agree with the criticisms; and though he felt some perturbation over Allan's conferences at Passamaquoddy at the end of 1780, he held no counter-meetings, trusting to the local efforts of Studholme, White and Bourg.[29]

In August, 1781, however, Francklin had a stroke of good fortune in that the cargo of presents lost two years before, turned up. They were in Halifax all the time but the covering letter had been lost. Brigadier-General John Campbell, second successor to McLean, finally identified them and handed them over. Francklin proceeded to make good use of them. He secured a grant and some provisions from the provincial government and issued invitations for another conference. The news reached Machias and almost all of Allan's Indians abandoned him for the bounty on the St. John. Francklin met the natives, 383 in number, at Burton fifty-five miles upstream on October 2nd and for three days did business with his guests. He dealt first with the chieftainships left vacant by the deaths of Pierre and Ambrose; he nominated a first chief and approved two others as second and third. Thus he reunited the Malecetes and secured their leaders. He promised a resident priest and a church and suggested that the Indians should settle by it and plant corn.

They agreed to do this and to maintain the peace of the river against the Indians of the American party. When he had them in the proper frame of mind, he distributed the good things. After his return to Windsor, he sent the priest whom he had promised,Father Henley from Spanish River, C. B., an Irishman who retained his new flock in the British interest. Thus the Malecetes were secured by the tie which they valued most.[30]

The affair marked Francklin's final success over Allan. The Indians were still quiet when in mid-1782 he congratulated Shelburne on his return to the Colonial Office, superseding Germain.[31] And Allan was going from bad to worse. The council of Massachusetts paid little attention to him, delaying action for five months on his request for supplies in March, 1782. Allan himself fell ill at that time; and though he recovered shortly, he had cause to mourn his inability to defend Machias in case of attack, and the apparent total neglect of his department. Delesderniers was bewailing Allan's situation, his stores exhausted and himself as well, the Malecetes departed to the ministrations of Henley and the Indians of Machias cold to the American cause. The Indians of the St. John presently enquired what the French and Americans intended about them in the event of peace, and asked for a conference about it. Allan finally secured some supplies and held the conference on the St. Croix in August, 1782. The only result was a conviction that his Indians were ready to disperse. But the authorities of Massachusetts cared little for him or his troubles in view of the negotiations for peace. At the end of the war, Allan tried to persuade himself and others that he had been successful in baffling British designs and keeping the Indians quiet.[32]

Nevertheless in the long contest for the favor of the Indians, Allan's aim had been offensive, to set the natives to war with the British; and in this he had failed. Francklin's aim had been defensive, to prevent such a war; and he had succeeded. Therefore he must be adjudged the victor.

He had indeed the advantage of better support from his government than Allan from Massachusetts and Congress; Allan had once complained that he could get better and cheaper goods for his Indians in Halifax than in Boston.[33] But Francklin had played the game of diplomacy with superior skill, appealing to the religious preferences of Micmacs and Malecetes through Bourg, to their fears through the threats of the Canadian Indians and to their cupidity through his donations; and in the art of personal management at the conferences and in the affair of Miramichi, he had done very well. Allan for his part had been conspicuous for patience and stubbornness rather than for ingenuity and finesse. It would be too much to claim that Francklin preserved the province of New Brnswick to the British empire. The military occupation of the St. John valley and the defence of Penobscot would probably have ensured that result in any case. But he had greatly facilitated the task and had preserved the frontier settlements from serious disturbance during six troublous years. New Brunswick is therefore in considerable degree his debtor.

CHAPTER VII

St. John's Island and Newfoundland in the War 1775 to 1783

Nova Scotia was a shield to the other two Maritime Provinces from danger to the south; and as long as it experienced only minor disturbances, they were not likely to have serious difficulty. In St. John's Island, constitutional troubles were at a minimum in the period preceding the revolutionary war. The settlers had come too late for the Stamp Act and the Townshend Act. They had no interest in the Boston "massacre" and no objection to East India tea, some of which probably reached them by way of Halifax. Their legislature had one occasion of complaint in its early years. At the first meeting, July 7—16, 1773, some members of the assembly made aspersions on the council and especially Thomas Wright for exercising undue influence on their proceedings. The council asked for a conference and discovered that Wright's frequent intercourse with the lower house in his capacity as secretary had been misunderstood. Explanation produced satisfaction and the sessions from that time until 1784 were models of harmony, the one problem being that of attendance. Nor did questions of taxation cause controversy. From 1776 the expense of government was met almost entirely by the grant from Parliament. In 1774 the legislature had placed a tax on retail of liquor. It was badly devised and tended to give a monopoly to two or three merchants who raised prices; but this was a matter for the legislature itself to correct. There was no trace of friction with the generous mother country. The Reverend John Eagleson, who had been on the island in 1768, visited it in 1773, preached at Charlottetown and other places and found a welcome and no indication of trouble.[1] The island was a model colony.

Accordingly all was quiet there when the American revolution broke out. Governor Patterson went to England in August, 1775, leaving the attorney-general Phillips Callbeck in charge. General Gage then sent a recruiting party to the island. Callbeck assisted them to the best of his ability and they procured a number of recruits who went to the defence of Quebec, Thomas Wright the secretary attesting the men. Most of the party now went away, leaving a corporal to continue recruiting under Callbeck's guidance. But over the Strait in Pictou lived the group of zealous Americans from Philadelphia whom we have mentioned. They learned of the recruiting and became anxious to hinder it.

The opportunity soon appeared. In October 1775 the Continental Congress heard of two brigs on their way from England to Quebec with cargoes of arms and ammunition.[2] General Washington sent two vessels, each of 75 men, the Lynch (Captain Nicholas Broughton) and the Franklin (Captain John Selman) to intercept them. They failed in their assignment, but happened to call in at Pictou. There they learnt from the local Americans about the recruiting on St. John's Island and the possibility of loot there. They sailed promptly to Charlottetown and carried out a raid which is unique in the annals of the province. They plundered the houses of Phillips Callbeck and Patterson and carried off a few prisoners including Callbeck and Thomas Wright for their part in the recruiting.[3] The captives were eventually taken to Washington at Cambridge. He received Callbeck and Wright politely, heard their tale of woe and promptly discharged them, for which he had Callbeck's heartfelt thanks. They managed to reach Halifax by January, 1776, and their island by May 1st.[3]

When the horse had been stolen, the process of locking the stable door commenced. Callbeck while still at Halifax appealed to Governor Molyneux Shuldham of Newfoundland as commander of the Gulf squadron for protection. Shuldham

sent an armed brig, the Diligent, at the end of June; and this vessel remained until the frigate Lizard arrived from Quebec to take charge of Canso and the islands.[4] In the meantime Callbeck had the notion of raising a defence company of 100 men and applied to General Sir William Howe, successor to Gage, for approval. Howe gave this but shortly felt that alarm was needless and wanted the unit disbanded. Callbeck, who had enlisted twenty men, took the liberty of keeping the rank and file under arms in charge of N.C.O.'s until he considered it safe to make two fresh appointments to commissions;[5] and Germain finally sanctioned the act.[6] The Lizard went off in September, 1776, and took the larger cannon of Fort Amherst with her for safe-keeping; but Callbeck and the council persuaded the captain to leave some small pieces and powder for another and presumably better fort which they hoped to put up.

Before much if any progress had been made with the fort, Eddy and his band had arrived at Fort Cumberland and induced the New Englanders of Chignecto to revolt. Word of their intention had reached the Americans of Pictou early in October; and they prepared to help. On the tenth of that month, Callbeck sent some despatches to Halifax in care of Robert McClintock of Glasgow. He incautiously dropped a hint of his mission in Pictou and was shortly captured with his despatches in Cobequid. Callbeck sent copies by another messenger, who presently thought them in peril and threw them overboard.[7] Nothing serious came from the mishaps to the letters. But Eddy while besieging Fort Cumberland, sent Lieutenant Nathaniel Reynolds with a boat and a crew of 15 or 16 men to Pictou in the hope of getting arms. With the help of the Americans they captured the trader Molly, as has been said, and took her to Bay Verte. Learning there that Eddy was in flight, Reynolds and his men left the Molly to her own devices and made good their escape over the isthmus. By this time His Majesty's sloop Hunter,

Captain Boyle, had arrived at Charlottetown with arms and powder for the island. The captain sent a tender under Lieutenant George Keppel who soon found the Molly and brought her to Charlottetown. On a report that she contained some disaffected persons, the executive council examined the men discovered in her and found three more or less implicated, Charles Swan, William Ball, Richard Simpson. The last two had acted with the rebels under duress, Swan without it. Yet when they prayed for His Majesty's mercy, the council took their oaths and let them go.[8] The Hunter remained at Callbeck's plea throughout the winter.

Callbeck now raised his company to over 80 men, called them the Loyal Island of St. John Volunteers and included in their ranks a few Newfoundlanders recruited by Lieutenant Curtis.[9] He erected barracks, mounted his guns and obtained stores and arms from Halifax. In July, 1778, General Clinton sent Colonel Timothy Hierlihy with five companies of provincials from New York to garrison the island. In the next month two privateers landed at St. Peter's. The crews shot oxen and sheep with grape and took off only a few of the carcasses for use, then captured two schooners. At news of these doings Callbeck sent Hierlihy's companies and some men of his own to St. Peter's; but the Americans got away, evading for good measure the attention of His Majesty's armed brigantine Cabot, then in Charlottetown.[10] Now came orders from Clinton to disband Callbeck's company as superfluous and expensive; but Callbeck took no notice and maintained it with the new five, hoodwinking the authorities somehow.

The danger was certainly not imaginary, for St. John's was among the possible objectives of the French naval command in 1778; and next spring an American officer proposed another raid on the island but was unable to carry out his plan.[11] From this time only one alarm occurred and that false, over the schooner Esperance;[12] and

the people received mere reminders from time to time about the continental struggle. The frigates which brought the convoys from Quebec generally spent part of the summer at the island; and several privateers captured in the Gulf were brought to Charlottetown where the crews were landed, to be taken across the strait and marched to Halifax.[13] Once the island had in this way some nine prisoners who were well-treated but surprised the officials by wanting to escape.[14] In the fall of 1779, 200 Hessians and five officers of Kniphausen's corps en route to Quebec were compelled to disembark from a leaky transport at Charlottetown. They remained, welcome guests, until June, 1780.[15] The six companies remained in garrison and the engineer had spent £8,000 on fortifications when Patterson returned to the island in 1780. He promptly reported this excessive attention to defence; and Germain could not understand how so many men and such money had been wasted on this place. He ordered Hierlihy's five companies sent away and the work on fortifications stopped. But Patterson held the companies, pleading for delay until a blockhouse should have been built and Callbeck's unit raised to 100 men. Finally the most explicit orders reached him to send away the companies; and he complied.[16] The officials of the island had not spared the mother country's pocket in their zeal for defence. In the matter of interference from the Americans, St. John's Island came off easily, suffering much less than Nova Scotia or Newfoundland.

The war of course brought certain internal difficulties. The garrison was in one way a doubtful asset; some of the soldiers helped themselves freely to vegetables and domestic animals, broke into houses for liquor and cash and stole furniture and apparel. Even Wright's office was robbed of money and goods. Governor Patterson caught one offender and secured conviction and a sentence of capital punishment. But on the morning set for the execution, Robert Stewart the acting

provost-marshal resigned rather than perform it. The governor appointed James Curtis who also shortly resigned.[17] He tried several others in vain and was compelled to respite and finally to pardon the man, capital punishment being unenforceable on St. John's. Some friction with Captain Curgenwen of the troops over matters of dignity concerned the officials only.[18] The people had a problem to get the manufactured goods formerly brought in by New England traders. Some cargoes came in from Great Britain and Ireland in 1776-7 but none in the next years until at least 1780. The islanders depended on one cargo from Quebec, a few from Halifax and the store-keepers at Fort Cumberland who sold poor goods at high rates. The legislature complained to the Colonial Secretary in vain; but it does not appear that more than inconvenience was suffered.[19] The lieutenant-governor Thomas Desbrisay finally reached the island in December, 1779, and used his authority to turn a penny by granting lands without regard for legality. When Patterson returned in 1780, the two fell to quarrelling and mutual accusations which ended in the discharge of Desbrisay by the Board of Trade.[20] Then Patterson, who had had some practice by converting to his own use most or all of the £3,000 granted by Parliament for public buildings, indulged in the business of illegal grants himself. This led to trouble with the legislature and the Colonial Secretary and eventually to Patterson's removal after our period.[21] None of these affairs could be called serious; St. John's was an exceptionally fortunate island during the continental struggle.

The attitude of the people had been consistent throughout. Trade and the Parliamentary grant had no influence since they were as loyal without either or both of these as with them. Patterson declared of his "immature government" in October, 1775, "I have not the least cause to suspect any disturbance. I believe all their trouble will be to get something to eat."[22] In May,

1776, Callbeck was sure that His Majesty had not a set of people more firmly attached to the empire than the British inhabitants of St. John's isle. But the French were almost to a man disaffected and even publicly expressed their wishes for the Americans to come. They were all armed for fowling and hunting but had little ammunition; else, thought Callbeck, they would extirpate the British. Whatever the French felt, however, they kept discreetly quiet. Some of the New Englanders had once appeared to Francklin "replete with republican principles"; but in the period of the war they did nothing to justify this reputation.[23] They drew up no petitions and made no other sign of protest; and from the absence of action we may conclude that they shared the opinions of Nova Scotia's New Englanders. The Scots and others had it all their own way. The few local Indians were kept quiet by presents.[24]

In the session of the legislature June 26 to July 11, 1776, Callbeck announced His Majesty's pleasure at the "dutiful and grateful" behavior of the people and himself praised their "laudable deportment unseduced by the example of those who have been misled." The assembly in reply expressed their happiness at His Majesty's approbation. Three years later, the assembly assured Callbeck "in all our public and private meetings, our hearts and minds are unfeignedly and unalterably impressed with principles of loyalty, of dutiful love and warmest attachment to our most gracious sovereign."[25] The dominant sentiment of strong Scottish loyalty thus expressed prevented disturbance on the island and contributed thirty-three recruits to the Royal Highland Emigrants and a few to the Loyal Nova Scotia Volunteers.[26] The adherence of Nova Scotia to the empire made things easy and St. John's remained a British dominion.

