

### Article

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# The Canadian Civil Wars of 1837–1838

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## Abstract

Canadian historians have traditionally stressed that the rebellions of 1837 and 1838 in Upper and Lower Canada were revolts against British imperial authority. Less stressed has been the fact that the rebellions were also civil wars and that British troops were aided by substantial numbers of loyalists in defeating the rebels. In recent years historians have tended to downplay the importance of French-Canadian nationalism, but by 1837–8 the rebellion in Lower Canada was essentially a struggle between French-Canadian nationalists and a broadly-based coalition of loyalists in Lower Canada. Outside Lower Canada there was no widespread support for rebellion anywhere in British North America, except among a specific group of American immigrants and their descendants in Upper Canada. It is a myth that the rebellions can be explained as a division between the older-stock inhabitants of the Canadas and the newer arrivals. It is also a myth that the rebels in the two Canadas shared the same objectives in the long run and that the rebellions were part of a single phenomenon. French-Canadian nationalists wanted their own state; most of the republicans in Upper Canada undoubtedly believed that Upper Canada would become a state in the American Union. Annexation was clearly the motivation behind the Patriot Hunters in the United States, who have received an increasingly favourable press from borderland historians, despite the fact that they were essentially filibusters motivated by the belief that America had a manifest destiny to spread across the North American continent. Indeed, it was the failure of the rebellions that made Confederation possible in 1867.

**Keywords:** Rebellions of 1837–8, Upper Canada, Lower Canada, British imperial policy, French-Canadian nationalism, Loyalists, Patriot Hunters, Louis-Joseph Papineau, William Lyon Mackenzie, Confederation

## Introduction

On 25 November 1837 Sir John Colborne, the commander of the British forces in British North America wrote to Sir Francis Bond Head, the lieutenant-governor of Upper Canada: 'The Civil War has commenced in Lower Canada'.<sup>1</sup> Within two weeks Bond Head would have his own problems since, having sent all the British regular troops in Upper Canada to assist Colborne in putting down the Lower Canadian rebellion, he was faced with a rebellion, though a much smaller one, in Upper Canada. I use the word rebellion both because that is the traditional Canadian usage and because that is what they were – rebellions against British imperial authority. In both Upper and Lower Canada the primary objective of the rebels was to secede from the Empire and form independent states, the constitution of which in both cases mimicked to a considerable degree that of the United States.<sup>2</sup> But the rebellions of 1837 were more than just wars of secession; they were also civil wars.<sup>3</sup> The inhabitants both of Upper Canada and of Lower Canada were deeply divided over the attempt to secede from the Empire, just as those living in the Thirteen Colonies had been during the American Revolution. Historians tend to emphasize that the rebellions of 1837 and 1838 were put down by British troops. Yet this was not the case in Upper Canada and only partly the case in Lower Canada because in both Canadas, British imperial authority was at least partially upheld by loyalists.

## The Canadian Civil Wars

All imperial systems depend for their survival upon a mixture of coercion and collaboration. As the crisis in the Canadas became more serious in the 1830s, the British government did not rule out the use of force to maintain control over its North American colonies but British ministers were acutely conscious that, without a substantial numbers of collaborators, it was impossible to maintain Britain's hold over a million and a half colonials, spread over more than a thousand miles of territory, and bordering on a rapidly expanding and hostile nation to the south. It therefore made sense to pursue a policy of conciliation. After 1831, the assemblies of Upper and Lower Canada controlled the vast bulk of the revenues collected in the colonies, except for the casual and territorial revenues that were raised mainly from the sale of land, and the British government was prepared to surrender even those revenues in

return for a small civil list. During the 1830s the Colonial Office also sought to broaden the composition of the executive and legislative councils to include a more representative range of colonial politicians and in Lower Canada more French Canadians. The Colonial Office's efforts at conciliation were hindered by recalcitrant governors but gradually the small unrepresentative elites who had exercised so much power from the 1790s to the 1820s lost most of their influence in the 1830s. Although tensions still persisted between the legislative and executive councils and the colonial assemblies, the whole direction of imperial policy in the 1830s was towards giving the assemblies greater control over the local system of government. This policy of conciliation was far more successful than is usually assumed. In Nova Scotia and New Brunswick it marginalized those calling for radical reform (though admittedly they were only a small minority in the first place) and even in the Canadas it encouraged a steady flow of moderates out of the ranks of the radical reformers.

The Colonial Office might have moved even further and faster to conciliate the assemblies in British North America if there had not been one colony where the policy of conciliation ran up against a brutal reality. In the Legislative Assembly of Lower Canada, the *Patriote* Party led by Louis-Joseph Papineau had virtually a built-in majority. The picture usually painted of Lower Canada in these years is of a colony in which the French-Canadian majority had been systematically excluded from any participation in government. It is true that French Canadians held only a small number of the senior positions until the late 1820s, but thereafter a steady stream of 'moderate' French Canadians were appointed to the legislative and executive councils. Moreover, the further one moves down the administrative hierarchy the less tenable the notion of French-Canadian exclusion becomes.<sup>4</sup> French Canadians were co-opted and willingly served on grand juries and as magistrates, bailiffs and captains of militia in the rural areas of the province. In 1827 Governor-General Lord Dalhousie did attempt to purge the magistracy and the militia of those who supported the *Patriotes* but this aroused a storm of protest and a petition to London that led to the appointment of a more conciliatory governor, who reinstated virtually all those who had been dismissed. Nonetheless, after 1834 all of the institutions of government in Lower Canada were in danger of grinding to a halt, since the assembly refused to vote any money for supplies until all of its demands for political reform were met. Those demands were incorporated in the 92 Resolutions passed by the assembly in 1834. Augustus Morin, who had drafted the Resolutions, went to London to present them to the British Parliament and admitted before a select committee that the assembly would never

grant supplies until 'an entire preponderance' in the government was given to the 'French and Canadian population'.<sup>5</sup> For the next three years the British government tried to find a way out of the impasse, but Lord Gosford, governor of Lower Canada after 1835, was unable to persuade the *Patriotes* to agree to vote money to pay the salaries of the colony's civil servants, even for essential public services which the assembly had provided in the past.

