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(Signed)..... *Carl M. Wallace*.....

PERMANENT ADDRESS:

..... *Dept. of History*.....
 *Laurier University*.....
 *Sudbury, Ontario*.....

DATED..... *October 25*..... 19 *72*.....

THE UNIVERSITY OF ALBERTA

SIR LEONARD TILLEY, A POLITICAL BIOGRAPHY

by



CARL MURRAY WALLACE

A THESIS

SUBMITTED TO THE FACULTY OF GRADUATE STUDIES AND RESEARCH

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The undersigned certify that they have read, and recommend to the Faculty of Graduate Studies for acceptance, a thesis entitled "Sir Samuel Leonard Tilley, a Political Biography," submitted by Carl Murray Wallace in partial fulfilment of the requirements for the degree of Doctor of Philosophy

Lewis H. Thomas
.....
Supervisor

Robert Breckon
.....

W. G. Thomas
.....

Robert [unclear]
.....

William P. Simpson
.....

D. J. Kerr
.....
External Examiner

Date . . . *October 24, 1972*

ABSTRACT

Sir Leonard Tilley: A Political Biography

This study examines the political career of Sir Leonard Tilley (1818-1896). During the second half of the nineteenth century he was one of the leading political figures in Canada. He served as Premier of New Brunswick from 1861 to 1865, and engineered the entrance of that province into Confederation against considerable odds. At Ottawa Tilley held the offices of Minister of Customs (1867-1873) and Minister of Finance (1873, 1878-1885).

For a number of reasons Tilley remains relatively unknown. As a person he was neither flamboyant nor vain-glorious, thus he did not attract headlines. While others talked and speculated, Tilley worked quietly and achieved most of his objectives. He was, consequently, successful, but not very well known. It was only after the Tilley Papers became available that a reevaluation of his career became possible. In 1958 the New Brunswick Museum acquired a valuable collection, and ten years later the Public Archives of Canada received an almost equally useful collection. Examined in conjunction with newspapers, government documents, and numerous private papers such as those of John A. Macdonald and Joseph Howe, the Tilley Papers provide some explanation for his prominence.

In New Brunswick before 1867 he was instrumental in creating and building a political party which retained power almost continuously from 1854 to 1867. In some respects he was a party manager, negotiating with

the many diverse interests in the Legislature and the province. After an initial failure with prohibition legislation, he concentrated on less divisive issues. Compromise and expediency became his guidelines, and railways were his main objective. He exerted pressure continuously for lines connecting the Maritimes with Canada and with the United States. It was the difficulties with Intercolonial negotiations that converted him to Confederation. He adopted it as a practical solution to a series of frustrations that occurred when he attempted to cooperate with the other British North American Colonies. The success of Confederation in New Brunswick, following its initial rejection, was in large part the result of Tilley's political acumen.

Though Confederation solved numerous problems, it created others, and during the first years there were difficulties with the eastern provinces. New Brunswick was disenchanted, Nova Scotia, belligerent. Tilley attempted to reconcile them, and at times became so depressed he wished to resign. Macdonald had need of his particular services, however, and convinced him to remain. By 1873 the process of integrating the Maritimes into Canada was well underway, largely through Tilley's efforts. With the Canadian Pacific Railway Scandal that year, Tilley escaped to New Brunswick as Lieutenant Governor.

His final years in politics were as Minister of Finance from 1878 to 1885. In 1879 he introduced the National Policy, which to him meant a tariff barrier that encouraged manufacturing in Canada. That policy was a logical extension of the nationalizing tendencies begun in 1867 when the various federal organizations such as the post office and the customs administration were developed. Tilley emerged in those years as a "Greater Canada" nationalist.

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The materials on which this study is based are housed in many archives. To Mrs. M. Robertson and her staff at the New Brunswick Museum I owe a special debt. They tolerated me for months, providing assistance one rarely expects. Robert Fellows of the New Brunswick Provincial Archives also went out of his way to help me. To Dr. Wilfred Smith and the staff of the Public Archives of Canada I am indebted, especially for their permitting me to use the new Tilley Papers before they were itemized. Mrs. N.L. Boon and her assistants at the University of New Brunswick could not have been more cooperative. Finally, I wish to thank the Library staff at Laurentian University, especially Mrs. Joan Mount in public documents.

I could not have visited any of the archives without research grants. The Canada Council, University of Alberta, and Laurentian University have all been most liberal in this respect. I wish also to thank Mrs. Judith Barry who has typed the manuscript and is still talking to me. Finally and above all, I wish to thank my wife, Jean, who has survived the subject from beginning to end, offering good humour and ready assistance throughout.

Table of Contents

	Page
Abstract	iii
Acknowledgments	v
Preface	vii
Chapter	
I. Background and the Ferment of Reform, 1818-1851	1
II. Provincial Secretary and Prohibition, 1851-1856	30
III. The Making of a Premier, 1856-1861.	82
IV. The Pursuit of the Intercolonial, 1861-1864	133
V. "Breakers Ahead," 1864-1865	177
VI. "We shall all be bound together," 1865-1867	215
VII. "Tilley dances whilst New Brunswick weeps," 1867-1870	259
VIII. "The doctrine of 'Expediency'," 1870-1878	291
IX. "Canada for the Canadians," 1878-1896	335
Conclusion	386
Bibliography	395

Preface

The mention of Sir Leonard Tilley's name can still cause a pause in a conversation in New Brunswick. He was, according to tradition, the Father of Confederation in that province, and he was a temperance fanatic. Little else is known of him. The odd person will remember when he was premier of the province, not realizing that it was his son, Leonard P.D. Tilley, who held that office in the dark days from 1933 to 1935. The Sir Leonard Tilley examined here was of the nineteenth century. He served as premier of New Brunswick from 1861 to 1865, and Provincial Secretary, with the exception of two short interludes, from 1854 to 1867. After Confederation he became a federal cabinet minister responsible first for the Customs Department and later for the Finance Department. He was one of the important men of the second rank, one of Alan Wilson's "Forgotten Men of Canadian History."¹

A reflection of this is in the trouble with his name. For some reason he is rarely called Sir Leonard Tilley, but usually Sir Samuel Leonard Tilley, even though the first name was never used during his lifetime. He was Lennie, or Len, or Till, never Samuel. West of the New Brunswick-Quebec border the name Tulley will appear on occasion, apparently a reflection of the tendency of some Canadians to collectivize the Maritimes and unite Tilley with Tupper.

Three communities have a claim on Tilley, Gaagetown, Fredericton, and Saint John. Gaagetown lionizes him and has converted what is reputed to have been his birthplace into the attractive Queen's County Museum. Local

enthusiasts point to the room where he was born, or where he ate, or where his desk sat, little caring that he left Gagetown at the age of thirteen, and probably never lived in more than a fraction of a building that has gone through innumerable additions, reconstructions and renovations. Fredericton, where Tilley spent his most productive years in politics, has shown little interest in him. He came from Saint John, a sin that few in Fredericton could forgive. There are no statues of Tilley in the Capital, but there is Sir Leonard Tilley Hall at the University of New Brunswick. Built in the 1960's, it is more attractive than most modern university buildings. A marble stone was suitably inscribed and set in place for untold thousands of students and visitors to pass and read. Unfortunately, the date of his birth was not at hand, and an incorrect one was selected.

Saint John, which was Tilley's real home, has done a little better by him. A bronze statue stands in King Square at the centre of the city, casting its eyes toward King Street, on which he spent much of his life. A grateful city has preserved the likeness against weathering that plagues so many dead heroes. Children still tramp by the statue on their way to and from school, and in the winter it provides an excellent target for those inevitable snowballs, many thrown with deadly accuracy.

The New Brunswick Museum in Saint John has preserved innumerable collections, and one of its best is about the Tilley family. It was while working on my M.A. thesis on Sir Albert Smith that I first used those papers. A few days rummaging in some of the fifty-four boxes left the impression that Tilley could be the basis of a study and that those papers might permit a

fresh look at the period of New Brunswick history after 1850. There were, at that time, few studies available on either the politics or the men. James Hannay's History of New Brunswick (1909) and his biographies of L.A. Wilmot and Tilley, though written between 1895 and 1910, remained the standard works.² Hannay's Life and Times of Sir Leonard Tilley first appeared in 1897 and was reissued in an abridged version in the Makers of Canada series. Fewer than one hundred of its pages are about Tilley, and it was, in addition, a semi-official, uncritical study that limited itself, for the most part, to the years before 1867.

In 1963 W.S. MacNutt's New Brunswick: A History was published,³ and it was recognized immediately as a major contribution to Canadian historiography, especially in that growing area of regional studies. Limiting himself to the pre-Confederation years, MacNutt attempted to reconstruct the politics and society as thoroughly as possible. The task was enormous and the research required so extensive that he tied his study to a few basic themes. The main one was that the Lieutenant Governors in their despatches to the Colonial Office provided the best available view of affairs in New Brunswick. For the Tilley years between 1854 and 1867 MacNutt presents New Brunswick and its problems as seen through the eyes of Lieutenant Governors J.H.T. Manners-Sutton and A.H. Gordon. Those men brought a distinctive sensibility to New Brunswick, and it is not surprising that undereducated colonial politicians like Tilley and Charles Fisher fare rather badly before their imperious gaze. Their opinions and the Colonial Office papers, in general, are an invaluable source to New Brunswick history. The Tilley papers, however, provided the

opportunity to view the subject from the interior of the province, not the exterior. They were not, unfortunately, available to MacNutt. The collection in the Public Archives of Canada, which is almost as useful as that in the New Brunswick Museum, was only acquired in 1968.

The Tilley Papers have permitted a different perspective on the men and events of the period, especially on Tilley himself. He was a North American, not a Britisher living in New Brunswick, and it is in that context he is presented here. His involvement in the temperance movement and in the many railway ventures is examined as a product of the currents then prevalent in North America. Politics in New Brunswick is also considered as part of the North American fabric, and it is questioned whether New Brunswick politics and politicians were really different from those of any other colonies, or so totally different from those of Britain. The Lieutenant Governors who came to British North America appear to have forgotten everything except the brilliance of the system at home.

The subject of Confederation has been so well examined of late that I have limited this study to Tilley's role in the event, especially as revealed in the new Tilley papers. The post-Confederation era, on the other hand, has still only been scratched. An analysis of Tilley's career would suggest that the phrase "critical years" is more appropriate for the period between 1867 and 1873 than for the earlier years. The process of integration was both painful and difficult, and Tilley was deeply involved, though he held an inferior position at Ottawa until 1873. Tilley's introduction of and defense of the National Policy form the last section of the thesis. By that time the arguments over Confederation were set

aside as attention was turning to the direction of the new country, with Tilley assuming the role of a political and economic nationalist.

Tilley's career was long, stretching from 1849 to 1885, and it encompassed a multitude of changes. This thesis attempts to explain both the man and his political durability.

¹Alan Wilson, "Forgotten Men of Canadian History," Canadian Historical Association, Report, 1965.

²James Hannay, History of New Brunswick. 2 vols. (Saint John, 1909); Life and Times of Sir Leonard Tilley (Saint John, 1897); Lemuel Allan Wilmot (Toronto, 1907).

³W.S. MacNutt, New Brunswick: A History, 1784-1867 (Toronto, 1963).

I

Background and the Ferment of Reform

1818 - 1851

In May, the month of Samuel Leonard Tilley's birth, the ice leaves the St. John River. High waters flood the valley, but that in itself is a promise of spring. The fiddleheads, those ostrich ferns much relished by New Brunswickers, provide in May the first fresh vegetables of the season. The river stretches the full length of the western side of New Brunswick and in the spring is a particular centre of interest. The flooded valley spells the end of the long winter and welcomes the hustling lumbermen and the river boats. In May of 1818 the annual return to activity had begun.

Though others had preceded them, it was the Loyalists who filled the valley and intervale lands of the St. John. It quickly became the major thoroughfare of the province, dominated by the bustling city of Saint John, which sits on the rocks at the mouth of the river. About one hundred miles upstream on a lazy bow in the river rests Fredericton, the quiet little provincial capital. Midway between the two lies Gagetown, a village founded in 1792 with much enthusiasm for its future as the halfway point between the commercial and the political capitals. Greatness has evaded Gagetown, for up to the present it remains "its charming, quiet self, dreaming under its elms."¹

¹ Esther Clark Wright, The St. John River and its Tributaries (1966), p. 103.

Samuel Leonard Tilley was born at Gagetown on May 8, 1818. As a boy he undoubtedly played along the banks of the St. John and wondered where all the boats were going. The tales of the boatmen may even have made places like Saint John and Fredericton sound mildly exotic. When the time came for him to set out on his own, Tilley headed for Saint John. Throughout the rest of his life he was to ply up and down the river. In a way he was never to leave it. His years in Ottawa after Confederation barely disturbed his New Brunswick roots, and he returned to end his life within the sound and smells of the river meeting the Bay of Fundy.

1

The Tilleys were Loyalists. A Samuel Tilley of Rhode Island arrived in Parrtown with the Spring Fleet of May, 1783.² He was the great-grandfather of S. L. Tilley. Samuel's son, James, and his son, Thomas Morgan, made their home up the river in Sunbury County. Thomas Morgan tried lumbering, house joining and building before settling on storekeeping at Gagetown in Queen's County. On April 5, 1817, he married Susan Ann Peters, also of Loyalist stock.³ The young couple moved into a house on a three acre lot in Gagetown that had been the property of his grandfather. About a year later on May 8, 1818, their first child was

² James Hannay, The Life and Times of Sir Leonard Tilley (Saint John, 1897), p. 176. A story of uncertain origin is told of S. L. Tilley's grandmother. She is reported to have told one of her descendants: "I climbed to the top of Chipman's Hill and watched the sails disappear, and such a lonely feeling came over me that, although I had not shed a tear through all the war, I sat down on the damp moss with my baby in my lap and cried." Quoted in W. O. Raymond, The River St. John (2nd ed.: Sackville, 1950), p. 254.

³ Hannay, Tilley, pp. 177-178. The Peters family was quite prominent. Susan Ann's father was Member of the Legislative Assembly for Queen's County.

born. This was Lennie. His full name was Samuel Leonard, after relatives on both sides of the family.⁴

Of Tilley's childhood and education little is known. He attended a primary school from 1823 to 1827 under a Samuel Babbitt, Clerk of the Parish, and was transferred to a grammar School in 1827 where a graduate of Dublin University, William Jenkins, was the teacher.⁵ Tilley spoke in later years of Jenkins' harshness, especially of his use of a birch rod. The only other incident that Tilley mentioned of his school days was the visit of Lieutenant Governor Sir Howard Douglas "in a blue coat and brass buttons," from whom he received a Spanish quarter-dollar.⁶

Of the quality and extent of the education received by Tilley in his seven or eight years at school, one can only guess. His first four years were in a Madras School, which operated on the monitorial system, under the auspices of the missionary wing of the Anglican Church.⁷ In addition to stressing church catechism the Madras Schools emphasized "reading, spelling and writing", "arithmetic or 'ciphering,' as it was then called." There was also "the history of England, Rome and Greece, the use of globes and geography," all of this meted out under a highly rigorous disciplinary system.⁸ Tilley was provided, it seems, with the

⁴There was an uncle, Samuel Leonard Peters in addition to Samuel Tilley, his grandfather. Hannay, Tilley, claims he was named after his uncle, p. 179.

⁵Hannay, Tilley, pp. 179-180. In 1858 Tilley visited Jenkins in Quebec.

⁶Ibid., p. 181.

⁷See Katherine F. C. MacNaughton, The Development of the Theory and Practice of Education in New Brunswick, 1784-1900 (Fredericton, 1947), pp. 65 ff.

⁸From W. O. Raymond, "New Brunswick Schools of the Olden Times," Educational Review, Vol. viii, pp. 51-52. Quoted in G. U. Hay, "History of Education in New Brunswick," Canada and its Provinces, Vol. 14 (Toronto, 1913), pp. 548-550.

basic education and had a considerable advantage over most of his age in New Brunswick. His real education began, however, when at age thirteen he moved to Saint John.

Thirteen was a youthful age to be setting out on one's own, even for the 1830's. James Hannay, Tilley's biographer, claimed that ambition sent Tilley to Saint John.⁹ Perhaps it was. It may also have been that as the eldest child in a family of eight, he left to ease the load at home or to assist financially. He did not exactly set out on his own. His great-grandmother still lived in Saint John and there were other relatives. Tilley probably lived with an aunt and uncle, Elizabeth and Jeremiah Gove.¹⁰ Their son, Samuel Tilley (b. 1813), who became a prominent St. Andrew's physician, remained a lifelong friend and consultant to S. L. Tilley.

Shortly after arriving in Saint John, Tilley became a druggist apprentice under Dr. Henry Cook, Surgeon.¹¹ When the doctor closed his laboratory at the end of 1834,¹² Tilley transferred his services to W. O. Smith, Apothecary, with the usual "Perfumery, Pickles, Sauces, Spices, Dye Stuffs . . . anti bulbous pills . . . hair powder . . . wine and beer corks . . . Paints, Varnishes Snuffs."¹³

Tilley had finished his apprenticeship by May of 1838 when he announced, a few days after his twentieth birthday, the opening of Peters and Tilley, an early discount drug store. Their first advertisement on May 12 ran as follows:

⁹Hannay, Tilley, p. 181.

¹⁰Elizabeth (Tilley) Gove was Tilley's aunt, the daughter of Samuel Tilley.

¹¹New Brunswick Courier, Saint John, April 30, 1831.

¹²Ibid., January 31, 1835.

¹³Ibid., January 10, 1835. Hannay, Tilley, p. 183, says that Tilley moved to Smith in February, 1835.

CHEAP DRUG STORE!

No. 4,

North Side of King Street

Just received and for sale by the Subscribers,
-A supply of Drugs, Medicines, Patent
Medicines, Paints, Oils, Glass, Dye Stuffs,
Snuff, &c, &c, at lowest market prices.

-also-

From the Agricultural Seed Store, Boston:-
Fresh Garden, Grass, and Flower seeds,
warranted the growth of 1837; and a few
small Boxes, containing a splendid
assortment for Private Gardens

May 5 - 6 * PETERS & TILLEY¹⁴

Located within a few steps of original Loyalist landing place,
the store was close to the shipping and commercial centre of the city.
The Peters - Tilley partnership prospered and expanded as the years went
on. In 1846 they took a lease on an adjoining property.¹⁵ All the while
they advertised aggressively and "sold Wholesale or Retail for the lowest
CASH price"¹⁶ goods which had been imported from both Europe and the United
States.¹⁷

Tilley had barely turned thirty when on May 13, 1848, Peters
dropped out of the advertisements as a partner, and S. L. Tilley, Druggist,
became sole proprietor¹⁸ and for the next six years maintained the business.
By 1854 T. B. Barker was employed as an assistant. Barker and his sons
gradually took over management of the store, as Tilley developed other

¹⁴ Ibid., May 12, 1838. His partner was Thomas W. Peters.

¹⁵ Tilley Papers (New Brunswick Museum, hereinafter cited as NBM). The
ten year lease was dated Dec. 16, 1845, and was to come into effect on
May 1, 1846.

¹⁶ New Brunswick Courier, May 26, 1838.

¹⁷ Ibid., August 7, 1848.

¹⁸ Ibid., May 13, 1848.

interests. He finally sold out to Barker in 1860.¹⁹

It is difficult to measure business success. Contemporaries considered Tilley highly successful with his annual income of £1200. Lieutenant Governor Manners-Sutton described him in 1854 as "possessed of what is here considered a considerable amount of property (from £10,000 to £15,000)."²⁰ Much of that property was in real estate, a sideline in which Tilley maintained a lifelong interest.²¹ Tilley's entrance into politics in the 1850's was from the background of a successful businessman. By the 1850's, however, he had other interests that contributed to his success.

ii

Tilley was a member of the Church of England and surely had the Catechism drilled into him in the Madras school he attended. The varieties of Anglicanism, however, permitted a wide range of approaches to Christianity. Saint John in the 1830's was the centre of the "Low Church" in the province. According to W.O. Raymond, the clergyman-historian of New Brunswick, "Anything savouring of sacerdotal claims, even of the mild pre-Tractarian type, was gall and wormwood, Rome and the Scarlet Lady personified."²²

¹⁹ Tilley Papers (Public Archives of Canada, hereinafter cited as PAC), T.B. Barker to Tilley, April 14 [1859], and March 16, 1860. The transfer took place on Jan. 1, 1860. Tilley sold the merchandise but retained the building. He also loaned Barker the money to purchase the merchandise. See Tilley Papers (NBM), Jan. 2, Feb. 1, 1860, for legal papers. Hannay, Tilley, p. 185, states that the transfer took place in 1855.

²⁰ Public Record Office, Colonial Office (hereinafter cited as C.O.) 188/124, Manners Sutton to Grey, Jan. 8, 1855. For the annual income of £1200, see Tilley Papers (PAC), John Boyd to John Cudlip, Private, March 31, 1863. This letter was sent to Tilley but not to Cudlip.

²¹ For early transactions see Tilley Papers (NBM), Nov. 1, 1845, Nov. 19, 1850, Sept. 20, 1851, and Nov. 27, 1852.

²² W.O. Raymond, "John Medley" in W.B. Heeney, Leaders of the Canadian Church (Toronto, 1918), p. 119.

For almost half a century after 1825 Rev. Benjamin Gerrish Gray and his son, John William Derring Gray, were the guardians of the Saint John "Low Church." When Grace Church, Portland, required a new rector in 1836, a former Methodist, Rev. William Harrison was appointed as a result of Benjamin Gray's influence.²³ The growth of Portland, a suburb of Saint John, soon rendered the original Grace Church inadequate, and a new building was erected as St. Luke's Church, which was officially opened on December 23, 1838.²⁴ Whether it was the attraction of the new church or the inspiration of the Rev. William Harrison, Tilley went to St. Luke's. J. W. Lawrence, then Tilley's close friend, wrote in his "Reminiscences":

It was at this time 1839 consequent on a sermon by Rev. William Harrison in Portland Church, S.L.T. made a new departure. The change was a notable one. He became a Sunday School Teacher. J.W.L. although a stranger to Portland and its Rector, became a Teacher, consequent on S.L.T. and continued for eight years.

It may have been that Tilley experienced some form of conversion for he was soon active in many Church affairs. In his own reminiscences of the early days of St. Luke's Tilley wrote: "I acted as Vestry Clerk from 1840 to 1855, and had charge of the finances of the Church up to 1852, when Mr. Robert Middlemore was authorized to collect the pew rents, and to attend to the financial matters generally."²⁶

Tilley's Sunday School teaching had one result which may not have been expected. A Miss Julia Ann Hanford taught one of the classes.

²³ L. G. Stevens, ed., A Review of the First Half Century's History of St. Luke's Church, Portland, St. John, N.B. (Saint John, 1887), p. 13.

²⁴ Ibid., pp. 33ff.

²⁵ Joseph W. Lawrence, "Reminiscences of the Association of J.W. Lawrence with S.L. Tilley, 1835-1885," New Brunswick Museum, unpublished manuscript, 1885, hereinafter cited as Lawrence, "Reminiscences."

²⁶ Stevens, History of St. Luke's Church, p. 62.

This association led to marriage on Saturday, May 6, 1843, at St. Luke's with Mr. Harrison performing the service.²⁷ Joseph Lawrence announced the happy event to the public by ringing the Church Bell. The Tilley's undoubtedly felt a strong attachment to Harrison. When their first child, a son, was born about a year later (April 26, 1844), they christened him William Harrison Tilley. Twenty-three years later the boy became an Anglican curate under Mr. Harrison at St. Luke's.²⁸

Harrison, a former evangelical Methodist preacher, was very much a member of the low church conviction, as reflected by his "active nervous temperament," his adherence "to the 'old paths' in the mode of conducting liturgic worship, in the subjects of sermons based on Catholic doctrine 'as the truth is in Jesus,' in the celebration of the Holy Communion and in the parochial administration."²⁹ This naturally pleased Tilley, who remembered Harrison as a man "greatly respected and beloved by his people, and his earnest and faithful preaching was signally blessed, adding largely to the list of communicants."³⁰

Perhaps as a result of his involvement with the Church, Tilley was drawn to the temperance movement. The first Portland Temperance Society was organized in Grace Church in 1832 with the Rev. Benjamin Gray as the instigator.³¹ Tilley may well have been inclined to temperance before

²⁷ Morning News, Saint John, May 8, 1843.

²⁸ Stevens, History of St. Luke's Church, p. 67, p. 71.

²⁹ Ibid., p. 64.

³⁰ Ibid., p. 61. In what appears to have been a move to avoid staying with the Tractarian Bishop Medley in 1862, Harrison gratefully accepted an invitation to stay with Tilley. "Will you do me the kindness to say to the Bishop," Harrison concluded, "that I am to be your guest while in Fredericton." Tilley Papers (PAC), Harrison to Tilley, Oct. 22, 1862.