Newfoundland was not a colony but a fishery; and as such was exempt from the Stamp Act and the Townshend Act. The islanders drank a deal of tea and paid the duty on it, never dreaming of

a challenge to the imperial authority. Caring nothing for a council or assembly or orthodox judicial system, they had no cause of dispute with the mother country; and the constitutional controversies of the continent were of no interest to them. In 1771 the merchants, planters, traders and principal inhabitants of some out-harbors had presented to Byron an address of exemplary loyalty. At the end of 1774 the people were "in the most perfect state of tranquillity." During the winter "great regularity and good order" prevailed; and in July, 1775, inhabitants and fishermen were quiet and satisfied, enjoying the prospects of a good season. The new governor, Rear-Admiral Robert Duff, visited the south and east parts of the island and found the laws duly observed and the people free from complaints. One discordant note was struck by the missionary Balfour who came to Harbor Grace and Carbonear for the first time in 1775. Surprised at the sectarian opposition, he reported that his dissenters were unfriendly to the civil government and would probably resemble the Americans if they had an enterprising leader; but the people of property were loyal. Events, however, proved first impressions wrong; half the people of Harbor Grace might dissent from the established church but not from the British empire.[27] The merchants, boat-keepers and principal inhabitants of St. John's had some minor criticisms of the local administration which they expressed in a lengthy petition to the House of Commons; but they preserved a tone of exemplary loyalty.[28] Duff's successor, Vice-Admiral John Montagu (1776-78) found the people in a perfect state of peace and quietness; and on his departure in the fall of 1776 vouched for a perfect state of harmony and good order among the inhabitants.[29] During the winter of 1776-77 all remained quiet as usual. The reports from Newfoundland for the first years of the American revolution resemble an idyll of the northern Atlantic; and the Gill brothers, Americans, were as loyal as any Briton.

Disturbance came not from within but from without. On the outbreak of hostilities, Parliament passed two acts which forbade the rebels to use the fishery or to trade in Newfoundland; and Newfoundlanders had the fishery to themselves, being by no means displeased at the condition. But American privateers were busy about Nova Scotia and St. John's island in 1775 and were not likely to forget Newfoundland. In October, 1775, the engineer officer of St. John's, Captain Robert Pringle, was alarmed at the defencelessness of the harbors and thought that every one from Cape Chapeau Rouge to Bonavista could be plundered and burnt by three or four enterprising and covetous New England schooners.[20] In the spring of 1776, Governor Montagu heard that some privateers were at sea and feared that he could do little against them. He had only a sloop and two 20-ton ships, one of which cruised the banks while the other was stationed at Placentia; and he armed and manned two or three fast sailing vessels as auxiliaries.[21] So far, however, Newfoundland had escaped.

The fears were justified; for the Marine Committee of Congress had considered the question of Newfoundland and in August, 1776, had ordered Commodore Esek Hopkins to send four vessels with comprehensive instructions. His men were to make prizes of all British ships, destroy their fishing boats and stages and make prisoners of any fishermen who would not enter the American service; and if they found the prizes too many to bring into port, they were to destroy the surplus. The intention was certainly to put an end to the British fishery; and Silas Deane from Paris urged on the work.[22]

Accordingly in September, 1776, the first privateers appeared on the banks when the bankers were returning from their third and last trip. But if the Americans had received the orders of Congress, they took much liberty with them; for they merely carried off two or three of the vessels and plundered eight or ten more of their stores,

equipment and papers. They took also two fishing ships bound for market, one of which escaped. The governor's small armed vessels could not catch the Americans; but when the fishing fleet gathered for departure to Europe, they drove the invaders off the coast and convoyed the ships into safe waters. The Newfoundland customs helped by impounding a sloop and two whalers. Newfoundland had still come off well.[33]

Early in 1777, however, privateers became troublesome on the banks. Two of them took a small King's ship, the Fox, commanded by Captain Fotheringham, and their men declared the orders from Congress to destroy all the English ships on the banks. Like their precursors of 1776, however, these Americans were much more considerate than their instructions. They and others constantly boarded the vessels, took provisions and stores and even carried off a few; but let most of them continue fishing and were certainly not guilty of wanton destruction. Montagu was at first in fear of the privateers, thinking them superior in number and size to the vessels of his squadron. He imagined the bank fishery to be at an end; and he and the merchants dreaded the prospect of a raid on St. John's as the garrison was down to an inferior company of the Royal Highland Emigrants and one of invalid artillerymen divided between St. John's and Placentia. Eventually he summoned courage to take a little action and discovered his fears to be much exaggerated. H. M. S. **Flora** retook the **Fox** and the captor privateer was also gathered in. H. M. S. **Penguin** took a privateer, the **Retaliation,** on the banks; and from the beginning of October all was quiet in Newfoundland waters.[34]

But in 1778 the storm arrived. In May a privateer of ten guns entered Great St. Lawrence Harbor in Placentia Bay, took a Jerseyman's brig and plundered his store-houses. Others followed and made a good job of raiding the harbors. They cut 22 ships out of different harbors and burnt many boats; and one called the **Minerva** operated

on the Labrador coast, plundered the property of Messrs. Noble, Pincent and Cartwright and took off many of their servants who were glad to go. These feats were facilitated by the bad luck of the governor's squadron; the **Spy** sloop was lost off Cape Race, the **Proteus** totally disabled, the **Postillion** unfit to go to sea. Newfoundlanders suffered much loss that year, many quitted the harbors and the servants were afraid to man the boats.[35] The fortune was not all on one side, however; when another privateer commanded by one Grimes raided Labrador, Mr. Coghlan, owner of the most considerable fishery there, mustered his men and beat it off. Montagu had sent the **Surprise** after the **Minerva.** It failed to catch her but on entering Trinity Bay, it took another privateer, the **Harlequin.** On balance, however the privateers had much the best of it. Montagu wrote to the merchants of the harbors to say that he could not prevent the incursions; but if the people would put up small batteries, he would furnish guns and ammunition. Under this permission, some fortification was done.

A new governor, Rear-Admiral Richard Edwards, arrived in 1779 and shortly the Newfoundland squadron did much better. It captured two privateers, the **Wild Cat** and the **General Sullivan** early in the spring and scared the others for a while. Nevertheless several privateers were cruising in Placentia Bay in July, 1779, and one of them captured the armed schooner **Egmont** with the crew and commander, Lieutenant John Gardiner. Edwards now sent out several vessels to do patrol work along sections of the coast, Labrador and the banks, with fair success. In September, a J. P. of Trinity reported a privateer to the north, which does not seem to have done much damage; and on the whole, the season of 1779 was quiet. To enable the men on shore to defend themselves against the crews of the raiders, the governor executed Montagu's plan and distributed small arms, ammunition and a few cannon among trustworthy inhabitants of the principal harbors,

including one in Labrador. By the end of 1779 he thought that most of the out-harbors to the east of Placentia were able to defend themselves against the paltry privateers.[36]

The new system soon proved its value. In the spring of 1780 a privateer appeared at Mortier. Sergeant John Young of the 84th was there recruiting; and he rallied the inhabitants against the invader and obliged her to quit the place with a reported loss of twenty men. In August, 1780, a fishing shallop was taken off Cape Pine by the privateer **Phoenix**: but it was shortly retaken by H.M.S **Placentia.** In September, a large privateer, the **General Washington,** commanded by Silas Talbot, was cruising between Cape Race and Cape Pine: it took and plundered a few boats and prevented vessels from putting to sea for a few days. In the same month the privateer **General Mifflin** and three others were waiting about the coast for a convoy from Portugal, apparently in vain. In the meantime Edwards was using his squadron, augmented to a total of nine, with effect. His ships took fourteen American boats in 1780 including six privateers: and he believed that not one of the privateers daring enough to make land had escaped being brought into St. John's.

Next year the privateers had a short inning. An "amazing number" were on the coast in the spring: one of them, the frigate **Alliance,** captured two of Edwards' sloops, the **Atalanta** and the **Trepassey** and others took five brigs at the Bay of Bulls, whose masters had left them to go on shore. They also captured the salt ships under convoy of the **Oiseau,** depriving the fishermen of much needed salt for their summer's operations. Edwards' squadron presently had the upper hand, however, took seventeen vessels including fourteen privateers and made three recaptures. The privateers were so impressed that they left Newfoundland in peace during 1782 under its new governor, Vice-Admiral John Campbell: and the defence by coast and sea had proved effective. That some Newfoundlanders fitted out privateers against the

Americans appears from one reference in our documents, but we have no record of their operations.[37]

Before this condition had been reached, there was a period of some anxiety. An American expedition against Newfoundland, though in the mind of Congress and the French commanders in 1776 and again in 1779 was no easy matter while Quebec, Nova Scotia and the British Atlantic fleet stood in the way; but a number of privateers might have combined for a raid on St. John's.[38] In 1777 Pringle put batteries about the harbor and a new fort to command it, and organized the 120 artificers and laborers employed by the Board of Ordnance as an emergency defence corps, obtaining a bounty for them. They showed proficiency and enthusiasm, buying their own uniforms.[39] These precautions sufficed until the entry of France into the war in 1778. Now it was time to think of defence against an invasion like that of 1762, supported by the Americans; and in 1780 there was a great scare, the Colonial Secretary having written that a great French expedition in preparation at Brest might attack Newfoundland. The first step was to secure St. Pierre and Miquelon, which was done easily in 1778.[40] Montagu had a garrison of 461 men and Pringle's auxiliaries, but would need more against a French attack. Accordingly his successor Edwards in 1779 formed a militia body, the Newfoundland Volunteers, commanded by Pringle, out of the men employed about the garrison and the firewood service, 250 in all. The people were now anxious to do their bit. The merchants offered the services of themselves and their servants in this unit; and by the end of 1779, 360 had enlisted including almost all the principal inhabitants and masters of families. Four hundred more came in during the next four months. Pringle promised something in the nature of pay, provisions and bounty; but the Colonial Secretary could give no bounty, promising only the pay and rations of

regular troops if the men were called out on service and proper unstated rewards if they conducted themselves well.[41] Disappointed, the 400 late comers, who needed to earn a living, dispersed to work on the merchant ships and the fishery. The 360 originals remained, however, and when consulted by Pringle in the scare of 1780, promised to assist on acceptable terms if an enemy should land. Pringle was enthusiastic about the possibilities of defending the south-east peninsula by the garrison and a mobile force in the interior; and Edwards thought that the defences of St. John's were so far advanced in August, 1780, that he could hope to beat off an attack.[42] For additional security, however, he formed an independent unit on a regular basis in the autumn of 1780 and called for 300 or 400 Newfoundlanders to enlist for three years, thinking them of more value than his garrison for fighting in the woods. He secured his men, though the missionary Langman thought they had joined chiefly for want of employ. In 1781 the principal persons formed another volunteer company under command of John Livingstone, clothing and equipping themselves; and Edwards had a high opinion of them, thinking volunteers equal to regulars in almost every particular. With this assortment of units and an increase of the number of the garrison to 735, the southeast peninsula was as safe as its people and garrison could make it.[43] Their services were not required, for Newfoundland was never attacked; but the people of the peninsula had shown spirit in the preparations for defence.

Newfoundlanders had not only made some effort to look after themselves but had aided in the defense of other colonies. In the fall of 1774 Shuldham sent two companies of the 65th Regiment to help Gage in Boston. In 1775 Generals Gage and Carleton sent recruiting parties to Newfoundland who enlisted 200 soldiers, 79 seamen and carpenters for Carleton and 84 seamen for Admiral Graves at Boston. Governor Duff facilitated the work but drew the line at recruiting

men under contract for the fisheries; and he closed Fort York on Labrador, recalling the small garrison to St. John's. Carleton's Newfoundlanders arrived at Quebec in time to raise the spirits of the defenders and shortly earned the praise of their commanders by their conduct during the siege of the city. From the spring of 1776 Governor Legge employed a man named Murray to recruit for the Loyal Nova Scotia Volunteers; and in September of that year a party under Captain Dan Cunningham arrived from Halifax with the same object in view. They received every encouragement from Montagu, even suspension of the contract clause. One officer in a few days enlisted thirty men; Cunningham secured thirty-two in one day and thought he could have had a hundred at St. John's. But soon recruiting for this unit was halted as a delayed consequence of the change of governors in Nova Scotia; and most of the men seemed to have remained in barracks in St. John's as part of the garrison.[44] The success induced other regiments to try Newfoundland also. The Highland Emigrants and Royal Fencible Americans of Halifax sent a recruiting party in 1777 and had a moderate fortune, though Pringle kept the men in barracks for his own use through the winter. A lieutenant named Curtis from Charlottetown procured a few Newfoundlanders for his Loyal Island of St. John Volunteers;[45] and in 1780 the 84th Regiment got a "parcel of recruits" there.[46] The total number of enlistments was not large but it indicated sufficiently the sentiment of the islanders.

The war naturally inflicted a series of difficulties on the population. When the Continental Congress imposed an embargo in 1775 on trade with Great Britain and the loyal colonies,[47] the islanders were in danger of a shortage as they had depended on the Americans for most of their provisions.[48] They had had an idea of what was coming, however, and stocked up from Great Britain and Ireland.[49] Little difficulty occurred from that time until 1779.[50] On May 15 of that

year a fire broke out in St. John's, spread rapidly among the old wooden buildings, baffled all attemps to put it out and finally consumed 35 houses and stores with provisions on which the people of the out-harbors had been depending for food. For the summer these could manage for themselves: but in the fall they were in trouble and Edwards wrote that unless a convoy should arrive from Ireland, the island would be "in a very melancholy situation." He laid down a tariff for common foodstuffs in Conception Bay and ordered a census for the purpose of rationing. Receiving more complaints of distress from Fogo, he regretted his inability to send supplies and advised the families to come to St. John's, from which they might go to England or Ireland, or the young men might join the navy. Many poor families accordingly flocked into the capital, but could not be sent to the British isles and provided more problems for the authorities.[51] The next two years were ones of privation. The price of food rose until Balfour complained that living was three times as dear as before the war and in 1780 he buried nine who had died "of mere hunger."[52] The winter of 1779-80 in contrast to the preceding was mild,[53] and the convoys in the spring of 1781 restored the stocks and of supplies.

The war of course affected the fishery adversely. The supply of fish naturally remained constant; there were good seasons in 1775, 1776 and even 1777 in spite of the privateers. In the last year, the season in North Newfoundland and Labrador was unusually good for seals, cod and salmon;[54] and the people had the fishery to themselves in the absence of French and Americans. That year was bad by reason of the privateers, but the next four were better. Nevertheless the privateers inflicted damage on the fishing ships, taking some and discouraging others as we have seen. And His Majesty's officers, imagining that the emergency had come for which they maintained the school for seamen in Newfoundland,

impressed many fishermen and seamen and frightened others into reluctance to go on board.[55] Foreign markets were closed or difficult of access and some English merchants thought it not worth while to send their ships out. Soon there was a lack of sack ships and much fish and oil lay in storage. The consequence was a progressive and serious diminution in the number of vessels engaged in the fishery. In 1775 there had been 314 British fishing ships and 142 sack ships; in 1778 there were 160 and 88, in 1779, 95 and 103, in 1782 59 and 147, the return of the sack ships to normal falling far short of compensation for the loss in fishing ships.[56] The industry had come upon evil days.