Although deeply divided over how to deal with the crisis in Lower Canada, the Whig ministers in London finally decided to take the option that involved the least interference with the Lower Canadian constitution. On 6 March 1837, Lord John Russell presented to the House of Commons 10 Resolutions, one of which gave the government of Lower Canada the power to pay the arrears owed to the colony's civil servants out of the customs revenues that had been surrendered to the assembly in 1831. Russell promised, however, that the British Parliament would not revoke the act surrendering the revenues and that in future any government service for which the assembly refused to provide would simply be abandoned. The resolutions also announced that although the imperial government was not willing to turn the legislative council into an elective body nor willing to make the executive council responsible to the assembly, the composition of both bodies would in future include a substantial number of members 'holding opinions, in general, with those of the majority, but not concurring in their extreme demands'.<sup>6</sup> On balance the Russell Resolutions were meant to combine a small dose of coercion with a large measure of conciliation; they certainly did not permanently undermine the constitutional rights of the Assembly of Lower Canada nor, as the *Patriotes* (and some historians) have claimed, did they give Gosford 'fiscal autonomy' from the assembly.<sup>7</sup> The British government recognized how unpopular the Resolutions would be and began to reinforce the number of British troops in Lower Canada. By borrowing a regiment from the Maritimes and denuding Upper Canada of its regulars, Colborne had collected 3,284 regulars in Lower Canada by November 1837.

This was not enough to overawe the hotheads among the *Patriotes*. Louis-Joseph Papineau and the leading *Patriotes* had drawn the wrong conclusion from the British government's vacillation over the previous three years and were convinced that the British government would ultimately lose the will to resist the *Patriotes'* demands. The *Patriotes* therefore stepped up their policy of civil disobedience, forcing a number of magistrates and militia captains to resign and holding a series of large public meetings at which they threatened violence against the government of

Lower Canada. In August 1837, the extreme wing of the *Patriote* Party formed the *Société des Fils de la Liberté* and in September began recruiting and training militias in Montreal. Faced with the increased militancy of the *Patriotes*, Gosford reluctantly agreed on 16 November to arrest 26 of the *Patriote* leaders on the grounds of sedition and the civil war began.

Part of the reason why the British government felt constrained from meeting the demands of the *Patriotes* was the growing opposition within Lower Canada from the British minority to any further surrender of power to the *Patriotes*. There had always been a small English-speaking Protestant elite in Lower Canada, but in the 1820s many of the members of the British community supported the demands of the Assembly of Lower Canada for control over the colony's finances and for the appointment of more representative executive and legislative councils. However, as the *Patriotes* became more radical, their support among the British community began to shrink, at the very moment during the late 1820s and 1830s when immigrants from the United Kingdom began to flood into the colony. The non-francophone population grew from around 10 per cent in 1815 to something approaching a quarter of the population of Lower Canada in 1837, and non-francophones formed a small majority in Montreal and pretty close to a majority in Quebec City. French-Canadian attitudes towards *les Anglais* (which included the Irish) varied from tolerance to outright xenophobia, as did British attitudes toward the French Canadians, and tensions began to grow between the two groups during the 1830s, particularly in the areas where the French and British populations overlapped. Indeed, the French-Canadian communities which gave the most active support to the rebellion formed a ring around Montreal.

The loyalists in the Canadas have not been favourably treated by Canadian historians, even English-speaking ones.<sup>8</sup> Partly this is because, like the loyalists during the American Revolution, they appear to be unprogressive reactionaries, mindless agents of a distant and oppressive imperial government. Yet, as was the case with the American loyalists, this is a misleading stereotype. The loyalists in the Canadas in the 1830s did not accept that the United States was the home of true liberty but instead insisted that the British constitution was a better guarantee of individual rights and freedoms than republican majoritarianism. They were not democrats, but neither were their opponents. Both sides accepted the need for property qualifications (even if a low one) for voters, were opposed to women's suffrage and had no desire to extend voting rights to 'uncivilized' native peoples.<sup>9</sup> Both sides believed in representative government but the republicans wished to centralize power in the hands of institutions elected by the majority, while the loyalists

wished the power of the majority to be curtailed by an appointed second chamber and an independent executive authority and judiciary. Michel Ducharme has argued that the loyalists in the Canadas opposed republicanism because they believed in a more modern form of liberalism than their opponents, one which emphasized individual rights and freedoms rather than political participation and social egalitarianism.<sup>10</sup>

Certainly the loyalists used these arguments to justify their opposition to the demands of the republicans, but Ducharme does not really explain why the loyalists preferred one form of liberty to the other. After all, the English-speaking population in the Canadas were as much children of the Atlantic World as their opponents. They belonged, however, to what Jerry Bannister calls the 'Loyal Atlantic'.<sup>11</sup> This does not mean that the loyalists throughout British North America in the 1830s subscribed to an ultra-conservative ideology and an eighteenth-century view of the British constitution. The provincial oligarchies in the Canadas did believe that the right to self-government should be stripped from those – the post-loyalist settlers from the United States (usually erroneously described as late loyalists) in Upper Canada and the French Canadians in Lower Canada – whose loyalty was suspect. They also believed in the benefits of a hierarchical society based upon an established church (or churches) and an appointed legislative council, and they stressed the importance of keeping control over the colony in safe hands (by which, of course, they meant theirs). But the majority of those who became loyalists did not share the illiberal views of the local oligarchies and were pleased to see the latter's virtual monopoly over the policies of the local government gradually decline in the 1830s. Nor were the loyalists against greater self-government being given to the colonies through the transfer of economic power into the hands of the popularly elected assemblies. What frightened them was how this power would be wielded by republicans whose loyalty to the Empire seemed problematic. In this sense Bannister is right, the critical issue was 'a question of loyalty, not liberalism'.<sup>12</sup>

