

ENEMIES AT HOME: UPPER CANADA AND THE WAR OF 1812

By

GEORGE CHRISTOPHER BLAYNE SHEPPARD

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ENEMIES AT HOME: UPPER CANADA AND THE WAR OF 1812

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AUTHOR: George Christopher Blayne Sheppard, B.A. Laurentian University

M.A. Laurentian University

SUPERVISOR: Dr. John Weaver

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ABSTRACT

This study challenges several common assumptions about the War of 1812. Most writers have stressed that the inhabitants of Upper Canada played a large role in the defence of the colony and that the conflict created a greater sense of unity among an already cohesive population. Some authors have even suggested that the war was responsible for Confederation since it produced a wave of anti-Americanism that "knit together" British North Americans. In economic terms, it is usually claimed that the colonists benefited from military spending and that the war set the province on a course for future prosperity.

Before the war, however, Upper Canada was a fragmented and pluralistic community. Colonists were divided by racial, religious, linguistic, and class differences. Most settlers had no strong ties to either the United States or Britain and few appeared eager to fight for either government. The atomistic nature of Upper Canadian society made concerted action against an invader an impossibility and a majority of Upper Canadian males avoided service altogether during the conflict.

A computer-assisted study of 2,055 claims submitted by inhabitants for war damages reveals that British soldiers and their Indian allies were responsible for much of the damage done to private property. That information explains why there was little increase in anti-Americanism after the conflict. Most wartime destruction was restricted to the Niagara region and areas to the west and residents in

eastern Upper Canada lost little by the fighting. Some merchants in that area made small fortunes by breaking laws relating to currency or by taking advantage of civilian and military customers but many other inhabitants saw little benefit from increased spending by the British army. While a handful of shopkeepers gouged the public, other Upper Canadians who stole or traded with Americans were branded as rebels and eight "traitors" were hanged for such activities.

Upper Canada was ill-prepared to deal with the legacy of the fighting. The economic depression which gripped the colony for almost a decade was, in part, a result of the damages and dislocation caused by the war. The creation of a reform group in the Assembly can also be linked to issues that arose out of the conflict. Disputes over compensation, militia pay, land grants, pensions, and medals for heroism enlivened post-war politics for many years. War damage claims, for example, were not liquidated until 1837. The assumption of that debt helped drive the colony into bankruptcy and it was this fiscal embarrassment, not unity arising from the war, which led to the union of Upper and Lower Canada.

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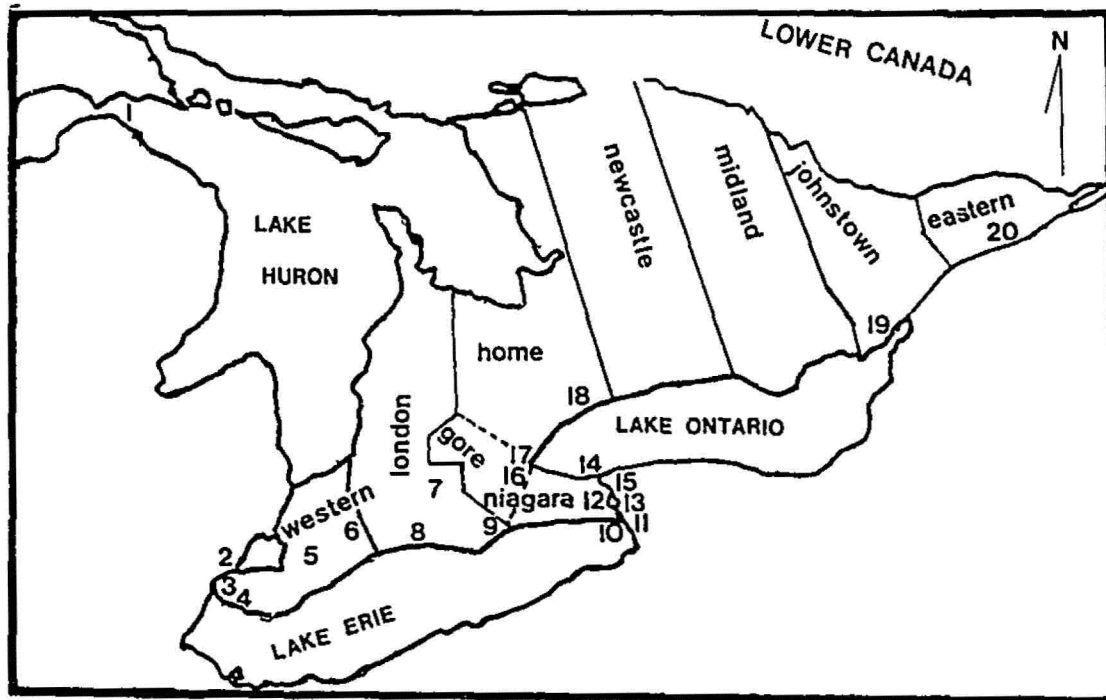


Figure viii-1

UPPER CANADA AND THE WAR OF 1812

- | | |
|-------------------|-------------------------|
| 1 Michilimackinac | 11 Buffalo |
| 2 Detroit | 12 Queenston |
| 3 Sandwich | 13 Black Rock |
| 4 Amherstburg | 14 Fort George (Newark) |
| 5 Chatham | 15 Fort Niagara |
| 6 Fairfield | 16 Ancaster |
| 7 London | 17 Burlington Heights |
| 8 Port Talbot | 18 York |
| 9 Port Dover | 19 Kingston |
| 10 Fort Erie | 20 Crysler's Farm |

I

"A PAGE OF GLORIOUS HISTORY": 1812 AND THE CREATION OF A USABLE PAST

An American politician, Hiram Johnson, once said that truth was the first casualty of war. Like many conflicts, the War of 1812 confirms the maxim. Accounts of the struggle often are riddled with intended mistakes or deliberate misrepresentations, particularly when the subject concerns Upper Canadian reactions to the conflict. Nineteenth-century author William Foster, for example, a Toronto barrister and member of the nationalistic "Canada First" movement, told his readers that in each home "the rusty flintlock was taken from the rack above the fireplace" as young and old alike answered the "call to arms."¹ What Foster neglected to mention was that the rifle, and every other valuable possession, probably was buried immediately under the woodshed. Later, the owner likely turned a deaf ear to any militia summons, preferring instead to work his fields. Yet miles away at military headquarters Isaac Brock would sit composing speeches which praised Upper Canadians for their universal display of loyalty. A few months later, after making the ultimate sacrifice, the Major-General became the "immortal Brock". He was considered a hero by most inhabitants because his forces had defeated the Americans but he had given the credit for those victories to the people of the province.

The conduct of the colonial population during the struggle has never been adequately examined. The effects of the war on the province also remain unclear because of insufficient study. If the topic is raised at all, there is a tendency to focus only on the favorable

results of the conflict. In most works the war is seen as having been a boon to the economy, a stamp which impressed a British character on the province, or a "crucial step in the emergence of an undefended border."² In place of discussions of the destruction and waste which accompanied the American invasions one finds detailed reports of various military campaigns. Many writers appear very reluctant to admit that the war had any injurious impact on the colony, even if a few have acknowledged that the exaggerated accounts of the value of citizen-soldiers probably led to the continuance of an inadequate militia system long after hostilities had ceased. Yet even the militia myth is seen as beneficial. After all, it did create a "common national heritage" around which all Canadians could unite.³

Some of these distortions are the product of *a priori* conclusions. Others are also the result of attempts to create a heroic and martial past where none exists. In accounts of militia activity, or in discussions of the economic, political or social effects of the war, the contrast between myth and reality is often astounding. Nineteenth-century writers, for example, were fond of claiming to their readers that the population of the province was largely responsible for its successful defence. In 1862, Gilbert Auchinleck, one of the editors of the Anglo-American Magazine, noted that with the help of "a mere handful of British troops the Canadian militia achieved the expulsion of the invading foe." Auchinleck felt that all Canadians should be thankful that earlier colonists, with "true hearts and strong arms," had managed to preserve the British connection.⁴ Those sentiments were echoed two years later by William Coffin, a Canadian soldier and civil servant. Coffin's book, 1812; The War and Its Moral, was published in 1864 when

it appeared that the Civil War in the United States might lead again to invasions of British North America. Like Auchinleck he stressed that the inhabitants had gladly shouldered the burden of military service:

They thronged to the banner of Brock. The Province rose as a man. Numbers for whom arms could not be provided, returned disappointed to their homes. The rest did their duty nobly...

Those men had shown that the successful defence of the region was possible and Coffin believed that Victorian Canadians should remember the war "as an example and a warning."⁵ Both Auchinleck and Coffin asserted that all Upper Canadians had taken an active part in the struggle on the British side and that the most important result of the war was that the province had remained a part of the British Empire.

Later nineteenth-century writers elaborated on those views. Egerton Ryerson, the "father of the Ontario school system," believed that the war had created a united populace. In 1880, he wrote that it had forced Upper Canadians of various backgrounds to forget "former distinctions and jealousies" so they might fight "as one man in defence of the country." The exploits of the Upper Canadians, like those of the warriors of ancient Greece, assumed epic proportions:

The Spartan bands of Canadian Loyalist volunteers, aided by a few hundred English soldiers and civilized Indians, repelled the Persian thousands of democratic American invaders, and maintained the virgin soil of Canada unpolluted by the foot of the plundering invader.⁶

One of the descendants of those "Loyalist volunteers," Matilda Ridout Edgar, also believed every Canadian should be aware of the role played by the militia. She suggested that anyone seeking a sense of pride in their country look no farther than the actions of the "brave little band of heroes" who had "saved the land in its hour of need."⁷

The number of publications that dealt with the War of 1812 increased as the nineteenth century progressed. During the 1850s the death of the first generation of Loyalist settlers prompted a number of authors to undertake works dealing with the early history of Ontario. Egerton Ryerson, for instance, noted that it was the death of his father in 1854 which led him to begin collecting information on the province's earliest pioneers.⁸ The next year Gilbert Auchinleck wrote the first of a series of articles that were collected into the form of a book in 1862.⁹ The increased attention paid to the War of 1812 was part of the growth of a more general interest in provincial history. The first local historical society appeared in Toronto in 1861 and by 1900 at least fifteen organizations were operating throughout the province. A concern to preserve documents, and to a desire to celebrate Loyalist accomplishments such as the victory of 1812, were shared by all these groups. There was also an educational aspect to the works of these local historical associations. The Women's Canadian Historical Society, for example, stated that its primary goal was to inform other Canadians of the "heroic past" of their country.¹⁰

Although the number of articles and books dealing with the war increased over time, there were certain periods of intense interest. Early in the 1870s, a perceived need to instill a sense of national unity among the newly joined provinces of Canada led men such as William Foster to stress that all Canadians could take pride in the War of 1812. A decade later, in 1884, the celebration of the one-hundredth anniversary of the arrival of the first loyalists in Ontario brought about a flurry of publications dealing with the conflict. Both the centennial celebrations of the official founding of the province, and the patriotic

fervour excited by the South African War, prompted another spate of anthologies and commemorative collections in the 1890s.¹¹

Few of the writers of these early works paid any attention to the injurious effects of the war and most authors were content to observe it had not resulted in the severance of the British connection. Others, however, went on to suggest that the struggle had a dramatic impact on Canadian history. Jennie McConnell, for instance, a member of the Women's Canadian Historical Society of Ottawa, believed that the war fostered a new sense of unity among the British North American provinces. That feeling, she wrote, grew "secretly but steadily" until Confederation was achieved.¹² Even some authors whose roots lay outside Ontario believed that the War of 1812 was the most significant event in the history of Canada. John Castell Hopkins, for instance, was born in the United States but came to Ontario while only a boy. Years later, as an associate editor at the Toronto Daily Empire and a supporter of the Imperial Federation movement, Hopkins believed that the war had laid an "invisible foundation" for the federal union of 1867 and that Canada could serve as the centre of a rejuvenated Empire.¹³ Laurence Burpee, born in Halifax, Nova Scotia, of Loyalist stock also thought the war in Upper Canada was of national importance. In an article published in 1914, Burpee declared that a "deep-rooted and ever-increasing spirit of Canadian nationality" emerged out of the war. This sentiment prompted Confederation and led to the acquisition of western Canada. With the admission of that territory came the "transcontinental railway--the final link in the chain of western settlement."¹⁴ Some early twentieth-century writers attributed everything from federal union to the Canadian Pacific Railway to the War of 1812.

It is easy to understand how these assessments of the conflict developed. Early Canadian writers made use of the public pronouncements of British and colonial officials as their primary source of information about the conduct of the war. In these statements they found evidence which seemed to support their fathers' and grandfathers' memories of wartime events. Many of those statements, however, were part of a simple propaganda campaign initiated by Isaac Brock and perpetuated by those commanders who followed him.¹⁵ British officials, surrounded by evidence of desertion and treasonable conduct on all sides, decided to lie to the public. It was hoped that fabrication might reduce disaffection and prevent a breakdown of morale. Brock's speech before the House of Assembly on 28 July 1812 was an example of this approach. He claimed that the number of disaffected was few and that the militia had responded to the recent American invasion with conduct "worthy of the King whom they serve."¹⁶ In private discussions with the Executive Council, however, Brock admitted that the militia was "in a perfect state of insubordination." His whole purpose in addressing the Assembly was to acquire a partial suspension of the *Habeas Corpus* Act. Once that was accomplished, Brock intended to begin wholesale prosecutions and he hoped the arrests would "restrain the general population from treasonable adherence to the enemy."¹⁷ Understandably, it was Brock's public statements, however, not his private discussions, which nineteenth-century writers most readily found.

For many Upper Canadians propaganda remained the major source of information about battles that often occurred hundreds of miles away. If they themselves remained loyal they had no reason to disbelieve the official reports emanating from military headquarters at York or

Kingston. Those not taking an active part in the conflict would assume they were members of a minority. Once the war was over a few of those who had served in the militia would go so far as to write memoirs detailing their part in great events but shirkers would remain silent. The struggle to acquire compensation for losses incurred during the war and for recognition of militia service also ensured that only favorable accounts were printed in the public press for more than a generation. Every few months during the 1820s a new appeal for militia pensions or for payment of war losses would be composed by the Assembly and each would emphasize the role played by Upper Canadians in the defence of their colony.

The appeals drafted by the Assembly usually stressed that the struggle had been foisted on the province by outside powers since Upper Canadians had not asked to be involved in this war but their connections to Britain ensured they would be. In such an atmosphere even small exertions assume an aura of importance and many colonists were angered that the war had been brought to them through no fault of their own and they resented any suggestion that they had not done enough for the defence of the province. That feeling was strengthened when it appeared that the mother country was reluctant to commit itself fully to the war. During the conflict, therefore, a certain amount of anti-British sentiment emerged and this attitude could be found even among loyal Upper Canadians. By explicitly extolling the virtues of the provincial militia the colonists were implying that Britain's efforts were less than adequate. John Strachan was one of the first colonists to give expression to these sentiments and in a sermon delivered on 22 November 1812 he predicted that future historians would tell of the heroic

exertions of a militia that "saved the country" with the assistance of only a "handful of regular troops."¹⁸

It was not simply the accessibility of propaganda accounts or the repetition of inherited misconceptions which led to the perpetuation of the militia myth. Many of Ontario's early historians were of Loyalist background, and at its most basic level the maintenance of the legend that citizen-soldiers "saved" Upper Canada was a form of ancestor worship.¹⁹ By asserting that it was the colonists who threw back the American invaders these historians proclaimed their forefathers' heroism. On one level, the facts seemed to speak for themselves. In 1812 large American armies had invaded a province defended by fewer than two thousand regular troops. In almost every battle militiamen had played some role and their contributions had been regularly praised by British commanders. In the end, the American armies retreated, having failed in their attempt to conquer the colony. By noting only those obvious skeletal points, writers such as Jennie McConnell could announce that the militia "came out of the war covered with glory."²⁰

Still a conscious decision to ignore evidence that was at variance with this view must have been made by some of these authors. Accounts of desertion and treasonous activity during the war were simply too numerous to have been missed by every writer. The desire of Canadian historians to create a heroic past where none existed before must therefore be considered. To many of these nineteenth-century writers the early history of British North America must have seemed a rather infertile field for the production of nationalistic works. The two founding peoples had known only defeat in the late eighteenth century. French Canadians had been conquered in 1760 while the

Loyalists had been on the wrong side in the American Revolution. Since the War of 1812 seemed to contrast with these defeats it was a topic eminently suitable for those seeking to create a heroic past. Many writers came to feel that the struggle should be considered the true starting point for the study of Canadian history. John Murdoch Harper, a Scottish-born educator and advocate of Imperial unity, wrote in 1905 that the war was "the baptism of fire of a new nationhood at its birth."²¹ It was now understood that the country's origins were not to be found in embarrassing defeats. Like all great nations, Canada could boast of a blood-soaked victory. John Castell Hopkins even assured his readers that the War of 1812 was as crucial to Canada's past as the Revolution was to American history. Hopkins was convinced that the war had been a "blessing in disguise" because it had "produced a page of glorious history" which all patriotic men could cherish.²²

This version of Canada's past was particularly treasured by turn-of-the-century English Canadian imperialists. Colonial advocates of imperial unity believed that the War of 1812 strengthened the claim that the Dominion should have a greater say in the workings of the British Empire. During the war it had been the colonists who had prevented the destruction of that institution. In 1905 James Hannay wrote that the struggle "ought to be regarded as Canada's first and greatest contribution to the work of empire building." Hannay was a native of Richibucto, New Brunswick, and both his parents were from Scotland.²³ Like many other English-speaking Canadians he took pride in the victories of the War of 1812 and he found in the conflict what he wanted to find. English Canadian imperialists had no reason to look further than propaganda accounts since such investigation would undermine the

notion that Canadians, because they had saved the Empire in the past, had a right to determine how it was to be run in the future. The knowledge that may have come their way that the majority of inhabitants had managed to avoid military service altogether during the struggle was information that most early chroniclers of Ontario's past could do without.

Less exaggerated accounts of the role of the militia have been written in more recent years. In 1963, G.F.G. Stanley, a World War II veteran and deputy-director of the Canadian Army's Historical Section, argued that British regulars should receive much of the credit for the successful defence of the province. At the same time, however, Stanley felt that the actions of the citizen-soldiers should not be considered less valuable. He argued that the militia played an important part in the contest by transporting provisions, by constructing fortifications, and by providing fighting men, especially during the first year of war. Unfortunately, like his predecessors, Stanley also failed to note that those who took an active part in the war were not typical Upper Canadians. By continuing to focus only on those who did serve during the struggle, Canadian historians have missed the point that voluntary service was aberrant behaviour. Stanley and others who discuss the role of the militia also maintain the fiction that the defeat of the American invasions "proves both the activity and efficiency of the aid rendered."²⁴

A closer examination of wartime events suggests otherwise. Most Upper Canadian males, although obligated to fight, did not do so. The squads of volunteers and those forced to do their duty, while sometimes useful, could rarely be relied upon for more than a few days at a time.

Many inhabitants exhibited little enthusiasm to shoulder arms and they employed an amazing array of excuses and tricks to evade military service. That is not to say that these men were immoral or worthless; rather they made rational and pragmatic decisions. It is perhaps one of the greatest ironies of Canadian history that had colonial Upper Canadians been as eager to fight and die as historians have said they were, it is unlikely that the militia myth would have proved so durable. There would have been few descendants to write nationalist works had those colonists been so intent on martyrdom.

Discussions of the financial effects of the war have also suffered from partisan examinations. Jennie McConnell, for instance, spoke only of the disastrous impact which the fighting had on the economy of the United States. With a note of satisfaction she observed that American foreign trade had been ruined and that their merchant marine was destroyed by the British navy.²⁵ In 1913, Adam Shortt offered an assessment of the economic effect of the struggle on Canada. The first Canadian historian to employ empirical methods, Shortt observed that the war years represented the "greatest era of prosperity" ever enjoyed by the province until the 1860s. Settlers were able to find financially rewarding employment either through militia service or by provisioning the troops. He did acknowledge that there were certain drawbacks to this supposedly exceptional period of prosperity: he felt that some people were unequipped to deal with this new found wealth and so "drunkenness and other forms of vice flourished". All the same, he believed that the introduction of army bills during the conflict served only to benefit the province. The use of this "efficient and reliable" currency made people accustomed to cash transactions. Thus, according

to Shortt, when the war ended the inhabitants were in a "proper frame of mind for the establishment of banks."²⁶

The army bills have been described by other writers as a "financial triumph" since they "cracked the psychological barrier" that the inhabitants had put up against paper money.²⁷ In general, later historians have followed Shortt's view of the economic impact of the war but have been even more prone to gloss over any harmful effects. While some might refer to the dislocation of business in certain sections of the province all agree that heavy British expenditures more than compensated for such isolated occurrences.²⁸ Bray Hammond, in a 1967 monograph on banking in Canada before Confederation, wrote that the gains to the provincial economy were "immediate and unqualified." The only exception to this rule was along the New York border where "the housewives suffered some loss of teaspoons...to the ungentlemanly invader."²⁹

Like discussions of the role of the militia these examinations of the financial effects of the war are inadequate too. The army bills proved far less useful in practice than supposed and much of the money spent in Upper Canada during the conflict served only to benefit a select group of merchants. Those whose businesses were destroyed and whose farms were the site of pitched battles saw no "immediate and unqualified" benefits. The destruction in the Niagara region and in western Upper Canada left a large proportion of the province's population in penury. In economic terms, the colony was in no way prepared to deal with the legacy of war and the Upper Canadian government simply did not have the means to assist the victims of the fighting. Widows and orphans, the disabled and homeless, saw no

benefit from the expenditure of funds on military projects. Nor was it the destruction of some mystical psychological barrier that led to the introduction of paper currency in the post-war period. The deep economic depression that followed in the wake of the departing British troopships was so severe that the colony was forced to send all its hard currency out of the province to pay debts. Because of that insolvency, Upper Canadians had no choice but to create a new medium of exchange.

The immediate economic impact of the war, therefore, was far from universally beneficial. In the long-term, moreover, the conflict had a significant influence on future financial developments. Fear of further American invasions led to lavish expenditures on projects like the Rideau Canal system that were destined to remain military "white elephants." At the same time, the decision to prevent renewed American immigration meant that the province was deprived of one of its most important sources of ready cash. The money borrowed to pay pensions and compensation for victims of the conflict eventually contributed to the complete bankruptcy of the colony. Any discussion of the true economic impact of the struggle must involve more than a discussion of how much the British military spent in the province during the three years of fighting.

The conflict also changed the political atmosphere of the province. As early as 1880, Egerton Ryerson noted that "elements of discord" had begun to appear after the cessation of hostilities. He attributed this to the numerous appointments of discharged British officers to positions formerly occupied by Loyalists.³⁰ That oversimplified explanation of post-war discontent has not been greatly expanded on by other writers. Over one hundred years later, for

instance, G.F.G. Stanley would point to issues that arose out of the war but offered no explanation on how these "seeds of political discontent" served to complicate provincial affairs.³¹ More in-depth accounts about the compensation question, or on militia land grants and pensions, is difficult to find even in works devoted to post-war politics. Only Ernest Cruikshank and W.R. Riddell had attempted to link post-war discontent to political issues and they restricted their works to article-length monographs.³²

Any attempt to remedy the limitation in the historiography of the war and the subsequent political conflict should start with an assessment of the principles and assumptions upon which the colony was established. Various provisions in the Constitutional Act of 1791 would have led to discontent whether war had come or not. The reservation of one-seventh of all the surveyed land in the colony for the support of the Church of England, for example, would have eventually brought about heated debate if only because most colonists were not Anglicans. It was not until after the War of 1812, however, that serious objections were raised about this practice. Colonists seeking compensation for damages incurred during the struggle demanded that the lands be sold and the proceeds used to meet those outstanding claims. In the case of the clergy reserves, therefore, the conflict served as a catalyst in hastening the onset of political opposition. But the war also created new controversies: disputes over militia land grants and the alien question, for instance, would haunt colonial politics for many years after peace was declared.

Despite the political unrest, most writers have claimed that the War of 1812 brought a new sense of unity to provincial society.

According to Egerton Ryerson, the conflict served to "cement the people together" so that all "classes were Loyalists."³³ J.M.S. Careless believed the struggle had acted as a "screening process" which filtered out enemy aliens and left behind only a loyal residue.³⁴ Others have suggested that the war made Upper Canadians even more anti-American in sentiment than they had been before.³⁵ That attitude led to the turning back of immigrants from the United States, which helped to confirm the provincial connection to Britain. Farms that would have been occupied by Americans were instead given to newcomers from the British Isles. This renewed sense of loyalty to Britain was a common bond that enabled the "so-called Family Compact" to rule over the province for more than a generation.³⁶ Thus the likelihood that the region would be absorbed by the United States was reduced and the "permanent survival" of an independent British North America was made much more probable.³⁷

There is evidence which suggests that this historical composite is unsound. Far from uniting the province, the war actually created new divisions among the colonists. For instance, those who neglected their farms while serving in the militia were indignant that others had managed to stay home and profit by the war. Some of the non-combatants were large landowners who had announced that they were Americans and could not be forced to fight against their fellow countrymen. The idea that the war intensified anti-American feeling among all segments of the population has already been called into question and it seems likely that a simple hatred of all things American was a sentiment primarily restricted to members of the ruling clique at York.³⁸ The conflict also did not bring a complete halt to immigration from the United States although the number of arrivals was greatly reduced. Most Upper

Canadians were actually in favour of a continuation of the old "open door" policy since many were counting on land sales to recoup some of the losses suffered during three years of fighting. The failure of British officials to heed this advice contributed to the post-war economic depression since the vacuum created was not immediately filled by immigrants from Britain. By the 1820s, when Old World conditions brought about the start of a mass exodus, Upper Canada had missed a crucial "window of opportunity." Many Americans who might have settled in the province had been forced to go to the Ohio region instead. The province that British newcomers settled in, therefore, was far less prosperous and stable than it might have been.

The decision to exclude Americans did not make the colony "more loyal." Those who had been turned away were interested in land on good terms and not in the export of revolutionary ideals and the decision certainly did not make colonial politics any less acrimonious. Indeed, in the ranks of those newcomers from Britain were volatile individuals like Robert Gurlay and William Lyon MacKenzie.

Upper Canadians were eventually knit together by the war but that did not occur until the 1840s when the detrimental aspects of the conflict were less apparent. As old veterans passed away, the first-hand knowledge of hardship, jealousy, and disaffection was replaced by a new appreciation of the war. Colonists who had entered the conflict with no conception of a shared nationality discovered years later that the war offered all inhabitants a past that was worth remembering. The cult of Brock worship and the militia myth had little to do with the reality of the war but they did lead to the flowering of Upper Canadian nationalism. Ironically, that development only occurred because the

real heroes of the war, the men who had fought for years in flank companies and in the Incorporated Militia, had been deprived of the recognition they deserved. Left without suitable heroes to worship, Upper Canadians were more than willing to believe that all had done their duty and that every inhabitant had stood shoulder to shoulder with Brock.

The war also contributed to a heightened awareness of provincial concerns. Some of those who had suffered damages during the conflict even entered into politics to seek compensation. Efforts to relieve distress arising from the war would lead to the establishment of the Toronto General Hospital and eventually to the creation of the Canada Land Company. Those developments affected the lives of thousands of inhabitants. After three years of fighting, Upper Canada was somewhat less isolated and its inhabitants were less self-absorbed than they had been before the war.

Those developments have never been adequately examined because most twentieth-century works dealing with the War of 1812 have been restricted to discussions of military campaigning. Conventional military histories deal with the study of generals and generalship, or with weapons and weapon systems. J. Mackay Hitsman's 1965 work, The Incredible War of 1812: A Military History, for example, sought to rehabilitate Sir George Prevost's "greatly maligned" reputation.³⁹ G.F.G. Stanley's The War of 1812: Land Operations, published in 1983, delved into logistics but it too was a standard "battle history" of the war.⁴⁰ Both Hitsman and Stanley were members of the Canadian Army's Historical Section and their efforts were products of a soldierly cast of mind. As disciples of traditional military history, they emphasized

tactics and operations and avoided discussions on the social or economic impact of the conflict.

Pierre Berton has described his most recent work on the war as a "social history". In The Invasion of Canada and Flames Across the Border, published in 1980 and 1981 respectively, Berton sought to recapture the war as it was seen "through the eyes of ordinary people."⁴¹ To do this, he employed letters and diaries written by participants but Berton's publications also retained the standard operational focus of most military histories. While readers might glimpse what battle experience was like for ordinary soldiers and militiamen there was little information provided on how the war affected civilians. Berton also failed to make use of the increasingly sophisticated tools of analysis that are now routinely called into service by social historians. Neither book, for example, offered a cliometric investigation of logistics or casualty rates and, as a result, Berton's anthology of eyewitness accounts owes more to traditional studies of the war than it does to the school of "new military history."⁴²

Since the 1970s, an increasing number of American and European historians have begun to examine armies and military campaigns in terms of their impact on social and economic structures. Charles Royster's 1979 work, A Revolutionary People At War, for example, investigated the tensions that developed between the civilian population and George Washington's Continental Army over provisioning and enlistment.⁴³ Stephen Porter's recent publications have dealt with punitive fire-raids and property destruction during the English Civil War. He has also examined how army requisitioning and plundering led to the dislocation

of trade and industry even after hostilities had ceased. Both Christopher McKee and John Keegan have investigated how soldiers have dealt with the reality of battle. McKee has studied the casualty rates for American naval officers during the early years of the force while Keegan has examined camaraderie, wounding, and the changing demands of warfare due to technological advancement.⁴⁴ All of these historians have taken a new approach to the study of war. Rather than deal only with tactics and operations, they have analyzed diet and health, provisioning and plundering, and the importance of logistical considerations. In many cases these reserchers have attempted to document not only the lives of men-in-arms, but also the wider consideration of how civilians were affected by war.

The chapters that follow have been influenced by these recent shifts in historical research. They deal with enlistment, desertion, casualty rates, conflicts between civilians and the military, treason and sedition, profiteering, and the economic and political effects of the War of 1812 on Upper Canada. In addition to printed collections of primary and secondary sources, I have utilized garrison records, muster rolls, diaries, and pension lists. For the examination of plundering and provisioning the records of the various war claims commissions have been consulted. A computer-assisted analysis has revealed who took what from whom, and it indicates how and when the losses occurred. For the post-war period, I have relied on Assembly debates, newspapers, and the correspondence between colonial officials and their superiors in Britain.

Chapters two and three deal with pre-war Upper Canada. Emphasis is placed on the divided, self-absorbed nature of colonial society and

politics. The next two chapters discuss militia participation and they reveal that the fragmented and atomistic character of early Upper Canada was reflected in an apathetic response to militia mobilization. As a result, participation on the British side remained the preserve of a small number of colonists.

Chapter six deals with provisioning, plundering, and a consideration of military diets and the conduct of combatants. Requisitioning, looting, and the punitive destruction of property were engaged in by both friendly and enemy forces but the majority of losses were sustained by residents in the Niagara and western regions of the province. The activities of civilians in response to the perils and possibilities offered by the war form the subject of the next chapter. Merchants in the villages of Kingston and York benefitted most from military expenditures but inhabitants throughout the province sought to better their economic circumstances through both legal and illegal activities. The next section chronicles the events of the immediate post-war period and it reveals that the political and economic crises of that time can be directly related to events that took place during the conflict. The development of an opposition group within the Assembly, and the severe depression that gripped the colony for more than a decade, originated in the destruction and dislocation of trade and industry which occurred between 1812 and 1815. Chapter nine traces the quest for war losses compensation which lasted until 1837 and it shows how the legacy of war contributed to the economic downturn of that year.

Finally, the last chapter deals with the changing perceptions of the war. The view that the conflict was a "blessing in disguise" had originated with a select group of colonial officials and merchants but

it was to become the accepted version of wartime events by the middle of the nineteenth century. By ignoring the truth, the descendants of the early pioneers created a past that promoted unity and a sense of common purpose. This provincial patriotism, in turn, served as a fertile field for the growth of a variety of Canadian nationalism that was cultivated by men such as William Foster and John Castell Hopkins. Their works often owed little to the real events of the war but their writings proved attractive to generations of readers.

For the colonists who lived through the war, the fighting presented opportunities as well as dangers. Admittedly, good profits could be secured from supplying the military garrisons but all those gains might be wiped out in a moment if their property fell prey to marauding bands of troops from either side. Militia service offered enthusiasts a chance to feel that they were participating in events of great importance. Of course, it also carried with it the possibility of crippling injuries or premature death. The memories of those days remained fresh in the minds of the inhabitants for years to come. According to John Howison, a British immigrant who settled in the province some time later, Upper Canadians referred to every event as having "happened before or after the war."⁴⁵ Even without embellishment, the story of how the colonists responded to invasion remains exciting. One finds real people with recognizable fears and dreams attempting to make the best of very trying times.

NOTES I

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¹⁵Reginald Arthur Bowler, "Propaganda in Upper Canada: A Study of the Propaganda Directed at the People of Upper Canada During the War of 1812," (MA dissertation, Queen's University, 1964), p.130.

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¹⁷NAC, C042/352, Executive Council Minutes, 3 August 1812, p.109.

¹⁸Quoted in C.P. Stacey, "The War of 1812 in Canadian History," Ontario History, 50 (1958), pp.155-156.

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²⁶Adam Shortt, "The Economic Effect of the War of 1812 on Upper Canada," in Morris Zaslow, ed., The Defended Border: Upper Canada and the War of 1812, (Toronto: MacMillan, 1964), pp.296-302.

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³⁸Jane Errington, for example, has written that the elite members of the Kingston community identified with supporters of the American Federalist party and those ties were actually strengthened by a shared opposition to the war, "Friends and Foes: The Kingston Elite and the War of 1812--A Case Study in Ambivalence," Journal of Canadian Studies, 20 (1985), pp.58-79.

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II

"A MOTLEY POPULATION": MULTICULTURAL UPPER CANADA

In the fall of 1811 Isaac Brock was a very troubled British officer and part of his anxiety stemmed from concern over his career. While men half his age were serving with Lord Wellington on European battlefields, the forty-two year old soldier found himself "placed high on a shelf" in a distant corner of the empire.¹ In addition to this personal crisis, Brock was also worried about the security of the province of Upper Canada. In the neighbouring United States, President James Madison had recently recommended an increase in the army and in military materiel and all the signs pointed to an imminent invasion. As administrator of the government of Upper Canada and as commander of its military forces, Brock was charged with the responsibility of turning it back. If he succeeded he might acquire the recognition he so earnestly desired.

Defeating an American invasion, however, would not be an easy task. Brock had fewer than two thousand regular troops to defend a frontier over twelve hundred miles long. On the British side of the border a tiny population of some 70,000 was spread over a territory amounting to nearly ten million acres.² Worse yet, few of those inhabitants seemed to share their leader's determination to engage the Americans in battle. It was not that the majority of colonists were disloyal, just uninterested. Upon taking over the administration of Upper Canada in October 1811, Brock found himself commanding a province that in many respects appeared more American than British.³ A majority

of the inhabitants had only recently arrived from the United States, a fact that had led some American politicians to argue that the conquest of Upper Canada would be a "mere matter of marching."⁴

For a number of reasons the "War Hawks" were to be proven wrong on that score. First, Upper Canada was defended by well-trained redcoats while the United States army, for the most part, was undisciplined and poorly led. Second, in Isaac Brock, the province had a brilliant strategist who knew precisely what actions would best prevent a successful takeover. Even more than American unpreparedness, or Brock's competent leadership, however, it was the ambivalence of the Upper Canadian population which would help to defeat the War Hawks' plans. Although it was true most colonists had little regard for Britain, it did not follow that they would actively support an invasion of their territory. Upper Canada was home to a very pragmatic populace. For most, their first concern was self-preservation, not necessarily allegiance to King or President. Their next desire was to protect their property.

Brock's predecessor, Sir Francis Gore, had recognized those truths some four years before war began. In 1808 Gore wrote to Sir James Craig that in the event of a protracted conflict, British forces would have to surrender the province and retreat to Quebec. But he urged that this plan should be "carefully concealed from Persons of almost every description in this colony" for if the inhabitants suspected that Britain was prepared to abandon Upper Canada, no militia-man would serve. Most colonists would fight only if their lives and property were at risk. As Gore noted: "there are few people here that would act with Energy, were it not for the purpose of defending the

lands they actually possess."⁵

Isaac Brock's greatest advantage over his opponents was his knowledge of the Upper Canadian character. Like Gore, he recognized that most inhabitants were determined to avoid military service and, if possible, stay out of any conflict altogether. A minority of the colonists would support the enemy but a greater number would adhere to the British side if they could be convinced that this was the practical and profitable thing to do. Less than two months after taking control of the civil administration of the province Brock had devised a plan which would bind that part of the population to the British standard. The key to Brock's grand design for the defence of the colony was a vigorous offence with his first objective being an attack upon the American posts at Detroit and Michilimackinac. With those western posts in British hands, a few hundred loyal Indians and militiamen might keep a whole American army occupied. In the meantime, Brock could concentrate his regular forces in the Niagara region which was the most developed, and most exposed, portion of the colony's frontier. Therefore in order to "animate the Loyal and controul the disaffected" he knew that he would have to strike first.⁶ To understand why Brock found himself in this precarious situation one must examine the origins and nature of this colonial society.

Upper Canada in 1811 bore little resemblance to the well-ordered, self-sufficient, British community envisioned by its first lieutenant-governor. Twenty years earlier, John Graves Simcoe, a veteran soldier and Member of Parliament, had arrived in the colony after a "blustery passage" aboard the HMS Triton.⁷ Simcoe was determined to build a province that would be the "perfect Image and

Transcript" of Britain and his ideal society was to be comprised of happy yeoman united by their common loyalty to the Crown.⁸ These British subjects would follow the dictates of their clergymen, shoulder arms when required, and elect only those representatives who could work harmoniously with the provincial administration. Simcoe's position, however, was akin to that of a construction supervisor who arrives at a worksite with blueprints that differ from the existing foundation. By the time he made his appearance in Upper Canada some ten thousand settlers were already established in the province and while most were British subjects they were not "British" in the sense that Simcoe would have preferred. The greater part of them were Americans and very few of these settlers were communicants of the Church of England. Many of them exhibited that non-deferential attitude towards authority for which Americans were famous and of those who expressed an interest in politics, the majority appeared to desire the familiar, more democratic, systems of their pre-revolutionary American homes. Simcoe was aware of these facts but he remained convinced that such individuals could be molded into the proper material. Under his guiding hand, Simcoe thought that the inhabitants of Upper Canada would eventually learn "British Customs, Manners & Principles."⁹ In short, he believed the foundation would adapt itself to the structure imposed upon it.

Tucked away in Simcoe's battered baggage was a document which contained the rough outline of that edifice. The Constitutional Act of 1791 was intended to provide Upper Canadians with the same "Peace, Welfare and Good Government" supposedly enjoyed by Britons at home. The framework for this new administration involved both appointive and democratic elements and the Act provided for the creation of Legislative

and Executive Councils and for an elected Assembly. But few settlers expressed any interest in the more esoteric parts of the legislation and for most it was enough to know that their lands were to be "granted in Free and Common Soccage." That was the system of landholding that they had known in their old homes and it was considered infinitely preferable to the seigneurial system of neighbouring Lower Canada. Demand for the enshrinement of freehold land tenure had begun with the first arrivals in the region and it was this issue, more than any other, which had prompted the British to divide the old colony of Quebec into upper and lower sections. The lure of good land, available on familiar terms, seemed to be an irresistible combination. Over the next two decades the population of the province increased about seven-fold.¹⁰

The Act of 1791 did have its limitations, however. It never succeeded, for instance, in transforming American settlers into proper British subjects. The one mechanism for assimilation incorporated into the Constitutional Act, an oath of allegiance, could be mumbled through or avoided altogether, if the settler so desired. For most immigrants it was a trivial formality that was performed in order to acquire property. In 1803 a British visitor reported meeting a settler from Norfolk who was on his way to purchase a parcel of land in New York State. When asked how he could reconcile taking an oath of allegiance to two governments the Upper Canadian replied "that the oath to each only applied while resident within their territories--he could never take an oath to be otherwise understood."¹¹

The settler from Norfolk, like thousands of others who resided in the province, cared little about nationalism or nationality. He had been born in New Jersey when that area was still under British control.

Later, after the American Revolution, he had travelled north and once again entered British territory. He did so because he thought he might prosper there but when the opportunity arose to buy good land at a low price in his former country, he leapt at the chance. Like most Upper Canadians, this farmer from Norfolk was driven by a sense of acquisitiveness, and not by patriotism or nationalism. His willingness to swear allegiance to two different nations indicates that for at least some inhabitants the border was only a nuisance that was best ignored.

Nationalism, as it is understood today, was a relatively new phenomenon when Upper Canada was created. Prior to the 1700s, individuals might have been patriotic about their city, locality, or ruler, but the fusion of patriotism with the consciousness of nationality, which produces genuine nationalism, had not occurred in the province by the time Isaac Brock became administrator.¹² Instead of the cohesive, model society envisioned by Simcoe a generation earlier, Upper Canada began and remained a multicultural colony that was divided along ethnic, racial, religious, class and linguistic lines. As John Strachan summed it up, the province had a rather "motley population."¹³

The oath of allegiance proved to be a poor agent of assimilation. Other instruments of nationalist indoctrination, such as a successful national church, a thriving indigenous press, or a state-supported and directed school system for all citizens, did not exist in antebellum Upper Canada. The Constitutional Act of 1791 established the Church of England as the official religion of the province but by 1812 there were only six Anglican clergymen in the colony and their field of influence was restricted to the larger villages and towns.¹⁴ Similarly, on the eve of war, only the Kingston, York, and Niagara regions supported

newspapers and most of the space in these publications was devoted to advertisements or to reports of Old World affairs. The vast majority of colonists would rarely have seen either an Anglican priest or a provincial newspaper and throughout the province there was no "uniformity of manners, sentiment, and characters." Some colonists believed that the establishment of a common school system might compensate for these deficiencies. In 1810 one subscriber to the Kingston Gazette suggested that public schools would mold the descendants of the colonists "into one congenial people" but no immediate steps were taken to institute such a system. Before the war, therefore, the population of the province was still "composed of persons born in different states and nations, under various governments and laws, and speaking several languages."¹⁵

The largest section of this fragmented community was comprised of American-born individuals. One visitor estimated that in 1812 some sixty percent of the population had been born in the United States or were of American descent.¹⁶ Yet even this group was not homogeneous in composition. The original Loyalist settlers, who numbered about 6,000 in 1784, had fled the neighbouring states before the conclusion of the War of Independence.¹⁷ Few of these individuals had left the Republic for mere reasons of sentiment or loyalty. The decision to support the British side during the Revolution, often made when it appeared that Royal forces had the upper hand, left thousands in an unenviable position when the British army suffered reverses. Those who could moved to areas in the republic where their wartime activities were unknown. Others who faced physical reprisals or the loss of businesses and positions, chose to migrate to other areas in the British Empire rather

than face the bleak social and economic opportunities offered at home. In contrast to conditions in the neighbouring republic, Upper Canada presented a fertile field to prospective immigrants. Loyalists were promised land grants, assistance from the British government in the form of implements and foodstuffs, in short, a chance to begin anew. The Royal Instructions of 1783 offered heads of Loyalist families 100 acres of land while their offspring received 50 acres. Discharged soldiers received grants according to rank. Privates were given 100 acres but field officers could acquire up to 5,000 acres. Such generous terms eventually induced thousands to move. The desire to maintain or better one's economic situation, therefore, lay at the heart of the Loyalist migration. Land hunger rather than simple loyalty was the factor that motivated most of these first settlers.¹⁸

There were also individuals who were neither economic nor political refugees. These people merely sought free land and Upper Canada was the only area where that was available. After the Revolution public lands in the United States were sold for cash in parcels no smaller than 640 acres.¹⁹ In Upper Canada, on the other hand, newcomers merely had to take the oath of allegiance and assert that they had not served in the rebel forces to acquire a free grant of land.²⁰ Simcoe had made it clear that such settlers would be welcomed. His proclamation of 7 February 1792 outlined this generous system of land grants and was directed at anyone who was "desirous to settle on the Lands of the Crown."²¹ Many of those who accepted this offer had not originally intended to reside in the province. The easiest route to the Ohio frontier was by means of British-held territory. New Englanders on their way west were "funneled through" Upper Canada and many decided to

go no further. Unlike the Ohio territory, Upper Canada had free land and it experienced no actual Indian uprisings although at least two were contemplated in the 1790s.²²

Anxious to increase the colony's population, Simcoe later permitted even those who had fought against Britain to settle in the colony. New regulations issued in 1794 allowed any individual who professed to be a Christian and was capable of manual labour to be admitted into Upper Canada. But there was some opposition to the easing of settlement requirements. A few older colonists suspected that these recent arrivals could not be trusted to remain on their lots and would soon return to the United States. An English visitor disagreed with that prediction. Isaac Weld observed that it was the prospect of acquiring land on advantageous terms that had prompted them to settle and, so long as self-interest continued to operate, they would remain where land was cheapest.²³

Loyalists and later settlers, therefore, were motivated primarily by economic concerns and in some cases by naked self-preservation. That is not to say that these groups were united in other ways. The original settlers considered themselves refugees who had been as much "pushed" out of their old homes as they had been "pulled" by attractive opportunities under the familiar Union Jack. The same could not be said for those who came after them. As a result, these more recent arrivals, the so-called Late Loyalists, were often viewed "with an eye of suspicion" by older inhabitants.²⁴ Regional rivalries may have contributed to those feelings. While most early immigrants had been from New York, New Jersey and Pennsylvania, later colonists principally came from Vermont, Massachusetts, and from as far away as the Carolinas.²⁵

There were also black Americans throughout Upper Canada. Most were slaves who had been carted into the province by their Loyalist owners although there were free blacks as well. Some of the most prominent colonists, including Richard Cartwright, Peter Russell, William Jarvis and Peter Robinson, owned up to ten slaves at one time. Even Joseph Brant, the leader of the Six Nations Iroquois, kept slaves on his Grand River estate. In 1793, however, the Assembly voted to prohibit further importations of slaves. Upper Canada's decision to restrict the trade in human flesh followed similar actions by states like Rhode Island and Connecticut. Those slaves already in the province were to be considered chattel until they died. Their children, if born after 1793, were to be slaves up to their twenty-fifth birthday.²⁶

The region in which these various groups of Americans were settling originally had been the preserve of Algonkian Indians. It has been estimated that in 1768 nearly 5,000 aboriginal people occupied the region north of Lake Erie and Lake Ontario. A further 5,000 resided north and east of Lake Superior. The natives were known by various names--Chippewa, Ojibwa, or Mississauga--but they preferred to call themselves Anishinabe. In 1781 a group of Anishinabe ceded an area of land west of the Niagara River to the British government. It was on this land that Colonel John Butler's Rangers established farms for the purpose of supplying the garrison at Niagara with food. That sale was quickly followed by others. In October 1783, land between Cataraqui and the Trent River was purchased and in 1784 a group of Anishinabe also alienated over half a million acres on either side of the Grand River. This strip of land was purchased as a reserve for other Indians who had remained loyal to the Crown during the Revolutionary War. Under the

leadership of Joseph Brant, some 1,600 members of the Six Nations (Mohawk, Cayuga, Oneida, Onondaga, Seneca and Tuscarora) and a handful of other Indians took up residence in their new territory.²⁷

The numerous sales of Anishinabe lands resulted in the total disruption of their way of life. By the time war was declared in 1812, the Mississaugas occupied less than 11,000 acres in the colony. That dramatic reduction in territory was accompanied by an equally remarkable decline in population. Emigration, assimilation, alcoholism, and disease had apparently reduced the number of Mississauga to 500 by the 1780s. Over the winter of 1796-97, the remaining Anishinabe attempted to organize a revolt against the white intruders. They sought assistance from the Six Nations but were rebuffed. Relations between the two groups of Indians had rarely been amicable anyway and that traditional animosity was also encouraged by official government policy. The value of this divide-and-rule system proved its usefulness in 1796. The proposed Mississauga uprising was abandoned since, without Iroquois support, it stood no chance of success.²⁸

The Six Nations fared better under British rule than the Mississauga but disputes sometimes arose among members of the confederacy. There was also a long-running feud between Joseph Brant and the British authorities. Essentially Brant wished for greater control over the lands which the natives occupied. It was his belief that the Six Nations should be allowed to sell or lease lands to individual whites without British permission. Official government policy discouraged such private transactions since they often tended to result in later disputes but in 1796 Brant threatened to attack York unless his wishes were granted. Before the revolt occurred, however, a

compromise was reached and deeds were given to the white buyers but no further lands were to be sold. Despite that ruling, through both sanctioned and unofficial sales, the Six Nations' territory was rapidly reduced in size. Of the approximately 570,000 acres granted to the confederacy in 1784, some 350,000 had fallen into non-Indian hands by 1798.²⁹

There were also other Indians in Upper Canada. A small settlement of Delawares had been established at Fairfield on the Thames River in 1792. The settlement was also known as "Moraviantown" since there were a number of Moravian missionaries on the site.³⁰ Further west members of the "Western Nations," the Indian confederacies of the upper Great Lakes, could sometimes be found at Amherstburg conferring with merchants and government officials over the state of the fur trade. The western warriors had served with the royal forces during the Revolution and they considered the Six Nations to be their guardians or "Uncles." After hostilities had ceased the western tribes had retreated to the upper lakes area where they continued to resist American encroachment. In their relationships with these tribes the British authorities were forced to steer a difficult course. They tried to discourage open warfare but they also sought to maintain the Indians' friendship and fur trade. On 7 November 1811, however, a bloody engagement occurred between Shawnee warriors and an American force at the Battle of Tippecanoe. Tecumseh, one of the leaders of the Western Nations, fled to Upper Canada after the battle and that action reinforced American suspicions that the British were inciting the Indians. That was untrue but the Upper Canadian authorities did regard Tecumseh and his followers as a powerful auxiliary force that could be employed if the colony was

invaded.³¹

While native people were viewed as potential allies by British officials, white colonists often had little good to say about their Indian counterparts. Part of the problem stemmed from the fact that most settlers were from the United States and Americans were taught "from nursery tales and fireside legends" to fear and hate all Indians.³² As a result, relations between the two races were often strained and the allegiance of the aboriginal peoples was at times questioned, especially after Joseph Brant threatened to attack York.³³ The Six Nations, however, no less than white Loyalists, had moved north for practical reasons. Those who chose to leave the United States for new lands in Upper Canada had done so because they believed that the survival of their way of life could more readily be assured under the British flag. Like most other inhabitants of the colony, Upper Canadian Indians were pragmatically prepared to adopt a stance of neutrality should the British prove themselves unwilling or unable to repel an invasion from the United States. If forced, the Six Nations would reluctantly come to an understanding with the detested American "Big Knives" rather than risk annihilation.

After the Americans, the second largest segment of the population was of British origin. In the eastern end of the province Roman Catholics from the Scottish Highlands were settled in the Glengarry region and a small colony named "Baldoon" had been established near the junction of Lake St. Clair and the Detroit River in western Upper Canada by Lord Selkirk, Thomas Douglas, in 1804.³⁴ Scottish Presbyterians with connections to British mercantile firms had early on established themselves as the leading merchants in the colonial towns. Irish

immigrants, both Protestant and Roman Catholic, arrived as individuals or as part of colonization schemes. English immigrants, who were willing to forsake comfort for guaranteed salaries, took positions in the colonial administration and provided Church of England clergymen with small but loyal congregations. Although divided along ethnic and religious lines, the British colonists shared in the spirit of acquisitiveness that characterized life in early Upper Canada. Most of them also had a healthy dislike for their American counterparts.

One of the most important of these British immigrants was John Strachan. Faced with little chance for advancement in his native Aberdeen, the twenty-one year old Scot accepted a teaching post at Cornwall offered to him by the Kingston merchant Richard Cartwright. Strachan arrived in the colony in 1799 but within two years he was considering a move to the United States in search of more lucrative employment. Before leaving, however, Strachan decided to apply for a vacant Church of England post that guaranteed an annual income of £180. Strachan had been a lifelong Presbyterian until his application for the pastorship of the Scottish Presbyterian Church on St. Gabriel Street in Montreal was refused. Drawing on Cartwright's connections, he then applied for the Anglican pulpit. This time Strachan's entreaties were successful and he was offered the job in December 1802. The next spring he received holy communion, for the first time in any church, and later took up his duties at Cornwall. A year later he applied for, and received, a grant of 1,200 acres of land. In 1807 Strachan improved his situation further through marriage to the widow of Andrew McGill, a member of the rich fur trading family. He wrote to an old acquaintance that he found himself "happy in this connexion. My wife has an annuity

of three hundred a year during her life." To insure that this windfall did not disappear through the untimely demise of Mrs. Strachan, he immediately insured his wife's annuity with a British firm. It would be wrong to suggest that a guaranteed lifetime income was Strachan's sole motive for getting married, but the union nonetheless cemented Strachan's connections to the Montreal fur-trading elite. By 1807, therefore, the young Scot had acquired both influence and a measure of affluence. Like other arrivals he was "on the make" although his quick success was certainly extraordinary.³⁵

What was not unusual about John Strachan was his view of the American colonists in Upper Canada. In common with other British immigrants, he had a very low opinion of most of the settlers from the United States. Strachan noted that the original Loyalists, under the assumption that they would receive substantial compensation for their losses during the Revolutionary War, had negotiated loans and credit from local merchants. When the payments failed to cover the obligations, Strachan said that the Loyalists resorted to "telling lies" until nothing "but the shadow of virtue" remained among the whole lot of them. In regard to the newer American arrivals, Strachan was even less impressed:

Plenty of them have now acquired property, but in point of information they are brutes. They have frequently got no education at all, or so little, that it cannot be known in conversation. And yet like all the ignorant, they know everything....³⁶

"This lack of refinement, and the refusal of the Americans to acknowledge their social betters, prompted Francis Gore to dismiss most of them as "mere adventurers" who had brought with them the "very worst principles of their constitution."³⁷

There was also friction between the two communities over language and customs. British immigrants complained that the American settlers, Loyalist and non-Loyalist alike, spoke with a peculiar "Yanky" twang and rarely gave a straight answer to any query. Instead, they "swore, vowed and guessed" until the frustrated questioner moved on.³⁸ The Upper Canadians were also accused of perpetuating those "sharp" business practices so common south of the border. British immigrants considered the American settlers to be exceptionally shrewd when it came to money matters. "If there be a single error in a bill or account," Strachan remarked, "they are sure to discover and profit by it. For this reason they bind each other by contracts in the smallest matters, and they are continually going to law."³⁹ Apparently even a tightfisted Scot could find himself at the mercy of a "calculatin' and reckonin'" American. Strachan's dislike of his fellow colonists was based on more than contempt for their business dealings. As an ordained Anglican priest he also had a real aversion to the religious preferences of his neighbours.

Many Upper Canadians had little interest in religion. In 1803 Strachan said that most "people have little or no religion" and that view was shared by others who visited the colony.⁴⁰ Those colonists who were involved in organized religions belonged to a bewildering array of sects. Concentrations of Roman Catholics were to be found in the eastern area of the province among the Glengarry Highlanders and in the extreme western portion of the province among French Canadian settlers. Individual adherents, including Irish Catholics, were scattered throughout the province. There were also Lutherans, Presbyterians, and a variety of Anabaptist sects.⁴¹

The largest of these sects, the Mennonites, had followed

acquaintances and relatives from New Jersey and Pennsylvania into Upper Canada. There were also hundreds of Tunkers or "Dunkards" who were also of German origin but who practiced three immersions rather than just one adult baptism.⁴² Like most Americans in the province, the Mennonites and Tunkers were not "Loyalists" since participation on any side during a war would have led to disownment. They, along with other anabaptists such as members of the Society of Friends, settled in the Niagara region and along the Grand River.⁴³ While admired by certain government officials for being "peaceable and industrious," members of these pacifist groups were sometimes harassed or beaten by soldiers and other settlers.⁴⁴ When John Melish discovered one of these "poor good Dutch" who had been insulted by a number of British officers the settler admitted that the "soldiers were a little rude sometimes, but it was a good government for all that."⁴⁵

The only contact with religious teaching that most Upper Canadians experienced was through Methodist circuit riders. These itinerant preachers made great progress among the population after the turn of the century. In 1803 Strachan wrote that in the Cornwall region there were only a few Methodists but three years later he noted that the circuit riders were achieving great success in spreading their "deplorable fanatacism." The Methodist services provided backwoodsmen with relief from the monotony of frontier life. "They will bawl twenty of them at once," Strachan observed, "[then] tumble on the ground, laugh, sing, jump and stamp, and this they call the working of the spirit."⁴⁶ Concern over the spread of Methodism involved more than a dislike for their exuberant style of worship. Isaac Brock believed that these American-based preachers held political principles that were "highly

prejudicial to the peace of Society."⁴⁷ Among government officials, therefore, there was a fear that the circuit riders were promoting republican values while dispensing religious lessons.

American settlers sometimes complained about the attitudes of their British counterparts. A number of Americans in the province were annoyed by the haughtiness of British officials and some resented that they were constantly suspected of dark designs. John Melish, who visited the province before the war began, spoke to a man from New Hampshire who had little good to say about Upper Canada. He complained that there was no freedom of the press or of speech and that the "pride and insolence of the ruling powers were excessive."⁴⁸

For most colonists, these sentiments would have had little meaning if only because they rarely ventured beyond the boundaries of their 200 acre grant. A surgeon who served with the British forces during the War of 1812 was struck by the self-absorbed nature of colonial Upper Canadian society:

The settlers thus enclosed by thick woods, are occupied chiefly in the labourious concerns of husbandry...They love their homes, because they are the abode of peace and independence. Those events which are related to their own state of life, seem alone worthy of their notice.⁴⁹

This life of "hardship and labour," which most Upper Canadians shared, also served to divide neighbour from neighbour. One observer noted that life for Upper Canadians was "uninterrupted by Religious or National holidays. They have no Fairs, no habits of Public Amusements, few of Public Works or any cure from the daily routine of their domestic life." Occasionally neighbours would band together to raise a barn, providing that the owner offered compensation in the form of free liquor, but these were relatively rare events. The only activity in which a large

proportion of the inhabitants were expected to participate was the annual militia muster. All able-bodied males between the ages of 16 and 60 were required to attend but no actual training occurred and, like the "bees" and barn-raising, the musters also tended to end "in excess."⁵⁰

Life in the villages of the colony was only somewhat more advanced and less than five percent of the colony's population was to be found in the three "urban" centres of Upper Canada. Kingston was the largest village with about 150 houses and one thousand inhabitants. The British garrison was the economic base upon which the town thrived and local merchants like Richard Cartwright made a good living through provisioning the army.⁵¹ Further west stood York which was also a garrison town. In 1812 the population of "muddy York" amounted to only about 600 souls and the town had none of the majesty usually associated with provincial capitals. The legislature was housed in a non-descript wooden building and the Clerk of the Peace was forced to remind "owners of Swine" to not allow their pigs to run at large.⁵² Far more pleasing to the eye was the village of Newark, also known as Niagara, which served as the supply depot for the garrison at nearby Fort George. With a population just under that of Kingston's, Newark had a number of fine buildings including a gaol, a court-house, and the old legislature. As early as the 1790s the town supported both a Masonic lodge and an agricultural society. Prior to the war the Niagara District, of which Newark was the centre, was the most improved region of the province with neat farms and well-built homes.⁵³

Social activities, such as dancing and dinner parties, were almost completely restricted to these garrison towns. The presence of British officers at these balls could be counted on to draw young

ladies from the village. Unlike the tame "cold tea" gatherings of Britain, formal parties in Upper Canada offered lavish quantities of food and drink and often extended into the early hours of the morning.⁵⁴ The availability of spirits in the the province was continually commented on by visitors from abroad. As in other frontier regions, there was a practical reason for the ubiquity of hard liquor in the upper province. The absence of good roads meant farmers often had a surplus of grain that would rot unless converted into spirits. Distillers accepted shipments of grain, processed them and then kept half, while the settlers were free to sell their share to the nearest inn. In this way a bulky, perishable item was transformed into a compact and easily transported commodity. Thus liquor became a form of currency in Upper Canada and was a prominent part of all events from militia musters to funerals.⁵⁵

The use of spirits as a medium of exchange points to the undeveloped nature of the early Upper Canadian economy. Specie was in constant demand in the province and almost any form of money was considered acceptable. The colony, having no currency of its own, made do with American dollars or half-dollars, English shillings and Spanish "half-joes." This bewildering array of coins made business transactions somewhat complex. Accounts might be kept in provincial or Halifax currency, British sterling, or in New York currency, but payments were often made in produce or with bills of exchange. Essentially these bills were promissory notes. A merchant would accept a piece of paper from a government employee or army officer which allowed the merchant to collect some part of the debtor's salary which was paid in London. The merchant would forward this bill to his suppliers in London who, in

turn, would cash the note and credit the merchant's account.⁵⁶

To complicate matters further, individual merchants printed their own paper money. In expectation of receiving credit for bills sent to Britain, a merchant in Upper Canada would endorse small pieces of paper for amounts under £5. These he would offer to other merchants or tradesmen for goods and services. These individuals might then exchange their "merchant money" at another shopkeeper's establishment for manufactured goods. One result of this haphazard system of credit and currency was a high rate of bankruptcy. Prominent merchants in the colony subsisted on credit from British suppliers. If a bill of exchange with which a merchant expected to pay his overseas creditors proved to be a forgery, or merely amounted to less than what he had expected because of fluctuating exchange rates, the Upper Canadian shopkeeper could be ruined. The backing for his personal notes, upon which others depended for payment, was suddenly reduced. A cycle of defaults then ensued where each individual found himself at the mercy of this unregulated system of credit.⁵⁷

Because of the dangers associated with uncertain credit successful merchants in Upper Canada were those with the closest connections to British firms. Merchants with friends or relatives overseas could weather difficult times through lenient extensions of due dates. One of the earliest success stories in the province involved the Forsyth brothers who established shops in Montreal, Kingston and Niagara. Through a kinship network that extended into one of London's most prominent mercantile firms, the provincial enterprise flourished until the death of George Forsyth, the Niagara representative, in 1803. Similarly, Richard Cartwright brought over a relative, Richard Beasley,

to extend his firm into the western section of the province in the 1790s.⁵⁸ Probably the most successful of these Scottish merchants was Robert Hamilton. A native of Dumfries, Hamilton established a shop and forwarding business near the falls at Niagara. From that advantageous position he transhipped goods going east or west and made handsome profits supplying the nearby post at Fort George. Between 1784 and 1791, Hamilton brought over four of his relatives to extend the operations of the firm. Robert, William, and Thomas Dickson and Thomas Clark established shops throughout the Niagara region. Along with Richard Cartwright's enterprises, the Hamilton firm was considered an institution of the "greatest weight" in the early Upper Canadian economy.⁵⁹

Successful merchants were powerful individuals in Upper Canada and in conjunction with appointed British officials they constituted an elite class. They were appointed as justices of the peace, were granted militia commissions, and were sometimes offered posts in the Executive or Legislative Councils. Members of this "Shopkeeper Aristocracy," as one critic called it, were also the largest landowners in the province. By 1805 Hamilton had accumulated at least 40,000 acres, Joseph Forsyth had nearly 10,000, while William Dickson had managed to acquire 5,300 acres.⁶⁰ When Richard Cartwright died in 1815, his widow and children inherited over 27,000 acres of land located throughout the province.⁶¹ Some of this land was granted by government but much of it was taken from debtors who were forced to relinquish their titles or face jail sentences. These actions earned merchants a great deal of ill will among the general population but as indispensable and very powerful individuals, shopkeepers also commanded respect and votes at the poll.

Upper Canadians, therefore, were also separated by class concerns and a visitor to the colony, E. A. Talbot, said:

In Upper Canada, there are only two classes of society. The First is composed of professional men, merchants, civil and military officers, and the members of the Provincial Parliament: The Second, of farmers, mechanics and labourers, who associate together on all occasions without any distinction.

Needless to say, class differences and national origins were closely associated. Loyalists and British immigrants made up the bulk of the "First" class in Upper Canadian society. The lower orders were comprised primarily of American settlers who had arrived after 1791 and most of them were unimpressed with the pretensions of the professional class. Talbot remarked that every American considered himself "quite as good as his neighbour, though the latter be loaded with distinctions."⁶²

The career of one of Hamilton's relatives, Robert Nichol, gives some indication of how a young Scotsman could find himself "loaded with distinctions" after only a short time in the colony. It also reveals how family connections and associations with colonial officials could be financially rewarding. Nichol, a native of Dumfries, followed his cousins the Dicksons to Upper Canada in 1792. Although only eighteen years old, Nichol was given a responsible position in the Hamilton firm. He eventually entered into a partnership with Thomas Clark and he used his profits to establish a mill at Port Dover. His most important customers were the British garrisons at Fort Erie and Fort George. Between 1805 and 1811 he sold the commissariat over £2,800 worth of meat and flour. Nichol was appointed a militia captain in 1803, and later a justice of the peace and a road commissioner. Eventually he was elected to the Assembly in 1812 where he proved to be one of the most able

defenders of government policies. After all, they had served Nichol well enough.⁶³

Thomas Talbot was another British immigrant who used his connections to acquire a position of power in the colony. Born in 1771 near Dublin, Talbot entered the British army where he served as Simcoe's private secretary between 1791 and 1794. He left the province that year and he did not return until 1801. Talbot hoped to establish a colony in western Upper Canada but his request for a grant of a complete township was refused by the provincial authorities. He immediately sailed for England where he enlisted Simcoe's support and eventually Talbot negotiated a special agreement with the Colonial Office. He was offered 5,000 acres on which to settle immigrants but he was also promised an extra 150 acres for every family he settled on that land. The officials assumed that Talbot would settle one hundred families on the original grant, and Talbot would be rewarded with a total of 15,000 acres. The wording of the agreement was unclear, however, and Talbot had a completely different understanding of the deal. He intended to keep his original grant of 5,000 acres and add another 150 to his holdings each time he carved a 200 acre farm out of the wilderness. By 1809 he had only settled twenty-seven families but the "benevolent despot" of western Upper Canada eventually acquired more than fifty thousand acres of land.⁶⁴ Talbot was recommended for a seat on the Legislative Council in 1804 and by that time it was clear that he had become a member of Upper Canada's "First" class.⁶⁵

Children of this Upper Canadian establishment attended private schools and until suitable colonial institutions were created they were often sent to the United States or Britain to complete their education.

The School Act of 1807 provided £100 per year for the establishment of grammar schools in each of the eight districts of the province but only those youngsters who already had the benefit of several years of private elementary education were admitted.⁶⁶ The grammar schools were not designed to be instruments of nationalist indoctrination and no specific British curriculum was specified but the students who attended usually needed little prompting in the patriotism department.⁶⁷ The Hamilton children and their relatives in the province were exposed quite early to notions of chivalry and duty to country.⁶⁸ The students who might have been influenced most by this type of education were, for all practical purposes, excluded from the grammar school system. Each district acquired only one institution and for the children of most ordinary settlers a daily trip to the main village was simply not feasible. The deficiencies associated with this rudimentary and elitist school system prompted some residents from the Midland District to complain in 1811 that the existing legislation "casts money into the lap of the rich," who were already able to afford schools.⁶⁹

As might be expected, members of the educated elite of colonial society differed from most of their countrymen in regard to manners and ethics. Duelling, for instance, appears to have been the preserve of the provincial upper class. The first recorded duel took place in Kingston in 1795 between a British officer and Peter Clark, chief clerk of the Legislative Council.⁷⁰ Every similar engagement in Upper Canada occurred between members of the colony's "First" class and ordinary settlers appear to have cared little about avenging perceived insults. Young members of the provincial establishment, on the other hand, were taught that chivalrous gentlemen had a duty to uphold the honour of

their families. This concept of "glory got by courage of manhood" extended back to the Old World and was widely accepted during the middle ages.⁷¹ In early nineteenth century Upper Canada, however, this idea apparently was restricted to members of the the colonial "First" class.