³¹ Ibid., p. 11.

joining St. Luke's. He claimed to have joined the order in 1837, although J.W. Lawrence later declared: "The spring of 1840, J.W.L. and S.L.T. together took the Total Abstinence Pledge."³² Both may be correct, for temperance did not necessarily mean total abstinence; in fact, there was much confusion and dissent in the many temperance movements.

American in origin, the temperance movement had spread to the British North American provinces almost immediately. That there was an alcohol problem during the period is hardly debatable.³³ Solutions varied from the recommendation of moderation to the implementation of legal prohibition of all uses of alcohol. It would be a mistake, however, to view the temperance or prohibition movements in isolation as is frequently done.³⁴ Tilley, for example, is usually classed as a temperance leader, as if this description characterizes the whole individual. People are obviously much more complex than that. More can be understood of the temperance movement and the people in it if they are considered as part of the total milieu of revivalism and social reform which permeated North American society in the decades before 1860, especially the evangelical

³² Lawrence, "Reminiscences," but see Dawson Burns, Temperance History: A Consecutive Narrative of the Rise, Development and Extension of the Temperance Reform, Vol. I, 1826-61 (London, n.d.), p. 131, in which Tilley states that he joined the movement in 1837. Speaking in Manchester in 1861 Tilley said that he had been associated with the "Temperance movement for upwards of 20 years." See "Meeting of the Order of the Sons of Temperance in Manchester," The United Order of The Sons of Temperance of Great Britain and Ireland (Manchester, 1862), p. 16. A copy in the New Brunswick Museum.

³³ See J. K. Chapman, "The Mid-Nineteenth-Century Temperance Movement in New Brunswick and Maine," Canadian Historical Review, XXXV, 2 (June 1954).

³⁴ For the most recent example see W. S. MacNutt, New Brunswick, A History (Toronto, 1963), p. 356.

protestant elements of it.³⁵ C. S. Griffin in Their Brothers' Keepers suggests that the concept of moral stewardship of the whole society led the reformers in many directions and at the same time: anti-slavery movements, Bible societies, Sunday schools, missions, penal reform, democracy, equal rights for women, public schools: the list is long. Membership in one society or movement almost invariably meant membership in others. As a result it was often difficult to hold a group to a cause, especially if there was a division on certain issues such as the role of women or the Negro.³⁶ The temperance movement was especially susceptible to this sort of division, all the more so because there was a wide divergence of opinions on the cure for the problem. The hard core, however, in its benevolent trusteeship, passed from moral suasion to political activism.

Tilley's role in the temperance movement was certainly to be a prominent one, both at the provincial and the international level; yet he was also very active in Bible societies, in Sunday schools, in municipal reform, in common or public schools, in political reform, and he opposed slavery and supported a "coloured school" near Saint John.³⁷ More is to be understood of Tilley as he is seen in the evangelical-reform setting than as a bottle-busting prohibitionist. His association

³⁵ For an examination of this subject see T.L. Smith, Revivalism and Social Reform: American Protestantism on the Eve of the Civil War (New York, 1965 [1957]); Alice Tyler, Freedom's Ferment (New York, 1962 [1944]); C. S. Griffin, The Ferment of Reform, 1830-1860 (New York, 1967), and Their Brothers' Keepers: Moral Stewardship in the United States, 1800-1865 (New Brunswick, 1960).

³⁶ Griffin, Their Brothers' Keepers, pp. 6-7.

³⁷ See the New Brunswick Courier, Oct. 6, 1849, for an article on the "coloured settlement" in Loch Lomond and another on their total abstinence society. For the Bible Society see New Brunswick Courier, Dec. 7, 1850, Jan. 11, 1851, and Nov. 12, 1853.

with temperance, it will be recalled, almost coincided with his joining St. Luke's Church.

Throughout the 1840's the temperance movement expanded rapidly with Sons of Temperance becoming the most prominent.³⁸ By 1847 the Sons had spread across the New Brunswick border from Maine, where Neal Dow, the "Napoleon of Temperance", was giving leadership to much of the United States.³⁹ On March 8, 1847, the first provincial organization of the Sons was set up with others following quickly. A Provincial Grand Division of New Brunswick was formed on September 16 at St. Stephen. At the third Session of the Provincial, held at Fredericton, Tilley, a member of the Portland Division, No. 7, was initiated into the larger body. By March 14, 1848, he appeared as a co-signee of a circular from the Provincial Temperance Union which called for a "TEMPERANCE REFORMATION" by the abolition of "traffic in ardent spirit and other intoxicating liquors."⁴⁰ To Tilley, legal prohibition was not only desirable but essential for the solution of the serious social problem.

Thereafter Tilley was at the centre of all Temperance activities. When the Most Worthy Patriarch of the Sons of Temperance visited Saint John in May of 1848, Tilley, the local secretary, made the announcement.⁴¹ He spoke at public lectures and at "Temperance Soirees"; he presented petitions, wrote letters and attended meetings. In May of 1849, for example, he and others attended the meeting of the National Division of the American Sons of Temperance at Cincinnati, at which meeting the name was changed

³⁸The best survey is still J. A. Krout, The Origins of Prohibition (1925).

³⁹Frank L. Byrne, Prophet of Prohibition: Neal Dow and His Crusade (Madison, 1961), p. 48.

⁴⁰"Circular - - - Send to your neighbour," Saint John, March 14, 1848. A copy of this in the New Brunswick Museum.

⁴¹New Brunswick Courier, May 13, 1848. The Most Worthy Patriarch was Philip S. White of Pennsylvania.

to the North American Division "in compliment, we understand, to the British Provinces."⁴² The passing of the Maine Law in 1851, a stringent prohibition law, had an effervescent effect in New Brunswick. On May 19, 1851, "the greatest gala day ever observed by the Sons of Temperance in the Province of New Brunswick" was held in Saint John, with Tilley a key speaker.⁴³ An indication of his prominence in the movement was demonstrated at the annual meeting of the Sons of Temperance in 1854. To begin with, it was held in Saint John. The most important result of the meeting was the unanimous selection of Tilley as the Most Worthy Patriarch of the National Division of the Sons of Temperance of North America on June 16. It was the highest office in the order.

Tilley and Temperance became and remain almost synonymous. Perhaps it is as just as it is unavoidable, since labels seem to be required. It was not the temperance movement which first put Tilley before the public; it was a combination of organizations. While he was still a teenager he joined the newly formed St. John Young Men's Debating Society. By 1839 he was vice-president and in 1840 he was President.⁴⁴ It was through the Debating Society that Tilley became friends with Joseph W. Lawrence, a friendship that was to last for fifteen years. W. O. Smith, Tilley's employer, remembered that "it was a common event in

⁴² Head Quarters, Fredericton, June 6, 1849. Asa Coy of Fredericton and Tilley attended.

⁴³ Morning News, May 21, 1851. See New Brunswick Courier, May 24, 1851. The interaction between Maine and New Brunswick was well demonstrated on July 1, 1850, when a "Great Temperance Demonstration" was held at Calais, Maine, under the auspices of the Sons of Maine and New Brunswick. Head Quarters, August 7, 1850.

⁴⁴ Avery's Almanac, 1839, and Chubb's Almanac, 1840.

his store for Tilley and Lawrence to continue in the declining hours of the afternoon the discussion of the previous evening at the [Debating] Club over the top of the large show-case, in which various toilet requisites were displayed."⁴⁵ Since the society debated the political issues of the day, the influence was probably significant. To keep up on their research, Lawrence and Tilley "jointly subscribed for the New York Albion, a \$6 newspaper, chiefly for the Debates of the British Parliament. S.L. having the first reading. J.W.L. keeping the newspaper."⁴⁶

The most important organization Tilley attended was the Mechanics' Institute. Lieutenant Governor Sir John Harvey had laid the corner stone for a large Mechanics' Institute building on May 27, 1840.⁴⁷ The Institute quickly became the centre for discussion on subjects of any nature, ranging from political, economic and scientific to classical, humanitarian and transcendental. Tilley was only an interested member in the first years, but on March 18, 1842, a letter to the editor appeared in the Saint John Morning News which accused the Mechanics' Institute of being in a mess, especially financially. Both an audit and an investigation were demanded. By the time of the annual meeting on April 11, 1842, changes had taken place. The treasurer's report was sent to a committee for study. The

⁴⁵ As related by George Stewart in Sir Leonard Tilley (Montreal, 1892), p. 322. Stewart knew them all well. He lived in Saint John from 1850 to 1870 and produced Stewart's Quarterly (1867-1872).

⁴⁶ Lawrence, "Reminiscences." Tilley was also a member of the Saint John City Light Infantry unit. On October 16, 1843, he appeared on the rolls as Quartermaster, and he remained there until at least 1864. Benjamin L. Peters was Lieutenant Colonel and Commandant. W.O. Smith was a Captain, and Tilley's business partner, Thomas W. Peters, was adjutant. See New Brunswick Almanac and Register, 1851, p. 73.

⁴⁷ G. E. Fenety, Political Notes and Observations, Vol. I (Fredericton, 1867), p. 45.

retiring treasurer was thanked for his contribution and services, and a new treasurer, S. L. Tilley, joined the executive.⁴⁸ He held the position for four years and remained on the Council at least until 1848. During those years the Institute was a vital body in Saint John. Practically all the leaders of the community were members. Among those with whom Tilley was to have a close association were Hon. John Robertson, a Legislative Councillor and very successful businessman, William J. Ritchie, a leader of the Reformers in the Assembly, Charles Simonds, the longest sitting member of the Assembly (1820-1846), and George Fenety, a Joseph Howe apprentice and proprietor of the liberal Morning News. Needless to say, the associations Tilley formed in those years were to be useful as his political career developed.

iii

By the spring of 1848 Tilley was a respected and thriving thirty year old businessman, active in his Church and in a variety of clubs, associations and movements. He was thorough, honest and clever with finances -- a young man most definitely to be watched. He had just become the sole proprietor of his highly successful drug store located near the heart of Saint John. The commerce of the province was controlled within the view of his drug store, and in 1848 the commerce of the province was stumbling. The international recession combined with the loss of British preferences were the apparent causes of the problems.

George Fenety decided that strong action was needed and used the pages of his Morning News as the mouthpiece for the Reform Club, formed

⁴⁸Morning News, March 18, April 13, 1842.

during the last week of April, 1848. The objectives of the Club were not entirely clear, but it unmistakably laid the blame for New Brunswick's difficulties on recent changes in Britain and, therefore, questioned the value of the British connection. The Club called for political, agricultural and commercial reform and supported free trade. More specifically, it sought to increase the representation of Saint John, the mercantile centre, in the Assembly, and even wanted the capital moved to Saint John from that "little pimple of Fredericton, where diccipation, [sic] extravagance and corruption run riot."⁴⁹

Though Tilley and Fenety were in agreement on many issues, Tilley could hardly have joined the Reform Club because he was a protectionist, not a free trader. In a bye-election in Saint John in 1849 Tilley seconded the nomination of Barzella Ansley, an avowed protectionist and the victor in the election. Dr. Livingston, the Reform Club candidate, came in a poor third.⁵⁰ The Reform Club never really got off the ground, but it did provide the base for an organization that was more effective, and united Tilley and Fenety.

⁴⁹ Ibid., Nov. 20, 1848, but see April 2, Nov. 8, 1848, and Jan. 10, 12, 17 and 22, 1849. The most useful study of the movements in Saint John at this time is D.F. MacMillan, "Federation and Annexation Sentiment in New Brunswick, 1848-1851." Unpublished M. A. thesis (U.N.B.), 1961.

⁵⁰ James Hannay, History of New Brunswick, Vol. II (Saint John, 1909) p. 124. See Fenety, Political Notes, p. 295. Fenety supported Livingston, the "Father of Liberalism" in New Brunswick. Fenety wrote of this election: "It was a time of great political and religious excitement, there being no less than six parties at work in the province - viz: the Responsible and anti-Responsible - the Protectionist and Free Trader - the Orange and the Catholic. And every party was pulling in diverse directions. True there was no organized Catholic party, but there was an organized Orange party in the Province." He goes on: "The contest hinged upon 'Catholic or Protestant ascendancy'. The friends of Mr. Ansley and Mr. Watters rushed to the polls to save their religion! With them Responsible Government was a secondary matter - a thing that would keep for another occasion."

In March, 1849, the New Brunswick Assembly rejected the Saint John to Shediac Railway scheme, a project dear to the hearts of the Saint John business community. To make matters worse, the Attorney General, L.A. Wilmot, had ridiculed the whole idea. "I can fancy myself being at St. John," he declared, "and witnessing the arrival of the Lake Lomond train, laden with huckle-berries and birch brooms! Yes! - and there is raspberries too."⁵¹

The reaction to all this was "A Revolution in St. John." "Never since the day when the tea was thrown overboard in Boston harbour, has there been such a sensation created in any community," remarked the Morning News. "Men do not conceal their thoughts and aspirations any longer. An expression looked on six months ago as something very seditious, is now considered rather reasonable than otherwise."⁵² A few days later, on April 2, 1849, The Rail-Way League was formed at a public meeting at the Court House. Tilley not only joined the League but was a member of the Committee. The basic premise of the League held: "Whoever labours for the introduction of Railways has, therefore, more than ordinary rewards for exertion. He is working for humanity - for progress - and for the highest good of his race."⁵³

Into this general atmosphere of discontent burst the Rebellion Losses Bill, the Montreal riots, the annexationist sentiment, the British American League, and the Annexation Manifesto. The discontent in New Brunswick combined with the activity in Canada produced a number of

⁵¹ Fenety, Political Notes, p. 268.

⁵² Morning News, March 30, 1849.

⁵³ Quoted in the Morning News, April 11, 1849. Also on the committee were Dr. Robert Bayard, J. H. Gray, J. W. Lawrence, W. J. Ritchie, R. D. Wilmot, M. H. Perley, Thomas Hanford, and William Wright.

results. On July 24, 1849, a "spirited and enthusiastic" meeting called by the Rail-Way League was held with most of the "leading merchants and active business people" present.⁵⁴ It was followed by a second meeting on Saturday, July 28, out of which grew the New Brunswick Colonial Association. "Never," observed the New Brunswick Courier, "was there a more respectable assemblage of persons in Saint John."⁵⁵ The resolutions adopted were strong, and more critical of Britain than might have been expected from the participants. The depression, the loss of British preferences, and the declining markets were defined as the problems, and a combined British North American effort was recommended. The fifth resolution, with a reciprocity tone, was moved by James Whitney and seconded by S.L. Tilley.

Whereas, The Future prosperity of this Province depends mainly, if not exclusively, upon the opening of new Markets for its Exports, and it becomes our duty to use all legitimate means to attain this vitally important object: Therefore Resolved, That if it be incompatible with the general interests of Great Britain, that these colonies should have protection in her distant, and their only market, it is but justice that she should find them other Markets on reciprocal terms where proximity or other advantage would enable them to maintain a trade by which their existence as British Colonies may be continued.⁵⁶

Calling for all British North American colonies, "cordially united in all legitimate means" to work for relief, the New Brunswick Colonial Association planned aggressively and confidently. Tilley was a member of the rules committee and was elected treasurer of the Association on August 13.⁵⁷ A major meeting was called for the Mechanics' Institute

⁵⁴ Morning News, July 27, 1849.

⁵⁵ New Brunswick Courier, August 4, 1849.

⁵⁶ Morning News, July 30, 1849, and New Brunswick Courier, August 4, 1849.

⁵⁷ New Brunswick Courier, August 18, 1849. Other members of the executive were Charles Simonds, President; John Robertson, Dr. Bayard and F.A. Wiggins, Vice-Presidents; John Cudlip and Charles Watters, Secretaries; and J.W. Lawrence and Edward Allison, Directors.

for September 4 to discuss British policy which was "entirely regardless of Colonial interests and indifferent as to retaining these Provinces as dependencies of the British Empire." Other topics to be discussed were the union of the colonies and the problems of government and trade.⁵⁸ That meeting was to be the climax of the activities of the Association. J.W. Lawrence, seconded by R.D. Wilmot, moved a resolution calling for protection of agriculture, industry and the fishery, and demanding reciprocity and the power to seek foreign treaties, otherwise "We shall be compelled, of necessity, to seek separation, as it would be incompatible with the dignity of British subjects quietly to submit to the existing state of things." Heated debate and amendments were concluded by J.H. Gray's amendment calling for "a Federal Union of the British North American colonies, preparatory to their immediate independence."⁵⁹ Though passed by one vote, the motion was withdrawn and the meeting adjourned for ten days.

Loyalist Saint John was rather agape over all this. The community leaders had actually debated and voted on the possibility of separation from Britain. That such a debate could have taken place indicated both the disenchantment of the time and the new orientation that was taking place in the minds of people, at least in Saint John. Out of this no Declaration of Independence emerged. The meeting of September 14, 1849, floundered over a number of resolutions, defeating all of them. Some form of Federal Union was supported, and two members of the executive were chosen to attend the meeting of the British American League in Montreal. President Charles Simonds and Vice-President John Robertson did go to

⁵⁸Ibid., August 25, 1849.

⁵⁹Ibid., Sept. 8, 1849.

that meeting in October, but came back with little to report to a meeting of November 6. The most important event of that meeting was the report of a Special Committee set up to draft specific proposals for the Association. Tilley was Chairman of the Committee and the report bears his unmistakable impression.

The Committee's recommendations, all at a practical level, rarely go beyond local issues. On the Civil List issue by which New Brunswick was required to pay designated public servants a set salary, the committee called for New Brunswick to be relieved from the agreement, and for the people of the province to have unlimited control over public offices. The dreadful "squandering" of public funds at Fredericton was criticized, as was "the present corrupt system of initiation of money grants in the House of Assembly" rather than by the executive. The committee recommended the implementation of a public school system similar to those in the United States, whose systems should be carefully inspected. At the very least, schools and bye-roads should have improved provincial and municipal control because of the existent "system of jobbing, gross corruption, electioneering and bribery." "Is it not notorious", the report asked, "that the popularity of some Members of the House of Assembly is based upon the industry and ingenuity in procuring bye-road grants for their canvassers and voters?" "The whole system is rotten, and teeming with gross corruption." The cure rested not with the government or the elected representatives: "OUR ONLY HOPE IS IN THE PEOPLE." The Committee saw the role of the Association as that of a watchdog through the use of the press, tracts, and lectures. It recommended the establishment of a daily publication in which the activities of the Legislators could be "correctly journalized."⁶⁰

⁶⁰ Ibid., Nov. 10, 1849.

Tilley's report, like the Association itself, was ineffective in its immediate aims. Fenety reflected this by writing in despair of the Association, which had "too much of the slow coach progress about it for these rail-road times."⁶¹ Yet the problems that called the Association into existence remained. By April of 1850 the "gloom and depression" had become, according to the Courier, "almost unendurable" with innumerable "hydra-headed evils which beset our footsteps."⁶² It was not an auspicious time for an election, but on June 1 one was called.

The Colonial Association, anticipating the election, met on May 20 at the Mechanics' Institute. Tilley was still Treasurer and most of the same faces were present. Two days after the election was called, the Association met again and issued a sort of manifesto calling for the election of members to the Assembly who realized that unless relief were obtained "separation from the Empire, and the Independence of the North American Colonies, will be desirable and inevitable."⁶³ On the international level the Association wanted unlimited control of internal affairs, reciprocity with the United States, or the power to negotiate commercial treaties with the United States. Internally, the Association called for the initiation of money grants, the establishment of municipal corporations, improved control over bye-road and school expenditures, the registration of voters, vote by ballot, an elective Legislative Council, improved public works, and general retrenchment. The Association, in effect, had issued an election platform.

⁶¹Morning News, Nov. 12, 1849.

⁶²Ibid., April 11, 1862.

⁶³New Brunswick Courier, June 8, 1850.

New Brunswick lacked political parties in the modern sense in mid-nineteenth century, and an election was rarely fought on issues at a province-wide level. Regional factions, interest groups, local popularity or traditions, usually determined electoral winners. In this fluid non-party system a strong Lieutenant Governor like Sir Edmund Head was able to control the Executive and government policy. If it is assumed that Executive responsibility is part of responsible government then its implementation was retarded in New Brunswick. In 1850 the "compact" type of government was still in effect. The Governor appointed those men whom he wished without any suggestion of their collective responsibility. What the Colonial Association of Saint John appeared to be doing was to force at least a local party platform on the representatives. Only those members who endorsed the principles of the Association were to receive support.

Nominations were held on Saturday, June 15. W.J. Ritchie, the leader of the Reformers in the Assembly, was nominated for St. John County as were Charles Simonds, Robert Duncan Wilmot, Charles Watters, John H. Gray, John R. Partelow, the Provincial Secretary, and John Jordan. Four of the seven were to be elected. In the city of Saint John Tilley was nominated along with William Needham, B. Ansley and I. W. Woodward. Tilley was nominated by his longtime associate J.W. Lawrence, who "recommended his friend as a young man of energy and talent, a native of this Province, and a steady and zealous advocate of all the leading measures of reform."⁶⁴ Tilley, who was in Boston on the day of nominations, returned to present his own views at a meeting called for St. Stephen's Hall by the Colonial Association on the following Monday.

⁶⁴Morning News, June 17, 1850.

Tilley claimed in later years that he was chosen by the protectionists at a meeting in Barzilla Ansley's office, a meeting he did not attend.⁶⁵ When he protested that he could not win, they still insisted he stand. J.W. Lawrence, in refuting this story, stated that Tilley had his qualification paper prepared by lawyer Alex Campbell on June 6. This paper was left with Lawrence and attested before George A. Lockhart, J.P., Lawrence stated: "The day before nomination J.W.L. received a letter from S.L.T. Boston, saying not be back in time for nomination, asking J.W.L. to get him nominated, and 'Speak' !! for him at the Hustings!! I.E. the Court House Steps!!!"⁶⁶

Whatever the true story may be, Tilley with 943 votes led the poll by a margin of almost 200 votes, William Needham, with 752 votes, was the other city member elected. In the County R.D. Wilmot, Ritchie, Gray and Simonds were successful, thereby giving the Saint John reform group sponsored by the Colonial Association a clean sweep.⁶⁷ Partelow was

⁶⁵ See Hannay, Tilley, pp. 185-186. Speaking at Bomanville in 1880 Tilley said: "I was elected a member of the Local Legislature of New Brunswick in 1850. I was not a very old man and had taken little part in politics up to that time. Indeed when suggested that I should be a candidate I said, 'I would stand no chance, but I was nominated in my absence.'" Quoted in Lawrence, "Reminiscences."

⁶⁶ Lawrence, "Reminiscences." Lawrence claimed to have sent the letter to Tilley in 1872 and to have received the following reply: "On opening of the envelop I found a letter the reading of which carried me back to old times and old associations. The letter was my political platform in starting in Political Life."

⁶⁷ The voting was as follows:

<u>Saint John City (Two Members)</u>	<u>St. John County (Four Members)</u>
Tilley 943	*R.D. Wilmot 888
Needham 752	*Ritchie 799
*Ansley 724	Gray 755
*Woodward 336	Simonds 740
	*Partelow 661
	Watters 470
	*Jordan 362

New Brunswick Almanac, 1851, p. 117.

Starred members (*) sat in the previous House. Wilmot was an Orange candidate. Watters was a Roman Catholic.

later elected in a safe Victoria County seat, but Charles Fisher, another member of the government, was defeated in Fredericton.

In the province as a whole twenty-three new members were elected to the Legislature, eighteen sitting members were returned. There was talk in some circles about a change in government, but it was only talk. Ritchie was the leader of an ill-defined and unreliable opposition. He was, in addition, very closely associated with the interests of Saint John. In the 1840's, L.A. Wilmot and Charles Fisher had led the opposition against the "compact," but had failed in motions of want of confidence. In 1848 they both joined Head's Council, the year Joseph Howe in Nova Scotia and Robert Baldwin and L. H. Lafontaine formed ministries in Canada. "All hope of radical change, with the loss of two of the ablest standard bearers of the party, now vanished," lamented Fenety in his Political Notes. "It was almost worse than useless to contend longer for equal political justice, when the leading champions of the party had joined the standard of the enemy. . . . This was the great political mistake of their lives."⁶⁸

Ritchie had continued the battle, and in 1850 appeared to be in a very strong position especially with a weakened Executive Council. "I expect My government here to break up in a scramble for the Chief Justiceship," Head had written to a friend the day Chief Justice Ward Chipman resigned (October 17, 1850).⁶⁹ The only scramble that occurred was a one-man effort by L.A. Wilmot, who defected from a Council decision and crawled for the position. In January of 1851 James Carter was

⁶⁸ Fenety, Political Notes, pp. 283-284.