This was particularly the case in Lower Canada where the loyalists believed that giving in to the *Patriotes*' demands would inevitably lead to the secession of Lower Canada from the Empire and the gradual marginalization of the British minority within what would be an essentially French-Canadian nation. These concerns are dismissed by Jean-Marie Fecteau as 'hysteric paranoia, seeing in the *patriote*'s [sic] demands for democracy a plan for ethnic domination by a population which they had always considered ignorant and easily manipulated'.<sup>13</sup> There is, of course, some truth in this argument. As the crisis in Lower Canada drifted into

civil war after 1834, ethnic extremism came to dominate the debate and each side used ethnic stereotypes to parody the position of their opponents. The loyalists appealed to the insecurity felt by the minorities (not just the British but by the native peoples and the Black population in the colony) against living in perpetuity in a colony controlled by a French-Canadian majority, while the habitants were told by the *Patriotes* that 'les Anglais' wanted to strip them of all political rights and 'take from them their laws, drive them from their lands, and make them "labourer les terres pour leur profit"'.<sup>14</sup> The moderates in both camps were gradually shunted aside. Fecteau claims that the conservative forces were periodically able to take control of the Assembly of Upper Canada, but in Lower Canada the ruling oligarchy 'were never able to control the "peasantry" as their Upper Canadian counterparts succeeded in doing', because the 'rural French-Canadian majority' was 'increasingly conscious of its power' and 'was able to express its political demands in the language of democratic rights characteristic of their century'.<sup>15</sup>

Yet to describe the loyalist forces in Upper Canada as peasants easily manipulated by the 'ruling oligarchy' is a gross distortion of the reality. Loyalism drew on a wide range of people from all social classes. The sense of allegiance to the British Empire was particularly strong among the British immigrants who flooded into the Canadas in the 1830s. But by 1836 many Canadian-born moderates in Upper Canada had also abandoned the reform movement because of a not entirely unreasonable distrust of the commitment of the leading reformers to the imperial connection, a distrust heightened by the fact that Upper Canadian loyalists were only too aware of what was going on in Lower Canada. The moderates voted conservative not out of a sense of loyalty to the local oligarchy, who tended to look down on the leading Orangemen like Ogle Gowan and leading Methodists like Egerton Ryerson, but out of loyalty to the British Empire. In a war of petitions to the crown in 1836, the signatures on the 'loyal' addresses outnumbered those on the reform addresses by 27,000 to 4,700, a resounding show of popular support for Head's decision to confront his reform-dominated assembly. But as the petitions made clear, much of that support was based on the assumption that Head would put an end to 'that *Metropolitan* and *baneful Family influence* to which so large a Portion of our Provincial Complaints are justly attributable'.<sup>16</sup> Many moderate reformers were appalled by Head's direct interference and by the widespread electoral manipulation that took place in the election of 1836 and they were even more disillusioned by the fact that Head – and his successor Sir George Arthur – included so many ultra conservatives among their advisors.

And in Lower Canada the loyalists were no more dupes being manipulated by the local oligarchy than the French Canadians were the dupes of those middle-class professionals who led the *Patriote* party. The fears of both groups may have been exaggerated and manipulated by extremists, but they were not entirely unfounded. The *Patriotes* were right to fear that the British minority were demanding radical constitutional change to destroy the *Patriotes*' permanent control of the assembly and, in the longer term, a policy to encourage the French-speaking population to abandon their language and culture and assimilate in 'a country to be built around the British race and on the English language'.<sup>17</sup> And the British minority were right to fear that in the longer term the goal of the *Patriotes* was to create an independent republic, dominated by the French-Canadian 'race'. One of the first actions of a government and legislature controlled by the *Patriotes* would undoubtedly have been to curtail immigration from the British Isles and to develop economic policies designed to slow down the flow of French-Canadian immigrants to the United States by providing jobs for French Canadians in Quebec, even if it meant discriminating against the more recent British immigrants. With the establishment of an independent republic it also seemed highly likely that French would eventually have become the official language and that the education system would have been skewed toward the promotion of French-Canadian history and culture. It is hard to imagine a French-Canadian republic erecting many statues to General James Wolfe.

There is no reason to assume that an independent French-Canadian republic would have denied full citizenship rights to the British minority or coerced them into leaving, but the French-Canadian majority would surely have expected the British minority to assimilate into the dominant culture and to abandon their efforts to preserve their British nationality. Rather than do this the British minority made clear they would resist. There is a danger of dismissing their threats about what would happen if the British government continued its policy of appeasement. But, like the Protestants in Ireland, the loyalty of the British minority in Lower Canada was conditional, not absolute.<sup>18</sup>

During 1835 and 1836 the British minority had begun to organize rifle clubs and volunteer cavalry units. Sir John Colborne could not be certain that the limited force at his disposal, which had swelled to 4,158 by December 1837, would be sufficient to quell the rebellion and he looked to the British minority as a reserve force. Lord Gosford was forced reluctantly to give his unofficial sanction to these military preparations and he decided to resign after the rebellion began, largely because of

his unpopularity with the leaders of the British minority, whom he had alienated in his efforts at conciliating the moderate *Patriotes*. The British minority rushed to enlist in volunteer militia units once the conflict began. These units were broadly representative of the British community in Lower Canada, including both Orangemen and Irish Catholics, both those of American ancestry (clustered in the Eastern Townships) and recent immigrants from the British Isles, both native-born and foreign-born English-speaking Canadians, both wealthy merchants and unskilled labourers. Although they played a minor part in putting down the 1837 rebellion, the volunteer militias played a more important role during the second rebellion in November 1838. One of the most important skirmishes was at Napierville where a force composed of Highland Scots from Glengarry (in Upper Canada but on the border of Lower Canada), the local Huntingdon militia and St Regis Mohawks defeated an invading force from the United States without the assistance of British troops.