The plight of the fishery caused much difficulty to the people. The governors, particularly Edwards, strongly supported the servants in their wage-disputes with masters and did their best to enforce Palliser's protective act,[57] but they could relieve the strain on the population only slightly in this way.[58] The number of winter stayers decreased, but not in the same proportion as that of the ships, from 12,438 in 1774-5 to 9731 in 1781-2, producing a congestion of unemployed. Many left the island, some for England but most for the American states where always there was work. Balfour believed that at Harbor Grace there were 3,000 fewer people in 1781 than in 1775.[59] But new comers left by the fishing vessels for lack of space to take them home replaced these to some extent. At any rate there were many fewer ships and not so many fewer men. The fishery was reduced to a "low and miserable state" in 1779 owing to the dearness of provisions and the low price of fish. By 1781 the "face of poverty" appeared in many of the harbors; and families flocked again from the out-bays and harbors into St. John's to try to pick up a living.[60] Edwards counted on his defence regiment as employ to detain men who would otherwise have emigrated, many to the revolting states; and Langman assigned precisely that motive for the filling-up of the regimental ranks.[61]

With the unemployment and the congestion in St. John's went disorder, some plundering and violence. In 1779 Balfour wrote that no family that had anything was safe in their own house and that some had already lost their lives through house-breakers and robbers. He himself had suffered, being robbed of his all.[62] Governor Edwards found that some houses and huts had been built in and about St. John's without permission from the authorities and were harboring "lazy, idle and riotous" persons who remained in Newfoundland over the winter contrary to act of Parliament. In one of these houses, a riot occurred among a group of Irish in mid-October, 1779, and apparently one man was killed. The disorderly element committed irregularities and injuries not only among themselves, but among the people of St. John's, going to the length of murder: and Edwards ordered their houses torn down. What else was done does not appear.[63] An incident of 1779 showed the same tendency. Two ships were wrecked off some harbor whose name is not given. The local people fell on them, plundered the stores and fought each other for the loot. The offenders escaped; but two purchasers of the stolen goods indiscreetly brought them to St. John's where the governor seized them.[64] The years from 1779 to 1781 were the worst of the war for Newfoundland. But as the number of sack ships increased after 1779, conditions improved; Governor Edwards reported a perfect state of tranquillity at the end of 1781, rather optimistically; and the new governor, John Campbell, twice reported all very quiet in 1782.[65]

It was plainly the Englishmen and Jerseymen of Newfoundland who kept the island loyal and politically quiet during the American revolution. Some of the Irish may have been of a different mind; and when one of His Majesty's vessels appeared in an out-harbor, they fled to the woods in fear of impressment. One group of servants who were probably Irish, went away readily with a privateer on the Labrador coast.[66] In 1778 a dis-

turbance took place at Renews. The local merchants and traders had put up some entrenchments and mounted four guns against the privateers. One enemy brig came and destroyed eight large shallops and other craft. Some "bad people" in the harbor then declared that if an American vessel would touch land, they would join the crew and plunder the stores; and in the night of July 28, 1778, these disloyal persons threw down the local flagstaff and did some damage to the guns. Our authority does not identify them; but we may suspect the Irish or possibly, New Englanders. Had the Americans or French landed on the island in force, the Irish would no doubt have welcomed them as they had done in 1762. But in face of an English majority, the garrison, the volunteer units and the squadron, they had little inclination to cause political trouble. They did not hamper the government nor did they abuse the small arms issued for the defence of the harbors against the privateers. The New Englanders of Newfoundland evinced no sympathy for the thirteen colonies by even the mildest of resolutions or petitions; they behaved as did their countrymen of Nova Scotia and St. John's island. The Englishmen and Jerseymen of Newfoundland and particularly the people of St. John's had demonstrated their loyalty by words and acts and had earned the praise which Governor Edwards had given them on his departure. Newfoundlanders at large had no other thought than that of remaining in the empire.[87]

There was little enough of formal unity in the political life of the three Maritime Provinces at the time of the American revolution. Their only bond of this nature was the common link with Great Britain. The populations, however, were sufficiently alike in character and behavior to warrant the drawing of certain general conclusions. The leading elements in all held firmly to a loyal course. The people who had close relations with Great Britain by association or blood, the Newfoundlanders, the Scots of St. John's Island and Pictou, the Yorkshiremen of Chignecto, even

the north Irish of Cobequid, conceived no grievance against the home government for such of its policies as restrained their activities and were loyal from first to last. The main body of New Englanders in all three provinces accepted imperial policies without a protest. Only in Nova Scotia do we find active objectors among the New Englanders, and these so few as to be quieted by persuasion or a small amount of force. The history of the Maritime Provinces during the American revolution therefore illustrates two kinds of loyalty; that instinctive and warm on the part of the British and that less certain, capable of confusion yet visible enough, on the part of the New Englanders who were removed from the incitements of Sam Adams and others bent on separation from the empire. The behavior of Bermuda and of the Maritime Provinces in this period indicates that less stress might be laid on constitutional controversies as a cause of the American revolution, and more on the growth of national ideas and sentiments.

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FOOTNOTES AND REFERENCES

CHAPTER I

[1]The fullest account of the settlement of Nova Scotia is that of Mackinnon; the latest is Brebner, chapters 2, 5. Particular aspects of it are dealt with by Dixon for the Yorkshiremen, Sawtelle for the Pennsylvanians, Patterson for these and for the Scots. The total of the population in 1775 is somewhat in doubt. An estimate in Dartmouth Originals I. No. 1166 shows nearly 15,000 after a loss of about 2800 since 1773. But the scattered settlements in the northern and western parts, not included in the estimate, might bring the number to 17,000, the figure tentatively accepted by Brebner, 117.

[2]Harvey, French regime 200, Warburton 116-150; Pollard 29 for a band of Fraser's Highlanders among the early adventurers. An unpublished document of this period is the Reverend John Eagleson to the bishop of London, January 3, 1769 in the Canada and Newfoundland packet, Fulham Palace, Library. Eagleson describes his mission work and states that there were only a few English settlers on the island yet.

[3]Stewart 156-62 and various papers in the P. E. I. series A 3 e. g. Patterson's Observations p. 102-11, dated merely 1776.

[4]Harvey, Early settlements 448-61; Stewart 167-184 for statistics by lots and the Americans on lot 37; Curtis for the manager of the mill. Desbrisay's efforts in John Duport to Earl of Hillsborough, October 15, 1771 in A 1.267-8, P. E. I. The favorable conditions in Patterson to Hillsborough, May 23, 1771 in A 1.202-9 and his Observations, A 3.102-11, both P. E. I.; those of 1780 in Patterson to Germain, July 6, 1780 in A 4.77-79, P.E.I. The commercial failures in Patterson to Sydenham, December 2, 1784 in A 6.119-30. (P. E. I.)

[5]The geography, climate and resources of Newfoundland are described in Lounsbury 1-18; Gardner 1-2 has some observations on the climate of 1783-4. Labrador, Anticosti and the Magdalens were transferred to Canada in 1774; Labrador was restored to Newfoundland in 1809.

[6]Governor Hugh Palliser, General Scheme for 1765, enclosed in letter to Board of Trade, November 5, 1765 in C. O. 194 vol. 16. His General Scheme of 1767 gives 5520 Roman Catholics out of 12,553, C. O. 194 vol. 27.

[7]Prowse 288 for the Gills, Reeves 107 for the justices, evidence of William Knox in Reports of 1793 p. 413 for the fishermen, reprinted in Boundary Papers IV. 1908-10.

CHAPTER II

[1]Robinson and Rispin 36-39 for the social equality of the New Englanders. Various letters in Proceedings of Mass., Hist., Soc. 2nd series IV 67-71 indicate their religious preferences strongly. Brebner chapter VII for social conditions.

[2]Biographical notices of most of these men are in Akins. Nesbitt may have been North Irish in immediate origin.

[3]Francklin's career is sketched in Macdonald, especially 7-13; and the early part of it in the author's Rise of Michael Francklin, Dalhousie Review, January 1934 p. 489-95.

[4]The influence of Mauger is dealt with at length in Martin 73-93 and Brebner 20-22; his desire to sell 1773, Brebner 165, the affair of Maugerville, Brebner 63-64.

[5]"We have but few people of genius among us; and not one discovers a thirst after knowledge either useful or speculative." Alexander Grant to the Reverend Ezra Stiles of Boston, May 1760 in Collections of the Massachusetts Historical Society, series I vol. X. 79-81, Boston 1809. Macdonald 20-25 for the improvement of Halifax and Windsor.

[6]Nesbitt recovered money on notes and securities due to the Crown and retained it as his own fee; and other magistrates did likewise. Green got into trouble through the conversion of bounties into securities described in Brebner 258. The chief source for the delinquencies of the leading circle is the report of the investigators of 1775 in A 93.285-302, summarised in Brebner 259-61.
The assembly of 1758 voted bounties on hay, grain and roots, on the cleaning and fencing of certain lands and on the catching and curing of fish, the cost to be met from duties on liquor. The bounties on the land and the fish seem to have been administered fairly and caused no cmplaint. But at Lunenburg ingenious Germans cut wild hay and secured the bounty on it, defrauding the treasury. Now came the turn of the merchants; Francklin and his friends furnished supplies to the Lunenburgers and took the bounty certificates in payment at discounts described as reaching 60%. The Germans received rough justice, the merchants the profits and the treasury the loss, as the new owners of the certificates, presently transformed into securities, claimed and received 6% interest on the full amount from the government. The bounties speedily mounted to the sum of £14,341 odd. There is a temperate account of them in a report of Charles Morris, October 29,1763 in A 72.80-103 and an intemperate one in an undated, unsigned address to Governor Francis Legge in D. O. X. No. 2494.
Brebner 250 for the orphan house and the light-house.

[7]Bermuda 20.

[8]Legge to earl of Dartmouth, January 10,1775 in D. O. X. No. 2496 for the immigrants and the quotation. Cawthorne's difficulties are in William Cawthorne to earl of Shelburne, October 5,1766 in A 78.126-39.

[9]Ells 43-58.

[10]Brebner 63-64.

[11]In 1765-66 Ann Doble and her husband had cleared some supposedly forfeited land between Fort Sackville and Pisiquid and had built a dwelling there in expectation of a grant from governor and council. Francklin blocked delivery of title in the interest of a grantee. The Dobles complained to the Board of Trade, fishing for sympathy on the ground that they were poor and Francklin rich. The Board instructed Wilmot to investigate the matter and make a grant if the facts were as represented. Francklin in reply claimed that the land had really not been forfeited and that the Dobles had misunderstood a certain proclamation. He made a valuation of their improvements and induced the agent for the grantee to offer compensation to the Dobles, which presumably was accepted.

This business takes up much space in A 77 and 78, the original complaint to the Board undated in A 77.58-61 and Francklin's statement, September 2,1766 in A 78.41-62.

In 1776 William Lovegrove had a lot at Canso. He failed to observe its liimits strictly and fenced in with it a portion of a road and some public land on which he grew vegetables. Binney as magistrate and Thomas Peart removed the fence without proper notice and caused some damage to the property and to the garden. The consequent dispute was referred to a board of arbitrators headed by Francklin. These, relying on a survey by Charles Morris Jr., declared Lovegrove at fault for the fence and Binney and Peart for their violence and suggested that these two pay Lovegrove 40 shillings and costs. Lovegrove refused the award and went to law, where he had some unfortunate experiences, in part from his ignorance of technicalities, in part from the rigid attitude of John Newton the magistrate. This affair occupies much of A 101, the award of the arbitrators being in p. 170-3.

Two escheats made by order of Governor William Campbell, described in Brebner 267 n, caused some commotion. They affected absentee owners, however, and not settlers.

[12]The imperial grant in 1766 was £4936 odds; the provincial revenue was over £1600. In 1767 the legislature placed a tax on wheeled carriages in Halifax; and on occasion it tried other expedients, an excise on tea, coffee, playing cards or a lottery with little result. The financial state of Nova Scotia in 1766 is in Shelburne Transcripts, the volume containing 51-58 p. 97-105; that of 1773 is in Legge to Dartmouth, February 16, 1774 in A 90.15-30.

[13]The direct tax of 1773 in Morris' report of October 29, 1763 in A 72. 80-103 and in Journals of assembly, May 12, 1763 in D5.48. In 1772 a resolution passed the assembly for a tax and a bill was presented but was shortly ordered to lie on the table, Journals D 9.188. The tax of 1779 in Journals D. 13.93.

[14]Journals of assembly, June 26, November 11, 1766 in D 6.126 and appendix 24-25; July 11, 1767 in D 7.27-53. On the last occasion the council offered to farm the duties except at Halifax under safeguards. The assembly argued at length for a complete system of farming; the council argued back and nothing was done.

[15]Debts of Liverpool in Perkins, November 21, 1767. He himself settled accounts with Francklin and Amesbury without prompting, July 25, August 18, 19, 1766.

[16]Until 1774 the people of Cobequid dealt only with Boston; M'Robert 157. Cawthorne was an Englishman who had been on a tour of the sugar islands and the continent. Coming to Halifax, he proposed to enter trade in a large way. As the town was in a post-war depression, Francklin sought to discourage him; but the newcomer persisted and permitted himself a literary effort on the peculiarities of Halifax and its leading inhabitants. This offence to local sentiment led to a quarrel with Francklin which came to personal violence. In spite of a reconciliation, Cawthorne found such a hostile atmosphere that he withdrew to England to complain in vain of ill-usage. Cawthorne to Shelburne, October 5, 1766 in A 78.126-39. It may be pointed out that Cawthorne did not propose to help in settlement.

[17]Robinson and Rispin 30--31 for business opportunities, Brebner 164-66 for the slump of 1773.

[18]Josiah Throop to the council and representatives of Massachusetts, May 29, 1777 in A.M. 142.66-77. Throop was a refugee from Cumberland after the failure of the revolt and invasion of 1776. He complained of the broken subalterns, sergeants or

drums, used to condemning, kicking and flogging, who had held magistracies in Cumberland. No doubt he had an interest in exaggerating before such an audience but he probably had a little foundation for his complaint.

[19]Journals of the assembly at various dates in November 1763, October 1764, June 1766 in D 5.119-20, 246-7 and D 6.131-2.

[20]Journals of the assembly, June 6, 1766 in D 6.73, for the charges of the attorneys, Uniacke 148-52, 188-89 for the acts about the Supreme Court.

[21]Legge to Dartmouth, February 16, 1774 in A90. 15-30 for Morris and Bulkeley and for the lack of litigation in the counties. "The justices of these courts have no other provision than what arises from the fees assigned to them in the few causes which come before them." The courts mentioned are the inferior courts of common pleas, one to a county.

The practice of arbitration may be illustrated from various documents in Lovegrove's case, A 101.221, 310-12, from Perkins, March 15, 1775. Christopher Jessen of Lunenburg describes how he tried to settle disputes without fees or charges in letter to Bulkeley, December 18, 1783, in County of Lunenburg packet, township records of Nova Scotia, Public Archives of Canada. The defects of the courts are dwelt on by Richard Gibbons to Governor William Campbell, August 31, 1774 in D. O. X. No. 2485; but he was drawing up an indictment and not an impartial description.

The Lovegrove documents cited above contain the claim of the magistrates of Halifax in 1781.

[22]An Essay, p 10.

[23]Journals of assembly, October 26, 1764 in D 5.247-63.

[24]In the year ending July 1, 1767 the outports furnished £559 odd in duties exclusive of the expense of collection and in the early seventies the impost and excise duties on liquors and wines yielded £2500 annually. Journals of assembly D 7.76 and Legge to Dartmouth, February 16, 1774 in A 90.15-30. The total of duties in Bermuda, liquor and all else in 1769 was less than £300. The population was two thirds that of Nova Scotia and on the latter's scale of the seventies would have paid £1800 on liquor alone, Bermuda 21. In addition the customs officers of Bermuda had the aid of troops.