⁶⁹ Quoted in D.G.G. Kerr, Sir Edmund Head, A Scholarly Governor (Toronto, 1954), p. 68, Head to Lewis, Oct. 17, 1850.

appointed Chief Justice with Wilmot being appointed a Judge of the Supreme Court. Head had ignored the advice of his Council in this matter but only Fisher resigned, declaring that the Governor had not acted "consistent with my ideas of Responsible Government."⁷⁰ Fisher's resignation was rather hollow since he did not hold a seat in the Assembly.

Ritchie pounced on the government almost as soon as the session of 1851 opened. On February 6 he moved the motion of want of confidence, seconded by Needham. Tilley spoke the next day. He "acknowledged himself as belonging to what had been called the smokey city of St. John, that he had been sent there by the St. John Protectionists, and after noticing several of the arguments adduced by previous speakers, concluded by expressing a desire that the matter should be speedily settled, that they might go to work and do the business of the session. He was prepared to vote for the amendment."⁷¹ That motion was lost twenty-two to fifteen, giving the first indication of the strength of the opposition.

Two months later Ritchie returned to the attack, using the judicial appointments and the actions of the Colonial Office and the New Brunswick Executive Council as the issues. He introduced a series of resolutions that demanded the right of the House of Assembly to see all despatches on local matters sent to the Colonial Office, that condemned the Council for its failure to resign over the Wilmot appointment, and that condemned the "dictatorial nature" of Earl Grey's despatch. Beginning on April 14, the debate was long and rancorous, with every

⁷⁰ Quoted in Kerr, Sir Edmund Head, p. 74, but see C.O. 188/114, Head to Grey with enclosures.

⁷¹ New Brunswick Courier, Feb. 15, 1851.

shade of the matter discussed. Needham, Gray, Wilmot and Tilley all supported Ritchie in strong speeches. Tilley pointed out that it had been sixty-nine days "before they were put upon their second trial" and the government should have resigned when the Judges were appointed. "A Government that trampled upon the rights ceded to the Colonies, did not command the respect of a fr e people." He also suggested that "unless there was a reduction of salaries, the country would not be satisfied."⁷²

When the vote on the main resolutions was finally taken, the government was sustained by only two votes, twenty-one to nineteen. That was a significant drop from the majority of seven in February. The possibilities were obvious to all, especially to the Governor, who saw a need for fence mending. The newly elected Assembly had proven difficult. Many of the new members, especially Needham and Gray, had been aggressive and outspoken, while Ritchie and R.D. Wilmot had provided leadership.

Tilley, while being a firm Ritchie supporter, had not stood out in particular. He did have his own interests separate from those of the reform group. The House had been open only a few days when he presented several petitions calling for changes in the laws that would make dealers in alcoholic beverages "responsible for any injury arising out of the traffic." He was, in addition, appointed to a committee to study contingent expenses.⁷³ Along the way he supported, unsuccessfully, a

⁷²Fenety, Political Notes, p. 402.

⁷³New Brunswick Courier, Feb. 22, May 31, 1851.

measure that would have limited the pay of members to 10s per day rather than 15s.⁷⁴ In the same manner he opposed paying members of the Legislative Council at all since they "were supposed to represent wealth and influence - they did not, therefore, require pay; the Lower House was different."⁷⁵

Something of the nature of Tilley's typical nineteenth century liberalism was revealed in the debate on the new charter for Saint John on March 6. He "supported a property qualification, and condemned the principle of allowing those to vote who had not paid their taxes." About a month later he introduced a "resolution to prevent labour at the penitentiary interfering with that of private individuals." It was lost.⁷⁶

As the Session came to a close those who had elected Tilley had little reason to complain about his performance. He had given respectable rather than spectacular service, and he had been consistent. When the House was prorogued on April 30 Tilley returned to Saint John, his family, his drugstore, and increased enthusiasm about provincial politics.

iv

It was midsummer, August 2, when Tilley and the other reformers were jolted by the announcement that R.D. Wilmot and J.H. Gray, their close associates for the previous two or three years, had accepted appointments to Head's Council. Like L.A. Wilmot and Charles Fisher before them who "crouched to the lion they had and kept at bay so many years",⁷⁷ Wilmot and Gray jumped at the offer, as Governor Head knew

⁷⁴ Ibid., March 1, 1851.

⁷⁵ Fenety, Political Notes, p. 406.

⁷⁶ New Brunswick Courier, March 15, April 15, 1851.

⁷⁷ Morning News, August 6, 1851.

they would. Tilley, Ritchie, Needham and Simonds, the other Saint John reform members, immediately denounced their former associates in a public statement, declaring that it was impossible for all six members to remain in the House. The public must censure Wilmot and Gray; failure to do so would involve "a direct censure on our past conduct, and a disapproval of the opinions unflinchingly expressed during the last session."⁷⁸

The public was given that choice on October 18 when Wilmot, the new Surveyor General, stood for reelection. Allan McLean was put forward by the reformers and given their full support, but to no avail. Wilmot received 896 votes, McLean only 623. Ritchie, Tilley and Simonds submitted their resignations from the House of Assembly immediately. Tilley declared he must resign since the Wilmot victory proved his "views are at variance with the majority of my constituents." It was with "deep regret that our political connection - formed under such auspicious and pleasing circumstances - should prove so transient in its duration, and abrupt in its termination."⁷⁹ There were other disappointments for Tilley. William Needham, one of the Saint John reform members, had refused to resign his seat. Of greater significance were the actions of Joe Lawrence. At a meeting at St. Stephen's Hall Lawrence turned on Tilley

⁷⁸ New Brunswick Courier, August 9, 1851. "To the Electors of the City and County of Saint John, August 5, 1851."

⁷⁹ Ibid., Oct. 25, 1851. "To the Electors of Saint John." Something of Head's attitude toward the operation of Responsible Government in New Brunswick is reflected in the following letter to a friend: "The result as far as I am concerned, is that I have not only re-constructed the Ex. Council but the H. of Assembly, without a general Election. The leaders of the opposition have done the work themselves & if all things go right I shall have less trouble in the next Session than in any which I have yet gone through." Quoted in Kerr, Sir Edmund Head, p.81, Head to Lewis, Nov. 4, 1851.

publicly by moving a resolution "highly approving of Mr. Wilmot's conduct for joining the Government." Not only that, Lawrence had been the "first man in public to raise his voice and justify the conduct of Mr. Tilley's colleagues, for doing that which Mr. T. pronounces as dishonourable."⁸⁰ The friendship was destroyed.

Tilley's political career, it appeared, was over before it really got started. The Morning News regretted that the Assembly had lost a "Young enthusiastic, clever man, warmed by the amicable ambition to give a moral tone and efficiency to the Legislature of his Country."⁸¹ Later that November St. Andrew's Hall was set for a banquet for over one hundred, with Ritchie, Simonds and Tilley the guests of honour. There were toasts and speeches all round. Simonds led off by stressing the problems created in the system where there were no ballot boxes and no voter registrations. Ritchie followed by suggesting that the group at the banquet, "the first demonstration of the kind in the Province," be the "first step toward a new order of things." Tilley rose to speak amid loud cheers. After emphasizing how much greater sacrifice Ritchie and Simonds had made compared to himself, he went on:

It has been said that I acted hastily, and without consideration, in signing the document . . . and that we were trapped into it by my colleague, Mr. Ritchie; but I signed that document after mature deliberation, and without being in anywise influenced by another, though it was drafted by Mr. Ritchie.⁸²

Tilley stressed that he had been elected to oppose the Government and that was what he had done. Tilley compared himself to Gray who

⁸⁰ Morning News, Oct. 24, 1851. The meeting was held on Oct. 13, 1851.

⁸¹ Ibid., Nov. 7, 1851.

⁸² New Brunswick Courier, Nov. 22, 1851.

immediately after the election "collected the cards and speeches of the newly elected representatives, having carefully pasted them into a small book, for the express purpose of bringing to book any who may attempt to rat. Yet he himself was one of the first to abandon his party and to join the Government he had previously condemned."⁸³

Tilley sat down amid great cheers. His speech had been clever, amusing, and effective. His audience had laughed and applauded, and undoubtedly noticed that Tilley mentioned how much he had enjoyed himself and how much he would miss the House. He was, at any rate, out of politics for the time being. He turned much of his vigour to the temperance movement. There was another infatuation, the European and North American Railway.

⁸³ Ibid.

II
Provincial Secretary and Prohibition
1851-1856

"It was a mistake from the beginning," lamented the Morning News. "The celebrated Provincial Association of 1851 was too heterogeneous in its composition - it embraced as members all sorts of quasi-politicians, from the extreme Tory to the most rabid Radical. . . . it was all wind and vapor."¹ To Tilley, Ritchie and Simonds, who had resigned from the Assembly because they had believed in the Association, it was more than "wind and vapor." R.D. Wilmot and J.H. Gray, by joining the Governor, had revealed once more how fragile was the attachment to party in New Brunswick. By resigning from the Assembly, Ritchie abandoned the leadership of the opposition and returned to the legal profession in earnest. Tilley also had his profession, but Thomas Barker was running the drug store so efficiently that Tilley had ample time for two other vital interests, railways and temperance.

i

The mania for railways that swept North America in the decades after 1840 was Tilley's companion throughout his career. From the Saint John to Shediac proposal of 1849 to the completion of the Canadian

¹Morning News, April 24, 1854.

Pacific Railway in 1885 he was their champion. As a member of the Rail-Way League Committee of 1849 he had sought to reverse a government rejection of the line joining Saint John to Shediac. That line was one of a number of proposals that swamped New Brunswick at the time, with the many north-south Intercolonial possibilities vying with the east-west European and North American line for dominance. The Saint John railway promoters envisioned their city as the profitable clearing house for both the east-west and the north-south traffic.

The Intercolonial had been before the public for some years with as many routes projected through New Brunswick as there were railway planners. Major Robinson's east coast route, the Imperial choice, was in search of financial backing in 1850 when John Alfred Poor of Portland called a Convention in his city to consider the European and North American.² The enthusiasm of the early fifties was dampened somewhat by Earl Grey's refusal to commit Great Britain to the Intercolonial, but New Brunswick nursed its disappointment only long enough to enter into a contract with a private company to construct that part of the European and North American between Saint John and Shediac. Though Tilley was not one of the original officers of the European and North American Company, he became a Director on June 25, 1853, in ample time to participate in the magnificent "Turning of the First Sod" at Saint John on September 4 by Lady Head.³ The railroad, with the considerable

² John Alfred Poor of Portland, Maine, was one of the most influential railway promoters of the day. The European and North American Railway was only part of a continental plan that included the St. Lawrence and Atlantic line as well as lines to the west.

³ New Brunswick Courier, Sept. 17 and July 2, 1853.

assistance of the New Brunswick government and to be built by Messrs. Peto, Brassey, Betts, Jackson and Company of England, was begun in a year "of unexampled prosperity to this province."⁴

Like the railroads, the temperance movement was making unprecedented gains throughout North America in the 1850's, especially in Maine and New Brunswick. The agitation over the Maine Law of 1851, Tilley wrote to a friend, "has had a [strong] effect upon the Temperance friends. It has stimulated them to action. We have had two public meetings, one of them in Portland [N.B.], the best I think I ever attended in New Bk."⁵ A New Brunswick "Act to Prevent the Traffic in Intoxicating Liquors", very similar to the Maine Law, passed the Legislature in 1852. It forbade the manufacture of any intoxicating or alcoholic liquors except for religious, medicinal or chemical purposes. Not included were beer, ale, porter and cider. Retailers were required to have a license.⁶ The Act, which went into operation on June 1, 1853, was never successfully enforced, and an attempt to strengthen it in 1854 failed when amendments to a new bill so changed the measure that its originators could not support it.⁷

Tilley, though not in the House, was in the thick of the movement, speaking, preparing petitions, writing letters and reports, and considering

⁴ Ibid., Jan. 17, 1854, but see MacNutt, New Brunswick: A History, pp. 334 ff.

⁵ Tilley Papers (UNB), Tilley to "Most Worthy and Dear Brother [Webber?]," Dec. 7, 1851[2]. Tilley introduced this with: "An Anti-Maine Law Association has been formed in St. John composed of the known sellers of this City."

⁶ New Brunswick, House of Assembly, Journals, 1852 (hereinafter cited as Journals).

⁷ See Chapman, "Mid-Nineteenth-Century Temperance Movement in New Brunswick and Maine," p. 53.

possible legislation. He was not naive enough to think that a mere provincial act would solve the problem. A law without the means of being enforced and without broad public support could not succeed, especially under the chaotic system without municipal corporations of the 1850's. He wrote in late 1851:

I see no remedy except the establishment of Municipal Institutions, to which you would have the election of a portion at least of your own magistrates & officers. I feel that we have more to fear from the sessions of the various counties as at present constituted than from our Provincial Legislature; should the latter give us such a law as we required, who would be called upon to enforce it. Certainly not such men as we have confidence in - But rather men that would favour the violation of the Law of the Land.

The answer was a reform of the whole system, and it was with this in mind that Tilley entered the election of 1854. There was no great reform party as there had been in 1850. One observer distinguished nine separate "banners" after only twelve candidates had been named, ranging from Orange and Temperance to Agriculture Interests and the Destruction of Bears and Wolves. One Fredericton candidate ran as an opponent of the "GREAT OYSTER RAILROAD" from Saint John to Shediac.⁹ In 1850 economic distress had united diverse groups, but in 1854, one observer declared: "Perhaps there never was a time in the history of this City when our Mechanics, Artizans and Labourers, were as actively employed as they are this Spring."¹⁰

The government apparently had little to fear in that election of 1854, yet the wide divergence of opinion provided an opportunity for

⁸ Tilley Papers (UNB), Tilley to "Most Worthy and Dear Brother [Webber?]," Dec. 7, 1851[2].

⁹ Morning News, May 22, 1854.

¹⁰ Ibid., May 29, 1854, under "Full Employment."

pressure groups like the temperance people to gather a following from a number of candidates, no matter what their other politics. In Saint John, for example, Tilley and Joseph Lawrence were considered temperance candidates, though they diverged on many other issues.¹¹ B. O'Brien, one of the candidates for Saint John, referred to the fragmented nature of the political system. The people, he said, were led by "one folly or another. One man works for the Pope, another for King William - another for Temperance and so on. These foolish, ridiculous, and damnable dissensions engaged them, and no one cared what became of the Country." In conclusion, "he implored them to cast aside all foolish differences which the Irish brought into the Country."¹²

The divisions can hardly be blamed on the Irish, but the Orange Order and the Roman Catholic Church were lined up against each other in that election of 1854, as the following letter from Monseigneur Thomas Connolly to Joseph Howe indicates:

I have through God's help succeeded in amalgamating the discordant elements of Catholicity in this province so as to present a bold and united front against our friends the orangemen. So far, we have gained five seats from the enemy, two in St. John County and three in York County, which will make a difference of ten votes in the house. We yet hope to win some four or five seats more and that will extinguish the orange power in the Assembly for all times to come. You are aware I presume that a Bill for their incorporation was defeated during the last sessions only by a majority of one. Under present circumstances it is not likely they will ever try it again and so far, I have reason to believe that my advent in N. Brunswick, is to say the least of it a Political blessing.¹³

Tilley, apparently, was one of those supported by Connolly, though no reference was made to any association during the election.

¹¹ Ibid., May 31, 1854.

¹² Ibid., June 14, 1854.

¹³ Howe Papers (PAC), Mgr. Thomas Connolly to Howe, June 10, 1854.

At his nominating speech on June 3 Tilley spelled out his political platform. "He was in favour of Vote by Ballot and the elective franchise being extended to rate-payers." He called for efficiency in financing by giving the Executive the control over the initiation of money grants and the tariff, as in England, where the "Chancellor of the Exchequer attends to this business, by regulating the tariff to suit the exigencies of the country, whereas in this Province, the tariff business was badly managed, in a hap-hazard way." Turning to the railway, Tilley supported the contractors, especially Mr. Jackson "who had promised him [Tilley] personally when in England a short time since, that he would redeem his pledge to the letter." Tilley ended his speech by a reference to temperance. He said he "was willing to leave the question with the people, and he did not fear the result."¹⁴

When the vote was taken James A. Harding and Tilley were returned for the city of Saint John, Harding with 1002 votes, Tilley with 928. Harding was a highly respected 'liberal' who had won the seat from which Tilley had resigned in 1851. The two men were in agreement on most issues, but not on protection and prohibition. Harding was for a "revenue tariff only" and was "opposed to Temperance, but would accept the result of a plebiscite." This same type of split votes held true for most of the province. In St. John County R.D. Wilmot, J.R. Partelow and J.H. Gray, all members of the Executive Council, were returned along with W.J. Ritchie, their bitterest opponent.

¹⁴ Morning News, June 5, 1854.

By July 1 all the results were in, with sixteen new members joining the twenty-five who were reelected. As in 1850 a change in government was possible, but coalitions were conventional in New Brunswick, Governor Head still presided at Fredericton, partyism was treated as a shabby concept among the establishment, and the elected members were fragmented by the issues they supported. Even Charles Fisher, who with W.J. Ritchie could claim leadership of a reform party, wanted to form a coalition government with "several of the old members."¹⁵ Between the elections and the calling of the special fall sitting of the Legislature to consider the Reciprocity Treaty, however, a reform-opposition party was created, in spite of the difficulties. Power was undoubtedly the objective, but there were a number of common interests that cut across issues like temperance and protection. These included electoral reform such as the vote by ballot, voter registration, and the extension of the franchise. There were, in addition, financial and educational reforms, the introduction of municipal corporations, and the general reorganization of the departments of government.

The emergence of the opposition party was not the only change. Another was the transfer of Governor Head to Canada. With the loss of the "man determined to be Governor, Council and everything else in New Brunswick,"¹⁶ a vacuum was created that was not filled by his successor, John Henry Thomas Manners-Sutton. The reformers were well aware of this when they gathered at the Barker House Hotel in Fredericton that October, and signed a pact to oppose the Government when the session opened on

¹⁵Ibid., Nov. 17, 1854.

¹⁶Morning News, Sept. 18, 1854.

Thursday, October 19. On that day eighteen of them had signed a pledge to vote against the government. Tilley was prominent among them as were Ritchie and Harding. "Fisher tried to fish some," observed Richard Sutton of Northumberland, "but we made him come to scratch."¹⁷

Word of the "Barker House Conspiracy" spread through the capital immediately. By the weekend "a strong and well organized opposition, associated in principle, which will keep together" was being discussed in the press. "The powers that be look crest fallen," Peter Peeper told the readers of the Morning News.¹⁸ The motion of want of confidence was all that was needed, and on Monday, October 23, Fisher moved an amendment to the fifth paragraph of the Speech from the Throne which declared that the "constitutional advisers have not conducted the Government of the Province in the true spirit of our Colonial Constitution."¹⁹ Fisher, perhaps the leading constitutional lawyer in the province, delivered a commendable speech that summarized the constitutional issues, analyzed the particular problems of New Brunswick, and outlined reforms for the future. One underlying theme was that since 1848 "the Executive Council had quailed before the Governor, and were therefore powerless for any political good." The new Governor was warned in advance. Should he believe "that the Bluenoses had no pluck, that the new Members were divided and split into sections with internal jealousies and disputes,

¹⁷ Mitchell Papers (UNB), Richard Sutton to Peter Mitchell, October 20, 1854. This invaluable and apparently unused letter is the best available confirmation of the members and activities of the "Barker House Conspiracy."

¹⁸ Morning News, Oct. 25, 1854.

¹⁹ Journals, 1854. October 23, p. 16.

and could be easily beaten . . . , it was only fair to disabuse his mind."²⁰

Fisher's speech "fixed the wavering numbers."²¹ The House began to fall in behind him. Even the mover and seconder of the address supported the amendment. Tilley made a strong speech in support of Fisher. First he refuted J.H. Gray who had argued that the debate was ill-timed, that haste was needed for the reciprocity treaty, and that the new members were not well enough informed on the issues. He then attacked government procedures in the past and presented his own position on a number of issues. He was in favour of the reciprocity agreement but looked in vain for the free entry of colonial ships to American ports. Tilley could hardly attack the railway policy of the government, but he did wonder about the lack of the Intercolonial. On the funding of the public debt, in which the government had been notably successful, Tilley claimed they "had done no more than any mercantile man would have done for his own benefit." He "cared not who the men were that carried the Government of the country, provided it was conducted with a view to public improvement (hear, hear)."²²

The debate was then only two days old, but the trend was clear. On Wednesday a split of about twenty-one to sixteen in favour of the amendment was expected.²³ By Friday a rout appeared in the making, and on Saturday the amendment was passed twenty-seven to twelve. The amended Address then being put, it was carried twenty-three to thirteen.²⁴

²⁰ New Brunswick, House of Assembly, Debate of the House of Assembly on Mr. Fisher's Amendment to the 5th Paragraph of the Address in Answer to His Excellency's Speech at the Opening of the Legislature, 1854, p. 13, p. 10 (hereinafter cited as Debates).

²¹ Morning News, Oct. 27, 1854.

²² Debates, 1854, p. 57.

²³ Mitchell Papers (UNB), Sutton to Mitchell, Oct. 25, 1854.

²⁴ Journals, 1854, Oct. 28, p. 18, p. 19.

"What! Dead at Last?" exclaimed the Morning News. "Marvellous!"²⁵
 The old government was actually defeated. A reform administration was taking over. Or was it? Fisher, it was known, wanted a coalition of some of the old and some of the new members. Governor Head might have carried it off, but Manners-Sutton was not Head, and it was the reform party leading the leader, not Fisher leading them. At a series of meetings Tilley, Ritchie, and Albert J. Smith of Westmorland, among others, refused to accept "any of the old stuff."²⁶

The new Council took over on November 1, with Fisher as Attorney General, Tilley as Provincial Secretary, John M. Johnson of Westmorland as Solicitor General, and W.H. Steeves of the Legislative Council as the temporary Surveyor General. When James Brown of Charlotte took over the office, Steeves remained without office on the Council. Ritchie and Smith were also without office. The new government, according to the Morning News, was "liberal to the back bone."²⁷ As a modern historian has observed, the "historic families that had ruled in the earlier days of the province" were swept away, an indication that the change had "social as well as political implications."²⁸ Few can have been surprised at "the gold spoon gentry for turning up their noses" at the sight of the

²⁵ Morning News, Oct. 30, 1854.

²⁶ Mitchell Papers (UNB), J.M. Johnson to Mitchell, Oct. 27, 1854.

²⁷ Morning News, Nov. 3, 1854. For the appointments see the New Brunswick Executive Council Minutes, Nov. 1, 1854 (New Brunswick Provincial Archives, hereinafter cited as NBPA). The two positions to which Ritchie had a claim went to Fisher and Johnson. Ritchie's 734 votes in the June election were only six away from defeat, and his reelection might have been doubtful. He wanted and was promised a Judgeship. See Morning News, Dec. 1, 1854.

²⁸ MacNutt, New Brunswick: A History, p. 357.

new men in power, of whom Tilley was a good example. As his critics mentioned, he was of humble origin, was only thirty-six years old, and had no experience in government. "It seemed to surprise some folks that a young man of so few pretensions as Mr. Tilley is said to possess," declared the Morning News, "should be placed in the high and dignified office of Provincial Secretary."²⁹

It was the office that concerned people. The Provincial Secretary was potentially the most influential individual in the Council. Governor Head said of it:

The Provincial Secretary is in fact the Officer on whom all duties naturally fall which are not allotted to any particular department. . . . It is through the Provincial Secretary that the Treasurer as a permanent and subordinate officer must communicate with the Executive Government and must receive instructions from the Lieutenant Governor. All Magisterial matters and all ordinary business (such for instance as the correspondence with the Post Master General) not belonging to the Law Officers or the Crown Lands Department fall on the Provincial Secretary.³⁰

Within the Council the Secretary was the key administrator; year in and year out he saw to the efficient continuation of the affairs of state.

The burden of the office was immense; so was the potential. It was the one office that reached into every nook and cranny of the province and most directly affected the people. All roads and bridges, all aspects of finance and revenue, all matters of education went through the office of the Provincial Secretary. Suggestions that Tilley might not be up to the position were not entirely groundless. "By and Bye," predicted Fenety, "it will be said that Mr. Tilley has rendered

²⁹ Morning News, Nov. 3, 1854.