The culture and lifestyles of the majority of colonists would have resembled those found in other pre-modern, rural societies. Upper Canadians were, for the most part, illiterate and superstitious and interest in witchcraft, for example, seems to have been widespread.⁷² Apparently, some of these descendants of the New England Puritans also dabbled in the occult arts. Those who fell sick, for instance, might suspect that their illness was a result of being bewitched. If so, the solution was obvious. A silver coin could be melted into a musketball and fired at an image of the suspected witch. If done at sunset, the spell was sure to be broken and good health would soon follow.⁷³

Even inhabitants who were educated might still believe that physical phenomenon were supernatural events. On 15 November 1801 the afternoon sky above Cornwall darkened to such a degree that students in the local school could not see to read. John Strachan, who considered himself a rational product of the Scottish enlightenment, thought the darkness was a sure sign of God's displeasure.⁷⁴ The belief that eclipses or comets were "signs" of future "harms," such as wars or earthquakes, probably stretched back to Neolithic times. Those who believed that God was angry over some matter might resort to fasting in an attempt to appease the diety and prevent the actual occurence of the "harm."⁷⁵

In addition to culture and lifestyle, Upper Canadians were also divided by language. John Strachan said that the "motley population"

was "chiefly capable of speaking English," but not all members of the community were able to boast of that ability.⁷⁶ In the east, many of the Glengarry Highlanders spoke only Gaelic and among the numerous anabaptist sects German was often the only language spoken. To the west, the French Canadians were also separated from their fellow colonists by this language barrier. The first white settlers in the province had settled near Detroit in 1701 and a sizeable French Canadian population still existed in the area before the War of 1812.⁷⁷ An inhabitant from near Amherstburg, Joseph Bartheaume, would later recall that the "usual way of giving publicity to anything interesting to the Canadian population was by giving notice thereof at the French service after divine service."⁷⁸ Most other citizens in this pre-modern community would also have been forced to rely on word-of-mouth for news of important events since, even as late as 1812, the three newspapers in the province had only very limited circulations.⁷⁹

From the outset, therefore, Upper Canada was a multicultural society that was divided along numerous lines. Racial and cultural differences, as well as class and distance, divided neighbour from neighbour. Simcoe's goal of replacing "indifference" with a "zealous attachment" to the British Empire was not achieved by the time Brock became administrator of the provincial government.⁸⁰ But this was hardly surprising since little effort had been made to turn the "motley population" into a united group of colonists. On 19 June 1812, one day after Congress had voted to declare war on Britain, Upper Canadians gathered to observe a "Day of PUBLIC FASTING and HUMILIATION before GOD."⁸¹ They were not yet aware that war had been declared but for more than a year there had been rumours of imminent invasions. For those who

paid little heed to reports of increased preparations south of the border, there were other sources of reliable information. Late in 1811, just about the time that Isaac Brock became administrator of Upper Canada, a "great comet" streaked across the northern sky and it was clear to many observers that the province would soon experience some type of "harm."⁸⁰ .

NOTES II

¹NAC, CO42/353, John Brock to Bathurst, 28 November 1812, p.216; Isaac Brock to brothers, 3 September 1812, p.226.

²There has been a great deal of debate over the size of the antebellum population and some individuals even contradict themselves. In 1815, for instance, Joseph Bouchette said the colony had a population of 95,000, A Topographical Description of the Province of Lower Canada with Remarks Upon Upper Canada, (London: W.Faden, 1815), p.596. In 1832, however, he said that calculations based on "more correct sources" (assessment returns), yielded a figure of 77,000, The British Dominions in North America, 2 vols., (London: Longman, 1832), I:103. For a discussion of the numerous estimates made over the years see Donald Akenson, The Irish in Ontario: A Study in Rural History, (Kingston: McGill-Queen's, 1984), pp.110-112. Douglas McCalla has estimated that the population was closer to 60,000 and he based this figure on the number of households in the colony in 1811, "The 'Loyalist' Economy of Upper Canada, 1784-1806," Histoire Sociale-Social History, 16 (1983), p.285. Since that result does not include many inhabitants who were not in traditional households (native people, soldiers, and what Michael Smith called "sojourners") I believe that figure is an underestimate of the actual total, Michael Smith, A Geographical View of the Province of Upper Canada and Promiscuous Remarks on the Government, 2d. ed., (Trenton: Moore & Lake, 1813), pp.59-60.

³NAC, CO42/351, Gore to Liverpool, 8 October 1811, p.117.

⁴Gerald M. Craig, Upper Canada: The Formative Years 1784-1841, (Toronto: McClelland and Stewart, 1963), p.67.

⁵NAC, CO42/136, Gore to Sir James Craig, 5 January 1808, p.167.

⁶NAC, CO42/352, Brock to Prevost, 3 December 1811, pp.55-58.

⁷E.A. Cruikshank, ed., The Correspondence of Lieut. Governor John Graves Simcoe, with allied documents relating to his administration of the government of Upper Canada, 5 vols., (Toronto: Ontario Historical Society, 1923), I:77.

⁸A.G. Doughty and D.A. McArthur, The Constitutional History of Canada, 1791-1818, (Ottawa: King's Printer, 1914), p.267.

⁹Cruikshank, Simcoe, I:27

¹⁰Adam Shortt and A.G. Doughty, Documents Relating to the Constitutional History of Canada 1759-1791, (Ottawa: King's Printer, 1918), pp.1031-1051.

¹¹Thomas Douglas, Lord Selkirk's Diary 1803-1804, ed., P.C.T. White, (Toronto: Champlain Society, 1958), p.141.

- ¹²Carlton J.H. Hayes, The Historical Evolution of Modern Nationalism, (New York: Russell & Russell, 1931), p.6.
- ¹³George Spragge, The John Strachan Letterbook: 1812-1834, (Toronto: Ontario Historical Society, 1946), p.24.
- ¹⁴NAC, CO42/355, Drummond to Bathurst, 30 April 1814, p.69.
- ¹⁵Kingston Gazette, 25 September 1810, p.3.
- ¹⁶Smith, View, p.79. As Akenson notes, however, Smith's estimates varied from edition to edition. At one point he claimed the British element comprised 20%, yet later he said it was 40%, Irish, pp.110-112.
- ¹⁷Craig, Upper Canada, p.8.
- ¹⁸R.O. MacFarlane, "The Loyalist Migrations: A Social and Economic Movement," in Manitoba Essays, (Toronto: Macmillan, 1937), pp.107-120; Lilian F. Gates, Land Policies of Upper Canada, (Toronto: University of Toronto, 1968), p.15.
- ¹⁹Gates, Land, p.28.
- ²⁰Craig, Upper Canada, p.24.
- ²¹Cruikshank, Simcoe, I:108.
- ²²Marcus Hansen, The Mingling of the Canadian and American Peoples, 2 vols., (New York: Russell & Russell, 1940), I:81-82.
- ²³Isaac Weld, Travels Through the States of North America and the Provinces of Upper & Lower Canada During the Years 1795, 1796 & 1797, 4th ed., 2 vols., (London: Stockdale, 1807), I:407.
- ²⁴Weld, Travels, I:408-409.
- ²⁵Canadian Letters: Description of a Tour Thro' the Provinces of Lower and Upper Canada, In the Course of the Years 1792 and '93, reprint, (Montreal: C.A Marchand, 1912), p.53.
- ²⁶Robin W. Winks, The Blacks in Canada: A History, (Montreal: McGill-Queens, 1971), pp.33-34, 96-97/
- ²⁷Helen Tanner, Atlas of Great Lakes Indian History, (Norman: University of Oklahoma Press, 1987), p.66; Donald B. Smith, "The Mississauga, Peter Jones, And the White Man: The Algonkians' Adjustment to the Europeans on The North Shore of Lake Ontario to 1860," (Ph.D. dissertation, Toronto, 1975), pp.35-36; E.P. Patterson, The Canadian Indian: A History Since 1850, (Don Mill: Collier-MacMillan, 1972), pp.81-86; Craig, Upper Canada, pp.4-5.

²⁸Smith, "Mississauga," pp.72, 81, 85, 133-134.

²⁹Edith Firth, "The Administration of Peter Russell, 1796-1799," OH, 48 (1956), pp.167-168; C.M. Johnston, The Valley of the Six Nations: A Collection of Documents on the Indian Lands on the Grand River, (Toronto: University of Toronto Press, 1964), p.xli; Smith, "Mississauga," p.72; Patterson, Indian, p.8.

³⁰O.K. Watson, "Moraviantown," OH, 28 (1932), p.125.

³¹C.M. Johnston, "An Outline of Early Settlement in the Grand River Valley," in J.K. Johnson, Historical Essays on Upper Canada, (Toronto: McClelland & Stewart, 1975), p.5; G.B. Tindall, America: A Narrative History, 2 vols., (New York: W.W. Norton, 1984), I:344.

³²OA, Richardson Family Papers, James Richardson's "Incidents," MU 7534.

³³Donald B. Smith, "Dispossession of the Mississauga Indians: A Missing Chapter in the Early History of Upper Canada," OH, 72 (1980), pp.80-81.

³⁴John Morgan Gray, "Thomas Douglas," DCB, V:265.

³⁵Spragge, Letterbook, pp.iv-vi; J.L.H. Henderson, John Strachan: Documents and Opinions, (Toronto: McClelland and Stewart, 1969), p.23; Alison Smith, "John Stachan and Early Upper Canada 1799-1814," OH, 52 (1960), pp.159-173.

³⁶OA, Strachan Papers, volume 1, 1794-1822, Strachan to James Brown, 27 October 1803.

³⁷Public Archives of Canada, Annual Report, (1893), p.38, (hereafter PAC Report).

³⁸p. Campbell, Travels in the Interior Inhabited Parts of North America in the Years 1791 and 1792, reprint, ed. by H.H. Langton, (Toronto: Champlain Society, 1937), p.157.

³⁹OA, Strachan Papers, vol. 1, Strachan to Brown, 27 October 1803.

⁴⁰Ibid., see also Leslie Gray, "From Bethlehem to Fairfield—1798—Part Two," OH, 48 (1954), p.107.

⁴¹Craig, Upper Canada, pp.42-48.

⁴²Gottlieb Leibbrandt, Little Paradise: The Saga of the German Canadians of Waterloo County, Ontario 1800-1975, (Kitchener: Allprint, 1980), pp.2-3; Morris Sider, "The Early Years of the Tunkers in Upper Canada," OH, 51 (1959), pp. 121-129.

⁴³Arthur Dorland, The Quakers in Canada: A History, (Toronto: Ryerson Press, 1968), p.52.

⁴⁴PAC Report, (1892), Gore to Windman, 1 October 1806, p.37.

⁴⁵John Melish, Travels Through the United States of American in the Years 1806 & 1807, and 1809, 1810, & 1811, (London: George Cowie: 1818; rerint ed., New York: Johnston, 1970), p.494.

⁴⁶Henderson, Documents, pp.21-22.

⁴⁷NAC, CO42/351, Brock to Liverpool, 3 December 1811, p.146.

⁴⁸Melish, Travels, p.494.

⁴⁹John Douglas, Medical Topography of Upper Canada, (London: Burgess and Hill, 1819; reprint ed., 1985), p.4.

⁵⁰NAC, CO42/354, Militia Memo, 1808 (?), p.189.

⁵¹Donald Swainson, "Chronicling Kingston: An Interpretation," OH, 74 (1982), p.305.

⁵²Edgar, Ten Years, p.27; York Gazette, 28 July 1812, p.4.

⁵³Weld, Travels, I:63; Bouchette, Topographical, p.612.; Canadian Letters, p.54; Douglas, Topography, p.6.

⁵⁴Canadian Letters, p.45.

⁵⁵M.A. Garland and J.J. Talman, "Pioneer Drinking Habits and the Rise of Temperance Agitation in Upper Canada Prior to 1840," OHSPP, 27 (1931), pp.342-344.

⁵⁶Canadian Letters, p.75; Adam Shortt, Adam Shortt's History of Canadian Currency and Banking, 1600-1880, (Toronto: Canadian Bankers, 1986), p.53 (see appendix "a" for currency conversion rates).

⁵⁷Hugh Gray, Letters From Canada Written During a Residence There in the Years 1806, 1807, and 1808, (London: Longman, Hurst, Rees, and Orne, 1809; reprint ed., Toronto: Coles, 1971), p.229.

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⁶¹"Richard Cartwright," DCB, V:169.

⁶²E.A. Talbot, Five Years' Residence in the Canadas...1823, 2 vols., (New York: Johnson Reprint, 1968), II:20-21; I:413-415.

⁶³Robert Fraser, "Robert Nichol," in DCB, VI, pp. 539-541; E.A. Cruikshank, "A Sketch of The Public Life and Services of Robert Nichol," OHSPR, 19 (1922), pp.6-9; Wilson, Hamilton, p.60.

⁶⁴Fred Coyne Hamil, "Colonel Talbot's Principality," OH, 44 (1954), pp.183-192.

⁶⁵Alan Brunger, "Thomas Talbot," DCB, VIII:860.

⁶⁶G. W. Spragge, "John Strachan's Contribution to Education, 1800-1823," in Johnson, Essays, pp.75-76.

⁶⁷Jane Errington, The Lion, the eagle, and Upper Canada: A developing colonial ideology, (Toronto: McGill-Queen's, 1987), p.52.

⁶⁸David Beasley, The Canadian Don Quixote: The Life and Works of Major John Richardson, Canada's First Novelist, (Erin: Porcupine's Quill, 1977), p.14; Modris Ekstein has noted that many soldiers volunteered for service in the Great War because they considered it their duty to their nation. By the twentieth century notions of duty and public good had been inculcated through the medium of compulsory primary education which stressed civics and national history, Rites of Spring: The Great War and the Modern Age, (Boston: Houghton Mifflin, 1989), pp. 176-186.

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⁷⁴OA, Strachan Papers, Strachan to Brown, 31 March 1801.

⁷⁵John Demos, Entertaining Satan: Witchcraft and the Culture of Early New England, (New York: Oxford University Press, 1982), p.377-379.

⁷⁶Spragge, Letterbook, p.24.

⁷⁷Martin J. Havran, "Windsor--Its First Hundred Years," OH, 46 (1954), p.179.

⁷⁸NAC, Record Group 19 E5 (a), Board of Claims for War Losses, volume 4358, claim 1301 (hereafter NAC, Board of Claims). Volumes 4357-4358 provide information on claims 365 to 1874 by the committee of revision. Information on other claims was culled from volumes 3728, 3734, 3735.

⁷⁹W.S. Wallace, The Periodical Literature of Upper Canada, (CHR reprint, March 1931), pp.5,9.

⁸⁰Cruikshank, Simcoe, I:21.

⁸¹Kingston Gazette, 26 May 1812, p.3.

⁸²Metropolitan Toronto Library, M.W. Breakenridge, "Some Account of the Settlement in Canada of Robert Baldwin," 1859, p.21 (hereafter MTL); John Goldie, Diary of a Journey Through Upper Canada and Some of the New England States 1819, [np:nd], p.13.

III

"FRACTIOUS MISFITS": PRE-WAR POLITICS

On 23 August 1799, Richard Cartwright set aside a few hours to compose a letter to Peter Hunter, the administrator of the provincial government. Cartwright was concerned that a number of Late Loyalists in his neighbourhood seemed to have little affection for the British Empire. He believed that they had emigrated north, not for "hostile or treacherous" reasons, but only because they sought to "better their circumstances, by acquiring land on easy terms." Although Cartwright was sure that they had no traitorous intentions, he was equally convinced that most Late Loyalists retained that "affectation for equality" so common among Americans in the United States. "It is not to be expected," he explained to Hunter, "that a man will change his political principles or prejudices by crossing a river, or that an oath of allegiance is at once to check the bias of the mind."¹

Cartwright's misgivings about his neighbours were shared by other Loyalists and British immigrants and anxiety over the political leanings of the American element of the Upper Canadian population had existed even before the province was formed. The Constitutional Act of 1791 had been drafted by British officials who were determined to avoid the mistakes of the past. It was believed that the American Revolution had occurred, in large measure, because the democratic arms of the colonial legislatures had grown too powerful.² There would be no repetition of that error in Upper Canada and the architects of the act hoped that the stabilizing influence of appointed officials and an established church

would counteract the American "affectation for equality."

Under the terms of the Constitutional Act, the lieutenant-governor, as the representative of the Crown, was empowered to appoint no less than seven "discreet and proper Persons" to an upper or Legislative Council. These councillors were expected to help the lieutenant-governor, or administrator of the province, initiate and pass legislation. Provision had also been made for an Executive Council which was intended to serve as a Court of Appeals for specific types of civil cases. In reality, the council soon became a far more important body. Members of this select group took on the role of advisors to the lieutenant-governor and, in private sessions, they helped formulate administrative policy. Under these two councils was to be a Legislative Assembly composed of sixteen members elected by their fellow subjects. The power of this body was quite limited and it could only block measures introduced by the upper house by refusing to vote money required for implementation or by amending bills so that they bore little resemblance to the original proposals. At the same time, however, legislation that originated in the Assembly could be vetoed by either the Legislative Council or the lieutenant-governor.³ Like most British officials who had first-hand knowledge of the events that had preceded the American Revolution, John Graves Simcoe believed that such restrictions were necessary. The "checking of the Elective Principle," either through the use of appointments or executive power, would insure the continued control of the province.⁴

The Constitutional Act also empowered the lieutenant-governor to set aside lands for the "Support and Maintenance of a Protestant Clergy" in the province but the exact intent of that provision was unclear.

Simcoe and most British officials supposed that the reserves were for the sole use of the provincial Church of England and that "Protestant" did not include Presbyterians or any other sect. The next year Simcoe was also authorized to set aside a further share of the colony's land as a source of revenue for the government. These clergy and crown reserves as they became known, accounted for two-sevenths of the land in each township. With one-seventh of the surveyed land in the province reserved for Protestant clergy it was hoped that the Church of England would thrive. Similarly, the crown lands were expected to eliminate the need for burdensome taxes since parcels could be sold whenever extra income was required by the government. Revenue from the sale or lease of these reserves was also considered a form of insurance. With the money raised from that land the British administrators of the colony were expected to be freed from any reliance on the Assembly. Should the elected representatives of the people choose to block an unpopular piece of legislation by refusing to vote funds, the administration could use the proceeds from the crown reserves to implement the measure without the Assembly's approval.⁵

Rather than eliminate all sources of discontent, however, the Constitutional Act guaranteed that disputes would arise if only because the Loyalists, and those Americans who followed them, were used to more democratic proceedings. David Smith, an Englishman and member of the first provincial Assembly, observed that his fellow legislators had been raised with ideas quite foreign to him. Smith said most of the assemblymen had "violent levelling principles" and he was concerned that the "Neighbouring States" were too often "brought in as patterns & models." His comments were prompted by the actions of other legislators

who wanted elected town meetings rather than appointed officials to control local government. Smith opposed the measure since he believed that such democratic functions led only to "Riot & Confusion" and had contributed to the "late unhappy Rebellion."⁶

In some respects a system of appointed officials was well-suited to Upper Canadian conditions. With a small and generally uneducated population, those with schooling or suitable qualifications could be placed in positions that required those attributes. Originally, the appointees provided a relatively economical and efficient system of administration. The greatest number of appointments involved the local justices of the peace who presided over Courts of Quarter Sessions and were empowered, in the absence of Anglican clergymen, to solemnize marriages. Only a half-dozen or so of the positions available in the province were worth more than £100 sterling a year in the 1790s. By 1812, however, both the number of posts and the scale of pay had increased dramatically.⁷ The tendency of one individual to hold several of these positions at one time naturally led to resentment on the part of those who felt their talents were being ignored. As the colony grew in size increasing numbers of suitable candidates found themselves excluded from positions they felt qualified to fill.

A system whereby appointed officials could ignore complaints by elected representatives was also prone to abuses of various kinds. Under the administration of Peter Russell, Legislative Councillors were granted no fewer than 6,000 acres of land each as compensation for moving expenses when the capital was changed from Newark to York. Those grants were thirty times the size of parcels given to ordinary settlers, who received only 200 acres. Such lavish gifts must have

appeared grossly unfair but even more absurd acts of officially sanctioned patronage occurred. The prominent Niagara merchant Robert Hamilton received a 1,200 acre land grant upon the birth of his eighth child. While appointed officials and their friends acquired huge blocks of property, other less influential settlers often had legitimate grievances which were ignored. Overzealous officials sometimes made matters worse by acting like petty tyrants but angry inhabitants had few options except to pursue civil cases that were prohibitively expensive.⁸ These types of abuses prompted one observer to warn prospective British immigrants not to expect the "same security of rights or freedom from oppression" that they enjoyed in England.⁹ The power and privileges enjoyed by colonial officials, compounded by the distance from the Mother Country, meant that the government of Upper Canada could operate in a manner that was sure to foster opposition.

In general, however, few Upper Canadians were affected by affairs in the provincial capital. John Strachan remarked in 1801 that politics in the colony were "hardly worth notice" and he noted that members of the Assembly squabbled among themselves or argued with Legislative Councillors. Appointed officials, on the other hand, dismissed any opposition to government decisions as the work of damned Democrats. Nor was there agreement among the servants of the Crown. One historian who is familiar with the nature of colonial affairs has attributed much of this bickering to the number of "fractious misfits" who decided to make the province their home during the pre-war period.¹⁰ As a frontier society, Upper Canada attracted its share of extremely aggressive pioneers who were determined to better their economic circumstances by any means available. In this tiny community, therefore, personalities

and interests were often in conflict and usually the frustration of private ambition was at the heart of such disputes.

Joseph Willcocks, who arrived in the colony in 1799, perhaps best represents the type of individual whose personal ambition dictated his political actions. Born in 1773 near Dublin, he came to Upper Canada at the age of twenty-six to join relatives already in the province. He soon made friends among the political elite of the colony and acquired positions under Peter Russell and Chief Justice Henry Allcock, eventually becoming Sheriff of the Home District. Willcocks was pleased with his success and he noted that although the "officers of the Government disagree very much, I have the good fortune to be always on the strongest side."¹¹ Yet only a few months later Willcocks' world began to collapse around him. At the end of 1804 his benefactor Allcock was transferred to Lower Canada and Willcocks' fortunes took a turn for the worse. The next year the young Irishman struck up an unfortunate relationship with Allcock's successor judge Robert Thorpe. Thorpe, who was also a native of Ireland, was generally unimpressed with the way the province was being run but it was not until he was refused a promotion that the judge began to criticize everything in sight. His friendship with Thorpe was to cost Willcocks his position as Sheriff and it ended any possibility of advancement in the inner circle of appointed officials. No longer on the "strongest side," Willcocks then took the next logical step and became a leading critic of the provincial administration. He did this first through the pages of his newspaper The Upper Canadian Guardian or Freeman's Journal which was published at Newark. In 1808, Willcocks was elected to the Assembly where he continued to criticize the the provincial administration.¹²

Between 1808 and 1812, Willcocks was able to exert an increasing influence over the affairs of the Assembly. He discovered that other representatives, who wanted changes to the School Act of 1807 or to land-granting regulations, could be relied on to provide support for his amendments. Most of these legislators represented ridings in the Niagara District or in western Upper Canada where the majority of recent American arrivals had settled, but Peter Howard, who sat for Leeds, also often sided with Willcocks on a majority of parliamentary votes. This opposition group was not a political party in the modern sense of the term. Willcocks had no "whip" to enforce discipline and members voted independently on all issues. Nonetheless, by early 1812, Willcocks was usually able to marshall enough support to block or amend almost any piece of legislation. Though not on the "strongest side," the young Irishman had placed himself in a position of considerable strength and he took great pleasure in abusing members of the "tyrannical" Scottish "shopkeeper aristocracy."¹³

One of Willcock's chief targets was Robert Nichol. To the turbulent Irishman, Nichol represented everything that was wrong with Upper Canadian society particularly because the "squinty eyed" Scot had acquired the wealth and appointments that Willcocks coveted.¹⁴ In the spring of 1812, Willcocks gained the upper hand when he had Nichol arrested for embezzlement. The nature of the dispute and the manner in which the participants acted tells us much about the society and political atmosphere of pre-war Upper Canada.

In 1810 the House of Assembly voted £300 to improve a short stretch of road in the London District. Nichol had been appointed a commissioner by the lieutenant-governor although he later claimed he had not

sought the position and was reluctant to accept it because of the distance between his residence and the proposed worksite. Nonetheless, in October of that year Nichol made the long trip from his home in Woodhouse Township to York and pocketed the £300. He then journeyed west until he arrived at the worksite where, to his surprise, he found an overseer but no workers. Nichol retraced his steps, arriving at York a few days later. When he tried to return the £300, since no road work had actually been performed, he was told by the Receiver General to keep the money and use it to pay the workers next year. Somewhat reluctantly Nichol agreed and he embarked, once again, for the worksite where he paid the overseer and dismissed him. Nichol did this because, in his opinion, he thought it "absurd to expect an individual to give his time to the Public gratuitously." It was a motto that Nichol also lived by. In total, the overseer's pay and Nichol's fee for the work that was not done, amounted to over £225. The next summer Nichol repaid the treasury the outstanding amount, £74. 15s. 6d., and he carried on with his private business.¹⁵

While pouring over the various accounts of the Assembly in 1811, Joseph Willcocks noticed that no receipts had been received for work supposed to have been performed in the London District. At the opening of the spring session in 1812, Willcocks brought the matter before the Assembly. His resolution that Nichol had "abused his office" and embezzled funds earmarked for highway construction, was passed by the legislature. Willcocks then had Nichol arrested and placed in custody at York. He used his Niagara newspaper to publicize Nichol's apparent misconduct which, in turn, temporarily ruined the merchant's credit with his Montreal associates. After three days of incarceration, Nichol

managed to convince the Chief Justice, Thomas Scott, that the charges were unfounded and that he should be released. The House of Assembly, indignant at this interference, quickly drafted an address to the Prince Regent complaining of the Chief Justice's actions.¹⁶

This incident speaks volumes about the conduct of both government officials and elected representatives. The Receiver General's cavalier attitude toward public money suggests that accountability was not a major concern for appointed officials. Nichol's decision to divide the lion's share of the sum voted between himself and the overseer indicates how easily public work could turn into private gain. It also might explain why the colony's roads were in such poor shape. While Nichol certainly seemed to place a high value on his own time, legally he had done nothing wrong. He had submitted receipts and repaid the outstanding balance. His imprisonment was more a product of a personal vendetta than the result of a careful, impartial scrutiny of the public accounts. As such, the incident is testimony to the often petty nature of Upper Canadian politics.

The road-work affair did not change Brock's mind about Nichol. He considered him a man of "strict probity" and "ardent loyalty" who had raised the ire of Willcocks and a few others and had, as a result, suffered at the hands of this "licentious faction." While never doubting Nichol's innocence, Brock had kept out of the imbroglio fearing it would only antagonize Willcocks who might have retaliated by blocking legislation introduced by the upper council. Brock was certain that the province would soon be at war and he reasoned that the changes he desired in the militia regulations of the province were more important than Nichol's discomfort. Instead, he stood aside, and even

managed to end the session on "a note of cordiality." Brock was particularly pleased that the normally niggardly Assembly had even agreed to offer a £5 reward for the apprehension of deserters from the regular forces.¹⁷

Realizing that Willcocks' actions stemmed from frustration at having been ignored by government officials, Isaac Brock went out of his way to placate him. In 1812 he was invited to dine with the Major-General at Government House where he found Brock to be deeply interested in winning him over to the side of the administration. Willcocks accepted Brock's offer of a militia position but his loyalty only could be guaranteed if the British succeeded in throwing back the Americans. When, in 1813, that appeared doubtful, Willcocks joined the American side. One historian has succinctly described Willcocks as an "opportunist whose major concern was his own personal career."¹⁸ In many respects, however, Willcocks differed from his fellow Upper Canadians only in the degree of his opportunism and in that early on he had been denied access to government favours. Had Willcocks not been "cast out" of the colonial inner circle in 1807, his actions during the war might have resembled those of other colonial leaders whose fortunes were more closely tied to the maintenance of the Royal connection.

Many of the pre-war disputes which arose among members of the colonial elite could be traced to frustration over salaries and fees. William Firth, for example, had arrived in Upper Canada in 1807 to take up the post of Attorney General. Unbeknownst to Firth, prior to his appointment the emoluments associated with the position had been reduced. Upon his arrival, therefore, Firth found that his job was not to be as lucrative as he had hoped. He immediately set about remon-

strating against this injustice which only served to anger Lieutenant-Governor Francis Gore. By 1811, when Firth left the province, his actions had resulted in a further paring away of government fees. The last straw had been the decision to abolish one of the two remaining functions performed by the Attorney General. If he was no longer to be allowed to conduct Crown prosecutions, Firth would not receive any salary at all. His only remaining duty was to sign land patents, the fees for which were taken away from him!¹⁹ William Firth's case is instructive in a number of ways. First, it shows that in the close circle of government appointees stationed at York it was best not to anger one's superiors. The lieutenant-governor and his friends could make life very uncomfortable for anyone who did. Second, it shows the relative helplessness of those who chose to go against the established pattern. Firth was forced to leave the province and then to seek redress in England. Perhaps more importantly, the Firth incident is indicative of the very personal nature of Upper Canadian politics in the pre-war period. The Attorney General's plight aroused no widespread agitation on his behalf. Due to the isolated nature of Upper Canadian society most inhabitants were probably unaware of Firth's predicament and, if they were informed, could not have cared less.

The same might have been said about judge Robert Thorpe had he not managed to tie his personal dispute with the provincial administration to an issue of real importance to other Upper Canadians. Thorpe had arrived in Upper Canada in 1805 to serve as a *puisne* judge of the Court of King's Bench but he had his sights set on a more lofty appointment. When that coveted post of Chief Justice went to Attorney General Thomas Scott instead, Thorpe was indignant. That such a

"contemptible creature" could be promoted over himself only confirmed Thorpe's suspicions that something was seriously wrong with the provincial administration.²⁰ The judge immediately began to notice other irregularities including the treatment afforded some Loyalists.

By the late 1790s it had become evident that a number of impostors had managed to have their names added to the lists of United Empire Loyalists. Those registered as Loyalists received larger grants of land than other settlers and their children were also allowed to acquire such lavish grants. With that type of incentive it was well worth it for unscrupulous newcomers to claim that during the Revolutionary War they had taken an active part in the struggle. Others took advantage of the confusion engendered by duplicate names and managed to pose as deserving recipients. In order to minimize these abuses a review of the lists eventually was undertaken. Only those Loyalists who arrived prior to 1783 were to be considered for inclusion on the register with all others being struck off the list. The process resulted in a real paring down of the lists and between May 1802 and November 1804 over 900 individuals lost their "U.E." designation and the benefits it conferred.²¹ Naturally, those affected by that process were displeased with this policy. Even those who maintained their free grants were upset because they could not acquire full title to their allotments. Under General Peter Hunter, who assumed the post of provincial administrator in August 1799, Loyalist and military claimants found themselves placed last in line for surveys and patents. Since these individuals paid no fees for those services the various government officials found the work unprofitable. Their incomes were increased only when fees were paid. Well-to-do newcomers from the United States,

on the other hand, found their needs attended to promptly.²²

Settlers affected by such measures found they had a champion in judge Thorpe. He began writing letters to influential friends in London that detailed the abuses he had observed. According to Thorpe, officials in the provincial government were driven only by greed and their motto appeared to be "get as many dollars as you can." Large grants were given to the "Scotch peddlars," who in turn, would sell them to Americans. Thus only the "Shopkeeper Aristocracy" and the appointed officials who received fees gained any benefit from land transactions.²³ Thorpe was particularly concerned that the development of Upper Canada was suffering as a consequence of this corruption. While a select few got rich the rest of the province was left with "no roads, bad water communications, no Post, no Religion, no Morals, no Education, no Trade, no Agriculture, no Industry attended to...."²⁴ There may have been an element of truth to what Thorpe was saying, but one can only wonder what his view of the situation would have been had he managed to acquire the post of Chief Justice.

Under the all-encompassing banner "The King, The People, The Law, Thorpe & the Constitution" the judge sought and won a seat in the Assembly for the east riding of York.²⁵ In 1807 he served as a vocal opponent of the policies of the new lieutenant-governor. Sir Francis Gore's first act upon taking control of the government, however, had been to reopen the United Empire Loyalists lists.²⁶ That proclamation was welcome news to many individuals affected by Hunter's policies and the judge lost some support as a result. Characteristically, Thorpe was unimpressed with the conduct of the new administration and he found Gore to be "imperious, self-indulgent and ignorant."²⁷ It was not long

before the lieutenant-governor took steps to remove this irritant. By the summer of 1807 Thorpe found himself suspended from the bench and, seeing no future for himself in Upper Canada, he left the province later that year.²⁸ His departure, of course, did not eliminate any of the legitimate grievances that existed in the colony. In 1811, almost two hundred of Thorpe's former constituents in the York region signed a petition condemning the provincial administration for its "Partiality and Corruption." Four years after the judge had left, things had changed little. A few Loyalists, "unable to obtain those just Rewards" that they felt entitled to, decried the "mal administration" under which they were forced to live.²⁹

In antebellum Upper Canada, therefore, there were individuals who disagreed with the manner in which the province was ruled but there was not an organized opposition party.³⁰ One historian who has examined colonial affairs during this period has suggested that most political issues in Upper Canada arose out of "non-ideological sectional and personal rivalries."³¹ Usually these early opponents of the colonial administration were driven by selfish motives. In general, they were men who had been denied a promotion or refused a grant of land and their grievances never involved a critique of the basic form of government. For instance, no pre-war critic of the colonial administration ever suggested that the system of appointed officials, or the reservation of decisions for British approval, was at fault. Rather it was that only *certain* appointees or decisions were a problem.

One of the few issues that all "fractious misfits" in the colony could agree upon was that war with the United States would prove disastrous for the province. As early as 1810 the editor of the

Kingston Gazette expressed concern over the possibility of an American invasion. "Besides the destruction of lives, the burning of houses, the plunder of cattle, and all other species of moveable property," he warned, "it would throw back the state of business and improvement for many years."³²

The fragile nature of the early Upper Canadian economy was one reason the population of the province was frightened by the possibility of war. Hostilities would bring a halt to both British and American immigration. Successful colonial merchants, who were often also land speculators, knew that they would lose prospective customers. Appointed officials, who derived much of their income from land surveys and patents, would be similarly affected. Those settlers who had managed to clear their land and produce a surplus were aware that any conflict would endanger their property and disrupt the export of their produce. While the Upper Canadians knew that British government expenditures would increase dramatically, they also knew that their province would most likely be the battleground in any contest with the United States. Individuals might lose their property and maybe even their lives. For those reasons most Upper Canadians wished the whole issue would just go away. If war between Britain and the United States was inevitable, they desired that it take place elsewhere. One correspondent to the Kingston Gazette offered a solution that would have been popular with most Upper Canadians. "If your quarrel is with Britain," he told Americans, "go and revenge yourselves on her own shores."³³

The colonists were firm in their belief that they were not responsible for the deteriorating relationship between Britain and the United States. The reasons cited by American politicians for the

necessity of war did not directly involve actions on the part of their neighbours to the north. The impressment of American seaman, which had almost led to war in 1807, was done by the British navy. The contraction of American trade caused by hostilities in Europe was surely not the fault of the upper province. Nor were the Indian troubles of the Ohio region. Upper Canadians had no quarrel with their neighbours and even among some Loyalists the United States was scarcely seen as a foreign country.³⁴ In many respects the border between the two regions was ignored. Upper Canadians crossed it freely, sometimes to trade, to return home, or even to find a suitable partner for marriage. Now this peaceful intercourse was threatened because of incidents in far off places that they neither comprehended nor wished to understand. One British visitor observed that when he tried to explain these world events to the average colonist, his explanations were greeted with "few emotions of interest."³⁵

Most of the people in the province were opposed to war because of the economic dislocation it would entail. They had no desire to fight for Britain or the United States and the majority of inhabitants simply wished to be left alone. War would bring with it hard choices that most Upper Canadians would prefer to avoid. Many Loyalists felt the same but their situation was somewhat different. They had already fled the United States and they might expect a harsher reception from the American invaders than the more recent arrivals. They would fight, if they had to, but first they had to be convinced that Britain was committed to defend the province to the best of its ability. Members of the Six Nations, like other Loyalists, were also prepared to follow the redcoats if success seemed likely.

Not all Upper Canadians viewed the approaching conflict in this dispassionate manner. A few vocal patriots existed here and there, and they often took to the pages of colonial newspapers to whip up enthusiasm for the expected contest. Men like Richard Cartwright and John Strachan, who wrote under the pen-names "Falkland" and "Loyalist," had much to lose if the province fell to the Americans. The appeal, however, was not to simple loyalty but was directed to the practical side of the populace. Recent arrivals were warned by Strachan in February 1812 that the invaders would not be respectable yeoman like themselves but rather they would be landless ruffians from American cities. This "horrid banditti" would plunder their homes, pausing only to rape their women, and then drive them from their farms. Loyalists, on the other hand, were reminded that these would be Democratic thugs who would take special care to torment their old enemies. Strachan asked all his "fellow countrymen" to "rally round the Government" and show "brother Jonathan" that Upper Canadians were willing to "brave the impending storm like men." He also informed the American government that the colonists were not "a parcel of Quakers" and he warned that for "every Canadian Cabin you burn or destroy, the British will retaliate upon you tenfold."³⁶

Richard Cartwright avoided such bravado but he too felt that an invasion would lead to savage attacks and reprisals. He also offered a pragmatic appraisal of what the future would hold for the conquered territories. "One immediate consequence," Cartwright predicted in a letter to the Kingston Gazette, "would be heavy taxes compensated for to us by no adequate advantages."³⁷ No appeal to the loyalties of Upper Canadians was complete without some reference to the effect defeat would

have on the pocketbooks of the colonists.

Another correspondent noted that it was a common belief that the Americans would immediately overwhelm the province with an immense army. He pointed out to his fellow residents that the British navy and army would be there to greet them. He was also sure that all inhabitants would rise up and defend those things most dear to them. As "John Bull" warned:

Our wives, our children, our property our all is at stake, and shall we then tamely submit and see ourselves plundered of our well earned property, of property for which we have fought and bled?³⁸

This writer, and others like him, tried to appeal to the pragmatic as well as the patriotic instincts of the settlers. Because of the fragmented nature of antebellum Upper Canadian society, an appeal to rally around the King or flag was insufficient. The inhabitants had to believe that their own lives and estates were in jeopardy. A love of private property and a desire for self-preservation were the only things that all members of Upper Canada's "motley population" seemed to share.

Isaac Brock was also aware that Upper Canadians were concerned most about the economic impact of war and his address to the House of Assembly on the opening of the first session of the fifth parliament on 5 February 1812 was directed at that issue. He observed that the province owed its prosperity to its ties to Britain and he warned that if those connections were severed the colony would "inevitably sink into comparative poverty and insignificance." Although Brock assured the legislators that this was not meant as a threat and was not designed to spur them into taking appropriate actions, the tone of the speech suggested otherwise. The assemblymen responded to Brock's blunt message

by stating that they required no such "incitements" to animate their patriotism. They also noted that the "commercial advantages" of the imperial ties were felt in Britain as well as in Upper Canada.³⁹

In newspapers, in sermons, and from public platforms, the colonists were advised that their property and lives were in danger. When the hostilities began, however, the invaders assured the inhabitants that no measures would be taken against those who remained neutral. Brigadier-General William Hull crossed the Detroit River and entered western Upper Canada with some 2,500 men on 11 July 1812. The next day he issued a proclamation which directed the colonists to remain at home and which suggested that they continue to follow their "peaceful and customary avocations." Hull warned against taking up arms and he asked that his "Army of friends" be given a cordial welcome.⁴⁰ The local residents were more than happy to oblige. John Askin, a prominent western merchant, wrote to a colleague that Hull had proved a man of his word and that the American soldiers would not dare "take a Cherry" for fear of punishment from their superiors. Askin, a man who only a few days before had wondered how any British subject could change his allegiance, now felt quite prepared to do just that. Perhaps it was Upper Canada's destiny to become part of the United States. If so, the merchant could not think of a better man to supervise the transition than General Hull. According to Askin, he was a man who would "not only respect my property, but that of my friends."⁴¹ Predictions of raping and pillaging had proved false. So too, apparently, had the speculation that invasion would require the colonists to fight. Hull had offered the inhabitants what they desired most--an opportunity to ignore the war and get on with their lives. In doing so, he had uncovered the

collective Achilles heel of the "Spartan bands" of Upper Canadian defenders.

NOTES III

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IV

"COOL CALCULATORS": BROCK'S MILITIA

Despite the increased tempo of military preparations during 1812 most colonists still believed that war would somehow be avoided. Prideaux Selby, the Receiver General of the province, wrote to a friend in April 1812 that the British forces were acting "as if war was expected, but my own opinion is that all Jonathan's blustering will end in nothing of that sort."¹ It would seem that years of incessant rumours of impending conflict had made the inhabitants of Upper Canada somewhat complacent. When the news reached York on 27 June that the long-dreaded event actually had occurred, the villagers appeared to be in a state of shock. Eli Playter, a farmer who lived north of the capital, rushed to the garrison and "found all York in alarm, everyone's countenance wore the mark of surprise."²

Isaac Brock was not startled by the news. Early in May he had received a secret dispatch from Sir George Prevost advising that he "consider war as inevitable." The message went on to warn that hostilities would commence by July at the latest.³ This information confirmed Brock's belief that the course of military preparations he had embarked upon the previous autumn had been the right one. At that time he had made arrangements to improve the fortifications at the various garrisons and had made plans to place his militia forces in a state of readiness. Brock considered those plans to be of prime importance since, in his opinion, the "active and efficient aid" of at least a portion of the population would be necessary if the colony were to be

defended successfully.⁴

The Militia Acts of Upper and Lower Canada dated from June, 1793, when fears that the United States was intent on attacking the British colonies prompted the governments in those provinces to pass legislation allowing for the creation of official local defence forces.⁵ In Upper Canada, John Graves Simcoe was the author of the colony's first Militia Act and its governing principle was near-universal liability for service. All able-bodied men between the ages of sixteen and fifty were required to attend authorized militia parades or pay fines ranging from two to eight dollars an offence. The first muster in 1793 produced an enrolment of 4,213 men. Alarmed by the small turn-out, the authorities amended the Militia Act the next year so that men up to the age of sixty were liable for service.⁶

From 1794 until 1812 the Militia Act of Upper Canada remained relatively unchanged. The basic militia unit was the company. Each company was to consist of between twenty and fifty privates and three officers (a captain, a lieutenant, and an ensign). Regiments consisted of eight to ten companies, in other words 160 to 500 privates, commanded by one colonel, one lieutenant-colonel, one major, one adjutant, and one quartermaster. Officers and men were expected to bring to every muster their own firearms and at least six rounds of ammunition. Quakers, Mennonites, and Tunkers were excused from service but were required to pay twenty shillings a year in peacetime, and £5 a year in wartime for that privilege.⁷

Isaac Brock was concerned that the annual musters had failed to prepare men for actual combat. The parades, usually held on 4 June every year, were looked upon by the men as an opportunity to socialize

and by the authorities as a chance to engage in military census-taking. Brock's concern about the utility of the Militia Act was grounded in fact. By 1805, for instance, only two hundred of the province's 8,600 militiamen had received any genuine training.⁸ To remedy this situation Brock wanted to revamp the old law so that at least a portion of the militia had proper instruction in military matters. He also thought new regulations dealing with discipline and training were required. Though there were "many wise and salutary provisions" in the old act, Brock felt there were too few means of enforcing them.⁹ It was with the intention of remedying these deficiencies that he addressed the provincial legislature in February 1812.

Brock first requested that the House of Assembly add an oath of abjuration to the Militia Act. He felt that the number of Americans in the province who openly professed that they would never fight against their former country made this amendment highly necessary. Under the proposed legislation each militiaman would be required not only to pledge allegiance to the king but also to take an oath abjuring every foreign power. The American-born representatives in the Assembly, however, refused to support the bill. Aware that an oath of abjuration would eliminate any pretext for claiming neutrality, they voted against the measure and managed to have it laid aside.¹⁰ According to Michael Smith, an American anabaptist preacher in Upper Canada at that time, the assemblymen were only following the wishes of their constituents. Smith also believed that passage of the bill would have led to a rebellion by the American settlers.¹¹

Brock's request for legislation to suspend *Habeas Corpus* for a period of eighteen months met a similar fate. Had he been granted that

power. Brock could have arrested and detained without trial anyone he felt was endangering the public peace. A majority of assemblymen, however, believed that the measure was unnecessary. They reasoned that hostilities would probably be avoided and that in any case the province had managed to survive over two decades without such radical legislation. In addition to this "dread of arming Government" with extraordinary powers, the American element in the Assembly was cognizant that Brock sought the change in order to "keep the numerous body of Americans in a proper state of subordination."¹²

Brock had better luck with the amendments to the Militia Act that dealt with training and discipline. The new regulations called for the creation of two "flank companies" from every battalion. These forces were to be deployed on the sides, or "flanks," of a body of regular troops and each company was to consist of up to one hundred volunteers willing to undergo training as often as six times a month. Should the number of enlisted men fall short of one hundred, a ballot system would be employed to draft the remainder from those men under forty years of age who had failed to volunteer. To ensure that balloting was kept to a minimum, various inducements were offered to those men willing to enlist of their own free will. Flank volunteers were exempt from both statute labour and jury duty, and from personal arrest on any civil process. Widows and children of flank members killed on active duty were promised annual pensions of five pounds provincial currency while disabled veterans would receive nine pounds a year.¹³

Although the militia of Upper Canada numbered over 12,500 men, Brock had chosen quality over quantity with the flank system.¹⁴ Under it, one-third of the eligible men under forty, totalling some 1,800

recruits, would at least have a smattering of proper training. Over time that number would increase since provisions had been made for new recruits to replace one-third of the flank members at regular intervals. The remaining men under forty, and those up to sixty years of age, would continue in "sedentary battalions" and were only to be called upon if absolutely necessary. With 1,800 partially trained militiamen, and about 11,000 more or less untrained, Brock still believed a successful defence of the province might be possible.

To ensure compliance with military decisions, all militiamen were now required to take an oath of allegiance if asked to do so. Members of both flank companies and the ordinary sedentary battalions were also subject to trial by court martial for misbehaviour. A new scale of fines and jail sentences was created so that a refusal to follow lawful orders would now prove costly.¹⁵ Although pleased with these changes to the Militia Act, Brock was less than satisfied that the Assembly had limited the duration of these amendments to the end of the current parliamentary session. Having failed to acquire either the oath of abjuration or the suspension of *Habeas Corpus*, Brock was forced to accept this limitation rather than come away from the session empty-handed.

While Brock issued orders directing the various districts to establish flank companies, Joseph Willcocks did his best to discredit the new system. In the pages of his Niagara newspaper, Willcocks announced that all members of the provincial militia would be forced to train at least six days a month. The Kingston Gazette, on the other hand, pointed out that only flank volunteers were liable to train that often and that it was highly unlikely that even this would be necessary. The editor expressed surprise that a member of the provincial

legislature could be "so base, so wicked" as to spread lies that would only lead to increased disaffection.¹⁶

To counter Willcocks' disinformation campaign, Brock released circulars to the various colonial newspapers which explained why flank companies were needed and which stressed the benefits of volunteering. These bands of "Loyal, Brave and Respectable Young Men" would serve only as a supplementary force to the British army. Should an emergency arise, the authorities would have at their disposal a group of men able to assist regular troops, who were expected to do most of the fighting.¹⁷ Such explanations seemed to work. After a tour of the Niagara region in early May, Brock reported that an "almost unanimous disposition to serve is daily manifested." He felt that all the flank companies could be completed shortly if arms and accoutrements would be sent from Montreal.¹⁸

What Brock failed to appreciate was that the eagerness to enlist in the flank companies was not proof that Upper Canadians were anxious to fight. Since most inhabitants thought war was unlikely, the volunteers looked upon enlistment in a way quite different from Brock. For most, enlistment meant only that they acquired exemptions from statute labour, jury duty, and personal arrest for small debts. There was, however, another incentive to peacetime service in the militia. In a new colony, where marks of distinction were rare, service in the elite flank units of the militia could enhance one's status. Serious social climbers even went so far as to purchase their own swords to brandish over the heads of their subordinates.¹⁹

In addition to the militia forces, Brock also had a group of volunteers gathered primarily from the eastern portion of the province.

A proposal to raise a corps of volunteers from among the Scots of the Glengarry region had first been made after the Chesapeake incident in 1807 when a confrontation between a British warship and an American frigate nearly led to a full-scale conflict. Although not considered feasible at that time, the same proposal was understandably greeted with greater interest by Brock in 1811. He petitioned the British government to offer land grants and cash bounties to those volunteers willing to join the Glengarry Light Infantry Fencible Corps of which Captain "Red George" Macdonell was placed in charge.²⁰ By May, 1812, some four hundred "fine, young men," said to be "chiefly Scotch" in origin, were training at a camp near Three Rivers. The regiment was not comprised solely of Upper Canadians, however, and recruiting parties went as far afield as Prince Edward Island in search of volunteers. Sir George Prevost believed that the recruiting had proved successful because of the "zeal of the Officers," who also received bounties for each private enlisted, and because the promised land grants had proven to be "a powerful Auxillary."²¹

After the declaration of war, the regulations dealing with those "auxillaries" underwent a change. From then on, privates who joined only for the duration of the American conflict were given four guineas bounty but were not entitled to land grants. Individuals willing to guarantee their services for three years, or until a general peace was declared in Europe, received seven guineas bounty and the promise of a one-hundred acre farm. The change, therefore, meant that in order to acquire a land grant, volunteers also had to be willing to serve overseas. These more demanding terms did not seem to hamper recruitment and over seven hundred men eventually enlisted in 1812. Unfortunately

for "Red George," some only signed up to receive the cash bounty and then disappeared. Thomas Armstrong, for instance, enlisted early in May at Kingston but was still missing in June. Apparently Armstrong was one of thirty men who deserted before they reached their corps. Another five men, already wanted for similar incidents with other regular units, also took the bounty and ran.²²

There were also problems meeting the quotas established for the militia flank companies. Recruitment of volunteers had been limited by shortages of rations and weapons and only in the Niagara and Home Districts were the flank companies well established. At the end of April some 700 men had been embodied but with the arrival of the confidential dispatch in May warning that war was imminent Brock decided to call out the 1,800 which the new Militia Act permitted. On 15 May, the flank companies were ordered to begin training as often as the law allowed.²³

Afraid that the incentives offered to flank company volunteers would prove insufficient, Brock immediately turned to the Executive Council. Four days after calling out the companies, Brock suggested that the Council request from the Prince Regent that militiamen be granted "UE" status if killed or wounded on active service. Following Brock's advice that "immediate disclosure" of this request was necessary, the Adjutant General of the Militia, Eneas Shaw, announced a few days later that the government was seeking a "portion of the Waste lands of the Crown" for such individuals.²⁴

In addition to recruitment difficulties, the militia suffered from problems dealing with training and discipline. Militiamen were expected to bring their own arms to training sessions but some were too

poor to afford weapons and others claimed to have lost those supplied by the government. Between 1795 and 1812 several thousand muskets were given to the militiamen of the province but when Brock had attempted to account for those weapons he found most were "lost to the service."²⁵ Since such a valuable item was not likely to be accidentally misplaced, it was probable that many inhabitants had sold the weapons for a profit. To halt this practice Brock directed that all government supplied arms were to be stored in depots after each day's training.²⁶ Although this procedure might have reduced the number of incidents it did not prevent all weapons from going astray. In June, 1812, Abraham Nelles, a captain of one of the Fourth Lincoln flank companies, reported that seven of his men had still managed to misplace their muskets.²⁷

The policy of storing guns nightly also had been prompted by the uncertain loyalties of the Upper Canadian populace. Earlier in the year Brock had noticed that some of the "most dubious characters" in the province had expressed a desire to acquire arms from the government.²⁸ It was probably for that reason that Brock had also decided to create the flank companies. Not only would flank members be better trained than their fellow militiamen, but it was expected that the majority would be volunteers who, unlike unwilling conscripts, could be relied on to act properly. Sir George Prevost was convinced that only about a third of the militia in Upper Canada were loyal enough to be entrusted with arms.²⁹ The new militia system, which limited access to the King's stores, was a reflection of the suspicions and doubts that plagued the fragmented society of Upper Canada.

Meanwhile, the mistrust that existed between British and American Upper Canadians caused problems for Robert Nichol. Brock had appointed

Nichol to the command of one of the Norfolk flank regiments but upon taking up his post, the men refused to follow Nichol's orders. Apparently his junior officers, because of some personal animosity, had spread rumours about him; among others, it was alleged that he believed no American should ever be trusted. Try as he might, Nichol could not erase the impression created by such gossip. After printing and distributing handbills denying the charge, he still found that the men refused to recognize his authority. "My wish is to command a regiment," complained Nichol to a superior, "and not to be the leader of a mob."³⁰ Problems between the officers and men of the Norfolk militia undoubtedly played a part in Nichol being offered the full-time post of quartermaster general of the militia. The Scottish merchant, concerned as always about the effect such public duty would have on his private interests, at first refused, but Brock persisted and eventually Nichol was persuaded. His decision to undergo such "a great personal sacrifice" was made easier when Brock reminded him that the "British government was never backward in rewarding faithful and meritorious service."³¹

On the eve of war, therefore, Brock's situation had improved only slightly. The new militia system was well suited to provincial conditions and would eventually provide a portion of the male population with the skills needed for military operations. All the same, shortages of both money and recruits had hampered the complete implementation of the plan and the province was still far from secure against invasion. Moreover, no assurances could be given about the loyalties of the large American element in the population. Worse still, even members of the British and Loyalist communities appeared to need added inducements to

ensure their support and members of the Six Nations also appeared indifferent. As a result, one could not blame Brock for having "no great confidence in the majority" of the provincial population.³² Despite that realistic assessment even he was surprised by how passively the inhabitants responded to the invasion of their province.

News of the outbreak of hostilities between the United States and Great Britain first reached General Brock on 24 June but he decided against immediately informing the population of this development.³³ He reasoned that the information would eventually spread throughout Upper Canada anyway and Brock was determined to use the interim period to his best advantage and he quickly ordered both the British regulars and the militia flank companies in the Niagara region to assemble and march to Fort George. Members of the flank companies were told only that muskets were to be acquired at the garrison and they were then to be sent home. According to Michael Smith, the volunteers "obeyed with cheerfulness," having no idea that war had already been declared.³⁴ This little act of deception served its purpose. Before they realized what was happening, some nine hundred militiamen reported for duty and found themselves distributed amongst the four posts along the Niagara frontier. Not surprisingly, when the real situation was made apparent to the men there were many expressions of dissatisfaction. Brock informed Prevost on 3 July that the original cheerful disposition of the Upper Canadians had been replaced by "a spirit of impatience."³⁵

Though this trick had brought the militia out, it also meant that the volunteers had not been given the opportunity to bring blankets and other necessary equipment. Since the men were expected to supply their own kits, they demanded pay to buy the required items.³⁶ When this was

not given, the men began to desert. To reduce the number of absentees, Brock announced that half of the men could return to their homes but only if they left their muskets behind.³⁷ Of those who remained on duty, Brock was sure most would leave anyway once the harvest began in spite of the £20 fine for desertion. That possibility worried Brock immensely. Although many of the militiamen appeared willing to defend their own property, he felt that the majority were "either indifferent to what is passing, or so completely American as to rejoice in a change of government." Had he had a greater number of regulars at his disposal, Brock believed the population would offer its support more readily. As things stood, however, most were content to wait out events. Trying to put the best light on the situation, Brock reminded Prevost that such "cool calculators" were numerous in every society.³⁸

The British were no more successful in acquiring Indian support. The New York Six Nations had adopted a position of neutrality at a council held at Buffalo on 6 July. Emissaries were sent to their Canadian counterparts urging them to follow the same course.³⁹ Previous to this Brock had called on the Grand River settlements to send all their warriors to Fort George. To Brock's disgust only one hundred men of "that fickle race" appeared and these only for a few days. Brock thought he might yet win their support but he was sure that the Crown would have to "sacrifice some money to gain them over."⁴⁰ For that purpose Joseph Willcocks, who was known to the Six Nations, was approached to serve as intermediary and he eventually achieved a good deal of success on this mission.⁴¹ In the meantime, to the deputation from their American brothers the Canadian Six Nations returned the answer: "We know not your disputes...We do not want to fight...but if

you come to take our land, we are determined to defend ourselves."⁴² Those were sentiments with which Upper Canadians of every background appeared to agree.

Meanwhile, without the support of the Six Nations and with half his trained Niagara militia on leave, Brock received word that Brigadier-General William Hull had entered western Upper Canada on 11 July. After arriving in the province, the American commander issued his proclamation asking the inhabitants to exchange British tyranny for "Civil and Religious Liberty and their necessary result--individual and general prosperity." He went on to request that the men remain at home, and he warned that any white man found fighting at the side of an Indian would be put to death.⁴³ That last provision was designed to discourage the use of native warriors by the British. Tales of horrible atrocities had left many American soldiers, including William Hull, with a considerable fear of the Indian style of fighting.

Word of the proclamation soon spread but its effect, while impressive, was not exactly what Hull had intended. A number of American settlers in Upper Canada were actually offended by the tone of the offer. According to Michael Smith, few of the inhabitants of the province considered themselves subjects of a tyrannical government. If they had, they would have crossed back over the border. As for the threat of giving no quarter to anyone found fighting beside an Indian, this a number of Upper Canadian militiamen also found offensive. As Smith explained at the time:

They were well assured that Hull knew every man in Canada to be under the controul of government, and that they were obliged to bear arms...and that they could not prevent the Indians from marching with them...

As to Hull's "friendly advice" about staying home and remaining neutral, most would have followed it if circumstances had permitted. "This proposal they would willingly have acceded to," Michael Smith believed, "for they dreaded the war with their whole souls."⁴⁴

The decision to remain at home was made easier if no strong British garrison was nearby. In the western regions, where there were few regulars, the proclamation "operated very powerfully on our Militia," reported Colonel Matthew Elliot of the First Essex.⁴⁵ Nor should it be forgotten that the American offer promised greater prosperity and guaranteed the protection of private property if citizens remained neutral. For a people dedicated to improving their economic circumstances, these were powerful incentives to obey Hull's directions. Some months later an American spy reported to Major-General Van Rensselaer that the proclamation worked primarily because there was "a security for private property contained in it."⁴⁶

In an attempt to limit the effect of Hull's proclamation, Brock countered with one of his own only ten days later. To those who thought that the economic prospects of the colony would improve under American control, Brock explained that the "unequalled prosperity" already enjoyed by the province was a product of government expenditure and access to British markets. Brock also warned the American element in the province that the United States actually intended to give Canada back to France after the war was over. Instead of enjoying American liberty, Upper Canadians would find themselves "slaves to the Despot" Napoleon. Finally, Brock reminded all inhabitants, including those who had never taken the oath of allegiance, to resist any American appeal for assistance. As "Canadian Freeholders," every citizen owed

allegiance to Britain. Those who failed to heed this advice did so at their own peril, Brock warned, since Britain would eventually win the war.⁴⁷

A recent occurrence added an air of plausibility to that statement. In the early hours of 17 July, a small British force from St. Joseph Island captured the American post at Michilimackinac.⁴⁸ The victory was a bloodless one as the American forces surrendered after being caught completely by surprise. Having never been informed by their own forces that war had been declared, the Americans at Michilimackinac were not prepared to fight when Captain Charles Roberts and his redcoats appeared at the gates. The capture of this small post proved to be of monumental significance to the British war effort. For the western Indians, such as the Miamis, Shawnees, Ottawas, and Delawares, it was proof that their old ally Britain was determined to defeat the Americans. As a result, hundreds of western warriors were now committed to the British cause.⁴⁹

Encouraged by the success at Michilimackinac, Brock began preparations to regain control of the territory occupied by Hull's forces. On 22 July, he ordered all militia furloughs cancelled and Colonel Thomas Talbot was directed to assemble the flank companies of the Oxford, Norfolk, and Middlesex regiments at Moraviantown.⁵⁰ Brock assumed that the one thousand Western militiamen, many of whom were French Canadian and not recent American arrivals, could offer a spirited defence until Talbot's London militia joined them. In combination with a force of Indian volunteers expected to number at least 150, and with the regular troops from that region, Brock thought he could force Hull to retreat. In this expectation, however, Brock was to be sorely

disappointed.

Those militiamen directly in Hull's path had originally assembled "with as much promptitude as could be expected."⁵¹ Upon hearing of Hull's generous offer of protection for the property of neutrals, however, the majority of Essex and Kent militiamen left their posts and returned to their homes.⁵² The remainder had retreated to Fort Amherstburg with some 300 regulars of the 41st Regiment. The desertion of some five hundred Western militiamen meant that Brock's front-line defences were too weak to offer resistance to the invaders.⁵³

At that point Brock turned to the men of the London District but here he had even less luck. Colonel Talbot had managed to assemble the militia from the Long Point region and set out for Moraviantown but along the way the whole force, except for a handful of officers, mutinied and turned back.⁵⁴ The number of other volunteers from the London District was described as "very small" and only fifty Grand River Indians appeared willing to fight the invaders.⁵⁵ Brock reported that the other four hundred warriors, after hearing from emissaries sent by General Hull, had determined to "sit quietly in the midst of war." He also noted that the refusal of the Six Nations to follow the British standard had produced a "domino effect" among their white neighbours. Some militiamen claimed they could not leave their families and property so long as the "fickle" natives remained behind.⁵⁶

Not only had most western Upper Canadians refused to follow orders, but one group had even decided to aid the invaders. The most prominent members of that disloyal body, Ebenezer Allan, Andrew Westbrook, and Simon Zelotes Watson, had crossed over to the American camp and offered to form a cavalry unit to help distribute copies of

Hull's proclamation. Allan had served as a spy for the British during the Revolutionary War but in 1783 he had been imprisoned for ten months by his superiors who suspected that he was acting as a double agent. Nonetheless, after the war he moved to Upper Canada and in 1798 he received 2,000 acres as a reduced officer. Allan proved to be a particularly "fractious misfit" and after numerous disputes with neighbours he was again arrested in 1806. This second jail term may have soured Allan's views toward the British government and one of his biographers has noted that his "allegiance to higher authority was never strong" anyway and that he was "primarily motivated by self-interest."⁵⁷

Watson and Westbrook, on the other hand, had both quarreled with Thomas Talbot over business matters. Watson, for example, had sought to enter into a partnership with the Colonel to settle immigrants but the deal was never formalized and the two men had nearly come to blows over this misunderstanding. General Brock remarked that Watson had paraded as far as Westminster Township in the London District distributing news of Hull's offer while at the same time vowing "bitter vengeance against the first characters of the province." Whatever Watson and Westbrook's motivations were for their actions, they could at least take some pride in knowing that they had succeeded in acquiring more followers than their old enemy. While Talbot's men deserted to their farms, Watson and Westbrook managed to gather about fifty individuals to assist in spreading word of the American offer.⁵⁸

Reports of these events unnerved Brock. Though aware that most inhabitants desired to avoid war at all costs, the numerous desertions and evidence of widespread treasonous activity surprised even him. "The population, although I had no great confidence in the majority," he

informed Prevost late in July, "is worse than I expected to find it."⁵⁹ Such an opinion is understandable. The Essex and Kent militia had done nothing to impede Hull's progress. The London area militia appeared equally unreliable although Brock had previously placed great store in their loyalty. To prevent the "impending ruin of the country," Brock was now forced to go west himself and drive the enemy from the province.⁶⁰ Before embarking on such an expedition, however, Brock would require a greater degree of control over the militia forces and population of the province. To acquire that power, he recalled the legislature for an emergency session on 28 July 1812.

In his speech to the Assembly Brock found himself offering contradictory messages about the state of the province. His renewed request that *Habeus Corpus* be suspended and that more rigorous laws be enacted to deal with militia desertions revealed that the province was as threatened from within as it was from without. At the same time though, Brock announced that there were only a "few" disaffected in the province, and he noted that the militia had heard the call of duty and responded admirably. Aware that his speech would be published in colonial newspapers, Brock chose his words carefully. Yet this attempt to cover up the truth also meant that Brock undercut his case for wider powers. Although most members of the Assembly had surely heard rumours about the situation in western Upper Canada, Brock's speech offered them a way out of a difficult situation.⁶¹

It seems that almost all of the assemblymen were convinced that the province would soon become part of the United States. In what they perceived to be the waning moments of British power in the colony none wished to offend prospective American masters by offering Brock

everything he wanted. Therefore, instead of authorizing a partial declaration of martial law the assemblymen agreed only to amend certain aspects of the Militia Act. They then spent the next eight days discussing the repeal of the 1807 School Act. In Brock's opinion those men had abandoned the "honest fulfillment of their duty" to avoid "incurring the indignation of the Enemy." Knowing that little would be gained from the session, Brock prorogued the Assembly as soon as it had voted £10,000 for the militia.⁶²

This experience with the Assembly marked the lowest point in Brock's career as leader of Upper Canada. He considered declaring martial law on his own authority but was warned that if he did so, the whole of the provincial militia would disperse.⁶³ In a letter written on 29 July 1812, Brock informed a fellow officer:

My situation is most critical, not from anything the enemy can do, but from the disposition of the people--the population, believe me, is essentially bad--a full belief possess them all that this Province must inevitably succumb--this prepossession is fatal to every exertion. Legislators, magistrates, militia officers, all have imbibed this idea...Most of the people have lost all confidence. I however, speak loud and look big.⁶⁴

Apparently Brock's strutting did impress a number of the York militiamen. Several hundred volunteered that same day for service in any part of the province, and Brock selected one hundred from that number and ordered them to march to Long Point. A further 150 militiamen from the Home and Niagara Districts eventually followed that first group of volunteers. In this manner over the next two weeks Brock managed to assemble a motley force for the relief of Amherstburg. He detached just over three hundred regulars from the Niagara frontier and eventually acquired six hundred native allies, including a handful of Six Nations

warriors. He also managed to assemble four hundred militiamen, including 150 from the London and Western Districts, which meant that the British relief force totaled just over 1,300 men.⁶⁵

On 13 August, Brock's force reached Amherstburg only to find that the Americans, after surviving food shortages and outbreaks of disease, had retreated to their own shore. Although outnumbered two to one by the Americans, Brock decided to cross the Detroit River in pursuit of Hull's army. To fool the enemy into believing that the British force was much stronger than it actually was, the militia were supplied with the red jackets usually worn by regular soldiers. Before launching this audacious attack Brock warned the Americans that the Indian warriors attached to his force would "be beyond control the moment the contest commences."⁶⁶ Unsure of the actual size of Brock's force, and deathly afraid of the Indians, Hull surrendered Fort Detroit without firing a shot. Brock's gamble had paid off and when later accused of being reckless, he countered by arguing "that the State of the Province admitted of nothing but desperate remedies." Yet he also denied that the unconditional surrender of the numerically superior enemy had been a matter of luck, preferring instead to see it as a product of the "cool calculation of the pours and contres."⁶⁷

The 400 volunteers who followed Brock to Detroit, however, constituted only about seven percent of the 5,850 militiamen eligible for service in the Home, Niagara, London, and Western Districts. If we add to that number the 500 men who remained on duty on the Niagara frontier, we still find that about eighty-five percent of the militiamen from those areas are not accounted for although the authorities had called out both the flank companies and sedentary battalions in those

districts. Where had the rest of the "Spartan Band" gone? Almost all, it seems, had returned quietly to their farms or had never left them in the first place.⁶⁸

Most of the militia in the London and Western Districts had simply returned home after Hull issued his proclamation and many of their officers had quickly followed suit. A Court of Enquiry, appointed by Brock after the capture of Detroit, recommended that ten officers of the Essex and Kent militias be removed from their positions. But the court also announced that there were many others "to whom no share of blame can justly attach."⁶⁹ With no realistic means of punishing the hundreds of deserters in that region, it seems the British authorities were forced to settle for the token chastisement of a few of the most prominent offenders.