In 1839 in his famous report on the crisis in the Canadas Lord Durham declared that in Lower Canada, 'I expected to find a contest between a government and a people: I found two nations warring in the bosom of a single state: I found a struggle, not of principles, but of races; and I perceived that it would be idle to attempt any amelioration of laws or institutions until we could first succeed in terminating the deadly animosity that now separates the inhabitants of Lower Canada into the hostile divisions of French and English.'<sup>19</sup> Durham went on to describe the French-Canadians as a backward people devoid of history and literature and proposed their assimilation in order to rescue them from their 'hopeless inferiority'. There can be no question that Durham's comments about French-Canadian society were naïve, simplistic and even 'racist'.<sup>20</sup> Yet it may be that Durham reached the right conclusion for the wrong reasons about the nature of the political crisis.

Until the 1960s there was a general consensus among historians of the rebellion of 1837 in Lower Canada that the basic motivation of the *Patriotes* was to defend their national culture. In other words, the crisis in Lower Canada, in Helen Taft Manning's words, was driven by *The Revolt of French Canada*.<sup>21</sup> In recent years, the scholarship in this field has begun to downplay the importance of French-Canadian nationalism. Alan Greer's *The Patriots and the People: The Rebellion of 1837 in Rural Lower Canada* is now undoubtedly the definitive study in the field. It is, however, broadly sympathetic to 'a movement (the patriots) pushing in the direction of democracy and independence' which 'ran into a stone-wall of British intransigence'. The habitants, Greer declares in his conclusion, were 'indeed defeated. But there is something impressive about

their performance in the revolutionary drama of 1837–8.’ Greer argues that the nationalism of the *Patriotes*:

grew out of but was distinct from the earlier posture of the ethnic defence of the Canadian party. No longer simply pressing the case of the French Canadians as good British subjects who deserved a secure place in the empire and a fair share of government jobs, the nationalists of the Rebellion decade clearly looked forward to the day Lower Canada would be independent and when the political power of French speakers within the province would be commensurate with demographic preponderance.<sup>22</sup>

But the *Patriotes*, he insists, were moving away from ‘ethnic exclusiveness’ (which seems a strange claim since, as he admits, the party was at this time becoming more ethnically exclusive). Indeed, in ‘striking contrast with Quebec nationalists of a later age, those of the 1830s did not advocate any use of the power to protect the use of the French language’ but ‘leaned towards what we would call a “policy of bilingualism”’, as proven by the education laws passed by the Lower Canadian Assembly in the 1830s. Of course, these laws were passed at a time when every law had to get the approval of a British-dominated legislative council and of a British-appointed governor who most assuredly would have vetoed a discriminatory education act. Whether a French-Canadian dominated assembly without any effective checks upon its power to legislate would have been so committed to bilingualism is at least open to question.

It is a question Greer never really deals with even in his conclusion where he refuses to speculate about what would have happened if the rebellion had succeeded. He does admit that the ‘Patriots did their best to limit the size of Lower Canada’s anglophone minority by opposing, often in outrageously xenophobic terms, immigration from the British Isles. Yet there was nothing particularly French Canadian about this opposition; hostility to “pauper immigration” was just as intense in the Maritime provinces and Upper Canada.’ This is not quite true. There was indeed opposition to ‘pauper immigration’ in the other British North American colonies but not to immigration from the British Isles per se, as there was in Lower Canada. Even during the rebellion, when some *Patriote* communities pre-emptively moved to disarm their anglophone neighbours, Greer insists that ‘The lines of conflict were fundamentally political and incidentally ethnic. It was those who opted for Britain rather than Canada and who defied the hegemony of the Patriot movement who made themselves the target of popular ire in the southern parishes of

Two Mountains. ... Certainly this was coercive politics but it was hardly racist.' In a strict sense Greer is right but it is clear that the nationalists in the *Patriote* movement were as intolerant of opposition as the members of the British party and that they expected those who 'opted for Britain' to abandon their loyalty to Britain and ultimately their British identity.<sup>23</sup>

In a subsequent article, Greer argues that our understanding of the rebellions of 1837–8 in Upper and Lower Canada have been 'bedevilled by a particularly advanced case of historiographical apartheid' and that they should be 'understood as various elements of a single phenomenon'. He dismisses the claim that the rebellion in Lower Canada 'was "racial" and, as a consequence it was sharper than – indeed fundamentally different from – the milder strife that disturbed "English" Canada'. Those who emphasize the distinctions between the two rebellions tend to ignore, he argues, the fact that the 'civil strife of 1837–8 saw an ethnocultural polarization on both sides of the Ottawa River – long-established settlers tending to come to blows with unassimilated newcomers. The fact that immigrants were, in relative terms, so much more numerous in Upper Canada goes a long way to explaining the weaker showing of insurrection in that province'.<sup>24</sup> This conclusion is echoed by Michel Ducharme, who emphasizes that the rebels in both Upper and Lower Canada drew their inspiration from 'the republican movement of protest that had shaken the ancien régime in Europe and America to its foundation'. I have no doubt that Ducharme is correct and that the *Patriotes* in Lower Canada and the radicals in Upper Canada drew upon a revolutionary discourse that stressed that power was 'legitimate only if it emanated from the people' and that this was the justification that they used to challenge the sovereignty of the imperial Parliament, to affirm the right of the people to refuse to obey imperial legislation (such as the Russell Resolutions) and even to secede from the empire if they chose to do so.<sup>25</sup> As he also makes clear, although the republicans in both colonies also used the language of British constitutionalism and at least until 1836 made every effort to stay within the law, professing 'their loyalty to anyone who would listen', these expressions of loyalty could not completely disguise the fact that 'their underlying message was unequivocally revolutionary'. The goal of the *Patriotes* was not to 'protect themselves from tyranny but to control the state. In this sense they were ideologically closer to nationalism than to liberalism'. Yet when it comes to explaining why there was a full-scale rebellion in Lower Canada and only a minor one in Upper Canada Ducharme is less convincing. Ducharme agrees with Greer that 'the older-stock inhabitants of both provinces – who were French-speaking in Lower Canada

and either of British or American origin in Upper Canada tended to rally around the reform movement while new British arrivals preferentially sided with the government. Seen from this angle, the ethnic divide in Lower Canada appears more as a quirk of history than as a fundamental, irremediable difference between two colonial experiences.<sup>26</sup>