³⁰ C.O. 188/121, Head to Newcastle, Jan. 14, 1854.

such an excellent account of his stewardship, that England itself could not produce his superior."³¹

Tilley's first responsibility on accepting office was to receive the endorsement of his constituents. He stood unopposed, and sharp at 11 a.m. on November 15 he was on the Court House steps in Saint John to speak to the faithful. After a half hour of the usual faults of the old government and the plans of the new, he emphasized that more than a change of administrations had taken place. "Before, the avenues to distinction were closed to all but a favoured few. Now the doors are open to all, even the most humble individual in the land, no matter what his calling or occupation."³²

The other members of the Council were all returned. James Brown of Charlotte County, the oldest at sixty-four and a special friend of Tilley's because of his temperance activities and his religious beliefs, faced the most difficult challenge. Something of Tilley's electioneering tactics is revealed in this letter to a Temperance Brother in Brown's constituency:

Surely the Temperance Men & Reformers of Charlotte County will not remain idle if there is any chance of his [Brown's] being defeated. Dont [sic] let them remain to [sic] sanguine. No more certain way of being defeated. The interests of your County will most certainly be best served by the election of Brown. His position as Surveyor General and a member of the Executive would gain him great influence. . . . If there is any doubt of Brown's

³¹ Morning News, Nov. 3, 1854.

³² Morning News, Nov. 17, 1854. John R. Partelow, the former Provincial Secretary wrote: "Many of my most intimate friends wished me to stand in opposition to Tilley, and the whole orange body who were opposed to and recorded their vote against me in June last tendered their unanimous support." Partelow continued that he had been accused of everything "except one thing, and that was of being a d..d fool." He had no desire to complete "the catalogue." Chandler Papers (NEM), Partelow to Chandler, Nov. 19, 1854.

election Bro[ther] let every exertion be made. The cause of Temperance and . . . the cause of humanity demand it.³³

Even before Brown had won his election the new Executive was learning how to run the province and was preparing its legislation for the next session of the House. Almost immediately Tilley had been put to the test. Heavy fall rains had battered the whole province and rendered public works repairs essential. "I am pressed with an accumulation of business just now," he wrote. "The [Executive] Council in Session. Bridges in all direction requiring reconstruction and all the Roads more or less damaged by the late floods."³⁴ That alone kept him busy. "What's worse," he complained, it "will cause a heavy draft upon the Provincial Chest the coming session."³⁵ The former Provincial Secretary, John R. Partelow, clearly saw this problem. He expected a "certain falling off of the Revenue for 1855 of at least one third if not one half" as a result of the Reciprocity Treaty. This combined with necessary expenses on "Roads and Bridges next Session, all tend to excite much alarm. . . . the immediate pressing demands, have placed the Government in a position far from enviable."³⁶

ii

The coming session was to be the real test. Everyone expected change. All members of the Council had suggested electoral, financial and departmental improvements. In addition, individuals had their own

³³Tilley Papers (UNB), Tilley to Webber, Dec. 12, 1854.

³⁴Ibid.

³⁵J.C. Webster Collection (NBM), A.R. McClelan Correspondence, Tilley to McClelan, Dec. 10, 1854.

³⁶Chandler Papers (NBM), Partelow to Chandler, Nov. 19, 1854.

measures. "Rest assured," Tilley wrote Brother Webber, "that in my present position no opportunity will be neglected to advance the cause we in common love."³⁷ A prohibition bill was a certainty, but not as a government measure since the Council was sharply divided on the issue. Throughout December and into January they ironed out their plan of attack and prepared their bills.

Lieutenant Governor Manners-Sutton read the much anticipated Speech from the Throne on February 1. True to its word, the government proposed comprehensive changes in the election laws, in education, in agriculture, in public finance, in public works, and in the regulation of immigration. They were not the revolutionary proposals some had feared, nor were they as daring as others had hoped. "These members," observed the Morning News, "are desirous that a safe and moderate, but decided liberal course should be pursued."³⁸

After a few days sparring in the debate over the Speech from the Throne, the government began to introduce its legislation. On Wednesday, February 7, Tilley indicated that he would introduce a revenue bill. Two days later Fisher moved for leave to bring in an election bill. Together these two bills went far to fulfilling election promises.

There had never been a budget presented in New Brunswick. The Council had not even been responsible for balancing revenue and expenditures. When Tilley presented his estimates on February 7, he indicated that should the House request him to, he was prepared to "bring down a Revenue Bill, the Government would not shrink from the discharge of the duty."³⁹ This sparked a short but sharp debate on the "duty" of

³⁷ Tilley Papers (UNB), Tilley to Webber, Dec. 2, 1854.

³⁸ Morning News, Feb. 19, 1855.

³⁹ Debates, 1855, p. 11.

the Executive, with considerable opposition being presented to the important change in procedure. Finally, a resolution presented by James A. Harding was adopted: "That the Government should submit to this House such a Revenue Bill as, in their opinion, will best meet the requirements of the Province."⁴⁰

Two weeks later Tilley introduced his revenue bill, and although not a budget in the usual sense, Tilley's position was, as he stated a "rather novel one" because it "had not hitherto been deemed the duty of the Government of the Province to propose to the representatives of the people the ways and means of raising a revenue." He then proceeded to analyze clearly and meticulously the balance sheet, showing that the real debt of the province was something like £100,000. Turning to the estimates for 1855, Tilley predicted a deficit of £10,095 which he proposed to make up with a new revenue bill. Before presenting the details, he reminded the House "that by the operation of the Reciprocity Treaty, and by the action of the Legislature at its last session, the revenue for the coming year would be deprived of the amounts raised on a number of articles which would now come in duty free from the United States." Faced with this decline in revenue Tilley had no choice but to raise the duty. His bill proposed a specific duty on certain items, a one percent ad valorem on others, and a ten percent duty on all goods not specified or not exempted. This latter item was the important one, and represented two and one-half percent increase on the bulk of the items imported into the province. There was one other type of duty. The government had, "with a view to encouraging as much as possible domestic

⁴⁰ Journals, 1855, p. 73.

industry, placed certain articles therein enumerated at 15 per cent." This apparent protectionism is misleading since it represented a downward revision of from twenty to thirty percent on most items. In general the bill amounted to an overall increase in tariff for revenue purposes, while retaining a slight but decreased degree of protection on some manufactured goods such as boots and shoes, hats, wood and iron works, and furniture. Tilley had, he said, "kept strictly in view the principle of justice to all the industrial interests in the Province."⁴¹

His form of justice for the liquor interests was not considered merciful. The first item he singled out in his observations was brandy:

an article which he supposed hon. members would think was one with which he (the Secretary) ought to have little to do. It was, however, an article of luxury, and one that was largely consumed in the Province, and whatever propositions the Sons of Temperance had to make for Legislative aid with reference to their cause, none of them, if carried, would come into operation sooner than the 31st of December, consequently they could not legislate for the exclusion of the article previous to that period. They were bound to place such a duty on Brandy as they thought it would bear without the risk of encouraging smuggling. . . . He knew of no single article that was more a legitimate source of raising a revenue than ardent spirits. Brandy particularly was the beverage of those who, generally speaking, could afford to pay for it, and the Government propose to treat it accordingly.⁴²

A more typical item was leather goods, which the government found "embarrassing". They had examined the matter closely and had endeavoured to do "justice between the shoemaker who had to contend with foreign importation of shoes, and the tanner, who manufactured the raw

⁴¹ Debates, 1855, pp. 39-40.

⁴² Ibid., p. 41.

material in the country." The solution was an ad valorem of fifteen percent on boots and shoes, and a specific duty of 2 d. per pound on leather, the object being to "equalize the pressure of taxation between the parties." A modicum of protection was mixed with the needed revenue, and in a similar manner Tilley proceeded through the whole list.⁴³

Tilley, like the "Chancellor of the Exchequer", had presented a government tariff "to suit the exigencies of the country" as he had proposed in June, 1854. The Morning News was so impressed it referred to the "radical changes" in the tariff.⁴⁴ Tilley's speech, "one of the ablest speeches that was ever delivered upon the floor of the House," was "clear and intelligible; and the public were satisfied that he was strictly honest in all he set forth."⁴⁵ The revenue bill was subsequently passed by a large majority. The opposition had been surprisingly tame, but even those suggestions that were made were turned aside because, as Tilley stated, the government was determined to avoid "a hodge-podge Revenue Bill."⁴⁶ As the first major piece of legislation of the reform government, the revenue bill was a most auspicious beginning. In reviewing the whole session that May observers singled it out with "hearty concurrence".⁴⁷

Before the revenue bill had been carried, Attorney General Fisher introduced the government elections bill. That "Reform Bill of 1855" was not a radical measure. It proposed the extension of suffrage to the new class of mechanics, professional men and merchants who did not possess the

⁴³ Ibid., p. 42.

⁴⁴ Morning News, March 5, 1855.

⁴⁵ Ibid., Feb. 28, 1855.

⁴⁶ Debates, 1855, p. 56.

⁴⁷ New Brunswick Reporter, Fredericton, May 4, 1855.

property qualification of £25 in real estate or £100 in personal property but who did earn £100 per year. Of even greater importance was the introduction of the secret ballot and voter registration.⁴⁸ The bill provided "for the first time", wrote Manners-Sutton to Lord John Russell, "that Persons not owners of land, shall be entitled to vote at the elections of a member of the House of Assembly. In agricultural districts this alteration will have little practical effect. . . . But in Towns and especially in St. John the case is different and there are undoubtedly many persons engaged, either as clerks or otherwise, in mercantile pursuits, who are fully qualified by education and intelligence to exercise the franchise."⁴⁹ It was, then, an urban move, one long overdue, and one that Tilley had supported from the beginning.

The bill, which passed the Assembly twenty-eight to ten, was sent up to the Legislative Council, which made a few apparently insignificant amendments. One, the intent of which is unknown, was tacked on to the end of the bill and set the date of implementation for January 1, 1857, almost two full years away. Any elections in the meantime "shall be held under the Laws now in force."⁵⁰ This amendment may have determined the outcome of a crisis election in 1856.

Taken together, the election and the revenue bills justify the name Reformers or Liberals being applied to the party, though observers at the time and others since sneered at such pretensions. It is possible, however, that critics like Manners-Sutton failed to appreciate the extent

⁴⁸ Debates, 1855, Feb. 23. See Journals, 1855, p. 55.

⁴⁹ C.O. 188, Manners-Sutton to Russell, June 27, 1855.

⁵⁰ Journals, 1855, p. 217.

of the break with the past that was made in 1855. There were, for example, two new government departments approved, a Postmaster General and a Board of Works, the latter "for the better supervision and improvement of the Great Roads [Bridges] and Public Works."⁵¹ A new jury system was established, and a bill was presented to permit rate payers in any county to form municipalities. Of these items the Board of Works was the most important, for it placed all major public works under the maintenance of the provincial government and permitted controls over planning and expenditures. In that session, in fact, the government effected an almost total reorganization of the departmental system. All heads were selected by the government, and were responsible to and dependent upon the Assembly. Fenety considered this reorganization "by far the most important feature of the session."⁵²

The government did not present all or even most of the legislation during the session. Private members flooded the House with their bills. Tilley was on his feet almost daily with Saint John matters such as the establishment of a Saint John Board of Health, an improved water and sewage system, the erection of a building for sick and disabled emigrants, a grant for African Schools, and a bill for the incorporation of the St. John Protestant Orphans' Asylum.⁵³ He had little difficulty with most of the items, but the question of the orphanage was awkward, to say the least. The bill, which requested only the right to erect the building and raise the money, was presented with his "usual ability and amicability of manner," but almost before

⁵¹ Journals, 1855, p. 250.

⁵² G.E. Fenety, Political Notes, Vol. II, No. 8.

⁵³ Morning News, April 11, 1855, for an attack by the anti-Saint John members on the "local object", the emigrant building, a "Parish Poor House."

he sat down he was called upon to explain its exclusive and sectarian character.⁵⁴ Some ridicule was heaped on the bill because it included, according to Ritchie, "the most strange theological doctrine he had heard propounded - (laughter)." Though Tilley argued that these benevolent people only wanted to "distribute charity in a Christian way," he offered to reconsider the bill and hoped "to remove all objections."⁵⁵ Two weeks later he returned with the same bill, and high praise for the "novel" aspect of "five or six clergymen of different denominations uniting together on certain principles, to assist poor and destitute children; (hear, hear)."⁵⁶ The bill passed on March 6.

iii

By March 6 the issue of the orphanage had declined in importance and had been replaced by others, notably Tilley's prohibition bill. That very day he had moved to have 100 copies printed and had faced questions on whether it was a government bill and the effect it would have on the new revenue bill. Tilley said it was not a government bill, and the effect of it would be to save money for the province. Though the tax on alcohol might contribute £30,000 to the revenue, he observed, "we are taking three times the amount out in consequence of the evils arising from intemperance."⁵⁷ The bill was printed and about two weeks later the debate began.

⁵⁴Morning News, Feb. 26, 1855.

⁵⁵Debates, 1855, p. 26, p. 45.

⁵⁶Ibid., p. 77.

⁵⁷Ibid., p. 76.

It was early on Monday, March 19, that Tilley rose to speak to a full House. "The Ladies Gallery was filled with fair occupants; the lobbies under both galleries were full of gentlemen as convenience permitted - and the members in their places."⁵⁸ Visitors had even come from Calais, Maine, to participate in the event.⁵⁹ It was as if Tilley's almost twenty years of dedication to the movement was with him that day. Giant petitions in support had been collected and were "rolled in the size of rolls of carpet, on the floor of the House," Tilley stated later. "There was a general opinion prevailing in the Country that there was at that time a majority in favour of prohibition."⁶⁰ Success seemed assured. Tilley was, after all, the Grand Worthy Patriarch of the Sons of Temperance of all North America, and on that day he was master of the House.

He presented the features of the bill in his clear and logical manner. All manufacture, importation and sale of intoxicating liquors were to be prohibited, except for medicinal, mechanical, chemical or sacramental purposes. Peace officers were to search suspected outlets; revenue officers were to search vessels; employees were to be liable for their employers' business. Those convicted were to be subject to fines and imprisonment; appeals that failed would result in double penalties. Informers, who believed that liquor was being kept for illegal sale, could on oath before a magistrate have a warrant issued. If liquor were found the owner had "to prove the liquors are not intended for sale." Any person found intoxicated in a public place would be arrested and

⁵⁸ Morning News, March 19, 1855.

⁵⁹ Mitchell Papers (UNB), Sutton to Mitchell, March 19, 1855.

⁶⁰ Canada, Sessional Papers, 1894, No. 12. Report of the "Royal Commission on the Liquor Traffic," Minutes of Evidence, Aug. 12, 1892, p. 554.

would be required to name his source or remain in gaol "until he give the information, or until he shall by such Justice be discharged."⁶¹

The proposals were stringent, some considered them terrifying, but so, it seemed, were the evils connected with alcohol. Tilley presented evidence of the nature of the problem; then he proceeded to illustrate both the virtues of temperance and the effectiveness of prohibition legislation as it existed in various sections of the United States. His examples were well chosen as the following indicates:

During the prevalence of the cholera in that City [Saint John], it was estimated that the number of deaths were one out of every forty of the population. Among the Sons of Temperance it was an ascertained fact that the deaths were only one out of six hundred and fifty. The Sons of Temperance in the city numbered 1300 members and out of that portion only two deaths from cholera took place. In the Parish of Portland the number of deaths were calculated at one out of every ten of the population. In that Parish also the immunity of the Sons of Temperance from this scourge was very remarkable, for the Sons only lost one out of every seventy of their members.⁶²

The most spectacular example of the dangers of drink was a gory butcher knife murder of a wife by her drunken husband. The agony of the children and their performance before the Grand Jury, of which Tilley was a member, made the case even more poignant.

"Your readers and the Sons," declared the reporter for the Morning News, "may feel sure that the Hon. Prov. Secretary has handled the subject in a most masterly way - now pathetic, and at other times

⁶¹ Quoted in Fenety, Political Notes, Vol. II, no. 7.

⁶² Debates, 1855, p. 99.

humourous - always powerful."⁶³ It was a hard act to follow, and no one was really able to challenge Tilley. Most praised both his speech and his sincerity; none appears to have had his mind changed by the debate.

The debate on the Prohibitory Liquor Bill was one of the best of the session. Almost free of invective, it contained an intelligent and often humourous examination of the various positions. James Boyd of Charlotte who "could say it was a subject in which he had considerable experience both ways (laughter)," raised a question Tilley could not answer except to deny. Why was it that "while moral suasion prevailed drinking decreased; but when they adopted coercive measures, intoxication increased accordingly."⁶⁴ The main attack, surprisingly, came from Tilley's colleagues in the Council. A.J. Smith and W.J. Ritchie both supported the objectives of the bill but could not support the methods. Smith wanted Tilley to change the bill so as to "relieve it of its arbitrary and coercive principle." "The law should be referred to the people," Smith declared, then he could support it. One section he found especially objectionable: arbitrary arrest and imprisonment. "He would not trample down every vestige of liberty, he would rather see the whole province sink in obscurity rather than oppose the power of liberty; liberty, the cherished birthright of every British subject." When Tilley refused to change the bill, Smith told him "It was wrong - it was cruel" in the methods proposed, and what was worse it could not be enforced because of the medicinal loophole.⁶⁵ Ritchie's objections

⁶³ Morning News, March 21, 1855. See also the New Brunswick Courier, March 24, 1855, and Mitchell Papers (UNB), Sutton to Mitchell, March 19, 1855. "Tilley made a most excellent speech of 2½ Hours. . . . I am inclined to think it will pass by a small majority."

⁶⁴ Debates, 1855, p. 101.

⁶⁵ Ibid., p. 104, p. 114.

were similar, though he was less abrasive. In one respect he went further than Smith, because he believed the law would increase the number of law breakers. "It would lead to smuggling, perjury, and illicit distillation, from one end of the country to the other, with all the evil consequences attendant thereon."⁶⁶

Despite these objections from his closest colleagues, Tilley was not swayed one degree off his course. Fisher, Brown and Steeves gave him encouragement from within the Council, while in the House the temperance support crossed all party lines, just as the Sons had sought to achieve in the 1854 election. On March 21 an attempt to shelve the bill for three months was defeated twenty-one to seventeen, a clear indication of success ahead. In his final speech Tilley spoke to all of the objections by denying them. The arbitrary and coercive aspects he considered unfortunate but unavoidable, since the desirable results could not be achieved otherwise. To Ritchie, who had called for a plebiscite, Tilley replied that "he did not see the necessity of doing so, when a general election took place last year. The bill had been before the last House, and it was well understood that it would be brought up again."⁶⁷ This rather feeble defense of the lack of a plebiscite may reflect Tilley's own lack of conviction. In a speech some six and one-half years later he stated the following:

He would say this, that the course pursued was not in accordance with his own views on the question; and when he presented his bill to the Legislature, it was his opinion that to give the act full power and force, there should be a direct vote of the people upon the question. But several friends of their cause came to them, and said that if the bill be put in that shape

⁶⁶ Ibid., p. 109.

⁶⁷ Ibid., p. 110.

they must vote against it. Thus they were in a dilemma; if they went as they were, it was with the certainty of defeat; but if they made the law compulsory, they had a strong prospect of success. It was ultimately decided to make it compulsory.⁶⁸

It is difficult from this distance to say whether Tilley was only making an excuse for himself after his efforts had failed, or presenting his true position. The suggestion that the final draft of the bill was a change from the original cannot be proven. What is known is that Tilley publicly had stated on many occasions that the people should decide. In the debate of 1855 he concluded by asking for a fair trial for prohibition. Should it fail, he concluded, "he would cheerfully return to the present system" of licensing.⁶⁹ The bill received its third reading on March 27 with a vote of twenty-one to eighteen.

The opposition to the bill both in and out of the Assembly was both unsuccessful and unimpressive. There was some grumbling and a few petitions against the bill had been presented. The New Brunswick Courier, a government paper, had opposed the bill as premature. The Morning News said it would "do more harm than good,"⁷⁰ and hoped the Legislative Council would follow the lead of the Nova Scotia Council and reject the bill. On March 30 the upper House passed the Bill. On January 1, 1856, it would become law.⁷¹

⁶⁸"The Hon. S.L. Tilley on the Working of the Order in America." A speech delivered to the Sons of Temperance in Manchester, Dec. 7, 1861, published in The United Order of the Sons of Temperance of Great Britain and Ireland (Manchester, 1862), p. 20.

⁶⁹Debates, 1855, p. 110. See the Journals, 1855, p. 260. Tilley, Brown, Fisher, R.D. Wilmot and seventeen others voted for the bill; Ritchie, Smith, Johnson, Gray, Harding, Sutton and Kerr were among the eighteen who voted against the bill. Party lines were clearly obliterated on this issue.

⁷⁰Morning News, March 19, 1855. For the New Brunswick Courier, see March 17.

⁷¹See Morning News, March 30, 1855.

Perhaps New Brunswick was consumed by an overwhelming temperance phenomenon, as historians frequently maintain, but it must be seen in relation to similar activity in North America at the same time. In 1855, the year Tilley's bill was approved, similar bills were passed in the Assemblies of both Nova Scotia and Canada, only to be thrown out by the Legislative Councils. In April the Senate of New York approved a prohibitory bill by a vote of twenty-one to fourteen. When placed in this light the New Brunswick bill appears less unique.⁷² Its primary importance emerged from subsequent political events.

Lieutenant Governor Manners-Sutton did not approve of the bill, but as the Session of 1855 drew to a close, and as he and others reviewed the legislation, the Prohibitory Liquor Act was well down the scale in importance. The Governor generally approved of the reforms of his Council, even if he did not approve of the men. He referred to the new scale of duties as "on the whole I think a considerable improvement." The Election Law he thought long overdue. For the Board of Works he had great hope. When former Provincial Secretary John R. Partelow was appointed Auditor General, Manners-Sutton's enthusiasm was unbounded. Partelow was a man of unquestioned ability and was to have a non-political office of great importance.⁷³ Even Arthur Blackwood of the Colonial Office, who had a notoriously low opinion of New Brunswick

⁷² See Morning News, Apr. 13, 1866 for the New York Senate. For the general activity of the Temperance activity in various legislatures see John G. Woolley and William E. Johnson, Temperance Progress in the Century (Toronto, 1903), especially p. 352. J.M.S. Careless, The Union of the Canadas, 1841-1857 (Toronto, 1967), discusses the temperance legislation in the Canadas in 1853, p. 174.

⁷³ C.O. 188/124, Manners-Sutton to Russell, May 16, 1855.

politics, observed as he read of the changes: "Judging from the measures of the Leg[islature] in the late session to which the Lt. Gov. herein especially refers, alterations seem to be in progress which have been long needed in N Brunswick affairs."⁷⁴

iv

Unfortunately for Tilley and the Council the euphoria that followed the meeting of the Legislature was short lived. Most critically, the European and North American Railway was in danger of rotting and rusting where its fragments lay. Tilley, as a shareholder, a Director, and the member of the Council responsible for the railroad, was especially concerned. As early as January 15 the difficulties were public knowledge. The men employed on the line between Shediac and the Bend had been "discharged", and Tilley, at the request of the Assembly, asked Robert Jardine, the President of the Company, to explain the position of the contractor. Jardine, who could report only on the progress of 1854, gave no hint of difficulty,⁷⁵ but as spring unfolded and construction did not recommence, anxiety pervaded both the government and the Company. Finally on April 28 the Company resolved to send W.J. Ritchie, their Solicitor, to London "to do whatever may be considered expedient for the interests of the Company and the completion of the work."⁷⁶ The Council

⁷⁴ Ibid., Minute by Arthur Blackwood, June 5, 1855.

⁷⁵ Journals, 1855. Appendix on "Railways", R. Jardine to Tilley, Feb. 27, 1855, p. cccix. For the problems see the Morning News, Jan. 15, 1855.

⁷⁶ Journals, 1856. Documents on the "European and North American Railway" brought before the House March 5, 1856. Resolution of the Directors, July 12, 1855, p. 80.

officially sanctioned this move and had some hope for success.

Another awkward and persistent problem concerned the relationship between the Governor and the Council. He did not like his Executive Councillors. Their lack of deference seemed to be the main problem, although there were personality and philosophical differences that could not be bridged. The combination of an inexperienced and suspicious Governor on the one hand, with an inexperienced and suspicious Council on the other, had dangerous potential. From the beginning the Council had adopted a defiant, anti-establishment position and the Governor had become intractable. As time passed and confrontations multiplied, the distance between them grew. There was the issue of the Presidency of the Legislative Council and one over membership of that Council. The control of the Civil List fund divided them as did the defenselessness of the province because the Militia Law was in suspension. When the Council made a proposal to have an accredited agent to represent the interests of the British North American Colonies in the United States, Manners-Sutton was incensed by what he considered to be creeping republicanism. "Every opportunity is eagerly seized of taking a step in the direction which may be supposed to lead to the perspective [sic] union of the British North American Provinces," he wrote Russell," and to what might be called an alliance with, rather than a dependence on, the Mother Country."⁷⁷

To a man of Manners-Sutton's sensibility, the performance of his Council had been distressing, but the Prohibitory Liquor Law was

⁷⁷ C.O. 188/124, Manners-Sutton to Russell, Private and Confidential, April 20, 1855. See also Manners-Sutton to Grey, Jan 17, Feb. 14, 1855. W.S. MacNutt, New Brunswick: A History, p. 358 ff. discusses the relationship between the Governor and his Council.

especially obnoxious. He had appeared before the Council on April 12 with petitions against the measure, and he asked their advice on what he should do, fervently hoping they would urge him to withhold assent.⁷⁸

"Had the three members of my Council who opposed the Liquor bill in every stage of its progress through the House of Assembly," he wrote Russell in distress, "or had Mr. Ritchie singly declined to advise me to assent to the measure of which they had so strongly marked their own disapproval, I should have acted on their opinion and not on those of the majority of the Council."⁷⁹ The Council stood to a man on the decision of the Assembly; all the Governor could do was reserve the measure to the Queen for reconsideration. What Tilley and his colleagues did not know was that Manners-Sutton had actually considered a dissolution, even to the extent of consulting members of the opposition, "cautiously indeed," as he wrote Russell. Enticing as the idea may have been, those men informed the Governor that he would "be left to fight the battle alone."⁸⁰ That he dared not do.