In the Niagara District, those who had been granted leave to attend to their farms early in July had refused, almost to a man, to return to their posts when called for by Brock. That left only five hundred members of the Lincoln flank companies on duty and many of them served very reluctantly. Colonel Christopher Myers, in charge of the district after Brock's departure for Amherstburg on 5 August, reported that "desertion to their homes is rather prevalent among them."⁷⁰ It seems likely that had no regular forces been present in the district, the Niagara militiamen, like their Western counterparts, would have dispersed completely.

A muster roll for Lieutenant Eli Playter's militia company during the month of August reveals that the men of the Home District were quite inventive when it came to avoiding military service. Although by law the company could contain up to one hundred men fit for duty, in August

the corps never reached half that total. Apparently one of the men had only recently discovered that he was near-sighted and therefore ineligible for duty. Beside another man's name was the notation "delirious" while others were simply classified as "deserters." Interestingly, Playter seems to have differentiated between those men who had left the ranks and two men who were listed as "gone to the States."⁷¹ This would seem to imply that, at least for Playter, deserters were those who had returned to their farms and might yet be forced back on duty. Whether that was true or not, the muster roll for Playter's company illustrates how a fighting unit could quickly become a "paper force."

In the Niagara and Home Districts, however, refusal to attend a militia summons could lead to arrest and imprisonment at the hands of British regulars. For that reason many individuals evidently decided to follow the path chosen by Playter's two men. The Buffalo Gazette and other American newspapers carried regular articles detailing the "escapes" made by "native born citizens of the United States." These reports were verified by other sources and it seems that most of those who chose to cross over were young tradesmen with little stake in Upper Canada.⁷² Those Americans with large holdings were more inclined to remain and guard their property, although the fear of military service induced a number of them to leave as well. An official list of land-owners in the province who abandoned their farms during the war to flee south contains 336 names.⁷³

In view of the behaviour of most Upper Canadians it is scarcely surprising that Brock considered the men actually willing to do their duty to be particularly deserving of praise. After his western

expedition he wrote to the Earl of Liverpool about the exploits of his "little Band" of regulars, Indians and militia. Brock claimed that he had never "witnessed greater cheerfulness and constancy" among any other troops.⁷⁴ That attitude apparently proved infectious. Brock told his brothers that other active militiamen had been inspired with confidence by the recent successes and he noted that the whole situation of the province was "of late much improved."⁷⁵ Because of that change he now felt sure he could repeat the experience in the eastern region of the province. Within days of his victory at Detroit, Brock was making plans to attack the American posts along the Niagara River.⁷⁶

But upon his arrival at Fort George on 22 August Brock discovered that Sir George Prevost had negotiated a temporary armistice five days before.⁷⁷ Since the militia were anxious to deal with their crops, Brock announced on 26 August that four-fifths of the flank members would be granted indefinite furloughs. Before being sent home, the men were warned that they should be prepared to return at a moment's notice. He then directed that general inspections of the Home, Niagara, and London militias take place weekly. At these drills the officers were expected to call upon the men to take the oath of allegiance and to note the names of those who refused.⁷⁸ Some officials apparently went beyond these instructions and jailed men who declined to repeat the pledge. "Many took the oath," observed Michael Smith, "rather than suffer this."⁷⁹

Brock was in a position to grant the furloughs, not only because of Prevost's armistice, but also because he had finally acquired the support of the Grand River Six Nations. The warriors had originally stood back because they feared that the contest might lead to a

fratricidal struggle. The Iroquois were afraid that they might end up fighting members of the New York Six Nations and most, therefore, simply chose to ignore Brock's first appeals. Apparently the recent British victories, and the offer of "good wages to engage in the war," had led the Indians to reconsider their position of neutrality.⁸⁰ By September 7, some three hundred warriors had arrived in the Niagara District. Aside from frightening the American soldiers, however, Brock feared he would get "no essential service from this degenerate race." At the same time, he noted that the warriors appeared "ashamed of themselves" and had promised "to whipe away the disgrace into which they have fallen by their late conduct."⁸¹

Unfortunately for Brock, those flank members who remained on active duty seemed to share none of the determination now evinced by the Six Nations warriors. Although only twenty percent of the militia were required to remain on duty, their officers were hard pressed to keep even that small proportion. Those who deserted were informed that Brock was willing to overlook the offence that time if they returned voluntarily.⁸² As the problem increased, however, Brock realized that the indifference of the majority of the inhabitants made a successful defence of the province increasingly unlikely. "I am quite anxious for this state of warfare to end," he wrote his brothers on 18 September, "I scarcely can think the people will suffer it to continue."⁸³

On 13 October the war between Britain and the United States came to an end for Major-General Isaac Brock. At Queenston, on the Upper Canadian side of the Niagara river, he lost his life attempting to halt the second invasion of the colony by American troops. The next day his successor, Sir Roger Hale Sheaffe, managed to drive back the invaders

but not without loss of life on on both sides.⁸⁴ British dead, aside from a dozen regulars, included two York militiamen and five Six Nations warriors. A further thirty-one York and Lincoln militiamen were wounded. Compared to casualty rates for battles in Europe, however, the losses at Queenston Heights were quite modest. A little over one month before, for example, Napoleon's army of 130,000 soldiers engaged a Russian force at the Battle of Borodino where casualties on both sides totaled over 70,000 men.⁸⁵

Historians have generally considered the Battle of Queenston Heights to have been a turning point for Upper Canadian morale. C.P. Stacey, for instance, saw it as a "victory which further raised the spirits of the people of Upper Canada."⁸⁶ Yet an examination of the subsequent actions of the provincial militia reveals that the mood and behaviour of the inhabitants remained fundamentally unchanged.

After the Battle of Queenston Heights, Sheaffe called out both the flank companies and sedentary battalions in the London, Niagara, and Home Districts. This action, designed to bring together a force of 5,000 men, was considered necessary in the face of further American invasions.⁸⁷ A majority of the inhabitants, however, were unwilling to answer that call. In Whitechurch township, north of York, some seventy men chose to hide out in the woods rather than serve in their units.⁸⁸ By December, when Michael Smith passed through the region, over three hundred rebels had banded together. At that time Smith spotted a fifty-man contingent walking brazenly "on the main road, with fife and drum beating for volunteers, crying Huzza for Madison."⁸⁹

The republican sympathies of the Whitechurch rebels, and their determination to endure life away from their farms seem extraordinary

and set them apart from other Upper Canadians. Most men in the province who managed to avoid service never abandoned their cozy farms for caves in the countryside. The experiences of Eli Playter with his militia company were probably typical. His diary describes the situation after the Third York regiment was once again called into service:

17th [October] I waited for the Men's coming till late
the P.M. not more than 1/2 the company appeared..
18th went early to some of the peoples Houses but they
kept out of the way--I was much vexed at their conduct...

Eventually Playter managed to gather about twenty men together and set out for York where two-thirds were excused and seven were balloted for service at the Niagara front.⁹⁰

In addition to running off to the bush, or just laying low until their commanding officers had given up in frustration, Upper Canadians also avoided militia service through other means. Those with enough money could employ substitutes. Whether the substitute was paid in cash or as in one case with a pair of oxen he agreed to serve in the place of the man whose name had been balloted.⁹¹ The use of substitutions, although legal, was apparently somewhat rare. The reason for the rarity of this practice had nothing to do with loyalty or sense of duty. Instead it appears that it was exceedingly difficult to find anyone willing to take the job. By 1814 the increasing demand for substitutes meant that individuals could command £50 in exchange for a years' service.⁹²

Being a traditional and respectable means of avoiding service, substitution was obviously a preferred method of steering clear of the fighting, but other legal means were also available. Amendments to the Militia Act passed by the Assembly in August had created a whole host of

newly exempt occupations. According to the revised regulations, the following people now joined religious groups such as Tunkers, Quakers, and Mennonites in being excused from duty:

The Judges of the court of Kings bench, the Clergy, the Members of the Legislative and Executive Councils and their respective Officers...His Majestys Attorney General, Solicitor General, the Secretary of the Province...as well as all Magistrates, Sheriffs, Coroners, Halfpay Officers, Physicians, Surgeons, the Masters of Schools, ferrymen and one miller to every Grist Mill.

Of course, the assemblymen thought it wise to also include exemptions for themselves, at least "for the time being."⁹³

If by some misfortune a wealthy colonist did not qualify for an exemption or was unable to find a substitute he could choose to remove himself from danger by leaving the province. That was the course chosen by Samuel Sherwood who left for Lower Canada as soon as war was declared. Sherwood, the son of a prominent Loyalist and a former member of the Assembly for Grenville, was apparently anxious about remaining in a region where the militia was "liable to be called out en masse." He therefore decided to go east to a safer area until hostilities had ceased.⁹⁴

Some militia officers shielded their friends and relatives from serving by sending ineligible replacements in their stead. One such case involved Philip Lang, a private in the First York militia, who was described as being "lame an[d] sick better than two years." Nonetheless, Lang was balloted and sent to the garrison at the capital as part of the quota of men from the First York militia. His commanding officer, Captain James Mustard, was told by a superior: "Do not for the future have any man or men drafted for Actual Service that you know is

sick or anyway not fit." Lieutenant-Colonel Graham went on to explain that such deception was "great trouble to me and a disappointment to the Public Service."⁹⁵

It seems that a good number of settlers also avoided militia service by simply announcing that they were Americans and, therefore, could not be forced to fight against their fellow countrymen. Brock had sought an oath of abjuration in February precisely because he foresaw that some inhabitants would take this position but the refusal of the Assembly to pass the measure meant that the issue remained unresolved throughout the summer and it was not until 9 November that steps were finally taken to eliminate the practice. On that date, Sheaffe issued a proclamation directing the "divers Persons" claiming exemptions because of American citizenship to appear before boards that had been established in every district. Those who could prove they were Americans were to be given passports and escorted to the border. Any American who failed to appear before such a board by 1 January 1813 was warned that he would be considered an "enemy Alien" and was therefore "liable to be treated as a Prisoner of War, or a Spy...."⁹⁶

Declaring oneself an American, and therefore a noncombatant, sometimes proved risky even before Sheaffe announced his programme of deportation. Some of those who had refused to take the oath of allegiance in August had been arrested and jailed for that refusal.⁹⁷ Others were harassed by militiamen or British regulars who "thought it hard and unreasonable that they must bear all the burden and danger of war." Some Indian warriors, if they came across a "Yankee" who refused to serve, would threaten to kill him. According to Michael Smith, the Indians sometimes made good on their threats.⁹⁸

In actual practice, a number of Americans who continued to refuse to fight were permitted to remain in the country even after reporting to the alien boards. Despite all Sheaffe's tough talk it quickly became apparent that some well-established gentlemen who had purchased land and had never taken the oath of allegiance would be ruined by this order. For that reason, Sheaffe allowed such men to remain in the province under a "modified allegiance, or security of good conduct."⁹⁹ Other Americans, who it was felt knew too much about the defences of Upper Canada to be sent back to the United States, also were granted permission to remain in the colony.¹⁰⁰

Whether they remained at home through legal or illegal means, or left their farms for Lower Canada, the United States, or the backwoods, the majority of Upper Canadians managed to avoid service in the militia. After the Battle of Queenston Heights on 13 October Sheaffe had summoned 5,000 colonists to duty on the front lines, but on 24 October the paymaster recorded the presence of only 846 militia officers and privates in the Niagara peninsula.¹⁰¹ Instead of increasing as time passed, the number of men on duty actually declined and as another Canadian winter set in, the British military authorities knew that they would be faced with the difficult task of trying to keep even that small contingent on duty.

In additon to worsening weather, the British forces were experiencing problems with logistics. Although Sheaffe had ordered out 5,000 men, he had neither the rations nor the equipment to feed and house additional soldiers. On 3 November he informed Prevost that the militia on the frontier was "in a very destitute state with respect to clothing, and in all regards bedding and barrack comforts in general."

Not surprisingly, Sheaffe also went on to report that such conditions were prompting desertions.¹⁰² At first, Sheaffe announced that the "many absentees" would not be punished if they returned voluntarily.¹⁰³ The next day he sweetened the offer by promising to supply trousers, shoes, and jackets to flank members free of charge. Even men absent without leave could receive these items providing they returned "voluntarily and without delay."¹⁰⁴

Other steps were also taken to reduce the number of absentees and to entice men back to duty. In order to better uncover desertions, officers commanding militia units were ordered to institute three roll calls a day. They were also instructed to establish squads comprised of "a trusty sergeant and a file of men" to search for and apprehend any deserters.¹⁰⁵ Finally, a local resident, Samuel Street, was appointed as paymaster to the militia forces.¹⁰⁶ It seems that the official formerly employed by the regular forces often had ignored the calls of the militia for pay and this, in turn, caused much dissatisfaction. Several weeks after implementing this programme, Sheaffe was able to report that the combined policy of bribes, strict discipline, coercion, and prompt payment had worked. On 23 November he informed Prevost that the number of militia in the field had increased recently and he was pleased to report that the men "continue generally, to evince the best disposition."¹⁰⁷

Sheaffe's appraisal of the morale of the militia was optimistic. It was clear that miserable camp conditions were taking an enormous toll. The combination of inadequate hygiene and the lack of basic camp equipment, such as tents, blankets, and kettles, made disease the principal killer of Upper Canadians in 1812. Battles at Queenston and

later in November at Fort Erie led to the deaths of only five members of the provincial militia. Disease, on the other hand, accounted for at least a further forty-six casualties amongst men on duty.¹⁰⁸ As winter progressed, so too did the number of deaths from disease. The two men who passed away in September were followed by five the next month, and by eleven in November. Finally, in December, at least twenty-eight militiamen died from diseases contracted while on duty.¹⁰⁹

Hungry, cold, fearful of becoming sick, and worried about their families, it is hardly surprising that Upper Canadians simply walked away from the war. After all, most considered it none of their affair in the first place. Surviving muster rolls of two flank companies from the fall campaign of 1812 reveal the course of action adopted by most militiamen:

Table IV-1

LINCOLN MILITIA SERVICE 1812

		Nov 30	Dec 4	Dec 11
Captain Crook's				
Lincoln Flank	Active	32	23	15
Company	Ill	18	14	15
	AWOL	31	44	51
	Total	81	81	81
Captain Macklarn's				
Lincoln Flank	Active	40	27	15
Company	Ill	6	7	7
	AWOL	8	20	32
	Total	54	54	54

Source: OA, Abraham Nelles Papers, Field Reports, 1812-14

In less than two weeks both Crook and Macklarn found themselves with more men absent without leave than on duty. The situation seems to have prevailed throughout the district. Captain Applegarth's flank company of the Second York militia had only three men present and fit for duty on 11 December.¹¹⁰

In their anxiety to return home, a number of deserters may have unwittingly spread the diseases ravaging the men at the front. Militia officer William Hamilton Merritt wrote to his fiancée on 8 December 1812:

You cannot conceive the state our frontier is in. Not a woman to be seen and you, I hope, hardly know that war exists. I am sorry to say that we have had a very sickly season, many young men have died through fatigue, and fifty people from the 10 and 12 Mile Creek with a fever which is equal to a plague.¹¹¹

Apparently even some Upper Canadians who managed to remain at home found that they could not escape the wider effects of the war.

The muster rolls represented in table IV-1 suggest that most men seemed unconcerned about the possibility of court martial, and it appears that the desire to get away was greater than the fear of potential punishment. The leniency with which both Brock and Sheaffe had dealt with previous instances of mass desertion no doubt helped foster that attitude. Thus, when permission to leave was not forthcoming, the men took matters into their own hands. For Sheaffe this action represented a threat to his authority as commander of the forces in Upper Canada. Faced with the complete collapse of the militia defence system, Sheaffe was forced into action. On December 11 he dismissed almost all of the militia and five days later he allowed most of the remaining flank members to return to their homes.¹¹²

The expedient of letting the men return home when it appeared that they were all going to go anyway had been resorted to already by Brock in July. When Sheaffe confronted the same problem he was wise enough to perceive that nothing could be done to halt the numerous desertions. These militiamen were not hardened regular soldiers but only settlers with families to care for and farms to tend. Dragging the

men back to the field only would have made the British army unpopular; besides, the effort was not likely to work for long. There was also another benefit to the granting of a general leave. By adding official sanction to what had occurred, Sheaffe saved face since he at least maintained the appearance of being in control of the situation.

Sheaffe could consider himself lucky in one respect. On the opposite shore, General Alexander Smith was experiencing even greater difficulty with the New York militiamen. Their refusal to cross the Niagara River had led to the American defeat at the Battle of Queenston Heights. After that loss, the men began to desert in great numbers. The New York Evening Post reported on 11 November 1812 that the militia companies along the Niagara River were "dwindling to mere skeletons."¹¹³ By the end of November the remaining men had mutinied and then "disembodied themselves." According to one witness, later taken prisoner by the British, the militiamen responsible for this mutiny declared that the Upper Canadians "were brothers and sisters, with whom they had always been at peace." Determined to keep matters that way, the American mutineers posted a two hundred dollar reward for Smith's head and then left for their farms.¹¹⁴

On the British side of the border there was also little enthusiasm for the war. Robert Nichol believed that the situation of the province had changed for the worse since Brock's death. "Confidence seems to have vanished from the land," he informed Colonel Talbot, "and a gloomy despondency has taken its place."¹¹⁵ One individual who refused to submit to the general miasma of depression was John Strachan. Reports of the frightful conditions at the front already had alarmed some members of the colonial elite and on 22 November 1812 they met at

York for the purpose of raising funds to buy supplies for the militiamen still on duty. Strachan chaired the meeting and he told those in attendance that it was their duty "to comfort those who are fighting our battles."¹¹⁶ By the end of the evening the "Loyal and Patriotic Society of Upper Canada" had been formed. A proposal to restrict voting rights in the organization to those who had paid a £10 fee was rejected and that privilege was instead automatically granted to members of the Executive and Legislative Councils and, not surprisingly, to clergymen of the Church of England. Apparently, a good deal of resentment still existed over the Assembly's refusal to assist Brock and only the speaker of the house was granted voting rights.¹¹⁷

Rather than simply assist active militiamen, the new society agreed to fund a number of projects. Families in distress because of the war were to be offered relief and disabled militiamen were also considered fit objects for the society's bounty. The group even decided to award medals to those men who had distinguished themselves while on service. Aware that desertion was rampant at the front, the directors announced that they would withhold medals from any "militiaman or soldier who has been or shall be convicted of desertion or absenting himself from duty." Of course, few of the directors themselves were on active service, chiefly because they had been lucky enough to have acquired exemptions. Chief Justice Thomas Scott was too old for militia service but most of the other directors were under sixty years of age. Thomas Ridout was fifty-eight, William Powell was a year younger, and Alexander Wood was only forty. John Strachan, who was thirty-four years of age when he founded the society, later remarked that everywhere in the province "inhabitants rejoiced" to see those "who were exempted from

their age or situation" coming forward to "comfort those who were called out."¹¹³ Although ostensibly designed to assist war sufferers, the society also served another purpose. It allowed Strachan and the other members of the colonial establishment to claim later that they had taken an "active part in the war" even though most never left the comfort of their homes.¹¹⁹

Avoidance of militia duty was the norm for Upper Canadian males throughout the struggle. Despite the high number of desertions during the first part of the war, participation in the militia actually reached a peak before Brock's death in October 1812. One researcher who has examined the post-war "cult of Brock worship" thinks that Upper Canadians idolized the British officer because he was "merely a striking specimen of the men he led."¹²⁰ Yet Isaac Brock died less than four months after hostilities had commenced and the war would rage for more than two years after his passing. The victory at Michilimackinac had been gained without his direct participation and the capture of Detroit was as much a product of Hull's cowardice as it was a result of careful planning on Brock's part. Why, then, was he chosen as an object for praise and raised to near demi-god status by Upper Canadians? To answer that question one need only examine the conduct of the colonists after 1812. While the level of militia participation was certainly low before Brock's death, it dwindled even further in the months that followed. In contrast to this pitiful record, the dismal display of the first four months of the war appeared positively remarkable. Years later, writers would focus on Brock and the first few weeks of the conflict because there was at least a grain of truth to the claim that large numbers of Upper Canadians had responded with "unwearied exertions" when called to

arms by their "immortal" leader.¹²¹

NOTES IV

¹C.O. Ermatinger, The Talbot Regime or the First Half of the Talbot Settlement, (St. Thomas: Municipal World, 1904), p.47.

²OA, Eli Playter Diary, 27 June 1812, p.397.

³NAC, CO42/146, Barclay to Prevost, 5 May 1812, p.209.

⁴NAC, CO42/352, Brock to Prevost, 3 December 1811, p.55.

⁵J.M. Hitsman, Safeguarding Canada 1763-1871, (Toronto: University of Toronto, 1968), p.57. There were unofficial militia musters prior to the passage of the 1793 Act.

⁶HPL, Frank Jones, "The Militia: The Formative Years, 1793-1846," Paper read at the Head-of-the-Lake Historical Society, 1954, pp.3-4.

⁷E.A. Cruikshank, Documentary History of the Campaign on the Niagara Frontier, 9 vols., (Welland: Lundy's Lane Historical Society, 1902-1908), "Militia Law of 1808," III:3-18.

⁸Jones, "Militia," p.5.

⁹NAC, CO42/352, Brock to Prevost, 3 December 1811, pp.58-59.

¹⁰NAC, CO42/352, Brock to Liverpool, 23 March 1812, p.8.

¹¹Smith, View, pp.80-81.

¹²Cruikshank, Documentary, Brock to Prevost, 25 February 1812, III:43.

¹³Cruikshank, Documentary, "An Act to Amend The Militia Act," 6 March 1812, IV:5-11.

¹⁴NAC, RG 5 A1, Upper Canada Sundries, vol. 13, Annual Militia Return, 4 June 1811, p.5437. Altogether the militia numbered 12,792 in 1811. That was an increase of 915 from 1810 and, therefore, it is safe to assume that by 1812 the total was over 13,000, (hereafter NAC, UCS).

¹⁵Cruikshank, Documentary, "An Act to Amend The Militia Act," 6 March 1812, IV:5-11.

¹⁶Kingston Gazette, 24 March 1812, p.3

¹⁷Kingston Gazette, 19 May 1812, p.2.

¹⁸NAC, CO42/146, Brock to Prevost, 16 May 1812, p.215.

¹⁹At least three militia officers submitted claims for the loss of swords and belts. NAC, Board of Claims, Thomas Humberstone, claim 443; Nathaniel Bell, claim 467; Eli Playter, claim 1328. One historian has noted that officers sometimes purchased other items including special uniforms. J.K. Johnson, Becoming Prominent: Regional Leadership in Upper Canada, 1791-1841, (Kingston: McGill-Queen's Press, 1989), pp.71-79.

²⁰G.F.G. Stanley, Canada's Soldiers: The Military History of An Unmilitary People, 3rd ed., (Toronto: Macmillan, 1983), p.146; NAC, Upper Canada Sundries, Edward Baynes' Notice, 22 February 1812, p.5990.

²¹NAC, CO42/146, Prevost to Liverpool, 26 May 1812, p.205.

²²Kingston Gazette, 26 May 1812, p.205; Ernest Cruikshank, "Records of the Services of Canadian Regiments in the War of 1812--The Glengarry Light Infantry," (Toronto: Canadiana House Reprints, 1968), p.13.

²³Brock to Prevost, 22 April 1812, quoted in Jones, "Militia," pp.7-8.

²⁴NAC, CO42/352, Brock to Executive Council, 19 May 1812, p.101; Eneas Shaw Circular, 23 May 1812, p.103.

²⁵Cruikshank, Documentary, Brock to Prevost, 11 December 1811, III:25-26; NAC, Upper Canada Sundries, vol. 13, Annual Militia Return, 4 June 1811, p.5437. The return lists only 1,926 weapons brought by the 12,792 men.

²⁶Kingston Gazette, 19 May 1812, p.2.

²⁷OA, Abraham Nelles Papers, June memorandum.

²⁸NAC, CO42/352, Brock to Liverpool, 23 March 1812, p.9.

²⁹NAC, CO42/146, Prevost to Liverpool, 18 May 1812, p.197.

³⁰Cruikshank, Documentary, Nichol to Glegg, March 1812, III:15.

³¹Cruikshank, "A Sketch of Robert Nichol," p.22.

³²Cruikshank, Documentary, Brock to Prevost, 28 July 1812, IV:148-149.

³³John Richardson, Richardson's War of 1812, (Toronto: Historical Publishing, 1902), p.11.

- ³⁴Smith, View, p.81.
- ³⁵Cruikshank, Documentary, Brock to Prevost, 3 July 1812, III:97.
- ³⁶Cruikshank, Documentary, Militia General Order, 4 July 1812, III:97-98.
- ³⁷Cruikshank, Documentary, Militia General Order, 10 July 1812, III:119-120.
- ³⁸Cruikshank, Documentary, Brock to Prevost, 12 July 1812, III:65.
- ³⁹G.F.G. Stanley, "The Significance of Six Nations Participation In the War of 1812," Ontario History, 55 (1963), p.218.
- ⁴⁰Cruikshank, Documentary, Brock to Prevost, 3 July 1812, p.97.
- ⁴¹G.F.G. Stanley, "The Indians in the War of 1812," Canadian Historical Review, 31 (1950), p.155.
- ⁴²Ibid., p.156.
- ⁴³NAC, CO42/352, "Hull's Proclamation," 12 July 1812, p.122.
- ⁴⁴Smith, View, pp.82-83.
- ⁴⁵Stanley, "Contribution," p.33.
- ⁴⁶Cruikshank, Documentary, ? to Van Renssalaer, 16 September 1812, III:268.
- ⁴⁷NAC, CO42/352, "Brock's Proclamation," 22 July 1812, p.124.
- ⁴⁸Stanley, Land Operations, pp.6-7.
- ⁴⁹Stanley, "Indians," pp.150-152.
- ⁵⁰Cruikshank, Documentary, Militia General Order, 22 July 1812, III:138.
- ⁵¹NAC, C.676, Elliot to Claus, 15 July 1812, in Stanley, "Militia," p.33.
- ⁵²NAC, CO42/147, Prevost to Liverpool, 30 July 1812, pp.31-32.
- ⁵³NAC, CO42/352, Brock to Liverpool, 29 August 1812, p.105.
- ⁵⁴Quaife, Askin, Charles Askin's Journal, 24 July to 12 September 1812, p.713.
- ⁵⁵OA, Percy Band Collection, #238, G. Hamilton to A. Hamilton, August 1812; #237, Charles Askin to A. Hamilton, 21 July 1812.

⁵⁶NAC, C042/352, Brock to Liverpool, 29 August 1812, p.105.

⁵⁷Daniel J. Brock, "Ebenezer Allan," DCB, V:13-15

⁵⁸D.R. Beasley, "Andrew Westbrook," DCB, VI:808-809. In his fictional work Westbrook the Outlaw; Or the Avenging Wolf, (Montreal: Grant Woolmer, 1973), John Richardson said that Westbrook harboured a grievance over being refused a militia commission, p.1; Stanley, Operations, p.105; Ermatinger, Talbot, pp.44-46; Cruikshank, Documentary, Brock to Prevost, 26 July 1812, III:145-146.

⁵⁹Cruikshank, Documentary, Brock to Prevost, 28 July 1812, III:148-149.

⁶⁰Cruikshank, Documentary, Brock to Prevost, 26 July 1812, III:145-146.

⁶¹NAC, C042/352, Assembly Reply, 29 July 1812, p.115; Executive Council Minutes, 3 August 1812, p.109.

⁶²NAC, C042/352,, Brock to Liverpool, 29 August 1812, p.105.

⁶³Cruikshank, Documentary, Brock to Prevost, 28 July 1812, III:148-149.

⁶⁴Cruikshank, Documentary, Brock to Baynes, 29 July 1812, III:152-153.

⁶⁵NAC, C042/352, Brock to Liverpool, 29 August 1812, p.105; Stanley, Operations, pp.106-107.

⁶⁶C.P. Stacey, "The Defence of Upper Canada, 1812," in Zaslow, p.18.

⁶⁷NAC, C042/353, Brock to Brothers, 3 September 1812, p.226.

⁶⁸NAC, UCS, vol. 13, Militia Return, 4 June 1811, p.5437. The militia of those four districts amounted to 5,850 men in 1811. These calculations are an overestimate of the proportion of active men since the total number of militiamen would have increased over the previous twelve months.

⁶⁹Cruikshank, Documentary, Militia General Order, 18 August 1812, III:188-189; Militia General Order, 23 January 1813, V:46-47.

⁷⁰Cruikshank, Documentary, Myers to Prevost, 17 August 1812, III:185-186.

⁷¹OA, Eli Playter Diary, August Muster Roll, pp.401-402.

⁷²Cruikshank, Documentary, Buffalo Gazette, 11 August 1812, III:170; New York Gazette, 24 July 1812, III:127.

⁷³E.A. Cruikshank, "A Study of Disaffection in Upper Canada in 1812-15," in Zaslow, p.223.

⁷⁴NAC, CO42/352, Brock to Liverpool, 29 August 1812, p.105.

⁷⁵NAC, CO42/353, Brock to Brothers, 3 September 1812, p.226.

⁷⁶Cruikshank, "The Battle of Queenston Heights," in Zaslow, p.22.

⁷⁷Ibid., p.22.

⁷⁸Cruikshank, Documentary, Militia General Order, 26 August 1812, III:212-213.

⁷⁹Smith, View, p.92.

⁸⁰Smith, View, p.82.

⁸¹Cruikshank, Documentary, Brock to Prevost, 7 September 1812, III:243.

⁸²Cruikshank, Documentary, Militia General Order, 21 September 1812, III:285.

⁸³NAC, CO42/353, Brock to Brothers, 18 September 1812, p.227.

⁸⁴Kingston Gazette, 31 October 1812, p.3.

⁸⁵Cruikshank, Documentary, Return of Casualties, 13 October 1812, IV:73; Albert Sidney Brett, The Wars of Napoleon, (Wayne: Avery Publishing, 1985), pp.115-116.

⁸⁶Stacey, "The Defence," in Zaslow, p.19.

⁸⁷Smith, View, p.90.

⁸⁸Cruikshank, Documentary, Baltimore Whig, 5 June 1813, V:269; Smith, View, p.89.

⁸⁹Smith, View, p.89.

⁹⁰OA, Playter Diary, October 1812, p.405.

⁹¹OA, Abraham Nelles Papers, John Frennett's Deposition, 11 September 1812,; NAC, Upper Canada Sundries, Traitors and Treason, 1812-12, volume 6, p.6646.

⁹²NAC, CO42/355, Baynes to Prevost, 18 June 1814, p.404.

⁹³Kingston Gazette, 9 January 1813, p.3.

⁹⁴Doughty and McArthur, Drummond to Bathurst, 27 February 1816.

⁹⁵OA, Captain James Mustard Papers, 26 March 1813.

⁹⁶Kingston Gazette, 1 December 1812, p.2.

⁹⁷Cruikshank, "Disaffection," in Zaslow, p.210.

⁹⁸Smith, View, p.90.

⁹⁹Kingston Gazette, 1 December 1812, p.2.

¹⁰⁰Cruikshank, "Disaffection," in Zaslow, p.212.

¹⁰¹HPL, Special Collections, "Estimate of Sums Wanted," September 25 to 24 October 1812.

¹⁰²Cruikshank, Documentary, Sheaffe to Prevost, 3 November 1812, IV:176.

¹⁰³Cruikshank, Documentary, Militia General Order, 13 November 1812, IV:207-208.

¹⁰⁴Cruikshank, Documentary, Militia General Order, 14 November 1812, IV:211-212.

¹⁰⁵Cruikshank, Documentary Militia General Order, 28 October 1812, IV:169.

¹⁰⁶Cruikshank, Documentary, District General Order, 29 October 1812, IV:170.

¹⁰⁷NAC, CO42/354, Sheaffe to Prevost, 23 November 1812, p.5.

¹⁰⁸Battle casualties were determined from lists in CO 42/354, Sheaffe to Prevost, Return of Casualties, 30 November 1812, p.16 and from pension lists published in the Niagara Spectator, 11 December 1817. Since pensions were granted to widows or orphans, the pension lists did not include the names of single men who died on duty.

¹⁰⁹Niagara Spectator, 11 December 1817.

¹¹⁰OA, Abraham Nelles Papers, Field Reports 1812-1814. Those three designations are a simplified version of the various systems of notation used at that time. "Active" includes "Present and Fit" or "Present Under Arms," those on leave or on duty elsewhere. "Ill" includes sick at home, in hospital, or in barracks. The "AWOL," or absent without leave, designation was at times noted explicitly, but sometimes had to be determined by eliminating other designations from the original total. The experiences of Crook, Macklern, and Applegarth were shared by other commanders. Captain Hatt's flank company had 35 men fit for duty on 30 November 1812 but only 26 by 11 December. Abraham Nelles' company had 53 present on 24 November but only 38 six

days later.

¹¹¹Cruikshank, Documentary, Merritt to Pendergrast, 8 December 1812, IV:4.

¹¹²Cruikshank, Documentary, Shaw to Talbot, 11 December 1812, p.296; Militia General Order, 16 December 1812, p.324; NAC, CO42/352, Sheaffe to Bathurst, 31 December 1812, p.176.

¹¹³Cruikshank, Documentary, New York Evening Post, 11 November 1812, IV:179-180.

¹¹⁴Cruikshank, Documentary, Bill Sherman's statement; David Harvey's statement, 3 December 1812, IV:247-249.

¹¹⁵Cruikshank, Documentary, Nichol to Talbot, 18 December 1812, p.327.

¹¹⁶C.W. Robinson, The Life of John Beverley Robinson, (Toronto: Morang & Company, 1904), p.61.

¹¹⁷OA, Strachan Papers, draft constitution, 15 December 1812.

¹¹⁸OA, Strachan Papers, society history, 1813?

¹¹⁹Spragge, Letterbook, Strachan to Stewart, winter 1814, p.58.

¹²⁰Keith Walden, "Isaac Brock: Man and Myth--A Study of the Militia Myth of the War of 1812 in Upper Canada, 1812-1912," (MA dissertation, Queen's, 1971), p.iii.

¹²¹OA, Strachan Papers, society history, 1813?

"A PARCEL OF QUAKERS?": MILITIA SERVICE 1813-15

As dawn broke on the morning of 20 February 1813, John Strachan took pen in hand and settled in for a long day of writing at his new home in York. The ambitious young priest had moved to the provincial capital from Cornwall less than a year before, after his request for the rectorate of the Kingston church had been denied. Although he had refused at first the alternate offer of a position at York, Strachan later changed his mind when Isaac Brock informed him that an extra £150 per annum could be acquired if he agreed to serve as chaplain for the troops.¹ Since that time, the new chaplain had established the Loyal and Patriotic Society, and had become a director and the chief fundraiser for the group. It was in the latter capacity that Strachan had spent the last few days composing requests for donations. His latest effort, "An Appeal to the British Public," offered Strachan's view of recent events in the province.

According to John Strachan, the people of Upper Canada deserved greater support from England because of the heroic actions of the colonists in 1812. He claimed that the patriotism of the Loyalists "had burst forth in all its ancient splendour" the moment war had been declared. Strachan also said that this enthusiasm still "burned with unabated vigour," and he even went so far as to declare that this "spirit of patriotism" had also spread amongst the recent American arrivals, making them "efficient soldiers" as well.²

While Strachan was composing this highly imaginative account,

the British military authorities in the colony were engaged in a desperate search for a cure to the problems which afflicted the provincial militia. Contrary to Strachan's rosy opinions, and those of more recent writers such as G.F.G. Stanley, it was clear that when given a chance to "prove their worth," the flank companies had failed miserably.³ To the men responsible for the military defence of the colony, the experiences of the previous few months had shown that the provincial militia system was next to useless. It could not be relied on to provide the number of militiamen that were needed, and it proved incapable of holding onto the few men who did offer their services.

As the architect of the flank and sedentary organizations, the late General Brock was blamed for some of the failures of 1812. While all agreed that he had been a brilliant strategist, some also thought that he had shown himself to be an incompetent administrator. His tendency to overlook details while making grandiose plans had meant that the Upper Canadian militia forces were often left without sufficient clothing, food, or shelter. "Poor General Brock's high spirit," Major Thomas Evans wrote early in the new year, "would never descend to particulars." Evans also observed that what Brock considered "trifles" had eventually proven to be "essentials."⁴ Nor was Evans alone in his criticism. Sir George Prevost warned Sheaffe to pay greater attention to the proper feeding, clothing, and payment of the militia forces. He remarked that on his last visit to the province in 1812 "these essentials appeared to me not sufficiently attended to, and the cause of serious complaint."⁵

Other observers believed that the problems of the provincial militia could be solved if the men were treated more like regular

troops. The amendments to the Militia Act passed by the Assembly in March 1813, were based on that assumption and seem to have developed from a proposal made earlier in the year by an officer stationed in the eastern region of the province. Concerned about what he called the "inefficient state of the militia," Lieutenant-Colonel Thomas Pearson wrote to Eneas Shaw about his plan for a new corps of volunteers to replace the old flank companies. In a letter dated 19 January 1813, Pearson explained that these battalions of volunteers should consist only of men willing to serve full-time until the end of the war. While these soldiers would receive the same pay as flank members had been given, Pearson thought they should also be supplied with bounties and uniforms. He even suggested that these new militia volunteers be offered land grants like those promised to members of the Glengarry Light Infantry Fencible Corps. Finally, Pearson proposed that each battalion of five hundred volunteers be led by competent militia lieutenant-colonels and that the whole regiment be commanded by a senior officer from the regular army who was well-versed in discipline and training.⁶

Pearson's plan formed the basis of the legislation proposed by Roger Sheaffe on 13 March 1813 and passed by the Assembly later in the week.⁷ The new provincial statute allowed for the creation of one or more regiments, each consisting of several battalions, to be styled Regiments of Incorporated Militia. Various privileges and exemptions, "as well as pecuniary encouragement" were offered men willing to tender their service.⁸ Volunteers were guaranteed freedom from arrest for any debt under £50, protection against their property being seized for debts, and exemption from tax rates and statute labour.⁹ In addition,

the Assembly offered a small reward to every recruit who offered his services. Sheaffe originally had asked for a twenty dollar bounty but the assemblymen feared that such an enormous sum would bankrupt the province. Sheaffe planned on enrolling as many as 3,000 recruits and the bounties could have amounted to as much as \$60,000, or £15,000. Rather than vote a sum greater than the annual pre-war provincial revenue, the Assembly agreed to give each recruit eight dollars.¹⁰ Determined to see that the volunteers received all that they deserved, Sheaffe petitioned his superior, Sir George Prevost, for the additional money. Before he received a response, however, Sheaffe announced that an extra bounty of ten dollars would be given to all recruits.¹¹

Several factors prompted Sheaffe to announce the granting of an increased bounty before he had received the proper approval. First, he feared that the \$8 bounty was too small to "operate as an inducement" for full-time, indefinite service. That was especially true since the men were expected to supply their own uniforms from this money. Second, Sheaffe had been informed by Sir George Prevost that no regular reinforcements would be sent from Europe in 1813. In light of this, he later wrote that a "most urgent necessity existed for forming without delay a force more efficient than the ordinary Militia of the Province."¹²

A recruitment campaign, designed to fill the several Incorporated Militia battalions, began almost as soon as the legislation was passed by the Assembly. Circulars announcing the creation of the force were published in the colony's newspapers and all "strong and healthy" men between the ages of sixteen and forty-five were invited to enrol. To allow for speedy recruitment, each officer who was appointed to the

Incorporated Militia was given a quota of men. Captains of companies, for instance, were to recruit twenty men, lieutenants were responsible for ten more, while ensigns had to enlist five men. As an incentive to ensure that the limit of fifty men a company was reached, officers were not paid until they completed their quotas. Each private was to receive eight dollars as a cash bounty, the other ten dollars was to go to the commanding officer of the company to pay for the arms and clothing required by the volunteer. Potential recruits were promised the same pay as regular soldiers and were told that Sheaffe had applied for land grants but the men were warned not to expect a position above private.¹³

That last restriction was designed to prevent the creation of an excessively large officer class. Experience with regular companies had shown that recruiters often exaggerated the number of lucrative officer positions that were available in order to induce men to enlist. Later the military authorities would be forced to accept these unwanted officers rather than risk the great discontent that would arise from wholesale demotions. In Upper Canada, moreover, the militia system was already burdened with an officer class that far exceeded its needs. The problem had existed before the war and was even used by John Strachan as an excuse for his acquisition of an honorary doctoral degree in 1808.

As he explained at the time:

...altho there are no distinctions of rank in this country, no people are so fond of them. If a fellow gets a commission in the Militia however low he will not speak to you under the title of a Captain. Squires and Colonels we have without number—the same rage pervades persons of sense...so that I have no doubt, but that a degree might in some measure increase my influence....¹⁴

A militia return for that year reveals that there was some truth to what Strachan was saying. In 1808, more than 650 officers, and over 500

sergeants, held appointments in the provincial militia. At the same time, there were only 8,821 privates in the force. In other words, there was a commissioned or non-commissioned officer for every eight rank and file members of the force. A number of these officers, moreover, were given appointments even though no vacant position existed. For example, at least eleven of the 198 lieutenants in the militia in 1808 were holding commissions contrary to regulations.¹⁵

Places in the militia officer corps were sought after, not only because they offered a position of recognized importance, but also because they paid well. While privates earned only six pence a day when on duty, commissioned officers received about ten times that amount, or five shillings a day. As one writer has observed, the difference in pay scales might help explain why officers appeared more willing to remain on duty while their men deserted.¹⁶ It also reveals why the British military authorities constantly complained about the bloated state of the militia officer corps and it illustrates why they attempted to put a halt to the granting of superfluous commissions.

One of the chief inflators of the officer ranks was Colonel Thomas Talbot. His Middlesex regiment was organized in 1812 and, according to the March amendments to the Militia Act of that year, Talbot should have appointed only two captains, two lieutenants, and two ensigns to lead his 187 privates. Instead, anxious to reward his many favourites, Talbot decided to place five men in each of those positions. Those nine additional officers constituted yet another unnecessary demand on an already strained military chest and the colonel was rebuked strongly for this infraction by Brock. One of Talbot's biographers excused this wrongdoing by claiming that the colonel was merely

exercising "a wise, if possibly somewhat paternal discretion in placing officers on duty."¹⁷

The use of appointments to fill militia officer positions, while of little consequence during peacetime, had led to innumerable difficulties once war had been declared. Most of the appointees were untrained and many were unaccustomed to dealing with large groups of men. Under the best of conditions, it was unlikely that such individuals would be able to inspire confidence in their subordinates. The special circumstances of Upper Canada, moreover, made that outcome even more improbable. The American settlers, with their notions of equality, were not inclined to accept orders unhesitatingly, especially if the officer in charge was one of the younger members of the local "Shopkeeper Aristocracy." Robert Nichol, who had first-hand experience with that type of situation, warned other officers:

...that in a Militia, composed as ours is of independent yeomanry, it would be both impolitic and useless to attempt to introduce the strict discipline of the line. They must in great measure be governed by opinion...¹⁸

Thomas Pearson reported that many of the desertions which had occurred in 1812 could be traced to a lack of rapport among the various ranks. He placed most of the blame on the "officers who have been for the most part selected from family connection without respect to capacity or respectability." Instead of benefitting the militia by their zeal, Pearson thought they had "irreparably injured the service by their imbecility."¹⁹

Not all British officers agreed with Pearson and some thought the reliance on wealthier colonists was natural and proper. Lieutenant-Colonel John Harvey, the deputy adjutant general of the forces, believed

that rich shopkeepers, and other colonists of "princely possessions," had a greater interest in the continuation of British rule because they owed much of their wealth to government connections. Since such people "must stand or fall with the country," Harvey believed that these wealthier inhabitants should be placed in positions where they could display their gratitude for favours received.²⁰ Colonel Edward Baynes, on the other hand, felt that members of the colonial establishment could lead sedentary companies but he suggested that no "Gentlemen of Influence 'in the Province" be appointed for service in the Incorporated Militia. Baynes, who was the adjutant general of the forces, believed that their lack of knowledge about military matters, "combined with the strong ties and prejudices which their Colonial Interests and connections cannot fail of producing," made them unsuitable candidates for such jobs.²¹

Despite such objections, the old system of appointing favourite "imbeciles" to militia positions continued throughout the war. With the announcement of the formation of the Incorporated Militia, Sheaffe was deluged with applications for the top posts. For example, John Strachan forwarded the name of Neil McLean, the father of one of his former students, whom he described as "a Gentlemen of the very first respectability--highly worthy of the protection of Government."²² Other men were apparently so eager to acquire the coveted posts that they began forming companies before they had received the required authorization. Sheaffe was forced to remind such enthusiasts that he did not have a "battalion or place of profit for every one who may be desirous of one or the other."²³

Problems soon arose when it was realized that the quotas set for

the Incorporated Militia were hopelessly unrealistic and General Sheaffe found himself with dozens of extra militia officers. The original plans called for the creation of several five hundred man battalions of volunteers which were to be organized into one or more regiments. Altogether it was thought that as many as 2,500 or 3,000 men would join the corps and to insure that would be the case, Sheaffe even announced that land grants would be given to those willing to serve. Despite such lavish inducements, by the end of 1813 the Incorporated Militia had attracted only about three hundred volunteers.²⁴

That disappointing turnout indicates how little support existed for the war effort. It shows too that this indifference was not restricted to the recent arrivals from the United States. Faced with a community that refused to assist wholeheartedly in the defence of British territory, Sheaffe was forced to order all three hundred volunteers into one understrength battalion. The five or six lieutenant-colonels, and the dozens of other appointed officers, apparently spent the summer "in vain exertions" to fill their quotas. Some officers tried to reach their required totals by signing up men who were too old or too infirm for active service. In April 1813, the Loyal and Patriotic Society was forced to offer relief to four volunteers who had arrived at York only to be "discharged from age and debility." Unsure of the future of the corps, Sheaffe directed that the rank and file members build fortifications and serve on the boats on the lakes.²⁵ Like the flank system which had preceded it, the Incorporated Militia proved to be less than a roaring success.

It is clear that none of the British military planners had understood the real reasons for the failure of the flank system in 1812.

Evans had thought that the blame rested with Brock for his neglect of material resources. Those deficiencies may have contributed to the high rates of desertion in 1812, they cannot be blamed for the failure of most men to appear for duty in the first place. Similarly, both Pearson's proposal and Sheaffe's legislation dealing with the Incorporated Militia were intended to remove obstacles which were supposedly holding back the otherwise eager Upper Canadians. By encouraging enlistment for the duration of the war, it was assumed that the volunteers would remain on duty during planting and harvest times. Specific amendments in the new Militia Act were designed to reassure those who feared that the neglect of their farms or businesses would lead to seizure by creditors. Finally, Sheaffe must have reasoned that the promise of land grants would greatly increase the number of young, unpropertied volunteers. All these plans, therefore, were based on the naive assumption that Upper Canadians wanted to serve in the militia.

From the outset, however, most inhabitants had displayed an aversion to military service and by this time it should have been clear to British authorities that few colonists were eager to fight for their King. If anything, sentiment may have been swinging to the American side early in 1813. According to Michael Smith, the Upper Canadians he contacted believed the province "ought now to be conquered for the good of inhabitants on both sides." Hundreds of citizens who had fled the province stood to lose everything if Britain emerged victorious. Of greater importance, thousands of other colonists feared that they had left themselves open to charges of disloyalty and possible punishment. Some had joined the enemy, others had spoken against the King or government, and almost all inhabitants had failed to appear for militia

duty or were guilty of desertion at some point during the previous year.²⁶ These were hardly the sort of people likely to volunteer their services for an indefinite period simply because the Assembly had temporarily guaranteed their property against seizure by creditors.

Not all Upper Canadians were attempting to avoid service, however, and some young enthusiasts actually jumped at the chance to join the military. John Richardson, a cousin of the Hamiltons and a grandson of John Askin, "rejoiced" at the outbreak of war because it signaled "the 'break-up' of the school." Although only fifteen years old, Richardson immediately volunteered for service and he later claimed that he "felt disposed to bless the Americans" because their declaration of war had freed him "from the hated shackles of scholastic life." Allan Napier MacNab, who was the son of a retired British officer, also found military life too appealing to resist and he joined up at the tender age of fourteen. He saw action at Fort Erie and Fort Niagara and by the time he was sixteen he had been promoted to ensign. For certain young members of Upper Canada's "First" class, the war offered an exciting opportunity to give full rein to their chivalrous instincts.²⁷

Other youthful enthusiasts, like William Hamilton Merritt, were especially anxious to lead provincial units. In 1812, he had served in a local company of dragoons but the next year Sheaffe authorized the creation of official cavalry and artillery regiments. Merritt, who was only nineteen years old but whose father was a Niagara merchant, was promised the command of the "Provincial Light Dragoons." Men accepted for service in the Dragoons were required to provide their own horses, received only a small bounty, and were paid only 15 pence a day, or two and a half times what a private in the regular militia received.²⁸

Despite these limited incentives it seems that the romance and prestige associated with service in a cavalry corps were enough to persuade some Upper Canadians to join the force. Only a few weeks before, for example, Merritt had announced that he would never again serve in the militia, but once approached by Sheaffe to lead a cavalry unit, he found the offer too attractive to refuse. According to one historian who has dealt with the ambitious cavalry officer's post-war career, Merritt's dominant goal in life was to "rise in the social scale, to become a person of some consequence." Instead of slogging about in the mud with ordinary militiamen on foot patrols, Merritt pictured himself and his companions galloping "together and having an opportunity of distinguishing themselves." The same idea must have presented itself to other young Upper Canadians since Merritt completed his quota of fifty men in only a few days. Once formed though, the corps was immediately divided up and the gallant youths were forced to serve as "post boys and Orderlies" for regular troops who treated the dragoons with a good deal of contempt.²⁹

The Incorporated Militia, unlike the Provincial Light Dragoons, never fired the imagination of young Upper Canadians, and its inability to attract more than a fraction of the men expected meant that the province was forced to rely on the sedentary battalions instead. The well-known inadequacy of these forces was graphically displayed in the spring of 1813. Early in the morning of 27 April, sixteen American ships were sighted sailing for the provincial capital. The regular forces at York consisted of only three hundred soldiers, although an additional three hundred militiamen and a number of Indians were also on hand. Along with Colonel William Chewett, Major William Allan was

placed in charge of the main body of militiamen stationed in the village at the head of Toronto Bay. A company of regulars from the King's regiment was also stationed in the capital and both units were expected to defend the village if the enemy force landed there. Sheaffe had directed a group of about forty Mississauga warriors, under Major James Givins of the Indian Department, to the shoreline west of the town where it was also thought a landing might be made. The rest of the British force was kept in reserve at the garrison in between these two points because Sheaffe was still unsure where the main assault would take place.³⁰

By the time the Indians arrived at the shore they discovered that several hundred Americans were already disembarking. Sheaffe had ordered a contingent of Glengarry Fencibles to assist the Mississauga warriors but, unfortunately for Givins and his men, the reinforcements were intercepted on the way to the shore by Eneas Shaw, adjutant general of the Upper Canadian militia. Displaying all the presence of mind that militia officers were noted for, Shaw countermanded Sheaffe's order and directed that the Glengarries remain with his company instead. Sheaffe had previously ordered Shaw to watch the rear of the main British force but it seems that the adjutant general was more concerned about protecting his own rear. Shaw's action delayed the Glengarry reinforcements and assured the success of the American landing.³¹

The invasion might still have been repulsed if Chewett and Allan had followed their orders. When the landing began, Sheaffe directed all men, including those in the town, to march to the garrison. While the company of regulars managed to rush to Sheaffe's side and played a part in the day's fighting, Allan and Chewett's men did not. Isaac Wilson,

who was there at the time, said that he and other militiamen were "paraded early in the morning" but that their officers did not instruct them to follow the regulars until much later. Supposedly because they were still "waiting for orders," the majority of York militiamen never engaged the Americans.³² This "hesitancy about doing battle," as one historian has described it, helped insure an American victory since Wilson and his companions were still a mile from the scene of the landing area when fighting erupted.³³ A few days later, Chewett and Allan would join with other York notables in a vindictive campaign to end Sheaffe's military career. One researcher has suggested that this was done in order "to cover up their own incompetence" during the battle.³⁴

Without all his reinforcements, and facing a force of at least 1,600 men, Sheaffe ordered the troops to fall back toward York but the premature demolition of an ammunition dump brought an end to the orderly retreat. An eyewitness described what he saw after the magazine exploded:

The terrible appearance of the killed and wounded, being all black and scorched dispirited the troops...The militia began now visibly to melt away, there was no person to animate them nor to tell them where to make a stand, their officers knew nothing of what was to be done...³⁵

In the midst of the confusion, Sheaffe decided to gather his regular troops and retreat to Kingston. He therefore directed Colonel Chewett and Major Allan to negotiate with the Americans over the terms of surrender. After consulting with John Strachan and John Beverly Robinson, Chewett and Allen, true Upper Canadians that they were, agreed to an immediate capitulation with only one stipulation—that private

property be respected.³⁶

John Strachan had spent most of the morning several miles away from the fighting. He had remained in the town "to look after the Ladies," but after the explosion of the magazine he rushed home to bundle up his frightened wife and then sent "her to a Friend's a little out of town." Later, he carefully made his way to the garrison where he found "the Militia scattering" and he offered his services to help draft the terms of capitulation. Before the document was ratified, however, Allan was arrested by the Americans and held overnight. The next morning Strachan flew into action. If the capitulation agreement was left unratified, Allan and the other militiamen could be held indefinitely and the article respecting the protection of private property was worthless. General Henry Dearborn had ordered the American troops to remain in the garrison overnight and to prevent looting a rifle company had been stationed in the town. Strachan was sure that this move was merely a "pretence" and that the American refusal to receive the articles of capitulation was only designed "to give the riflemen time to plunder." Strachan confronted the commander of the invasion flotilla, Commodore Isaac Chauncey, and he warned that if the document was not immediately signed the Upper Canadians would withdraw the offer. He suspected that the Americans would first rob the town:

then perhaps sign the capitulation, and tell us they respected private property; but we were determined that this should not be the case, & that they should not have it in their power to say, that they had respected private property after it had been robbed.

That evening, perhaps weary of Strachan's badgering, Dearborn ratified the agreement and the militiamen were released.³⁷

Of the three hundred militiamen on duty during the invasion, only

two died from wounds received in battle. After the explosion of the magazine 241 citizen-soldiers had surrendered their arms and they had spent the night imprisoned in the block house at the garrison. The next day all were given papers that the Upper Canadians, somewhat imprecisely, called "paroles."³⁸ The military parole system was a practical and traditional solution to the problems associated with large groups of prisoners of war. Rather than be responsible for the care and feeding of captured enemies, warring nations had long before developed a system whereby prisoners could be given partial or conditional freedom. In return, the captive offered his parole d'honneur, or "word of honour," that he would not bear arms against his captors. Over the years the meaning had changed somewhat, and by the time war had been declared between the United States and Great Britain, prisoners usually spoke of acquiring a "parole" from their captors rather than of giving their "*parole* of honour" to the victorious enemy.

Under the terms of the treaty dealing with this subject that was signed on 12 November 1812, both the British and American forces agreed to keep accurate lists of any men who had been captured and granted parole. If both sides consented, an exchange of lists could take place and men on parole would, once again, be free to serve their country. The American and British representatives also pledged that they would prevent their paroled subjects from taking up arms unless such official exchanges took place.³⁹ Considering the attitude of most Upper Canadians toward the war, it was unlikely that this provision would be violated often.

Clutching the papers that excused them from military service, the York militiamen returned to their customary pursuits. One can only

imagine their surprise at this good fortune. According to Isaac Wilson, who was stationed at the York garrison, most of the men had planned on deserting at the end of the month after they had received their pay. Instead, the Americans arrived and "they were set at liberty in a way they little expected."⁴⁰ News of this action spread like wildfire through the district and apparently the residents nearly tripped over themselves in the rush to acquire the documents that everyone called "paroles." Although only 241 of the papers were given to militiamen immediately after the battle, many more were drawn up over the next few days. Dr. William Beaumont, a surgeon with the Sixth United States Infantry Corps at York, noted in his diary:

30th April [1813]—Dressed the wounded, most of them doing well...The Militia and people giving themselves up to paroled, nearly 1,700 since the 27th.⁴¹

If Beaumont's figure is correct, and additional evidence suggests it was, then more than 1,400 other Upper Canadians must have applied for paroles.⁴² Since York had a population of only about 600, including women and children, many of the other men must have travelled from the surrounding settlements to appear before tribunals. In fact, it appears that in only three days almost all of the eligible militiamen in the Home District had journeyed to York to offer their parole d'honneur that they would never take up arms again.⁴³

The rush to acquire these documents is understandable and for most Upper Canadians the offer must have seemed too good to be true. By merely appearing before a tribunal of American soldiers, and by promising not to "bear arms or act in any military capacity against the United States during the present war," a settler obtained an official document that excused him from further service in the militia.⁴⁴ Just as

important, the paper also permitted the parolee to remain at home and protect his property. For that reason even active and loyal militiamen eventually sought paroles. Eli Playter, for example, was one of the men who had "melted away" after the magazine explosion and he continued to refuse to surrender, preferring instead to remain in hiding, until April 29. On that day he returned home to find a group of American soldiers looting a farmhouse that they considered abandoned. Outnumbered by the burglars, and in no position to protest anyway because of his unparoled status, Playter was forced to watch from a distance as they "Broke the Door and took many things away." The next day Playter accepted Major William Allan's advice and acquired a parole and a pass to return home.⁴⁵ Playter's stubborn refusal to follow the course eagerly adopted by hundreds of his neighbours may have been prompted by loyalty to the British cause, or by a fondness for his salary as a militia officer, or both. But whatever his motivation, Playter's hesitancy certainly set him apart from the rest of his neighbours.

By the time Sheaffe's force reached Kingston, the Americans had abandoned York for their own shore. On 8 May, the invasion fleet arrived at Fort Niagara where the Americans planned to launch another attack upon Upper Canada.⁴⁶ In expectation of this event, Brigadier-General John Vincent, the British commander at Fort George, had already called on the nearby sedentary companies for support. A few days after the capture of York, Vincent issued a Militia General Order which directed 1,700 militiamen to assemble for service on the Niagara frontier.⁴⁷

At the best of times Upper Canadians had shown themselves to be unwilling participants in this war and Vincent's latest call to arms,

coming as it did after the fall of York and during planting season, was to prove particularly unsuccessful. A militia officer from the London District likened the task of taking the men from their farms at this time to "drawing their eye teeth" out.⁴⁸ Furthermore, even those colonists who did appear for duty did not stay long and, as usual, most resorted to desertion. For instance, in Captain William Nelles' company of Fourth Lincoln militia, the number of men absent from the front lines soon outnumbered the number of men on duty. Muster rolls reveal how serious the problem had become by mid-May:

Table V-1

LINCOLN MILITIA SERVICE 1813

		17 May	18 May
Captain	PRESENT	52	44
Nelles'	LEAVE	18	21
4th Lincoln	AWOL	32	31
Company	SICK	6	12
	total	108	108

Source: OA, Robert Nelles Papers, Series B-6

Nelles' company was not unique in having large numbers of absentees since scores of militiamen left their posts without permission all along the Niagara peninsula.⁴⁹ On 19 May Vincent reported to the commander of the forces, George Prevost, that desertion "beyond all conception continues to mark their indifference to the important cause in which we are now engaged".⁵⁰

Because of the high number of militia absentees, Prevost was forced to reconsider his decision not to send reinforcements to the upper province. In a letter to Lord Bathurst, the British Secretary of State for War and the Colonies, Prevost explained that the zeal of the inhabitants was almost exhausted and he noted that even loyal settlers

had recently resorted to desertion in order to plant their crops. Prevost added that, as a result of the "growing discontent and undissembled dissatisfaction of the mass of the people of Upper Canada," he had been compelled to send regulars from Quebec to the Niagara and Detroit frontiers.⁵¹

While Prevost was in the process of writing this report, the Americans busily engaged in an invasion of the Niagara peninsula. On the morning of 26 May, troops under the command of General Henry Dearborn attacked and overwhelmed the British force at Fort George. John Vincent, who a week earlier had complained that militia desertions were placing his position at risk, was forced to abandon Fort George and retreat toward Burlington Heights. Those militiamen who had remained on duty were told that they were at liberty to return home. When some insisted on following the regulars on their retreat, Vincent suggested that they reconsider since it was possible that the British "would not stop, until they arrived at Kingston." The implications of this statement were not lost on the local inhabitants. Merritt came to the conclusion that Upper Canada was going to be abandoned by the British army and he reported that this "opinion was entertained by most people."⁵²

Convinced that the Americans would soon be in total control of the province, and still anxious to avoid service should that not prove to be the case, Niagara area males engaged in a "parole-rush" as feverish as that which had occurred at York a month earlier. Although only 507 militiamen had been captured during the actual assault on Fort George, American military records reveal that almost 1,200 individuals received paroles on 27 May.⁵³

Dearborn attributed the demand for paroles to the fact that most Upper Canadians were "friendly to the United States and fixed in their hatred of Great Britain." A British officer, on the other hand, reported in the pages of the Kingston Gazette that the recent conduct of the inhabitants and militiamen of the Niagara District revealed: "that if there are some bad subjects among us, that there is still a preponderating majority of men zealously devoted to their country's service."⁵⁴ Both of these men, of course, were wrong and the actions of most colonists over the past year had shown that Upper Canadians had no strong attachment to either the United States or Great Britain. The stampede to acquire paroles was not evidence that the inhabitants preferred republican political principles, but it was proof that the colonists desperately wished to evade militia service. Dearborn's documents, since they made that avoidance possible, became highly prized items.

It seems that the Americans did their best to insure that every inhabitant who wanted a parole was able to acquire one. William Hamilton Merritt remarked that the Americans preferred to parole "all from 14 to 100 years of age" even though militia service was restricted to those between the ages of sixteen and sixty. Merritt believed that the Americans did this so that they would not be responsible for feeding prisoners but since no elderly inhabitants could have been participating in the fighting, the Americans would not have captured them in the first place.⁵⁵ It seems likely that rather than take a chance on the odd colonist lying about his age so as to remain unparoled and able to assist the British, the Americans simply paroled all post-pubescent males however old or young they may have looked. Elderly inhabitants

may have been pleased by this process since it suggested that they were fit enough to still be considered a threat. More importantly, they received a document which insured that they would not be harassed by troops from either side.

At Fort Erie the inhabitants began pressuring the Americans for paroles as soon as the wagons carrying the British troops retreated. To reassure the anxious residents, James Preston, an officer in the United States Army, publicly declared that all Upper Canadians who wanted "special protections" would be given them. Preston explained that colonists who enrolled their names with him would have "their property and persons secured to them inviolate."⁵⁶ Always quick to recognize a good deal, five hundred Upper Canadians from the area between Port Albino and Chippawa immediately appeared before the Fort Erie tribunal and acquired what they considered to be legitimate paroles.⁵⁷

Other colonists were also anxious to receive the documents and some of the parolees even came from areas that were still in British hands. Apparently some residents from settlements on the Grand River, over one hundred miles from Fort George, believed that the benefits of a parole outweighed the risks of a long journey during wartime.⁵⁸ It is likely that the settlers travelled by water, and at night, since British sentries had been posted all along the front lines with orders to prevent any Upper Canadian from getting "between the Army and the Enemy." The increasing popularity of this type of action so exasperated Sir George Prevost that he eventually was forced to remind Upper Canadians that their first loyalty was supposed to be to Britain. In a proclamation issued on 14 June, Prevost explained that citizens who were "not under the immediate controul or within the power of the Enemy" were

still obligated to assist in "repelling the Foe."⁵⁹

A recent reversal had reduced the amount of American-controlled territory just before Prevost issued his proclamation. A successful nighttime attack by a British force on an American encampment at Stoney Creek on 6 June had severely shaken the morale of the invaders. Regulars from the 49th and 8th Regiments, with a small group of loyal militiamen and Glengarry Fencibles in reserve, had managed to surprise and capture a good part of the enemy's army. Dispirited and disorganized by the encounter, the main American force returned to Fort George while the smaller posts at Fort Erie, Chippawa, and Queenston were abandoned. For the next five months the Niagara District was the scene of an uneasy stalemate as neither side was able to overwhelm the other.⁶⁰

The sudden change in the fortunes of the American army left some Upper Canadians in a perilous position. While most had been content to accept a parole and return to their private pursuits, a small number had thrown in their lot with the invaders. Now, however, it seemed that the British were not simply going to give up and leave. The annexation of the province appeared much less certain. Those who had offered aid or encouragement to the enemy were afraid that they would be charged with treason if the British regained control of the region. Faced with that possibility, some inhabitants decided to join the United States army to insure that the victories of May were made permanent.

On 10 July, Joseph Willcocks visited Dearborn's headquarters and offered to organize and lead a corps of volunteers to fight alongside the American forces.⁶¹ Willcocks never issued a manifesto or declaration of his political principles and he seems to have undertaken

this course of action because he thought it might lead to an important position in the new government of the State of Upper Canada. One scholar who has studied the actions of this transplanted Irishman has declared that Willcocks "held loyalty to no country and nothing else but himself." Donald Graves believes that Willcocks' career involved a continual search for more powerful patrons. Beginning first with Russell, Allcock, and Thorpe, and even later with Brock, Willcocks sought the assistance of influential men in his attempts to gain power and wealth. At certain times he was guilty of poor selections, as in his decision to back what would eventually prove to be an unsuccessful invasion, but his choices were always based on a "cool calculation" of the possible risks and benefits. Graves even believes that Willcocks did not view his decision to form a volunteer corps as an act of treason. Rather, the ambitious Irishman was simply "leaving one patron and taking up with another."⁶²

Dearborn accepted Willcocks' offer and a corps known as the "Canadian Volunteers," comprised entirely of residents of the upper province, was soon ready for deployment. By September, the recruits numbered a respectable 130.⁶³ Men who enlisted were promised land grants which apparently proved to be a powerful incentive since almost all the volunteers owned no property in the province.⁶⁴ Dearborn was so impressed by the success of the recruiting campaign that he came to believe that the force would eventually number between 600 and 800 men. Like the estimates for the Incorporated Militia, however, that prediction proved widely optimistic and it revealed that Dearborn's insight into the Upper Canadian character was no better than that of his British counterparts. Only 164 men actually served in the corps during

the unit's existence.⁶⁵

Yet, considering that Willcocks' area for recruitment was largely limited to regions controlled by the American army, 164 volunteers is a sizeable number. Even with a much larger base to draw upon, and with far more attractive inducements, the Incorporated Militia managed to attract fewer than twice that number of recruits in 1813. Both bodies of men, moreover, represented only a tiny fraction of the adult male population and voluntary service for either side during the war remained the preserve of only a small group of colonists. Upper Canadians, indifferent as always, proved to be as unwilling to fight for their American cousins as they had been to fight against them.