[25]In November 1766, the collector of excise at Lunenburg, Christopher Jessen, seized a schooner suspect of smuggling rum. Certain fishermen rescued the vessel and took her to Liverpool. Jessen sent his deputy sheriff Anthony Treber and a man named John McLeod to claim her. At Liverpool the two encountered a band of fifty armed with sticks and led by Edward and Jonathan Godfrey and Jonathan Clerk. These men threatened Treber's life and compelled him to leave a bond for £300 as security for inaction. The council and lieutenant-governor ordered an enquiry and presently a prosecution; but of the sequel there is no record. Had the matter been overlooked, more acts of violence would have followed; but in their absence we may presume a due use of the courts or a termination by negotiation. Minutes of executive council, in B 14.112-15; I. L. B. IV. 99.

In 1772 the collector at Liverpool, William Johnstone, complained that the people would not pay and that the magistrates would not support him. His troubles, however, were those of a beginner as the town had been free of collectors before that date. In the next three years he did better and in 1775 he came out of the auditor's enquiry with almost a clean sheet. Journals of assembly, June 1772 in D 9.206. The investigators' report of 1775 in A 93.296 shows Johnstone short only £1 11s. 3½ d.

[26]Harvey, Township government 15-22; the act of 1765 in Uniacke 106-8. Various township records cited in Brebner 296-7. These affairs were too petty to be worth reporting to London. In 1768 the publisher of the Gazette reprinted Lawrence's proclamations. Brebner suggests that he may have tried to revive the question of township government in this way; but this is doubtful in view of the absence of comment.

[27]He warned the people of Cobequid not to kill the dogs on whom the natives depended for their hunting and in no way to molest any individuals who might come among them; and he arranged with the commander of Fort Cumberland to provide food in case of distress among the Indians. Francklin to Archibald, member for Cobequid, September 27, 1766 and to the officer at Fort Cumberland, October 31, 1766 in I. L. B. IV. 91-2, 97.

[28]Francklin also conceded freedom of trade, undertook to restrict the sale of liquor and to remove certain Acadians who troubled the Indians. To the Earl of Hillsborough, July 20, 1768 and enclosure of proceedings of conference in A 83.19-30.

[29]Francklin to Palliser and reply, September 11 and October 16, 1766 in C. O. 194 vol. 16. Seeing reports in American papers of murders by Indians in Cape Breton, he wrote a prompt denial to the Board of Trade, November 29, 1768 in A 84.13.

[30]The Indians of the St. John had complained of Acadian squatters. Francklin evicted the intruders, except for six families named by Bailly, but he provided lands for the others elsewhere. To the J. P's of Sunbury, August 20, 1768 in I. L. B. IV. 192.

[31]Francklin to Shelburne, October 24, 1767, February 20, 1768 in A 80. 139-41 and A 81. 125-9, including a proclamation; Francklin to Hillsborough, two letters of July 20, 1768 in A 83.23-33. Hillsborough to Francklin, June 21, 1768 in A 82.136-41. The militia service in Francklin to John Morrison and to H. D. Denson, July 1 and 4, 1768 in I. L. B. IV. 115-6.

[32]When the garrison was withdrawn from Louisbourg in 1768, he saved much of the settlement; and he advised a reservation of the commons for the poor fishermen and of small lots to encourage the middling sort of people, incidentally protecting a coal contract for his friend Binney. In this case he did a service to Cape Breton and increased his credit temporarily in London. There are many documents on this affair in A 80, 81, 82, 83; the principal of them are Francklin to Hillsborough, May, 21, 28 and August 29, 1768 in A 82.59-64, 85-89, and A 83.110-12.

[33]The business of Francklin and St. John's Island occupies much space in A 82, 83, 84, 85 and its conclusion is in John Pownal to Bradshaw of the treasury, April 24, 1769 in A 85.79-81.

[34]Patterson to Dartmouth, May 1, 1774 in A 2.204-23, and Observations, 1776 in A 3.102-11, P. E. I.

[35]Evidence of William Newman, John Jeffery, Peter Ougier, in Reports of 1793 p. 392, 394, 401. A few of the men were apparently on shares as late as 1793, ibid. 394. The wages are described as "very great" in the Petition of 1775, and other sources agree. The quotation is from the evidence of William Knox in Reports of 1793 p. 413.

[36]Palliser's General Scheme of 1765, C. O. 194 vol. 16 for the number of inhabitants; Captain Robert Pringle to Lord George Germain, February 4, 1779 and enclosed memorandum in C. O. 194 vol. 34 for the distribution. Only 1431 acres were cultivated in 1767, Palliser's General Scheme of that year in C. O. 194 vol. 18.

[37]The store-keepers had large store-houses where the fish were prepared and laid up until sold; a boat-keeper might have several boats employed in the fishery, chiefly on the banks, and was the magnate of the industry. The inshore fishery is described in Governor Molyneux Shuldham to Lord Hillsborough, September 30, 1772 in D. O. IX No. 2429.

[38]The Reverend David Balfour to S.P.G., November 5, 9, 1764 in Journals of S.P.G. vol. 16 p. 288.

[39]Palliser's Answer to queries, 1766, in C. O. 194 vol. 17 for St. John's. For Placentia, memorial of merchants of Placentia to Governor Richard Edwards enclosed in Edwards to Germain, December 7, 1781 in C. O. 194 vol. 35.

[40]Governor Thomas Graves, Answer to queries, 1763 in C. O. 194 vol. 15.

[41]Committee of Privy Council for plantation affairs to King, April 7, 1769, in C. O. 195 vol. 10, reiterating a theory persistent from the time of James I. Lounsbury 33-34.

[42]Graves, Answer to queries 1763 in C. O. 194 vol. 15, Palliser to Board of Trade, December 18, 1765 in C. O. 194 vol. 16.

[43]The Reverend David Balfour wrote frequently of his trouble with dissenters e.g. July 1, 1769, October 12, 15, 1772, October 27, 1774 in Journals of S. P. G. 18 p. 180-1, 19 p. 342, 20 p. 251.

[44]The trade with New England is described in many documents e. g. Graves, Answer to queries 1763 in C.O. 194 vol. 15; Palliser to Board of Trade, December 18, 1765 in C. O. 194 vol. 16 Gardner 43, Prowse 329 who thinks Palliser underestimates the American trade. Committee of Privy Council for plantation affairs to King, April 29, 1765 in C. O. 195 vol. 9 for the opinion of the authorities of London.

[45]These relations with the French in Palliser to Board of Trade, September 1, 1764 in C. O. 194 vol. 16, to Lord Halifax, September 11, 1765 in C. O. 194 vol 27, Williams 22-23. The conflicts over interpretation of treaties and the ensuing negotiations are described in Irvine.

[46]The Reverend Edward Langman to S. P. G., November 4, 1761 in Journals 15 p. 185 for the fears of the Protestants; Boston Gazette, August 23, 1762, January 24, 1763 for the conduct of the Irish during the French occupation. Williams 9-10 for the Irish in general, Anspach 190-1 for the riot in Conception Bay. Palliser's opinion in letter to Board of Trade, November 5, 1765 and accompanying General Scheme in C. O. 194 vol. 16. Palliser's General Scheme of 1767 in C. O. 194 vol. 27 gives 5520 Roman Catholics out of 12,553. Pedley 114-16 cites restrictions by various governors on the Roman Catholics; they might not keep public houses, build stages or flakes and not more than two of them might dwell in one house during the winter, unless a Protestant master were present. Toleration was granted at the end of the revolutionary war.

[47]John Cartwright, Remarks on the situation of the Red Indians natives of Newfoundland, in the year 1768, D.O. XIII, has some distressing stories about the treatment of the Indians. Both Palliser and Duff issued proclamations forbidding abuse of the natives but were not able to enforce them; Palliser to Egmont, March 31, 1766 in C. O. 194 vol. 27, Duff to Dartmouth, July 24, 1775 in C. O. 194 vol. 32.

[48]For the government of the island, Anspach 104-8, Reeves 97-139, Williams 3-4, Lounsbury chapter IX. Financial defects in Governor J. Montagu to Germain, February 5, 1777 in C. O. 194 vol. 35. The justices of 1775 were Edward White, T. Dodd,

John Stripling, John Swingston, Michael Gill, Edward Langman, and they doubtless represent the prominent men of the town, Prowse 333, 339 n. The favoritism in Prowse 336 n.

[49]For the legal system, Reeves 145-60, Gardiner 13, 31-34, Boundary Papers IV. 1688-89, 1876-81. The first three captains to enter a harbor in the spring were for that year admiral, vice-admiral and rear-admiral of it, and they were the "fishing admirals."

[50]Palliser's General Scheme, 1765 in letter to Board of Trade, November 5, 1765 in C. O. 194 vol. 16. Balfour to S. P. G., November 5, 9, 1764 in Journals 16 p. 288; the Reverend Lawrence Coughlan to S. P. G., October 13, 1769 in Journals 18 p. 276-8.

[51]Palliser to Board of Trade, December 18, 1765 in C. O. 194 vol. 16 and Answer to queries, 1766, in C.O. 194 vol. 17; Anspach 178, Lounsbury 251-3. The petition of 1775, Prowse 341 n to 343 n, complains that the J. P.'s were excessively ready to hear charges by servants against merchants.

[52]Palliser to Board of Trade, October 9, 1764 in C. O. 194 vol. 16; Answer to queries, 1766, in C. O. 194 vol. 17; Anspach 176. The differences between inhabitants and fishermen went back to 1611 and had been argued at length in 1675, Lounsbury 39-41, 122-5.

[53]Palliser's General Schemes, of 1766 in letter to Board of Trade, December 2,1766 in C. O. 194 vol. 16; 1767 and 1768 in C. O. 194 vol. 18. Palliser to Shelburne, December 15, 1767 in C. O. 194 vol. 27. He reduced the annual migration to the continent to 200 or 300, Byron to Hillsborough, November 25, 1769 in C. O. 194 vol. 28.

[54]Committee of Privy Council for Plantation Affairs to King, April 29, 1765 in C. O. 194 vol. 9; Palliser to Shelburne, December 15, 1767 above.

[55]This act is in C. O. 194, vol. 19, Anspach 198-91, Prowse 344-45, Reeves, appendix 16-52. It was supplemented by instructions to the governor, Duff to Dartmouth, July 24, 1775 in C. O. 194 vol. 32. It provided bounties for the fitting out of fishing ships, gave the governor control of the passenger traffic from Newfoundland to the continent, required the agreements of masters and servants to be written, fixed deductions from wages for absence or neglect of duty, and punishments for desertion. It permitted not more than one half the wage to be advanced, the rest to be paid on the expiry of a man's time, and it made wages the first charge on a master's fish and oil.

[56]Palliser to Halifax, July 16, 1765 in C. O. 194 vol. 27, to Board of Trade, October 30, 1765 in C. O. 194 vol. 16, to Lord Egmont, March 31, 1766 in C. O. 194 vol. 27. The act of 1775 refused Americans the right to dry fish on the island; but it had no effect by reason of the outbreak of war. Prowse 345 is in error in stating that Palliser's act excluded Americans from the fishery.

[57]Shuldham to Hillsborough, July 6, August 8, 1772 in C. O. 194 vol. 30; to Dartmouth, June 26, 1773 in C. O. 194 vol. 19, July 8, September 15, 1773 in C. O. 194 vol. 31, August 25, 1774 in C. O. 194 vol. 32.

[58]There is much about the customs dispute in the correspondence of the time; but Collector Richard Routh gave a convenient summary of it in Reports of 1793, p. 449-50.
Conditions in Newfoundland are described at length in an article by the author "Newfoundland in the period before the American revolution", Pennsylvania Magazine of History and Biography January 1941, p. 56-78.

CHAPTER III

[1]The formation and work of the first assembly in Brebner, Outpost, chapter IX; Lawrence's action in the author's Rise of Michael Francklin cited above.

[2]The journals of the assembly are full of complaints of non-attendance; Legge remarked it to Dartmouth, November 17, 1774 in A 91.159-63.

[3]For instance in November 1763 the assembly condemned certain fees in the court of judicature as excessive and drew up a scale of its own. The council did not wholly approve and delayed action. The assembly pressed its bill; and in October 1764 the two houses held a conference and agreed on a scale, journals of assembly, D5. 119, 145, 246-7.

[4]The rum business in Journals of assembly, D7.84, D8.187-8 and Campbell to Hillsborough, March 20, 1769 in A 85.55; and in Brebner 153-4. In 1770 the excise was raised to a shilling a gallon. Mauger did not object and the revenue did not benefit much; Brebner 237.

[5]Brebner 229-31.

[6]Journals of assembly, June 13, 14, 1766 in D 6.93-101. A committee made objections to some interim payments made by Green to himself; he replied that an increase in his work, ordered by the house itself, had compelled him to hire an assistant. The house had nothing to say to this.

[7]Journals of assembly, June and July 1766 in D 6.115-187; details in Brebner 229-31. The salaries affected were those of the two assistant judges of the supreme court (to be reduced) and those of the justices of the inferior court of common pleas (to be abolished.)

[8]Boston Evening Post, December 22, 1766, letter of November 28 from Halifax for the dinner; journals of assembly, October 23 to November 22, 1766 in appendix to D 6, page 1-54; Brebner 231-2.

[9]Journals of assembly, July 10, 15, 28, August 1, 1767 in D 7.25, 36, 88, 108; Brebner 233-5. In June and July 1768 Francklin was again in charge. The house found fault with certain payments; he defended them and the house agreed that he was right on some items, though they still objected to others. They asked him to draw up estimates for the next year. He did so; but after some argument, they preferred to continue last year's figures. Journals of assembly June 28 to July 9, 1768 in D 8.24-72; Brebner 235. In the autumn session of 1768, Day again brought forward his bill about members and collectors, which passed the house and expired in council.

[10]Journals of assembly, October 24, 31, November 7, 1769 in D 8.231, 246-7, 264.

[11]Bermuda 30-36.

[12]In St. Kitts, the lower house denied the right of councillors to vote at elections and kept politics in turmoil for years. In West Florida people and assembly strove for annual elections with a persistence worthy of a better cause. Even in East Florida, the loyalist colony **par excellence**, rewarded for its faithfulness by a grant of a legislature in 1781, similar trouble occurred. The lower house fell out with the council over the manner of trials for negroes and so conducted itself that the governor dissolved it.

[13]Journals of assembly, June 17, 1766 in D 6.110 for the discovery of arrears, July 21, 23, 1767 in D 7.62, 76 for increases in the arrears, October 24, 1769 in D 8.228-34 for the expense accounts and failures in payment.

[14]As has been mentioned, Journals of assembly, D 7.108, D 8.142.

[15]Journals of assembly, June 29, 1770 in D 9.67-69, June and July 1771 in D 9.83-148.

[16]Journals of assembly, June and July 1772 in D 9.149-215, the quotation in minutes of July 7, p. 205-08.

[17]Franklin had once told the assembly that only half the duties were paid in specie and these with great delays; and he had insisted that it was not possible to enforce speedy payment. Journals of assembly, D 6, appendix p.19.