Tilley might have welcomed the fight for he was convinced of the virtue of his position. That May, as he tidied up his office, the

⁷⁸ New Brunswick Executive Council Minutes (NBPA), Apr. 12, 1855. This and other documents were published in Journals, 1856. Documents on the "Prohibitory Liquor Law," brought before the House March 13, 1856, pp. 122 ff.

⁷⁹ C.O. 188/125, Manners-Sutton to Russell, Private and Confidential, July 4, 1955. Manners-Sutton was in New York at the time.

⁸⁰ That Manners-Sutton did discuss a dissolution cannot be doubted. Moses Perley visited Sir Edmund Head in Canada and wrote his friend, E.B. Chandler, a former member of the "compact": "I told Sir Edmund we were likely to have a change of admn. in New Bk very soon - he said slowly in his cool sarcastic style: "Yes I suppose so, when I heard that Ritchie had assumed the Bench - all the rest amount to nothing!" He used the phrase "assumed the Bench" in a marked manner, and you, who know him so well, will readily fancy how he said it." Chandler Papers (NBM), Perley to Chandler, Oct. 27, 1855. Obviously, a change in Governments was a matter of discussion among insiders.

machinations of the Governor were probably far less important to him than the forthcoming Annual Convention of the Sons of Temperance in Charleston, South Carolina. What an auspicious occasion it would be! As the Most Worthy Patriarch, Tilley was going to the meeting successful beyond all expectations. He had joined Neal Dow at the pinnacle of the movement. Even the New York Organ carried his portrait and a brief eulogistic biography.⁸¹ Dow, as Mayor of Portland, and Tilley as Provincial Secretary of New Brunswick, had in that spring of 1855 shown the way of the future. Who could have foreseen that within twelve months "Dowism" would be dying and Tilley would be a mere "Pill Seller".

It was on June 2, 1855, that the first major crack appeared. Dow called out the militia to help crush a "Liquor Riot" in Portland. One man was killed, many were injured.⁸² Two months later the Dow forces lost the State and their legislation was doomed. The implications for Tilley were ominous. As early as June 6 Thomas Hill of the Fredericton Head Quarters had turned his guns on Tilley and the "Great Liberals":

Well, one of the champions of the Great Liberal party is gone to spend several weeks among a people who hold their fellowman in bondage, and sell them at auctions as they would as many hogs! . . . And this Great Liberal has gone thither to meet with the slaveholders as friends and brethren. . . . What a degraded position for a man who holds a high position in a Liberal Government! To what extreme lengths will not some men's blind zeal carry them.⁸³

⁸¹ See the Morning News, May 7, 1855.

⁸² See Byrne, Prophet of Prohibition: Neal Dow and His Crusade, pp. 64-67. For a New Brunswick opinion see the Fredericton Head Quarters, June 11, 1855, and the Morning News, passim.

⁸³ Head Quarters, June 6, 1855.

Led by people like Hill, who was opposed to the government, and others, who were upset by the Prohibitory Liquor Law, the opposition that had been ineffectual during the session began to acquire strength during the spring and summer of 1855. Petitions were prepared and meetings were held in a variety of communities. Tilley did not seem to worry about such activity. He dismissed one petition to the Queen and the anti-temperance party:

by relating the remarkable conduct of a certain old gander, who seeing his respectable female companion employed in incubation, thought he should do something too, scraped up several pieces of crockery and loose straw, and actually set down with the hope to do something himself.⁸⁴

Tilley might laugh about the opposition, for he had expected it. He should not have underestimated his antagonists nor given them additional weapons. The temperance movement and Tilley in particular exposed themselves increasingly to the charge of arrogance of power throughout 1855. Nowhere was this more obvious than in the distribution of patronage. Tilley, Fisher, Brown and Steeves all held Council offices with a salary to begin with, but it was their appointments that disturbed the public; the secretary of the Board of Works, two Legislative Council positions, a number of magistrates. The list grew longer as they added a Sheriff in Queens County, a Shipping Master in Saint John, and the Clerk to the Saint John City Council. This last item was especially blatant. W.R.M. Burtis, the former editor of the Temperance Telegraph, was appointed over the objection of the whole city Council. This sort of manoeuvre convinced many that the "Temperance party ride dominant in the Government."⁸⁵ Even

⁸⁴ Quoted in the Head Quarters, June 20, 1855.

⁸⁵ Head Quarters, Oct. 31, 1855.

the friends of Temperance were upset by the Burtis affair, and Tilley had to defend his action in the Assembly, where he

denied that the principle of Responsible Government had been violated in this instance. The appointment was the prerogative of the Government, and they had exercised the power. There were several applicants for the office - only part of whom had applied to the Common Council. He did not dispute the qualifications of Mr. Robertson, and was pleased to see that the Common Council were making an effort to have the power themselves. The measure should have his cordial support.⁸⁶

That Tilley had a powerful position in the Council was obvious. References were being made to the Fisher and Tilley Council or to Tilley and Company, especially after Tilley prevented the appointment of Charles Connell, Fisher's brother-in-law, to the Council. Connell, who wished to be Postmaster General, was a typical example of the "petti-fogging" parochial politicians so despised by Governor Manners-Sutton. To his credit Tilley absolutely refused to sit on the same Council with Connell,⁸⁷ but to the public it appeared as another example of Temperance dominance. Fisher "sits at Council as quiet as a sucking turtle," moaned the Head Quarters, "and suffers himself to be snubbed, and dictated to, by the man of pestles, and mortars and one idea!"⁸⁸

One of the reasons for Tilley's increasing dominance was the departure of William Ritchie from the Council. Ritchie had gone to England in May to negotiate a settlement with Peto, Brassy, Betts,

⁸⁶ Quoted in the Morning News, February 26, 1856. No debates were published in 1856. Tilley, among others, voted against publication as a means of saving money.

⁸⁷ Head Quarters, Dec. 12, 1855.

⁸⁸ Ibid., Dec. 12, 1855. From an article entitled "Shades of Shadows".

Jackson and Company, but he returned to New Brunswick empty handed. By the middle of July the completed sections of the railroad were deteriorating rapidly, and the Directors of the European and North American Railway Company asked the government to take "immediate action . . . to protect the interests of the Province."⁸⁹ This was not simply greedy investors trying to protect property; the credit and future of the province had been placed on the line with the construction of the railway and the prospective concurrent progress. The implications of failure transcended the financial. From that perspective the Directors informed Peto, Brassy, Betts, Jackson and Company on July 26 that they were prepared "to make other arrangements,"⁹⁰ but they would prefer to see the existing contract honoured. Tilley and Ritchie were party to that decision. The obvious difficulties of the European and North American, "The Great Bubble Railway,"⁹¹ exposed them and the government to severe criticism. Ritchie was blamed especially because he as company solicitor was in large part the architect of the contract. Just as public pressure was mounting on all sides, the death of Judge George Frederick Street created a vacancy on the New Brunswick Supreme Court. Ritchie wisely chose the opportunity to collect on past debts, and on August 17 the Executive Council recommended his appointment to the Bench.⁹² Ritchie's exit strengthened

⁸⁹ Journals, 1856. Documents on the "European and North American Railway", Resolution of the Directors, July 12, 1855, p. 80. For the position of the Directors, see S. Morton Peto to Wm. J. Ritchie, Westminster, June 8, 1855, p. 80. A consulting engineer reported on the condition of the line in A.C. Morton to Robert Jardine, July 10, 1855, pp. 81-84.

⁹⁰ Ibid., Robert Jardine to Peto, Brassy, Betts and Jackson, July 26, 1855, p. 84.

⁹¹ Head Quarters, July 18, 1855.

⁹² New Brunswick Executive Council Minutes (NBPA), August 17, 1855. Manners-Sutton approved, as did the Colonial Office.

Tilley's position for he became the unchallenged spokesman for Saint John and its business community. It also removed an articulate critic of the Prohibitory Liquor Law.

The government had to fill Ritchie's seat in the Assembly as well as his position on the Council. To fill the first a bye-election was called in St. John County. The government candidate was a relatively unknown liberal, John W. Cudlip, a man Tilley made a special night trip from Fredericton to Saint John to support. What was interesting about Cudlip was that he was a wholesale liquor dealer. Tilley's defense, which must have appeared hypocritical, was "that it was thought far more important to secure additional help to sustain the present Government than to secure additional help to sustain the prohibitory liquor law."⁹³ The hard core temperance people were apparently unable to vote for Cudlip, even though the temperance movement supported the government. John Goddard, who had sat in the Assembly from 1851 to 1854, easily led the poll. Cudlip came in a distant third.

There was one other important result of that election. At a public meeting, a number of the Roman Catholic voters of Saint John decided not to vote. Except for a few scattered references, such as Mgr. Connolly's letter to Joseph Howe quoted above, it is difficult to determine what the role of the Roman Catholic voter had been up to that time. The Morning News declared that they had in general "always supported the Liberal ticket,"⁹⁴ but that is misleading, for the ticket was frequently

⁹³ Quoted in Head Quarters, March 12, 1856. See the Morning News, Sept. 19 and Sept. 26. Two seats were actually vacant since Partelow had also resigned to become Auditor General. The voting was as follows: Goddard, 876, Armstrong, 740, Cudlip, 627, McLean, 543, and Scoullar, 80.

⁹⁴ Morning News, Sept. 21, 1855, and supra n. 13.

a combination of factions that had little meaning. R.D. Wilmot, for example, ran as a Liberal in 1850 but was the stalwart of the Orange Order. As far as can be determined, it seems that the Roman Catholic vote went to the Reformers in 1854 in expectation of some considerations which they had never received from previous governments. It quickly became clear that their hopes were misplaced. No Roman Catholics were appointed to either the Executive or the Legislative Council, nor did any amount of the expected patronage materialize. In addition, the government gave no support whatsoever to separate schools. "The present Government has given no proof of any disposition to treat the Catholics of this County, or of the Province more fairly or with less injustice than their predecessors had done," concluded the Morning Freeman. They were still treated as "an inferior class."⁹⁵ Thus it was that Timothy Warren Anglin, the brilliant and immensely influential editor of the Catholic Morning Freeman, withdrew his support from the Liberals. The Morning News gave another reason for the shift. "Had Mr. Tilley's Prohibitory Bill never been introduced into the House, the Editor of the Freeman would still be in opposition to Gray and Wilmot."⁹⁶

Those Saint John results demonstrated to the Council that some fence mending was essential. Two new Councillors were appointed. One, David Wark of Richibucto, gave representation to the North Shore; the other, Charles Watters, was a Saint John Roman Catholic. Watters sat

⁹⁵ Quoted in Morning News, Sept. 21, 1855.

⁹⁶ Morning News, Feb. 16, 1857.

for Victoria County.⁹⁷ Perhaps it was tokenism, but it set a precedent which subsequent governments had to take into consideration.

The government had need of additional strength that fall of 1855. The problem of the European and North American Railway became more serious, and throughout the fall the Company and the government considered solutions. At a memorable meeting on October 25 they made a number of decisions. The first was that "public interest requires a settlement or compromise with them [the contractors] in order to obtain possession of road with a view to its prosecution."⁹⁸ A second agreement was to send Attorney General Fisher and Hon. John Robertson, a Company representative and Legislative Councillor from Saint John, to London to settle with the contractor and to find financial backing for the railway as a government project. In other words, the province was going to build the railway itself.

Manners-Sutton did not approve of his Council's proposals and attempted to stop them. He sent a long, somewhat cantankerous Memorandum to them on November 28 setting out his objections. He was especially upset at the prospective strain that would be placed on the resources and finances of the province, but he was also concerned that a partial Council should take such a fundamental decision on an issue that involved the

⁹⁷ See C.O. 188/125, Manners-Sutton to Grey, Nov. 30, 1855, and the Morning News, Nov. 30, 1855. Watters and Tilley had both run in the election of 1850. Wark was to have a long political career. He died on August 20, 1905, at the age of 105, the longest living of any Canadian Senator. See J.K. Johnson, ed., The Canadian Directory of Parliament (Ottawa, 1968), p. 592.

⁹⁸ New Brunswick Executive Council Minutes (NBPA), October 25, 1855.

workings of the free enterprise system. The next day the Council composed an equally sharp Memorandum, rejecting all the Governor's objections and insisting on the appointment of Fisher as a delegate to go to London. Manners-Sutton acceded, and soothed his wrath by writing Earl Grey about the impossibility of success of the venture.⁹⁹

Despite the Governor's apprehensions, Fisher and Robertson were almost totally successful in their objectives. For £90,000 sterling, the contractors agreed to relinquish all claims on the province. Of far greater importance, Baring Brothers & Co. gave an immense vote of confidence to New Brunswick by agreeing to negotiate a loan of £800,000 sterling, extended over a number of years. The first year, £50,000 was to be made available, and a maximum of £200,000 per year was to be extended in subsequent years. The bonds were to be redeemable in thirty years at six per cent. Barings was to receive a two per cent fee and it was agreed that "all future sales of Bonds" should be through Barings, which was the exclusive agent for Nova Scotia and Canada as well.¹⁰⁰ Fisher's one failure was to get Imperial support for an elaborate system of provincial railways stretching up the Saint John River to Quebec from "Saint John the ocean terminus" with connections east to Halifax and west to Portland by the European and North American Railway.¹⁰¹

⁹⁹ Ibid., Nov. 29, 1855. See also C.O. 188/125, Manners-Sutton to Grey, Dec. 1, 1855, with enclosures. In the Minute it is observed that Manners-Sutton did not seem hopeful for the Fisher trip, "nor does he appear to be quite satisfied with the proceedings of the Council."

¹⁰⁰ Journals, 1856, "Railway Papers: Report of the Attorney General". Baring Brothers to Charles Fisher, Jan. 4, 1856, p. 109. Fisher outlined all of the proceedings in Fisher to Tilley, Feb. 6, 1856, pp. 102-106.

¹⁰¹ Ibid., see Charles Fisher to Henry Labouchere, Jan. 11, 1856, and Herman Merivale to Fisher, Jan. 18, 1856, pp. 110-114.

By the time Fisher returned to New Brunswick on February 4, 1856, the next session of the Legislature was upon the government. The major legislation concerned railways. On March 11 he introduced four separate bills. One assumed provincial control over the European and North American Railway; a second provided for the extension of the line from Saint John to Woodstock and eventually north to Canada, and envisioned lines west to Calais (Western Extension) as well as into the North Shore; a third provided for the acquisition of the funds through Barings; and the fourth raised the general duty two and one-half per cent to meet the interest on the loan. The project was gigantic, perhaps impossible, but it did "excite great expectations" throughout the whole province.¹⁰² As a project it may deserve to be ranked with the other great schemes of the era. To the cynical, who realized that only the Shediac line would be built immediately, it was a political smokescreen to disguise the Saint John dominance over the province.

For Tilley it was the realization of the dreams of the old Rail-Way League, which had equated railways with the progress of mankind. To those who paraded provincial bankruptcy Tilley replied that the reverse would be the case. If the bills were not passed, he said, "there would not be a mile of Railroad in the Province (except St. Andrews) on the 1st January, 1858". The implication of that was clear to anyone who looked at what was happening in the United States and Canada. He had not, Tilley insisted, "looked at the scheme in a sectional point of view. The Government in preparing it had done so as the owners and representatives of property in the Province, and he had come to the conclusion that

¹⁰²Fenety, Political Notes, Vol. II, no. 10.

as the money could be had and the interest paid it was desirable and necessary for the Province to contract a debt." As a Director of the Company Tilley defended it as an insider with authority and detail, especially the contract with Jackson and Company which he had considered sound. Turning to the two and one-half per cent increase in duty, he justified it "as an essential feature of the proposition, and the arrangement as even more satisfactory than that made by Barings with Canada and Nova Scotia."¹⁰³

The railway bills, though certainly Fisher's creations, could not have been more congenial to Tilley. Saint John was to become the centre of a great railway empire. The businessmen would certainly benefit, but so would the whole community. A form of protection was achieved by the imposition of the increased duty, which applied to all items, except those that entered free under the Reciprocity Treaty. The bills passed the critical committee stage on March 27 with majorities of fifteen, and two days later received final approval.¹⁰⁴

In the meantime Tilley had presented his financial statements for the year. They indicated two things: that Tilley's estimates of revenue had been accurate, but that expenditures could not be controlled under the existing system. In an earlier debate Tilley indicated both the problem and the solution:

The Government had also been charged with extravagance in certain matters and voting large amounts in excess of the estimates. The course he, Mr. Tilley, advocated could only be remedied by having the power to prevent the evil - viz: the Initiation of Money Grants to the Executive. . . .

¹⁰³ Morning News, March 26, 1856.

¹⁰⁴ Journals, 1856, p. 173, p. 178.

He, Mr. Tilley, felt it due to his office to strive as far as possible to keep the expenditures of the Country within the amount of revenue. It might be very well for members to strive to make themselves popular with their constituents by getting large Bye-Road grants, but they never considered the necessity of keeping within the means.¹⁰⁵

Finally, after over a decade of talk, a private member's bill, introduced by George L. Hatheway of York, determined that "the right of initiating Money Grants should be conceded to the Executive Government, and the practice of the Imperial Parliament in this respect adopted."¹⁰⁶ The reason for having a private member introduce this bill was that the Assembly was sacrificing one of its privileges, as it had with the revenue bill in 1855, and it was appropriate that it emerge from the House rather than be imposed by the Executive. The debate over the control of the initiative was short, but very sharp, as opinion was by no means unanimous. The loss of influence to the ordinary member was significant, and arguments to the effect that sacrifices must be made for the greater good had little influence on people whose political career was based on acquiring grants for their constituents. Despite the opposition, the bill was approved twenty to eighteen on April 3. Constitutionally this represented the major achievement of the session and for Tilley another of his election promises.

v

The Prohibitory Liquor Law, which Tilley considered his major social achievement, was facing a counter attack that even its originators

¹⁰⁵ Quoted in Morning News, Feb. 25, 1856, but see Feb. 27 as well.

¹⁰⁶ Journals, 1856, p. 191.

could hardly have anticipated. Despite the opposition of the Governor, the law had gone into effect on January 1, 1856. The Imperial authorities had refused to disallow the act on November 28,¹⁰⁷ and the province braced itself for the public reaction in the new year. That there would be difficulties, no one doubted. That there would be almost daily public meetings, protests and outright defiance of the law, few expected. In Saint John on January 7 the first case was before the courts. Three private citizens charged a fourth with trafficking. A large, angry crowd gathered at the Court House and created a demonstration "of formidable character," threatening a small riot. The case was deferred, a not uncommon result.¹⁰⁸ At a public meeting in Fredericton on January 18 Tilley listened to an energetic attack on both the Temperance movement and Tilley himself. Not one to duck a fight, Tilley was not afraid to speak to a hostile crowd. He congratulated the people for calling the meeting, "the only constitutional course. . . . It was only by free and calm discussion that they could expect to arrive at the truth." Convinced that truth was on his side, Tilley went into

the poverty, misery and degradation, &c until he wrought himself up to a high pitch of excitement, when he again spoke of his sincerity and the purity of his motives; throwing his arms aloft, and with a loud voice and violent gestures appealing to a higher power to witness the truth of his assertiveness.¹⁰⁹

¹⁰⁷ Ibid., "Prohibitory Liquor Law," p. 120, H. Labouchere to Manners-Sutton, Nov. 28, 1855.

¹⁰⁸ See the Morning News, Jan. 14, Jan. 18 and Jan. 23, 1856, and the Head Quarters, Jan. 9, 1856.

¹⁰⁹ Quoted in the Head Quarters, Jan. 23, 1856. According to the New Brunswick Reporter, Tilley's was "one of the most impressive speeches which we have ever listened to." See the Head Quarters, Jan. 30, 1856.

A voice from the audience asked Tilley how he could take this position and support John W. Cudlip, a liquor dealer, at the last election. What could Tilley say?

The Temperance people were not deterred. They prowled the countryside for offenders. "The land was filled with spies, pimps and informers," according to one observer. As defiance of the law increased, it was claimed by another, the "country was almost in a state of civil war."¹¹⁰ No doubt this was exaggeration, but everything was exaggerated about this issue. The Council did not believe the situation was out of control and determined not to change the law. With Tilley in such a dominant position they could hardly move against it; still, many hoped the Assembly would repeal the act.

The Speech from the Throne had ignored the Prohibitory Liquor Law as it concentrated on the railway proposals, financial reform and educational changes. Aware of a ground swell against the law, John H. Gray chose his earliest opportunity to move a motion of want of confidence in the government, though he was careful to choose the difficulties with the European and North American Railway as the specific issue.¹¹¹ In the debate Tilley was charged with poor management of affairs because of the decline in revenue, a rise in the deficit, and a recession in the economy. With the loss of the revenue from the tariff on liquor, the problem would, it was claimed, be even more serious. Tilley denied this and strongly defended the government railway policy. The speech was long, full of details, and typical of Tilley. He was most effective in

¹¹⁰ Quoted in MacNutt, New Brunswick: A History, p. 359.

¹¹¹ Journals, 1856, p. 17.

his use of statistics, either to prove the evils of drink or the efficiency of the government. One member actually congratulated him as the "Chancellor of the Exchequer",¹¹² but few others seemed to have been much impressed.

Throughout the whole session Tilley had been called upon to defend his Prohibitory Liquor Law. Petition after petition was brought before the Assembly, and the complaints of the unemployed brewery men were added to those suffering from the effects of the general recession. He repeatedly asked for a fair trial of the law, but he was tired. "I have been so completely overwhelmed with business since the House met," he wrote Brother Webber, "that I at times scarcely know what way to turn."¹¹³ In that frame of mind he was again called upon to defend the law. On April 8, a repeal bill was introduced which claimed that the law "had proved itself to be unsuccessful in its operation - more of an injury than a benefit to the Country, having led to a system of espionage, evasion, contention, and engendered bad feeling all over the country." Tilley replied, as everyone knew he would, by denying that the law was "tyrannical" because it was "intended for the repression of vicious indulgences." "He wished to see the law have a twelve months' trial. If it did not improve the social moral condition of the Province, he should at the end of that time go for its repeal."¹¹⁴ The bill was given a three months' postponement by a vote of twenty-three to seventeen, about the same result as the original bill received. There was one other assault on the law during the Session, when an attempt

¹¹²It was Harding. Morning News, Feb. 27, 1856.

¹¹³Tilley Papers (UNB), Tilley to Webber, March 31, 1856.

¹¹⁴Fenety, Political Notes, Vol. II, no. 12.

was made to have the Lieutenant Governor dissolve the House and call an election on the appropriateness of the Prohibitory Liquor Law. Its defeat twenty-eight to eleven was a clear indication that Tilley was to have his "twelve months' trial."¹¹⁵

The session was brought to a close about a week later on May 1, and most of the legislators headed home with dreams of railways on their minds, for it was the railway bills that kindled the imagination and gave promise for the future. Not all went home and not all were enthralled. One man in particular despaired for the future under the Fisher Council. What was significant about him was that he was the one man who could take decisive action - Lieutenant Governor Manners-Sutton.

"These difficulties," he wrote Herman Merivale of the Colonial Office, "are of 18 months duration."¹¹⁶ For much of that time he had considered ways of replacing the Council with, as Albert Smith said "gentlemen more congenial to him."¹¹⁷ Throughout the session of 1856 the situation deteriorated, for it was obvious that the government controlled an absolute majority in the Assembly and would not be overthrown. The failure of all motions to repeal the Prohibitory Liquor Law forced Manners-Sutton to action. On May 4 he sent his Council a Memorandum in which he stated that the law was inoperative and that the "remedy

¹¹⁵ Journals, 1856, pp. 289-290.

¹¹⁶ C.O. 188/127, Manners-Sutton to Merivale (Private), June 13, 1856.