Throughout the summer the British attempted to reassemble their militia companies in the central portion of the province. But Vincent's curt dismissal of the men who had accompanied his army after the fall of Fort George seems to have discouraged formerly active militiamen. Only sixty-five of 1,620 troops stationed at Burlington Bay on 3 June were listed as members of the provincial militia.⁶⁶ The plethora of paroles produced by the tribunals added to the difficulties of British authorities. More than three thousand of the documents had been distributed over the course of a few days after the American victories at York and Fort George and, thus, at least a quarter and perhaps as many as a half of all the members of the provincial militia considered themselves exempt from service. It is clear, however, that the British authorities would have had difficulty drumming up support even if the colonists had not been paroled. One officer who was stationed on the Niagara frontier in the autumn of 1813 described the inhabitants as being "indifferent who gains the day. They are determined to do nothing

themselves."⁶⁷

Almost all of the colonists in the Niagara and Home Districts appear to have had paroles during 1813. Those York residents who had failed to acquire the documents in April or May were given another opportunity at the end of July when, for the second time, an American force captured and occupied the provincial capital for several days. On 29 July, 240 American soldiers entered the town unopposed since the British regulars under Lieutenant-Colonel Francis Battersby had fled at the first sight of the enemy fleet. The only British presence left to greet the invaders was the group of curious villagers and former militiamen who gathered to watch the American rowboats pull in to shore.⁶⁸

Unparoled residents from outlying areas of the Home District may have responded to news of the invasion in much the same manner that Michael Corts did. This farmer, who lived a day's journey north of the capital, hitched his wagon and collected his son and the pair immediately set out for York in search of the parole tribunal. It seems that Corts was concerned his son might miss this chance to acquire an exemption from militia service.⁶⁹ These actions reveal that Corts, like most of his neighbours, was somewhat confused about the exact nature of the military parole system.

Traditionally, paroles were granted only to prisoners who were captured during battle. Unarmed spectators, and men who were nowhere near the actual fighting, were not expected to surrender to the enemy and foreswear further military service. In the confusion that surrounded the invasions of York and the fall of Fort George, however, that nice distinction seems to have been ignored. The Americans, who

wished to prevent as many men as possible from ever serving again, made no effort to point out that most colonists were acquiring the documents against established conventions. Upper Canadians, while undoubtedly unaware of the finer points of the parole tradition, also did not appear too anxious to question the propriety of the American practices. Since most viewed the war as an unwelcome intrusion into their lives anyway, they must have reasoned that it was best just to accept the documents and not inquire too deeply into why they had received an exemption from militia service. For farmers such as Corts, who needed all the hands they could get at harvest time, a chance to apply for a parole was an opportunity not to be missed.

On the other hand, a few individuals from the Home District who were eligible for paroles did not immediately receive them because of their unfamiliarity with the practice. In the confusion that surrounded the first American invasion of York many Upper Canadians seemed to be under the impression that an American victory meant that all militiamen in the region automatically acquired paroles. After the explosion of the magazine in April, for instance, Elijah Bentley testified that he saw:

Twelve to Twenty armed men pass his House with bandages on their arms, at which he was alarmed and went after them having heard that they were parolled and asked them if they were really parolled--they said no. He likewise asked them if they knew the meaning of a parole--to this question he does not recollect that they gave him any answer.⁷⁰

These men, apparently part of the group that had "melted away" after the explosion, were eligible for paroles but do not seem to have been aware that they had to surrender their arms and enrol their names before they received an official document. Bentley, an anabaptist preacher who was

later accused of being an American sympathizer, suggested that the soldiers discuss their situation with Major William Allan. If they had, it is quite possible that they would have spent the next few days standing in line outside the office of the parole tribunal at York since Allan was aware that these men qualified for legitimate paroles.

Of much greater concern to the British military authorities were the thousands of residents who had obtained paroles under dubious circumstances and who continued to insist that they were exempt from service even after the true nature of military paroles was explained to them. Men like Corts refused to perform the smallest task for the British since they claimed it might lead to brutal reprisals at the hands of the enemy. John Strachan noted in early September that public works in the Home District were at a standstill because of this. He went on to observe that it was widely believed throughout the region that all males had been legally paroled.⁷¹ This belief may have been encouraged by the Americans during the first invasion of York since Elijah Bentley later reported that even General Dearborn considered the entire district to be "parolled" because of his victory.⁷²

As a result of the confusion, Sir George Prevost was forced to issue a proclamation in September 1813 dealing with the subject of paroles. Since most inhabitants had not been captured "with arms in their hands," Prevost explained that they should never have been listed as prisoners in the first place. He denounced the American practice of imprisoning unarmed citizens as a "novel and unjustifiable principle." He went on to explain that, under such circumstances, individuals who had offered their word never to serve in the British forces again were not bound to these promises. Even the men who had acquired paroles in

the traditional manner, however, were still liable to perform roadwork and other duties so long as the acts did not include armed military service. While Prevost was sure that many Upper Canadians were not aware of these facts, the commander of the forces also declared:

that he has strong reason to believe that in several instances the paroles thus taken have been sought for by the persons, giving them as the means of evading the performance of their Militia and other duties....

Prevost warned "such useless and disaffected characters" that if they continued to refuse to do their duty he would have no choice but to send them "out of the Country to the Enemy, to whom they consider themselves as belonging."⁷³

The great parole-rush of 1813 was not prompted by mere cowardice, since even in regions where service was unlikely to result in injury or death Upper Canadians displayed a similar attitude toward militia duty. To many militiamen in the eastern districts of the province, for example, musters and patrols were viewed as inconveniences best to be avoided. Like their counterparts in the Home and Niagara regions, militiamen from the east continued to place personal concerns, such as tending to farm matters, ahead of military service. One study of three companies in Joel Stone's regiment of Leeds militia from east of Kingston has uncovered an average desertion rate of 24.8 per cent throughout the war. Some of those absentees were sons of United Empire Loyalists and it is easy to understand why, in June 1813, the commander of this regiment would complain about "so many desertions and vile elopements" having taken place.⁷⁴

When mustered in 1811, the rank and file of the Second Leeds militia amounted to 484. By October 1813, however, Stone was able to assemble only about seventy privates. Outraged by the low turn-out, he

instituted an investigation and ordered a Court Martial to convene. Many of the absentees, who had "promised to make good soldiers" at the start of the war, had lost their enthusiasm for the service and Stone thought that their elders had advised them to remain at home where their labour was needed. Stone wrote that "Fathers, Mothers and other Heads of Familys had, (by their example and bad counsel), poisoned the minds of the youth." He ordered his junior officers to levy heavy fines but the absentees began "clamouring aloud and threatening to prosecute them for extortion."⁷⁵

Older colonists, who needed their sons' labour and who were perhaps familiar with the realities of fighting, may well have been much less enthusiastic about the war and there was probably a good deal of truth to Stone's statements. But at the same time, parental influence could not have been responsible for all the desertions and the special circumstances of the region must also be considered. The Americans never mounted a successful invasion of the eastern area of the province and militiamen from that region were not given the opportunity to offer their parole d'honneur. Thus those men denied permission to tend to their crops or to visit their wives and families were left with no choice but to skulk away from their posts. Consequently Colonel Stone was forced to go on bemoaning the shameful behaviour of his citizen-soldiers.

Despite Prevost's threats, and the best efforts of conscientious officers like Stone, most of the Upper Canadians who had appeared for service in 1812 were never again involved in military maneuvers after the summer of the following year. Try as they might, the British military authorities had little success in drawing men out. One colonel

on the Niagara frontier became so frustrated with the situation that he threatened that the homes of absentees would be given to the western Indians. The continued refusal of Niagara area residents to give up their paroles of dubious legality and return to duty also unnerved the usually composed Vincent. Apparently he eventually "threatened to burn the houses over the heads of militiamen who did not obey his calls" but the few men who took such warnings seriously did not stay for long.⁷⁶

On 11 October 1813, Vincent reluctantly informed his commanding officer that he was dismissing Eneas Shaw because the adjutant general had "no militia to act on having almost all deserted home."⁷⁷

With only a few militia volunteers at his disposal, Vincent was unable to send any regulars to the assistance of Colonel Henry Procter at Detroit. The British right division was experiencing food shortages and the American naval victory on 10 September at Put-in-Bay left Procter in a desperate situation. On 27 September he abandoned Detroit and began a slow retreat eastward in an attempt to ease his supply problems. At the Battle of Moraviantown on 5 October 1813, the American army that followed Procter into Canada caught up to his force and overwhelmed the smaller group of British regulars and western Indians.⁷⁸ No citizen-soldiers were present on that day because Procter had some months earlier decided that militiamen were more trouble than they were worth.⁷⁹ From that point on the Americans claimed to be in control of the Michigan territory and the Western and London Districts of Upper Canada. In reality, though, the region was controlled effectively by no one and the inhabitants were subjected to predatory incursions carried out by American troops who were guided by renegade Canadians such as Andrew Westbrook and Benezah Mallory.

American raiding parties, which directed their attacks mainly against private property, eventually succeeded in rousing some Upper Canadians into action--a response that British officers since Brock had been unable to elicit. After the disaster at Moraviantown, Colonel Thomas Talbot fled to Burlington but he left behind instructions for the militia officers of the London District to call out their companies in his absence.⁸⁰ With no stomach for further fighting, the officers seized the opportunity to return to their farms and the official militia of the London District ceased to exist. It quickly became apparent, however, that some sort of defence force was needed if the Upper Canadians expected to keep their personal possessions out of American hands. Enemy patrols, led by Upper Canadian scouts, had proven to be as interested in gathering loot and kidnapping militia officers as they were in obtaining intelligence on British positions. Early in November, a number of these officers and other citizens of Port Dover attended a meeting called to discuss the problems posed by the marauders. The principal inhabitants of the village were afraid that they would be left penniless if the attacks continued. In addition, since many of these gentlemen held appointments in the militia, there was also a good chance that they would be arrested and taken to the United States during a future raid. One of the leaders of the Dover meeting later explained that the residents were given no choice but to form a vigilante force since it was the only way they could secure their "persons and property from such lawless banditti."⁸¹

Some of the raiders were former neighbours of the Port Dover residents and it seems that pre-war conflicts between individuals prompted much of the plundering. Some who joined the American side also

claimed that their original purpose was to put an end to all militia service in the London District. Pinkey Mabee, who along with his brother was caught stealing horses from Robert Nichol's barn, said that he and Simon joined the Americans because they believed the object of the raids was to "take away the officers that the militia may be at peace and that they might go to work."⁸² Since the militia system was already in complete disarray, and in view of their subsequent actions, it would be safe to say that the Mabee brothers and others like them were more interested in settling old scores and enriching themselves in the process than they were in avoiding militia service. Had that been their real aim they simply could have remained at home as they had done in July 1812 when Brock summoned them for duty at Detroit.

To Upper Canadians, joining the enemy was one thing, but carrying off private property was a different matter altogether. On 11 November the Dover vigilantes sprang into action. Under the command of Colonel Henry Bostwick, a small force of angry Upper Canadian civilians and former militiamen killed five raiders and captured a further sixteen at Nanticoke Creek. For their efforts the Dover men were hailed as heroes and received a portion of the proceeds of all goods seized from the Americans and later sold at auction. A Militia General Order issued not long after instructed other inhabitants to "observe how quickly the energetic conduct of 45 individuals has succeeded in freeing the inhabitants of an extensive district from a numerous and well-armed banditti, who would soon have left them neither liberty nor prosperity."⁸³ Bostwick's success encouraged others and a few weeks later a second attack was carried out on a marauder outpost near Chatham. Henry Medcalf and thirty-three followers managed to kill

several raiders and captured a number of others.⁸⁴

The incidents at Nanticoke Creek and Chatham proved that the colonists, when properly motivated, were more than willing to fight. Residents in the Niagara region, when faced with similar threats, also reacted similarly. Starting in the summer of 1813, they found themselves at the mercy of a group of volunteers from Buffalo led by Dr. Cyrenius Chapin. This group of New Yorkers quickly acquired the nickname of "Dr. Chapin and the Forty Thieves," and only the intervention of the regular American army put a stop to their "rapine and pillage."⁸⁵ These minor instances of looting were soon followed by gross violations of the American promise of protection for private property. Eventually whole villages, such as Niagara and St. Davids, were put to the torch by groups of American militiamen and by renegades like Joseph Willcocks.

As in the London area, Upper Canadians in the Niagara District responded to the violation of private property rights by fighting back. "The whole population is against us," Major MacFarland of the 23rd United States Infantry informed his wife in July 1814, "not a foraging party but is fired on, and not infrequently returns with missing numbers."⁸⁶ While this letter is sometimes cited as proof that Upper Canadians were solidly behind the British, and therefore actively serving in militia units, it is nothing of the sort. It only shows that by 1814 residents in the Niagara District were willing to shoot troops caught *foraging* for food in Upper Canadian fields.

During the final year of the conflict the colonists remained only lukewarm in their support for the war effort. The actual level of indifference amongst the general population came as a shock to Lieutenant-General Gordon Drummond who took over command of the province

in December 1813. Within two months, Drummond had come up with a plan to turn the militia into a "tolerably efficient force." Only three hundred men had joined Sheaffe's Incorporated Militia the year before and Drummond was convinced that conscription was necessary. He planned to draft three-fourteenths of all adult Upper Canadian males under the age of forty-five. The 1,800 draftees were to be subjected to the same training and discipline as regular soldiers and were to receive the same pay. The regiment was to be comprised of three 600-man battalions and the conscripts would be forced to serve for one year. To clothe the men, and the veterans of the outfit from the year before, Drummond requested that Prevost forward "2,000 suits of scarlet clothing" so that the Incorporated militiamen would more closely resemble British soldiers.⁸⁷

Drummond presented his plan to the Assembly on 14 February 1814 but the members felt that the 1,800 man limit was too high.⁸⁸ They believed that an additional one-fourteenth, or 600 men, was all that the colony could spare "from the necessary pursuit of agriculture."⁸⁹ Drummond was so angered by this amendment that he told Earl Bathurst that he had given some thought to dispensing with the militia altogether and only the small size of his regular force prevented such a drastic step.⁹⁰ He then thought he could skirt the restriction by conscripting other men for three month periods. Drummond consulted the provincial Attorney General, John Beverley Robinson, about the legality of this proposal but he was told that he could not conscript extra men without calling out the whole militia.⁹¹

In the end, though, the British authorities did not even manage to raise the number of men permitted by the Assembly. The pool of

available manpower in Upper Canada had been greatly reduced by desertions to the United States and the few young men interested in military service had long since found places in the Glengarries or Dragoons, or even in units of the regular army. Balloting did not prove to be a solution to the slow pace of enlistment because the British had no control over large areas of the province and they were unable to organize a system of conscription. In the regions where a militia system still existed some inhabitants continued to insist that they were paroled and could not serve. Even after the Americans and British exchanged parole lists on 18 April 1814, Drummond was unable to round up the required number of conscripts.⁹² Sheaffe's Incorporated battalion had held three hundred men and by 27 April 1814 those veterans had been joined by only one hundred draftees. By June the Incorporated Militia amounted to only 406 men or less than half the number Drummond had expected to have under the Assembly's revised legislation.⁹³

Although the number of Upper Canadians who took an active part in hostilities in 1814 was smaller than it was in previous years, the men who were still in arms when peace was declared on 24 December were dedicated and reasonably well-trained soldiers. The handful of residents who chose not to hide behind bogus paroles were also more determined to stand their ground in the face of enemy attacks. The changing circumstances of militia service during the war can be determined through an examination of pension lists. Widows and orphans of militiamen who were killed on duty were granted pensions after the war was over and the pension lists published in the colony's newspapers offered information on the cause of death. Table V-2 shows the number of men who died through accident or disease, as well as the number who

died in combat:

Table V-2

MILITIA DEATHS 1812-14

DEATHS	NON-ACTION	BATTLE	TOTAL
July to Dec 1812	46	3	49
Jan to June 1813	49	9	58
July to Dec 1813	16	1	17
Jan to June 1814	9	0	9
July to Dec 1814	11	13	24
TOTAL	131	26	157

Source: Niagara Spectator, 11 December 1817

While over 83% of these militiamen died from disease or by accident during the war, most of those deaths occurred during the first twelve months of the conflict when thousands of colonists were forced to participate in the struggle despite shortages of food and supplies. Ninety-five men perished from disease or accidents during that time and only twelve died from wounds received in battle. The sharp decline in participation that began in 1813 and continued throughout the war was a result of American paroles and the loss of British control over certain key areas. That more restricted level of militia activity led to an equally dramatic reduction in the number of deaths from all causes. The few dedicated colonists who continued to serve in 1814, however, paid a high price for that commitment and during the last six months of 1814 battle casualties among Upper Canadian servicemen outnumbered deaths by disease or accident for the first time in the war. Nearly one-third of all the militiamen whose deaths during battle are recorded on the pension lists died at one engagement at Chippawa on 5 July 1814.⁹⁴

To keep matters in perspective, though, it should also be noted that these eight militiamen comprised only a small fraction of the 148

British deaths at that battle.⁹⁵ That is not to suggest, however, that the sacrifices made by the colonists were unimportant. On the contrary, when one considers how truly unusual this type of commitment was amongst Upper Canadians, the activity of men from the Second Lincoln militia company and the Incorporated Regiment assume an even greater significance. In September 1814, for instance, only 150 of the militiamen in the Niagara District responded to Drummond's summons.⁹⁶ While thousands of their neighbours stayed away, a few rare individuals chose to remain at the side of the British army and risk their lives in military service.

The Battle of Chippawa on 5 July 1814 also marked the end of Six Nations' participation in the war effort. Over the course of the previous two years the Six Nations had been of some assistance to the British at certain times, particularly at Queenston Heights and at the battle of Beaver Dams in June 1813. But by July of the next year their enthusiasm for the war was gone. At Chippawa, moreover, the two hundred Grand River Iroquois who fought on the British side found themselves fighting against Six Nations warriors from New York. Indian losses at this battle, estimated to be in the neighbourhood of one hundred killed, forced both factions to reconsider their participation in the conflict. The Grand River Iroquois were also concerned about the defence of their homes since Procter's defeat had left their territory open to attack by American patrols. Tired of a conflict that they had never wanted and that they had always feared might lead to fratricidal battles such as Chippawa, the majority of the Six Nations warriors left the Niagara frontier after July 1814. Three months later, following the practice established to deal with mass desertion by other militia forces,

Drummond issued a proclamation which allowed the Iroquois to return to their homes.⁹⁷

It would be wrong to conclude that the inhabitants of Upper Canada played a dominant, or even an "important and essential role" in the fighting of the War of 1812. G.F.G. Stanley has argued that Upper Canadians undertook the "necessary and important tasks" of supplying food to the garrisons and transporting military supplies.⁹⁸ None of these activities, however, were done out of a sense of duty. The inhabitants expected to be paid handsomely for these goods and services and, like Robert Nichol, most would have considered it absurd for an "individual to give his time to the Public gratuitously."⁹⁹

While a few colonists assisted the British forces the majority resorted to desertion or paroles in order to avoid serving. John Strachan pointed with pride to the fact that half of all colonists served in the militia in 1812 and at least one-third offered their services the next year.¹⁰⁰ When one considers that the British authorities had summoned all members of the provincial militia for duty, those figures appear less impressive. Looked at another way, Strachan was admitting that only fifty percent of the men who were called in 1812 chose to answer the summons and the proportion was even smaller the next year. The military authorities, moreover, never knew how long those militiamen would remain on duty and at times these citizen-soldiers proved to be more of a handicap than a blessing to the British forces. The continued failure of the Incorporated Militia recruitment campaign shows that most colonists had no interest in participating in the war except when their own property was in danger.

Upper Canadians, of course, viewed events quite differently.

While the colonists had not started this war, many soon found that they could not avoid being adversely affected by it and they understandably resented any suggestions that they were not doing enough for the war effort. When Drummond presented his proposal for the second Incorporated Militia to the Assembly in February 1814, for instance, he told the legislature that without conscription the "Militia cannot be relied on as an efficient force." The Assembly angrily reacted against what Drummond was implying, that the force had not yet proven to be of any use, by saying that they themselves had "witnessed the brave, zealous and meritorious exertions" of the province's citizen-soldiers over the past two years.¹⁰¹ This protest did not stop at the doors of the legislature and one month later the assemblymen, assisted by the able pen of John Strachan, composed an address to the Prince Regent on the subject. The House of Assembly wanted to insure that the biased reports posted by British officers did not remain unchallenged. In their petition the assemblymen said that they had reason to think that the Prince Regent did not know of the "zealous services" rendered by Upper Canadians in the various battles fought. The members went on to argue that the simple fact that the province had not been conquered was proof enough of the value of the militia. After having endured the most "severe privation and distress," the colonial representatives wanted the consolation of knowing that these facts would be laid before the Prince Regent "whose favourable Notice they looked forward as their greatest reward."¹⁰²

John Strachan considered himself a victim of the same "severe privation and distress" although, in common with most of his fellow colonists, he had never served a day in the militia. This did not

prevent Strachan from boasting to a friend near the end of the war that his own actions had been of "Singular use in promoting the defense of the Province."¹⁰³ Aside from soliciting donations for the Loyal and Patriotic Society, and badgering Americans who dared to touch private property during the invasions of York, Strachan had also assisted in the composition of the address to the Prince Regent and he had written two sermons about the conflict. All these actions, Strachan said, helped "to preserve and increase the Spirit of Loyalty which principally saved the Province during the first two years of the war." While Strachan believed that he had played a crucial part in the struggle, even he was willing to admit that he had not won the war singlehandedly. "All would have been lost," he reminded Dugald Stewart, "but for the astonishing exertions of the Militia."¹⁰⁴

NOTES V

¹John Graham Harkness, Stormont, Dundas, and Glengarry: A History 1784-1945, (Oshawa: Mundy Goodfellow, 1946), p.104.

²The Report of the Loyal and Patriotic Society of Upper Canada, (Montreal: William Gray, 1817), p.26-7, (hereafter LPS Report).

³G.F.G. Stanley, Canada's Soldiers: The Military History of an Unmilitary People, 3rd ed., (Toronto: Macmillan, 1983), p.149. Stanley felt that in spite of insufficient training and improper weapons the flank members were able to "prove their worth" when war was declared.

⁴Cruikshank, Documentary Evans to Powell, 6 January 1813, V: 29-30.

⁵Cruikshank, Documentary, Prevost to Sheaffe, 27 March 1813, v:135.

⁶Ernest Cruikshank, "The Militia of the Eastern District--Records of the Services of Canadian Regiments in the War of 1812," (Toronto: Canadiana House Reprints, 1968), Pearson to Shaw, 19 January 1813, p.86.

⁷NAC, C042/354, Sheaffe Address, 13 March 1813, p.33.

⁸NAC, C042/354, Sheaffe Explanatory Remarks, 17 March 1813, p.52.

⁹NAC, C042/372, Maitland to Bathurst, 1 March 1824, p.23.

¹⁰Between 1809 and 1811 the annual provincial revenue amounted to less than £7,300 or about \$29,200 a year. NAC, C042/352, Brock to Liverpool, 31 August 1812, p.10.

¹¹NAC, C042/354, Sheaffe to Prevost, 13 March 1813, p.74, Sheaffe to Prevost, 18 March 1813, p.76.

¹²NAC, C042/354, Sheaffe to Bathurst, 20 March 1813, p.72-73.

¹³Kingston Gazette, 6 April 1813, p.3.

¹⁴Spragge, Letterbook, Strachan to Brown, 9 October 1808, p.vi.

¹⁵NAC Report, (1896), "Annual Militia Return," 5 January 1808, p. 38. Only 177 companies existed and there should have been only an equivalent number of lieutenants. There were 606 commissioned officers between the ranks of ensign to colonel and a further 49 from coronets to assistant surgeons. In addition there were 525 sergeants.

¹⁶Ermatinger, Talbot Regime, p.47. HPL, Special Collections, "Estimate of Sums," 25 September to 24 October 1812. The 63 officers who led four militia companies on the Niagara frontier were paid, on average, about £7.14 a month or just over 5s.2p. a day.

¹⁷Ermatinger, Talbot Regime, p.68; Cruikshank, Documentary, "An Act to Amend the Militia Act," 6 March 1812, IV: 5-11. Article xi increased the limit of a company from 50 to 100 men. For the number of men in Talbot's companies see Ermatinger, Talbot Regime, appendix, p.336.

¹⁸Cruikshank, Documentary, Nichol to Glegg, March 1812, IV:15.

¹⁹Cruikshank, "Eastern District," Pearson to Shaw, 19 January 1813, p. 86.

²⁰Cruikshank, Documentary, Harvey to Baynes, 16 November 1813, VIII:205-206.

²¹NAC, CO 42/355, Baynes to Prevost, 18 June 1814, p.408.

²²Spragge, Letterbook, Strachan to Coffin, 19 March 1813, p.17.

²³Cruikshank, "Eastern District," p.87-88.

²⁴Pearson's proposal called for the formation of two battalions of 500 men each for the Eastern District alone, p.86. Such an optimistic proposal might have influenced Sheaffe to believe that one or two battalions could be formed in each district and, according to William Hamilton Merritt, three regiments were sanctioned in the spring of 1813, OA, Merritt Family Papers, (additional) MU4375, p.9. For information on the number of recruits in 1813 see C042/355, Drummond to Bathurst, 20 March 1814, p.19. Permission to grant 50 acres per volunteer was received that summer, Cruikshank, Documentary, Bathurst to Sheaffe, 10 July 1813, VI:214.

²⁵LPS, Report, pp.233-234; NAC, C042/372, Maitland to Bathurst, March 1824, p.23.

²⁶Smith, View, p.99.

²⁷John Richardson, Eight Years in Canada, (New York: Johnson Reprint, 1967), p.87; Peter Baskerville, "Allan Napier MacNab," DCB, IX:519.

²⁸Jack Williams, Merritt: A Canadian Before His Time, St. Catharines: Stonehouse Publications, 1985), p.2 Merritt was born on 3 July 1793 in New York. The family had moved to New Brunswick after the revolution but returned to the United States when they found that winters were too cold in British North America. In 1796 the family relocated in Upper Canada and Thomas Merritt managed to qualify as a United Empire Loyalist. Presumably Merritt believed the free land and other "UE" benefits compensated for the more frigid climate of Canada. For information on the origins of the dragoons see OA, Merritt Family Papers, (additional), MU.4375.

²⁹Hugh G.J. Aitkin, "The Family Compact and the Welland Canal Company," in Historical Essays on Upper Canada, ed; J.K.Johnson, (Toronto: McClelland and Stewart, 1975), p.157; OA, Merritt Family

Papers, (additional), MU.4375.

³⁰C.W. Humphries, "The Capture of York," in The Defended Border: Upper Canada and the War of 1812, ed., Morris Zaslow, (Toronto: Macmillan, 1964), p.251-270.

³¹CO 42/354, Sheaffe to Prevost, 5 May 1813, pp.119, 132.

³²OA, Isaac Wilson Diary, Isaac to Jonathan, 5 December 1813.

³³Humphries, "Capture," in Zaslow, p.255.

³⁴Carl Benn, The Battle of York, (Belleville: Mika Publishing, 1984), p.57.

³⁵Cruikshank, Documentary, William Allen, 8 May 1813, V:194-195.

³⁶NAC, CO 42/354, Sheaffe to Prevost, 5 May 1813, p.119; Cruikshank, Documentary, Lieutenant Fraser, May 1813, V:182.

³⁷OA, Strachan Papers, Strachan to Brown, 14 June 1813.

³⁸NAC, CO 42/354, "Terms of Capitulation," 27 April 1813, p.21, Sheaffe to Prevost, 5 May 1813, p.132.

³⁹NAC, UCS, vol. 14, 1812, Prisoner Treaty, 12 November 1812, p.6488.

⁴⁰OA, Isaac Wilson Diary, Isaac to Jonathan, 5 December 1813.

⁴¹Edith Firth, Town of York 1793-1815, (Toronto: Champlain Society, 1962), pp.306-307. Beaumont's diary was not used for propaganda purposes and it was not published until 1912 by J.S. Myer, in the Life and Letters of Dr. William Beaumont, (St. Louis, 1912).

⁴²In September 1813, John Strachan reported that the whole Home District considered itself paroled, Strachan to de Rottenburgh, 6 September 1813, Spragge, Letterbook, pp.45-46.

⁴³NAC, UCS, vol. 13, Annual Militia Return, 4 June 1811, p.5437. The total number of men eligible for service in 1811 in the Home District was 1,587. That number would have increased by 1812 but dropped again when people fled to the United States. It seems likely that residents from the nearby districts of Newcastle and Niagara made special trips to acquire paroles and this could account for a total of 1,700 paroles in only three days.

⁴⁴Cruikshank, Documentary, Abraham Nelles Parole, 22 December 1813, IX:39.

⁴⁵OA, Eli Playter Diary, 27-30 April 1813.

⁴⁶Stanley, Operations, p.179.

⁴⁷OA, Robert Nelles Papers, Series B-2, Orders, Militia District Order, 1 May 1813.

⁴⁸Cruikshank, Documentary, Burwell to Talbot, 21 May 1813, V:239.

⁴⁹OA, Robert Nelles Papers, Series B-6, Returns and Statements, "Morning States," "Present" includes men listed as "present," "on duty," and "on fatigue" since all these designations concerned active duty.

⁵⁰Cruikshank, Documentary, Vincent to Prevost, 19 May 1813, V:237.

⁵¹Cruikshank, Documentary, Prevost to Bathurst, 26 May 1813, V:137.

⁵²OA, Merritt Family Papers, (Additional 1860s), MU. 4375, 28 May 1813.

⁵³For the number of militia prisoners taken at Fort George see Benson J. Lossing, The Pictorial Field-Book of the War of 1812, (New York: 1869; reprint ed., New York: Benchmark Publishing, 1970), p.600. For the number of paroles granted see USNA, RG. 94, volume 426, p.167, "List of Prisoners Paroled after taking of Fort George," 27 May 1813, quoted in Graves, "Willcocks," p.38. The actual number of residents and militiamen paroled was 1,193.

⁵⁴Cruikshank, Documentary, Dearborn to Secretary of War, 8 June 1815, VI:55; Kingston Gazette, 8 June 1813, p.3.

⁵⁵OA, Merritt Family Papers, (additional 1860s) MU. 4375, 20 June 1813.

⁵⁶"Address to Canadians," in Kingston Gazette, 7 July 1823, p.2.

⁵⁷Cruikshank, "Disaffection," in Zaslow, p.213. The Buffalo Gazette, said the residents between those villages appeared well-suited to the recent changes, 8 June 1813, Documentary, VI:29.

⁵⁸Ernest Cruikshank, The Fight in the Beechwoods: A Study in Canadian History, (Welland: W.T. Sawle and Company, 1895), p.7; Documentary, New York Statesman, 21 June 1813, V:268.

⁵⁹NAC, Board of Claims, claim 1298; Kingston Gazette, 15 June 1813, pp.2-3.

⁶⁰For a description of the battle see Kingston Gazette, 15 June 1813.

⁶¹Stanley, Operations, p.192.

⁶²Graves, "Willcocks," p.107.

⁶³Stanley, Operations, p.192.

⁶⁴Only about 13% of the volunteers held land according to assessments made by British authorities, see Graves, "Willcocks," app. VI, pp.137-138.

⁶⁵For information on Dearborn's attitudes see Stanley, Land, p.192. Donald Graves has assembled a list that names 163 of 164 recruits.

⁶⁶In addition to the 65 militiamen Vincent had other companies comprised of Upper Canadians. Also assembled at the head of the lake were 66 Glengarries, 29 Dragoons, and 30 members of the Coloured Corps, a group of black colonists. See Cruikshank, Documentary, "State of Troops Burlington Bay," 3 June 1813, VI:331. Altogether, probably 190, or just under 12%, of the troops were Upper Canadians.

⁶⁷William Macewen, Excerpts From the Letters From Lieutenant and Adjutant William Macewen to His Wife, Canada, 1813-14, (n.p. n.d), Macewen to wife, 13 August 1813, pp.9-10. At least 1,700 residents were paroled at York in April, at least another 1,200 at Fort George, and 500 more at Fort Erie. Paroles were also distributed throughout western Upper Canada after the Battle of Moraviantown in October 1813, see Stanley, Operations, p.276.

⁶⁸Kingston Gazette, 10 August 1813, p.1.

⁶⁹NAC, UCS, vol. 16, Traitors and Treason, War of 1812-14, James Lymburner Testimony, 23 August 1813, p.6640.

⁷⁰NAC, UCS, Traitors and Treason, vol. 16, Examination of Elijah Bentley, 24 August 1813, p.6644.

⁷¹Spragge, Letterbook, Strachan to de Rottenburgh, 6 September 1813, pp.45-46; NAC, UCS, Traitors and Treason, vol. 16, Examination of Elijah Bentley, 24 August 1813, volume 16, p.6644.

⁷²NAC, UCS, Traitors and Treason, vol. 16, Examination of Elijah Bentley, 24 August 1813, p.6644.

⁷³Kingston Gazette, 7 September 1813, pp.1-2.

⁷⁴Quoted in Akenson, Irish, p.123-124. Akenson's study also revealed a desertion rate of almost 29% amongst members of one of the Leeds flank companies.

⁷⁵NAC, UCS, vol. 13, Militia Return, 4 June 1811, p.5434; vol. 16, Traitors and Treason, Stone to Drummond, 27 January 1814, pp. 6710-6711.

⁷⁶Cruikshank, "Nichol," p.54.

⁷⁷Cruikshank, Documentary, Vincent to Rottenburg, 11 October 1813, VIII:50.

⁷⁸Stanley, Operations, pp.202-203.

⁷⁹Stanley, "Contribution," p.39.

⁸⁰Stanley, Operations, p.281.

⁸¹Cruikshank, Documentary, Brock to Glegg, 11 November 1813, VII:156-157.

⁸²Cruikshank, Documentary, Examination of Mabee Brothers, 2 November 1813, VII:183-185.

⁸³Cruikshank, Documentary, Bostwick to Glegg, 14 November 1813, VIII:181-182. The Militia General Order quoted is in Stanley, "Contribution," p.40.

⁸⁴J.J. Poole, "The Fight at Battle Hill," in Zaslow, p.131.

⁸⁵Cruikshank, Documentary, Spencer to Tompkins, 16 October 1813, VIII:65.

⁸⁶Cruikshank, Documentary, MacFarland to Wife, July 1814. I:73. See Stanley, "Contribution," for an example of this letter being used as proof of the zeal of the Upper Canadian militia.

⁸⁷Cruikshank, Documentary, Drummond to Prevost, 8 February 1814, IV:189-190.

⁸⁸NAC, CO42/355, Drummond Address, 14 February 1814, p.22.

⁸⁹OA, Attorney General's Correspondence, Robinson to Foster, 20 April 1814, (hereafter OA, AGC).

⁹⁰Cruikshank, Documentary, Drummond to Bathurst, 20 March 1814, IX:250.

⁹¹OA, AGC, Robinson to Foster, 20 April 1814.

⁹²Cruikshank, Documentary, Militia General Order, 24 April, IX:307-308.

⁹³NAC, CO 42/355, Drummond to Prevost, 27 April 1814, p.97; Cruikshank, Documentary, Return of Right Division, 22 June 1814, I:28-30. In the summer of 1814 the number of Upper Canadians serving from Fort Erie to York amounted to 527. The units were the Provincial Light Dragoons (39), the Incorporated Artillery (12), the Coloured Corps (23), Kent Volunteers (47), and the Incorporated Militia (406). In addition, there were 3,939 British troops or a ratio of about four regulars for every one Upper Canadian serviceman.

⁹⁴These calculations, which are based on pension lists, do not include single men who died while serving in the militia and they are therefore not an accurate total of Upper Canadian casualties. The lists do provide insight into trends and offer a large sampling of the provincial casualties, Niagara Spectator, 11 December 1817.

⁹⁵Stanley, Operations, p.313.

⁹⁶NAC, UCS, vol. 13, Militia Return, 4 June 1811, p.5437. There were 2,577 militiamen in the Niagara District in 1811 but Drummond only managed to draw out 150 in September 1814, see NAC, CO42/355, Drummond to Prevost, 21 September 1814, p.159.

⁹⁷Stanley, "Six Nations," pp.228-230.

⁹⁸Stanley, "Contribution," p.44.

⁹⁹Upper Canadians who had their horses and carts impressed were paid 10 shillings a day if they drove themselves, and 7 shillings if left to the military, York Gazette, 10 October 1812, p.2.

¹⁰⁰Spragge, Letterbook, Strachan to Stewart, winter 1814, p.30.

¹⁰¹NAC, CO42/355, Drummond's Address, 14 February 1814, p.22; Assembly Response, 17 February 1814, p.30.

¹⁰²NAC, CO 42/355, Assembly Petition, 14 March 1814, p.41-42.

¹⁰³Spragge, Letterbook, Strachan to Stewart, winter 1814, p.59. The similarities between this letter and the Assembly's petition are striking and Strachan used the same phrases in both compositions.

¹⁰⁴Spragge, Letterbook, Strachan to Clifford, 27 April 1816, p.107; Strachan to Stewart, winter 1814, p.59.

VI

"A GRAND ATTACK ON THE ONIONS": PROVISIONS AND PLUNDERING

On 4 September 1813, Thomas Gibbs Ridout reported to his father, Surveyor General Thomas Ridout, that he had recently met with "rather an ungracious reception" at the home of a prominent Niagara District farmer. While senior officers of the commissary department had been invited to dine at the main house and were offered accommodations there, Ridout and two other junior officers had been directed toward an old abandoned shack at the rear of the property which appeared to them to have been last occupied "at an early period of the world." At first, the commissary assistants were forced to rely on army field rations since the farmer refused to provide the men with any provisions except milk, which he measured very carefully. Nonetheless, over the next few weeks Ridout and his friend Gee and a French dragoon ate extremely well and they managed to exact a revenge of sorts on their parsimonious host by carrying out "an extensive robbing of peas, apples, onions, corn, carrots" and other items.¹ Out of sight at the rear of the property, the soldiers dismantled the farmer's rail fences for use as firewood and developed a daily routine of petty plundering that left them quite content.² As Ridout reported on 21 September 1813:

Tonight our dragoon is to make a grand attack on the onions. The nests are kept very nice and clean from eggs. The dragoon has just come in with a fine musk melon and a peck of onions. We feed a turkey at the door, which is doomed for our Sunday dinner.³

During the painstaking process of luring the unsuspecting bird to their table, the soldiers had even surmounted the problem of a stingy milk

supply. By 21 September 1813, Ridout was pleased to inform his father that "sometimes a cow happens to get milked over night."³

In spite of general orders from both American and British commanders which stipulated that looters would be punished, Ridout's wartime adventures would have been familiar to soldiers throughout Upper Canada. Private plundering, as opposed to the lawful taking of booty, provided much work for members of post-war compensation boards.⁴ The second of three commissions appointed to investigate losses sustained by colonists during the conflict reported in 1816 that 2,759 claims had been received from districts all across the province. The number of submissions amounted to over one-fifth of the pre-war adult male population and it would be safe to assume that almost all families had experienced a loss of property or knew of someone who had.⁵ The sheer variety of damages sustained by the inhabitants forced the commission to divide and then further subdivide the different claims. "Class One" submissions, for instance, were for losses attributed to British forces. This classification included damage done by British troops, losses caused by Indians associated with the army, and claims submitted for the loss of oxen or other property while in the service of His Majesty's military departments. "Class Two" submissions, on the other hand, dealt with damages caused by enemy forces. These were subdivided into the districts where the loss occurred and included a separate category for damages sustained by "Domiciliated and Friendly Indians" during enemy attacks. Altogether the inhabitants had estimated that their losses amounted to £390,152. 12s. 6d. To place that figure in proper perspective, one need only note that from 1808 to 1811 the average annual revenue of the province was just over £8,000 a year.⁶

Very little of that property damage occurred during the first six months of the war. A few of the residents of the Niagara District, where most of the early action had taken place, reported losses, but most of these amounted to mere inconveniences. An inhabitant of Queenston, for example, informed William Drummer Powell in December 1812 that during their short stay in Upper Canada the Americans had overturned his sleeping quarters to such an extent that his bed "was scarcely to be discovered." His actual losses were quite minimal and limited to the loss of some epaulettes from one of his coats.⁷

Beginning in 1813, however, the war began to be fought in an increasingly vicious manner. During the capture of York in April, for instance, any homes found abandoned were considered fair game by American looters. Later, on their second visit to the capital at the end of July, American soldiers entered storehouses owned by York merchants and removed flour and other provisions. Ever vigilant when it came to private property, John Strachan immediately stepped forward to protest against this looting but he was informed that provisions were considered "lawful prise, because they were the subsistence of armies."⁸ York was also the scene of the first implementation of what one Upper Canadian called the "Burning system of the Americans."⁹ On 30 April 1813, the townspeople discovered that the church had been robbed and that the government buildings were on fire. At a meeting of the chief residents of the capital later that day a letter of complaint was composed and submitted to General Henry Dearborn. John Strachan remarked that Dearborn expressed regret over the destruction of the provincial parliament and added that the the American commander was also "greatly embarrassed" about the whole affair.¹⁰

Events in the Niagara District in the autumn of that year easily eclipsed those at York both in terms of the amount of damage done and the savagery involved. During the summer of 1813 the Americans had gained control of much of the frontier but their advance was halted at Stoney Creek on 6 June 1813. A little over two weeks later the Americans suffered another crushing defeat at the hands of a combined force of Caughnawaga and Six Nations warriors at the battle of Beaver Dams on 24 June 1813. As the British forces pushed eastward and recaptured parts of the Niagara frontier that they had lost over the summer, General George McClure, who commanded the American army at Fort George, decided it would be prudent to abandon that position and return to Fort Niagara in New York State. He hoped thereby to avoid a direct confrontation with the British forces under Colonel John Murray, which had advanced to within twelve miles of the town of Niagara. Murray had decided to move forward with all possible speed to prevent McClure from "carrying off the loyal part of the inhabitants" and to prevent the destruction of Fort George.¹¹

Several months before Murray began his advance, John Armstrong, the Secretary of State for War in the United States, had suggested to McClure that a successful defence of Fort George might require the destruction of the town of Niagara. If McClure thought that move was necessary, Armstrong directed that he apprise its inhabitants of these plans giving them ample time to remove themselves and their belongings to a place of safety.¹² Contrary to Armstrong's directions that the destruction take place only if necessary for the defence of Fort George, McClure decided on 10 December to abandon his position but still set fire to the town. Joseph Willcocks was placed in charge of the

operation and the four hundred remaining inhabitants were given only thirty minutes to gather their possessions before the former capital was put to the torch.¹³ Within hours of starting this work, three hundred homes worth an estimated £37,625 were reduced to ashes. An eyewitness later remarked that the "once beautiful town of Newark" had been turned into "a ruin, nothing to be seen but brick chimneys standing."¹⁴

The next month George Prevost issued a proclamation concerning the American "burning system." Prevost thought that future generations would scarcely believe:

that in the enlightened era of the 19th century, and in the inclemency of a Canadian Winter, the troops of a nation calling itself civilized and christian...forced 400 helpless women and children...to be the mournful spectators of the conflagration and the total destruction of all that belonged to them.¹⁵

For all his apparent horror at the burning of Niagara, Prevost did not hesitate a few weeks later to commend the work of British troops who had undertaken retaliatory raids upon the villages of Lewiston, Black Rock, and Buffalo in western New York. On the American side of the Niagara river a total of 334 buildings, including houses, barns, sheds, and stores worth an estimated \$350,000, were completely "enlightened" by British torches.¹⁶

At the opening of the February 1814 session of the Assembly of Upper Canada, the members took the opportunity to express their displeasure with the recent deviations from the gentlemenly standards of warfare which had prevailed during the first part of the conflict. While lamenting the loss and destruction visited on both sides of the border, the assemblymen placed much of the blame on the "too credulous inhabitants of the Town of Niagara." The members felt that the recent

burnings should serve as a warning against accepting "delusive promises" of protection for private property from enemy commanders. Lulled into inactivity by such pledges, the townspeople had been the authors of their own misfortune but the assemblymen now hoped that Niagara residents would "unite more firmly in defence of the just cause" with other loyal Upper Canadians.¹⁷ For many of the inhabitants of that district such warnings were unnecessary. Hard lessons had been learned the moment Willcocks had struck his flint in December and the next spring British forces along the frontier were pleased to discover that an increased number of Upper Canadians seemed determined to fight back.

On 3 July 1814 the first units of yet another American invasion force crossed the Niagara River into Upper Canada. Over the next few weeks these soldiers simply took what provisions they desired and to one onlooker it appeared as if they were "plundering every house they could get at." William Hamilton Merritt also characterized the conduct of the Americans as "infamous in the Extreme" and he believed that they were determined to rob the Upper Canadians of "everything they had."¹⁸ That was a belief shared by other inhabitants and the plundering eventually prompted many residents to dust off their muskets and take to the field.

Yet this new sense of duty did not guarantee that Upper Canadian property would be preserved; indeed in the case of the village of St. David's it actually ensured its destruction. On 18 July 1814, a party of American foragers led by Isaac Stone was attacked by a group of Lincoln militiamen. According to Major Daniel MacFarland of the 23rd United States infantry, Stone's men had been sent to "scour the country" and it was presumed that this activity might meet with resistance. What the Americans had not expected, however, was fighting so fierce that

Stone and his men would barely escape with their lives.¹⁹ The next day the entire village of St. David's was set on fire in retaliation for the attack upon the foraging party. Altogether the flames consumed fourteen homes, two shops, and one mill, worth a total of £5,731.²⁰ As was the case after the destruction of Niagara, the loss of property infuriated the inhabitants who were more eager than ever to strike a blow against the American marauders. On 19 July 1814, the commander of the British forces in the district, Sir Phineas Riall, excitedly informed his superior "that almost the whole body of Militia is in Arms & seem actuated with the most determined Spirit of hostility to the Enemy."²¹

The London and Western Districts were also the scene of a good deal of deliberate destruction. The first indication of what was in store for western Upper Canadians came only hours after General Procter's defeat at the Battle of Moraviantown on 5 October 1813. That night the victorious American army descended on the town of Fairfield and the inhabitants who remained were forced to bake bread for it while the soldiers requisitioned valuable possessions and stripped gardens of produce. The Indian residents had fled before the Americans had arrived and the Moravian missionaries soon followed their example. Fearing a massacre, and left without "a morsel of food" for the coming winter, the missionaries gathered their remaining effects and abandoned their homes to the invaders. From a hillside outside the town, the refugees watched flames erupt from the houses and by the next day the site was only a smoking ruin. When the Upper Canadians reached the nearby village of Chatham they discovered that the retreating British troops had burnt the two grist mills at that settlement in order to prevent the grain inside from falling into the hands of the enemy. What property or food the

British troops had not requisitioned or destroyed had been taken by their Indian allies who entered the town sometime later. For the residents of Chatham and Fairfield, the winter of 1813 would be the most difficult in memory.²²

Similar events occurred throughout the region over the next few months as American raiders, sometimes assisted by disgruntled British subjects out to settle old scores, began plundering farms and destroying mills. A resident of York informed his brother in England that the origins of the looting could be traced to the fact that Upper Canadians were a "very much divided" people. "Many of them are friendly to the States and wish the country to fall into their hands," Isaac Wilson observed, "and where the Americans conquer they have no mercy on the property of the other party."²³ Those merciless attacks eventually prompted the organization of vigilante forces under men such as Henry Bostwick and Henry Medcalf. In November and December of 1813, these gangs had some success against groups of marauders who had gone so far as to kidnap prominent Upper Canadians and steal their possessions. Despite these successful forays, the new year witnessed even greater levels of looting and destruction.

On 31 January 1814, a party led by Colonel Thomas Talbot's old enemy, Andrew Westbrook, raided the village of Delaware and captured Daniel Springer and Colonel Francis Baby. Both of these men were militia officers and friends of Talbot and were, therefore, prime targets for Westbrook's vengeance. In April, he again led an attack, this one directed against the village of Oxford, where he managed to capture another old rival, Sikes Tousley.²⁴ Westbrook also launched three successive raids on Port Talbot in the months of May, July, and

August 1814. In each of these attacks the real target, Colonel Talbot, made good his escape although other less-fleet-of-foot settlers were not so lucky. During the raid on 16 August 1814, for instance, Talbot fled through the back window of his home leaving 227 of his neighbours to discover that they were surrounded by a group of one hundred armed men disguised as ferocious Indian warriors. These raiders quickly revealed that under the war paint they were only common thieves and they set about robbing the terrorized villagers "of all their horses, and every particle of wearing apparel and household furniture, leaving the sufferers naked, and in a most wretched state."²⁵

Upper Canadians who lived in the London and Western Districts were also victims of fire-raids similar to those witnessed earlier in the Niagara region. On 14 May 1814, about eight hundred Americans landed at Port Dover where they found that all the men had fled inland about an hour earlier leaving only women and children behind. Colonel Talbot would later claim that this decision "to retire as far as Sovereign Mills" was made so as to give "time to the Militia to collect." During the intervening twenty-four hours, however, the invaders took advantage of the lack of resistance and set about burning almost everything of value.²⁶ An eyewitness recalled what he saw:

A scene of destruction and plunder now ensued which beggars all description. In a short time the houses, mills and barns were all consumed, and a beautiful village, which the sun shone on in splendour that morning, was before two o'clock a heap of smoking ruin.²⁷

Not content with the destruction of Port Dover, the Americans also marched several miles along the lake and destroyed any mills or homes they found in their path. The raiders were ruthless when it came to livestock and, according to one resident, they shot any farm animals

they came across and left the carcasses to "rot on the ground."²⁸ The damage done during this raid was quite extensive: Robert Nichol, for example, lost two houses, two barns, a grist mill, three stone outhouses, and a distillery. Thomas Talbot estimated the total losses from this raid to be £12,658. 18s., and Nichol's share of that amount was said to be £5,000.²⁹

When asked by a local resident to explain his "wanton and barbarous conduct," the American commander, Colonel John Campbell, said that it was done in retaliation for the British raids on Buffalo and Lewiston.³⁰ Yet Campbell was not telling the whole truth and the May 1814 American attack on Port Dover and the surrounding countryside was prompted by more than a desire for retribution. The property targeted--homes, barns, livestock, and mills--was chosen because its loss would demoralize the inhabitants and make defence of the region nearly impossible. Any British force seeking to defend that part of the province would now have to rely on extremely extended lines of supply.

It was this goal that also prompted the last American incursion into western Upper Canada during October and November of 1814. Starting his campaign at Lord Selkirk's settlement of Baldoon, General Duncan MacArthur's force eventually travelled as far east as Burford and managed to burn all but two of the grist mills in the London District.³¹ The strategic value of MacArthur's march, which was designed to prevent the British from retaking the region in 1815, was nullified by the peace treaty signed a little over a month later at Ghent in Holland. Without firing a shot, the British regained complete control of western Upper Canada. However, the physical effects of the invasion and of the dozens of other predatory raids carried out in 1813 and 1814 could not be

eliminated by a few strokes of a pen. The land that was returned to British control the next year was stripped of both its resources and its rudimentary infrastructure of bridges, farm buildings, and mills.

Of course, as the people of Chatham discovered in October 1813, the Americans could not be blamed for all of the destruction which took place during the war. While enemy forces sought to intimidate inhabitants or hamper counterattacks by burning and looting various districts, British soldiers and the Indians who assisted them often engaged in similar activities, although usually for different reasons. At times, His Majesty's forces destroyed valuable items in order to prevent them from falling into the wrong hands. More often, however, British troops and Indian warriors simply took food to supplement their meagre diets, dismantled fences and barns to provide firewood for warmth, or stole money and valuables to enrich themselves. Inhabitants of Upper Canada cared little about who was at fault in such cases. Niagara mill owner Thomas Clark, for example, reported that the "miserable state" of the country in 1814 had been produced in equal measure "by the ravages of the Enemy and also by the Irregularities of our own troops and Indians."³²

Any discussion of these "Irregularities" should include an examination of the conditions in Upper Canada under which men were expected to fight. A partial record of that lifestyle can be found in the letters written by Lieutenant William Macewen of the First Battalion Royal Scots during his tour of duty in the province in 1813. Macewen first arrived in the colony on 4 June 1813, after an arduous ten-day journey from Montreal. A veteran soldier who had served a number of years on the continent, Macewen was unimpressed with the little village

of Kingston which he contemptuously dismissed as "poverty itself." In a letter to his pregnant wife in Montreal written two days after his arrival, the young officer complained that the British soldiers in the garrison were compelled to eat the rations supplied by the commissariat since there was nothing else "to be had for love or money."³³ His disappointment with that situation is understandable since Macewen suspected that he would soon be sent into action on the Niagara frontier. As an experienced soldier, he was aware that extra provisions would become even more difficult to acquire once his regiment was stationed closer to the seat of war.

Three weeks later, and only twelve miles from Fort George where the Americans had established their headquarters, Macewan huddled under a lean-to built of twigs and leaves that he called an "Indian house" but which hardly deserved that name since it failed to shelter him from either the noon-day heat or late night cold. From this humble abode he reported to his wife that, as expected, the men were forced to rely solely on government-issued food since the inhabitants refused to part with any of their produce. Macewen could only describe the rations as "bad" and he was sure they were also "too little for any man in good health."³⁴

William Macewen's appraisal of army food as "bad" was certainly not overly harsh. At the best of times the field ration which British soldiers were forced to subsist on when they were away from the garrison was comprised of three basic elements. Each daily allotment was supposed to consist of 1½ pounds of bread, one pound of fresh or salt beef, and ½ gill of rum. If fresh or salted beef could not be procured, the soldier was supposed to receive a substitution of 10½ ounces of salt

pork.³⁵ Macewen's lack of enthusiasm for his field rations was only partly related to their relentless monotony. Other factors, such as the availability of livestock, transportation difficulties, and even the method of disbursement could lead to smaller portions or to food that was not fit for human consumption. There was rarely fresh bread in the field, for example, since it was brought from the nearest garrison and the regulations stipulated that it was only to be issued once every four days in the form of a six pound loaf to each soldier.³⁶ One can only imagine the condition of that last morsel after four days of humid summer weather under a hastily constructed lean-to.

A close examination of the nutritional content of the standard field ration also supports Macewen's opinion that these provisions were insufficient for healthy young men. In caloric terms, the daily field ration amounted to a total of:

Table VI-1

CALORIC VALUE OF FIELD RATIONS

1½ lbs. bread	= 1647 kilocalories
1 lb. fresh beef	= 1019 kilocalories
½ gill rum	= 157 kilocalories
	2823 kilocalories ³⁷

The present recommended daily nutrient intake for males sixteen to eighteen years of age is 3,200 kilocalories. For males between the ages of nineteen and thirty-five the requirement drops to 3,000 kilocalories. These twentieth century standards indicate that a nineteen year old soldier who weighs 67 kilograms (147 pounds) will find himself continually undernourished if his diet is restricted to these standard field rations.³⁸ Modern recommendations regarding nutritional intakes, moreover, have been formulated for individuals whose physical activity

is considered "light" and whose occupation is classified as "sedentary."³⁹ A soldier in the field, however, is generally engaged in strenuous physical activity whether it is erecting redoubts, digging trenches, or even running for his life. The typical field soldier of 1812 would likely have required a nutritional intake similar to present day manual labourers or athletes in training. Depending on levels of exertion, athletes and manual labourers must consume between 4,000 and 4,800 kilocalories a day in order to maintain good health.⁴⁰ Clearly, grumblings about the field rations British soldiers were served were justified not only because the food was unpalatable but also because, as William Macewen suspected, those rations were deficient in nutrient energy.

In one sense, of course, Macewen and his men were luckier than others since, despite all the problems associated with army rations, they at least had access to those government-issued supplies. Food shortages are often an inevitable consequence of war but in early nineteenth century Upper Canada they were unavoidable. As a frontier community the province had only recently reached a point of self-sufficiency and exports of flour were a relatively new phenomena. Not all regions of the colony, however, shared in these surpluses. Residents in the sparsely populated Western and London Districts, for example, could not supply their own needs and there was simply no way they could feed thousands of additional men and horses. That paucity of resources made itself apparent within weeks of the start of hostilities since General Hull's expeditionary force had arrived in the province on 11 July 1812 without sufficient provisions to sustain them. One wag remarked that these "Tippecanoe boys" and "Michigan racoon catchers" had

planned on filling their stomachs "out of the pockets of their enemies" but they soon discovered that this would be impossible. Even a successful raid on a large herd of sheep, who "capitulated to a force one-half their number," did not end the supply problems of the invaders.⁴¹ As a result, after only ten days in Upper Canada Hull was forced to abandon his outpost in the province because the region had too few of the resources required by an army of 2,500 men.

The British contingent that regained control of the Western District was also hampered by supply problems. The disruption of the regular rhythm of agricultural pursuits occasioned by the invasion and the assembling of the militia led to a reduced harvest in 1812. Poor crop yields brought higher prices and Henry Procter's force was prevented from buying any extra provisions because of the "very scanty and Irregular Supply of money" forwarded to his commissariat department.⁴² Shortages of both currency and local resources meant that Procter's army was forced to rely on rations brought in ships from the east. That tenuous supply link was severed when the Americans gained naval superiority on Lake Erie in 1813 and, as a result, Procter was left with no choice but to abandon his position. For their part, the officials in the commissariat department were pleased by this decision since their task had become an impossible one. Moreover, some of the western Indians associated with the British forces had recently threatened that, if their share of the provisions did not increase, they would kidnap the men responsible and slowly starve them to death.⁴³

Aiming to reduce the distance between his men and the more abundant resources of the Home and Niagara Districts, Procter began a slow retreat eastward. But he was overtaken near the Moravian settle-

ment at Fairfield on 5 October 1813 where he was soundly defeated by a larger American force led by Major-General William Harrison. The remnants of Procter's army struggled on and eventually reached Burlington Heights where they added to the supply problems that already existed around the head of the lake. Over the next few months it would become increasingly obvious that the colony's agricultural resources were simply too limited to meet the heavy demands placed on them.

In 1814 the commissariat officers in the centre of the province faced supply problems nearly as severe as those experienced the year before in western Upper Canada. The right division of the British army included encampments at York, Burlington, Long Point, and at five other sites in the Niagara region. Altogether, 3,939 regulars and 527 members of the militia and provincial corps were on duty at these eight posts.⁴⁴ Even if only supplied with a daily field ration, rather than the more substantial garrison fare, these 4,466 soldiers would have consumed a staggering amount of food. At a baking ratio of 3:4, twelve ounces of flour were needed to produce a pound of bread. Assuming daily consumption was restricted to the 1½ pounds of bread per man stipulated for field rations, the total quantity of flour needed in a thirty day period was:

$$\frac{4466 \times 3 \times 1\frac{1}{2} \times 30}{4} = 150,727 \text{ lbs. or } 75.4 \text{ tons.}^{45}$$

In addition, the three thousand or so Indians assembled around Burlington Heights were consuming another twenty-five barrels of flour each day.⁴⁶ Every month, therefore, the soldiers and Indians of the right division consumed 297,727 pounds or 148.8 tons of flour.

Commissariat officials were also expected to provide the

combatants with at least a pound of beef each day. Since the warriors and their dependents required sixteen head of cattle daily, it is likely that the soldiers would have consumed at least the same number each day. Over the course of a month, the commissariat would have been expected to supply 960 head of cattle simply to feed the right division.⁴⁷

These same officials were also required to find forage for the animals that accompanied the combatants. Although firm figures are difficult to find, it is likely that hundreds of oxen and horses would have been employed by cavalry, artillery, and baggage units; the Indian warriors also had a great number of their own ponies. Livestock require about ten times the amount of food needed by a man and they normally consume at least twenty pounds of forage a day. The huge amounts of food required by livestock meant that forage supplies were always the first to be depleted and for the right division that point may have been reached as early as December 1813. At that time, Isaac Wilson informed his brother that the Indians at Burlington Heights were willing to sell their horses at what he thought were "very cheap" prices.⁴⁸

Over the course of the next year the forces that comprised the right division of the British army continued to devour food at a rate that far surpassed the agricultural output of the region. Initially, commissariat officials managed to acquire sufficient amounts of local produce to offset the shortages that often occurred when too little food was shipped from the east. Supplies were coaxed from reluctant inhabitants who feared that the voracious appetite of the army would leave them with nothing for their families. When persuasion failed, however, the military resorted to force to acquire the desired items. In August 1814 Robert Nichol, quartermaster general of the Upper

Canadian militia, was armed with special powers to acquire a quota of five to twelve bushels of wheat from each Niagara area farmer known to have such a quantity to spare. In order "to prevent extortion," a scale of prices was developed through consultation with the magistrates of the area. On 5 September 1814, it was announced that inhabitants would be offered fourteen dollars for a barrel of flour and ten dollars for a barrel of beef. Drummond followed the same course in all other districts and in November 1814 he reported that "the inhabitants in general are perfectly satisfied" with the "fair and just" prices offered.⁴⁹

Residents at the head of the lake probably considered any amount of money as too little but at least they were promised more than their counterparts to the west. Upper Canadians in the London and Western Districts were also subjected to enforced requisitioning but the enemy offered only twelve dollars for each barrel of flour and those settlers holding back more than what was "absolutely necessary for domestic use," were warned that they would be "severely punished."⁵⁰

Some Upper Canadians were reluctant to provide goods to the army because they had not been paid in the past. At the beginning of 1814, Drummond noted that a number of inhabitants were demanding payment for goods taken during Brock's Detroit campaign in 1812. Other inhabitants complained that a shortage of proper change meant that commissariat officials often failed to pay the full amount owed. Farmers who sold goods worth less than twenty-five dollars were sometimes not paid at all and those who sold between twenty-five and fifty dollars worth of produce were forced to settle for the lesser amount. Some residents said that they had never been paid because the receipts they presented

were judged to be improper. One reader of the Kingston Gazette felt that colonists should not be held accountable for clerical errors and he suggested that the commissariat honour all vouchers whether "in or out of form." Much of this confusion was the result of unauthorized requisitioning which took place without the prior approval of the commissariat department and the problem eventually became so serious that George Prevost was forced to establish a board of inquiry to determine which citizens were still owed money because of bureaucratic bungling.⁵¹

While coercion may have temporarily filled commissariat larders, it also served to strip central and western Upper Canada of any extra provisions. By October 1814 even forcible requisitioning no longer met the demands of the eating machine known as the right division. From an encampment near Niagara Falls, Gordon Drummond directed a letter to George Prevost which outlined why a complete collapse of the supply system was imminent. A recent tour of back townships reputed to contain abundant resources had convinced his commissariat officials that no untapped stockpiles existed. For that reason, Drummond reported that "nothing but the Squadron can relieve us."⁵²

Drummond placed his hopes on the importation of supplies from outside the region because the Niagara District had been denuded of resources after more than two years of war. Unfortunately, the situation to the east was not much better. Lower Canada was supplied with cattle smuggled across the border from Vermont and one eyewitness thought the droves of livestock crossing into British territory resembled "herds of buffalo."⁵³ The large garrisons at Quebec and Montreal consumed most of this illicit beef and troops in eastern Upper

Canada, therefore, also faced shortages of food. As Lieutenant Macewen noted on his arrival at Kingston in June 1813, extra provisions were a scarce commodity in that village. Originally, the problem in the east was not that local grain supplies were entirely exhausted but only that the military could not get its hands on the crops that had been harvested.

As early as August 1813, Francis de Rottenburgh considered imposing martial law on the region but he did not actually take that step for several months. Only when the supply situation reached a critical point in November did de Rottenburgh feel that he had no choice but to proclaim a partial existence of martial law in the Johnstown and Eastern Districts. This action meant that commissariat officers could force farmers to sell provisions whether the civilians wished to or not. Although de Rottenburgh had offered what were described as the "most liberal prices" possible, the inhabitants had refused to part with their supplies and the attempt to forcibly requisition provisions "created much discontent."⁵⁴

In January 1814, Gordon Drummond, who had replaced de Rottenburgh the month before, repealed the measure because he naively assumed that it had been only the muddy roads of autumn which had prevented the residents from bringing their supplies to market. Over the next three months the hardpacked trails witnessed no appreciable increase in traffic and Drummond was forced to declare martial law throughout the province. While he knew that measure would be unpopular, Drummond argued that it was done only as a result of the "most imperious necessity" since his troops were nearly bereft of food. At one point his stores at the Kingston garrison contained only sixteen barrels of

flour, enough for about one day's supply of bread.⁵⁵

Within a fortnight of declaring martial law, and after having prohibited the export or distillation of grain, Drummond realized that even these measures would not alleviate his situation. Two weeks of investigation by experienced commissary officers had revealed that extensive reserves of flour and livestock no longer existed in eastern Upper Canada. "No effort of human exertion can supply this army for many months longer," he told George Prevost, "for the flour is not in the country." Until extra provisions could be sent to the province, Drummond believed he had no alternative but to reduce the amount of bread being distributed. Aware that this move would "excite considerable discontent" amongst the soldiers and Indian warriors, Drummond requested that Prevost do all he could to ease the supply difficulties before he was faced with defections or discipline problems of a more serious nature.⁵⁶

Thus faced with the reality of slow starvation, British soldiers and other combatants in Upper Canada, like soldiers around the world, attempted to supplement their diets by "fair means or foul."⁵⁷ Macewen, for instance, chose the former route and he asked that his wife procure tea, sugar, pepper, mustard and "any other thing you can think of."⁵⁸ Other soldiers without contacts in the towns but with money in their pockets could turn to the sutlers who often followed the army. These civilian merchants, however, usually specialized in watered-down grog and they charged enormous sums for the little food that they did sell.⁵⁹ Alternately, combatants could supplement their diet by buying produce from local inhabitants. But as Macewen had discovered, sometimes even money would not separate Upper Canadians from their provisions. On 13

August 1813, for example, he informed his wife that the Royal Scots had abandoned their "Indian houses" for rooms in farms situated only a few miles from Fort George. It was not long before Macewen realized that his new hosts were as reluctant to share their supplies as the residents of Kingston had been. "Where I am obliged to live," he told his wife, "the people would not sell me a fowl nor a potato, and even grumble when my men use their dishes."⁶⁰

While one might be tempted to sympathize with the trials of men like Macewen, it would be best to remember that many Upper Canadians had a right to be distrustful. Too often, inhabitants who were imposed upon by soldiers also discovered that they had been robbed of some item or other. One settler east of York, for example, billeted a group of soldiers who were on their way to Kingston. The next morning the farmer realized that a prize hog was missing and he appealed to the commanding officer for help. A thorough search of the boats and farm was undertaken but no trace of the animal could be found and the party embarked later that day. His curiosity aroused, the officer in charge offered pardons to the offenders if they would explain the secret of this perfect crime. Turning over one of the boats, the men revealed a hog split lengthwise and nailed like a sheath to the keel. As one commentator noted, "it would be superfluous to add that the captain had fresh pork for supper that night."⁶¹

The widespread theft associated with the armed forces was not simply the product of meagre rations although they were surely an important factor. Also of some importance was the fun and excitement that could be experienced while soldiers supplemented their diet, or pay packet, or both. Like youths who raid gardens, foot soldiers considered

most petty theft to be part of a simple game which had been played for centuries. Surly locals were taught who was boss and the soldiers had a little fun at their expense. Even the language used to describe these minor incidents of looting indicated that the troops did not consider their actions to be of a serious nature. Any food or articles taken during such sport was not considered stolen but was referred to as "hooked." This expression developed from the traditional method of using a hooked stick to grab items from a merchant's counter while his back was turned.⁶²

Of course the owner of a prize hog hooked by British soldiers would have found nothing sporting or humorous about these practices even though the pecuniary loss might have been relatively minor. Other inhabitants were even less forgiving, especially when the damage was substantial or when it appeared that the actions of the soldiers were entirely malicious in nature. Ebenezer Jones, who lived in Saltfleet Township in the Niagara District, witnessed a contingent of British troops shoot thirty-five of his geese and then bayonet a large sow, apparently for the sport of it. Sarah Ingersol, who operated a public house at the Credit River, was robbed a number of times by British troops seeking liquor and money.⁶³ Likewise, George Castor from Barton Township in the Niagara district awoke one evening to find three members of Macewen's regiment of Royal Scots in his home. They had blackened their faces so as to avoid being recognized and they knocked Castor to the floor when he refused to give up his savings. The intruders eventually left but only after robbing Castor of £45 in army bills.⁶⁴ These incidents, and hundreds like them, reinforced the negative attitudes held by most Upper Canadians about the regular foot soldier.