[18]James Monk to Legge, April 28, 1775 in A 93.200-207 for the usury, Legge to Dartmouth, January 4, 1774 in D. O. X, No. 2476 for the prospects of the province.

[19]The assembly extended the powers of the two puisne judges of the supreme court in case of the absence or illness of Belcher and arranged for sessions of that court in the country. Journals of assembly, D 10. 68-69, 213. Court fees and Fenton in D 10.116, 225-6. Sheriffs had already been in demand, Journals of assembly, July 1, 1771 in D 9.129-31.

[20]They recurred to the idea of a light general tax on land for the discomfort of absentee holders and comfort of themselves, since part of the proceeds would furnish salaries for members. The council and Legge disliked the proposal, as many of the grants of land had been bonuses for war service; and they suggested in its place a tax on land according to its value. The assembly men spurned the idea, as most of them held land which was or might become valuable. The council was willing to impose a tax on certain rents and profits; but as this would fall chiefly on the towns, the townsmen of the assembly would have none of it. The dispute went to the Board of Trade, which vetoed the assembly's proposal; and there the attempt to increase revenue stopped. Legge urged the assembly to try again for the sake of the debt, in vain. Legge to Dartmouth, October 18, November 15, 16, 18, 1774 and enclosures in A 91.56-60, 109-119, 165-72; Journals of assembly, October 21, November 11, 1774, July 6, 1775 in D 10.165, 238-9, D 11.110-11.

[21]Journals of assembly, October 21, 1773 in D 10.42-46 for Binney; same day, p. 47 and October 26, November 10, 11, 12, 1773 in D 10.55-56, 100-104 for the collections and the frauds. The fraud was the bringing in of rum, exporting it for the sake of the drawbacks, then relanding it. The assembly secured one collector at Halifax instead of two and a system of farming the duties at Canso and in Cape Breton.

[22]Brebner 295-6 for the Gazette. The pamphlet, cited as "An Essay" is by an anonymous person who has two **bêtes noirs**, Governor Campbell and the older group of officials, His animus against Campbell arises from the escheats described in Brebner 267 n; and he denounces council and assembly for subservience to this governor. He has a low and lengthy opinion of the older group, whom he describes as a junto of cunning and wicked men, though sparing Francklin. But when he descends to particulars, he can cite only the council's control of finance, the faults of the courts and the fees of the lawyers, which, he says, compel the people to settle their differences by arbitration. On this score we may well envy rather than condemn the state of the province. He declares that the majority of the assembly had been chosen and managed by the coun-

cil, quite ignoring the assembly's recurrent opposition on financial questions. Thus a search through the chaff of his strong phrases reveals little wheat. The author is well acquainted with the wire-pulling in England, condemns the English poor law "worse can hardly be", wants judges sent from England and thinks that the bad choice of councillors arises from the distance of the province from England. The base of his thinking is England and he is evidently of British origin, perhaps Tonge.

[23]Journals of assembly, October 6, 8, 11, 21, 1774, November 5, 1774 in D. 10.111-16, 119-22, 130-3, 167-71, 223, 226-7.

[24]Journals of assembly, October 22, 26, 1774 in D 10. 175-6, 183. The amount of the farm for the outports, given in D 11.16-22 was L 220. The yield of the outport duties for the year ending July 1, 1767, had been £559 odd, exclusive of expense of collection, D 7.76. By such a reduction, the council spared the settlers while yielding on the principle of farming.

[25]Journals of assembly, December 6, 9, 13, 1774 in D 10 249-50, 259-62, 273-5. The address is enclosed in Legge to Dartmouth, January 10, 1775 in A93.93-98. It makes much of the bounties at Lunenburg but says nothing of these on fish, which caused no trouble. It attributes the abolition of bounties to the representatives from the new settlements. Those representatives, however, were too few to have influence in the third assembly; and such as they were, they seem not to have been present at the abolition, which took place three days after a complaint of non-attendance of the country members, April 3 and 6, 1764 in Journals of assembly, D 5. 196, 205. Further, the council, all townsmen, accepted the abolition. It is clear then, that not the new members, but the old, abolished the bounties. The document states that Francklin and his friends offered violent opposition. But the councillors were his friends and helped the abolition. No other document corroborates this charge; Francklin's opposition cannot have been violent and may be imaginary. In the same way the author accuses Francklin of preventing alteration of the liquor duties in 1767. There is no other evidence of this and his friends on the council concurred in the change in that year. The authors complain that Mauger's party had such an influence in the choice of representatives that it was scarcely possible to carry any point against them. In fact, as is shown above, the house from 1764 was no tool of Mauger's friends and was never packed by them. The authors are disturbed by excessive litigation on the part of debtors and by the escheats mentioned above. The address is clearly partisan and unreliable and the authors had good reason for anonymity. From a reference to reward of military service by grants of land, it seems that one or more of the authors had held commissions. Tonge fits the requirements and is likely to have had a hand in the composition.

[26]The personnel of the committee in A 93.11-14 and 21; its work in Brebner 256-60, and its report in A93.243, dated May 6, 1775. For Monk, see Brebner 249 n. The money for settlers' provisions in Monk to Legge, April 28, 1775 in A 93.200-206.

[27]The amounts of alleged default are given in the committee's reports in A 93.243, 285-98 and in Brebner 259-60. The committee first supposed John Newton and Archibald Hinshelwood's estate to be short about L 1000 each over a period of 12 years. But at the trials with the assistance of a packed jury it could convict Newton and Binney together of a deficiency of only L 736. If Newton's share were half, L 386 and he were allowed half of this for troubles of collection, he would have pocketed L 184 in his twelve years, on the worst interpretation. Even if the L 1000 had been correct, the total of Newton's embezzlement would have been L 500 which for twelve years is pretty small potatoes. Most governments and

cities now would be thankful for officials whose pickings were so little. But it is not clear from the report that there was any fraud at all. Legge put on the jury even Charles Morris Jr. of the accusing audit committee. Binney's conduct has an amusing aspect, described in full in Brebner 262. The sympathy with him is in Butler to Mauger, May 6, 1775 in D. O. I. No. 1119. The work of the committee is further described in Day's report, July 13, 1775 in D. 11.147-57.

[28]Charles Morris Jr., Denson and Bridge on behalf of the assembly thanked Legge for his care of the revenues. The report of the auditors, read on June 15th showed for good measure a shortage in young Green's accounts of L 339. The house was cool toward a petition from Binney. Journals of assembly, June 12, 14, 15, 20, 23, 1775 in D 11.2-6, 11-14, 22-24, 46-47, 52-53. Statement of accounts of Benjamin Green Jr. from February 1768 to December 31, 1774 by Morris, Bridge, Monk and Fenton, transcribed for the Public Archives of Canada from C. O. 217 vol. 27.

[29]This document is edited with notes by Brebner in C.H.R. June 1934 p. 171-181. The grievances were the easy financial ways of the customs collectors, their fees, the influence of Mauger's friends, the practise of assemblymen engaging in the collection of customs, the habits of the justices of the peace, the methods of Fenton in conducting elections and the charges of the lawyers. The privileges of the outports afforded material for one group of complaints and no mention was made of the recent introduction of farming the duties as a remedy. The number of officers of customs was raised to a "multitude." The exclusion of assemblymen from the collection of customs was again advocated, although its chief proponent, John Day was becoming principal farmer with no notion of giving up his seat. The framers of the address described Fenton's power in elections as "absolute" although the assembly had often reviewed his elections and voided some of them. The statement that unless his duties should be taken over by sheriffs "we can have no pretentions even to the name of freemen" is empty rhetoric. The invective against Mauger's friends allows nothing for the efforts of Butler to reform the finances. The complaint of justices of the peace being dismissed unheard springs obviously from the experience of Messrs. Smith and Fillis, discharged for good reason. The fees of the practitioners in the law had not been heard of since 1766 and at no time had the assembly made the specific charges asked for by the council. The document is thus far from being a true mirror of conditions in Nova Scotia. It bears witness to a considerable difficulty in collecting compliants. The changes of American type proposed were for triennial elections and permanent sessions if the assembly were at work on a petition to the King. The council sought to discourage the petition; Legge was in two minds, suspecting the American tendency. It went to England nevertheless. Legge to Dartmouth, July 31, 1775 in A 94.54-56.

[30] The council and Legge suggested these changes, probably at the instigation of the elder Morris. Most of the councillors cannot have approved of them, but thought that the proper policy was to lie low. This business is in Journals of assembly, June 24, 28, 1775 in D 11.57-58, 67-70, and Legge to Dartmouth, November 17, 1774 in A 91.159-63.

[31]Charles Morris Sr. wrote twice that the people in general had a sympathy for Legge; to Legge, January 3, November 18, 1776 in D. O. II. Nos. 1225, 1314. But he was no good judge of public opinion. In his first letter he was sure that a division would arise in the older group when in fact they had made a united effort and were on the verge of success. In his second letter he stated that he had thought the Cumberlanders loyal when on the contrary they were about to revolt. In mid-1775

he accused the older group of republicanism and Americanism when he of all men ought to have known better, Eleventh Report 384. His estimates are clearly unreliable. In May and June 1775 an American band in Cumberland organised an agitation in Legge's favor as cover to their own activities; and one of them wrote to a Boston paper to praise him, Boston Gazette August 5, 1776. This band were working up a revolt and their utterances are not representative.
Journals of assembly, June 14, 1775 in D 11. 16-19 for the contracts.

[32]Burrow to Dartmouth, February 1776 in A 95.161-5, a biography of Tonge in no flattering vein, says that Tonge was seduced by the offer of a government job. The truth of this cannot be ascertained and is of little moment in any case.

[33]Legge to Dartmouth, July 31, 1775 in A 94.48-53 says that 11 members out of 21 were public debtors and that Day promised to exculpate them and to fill every man's pocket with money. This no doubt is an exaggeration.

[34]Journals of assembly, June 28, July 7, 1775 in D 11.71-84, 118-125.

[35]Journals of assembly, July 13, 1775 in D 11.147-57. By Day's report, the committee had charged Newton with the deficiencies of himself and of Hinshelwood who had at no time been his partner. They had refused to allow Richard Upham expenses for services ordered by the government; they had called on Deschamps, Denson and Tonge to pay for provisions distributed to incoming settlers long ago and on Gibbons for money handled during his executorship of an estate. They had charged Denson with retaining certain moneys and had not asked his opinion nor looked at his accounts. They had charged Nesbitt with a debt of Binney's and with the amounts of securities merely put into his hands to recover, which he had tried in vain to do; they had put down against him certain fines prosecuted by the late James Monk, with which Nesbitt had nothing to do. They had also been in error in their accusations against young Green. In short, the committee had made serious mistakes. In his campaign against the committee, Day bid for the support of the country members by three bills, one to emit £20,000 in paper currency, one to make elections triennial, one to pay salaries to members, all of which passed the house and failed in the council.

[36]The members' account of this conference is in Butler to Mauger, July 21, 1775 in D. O. I. No. 1119; Legge's to Dartmouth, August 6, 1775 in A 94. 113-17. Butler heartily disapproved of Day's bills about currency and elections and suspected sinister designs on the part of the "unprincipled fellow", though wrongly.

[37]An unsigned letter to Legge from a member of the assembly in D. O. II. No. 1198, dated November 20, 1775, gives details of the sniping. According to this Nesbitt used his influence against the governor and spoke even from the chair to represent his conduct as odious; and John Newton took the same course. On the other hand, James Monk and Denson actively supported the governor; Morris, Bridge, Deschamps kept quiet and merely voted with Monk and Denson. The other members, subject to private influence or public argument, wavered.

Perkins, taking his seat for the first time, merely looked on; his diary records only his attendance. Legge's opinion of the session to Dartmouth, November 28, 1775 in A 94.268-9.

[38]Burrow's hunt for a job in letter to Dartmouth, February 27, 1776 in A 95. 135-8.

[39]Eleventh report 384.

[40]Butler to Mauger, May 6, 1775 in D.O. I. No. 1119. Petitions of council and principal gentlemen and inhabitants, January 1, 2, 1776 in A 95.14-22; Francklin to Dartmouth, January 2, 1776 in A 95.26-29 and D.O. XI. No. 2517.

[41]Dartmouth to Legge, April 5, June 7, July 5, 1775 in A 93.179-81, 265-8, A 94.31-34; Suffolk to Legge, October 16, 1775 in A 94.201-210.

[42]Burrow to Legge undated in D.O. XI. No. 2529, also A 95.147-58; another of February 1776 in A 95.161-5. William Knox to Legge, February 27, 1776 in D.O. XI. No. 2527; Germain to Legge, February 24, 1776 in A 95.118-21. Legge's departure in Macdonald 32-33; his defence in A 96.58-81; verdict of the Board of Trade, July 25, 1776 in A 96.113-24.

[43]Address of June 18, 1776 in A 96.36-39. The sentiment was privately repudiated by William Shaw of Annapolis, one of Legge's henchmen, in a letter to Legge, June 26, 1776 in D.O. II. No. 1299. Shaw claimed that only one country member had been present; but this seems to be Perkins who supported the older group, sitting at a concluding dinner with them, Diary, June 29, 1776. Of the absentees, John Hall, W. Scurr, J. Allan, S. Rogers were disaffected, S. Willoughby and J. Monk were disgruntled.

[44]Binney was let off with his payment of L 186 odd. Newton saw his conviction declared unjust and his debt reduced to L 70 odd; and he retained his office, his commission being set at six percent of the value of the rum he handled for either Halifax or the outports.
Journals of assembly, June 15-29, 1776 in D12.1-75; the dinner in Denson to Legge, July 7, 1776 in D.O. II. No. 1302. An American sympathiser writing in the Independent Chronicle, June 19, 1777, sneered at Butler as lord, king and governor of Halifax.

[45]Journals of assembly, June 15 to July 5, 1781 in D 14.20, 109-113.

[46]Brebner 347, 361.

[47]Monk remained away from the session of 1776 and was expelled for non attendance, Journals of assembly, June 1776 in D 11.66-67. Charles Morris Jr. was in despair, writing that the older group were irresistible, that nothing could be deemed secure where such persons and such principles predominated and that he and his father would likely lose their jobs. Denson reported a firm and solemn association by the older officials to stand their ground against any governor or lieutenant-governor who should threaten their privileges. Describing the doings of the assembly, he declared that the older group would fleece the poor province as before and interpreted a sermon by the Reverend John Breynton for the peace of Jerusalem as meaning for a clear and uninterrupted road to the loaves and fishes. Denson's perceptions in this respect were the more sensitive from the threat of an obstacle between himself and his loaves and fishes; it was said that his regiment, the Loyal Nova Scotia Volunteers, was to be disbanded. The Reverend William Ellis, chaplain of this regiment by grace of Legge, complained of persecution in the loss of that position and its attendant salary. A year later Charles Morris Sr. was reporting slanders that he was an American and a rebel. Charles Morris Jr. to Legge, July 9, 1776, H. D. Denson to Legge, July 7, 14, 1776, R. Gibbons to Legge, June 14, 1776 in D.O. II. the first three in No. 1302, the fourth in No. 1293. Ellis to Legge, September 2, 1776, Morris Sr. to Legge, June 13, 1777 in D.O. II. Nos. 1311, 1328.