By late 1837, republicans in both provinces believed that secession from the British Empire was the only way to achieve their political objectives.<sup>27</sup> But the radicals in the two Canadas really had limited interest in each other. Unlike the republicans in the Thirteen Colonies, their intent was never to create a new nation-state incorporating both Lower and Upper Canada. Indeed, many of the rebels in Upper Canada assumed that the independent state they were creating would quickly become part of the United States, along with Texas which had become an independent republic in 1836. The core of the support for the rebellion in Upper Canada came from the Home District around Toronto and the London District to the west of Toronto along the American border, areas that had originally been settled by non-loyalist Americans between the 1790s and 1812. During the War of 1812–15, a war which one historian has recently described as the Civil War of 1812,<sup>28</sup> these settlers had been forced to make a hard choice between welcoming the American invaders and supporting the Empire. Most chose the latter but mainly out of self-interest, not love, and they expected to be rewarded for their loyalty after the war was over. In fact, the government of Upper Canada sought (unsuccessfully) to strip them of their British citizenship, driving them virtually en masse into the Reform party. Almost all were non-conformists and they had little sympathy for the pretensions of the Church of England and were bitterly opposed to the Clergy Reserves. They also intensely disliked a land-granting system that seemed to favour more recent immigrants from the British Isles and they felt systematically discriminated against in the distribution of government patronage. Concluding after the election of 1836 that things were never going to get better, and convinced by the radical reformers that victory was just a matter of marching since the British garrison had been sent to Lower Canada, a small number of them (and a few of their neighbours) took up arms against the state. The rebellion was put down fairly easily by the Upper Canadian militia. The casualty figures reflect the difference in intensity between the two rebellions. In its first phase about 250 men were killed in Lower Canada; four in Upper Canada.

It is certainly true that most of the rebels in Lower Canada were drawn from the native-born. It could hardly have been otherwise since the roots of almost all of the French-Canadian population went back to

the late seventeenth and early eighteenth centuries. Although some of the more recent American and British immigrants had supported the *Patriotes* in the late 1820s and early 1830s, only a handful did so by 1837 and most of those were well integrated into the French-Canadian community, often through intermarriage. By 1837 most of the Irish Catholic immigrants, many of whom had no love for the British and were sympathetic initially to the *Patriote* cause, had also abandoned the *Patriotes*. In Upper Canada the picture is more complex. Slightly over half of the rebels in the Home District were of American ancestry, more or less equally divided between the American-born and the Canadian-born. The proportion of those of American ancestry was even higher among the rebels in western Upper Canada.<sup>29</sup> The huge wave of British immigrants that flowed into the colony in the 1830s had dramatically changed the balance of power between reformers and conservatives, though the election of 1834, which the reformers won, shows that the British immigrants did not overwhelmingly vote one way, at least until convinced of the potential disloyalty of the reformers. Indeed, as many as a third of the Toronto rebels and about one-fifth of the rebels in western Upper Canada were Britons. Clearly the Upper Canadian republicans were able to attract much more support from the recent British immigrants than the Lower Canadian republicans were. Moreover, the argument that older-stock inhabitants were more likely to take up arms than more recent immigrants does not work in Upper Canada. The eastern part of Upper Canada had been settled by American loyalist immigrants after 1783, a decade before the arrival of the late loyalists, and there was relatively little support for the rebellion there. Nor was there any support in the areas settled after 1784 by Scottish Highlanders, like Glengarry, Upper Canada, also a settlement older than those that rebelled in 1837. In fact, the Upper Canadian rebellion was concentrated in a few areas around Toronto and western Upper Canada, areas near the American border and originally settled from the 1790s to 1812.

Even more telling is the story of the Eastern Townships in Lower Canada, an area almost entirely English-speaking in 1837, settled predominantly by immigrants from Vermont and New Hampshire at about the same time as settlers from New York and Pennsylvania migrated to Upper Canada and for much the same economic reasons. The inhabitants of the Eastern Townships shared the agrarian radicalism of the *Patriotes* and even elected some *Patriote* representatives to the assembly during the critical election of 1834, though fewer than in the past. This leads Jack Little to conclude that the story of the Eastern Townships undermines Lord Durham's argument that tensions between the two major linguistic groups lay at the root of the Lower Canadian rebellions because

the 'uprisings' in 1837 'were essentially the culmination of a political struggle, in which the colonial forces were British and the majority of the colonized – but by no means all – were French Canadians.' Yet this conclusion sits rather uneasily with the evidence he presents that the population of the Eastern Townships gradually withdrew its support from the *Patriotes* as they moved towards an insurrection: 'the region' he writes, 'was not willing to gamble its economic and political future on the advent of an independent nationalist republic.' Little argues that 'the majority were essentially frightened into supporting the colonial administration', but he admits that these fears were not unjustified, blaming 'Papineau's rather conservative and intransigent ethnic nationalism' for 'alienating what might have been a powerful source of support'.<sup>30</sup> In other words, whatever the roots of the political struggle, by 1837 it had become a conflict between the large majority of the French Canadians, who overwhelmingly supported the ethnic nationalism of Papineau and the *Patriotes* and sympathized with (even if they did not actively participate in) the rebellion, and the vast majority of the English-speaking population (whether late arrivals from Britain or descended from older-stock inhabitants), who were not confident about their future prospects in 'an independent nationalist republic' and did not support the armed insurrection of 1837. Is this not effectively a description of two nations warring within the bosom of a single state?