One imagines that George Castor would have heartily endorsed Dr. William Dunlop's observation that the British troops sent to the province represented "the rubbish of every department in the army."⁶⁵

Fear and hatred of Amerindians was also reinforced by incidents involving warriors associated with the British army. That was particularly true after General Procter's defeat in the autumn of 1813 when thousands of western and Six Nation warriors retreated to Burlington Heights. By January 1814, three thousand Indians, two thousand of whom were women and children, had assembled at the western end of Lake Ontario. Dispersed among numerous small encampments, the Indians were sometimes overlooked by commissary officials who operated out of the garrison at the head of Burlington Bay.⁶⁶ Faced with shortages of food for their families and with no forage for their horses, the Indians also resorted to hooking items to supply their needs.

Abel Laud, a farmer from the township of Ancaster located only a few miles from Burlington Heights, was one of many inhabitants who believed that Indians were stealing his property. Laud reported the loss of three hogs and though he had not witnessed the culprits in the act, he was sure a group of Indians were responsible because he had seen them chasing the animals.⁶⁷ Similarly, a neighbour of William Langs said he saw a number of warriors "turn their Horses" into Langs' field and he also testified that he "heard" the Indians kill his neighbour's hog. Apparently some Upper Canadians believed that, at least when it came to a band of warriors intent on gathering provisions, discretion was the better part of valour. After all, one could always surmise what was going on outside a hiding place merely by listening for telltale

sounds.⁶⁸

The various Indian encampments in the vicinity of Burlington Heights were the staging grounds for hundreds of incidents of looting. Richard Hatt, who owned a farm and two saw-mills at Dundas, estimated his losses from Indian depredations at nearly £5,000. The warriors completely stripped his farm of livestock, and then cut down acres of prime timber. Manuel Overfield testified on Hatt's behalf that the Indians "were accustomed to fell trees for the sake of the nuts, branches etc. and of which he made many complaints." The bold nature of many of these incidents surprised some inhabitants. Peter Swartz, who lived in Saltfleet testified that the Indians "took his horse before his face." Robert Biggar, who resided in the vicinity of Stoney Creek, reported a similar incident involving warriors from a nearby encampment. One day he stumbled upon four Indians "whom he found riding away with 2 of his horses & a cart." In the "affray" that followed, Biggar claimed that he was "near losing his life" until he at last gained the upper hand.⁶⁹

John Ryckman, who lived on the Niagara escarpment, said that the Indians "did not hesitate to take pigs out of people's pens right before their faces." One day, Ryckman's neighbour, Jacob Rymal, was working in his field when:

His wife came running to him with the information that two Indians had stolen a couple of pigs, and had made off with the porkers. Mr. Rymal, rifle in hand was instantly in pursuit. He shot one of the Indians dead. The other returned the fire shooting his pursuer through the hand.

Ryckman recalled that Rymal had not been wounded in vain since he did recover the two pigs.⁷⁰

As Manuel Overfield testified, inhabitants could constantly

complain to the authorities about damages to wood lots or farms only to have their appeals fall on deaf ears. No British officer or Upper Canadian justice of the peace could possibly exercise control over the thousands of Indians spread around the western end of Lake Ontario and none dared try. Confronted by the apparent impotence of constituted authority, but determined to put an end to the loss of property, Upper Canadians like Rymal were willing to resort to more primitive means of enforcement.

It seems that a number of residents formed posses in order to better police their territory and protect their property. This increased vigilance on the part of the farmers eventually culminated in the murder of three Indians in Saltfleet Township "as a revenge for their constant depredations upon the people." Augustus Jones, a magistrate who investigated the murders, soon realized that his neighbours were not anxious to co-operate with his inquiries. Upon returning home one evening, Jones found his barn ablaze and he suspected that the arsonists wished him to cease "his exertions to discover the murderer."⁷¹

Indian-white relations, which had never been good in Upper Canada before the war, reached a new low when both groups were forced to live under difficult conditions and in close proximity to each other. Many of the settlers in the province had come from the United States and most Americans were taught to fear and hate Indians from early childhood. Now, as residents of Upper Canada, hundreds of these colonists found themselves losing property, and one supposes a good deal of sleep, because they lived near the theatre of war "about which hundreds of Indians were lurking." Even recent British immigrants might be

influenced by the opinions of the majority of settlers around them. Isaac Wilson, for example, told his brother that most people believed that the Indians only constituted a drain on British resources. It was commonly reported that they rarely participated in battles but instead waited until the end of the fighting and then returned to the field to get "a good share of the plunder." Some British soldiers also held low opinions of the fighting abilities of the warriors and one officer remarked that he suspected that the Indians attached to his force were murdering wounded British soldiers "for the sake of plunder."⁷²

For their part, the "lurking and plundering" Indians no doubt resented the fact that the British soldiers under Procter had abandoned the territory to the west so vital to them without having made a final strong stand against the Americans. Those warriors who had been at the side of Tecumseh when he fell at the Battle of Moraviantown were undoubtedly angered to learn that they were now also regarded as unwelcome allies by Upper Canadians who remained at home tending their farms. One suspects, therefore, that it was not mere practicality which prompted the warriors to make up for shortfalls in rations and forage by hooking provisions from settlers. Like Thomas G. Ridout, these men were probably also responding to the rather ungracious reception that they had received upon their arrival at Burlington Heights.

Eventually the conflicts and tensions which developed between the Indian and white communities around the head of the lake led some residents to abandon their homes and seek refuge at the garrison.⁷³ For at least one resident of this area, however, even that option was out of the question. Richard Beasley had already been forced to abandon "the peaceable enjoyment" of his property when the British established

their garrison on his farm on Burlington Heights. Beasley complained that his family had been evicted from its home and that he was left with no choice but to support his children at "great expense in another part of the country." While he served in the militia at York, the soldiers and Indians at Burlington Heights stripped his farm of crops and live-stock. He also found himself the victim of the American navy when a boat loaded with over £3000 of provisions and merchandise that Richard and his brother Henry had purchased was seized on Lake Ontario.⁷⁴ By events such as these, Beasley suffered significant material losses during the war though unlike many others his land was never subjected to enemy raids.

Exactly 2,055 claims were reviewed by the third and final commission appointed to investigate losses suffered by Upper Canadians during the War of 1812. An examination of these claims can provide us with a glimpse of what the war meant for a large sample of the population of the colony. Some of the submissions were made by individuals who had endured substantial losses but others were of a much less serious nature. The smallest claim was for £2 worth of property while the largest submission was for the immense sum of £9,809. 0s. 4d., a figure greater than the entire province collected each year in revenue. Altogether, the claimants believed that they had sustained over £400,728 in losses although the average claim was only in the neighbourhood of £195. Yet that was a significant amount in those days considering that a settler could purchase a complete farmhouse, as well as a barn, stable, and outhouses, and still have £95 left with which to buy a team of oxen and a plow.⁷⁵

A computer-assisted study of these 2,055 claims reveals that

the damages inflicted during nearly three years of fighting were not distributed evenly throughout the colony. Table VI-2 displays these variations and it shows the number of claims submitted from each district, that number expressed as a percentage of the 2,055 claims, and the estimated losses in provincial currency:

Table VI-2
CLAIMS FOR DAMAGES BY DISTRICT

	CLAIMS SUBMITTED	PERCENTAGE OF TOTAL	ESTIMATED DAMAGES £
WESTERN	415	20.2	65,196
LONDON	296	14.4	50,797
NIAGARA	678	33.0	182,169
GORE	310	15.1	44,243
HOME	80	3.9	12,379
NEWCASTLE	13	0.6	2,633
MIDLAND	21	1.0	6,938
JOHNSTON	63	3.1	6,007
EASTERN	167	8.1	12,065
TOTAL	2043*	99.4**	382,427***

* there were twelve claims for damages outside the province

** does not include 12 cases (0.59) for damages outside province

*** 12 claims totalling £18,301 are excluded and all figures have been rounded to the nearest pound

While claims were submitted from every section of the colony, clear differences between the regions are easily discernable. The four districts that were the scene of most battles and where large concentrations of troops and Indians were deployed (Western, London, Niagara, Gore) accounted for 1,699 claims or over eighty percent of all submissions.⁷⁶ The five districts in the eastern portion of the province (Home, Newcastle, Midland, Johnston, Eastern) experienced fewer incidents of damage and suffered less in terms of monetary losses. Damage claims in the four western districts amounted to £342,405 or

89.5% of the total estimated losses for the whole province. The eastern region of the colony, on the other hand, experienced very slight damages and the claimants from those five districts estimated their losses at only £40,022. That figure drops significantly, moreover, if one removes the sum claimed by residents of the centrally situated Home District and considers only the £370,051 claimed by inhabitants of the eight remaining districts. The estimated losses in the four most westerly districts amounts to 92.5% of that total. The £27,643 claimed by colonists from the districts furthest to the east represents just over seven percent of the total estimated losses.⁷⁷

The varying levels of damage reported by inhabitants of the nine provincial districts can be related to the differing intensity of wartime activities experienced by each area. The fortunes of war dictated that the Niagara region was the scene of almost continuous action and its residents were subjected to a seemingly endless succession of invasions, raids, and counterattacks. One day a farmer might find British troops tearing down bridges or destroying his buildings to prevent their use by enemy forces and the next he might find himself at the mercy of one of Colonel Stone's foraging parties. By contrast, in Newcastle the inhabitants lived through the war years undisturbed by enemy attacks. As a result, colonists from this district submitted fewer than one percent of the claims received by the third commission and they amounted to less than one percent of the estimated losses for the whole province. Their counterparts in Niagara, meanwhile, submitted one-third of all the claims entertained by the final commission and these cases amounted, in value, to more than forty-seven percent of the losses in the colony.⁷⁸

Apparently, levels of losses also differed depending on who was inflicting the damage. The second commission reported that British forces were responsible for just over £140,000 of losses. The Americans, on the other hand, had caused more than £248,000 worth of damages.⁷⁹ This difference was the result of the American fire-raids that saw whole towns and villages destroyed. While the British forces may have done less damage overall, they appear to have been involved in almost as many incidents. By excluding the 581 cases where blame was not attached to any party, one is left with 1,474 claims submitted to the third commission that identified the individual or group responsible for the damage. The final column displays the number of cases as a percentage of 1,474:

Table VI-3

ATTRIBUTED LOSSES

WHO	CASES	PERCENT
British Indians and Others	498	33.78
British Troops and Others	429	29.10
Owed by His Majesty and damage	304	20.62
Upper Canadians and Others	12	0.81
Enemy and Others	787	54.38
American Indians and Others	13	0.88

Enemy forces were involved in just over one half the total number of cases while British Indians were involved in more than one third. British troops were cited as having been the cause of losses in 429 cases, or over twenty-nine percent of all submissions.

For the sake of simplicity, we can examine only those submissions where one party was at fault. An examination of these remaining 923 "single-perpetrator" claims reveals a fairly even split between British and American forces:

Table VI-4

SINGLE-PERPETRATOR WAR CLAIMS

WHO?	CASES	PERCENT	
British Indians	226	24.48	British
British troops	117	12.67	forces
Owed by British	112	12.13	=49.6%
Upper Canadians	3	0.32	
Enemy	458	49.62	American
American Indians	7	0.76	forces
			=50.4%
Total	923	100%	

Although enemy forces were responsible for just over half of these single-perpetrator claims, almost one quarter of the submissions (24.48%) named friendly Indians as the agents responsible for the loss. An equal number blamed British troops, either for losses from looting (12.67%) or for having lawfully requisitioned items but never having followed through with payment (12.13%). Inhabitants who said that they were still owed by the British forces for oxen or horses or other items which were borrowed but never returned were also included in that category. Upper Canadians, whether acting in militia units or not, were only named as being responsible in three of these single-perpetrator claims. Likewise, the limited role of Indians associated with American forces during the war is reflected in their being accused of just seven incidents of plundering.

The data provide support for statements made by some Upper Canadians during the conflict that many of them considered the common British foot soldier and his Indian ally to be the real menace of this war. On 5 December 1813, for example, Isaac Wilson told his brother that those residents unlucky enough to live near troop encampments suffered "very much in their property." Wilson said that foot soldiers

would steal "provisions, money, and wearing apparel" while cavalrymen would "put their horses into barns and let them destroy everything they contain." Indian depredations, according to Wilson, were often of a less serious nature since they generally restricted their activities to "helping themselves to a few provisions now and then."⁸⁰

Yet we also know that not all Upper Canadians shared Wilson's temperate opinion of Indian looting and at least four warriors were killed as a result. Murder was resorted to, not only because the population of the province had an irrational fear and hatred of natives, but also because of the intensity of Indian looting in a few areas. Repeated incidents of plundering no doubt completely exasperated the local farmers. When one correlates single-perpetrator claims attributed to British troops, their Indian allies, and American forces, with the districts in which the losses occurred, clear patterns emerge:

Figure VI-1

SINGLE-PERPETRATOR CLAIMS BY TYPE AND DISTRICT

		X						
		X						
		X						
X		X		*				
X		X		*				
X		X		*				
X	X	X		*				
X	X	X		*				
X	X	X		*				
X	X	X		*				
X *	X	X	0	*				
X *	X	X	0	*				
X *	X	X *	0	*				X
X *	X	X *	0	X *	0	X *	0	X
X * 0	X * 0	X * 0	X * 0	X * 0	X * 0	X	X 0	X 0
WESTN	LONDN	NIAGA	GORE	HOME	NEW	MID	JOHNS	EASTN

x Enemy

0 British troops

* British Indians -- each symbol represents 10 cases, fewer than five cases are not shown

A quick glance at this chart reveals that virtually no losses caused by British Indians, or by any other force for that matter, occurred in the four most easterly districts. In fact, only one single-perpetrator claim relating to plundering by British Indians east of the Home district was ever submitted. Residents in the Newcastle, Midland, Johnstown or Eastern Districts were, in general, far removed from hostilities and would rarely have seen Indian warriors. The Home District also reported relatively few incidents of plundering by friendly Indians, accounting for only 15 cases. Residents of the Western District, where large Indian forces were stationed until Procter's retreat in the fall of 1813, were far more familiar with damages inflicted by warriors since fifty-two claims were submitted from that area. A rapid withdrawal through the London District produced only eleven incidents of plundering in that area. The warriors reassembled in the Gore district around Burlington Heights and this area was the scene of 118 incidents or 52.2% of all single-perpetrator claims relating to British Indians. Exasperated at being the prime target for the majority of plundering done by native allies, some Gore residents fled the area but others were driven to murder in defence of their property.⁸¹

The single perpetrator-claims relating to damage done by enemy forces also reflect a clear east-west split. The four most easterly districts submitted only forty-three claims relating to plundering by Americans and most of those were either the result of two minor raids carried out on Brockville and Gananoque or were related to a single battle at Crysler's Farm in the Eastern District on 11 November 1813. Damages by Americans in the Home and Gore Districts were also quite

limited, totalling only forty claims. The Niagara, London, and Western Districts, however, accounted for 372 submissions relating to losses by enemy forces or over eighty percent of all such claims. Residents of the Western and London districts, the scene of predatory raids and MacArthur's march, submitted 216 single-perpetrator claims relating to damages caused by Americans. The Niagara District, where armies operated throughout the conflict, accounted for just over one-third of all single perpetrator claims submitted for losses attributed to enemy forces. The region was also hard hit by other groups and twenty-seven similar submissions were made regarding damages done by friendly Indians and another fifty of them related to losses by His Majesty's troops. One can easily understand why Drummond was enraged by the activities of Macewen's men whose behaviour he thought resembled "more of a plundering banditti than of British soldiers employed for the protection of the country and inhabitants."⁸²

One researcher who has examined the conduct of soldiers in Wellington's army believes that theft and deliberate destruction of property were relatively rare occurrences. Antony Brett-James noted that British troops stationed in Portugal and Spain would "sometimes burn a house for firewood or steal what few belongings the French Army had left to the inhabitants" but he suggested that these events were infrequent.⁸³ Theft and property destruction in Upper Canada, of course, was far from rare and the more gentlemenly conduct of soldiers in Europe might reflect the differing demands of the two campaigns. The British army in Upper Canada was forced to operate in a restricted area for more than three years. During that time, commissariat officials witnessed a steady decline in available resources and by 1814 the supply

situation reached a critical point. Soldiers who fought in Spain and Portugal, however, were often on the move and their commissariat departments would have had access to a greater range of resources. Yet when provisions fell short, Wellington's troops acted the same as Upper Canadian soldiers. For example, John Harris, a private in the 95th Rifles, remembered a "dreadful march" to the Spanish coast during which commissariat wagons were left behind. As the retreat continued the British troops finished their own supplies and then devoured "anything we could snatch from hut or cottage on our route."⁸⁴ For unlucky property owners, whether Spanish or Upper Canadian, the arrival of a famished force of battle-hardened regulars was cause for alarm.

During the War of 1812 the residents of western Upper Canada and the Niagara District were given almost nothing to replace what they had lost. The Loyal and Patriotic Society, which had been founded "in consequence of a hint in the letters of Mr. G. Ridout" to his father, failed to dispense most of the money it had collected until after the war.⁸⁵ Founded on 22 November 1812, the association spent no money during the first month of operation. In 1813, treasurer John Strachan reported that the society spent just over £275 on twenty-three individuals who received an average payment of less than £12. Of the total amount expended in 1813, fully seventy percent was given to residents of the Home district, one of the areas that suffered the least from wartime damages. In 1814 the society dispensed another £432. 15s. 4d. to eighteen recipients and by the time that news of the peace treaty reached Upper Canada in March 1815, only forty-seven individuals had been assisted through a total wartime expenditure of £945. 7s. 0d. Of that amount, the Niagara District, where an estimated £182,169 worth of

losses had been sustained, received just over £100, or less than eleven percent of the society's bounty.⁸⁶

The failure of the Loyal and Patriotic Society to provide money in a timely fashion to the areas that needed it most, would become one of the grievances that western Upper Canadians would harbour toward their eastern neighbours after war's end. Resentment over the activities of the Loyal and Patriotic Society, however, was only one of the many causes of post-war discontent. Upper Canada had entered the conflict as a divided society and the fighting prompted disunity over new issues and exacerbated old divisions. Members of the regular forces were annoyed that most Upper Canadians managed to avoid taking an active part in the struggle. Those settlers who had fought almost continually in flank companies or in the Incorporated Militia shared the feelings of those soldiers. Meanwhile, many colonists derided the military abilities of the British forces and condemned the troops for their flagrant disregard of property rights. The western Indians who fought during the conflict felt betrayed by the peace treaty which made no mention of their concerns and left their future unsettled. Residents of Niagara and western Upper Canada, of course, felt nothing but contempt for these "plundering" allies and anti-Indian sentiment was quite prevalent during this period. Thus the assertion sometimes made by historians that the inhabitants of the province were "knit together" by this war, seems more a product of wishful thinking than of a reasoned appraisal of wartime events.

During the War of 1812 it was the western regions of the province that suffered the most in terms of losses and damages by both enemy and friendly forces. This area was the scene of continual campaigning

and it was also home to large garrisons of undisciplined troops and to hundreds of Indian warriors and their dependents. A "grand attack" on its resources by locust-like armies left many of the inhabitants of that region penniless, homeless, and without the means to start anew once peace was finally declared. From York eastward, however, the inhabitants sustained few losses and for many of them the war represented only an opportunity to make a profit from military expenditure. In Kingston, for example, the most damaging effect of the conflict may have been the legacy of foul-mouthed youngsters. One inhabitant said that children in the village who attended the school near the barracks had "their chaste ears every day insulted by the coarsest language." In a letter dated 5 December 1813, Isaac Wilson described the wartime experiences of the majority of easterners when he wrote: "We live very quietly in this part of the country and are out of the way of the armies."⁸⁷

NOTES VI

¹Cruikshank, Documentary, T.G. Ridout to T. Ridout, 4 September 1813, VII:99-100.

²Cruikshank, Documentary, T.G. Ridout to T. Ridout, 16 September 1813, VII:137.

³Cruikshank, Documentary, T.G. Ridout to T. Ridout, 21 September 1813, VII:153-157.

⁴Robert Christie, The Military and Naval Operations in the Canada's During the Late War...Until the Year 1815, (Quebec: 1815), appendix d, General Smyth's proclamation, 17 November 1812, p.233. Private plundering was forbidden by the conventional rules of war but the taking of lawful booty was not. Horses, materiel, and money belonging to the losing army were considered prizes and the usual practice was to sell the items and divide the proceeds among the victors. Cruikshank, Documentary, District General Order, 27 July 1813, VI:287, warned British soldiers not to loot since they would be punished and forced to repay owners.

⁵NAC, CO42/374, Horton to unknown, January 1824, p.203; NAC, UCS, volume 13, Militia return, 4 June 1811, p.5437. The provincial militia was composed of 12,821 adult males in 1811 and when the work of the 1816 committee was done it had examined 2,828 claims, the 2,828 claimants would equal about 22% of the total adult male population.

⁶NAC, Board of Claims for War of 1812 Losses, 1813-1848, RG 19, E5 (a), volume 3730, file two, 1816 commission report. Hereafter NAC, Board of Claims.

⁷Cruikshank, Documentary, unknown to Powell, 4 December 1812, V:17-18.

⁸William Wood, Select British Documents of the Canadian War of 1812, 3 volumes, (Toronto: Champlain Society, 1923), Strachan to Baynes, 2 August 1813, II:193.

⁹NAC, CO42/355, Thomas Clark to Gore, 20 July 1814, p.394.

¹⁰OA, John Strachan Papers, Strachan to Brown, 26 April 1813, reel 1.

¹¹Wood, Select, Murray to Vincent, 12 December 1813, II:481-482.

¹²Cruikshank, Documentary, Armstrong to McClure, 4 October 1813, VII:193.

- ¹³Edgar, Ten Years, pp.258-259; Stanley, Operations, pp.218-219.
- ¹⁴LPS Report, pp.379-382; William Macewen, "Excerpts From Letters...to His Wife, Canada, 1813-1814," [nd,np], Macewen to wife, 31 March 1814, pp.12-13.
- ¹⁵Kingston Gazette, 1 February 1814, p.2.
- ¹⁶Edward Bernard Hein, "The Niagara Frontier and the War of 1812," (Ph.D. dissertation, Ottawa, 1949), p.201.
- ¹⁷NAC, CO42/355, Response to Opening, 17 February 1814, p.29.
- ¹⁸OA, Merritt Family Papers, (additional), 1860, 5 July 1814.
- ¹⁹Cruikshank, Documentary, MacFarland to wife, July 1814, I:73.
- ²⁰LPS Report, p.383.
- ²¹Wood, Select, Riall to Drummond, 19 July 1814, III:138.
- ²²Watson, "Moraviantown," p.130.
- ²³OA, Isaac Wilson Diary, Isaac to Jonathan, 5 December 1813.
- ²⁴Beasley, "Westbrook," DCB, VI:809.
- ²⁵LPS Report, p.385.
- ²⁶Wood, Select, Talbot to Riall, 16 May 1814, III:89.
- ²⁷Quoted in Stanley, Operations, pp.279-280.
- ²⁸Cruikshank, Documentary, Drummond to Prevost, 31 May 1814, I:16-17.
- ²⁹LPS Report, p.384.
- ³⁰Cruikshank, Documentary, Drummond to Prevost, 31 May 1814, I:16-17.
- ³¹NAC, CO42/355, Drummond to Bathurst, 20 November 1814, p.129.
- ³²NAC, CO42/355, Clark to Gore, 20 July 1814, p.394.
- ³³Macewen, "Excerpts," Macewen to wife, 6 June 1813, p.3.
- ³⁴Macewen, "Excerpts," Macewen to wife, 26 July 1813, pp.8-9, 3 July 1813, pp.6-7.
- ³⁵Fort York, "Domestic Training Manual," p.58. A district general order dated 13 August 1813 specified these amounts of food and a second order on 6 September 1813 specified ½ gill of rum.

³⁶Irving, Rations, Forage & Other Issue, quoted in Fort York, "Domestic Training Manual," p.169.

³⁷These calculations have been based on information issued by Health and Welfare Canada. One and a half lbs. whole wheat bread equals 675 grams at a caloric value of 244 kilocalories per 100 grams. One lb. or 450 grams of lean stewing beef amounts to 1018.58 kilocalories while $\frac{1}{2}$ gill or 70 millilitres of rum contain 157 kilocalories, Nutrient Value of Some Common Foods, (Ottawa: Health and Welfare, rev. ed., 1987), pp.10,12,21-23,30. A number of assumptions have been made in order to complete these calculations. First, lean stewing beef was chosen, rather than lean and fat rib roast or other cuts, to reflect the realities of the time. Beef served to enlisted men was never of the choicest variety and in the case of Upper Canada the cattle may have first been driven hundreds of miles overland from Vermont. As to the bread, whole wheat was selected although other varieties would not have affected the total in a significant manner. Mixed grain bread, for instance, contains 260 kilocalories per 100 grams, Ibid., pp.21-22.

³⁸Canada, Health and Welfare, "Recommended Daily Nutrient Intakes 1974," in Corrine Robinson, Normal and Therapeutic Nutrition, (New York: Macmillan, 1977), p.684.

³⁹Robinson, Nutrition, p.18.

⁴⁰See Michelle Guitard, The Militia of the Battle of Chateauguay: A Social History, (Ottawa: Parks Canada, 1983), p.40 and Robinson, Nutrition, p.322. Guitard's calculations regarding army nutrition are hopelessly flawed since they also include substitutions that were only added when the primary article could not be procured. By adding the values for salt pork, Guitard estimated the daily intake to be 4,793 kilocalories, p.41.

⁴¹Jacob Bigelow, "The War of the Gulls; An Historical Romance," (New York: 1812), p.23.

⁴²Wood, Select, Procter to Prevost, 4 July 1813, II:43-44.

⁴³Stanley, Operations, pp.202-204.

⁴⁴Cruikshank, Documentary, Return of right division, 22 June 1814, I:28-30.

⁴⁵These calculations are based on information from Martin Van Creveld's, Supplying War: Logistics from Wallenstein to Patton, (New York: Cambridge Press, 1977), p.34, and the results are expressed in short tons of 2,000 lbs.

⁴⁶William Weekes, "The War of 1812: Civil Authority and Martial Law in Upper Canada," OH, 48 (1956), p.157. Each barrel would have held 196 lbs. of flour, see OA, Abraham Nelles Papers, Miscellaneous, commission prices, 5 September 1814. Twenty-five barrels times 196 times 30 days = 147,000 lbs. of flour or 73.5 tons.

⁴⁷Weekes, "War of 1812," p.157. The Indians were supplied with 25 barrels (25 x 196) or 4900 lbs of flour. That flour would have produced about 6,533 lbs. of bread or about 4,356 rations. Therefore approximately 4,400 Indians required 16 cattle per day and the 4,466 soldiers and militiamen would have required at least the same amount.

⁴⁸Van Creveld, Supplying, p.2; OA, Isaac Wilson Diary, Isaac to Jonathan, 5 December 1813.

⁴⁹G.A. Steppler, "A Duty Troublesome Beyond Measure: Logistical Considerations in the Canadian War of 1812," M.A. dissertation, McGill, 1974, p.187; OA, Abraham Nelles Papers, unknown to Nelles, 20 August 1814; Miscellaneous, commission prices, 5 September 1814; CO 42/355, Drummond to Bathurst, 20 November 1814, p.129.

⁵⁰Cruikshank, Documentary, "Proclamation," 26 September 1814, II:292; "Proclamation," 5 November 1814, II:292.

⁵¹Steppler, "Duty," p.104-105; Kingston Gazette, 1 April 1815; NAC, UCS, 1814, volume 19, Prevost to Drummond, 19 March 1814, p.8139.

⁵²Wood, Select, Drummond to Prevost, 6 October 1814, III:207-208.

⁵³Cruikshank, Documentary, Izard to Secretary, 31 July 1814, II:114-115.

⁵⁴Weekes, "War of 1812," p.157.

⁵⁵NAC, CO42/355, Drummond to Bathurst, 5 April 1814, pp.49-50.

⁵⁶Cruikshank, Documentary, Drummond to Prevost, 25 April 1814, II:11; NAC, CO42/355 Drummond to Bathurst, p.49.

⁵⁷Anthony Bret-James, Life In Wellington's Army, (London: George Allen and Unwin, 1972), p.107.

⁵⁸Macewen, "Letters," Macewen to wife, 26 July 1813, pp.8-9.

⁵⁹NAC, Board of Claims, volume 4375, file 3, case of John Farmer, claim 31.

⁶⁰Macewen, "Letters," Macewen to wife, 13 August 1813, pp.9-10.

⁶¹Thomas Conant, Upper Canada Sketches, (Toronto: William Briggs, 1898), p.47.

⁶²Hein, "Niagara Frontier," pp.139-140.

⁶³NAC, Board of Claims, volume 4357, claim 427; volume 3735, file 3, claim 48.

⁶⁴NAC, Board of Claims, volume 3735, claim 244.

⁶⁵William Dunlop, Recollections of the War of 1812, (Toronto: Historical Publishing, 1908), p.63.

⁶⁶E.A. Cruikshank, The Battle of Lundy's Lane, 3rd ed., (Welland: Tribune, 1893), pp.7-8.

⁶⁷NAC, Board of Claims, volume 4358, claim 1319.

⁶⁸NAC, Board of Claims, volume 4357, claim 889.

⁶⁹NAC, Board of Claims, volume 4357, Richard Hatt, claim 503; volume 4357, Peter Swartz, claim 424; volume 4358, Robert Biggar, claim 102.

⁷⁰Hamilton Spectator, 4 October 1880, p.2.

⁷¹NAC, Board of Claims, volume 4357, claim 499.

⁷²NAC, Board of Claims, volume 4358, claim 141; OA, Isaac Wilson Diary, Isaac to Jonathan, 5 December 1812; C.P. Stacey, "Upper Canada at War, 1814: Captain Armstrong Reports," OH, 48 (1956), p.41.

⁷³Cruikshank, Lundy's, pp.7-8.

⁷⁴NAC, Board of Claims, volume 4357, claim 457.

⁷⁵These figures are based on a computer generated survey and they differ slightly from the official totals, NAC, Board of Claims, volume 4357, claim 752.

⁷⁶The Gore District is an anachronism since it was not created until after the war. However, the third commission was appointed in 1823 and made use of existing districts.

⁷⁷Western, London, Niagara, and Gore = £342,405 or 92.5% of £370,051.

⁷⁸£182,169 - 382,427 = 47.63% versus 0.69% for Newcastle

⁷⁹NAC, Board of Claims, volume 3730, file two, 1816 commission report.

⁸⁰OA, Isaac Wilson Diary, Isaac to Jonathan, 5 December 1813.

⁸¹In numeric terms the incidents of single perpetrator cases per district are:

	ENEMY	INDIAN	BRITISH TROOPS
Western	124	52	6
London	92	11	6
Niagara	156	27	50
Gore	19	118	20
Home	21	15	20
Newcastle	5	0	1
Midland	2	0	3
Johnstown	7	0	9
Eastern	29	1	6

⁸²Cruikshank, Documentary, Drummond to Prevost, 5 March 1814, IX:209.

⁸³Bret-James, Life, p.40.

⁸⁴Recollections of Rifleman Harris, ed. by Christopher Hibbert, (London: Archon Books, 1970), p.74.

⁸⁵Robinson, Life of John Beverley, p.61.

⁸⁶Compiled from lists in the LPS Report.

⁸⁷Kingston Gazette, 22 June 1814, p.2; OA, Isaac Wilson Diary, Isaac to Jonathan, 5 December 1813.

VII

"ENEMIES AT HOME": TREACHEROUS THIEVES

On Friday, 3 June 1814, one month before the Americans launched their final destructive invasion across the Niagara River, the residents of York gathered in their Sunday best to hear an extraordinary sermon by John Strachan. Recent "Glorious Victories" by British forces in Europe had led to the declaration of a general thanksgiving and the inhabitants of the provincial capital took time out from their busy schedules to share in the celebrations. Although parts of the province were still under attack by enemy forces, many of the citizens of York had much to be thankful for since all of them had been paroled for more than a year. During that time the capital had also been spared the worst excesses of the American burning system and some of the inhabitants undoubtedly would have agreed with Strachan's appraisal of the war as a "most agreeable event."

Strachan, who was rumoured to be a candidate for a position on the Executive Council, said the war was the source of "many causes of joy." In a barely veiled reference to his own ostentatious tirade against American looting the year before, Strachan said that through the universal defence of the province, "we have gained a name among our fellow subjects which will be forever precious." In addition to that well-deserved notoriety, Strachan also pointed to the economic benefits of the war. He rejoiced to see "neighbours flourishing" and even believed that the raids and burnings endured by residents in western Upper Canada and in the Niagara region were blessings in disguise.

After all, he noted, these events offered an opportunity for more fortunate inhabitants to assist those who were suffering. Finally, Strachan said that the Loyal and Patriotic Society had already been "the dispenser of comfort and joy to so many" that its works "ought never to be forgotten."¹

That unusual appraisal of a conflict which was responsible for the premature deaths of hundreds of colonists and which had left thousands more in distress, requires an explanation. For the residents of York and the areas to the east, the war was often considered a godsend. Vast increases in military spending offered many colonists a once in a lifetime opportunity to acquire huge sums of money. Isaac Wilson, for instance, informed his brother that York merchants were making "great profits" on goods brought in from Montreal. One individual he knew had purchased a shipment of merchandise for \$1,500 which he managed to resell within three months for \$5,000. Wilson himself had profited much by the war and he had recently lent money at a rate of ten percent for twenty days--an amount equal to 180% a year. The opportunities for usury and profiteering led Wilson to conclude: "I do not think there ever was a place equal to this for making money if a person be in any kind of business or trade."²

Providing that residents kept out of the way of opposing armies, and had needed skills or capital to invest, the war could bring benefits. William Sherman, for example, a blacksmith from Barton Township near the head of Lake Ontario, found the war years to be both enjoyable and profitable. Having lost his right eye in an accident many years before, Sherman was excused from all militia duty. Yet, since he was near the large British encampment at Burlington Heights, he

was constantly employed on government works. One contract instructed Sherman to make axes for the military and he later recalled earning a net profit of six to eight dollars a day. After the war, workingmen receiving room and board would have had to work one month to earn that amount of money. Although Sherman had been the victim of an Indian raiding party and had lost some potatoes and two large hogs as a result, he believed that his losses were insignificant, especially when compared to the damages sustained by other inhabitants of his district. He explained that, as a trained blacksmith, "he was much employed during the war and might upon the whole have been a gainer than a loser by it." Sherman was one of the more fortunate residents of the Niagara District since the Americans never controlled Barton Township. In total, the blacksmith estimated that his losses during the conflict amounted to just over £43, or \$172. At his average rate of net profit, therefore, in less than one month Sherman would have earned enough money to pay for all the damages he sustained during the whole war.³

Other Upper Canadians abandoned their customary trades or embarked on risky ventures in order to make even greater profits. John Farmer, a neighbour of Sherman's from the head of the lake, spent the early part of the war driving cattle from Niagara to Kingston. The profits made from that first leg of the trip were usually invested in groceries which he resold at Fort George on his return. Farmer would later say that he only carried on this "trade during & in consequence of the War and that he is a Taylor by trade." Similarly, the goods that were seized from Richard Beasley by the American navy were not intended for his personal use. Beasley admitted that he had invested over £596 in bringing goods from Kingston to Fort George as "a merchantile

speculation owing to the war."⁴

The chance to acquire previously unheard of rates of return was an opportunity few colonists could pass up and profiteering during the conflict eventually reached enormous proportions. There was never a shortage of individuals who were willing to overcharge military purchasers or fleece civilian customers but profiteering should not be confused with general economic well-being. Ordinary citizens usually saw little real benefit from increased military spending. Farmers who received higher returns on their produce, for instance, would have found that greater profits barely compensated for the inflated prices of other goods. Only a few dozen leading merchants in the larger villages were consistently able to acquire sufficient sums of money to offset the effects of wartime inflation.

Profiteers began their work early, even before hostilities commenced. Under General Brock the army started stockpiling flour in the spring of 1812. In April, for example, the prominent western merchant John Askin was buying as much of this item as he could from his neighbours. He paid only six dollars for each barrel since the inhabitants did not know the "secret" that "the merchants get seven & a half dollars for each barrel from Government.". The use of inside knowledge and close contacts with other government suppliers placed Askin in a perfect position to profit from increased British expenditures. He continued to hold this advantageous position even after the Americans invaded the Western District. Askin had resigned his militia commission in 1809 and because of this he said that Hull's invasion offered "no cause of Uneasiness" for him. That was especially true since he was a good friend of Elijah Brush, an American official at

Detroit. Thus, while the mustering of the local militia had left others with no means of gathering their crops, Askin was pleased to announce that "Mr. Brush says he will send men to cut down my harvest."⁵

It must be stressed that Askin's ability to adapt quickly to the economic possibilities offered by the war was not an attribute shared by all other colonial merchants. At first, news of the outbreak of hostilities brought business to a standstill and individuals with ready cash resorted to hoarding. In August 1812, the York merchant Alexander Wood informed a colleague that "the unsettled state of the times" had led to a shortage of money which he said "really seems to have forsaken this part of the country."⁶ Michael Smith observed in 1812 that "no business is carried on by any person, except what is absolutely necessary."⁷ Many of the merchants on both sides of the border found that situation to be intolerable and in Buffalo an organization was started to deal with the concerns of the mercantile community. On 15 October 1812, "The Friends of Liberty, Peace, and Commerce" met at Buffalo for the quixotic purpose of terminating the war and returning to the friendly intercourse of the past.⁸

Some of their counterparts on the western side of the Niagara River, however, had already discovered that business could still be carried on in wartime. As early as April, Brock was faced with a shortage of specie which was needed to buy supplies for the military. At that time he approached the leading shopkeepers of the Niagara region for help. Merchants from this district, such as Askin's cousins, the Hamilton brothers, were among the most influential and well-heeled of the province's mercantile elite. They quickly formed themselves into an alliance, the "Niagara and Queenston Association," and issued several

thousand pounds worth of notes guaranteed by themselves and by the government.⁹ Like the provincial banks of the future, the Niagara and Queenston Association depended on the pooled financial resources of various mercantile firms for its existence. With this paper currency in his pocket, Brock was able to raise and outfit the flank companies in the Niagara and York Districts.

Upper Canadians were not, as has so often been supposed, uniformly opposed to the concept of paper money. There were individuals who were adamantly against the innovation but most colonists were simply leery of the potential for abuse. American bank notes had circulated in the province during the early part of the century but, because it was not illegal to issue counterfeits, the notes acquired a reputation for unworthiness.¹⁰ Had the paper proven to be sound, it would have met with a welcome reception from many colonists. That at least was Brock's appraisal of the situation. In April 1812, he told Noah Freer of his plans to introduce a paper currency with the assistance of leading merchants. Brock believed that the issue would meet with success, especially as the colonists already had some experience with "merchant money" and American bank notes. Since they had previously been in the habit of receiving these pieces of paper, Brock thought that the inhabitants "would not hesitate taking the more certain security of Government."¹¹

Initially, however, the Niagara and Queenston Association notes actually exacerbated the money problems in the province. Some merchants at York and Kingston viewed the paper currency with distrust and refused to take the bills. By accepting the notes, the merchants would have had to make change in coins, and many simply refused to part with highly

prized hard currency.¹² With the declaration of war came increased hoarding and Brock felt drastic measures were needed if he was to finance a war effort. He approached the Assembly that summer and asked it to authorize the creation of a provincial paper currency.¹³ Its refusal to follow through had more to do with the machinations of Willcocks and his associates than with any psychological aversion to paper money. As with Brock's requests relating to the suspension of *Habeas Corpus* and the imposition of martial law, his suggestion about creating a colonial currency was ignored by members fearful of "incurring the indignation of the enemy."¹⁴

While Brock failed in his attempt to create a provincial currency, his counterpart in Lower Canada did not. George Prevost approached the Lower Canadian Assembly in July 1812 with a plan for the creation of two hundred and fifty thousand pounds in "army bills" to compensate for the deficiency in hard currency.¹⁵ The members agreed to the measure and the legislature granted fifteen thousand pounds to pay the interest that would come due on larger notes which bore interest at the rate of four pence a day for every one hundred pounds.¹⁶ Army bills in denominations under twenty-five dollars were to be paid in cash or on demand.¹⁷ These bills offered the military a means of buying produce and supplies with paper that was backed by the British government. By the time news of the Treaty of Ghent reached Upper Canada, over £1,249,000 worth of army bills were in circulation in the two provinces.¹⁸

The creation of this new currency eventually led to a resumption of business in Upper Canada. As late as October 1812, merchants in Kingston were still offering to accept payment in the form of "either

cash or any kind of produce." By the next month, however, shopkeepers had dispensed with bartering and they now accepted only "Cash, Government, or Niagara Association Bills."¹⁹ The continued existence of the Niagara Association notes was probably prompted by problems relating to the type of army bills that first reached the upper province. Too many large army bills worth twenty-five dollars or more were in circulation and shopkeepers were left with no choice but to rely on these Niagara Association bills to make change. Without them a settler who had sold flour to the commissariat in return for a twenty-five dollar army bill would have found the note nearly useless unless he was willing to purchase exactly twenty-five dollars worth of goods from one merchant.²⁰

A desire to ease this shortage of small change soon led retailers in other centres to begin endorsing their own notes. Ultimately, almost all persons doing business in the towns and villages of the province were producing paper money of their own. This practice brought problems, of course, since some individuals refused the bills of other merchants and soldiers who were given two hour's notice of a troop withdrawal found that they possessed paper of no value in another part of the country. The avalanche of paper money eventually led to calls for government regulation of some sort. "When bakers, grog-shopmen, washerwomen, etc. etc., begin to issue their own trash...", one critic observed, "I think it is high time for some of the higher civil authorities to interpose, and prevent an unsuspecting public from being imposed upon."²¹

Other criticisms were levelled at merchants who appeared to be taking advantage of the scarcity of small change to reap small fortunes.

Jealousy arose amongst shopkeepers who suspected the motives of other merchants and one critic, who wrote under the name "Hawkins," questioned the value of these notes. His attack also raised anew the debate over the trustworthiness of recent American arrivals in the colony. In a letter published on 31 August 1813 in the Kingston Gazette, Hawkins noted that two shopkeepers in that town had each printed several thousand pounds worth of notes. While he was sure one of these men, Thomas Markland, was of "undoubted responsibility," he was not so sure about the other, an American immigrant named Benjamin Whitney. While Markland owned large tracts of land that offered security for his notes, Whitney owned none and many considered him "almost a stranger." Hawkins suggested that Whitney's business "might in a moment be reduced to a state of insolvency" by the destruction or capture of one large shipment of goods. Of even greater concern to Hawkins was the whole concept of private money. He noted that one English statute, 15 George 3rd, chapter 17, made the issuance of personal bills worth less than twenty shillings illegal. Hawkins was joined in this attack two weeks later by "Rusticus" who argued that the laws of England relating to property and civil rights extended also to Upper Canada and, therefore, the merchants were contravening several statutes.²²

Fearing that such attacks might lead to government intervention, the major merchants of York and Kingston decided to rid the system of its worst abuses. At a meeting held at Walker's Hotel on 28 August 1813, fourteen of Kingston's leading merchants and retailers formed themselves into an alliance known as the "Kingston Association." The merchants agreed to deposit a sufficient amount of either specie or army bills with a treasurer to cover all the notes issued in the name of the

association. The members also agreed not to accept notes worth more than fifty cents from any individual outside the alliance and they immediately sanctioned the printing of one thousand pounds in dollar bills. To forestall criticism that the endeavour was motivated completely by greed, the merchants directed that the profits arising from deposits were to be sent to the treasurer of the Patriotic Society.²³ One month later, one dozen of the leading shopkeepers in the provincial capital followed suit with the creation of the "York Association" which immediately issued three hundred pounds in one dollar notes. The terms of incorporation were similar to those of the Kingston alliance except that the York men had directed that profits from deposits were to go to John Strachan for the "poor of the parish."²⁴ By the end of September 1813, therefore, at least two organizations in the province were acting as unchartered banks since they were printing notes backed by cash reserves.

The refusal of these associations to accept most of the notes of non-members meant that the paper money created by outsiders was now in jeopardy. Naturally this move to restrict the issuance of other notes angered non-members, particularly Whitney and Markland, who had thousands of pounds worth of bills outstanding. A visitor to Kingston, Abraham Lovegood, remarked that he had never seen "so much envy, malice, and revenge depicted in men's countenances" until he stumbled across a meeting of the association at Walker's Hotel on 5 September 1813. Since it was a Sunday, Lovegood at first assumed that only news of an imminent American attack could have prompted the leading figures of Kingston to disturb the tranquility of an Upper Canadian sabbath. Instead he was shocked to discover that the meeting "was for the purpose of having a

new bank." Apparently a vicious dispute had erupted with Whitney and Markland on one side, and the founding members of the Kingston Association on the other. The two merchants wished to join the alliance but the other members insisted that Markland and Whitney first redeem their individual note issues. The two leading merchants objected to that requirement, fearing that they would not be able to meet the demand if all their outstanding notes were returned to them at one time. The meeting adjourned without reaching a compromise and both sides resorted to the pages of the Kingston Gazette to air their dispute.²⁵

Thomas Markland had fired the first salvo in this mercantile war by sending a letter to the local newspaper on the very day the bank was formed. Markland said that the decision to refuse most non-member notes was an "ungenerous and unwarrantable action" on the part of the Kingston Association and he believed that it was intended solely to injure his credit. He went on to announce that he was prepared to redeem all of his personal notes in army bills "at all times." For their part, the members of the association denounced their opponents as "selfish" and they suggested that the alliance was created simply for the benefit of the public. The town now enjoyed a more secure circulating medium and any interest earned by the Kingston Association on its reserves was to be sent to the Loyal and Patriotic Society. According to its defenders, this last measure was proof positive that the motives of the members were "of the most disinterested and public spirited [in] nature."²⁶

Of course, despite all assertions to the contrary, all sides in this dispute were motivated principally by self-interest. Markland and Whitney, for instance, would have joined the other merchants if their personal financial situations had permitted the move. By banding

together to monopolize the traffic in small change, the majority of Kingston's merchants managed simultaneously to silence most critics and keep money flowing into their businesses. The decision to donate profits from money lying idle in the hands of a cashier was prompted more by a desire to continue an illegal system of note-printing than out of any real concern for the welfare of the poor. Sending interest payments to the Loyal and Patriotic Society allowed the members to portray themselves as loyal citizens contributing to the provincial war effort. At the same time, however, the merchants never had to leave the comfort of their homes and shops.

The notes issued by the Kingston Association gained rapid acceptance and the society soon authorized the issuance of an additional one thousand pounds in three, two, one, and half dollar denominations. Whitney was the first casualty of the merchant war and by November 1813 he had been forced to stop extending credit and to ask that all unsettled accounts be closed immediately. Two months later the association announced that it would no longer accept private notes worth less than half a dollar. Until the next summer, Kingston Association bills enjoyed an unrivalled position as the paper money used by most area merchants. Finally, by July 1814, the supply of army bills of all denominations had increased to such a degree that the alliance began calling in its notes.²⁷

Personal disputes revolving around paper money also divided the tiny community at York early in the war. Quetton St. George, the richest merchant in the capital, at first offered discounts to those individuals who paid in specie. This discounting made army bills less attractive and St. George was blamed for the high rate of inflation that

put many essential goods out of the reach of "the great majority of the Population and army at and near York who could not command specie." After having nearly ruined the reputation of army bills, St. George then proceeded to issue notes of his own "whereby he accumulated a large sum of money." In amassing this "handsome fortune," St. George may not have been operating solely out of a concern for money.²⁸ In addition to greed, the French immigrant may have aimed to repay York society for having previously snubbed him. St. George conceded that his imperfect English may have marked him as an outsider but he never forgave the outright rejection of his "presumptuous" marriage proposal to Anne Powell, daughter of Judge William Drummer Powell. If revenge for this slight was indeed his motivation, St. George must have been pleased with his own success. At one point William Powell remarked that his principal distress during the war years "arose from the incredible Expense of living."²⁹

Wartime inflation brought rapid increases in the price of staple foods and these higher costs were a reflection of both shortages and increased profit-taking by middlemen. John Askin paid only six dollars for every barrel of flour that he bought in April 1812, but he quickly resold the flour for seven and one-half dollars.³⁰ By the time that same flour reached York it could be sold to the government for eight and one-half dollars. In December 1813, the price of a barrel of flour had reached the twelve dollar mark and two months later flour was selling in the Kingston market for fourteen dollars a barrel.³¹ Prices for other items also more than doubled during the conflict. Hay, for instance, usually sold for between twelve and fifteen dollars a ton before the war.³² By November 1813, those lucky enough to find suppliers were

paying at least thirty dollars for the same amount. John Clark, who was stationed at Kingston at that time, informed William Hamilton Merritt that his "poor horse was starving from a scarcity of forage." Clark bemoaned the fact that he had little to do at the garrison yet he was forced to accept an "extravagant rate" of inflation. "What they brought me here for God only knows," he complained to Merritt, "unless to get rid of what little pay I have."³³

Many other residents, especially those restricted to fixed low incomes, also felt the pinch of high prices. Minor government officials at York, for example, experienced economic hardship since prices rose at uncontrolled rates while their incomes actually dropped. While inflation ate away at their yearly salary the clerks found that the fees which they relied on to supplement their pay had nearly disappeared because of the lack of immigrants seeking land patents. Gordon Drummond was eventually driven to appeal for increased salaries for his clerks because he feared they would quit the service. At the beginning of 1814, for instance, second level clerks were paid just over £112 a year, and with the reduction in the amount of fees collected they were actually earning less than common labourers. Drummond considered increases in the region of one-third of their total salaries to be so "absolutely necessary" that he instituted the changes, retroactive to 1 January 1814, even before he received permission from British authorities.³⁴

For the less fortunate, of course, the war years were even more difficult. Profit-taking by retailers put prices for staples out of the reach of poor colonists. In 1814, an inhabitant of Kingston noted that bakers in that town paid fourteen dollars for every barrel of flour that

they purchased. Taking into consideration overhead costs, he estimated that they made a daily net profit of more than thirty-five dollars on the bread that they sold, "and that chiefly the hard earnings of the poor." Unlike merchants, whose high prices he could excuse because of the dangers involved in shipping, food retailers ran few risks and none justified gouging the public. This resident went so far as to suggest that Upper Canadians who were concerned only with the movements and actions of their American foes might be overlooking "some of our greatest enemies at home."³⁵

There is little doubt that the widespread inflation of the war years was prompted, in large measure, by colonial merchants and retailers charging as much as the traffic would bear. By making life miserable for many in the colony these "enemies at home" also hurt the war effort. At one point, the Loyal and Patriotic Society spent just over £38 in an attempt to subsidize the price of bread for the poorer inhabitants of York. But after what John Strachan described as "much trouble, vexation, and expense" the society gave up the venture.³⁶ Leaving aside the question of whether less than one-half of one percent of an organization's budget can be considered "much expense," it is clear that the situation for the poorer inhabitants must have been desperate indeed if Strachan and his friends were willing to try to subsidize the price of their bread.³⁷ After the war Strachan estimated that prices at York for "all articles of consumption" had increased three hundred percent between 1812 and 1815.³⁸

For his part, Strachan did not feel the sting of high food prices as much as some of his poor parishioners did. His annual salary amounted to £460 and, as army chaplain at York, Strachan and his servant

enjoyed the privilege of receiving garrison rations throughout the war. From all accounts, these meals bore little resemblance to their poor cousins in the field. Isaac Wilson found York garrison fare so filling that he later had to let out the seams on his civilian clothes.³⁹

Wilson and Strachan were not the only York residents who lived well at the expense of the military. Three of the top merchants in the capital made good profits selling supplies to the garrison. Quetton St. George, William Allan, and Alexander Wood sold at least £45,680 worth of merchandise to the military between December 1812 and January 1815.⁴⁰ The following table presents their sales, rounded to the nearest pound, during two twelve month periods:

Table VII-1

MERCHANT SALES TO GARRISON

PERIOD	ST.GEORGE	ALLAN	WOOD
1812-13	10,932	4,004	427
1814-15	15,799	9,000	5,528
Total £	26,731	13,004	5,955

Source: Fort York, Garrison Book, Commissary Accounts

These figures reveal that St. George sold supplies worth more than both his nearest competitors combined. That information may help explain why he was disliked so much by other members of the York establishment. It also reveals why after the war St. George was able to return to his homeland and purchase an estate near Montpellier where he spent the rest of his days as a "landed French gentleman."⁴¹

The figures produced in table VII-1, while impressive, do not tell us what the level of profit was. Isaac Wilson spoke of one merchant achieving a rate of return equal to more than two hundred percent but that was probably unusual. A key to the riddle of how much

the mercantile community expected the military to pay may be contained in the papers of Alexander Wood. In August 1813, he approached a friend, George Stuart, about the possibility of some British officers renting space in a storehouse. Stuart agreed but he demanded a rent of £200 a year, although he also remarked that he would settle for half that amount were the "occupants of a different description."⁴² This discrimination can probably be attributed to Stuart's fears about the future condition of his building. But it also intimates that residents knew that the military had the resources to pay double the usual price and would do so if necessary. A researcher who has studied William Allan's transactions during this period has determined that his usual mark-up on goods sold to the commissariat was in the neighbourhood of one hundred percent.⁴³ Whether Wood and St. George acquired similar profits remains unknown but one suspects that they would not have settled for less than what their competitor received. What is known is that each managed to amass "small fortunes" from their transactions with the military.⁴⁴

Other businessmen in the capital also benefitted from the presence of the garrison. The director of the York Association, Stephen Jarvis, sold items to the military throughout the conflict and in this he was joined by fellow members Thomas Deary and D'Arcy Boulton Jr. In round figures, the commissariat paid out at least £351,238 to York suppliers between December 1812 and January 1815, or about £175,000 a year.⁴⁵ It has been estimated that between 1795 and 1806 the British government spent an average of about £65,500 in the province each year. During the conflict, therefore, the York garrison alone was responsible for distributing at least five times that amount of money.⁴⁶ For John

Strachan's flourishing neighbours, military spending between 1812 and 1815 represented the most important of the "many causes of joy" brought by the war.

The preceding table also reveals that all three of York's richest merchants conducted an increasing amount of business with the military as the war continued. This may have been a reflection of the greater time these shopkeepers had to devote to mercantile activities after they were paroled in April 1813. Major William Allan played a large role in the unsuccessful defence of York that spring and immediately after the battle he helped negotiate the terms of surrender, which stipulated that private property was to be respected. Later, he was arrested and held until the articles of capitulation were ratified. At that time Allan was paroled but his duty to his country was not over yet. On Thursday, 29 April, the Americans demanded that the public money be turned over to them as provided for in the articles of capitulation. Faced with the prospect of having to provide the difference from their own pockets, Major Allan, John Strachan, and other town notables held a quick conference and then immediately handed over more than £2,000 from the provincial coffers.⁴⁸

Quetton St. George and Alexander Wood were mentioned in an official dispatch as two of the prominent York men who "gallantly volunteered" their services to defend the capital during the April invasion.⁴⁹ Yet it seems that neither of them was actually engaged in combat. St. George may have arrived late on the scene because he had earlier "gallantly offered" to assist in gathering wagons "for the flight of the ladies."⁵⁰ For his part, Wood rushed home as soon as the fighting had ceased and that evening he wrote a few lines to an

associate which dealt with both the recent excitement and the more pressing concerns of his business. Wood attributed the defeat to the superiority of American numbers but he also felt that "a want of Judgement, indecision and shameful neglect of our own," had also played a part in the loss. For the rest of the war Wood found little time for anything other than business activities. He battled with suppliers, wrestled with accounts, and spent the remainder of his days "receiving goods and attending to the examination of them" even after "every other person had gone to bed."⁵¹

It seems certain that Allan's own "indecision and shameful neglect" of his militia forces on that day contributed to the defeat at York in April 1813. Along with Wood and St. George, moreover, his habit of gouging the military made the job of defending the province more difficult for the men in charge of the colony. Yet at the same time, it must be admitted that none of these merchants were deliberately assisting the Americans.

The same could not be said for all other Upper Canadians. Samuel Street, a weathy Niagara miller, justice of the peace, and nephew of the militia paymaster, was said to have sold flour to the enemy when they were in possession of Fort George in November 1813. William Lundy, a Quaker farmer and Street's neighbour, swore out two depositions relating to the incident but nothing appears to have been done about it. Lundy testified that Street and an American named Lobden approached him to help transport flour to Fort George. The flour was owned by Street and his partner Thomas Clark but Lundy at first refused to participate in the operation. At last, after his neighbour had used "threats and persuasion," the Quaker capitulated and reluctantly agreed to assist in

the deed. Sometime later Street pulled Lundy aside and asked him for his opinion of the recent events:

to which this deponent reply'd, that he thought and continued to think that the said Samuel Street had turned Yankee and that he...would continue so as long as the Americans held the possession ...[of] the Province.⁵²

No doubt, Street could have excused his actions by saying that he was only being practical. One Upper Canadian would later admit that he had sold goods to the Americans "since he knew his property would have been taken forcibly if he refused."⁵³

The war years witnessed hundreds of similar incidents since the fighting often resulted in a disregard for established laws and rules of conduct. During the capture of York in April 1813, for instance, dozens of citizens assisted the Americans in carting away the government stores. They did this not only because some of them were sympathetic to the American cause but more importantly because the enemy made it worth their while. John Lyons, a distiller from Vaughan Township, acquired an "ox cart, a pair of large wheels for a gun carriage, a pair of small truck wheels, about one hundred weight of Iron, a large bathing machine, and other articles." Lyons enjoyed the use of these items for only ten days, however, because William Allan and other magistrates repossessed all government property given away by the Americans as soon as the enemy fleet left. Less than three months later the Americans landed again and Lyons took the articles back from the magistrates and he warned the "damned villians" not to bother him again. He told a neighbour, Michael Dye, that he had "made a fine hawl" of government property which he estimated to be worth one thousand dollars. Lyons was also sure that these items were more than enough compensation for the work he had done

transporting flour. Feeling confident about having acquired items through such a profitable transaction, Lyons supposedly challenged anyone to "take them from me."⁵⁴

Lyons' example was followed by others. In August 1813, the town jailer reported that all of his prisoners had been liberated by the Americans. Before leaving the jail the prisoners took "several Green Rugs...a pair of dog Irons and other articles." The jailer noted that the men had been given the goods when the Americans first landed at York in April and they considered the items theirs to do with as they pleased. One of the prisoners had previously been incarcerated for refusing to serve in the militia when his name was balloted. On being released in the autumn of 1812, Gideon Orton found himself again liable for duty because of a general call of the militia. So "he had hidden himself in the woods to avoid serving" and he did not reappear until the following spring when the Americans captured the capital. At that time Orton estimated that he had been given enough public property "to pay him four dollars a day for the time he kept out of the way."⁵⁵

Others also saw the Americans as a potential source of booty and they immediately set out to acquire their share of public property. William Huff testified that Calvin Wood had given the enemy information about where guns and other stores were hidden at York and he said that Wood had received seven barrels of flour in return. For similar services, James Stevens was given "three barrels of Flour, half a Barrel of Pork, and nine pair or upwards of green Trowsers belonging to the militia." Some residents, such as Jacob Clark, were said to have sold provisions to the Americans because the enemy offered specie in return. In every instance where citizens of York assisted the invaders, they

received or demanded some form of compensation. Nathaniel Finch, for example, managed to avoid militia service in the same manner that Gideon Orton had, by running to the bush. His father John Finch told Henry Mullholand that Nathaniel had made the right decision. The older man said that his son had already received "iron and plough shares from the Americans and would get more." John Finch advised everyone:

to turn to the Americans and they will give you something worth the while, you see what I got already, but if you continue to serve with the British you will get nothing....⁵⁶

Like William Allan and Quetton St. George, it appears that many York residents would try to profit from the war by whatever means were available to them.

Outbreaks of hooliganism and a general disrespect for constituted authority were witnessed each time the enemy fleet appeared. In addition to acquiring public stores Calvin Wood and Moses Martin were also accused of bullying their neighbours. Samuel Hatt said that they kept residents in his locality in a state of "continual fear and alarm...by reason of their threats and depredations and that they go about constantly armed." At one point American soldiers were forced to intervene when another citizen acted in the same manner. William Knot testified that a neighbour of his, Mr. Howard, had seized him by the collar and demanded his boots. Before Howard managed to get them, however, a party of enemy troops arrived and "drove him out." Elijah Bentley, an anabaptist preacher who had been warned about his inflammatory sermons in the past, supposedly heralded the arrival of the Americans by announcing that he would now "say and think what he pleased." Bentley also said that "he had been for some time in dread of

his neighbours but now he should see them paid for it."⁵⁷

In a society whose lower orders were expected to be deferential, such sentiments and activities proved worrisome to the authorities. Some residents became even bolder when the Americans invaded the capital for the second time in July 1813. R.N. Lacky reported that John Lyons had warned the magistrates not to attempt to repossess his new implements or he "would apply to General Dearborn for their return." William Allan was singled out for having caused "a great deal of disturbance" by taking back public property after the first invasion in April.⁵⁸ Within a few days the news of Allan's activities had crossed Lake Ontario where it reached the ears of American soldiers at Fort George. At least ten complaints were lodged with enemy officers about Allan's actions and they threatened to give "Major Allan such a parole the first time they caught him that he should never require another." During the July invasion of the capital, five hundred dollar rewards were posted for information on the whereabouts of Alexander Wood, Quetton St. George, and William Allan. All three men had fled the town at the first sight of the enemy fleet. John Chilsom of Etobicoke was one of several inhabitants who announced that "he for one would not be backward in taking" any rewards offered.⁵⁹ It seems that resentment against prominent profiteers who had made life difficult for York residents extended beyond the polite company of William Drummer Powell and his family.

The redistribution of wealth achieved by the Americans through their handouts of public property was viewed with favour even by some persons who did not share in the bonanza. Isaac Wilson, for example, informed his brother that the British government had sent a large

quantity of farming utensils to the province but the "authorities would not allow these to be given out except to favourites." Since the enemy distributed the items very "generally to all settlers," Wilson concluded that the first invasion "was very useful in that respect."⁶⁰ Not accustomed to seeing favourites going unrewarded, and alarmed that prosperous neighbours now had prices on their heads, John Strachan and other members of the colonial elite began to demand an effective response to the public disorder. Strachan's prized former pupil, the new Attorney General, John Beverley Robinson, suggested in August 1813 that Francis de Rottenburg appoint boards comprised of "unprejudiced persons" to collect evidence against anyone suspected of wrongdoing. For the York area, Robinson forwarded the names of William Allan, John Strachan, Duncan Cameron, Thomas Ridout, Alexander Wood, and Peter Robinson, as candidates who would not hesitate to investigate any "character they deem suspicious."⁶¹

Although hardly "unprejudiced," it does appear that these "respectable gentlemen" did a thorough job of examining witnesses. The committee would later report that of the affidavits gathered on suspects, "some are mixed with prejudice & some with malice, others are clear and pointed." Altogether testimony was received on the activities of thirty-two Home District residents. Ten of the men were accused of taking public stores illegally and the rest were said to have used "highly seditious expressions." Much of the evidence related to tavern conversations where imprudent inhabitants had given vent to repressed feelings by "drinking success to the enemy fleet" or toasting "Madison's health."⁶²

In their first report to de Rottenburg the members of the

committee informed their commander that warrants had been issued for the most prominent offenders but the appointees feared that arrests might prove impossible. The board felt that the Americans would surely free the prisoners if they invaded again and, if not, their friends might. Even if the men remained in jail, however, the committee believed that convictions were unlikely since most of the potential jurors were "involved in the same guilt." Because of these problems, the committee finally declared that it was "at a loss how to proceed" since "there is little prospect of any person being convicted at the present crisis by the common operation of the law."⁶³ The obvious solution was to acquire extraordinary powers but that would require legislative approval and this would have to wait until the next session of the assembly in the spring of 1814.

In the meantime, other areas of the province also reported numerous incidents of seditious practices. Like the events at the capital, however, most acts seem to have been related to concerns over money and do not seem to have been motivated by traitorous intentions. The military depot at Kingston, for instance, was a prime target for thieves during the latter part of the war. Month after month the garrison ran advertisements offering rewards for information leading to the conviction of those involved in the "embezzlement of naval stores."⁶⁴ Fearful that private property might become the next target for thieves, eighteen magistrates from the London and Niagara Districts appealed for a declaration of martial law in May 1813. Among those who signed the appeal were William and Thomas Dickson, Thomas Cummings, Robert Nichol, Thomas Clark and Samuel Street. "As men of some standing and weight in this society and holding real property to a great extent,"

these magistrates felt that a "more rigid system" of regulations and punishments was needed if looting and disaffection were to be curbed.⁶⁵

In the London region, the lack of constituted authority had encouraged some inhabitants to take advantage of others. James Fleming of Middlesex County, for instance, had early on revealed that his loyalties ran mostly to his own pocketbook. One neighbour testified that in 1812 Fleming had taken one of Hull's proclamations on a "Grand parade," and had spent his time telling people "how happy they would be" if they stayed home since "they would not lose an apple." After Brock's advance, however, George Ward reported that "all was mute" from Fleming's corner until Procter evacuated his troops, "then the lad had sway again." While camping on Fleming's land several months later, a group of Kent militiamen set fire to piles of brush that they found there. Underneath, the militiamen were startled to find eighteen wagon irons and cannons that the Americans had given him. After the Kent men left, Fleming hired a group of locals to ferry the items down the river to American-controlled territory. When the men completed the job, Fleming refused to pay, so the locals took "as much of the Iron as they thought would satisfy them." Angered by the requisitioning of his ill-gotten gains, Fleming approached the notorious Andrew Westbrook for assistance. Westbrook "got a party and took these young men prisoners," Ward testified, and offered them the choice of returning "poor Fleming the Iron" or going as prisoners to Detroit. The men wisely chose the former course and they delivered all the iron to the home of Fleming's daughter.⁶⁶

George Ward's testimony suggests that the exploits of Andrew Westbrook and other so-called rebels may have had more to do with greed

and neighbourhood disputes than with any affinity for republicanism. In the strictest sense, many of the men accused of being traitors were only guilty of sedition, speaking or acting against public order, and not treason, the betrayal of the government. It might be argued that several prominent Upper Canadians who considered themselves loyal citizens were also guilty of the same offence. Certainly those merchants who extracted obscene profits from a military force that sometimes suffered as a result, were acting against public order and the war effort.