[48]Germain intimated this to Legge, Burrow to Legge, February 1776 in A 95, 147-58, quoted in Brebner 278-9.

CHAPTER IV

[1]Legge to Dartmouth, February 16, 1774 in A 90.15-30. In 1772 the province exported £26,000 worth of goods to the continental colonies, £3750 to the British isles, £13615 to the West Indies, Africa and Southern Europe; it imported goods to the value of £31,000, £30,000 and £2000 respectively. The figures are only approximate but doubtless give the proportions of the trade fairly enough. Other business to an unidentifiable amount was in the hands of smugglers, especially in the fishing ports and on the St. John; and this too may be put down to the account of New England with a small allowance for the French islands.

[2]Palfrey V.211-331.

[3]Article by the author, The Stamp Act in Nova Scotia, New England Quarterly September 1933 p. 552-566; Isaiah Thomas I. 368-75, II. 376-7; Brebner 159-63. Professor Brebner is probably right in suggesting that Thomas magnified his own part in this business and minimized that of Henry. A copy of a threatening letter to Hinshelwood, dated November 1, 1765 and left under his door next day, is in Stowe Mss. 264 vol. I. p. 69, British Museum Library. It warned him to resign or be prepared to meet his great Redeemer Jesus Christ. In an accompanying note, Hinshelwood stated that his acceptance of the office had brought on him not only the whole indignation of the people on the continent but also that of such settlers in Halifax as had been born there and had imbibed their independent principles. Here Hinshelwood drew on his fears for his facts. Doubtless he attained a more correct view as the days passed without violence.

[4]The governors of Bermuda and the Leeward Islands joined their assemblies in petitioning for repeal; Bermuda 27 and Massachusetts Gazette, February 20, 1766 quoting a letter of January 18. Article by the author "The Stamp Act in the Floridas", M.V.H.R. April 1935 p. 463-470; Bermuda 26-28. Perkins' Diary, June 3, 1766 for Liverpool.

[5]Francklin to Shelburne, October 31, 1766 in A 78.163. Journals of Assembly July 1, 2, 1767 in D 7.7-10.

[6]Francklin to Shelburne, December 1, 1767 in A 80.49-50 and March 29, 1768 in A 82.1-2; to Hillsborough, July 10, 20, 1768 in A 83.8-9, 25. Hillsborough to Campbell, March 1, 1769 in A 85.35-40.

[7]Campbell to Hillsborough, June 13, 1770 in A 86.84-85.

[8]Brebner 295-6 for the changes of journals and editors in these years and Henry's policy.

[9]Article by the author "The Merchants of Nova Scotia and the American revolution" in C. H. R., March 1932 p. 29-31; Boston Evening Post, August 15, 1774, letter from Halifax of July 26; John Andrews to William Barrell, September 10, 1774 in Proceedings of Massachusetts Historical Society, series I. vol. 8. p. 358.

[10]The enquiry of September 16, 1774 in minutes of executive council of that date in B 15.223-7; the rehabilitation of Smith and Fillis in Journals of assembly, June 16, 1775 in D 11.26-28, the fresh charge being that they had inspired the burning of some hay intended for the use of Gage's animals. The dispersion of the tea in Legge to Dartmouth, October 18, 1774 in A 91.56-60.

[11]Brebner 302 n. for the Gazette; Legge to Dartmouth undated, D.O. I. No. 1165 "those I can most depend on are not farmers but principally fishermen and traders."

[12]Edited by Brebner, C. H. R. June 1934 p. 171-181. Professor Chester Martin has paid tribute to the statesmanship of this part of the assembly's address in C. H. R. December 1937 p. 440, in a review of Brebner.

[13]Governor Basil Keith to Dartmouth, January 4, 1775 in C. O. 137 vol. 70, enclosing a petition of the assembly of Jamaica.

[14]Andrews to Barrell, above; proclamation of September 19, 1774 in A 91.16; Thomas Legge to Dartmouth, March 18, 1775 in A 93.173-4.

[15]An Essay p. 10.

[16]Jones II. 119, 170. The grant to Georgia in 1766 was £3986, to Nova Scotia £4936.

[17]Jones, Sketches 92-3, Park 6-11.

[18]Brenton to A. S. Hammond, October 9, 1773 in D.O. I. No. 891. Perkins' diary, May 27, 1774, October 16, 1776. Petition of Yarmouth in A 94.300-03.

CHAPTER V

[1]Eleventh Report 409. "For it cannot be supposed that independency can be the aim of the Americans in general." Charles Morris Sr. to Legge, July 8, 1776.

[2]Legge to Dartmouth, April 30, 1775 in A 93.208. Legge supported Gage by a proclamation.

[3]John Stanton to Legge, December 4, 1775 in A 94.272-9.

[4]Gage to Legge, September 29, 1775 in D.O. I. No. 1180; minutes of executive council, July 12, 1776 in B 17.60; Gibbons to Legge, July 13, 1776 in Eleventh Report p. 410. The editor of the sheet was a refugee loyalist named Hutchinson, brother to the former governor of Massachusetts. He said he had intended only to excite condemnation of the horrible examples of the American press. The council forbade a repetition and reprimanded the printers.

[5]This raid is described in D 13.33-4, a memorandum of Simonds and Hazen to the assembly of Nova Scotia in June 1779; and for the American side in a letter of the committee of safety of Machias, October 14, 1775 in M.H.S. XIV. 310-15. The ambitions of Machias and the inception of the attack on Nova Scotia are described in Harvey, Machias 17-18.

[6]Legge to Dartmouth, August 19, 1775 in A 94.121-6 Francklin and Isaac Deschamps to executive council, August 12, 1775 in minutes of that body, August 15, in B 16.141-4.

[7]For the Frosts, minutes of executive council, August 23, 1775 in B16. 151-4.

[8]Journals of C. C. III. 316 for Passamaquoddy; the Reverend William Ellis to S. P. G. October 4, 1775 in S. P. G. transcripts, B series 1760-86, No. 25, Public Archives of Canada, for the prospects over the winter.

[9]Minutes of executive council, July 24, August 10, 1775 in B 16.127-8, 139-40 for the council's troubles.

[10]Memorial of Goold to assembly in Journals of that body, July 1776 in D 12.63-65; minutes of executive council, August 26, 1775 in B 16.156-9; Perkins' diary, October 5, 1775 for La Have.

[11]Minutes of executive council, August 29, 1775 in B 16.173-5; journals of assembly, October 27, 1775 in D 11.222-5.

[12]Journals of assembly, October 30, 31, November 1, 3, 9, 1775 in D 11.232-40, 245-6, 263; Nova Scotia Gazette and Weekly Chronicle, December 5, 1775.

[13]Petitions from Yarmouth, Onslow and Truro in A 94.300-03, A95.34-37, and 40-42; Legge to Dartmouth, December 5, 1775 and January 1, 1776 in A 94. 283-86, A 95.2-5. Liverpool in Perkins' diary, October 18, 1774.

[14]Reported speech by Rogers in A 94.358; Patterson 99.

[15]Report of Lieutenants John Graves and George Dawson to Legge, Eleventh Report 384; Governor Walter Patterson to Legge, October 13, 1775 in D. O. II No. 1196; Denson to Legge, December 29, 1775, D.O. II. No. 1210; John Solomon to Legge, May 8, 1776 in D. O. II. No. 1279; Stanton to Legge, December 5, 1775, in A 94.272-9.

[16]Affidavit of Thomas Farrell in A 95.173-4.

[17]There is much correspondence about Francklin's proposal in D. O. II: the results are given in Francklin to John Pownal, May 4, 1776 in A 95.320-29.

[18]The Reverend William Ellis to S. P. G., April 20, 1776 in Journals vol. 21 p. 67 for Cape Sable; Savary, supplement 35-36 for Annapolis. The journals of assembly for June 1776 in D 12.66-74 mention the expulsion of Hall but not that of Lovett; and it is possible that Savary is in error.

[19]Calnek and Savary 162-4.

[20]Journals of assembly, November 13, 1775 in D 11.275; Perkins' diary, July 26, 1775, January 2, October 21, 1776.

[21]Massey to Germain, December 10, 1777 in A 97.347 to 354.

[22]Legge to Gage undated, D. O. I. No. 1165, for the fishermen in general. The matter of the permits is well treated in Poole. The council of Massachusetts voided the permits after June 15, 1780 for the abuse, A. M. 228.12.

[23]Arbuthnot to Germain, August 15, 1776 in A 96.127-31.

[24]Patterson 99-100.

[25]Estimate of population in August 1775 in D.O. I. No. 1166.

[26]Kidder 1-11, Porter 1-9.

[27]John Allan to council of Massachusetts, February 19, 1777, A.M. 144.169-71. The assessors for the tax were to be Charles Dixon, Robert Foster and Sam Rogers while Allan was to be collector; minutes of executive council, December 5, 1775, in B 16.217.

[28]The Reverend John Eagleson to John Butler, January 27, 1776 in A 95. 112-17

[29]This petition is in A 94.328-33; a critique of it in A 94.355-66 shows how the loyal expressions cloaked an essentially disloyal attitude.

[30]Dixon to Butler, January 14, 1776 in A 95.108-11. He urged that there was not £20 in his township and that it was not possible to draft twenty men; he regretted his appointment as assessor and expressed distrust of Rogers.

[31]In Eddy's report, January 5, 1777 in A.M. 144.164-8, printed in several places e. g. M. H. S. XV. 35-40.

[32]Petition in D.O. II. No. 1212.

[33]Eagleson to Butler, January 27, 1776 cited above; Legge to Dartmouth, February 15, 1776 in A 95.103-6; Commodore M. Arbuthnot to Admiral M. Shuldham, February 15, 1776 in Neeser 145-6.

[34]Dixon to Butler, January 14, 1776 cited above.

[35]These documents are in Force, Fourth Series V. 524 (the invitation), 935-8 (Allan to Washington, February 8, 1776) and Fifth Series I. 733-4 (letter from Onslow).

[36]Thomas Proctor to Legge, March 6, 1776 in D.O. IV. No. 344. Allan's smallpox in his letter to the council of Massachusetts, November 21, 1776 in A. M. 144.367-74. The meeting in May in Charles Morris Sr. to Legge, November 18, 1776 in D. O. II. No. 1314.

[37]Inhabitants of Maugerville to Arthur Goold, May 16, 1777 in A 97.200-03; Committee of Sunbury to Congress of Massachusetts, May 22, 1776 and reply in A.M. 147-159; Raymond 434-5. John Anderson was a loyalist.

[38]Committee of safety for Sunbury to general assembly of Massachusetts, September 24, 1776 and enclosed note of Barker to Simonds, White and Say, June 20, in A.M. 181.247-9. Allan to council of Massachusetts, February 25, 1777 in A.M 144.192-4.

[39]Allan to council of Massachusetts, November 21, 1776 and February 19, 1777 cited above.

[40]Boston Gazette and Country Journal, August 5, 1776 quoting a letter from Cumberland of June 23rd about Francklin; Charles Morris Sr. to Legge, November 18, 1776 in D. O. II. No. 1314.

[41]Kidder 12-13.

[42]Eddy's report of January 5, 1777 cited above; Allan to council of Massachusetts, February 19, 1777 in A.M. 144.169-71.

[43]Milner 48, for Avery and Falconer, Patterson 99-105 for Pictou. The documents of the affair of the Molly are in the Prince Edward Island state papers; minutes of executive council, December 19, 1776, February 19, 21, 1777 in B 1.139-44, 150-68.

[44]Collier to Germain, November 20, 1776 in A 96.322.

[45]The story of this invasion is told in detail in an article by the author "The American invasion of Nova Scotia, 1776-7" in Canadian Defence Quarterly, July 1936 p. 433-445, with references. Allan's estimate of families left behind in Cumberland by February 19, 1777 was "near 70", to council of Massachusetts in A.M. 144.169-71. These were the families of the late rebels. Of the 220 families of New Englanders and Yorkshiremen in Chignecto, 120 may have been New Englanders. It seems then that almost half submitted.

[46]Allan to council of Massachusetts, June 18, 24, 1777 in A.M. 197.164-72 and 144.198.

[47]For the conduct of the militia, Arbuthnot to Germain, September 14, 1777 in A 97.295-7.

[48]John Starr to Allan, May 18, 1779 in Papers of C. C. No. 78 I. folio 271.

[49]A 94.300-03.

[50]Arbuthnot to the Reverend David Smith in Londonderry, November 19, December 4, 1776 in I.L.B. IV. 242-4. Massey to Germain, May 6, 30, 1778 in A 98. 66-8, 81-4; John Fulton to council of Massachusetts, April 1, 1778 in A.M. 218.55-56. Not much is to be learned in the sketch of Archibald given by Miller.

[51]Brebner 340-2.

[52]The Reverend Jacob Bailey to S.P.G., November 7, 1780 in Journals 22. 195-196

[53]Ellis to S.P.G., August 9, 1779 and October 10, 1780 in Journals 22 p. 20, 197. Calnek and Savary 164 for the raid on Annapolis.

[54]Perkins' diary for 1780 is full of the business of this local privateer; authorisation for it is in minutes of executive council, October 14, 1779 in B 17.201. The raid of September 13, 1780 from diary of that date.

[55]Legge to Dartmouth, July 31, November 27, December 5, 1775 in A 94.58-65, 256-62, 283-6. Trade with Quebec in minutes of executive council, August 2, 1775 in B 16.132-3.

[56]Massey to Germain, August 19, 1778 in A 98.142-5; grand jury in A 98.136-139, condemning "the wicked and ambitious views of men who have hitherto had art and profligacy enough to mislead an infatuated multitude into acts of the most open and avowed rebellion." Agent's report in James Bowdoin to Washington, May 31, 1780 in Sparks Mss. 65. II. 260-4 in Harvard Library. Hughes to Germain, November 21, 1779 in A 99.192-9; Hammond to Germain, November 27, 1781 in A 101. 321-7. General Francis McLean to Germain, February 16, 1779 in A 99.74-77 had thought that he would get little help from the inhabitants in case of attack, but his opinion is much in the minority.

[57]Desbrisay 60-67; Eagleson to S. P. G., July 30, 1779 in Journals 22.23-26.

[58]Patterson 98 for the prosperity, and the Reverend P. Delaroche of Lunenburg to S. P. G., December 15, 1778, Journals 21.454-8. "The settlers in general grown rich."

[59]Malachi Salter was suspected for some time, but nothing was proved against him, Brebner 340-1. Alexander McNutt desired invasion of the province; but he had never been a member of the leading circle. Journals of C. C. XIII. 428-9 (a memorial from McNutt and others to Congress, presented April 7, 1779). McNutt's Americanism is discussed at length in Eaton's McNutt. Contraband trade in Brebner 315-17.

The numerous raids on Nova Scotia coast towns by privateers are described in Brebner 330-6, and are therefore passed over here.