¹¹⁷ Quoted in the Morning News, July 28, 1856. This was discussed publicly. The following appeared in the Morning News, May 23, 1856: "But the ostensible cause in our mind may be traced to his Excellency's political as well as social predilections - for it is well known fact that Mr. Sutton and certain great men in Fredericton, have been boon companions for a long time, and on the most formidable dining terms with one another."

is only to be found in an immediate appeal to the People."¹¹⁸ He insisted on a special meeting of the Council and suggested May 15. On May 17 they did meet at which time they informed the Governor that he was incorrect on two counts. The first was that the law was not inoperative; the second was that an election was neither necessary nor desirable because it "at the present time would not, for many reasons, indicate the true state of the public mind on the subject."¹¹⁹ Manners-Sutton refused to accept this explanation and two days later insisted that his proposals be accepted. The Council refused. Impasse had been reached. Manners-Sutton broke it by directing Tilley, "the Provincial Secretary to prepare immediately a Proclamation dissolving the Assembly."¹²⁰ As the Head Quarters stated, "A firebrand thrown into a powder manufactory could not have caused greater consternation."¹²¹ The Executive Councillors immediately offered their resignations, and Tilley prepared the Proclamation, as was his duty. Nine days later, May 30, the Governor accepted the resignations and announced his new advisers, John H. Gray, R.D. Wilmot, E.B. Chandler, R.L. Hazen, J.C. Allen and F. M'Phelim. The same day he issued his Proclamation dissolving the Assembly and calling the election.

¹¹⁸ Journals, 1856, Second Session, "Resignation of the Late Council and Dissolution of House," presented July 26, 1856. Memorandum for Executive Council, May 6, 1856, p. 24.

¹¹⁹ Ibid., Memorandum of Executive Council in Committee, May 17, 1856, p. 24.

¹²⁰ Ibid., Manners-Sutton to Tilley, May 21, 1856, p. 27. The most convenient survey of the dissolution is to be found in William F. Ryan, "The New Brunswick Election of 1856: Responsible Government, the Power of Dissolution and Prohibition," Collections of the New Brunswick Historical Society, No. 14 (1955), pp. 54-61.

¹²¹ Head Quarters, May 28, 1856.

The Colonial Office had expected or rather feared something like this. "This proceeding," wrote Merivale to Labouchere, "which you are aware has been for some time past contemplated by Mr. Manners-Sutton seems most ill-advised." Some consideration was given to writing a letter of disapproval, in case the new Council failed to gain a majority. In the end they decided to wait the result.¹²² Arthur Blackwood put it succinctly:

The constitutionality is not that with which we are concerned. But as a matter of policy it seems to me that nothing short of the certainty of success can fully justify a step in which the risk of future mischief so generally outweighs the immediate advantage to be gained. We must hope that the result will meet the Lt. Gov^s expectations.¹²³

Tilley and the rest of the rejected Councillors set about to prove the Governor wrong. On the surface Tilley appeared quite safe. Manners-Sutton had certainly strained or stretched his authority "for under Responsible Government it is a stretch - though not unconstitutional it is unusual."¹²⁴ With such an issue Tilley should have been able to win reelection easily. Words such as constitutional, freedom, and prerogative were to be commonplace in New Brunswick that June. So also were words like coercion, repression, and dictatorial, for they were applied with abandon to the Fisher government and the Prohibitory Liquor Act.

¹²²C.O. 188/127, Minute, [H. Merivale] to Labouchere, June 24, 1856, in Manners-Sutton to Labouchere, May 31, 1856.

¹²³Ibid., Minute by [Arthur Blackwood] B. July 4, 1856.

¹²⁴Morning News, May 23, 1856.

Tilley began his campaign on June 4 by announcing a meeting for the next day at the Mechanics' Institute. The Head Quarters also chose June 4 to discuss the "Ex-Executive Council." After identifying Tilley as an agent of "a society of foreign origin," it went on:

In their school the political nobody, who was generally laughed at for his palpable verdancy ten or twelve years since, has become an adept in the true Machiavellian policy. To him smiles and smirks have been given ad libitum, and language is given him "to conceal his thoughts." Wily, crafty, subtle, and unprincipled in the highest degree, it is wonderful that he has been sustained, even for one short year, as the actual leader of, and dictator to, a Government, when it is known that he is the champion of a small but rampant faction. When we say "unprincipled," we mean politically. No one that has not watched his course in the Assembly narrowly could imagine that a man with his silver tones and bland smiles could conceal the mind that hesitates not to resort to the meanest most despicable dodges to defeat a measure, or a grant, that a large majority of the House had decided upon.¹²⁵

Fortunately for Tilley he did not have to run in Fredericton, but there was no avoiding the intense bitterness that pervaded this election. From what information is available about the election, Tilley appears to have kept to the issues. At the Carleton Temperance Hall on June 9, for example, he spent two hours defending the railway and financial policies of the government and attacking the actions of the Governor. It may have been a weary performance; it was at best uninspired.¹²⁶ He improved considerably at the nominating meeting on Friday, June 20. R.D. Wilmot, J.H. Gray and Charles Simonds were the first speakers. Only six years earlier Tilley had stood with them. In 1851 Simonds had resigned from

¹²⁵ Head Quarters, June 4, 1856. Tilley announced his meeting at the Mechanics' Institute in the Morning News, June 4, 1856.

¹²⁶ See the Morning News, June 11, 1856.

the Assembly along with Tilley and Ritchie, when Gray and Wilmot joined the government. Now he too stood against Tilley. More speakers followed, including James Harding, who had voted with the government for the past two years. Harding came down very hard on Tilley and the Prohibitory Liquor Law. Spurred perhaps by the attacks from all sides, Tilley, the tenth speaker of twelve in total, took his protagonists to task. Wilmot, Gray and Simonds were held up as totally inconsistent. Tilley cleverly chose incidents from their pasts, notably Wilmot's support of prohibition. After defending the administration of his government, he turned to the recent action of the Governor:

If the Executive were possessed of manly spirit and independence they would resist, but if they were cringing sycophants they would succumb to the despotic act. (Loud cheers). The exercise of the prerogative in the present instance had disenfranchised large numbers who would be entitled to vote in a few months.¹²⁷

Tilley then paraded his own lowly background with pride, emphasizing that his father had been a mechanic.

Tilley's speech was the best of the day, and if speeches at nominations have any effect on the voters, Tilley had saved his political life. The cheers that he received had not long ceased when the audience turned its attention to another speaker. It was a man once so closely identified with Tilley that he had represented him at the nominations of 1850. Joseph Lawrence, with whom Tilley had shared the 1830's and 1840's, stepped before the crowd not as Tilley's friend, but as a rival, an enemy. Lawrence "gave Mr. Tilley the credit of doing all he could for the Mechanics and believed it would be better for the cause of Temperance

¹²⁷ Morning News, June 23, 1856.

if all its supporters were like Mr. T." There was little else in the speech to please Tilley. Lawrence supported the actions of Manners-Sutton, declared prohibition a failure, said he would support the new government, and "he should go for repeal." The increase in the tariff for railway purposes he damned as evil protectionism that would work hardship on the working man.¹²⁸

The elections for Saint John were held on June 24 and June 25. In the County the government supporters were all defeated, but Tilley still believed he could win in the city on June 25. The city voters turned out in larger numbers than they had in any previous election, and Tilley received 1100 votes, almost 200 more than he had ever received before, but it was not enough. He trailed Lawrence by ninety-seven votes and Harding by 119.¹²⁹ Throughout the province the Liberals did better. Fisher, Smith, Watters and Johnson were returned, but only Fisher had voted for the Prohibitory Liquor Law. In total twenty-four old and seventeen new members were returned. Fifteen of the twenty-four were considered Liberals; therefore, the position of the party was far from hopeless. The Gray-Wilmot government would be sustained, at least until the Prohibitory Liquor Act was repealed. Following that, the division of the members would be unreliable.

Manners-Sutton was delighted with the results. He had been vindicated. The Colonial Office was also satisfied that he had "established in a perfectly right footing a very important principle in the conduct of responsible Government."¹³⁰ To Fisher, Tilley and the other British North

¹²⁸ Ibid.

¹²⁹ Ibid., June 30, 1856.

¹³⁰ C.O. 188/127, Manners-Sutton to Labouchere, July 30, 1856. Minute by Herman Merivale.

Americans who treasured responsible government, it appeared that both Manners-Sutton and the Imperial government had sacrificed the principle to satisfy the eccentricities of the Governor. In a strictly constitutional sense Manners-Sutton had acted well within his rights as the representative of the Crown. In an ethical sense he defied the spirit of Earl Grey's despatch to Sir John Harvey of November 3, 1846, which was the cornerstone of responsible government.¹³¹ The Minutes by both Blackwood and Merivale combined with the overall support given to Manners-Sutton after the electoral victory suggest that the distance between 1846 and 1856 was not so great as some imagined.

What did the election 1856 mean for New Brunswick? That its people were opposed to prohibition? That they were more concerned about a full pocketbook than about an arbitrary Governor or responsible government? Perhaps, but other factors must be taken into consideration such as the state of the economy, the problems over the railway, the recent increase in tariffs, the questionable distribution of patronage, and the general discontent with a government in mid-term. There was one other issue, in Saint John at least. The Roman Catholics had opposed Tilley and the Liberals, as they had in the bye-election the previous September, but so, apparently, did the Orangemen. The New Brunswick Reporter blamed the defeat of the Government on this Roman Catholic-Orange alliance. "Why not?" asked the Head Quarters. "They are alike British subjects; they may alike prize their liberties; they both felt

¹³¹ See W.S. MacNutt, The Atlantic Provinces: The Emergence of Colonial Society, 1712-1857 (Toronto, 1965), pp. 224 ff. The despatch is reproduced in various collections but see P.B. Waite, Pre-Confederation, Vol. II, Canadian Historical Documents Series (Scarborough, 1965), pp. 185-186.

they were trampled upon, insulted, and brought to the verge of ruin by the late Government."¹³² Whether the Roman Catholic community saw it as an alliance, they were certainly aware of a victory in 1856. Thomas D'Arcy McGee, a friend of both Anglin and Connolly, visited Saint John after the election and spoke publicly of the Roman Catholic role in the election, thereby gaining "something like equal social consideration."¹³³

Tilley himself never referred to the role of the Roman Catholic vote. There is even some evidence that he retained some of their support. At declaration day he spoke with some bitterness about Joseph Lawrence, but only for a moment. He was convinced that though "defeated they were not conquered. The judgment would be reversed." He was also convinced that the vote in favour of the Governor was "a decision against the rights and liberties of the people, and if in the minority, he had the satisfaction of knowing that the votes given in his behalf were for upholding that privilege." He then attacked the "landed interests" who "in the Legislature vote against measures that involved taxation upon real estate, with a view of throwing the burden upon the labouring classes."¹³⁴ Perhaps this was no more than election rhetoric; it does suggest that he saw the propertied class as his antagonist and a cause of his second retirement from politics.

What Tilley did not say was that more had been lost than an election. Like Neal Dow in Maine, he had tasted victory but then had

¹³² Head Quarters, July 2, 1856. Brown, Smith and Johnson were called "inveterate enemies" of the Orangemen.

¹³³ See the Morning News, Aug. 22, 1856. On August 27 see "The Lion and the Lamb," an examination of the Roman Catholic-Orange alliance.

¹³⁴ Morning News, June 30, 1856.

it snatched away, almost brutally. What was worse, Tilley came to realize that his movement had no easy solution to the problems. When asked some years later if the law would have been successful with the twelve months trial he replied:

We would have been in a better position than we were; but I doubt if we would have been able to sustain it. . . . I cannot help concluding that although we had, as we thought, sufficient reason for believing that a considerable majority of the people were in its favour, our Legislature was at that time in advance of public sentiment.¹³⁵

Tilley and the Sons turned their attention, in consequence, to public education, and decided when "the question should again be brought forward" it should be "left to a district to say whether they would have it or not."¹³⁶

Perhaps sadly Tilley returned to his drug store, which had recently entered into a new advertising scheme with a new supply of goods. He again became, as his enemies liked to point out, a "Pill Seller."¹³⁷ It might be four years before the next election, which would be held under the new law. In the meantime, the foot of King Street and Market Square with its hustle and bustle, was as good a place as any to spend the time.

¹³⁵ Canada, Sessional Papers, 1894, No. 12. "Royal Commission on the Liquor Traffic," Minutes of Evidence, Aug. 12, 1892, p. 556.

¹³⁶ "The Hon. S.L. Tilley on the Working of the Order in America," in The United Order of the Sons of Temperance of Great Britain and Ireland, p. 20.

¹³⁷ Morning News, June 23, 1856.

III

The Making of a Premier

1856-1861

A new ship docked at North Market Wharf, Saint John, in July, 1856. It was the S.L. Tilley. The public was invited to visit the vessel which had a "capital likeness" of Tilley on the prow "at full length, with arm extended, defying the storm as it were, which is symbolic, we may say, of the political storm which is now convulsing the Province," suggested the Morning News, "and which in time must yield to the arm of liberalism now directed toward it."¹ The writer's imagery must have been one of the few pleasant diversions for Tilley that July. In a short session, the legislature brusquely repealed his Prohibitory Liquor Act by a vote of thirty-eight to two.² The legislation, it was clear, was unacceptable to the people of New Brunswick, and Manners-Sutton, according to the Colonial Office, had rendered an important service to the proper functioning of responsible Government.³

The temperance movement was badly split over its future course in 1856. Some members blamed their defeat on the liquor interests and continued to believe in prohibitory legislation. Others, and this included Tilley, rejected such a course and declared for both a plebiscite

¹Morning News, July 25, 1856.

²Journals, 1856-1857, p. 18.

³C.O. 188/127, Manners-Sutton to Labouchere, July 30, 1856. Minute by Herman Merivale.

and local option. Never again, he stated publicly, would he "vote for the enactment of a Prohibitory Law unless it contained a clause requiring it to be submitted to the people before coming into operation."⁴ Though he was aware that his position would alienate a number of old friends, political realities being what they were, matters other than temperance had to be taken into consideration. It was not that he ceased to support the Sons or the movement, but they were separated from his political activities. Many thought this hypocritical. It was clearly practical.

1

Throughout that summer of defeat in 1856 Tilley wasted little time worrying about lost causes. He determined to reestablish his career and regain his position. The "Rum Session," though it had abolished prohibition, had also revealed that about seventeen members stood with the Liberals and another five might be available.⁵ Bearing this in mind, Tilley published the first of two long letters shortly after the session closed. His objective was to prove that the advantageous financial condition of the province was the product of the Liberal administration so recently ejected.⁶ That was the beginning volley in a series of broadsides on a vulnerable enemy. By September there was talk about the government lasting only a week after the House opened in February. In December it was reported that the government was desperately trying "to buy, or cajole, or frighten members of the opposition to support them."⁷

⁴Morning News, April 13, 1857.

⁵Ibid., July 30, 1856.

⁶Ibid., Aug. 8., Sept. 3, 1856.

⁷Ibid., Dec. 3, 1856.

Tilley and his old friend James Brown must have discussed the possibilities as they journeyed by horse and sleigh to Tilley's farm near Gondola Point on December 8. Only thirteen miles from Saint John, the farm was close to the railroad to Shediac, a location that did not decrease its value. Some sixty men were working on the railroad that day, a good sign for such a snowy period.⁸ Tilley had purchased the farm privately in 1855 for £270. In the course of the winter he acquired another 1970 acres through the Crown Land Office, an indication of the value he placed on real estate, especially if it were near the railroad. Brown, as the former Surveyor General, may have had some advice for Tilley in these matters.⁹

As the 1857 session of the Legislature approached, Tilley and the other Liberals began to cast their eyes toward Fredericton. Two days after the House opened he was on Green's stage on his way to Fredericton. Within a day he had been to the Barker House to talk matters over with his old friends, and the next week he was at the Assembly.¹⁰ Tilley took a "conspicuous seat in the Lobby, where he sat day after day," watching his friends wear down the government. To the Head Quarters it seemed he "gravely nodded dissent; anon he was all smiles and smirks; and he testified his approval at some dexterously turned somersault."¹¹ The number of somersaults was greater than even Tilley expected. Fisher

⁸James Brown Journal (NBM), Dec. 8, 1856.

⁹Journals, 1861. Appendix. "Evidence taken before Select Committee Appointed to Examine and Report on Matters Connected with the Crown Land Department," p. 75.

¹⁰James Brown Journal (NBM), Feb. 14, 1857.

¹¹Head Quarters, Fredericton, April 15, 1857.

introduced an amendment to the Address in reply to the Speech from the Throne on February 16. When the division was called seven days later, the House divided evenly, twenty to twenty. The Speaker, Charles Simonds, "rated both sides of the House in real Cromwellian style," and then created the so-called "Speaker's Government" by voting against the amendment.¹² From that point on the House was paralyzed. About the only significant legislation was an amendment to the Elections Act which the opposition changed to suit their fancy. On March 20 R.D. Wilmot presented the estimates, but they were never debated. The next day the Speaker and the opposition had a dreadful fight, and on March 26, amid shouting, disorder in the gallery, and general confusion that challenged the parliamentary system, the House was dissolved and an election called, the third in four years.¹³ Tilley was before the Saint John electorate almost immediately.

The Liberals of Saint John held their first meeting on April 2 and nominated Tilley and Harding as their candidates. Tilley's platform, in so far as he had one, was presented that night. The railway construction, he maintained, had been produced by Liberal efforts. He stressed this point because Saint John had experienced a most exciting occasion on St. Patrick's Day, the opening of its first three and one-half miles of railway. Tilley also stated emphatically that so far as a Prohibition law was concerned, it "was agreed on all hands that the question should not be mooted." He would "not move it until the people themselves claimed it."¹⁴

¹²Fenety, Political Notes, Vol. II, No. 16.

¹³See ibid., and the Morning News.

¹⁴Morning News, April 6, 1857.

Tilley's other issues concerned the election law, an immigration scheme, and failures of the inconsistent Gray and Wilmot leadership. Throughout the campaign Tilley spoke frequently and effectively. By nomination day on Saturday, April 18, he exuded confidence. Gray and Wilmot evinced uncertainty.

The disorganization of the Gray-Wilmot Conservatives was obvious throughout the elections. Their failure to control the Assembly left them somewhat defenseless as a government. The only legislation they could claim was the repeal of the Prohibitory Liquor Act, and even Tilley seemed to be in agreement with that. Some assistance did come from the Irish Friendly Society which resolved on April 21 to "support the Government candidates for the City and County of St. John." The Morning Freeman charged that the "once great Liberal party had lost its identity," as it was now controlled by a few "Temperance fanatics."¹⁵ This seems to have had little effect on the elections.

Tilley led the poll for the first time since 1850 with 1333 votes, more than had ever been cast for a candidate in the city before, and seventy-four more than Harding who was also elected. In the county two successful businessmen, Richard Wright and John Cudlip, both Liberals, were returned along with Gray and Wilmot, both of whom had fewer votes than they had received in 1856.¹⁶ "The Liberals to a man," declared the Morning News, "have gone back to their Politics,"¹⁷ a clear

¹⁵ Ibid., April 29, 1857, from the Morning Freeman.

¹⁶ The votes in the County were: Wright - 1251, Cudlip - 1173, Wilmot - 1150, Gray - 1137, Simonds - 1111, and Goddard - 1091. New Brunswick Reporter, May 1, 1857.

¹⁷ Morning News, April 29, 1857.

indication that the 1856 election had been abnormal. The Saint John results operated "like an electric shock" throughout the Province. County after county returned members who were pledged to the Liberals, and a return to power was a certainty by May 15 when a fatigued Charles Fisher examined the results.¹⁸ New Brunswick's "sober second thought"¹⁹ forced Gray and Wilmot to resign on May 31, and left Lieutenant Governor Manners-Sutton with no option except to ask Charles Fisher to form a government.

Fisher called the members to Fredericton for Saturday, June 6, at which time it was decided that only two Council positions would be filled, Fisher as Attorney General and Tilley as Provincial Secretary.²⁰ The remaining positions would be left vacant until after a short session. Whether this decision was made for convenience to avoid elections and possible losses before calling the House together, or whether it reflected a struggle for position is not clear. The New Brunswick Reporter, a government paper, stated that there were "differences of opinion." The Head Quarters went further and referred to "much wrangling" at "Segee's Cold Water Hotel." The writer was horrified that Fisher was attempting to consult all elected Liberals.²¹ At any rate on June 9 the new government was announced in the Royal Gazette and Fisher, Tilley, Johnson, Smith, Brown and Watters went to Government House to be sworn in. The gathering was "as cordial as if nothing strange had happened."²²

¹⁸ J.C. Webster Collection, A.R. McClelan Correspondence (NBM), Charles Fisher to A.R. McClelan, May 15, 1857. James Brown Journal (NBM), May 17, 1857.

¹⁹ Quoted in the New Brunswick Reporter, May 22, 1857, from the Novascotian.

²⁰ James Brown Journal (NBM), May 31, June 2, June 6, 1857.

²¹ New Brunswick Reporter, June 12, 1857, but also see May 29 and June 6, and the Morning News, June 10, 1857.

²² James Brown Journal (NBM), June 8, 1857.

What a pity that Manners-Sutton has left no opinion on these activities. After all, as the Morning Freeman noted, "the Government that was bowed out by the Governor in 1856, have been bow-wowed back by the people."²³ On June 24 the Governor held a dinner at Government House, perhaps in an attempt to smooth over what must have been a strained relationship. The "very pleasant dinner party" went over without a hitch. "What an extraordinary change!!!"²⁴ exclaimed James Brown.

The dinner may also have been called on the occasion of the opening of the short session of the legislature. There was really only one matter of importance and that was supply, since the previous government had not completed its work. Tilley, under normal circumstances, would have directed the matter through the House, but Tilley did not even have a seat in the Assembly at the time. He and Fisher had resigned their seats upon accepting their council offices. Fisher was returned unopposed; Joseph Lawrence stood against Tilley.

There was nothing left of the old friendship by 1857. Tilley did not attempt to hide his bitterness at the nominations. He characterized the "present opposition unnecessary and uncalled for . . . a personal thing . . . [by] an old friend from whom he had a right (under present circumstances) to expect better things."²⁵ It was revenge, stated the Morning News, "Rum and Revenge" that led the people to join the "Rumocracy,"²⁶ though Lawrence denied this. He believed that Tilley's

²³Quoted in the Morning News, June 10, 1857.

²⁴James Brown Journal (NBM), June 24, 1857.

²⁵Morning News, July 1, 1857.

²⁶Ibid., July 3, 1857.

defeat would ruin the Fisher government "as Mr. T. was the peace maker among them."²⁷ Tilley had more than Lawrence to worry about. The Temperance Telegraph called on its readers not to elect a Liberal candidate unless "he would pledge himself somewhat in favour of the reenactment of the prohibitory Law."²⁸ Tilley could not do that.

Perhaps it was in a mood of apprehension that the whole Executive Council met in Saint John on July 3. They settled the remainder of the Council positions with Brown as Surveyor General, Steeves as Chairman of the Board of Works, Johnson as Postmaster General, Watters as Solicitor General, and Smith and David Wark without office. They also toured the European and North American Railway and in the evening many of them attended a political rally.²⁹ The result of all this effort was an easy victory for Tilley, 1316 to 1071.³⁰ On July 8, the morning after Declaration Day, Tilley sailed up the river to Fredericton where he "resumed the duties of his office."³¹ He also set out to find a house for Julia and his ever increasing family, and by mid-October she and the family and the furniture were settled in Fredericton.³² Tilley planned to stay this time.

For upwards of eight years Tilley remained Provincial Secretary. His presentation of the estimates and the revenue bill in 1855 had been

²⁷ Ibid., July 1, 1857.

²⁸ Tilley Papers (PAC), C.N. Skinner to Tilley, June 24, 1857.

²⁹ James Brown Journal (NBM), July 3, 1857.

³⁰ Morning News, July 8, 1857.

³¹ New Brunswick Reporter, July 10, 1857.

³² Tilley Papers (PAC), J.T. Hanford to Tilley, Oct. 15, 1857, and Freight List of Steamer St. John, Trip No. 72, Oct. 8, 1857. On August 18, 1857, one of Tilley's children died. See James Brown Journal (NBM).

a major innovation. The main difficulty, he concluded, was the lack of control of the initiation of money grants by the Executive. Though the Assembly grudgingly gave up its right of initiation in 1856, the desirability of such an action was again debated in both sessions of 1857. When Tilley delivered the first real budget speech in the history of the province in 1858, however, he had full control of the finances. It was just as well, for New Brunswick experienced the financial panic of 1857 and the subsequent depression with the rest of the world. Maintaining credit with Barings became one of Tilley's main objectives because money had to be available for public projects, especially the railways.

ii

"At no period of time during the past twenty years, has the commercial interests, but more especially the monied institutions of the United States, experienced such a wonderful season of depression, as that through which they are now passing." So stated the Morning News on October 12, 1857. Three days later J.T. Hanford, Tilley's father-in-law, observed that the "shocking state of commercial affairs in the United States, is fast bring[ing] down all that were extensively engaged in business."³³ For a while that October Tilley faced a panic. The crash of 1857, triggered by the failure of the Ohio Life Insurance and Trust Company, sprawled across the border and across the Atlantic. Banks and businesses throughout the United States failed and ushered in a long winter. In hard times, warned the Morning News, "the cold is colder, dark days are darker, troubles are more troublesome . . . all

³³Ibid.

is dreary, desolate, cloudy."³⁴ That certainly was the outlook for the Provincial Secretary. Should the bank failures spread to New Brunswick, could the credit of the province be maintained? And what if Barings should face losses from their extensive American investments? Could they or would they continue to supply New Brunswick?