Other Upper Canadians, concerned with the lawful protection of property rights, were also accused of interfering with the war effort. Faced with a shortage of food for his forces in the autumn of 1813, General Francis de Rottenburg instituted a version of martial law in the Midland, Johnstown, and Eastern Districts. Usually depicted as the most loyal region of the province, many of the residents there nevertheless were angered by de Rottenburg's decision and took measures to counteract it. In the spring of 1814, the area's representatives joined with other assemblymen in preparing a letter of protest over the imposition of martial law. Ultimately a vote of censure was passed by the legislature denouncing de Rottenburg's measure as "arbitrary and unconstitutional" and tending "to destroy the laws of the Province."⁶⁷

To understand why the assemblymen would go so far as to denounce the actions of the British commander in the colony, one need remember that nearly all Upper Canadians considered private property to be sacrosanct. The acquisition of personal wealth, and the protection of it, was seen by most colonists as the most important goal in life. Before the war John Strachan had warned the inhabitants that the

Americans wished to deprive them of all they owned. But when Hull assured western Upper Canadians that their possessions were safe, most of those inhabitants responded by refusing to fight. When it was later discovered that enemy forces were quite prepared to engage in looting and destructive burnings, the population appeared more than willing to take up arms. In eastern Upper Canada, however, American plundering parties were rarely seen and for a good portion of the war the residents endured few hardships and enjoyed large profits. It was a great shock to these colonists, therefore, when they realized that private property rights could be ignored by British authorities.

The first indication that British military commanders would have a real fight on their hands if they tampered with private property occurred early in 1813. At a meeting of the Lower Canadian legislature in February, George Prevost discovered that a number of assemblymen were opposed to any imposition of martial law that would affect the civilian populace. The leader of this early movement was James Stuart, a feisty Scot who had been removed from the position of Solicitor General by the previous Governor, Sir James Craig.⁶⁸ Stuart's campaign to limit martial law to the enforcement of discipline in the armed forces received support from a prominent Upper Canadian emigré, Samuel Sherwood. A former member of the Upper Canadian Assembly for the riding of Grenville in the Johnstown District, Sherwood had left the province for Lower Canada the moment war had been declared.⁶⁹ His brother, Levius P. Sherwood, represented the Leeds area in the Assembly for the upper colony and was to become a legislative councillor and a judge of the Court of King's Bench. Both men were sons of a well-to-do Loyalist and Samuel Sherwood was one of the first lawyers in the province. He

was also elected to the Lower Canadian legislature in 1814 and while there he spent most of his time objecting to the actions of the military authorities. He eventually managed to take over the leadership of Stuart's movement.⁷⁰ Using the pen-name "Anti-Jacobin," Sherwood published a pamphlet which argued that it was illegal for a military commander to declare martial law without first getting the permission of the legislature. His influence was not restricted to Lower Canada, however, and Sherwood was generally recognized as the "Chief" of a "Junto" which aimed to limit the use of martial law in both provinces.⁷¹

Joel Stone believed that James Stuart and Samuel Sherwood had been in contact with Peter Howard, a former representative for Leeds in the Upper Canadian assembly. Apparently Howard was active in attempts to undermine military authority in his district by having members of the commissariat arrested whenever they resorted to martial law to acquire provisions. Howard had refused to submit to unpopular measures in the past and in 1808, he and two other assemblymen brought a legislative session to a halt by walking out of the house and depriving it of a quorum. This action was taken because all three were opposed to new house rules that would have permitted bills to be rushed through the legislature without proper discussion. For his part in this protest Howard earned the enmity of Lieutenant-Governor Francis Gore who immediately stripped the assemblyman of his position as magistrate.⁷² Howard was a man who refused to allow the rights of British subjects to be trampled upon by members of the executive but, at the same time, he also refused to follow the dictates of Joseph Willcocks or anyone else. On 19 February 1812, for example, Peter Howard supported Brock's new militia bill while Willcocks did not.⁷³

Joel Stone believed that Howard and some other prominent residents of eastern Upper Canada were part of a conspiracy that was led by Stuart and Sherwood but he was unwilling "to say where the combination ends."⁷⁴ It is known that Sherwood sent letters of advice to old colleagues who found their property subjected to seizure by British troops. From his Montreal residence he sent a letter of inquiry to one of these associates asking him to forward any information he could gather on the activities of Lieutenant-Colonel Thomas Pearson who was allegedly "violating the rights of individuals" near Prescott. Drawing on his legal knowledge, Sherwood informed others of their constitutional rights, even referring to specific statutes that guaranteed the sanctity of private property. "If you hear any ignorant military man ignorantly prattling in favour of old De Rottenburg's and Pearson's Martial Law," he told David Jones at the end of one of these legal lessons, "it will be in your power to stop his mouth very soon by citing authority."⁷⁵

Another of Sherwood's admirers was a relative of his by marriage, Charles Jones, whose sister was the wife of Levius P. Sherwood. Jones was the son of a prominent Loyalist and had founded the village of Elizabethtown which he renamed Brockville after the battle of Queenston Heights. A wealthy merchant and land speculator, Jones has been described by one historian as a real "wheeler-dealer" who would eventually cap his success with an appointment to the Legislative Council in 1828.⁷⁶ During the war years, however, he was constantly involved in disputes with his commanding officer in the militia, Joel Stone, and experienced one serious confrontation with regular soldiers. The incident may have led Jones to desert his post and leave the province before the war ended. On 4 April 1813, Jones said that he

nearly lost his life trying to dissuade "half a dozen ruffians" belonging to a flank company of the King's regiment, from impressing his prize horse. He lodged a formal complaint over the incident in which he declared that if militia officers were to be treated in this "contemptuous way" then he felt that "no militia situation ever so high can be desirable."⁷⁷

Apparently Jones made good on his threat to leave the service and it was reported that he spent the rest of the war in Halifax. He left Guy Burnham, a member of his company of dragoons, in charge of his shop while he was gone. Burnham, it was said, resorted to smuggling goods from the United States to operate the store at even greater levels of profitability. Joel Stone was of the opinion that most of the rumours about Jones were "highly colored from envy" until he again met up with the Brockville merchant. After the war Jones received a commission as justice of the peace and at one of his Court of Quarter Sessions Stone was shocked to hear the new magistrate name Samuel Sherwood and James Stuart as "deserving the highest applause from all ranks of people for keeping down tyranny." The next day Jones and Stone got into an argument about which of them was more guilty of oppressing their neighbours. Jones declared that Stone was a "tyrant" who had fined militiamen for desertion and had assisted the government in acquiring forfeitures on the estates of suspected traitors. Stone, on the other hand, maintained that the new magistrate was "the greatest tyrant" since he had acquired more lands from forfeitures on indebted customers than Stone had ever been "able to get to the Crown for treason."⁷⁸ It seems that both men were probably right in their opinions about each other and it appears that Stone was especially sensitive to such slights because

it was commonly thought that during the war he had "been making his fortune with his Mills."⁷⁹

A resident of Lower Canada, John Richardson, wrote after the war that a deliberate and "nefarious plot" had been hatched by Sherwood and other disaffected citizens in order "to palsy our means of defence." Richardson believed that these men were guilty of treason, that is aiding the enemy, because they resorted to legal measures to hamper the implementation of martial law. While men such as Howard claimed to be "patriots" defending British traditions, Richardson argued that their real motive "was to disconcert our military operations, by starving the troops." In addition to the work of these disaffected citizens, others engaged in similar pursuits. Richardson believed that the "Junto" had achieved its greatest success "by operating upon the avarice of the well affected, by persuading them to withhold supplies in order to get higher prices."⁸⁰ Whether prompted by traitorous designs, simple greed, or by a concern for property rights, the end result of the prosecutions was the same. Richardson noted that soldiers were deprived of food as commissariat officers spent their time appearing in court and the defence of the province was made all the more difficult.

One of the "well affected" who followed Sherwood's advice was Allen McLean, a wealthy Kingston landowner and member of the Assembly for Frontenac.⁸¹ When he discovered that members of the commissary department had established a temporary headquarters on one of his estates, McLean took legal action. Deputy Assistant Commissary General Thomas Osborne was served with a declaration of ejection and McLean had three other members of that department charged with trespass. Always considered a "steadfastly loyal" subject, McLean had previously

volunteered his services as an officer in a provincial corps and his decision to sue the commissariat department surprised his associates. Charles Hagerman, a fellow officer, was shocked by his friend's action and he was at a loss to explain how such a "Zealous and Loyal subject" could set "an example of insubordination and resentment."⁸² Yet for McLean the issue was undoubtedly more complicated and he was probably as concerned over the principles at stake as he was with any possible monetary loss. He had not given the commissariat permission to use his land and the officials were violating his property rights. Loyal or not, Upper Canadians had always been quick to resort to the law when a contract was broken and McLean was no exception to that rule.

McLean's example was followed by other citizens in eastern Upper Canada who also had the means and contacts to undertake law suits against members of the commissary department. In May 1814, Gordon Drummond was worried that local juries would convict military men and he asked that the law officers of the crown defend any soldiers arrested while requisitioning supplies. Attorney General John Beverley Robinson received an official request about the matter the next month but at that time he was too involved in the prosecution of a handful of petty criminals charged with treason.⁸³ Most of those men had stolen goods from their neighbours or had disrupted the militia service by kidnapping senior officers in order to avoid serving themselves. Eventually, even without Robinson's assistance, the government managed to quash the lawsuits against the commissariat. On 17 October 1815, Lieutenant-Governor Gore reported that the prosecutions had finally "been checked by the prudence of the Judges," and any inhabitants who were still unsatisfied were directed to submit estimates to a board of claims

appointed to hear such matters.⁸⁴ Although they had contributed to the difficulties of the British army in eastern Upper Canada, men such as Howard and McLean likely would not have felt guilty. They had been raised to believe that an individual had an inalienable right to the peaceful enjoyment of his private property and they were prepared to defend that privilege even if it meant taking the British government to court.

Upper Canadians cared deeply about their own possessions and those who dared to tamper with them had to be prepared to deal with the consequences. Militiaman Daniel O'Reilly of Niagara, for example, found himself the victim of communal justice at the hands of his neighbours after the fall of Fort George in May 1813. At that time O'Reilly was ordered by General Vincent to requisition horses for the use of the artillery. Dutiful militiaman that he was, O'Reilly impressed the horse of a man named Huff who lived near Beaver Dams. That night, before O'Reilly could turn the animal over to the artillery officers, Huff "unimpressed" his own horse. Daniel O'Reilly's troubles were not over yet, however, for a few days later Huff returned with some Indians and stole two of the militiaman's horses.⁸⁵

While men like McLean and Huff took matters into their own hands to prevent requisitioning by British forces, some other colonists went so far as to sue individual members of the American army who had dared to violate private property rights. Christopher Arnold, a resident of Harwich Township in the Western District, managed to take an officer named Chittenden to trial in the United States. Arnold sued for the return of seven head of cattle worth £33 but he lost his suit when Chittenden was able to prove that he had taken the livestock "in his

official capacity as an officer of the United States Army." John Misener of the Niagara District also resorted to the law in order to retrieve seven barrels of flour taken by the Americans. His attorney, George Keltz, apparently had even less luck than Arnold since the case never reached trial. For some Upper Canadians the war remained a very private affair. Arnold and Misener refused to accept that property losses were an inevitable result of armed conflict between two nations. Chittenden and other identifiable individuals, not the United States of America, had taken their cattle and flour and the colonists wanted those items returned.⁸⁶

The merchants at Kingston and York who overcharged commissary officials, and those citizens who assisted the Americans in return for government stores, also viewed the war in very personal terms and most appeared unconcerned about loyalty and the war effort. Their primary goal was to improve their own economic situation and they seemed to care little if British officials or anyone else considered their actions immoral or even illegal. When the war offered an opportunity to acquire "a fine hawl," they seized the chance without hesitation. Merchants such as John Askin and Samuel Street were as prepared to trade with Americans as John Lyons was, except that he offered labour in return for booty while the businessmen received money for flour. Greed certainly motivated other residents, including those who sought to protect their possessions from forcible requisitioning, but there is little evidence to support John Richardson's belief that McLean and others were guilty of treason. They had not assisted the American invaders, or betrayed the government, but they had placed their own concerns and rights above those of the state.

There were also "traitors" in the truest sense of the word and some of them were involved in government. Two members of the provincial legislature, Abraham Markle and Joseph Willcocks, and a former member, Benajah Mallory, deserted to the enemy in 1813 and were given positions in the American army. It is interesting to note the different backgrounds of each of these men since it suggests that traitors could originate from several segments of the population. Markle, for instance, was from a Loyalist family that had arrived in the colony before the American Revolution had ended. Four of his brothers had served in John Butler's Rangers and Markle managed to establish a distillery and a mill near Ancaster and had acquired 1,300 acres in the province by 1812. That summer he joined a dragoon company and carried dispatches for the British. But on 10 June 1813 Markle was called to headquarters at Burlington Heights and informed that numerous complaints had been lodged against him. One week later, in captivity in Kingston, Markle complained to General Sheaffe that he had not yet been informed of the charges against him. He assured Sheaffe that any charges were "groundless" since it "has been hereditary from my forefathers to the Present age to be friends to the British government." Whatever his true feelings might have been, one week in the hold of a Royal Navy vessel on Lake Ontario apparently was enough to convince him that, for safety's sake, he was better off with the enemy. By 12 December 1813, Markle was serving in the company of Canadian Volunteers for the United States.⁸⁷

When he joined that brigade, Markle found himself serving under Joseph Willcocks, a British subject from Ireland. One historian has suggested that Willcocks crossed over to the American side out of disgust over the activities for the Niagara and York elites. Elwood

Jones believes that Willcock's loyalty was shaken in the summer of 1813 when prominent figures in those two places began demanding the imposition of harsh military measures to curb disaffection. "Firmly in the opposition whig tradition," Jones has written, "Willcocks opposed arbitrary and distant power" and was left with no choice but to repudiate his allegiance to the crown.⁸⁸ While it is true that Willcocks' decision to join the Americans in 1813 was prompted by the campaign to eradicate looting and disaffection, his actions were not based on lofty ideological concerns. Some residents of the district of Niagara claimed to have seen Willcocks acting as a guide for the American force which was defeated at Stoney Creek on 6 June 1813.⁸⁹ Along with Markle, therefore, the Irish immigrant stood accused of being a traitor and he faced the real possibility of being hanged because of these accusations. An earnest desire to avoid having his neck stretched, rather than offended sensibilities, actually drove Willcocks to join the enemy.

Unlike his Loyalist and Irish-born counterparts, Benajah Mallory had already fought for the Americans in the past. During the Revolutionay War, Mallory had joined the rebel forces but, like thousands of other Americans, he came to Upper Canada some time later. By 1812 he had managed to acquire some 1,220 acres of land in the province. In the fourth parliament from 1804 to 1808, Mallory represented the riding of Norfolk, Oxford, and Middlesex, and during the fifth parliament from 1808 to 1812 he sat for the counties of Oxford and Middlesex.⁹⁰ All that time he consistently voted with Willcocks and in 1810, to cite one instance, he supported him on eighteen of the twenty-one divisions which took place. During the election of 1812, Mallory

was defeated by Mahlon Burwell, a close associate of Thomas Talbot. Apparently, Talbot issued highly prized location tickets to anyone who would vote for Burwell. Mallory had also offended Robert Nichol and the Scottish merchant sent reports to his friend Isaac Brock accusing Mallory of attending meetings "for bad Purposes." Like Willcocks and Markle, therefore, Mallory was rumoured to be a traitor and in the summer of 1813 such suspicions could lead to indefinite prison terms or worse. On 14 November 1813, Mallory enlisted in the company of Canadian Volunteers.⁹¹

At the opening of the spring session of the provincial legislature in February 1814, Gordon Drummond said that the news that Willcocks and other inhabitants had joined the Americans was "more a subject of regret than surprise." The assemblymen responded to Drummond's request for means "to punish such traitors" by passing several new pieces of legislation, including one that suspended *Habeas Corpus*. The third bill passed that session permitted arrests of individuals who were only suspected of treasonous acts and two other bills allowed for the seizure and sale of lands held by inhabitants who had fled to the other side. Finally, the house modified the regulations dealing with treason to allow suspects to be tried outside the district in which they normally resided. The last measure was considered necessary since the British no longer controlled western Upper Canada and no trials could possibly be held there.⁹²

On 24 March 1814, Gordon Drummond made use of one of the recent measures of the Assembly to empower boards to "secure and detain such persons as His Majesty shall suspect of treasonable adherence to the enemy." Drummond appointed fifty men to seven boards situated in every

region except the Western and London Districts where the American raiding parties still operated. Among those selected were William Allan, Alexander Wood, and Thomas Ridout for the Home District, Joel Stone for Johnstown, Thomas Markland from Kingston in the Midland District, and Samuel Street and Richard Beasley from Niagara.⁹³ The man most concerned with the proceedings of these boards, however, was the twenty-three year old acting Attorney General for the province, John Beverley Robinson. D'Arcy Boulton Sr., the man supposed to hold that position, had been captured by the French navy while on his way to England. William Drummer Powell and John Strachan put forward Robinson's name as a suitable temporary replacement although he had not yet been admitted to practise law.⁹⁴ Robinson accepted the opportunity offered by Boulton's misfortune and set out to make a name for himself in a manner that must have pleased his mentor Strachan.

The new Attorney General was to oversee the operation of a "Special Commission," an inquiry reserved for those occasions that called for exemplary hangings to restore the public peace. In England, special commissions were usually granted at the request of wealthy gentlemen when riots threatened their authority. The assize judges would arrive from the capital, grave speeches would be made, evidence would be heard, and finally the sentence of death would be pronounced. It was thought that such "rituals of justice" helped to restore proper respect for authority and healed the "breach in the social and moral order."⁹⁵

By 4 April 1814, Robinson had before him the names of sixty suspected traitors but he had sufficient evidence to ensure the conviction of only thirty of these men. Unfortunately for the young

Attorney General, the majority of those suspects were "out of the reach of punishment." What was worse, "the most notorious offenders," Willcocks, Mallory, Westbrook, and Markle were among those safe behind enemy lines.⁹⁶ In fact, most of the men available for trial had been captured in the London District by vigilante forces led by Henry Bostwick and Henry Medcalf. In addition to this handful of looters, Robinson had in prison a number of York residents, including Calvin Wood, Elijah Bentley, and Gideon Orton, who were accused of having helped themselves to public stores in the garrison or of having counseled militiamen to acquire paroles. For these prisoners, however, the Attorney General thought he had sufficient proof to charge the men only with sedition. Although Robinson believed that they had acted from "traitorous intentions," they had not actually rebelled against the crown. Finally, the jails also held a few men from the Niagara District who were charged with having assisted the enemy. None of these individuals was in the same league as Westbrook or Willcocks but, all the same, Robinson was determined to push forward with the trials. "It is wished, and very wisely," he informed Drummond's secretary, "to overawe the spirit of disaffection in the Province." The only way to do that, in Robinson's opinion, was through the "Execution of Traitors."⁹⁷

Robinson originally objected to Drummond's suggestion that the trials be held near Burlington Heights since he preferred that they take place in the areas where the offences were actually committed. That was particularly true for the looters from the London District who had endangered the lives and property of their neighbours "so much so that they voluntarily resorted to arms to subdue them." Robinson believed that men who "risqued their lives in the apprehension of traitors will

be well satisfied to have them punished as they deserved." Eventually Robinson was forced to accept the Burlington location for all the trials but he remained unhappy with it. On 20 April 1814, Robinson received the special commission which authorized the holding of trials. Only at that point was it realized that there was no township named "Burlington" and that the trials would have to take place in Ancaster Township instead.⁹⁸

The acting Attorney General was anxious to get convictions because he knew that his reputation was riding on them. His meticulous attention to detail and his constant pestering of Drummond for permission to use troops from Burlington Heights for guard duty and to arrange for food for potential witnesses eventually brought a sharp rebuke from the commander of the forces. On 8 May 1814, Drummond's secretary Robert Loring reminded Robinson that the chief object of a special commission was to make immediate examples of wrongdoers by speedy convictions and public hangings. Whether by unavoidable delay or not, Drummond was convinced that an unacceptable amount of time had already elapsed. Moreover, if Robinson was really faced with difficulties in getting provisions and other items for the court, then Drummond suggested it might be better to postpone the trial until the next General Assizes at York.⁹⁹ Fearing that his prized position might fall to another, Robinson quickly explained that he would be more than willing to use local constables for guard duty and went on to say that he had not actually promised provisions to anyone yet. Finally, Robinson apologized for bothering Drummond about such details but he said that his only concern was preventing any possible disruption of the trials. Years later, John Beverley Robinson would recall with pride how he had

changed Drummond's mind about cancelling the commission by assuring him that "it was impossible the prosecutions could all fail."¹⁰⁰

At last, on 23 May 1814, Chief Justice Thomas Scott opened the proceedings by reading the special commission. Over the next month nineteen prisoners were paraded before Scott and the two other provincial judges, William Drummer Powell and William Campbell. In the end, fifteen of the men were convicted of High Treason and four were acquitted. While only eight of the prisoners were hanged, several of the others died of diseases contracted while in custody.¹⁰¹ None of the prisoners was well known and under different circumstances most might have been fined or sentenced to branding for common theft. These were not normal times, however, and the authorities were determined to produce examples to deter others.

Of the eight prisoners executed, five were from the London District. All of them had attempted to enrich themselves at the expense of neighbours by plundering them of property or had tried to disrupt the militia system by carrying off officers. John Dunham was described as one of the ringleaders of this band of rebels and it was at his home at Nanticoke Creek that Henry Bostwick captured most of the prisoners tried at Ancaster. Isaiah Brink was also captured in arms by Bostwick and it was said he was very active in all the plundering forays. Three of their associates, Dayton Lindsay, George Peacock Jr., and Benjamin Simmonds were also accused of making "prisoners of our militia officers and inhabitants" in the London region. All of the other men held lands in the Niagara District. Adam Chrysler was from Thorold but he was taken prisoner by Henry Medcalf at Chatham. Aaron Stevens had received land grants in both the Home and Niagara Districts and was described as

"a man formerly employed in the confidence of govt., of respectable family and property." Nonetheless, Stevens admitted to having spied on the garrison at Burlington Heights in return "for a large pecuniary reward." Finally, the last man convicted was Noah Payne Hopkins, a farmer from Queenston who was accused of acting "as a Commissariat for the Americans" since he had provided food to enemy soldiers.¹⁰²

Part of the ritual of a special commission involved the granting of reprieves and among those who escaped the noose during the Ancaster "Bloody Assize" were Samuel and Stephen Hartwell. These two American citizens had lived near Beaver Dams for ten years until the outbreak of war. At that point they left the province and were later captured fighting for the American side at Queenston Heights and granted paroles. When the Americans gained possession of the Niagara District the Hartwells returned to their former residence where they at one time endeavoured to prevent a neighbour from serving in the militia. Although Robinson felt both were technically guilty of treason, he reasoned that their status as American citizens made it prudent, for "political motives," not to "strain the law to its utmost rigour."¹⁰³ Also considered a suitable object for leniency was another Niagara District prisoner, Jacob Overholser, whom Robinson described as an ignorant man from Fort Erie. Overholser had been arrested because of a longstanding dispute with two members of the Anger family who have been described as "a thuggish lot." In December 1813, these men stole four horses from Overholser and then testified that he had been seen in company with the Americans. Overholser pleaded that he had been forced by the enemy to carry a rifle and John Beverley Robinson believed that if the charges were true, it was likely because Overholser had acted

"from motives of personal enmity."¹⁰⁴

The other four men granted reprieves were looters from the London District. Isaac Petit had been captured along with Chrysler and Brink by Henry Bostwick but he had played only a minor role in the plundering of his neighbours. Garrett Neil and John Johnson were also involved in similar activities but Robinson felt that they were merely "two ignorant inconsiderable men." Johnson had apparently been deceived by his associates about their actual intentions and the Attorney General noted that he "behaved with humanity to prisoners taken by the party."¹⁰⁵ Finally, the only prisoner to plead guilty, Cornelius Howey, was also granted a reprieve. Wounded during the Nanticoke Creek incident, Howey was described by Robinson as "languishing." Chief Justice Scott believed that he may have agreed with the charges simply to avoid the agony of having to stand to testify. Scott also ventured the opinion that a hanging might be superfluous since it was not thought Howey would "live to abide the sentence of the law."¹⁰⁶

Before the hangings were carried out, petitions from family and friends of the condemned were considered by the authorities. Polly Hopkins, the wife of Noah Payne Hopkins, asked for clemency for her husband for the sake of her four children. Seven of Hopkins' neighbours joined in asking for mercy since they knew "circumstances favourable to him." Samuel Street, a justice of the peace for the district, certified that the seven citizens were "loyal and respectable inhabitants." Street may have agreed to sign the petition because of his own personal knowledge of how easy it was to act as "a Commissariat for the Americans."¹⁰⁷

Despite such appeals Hopkins and the seven other condemned men

were executed at Burlington Heights on 20 July 1814. The prisoners were placed in two wagons, four in each, and drawn under a hastily constructed gallows. An eyewitness said that when the wagons pulled away the condemned men "were left to strangle to death." John Ryckman, a sixteen-year old youth at the time, described what happened next:

The contortions of the poor men so shook the loosely constructed gallows that a heavy brace became loosened and fell, striking one of the victims on the head and killing him instantly, thus relieving him of the tortures of the rope. After the men had been duly strangled their heads were chopped off and exhibited as the heads of traitors.

Ryckman went on to observe that seven of the men seemed willing to die, but the eighth pleaded continually for his life. Noah Hopkins apparently announced that what he had done "was simply out of a feeling of hospitality and that he did not know who he was entertaining."¹⁰⁸

From his vantage point atop the wagon, Hopkins may have been able to gaze out onto the lake but it was unlikely that he would have seen the tiny village of York, which lay just over the horizon. Though we will never know for sure, it may be that poor Noah Hopkins spent his last moments cursing his decision to acquire a farm at Queenston rather than near York. The residents of the capital had recently become eligible for militia duty again and the sounds of crates being unpacked behind shops were now mixed with the noises of men marching to the garrison. Yet the atmosphere was far from gloomy. Every two weeks the elite of the community gathered to drink teneriffe wines and partake of madeira cakes as "Lemon" the local violin player provided background music. The first of these regular "York Assemblies" had been held on 19 December 1813 to celebrate the capture of Fort Niagara the night before. Every fortnight since that time, John Strachan, Alexander Wood, William Allan,

Quetton St. George, and other York notables met to rejoice over their good fortune and to discuss recent events. Strachan may also have taken the opportunity to chide his prosperous neighbours in a good-natured way about their contributions to the Loyal and Patriotic Society. Altogether, the three most powerful merchants in the capital had only promised to donate a total of £100 a year.¹⁰⁹

Both the men who gathered at the "York Assemblies," and those who were placed in the wagons at Burlington Heights, were of more or less ambiguous "loyalty." Leading colonists in the capital and in other garrison towns profited from military spending and they made a good living from their connections to the British government. Yet these men were quick to take advantage of military customers and they showed little hesitation about gouging the public. They were not selflessly devoted to ensuring the success of British arms and more than one of these men proved capable of switching allegiance when that appeared to be the sensible thing to do. Most of the colonists who were accused of treason had also sought to profit by the war but for many of them the only way they could do that was by stealing from their neighbours or by dealing with the enemy. In many respects, therefore, the difference in the actions of these "enemies at home" was often a matter of degree rather than of kind.

NOTES VII

¹Kingston Gazette, 11 May 1814, p.3; John Strachan, "A Sermon Preached at York, On the Third of June, Being the Day Appointed For A General Thanksgiving," (Montreal: William Gray, 1814), p.33-35.

²OA, Isaac Wilson Diary, Isaac to Jonathan, 5 December 1813.

³NAC, Board of Claims, volume 3729, claim 466: Peter A. Russell, "Wage Labour Rates in Upper Canada 1818-1840," HS-SH, 16 (1983), p.65.

⁴NAC, Board of Claims, volume 3735, file 3, claim 12; volume 4357, claim 457.

⁵Quaiffe, Askin, John Askin to Charles Askin, 28 April 1812, II:707-708; John Askin to James McGill, 17 July 1812, II:709-710.

⁶MTL, Alexander Wood Business Book, 1810-12, Wood to Irvine & Leslie, 8 August 1812.

⁷Smith, View, p.94.

⁸Hein, "Niagara Frontier," p.254.

⁹Lossing, Field-Book, p.283.

¹⁰Angela Redish, "Why Was Specie Scarce in Colonial Economies?" Journal of Economic History, 44 (1984), p.716.

¹¹Cruikshank, Documentary, Brock to Noah Freer, 23 April 1812, III:58-59.

¹²Kingston Gazette, 14 September 1813, p.1.

¹³Steppler, "Duty," pp.101-102.

¹⁴NAC, C042/352, Brock to Liverpool, 29 August 1812, p.105.

¹⁵E.P. Neufeld, ed., Money and Banking in Canada, (Toronto: McClelland & Stewart, 1964), pp.41-42.

¹⁶Christie, Operations, p.59.

¹⁷Steppler, "Duty," pp.101-102.

¹⁸James Stevenson, "The Circulation of Army Bills with Some Remarks Upon the War of 1812," Literary and Historical Society of Quebec Transactions, 21 (1891-92), p.63.

- ¹⁹Kingston Gazette, 31 October 1812, p.1; 12 December 1812, p.3.
- ²⁰Weekes, "Civil Authority," p.157.
- ²¹Kingston Gazette, 15 January 1814, p.1.
- ²²Kingston Gazette, 31 August 1813, p.3; 14 September 1813, p.1.
- ²³Kingston Gazette, 31 August 1813, p.3.
- ²⁴Kingston Gazette, 13 November 1813, p.4.
- ²⁵Kingston Gazette, 14 September 1813, pp.1-2.
- ²⁶Kingston Gazette, 31 August 1813, p.3; 14 September 1813, p.1.
- ²⁷Kingston Gazette, 7 September 1813, p.3; 13 November 1813, p.3; 25 January 1814, p.4; 22 July 1814.
- ²⁸NAC, Board of Claims, volume 3734, file 4.
- ²⁹Douglas McCalla, "Laurent Quetton St. George," DCB, VI:623; Patrick Brode, "Anne Powell," DCB, VI:604; S.R. Mealing, "William Drummer Powell," DCB, VI:609.
- ³⁰Cruikshank, Documentary, Brock to Freer, 23 April 1812, III:59.
- ³¹Cruikshank, Documentary, T.G. Ridout to T. Ridout, 4 September 1813, VII:99-100; Kingston Gazette, 15 February 1814, p.3.
- ³²NAC, Board of Claims, volume 3735, file 3, claim 12.
- ³³Cruikshank, Documentary, John Clark to Merritt, 16 November 1813, VIII:203-204.
- ³⁴NAC, CO42/355, Drummond to Bathurst, 2 May 1814, pp.73-74.
- ³⁵Kingston Gazette, 15 February 1814, pp.2-3.
- ³⁶Kingston Gazette, 4 November 1817, p.2.
- ³⁷Hamilton Craig, "The Loyal and Patriotic Society of Upper Canada and its Still-Born Child--The Upper Canada Preserved Medal," OH, 52 (1960), p.32. Craig has determined that by October 1817 the society had collected £13,841, therefore £39 represents 0.28% of that sum.
- ³⁸Spragge, Letterbook, Strachan to Bishop, 15 September 1816, p.90.
- ³⁹OA, Strachan Papers, Strachan to Brown, 24 May 1812; Fort York, Account Book of the Garrison, "Abstract of Stoppages," 1812-15, (hereafter Fort York, garrison book); OA, Isaac Wilson

Diary, Isaac to Jonathan, 5 December 1813.

⁴⁰Fort York, garrison book. These figures do not include the months of May 1813 and September 1814 which were not recorded.

⁴¹McCalla, "St. George," p.624.

⁴²MTL, Alexander Wood Papers, S113, 1813-16, Stuart to Wood, 24 August 1813.

⁴³"William Allan," DCB, VIII:6.

⁴⁴For information on how the war affected the lives of two of these men see M.L. Magill, "William Allan and the War of 1812," OH, 64 (1972), pp.132-141; and Edith Firth, "Alexander Wood, Merchant of York," York Pioneer and Historical Society, (1958), pp.5-28.

⁴⁵Fort York, garrison book.

⁴⁶McCalla, "Loyalist Economy," p.291. McCalla has estimated that annual expenditures were between £54,000 and £77,000.

⁴⁷Humphries, "York," p.262.

⁴⁸ NAC, CO42/354, Sheaffe to Bathurst, 13 May 1813, P.107. Sheaffe informed Bathurst that the money was turned over when the Americans threatened to burn the village but since Sheaffe was not there at the time he must have been informed of this by residents who were-- and who perhaps had reason to want to excuse their actions.

⁴⁹Kingston Gazette, 15 June 1813, p.3.

⁵⁰MTL, Breakenridge, "Robert Baldwin," p.18.

⁵¹If he had been fighting, Wood should have been held as a prisoner until the next day, MTL, Wood Business Book, 1810-22, S114, Wood to Stevens, 5 May 1813, Wood to Stuart, 21 February 1815.

⁵²OA, Samuel Street Papers, Declaration of William Lundy, 14 October 1824.

⁵³NAC, Board of Claims, volume 4357, claim 423.

⁵⁴NAC, UCS, Traitors and Treason, RG 5, vol., 16, George Culver Testimony, 10 August 1813, p.6538; Michael Dye Information, 16 August 1813, p.6542.

⁵⁵NAC, UCS, Traitors and Treason, RG 5, vol., 16, William Knot Information, 17 August 1813, p.6563; Edward Sauders Information, 16 August 1813, p.6557.

⁵⁶NAC, UCS, Traitors and Treason, RG 5, vol., 16, William Huff Information, 17 September 1813, p.6658; William Wills Sr. Information,

20 August 1813, p.6602; Jacob Anderson Information, 20 August 1813, p.6591; Henry Mullholand, 24 August 1813, p.6646.

⁵⁷NAC, UCS, Traitors and Treason, RG 5, vol., 16, Samuel Haight Information, 1 September 1813, p.6656; William Knot Testimony, 21 August 1813, pp.619-6620; Information of Betsy Osborne, 21 August 1813, p.6622.

⁵⁸NAC, UCS, Traitors and Treason, RG 5, vol., 16, R.N. Lacky Testimony, 21 August 1813; Stephen Whitney Testimony, 20 August 1813, p.6611.

⁵⁹NAC, UCS, Traitors and Treason, RG 5, vol., 16, Testimony of Stiles Stevens, 23 August 1813, p.6626.

⁶⁰OA, Isaac Wilson Diary, Isaac to Jonathan, 5 December 1813.

⁶¹NAC, UCS, Traitors and Treason, RG 5, volume 16, Robinson to de Rottenburg, 20 August 1813, p.6534.

⁶²NAC, UCS, Traitors and Treason, RG 5, volume 16, Committee to de Rottenburg, 20 September 1813, pp.6664-6665; 16 August 1813, p.6670.

⁶³Ibid., pp.6670, 6664-6665.

⁶⁴Kingston Gazette, 26 April 1814.

⁶⁵W.R. Riddell, "Joseph Willcocks: Sheriff, Member of Parliament, and Traitor," OHSPR, 24 (1928), p.498; E.A. Cruikshank, "John Beverley Robinson and the Trials for Treason in 1814," OHSPR, 25 (1929), p.195.

⁶⁶NAC, Board of Claims, volume 3730, file 3, George Ward to Maitland, 1 April 1823.

⁶⁷NAC, CO42/354, Drummond to Bathurst, 5 April 1814, p.49; Kingston Gazette, 22 March 1814, p.3.

⁶⁸Stanley, Land Operations, p.226.

⁶⁹F.H. Armstrong, Handbook of Upper Canadian Chronology, rev. ed., (Toronto: Dundurn Press, 1985), pp.76-82.

⁷⁰Doughty and McArthur, Constitutional, Drummond to Bathurst, 22 February 1816; Mary Beacock Fryer, King's Men: the Soldier Founders of Ontario, (Toronto: Dundurn Press, 1980), pp.342-343.

⁷¹John Richardson, "The Letters of Veritas...Narrative of the Military Administration of Sir George Prevost," (Montreal: W. Gray, 1815), p.80.

⁷²Queen's Archives, Stone Papers, Stone to Coffin, n.d., (hereafter QA); R.L. Fraser, "David MacGregor Rogers, DCB, VI:666.

⁷³Upper Canada, Journals, 19 February 1812 militia bill, in Report of the Ontario Archives, (1912), p.37, (hereafter OA Report).

⁷⁴QA, Stone Papers, Stone to Coffin, n.d.

⁷⁵NAC, UCS, vol., 19, Sherwood to Jones, 10 July 1814, p.8165-8166.

⁷⁶Elva M. Richards, "The Jones of Brockville and the Family Compact," 60 (1960), p.171; "Ephraim Jones," DCB, V: 456.

⁷⁷OA, RG 22, series 26, box 1, envelope 2, Charles Jones, 5 April 1812.

⁷⁸QA, Stone Papers, Stone to Coffin, n.d.

⁷⁹QA, Stone Papers, Stone to Coffin, April 1815.

⁸⁰Richardson, "Veritas," pp.79-83.

⁸¹Armstrong, Handbook, pp.77-79.

⁸²OA, Attorney General's Correspondence, RG 4, 1814, box 1, Hagerman to Robinson, 28 June 1814 (hereafter AGC).

⁸³NAC, CO42/355, Drummond to Bathurst, 28 May 1814, p.82; OA, AGC, 1814, box 1, Loring to Robinson, 16 June 1824.

⁸⁴NAC, CO42/356, Gore to Bathurst, 17 October 1815, p.122.

⁸⁵NAC, Board of Claims, volume 3728, claim 232.

⁸⁶NAC, Board of Claims, volume 4358, claim 1335; claim 1628.

⁸⁷Upper Canada, Journals, 10th parliament, 2d session, 8 January -6 March 1830, Appendix 1, "Return of Forfeited Estates," p.146; OA Report, (1912), p.37; NAC, UCS, Traitors and Treason, RG 5, Vol., 16, Abraham Markle appeal, 18 June 1813, R.L. Fraser, "Abraham Markle," DCB, VI:488-489.

⁸⁸Jones, "Willcocks," DCB, V:857.

⁸⁹Cruikshank, "Trials for Treason," p.196.

⁹⁰Upper Canada, Journals, 10th parliament, 2d session, appendix 1, "Return of Forfeited Estates," p.146; Armstrong, Handbook, pp.76-82.

⁹¹R.L. Fraser, "Benajah Mallory," DCB, VIII:607-609.

⁹²NAC, CO42/355, Drummond to Assembly, 14 February 1814, p.22; "Acts of 6th Parliament," 14 March 1814, p.35.

⁹³NAC, CO42/355, "Acts of 6th Parliament," 14 March 1814, p.35; Kingston Gazette, 11 May 1814, p.2.

⁹⁴John Lownsbrough, "D'Arcy Boulton," DCB, VI:79; Cruikshank, "Trials for Treason," p.191.

⁹⁵Douglas Hay, "Property, Authority and the Criminal Law," in Albion's Fatal Tree: Crime and Society in Eighteenth Century England, Hay et.al., (New York: Pantheon, 1975), p.30.

⁹⁶NAC, UCS, Traitors and Treason, RGE, vol., 16, Robinson to Loring, 4 April 1814, pp.6761-6771.

⁹⁷OA, AGC, RG4 A-I-1, Box 1, Robinson to Scott, 30 March 1814; NAC, UCS, Traitors and Treason, RG5, volume 16, Robinson to Loring, 4 April 1814, pp.6761-6771.

⁹⁸NAC, UCS, Traitors and Treason, vol., 16, Robinson to Loring, 4 April 1814, pp.6761-6771; Robinson to Loring, 20 April 1814, p.6776.

⁹⁹OA, AGC, RG 4-AI, Box 1, 1814, Loring to Robinson, 8 May 1814.

¹⁰⁰NAC, UCS, Traitors and Treason, RG5, vol., 16, Judges to Robinson, 13 May 1814, p.6793; C. W. Robinson, The Life of John Beverley p.56.

¹⁰¹W.R. Riddell, "The Ancaster 'Bloody Assize' of 1814," in Zaslow, p.249. Garret Neil, Jacob Overholser, and Isaac Petit died of "jail-fever" or typhus.

¹⁰²OA, AGC, Robinson Report, RG 4, A-I-1, Box 1, July 1814; Charles Black, "Register of Persons Connected With High Treason during the War of 1812-14 with U.S.A.," 1926.

¹⁰³OA, AGC, Robinson Report, RG 4, A-I-1, Box 1, July 1814; CO 42/355, Robinson to Loring, 18 June 1814, p.106.

¹⁰⁴OA, AGC Robinson Report, RG4, A-I-1, Box 1, July 1814; R.L. Fraser, "Jacob Overholser," DCB, V:642.

¹⁰⁵NAC, CO42/355, Robinson to Loring, 18 June 1814, p.106.

¹⁰⁶OA, AGC, Robinson Report, RG 4, A-I-1, Box 1, July 1814; Co42/355, Scott to Drummond, 28 June 1814, p.108.

¹⁰⁷Riddell, "Bloody Assize," p.113; NAC, UCS, Traitors and Treason, vol., 16, petition, July 1814, pp.7021-7022.

¹⁰⁸Hamilton Spectator, 4 October 1880, p.2.

¹⁰⁹Robinson, John Beverley, appendix 2, "York Assembly subscribers," p.411; LPS Report, p.332-333.

VIII

"SUCCESS TO COMMERCE": COSTS AND CLAIMS

In March 1815, more than two months after the negotiations for peace had come to an end, news of the Treaty of Ghent reached Upper Canada. William Hamilton Merritt observed that the announcement of the end of hostilities between Britain and the United States was warmly received in the province and that "Joy and gladness beamed on every countenance." Some merchants may have beamed a little less brightly than their neighbours since many colonial shopkeepers viewed the peace treaty as a mixed blessing. Alexander Wood quickly notified an out-of-province supplier that he would not be purchasing any items in the near future because the treaty had "opened the people's eyes" and had put an end to panic buying. Wood was more fortunate than some other retailers since he at least had not overextended himself. The sudden drop in demand for goods and provisions had left a number of York shopkeepers with excessively large inventories. Isaac Wilson informed his brother in August 1815 that merchants "with goods on hand lost a great deal by the decline," and he knew of two men whose investments in provisions and other articles had dropped by more than one thousand dollars in value. Wilson was one of the luckier residents of York and he reassured his brother by writing "I have fixed myself here now for some time to come if not for life."¹

Other Upper Canadians also shared Wilson's good fortune and some continued to receive high returns in the immediate post-war period. In the same letter Wilson told his brother that the government had commis-

sioned "a great many expensive undertakings at York," including new barracks, wharves, and a house for the returning lieutenant-governor, Francis Gore. As a result of the building boom, common labourers could command \$1.50 a day with "victuals & grog" included. Many other colonists were hired to drive wagons for the military "bringing back stores for the Government which were conveyed up at an immense expense during the war." As Wilson also observed, however, the demobilization activities meant that there was "very little farming done."² Three years of relatively easy money may have left many Upper Canadians with no desire to return to the work of clearing bush and tending fields. Yet government construction and military demobilization would not last forever and in the future the colony would be forced to rely on its own resources to a much greater extent. When British spending began to decline, the real impact of the conflict on the provincial economy would become much more evident.

For thousands of colonists, of course, wartime disruptions had entailed more than the abandonment of flourishing farms for lucrative employment in the towns. A British immigrant would later say that, in economic terms, the "people of the Niagara District, in particular, were torn to pieces by the war."³ The Queenston and Niagara Association merchants, for example, had not fared as well as their counterparts in York and Kingston. James Kerby and his partner Alexander Grant estimated their property losses at more than £240 but that did not include the potential earnings they might realized had their warehouses and stores been able to continue operating. Thomas Cummings, another Niagara merchant, had carried on his business until the 1813 invasions led to £3,763 in damages which "put a sudden and disastrous end to it."

George and Alexander Hamilton, who had inherited their father Robert's business after his death in 1809, saw the already troubled family firm completely destroyed by the war. Government contracts held by the brothers for supplying the army were suspended when the commissariat took control of provisioning and their lucrative forwarding business was wiped out because of the indefensible position of the Queenston landing site. Destruction of valuable facilities by both enemy and friendly forces administered a *coup de grace* to the Hamilton enterprises and the brothers estimated the family's losses to be in the neighbourhood of £3,400.⁴

Further to the west in Woodhouse Township, Robert Nichol's estate had sustained even greater damages. Before the war had ended he calculated that £5,580 worth of his property had been destroyed which he said was "nearly the whole fruit of twenty-two years' assiduous application to business." As he surveyed the destruction and prepared his claim for compensation in October 1814, Nichol might have had in mind Brock's assurance that "the British Government was never backward in rewarding faithful and meritorious services."⁵ Thousands of other colonists also assumed that they would be compensated for their losses, although they had never received the personal assurances of Isaac Brock. Upper Canadians certainly expected to be reimbursed for the damages that had been caused by British soldiers and they also believed that they had a strong case for compensation for other losses. It was common knowledge in the province that most of the earliest pioneers had been Loyalists who had been granted both land and money for their losses during the Revolutionary War. Moreover, Upper Canadians always considered the more recent conflict to have been none of their doing in

the first place. The war had been thrust upon them because of the British connection and compensation for the losses was considered a debt owed to the province by the home authorities.

In March 1815, Nichol assisted in the preparation of a joint address to the Prince of Wales on the subject of war damages. Members of the provincial Assembly and Legislative Council informed his Royal Highness that the colony had sustained "nearly the whole pressure of the Enemy's reiterated attacks" and, as a result, many of the colonists "had been reduced to great distress." The politicians asked that the "same generous determination" which had provided the inhabitants with money for their fight against the enemy now "be equally extended for their relief." Gordon Drummond, who admitted to being "a witness myself of their distress and suffering," forwarded the address to the Secretary of State for War and the Colonies, Earl Bathurst, with a favourable recommendation. Drummond suggested that Upper Canadians who had fallen prey to "the plunderers or the Flames," should be entitled to some of the aid being dispensed "in every quarter of the Continent of Europe."⁶

A few months later Bathurst's assistant, Henry Goulburn, informed Francis Gore that the joint address had not been rejected out of hand by the British Treasury. Since the principle of compensation for war losses had been admitted in the past, it was thought these Upper Canadians could not be denied "an opportunity of submitting their claims to the liberal consideration of parliament." Gore, who was about to leave for Upper Canada, was directed to appoint at least three "respectable" and disinterested colonists to prepare a report on the subject. Their findings were to be forwarded to Bathurst for his consideration but no promises regarding payments were made.⁷

The pressing need for immediate compensation may have been undercut somewhat because of a letter written by Gore soon after his arrival in the province. After a quick tour through certain parts of the colony, and after conferring with members of his Executive Council, Gore informed Bathurst that the province was "labouring under no irreparable injury from the war." Gore admitted that much destruction had taken place in the Niagara District and areas to the west, but he stated that "any injury arising to the inhabitants has been much compensated by the means afforded to enrich themselves from the expenditure of the Army." The new lieutenant-governor even went so far as to affirm that, on the whole, "the general prosperity of the Province is greater than before the war." Unlike Drummond, who had first-hand knowledge of the war and its effects, Gore relied on others for most of his information and his opinions bore a striking resemblance to those expressed earlier by the province's newest executive councillor, John Strachan. There is little doubt that he took a strong role in influencing Gore's outlook and the lieutenant-governor ended his appraisal of the situation by observing that the Loyal and Patriotic Society had already "relieved great distress" through the "Judicious application" of its funds. Thus, when the work of the claims commission was done, Gore believed "universal satisfaction" would prevail.⁸

Never hesitant when it came to personal advancement, Strachan had responded to rumours that he was to be selected for a senior government post by virtually accepting the position before it was offered. On 2 May 1814, he wrote to General de Rottenburgh that he would acquiesce to an appointment in the Executive Council "from the hope that I might be of some use during these troublous times." Strachan was sworn in as a

member on 31 May 1815 and he was therefore in a perfect position to provide his old friend Francis Gore with a synopsis of his "many causes of joy" view of the war. Gore must have been pleased to find Strachan awaiting his arrival at York since he had asked the ambitious Scotsman to leave Cornwall years before to be at his side.⁹ Along with "Bloody Assize" veterans William Drummer Powell and Chief Justice Thomas Scott, Strachan was selected as the third civilian member of the committee appointed to investigate war claims in 1815.¹⁰

The appointees met on 20 December 1815 and decided upon the general principles that would guide the investigations. Only claims relating to losses caused by enemy forces, British troops and militiamen, and Indians serving with loyal forces were considered proper objects for compensation. Losses caused by negligence or from property placed at exceptional risk were considered unworthy of investigation and "Trifling losses" and those sustained by "notoriously disaffected persons" were also to be dismissed without consideration. Finally, the members resolved that "as it is the object of Government to make the people content and happy the most liberal construction [will] be given to the different claims."¹¹

The committee also reviewed submissions received during the summer of 1815 by five military boards assembled to hear claims for compensation. In August and September more than twelve hundred claimants submitted detailed accounts of their losses to officials at Amherstburgh, Fort George, York, Kingston, and Fort Wellington. For some of these claimants this was not their first appearance before a compensation board. In 1813 a group of militia officers had been appointed by Roger Sheaffe to examine outstanding claims against the

commissariat. While preparing their final report, however, the officers were forced to flee the town of Niagara when the Americans invaded in 1813. The enemy burnt the home of James Crooks, a member of the board, and the only document from this first claims commission to escape the flames was the "scroll memoranda" of proceedings.¹²

With much of the preliminary work done for them by the military boards, the new claims commissioners were able to complete their investigation in a relatively short period of time. The job of sifting through hundreds of estimates based on various currencies was made easier when William Kemble was appointed secretary to the commission. A former assistant to George Prevost and later a paymaster for the Incorporated Militia, Kemble was described by Gore as a gentleman "conversant in accounts and business."¹³ Kemble's talents sped up work considerably and on 1 May 1816 Gore was able to send the first draft of the war claims commission report to Bathurst. Altogether the 2,759 claimants had estimated their losses at over £390,152 but the commissioners certified only £256,815 as being worthy of compensation. In a letter to a friend in England, Strachan said that the amount owed to Upper Canadians was substantial "but not so great as to frighten your Parliament from voting us remuneration."¹⁴

In comparison to the sums spent during the war, the amount of money required for compensation purposes was not large. The York garrison had disbursed more than £350,000 during the conflict and additions to forts and the construction of naval vessels had consumed even greater sums. One of the warships built in the province, the St. Lawrence, was said to require a crew of 1,000. This flagship of the British fleet on Lake Ontario had cost £300,000 to build and the money

spent on this vessel would have paid for all the claims certified by the committee. The St. Lawrence, however, never saw action and by 1816, when the report on war losses was sent to England, the ship had already begun to rot away in Kingston harbour.¹⁵

The efficient handling of the war claims and the expectation of speedy compensation set the minds of many colonists at ease. The declaration of peace had worried some merchants but continued British spending and the likelihood that another quarter of a million pounds or more was on its way was cause for optimism. In 1816 a new copper token emerged which would become known as the "Brock half-penny." On one side of the coin were two cherubim holding a wreath over a monument inscribed with the date of the battle of Queenston Heights and surrounded by the motto "Isaac Brock, The Hero of Upper Canada." On the obverse the inscription said "Success To Commerce & Peace to the World."¹⁶ The merchant who commissioned the token would have had no way of knowing that both commercial success and internal peace would soon be in short supply.

There were several potent sources of potential discontent in the province and a number of them revolved around the militia. At its December 1812 meeting, the Loyal and Patriotic Society promised "to reward Merit, excite Emulation, and commemorate glorious Exploits by bestowing medals or other honourary marks" on militiamen or soldiers "for extraordinary instances of personal courage or fidelity in defence of the province."¹⁷ On 12 January 1813, the society set aside £100 sterling to purchase medals but it was not until 2 December of the next year that the fifty "Upper Canada Preserved Medals" arrived in the province. A few weeks later a circular letter was addressed to officers

commanding militia companies directing that they submit lists of individuals who were "considered fit recipients for such medals."¹⁸

Gordon Drummond submitted the names of seven individuals including Robert Nichol, Colley Foster, Nathaniel Coffin, and Christopher Hagerman, all members of the general staff of the provincial militia. Four members of the Essex militia, three from Norfolk, and an equal number from the Fifth Lincoln Regiment, as well as six men from the Hastings and Dundas militia, and ten from the Stormont and Glengarry Regiments were also nominated by their officers. The Incorporated Militia nominees amounted to twenty-nine officers, nineteen sergeants, fourteen corporals, and fifty-two privates. Altogether, 147 militiamen were nominated for the fifty medals by May of 1815 and that number was expected to rise since reports from a number of officers, including those in charge of the other four Lincoln Regiments from the Niagara District, had not yet been received.¹⁹

Many of the nominees had displayed extraordinary courage in the face of the enemy. Thomas Ross of the Glengarry militia, for instance, had been severely wounded during a raid on Ogdensburgh but he simply "sat down upon a log & continued firing untill a Bull[et] from the enemy made the lock of his musquet useless." John Woolfe, another militiaman from the same regiment, also displayed bravery above and beyond the call of duty. During the same attack on Ogdensburgh, Woolfe managed to overpower an enemy artillery position and singlehandedly "continued firing his own and the captured gun alternately until the town of Ogdensburgh was taken." From the other end of the province came reports of the activities of two Essex militiamen, Thomas Martin and Michel Saumande, who risked their lives to spy on Hull's encampment at Sandwich

"with a zeal rarely to be found."²⁰ One of the sergeants of the Incorporated Militia, Francis Lee, had kept fighting at Queenston Heights although wounded severely in the arm, and he "continued most active until disabled by a wound in his thigh."²¹ The actions of many of these nominees were especially noteworthy when one considers that most other inhabitants managed to avoid militia service altogether.

For some officers the task of selecting particularly deserving men was a difficult one. Lieutenant-Colonel Thomas Fraser of the Dundas militia eventually nominated five men but he felt that most of his subordinates were "equally deserving" of recognition. There was also a report from an officer who failed to nominate a single individual. Major Samuel Wilmot of the York militia responded to the request for information by stating "that I do not know of one that comes under the above description."²²

For the members of the Loyal and Patriotic Society the reports presented a number of problems. The first was that the number of nominees exceeded the quantity of medals on hand. That problem could be readily surmounted, and indeed later was, by the commissioning of an extra supply of medals. More troublesome was the vagueness of some of the reports. Lieutenant-Colonel Andrew Bradt of the Fifth Lincoln Regiment recommended Major Samuel Hatt, Lieutenant Robert Land, and Ensign Burnsey for their part in the battle of Lundy's Lane but he only said that they "behaved with every mark of intrepidity."²³ The information provided on the activities of the Incorporated Militia nominees was even more limited. Some were simply listed as having been wounded in action and for others no extra information was noted at all. This last problem could also have been surmounted by having the

commanding officers forward further particulars but it was another difficulty which proved to be the most intractable. No York residents were nominated for medals, which was hardly surprising, since most of the militiamen from the Home District had never seen action and they spent the better part of the war on parole. Some York citizens had been present at the fall of Detroit but, as no battle took place, the opportunity for noteworthy heroics never arose. Similarly, at the Battle of Queenston Heights, Brock supposedly exclaimed "Push on Brave York Volunteers" with his last breath but few of the Home militiamen in attendance paid much heed. After one half-hearted charge they fell back and awaited the arrival of reinforcements.²⁴ The next year, during the invasion of the capital, most of the Home District militia saw no action and those close enough to feel the effects of the explosion of the magazine "melted away" soon after.

A two-man committee, consisting of John Beverley Robinson, a lieutenant in the Third York Regiment, and William Chewett, a lieutenant-colonel in the same unit, was appointed to deal with the question of who should receive the medals. In their report, Chewett and Robinson noted that most of the nominations appeared well-founded but they said that Drummond's recommendations were too general and did not include specific instances of personal courage beyond stating that all of the nominees had been "assiduous in their exertions." The same complaint was levelled against the recommendations for members of the Incorporated Militia, and Chewett and Robinson observed that the officer who submitted the names appeared "to consider a wound an unerring proof of courage or fidelity." The committee members were concerned about that criterion since they believed that one of the privates nominated

had lost his arm "accidentally, and not even while in action with the enemy." The list of Incorporated Militia nominees included almost every officer in the corps and eighty-six non-commissioned officers and privates. Chewett and Robinson remarked that there were "more persons recommended than there are medals to bestow."

Rather than seek additional information which might have allowed the society to whittle down the list of candidates, the committee decided to "revise the terms" upon which medals were to be awarded. First, Robinson and Chewett dealt with the most glaring oversight--the lack of nominees from the Home District. They noted that Hull's invasion had "awed into inaction" the militiamen from both the London and Western Districts. "In this gloomy state of things, the Militia of the Home District were called forward," and Robinson and Chewett said that they "obeyed implicitly the summons" of General Brock. According to the committee this was a "prominent instance of the display of those principles which it is the wish of the Society to distinguish." After having expressed dissatisfaction with other reports that included too many names and too few particulars, the committee itself suggested adding a further one hundred and fifty names, and these chiefly of men who had seen little or no action. Since Hull surrendered at Detroit without making a stand, most Home militiamen had spent their time marching about in cast-off redcoats trying to intimidate the enemy force by appearing to resemble battle-hardened regulars. Perhaps aware that this blatant attempt to award themselves with medals might provoke discontent, particularly among veterans of the Incorporated Militia who had survived real fighting at Lundy's Lane and Chippawa, Robinson and Chewett suggested that all members of that corps should receive "some

mark" of the society to commemorate their services. It was not likely that those men would receive medals, however, since Robinson and Chewitt also added the names of nine other nominees. Needless to say, General Brock was the first mentioned but also included on the list was Henry Botswick for his actions in affecting "the suppression of a dangerous Rebellion in the district of London." Finally, Chewitt and Robinson suggested that a medal might be given to the family of Tecumseh "of which, the meaning might be explained to them."

Instead of easing the task of deciding who should receive medals, Chewitt and Robinson had complicated matters immensely. By their actions all of the members of the Incorporated Militia, some four hundred men, were now in line for awards. In addition to the nine other deserving candidates, however, the committee had nominated all the Home militiamen who went to Detroit, about one hundred and fifty men, including Robinson and Chewitt. The report was adopted by the unanimous vote of the society and £750 sterling was voted to purchase an additional five hundred and sixty-two medals. The original fifty silver medals were to be given to non-commissioned officers and five hundred more of a similar but smaller design were ordered for privates. A further fifty gold medals for general and field officers was also commissioned and twelve large gold pieces, presumably for Brock and other prominent heroes, were ordered as well. On 26 August 1815, John Beverley Robinson was given the £750 sterling since he was soon to leave the province for England where he intended to pursue his law studies at the Inns of Court.²⁵

As the medals were being struck in England, other issues arising out of the war continued to occupy Gore's attention. During the summer

of 1815 the Colonial Office authorized the granting of land to Incorporated Militia veterans who had been promised the awards for enlisting. The maximum grant allowable, however, was only fifty acres and Gore warned the home authorities that this was considered an insult. No applications were made for the lands since prior to the war ordinary settlers had received two hundred acres, and Gore reported that the latest offer placed the services of the militiamen in a light "which cannot be flattering." He suggested minimum grants of one hundred acres to privates and two hundred acres to officers.²⁶

Rumours of dissatisfaction over back pay owed militiamen also reached Gore, who directed that a report be prepared so that he could "form a correct judgement of the complaints so universally prevailing on that head." In addition, officers from the Incorporated Militia were also demanding to be placed on half-pay in the same manner as senior members of the Lower Canadian Voltigeurs had been. The Incorporated Militia officers argued that they were not permitted to leave the service and that they were selected because they were prominent men who could influence others to join the regiment through the promise of "a small Bounty and [by] large Personal Expenditure."²⁷ Gore forwarded the memorial with a favourable recommendation since he thought it unfair that individuals who were "connected with all that is Loyal and Influential in this Colony" should receive less than their counterparts to the east.²⁸

Gore's quick actions on the war claims and his favourable handling of militia grievances earned him the respect of assemblymen such as Robert Nichol. During the session of the provincial parliament at York in February 1815, Nichol emerged as a leader in the house and it

was he who proposed that the province grant £1,000 for the erection of a monument in memory of Isaac Brock. At the same session, Nichol also helped draft the joint address dealing with the claims of the war sufferers. A year later, during the fifth and final session of the sixth parliament, Nichol again emerged as a force to be reckoned with. While the war claims commission was completing its investigation the Assembly met on 6 February 1816. Gore found the proceedings cordial enough but there was also a hint of some of the discontent that would rock Upper Canadian politics for more than two decades to come. Dissatisfied with what they rightly perceived to be a general indifference to colonial affairs, the assemblymen granted the sum of £500 to pay for the appointment of a provincial agent. This civil servant was to reside in England and was expected to lobby for greater attention to provincial affairs. Gore agreed to the measure since he believed that he "could direct its course to be harmless." His solution was to appoint William Halton, his private secretary, to the post. Gore described him as a "discreet and honourable man" well-qualified to "conciliate and protect the Colonial Intercourse from all Embarrassment." Halton, who was in failing health, had already requested to be sent home. 29

In private meetings, Nichol pressed his case for receiving one of the gold medals recently issued by the British Army. Only officers who had taken part in three events, the capture of Detriot, and the battles of Chateauguay and Chrysler's farm, were eligible for these awards. Nichol, who had served as quartermaster general of the militia throughout the war and who had supervised the supply situation at Detroit, felt entitled to the award.³⁰ His anger at being passed over

would have been undoubtedly sharpened had he known that John Beverley Robinson would acquire a "Fort Detroit" clasp for his war service. Robinson would later reminisce that his "short experience of soldiering was uncommonly lucky," since he received both a medal and a share of the Detroit prize money amounting to over £90.³¹ Gore sympathized with Nichol's position and he recommended that this "painful" oversight be rectified as soon as possible through a series of awards to all meritorious militiamen.³²

Gore's willingness to address the concerns of Nichol and other veterans earned him much goodwill among that segment of the population. His readiness to reinforce the myth that Upper Canadians had been primarily responsible for the defence of the colony also contributed to his popularity. In every speech Gore would praise those inhabitants who had been "employed with so much credit and effect during the war."³³ Optimistic that the war claimants would soon be paid, and that outstanding issues such as land grants and back pay would be resolved quickly, the Assembly ended its 1816 session by voting Gore £3,000 for the purchase of silver plate.³⁴ This act, which would later be derided as the "Spoon Bill," reflected the confidence of the assemblymen in Upper Canada's future, and was meant to recognize Gore's part in fostering the atmosphere of optimism. On 26 March 1816 the speaker of the Assembly, Allan McLean, joined with his counterpart from the upper house, William Drummer Powell, in presenting Gore with the money "as a demonstration of our gratitude."³⁵

Yet over the next few months there were increasing signs that the hopes of the assemblymen would remain unfulfilled. Prior to 1812 the Upper Canadian economy had relied on four sources for its major

infusions of capital: profits on exports, import duties, British government spending, and funds brought in by immigrants. The two least important of these sources were the money raised through exports of flour and other staple products and the money collected in Lower Canada on imports destined for the upper province. The war years, however, brought disruption to the regular rhythms of agricultural life and between 1812 and 1815 any surplus production was immediately consumed by the military forces stationed in the colony. The cessation of hostilities brought an end to militia service but, as Isaac Wilson noted, some men chose to pursue other occupations rather than return to their neglected farms. For quite a few settlers, of course, that decision may have been forced on them since many homesteads no longer existed. For these and other reasons, Upper Canada would not begin large-scale exports of produce until the 1820s. At the same time, the province had not received its share of duties on goods arriving in Lower Canada from 1812 to 1815.³⁶ The combination of a loss of export capabilities and a reduction of import revenues meant that the colony was increasingly dependent on British spending. For that reason, the steady decline in military expenditures from 1815 onward would prove almost catastrophic for the colony.

The gradual completion of public works during 1816, together with massive troop withdrawals, brought about a rapid diminution in government spending. In January 1815 the York garrison disbursed more than £53,747 to merchants, suppliers, and workmen in the area. Over the next six months the military's expenditures declined substantially but, on average, the garrison was still spending more than £21,000 a month in the capital. Two years later, however, monthly expenditures averaged

under £5,000, or less than one-tenth of what was spent in January 1815.³⁷

The decline in military spending was encouraged by British authorities who had found themselves saddled with an unprecedented national debt. In 1815 Britain owed more than 900 million pounds sterling to creditors and the interest and charges on this debt comprised about one-third of the total annual government revenue. Even after embarking on a programme of retrenchment, the national debt continued to consume a huge proportion of government expenditures. By 1818, two-thirds of all revenues were directed toward servicing these obligations.³⁸

The near-bankrupt position of the Imperial Treasury had a direct impact upon colonial affairs. Without the resources to meet the needs of its own army and navy, the British parliament directed scant attention toward the demands of the Upper Canadian defence force. In April 1817, Gore reminded his superiors that the provincial militia was still clamouring for back pay which amounted to at least £28,784. Yet Gore felt that even that sum would not placate all the veterans since Lower Canadian militiamen had been offered the same pay as regular soldiers. He therefore suggested that Upper Canadians receive an equivalent amount of money in order to avoid "a Sense of Injustice" which would only be aggravated "by a Jealousy of distinction between them and their fellow subjects in the Lower Province."³⁹

Of much greater importance than unpaid militia salaries were the direct effects of nearly three years of fighting and wartime losses on the deepening economic malaise. In January 1818, William Crooks of Grimsby noted that the number of farm animals in the country had only

barely reached pre-war levels. Crooks said that the conflict had "drained the country of horses, horned cattle, and sheep," and prices for livestock had "continued high" because of the scarcity.⁴⁰ An examination of submissions made to the third war claims commission reveals that a staggering number of farm animals were consumed or taken during the conflict without compensation. Of the 2,055 claims examined, information on what was lost was provided in 1,650 cases. The number of horses, cattle, sheep, and hogs, and an estimate of their value are presented below:⁴¹

Table VIII-1

VALUE OF LIVESTOCK LOST

LIVESTOCK TYPE	NUMBER CLAIMED	AVERAGE COST £	TOTAL VALUE £
Horses	1,306	15	19,590
Cattle	1,042	5	5,210
Sheep	2,027	1	2,027
Hogs	3,361	2	6,722
TOTAL	7,736		£33,549

Source: NAC, Board of Claims.