CHAPTER VI

[1]The origin and history of the Malecetes, Malacites, Maliseets or even in Allan's spelling, Marechetes, is given in Raymond, Chapter 3. The adherence of the Indians to Roman Catholicism is noted in Smethurst 20.

[2]Kidder 51-59, 166-179; Allan to council of Massachusetts, November 21, 1776 in A. A. 144. 367-74; Washington's letters in A. M. 144. 377-80.

[3]The negotiations and the treaty of July 1776 are in A.M. 29.502-29. The preference of the Micmacs for neutrality is indicated in John Preble to council and house of representatives of Massachusetts, January 27, 1777 in M.H.S. XIV. 405-7. One of their chiefs gave the information to Preble who was one of Allan's aides.

[4]Allan to council of Massachusetts, November 21, 1776 cited above; Journals of C.C. VII. 38, 313, 331. This attempt of Allan's is described in Harvey, Machias 25-28.

[5]Allan to council of Massachusetts, June 18, 24, 1777 in A.M. 197. 164-72 and 144.198; the letter of June 18 in M.H.S. XIV. 426-35. Kidder 90-110.

[6]These operations are described in Raymond 443-5; and for the Americans, in Stephen Smith to council of Massachusetts, July 31, 1777 in M.H.S. XV. 1-4.

[7]Allan to council of Massachusetts, July 10, 1777 in A.M. 144. 200-203; to John Jay, April 21, 1779 in Papers of C. C. series 78 vol. 1. folio 225. Kidder 90-122. Francklin to James White, February 19, 1779 in Collections of N.B.H.S. I. 323-4.

[8]Allan to Jeremiah Powell, August 27, November 18, 20, 1777 in A.M. 144. 212-16, 225-8; Kidder 213-30. Allan was anxious about his wife and family who were prisoners in Fort Cumberland and tried to secure their release by threats to Gorham. In spite of this procedure, the British authorities eventually sent them to him. Allan to N. Barber, October 4, 1779 in A.M. 144. 285-6.

[9]Allan to Powell, November 20, 1777 in M.H.S. XV. 292-3 for Pierre's visit; May 22, August 9, 1778 in A.M. 144. 232-4 and 241-4 for the efforts to use the French Alliance. The letter of May 22 is in M.H.S. XVI. 12-16, that of August 9 in same vol. 60-67. Kidder 245-53.

[10]Allan to Powell, August 9, 17, 1778 in A.M. 144. 241-4, 245-6, M.H.S. XVI. 60-67, 71-74. The declaration of war is in M.H.S. XVI. 74-5 and Raymond 454-5.

[11]Francklin to Germain, June 6, 1778 in A 98. 109-14; to White, July 23 and August 30, 1778 in Collections of N.B.H.S. I. 312-14; Raymond 462. Francklin's letter to the Indians is in Raymond 456-7.

[12]Hughes to Germain, October 12, 1778 and January 16, 1779 in A 98. 180-3 and A 99.3-19. Allan to Powell, October 8, 1778 in A.M. 144. 254-61, M.H.S. XVI. 99-112. Raymond 456-61 and article in Collections of N.B.H.S. I. 314-18.

[13]Allan to Powell, October 3, 1778 in M.H.S. XVI. 94-97 and November 13, 1778 in A.M. 144, 260, M.H.S. XVI. 126-9. Francklin

to White, December 8, 1778 in Collections of N.B.H.S. I. 322. Kidder 257-9.

[14]Raymond 480-1 for particulars of the mast contracts.

[15]Francklin to White, December 8, 1778 and February 19, 1779 in Collections of N.B.H.S. I. 322-4; his tour of the coast in John Starr to Allan, May 18, 1779 cited above. Starr thinks the priest was Bailly but is in error; Bailly was in Quebec and it was Bourg who was at hand. A message of threat to the Penobscots is in M.H.S. XVI. 242-3.

[16]Francklin to Germain, September 8, 26 and October 24, 1779 in A 99.128-31, 1939-141, 161-66; and November 21, 1780 in A 100. 193-8. Francklin to Haldimand, October 19, 1779 and reply, November 30 in B 149.96 and B 150.43 in Haldimand Papers, Public Archives of Canada.

[17]Francklin to Germain, August 3, 1779 and reply, December 4 in A 99.100-06, 213-15. Francklin's bill mounted to £1543 2s 10½d. Hughes obtained enough from the provincial treasury to reduce it to £900 and Germain paid the rest in 1781. Francklin to Germain, November 21, 1780 and reply, February 28, 1781 in A 100.93-96 and A 101.64-65.

[18]Allan to Powell, May 18, July 2, October 27, 1779 in Papers of C.C. series 65. II. folio 11, 78. I. folio 307, A.M. 176. 350-3, the letter of May 18 in M.H.S. XVI. 255-57. Allan to Jay, June 1, 1779 in Papers of C. C. series 78 I. folio 279; to Powell, July 16, 1779 in M.H.S. XVI. 362-5.

[19]Allan to Powell, June 23, July 2, 16 and September 10, 1779 in Papers of C.C. series 78. I. folios 287, 307, A.M. 201. 172-6, Papers of C.C. series 65 II. folio 5. The letter of September 10, 1779 in M.H.S. XVII. 104-11. Kidder 265-8. The influence of White and Bourg in Francklin to Germain, August 3, 1779 in A 99. 100-106.

[20]Allan to Powell, September 10, 24 and October 20, 1779 in A.M. 201. 282. A.M. 144, 275-80, 289-91; the letter of September 24 in M.H.S. XVII. 177-85, that of October 20 in XVII. 397-400. Allan to Nathaniel Barber, October 4, 1779 in A.M. 144. 285-6; to Powell, November 15, 1779 in Papers of C.C. series 78.I folio 333, M.H.S. XVII. 440-2.

[21]Allan to Powell, September 24, October 20, November 15, 1779 cited above; also November 10 and 29, 1779 in A.M. 144. 294-5 and A.M. 171.68, M.H.S. XVII. 428-31,XVIII. 15-16. James Avery to council of Massachusetts, undated but of November 1779 in A.M. 144. 302-4. Kidder 268-74.

[22]Allan to Powell, February 20, 22, 25, March 3, 5, 27 and May 15, 1780 in M.H.S XVIII. 100-05, A.M. 176. 354-56, A.M. 144. 444-45, printed in M. H. S. XVIII. 106-7, M. H. S. XVIII. 115-19, A. M. 202 p. 86-7. printed in M. H. S. XVIII. 121-2 and A.M. 202. 111-13 printed in M.H.S. XVIII. 165-6 and A.M. 144. 304-6 printed in M.H.S. XVIII. 265-69.

[23]Francklin to Germain, May 4, 18, 1780 in A 100. 33-37, 63-67; to White, May 18, 1780 in Collections of N.B.H.S. I. 325.

[24]Allan to Powell, May 28 and June 11, 1780 in A.M. 142. 195-6, M.H.S. XVIII. 282-4 and A.M. 144. 447-8. Avery to Powell, June 11, 1780 in A.M. 146. 161, M.H.S. XVIII. 306-7. Kidder 274-8.

[25]Francklin to Germain, November 21, 1780 in A 100. 193-8. Raymond 464-5. For the threats of the Canadian Indians, Allan to Powell, May 28, November 2, 1780 in M.H.S. XVIII. 282-4, XIX. 24-32.

[26]Allan to council of Massachusetts, July 1 and 12, 1780, to John Hancock, November 2, 1780 in A.M. 144. 449-51, 452-3 (M.H.S. XVIII. 345-8) and A.M. 230. 272-9. In his letter of July 12, Allan calls July 1st, June 31st. Avery to president of the council of Massachusetts, June 11, August 18, 1780 in A.M. 146. 161 and A.M. 144. 456. Kidder 279-81.

That Bourg cheated Allan twice is the plain implication of Allan's words in M.H.S. XIX. p. 29, taken with his itinerary of the summer. It may be, however, that Allan is confused in his writing and refers twice to the same event.

[27]Allan to the Indians, September 28, 1780 enclosed in Francklin to Germain, November 21, 1780 in A 100. 193-8. Allan to Powell, December 15, 1780 in M.H.S. XIX. 65-66; to Hancock, January 26, 1781 in A.M. 231. 341-4, M.H.S. XIX. 105-12.

[28]Allan to Hancock, May 9, June 16, October 17, 1781 in A.M. 203. 285, 326-8, 424-5, in M.H.S. XIX. 256-7, 283-8, 355-6 respectively. Kidder 287-8. The last mention of the French chaplain is in Allan to Hancock, June 21, 1781 in A.M. 234. 482-6.

[29]Germain to Francklin, July 7, 1780, Francklin to Germain, November 21, 1780 in A 100. 112-14, 193-98; Germain to Hughes, July 7, 1780 in A 100. 115-18.

[30]Francklin to Germain, August 5 and November 22, 1781 in A 101. 133-35, 265-70; Raymond 469. Allan to Hancock, March 7, 1782 in A.M. 187. 370-2.

[31]Francklin to Shelburne, June 16, 1782 in A 102. 52-3.

[32]Allan to President of Congress, March 8, 1782 in Papers of C.C. series 149, II. folio 563 (M.H.S. XIX. 436-40); to Hancock, June 4, July 1, August 22, 1782 in A.M. 144. 488-89 and in M.H.S. XX. 28-30, 53-4, 76-9. Kidder 292-6. Allan to Alexander Hamilton, May 28, 1783 in Papers of C.C. series 149 II. folio 565.

[33]Allan to Powell, August 4, 1778 in M.H.S. XVI. 49-55.

CHAPTER VII

[1]Minutes of legislative council, July 7-16, 1773 in C 1.3-42 (P. E. I.) Problem of attendance in Patterson to Dartmouth, October 20, 1774 in A 2. 250-55 (P. E. I.) The liquor tax in Desbrisay to Germain, December 7, 1779 in A 4.40-43 (P. E. I.) Eagleson in Digest of S. P. G. 114.

[2]John Hancock to General George Washington, October 5, 1775 in Force, fourth series III.950.

[3]The privateers sailed from Beverly, Massachusetts, missed the ammunition ship and hung around the Gut of Canso for three weeks, picking up two traders and five vessels loaded with fish. They called at Pictou, received the information mentioned and departed to Charlottetown. They arrived on November 17, 1775, passed unnoticed by the guns of Fort Amherst at the entrance to the bay and sent a party on shore, supporting them by preparations to fire on the town. Callbeck did not know that the Americans had privateers and supposed that the visitors were pirates. He went to meet them in the hope of dissuading them from burning the town, and tried to give them a civil reception. Captain Selman, however, ordered him and a clerk who was with him, on board the vessel, not permitting a return to the house for petty luggage; and a sailor struck Callbeck as he went on board. Shortly Selman sent a demand for the keys of the house and stores, with a threat to break them

the help and did it himself. The Americans soon got into three stores and took away the contents, chiefly rations for some newly-arrived settlers. They investigated Callbeck's house next, broke open the doors of several rooms and carried off carpets, mirrors, curtains, bedding, plate, some furniture, Mrs. Callbeck's jewellery and supplies of food for the winter, and finally the casks of liquor except one for whose contents they preferred interior portage. They were looking for the lady herself as she was the daughter of a Boston loyalist named Coffin; but she was safe at Callbeck's farm four miles away. From the house they proceeded to Callbeck's office, perused his papers and confiscated some together with the contents of two trunks and clothes belonging to a clerk. Patterson's house was the next object of interest; and they helped themselves to woollens and linens of all sorts, carpets, curtains, plate, broke his china and drank most of his liquor. Now they made more arrests; Thomas Wright, John Budd the clerk of the court and the corporal, but soon let Budd go as beneath their notice. Broughton and Selman conveyed the men and loot on board but allowed a party of their sailors to stay on shore without an officer. These broke more doors and windows in Callbeck's and Patterson's houses, picked up more valuables and finished the liquor before rejoining the crews. After 48 hours at Charlottetown, the two privateers returned to Canso, captured three fishing vessels and another on which were the councillor J. R. Spence and the young Reverend Theophilus Desbrisay, son of the lieutenant-governor, who was coming to take up his duties as Anglican clergyman to the island. The Americans looked over their property, consented to leave them some clothes and bedding and let them continue with these. Callbeck and Wright had in the meantime argued with Broughton and Selman about the legality of their proceedings, contending that the privateers had no right to take private property. The Americans read their orders, which did in fact caution them about taking such property and made no mention of St. John's Island. Having won this argument, Callbeck and Wright asked for release, urging that the voyage to New England would merely inflict unnecessary hardship on them as they would certainly be dismissed there to find their own difficult way back. But Broughton and Selman were inexorable; and fourteen days more took the privateers and their cargo to Winter Harbor on the Maine coast. Thence the prisoners were sent to Cambridge.

There are more than a dozen documents about the expedition of Broughton and Selman in Force; the chief are Callbeck's statement of his case undated in IV.451 and Washington to Hancock, December 7, 1775 in IV.214, fourth series. The island documents are J. R. Spence to Dartmouth, November 23, John Budd to Dartmouth, November 25, Thomas Wright to Dartmouth, December 15, 1775, and Callbeck to Dartmouth in January 5, 1776, all in A 3.33-66 (P. E. I.) There are a few more details in Callbeck to Shuldham, January 10, 1776 and reply, February 6, in Neeser 69-74. The raid is described from the documents in Force by Gordon, who reprints some of the material in Force, including Callbeck's letter of thanks to Washington.

[4]Admiral Howe to Callbeck, June 4 and Callbeck to Germain, June 25, 1776 in A 3.143, 151-5 (P. E. I.)

[5]General Howe to Callbeck, February 6, 1776 and Callbeck to Germain, June 25, 1776 in A 3.85-87, 151-55; Callbeck to Dartmouth, January 15, 1776 in A. 3.67-75 (P. E. I.).

[6]Callbeck to Germain, February 22, 1777. Germain to Sir W. Howe, August 18, 1777 in A 3.210-13, 232-4 (P. E. I.)

[7]Callbeck to Germain, February 21, 1777 in A 3.207-9; executive council minutes, December 17, 1776 in B 1.139-44. (P. E. I.).

[8]Executive council minutes, February 19, 21, 1777 in B. 1.150-68. (P. E. I.).

[9]This recruiting in Newfoundland in two letters in Colonial Office Papers Public Record Office, London, series 194 vol. 34; Captain Robert Pringle to Admiral J. Montagu, November 27, 1777 and to Germain, June 6, 1778. It was done in the fall of 1777 and Pringle kept the men in barracks at St. John's at least until his second letter.

[10]Callbeck to Germain, July 1, 1777 and August 17, 1778 in A 3.219-21, A 4.6-8 (P. E. I.)

[11]Gerard 151-2; Burnett, IV 209. The diary of John Fell, May 12, 13, 1779 mentions a letter from the first lieutenant of the frigate Dean, proposing a raid on Saint John's.

[12]Executive council minutes, August 11, 1779 in B 1.209-220 (P. E. I.)

[13] Stewart 187.

[14]This affair in mid-1781, executive council minutes B2.62-69 (P. E. I.)

[15]Desbrisay to Germain, December 7, 1779 in A 4.40-43, Stewart 188. (P. E. I.).