The idea of a conflict between recent British immigrants and older-stock settlers also does not have much relevance in the Maritimes where a majority of the population was descended from immigrants who had settled in the region before the 1790s. One can understand why thoughts of revolution never infiltrated the small and isolated settlements of Acadians, who at this stage had little contact with the larger French-Canadian population in Lower Canada. But in the communities settled in Nova Scotia by the New England Planters in the 1750s and 1760s, by Scottish Highlanders after 1774 and by American loyalists after 1783 there was also not a murmur of revolutionary discontent. Prince Edward Island did suffer from periodic riots over the land question from the 1830s to the 1860s, but the loyalty of its inhabitants to the British Empire was never seriously in doubt. It was escheat they wanted, not independence. In fact, except in one region of Upper Canada, primarily among a specific group of American immigrants who had always been treated as outsiders, there was no widespread support for rebellion anywhere in English-speaking British North America. Indeed, what stands out is how exceptional the situation in Lower Canada was. There is only one, very obvious, reason why the rebellion generated such support among the French-Canadian population. In their discourse

they may have talked more about liberty than nationality but when the call came, they showed their loyalty to the ethnic nationalism increasingly espoused by Papineau and the *Patriotes*, with their dream of the creation of a French-Canadian dominated republic.

Of course, the rebellion failed, and with it the dream of a separate French-Canadian nation, at least till it rose from the ashes in the 1960s. The Lower Canadian rebellion cut the Gordian knot that the British government had been unable to untie. The Whig ministers accepted that 'an English Ministry governing by means of an English Parliament can never propose the permanent establishment of arbitrary government' and that while the Assembly of Lower Canada might be temporarily suspended, the population of Lower Canada could not indefinitely be deprived of representative institutions.<sup>31</sup> The problem was how to limit the influence of the French Canadians within those institutions and ensure that the threat of secession would never recur. The obvious solution, as Durham had recommended (under pressure from the British party in Lower Canada), was to unite the two Canadas into a single political entity, in which French Canadians would be in a minority. The United Province of Canada was created by British legislation in 1841, though not precisely in the form Durham had recommended. Durham also advocated a radical restructuring of the system of government in British North America, suggesting that the governor should be forced to select as his advisors those colonial politicians who could command a majority in the assembly and should follow their advice in so far as he was able to do so without threatening any imperial interests; in short, the majority in the assembly should dictate both the personnel and the policy of the government. This was the background to the famous dispatch of Lord John Russell (now colonial secretary) of 19 October 1839, in which he simultaneously denounced the principle of what had come to be known as responsible government, while admitting that henceforth it would be acted upon in practice. For nearly a decade the British North American assemblies would argue with the Colonial Office over precisely how this new system would work. But in the end the British government yielded to the inevitable and accepted the principle of responsible government, placing effective political power in the hands of whichever party had a majority in the assembly.

Partly, this result came about because of an alliance between the moderate reformers in both Canadas. Chastened by defeat and faced with the reality that the French Canadians no longer had a built-in majority in the Assembly of the United Province, the majority of the French-Canadian professional middle class who had provided the leadership of the *Patriote* movement now abandoned their belief in republicanism.

They formed alliances and shared power, first with the Upper Canadian moderate reformers in the struggle to achieve responsible government, and then with the Upper Canadian moderate conservatives (once they had come to accept the principle of responsible government). The dominant party in French Canada now became staunch supporters of the status quo, allies of the Roman Catholic Church and loyal subjects of the British Crown. Not all of the former rebels agreed with this policy. Papineau was allowed to return from exile and in 1848 was elected to the assembly. He remained opposed to the union and a committed republican and he gathered around him a handful of young French-Canadian radicals. But he was very much in the minority even among the former rebels. Wolfred Nelson, the most important military leader of the *Patriotes* during the 1837 rebellion, also returned from exile. Like Papineau, he did not apologize for his revolutionary past but, unlike Papineau, he was prepared to work within the new constitutional structure, as was George Étienne Cartier, who often bragged to his French-Canadian constituents (but not so much to Queen Victoria when he met her) that as a youth he had taken up arms in the rebellion. William Lyon Mackenzie also returned from exile. He had become disillusioned in the United States, writing in 1841 that ‘the more I see of this country the more bitterly I regret the attempt at revolution at Toronto’.<sup>32</sup> He served in the Assembly of the United Province from 1851 to 1858, but fell out with former colleagues, like John Rolph, who had become members of the governing party. Indeed, there was really no place for an old republican like Mackenzie in the new reform movement that emerged in the late 1850s under the leadership of George Brown and that preached the superiority of the British constitution.

In a sense the Dominion of Canada was one of the long-term effects of the civil wars of 1837–8. If the rebellions had succeeded, the result would have been the withdrawal of British power from the northern half of the North American continent. Upper Canada and indeed everything to the west of Upper Canada all the way to the Pacific is unlikely to have survived for very long before falling into the hands of the United States. A French-Canadian Republic of Lower Canada might have survived by becoming an economic and political satellite of the United States, but hemmed in on all sides (even to the north since its legal boundaries in 1837 did not extend very far north), its future as a viable and independent state at the very least would have been very precarious.<sup>33</sup> The failure of the rebellions ensured that the British North American colonies would continue to remain part of the British Empire, continue to receive a steady influx of British immigrants and of British capital and continue

to benefit from British military and diplomatic support during periods of tension with the United States.