These and other matters swirled through Tilley's head as he attempted to cope with the problems of 1857. Barings had already written and demanded assurances from New Brunswick, even before the crash.³⁵ Tilley's apprehensions were increased in November when the Central Bank of Fredericton began to stagger, suspended specie payment on December 1 and closed its doors, at least temporarily, when the run on the bank continued and businesses began to refuse its notes.³⁶ Barings chose this occasion to express its full confidence in New Brunswick and to extend its credit.³⁷ What a fortunate circumstance for Tilley that Barings had disengaged in large part from the United States before the crash and was in search for areas of expansion within the Empire, especially British North America! "We are astonished in considering the severity of the

³⁴Morning News, Nov. 18, 1857. For the depression see G.R. Taylor, The Transportation Revolution, Vol. IV, Economic History of the United States (New York, 1958 [1951]), pp. 345-351.

³⁵Tilley Papers (PAC), Tilley to Barings, Sept. 5, 1857, in reply to a letter of Aug. 14.

³⁶See Morning News, Dec. 2, Dec. 7, and Head Quarters, Dec. 2, 1857. The government probably deserved some of the responsibility because it had withdrawn the surplus Civil List fund of £18,000 from the Bank in mid-October. See Morning News, Oct. 19, 1857

³⁷Tilley Papers (PAC), T. Barker to Tilley, Dec., 24, 1857, and David Wark to Tilley, Dec. 20, 1857.

Crisis," remarked the partners in March, 1858, "that we lose so little in fact nothing and we are in reality gainers by the large commissions or consignments."³⁸ Tilley and New Brunswick were among the main beneficiaries, and for a longer period of time than either could have guessed. Barings, of course, insisted upon responsibility and sound public finance, even to the extent of "Impertinence,"³⁹ but they were not averse to praise. They wrote Tilley in 1860: "There is everything in the conduct of the Province to inspire the public as well as ourselves with greatest confidence in the good faith of the Government."⁴⁰

This combination of Tilley and Barings did much to reestablish New Brunswick's good name abroad. Even Arthur Blackwood was impressed. "Would it not be appropriate," he wrote in a Memorandum of February 9, 1860, "1. to congratulate this province on the maintenance of its public credit during the severe commercial crisis of 1857" and "2. to express satisfaction at the great revival of trade." Blackwood extolled the virtues of the initiative in a third note.⁴¹ Tilley received extensive advice and support in the monetary areas from inside the province as well as out. John Robertson, one of the most influential businessmen and bankers in Saint John, was frequently in touch with Tilley. So was

³⁸ Quoted in Ralph W. Hidy, The House of Barings in American Trade and Finance: English Merchant Bankers at Work, 1763-1861 (Cambridge, 1949), p. 465.

³⁹ Tilley Papers (NBM), Barings to Tilley, Dec. 14, 1860.

⁴⁰ Ibid., Barings to Tilley, June 29, 1860.

⁴¹ C.O. 188/132, Manners-Sutton to Newcastle, Dec. 28, 1859. Minute by Arthur Blackwood to Merivale, Feb. 9, 1860. See Tilley Papers (PAC), G.E. Cartier to Tilley, Oct. 3, 1859. "I am very happy to hear that your finances are in such sound condition."

J.A. Wiggins of the Bank of New Brunswick, and Richard Wright, a Saint John businessman with extensive contacts outside New Brunswick.⁴² When Tilley delivered his estimates on February 25, 1858, he gave credit to the bankers of New Brunswick as well as Barings for preserving the credit of the province. "There was one class of public creditors especially with whom it was necessary to keep faith," he stressed, "and that was the people who invested their funds in the Savings Banks."⁴³

In preparing his budget for all years between 1858 and 1861 Tilley was never free of the repercussions of the crash of 1857. In 1859 he ran a large deficit and was forced to increase the duty on unenumerated items by two and one-half to fifteen per cent. Both an increased expenditure as well as an increased revenue were anticipated for each year. The public debt also increased at a remarkable rate, most of it for railway construction. Tilley's budget speeches, regrettably, are not for casual reading, though they were always thorough, full of statistics, and in praise of the government. Rarely did they leave a flank open to attack. In 1859, for example, he presented the details of his estimates, noting that a deficit was forecast. He again referred to his success in the face of the "great commercial depression" and "claimed credit for the exertion the Government had made to raise the character of the New Brunswick debentures in the London Market." Canadian debentures originally stood at 110 compared to those of New Brunswick at 102. "At the present time Canadian were quoted at 113 and New Brunswick at 111½." To maintain this credit, New Brunswick had to show responsibility and avoid the

⁴²Tilley Papers (PAC), Robertson to Tilley, Dec. 27, 1857, and Richard Wright to Tilley, May 22, Sept. 16, Dec. 31, 1858. Tilley Papers (NBM), Robertson to Tilley, Feb. 4, 1858, Wiggins to Tilley, March 22, 1858, and Richard Wright to Tilley, Jan. 1, 1858.

⁴³Debates, Feb. 25, 1858, p. 21.

deficit; therefore, he proposed to raise the sum of £7000 by an additional tax of two and one-half per cent on unenumerated articles. A bill for that purpose was introduced. The reporters observation was apt. "Mr. Tilley's statement was very clear and explicit, and occupied an hour and twenty minutes in its delivery."⁴⁴

By raising the general tariff to fifteen per cent Tilley was accused of protectionism, for it amounted to a one hundred per cent increase over the seven and one-half per cent he inherited in 1854. It was also well above the ten per cent levied by Nova Scotia and Prince Edward Island, but less than the twenty per cent charged by Canada.⁴⁵ Tilley denied that his bill favoured the "rich man" as some charged. He declared "there were now merchants belonging to this Province in England who intended to bring out costly goods by Cunard steamer to Halifax a month earlier than usual to escape if possible the operation of this law." Then he added that the bill "was substantially the Revenue Bill of last year and was based upon protection."⁴⁶

The manipulation of the tariff could not solve the distress of the depression, as Tilley well knew, and there was much distress. "The trade is positively sickening," John Robertson had written from Liverpool in February of 1858. "I never saw it so bad and there is no prospect of its recovering this year."⁴⁷ Both ships and timber were stagnant and

⁴⁴ Morning News, March 2, 1859.

⁴⁵ For the comparison see Journals, 1865, Appendix XII.

⁴⁶ Morning News, March 9, 1859, from the Debates of March 3.

⁴⁷ Tilley Papers (NBM), Robertson to Tilley, Feb. 4, 1858.

saw mills and timber ponds were idle. That Tilley despaired is clear from his correspondence with David Wark and Charles Fisher. Both offered encouragement but little else. "Dont [sic] be disheartened," Fisher wrote. "It will all turn out for the best."⁴⁸ Tilley's solution, and it appears to have been by good luck, was to increase the provincial debt for railway construction. The opposition became caustic as the debt mounted and talked of the "triumph of Smasherism" and the machinations of "Samevil Tilley,"⁴⁹ but as the Morning News observed: "Were it not for the Railway works . . . the distress and misery at this moment would be unprecedented." The £1000 wages paid out per week "keeps business moving."⁵⁰ It is doubtful that Tilley realized the implications of the role of government in times of depression, but Richard Wright wrote to Tilley on January 1, 1858, indicating some understanding:

Now that money has become easier you will have to do all you can to push the rail road along this winter to give employment to the working classes. There must be families very destitute. As I am aware there are few of the ship yards at work in any part of the province therefore it will be necessary to push as many hands as possible which I feel certain you will do.⁵¹

Two and one-half years later William Wright, Richard's brother, wrote in much the same terms. "If it was not for the Railway, it would be very hard for mechanics and labourers to live and you will have to extend westward the first thing in the spring." Then he added "Dont [sic] be

⁴⁸ Tilley Papers (PAC), Fisher to Tilley, May 11, 1859, and David Wark to Tilley, May 5, 1858.

⁴⁹ Morning Freeman, March 5, 1859, and Head Quarters, March 9, 1859.

⁵⁰ Morning News, Dec. 10, 1858.

⁵¹ Tilley Papers (NBM), Richard Wright to Tilley, Jan. 1, 1858.

frightened at present we are like the Novascotians - line begin no where and end no where."⁵²

By 1859 the European and North American Railway was in operation at both ends and moving rapidly toward completion. The great gamble taken by the government in 1855-1856 was succeeding, though it had its critics. The completion record, for the time and the terrain, was respectable:

March 17, 1857 - Saint John to the Marsh (3 miles)
 August 19, 1857 - Shediac to the Bend - Moncton (14 miles)
 June 1, 1858 - Saint John to "9 Mile House" (9 miles)
 June 8, 1859 - Saint John to Hampton (23 miles)
 November 10, 1859 - Saint John to Sussex (44 miles)
 July 20, 1860 - Saint John to Moncton (94 miles)
 August 8, 1860 - Saint John to Shediac (108 miles)⁵³

Robert Jardine, President of the original company and Chief Commissioner of Railways from August 1857 through March 1865, deserved much of the credit for the work. The Gray-Wilmot government had opened the first three miles on March 17, 1857, but the Liberal opposition had jealously condemned every step they took, and one of their first acts upon assuming power in 1857 was to fire the recently appointed Railway Commissioners, including the Chief Commissioner, William Henry Scovil. Robert Jardine, a defeated Liberal candidate in 1856, received Scovil's position. Robert Reed, another defeated Liberal in 1856, was also appointed a Commissioner, along with Richard Scovil, a cousin of the late Chief Commissioner.

⁵²Tilley Papers (PAC), William Wright to Tilley, Sept. 19, 1859. For the Wright brothers see Richard Rice, "William Wright," Dictionary of Canadian Biography, Vol. X, pp. 718-719.

⁵³See J.M. and Edw. Trout, The Railways of Canada (Toronto, 1871), especially "European and North American Railway," pp. 120-122, p. 174.

Partisanship of this type was characteristic of the time and contributed to the inevitable charges of incompetence, corruption, and claims for damages. Even close friends like John Robertson warned Tilley against expropriations. "The taking of a man's property without his consent, yea against his will, is a violation of his just right."⁵⁴ There were, in addition, fights among the workers, strikes, and accidents. Above all there was the spiraling of the construction costs. The original estimates had been for about £4000 to £6000 per mile. By 1859 the Chief Engineer was projecting a cost of £8,499 10 2.⁵⁵ All of this was costing New Brunswick a huge debt in addition to increased taxes. The rapid completion of the road could not hide the dissatisfaction.

The government railway policy was put to the test in a bye-election in Saint John in the summer of 1858. J.A. Harding, Tilley's running mate, was appointed Sheriff of Saint John upon the death of the incumbent. Joel Reading was the government candidate; Joseph Lawrence ran for the opposition. Lawrence attacked the railway policies in particular and easily had the best of the speeches. At nomination day Tilley and Lawrence met head on, and Tilley was hard pressed to defend his position. He was charged at the time with unethical interference in the election and may have contributed to Lawrence's 1082 to 820 victory over Reading, though the poor voter turnout, the apathy of the Liberals, the choice of an unknown candidate, and a business recession also contributed. It

⁵⁴Tilley Papers (NBM), Robertson to Tilley, Feb. 4, 1858. The Head Quarters, April 8, August 19, 1857 is useful on the changes in offices.

⁵⁵Journals, 1859. Appendix on the "European and North American Railway," p. cccxxxiii.

was also claimed that the Sons of Temperance "staid at home, because their peculiar views could not, at the present time, be identified with politics."⁵⁶

Lawrence, who claimed he could have beaten Tilley in the election, had chosen the railway as his issue, and he combined with T.W. Anglin of the Morning Freeman to launch an assault on the railway reminiscent of George Brown's attack on the Grand Trunk. For upwards of three years the European and North American Railway was to be the centre of controversy and Tilley was required to defend it. In 1858 a select committee of the House of Assembly had examined the activities of the Railway Commission and had recommended some changes, especially in the accounts.⁵⁷ Tilley charged at the time that W. H. Scovil, the deposed Chief Commissioner, was responsible for the mismanagement. This led to counter charges and the publication by Scovil of his correspondence with Tilley between June 3, 1858, and January 20, 1859. Tilley replied immediately with his own booklet, just before the Legislature opened in February.⁵⁸ Lawrence and others called for an investigation, which Tilley supported, and on February 28 a select committee was appointed with J.H. Gray as Chairman and Lawrence on the Committee.

⁵⁶ New Brunswick Reporter, July 16, 1858, but see the Morning News, July 14, 16, 18.

⁵⁷ Journals, 1858. "Schedule of Papers Connected with the European and North American Railway," pp. 152-153. The Report was tabled on March 26, 1858, by the Chairman of the Committee, J.H. Gray, pp. 217-219.

⁵⁸ The correspondence is in Tilley Papers (PAC) but see the Morning Globe, Jan. 20, 22, Feb. 8, 1859, and Morning News, Jan. 23, Feb. 11, 1859.

The committee met from March 17 to April 9 and reported to the House on April 12. The documentation and evidence were voluminous, and the committee admitted it had concluded by "leaving their investigation incomplete," but they wished to report before prorogation. Generally the report was favourable to the Company. The work "will be a first class Road, of superior description, well and solidly built." There was praise for the engineering and accounting, but it could not be determined whether "the Road might or might not have been built cheaper." There was some criticism of Jardine, for it recommended that the Chief Commissioner "or some Member of the Railway Board, should be a Member of the Executive Council, and hold a seat in the Legislature" because of the immense public expenditure under its control.⁵⁹

Tilley had defended Jardine strongly in the House before the report was printed, and he also defended him in Council where he had "some enemies, or rather those who don't like him."⁶⁰ Tilley seems to have been pleased with the report, but Jardine was incensed at the insults and degradation he felt he had experienced. He was particularly annoyed that the Committee had taken notice and given weight "to anonymous slanders & calumny, by calling for, listening to & publishing as evidence the assertions - not on oath - of discharged servants and confessedly

⁵⁹ Journals, 1858, p. 245.

- A. "Evidence Taken before Select Committee" with Appendix, cccclxix - Dxxxiv.
- B. "Reports and Accounts of the Railway Commission" for 1858, cccxxviii - cccclxviii.
- C. "Copies of Correspondence between the Railway Board and Mr. Commissioner Reed while in England, Nov. 16, 1857 to Feb. 16, 1858, ccxxxi - ccl.

⁶⁰ Tilley Papers (PAC), John Boyd to Tilley, May 23, 1859.

malicious and disapointed [sic] men, of no character or standing."⁶¹ On May 21 he issued his resignation publicly.

Tilley had written Jardine to forestall such a move, but it arrived too late. Jardine apparently did want out.⁶² His business may have been suffering as a result of his being a Commissioner. His brother, at least, was "very anxious that he should resign."⁶³ Despite this, Tilley knew that Jardine was essential to the railway, and the resignation was not accepted.

Perhaps it was because Jardine was retained that the Morning Freeman intensified its attack on the railway, Jardine and Tilley. The Freeman remembered when Tilley was considered an honest man, "inexperienced perhaps, undereducated perhaps, but beyond all question an honest man!! What of him now? Is he not meet associate of honest Mr. Jardine?"⁶⁴ When the Robert Reed correspondence was published and it was revealed that Tilley had chosen his evidence from it a little too carefully in his response to W.H. Scovil in February, the "hypocrisy and falsehood and duplicity of the cunning Secretary are [were] palpably exposed."⁶⁵ When more Reed letters were published in December, they accused "Mr. Tilley and Mr. Jardine and the Smasher Junta" of making nearly one hundred alterations in the correspondence "not at all

⁶¹ Ibid., Robert Jardine to Tilley, May 17, 1859.

⁶² Ibid., Tilley to Jardine, May 21, 1859; Jardine to Tilley May 23, 1859.

⁶³ Ibid., Boyd to Tilley, May 23, 1859.

⁶⁴ Quoted in Morning News, Nov. 16, 1859.

⁶⁵ Morning Freeman, Nov. 12, 1859. For the Reed correspondence see Note 59. C. Reed's tenure as railway commissioner had been terminated, perhaps for unsatisfactory service. See Tilley Papers (NBM), Richard Wright to Tilley, April 3, 1858.

credible to my character for veracity or beneficial to my literary reputation."⁶⁶

Joseph Lawrence rose in the Assembly on February 13, 1860, and used this information as the basis on which to call for another committee to investigate the railway. That motion sparked a highly acrimonious and personal debate that consumed the House for over a week. Tilley bitterly resented the implications of the motion and accused Lawrence of being personally incapable of impartiality in the matter.⁶⁷ As the debate raged on and on Peter Mitchell observed: "No one opposed the formation of a committee, yet it was a singular fact that the discussion had continued for five days, and had merged into personal recriminations on the part of individual members."⁶⁸ Ultimately a committee was set up, collected its evidence, and reported to the House.⁶⁹

The committee actually submitted two reports. The majority report was even more favourable to all concerned than the report of 1859. The minority report, submitted by Lawrence, Williston and McIntosh, all members of the opposition, condemned the management of the construction in detail. When the vote was taken on the minority report, only the three signees voted for it, whereas the majority report was accepted by a vote of twenty-one to sixteen.⁷⁰ J.H. Gray did not vote.

⁶⁶Printed in the Morning Freeman, Dec. 20, 1859, Robert Reed to Anglin, Private and very Confidential, Dec. 17, 1859.

⁶⁷Debates, Feb. 14, 1860, pp. 10-14.

⁶⁸Ibid., Feb. 16, 1860, p. 23.

⁶⁹Journals, 1860. "Evidence taken before the Select Committee of the House of Assembly, appointed on the 22 nd day of February 1860;" pp. 181-222.

⁷⁰Journals, 1860, April 5, p. 175.

He had become disgusted with the opposition, considered the line a "thoroughly constructed road" and declared that Lawrence was wrong.⁷¹ The debate on the reports was long and partisan, as was to be expected. Tilley controlled his emotions on this occasion, giving a splendid speech, combining humour and data in his defense of both the government and the railway. Upon Lawrence, who "had a monomania about this railway," he heaped some ridicule:

In the 20th and concluding paragraph the minority state that they have endeavoured to rise above party or personal feelings in this matter. This reminded him of the boy who, when he attempted to draw the picture of a horse, wrote below it the words, "This is a horse," from the very rational doubt that otherwise no one would guess what his drawing represented (Laughter).⁷²

"You knocked poor Joe into a cocked hat," Thomas Barker gleefully wrote Tilley after he had read the speech.⁷³ The minority report was discredited, perhaps unfairly. What it had ignored was that the railway was being built and built well; in fact, it was expected to open for its full length within months of the presentation of the reports. Early in August it did open from one end to the other, and even its worst critics were silenced. "I must say," wrote John Livingston, a rising young journalist, in his letter to Tilley after he had taken a private trip along the line, "that as I passed over the line I felt that a new era had opened upon my native country."⁷⁴

⁷¹ See the Morning Freeman, Feb. 14, 1860.

⁷² Debates, April 4, 1860, p. 107.

⁷³ Tilley Papers (PAC), Thomas Barker to Tilley, April 7, 1860. See also John Boyd to Tilley, April 18, 1860: "What does Lawrence think of himself? He is really a miserable worm, and I believe even his own few friends are ashamed of him."

⁷⁴ Tilley Papers (NBM), John Livingston to Tilley, July 21, 1860.

How Tilley must have been thrilled by his own first trip over the line. It had been eleven years since the Rail-Way League of Saint John had been organized, with Tilley's assistance, and now part of their hopes had been realized. There was still the Western Extension from Saint John to Maine and there was always the Intercolonial. The completion of the Saint John to Shediac line spurred interest in the other lines and both were possibilities in the summer of 1860, though the Intercolonial had become complicated by its relationship with a federal union.

Robert Jardine was all for moving on with the "line from Saint John to the State of Maine . . . immediately." It would connect with the St. Andrews to Woodstock road and give Fredericton a railway by a twenty-four mile branch. Jardine could see no reason for not proceeding because he was convinced the existing line would be showing a profit of three per cent within a year.⁷⁵ Tilley agreed with Jardine, but he had to integrate that plan with others. After all, his government had projected lines to all parts of the province in 1856, and the Intercolonial was the first priority.

When the Liberals were returned to power in 1857 they were immediately caught up in a series of negotiations for the Intercolonial among Nova Scotia, Canada and the Imperial Government. Though "fully impressed with the great importance of the matter," New Brunswick declined to send a delegate to London that fall because they did not feel fully informed about the subject.⁷⁶ It was just as well, for the

⁷⁵ Tilley Papers (PAC), Jardine to Tilley, Dec. 26, 1860.

⁷⁶ Journals, 1858, Correspondence on the "Inter-Colonial Railway," pp. 70-81. Memorandum from the Executive Council to Manners-Sutton, Aug. 10, 1857, p. 72.

conference was inconclusive, partly because of the "embarrassment caused by the difficulties in India" and the absence of a New Brunswick delegate.⁷⁷

Not deterred by this failure, another assault on the Intercolonial was launched immediately. Tupper and the Nova Scotians were especially aggressive, though both Canada and New Brunswick became enthusiastic. Another London Conference was called and Charles Fisher and Albert Smith were soon off to England with the blessing of the Council, if not that of the Lieutenant Governor. Manners-Sutton warned Sir Edward Bulwer Lytton, the new Colonial Secretary, that "my experience of the past does lead me to doubt whether full reliance can be placed on the prudence either of the Executive Council or of the Legislature of the Province." That was not all. He doubted the viability of the railway. "Those who are best informed on the subject doubt very much whether any Railway in this Province of more than a few miles would, for some years at least, pay the necessary repairs and working expenses."⁷⁸ The Colonial Office was much impressed with this letter, and it may have been a determining factor in the failure of the Intercolonial Conference that year. Tilley would have been incensed had he known of the role played by the Governor, though he would not have been surprised. The Intercolonial, at any rate, appeared dead.

Joseph Howe of Nova Scotia refused to give up on the Intercolonial, and in the spring of 1859 his Novascotian Liberals had defeated the

⁷⁷ *Ibid.*, Charles Tupper to Tilley, Nov. 23, 1857, and Tupper to Provincial Secretary, Canada, Nov. 23, 1857, pp. 76-77.

⁷⁸ C.O. 188/132, Manners-Sutton to Lytton, Private and Confidential, Sept. 29, 1858.

Johnson-Tupper government though it was February, 1860, before a change of government took place. In the meantime Howe visited New Brunswick on a lecture tour. Tilley was with Howe throughout much of the tour. On November 28 Howe lectured at the Mechanics' Institute on the "Future of British North America." The following evening Tilley spoke at the Portland Temperance Hall on "New Brunswick as a home for the Working Man." Two days later Howe addressed the Saint John Early Closing Association on the responsibility of young men. Tilley had been president of the Association in 1856-1857; now the office was held by his close friend John Boyd. Howe came to the meeting "leaning on the arm of Mr. Tilley."⁷⁹ There must have been comments at the time on how the two got along so well. Howe was known to enjoy a drink on almost any occasion; Tilley's leanings were a matter of public record.

On the matter of the Intercolonial, Tilley and Howe were in complete agreement. Howe had preached the need for the railway for years, considering any and all schemes. After he became Provincial Secretary of Nova Scotia in 1860 he again took up the matter. In November he wrote Tilley, asking for his plans. Tilley's reply was long and full of details. He anticipated that New Brunswick could bear an additional debt of £500,000 for railways, and he had great hopes for an English Company with plans to extend the St. Andrews and Woodstock Road to Grand Falls and to build a branch to Saint John. Another branch to Maine would follow quickly. From Grand Falls to Quebec and from Shediac to Nova Scotia would not be too difficult after that and the Intercolonial would be complete, though not the Imperial line.

⁷⁹Morning Freeman, Dec. 7, 1859.