[16]Germain to Patterson, February 28, 1781, W. Ellis to Patterson, February 28, 1782 in A 4.165-8, A 5.8-10. (P. E. I.).

[17]Patterson to Germain, January 25, 1782 in A 5.2-7. (P. E. I) He laid the reluctance of the provost-marshals to fear of the military, but no doubt motives of humanity played a part.

[18]There is much about this in the executive council minutes of 1781, e.g. October 10 in B 2.85-94. (P. E. I.)

[19]Legislature to Germain, June 9, 1780 in A 4.70-73. (P. E. I.)

[20]Board of Trade to Patterson, June 20, 1781 in A4.202-9 (P.E.I.) is the concluding letter of a series on Desbrisay. He had given offence from Ireland as early as 1774; Richard Worge to Dartmouth, March 31, 1774 in Dartmouth Originals XII no. 2568.

[21]Stewart 190-8. There was some excuse for the disappearance of the £3000 as before 1776 the governor was usually without salary and burdened with expense to maintain his position. Anonymous suggestions concerning St. John's Island in D. O. XII. No. 2565.

[22]Patterson to Legge, October 13, 1775 in Eleventh Report p. 388.

[23]Callbeck to Germain, May 20, 1776 in A 3.139-42 (P E. I.): Francklin to Hillsborough, July 11, 1768 in A 83.14-16 (N. S. papers).

[24]Champion 37-39 for the condition of the government, and the dealings with the Indians.

[25]Minutes of legislative assembly, June 28, 1776 in D 2.19-23 October 9, 1779 in D 2.63; minutes of legislative council, June 26, 1776 in C 1.78-79, (P. E. I.)

[26]Harvey, Early settlements 460-1.

[27]Address of July 30, 1771 signed by 29 persons, in C. O. 194 vol. 30 (to Byron), Shuldham to Dartmouth, October 4, 1774, Duff to Dartmouth, July (no day) and November 14, 1775 in C. O. 194 vol. 32. Balfour to S. P. G., December 4,1775 in Journals of S. P. G. 21 p. 25.

[28]Prowse 341 n to 343 n for this petition. The merchants and others wanted more bounties, a lower tariff, better arrangements for the collection of debts, some restraint on the practise by the servants of citing masters before the J. P.'s on frivolous charges, restrictions on the habit of tree-cutting by crews, on the catching of birds for feathers in the breeding season, on the growth of the liquor and other retail trade in St. John's, on the dumping of passengers in Newfoundland for the winter and on the enclosure of land for gardens, houses and farms by the officers of the garrison. Most of the complaints spring from narrowly selfish views and none are serious.

[29]Montagu to Germain, May 27, November 12, 1776, June 11, 1777 in C. O. 194 vol. 33.

[30]Pringle to Dartmouth, October 20, 1775 in C. O. 194 vol. 32; Anspach 199 for the embargo acts of 1775.

[31]Montagu to Germain, May 27, 1776 in C. O. 194 vol. 33; Prowse 340 for the auxiliaries.

[32]Marine Committee to Hopkins, August 22, 1776, in Force, 5th series, vol. I. p. 1106; Deane to secret committee of Congress, November 27, 1776 and to John Jay, December 9, 1776 in Force, fifth series III. 867, 1051.

[33]Montagu to Germain, November 12, 1776 in C. O. 194 vol. 33.

[34]Montagu to Germain, June 11, August 2 and 24, November 27, 1777 in C. O. 194 vol. 33.

[35]Pringle to Germain, June 6, 1778, February 4, 1779 and enclosed memorandum; Montagu to Germain, July 30, October 5, 1778 in C. O. 194 vol. 34.

[36]Germain to Edwards, April 2, 1779 in C.O. 194 vol. 34, for Labrador. Edwards to Germain, September 12, December 9, 1779 in C. O. 194 vol. 34; to Captain Reeve of the Surprise, July 23, 1779 and to Captain Hunt of the Portland, July 26, 1779 in Edwards' Letter-book, vol. B 20 for the privateering of that month. This volume contains several letters of instruction for the patrol work.

Edwards' Letter-book, vol. B 19 contains many letters about the fortification of the out-harbors. He gives a list of them in his letter to Germain of September 12, 1779, from which it appears that Trepassey and St. Mary's had a cannon, a gunnr and a matross each (matross means assistant gunner). He required oaths of loyalty from the recipients. of the articles These Letter-books are in the Toronto Public Library.

[37]Edwards to Germain, August 1, September 12, 1780, September 28, November 1, 1781 in C. O. 194 vol. 35; Campbell to Shelburne, November 23, 1782 in C. O. 194 vol. 35. Edwards to Captain Lloyd of the Oiseau, August 31, 1780 and to Captain Parker of the Maidstone, September 29, 1780; Isaac Follett of Trepassey to an unnamed person, September 17, 1780. Edwards Letter book vol. B. 20 for the first two, B 19 for the third. These are for the operations of 1780. For those of 1781, Edwards to Captain Pringle of the Daedalus, June 24, and Captain Parker of the Maidstone, October 13, 1781, Letter-book vol. B 20. The Newfoundland privateers in Edwards to the customs officers of St. John's, September 3, 1779, in Letter books vol. B 19.

Edwards was not the governor of the same name in 1745, 1757-9, Prowse 349 n. An incident of 1780, the retrieving by a sailor of a packet of letters thrown overboard by Henry L. Lawrence of the Continental Congress, is told in Prowse 351; also the story of the capture of two privateers in clever fashion by H. M. S. Pluto.

open in case of refusal. Callbeck accordingly despatched the clerk with the keys to open the doors; but Selman disdained

[38]The instructions of the Congress to its commissioners to France in December 1776 contemplated a joint attack on Newfoundland and the division of the island between the future allies, Journals of C. C. VI. 1056. The same project is mentioned in the letter of the Marine Committee to Hopkins, October 10, 1776 and to Washington, May 26, 1779 in Paullin I.27, II.789. Gérard 151-2, 311, 340, 359, 453 for discussions about this business.

[39]Pringle to Germain, November 22, 1777, June 6, 1778 in C. O. 194 vol. 34. He wanted the merchants to help by lending the labor of their servants for the building of batteries, fort and barracks. They tried to drive a bargain, asking for a convoy home with their ships in return. He could not promise this and made shift with his own labor.

[40]Germain to Edwards, March 28, 1780 in C. O. 194 vol. 35; to Lords of Admiralty April 30, 1778 and enclosed order to Montagu in D. O. IX. nos. 2440, 2441; Montagu to Germain, October 5, 1778 in C. O. 194 vol. 34.

[41]Pringle to Edwards, December 10, 1779 and January 6, 1780 in C. O. 194 vol. 35; Edwards' Answer to the several articles of his instructions 1779 in C. O. 194 vol. 20; Germain to Edwards, April 1, 1780 in C. O. 194, vol. 35.

[42]Proceedings of a council of war, May 13, 1780 in C. O. 194 vol. 35; Pringle to Germain, February 4, 1779 in C. O. 194 vol. 34; Edwards to Germain, August 1, 1780 in C. O. 194 vol. 35.

[43]Edwards to Germain, September 12, 1780, December 6, 1781 and return of troops, September 28, 1781 in C. O. 194 vol. 35; Langman to S. P. G., November 1780, Journals 22 p. 188-9. The officers of the Newfoundland Volunteers felt anxiety about their remuneration in 1781 and asked for the same treatment as other American loyalist corps, including grants of land, but as they had never been away from home, they got nothing. The volunteer units were disbanded in the fall of 1783. (Memorial of officers to Edwards undated 1781, and Campbell to North, October 28, 1783 in C. O. 194 vol. 35).

[44]Shuldham to Dartmouth, October 4, 1774, Duff to Dartmouth, November 14, 1775 in C. O. 194 vol. 32; Cunningham to Legge, undated, Dartmouth Originals II no. 1315. Pringle to Germain, June 6, 1778 in C. O. 194 vol. 34 mentions the Nova Scotia Volunteers as still in barracks in St. John's. Certain details of the recruiting have been furnished to me by Mr. P. K. Devine of St. John's from the local records. The work of the Newfoundlanders at Quebec is described by G. Lanctot. When Newfoundland saved Canada, Canadian Magazine Sept. 1921 p. 415-21.

[45] Pringle to Germain, November 22, 1777 and June 6, 1778 in C. O. 194 vols. 33 and 34.

[46]General Francis McLean to Haldimand, March 7, 1780 in Haldimand Papers, Public Archives of Canada, B 149 p. 114.

[47]The embargo in Journals of the Continental Congress II. 54, ed. W. C. Ford, Washington 1905. The date of the resolution on it was May 17, 1775.

[48]The fears of Newfoundlanders in Duff to Dartmouth, November, 14, 1775 in C. O. 194 vol. 32.

[49]Letters from Waterford, June 23, 1775 and Bristol, July 4, 1775 mention the purchase of food for Newfoundland; The Remembrancer 1775, p. 80, 82. The letter from Bristol much exaggerates the difficulties of Newfoundlanders.

[50]Balfour to S. P. G., December 2, 10, 1779 in Journals 22 p. 78-80 said that he had with difficulty procured a maintenance for himself and his family in the winter 1778-9.

[51]Lieutenant-Colonel D. Hay to Germain, May 25, 1779 in C. O. 194 vol. 34. Edwards to Germain, September 12, 1779 in C. O. 194 vol. 34; to the J. P.'s and admirals of Conception Bay, September 14, 1779, to C. S. Puttney, September 25, 1779 and to all J. P.'s, September 26, 1779 in Letter-books vol B 19.

[52]Balfour to S. P. G., October 26, 1780 in Journals 22 p. 168.

[53]Captain H. E. Stanhope to Germain, April 6, 1780 in C. O. 194 vol. 35. The winter of 1778-79 was very severe, Hay to Germain, May 25, 1779 above.

[54]Montagu to Germain, August 2, 1777 in C. O. 194 vol. 33.

[55]Merchants of Dartmouth to Board of Trade, March 24, 1778 in C. O. 194 vol. 19.

[56]Montagu to Germain, November 27, 1777 in C. O. 1940 vol. 33; Duff to Dartmouth, November 14, 1775 and general scheme enclosed, in C. O. 194 vol. 32; General Schemes etc. by Montagu and Edwards in C. O. 194 vol. 34 and by Campbell in C.O. 194 vol. 35, for 1778, 1779, and 1782 respectively.

[57]Edwards wrote many letters in support of the servants e.g. to Dewes Coke, J. P. of Trinity, August 24, 1779 on behalf of six servants of Messrs. Clark and Company, in Letter-book B 19. He freed a negro girl of St. John's from a harsh master; to the J. P. at St. John's, September 8, 1779 in Letter-book B 19.

[58]Some trouble developed in the working out of Palliser's act; for instance, if a green man got only £5, when his passage home was deducted, not enough was left to pay for his clothes. Yet the merchant must furnish these and if he charged properly for them, he might be fined £10. The conditions of the war made it difficult to carry out some clauses exactly. A master might stop 40 s. out of a wage for passage and be unable to find the passage. The increase in price of provisions and commodities made the stipulated cash payments out of the question and credit was unavoidable in some cases; and this impelled creditors of a master to seize his fish and oil without making arrangements for wages. Provisions went so high that a boat-keeper might not be able to clear himself to a merchant in one season, and might be obliged to stay as a "slave" during the winter; and seamen in debt remained also as "slaves" or quit the island secretly. The merchants found the clauses making wages a first charge on fish and oil a great burden, and the limit of fines for one day's wilful absence much too narrow. They complained to the Colonial Secretary but got no satisfaction. Edwards forbade the taking of fish and oil from a boat-keeper without legal authority and ordered bills to be given with provisions in the spring, not delayed for a price-rise in the fall; and he did his best to enforce the rule of passage home. Certainly the servants had the better of masters and merchants under the act and had the ear of the governor as well. Montagu to Board of Trade, February 5, 1777 in C. O. 194 vol. 33; merchants to Germain, August 5, 1778 in C.O. 194 vol. 34; Edwards' Answer to articles etc. 1779 in C. O. 194 vol. 20.

In its working after the war, the act developed weaknesses; evidence of William Knox, in second report of 1793, Boundary Papers IV, 1908-10 and Reeves 136-8.

[59]Balfour to S.P.G., December 2, 10, 1779, November 19, 1781 in Journals 22 p. 78-80, 386-7.

[60]Langman to S. P. G., November 2, 1779 in Journals 22 p. 57-60; Balfour to S. P. G., October 26, 1780, Langman to S. P. G., November 1780 undated, November 12, 1781 in Journals 22 p. 168, 188-9, 347.

[61]Edwards to Germain, September 12, 1780 in C. O. 194 vol. 35; Langman to S. P. G. November (no day) 1780, Journals 22 p. 188-9.

[62]Balfour to S. P. G., December 2, 10, 1779 and October 26, 1780 in Journals 22 p. 78-80, 168.

[63]Edwards to George Williams, high sheriff of Newfoundland, Edward Langman and Nicholas Gill, October 19, 1779; to the high sheriff of Newfoundland and the J. P.'s of St. John's, October 20, 27, 1779 in Letter-book vol. B 19. John Mahoney kept firearms in his house to resist officers in search of straggling seamen and Edwards ordered a prosecution; to Nicholas Gill, September 12, 1780 in Letter-book vol. B 19.

The missionary Balfour had complained that several unlicensed persons were taking it on themselves to marry, bury and baptise, and thereby defrauded him of the fees; also that Methodist ministers had taken possession of two chapels in his mission, built for the Church of England, had practised in them and prevented him from doing his duty. Edwards ordered the J. P's of Conception Bay to prevent unlicensed persons from discharging sacred functions and to eject the Methodists from the chapels; to Charles Garland and Robert Gray, September 1, 1779 in Letter-book vol. B 19. Another of Edwards' problems was the dog population, which he ordered reduced to one per person in the capital, August 18, 1780 in B. 19.

[64]Edwards to Germain, December 9, 1779 in C. O. 194 vol. 34.

[65]Edwards to Secretary of State, November 27, 1781 and Campbell to Shelburne, September 21, November 23, 1782 in C. O. 194 vol. 35.

[66]Montagu to Germain, October 5, 1778 in C. O. 194 vol. 34; Edwards' Answer etc. 1779 in C. O. 194 vol. 34.

[67]Pedley 132-3 for Renews, citing a letter to the governor, July 29, 1778. Praise of St. John's in Edwards to Germain, December 6, 1781 in C. O. 194 vol. 35. The discussions about Newfoundland in the peace negotiations appear in Fortescue VI.

INDEX

Note; Professor Brebner has kindly called my attention to C. J. MacGillivray's **Timothy Hierlihy and his times,** Antigonish, 1936. This booklet describes the sending of Major Hierlihy and his Independent Companies to St. John's, the difficulties of officers and soldiers, the excessive fortification of Charlottetown, the controversies over the granting of lots and the misdeeds of the soldiers and the affair of Captain Curgenwen. It mentions the eventual dispersal of Callbeck's company and the consolidation of Independent Companies and the local Loyal Nova Scotia Volunteers. The booklet is certainly the best description of military life on the Island during the war.

Kerr, Wilfred Brenton
The maritime provinces
of British North America