The importance of that support was clearly shown in the aftermath of the rebellions. In Canadian historiography the Patriot Hunters have not traditionally had a good press but this has recently begun to change with the growing popularity of 'borderland studies'. 'The heroes of my study', Tom Dunning proclaims, are those 'nineteenth-century white male Americans' who invaded Upper Canada in 1838 'to liberate their borderland neighbours'. Republican Borderlanders 'wanted to create a borderland community and to be identified as residents of this borderland as well as citizens of the United States'.<sup>34</sup> Andrew Bonhuis adds a Marxist slant to this argument, using the term 'patriot' to refer 'to all men and women, Canadian and American, who in one way or another supported the overthrow of British rule in Canada, and its replacement with a republican form of government that more clearly addressed yeomen farmer, labourer, and small producerist class interest'. These patriots 'ferently hoped that westward movement would be complemented by northward movement to finally check British tyranny, just as Mexican dictatorship had been stanchied by the establishment of the Republic of Texas in 1836'. For Americans in the Great Lakes region, Bonhuis argues, the border between the United States and Canada was scarcely more than a political formality to which they gave little practical consideration. Indeed, Bonhuis continues, William Lyon Mackenzie 'understood better than many historians today that those living on either side of the border were, as he stated: "The same people, having the same native energy, the same origin, and speaking the same language"'.<sup>35</sup>

Of course, the motivation of the Patriot Hunters was complex. The Canadians were mainly refugees from the failed rebellions who still had dreams of establishing independent republics, especially those French Canadians who belonged to the *Frères chasseurs*. The *Frères chasseurs* attacked Lower Canada in February and again in November 1838, but after the collapse of French-Canadian support they effectively ceased to exist. The Hunters' Lodges in New York, Ohio and Vermont were larger organizations, composed mainly of American volunteers. As many as 40,000 to 60,000 men may have taken the Hunters' oath but only a small proportion were prepared to go on active service. Most of those who did participate in the raids were insecure, young labourers dependent on seasonal employment during a severe economic recession, who were promised \$10 a day and up to 400 acres of Canadian land for liberating the Canadians from British tyranny. Even if they were motivated by idealism, not booty, their objective was not to become citizens of some mythical

borderland community, but to remove the border entirely and bestow the benefits of American citizenship on their Canadian neighbours. The Patriot Hunters were 'filibusters', motivated by the belief that America had a 'manifest destiny' (though that term had not been coined yet) to spread across the continent, north as well as west, absorbing large parts of Mexico and of British North America.<sup>36</sup> Maybe they did believe initially that the Canadians would welcome them as liberators, but during 1838 it became increasingly clear that many Canadians were prepared to defend the territorial integrity of their colony. On 12–16 November 1838, at the Battle of the Windmill in Prescott, Upper Canada, a force of 250 Patriot Hunters was defeated by a force of 1,100 militia and 500 British regulars, 20 hunters were killed and another 157 captured.<sup>37</sup> The strategy of the Patriot Hunters then changed from trying to provoke a rebellion within Upper Canada into trying to provoke an Anglo-American war.

Ironically, it was the fear that the Hunters might succeed in provoking a war that led the American government to shut down their lodges and reaffirm that the border did have real meaning. Prior to 1812 it is not unreasonable to describe south-western Upper Canada and the Eastern Townships of Lower Canada as borderland communities. These areas had been settled by American immigrants between the 1790s and 1812. Unlike the American loyalists who came either because they wished to remain British or simply because they had chosen the wrong side during the American revolution, the new immigrants were lured into the Canadas by the promise of free land and light taxes, but they had little loyalty to the British Empire and saw the border as all but meaningless. The War of 1812–15 began the process of giving a new, hard meaning to the border. Yet even after the War of 1812–15 the boundary did remain something of an imaginary line. American immigration no longer flowed into the Canadas but went instead to the new states in the north-west created on land seized from the First Nations who had been allies of the British during the war. But commercial, religious and cultural ties remained strong between those native-born North Americans settled on one side of the border and those settled on the other. American newspapers circulated freely in the English-speaking parts of the Canadas, as did American republican ideas in both Canadas. Although the growing volume of British immigration was beginning to change the bias towards American ideology and culture,<sup>38</sup> many of the radical reformers believed that Britain would yield to their demands rather than face a confrontation that might lead to a re-run of the American Revolution. Even the *Patriotes* believed that 'as professed Republicans ... they could rely on American support in the event of

conflict with Britain'.<sup>39</sup> The rebellions of 1837–8 showed them that this was a fundamental error. The British and their loyalist allies crushed the rebellions with great severity, particularly the 1838 rebellion, arresting thousands of suspected rebels, executing a few and transporting a larger number to Australia. Faced with the severity of the repression, many of those who had supported republican ideas (but not necessarily the rebellions) moved across the border to make new homes in the United States. A small minority joined the Patriot Hunters, and for the next two years there was continuing strife along the border. In fact, the raids were counterproductive. Even those who had felt sympathy with the goals, if not the means, of the rebels were alienated by the attacks across the border, particularly when Canadian lives were lost and Canadian property destroyed. And for no purpose. Far from abandoning its colonies, Britain showed it was prepared to defend those colonies, even if it meant war with the United States. In the end it was the United States that bowed to British pressure and brought the Canadian rebels and their American sympathizers on their soil under control.<sup>40</sup> The border took on a much harder meaning, paving the way for Confederation in the 1860s when another civil war seemed to threaten the survival of the remnants of the British Empire in North America.<sup>41</sup>

## Notes

- 1 Quoted in Senior, *Redcoats and Patriots*, 88–9.
- 2 Allan Greer notes that, having considered the case of Ireland and India, he is more inclined to use the term 'rebellion' in the case of colonial revolts that fail to overthrow the imperial regime than revolution. See Greer, 'Reconsidérer la rébellion': 9, n. 9.
- 3 In 'Secession and Civil War' (in *Secession as an International Phenomenon*, ed. Doyle) David Armitage points out that 'secession and civil war are most likely to occur together during the process of nation-state formation, especially in the context of anti-imperial decolonization' (38).
- 4 Tyson, 'The Canadiens and British Institutions', in *Transatlantic Subjects*, ed. Christie, 45–82.
- 5 Quoted in Buckner, *The Transition to Responsible Government*, 183.
- 6 Buckner, *The Transition to Responsible Government*, 222.
- 7 Boissery, *A Deep Sense of Wrong*, 16. Fiscal autonomy was very specifically what Gosford was not given; only the right to pay out of customs revenues that had already collected the arrears owed to the colony's civil servants. Even if the 1831 Act (known as Lord Goderich's Revenue Act) had been repealed and control over these specific revenues returned to the local government, the assembly would still have had control over an annual revenue of over £180,000, more than enough to place the government of Lower Canada under 'a kind of interdict'. See Buckner, *Transition to Responsible Government*, 209.
- 8 Particularly the loyalists in Lower Canada who are usually just dismissed as racial bigots. Two exceptions are Rudin, *The Forgotten Quebecers* and Senior, *Redcoats and Patriots*. See also McCulloch, 'The Death of Whiggery', 195–213.
- 9 After the failure of the 1837 rebellion, the *Patriotes* in exile, shorn of their more conservative wing (which included