If we assume that the 405 claims for which information was not recorded included a proportionate share of livestock, the figures rise appreciably. The projected losses amount to 1,563 horses, 1,247 cattle, 2,426 sheep, and 4,023 hogs worth, in total, at least £40,152.⁴² All of these animals were stolen, or impressed without payment, and most were taken from farmers in the Niagara District and areas to the west. Having been hard hit by other property damage, many of those settlers were forced to borrow money in order to replenish their stock after the war. At first, few would have worried about those loans since they expected to be repaid any day for the losses they had suffered. As time

went on, however, some colonists found that they could not escape from the cycle of debt caused by wartime depredations. For a man such as Robert Nichol, who was hounded by creditors until the day he died, the war was blamed for "the ruin of his family and the annihilation of his hopes and prospects."⁴³

Already seriously affected by the retrenchment campaign, and by a decline of revenue-producing trade, the colonial economy was further undermined when Upper Canadians sought to replace their losses from sources outside the province. In 1815 Isaac Wilson noted that instead of exporting pork and flour, the colony was receiving shipments from Ireland and Lower Canada. Prices for livestock in the province remained high—cows were selling for more than £12 a head and oxen for as much as £45— while on the American side of the border provisions of all kinds were said to be "plentiful and cheap." One of Wilson's associates "had been over and brought in a quantity of flour and 100 fat sheep and was gone again," but those not fortunate enough to have prospered by the war had to rely on credit from merchants to begin again.⁴⁴ In the end the result was the same; the province was drained of its hard-earned specie and any money accumulated during the war was sent into the pockets of external suppliers.

The disruptions to the colony's nascent export trade and the decline in military spending could have been compensated for by the fourth, and most important, source of capital in the pre-war period. During the conflict immigration had come to a complete halt and for the first time in the history of the province the population had actually declined. With the end of the fighting in 1815, many inhabitants assumed that the lucrative business of land and implement sales to

settlers from the United States would be renewed immediately. In this expectation, as in many others, the colonists were to be sorely disappointed. Plans to prevent further immigration from south of the border had been made while the war was still raging. In 1814, Gordon Drummond had supported Bathurst's proposal to introduce Scottish settlers into the colony whom he thought they would serve as "counterpoise to that ill-disposed and disaffected part of the population" which he said had "crept from time to time...into it."⁴⁵ In this view Drummond was supported by John Strachan and the priest advised that no Americans should be allowed in at all. Even though as late as 1812 Strachan had considered going to the United States, he now suggested that other British subjects who had first settled in the republic should only be admitted with "great caution." Strachan was adamant that no more Quakers or Tunkers be allowed to enter since they had hurt the war effort by refusing to fight and by "holding back their produce or selling it at exorbitant prices--refusing to transport stores--crying down the Government paper issue." Those already in the country should be allowed to stay but Strachan warned that the provincial population was "too small to allow a large proportion to be non-combatants."⁴⁶ He spoke from experience, of course, since he and most of the rest of the "parcel of Quakers" in the colony had failed to shoulder a gun during the contest.

On the advice of Drummond and Strachan, and after months of reading reports of rampant disaffection, the British authorities moved to ban further American immigration only days after the Treaty of Ghent was signed. On 10 January 1815, Bathurst directed Drummond to withhold land grants to all American immigrants. When Gore arrived in the

province the justices of the peace were directed to cease administering the oath of allegiance to newcomers from the United States. While perhaps pleasing to Strachan, Gore reported that this move proved "particularly offensive to certain Land Speculators who had become possessed of vast tracts of land." The new lieutenant-governor went on to report that one of the landowners who resented the change in rules was William Dickson, a cousin to the Hamilton brothers and Robert Nichol. Dickson was a justice of the peace and a legislative councillor who had lost an estimated £3,668 in property during the war. After the peace treaty, Dickson counted on land sales to revive his fortunes since he had recently purchased 94,000 acres of Indian lands on the Grand River. He had spent £4,000 on opening roads and building mills and had settled forty families on the tract by the time Gore arrived in the colony. With his back to the wall, Dickson felt that he had no choice but to ignore the new regulations and was dismissed from the magistracy as a result.⁴⁷ The appointment of new justices of the peace who were willing to follow orders did not eliminate the controversy over American immigration. Large landowners such as Robert Nichol, Thomas Clark, and William Dickson considered the decision to exclude all settlers from the United States to be impractical. Questions about new policies relating to the oath of allegiance and American immigration would bedevil the province for more than a decade.

At the next meeting of the Assembly on 4 February 1817, post-war discontent over the declining state of affairs boiled over onto the floor of the house. The session began on an acrimonious note after James Durand had taken his seat as the representative for the riding of Wentworth. During his election campaign, Durand had reminded the

electors how "the Military domineered over the community" around Burlington Heights at the end of the war. While the suspension of *Habeas Corpus* had served to "close the lips" of most assemblymen, Durand had dared to speak out against the abuses that were taking place at that time. He asked the electors to remember John Vincent's threat to burn the homes of reluctant militiamen and he pointed to the conduct of Colonel James of the Thirty-Seventh Regiment:

who placed military guards on all the various roads, with orders to stop all sleighs having provisions on board and in consequence the farmers' grists and the travellers' bags of oats were equally precipitated into the military depots, though perhaps a large hungry family were waiting the good man's return from the mill to be fed.

Durand had been involved in the movement to censure de Rottenburgh for his declaration of martial law in 1813 but the next year his attempts to do the same with Drummond's measure met with less success. Tempted by "good contracts" for supplying the military or afraid that they might be imprisoned for sedition, no other representatives would join Durand. Warned by a fellow representative, John Willson, "that times were too dangerous for a man to open his mouth," Durand continued his attacks against the "versatile chameleons of corruption" after peace had been declared.⁴⁸

Durand's election speech was printed in the Niagara Spectator and came to the attention of the new Assembly, where several re-elected "chameleons" had taken their seats. Robert Nichol branded the speech a "scandalous and seditious libel," likely because Durand had said that commissariat officers had made use of martial law "to tread down the people."⁴⁹ On 4 March 1817, Nichol led a successful campaign to have Durand jailed but the latter fled York before the arrest warrant was

issued. Meanwhile, the house promptly voted to have him expelled from his seat. Durand's constituents took up a crusade on his behalf and sixty of them sent a petition to the colonial newspapers attesting to Durand's "Loyalty and uniform tenor" of conduct.⁵⁰

Once the members had ceased squabbling amongst themselves they temporarily turned their attention toward legislative business. On 5 March 1817 the Assembly entertained a petition from Kingston for the establishment of a bank in that city. The petitioners pointed out that "the want of such an establishment was severely felt before the late war" and the imminent withdrawal of army bills made it necessary to keep "up a circulating paper to meet every demand."⁵¹ The men behind the proposed bank included Thomas Markland and Allan McLean as well as four members of the Kingston Association, John Kirby, John Macaulay, P. Smyth, and Hugh C. Thompson.⁵² Markland's former animosity toward those merchants must have been overcome by fears about the town's declining prosperity. Influenced by similar concerns, and always quick to recognize a good thing when they saw it, John Strachan, William Allan, and other York residents submitted their own bank proposal on 17 March 1817.⁵³ The Assembly ignored the York petition but approved of the plan that was backed by the province's wealthiest merchants, the group from Kingston. The bill was passed on 27 March 1817 and was sent for royal assent on 1 April.⁵⁴ Unable to sway members of either the Assembly or Legislative Council, Strachan and Allan were forced to wait for a more propitious moment to reintroduce their project. Their counterparts in Kingston, meanwhile, were also left waiting for approval from the British authorities. The Kingston bank charter stipulated that they had to commence operations by 1 January 1819 but until assent was

granted, the organization could only bide its time.⁵⁵

A new provincial currency was necessary because the army bills were being withdrawn by the British authorities. In December 1815, Upper Canadians were informed of this and that interest was to cease on the notes beginning that same month. The next year, commissary officials announced that they would no longer redeem the notes in Upper Canada and settlers in the colony were left with no choice but to embark on a five-hundred mile trip to Quebec City, or sell the bills at great discount to merchants who had secure and regular communications with money-changers in the lower province.⁵⁷ Recognizing the problems that would ensue when these options were no longer available, the Assembly was anxious to assist in the creation of a viable alternative currency.

Only two days after it had sent the Kingston bank bill for royal assent, the Assembly formed itself "into a committee of the whole to take into consideration the present state of the province." The members discussed four issues: the exclusion of American settlers, the continuance of the crown and clergy reserve system, and the granting of lands to members of the flank companies and the Incorporated Militia, and the state of the post office. On Saturday, 5 April 1817, eleven resolutions were adopted, the first eight of which concerned the policy of restricting American immigration. The members asked that the measure be rescinded because "many respectable and valuable settlers have been prevented from emigrating to this province." The passage of that resolution calls into question the assertion often made by historians that anti-American attitudes were created and reinforced by the war. Many of these men had fought during the war, the Niagara Spectator claimed that nineteen of the twenty-five representatives had been

members of the militia and that several had "their houses and property burnt." Clearly, these assemblymen were able to differentiate between the government of the United States, which had declared war on the province, and the individual citizens of that country who merely wished to farm new lands and had the money to do so.⁵⁸

The last three resolutions called for the sale of crown and clergy reserves since the present policy of leasing had proved unworkable and the lands were considered "insurmountable obstacles to the forming of well-connected settlements." The land set aside for the maintenance of the Protestant clergy came in for special abuse and was described as "an appropriation beyond all precedent lavish," which should be reduced before sales commenced. Although the members were discussing several of the key provisions of the Constitutional Act of 1791, they did not disagree with the basic premise of that legislation. In fact, they were merely asking for the better administration of the resources that had been granted.⁵⁹

Alarmed by the tone of the proceedings, Gore immediately prorogued the legislature the next morning before "such dangerous Resolutions...should be promulgated to the Public through the medium of the Press." In a letter to his superiors, Gore blamed Dickson for having urged Nichol to begin the proceedings. Gore thought Dickson's actions could easily be explained because of his status as a speculator but he was less sure about Nichol's motives since "until this session he has led the loyal and rational part of the Assembly." Gore believed that the Scottish merchant was probably "indignant at some disappointment of a Medal" and may have been angered by the lieutenant-governor's refusal to provide any "special interference in his favour on the

subject of his claim" for war losses.⁶⁰ Gore failed to appreciate the real distress that Nichol was in, and it may have been because he was distracted by the support the resolutions had received. Among those who voted in favour of what was the equivalent of a vote of non-confidence in the administration, were such prominent Loyalists as Mahlon Burwell, John Cameron, Jonas Jones, and Peter Robinson.⁶¹

The drafting of the resolutions was a clear indication that the two-year honeymoon in post-war colonial politics had come to an end. The proroguing of the Assembly obviously could not eliminate the many sources of discontent in the province and doubtless added a few more. The assemblymen were angered that their inquiry had been cut short and Gore was equally upset over their actions. Apparently Sir John Sherbrooke, the commander of the forces at Quebec City, had requested that Gore forward a list of those claimants still waiting for payment for goods requisitioned by the British army during the war. The 1816 investigation had revealed that 277 Upper Canadians stated they were owed more than £9,590 for such claims, and Sherbrooke proposed to settle the account from the colonial military chest.⁶² But angered by the activities of the Assembly, and advised to withhold payment by one of his executive councillors, Gore prevented any payments from being made. According to William Kemble, the commission accountant, "Strachan worked Mr. G. up to a rage by persuading him that his dignity was insulted, & the Sufferers are deprived of their relief." Kemble admitted that this knowledge was not something he would wish Gore's enemies to know, but he could only regret that the lieutenant-governor "should have allowed his violent temper to hearken to such unchristianlike advice."⁶³

While the fortunes of many of his fellow subjects continued to

decline, John Strachan's career soared to new heights. Worried that the recent resolutions would lead to further attacks on clergy reserves, Strachan solicited a position on the Legislative Council where he could influence government policy. In a letter to Gore on 22 May 1817, he claimed that it was his "duty to offer [his] services" although he also allowed that his "motives [were] not altogether disinterested."⁶⁴ Strachan was eager to receive Gore's recommendation since the latter had announced that he would soon be sailing for England to defend himself against a libel suit brought by Robert Thorpe. On his departure Strachan and other prominent York citizens, including William Powell and D'Arcy Boulton, presented an address thanking Gore for being a "friend and protector of this province."⁶⁵ Before the silver plate tucked away in his luggage had time to tarnish, however, Gore had reason to question the sincerity of at least one of those men. Two years later, having lost his case with Thorpe, Gore informed Powell that the "Archdeacon of York does not write to me now--I am in disgrace--or rather I am no longer Lt. Governor of Upper Canada."⁶⁶

Within a few days of Gore's departure Robert Nichol also set sail for England to deal directly with his claim for compensation. Although the Treasury had received the report of the second commission on 22 July 1816, no promise of full payment had yet been made.⁶⁷ Since that time the Prince Regent had told officials at the Colonial Office that the proceeds from sales of estates confiscated from traitors could be applied for compensation purposes but no one who was well-acquainted with the province seriously believed that this measure would raise a significant amount of money. William Halton had visited the office of the Secretary of State but was directed to see Lord Bathurst at the

Colonial Office who, in turn, suggested he discuss matters with Treasury officials. Already nearly lame from repeated attacks of the gout, Halton was worn out by the process. Finally, on 9 July 1817, the provincial agent was told by employees at the Treasury that they were only going to recommend that the forfeited estates be used to pay the claimants.⁶⁸

That news so angered Nichol that he requested a personal meeting with Bathurst in order to explain why even the prospect of "partial indemnification from that source" was completely "illusory." Nichol also believed that his claims merited more particular attention and he told Bathurst that the "Sufferers generally...My Lord, have a strong claim on the generosity of the Nation, Mine is on its justice."⁶⁹ Nichol's entreaties were given a sympathetic reception but he made little headway with his claim. Six months later he informed Bathurst that he had not abandoned his lucrative civilian career for a position in the militia because of any desire for profit or reward:

No my Lord, I was activated by far Nobler motives, for as to emolument that was to be obtained, as it was by hundreds of my fellow subjects in the Province with more ease and less work by attending to my private affairs at home.⁷⁰

Unfortunately, noble sentiments were about all that Nichol had left and he was forced to sail for home without the money that he had hoped to get.

Another native of Scotland, Robert Gourlay, had already embarked for Upper Canada by the time that Nichol had met with Bathurst. Although Gourlay was destined to spend only a short time in the province he would manage to influence the character of Upper Canadian politics in an unprecedented and indelible manner. At forty years of age he left

his home in Fifeshire to view a tract of land in Upper Canada that belonged to his wife, nee Jean Henderson. She was Robert Hamilton's neice and through his marriage Gourlay was connected to some of the most prominent men in the province, including William Dickson and Thomas Clark. A cantankerous individual, Gourlay was constantly casting about for projects to administer and for perceived grievances to redress. Even before he arrived in the province he had decided to write a book about his journey by collecting answers to a series of questions about colonial affairs. He entered Upper Canada in June 1817, and arrived at Thomas Clark's home at Queenston in mid-July. While there Gourlay was treated to lengthy lectures about the grievances of his relatives; he would later recall that "Councillor Dickson was loudest in these complaints."⁷¹

A few months later, Gourlay published an address "To the Resident Landowners of Upper Canada," in the York Gazette of 30 October 1817. It asked that township meetings be held in order that suitable answers could be given to a series of questions appended to the address. Gourlay intended to gather the results into a statistical account that would "tempt able adventurers from home." An increased flow of settlers from Europe would revive the failing Upper Canadian economy and might even make the exclusion of American farmers a matter "of small importance."⁷² The questions themselves appeared harmless enough: Gourlay simply requested that the respondents provide the number of churches, stores, taverns, and medical practitioners in each township, as well as offer information about soils and agricultural practices. The thirty-first query, which would soon land Gourlay and his supporters in a great deal of trouble, asked:

What, in your opinion, retards the improvement of your township in particular, or the province in general; and what would most contribute to the same?⁷³

When Gourlay first proposed issuing the address he approached the members of the government at York for their approval. Only Strachan was opposed to the questionnaire; it was said that he saw within it a "wicked tendency" but he was overruled by the other councillors.⁷⁴ No doubt, after the legislative resolutions of April, Strachan was well aware that the elimination of the clergy reserves would rank high as an answer to query thirty-one.

Gourlay at first ignored Strachan and his protests but he underestimated the intelligence and influence of his enemy. At one point he contemptuously dismissed Strachan as "a lying little fool of a renegade Presbyterian," a characterization that hit the mark except that the priest was no fool. Indeed Gourlay found that his time was increasingly spent defending the very concept of township meetings.⁷⁵ In a letter to the Niagara Spectator of 8 January 1818, Gourlay argued that his plans were designed only to benefit Upper Canada, and he singled out Strachan as one of those men "who will run in the face of common sense and discretion to gratify their envy and their spleen."⁷⁶ Yet as the township reports began to trickle in, Strachan's influence made itself apparent. From the Niagara, Gore, London, and Western Districts, Gourlay received fifty-five reports from sixty-three townships but no meeting was held at York and only eleven townships east of Gore dared to submit answers to the questionnaires.⁷⁷

Gourlay blamed the poor response from the east on John Strachan's "unrighteous" campaign against him but a closer examination of those involved in the township meetings suggests that more was at work than

clerical influence.⁷⁸ In the Western District, twenty of twenty-five individuals who signed their names to the township reports, or eighty percent of the respondents, were listed as war sufferers by the third commission appointed to investigate damages. The proportions fell somewhat as one went east, but over thirteen percent of respondents from the London District, more than forty-nine percent of the Gore signatories, and over thirty-six percent of the Niagara respondents also had submitted claims to the third commission. In total, over thirty-three percent of the 261 signatories from the four western districts were war sufferers. To the east, where damages were slight and where post-war grievances were less evident, only two of the ninety respondents, just over two percent of the total, had submitted claims. Altogether, the ninety claimants who were listed on the township reports had estimated their losses to be £55,723, or an average claim of more than £619. That amount was about three times the size of the average submission examined by the third war claims commission.⁷⁹

Although only a minority of his supporters were war sufferers, Gourlay considered them a very important part of his constituency. They often took the lead in forming local organizations and they included magistrates and militia officers who could not be stigmatized as disloyal radicals. In February 1818, while Gourlay was preparing his second address to the people of Upper Canada, news reached the colony that the Prince Regent was offering only the proceeds from the sale of confiscated estates to indemnify the thousands of claimants. Gourlay excused the Regent's actions by saying that they were the product of ignorance fostered by an inept system of colonial management. "Were he apprized of the truth," Gourlay claimed, "the public property of the

province might not only defray every claim, but yield to England a handsome revenue." ⁸⁰ Here for the first time was the suggestion that the sale of public lands, such as crown and clergy reserves, might serve to pay war sufferers. If any doubts lingered in Strachan's mind about the dangers of Gourlay's activities, they must have been immediately swept aside by this article.

In 1819, writing under his brother's name, Strachan would deride Gourlay's actions and claim that he had only tried to address two grievances: war losses and militia land grants. Strachan said that both issues were being dealt with by the ministry at that time and he went on to declare that "the people of Upper Canada lost nothing by the war compared to their fellow subjects in Great Britain." Strachan also deliberately lied about the township reports, saying that all of them ended with a demand for the payment of war losses, even those "from places in the interior, where the war never reached."⁸¹

Actually only the representatives from Wellington Square in the Gore District rated losses by the conflict as a serious impediment to the prosperity of their township. About three-quarters of the signatories from all the townships were not war claimants and unpaid damages stood fourteenth on the list of twenty-three factors which were said to be retarding economic prosperity. Yet Gourlay paid an inordinate amount of attention to the war claims because they offered a key to solving a great number of the province's problems. The lands held by non-residents were mentioned in twenty-four township reports as a significant grievance. Crown and clergy reserves were cited in another nineteen, and a lack of immigrants was rated as an important factor in retarding economic growth in fourteen township reports. Yet,

if the lands lying idle were sold to pay war damages, all of these grievances could be eliminated. The sufferers would be compensated, obstacles between settlements would be removed, and a large influx of newcomers would gain access to fertile lands.⁸²

While Gourlay was tabulating the figures from his township reports, the provincial Assembly met for its second session at York. These proceedings proved no less tumultuous than the last. Jonas Jones, the member for Grenville, submitted a claim for payment for the time he had served as a member of a commission dealing with the division of import duties gathered by Lower Canadian authorities. The administrator in Gore's absence, Samuel Smith, complied with the Assembly's request for payment but members of the upper council objected saying that the Assembly could only authorize payments for ordinary expenses of the house. What had started out as a simple request for reimbursement eventually turned into a vexing constitutional question over who controlled the colony's finances. With public business again at a standstill, Smith prorogued the session on 1 April 1818. He later defended that action by pointing out "how uncertain the peace of the colony must be" if such "pretences of privilege" could lead to protracted disputes.⁸³

Gourlay seized the opportunity offered by the second dismissal of the Assembly in as many years. In his third address to the inhabitants of Upper Canada he declared that the fault did not rest with the elected representatives but with "the system which blasts every hope of good," and the situation would continue that way "till the system is overturned." Gourlay called for a second round of township meetings to select representatives who would meet at a convention. At this

gathering, Gourlay proposed that a petition be drafted which would be presented directly to the Prince Regent. Gourlay cautioned that every "eye should be resolutely bent on the one thing needful,--a radical change in the system of Government of Upper Canada." If this plan was followed, he promised that "every just claim may be paid by next Christmas," and the colony would become the "most flourishing and secure spot" on the globe.⁸⁴

For some, of course, things were fine as they were, and Samuel Smith was approached by Strachan and others who were alarmed at the possibility of a convention. All were convinced that the American Revolution had grown out of similar meetings and they were determined to prevent any assembly that might lead to "radical change." Persuaded by these men that to ignore the proceedings would only "add fuel to the flames," Smith ordered Attorney General John Beverley Robinson to follow Gourlay's actions closely and to "seize the first proper occassion to check by criminal prosecution the very threatening career now entered upon." Strachan would later take full credit for this decision, informing Bathurst that "had I passively followed up the system of permitting the Convention to proceed, there is no saying where it would have it would have ended." As it turned out, however, it was Gourlay's relatives who actually put an end to his career in Upper Canada so that story of Strachan's role in ridding the colony of Gourlay was much like the fable that he had saved York from the torches of the American invaders. Strachan was often the hero of his own tales and most grew taller in the telling as the years passed.⁸⁵

Township meetings were organized immediately in the Niagara region under the guidance of men such as Robert Hamilton. Following

these meetings, a preliminary convention of Niagara delegates was held on 4 May 1818 in St. Catharines. Fifteen prominent citizens, several of whom were local magistrates, assisted Gourlay in the preparation of a petition. Among those present were three justices of the peace, William Hamilton Merritt, John Clark, and George Keefer, as well as a number of senior militia officers including Robert Hamilton, Major William Robertson, and John Baxter, all of whom were also war sufferers.⁸⁶ The petition drafted by these representatives explained that "raw battalions" of Upper Canadians had thrown back the invading foe when the British army in the province was too weak to deal with the Americans. The representatives pointed out that the militiamen had acted out of loyalty since the "Invader would have spared them their property" had they remained at home. After three years of peace, however, the inhabitants were still in distress because government construction had ceased, troops had been withdrawn, and fortifications were being allowed to "go to ruin." Although an investigation of war damages had taken place, the Prince Regent was reminded that "nothing has followed, but delay and insult." Militiamen had been promised lands but so far the grants had been "unjustly withheld." Instead of a practical policy of land management which might eliminate such greivances, the inhabitants had been forced to accept a "system of patronage and favouritism." These evils, and those "which have their root in the original Constitution of the Province," had to be removed and the petitioners requested that a commission be sent to investigate these and other matters.⁸⁷ Unlike previous critics, such as Thorpe and Willcocks, Gourlay and the Niagara delegates went further in their suggestion of what was wrong with the colony. In their view it was the whole system

of government with its appointed councillors, rather than the appointees themselves, which stood in need of change.

After the meeting in St. Catharines, Gourlay ventured east to drum up support for the proposed general convention at York. On June 11 Gourlay reached Kingston and while dining with friends he was approached by Thomas Markland, one of the magistrates of the district, with an arrest warrant. Attorney General John Beverley Robinson had issued the warrant on a charge of libel relating to the petition drawn up at St. Catharines. Gourlay believed that two of his earliest supporters, William Dickson and Thomas Clark, were involved in the campaign to have him arrested because they did not wish to jeopardize their positions as legislative councillors. A few days later, Gourlay was involved in a fight with Duncan Fraser, a magistrate from Johnstown, and was arrested and jailed in Brockville. After paying a fine, Gourlay was released and eventually made his way to York where the meeting of "The Upper Canadian Convention of the Friends of Enquiry" was scheduled to begin on 6 July 1818.⁸⁸

At York, fifteen delegates from seven districts, (the Home, Eastern, and Ottawa regions were not represented) spent five days discussing measures that might improve the colonial administration. Richard Beasley, a justice of the peace for the Gore District, was elected chairman and another magistrate, William J. Kerr, was appointed secretary. Also in attendance were Robert Hamilton, John Clark, and Major William Robertson, all three of whom had submitted war claims and were owed, collectively, more than £2,000.⁸⁹ The petition drafted at the St. Catharines meeting was adopted by the York convention but since a new lieutenant-governor, Sir Peregrine Maitland, was expected to

arrive shortly, the plan to appeal directly to the Prince Regent was abandoned. The delegates decided to approach Maitland first and ask for an inquiry into provincial affairs by the local parliament in the belief that a "new and better era would commence."⁹⁰

On his arrival, however, Maitland appeared completely unsympathetic to the plight of the war sufferers. In a reference to two British radicals, Maitland described Gourlay as "half Cobbett and half Hunt," and he refused to accept the petition. In a private letter to his superior, Maitland told Bathurst that he hoped Gourlay would lose the libel suit and be forced to pay a heavy fine which would "cripple him." Yet at the trial, which was held on 15 August 1818, Gourlay conducted his own defence and managed to gain an acquittal in spite of prosecutor Henry John Boulton's eloquence and abilities.⁹¹

Undeterred, Maitland took other measures to put an end to Gourlay's career in Upper Canada. At the opening of the third session of parliament on 12 October 1818, Maitland asked the members to ban further conventions with what was to become known as the "Gagging Bill." Having seen the York meeting as a threat to their positions, and angered by some of Gourlay's statements about their abilities, the assemblymen agreed with Maitland's request and characterized the York Convention as "highly derogatory and repugnant to the spirit of the constitution of this Province."⁹²

A little over a month later Gourlay was again arrested, this time on a charge of sedition. William Dickson, after having been assured that more Americans would be permitted to settle on his tract, had Gourlay arrested under the terms of the Sedition Act of 1804. This little-used statute provided for the detention of anyone who had resided

in the province for less than six months and who had not taken the oath of allegiance. Isaac Swayze swore out a deposition which described Gourlay as an "evil-minded and seditious person," and Dickson and another legislative councillor, William Clark, ordered Gourlay to leave the province within ten days. Considering the whole affair quite absurd, Gourlay refused and was arrested and promptly put in jail on 4 January 1819.⁹³ At his trial more than seven months later, Gourlay defended himself by arguing that he was a loyal British subject and that he was not required to take an oath of allegiance. Attorney General Robinson, who considered the defendant to be a "wicked and unprincipled incendiary," proved to be a more able prosecutor than Henry Boulton. Robinson ignored Gourlay's protests about the oath of allegiance and maintained that the only issue before the court was that the prisoner had been ordered to leave the colony and had failed to do so. Judge William Drummer Powell agreed with his "Bloody Assize" associate and on 20 August 1819 he ordered Gourlay to leave the province on pain of death for disobedience. The next day, having had his fill of colonial prisons and politics, the dejected Scottish immigrant crossed over to the United States.⁹⁴

Those who had supported Gourlay were also punished. In his address to the Assembly on the opening of the provincial parliament on 26 June 1819, Maitland announced that he was authorized to bestow lands on certain members of the militia and provincial navy but at the same time said that no individuals who had been involved in the "late Convention of Delegates," would be granted "this mark of approbation." A British immigrant to the colony noted that all the militia officers and magistrates who had supported Gourlay "were to a man deprived of

their commissions."⁹⁵ One of these was Thomas Merritt, the magistrate who had supervised the Ancaster hangings and in whose jail Gourlay spent most of 1819. Maitland justified the dismissal of this "old Servant of the Crown," on the grounds that Merritt had delivered Gourlay's letters to the newspapers for publication and at one point had proofread them before he left the jail for the editor's office. For such "notoriously improper" conduct, Thomas Merritt was removed from his post as a justice of the peace, a position he had held since 1803.⁹⁶

Richard Beasley also paid a price for his role in the Gourlay agitation. Beasley had served as chairman for the York Convention and along with Merritt he was dropped from the magistracy as a result. When he was also removed from the command of the Second Regiment of the Gore militia, Beasley demanded an inquiry but he soon found himself facing a general court martial. At the trial he was accused of having disobeyed two minor requests made by Francis Gore. But there were more serious charges as well. During the capitulation of York in April 1813, Beasley was alleged to have "voluntarily placed himself in the hands of the enemy," and at the 25 July 1814 Battle of Lundy's Lane he was said to have "withdrawn himself...and remained at the rear during action." Beasley was found not guilty of all charges except for having disobeyed Francis Gore's request to call out his men for inspection on 4 June 1816. Nonetheless, he was dismissed from his militia post and Abraham Nelles was promoted to take his place.⁹⁷

The official crackdown on Gourlay and his supporters did not put an end to controversy. The war claims had proven to be a veritable "Pandora's Box" and questions that had been raised about the crown and clergy reserves would continue to be asked even after Gourlay had been

placed behind bars. On 30 March 1819, the congregation of the Presbyterian church in Niagara informed Maitland that, since the war, the faithful had been forced to worship in a temporary shelter. Unable to pay for a full-time rector, the congregation asked Maitland if he would direct the annual sum of one hundred pounds "out of the funds arising from the clergy Reserves." Recognizing the implicit threat to the provincial Church of England's monopoly over these lands, Strachan wrote directly to the home authorities. He warned Bathurst that to allow Presbyterians access to the funds would only prompt "all sorts of Sectaries" to seek equivalent status. The original act had merely stated that the proceeds were to be used for the support of the "Protestant" clergy and Strachan clung to the most narrow definition of that term. "If the Act had meant to include Dissenters generally, or even the Church of Scotland," he told Bathurst, "to me it appears that it would have said so."⁹⁸

Strachan's motives in defending the reserves from the demands of other religious groups had much to do with his personal plans. In 1819 William Powell remarked that the "venerable politician has attained all of the objects of his ambition, short of the mitre." Strachan believed that he might eventually be appointed Bishop of Upper Canada and with one-seventh of all the lands in the province at his disposal he would be a powerful individual indeed. He had certainly already done much better for himself than other men of the cloth in the colony. In 1819 one Roman Catholic priest, Alexander Macdonell, prefaced his appeal for payment of his war losses by observing that during the conflict he had "constantly attended the militia in the field & even in action." He had done this without having received "a sixpence of pay or allowance, while

other clergymen who never quitted the bosom of their families the whole time received both."⁹⁹

It is unlikely that Strachan was overly concerned by such petty insults since he had far more important matters to deal with. In addition to the time he was devoting to the defence of clergy reserves, he was also occupied in directing the affairs of the "Friends of Strangers" association. The new organization had grown out of the Loyal and Patriotic Society which had ceased formal operations in October 1817. Since the end of the war, the society had spent almost all the money it had received and after issuing its final report only £212 remained in the hands of the directors. That money was supposed to be kept in reserve "for the purpose of purchasing Medals should those already ordered be found to be insufficient in number."¹⁰⁰ Near the end of its existence support was being extended to citizens who had been "mutilated and afflicted" by the war and also to the increasing number of pauper immigrants arriving from Britian. Some members felt that it was improper to expend funds on newcomers when the money had been raised for war sufferers but John Strachan did not share in that belief. Nonetheless, he was overruled and it was decided that a distinct organization should be created for the support of Upper Canada's new class of indigents. On 17 October 1817, the Patriotic Society closed its books and the money left over was transferred to the new organization.¹⁰¹ Although questions continued to be asked about the 612 medals that had been ordered, the former directors refused to discuss the matter. Strachan had helped to foster the myth that all Upper Canadians had played a heroic role in the war and to distribute medals to some would have inevitably excited jealousy in others. Even before

the medals had arrived, Colley Foster, one of Drummond's nominees, had warned that he would "feel particularly hurt" if he was passed over for an award.¹⁰² Other deserving recipients might have been more than disappointed had they known that Chewett and Robinson had awarded medals to themselves and then had recommended that only ribbons or "other honourary marks" be given to Incorporated Militia veterans.

A way out of the medal dilemma appeared in 1819 when an additional £4,000 arrived from England. This money had been collected on behalf of the Loyal and Patriotic Society and with it the former directors could have purchased enough medals to award one to nearly every man who had shouldered a musket. Instead, the society used the money to construct an institution that was to become known as the Toronto General Hospital. The directors apparently gave some thought to erecting a number of hospitals at York, Kingston, and Niagara, but they eventually decided to restrict the project to the provincial capital. On 24 November 1819, an invitation for tenders was published in the Upper Canada Gazette and construction began the following spring. On 22 February 1820, Chief Justice William Campbell proposed that the society melt the medals on hand and use the proceeds from the sale of the bullion for the Hospital Fund. For some reason, this resolution was passed but not carried into effect and the medals remained in the possession of William Robinson, John Beverley's brother. In January 1822, former society member William Warren Baldwin, asked for both the medals and the list of nominees and the Attorney General was more than happy to oblige although he reminded Baldwin of the "difficulties" the society had already experienced over the question of distribution. Apparently, Baldwin thought better of the idea, perhaps after realizing

that Robinson and Chewett's report had made the task an impossible one. Later that year the medals were placed in the vault of the Bank of Upper Canada where they would remain for almost two decades.¹⁰³

For various reasons, the Bank of Upper Canada was situated at York rather than Kingston. Impatient with the progress of the 1817 Kingston petition, Thomas Markland had accepted a position as branch manager for the Bank of Montreal.¹⁰⁴ Not long after, Markland's old rival Benjamin Whitney, and two former members of the Kingston Association, P. Smythe and Smith Bartlett, joined nine other Kingston merchants to open an unchartered bank.¹⁰⁵ Strachan expressed reservations about the "want of respectability in the Members" of this "Pretended Bank" and he and other members of the York elite decide to make their move in 1819. The first Kingston bank petition had finally received royal assent but the bill did not reach the colony before the 1 January 1819 deadline had elapsed. At that point ten of the men behind the first petition for the Bank of Upper Canada, including Allan McLean and Thomas Markland, joined in another attempt but this time they were supported by seven members of the Pretended Bank such as Benjamin Whitney, Christopher Hagerman, and Smith Bartlett.¹⁰⁶ This association of Kingston's richest men presented their bill on 12 June 1819 but they soon discovered that they were once again competing for a legitimate charter with the merchants from York who reintroduced their own petition on 16 June. The Kingston petition was passed by the Assembly on 24 June 1819 but when this Bank of Upper Canada bill was returned from the Legislative Council some significant amendments had been made. The location of the head office had been changed from Kingston to the "seat of government," and the names of the original directors had been struck

out and replaced by those of the merchants from York.¹⁰⁷

Since the institution known as the Bank of Upper Canada had previously received royal assent the new directors from York expected to be in operation soon. To accommodate their rivals from the east the legislative councillors sent down a second bill to incorporate a "Bank of Kingston," which they expected would be reserved for approval by British authorities. Both bills were shepherded through the Assembly by John Beverley Robinson but the crafty York men were not yet in the clear. The skullduggery had been undertaken without Maitland's knowledge and he was not willing to be a part of it. He refused to sign the doctored bill and instead reserved it for royal assent. Although he did sign the Kingston bill, the deepening depression prevented those merchants from raising the £20,000 subscription required by their charter.¹⁰⁸

Two years later the York group received permission to begin operations and on 21 April 1821 the Bank of Upper Canada opened its doors. The first president of the organization was William Allan and that other "hero of the capitulation," John Strachan, was made a director. Thomas Gibbs Ridout, his onion-attacking days long behind him, was elected general manager at a salary of £200 a year. His father Thomas was also a member of the board and other prominent men such as John Henry Boulton, James Crook, and James Baby served as directors at various times.¹⁰⁹ Nine of the bank's first directors were members of the Executive or Legislative Councils, or occupied important positions in the provincial government, and most of the other six were appointed to similar posts later. Over the years the bank would become a target for reformers who suspected that favoritism, rather than strict business

practices, dictated many of the policies of the institution.¹⁰⁹

The emergence of a provincial reform movement that would criticize the actions of Strachan and his associates owed much to Robert Gourlay and the heavy-handed measures used to persecute him and his followers. E.A. Talbot, who considered Gourlay a dangerous radical, found that almost every colonist he spoke to rejected that view. "He was in truth," Talbot admitted, "the idol of the people." John Howison, another vocal opponent of Gourlay, felt that the Scotsman at least deserved credit for having helped Upper Canadians take an interest in politics. Yet he also believed that Gourlay had received much of his support from individuals who were acting out of highly personal motives. "A man is seldom interested in the political affairs of his country," Howison wrote in 1818, "until they begin to affect him individually."¹¹⁰

The results of Gourlay's activities were dramatically displayed in the 1820 provincial elections. The Assembly, which had previously been restricted to twenty-five members, expanded to forty seats. Among the men elected who would become staunch government supporters were John Beverley Robinson and Charles Jones. The Attorney General represented York in the house while the Brockville "tyrant" sat for Leeds. A new group of men were also elected and they would often find themselves opposed to the government faction. In the Niagara District four of Gourlay's supporters topped the polls. The first three Lincoln ridings elected John Clark, William J. Kerr, and Robert Hamilton. In the fourth riding Issac Swayze, who had assisted in having Gourlay arrested, lost his seat to Robert Randal.¹¹¹ These men were joined in the Assembly by four other "Gourlayites," William Chisholm for Halton, George Hamilton for Wentworth, Samuel Casey for Lennox and Addington, and Thomas Horner

for Oxford.¹¹² Seven of these men had been delegates to the York Convention and all had taken an active part in the township meetings.¹¹³ Each of the Niagara representatives had submitted a claim for losses as had many of their constituents. Yet concern for war claimants did not guarantee election. In the eastern riding of Frontenac, Anthony McGuin failed to win his seat although he had addressed the electors as friends and "fellow sufferers" whose relief he stood pledged to obtain if elected. At the polls, however, justice of the peace and would-be banker Allan McLean was able to exert sufficient influence to retain the seat he had held for sixteen years.¹¹⁴

When the Assembly met in 1821, old political veterans such as John Willson and Robert Nichol would often be able to rely on the support of Gourlayites when they called for quick action on war claims, pensions, and other issues that had arisen out of the conflict. Uppermost in the minds of all inhabitants, however, was the deepening economic depression which had gripped the colony for over four years. Merchants at York had been forced to hold weekly auctions to reduce their unsold inventories and in the summer of 1821 Isaac Wilson informed his brother that "all is barter and traffic" since real money was rarely seen. John Howison observed that most merchants were owed huge sums by colonists and he thought that if they tried to collect it would mean the "ruin of two-thirds of the farmers in the Province." Private financial embarrassments were matched by those facing government. Up to eighty percent of the province's revenue was derived from duties levied on imports entering Lower Canada but a constitutional crisis in that colony had held up payments for two years. In July 1821 a senior government official reported that the "Crisis is pressing, the Province of Upper

Canada is in a State of Bankruptcy."¹¹⁵ In the face of such difficulties the optimism of 1816 had evaporated long before leaving behind only a few worn and devalued half-penny tokens.

NOTES VIII

¹OA, Merritt Papers, package 1, MS 74, volume 1; MTL, Wood Business Book, Wood to Maitland Garven, 15 March 1815; OA, Isaac Wilson Diary, Isaac to Jonathan, 20 August 1815.

²OA, Isaac Wilson Diary, Isaac to Jonathan, 20 August 1815.

³Robert Gourlay, Statistical Account of Upper Canada Compiled With a View to a Grand System of Emigration, two volumes (London: Simpkin and Marshall, 1822; reprint ed., New York, Johnson, 1966), II:414.

⁴E.A. Cruikshank, A Memoir of the Honourable James Kerby, His Life in Letters, (Welland: Historical Society, 1931), p.38; "A Country Merchant in Upper Canada, 1800-1812," OHSPR, 25 (1928), p.188; John Weaver, "George Hamilton," DCB, VII:379-383; Wilson, Enterprises, pp.165-170; NAC, Board of Claims, Cummings, claim 632; Alexander Grant, claim 1738; Grant and Kerby, claim 1183; Hamilton family, claims 1315, 1210, 163, 827.

⁵NAC, CO42/355, Nichol to Bathurst, 3 January 1815, p.264; E.A. Cruikshank, "A Sketch..Nichol," pp.42,22.

⁶NAC, CO42/356, Joint Address, 13 March 1815; Drummond to Bathurst, 24 March 1815.

⁷NAC, CO42/356, Treasury to Goulbourn, 18 July 1815, p.272.

⁸NAC, CO42/356, Gore to Bathurst, 17 October 1815, p.121.

⁹Spragge, "Dr. Strachan's Motives For Becoming a Legislative Councillor," CHR, 19 (1938), p.337.

¹⁰NAC, Board of Claims, volume 3732, file 1, General Principles, 20 December 1815.

¹¹Ibid.

¹²Kingston Gazette, 1 August 1815; NAC, Board of Claims, volume 3726, files 1-6; CO 42/365, Clarke to Maitland, 6 March 1820, p.45

¹³Jean-Marie Lebel, "William Kemble," DCB, VII:462; CO 42/357, Gore to Bathurst, 23 February 1816, pp.33-34; Gore to Bathurst, 1 May 1816, p.210.

¹⁴NAC, Board of Claims, volume 3730, file 2, 1816 Commission Report, p.46.

¹⁵R.A. Preston, "The Fate of Kingston's Warships," in Zaslow, Defended Border, p.285; Eric Wilfrid Hounson, Toronto in 1810, (Toronto: Ryerson Press, 1970), p.16.

¹⁶Alfred Sandham, Coins, Tokens and Medals of the Dominion of Canada, (Winnipeg: Canadian Numismatic Publishing, 1869); J.E. Charlton, 1971 Standard Catalogue of Canadian Coins, Tokens and Paper Money, (Port Carling: Charton, 1971), pp.32-33.

¹⁷Kingston Gazette, 23 February 1813, p.2; OA, Strachan Papers, draft constitution, 15 December 1812.

¹⁸LPS Report, pp.196,148-149.

¹⁹OA, Strachan Papers, Wilmot to Foster, 19 January 1815.

²⁰Ibid.

²¹OA, Strachan Papers, Report of the Medal Committee, 1 May 1815.

²²OA, Strachan Papers, Fraser to Foster, 18 January 1815; Wilmot to Foster, 19 January 1815.

²³OA, Strachan Papers, Bradt to Foster, 25 January 1815.

²⁴Kingston Gazette, 12 October 1812, p.2. Stanley denies that the words ever left Brock's lips and, if so, the reports published in the colonial press must have been fabrications, Land Operations, pp.127-128.

²⁵OA, Strachan Papers, Report of the Medal Committee, 1 May 1815; LPS Report, pp.166-167, 217-218.

²⁶NAC, CO42/356, Gore to Bathurst, 17 October 1815, p.122-123.

²⁷NAC, CO42/357, Kerby Petition, 22 February 1816, pp.50-52.

²⁸NAC, CO42/357, Gore to Bathurst, 28 February 1816, pp.48-49.

²⁹NAC, CO42/357, Gore to Bathurst, 13 April 1816, pp.131-132.

³⁰Stanley, Land Operations, p.422.

³¹C.W. Robinson, John Beverley, p.31.

³²CO 42/357, Gore to Bathurst, 15 April 1816, p.137-138.

³³CO 42/356, Gore to Bathurst, 17 October 1815, pp.122-123.

³⁴S.R. Mealing, "Francis Gore," DCB, VII:339.

³⁵Gourlay, Statistical Account, II:443.

³⁶OA, Report, (1912), Upper Canada, Journals, Assembly petition, 14 March 1814, p.155.

³⁷Fort York, Garrison Book, "Turquand--in Account." The monthly totals in 1815 were January £53,747; February £24,018, March £29,651; April £7,298; May £16,437; July £24,889. For 1817 see Garrison Book, "Robinson--disbursements," July £5,180, August, £4,857, September £4,546 (shillings and pence excluded).

³⁸R.K. Webb, Modern England From the Eighteenth Century to the Present, 2d. ed., (New York: Harper and Row, 1980), p.161.

³⁹NAC, CO42/359, Gore to Bathurst, 8 April 1817, p.115

⁴⁰Gourlay, Statistical Account, I:441.

⁴¹Individual estimates of the value of specific animals varied widely. Horses, for example, ranged from £10 to £50 but £15 or £20 was the usual value cited. The category "cattle" includes cows, oxen, steers, and calves, while the "hog" category total includes all pigs from shoats (which might be valued at only 10 shillings or so) to full-grown adults (at £6 or more).

⁴²The 1,650 cases which provide information amount to 80.3% of the total number of claims. To arrive at the projected numbers of livestock claimed, each actual total was multiplied by 1.197. For example, 1,306 horses X 1.197 = 1,563 horses (£23,445).

⁴³NAC, CO42/361, Nichol To Bathurst, 4 June 1818, p.377.

⁴⁴OA, Isaac Wilson Diary, Isaac to Jonathan, 20 August 1815.

⁴⁵NAC, CO42/355, Drummond to Bathurst, 12 July 1814, p.118.

⁴⁶Spragge, Letterbook, Strachan to Murray, [n.d.], p.92.

⁴⁷CO42/359, Gore to Bathurst, 7 April 1817, p.103-104; NAC, Board of Claims, Dickson claim 5; Alan Wilson, The Clergy Reserves of Upper Canada, (Toronto: University Press, 1968), p.57; Gates, Land, p.101.

⁴⁸OA, Report, (1913), Journals, 1 March 1817, pp.336-343.

⁴⁹John Weaver, "James Durand," DCB, VI:230; OBA Report, (1913) Journal of the House of Assembly, 1 March 1817, p.337.

⁵⁰Upper Canada Gazette, 17 April 1817.

⁵¹NAC, CO42/357, Gore to Bathurst, 12 April 1816, pp.129-130.

⁵²Kingston Gazette, 31 August 1813, p.3; 15 July 1817. The 1817 incorporators were Allan McLean, Thomas Markland, Peter Smith, Lawrence Herkimer, William Mitchell, John Kirby, Roderick McKay, John McCaully, Allan McPherson, Hugh C. Thompson, Jerry Witehead, William Bradbray, T. Nicholls, A.N. McLeod, S. Johns, P. Smyth, and Thomas Graham. Private communication from Dr. Peter Baskerville.

⁵³Adam Shortt, "The First Bank in Upper Canada," in History of Canadian Currency and Banking 1600-1880, (Toronto: CBA, 1986), p.86.

⁵⁴Ibid., p.84.

⁵⁵Peter Baskerville, The Bank of Upper Canada: A Collection of Documents, (Toronto: Champlain Society Carleton University Press, 1987), p.xxvii.

⁵⁶Kingston Gazette, 9 December 1815, p.352.

⁵⁷NAC, CO42/357, Gore to Bathurst, 12 April 1816, pp.129-130.

⁵⁸Gourlay, Statistical Account, II:286-288; NAC, CO42/358, extract of Spectator, 26 April 1816, p.149.

⁵⁹Gourlay, Statistical Account, II:286-288.

⁶⁰NAC, CO42/359, Gore to Bathurst, 7 April 1817, p.104-105.

⁶¹Gourlay, Statistical Account, II:288.

⁶²NAC, Board of Claims, 1816 Report, volume 3730, file 2 p.46.

⁶³MTL, Jarvis Papers, Kemble to Jarvis, 20 January 1820.

⁶⁴G.M. Craig, "John Strachan," DCB, IV:755.

⁶⁵Gourlay, Statistical Account, II:441.

⁶⁶Powell Papers, Gore to Powell, 10 May 1819, quoted in Francis Michael Quealey, "The Administration of Sir Peregrine Maitland: Lieutenant Governor of Upper Canada," (Ph.D. dissertation, Toronto, 1968), p.114.

⁶⁷NAC, CO42/357, Gore to Bathurst (notation), 1 May 1816, p.210.

⁶⁸NAC, CO 42/359, Gore to Bathurst, 4 January 1817, p.4; OA, Report, (1913), Journals, Halton Correspondence, 15 July 1817, p.446.

⁶⁹NAC, CO42/360, Nichol to Bathurst, 10 December 1817, p.221.

⁷⁰NAC, CO42/361, Nichol to Bathurst, 4 June 1818, p.376.

⁷¹W.R. Riddell, "Robert Fleming Gourlay," OHSPR, 14 (1916), p.15-16; Gourlay, Statistical Account, II:334.

⁷²Gourlay, General Introduction to Statistical Account, p.cxxxvi-cxcvi.

⁷³Gourlay, Statistical Account, II:270-274.

⁷⁴NAC, CO42/362, Maitland to Bathurst, 25 June 1819, p.226.

⁷⁵John Charles Dent, The Story of the Canadian Rebellion, (Toronto: Blackett Robinson, 1885), p.17.

⁷⁶Riddell, "Gourlay," p.17.

⁷⁷Gourlay, Statistical Account, I:274-579.

⁷⁸Riddell, "Gourlay," p.17.

⁷⁹Of the ninety claimants identified as Gourlayites, there may be some inaccuracies due to identical names. Eight of the correspondents from the Western District, for example, signed the petition for a township next to the one listed as their principle residence by the third war claims commission. That commission investigated the claims more than five years later and it is quite possible that these were the same war claimants but they may have moved in the interim period. Also, it was not unusual for a settler to own several tracts of land in various townships. See appendix "b" for a list of the ninety claimants.

⁸⁰Gourlay, Statistical Account, II:554.

⁸¹James Strachan, A Visit to the Province of Upper Canada in 1819, (Toronto: S.R. Publishers, 1968), p.187-8,192.

⁸²Gourlay, Statistical Account, I:369, 623-625. Ninety of 381 signatories equals 23.62%.

⁸³NAC, CO42/361, Smith to Bathurst, 6 April 1818, p.40.

⁸⁴Gourlay, Statistical Account, II:581-587.

⁸⁵NAC, CO42/361, Smith to Bathurst, 18 April 1818, pp.68-69; CO 42/362, Strachan to Bathurst, 2 June 1819, p.209.

⁸⁶Gourlay, Statistical Account, II:609-610; NAC, Board of Claims, Merritt claim 1208; Clark claim 1188; Keefer claim 1518; Hamilton claim 827; Robertson claim 164; Baxter claim 581.

⁸⁷Gourlay, Statistical Account, I:571-577.

- ⁸⁸Riddell, "Gourlay," p.29-30.
- ⁸⁹Ibid., p.30.
- ⁹⁰Gourlay, Statistical Account, II:610.
- ⁹¹NAC, CO42/361, Maitland to Bathurst, 19 August 1818, p.115-116; Riddell, "Gourlay," p.34.
- ⁹²NAC, CO42/361, Assembly resolutions, 22 October 1818, p.120.
- ⁹³NAC, CO42/369, Gourlay petition, 10 August 1822, p.137; Dent, Rebellion, pp.26-28.
- ⁹⁴NAC, CO42/369, Maitland to Bathurst, 25 June 1819, p.228; G.M. Craig, Upper Canada, p.98; Riddell, "Gourlay", p.54.
- ⁹⁵NAC, CO42/362, Maitland to Bathurst, 26 June 1819, p.213.
- ⁹⁶Talbot, Five Years, pp.418-419.
- ⁹⁷Upper Canada Gazette, 9 March 1820, p.3; Robert Fraser, "Richard Beasley," DCB, VII:58.
- ⁹⁸NAC, CO42/362, petition to Maitland, 30 March 1819, p.196; Strachan to Bathurst, 2 June 1819, p.208.
- ⁹⁹Powell Papers, Powell to Gore, 1819, in Quealey, "Maitland," p.114; NAC, CO 42/363, Macdonell to Bathurst, 17 August 1819, p.139.
- ¹⁰⁰Kingston Gazette, 4 November 1817.
- ¹⁰¹Upper Canada Gazette 9 October 1817, p.3; Hamilton Craig, "Still-born," p.33.
- ¹⁰²OA, Strachan Papers, Foster to Strachan, 13 December 1815.
- ¹⁰³C.K. Clarke, A History of the Toronto General Hospital, (Toronto: William Briggs, 1913), pp.17-23; OA, Strachan Papers, Robinson to Baldwin, 29 January 1822; Upper Canada, Journal of the House of Assembly, 13th parliament, 5th session, "Report...in Relation to Certain Medals," 10 February 1840, p.33.
- ¹⁰⁴Carmen Miller, "John Gray," DCB, VI:297.
- ¹⁰⁵Kingston Gazette, 31 August 1813, p.3. The unchartered bank members were Benjamin Whitney, Arch. Richmond, D. Washburn, C.A. Hagerman, John McLean, John Ferguson, P. Smythe, Neil McLeod, Henry Murney, T.S. Wittaker, Thomas Dalton, Smith Bartlett, Kingston Gazette, 23 April 1819. Private communication from Dr. Peter Baskerville.

¹⁰⁶Baskerville, Bank, p.xxix; OBA Report, (1914), Upper Canada, Journals, 8 July 1819, p.191.

¹⁰⁷C.L. Vaughn, "The Bank of Upper Canada in Politics, 1817-1840," OH, 60 (1968), p.186-187.

¹⁰⁸Baskerville, Bank, p.xxix.

¹⁰⁹R.J. Burns, "Thomas Gibbs Ridout," DCB, IX:661; Burns, "Thomas Ridout," DCB, VI:648; (a complete list of directors can be found in Baskerville, Bank, appendix b, p.321) Vaughn, "Bank," pp.188-189.

¹¹⁰Talbot, Five Years, pp.416-417; Kingston Gazette, 7 April 1818, p.2.

¹¹¹Armstrong, Handbook, pp.81-82; Cruikshank, "Postwar Discontent," p.46.

¹¹²Lois Darroch Milani, Robert Gourlay, Gadfly, (Toronto: Ampersand Press, 1971), p.227.

¹¹³Colonial Advocate, 26 January 1826, p.2. Unfortunately, no mention was made of which man had not attended the convention.

¹¹⁴Kingston Gazette, 7 July 1820, p.3.

¹¹⁵OA, Isaac Wilson Diary, Isaac to Jonathan, 7 September 1819, 24 June 1812; John Howison, Sketches, p.81,; Baskerville, Bank, p.xxviii; NAC, CO42/366, Commission on Duties, July 1821, p.251.

IX

"THE MOST PUZZLING QUESTION": WAR LOSSES POLITICS

At the opening of the eighth provincial parliament at York on 31 January 1821 Robert Nichol took his usual seat in the legislature. Over the past few months his time had been spent haggling with creditors, courting constituents, and writing letters to old acquaintances such as Roger Sheaffe.¹ On occasion he met with a group of Niagara contractors who had agreed to build a monument in memory of Isaac Brock. The structure under consideration, a 130 foot high Tuscan column, had been designed by engineer Francis Hall and was expected to be financed by both public and private contributions. One thousand pounds had been voted for that purpose by the Assembly in 1815 but it was believed that individual donors would soon pledge a far greater amount. After six years, however, fund raising had brought in less than £1,000, private donations having slowed to a trickle as the post-war slump in the provincial economy worsened.² Although disappointed by the response, Nichol knew that he could not turn to his fellow assemblymen for assistance. The Upper Canadian treasury was unable to meet the ordinary expenses of the government and the commemoration of the greatest hero of the war would have to be postponed until the province had overcome its economic dislocation.

Even the granting of land to deserving militiamen, which should have been cause for much celebration, somehow managed to contribute to the financial difficulties of the colony. In order to cover the survey costs on the militia land grants, Maitland had intended to use the

proceeds from the sales of crown reserves. However, the militia grants had led to "not less than 500,000 acres" being "unavoidably alienated" and Maitland found that there was little demand for tracts on the crown reserves.³ As more grants were surveyed the province was driven deeper into debt, and the glut "so diminished the expected demand for land from the Crown," that the administration had no money to pay for even minor obligations such as the annual presents to Indian tribes.⁴ When the new Assembly met in January 1821 it was again forced to deal with these issues and other problems that were directly related to the War of 1812.

The constitutional crisis which had prevented Lower Canadian authorities from forwarding a share of the import duties in 1819 and 1820 had left Upper Canada with no means to pay militia pensions. To reduce the number of recipients, the Assembly decreed in April 1821 that all pensioners would have to appear before a board of medical inspectors to prove that they were incapable of earning a "living by hard labour."⁵ Aware that a more rigid enforcement of eligibility criteria would not eliminate every claimant, the Assembly was also forced to authorize Maitland to borrow money to pay the remaining pensioners. While the sums involved were minor, amounting to less than two thousand pounds, this move initiated a pattern of borrowing which eventually drove the province into bankruptcy.⁶

Two other war-related issues--claims for damages and half-pay for militia officers--also continued to occupy an important place on the legislative agenda. On 13 April 1821 a second joint address on war losses was presented to Maitland. The Assembly wished to remind British authorities that the United States had attacked Upper Canada because of "certain principles of National Policy affecting the whole Empire."

Legislators pointed out that the first joint address on this topic had been sent in March 1815 but little had been done for the sufferers and it was clear that the proceeds from the sales of confiscated estates would likely amount to less than fifteen thousand pounds.⁷ The two branches of parliament also asked that half-pay be granted to officers who had served with the Incorporated Militia battalion. The petition noted that members of the Voltigeurs had received that allowance and the politicians observed that the Upper Canadians were entitled to "at least equal consideration."⁸

On 19 April 1821, only six days after the submission of the second joint address on war damages, Maitland surprised the Assembly by announcing that one class of claims, those for services and property provided the British Army, would be paid immediately. For more than a year military officials had been contemplating the propriety of settling these direct claims, which amounted to over £9,000. Finally, on 27 December 1820 the decision was made that such charges had been erroneously "mingled with the General Claims for losses."⁹ While applauding this decision, the legislators made it clear that they still wished to see the other claimants repaid as soon as possible. Maitland said he would forward their view on the topic "with great pleasure."¹⁰

The news that part of the claims would soon be discharged must have pleased Robert Nichol. Along with Thomas Clark and Robert Grant, Nichol had been approached a few months earlier by what he described as a numerous body of war claimants. The sufferers wanted the three men to act as agents on their behalf and Nichol and the others were offered five percent of whatever award was made as a commission for their work. On 1 December 1820 the agents met at Niagara Falls for the purpose of

addressing letters to several well-known British figures. The first was sent to Earl Bathurst and it contained a full restatement of the various categories of losses. Its authors pointed out that in many cases private property had been used for public purposes in a "war that was altogether a national one." Yet after more than five years, "individuals whose properties were thus sacrificed" were still anxiously awaiting reimbursement fearful that they might be forever "consigned to universal poverty and distress." To reinforce their appeal, Nichol and the others included an extract from Hansard, dated 20 June 1783, which dealt with the topic of Loyalist claims. There was no mistaking the obvious intent of the enclosure and it was clear that the colonists believed those earlier payments had set a precedent that should be now followed.¹¹

Aware that similar requests had been denied by the Colonial Office in the past, the agents hit on the idea of subcontracting the task out to three other prominent British citizens. Each was asked to act as a lobbyist on behalf of the sufferers in return for a two-third share of the five percent commission. Of those approached, Edward Ellice and Alexander Gillespie, refused the offer but John Galt accepted at once. Although he was a relatively successful novelist, Galt's writings had not made him a wealthy man and the chance to earn extra money as a paid lobbyist was tempting.¹² Galt has been described as a "tall pensive man" with a "nose which seemed too large for even his massive frame," but his imposing physique and robust health made him an ideal candidate for the job.¹³ William Halton, the province's official agent in England, had suffered another attack of gout and was completely incapacitated by this time.¹⁴

Early in the new year Galt was shuttling back and forth between the Colonial Office and the Treasury. He first drafted an application for funds which emphasized that the British government was ultimately responsible for the claims, but officials at the Treasury responded by saying that they could not justify the "grant of any Public Money." Galt characterized the reply as a "very dignified evasion" and he continued to press his case.¹⁵ Making use of his writing talents, Galt prepared another application that was sure to gain the attention of British officials. On 25 July 1821 he told Bathurst that the government "might as well expect to silence the falls of Niagara with a Treasury minute as to stifle the Canadian claims." He also warned that if the sufferers were not soon paid there was a possibility of the "colonists becoming rebels."¹⁶ This letter seems to have jolted the bureaucrats into action and Galt was granted an immediate interview with Bathurst. A few days later, a preliminary agreement was reached by which Galt was to raise a loan in Britain in order to pay off the claimants. The Treasury balked at guaranteeing repayment, however, and the uncertain state of the financial markets made Upper Canada a poor risk for an unsecured loan.¹⁷

Several other meetings with the president of the board of trade, Frederick Robinson, led to a new plan. Robinson at first proposed that the colony should agree to pay half of its own civil expenses. If this were done, Galt was assured that the "United Kingdom should undertake to discharge the claims."¹⁸ Unfortunately by this time the colony was hard-pressed to meet even the most basic demands on its treasury and there was simply no way that it could assume a further share of the burden of government. When this was realized, a third round of talks

was held and this time the participants agreed that a loan of £200,000 sterling should be raised with both the British and colonial governments being responsible for half of the annual interest of five percent. At the end of twenty years both parties would be expected to pay half the principal. In many respects this was an ideal solution to the problem. The claimants would be reimbursed immediately and the province would have two decades to accumulate sufficient capital to discharge its half of the debt.¹⁹

But while Galt was finally achieving a measure of success with the compensation question, some "enemies at home" were undermining his work. In a letter written on 10 May 1821, Peregrine Maitland informed Bathurst that if the British government was to pay the awards granted by the 1816 commission it "would give success to some of the greatest impositions ever attempted." Maitland suggested that a team of officials should be sent out from England to establish a new commission that would only "examine evidence upon Oath." If this path were followed Maitland believed that the "amount of the losses would not be very heavy."²⁰

On 20 April 1822 Maitland repeated the same charge, that some of the claims were fraudulent, but this time he offered a specific example. After being approached by Robert Nichol with yet another appeal for compensation, Maitland agreed to forward the application "but without recommendation." Actually, Maitland went much further and actively campaigned against Nichol's claim for £6,025 in damages. He said that one of the original board members believed that Nichol's losses were not worth £1,500. Having a high regard for his wartime activities, and not authorized to take depositions on oath, the members of the board claimed

that they had accepted Nichol's estimates because "they had no expectation that their decision would be final." According to Maitland the only solution was to create "a new inquiry into these claims with full power to ascertain their just and fair amount previous to proceeding with payment."²¹ The next month Galt was informed by Treasury officials that the British government was willing to guarantee half the interest on a loan of £100,000 sterling to discharge "claims of sufferers by the invasion as may be established before a new Commission to be immediately appointed by Sir P. Maitland."²²

The case against the 1816 report was strengthened further in November 1822 when John Beverley Robinson told officials at the Colonial Office that he believed "the claims were in some instances much exaggerated." Robinson was then in England as a representative of the Upper Canadian government which was seeking a solution to the import duty problem with Lower Canada. Although Robinson admitted that he should say "nothing on the subject" of war losses because he was only empowered to deal with the duty issue, he nonetheless proceeded to give his private opinions on the topic. He said that he had no "interest unfavourable to the claimants--quite the contrary--many of my friends are among them." If the British government saw fit to pay all the costs without another inquiry Robinson said he would "have no reason to resent it."²³ Such statements obviously did little to bolster British confidence in the 1816 report. Not only were they told that some claims were wildly exaggerated but Robinson had also implied that the British government was more than welcome to pay these fraudulent claims as long as it did not expect the colonial administration to do likewise.

Galt was infuriated by Robinson's meddling and he attributed the

campaign against the 1816 report to the "dissensions" and "virulence of party spirit in Canada."²⁴ Many of the major claimants had taken part in Gourlay's agitation and Nichol and the Hamilton brothers, among others, were also members of the opposition faction in the Assembly. Galt pointed out that of the original 2,884 claims, 561 had been rejected and so it could not be said that all submissions had been accepted without due consideration of their worth. He went on to observe that the board members had assumed "monstrous and impeachable powers" in deciding that "notoriously disaffected" persons could not submit claims. Galt also noted that the eighth principle decided upon by board members had provided for the exclusion of claims with "grossly exaggerated" prices and that the tenth permitted the commissioners to reduce awards by deducting the value of any "benefits" that claimants may have obtained by the war. These principles, Galt said, were "repugnant to justice" since they amounted to a trial without a jury. He also thought it was unlikely that fraudulent submissions would have survived such rigid scrutiny.²⁵

Over Galt's objections it was decided that a new commission would be appointed and at the opening of the next session of the provincial legislature on 15 January 1823, Peregrine Maitland announced that a "gracious scheme" for the elimination of the war claims had been received from England." Only two days before Maitland made this announcement, however, the "gracious scheme" had undergone yet another change. On John Galt's assurances that immediate payments were desperately required, the Colonial Office had directed Maitland to pay all claimants one-quarter of the amount awarded them by the 1816 commission. It was thought that a payment of five shillings on the

pound would reduce much unnecessary distress since it was believed that no claim would be reduced by more than seventy-five percent. The obvious problems with this decision, such as the possibility of some claimants being utterly rejected by the committee of revision after having pocketed a twenty-five percent award from the former commission, quickly brought about another new policy announcement. On 15 February 1823 Maitland was informed that one-quarter of the original award, a total of £57,412. 10s. sterling, was still going to be paid but the money would be given only to those claimants who submitted new lists of damages to the committee of revision.²⁶

The constant changing of plans left Upper Canadian claimants and legislators confused and angry. Debates over the various "gracious schemes" also revealed that some old grievances simply refused to fade away. William Baldwin, the member for York and Simcoe, was opposed to voting any money until it was determined who was eligible. He cautioned the members to move slowly, they already had signified a disposition to grant a quarter of a million pounds for canal construction, and he shuddered at the thought of voting thousands more for the claimants. This brought a sharp rebuke from Robert Nichol who noted that Baldwin had been a director of the Loyal and Patriotic Society which had misappropriated funds destined for war sufferers to build a "hospital in Little York." Nichol went on to declare:

Little York swallowed up everything. If a man had a claim not of generosity but of justice and applied to the board at York, they would tell him your claim is not good, you don't belong to little York, go to the Western or Niagara District, or go to the Devil.