- Papineau), did issue a declaration of independence that promised that all men, including natives, would be equal, that religious freedom and official bilingualism would be guaranteed and that the seigneurial system would be abolished. These were far more radical proposals than the party had made prior to the rebellion, made by a rump of the movement and designed to gain the support of American sympathizers as well as to rekindle enthusiasm among the habitants for a second rebellion.
- 10 Ducharme, *The Idea of Liberty*, chapter 5.
  - 11 See Bannister, 'Canada as Counter-Revolution', in Constant and Ducharme, eds., *Liberalism and Hegemony*, and Bannister and Riordan, eds., *The Loyal Atlantic*.
  - 12 Bannister, 'Canada as Counter-Revolution', 110.
  - 13 Fecteau, "'This Ultimate Resource'", 234.
  - 14 Greenwood and Wright, 'Introduction', 17.
  - 15 Fecteau, 'This Ultimate Resource', 233.
  - 16 Wilton, *Popular Politics*, 178.
  - 17 Bernard, *The Rebellions*, 29. I would dispute, however, Bernard's claim that this is 'what triumphed'.
  - 18 See Miller, *Queen's Rebels*, esp. chapter 2.
  - 19 British House of Commons, *The Report on the Affairs*, 7.
  - 20 Ajzenstat in *The Political Thought of Lord Durham* claims that Durham was not a 'racist' but a liberal who argued for the assimilation of the French Canadians for their own good. In *Racial Crossings*, Salesa argues that in the report Durham depicted the French Canadians 'as natives, a different inferior race, in many ways not unlike the New Zealanders' (38). I have no doubt that Durham believed in the superiority of the English 'race' to all others, but he was not using the term 'race' in the way that term was understood later in the nineteenth century. Durham certainly considered the French inferior in culture but he and the British government never doubted that as Europeans they were entitled to some form of representative government and that they could not be treated like the New Zealand Maori.
  - 21 Manning, *The Revolt of French Canada*.
  - 22 Greer, *The Patriots and the People*, 132.
  - 23 Greer, *The Patriots and the People*, 3, 132–6, 183.
  - 24 Greer, '1837–38: Rebellion Reconsidered', 8–10. Fecteau in 'Lendemain de défaite', argues that while the Lower Canadian rebellions were part of a larger movement, they were still 'un phénomène fondamentalement bas-canadien'. In the most recent study of the period, *Revolutions Across Borders*, ed. Dagenais and Maudit, Maxime Dagenais insists on the need for a 'pan-Canadian' view of the two rebellions (8) but this is contested in a number of the papers in the collection and Dagenais admits that at the roundtable discussion on this theme at the 2017 annual meeting of the Institut d'histoire de L'Amérique française the majority of the participants disagreed with this interpretation (24).
  - 25 See also Harvey, *Le Printemps de l'Amérique française*.
  - 26 Ducharme, *The Idea of Liberty*, 95–8, 103.
  - 27 See Read, *The Rising in Western Upper Canada* and Read and Stagg, eds., *The Rebellion of 1837 in Upper Canada*.
  - 28 Taylor, *The Civil War of 1812*. This description does not really apply to the Maritimes or Lower Canada where there was little sympathy for the Americans, but it is an apt description of the war in Western Upper Canada.
  - 29 Read and Stagg, *The Rebellion of 1837*, lvi, lxxv.
  - 30 Little, *Loyalties in Conflict*, 102–6.
  - 31 Edward Ellice, quoted in Buckner, *The Transition to Responsible Government*, 251.
  - 32 Quoted in Armstrong and Stagg, 'William Lyon Mackenzie', *Dictionary of Canadian Biography*.
  - 33 I am not arguing, as Fernand Ouellet did, that a French-Canadian state led by Papineau and the *Patriotes* would have embraced a very conservative form of nationalism and therefore been unable to modernize. I am simply arguing that a Quebec based on its 1837 boundaries without access to external capital and markets would have faced great difficulties on a continent dominated by the United States. On Ouellet, see Poitras, 'L'impossible oubli', 340–64.
  - 34 Dunning, 'The Canadian Rebellions', 131, 133, 140.
  - 35 Bonthius, 'The Patriots of 1837–1838', 10, 17, 27, 30, 31.
  - 36 May, *Manifest Destiny's Underworld*, 10–13. In *Revolutions Across Borders*, ed. Dagenais and Maudit, a number of the authors argue that the Hunters were motivated by a desire to free Upper and Lower Canada from British tyranny and

the tyranny of capitalism rather than add land to the American Republic but while this may have been true of some of the more radical leaders of the movement it is unlikely to have been true of the majority.

- 37 Graves, in *Guns Across the River*, points out that of the 189 Patriot Hunters who can be identified, no more than 19 were Canadians (227). There is now a very large literature on those transported to Australia and it is marked by a very naïve portrayal of the convicts as examples of heroic popular resistance, rather than

participants on one side in what was at times a very bloody civil war.

- 38 On the long-term impact of British immigration, see Buckner, 'Making British North America British' in *Kith and Kin*, ed. Eldridge, chapter 2.
- 39 Ducharme, *The Idea of Liberty*, 102.
- 40 At this point in time Britain remained the dominant power on the North American continent. See Dyksta, *The Shifting Balance of Power* and Matzke, *Deterrence through Strength*.
- 41 This is the theme of Buckner, "British North America".

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## Conflict of Interests

The author declares that there are no conflicts of interests with this work.