The impassioned nature of this speech is indicative of how deeply Upper Canadians were divided by wartime experiences. Resentment against those

citizens who had profited by the war was a natural emotion for settlers who resided in regions that were devastated by the fighting. Nichol admitted that inhabitants from the Niagara District and areas to the west "not only suffered in their property but in their minds."²⁷

On 12 March 1823, after hours of heated debate, the Assembly passed an act to defray half the interest on a loan of £100,000. Only two members voted against raising the money and both represented constituencies in the east where war damages were slight. One of them, Philip Vankoughnet sat for the riding of Stormont and Russell and had first been elected to the legislature in 1816. The son of a Loyalist, Vankoughnet had attended John Strachan's grammar school at Cornwall and during his years in politics he was recognized as a staunch defender of the colonial administration. The other negative vote was cast by one of the newer faces in the house, the "tyrant" Charles Jones, who represented the riding of Leeds. Both men had little to fear from this action since there were few war claimants in their districts. Within five years Jones' friendship with John Beverley Robinson and John Strachan would earn him an appointment to the Legislative Council.²⁸

Despite the overwhelming nature of the vote in the Assembly, Peregrine Maitland refused to grant the act royal assent. In his opinion the legislators had failed to fulfill their part of the bargain since no new duties had been instituted to cover the annual interest payments. The act only stipulated that the money was to come from "rates and duties raised, levied and collected, or hereafter to be raised, levied, and collected." Maitland noted that the province was already spending more money than it collected through such measures and he suspected that the assemblymen would be forced to cover the interest

payments with money granted for other purposes by the British parliament.²⁹

Robert Nichol complained in a letter to John Galt that Maitland's actions were typical of a provincial administration which had always "shewn the greatest apathy and indifference toward the claims." He noted that several of the "principal Ministerial Members," such as Van-Koughnet and Jones, had opposed the bill from the start and stated that the decision to withhold royal assent was unwarranted because the Assembly had always followed the same procedure. No one had been told that a specific fund was required, and Nichol claimed that the administration "meant from the very first to do everything they could to counteract us." Ministerialist members, who usually introduced new legislation on behalf of the government apparently "took no concern" in the matter and Nichol claimed that he had been forced to handle the job himself. Only when it came to the associated Commission Bill did the administration take an interest and at that point the assemblymen could have done without the interference. Nichol had originally wished to add the names of the new commissioners to the bill but he was told to replace that clause with another which empowered Maitland to do that. "I was obliged to consent to this to ensure its passing," Nichol angrily informed Galt, "as I was expressly told it would not pass the Legislative Council, or receive the Royal Assent in any other shape." Maitland, of course, wished to appoint men that he could trust and among the commissioners nominated were William Allan, Thomas Ridout, Alexander Wood and John Beverley Robinson.³⁰

Although Robinson declined to serve on the committee, he was very active in the attempt to acquire control of the more than £57,412

sterling which the British government had granted to the sufferers. In January 1823, Robinson lobbied for the Bank of Upper Canada at York to be chosen as the agent to disburse the fund. He pointed out that post-war financial difficulties had led to the formation of the bank at York. To ensure the respectability of the institution directorships were offered to members of the colonial administration and Robinson said that through this process the "Government are themselves made stockholders." Robinson argued that the acquisition of the compensation grant would reinforce the solid image of the bank and make it "useful to the country." He claimed that the actual transaction would afford the directors only a "trifling" profit but he thought it "might yet be an object to them in the infancy of their institution."³¹

One researcher who has studied the history of the bank has declared that the "transaction was far from trifling" since the payment would be made in sterling and the exchange rate would have provided for a very healthy profit.³² Another firm vying for the loan expected to clear more than £5,000 on the deal since the premium on sterling, compared to provincial currency, was 12½ % in 1823.³³ Galt objected to Robinson's plan since he believed "the Bank would keep the specie it received for the Bills & pay the claimants with its own notes."³⁴ Eventually he defeated this "attempt to seduce Government into an arrangement...by which the Banking Speculators at York could alone have benefitted," and the transaction was carried out directly by the provincial Receiver General, John Henry Dunn, and his Montreal agents, Forsyth and Richardson.³⁵

The work of the committee of revision, which began in 1823, lasted much longer than that of either of its predecessors. By 23

December 1824 the committee had completed 1,874 claims and it issued a report on its activities a few weeks later.³⁶ The process had been slowed considerably by the necessity of acquiring sworn affidavits and because the committee sometimes called witnesses to offer testimony about various submissions. In their report, which was issued on 6 January 1825, the commissioners admitted that certain classes of claims had been rejected without consideration. Among those dismissed were claims for goods and vessels in transit. It was decided that "mercantile adventurers" had placed their property at exceptional risk in order to reap huge profits and any losses sustained were their responsibility. The second class rejected involved claims for property lost beyond the borders of the colony. The committee members said such claims could not be considered because the government had directed the commission to investigate only "losses sustained within the province." Also rejected were claims involving burglary or other "felonious takings" because such acts were "not necessarily confined to a state of warfare." The fourth class deemed inadmissible were claims for lost army bills or specie since exact amounts would have been impossible to verify. Any claims for horses or oxen lost in the service, or for teaming done under military orders, were deemed inadmissible since the onus was on the owner to ensure that his animals were properly cared for and that vouchers for work completed were submitted to military departments in a timely fashion. Other claims, such as those for crops lost because the owner was serving in the militia, were also considered unworthy of consideration. The committee believed that this type of loss was unavoidable during wartime and paying the claims might set a dangerous precedent.

In the general abstract which accompanied the report, the commissioners noted that the 1,874 claimants had valued their losses at over £404,828. Of that amount the committee had determined that only £194,038 was worthy of repayment. Still to be examined were ninety new claims that had not been submitted to the 1816 board; 509 submissions that had been preferred to the former commission remained to be investigated because no new application had yet been made.³⁷ The board's final report would not be issued for some time since it did not complete its investigations until 15 March 1826. At that point 2,055 claims had been examined, 236 had been rejected, and 1,819 were accepted. The average award amounted to just over £107 and the total amount to be repaid was £195,908. 8s. 10d.³⁸

The question of where the province would find its share of the money for the award was not settled for several years. At first Nichol and other members of the colonial legislature hoped to raise funds through the levying of export duties on products leaving the lower province or through an increase in the rate of import duties collected at Quebec and Montreal. "Why should not Lower Canada be called upon to pay her proportion," Nichol asked. "She reaped all the benefits of our sufferings and exertions."³⁹ The next year the Assembly and Legislative Council presented a joint address requesting that duties be increased on wines and sugar entering Lower Canada. But the representatives in the neighbouring colony refused to agree to the proposal.⁴⁰

In December 1823 Galt was visited by Alexander Macdonell, now Bishop of Rhasina, who was seeking compensation for his wartime services and who had recently applied for a portion of the lands being granted to militia veterans.⁴¹ Macdonell pointed out to Galt that thousands of

acres of land were contained in the crown and clergy reserves and he suggested that profits from the sales of that land could be used to discharge the claims of the war sufferers. A few days later Galt approached Bathurst with an outline of this plan and was encouraged to proceed with the work.⁴² On 14 May 1824, a provisional committee of interested investors met in London and by the next month Galt had a list of wealthy men who were willing to purchase the land. At stake was more than two million acres of reserves, valued at £348,680 sterling, which were to be paid for by annual installments of £20,000.⁴³ On 6 August 1824, after having laid the groundwork for what was to become known as the Canada Company, Galt was informed that the British government did not consider the money involved "to be applicable to the relief of the sufferers by the late war with the United States." The funds were to be used instead to pay the provincial civil list and for pensions.⁴⁴ For the rest of his life Galt harboured a grudge against the British officials who had perverted the intention of his plan and who had also robbed him of the opportunity of acquiring a large commission.

John Strachan was in England when he first heard of the proposed sale of the reserve lands. Strachan still hoped that he might be appointed bishop and had just completed construction of a new stone house reputed to be the finest in York.⁴⁵ In the sumptuous study of this colonial palace, Strachan had spent countless hours preparing a defence against clergymen of other denominations who were demanding a share in the reserves. On 22 April 1823, he had put the finishing touches to his "Ecclesiastical Chart" which attempted to prove that the Church of England was the most important religious institution in the colony. The task required some creative book-keeping. Strachan added

the totals of those who attended no church to the number who professed to be Anglicans, to suggest that the established church had more adherents in the province than all other religions combined. Strachan declared that the Methodists had only ten or twelve itinerant preachers in the province and clergymen of other faiths were described "as seemingly very ignorant."⁴⁶ This fabrication brought about a howl of protest but for Strachan the continued control of the reserves justified such deliberate misrepresentations.

When rumours began to circulate near the end of 1823 that a separate bishopric might be established for Upper Canada Strachan gathered his papers and made arrangements to sail for England. When he left early in 1824 he carried with him a letter of introduction from Maitland which claimed that Strachan's "exemplary loyalty" during the war had done much to "alleviate the miseries" of those who suffered by the conflict.⁴⁷ Upon his arrival Strachan quickly arranged for a meeting with representatives from the Colonial Office so that he would be the first to apply for the £3,000 a year post. He told Bathurst that his pupils and their friends had accompanied Brock to Detroit "by which he was enabled to capture General Hull." Perhaps sensing that this might be an insufficient recommendation for receiving the mitre, Strachan went on to list other wartime activities, including an address for the Assembly and his work with the Loyal and Patriotic Society. To cap this litany of great deeds, Strachan also mentioned that it was his "determination, aided by my friends and pupils, that gave the first check to Mr. Gourlay's seditious plans." Although he claimed to "feel ashamed" about recounting these services, he also assured Bathurst "that they are far from being exaggerated."⁴⁸ Bathurst was sympathetic to

Strachan's appeal but he was unable to comply with the request since no new funds had been made available for the establishment of a separate bishopric.⁴⁹

Strachan's disappointment turned to dismay when he was informed that the clergy reserves might be sold to pay war losses. He met with officials at the Colonial Office and listed a number of objections to Galt's plans. Galt had proposed that all the crown reserves and one-half the clergy reserves should be sold to investors but the provincial Church of England was to receive only a small share of the £20,000 annual payments. Strachan noted that this would amount to an increase of only fifty percent over what the institution already received and he suggested an alternate plan whereby the investors would pay for half the clergy reserves immediately. He thought a lump sum payment of more than one-quarter of a million pounds might be a fair price.⁵⁰ In the end, however, neither plan was adopted and Strachan's objections to the low prices offered by investors prompted the authorities to withdraw the clergy reserves from the transaction and a further one million acres of recently acquired Indian lands were substituted instead.⁵¹

While Strachan was in England, Maitland was busy preparing a series of documents designed to show why Incorporated Militia officers should not be granted half-pay. That topic had been a perennial favourite of the Assembly, and between 1816 and 1823 at least three formal requests for such an award had been made by it. In February 1824, Maitland sent a confidential dispatch to Bathurst which warned of the "pretensions that would be awakened should the allowances prayed for be granted in the present instance." A memorandum included with the dispatch offered a point by point comparison between the Incorporated

battalion and the Voltiguers which revealed that the Lower Canadians had served for three years but their counterparts to the west served "less than two years and scarcely a year after they were embodied." Saying that it was "entirely a matter of grace" whether the British gave half-pay to officers of either corps, Maitland nonetheless stressed "that the Voltiguers have superior claims." Maitland feared that granting half-pay to some veterans would encourage others, such as flank company officers, to submit similar requests which he believed were completely unwarranted.⁵³ By such means, veterans of Lundy's Lane and other hard-fought contests were again denied the recognition that they appeared to deserve. The "Upper Canada Preserved" medals remained in the vault of the York bank and the presentation of ceremonial colours to the Regiment of Incorporated Militia, which took place on 23 April 1822, had seen the award placed in the hands of militiamen from the East and West Regiments of York militia since the original battalion had been disbanded immediately after the war.⁵⁴

Robert Nichol was one of the few militia veterans who was rewarded for wartime services. After years of pestering British authorities he was granted an annual allowance of £200 in lieu of half-pay. But he did not enjoy this bounty for long. On 3 May 1824, Nichol was returning from an inspection of the Brock monument site when his horse and wagon somehow took a fatal plunge over the cliffs at Queenston Heights. A coroner's inquest later determined that Nichol's death was an accident but the foreman of the jury thought it might also have been the work of "some secret enemy." Nichol was very familiar with the territory and the incident had occurred well away from the regular path. More troubling was that Nichol's scarf was wrapped around his head and

part of it was found in his mouth, giving him the appearance of having been gagged and strangled.⁵⁵ Nichol died before receiving his share of the British grant but the committee of revision had determined that he should be compensated for more than £4,205 in losses. Apparently Maitland's informant had been wrong since Nichol's submission for £6,684 in damages had only been reduced by one-third, the standard rate of revision for most claims. His widow received a share of the money pledged by the British government but all of it was directed toward creditors who had numerous claims against the estate. She immediately applied to Maitland for relief as the widow of a militia veteran and he forwarded her application with a favourable recommendation. Maitland said that the family had been "left in extremely distressed circumstances." Several years later Mrs. Nichol was placed in charge of Brock's monument in the hope that she could earn at least a modest income from leading tours around the site. The position had originally been offered to another woman, Laura Secord, but Mrs. Nichol's case was considered more pressing.⁵⁶

Robert Nichol's passing marked the end of an era in Upper Canadian affairs. He had entered the Assembly in 1812 as a staunch supporter of the government but the war and its legacy of economic hard times led him to become the chief critic of the administration for more than ten years. By the time of his death, however, the economy of Upper Canada was showing definite signs of revival. A relaxation of the British corn laws would soon permit large-scale exports of flour and thousands of immigrants would be on board the ships when they returned from England. Unemployment, low wages, and a scarcity of arable land would prompt the British government to encourage emigration to the

colonies. What started as a trickle--the colonial population would increase by only 6,444 between 1824 and 1825--would soon become a flood and in 1832 more than 66,000 immigrants would arrive in the province.⁵⁷ This explosive growth contributed to a renewed sense of optimism but it also meant that unresolved issues arising out of the war were pushed farther into the background. In 1828 the provincial population stood at 186,034, or more than double the estimated figure for 1812, and by that time newcomers outnumbered those who had lived in the colony during the conflict.⁵⁸ By 1837, when the compensation issue was finally settled, there were more girls under the age of sixteen in the province than there had been settlers in 1812.⁵⁹

William Lyon Mackenzie was one of the many immigrants who entered Upper Canada after the war and he was soon destined to fill the role that Nichol had left vacant. A native of Scotland, Mackenzie was only twenty-five when he arrived in the colony in 1820 and like many of his fellow countrymen in the province he eventually embarked on a mercantile career. In partnership with John Lesslie he opened a general store in Dundas but by 1824 he had moved to Queenston where he established a newspaper, the Colonial Advocate. In the first edition on 18 May 1824, Mackenzie provided a detailed account of the inquiry into Nichol's death. Mackenzie had gathered the information while serving as foreman on the coroner's jury and he was only one of many Upper Canadians who suspected that foul play might have been involved.⁶⁰

The inaugural issue also had an editorial which criticized the executive government for having delayed distribution of the compensation award and attributed the tardiness to the "degree of accountability which must exist between a government and a governor separated [by]

three thousand miles." Similar statements had been made by Robert Gourlay during his short stay in the colony and Mackenzie left no doubt where his sympathies lay; he said that a copy of the first number of the Colonial Advocate had been sent to the "Banished Briton."⁶¹ Subsequent editions also took up old Gourlayite complaints, such as the exclusion of American settlers, with Mackenzie questioning why "fat rich Dutch farmers" from Pennsylvania were turned back in favour of penniless Irish immigrants.⁶²

Mackenzie was also responsible for having a copy of the inaugural edition of the Colonial Advocate placed in the base of Brock's monument. During a conversation with Robert Nichol, Mackenzie learned that the cornerstone of the structure was to be installed on 1 June 1824. The two men agreed that a time capsule should be included and after Nichol's death Mackenzie visited Thomas Dickson, one of the commissioners in charge of the project, who also thought highly of the idea. No public announcement about the cornerstone laying was made and only a handful of contractors were on the site that day. Most of the leading figures of the colony, including Peregrine Maitland, were in Kingston attending the ground-breaking ceremony for the new town jail. Mackenzie also declined to appear for the laying of the monument's cornerstone, and a young assistant was sent to deliver the time capsule to Queenston Heights. Inside the bottle were a few coins, some press-clippings, and a rolled up copy of the first issue of the Colonial Advocate. More than a month later, after Maitland was apprised of what had gone on in his absence, he ordered the time capsule removed. Needless to say, the Colonial Advocate devoted a great deal of ink to this "silly conduct" and readers were treated to vivid reports of the alarmed reactions of

Queenston residents who thought all the fuss "was a sure sign of a new war with the Yankees."⁶³

Mackenzie suspected that John Beverley Robinson and other members of the York elite had been offended by the editorial slant of the newspaper and had counseled Maitland to destroy the monument. Robinson certainly disliked Mackenzie and he had earlier dismissed him as another "reptile of the Gourlay breed." It should be noted that the Attorney General had good reason for his low opinion of the editor of the Colonial Advocate. One edition described Robinson as a "subservient tool of [his]...schoolmaster."⁶⁴

In the months after the demolition of the monument, Mackenzie's newspaper continued to raise the ire of colonial authorities. The journal often published letters dealing with both old and new grievances, many of which stemmed from the war. In the 30 September 1824 edition, for example, a correspondent asked fellow readers to consider the career of a certain "Cardinal Alberoni," William Powell, who had sat in "judgement upon some unfortunate wretches" at the Ancaster assize. According to the writer, Alberoni had his sights set on the position of Chief Justice and he therefore ignored any pleas for mercy, saying that it was "necessary to make examples in order to strike fear into the hearts of others."⁶⁵ Another correspondent from Sandwich complained that a number of claims rejected by the committee of revision were from "some poor people not aware" that a second application was required. This writer also complained that the more recent committee had reduced every claim accepted by the former board although the new members had no real knowledge of the area since they were "all strangers to the District."⁶⁶

When the committee issued its preliminary report in January 1825 Mackenzie criticized the principles upon which certain claims had been rejected. Those who had been refused compensation for crops lost while on militia service earned the editor's deepest sympathy and he prayed that the ruthless souls who had made that decision might "never sit in judgement on the affairs of me or mine."⁶⁷ In another article Mackenzie derided the pretensions of the "gentlemen" of Upper Canada who often were placed in such positions. He claimed they lacked both education and refinement but they demanded respect "on account of newly acquired wealth, a seat on a bench at quarter sessions, or a commission in the militia or the like." Mackenzie claimed that these "gentlemen" were "disliked by the farmers & are by them rarely trusted."⁶⁸

The Colonial Advocate set a new standard for criticism of powerful individuals and Maitland regularly forwarded clippings to British officials to give them some idea of what was being printed in the colonial press. In one article entitled, "A Favourite of the Governor," Mackenzie described a fictional visit to York by a traveller from Oswego in New York state. On his arrival the American enters the customs house and encounters the collector, William Allan. He then proceeds to mail a letter and discovers that the postmaster is none other than William Allan. Bewildered, he next enters the Bank of Upper Canada and once more runs into William Allan, the president of that institution. Later he accompanies a friend who wants a tavern licence and he meets Allan again in his role as Inspector of Licences. On the way home they pass a militia muster headed by the same individual. Several more improbable meetings occur, one with the Treasurer of the Society for Strangers in Distress, another with a hospital trustee, and

still another with the Treasurer of the Home District. Finally he meets:

a friend from Niagara in a doleful mood--enquired the cause, and was informed that the COMMISSIONERS for War Losses, had cut off half his claim--who are the Commissioners, asked he of Oswego: the reply was A. B. C. D. and--Mr. William Allan!!!

"Amazed, astonished, and confounded," by his experiences the visitor expresses pity for the overworked Allan and wonders why a colony would allow "one man to hold such a number of trusts." An Upper Canadian quickly tells the visitor to hold his tongue because Allan is a friend of Maitland and an "Aberdeensman...--a townsman of the Hon. & Rev. owner of the palace there."⁶⁹

Mackenzie' brash style was soon emulated by other editors and choice bits of criticism were often reprinted in the Colonial Advocate. Andrew Heron's Niagara Gleaner, for example, questioned why certain "gentlemen who long evinced a hostility to the claims of the sufferers," always seemed to be placed on boards to investigate the damages. Heron referred specifically to the "Honorable Reverends & Co." and he observed that the same men had collected and distributed the funds of the Loyal and Patriotic Society. "How partially that was done is well known to the sufferers on this frontier," Heron wrote and "it was, with little exception, dealt out to their FRIENDS, who were least in need." After the war, "the Honorables and Reverends" refused to distribute the money on hand and instead built a hospital which only provided "a rendezvous for the birds and brutes."⁷⁰ A similar complaint was levelled by the Canadian Freeman which said that the directors had taken "it upon themselves to misapply the good charity of the people of England" by deciding to build a hospital. "This compact" had also failed to reserve

money for staff salaries or medicine and the hospital remained the preserve of "bats and owls" except when occupied "as a DANCING SCHOOL HOUSE by Madam Harris for the use of the children of the Venerable Archdeacon Strachan, Judge Sherwood, Mr. Attorney Robinson, the Solicitor, etc.!!"⁷¹

The creation of the Colonial Advocate in 1824 marked the dawning of a new age for the provincial press. From that point on, Upper Canadian publications devoted an increasing amount of space to discussions of colonial affairs. Earlier newspapers were comprised mostly of advertisements and news of Old World affairs, but Mackenzie and his imitators introduced lengthy editorials, sarcasm, and scathing critiques of government policies. These attacks upon the colonial administration did not go unanswered. Other journals, such as the Canadian Emigrant, entered the fray on the side of government. The development of a reform-conservative dichotomy in the Assembly was reflected in, and spurred on by, the evolution of a thriving, indigenous, provincial press and the change in journalistic style was accompanied by an explosive growth in the number of journals printed. On the eve of war Upper Canada had three newspapers and only the Kingston Gazette managed to publish continuously throughout the conflict. It was not until 1816 that the number of newspapers in the colony reached pre-war levels. But by 1836 there were at least thirty-eight newspapers published in twenty-one different locations and Upper Canadians in all regions were provided with information about both local and provincial concerns.⁷²

The development of a flourishing fourth estate contributed to the growth of a "national" consciousness in the colony. Various newspapers

might disagree sharply over different issues but most advocated Upper Canadian solutions to Upper Canadian problems. One researcher has suggested that "a deep, horizontal comradeship" is an inevitable result of such an occurrence. Members of a community, separated by distance and personal experiences, are joined together through a discussion of common situations.⁷³ The sharing of ideas and opinions through the medium of the press widened the horizons of the average settler. While still surrounded by "thick woods," Upper Canadians increasingly knew more about their neighbours and were aware that they were part of a larger community that extended beyond the boundaries of their own farms.

Of course, the colonial population had always agreed on the need for economic advancement: one reader of the Colonial Advocate said that Upper Canada remained "a country of speculators and GAIN, the grand main chance of their beings, end and aim."⁷³ Reformers and conservatives, who seemed to be at odds on almost every issue facing the colony, exhibited a surprising degree of consensus on the need for new canals and roads. At one point Mackenzie declared that self-interest was behind this drive for internal improvements. "Patriots in the west," who were eager to complete the Burlington canal, offered support to "patriots from Kingston and Belleville" who sought new roads for their region. "Self is at the bottom" of such demands, declared the editor of the Colonial Advocate, and throughout the land the cry was heard: "It will double the value of our property."⁷⁴ That drive for economic advancement saw the province lavish huge sums of money on internal improvements but it also meant that the legitimate claims of war sufferers were to be consistently ignored during the 1820s.

Because of the rate of exchange, the award from the British

parliament had amounted to over £63,791 in 1824, and each claimant received a share of that sum equivalent to approximately thirty-five percent of what was lawfully due them.⁷⁵ The British government had pledged to make another payment of £57,412 10s. sterling but not until the Upper Canadian legislature voted an equivalent amount. If this was done, officials at the Treasury had promised to contribute "a moiety of whatever further sum may be required" to satisfy all the claims. The professed inability of colonial legislators to fulfil the terms of the agreement angered Wilmot Horton, Undersecretary of State for War and the Colonies. He complained in 1824 that the "delay in satisfying these claims has already produced great positive mischief & inconveniences, & has given an opportunity to the disaffected to hold very injurious language toward the Mother Country."⁷⁶

Despite Horton's complaints, little was done to solve the compensation problem and, as time passed, the candidates who identified themselves as "reformers" were less associated with the war claims issue. Some had been only boys when the war had occurred and appeared to care little about the events of that period while others were more interested in tackling issues such as internal improvements or the ban on American immigration. Unlike the "Gourlayites" who preceded them, this newer generation of administration critics had not pledged to do their utmost to aid the victims of the war. For example, the members of the ninth parliament, which opened on 11 January 1825, included men such as Marshall Spring Bidwell, who had been only thirteen years old when the war began.⁷⁷ He joined other reformers, such as John Rolph and John Matthews, who had managed to oust former supporters of the administration. Both Mahlon Burwell and John Bostwick, two favourites of

Colonel Talbot, had lost their Middlesex seats and the reform group in the new Assembly was powerful enough to have an old oppositionist like John Willson elected speaker.⁷⁸ This group continued the practice of drafting addresses dealing with half-pay for militia officers and they also managed to pass a memorial condemning the administration for having withheld land grants to militiamen who had been involved in Gourlay's movement.⁷⁹ No headway was made with the compensation question, however, because other issues were usually considered more important. Although the Assembly cried poverty when the subject of war losses was raised, it was willing to authorize a loan of £25,000 to fund the construction of William Hamilton Merritt's Welland Canal project.⁸⁰

Part of the problem was that no agreement could be reached on the best method of discharging the war claims. Some colonists, for example, continued to agree with Nichol's original position, that the British should be "obliged to pay the money from the National Treasury." Early in 1826 the Canadian Freeman expressed the opinion that Britain had entered the conflict "without consulting the people of this Colony," and the home authorities must therefore take full responsibility for damages sustained because of the war.⁸¹ Others, such as John Beverley Robinson, felt that Upper Canadians should also shoulder the burden. Even those representatives who agreed with Robinson, however, appeared reluctant to impose new taxes for that purpose. The province was already in debt and if more money was to be spent, most would prefer that it be used to provide the colony with concrete improvements for the future such as canals or highways.

On 23 January 1826, the Assembly and Legislative Council submitted another joint address on the subject of war losses. The

politicians thanked the British government for its contribution to the sufferers but went on to declare that the colonial treasury had been drained of more than £40,000 to pay for militia pensions and the province was too poor to fulfill the terms of the agreement. The address ended with an appeal to the well-known generosity of the British nation and the legislators noted that money was often sent to "the people of foreign lands."⁸² Apparently, after more than a decade, Upper Canadians were still willing to pin their hopes on a possible British bail-out. But over the next two years officials at the Colonial Office would continue to ignore pleas for assistance and it became increasingly obvious that the British authorities did not intend to shoulder the burden alone.⁸³

In 1828 John Beverley Robinson was placed in charge of a committee established to investigate the status of the claims. Robinson reported on 19 March 1828 that the proceeds from the sales of confiscated estates and the grant from England had permitted payments totaling £66,763. 6s. 1½d. sterling. Since the committee of revision had declared that £185,180. 17s. 6½d. sterling was due the sufferers, a further £118,417. 11s. 5d. sterling was required for the full indemnification of the claimants. Robinson said that a duty on salt imported from the United States might permit the government to meet at least a part of that obligation and he announced "that it is the present disposition of the Assembly to apply such duties to that object."⁸⁴

Yet by the time legislation designed to deal with the compensation issue was introduced, the consensus of 1828 had evaporated. Another election had brought a reform majority to the Assembly and among the new faces in the legislature was William Lyon Mackenzie. During his

election campaign the Colonial Advocate published extracts from a "Black Book" that detailed such past abuses of executive power as the "Gagging Bill," the "Spoon Bill," and the threats made against James Durand for his opposition to martial law.⁸⁵ Mackenzie also listed the names of "Positively Ministerial or Court Canadidates" so that his readers might recognize their enemies and defeat them at the polls.⁸⁶

Although Mackenzie would never become the leader of the reform group in the house--the moderate William Baldwin held that post--he did serve as a spokesman for the more radical members of the Assembly. Unfortunately for the war sufferers, Mackenzie still held to Nichol's old position, that the British should pay for all damages, and he used his influence to try to block any measure for indemnification that required Upper Canada to contribute a share of the money.

When the war losses bill was first introduced in the Assembly on 26 February 1830, Mackenzie sought to amend the measure so that no loan could be raised until after the British government had agreed to provide another award of £57,412. 10s. sterling. This amendment was seconded by Robert Baldwin, son of William Warren, who had won the seat for York vacated when John Beverley Robinson was appointed Chief Justice on 31 July 1829. Baldwin and Mackenzie were unable to muster sufficient support for their position, however, and the vote to amend the bill was lost by a majority of nine.⁸⁷

Debate over the merits of the war losses bill revealed that divisions other than the reform-conservative dichotomy were at work in the Assembly. Peter Perry, sometimes referred to as the "Parliamentary Bull Dog" of the reform group, said that he was against increasing the duty on salt because it would only hurt the "labouring part of the

community."⁸⁸ A member from eastern Upper Canada, William Morris, seconded that view and declared that the provincial debt was already too large to permit any new expenditures. Such statements brought a sharp rebuke from John J. Lefferty who sat for one of the Niagara area constituencies and who was himself a war claimant. "Members will sit and look at each other and laugh when the distresses of those who suffered in the war are brought forward," Lefferty said, but that was because they had not witnessed the suffering first-hand:

Had you been at Niagara, had you been at Chippawa you would have known how they suffered...Yes sir, people in Niagara not only sacrificed their property but their lives for their country. They not only gave their property but their blood for the seats you hold.

To this impassioned speech Hugh C. Thomson, a former member of the Kingston Association and the representative for Frontenac in eastern Upper Canada, said that he "thought the hon. member's remarks were uncalled for."⁸⁹

Lefferty's outburst was a reminder that the conflict had touched various regions in strikingly different ways and that any discussion of war losses was sure to bring old antagonisms to the surface. At one point during the same session the member for Wentworth, George Hamilton, referred to militiamen from eastern Upper Canada as "pitiable creatures." Paul Peterson, who sat for the riding of Prince Edward, immediately rose to defend the reputation of his constituents. Peterson denied that the only "good soldiers" were those who had participated in battles and he said that he had seen men marching on patrol at the "bay of Quinte, with as much bravery and cheerfulness as any man who marched to Niagara."⁹⁰ Hamilton was apparently too much of a gentleman to suggest that the cheery attitude reflected a certain knowledge that no

enemy troops would ever bother to set foot in Prince Edward County.

After hours of intense debate, the war losses bill was eventually passed by the Assembly on 26 February 1830. The act directed that proceeds from duties on salt and whiskey imported from the United States were to be appropriated for the relief of war sufferers.⁹¹ Mackenzie had opposed the measure from its first introduction although he did wish to see the sufferers compensated. He had earlier said that the war losses issue was "the most puzzling question" he had met with in Upper Canadian politics but he justified his opposition to the bill by noting that the British army had forcibly taken food and other property during the war and had kept "them sixteen years out of payment."⁹²

Despite the passage of this measure by both houses of the legislature, the claimants remained unpaid because the duties collected under the 1830 act proved insufficient for the purposes intended. When the Assembly again dealt with the issue two years later, attitudes had changed little. Peter Perry, the member for Lennox and Addington, refused to support any attempts to raise a loan "as it would launch the province into debt." Another assemblyman, Charles Duncombe, believed that the British ought to pay for all damages since "the war was a war about maritime rights." But if the authorities in England were determined not to bear the burden alone, Duncombe thought that Upper Canada should provide the money required through the sale of crown reserves. Marshall Bidwell, on the other hand, was opposed to raising a loan and he reminded his fellow members that the public debt was already too large. The Assembly had before it another proposal to raise fifty thousand pounds for the construction of canals on the St. Lawrence, and Bidwell felt that "so young a country" as Upper Canada could not

continue to spend beyond its means.⁹³

On 28 January 1832 the Assembly voted to appropriate the money collected from salt and whiskey duties for the payment of war losses.⁹⁴ If those funds proved insufficient to service the loan, the province stood pledged to "make good any deficiency" from other revenues.⁹⁵ The pressing need for such legislation was soon made evident when township meetings were held in western Upper Canada. Claims from that region dated from Brock's march and after nearly two decades of broken promises the sufferers were demanding to be heard. Thomas Talbot was the first to respond to the "imagined grievances" presented during the township gatherings and he called for a general meeting of his settlers to be held at St. Thomas on 23 April 1832. Talbot claimed that he wished to hear the "real sentiments of the inhabitants" so that he might "put down the fire." A similar gathering was called for Sandwich where rumours that the executive government was withholding payments were countered by claims that "Mr. Mackenzie and his party" had actually been obstructing passage.⁹⁶

It was not until the next year that sufficient funds were finally made available. After utilizing the proceeds that remained from the confiscated estates, the province was able to raise a loan of £57,412 sterling. The British Treasury department had promised previously to advance half the balance outstanding, £57,910 sterling, but on 26 January 1835 Lieutenant-Governor John Colborne notified the legislature that authorities at the Colonial Office had determined on a new plan. The British government indicated that it would provide £17,910 sterling if the Assembly appropriated a further £40,000 sterling. After several months of negotiations the province agreed to the deal, half the amount

being paid out of the casual and territorial revenue of the colony and £20,000 sterling pledged by the legislature, and the appropriate measures were passed on 28 November 1836.⁹⁷ Payments were delayed, however, because the Upper Canadian legislation had stipulated that funds were to be withheld until all the money required was "in the hands of the Receiver General." On 19 December 1836 the Assembly was informed that no money had yet been received from England and the £40,000 appropriated by the province was therefore sitting idle. Finally, on 4 March 1837, new legislation was enacted to allow for the immediate payment of all outstanding claims.⁹⁸ The "most puzzling question" in colonial politics had at last been solved.

For many war sufferers, of course, the award had come too late. One hundred and thirty of the claimants had died by the time the committee of revision began its work and a number of other sufferers, including Robert Nichol, would die before the 1825 report was issued. By 1837 so many claimants were either dead or had assigned the rights to their awards to creditors that the representatives who drafted the war losses bill were forced to include a specific clause dealing with powers of attorney.⁹⁹

In one sense, the decision to liquidate the remaining claims also came too late for the government. Near the end of 1836 the Upper Canadian economy began to feel the effects of a world-wide depression and, as one historian has observed, the province "was in a very poor position to weather the resulting storm."¹⁰⁰ The colony's finances had never completely recovered from the post-war recession and even the resumption of duty payments from Lower Canada did not have an appreciable impact on the provincial debt. By 1828 the province had owed

creditors more than £112,166 and that figure rose steadily over the next few years.¹⁰¹ Part of the problem stemmed from inadequate sources of revenue. In 1830 a provincial finance committee reported that the colony had spent £49,695 in 1829 but had only received £29,149 as its share of duties levied in Lower Canada.¹⁰² That shortfall in ordinary income was compounded by the pattern of borrowing initiated in 1821 when the legislature found itself unable to pay militia pensions. From then on the Assembly borrowed heavily for canal projects and road construction and the province gradually saddled itself with an enormous debt. After approving an initial grant of £25,000 for the Welland Canal, for example, the province continued to pour money into the project: £50,000 in 1827; £25,000 in 1830; £50,000 in 1831; £7,500 in 1833; and £50,000 in 1834. Once the process had begun the province seemed incapable of putting a stop to it and in 1837 the Assembly promised a further £245,000 to the company.¹⁰³ The sums voted for war losses were paltry in comparison but the decision to borrow thousands of pounds to meet the outstanding claims of the sufferers only made the later financial crisis more pressing.

The economic downturn in 1837 prompted demands from some quarters for more frugal government. For other colonists, including William Lyon Mackenzie, the only solution to the myriad problems of the colony seemed to lay in armed rebellion. Mackenzie's supporters were few in number and he drew many of his followers from Whitechurch township north of York. During the war large numbers of American settlers in that region had refused to serve in the militia and two of Mackenzie's lieutenants, Silas Fletcher and Jesse Lloyd, were among them. Fletcher had arrived in the province in 1806 but after the outbreak of war he was listed as a

deserter from the Markham militia. Lloyd was of Quaker stock and during the conflict he had refused to serve and he was later fined for having ignored a press warrant for his sleigh.¹⁰⁴ On 5 December 1837, a small party of rebels proceeded south toward the capital where they were met by a handful of government supporters. Both sides exhibited the same sort of steely reserve shown by most militiamen during the war and after firing once, each group took to its heels and Mackenzie's revolt quickly collapsed.¹⁰⁵

Rumours that the rebellion had succeeded, however, prompted more than 400 settlers near Brantford to also take up arms. The leader of this revolt was Charles Duncombe who had represented Oxford in the Assembly since 1830. At first Duncombe had sided with the Tory faction in the legislature but by 1835 he was recognized as a "moderate reformer." The shift in his political views may have occurred when Duncombe was refused a patent for land that he had bought. In 1835 the Executive Council decreed that the property, which had originally belonged to Benejah Mallory, could not be transferred to Duncombe since it should have been confiscated along with the estates of other traitors.¹⁰⁶ A few other western rebels may have harboured similar grievances against the administration and members of the Malcolm family, who took a prominent part in the revolt, had suffered extensive property damage during the war. Finlay Malcolm and his sons, Finlay and John, had submitted claims for more than £2,800 worth of losses to the committee of revision and the long delay in receiving payment may have soured their views toward the colonial government.¹⁰⁷ Most of the other rebels had no connection to the war claims issue and the majority of the men would only have been about five years old when the conflict

began.¹⁰⁸ Like the rising to the east, Duncombe's revolt soon fizzled and the "Boy Hero" of the War of 1812, Allan MacNab, was given the responsibility of rounding up those insurgents who had failed to flee to the United States.¹⁰⁹

Over the next few years the province was menaced by rebel raiding parties operating out of American bases. The provincial militia was called out on a semi-permanent basis and, as in the War of 1812, the men deserted in droves. In an attempt to stem the tide, a suggestion was made that rewards be offered for the capture of militia fugitives. British authorities refused to sanction the action, however, because they were "fearful of the enormous expense this would entail."¹¹⁰

Benjamin Lett was one of the raiders who menaced the province and his work earned him a measure of fame. At four o'clock in the morning on Good Friday, 17 April 1840, the citizens of Queenston were awakened by the sound of a terrific explosion. Lett had somehow "contrived to introduce a large quantity of Gunpowder" into the column of Brock's monument and the subsequent detonation of that charge destroyed most of the structure.¹¹¹ A little over three months later more than 5,000 Upper Canadians assembled on Queenston Heights to plan for the reconstruction of the monument. This time the lieutenant-governor was in attendance and Sir George Arthur was joined by men of all parties in a meeting that revealed the first stirrings of nationalistic emotions. Arthur was surprised at the enthusiasm of the crowd and he later admitted that he had "never expected to have seen such a scene in the Province."¹¹² Usual distinctions were forgotten, reformers joined with conservatives, easterners mingled with westerners, and one newspaper reported that the "great meeting went off with the highest degree of

unanimity and enthusiasm."¹¹³

Those who attended the gathering at Queenston Heights were told of the illustrious past of the colony. In speech after speech, Upper Canadians were asked to recall the glorious exploits of the "brave little band" who had stood shoulder to shoulder with Brock at Detroit. Well-known veterans, such as William Hamilton Merritt, John Beverley Robinson, and Allan MacNab, proffered their accounts of great events for those too young to possess their own memories of the conflict. No mention was made of disaffection, desertion, profiteering, or treason, and the hardship, jealousy, and discord engendered by the fighting were also ignored. This was a time for rejoicing, an opportunity for celebration and not recrimination, and under the fallen wreck of the old column the citizenry vowed that they would erect an even larger monument. To Sir George Arthur this was proof that, whatever divisions might still exist in the colony, "there is unanimity in U[pper] Canada when the National Honor is concerned."¹¹⁴

NOTES IX

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- ³NAC, CO42/368, Maitland to Bathurst, 18 March 1822, pp.55-56.
- ⁴NAC, CO42/365, Maitland to Bathurst, 18 November 1820, p.183.
- ⁵Upper Canada Gazette, 30 April 1821, p.1.
- ⁶Upper Canada, Journals, 9th Parliament, 2d session, App., 1825 pension list; Craig, Upper Canada, p.100; NAC, CO42/371, Robinson memorandum, 28 January 1823, p.229.
- ⁷NAC, CO42/366, Joint Address, 13 April 1821, p.169.
- ⁸NAC, CO42/366, Maitland Address, 19 April 1821, p.170.
- ⁹MTL, Jarvis Papers, Kemble to Jarvis, 20 January 1820; NAC, CO42/365, Treasury to Bathurst, 27 December 1820.
- ¹⁰NAC, CO42/366, Maitland to Assembly, 31 May 1821, p.167.
- ¹¹NAC, CO42/365, Nichol to Bathurst, 1 December 1820, pp.225-229.
- ¹²H.B. Timothy, The Galts: A Canadian Odyssey, (Toronto: McClelland & Stewart, 1977), p.50.
- ¹³Clarence G. Karr, "The Two Sides of John Galt," in Johnson, Upper Canada, p.279.
- ¹⁴NAC, CO42/367, Gore to Goulbourn, 28 September 1821, p.194.
- ¹⁵NAC, CO42/367, Treasury minute, 17 July 1821, p.90; John Galt, The Autobiography of John Galt, 2 vols., (London: Cochrane & McCrone, 1833), I:279-280.
- ¹⁶NAC, Report, (1897), p.xxii; Galt, Autobiography, I:278-279.
- ¹⁷NAC, CO42/367, Treasury minute, 17 July 1821, p.90; Galt, Autobiography, I:279-280.
- ¹⁸Galt, Autobiography, I:282.

- ¹⁹NAC, CO42/369, Galt to Vansittart, 15 March 1822, p.107.
- ²⁰NAC, CO42/369, Maitland to Bathurst, 10 May 1881, p.199.
- ²¹NAC, CO42/368, Maitland to Bathurst, 20 April 1822, p.98.
- ²²NAC, CO42/369, Treasury to Galt, May 1822, p.75.
- ²³NAC, CO42/369, Robinson to unknown, 19 November 1822, p.121.
- ²⁴Galt, Autobiography, I:291-292.
- ²⁵NAC, CO42/369, Galt to unknown, 12 December 1822, pp.127-130.
- ²⁶OBA, Report, (1914), Upper Canada, Journals, 15 January 1823, p.1823, p.204; NAC, CO42/371, chronology of events, 1823, p.180.
- ²⁷Niagara Gleaner, 15 March 1823, p.2.
- ²⁸OBA, Report, (1914), Upper Canada, Journals, 12 March 1813, p.405; Armstrong, Handbook, pp.80-81; Bruce Hodgins, "Philip Van-Koughnet," DCB, X:693; Thomas McIlwraith, "Charles Jones," DCB, VII:455.
- ²⁹OBA, Report, (1914), Journals, 19 March 1823, pp.430-431; NAC, CO42/370, 1823 Act, March 1823, p.130; NAC, CO42/370, Maitland to Bathurst, 24 March 1823, p.128.
- ³⁰NAC, CO42/371, Nichol to Galt, 26 May 1823, pp.171-172; Neither Robinson nor Wood actually served on the committee. The former because of time constraints and the latter because of a scandal "of a very disgusting nature;" W.Drummer Powell, "A Letter From W.D. Powell, Chief Justice, to Sir Peregrine Maitland, lieutenant-governor," [1831], p.1,5.
- ³¹NAC, CO42/371, Robinson to Wilmot, 20 January 1823, p.225.
- ³²Baskerville, Bank, p.lxiii.
- ³³NAC, CO42/371, Gillespie, Moffat, & Finlay, 10 January 1823.
- ³⁴NAC, CO42/371, Galt to Treasury, 27 January 1823, p.157.
- ³⁵NAC, CO42/371, Galt to Bathurst, 14 July 1823, p.178; Baskerville, Bank, p.lxiii.
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- ³⁷Upper Canada, Journals, 9th Parliament, 1st session, app. A-2, Report of the Commissioners.
- ³⁸NAC, Board of Claims, vol. 3729, file 7, pp.2-6. These totals are derived from a computer-generated survey.

- ³⁹NAC, CO42/371, Nichol to Galt, 26 May 1823, p.174.
- ⁴⁰NAC, CO42/372, Joint Address, January 1824, p.112.
- ⁴¹NAC, CO42/368, Maitland to Bathurst, 18 March 1822, p.55; CO42/374, claim correspondence, 7 May 1824, p.249.
- ⁴²Galt, Autobiography, pp.294-298.
- ⁴³Thelma Coleman, The Canada Company, (Stratford; Cumming Publishers, 1978), p.12; NAC, CO42/374, Galt to Bathurst, 31 July 1824, p.257.
- ⁴⁴Galt, Autobiography, pp.296-298.
- ⁴⁵Talbot, Five Years, p.101.
- ⁴⁶NAC, CO42/370, Strachan Chart, 22 April 1823, p.141.
- ⁴⁷NAC, CO42/372, Maitland to Bathurst, 11 February 1824, p.32.
- ⁴⁸NAC, CO42/374, Strachan to Bathurst, 8 June 1824, p.428.
- ⁴⁹G.M. Craig, "John Strachan," DCB IV:757.
- ⁵⁰NAC, CO42/375, Strachan to Bathurst, 7 January 1824, p.42.
- ⁵¹Craig, Upper Canada, p.136.
- ⁵²NAC, CO42/372, Maitland to Bathurst, 5 February 1824, p.42.
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- ⁵⁴Mary Agnes Fitzgibbon, A Veteran of 1812: The Life of James Fitzgibbon, (Toronto: William Briggs, 1894), p.147; Kingston Chronicle, 10 May 1822, p.3.
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- ⁵⁶NAC, Board of Claims, claim 509; NAC CO42/372, Maitland to Bathurst, 24 June 1824, p.221; Ruth McKenzie, Laura Secord: The Legend and the Lady, (Toronto: McClelland & Stewart, 1971), p.75.
- ⁵⁷Bowsfield, "Political," p.227; Colonial Advocate, 22 December 1825, p.2; Kenneth McNaught, The Pelican History of Canada, (New York: Penguin, 1976), p.77.
- ⁵⁸Upper Canada, Journals, 10th Parliament, 1st session, app., 1828 population returns, p.4.
- ⁵⁹Canada, Census, 1870-71, IV:120.

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- ⁶¹Colonial Advocate, 18 May 1824, pp.13,1.
- ⁶²Colonial Advocate, 3 June 1824, p.3.
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- ⁶⁶Colonial Advocate, 8 July 1825, p.2.
- ⁶⁷Colonial Advocate, 27 March 1825, p.2.
- ⁶⁸Colonial Advocate, 8 July 1824, p.2.
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- ⁷⁰Colonial Advocate, 8 July 1830, p.2.
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- ⁷²Wallace, Periodical Literature, pp.5,9.
- ⁷³Benedict Anderson, Imagined Communities: Reflections on the Origin and Spread of Nationalism, (London: Verso, 1983), pp.14,19,44.
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- ⁷⁸Paul Romney, "John Matthews," DCB VI:497; "John Willson," DCB VIII:945; Armstrong, Handbook, pp.82-84.
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- ⁸⁰Williams, Merritt, pp.41-42.
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⁸⁵Colonial Advocate, 22 May 1828, p.3.

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⁸⁷Upper Canada, Journals, 10th Parliament, 2d session, amendment division, 26 February 1830, p.70; Armstrong, Handbook, p.85.

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⁸⁹Colonial Advocate, 4 February 1830, p.1.

⁹⁰Colonial Advocate, 11 February 1830, p.1.

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⁹²Colonial Advocate, 4 February 1830, p.2; 11 February

⁹³Western Mercury, 2 February 1832, p.1.

⁹⁴Western Mercury, 2 February 1832, p.3.

⁹⁵Canadian Emigrant, 14 April 1832, p.2.

⁹⁶Canadian Emigrant, 17 April 1832, pp.2,1.

⁹⁷Upper Canada, Statutes, chap.xxxvii, p.756.

⁹⁸Upper Canada, Journals, 13th Parliament, 3rd session, 19 December 1836, p.756; Statutes, chap.lxxix, p.846.

⁹⁹NAC, Board of Claims, 130 of the 2,055 claims listed the claimant as deceased; Upper Canada, Statutes, chap. lxxix, p.846.

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¹⁰⁴John Barnett, "Silas Fletcher, Instigator of the Upper Canadian Rebellion," OH, 41 (1949), pp.7-11.

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¹⁰⁶Colin Read, The Rising in Western Upper Canada 1837-8: The Duncombe Revolt and After, (Toronto: University Press, 1982), p.55.

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¹⁰⁹Peter Baskerville, "Allan Napier MacNab," DCB IX:522.

¹¹⁰Peter Burroughs, "Tackling Army Desertion in British North America," CHR, 61 (1980), p.58.

¹¹¹The Arthur Papers: Being the Papers of Sir George Arthur, ed. Charles Sanderson, 3 vols., (Toronto: University Press, 1961), Arthur to Love, 18 April 1840, III:39; Arthur to Thomson, 12 May 1840, III:46.

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"A GREATER DEGREE OF PATRIOTISM": DEVELOPING NATIONALISM

On 21 July 1840, a little over a week before the great meeting on Queenston Heights, William Allan, Alexander Wood, and a young blacksmith by the name of Paul Bishop, met at the head office of the Bank of Upper Canada.¹ Thomas Gibbs Ridout, the cashier at the institution, greeted the men and he presented Allan and Wood with a handful of papers that he had prepared. Once the forms were signed, Bishop and his assistants carted away two dusty boxes that had been in the vault for more than fifteen years. A few hours later, Bishop and his two helpers were busily engaged in the work of defacing hundreds of Upper Canada Preserved Medals. The work was done in the garden behind Alexander Wood's stately home where a temporary blacksmith shop had been established. Bishop would later say that he had set up an anvil in the backyard and that the "medals were brought in successive trayfuls, and were, one by one, smashed on the anvil with a large hammer."² The scraps were then gathered together and sold to two watchmakers in the town. On 11 November, a date that twentieth-century Canadians would reserve for the remembrance of war veterans, Allan and Wood deposited the proceeds from this work, £393. 12s. ¼d., in the bank account of the Toronto General Hospital.³

The Upper Canada Preserved medals had been a source of controversy in the province for decades. An inquiry into the subject had been launched by the Assembly in 1831 and William Allan was one of a number

of witnesses asked to testify. Allan explained that most of the medals had been deposited in the bank in 1823 or 1824 and that those in his possession were sent there some time later. When asked why the decorations had never been distributed, Allan said he believed that much "jealousy and discontent" would have arisen because "no previous means had been taken to ascertain who were the persons most entitled to receive them."⁴ Either Allan was lying or he had a faulty memory since he and other directors of the Loyal and Patriotic Society had appointed John Beverley Robinson and William Chewitt to report on "the persons most entitled to receive them."

No action was taken by the Assembly in 1831, probably because the Legislative Council would have blocked any move to force a distribution of the awards, and there the matter rested until February 1840. By that time Strachan's influence over the upper council had been greatly reduced. In 1838 the new lieutenant-governor, Sir George Arthur, had taken an instant dislike to Strachan and his poor opinion of the archdeacon was reinforced when he examined the accounts of the local college. Arthur discovered that Strachan had used his position as trustee to borrow public funds for his personal use.⁵ Convinced that such impropriety was inexcusable, Arthur recommended that Strachan not be appointed Bishop of Upper Canada. Arthur thought William Armstrong was a more suitable candidate but British authorities disagreed and Strachan's patent was issued in July 1839. As bishop, he devoted an increasing amount of time to concerns of the church, he resigned from the Legislative Council in 1841, and his influence in colonial politics waned rapidly. This development pleased Arthur but he deeply regretted that his friend Armstrong had not been chosen "not only on my account,

but for the sake of this community."⁶

The power of the upper council was further reduced when Charles Poulett Thomson arrived to temporarily take over Arthur's post in November 1839. Thomson convinced the Assembly to accept a legislative union with Lower Canada by promising that the huge public debt of the province, which amounted to over £1,000,000, would be relieved through access to the Lower Canadian treasury. He also appointed moderate reformers to influential positions, Robert Baldwin was made Solicitor General, and Thomson even managed to solve the clergy reserve issue. One half the income from land sold was to be appropriated for the Church of England and the Church of Scotland, according to their numbers, and the rest was divided among other denominations on the same principle.⁷ Having eliminated this old bone of contention, the Assembly then turned its energies toward resolving the grievances associated with the Upper Canada Preserved Medals.

On 8 February 1840 Alexander Wood was called to appear before a select committee established to investigate the medal issue. Wood proved to be a hostile witness, however, and he told the committee that the operations of the Loyal and Patriotic Society were "wholly of a private nature" and were not the concern of the Assembly. The committee disagreed and the members noted that money had been donated to relieve suffering and for the creation of awards and the objects of the society, therefore, were "entirely of public nature."

The Bishop of Toronto proved to be no less hostile when he appeared before the board. Strachan lied to the members, he claimed that he did not possess a copy of Chewett and Robinson's report, and he said that the medals were never distributed because of the "extra-

ordinary lists sent in by the Commanding Officers."⁸ Strachan knew full well that originally only 146 men had been nominated for the awards and that the "extraordinary lists" had actually been compiled by Robinson and Chewitt.

After receiving the report of the select committee on 8 February 1840, the Assembly resolved:

That this House is of the opinion, that it is most desirable that the Medals referred to should be distributed according to the original intention, among the Militia entitled to them and who are living, and the children of such as are dead, that they may be retained, as a distinguished memorial.⁹

The speaker of the house, Allan MacNab, was directed to transmit a copy of the resolution along with the Assembly's request "that they may be complied with."¹⁰

Determined to see that the medals did not "fall into unworthy hands," an emergency meeting of the surviving directors was held on 7 July 1840. Among those in attendance were John Strachan, John Beverley Robinson, William Allan, and Alexander Wood. Former members who might have agreed with the Assembly's resolution, such as William Baldwin, were not informed that a meeting had been called.¹¹ At this gathering the directors ordered Allan and Wood to deface the medals as soon as possible. The men who were present would later claim that they had no idea of the select committee's recommendations, although they had appeared as witnesses before the board. They said too that knowledge of the Assembly's wishes would not "have led to passing of a different resolution."¹²

Through their actions the directors of the Loyal and Patriotic Society had ensured that deserving candidates would never receive the

awards for which they had been nominated. In the years that followed, as the true heroes of the War of 1812 passed away, the controversy over the medals would be forgotten. In its place would flourish the militia myth--all Upper Canadians had risen as one man to defend the country and all were deserving of recognition. A few individuals, however, were remembered for their heroic deeds. One of these inhabitants was John Strachan, "the fighting bishop," who had "saved" York from "wholesale burning."¹³ One of the other "heroes of the capitulation," William Allan, was even luckier since he acquired both recognition and--unique among all militiamen--a number of medals.¹⁴ C.W. Robinson, John Beverley's son, would later reminisce that he had seen two of the Upper Canada Preserved medals, one gold and one silver, at the Allan household long after the defacement party had taken place.¹⁵ Hamilton Craig, who has examined the controversy over the medals, has asked: "If William Allan did really retain two medals as mementos, who could find it in his heart to point the finger of accusation?"¹⁶ One is tempted to speculate that those who served under Allan during the April invasion, and the 147 candidates who were deprived of their awards, might have an answer for Mr. Craig.

The men who were cheated out of their awards had little to show for their wartime services. Members of the first flank companies and Incorporated Militia veterans had received land grants in the 1820s but pensions for all militiamen were not instituted until 1875. In that year the parliament of Canada voted \$50,000 for "militia survivors" and the search for eligible veterans revealed that most were "in indigent circumstances, many having no one to depend upon for support, and living entirely on public charity."¹⁷ While the memories of some had "let many

a fact slip away," at least one veteran vividly recalled his post-war experiences. Robert McAllister, a member of the Burford militia, said that he had fought at Lundy's Lane but after hostilities had ceased he "got no marks of distinction, no grant."¹⁸

The decision to grant pensions in 1875 was a product of a renewed interest in the war of 1812. For more than a generation, students in the schools of the province had been taught of the valiant efforts of the colonial defence forces. Spurred into action by the rebellions of 1837, Upper Canadian legislators passed the first proposal for tax-supported schools in 1838. The financial embarrassment of the colonial treasury, however, prevented immediate implementation of the plan and tax-supported schools did not become a reality until 1841. All parties in the Assembly believed that state-run schools would inculcate proper values in youngsters. Conservatives believed that children would learn to respect authority while reformers saw it as a means of preventing the return of oppressive administrations. A proper education, available to all, would preserve the province from the "twin evils of aristocratical domination and popular tyranny."¹⁹

The inauguration of a public school system was one indication that Upper Canada, or Canada West as it was known after 1841, was no longer a primitive, frontier society. Before the War of 1812 travellers often found the colony's few roads to be impassable and in many places fallen trees, commonly referred to as "raccoon bridges," were the only means of crossing streams.²⁰ Even those who avoided overland travel found that trips between villages could be extremely time-consuming. In the 1790s, for instance, a journey from Niagara to Kingston by sailboat sometimes required two or three days.²¹ Fifty years later the provin-

cial road network, while still a source of numerous complaints, was much improved and a trip from Kingston to Niagara could be accomplished in a matter of hours onboard one of the more than fifty steamboats operating on Lake Ontario.²²

Changes in the provincial education and transportation systems mirrored developments within colonial society and the Empire as a whole. Dueling and the days of the "old code of honour" were gone forever by the time the war sufferers were paid in 1837. The last recorded duel in the province had taken place four years earlier at the military settlement at Perth.²³ In June 1837 the colony also celebrated Queen Victoria's accession to the throne. Three other sovereigns had ruled the province since the War of 1812 and the colony had entered the war under George III, the man who had reigned during the American Revolution.

Students who attended schools in Victorian Canada West learned that their ancestors had played a crucial part in preventing the complete dissolution of the Empire. Major John Richardson, a veteran of the War of 1812, had been approached by a group of politicians who wanted suitable textbooks for the new school system. Richardson agreed to write three volumes and in 1842 the first edition of the "Historical Narrative Series for the Use of Schools in Canada" was published in Brockville. In his preface to this work, Richardson noted that young people should be made aware of the real facts of the war instead of being left to acquire knowledge through the "corrupt channel of American party publications." The first volume of the series dealt with the "Operations of the Right Division of the Canadian Army," and the "gallant deeds" of the inhabitants, as well as the actions of British

regulars, were the focus of the book. Students were informed that the "French and English races" were "knit together in one common bond" and that all colonists had done their duty nobly.²⁴ Although Richardson was supposed to complete two more books, on the centre and left divisions respectively, he considered the \$250 fee sufficient payment for only one volume and he refused to honour the terms of the original contract.²⁵

Richardson's work, and that by writers such as Gilbert Auchinlek which followed in later years, perpetuated many of the myths originated by John Strachan. Readers in mid-nineteenth century British North America were told that all Upper Canadians had taken to arms at the first signs of danger and that the citizens had fought bravely until the province was free of invaders. By 1857 even members of parliament were repeating such fabrications. A committee appointed to investigate the propriety of granting half-pay to flank officers reported that the "entire population of Canada, both Militia and Indians, came forward and tendered their services." The report went on to recommend that pensions be granted since "few instances are recorded where the inhabitants of any country evinced a greater degree of patriotism."²⁶

A closer examination of events, however, has clearly revealed that later histories often bore little relation to actual events. The prospect of war frightened most Upper Canadians and the vast majority wanted no part in the conflict. Divided by race, origins, and religion, separated by huge tracts of untamed forests, Upper Canadians had no sense of unity, no concept of a shared nationality. During the war these divisions were intensified, westerners and residents of the Niagara region were angered that they bore the brunt of the enemy attacks and those rare individuals who volunteered their services were

disgusted when thousands of others raced to acquire exemptions. Those who profited by the war were marked as targets by others who did less well and whenever British control over a territory was lost, favourites of the government found that jealousy could endanger their lives. Colonists derided the military skills of the regulars, soldiers in the British army scorned the value of militiamen, and most whites agreed that the Indian warriors were more trouble than they were worth. Each segment of the population tried to take advantage of the other. A small group of merchants made enormous profits from military contracts and combatants robbed citizens of every item imaginable, including those that were nailed down. Hundreds of colonists died from wounds or disease and thousands more, especially in the west and in the Niagara region, suffered terrible financial hardship when their crops and farms were destroyed.

After the war the province remained divided. As the long-term economic effects of the conflict began to be felt, the colony discovered that it was unable to finance even minor obligations. Those who expected the British government to pay for war damages soon realized that little assistance could be expected from that quarter. Disputes over war losses, militia land grants, and American immigration, fostered the creation of an opposition group in the Assembly. One of these grievances, the compensation question, remained an issue until the 1830s when it was finally resolved. The decision to borrow money to pay the war sufferers was made only after the province had already borrowed beyond its means to finance other projects. Ironically, that additional burden forced Upper Canadian legislators to accept a union with the lower province. The two colonies were "knit together," not because of

shared wartime experiences, but because Upper Canada was bankrupt.

The sense of a shared national identity, which began to emerge in the 1830s, did not flower until the memories of wartime grievances had begun to fade away. Only when the truth was obscured or forgotten could Upper Canadians join together as one. Desertion, profiteering, and treason provide infertile ground for the growth of such sentiments and these were conveniently omitted from the standard nineteenth-century works on the war. Prior to 1812 the term "Canadian" was reserved for those settlers whose origins could be traced to Quebec. Most inhabitants would have identified themselves as Irish, Scotch, English, Indian, American, Loyalist, or German, but few would have declared themselves Canadians. By the time the second Brock monument was completed in 1857, however, all that had changed. One resident of the province who attended the celebrations held at Queenston Heights on 13 October 1857 later wrote to a friend in England:

You may be assured we had a great day on the Heights to do honour to him, of your country, who sacrificed his valiant life in defending our home, Canada...I was among those present on the heights and I enjoyed the day as a native Canadian ought to...²⁷

Naturally sacrifices were required to achieve this development. One hundred and forty-six men were deprived of the recognition that was due them so that all could share in the glory of victory. Those who lost everything that they had strived to create before the war were also forgotten. In the place of potentially divisive truths, Upper Canadians and their descendants supped a soothing mixture of distortions and myths.

NOTES X

¹Universite Laval, Explanation of the Proceedings of the Loyal and Patriotic Society of Upper Canada, (Toronto: Stanton, 1841), app.3, p.3.

²James H. Richardson, "The Mystery of the Medals," University of Toronto Monthly, February (1902), p.133.

³UL, Proceedings, app.3, p.35.

⁴Upper Canada, Journals, 11th Parliament, 2d session, medal committee report, app., p.130.

⁵Craig, "Strachan," DCB IX:761.

⁶Arthur, Arthur to Armstrong, II:410.

⁷John Ireland, "John H. Dunn and the Bankers," OH, 62 (1970), p.84; Craig, Upper Canada, pp.272-275.

⁸OA, Strachan Papers, "Report of the Select Committee on... Certain Medals," (Toronto: W.J. Coates, 1840), p.33.

⁹Ibid., p.39.

¹⁰Ibid., p.51.

¹¹UL, Proceedings, p.15.

¹²Ibid., p.16.

¹³Thomas Robertson, The Fighting Bishop: John Strachan The First Bishop of Toronto, (Ottawa: Graphic Publishers, 1926), p.28.

¹⁴"William Allan," DCB VIII:5.

¹⁵C.W. Robinson, Robinson, p.410.

¹⁶Hamilton Craig, "Still-Born," p.45.

¹⁷Canada, Statement Showing the Name, Age...and Rank in Which They Served, (Ottawa: Maclean Roger, 1876), p.iii.

¹⁸OA, Miscellaneous Collection, #26, box 1, (1875), list of veterans, MU 2095.

¹⁹R.D. Gidney, "Upper Canadian Public Opinion and Common School Improvements in the 1830s," HS/SH, 5 (1972), pp.48-59.

²⁰Campbell, Travels, p.186.

²¹Canadian Letters, p.41.

²²Hounson, Toronto, p.17.

²³Major R.C. Muir, "The Last Canadian Duel," Brant Historical Society Papers and Records, (1930), p.24.

²⁴John Richardson, War of 1812 Containing...Canadian Army, (Brockville, 1842), p.1.

²⁵Beasley, Don Quixote, pp.133-135.

²⁶Canada, Legislative Assembly, 5th Parliament, 3rd Session, 1857, app.60.

²⁷OA, Merritt Papers, package 2, John Clark to unknown, October 1857, MS 74.

APPENDIX A

Colonial accounts were tabulated using four different valuations. The most common was the provincial or Halifax currency and all values quoted in this work are in provincial currency unless stated otherwise. Also in use were New York currency and sterling. All three of these systems were based on the pound with one pound equal to 20 shillings and one shilling equal to 12 pence. Finally, prices were sometimes expressed in American dollars. The exchange rate for each of these currencies fluctuated over time. The rate of exchange in effect during the war is shown in the table below:

UPPER CANADIAN CURRENCY VALUES

PROVINCIAL CURRENCY	EXCHANGE FACTOR	RESULT
£1	0.9	18s. sterling
£1	1.6	£1.12s. New York cy.
£1	4.0	\$4

One pound provincial currency was equal to 0.9 of a pound sterling or 18 shillings sterling. The New York pound was worth much less, one pound provincial currency was equal to £1. 12 shillings New York currency while four dollars were needed to purchase one provincial pound.

APPENDIX B

Gourlay's Township Meetings

A comparison of the list of war claimants who submitted claims to the committee of revision in the 1820s suggests that ninety of them were involved in Gourlay's township meetings. The names of those who attended the meetings in each district can be found in the first volume of the Statistical Account. The names of these claimants and their claim numbers are presented below:

WESTERN DISTRICT

<u>claim</u>	<u>name</u>	<u>claim</u>	<u>name</u>
423	John McGregor	127	Angus McIntosh
119	F. Baby	841	G. Jacobs
460	J.B. Baby	673	William Caldwell
1765	A. Maisonville	534	William McCrae
675	Thomas Crow	747	James Forsyth
1105	Hezek Wilcox	871	John Williams
656	Jacob Dolsen	703	Daniel Dolsen
1022	William Stirling	981	John Peek
1348	John Laird	698	Joshua Cornwall
1853	John Dolson	965	Samuel Osborne

LONDON DISTRICT

1470	Daniel Springer	143	Peter Teeple
84	John Robins	1915	John Bray
115	Morris Sovereene	1160	William Culver
196	Daniel Freeman	585	Samuel Brown
1437	Abraham Smith	1546	Simeon Davis
1599	James Nevills	507	Daniel Rapelje
1317	M. Burwell	1579	Alex Ross
1594	Leslie Patterson		

GORE DISTRICT

<u>claim</u>	<u>name</u>	<u>claim</u>	<u>name</u>
1061	Benjamin Smith	249	John Brant
1366	Augustus Bates	783	Thomas Ghent
917	Ralph Morden	664	Asahel Davis
916	James Morden	1245	Nicholas Kern
1637	George Chisholm	1607	John McCartney
7	James Crooks	274	William Hare
959	William Nevills	1307	John Keagy
290	Andrew VanEvery	517	H. Lyons
509	Robert Nichol	951	Jacob Erb
72	James Durand	530	John Wilson
503	Richard Hatt	1893	Wm. Rymal
537	Chris Almost	338	Jacob Rymal
800	Peter Hogeboom	166	Joseph House
490	Danl. Showers	209	Lot Tisdale
461	Richard Beasley	592	Alexander Brown
616	George Chisholm Jr.		

NIAGARA DISTRICT

1143	Christian Zavitz	1139	J. Warren
904	Andrew Miller	326	Henry Warren
977	William Powell	451	John Applegarth
1419	Ben Hardison	807	Mathias Haun
632	Thomas Cummings	788	John Garner
167	William Chisholm	1036	Paul Shipman
1188	John Clark	633	William Crooks
987	Elijah Phelps	1888	Thad Davis
362	Jacob Upper	421	John Decou
635	Calvin Cook	1117	Richard Yokum
366	Shubal Park	164	William Robertson

EASTERN DISTRICT

1922	John Cameron	1967	Donald McPherson
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