They the English[Company] ask 5 miles of the ungranted land on each side of the road and a guarantee of 6 per ct upon the capital, not exceeding a certain sum however per annum. I have intimated to them that if they will make the connection with St. John at such a point as will make the branch available as part of the Road to Canada & the U States, I would be willing to give the land asked and the guarantee.⁸⁰

Though Tilley expected some differences of opinion in the Council "growing out of sectional interests," he was certain of support in the Legislature. "I wish I could have an hours [sic] conversation with you upon these and other questions," he continued, "and would be almost tempted to go to Amherst to meet you, if I was certain of seeing you there." Instead, he had to be satisfied with a trip to Saint John to hear Charles Tupper speak on Maritime union. "This proposal is somewhat favourably entertained in New Bn." he concluded without comment. The lecture, as it turned out, was not particularly successful.⁸¹

iv

By the time Tupper had delivered his speech the idea of a union of one sort or another had been in the wind for years, coming and going with the seasons. As early as 1849 Tilley had supported a federal union of British North America when he was a member of the New Brunswick Colonial Association. The subject stagnated in the early 1850's and it was not until 1858 that it again became a subject of debate. It was, of course, linked to the Intercolonial project in 1858 and was largely a Canadian proposal. The response of the New Brunswick Executive Council

⁸⁰Howe Papers(PAC), Tilley to Howe, Nov. 17, 1860. See also Howe to Tilley, Nov. 9, 1860.

⁸¹See the Morning News, Nov. 21, 1860.

to the proposal was evasive at best. "New Brunswick occupies a very different position from Canada," the Council stated, and agreed only to consider the proposal.⁸² The Council was apparently surprised at the suggestion of the appointment of a Commission and was unprepared to accept it. On this matter Manners-Sutton expressed both his own and his advisers' opinion in a blunt letter to Lytton. He recommended that a variety of types of union be considered, especially a Maritime union. A larger union, he claimed, would be of benefit to the Canadians but not necessarily the Maritimers.⁸³ Arthur Blackwood was impressed with this argument. "The opinion of New Brunswick as against the Canadian Scheme is quite what I expected," he observed, "& will largely aid H.M. Government in dealing with the question."⁸⁴

This letter from Manners-Sutton, like his letter on the Intercolonial, contributed to the failure of the negotiations. There was very little interest in a British North American union in New Brunswick, and Manners-Sutton was convinced the local politicians would refuse to give up their "petty" little responsibilities and powers. The elected members had obtained their seats "not on public grounds but for personal objects" through the use of "promises of patronage or local benefits to their constituents."⁸⁵ His solution was a Maritime union,

⁸² Journals, 1859, "Federative Union of British Provinces," Correspondence. Memorandum of the Executive Council in Committee, Sept. 25, 1858.

⁸³ C.O. 188/132, Manners-Sutton to Lytton, private and confidential, Oct. 2, 1858. This and other documents are reprinted in G.P. Browne, Editor, Documents on the Confederation of British North America, Toronto: McClelland and Stewart, 1969.

⁸⁴ Ibid., Minute by Arthur Blackwood, Oct. 20, 1858.

⁸⁵ Ibid., Sections 12 to 14.

and on September 29, 1859, he wrote the Duke of Newcastle that an all-party movement in New Brunswick and Nova Scotia was under way, and he expected action shortly.⁸⁶

Little is known of this movement of 1859, if there was one. What is known is that a variety of visitors toured the Maritimes in August and had ample opportunity to discuss any number of projects. During the first week of August George E. Cartier, Sandfield Macdonald and his daughter, P. M. Vankoughnet and his wife and son, and a Mr. McLeod and his daughter were visitors at the Barker House for several days. While they were there, Charles Tupper arrived from Nova Scotia. Five days later the Saint John Globe, a government paper, began a series of articles on a British-American Association. In the meantime D'Arcy McGee arrived on a lecture tour after which Tilley visited Nova Scotia. Perhaps out of this coming and going Manners-Sutton extracted a commitment to Maritime Union.⁸⁷

Whatever the purpose of the Canadian visit, the subject of inter-colonial free trade was broached and was pressed by the Canadians over the next few months. It became an Imperial issue very quickly because free trade in British North America would result in discrimination against other colonies.⁸⁸ As the Prince of Wales and Duke of Newcastle

⁸⁶ C.O. 188/132, Manners-Sutton to Newcastle, Private and Confidential, Sept. 29, 1859. After reading this letter and the previous correspondence Newcastle decided to leave the matter to local politicians. Minute by the Duke of Newcastle. Merivale in his Minute accused the Canadians of injuring Maritime union by using the issue for political ends.

⁸⁷ Reporter, August 5, Sept. 2, 1859; Morning Globe, Aug. 9, Sept. 8, 1859; Morning News, Aug. 17, Aug. 22, 1859.

⁸⁸ Tilley Papers (PAC), Cartier to Tilley, Nov. 27, 1859, and Journals, 1862, "Commercial Intercourse between Colonies," pp. 49-55.

made plans for their tour of British North America in the summer of 1860, it was expected that the question of intercolonial free trade among other issues would be discussed.

The visit created incredible excitement in New Brunswick. Everyone was out to see the Prince and to participate in the activities. Politicians fell over each other trying to make arrangements. Tilley was kept busy for days trying to coordinate the various functions, and when the Prince did arrive at Saint John on August 3, Tilley joined the Royal cavalcade.⁸⁹ As with all Royal Tours there were hitches, for which Tilley received the blame, but they were insignificant compared with the enthusiasm of New Brunswickers. They did want to do well for a number of reasons, not the least of which was to show "where Canada begins and where it ends, in British North America," to show "that New Brunswick and Nova Scotia will be known in future as having distinct identities, and no more to do with Canada, geographically, or politically, than England has with France" except that they belong to the same colonial family, like Gibraltar or Hindustan.⁹⁰ Tilley certainly wished the New Brunswick identity understood, but he was swept up in the euphoria surrounding the Prince's visit, and he and others in the Council decided to go to Quebec in pursuit of the Prince and to discuss matters of intercolonial concern with the Canadians. If there was a time when the leaders in the Maritimes were susceptible to the idea of union, it was in that summer of 1860. The results are presented in the following letter

⁸⁹ Morning News, August 6, 1860.

⁹⁰ Ibid., August 17, 1860.

from Tilley to Charles Lindsey, the editor of the Toronto Leader, who had asked for his opinion.

Fredericton
Sept 5 1860

My dear Sir,

I exceedingly regret that I did not reach Fredericton, on my return from Canada, before you left for P E Island. The more so, as I had, in the press of business connected with the preparations for the reception of H R Heighness, omitted sending you the letter to Mr. Smith, our Controller at St. John, asking him to furnish you with our trade returns & statistics. I find however that Mr. Fulton, my head clerk, has given you the returns of imports & exports for 1857 & 8, which will give you some idea of the limited trade carried on between Canada and New Brunswick. Could I have had an hour or two's conversation with you upon the subject of a Union of the B N A Provinces, I would have been able to have given you my views more fully than I can now do in a written correspondence. The subject has occupied my attention more or less, for the last twelve months, and I agree with Mr. Howe in opinion, that if anything is to be accomplished in that direction, or indeed in any way by which these Provinces are to secure united action, it can only be by a conference. This opinion was fully stated by me in a letter addressed last winter to Mr. Cartier, Atty Genl C.E. relating to a proposition to pass uniform tariffs, and provide for an exchange of the manufactures of the B N A Provinces.

The principle object I had in view, in visiting Canada in company with our Attorney General and Chief Comr of Public Works, was, that meeting then, many of the members of the Government of Canada & of the Lower Provinces on the occasion of the visit of the Prince of Wales, an admirable opportunity would be afforded for the expression & interchange of opinions in relation to some of those leading questions in which we all are, or may shortly be interested. We had several interviews with members of the Governments of Nova Scotia & P E Island, and with some leading members of the Canadian Parliament. These Gentlemen were not in the Government, but principally belonging to the opposition. The Members of your Government appeared to be so much engaged with the demonstrations in honour of the Prince, that an opportunity to discuss these questions was not afforded us. In this respect the object of our visit was not realized. I think I stated to you that my predilictions, were in favour of a Legislative,

rather than a Federative Union, but I feel that the reasons that would be urged against a Legislative Union, by parties desirous of, and interested in, maintaining the local Legislatures and Governments, would be irrestable [sic]. I may now frankly state to you, that my recent visit to Canada has not in any way strengthened my desire for union, and from the conversations I had with members of the Governments & Legislatures of the Lower Provinces, who were in Canada during the Prince's visit, I am led to believe that the same impressions were made upon their minds, in relation to this question, as was made upon mine. Your people appear to be impressed with the idea that nearly all of the British territory in North America, worth having, is within the bounds of Canada, certainly everything outside of it, to use a curt expression with us, "is not of much count."

We fear, therefore, that in any proposition for union, we of the Lower Provinces, would be placed in a less favourable position than we now occupy. Personally, I am prepared to discuss the question, but there appears less prospect of arriving at a satisfactory solution of this than I formerly anticipated. If I can form a correct opinion from what I heard & saw when in Canada, your people are far from united upon the question. We have scarcely one perfect set of our revised statutes to spare, the 2 volumes having been long since exhausted. I will, however, do what I can to comply with your request.

I will read with interest your proposed articles upon the Federative union and will be happy to send you from time to time such documents from this office as may contain information calculated to aid you in the discussion. When the trade returns from 1859 come to hand, I will send you a copy. I will be glad to hear from you whenever you find it convenient to write.

You will please treat this communication as strictly confidential. I may say to you that some members of our Government have never looked very favourably upon the proposition for a union, and if pressed now for an expression of their opinion would vote against it. The question is an important one, and requires much investigation to enable us to arrive at a wise and just conclusion.

I am

My dear Sir

Yours most Truly

S.L. Tilley⁹¹

⁹¹Mackenzie-Lindsey Correspondence (PAO), Tilley to Charles Lindsey, Sept. 5, 1860. A copy is also in the Tilley Papers (NBM).

The Canadians, without intending to, had insulted the Maritimers, who, in turn, had left in a huff. The visit of the Prince, far from advancing the cause of union, had, according to P. Stevens Hamilton, "thrown a temporary damper over the Union tendencies of a few individuals." He considered Tilley's expectation of talking business during the visit "preposterous," but that did not help the situation.⁹² It would be four long years before the subject of Union would again be welcome. It was in this frame of mind that Tilley went off to Saint John to hear Tupper speak on Maritime union.

v

Ideas about possible unions have taken on greater importance in retrospect than they held for the people of the time. During the period from 1857 to 1861 Tilley and the government were tested and twisted and torn by far more sensitive local issues such as the nature of the public school system, the removal of the seat of government, or the introduction of decimal currency. There was also the question of what to do about King's College, or the militia, or the Lieutenant Governor who remained difficult. Over all of these matters was the problem of the changing nature of the Executive.

The question of the school system was potentially the most controversial. The Morning News observed: "Perhaps there is no subject in the whole range of legislation more difficult to deal with than one of this kind; and to think of perfection - a measure to reconcile the

⁹² Ibid., P. Stevens Hamilton to Lindsey, Feb. 13, 1861.

wishes of all parties - with our New Brunswick inexperience and religious antipathy, is a most unreasonable expectation."⁹³ Tilley was well aware of this when he introduced his Public School Bill on March 4, 1858. He had received innumerable letters and petitions on what should and should not be done about inspectors, teacher training, curriculum, but above all he received advice on separate schools and use of the Bible. At a meeting of 2,000 people at the Saint John Bible Society "the most popular topic was the Bible in the schools, the people tremendously cheering every mention made with reference to the subject."⁹⁴ G.E. Fenety wrote Tilley privately that "there was scarcely a Minister on the platform but who bore down heavily upon the Catholics and spoke of the absolute necessity of having the Bible recognized by law as a text book in our public schools."⁹⁵ In the midst of this situation Judge L.A. Wilmot delivered an inflammatory anti-Catholic speech and stirred up Protestant passions. The Roman Catholics, of course, were fighting just as hard for their position, especially separate schools.

The bill that Tilley introduced, as a consequence of the divisions within the province, was something less than revolutionary. There was no provision for a tax supported non-sectarian school system, public or separate. The bill provided for a chief superintendent, released from clerical duties and with freedom to investigate and implement changes.

⁹³ Morning News, March 17, 1858.

⁹⁴ Tilley Papers (PAC), C.N. Skinner to Tilley, Jan. 9, 1858.

⁹⁵ Ibid., Fenety to Tilley, Jan. 12, 1858.

It also provided for the election of trustees where possible, and superior schools were encouraged as were libraries. Special grants were to be provided for districts and municipalities that adopted the principle of local assessment. Generally, the bill hoped to secure increased local participation and responsibility.⁹⁶

None of the above items created much controversy. Everyone was interested in the religious issue. The matter was discussed on March 23 when four divisions on a variety of amendments were taken. The paragraph of section eight was as follows:

Every teacher shall take diligent care, and exert his best endeavours to impress on the minds of the children committed to his care, the principles of christianity, morality and justice, and a sacred regard to truth and honesty, love of their country, loyalty, humanity, and a universal benevolence, sobriety, industry and frugality, chastity, moderation, and temperance, order and cleanliness, and all other virtues which are ornaments of human society; but no pupil shall be required to read or study in or from any religious book, or join in any act of devotion objected to by his parents or guardians.⁹⁷

To the above the following amendment was moved:

The Board of Education shall by Regulation secure to all children whose parents or guardians do not object to it, the reading of the Bible in Parish Schools.⁹⁸

After this was carried the following was presented:

The Bible, when read in Parish Schools by Roman Catholic children, shall, if required by their parents or guardians, be the Douay version, without note or comment.⁹⁹

This last amendment was carried twenty-three to eight and withstood an attempt to have it reversed by thirty to seven. When the final reading

⁹⁶ See Katherine F.C. MacNaughton, The Development of the Theory and Practice of Education in New Brunswick, 1784-1900 (Fredericton, 1947), pp. 159 ff.

⁹⁷ Journals, 1858, p. 202.

⁹⁸ Ibid., p. 203.

⁹⁹ Ibid.

was taken, the bill was passed by twenty-two to sixteen.¹⁰⁰

There are few more controversial issues in New Brunswick history than the implications of the "Douay" amendment. Upon it Roman Catholics have claimed the right to separate schools, especially during the controversy over the Common Schools Act of 1871. Tilley had supported the amendment in 1858. The problem, as he saw it, was in the "Protestants believing that a movement would be made by the Catholics to remove the Scriptures for the Schools. No such movement had been made." The amendment was good, for it "would permit nay it enjoined the teacher not only to read but to enforce the teaching of the Scriptures." Had the amendment not been approved, the "result would be Separate Schools, which he was decidedly and emphatically opposed to." As far as he was concerned, "he would maintain the Bible in the schools if it sank the Government."¹⁰¹ The two Bibles did stay in. Few were satisfied. To the militant protestants it was an unnecessary concession to Papists. To the Roman Catholics it was an insult, as was revealed by the "Manifesto of the Irish Roman Catholic Bishops on behalf of Denominational Schools," issued in September 1859.¹⁰² Perfection, as the Morning News had warned, was not achieved; hostility was very thinly disguised.

King's College, according to its critics, was also anything but perfection. Albert Smith had carried on a vendetta against the elitist institution where the "sons of the richest men in the Province" were

¹⁰⁰ Ibid., p. 214.

¹⁰¹ See Debates, March 22, 1858, p. 64, and Morning News, March 24, 1858, for the debate of March 22.

¹⁰² New Brunswick Reporter, Sept. 23, 1859.

educated by money "drawn from the pockets of all the inhabitants."¹⁰³ When Smith weakened, Charles Connell carried the battle, and in 1858 Connell introduced a bill to suspend the grant to the College, an action that would have closed the institution. There was much support for this bill, and it appeared certain to pass when Tilley introduced an amendment that would have saved the College. Tilley stressed the importance of education in his speech, but he also said that he "would move that the University be located in Saint John" if his amendment passed.¹⁰⁴ His motion was lost when the House divided twenty to twenty. The original motion then being taken, Tilley and twenty-six others voted for it; twelve voted against it. Manners-Sutton signed the bill, for he feared the repercussions of his failure to do so, but he did refer it to England for disallowance. When it was disallowed, a new bill was introduced which created the University of New Brunswick.

There was an additional result. In the process of obtaining the disallowance, Manners-Sutton had received a number of representations and petitions. These he communicated to London without first showing them to his Council. When this became public knowledge, another acrimonious battle between the Governor and his Council took place.¹⁰⁵ Newcastle, in time, supported the Governor's position, but the result was a further prescription of the powers of the Governor. Manners-Sutton

¹⁰³ Debates, April 5, 1854, p. 60.

¹⁰⁴ Journals, March 10, 1858, pp. 166-167, and Debates, March 10, p. 47.

¹⁰⁵ Journals, 1859, "King's College, Fredericton," pp. 112-120, and Journal, 1861, "Right of Executive Council to see Despatches to Secretary of State before being transmitted," pp. 213-226.

was indignant over the matter as was reflected when he wrote Newcastle at the height of the quarrel that "not one member . . . or any single individual among their supporters, either in or out of the Legislature, whom I could recommend for the grant of any token of Her Majesty's personal grace or favor, without the risk (I might say the certainty) that their elevation above their fellow Colonists would tend to depreciate the honor conferred."¹⁰⁶

Obviously this included Tilley, even though he had said little on the matter of the despatches except to support the Council. He was less concerned about the niceties of the constitution than about other matters, such as the removal of the capital from Fredericton to Saint John which he supported, or the implementation of a new medical bill which attempted to raise and to control the qualifications of doctors, or about the adoption of a system of decimal currency. There was also the matter of the militia, and with a dangerous situation developing in the United States, the militia became critical.

The problem about the militia was that it was virtually non-existent. By an Act of 1851 the Legislature had suspended all financial sections of the Militia Act, and in 1856 the suspension was continued for another nine years. The British were distressed about this situation and attempted to force a change. Manners-Sutton informed the Colonial Office that a change was impossible because the Legislature would refuse to vote the funds. Repeatedly he attempted to get a change, but without success. There was one slight improvement, as he wrote on June 13, 1859:

¹⁰⁶C.O. 188/132, Manners-Sutton to Lytton, March 2, 1859.

But I have consulted, confidentially, one member of my Council, in whose prudence I place some reliance and would, I think, be disposed personally to aid me in rendering the Militia Force more available for the defence of the Province against a sudden hostile attack; and my conversation with him (the Provincial Secretary) has proved that I judged wisely in not bringing the matter, even confidentially, before my Council collectively. For he has stated positively to me, that it would be in vain to hope that either the Executive Council, or the House of Assembly of the Province, as at present constituted, could be induced to sanction any expenditure whatever for the purpose of preparing during the continuance of Peace for the contingency of war.¹⁰⁷

The only solution Manners-Sutton could see was to ask for volunteers to drill, without the apparent intervention of the Governor. Over the next twelve months this proposal was carried out with considerable success. Tilley had retained his connection with the militia, for he was listed as Quartermaster of the Saint John City Light Infantry as late as 1864. John Robertson was the commanding officer. It was probably out of this association that the idea for volunteers emerged, and it was through them that the plan was put into effect.¹⁰⁸

Manners-Sutton's letter is important for another reason. Tilley and the Lieutenant Governor were obviously on good terms by 1859, and the Executive Council was not united. Over the years the Council experienced a variety of stresses and strains, both from within and without. The King's College issue, for example, was especially divisive, for it placed Fisher, the registrar of the College, in opposition to the

¹⁰⁷ C.O. 188/132, Manners-Sutton to Lytton, June 13, 1859, Secret.

¹⁰⁸ See Tilley Papers (NBM), Robertson to Tilley, June 27, 1860. Manners-Sutton discussed his success in C.O. 188/132-3, Manners-Sutton to Newcastle, July 15, Dec. 9, 1859, and Jan. 23, 1860, Private and Confidential.

whole Council. The question of the removal of the capital had a similar effect and the resolution for removal may even have been introduced to embarrass Fisher. Divisions over policy contributed to personal antagonism, such as that between Fisher and Smith, especially when problems arose. At a Council meeting on August 27, 1858, for example, the matter of inefficiency in the Post Office led to "earnest discussion."¹⁰⁹ Johnson, the Postmaster, had been absent from his office so often that it was a public scandal, and it was obvious that he had to be replaced. His resignation was accepted for the end of the fiscal year on October 31.

It was not entirely amicable. Rumours spread throughout the province "of the break-up of the Government -- of the political cauldron having boiled over and scalded several of the weird brothers of the Executive."¹¹⁰ Tilley's resignation was even reported. The struggle was over Johnson's replacement. Fisher insisted on Charles Connell, his brother-in-law, perhaps in hopes of removing an opponent of King's College. Smith and Tilley were both opposed but what could Tilley do? Had Joseph Lawrence not just won a bye-election in Saint John despite all Tilley's efforts? Connell was appointed.

"Occasionally in politics we find a man, who would kill any government, of which he was a member," W. H. Tuck wrote to Tilley on hearing the news. "In my opinion Charles Connell is that man."¹¹¹ Almost immediately "Mr. Cameleon Connell"¹¹² created a split between members of the North Shore and the St. John River Valley by a railway

¹⁰⁹ Head Quarters, July 28, 1858, but see Nov. 4, 1858.

¹¹⁰ New Brunswick Courier, Sept. 11, 1858.

¹¹¹ Tilley Papers (PAC), W.H. Tuck to Tilley, Oct. 2, 1858.

¹¹² Morning Freeman, Oct. 30, 1858.

statement that appeared to represent a Council decision. "He has raised a hornet's nest here," Peter Mitchell warned Tilley.¹¹³ The situation did not approve much with time. Albert Smith wanted him "closely watched . . . he will yet lead us into trouble & difficulty." Smith wanted changes in the postal service, but "there is no use to say anything to the Atty General."¹¹⁴ Fisher seemed detached or at least unconcerned about such matters. Tilley had always looked after administrative detail while Fisher concerned himself with legal and constitutional matters. With a divided leadership, a man like Connell had more than ordinary potential. By February of 1860 there was a severe split between Fisher on one side and Smith and Mitchell on the other. Manners-Sutton informed the Colonial Office that the ministers were "quarrelling most furiously" and the outcome was uncertain.¹¹⁵

It would be unfair to attribute all the problems of the Council to Connell for he was only one man and there were other antagonisms, yet Connell appeared near the centre of most crises. He created one of his own in 1860. With the province adopting decimal currency, new postage stamps were required and Connell set about preparing them. Toward the end of April Charles Watters visited the post office in Saint John to see the new stamps. He wrote to Tilley immediately: "I observe the 5 cent stamp which must of course be in common use has on it Connell's likeness! covering the whole stamp! Was this stamp approved of by the Council?"¹¹⁶

¹¹³ Tilley Papers (PAC), Mitchell to Tilley, Dec. 4, 1858.

¹¹⁴ Ibid., Albert Smith to Tilley, Aug. 27, 1859.

¹¹⁵ C.O.188/133, Manners-Sutton to Newcastle, Private, March 19, 1860. See Head Quarters, Feb. 8, 1860.

¹¹⁶ Tilley Papers (PAC), Watters to Tilley, April 25, 1860.

Charles Connell's face representing New Brunswick all over the world staggered the Council and titilated the populace:

If you would view Hypocrisy
In its dark side, without a lamp
And the most gross venality,
Look at the last Post Office Stamp. 117

Few ever got to see the stamp for it was never released and Connell was forced to resign from the Council. He did not leave gracefully or even repentantly. He publicly accused his former colleagues of purging him because he refused to condone the incompetence and inefficiency of the government. 118

Whatever relief Tilley may have derived from the departure of Connell, it was tinged with a general disillusionment with politics. It was not just the personalities, it was the system. There were sectional animosities and religious divisions. Every action offended some party. It also resulted in excessive personal abuse. Tilley had been accused publicly on many occasions of being a land thief, and when he denied it, he was called a "hypocrit and a liar."¹¹⁹ True, he had acquired some Crown Land the year he was out of office, but it was hardly a "Land Plunder Scheme." Replies were futile. "It is long since we learned Mr. Tilley's true character," declared the Morning Freeman, "long since we first distinguished the sleek beauty of the serpent in

¹¹⁷ Head Quarters, May 9, 1860. "The Postmaster General."

¹¹⁸ Journals, 1861, "Postage Stamps, and resignation of Mr. C. Connell as a Member of Council and Postmaster General, and the appointment of Mr. J. Steadman," pp. 226-240. See especially Charles Connell to Manners-Sutton, May 30, 1860.

¹¹⁹ Morning Freeman, Nov. 22, 1859. The charges are examined in the Morning News, March 10, March 17, 1859.

the grass, and recognized the sibilant in his most captivating accents."¹²⁰

Tilley's friends, of course, counterattacked, but their methods were often so crude that they added fuel to the fire. The Morning Globe exposed, it claimed, a "Great Papist Land Plot" in which Bishop Sweeney was accused of obtaining Crown Land improperly. Tilley denied that any such "Plot" had taken place and refused to condone this type of approach. He had spent too many years trying to win the confidence of Roman Catholics to attempt such a campaign. When, for example, no Roman Catholics were recommended for Magistrates in Saint John, Tilley demanded an explanation and obtained the appointment of the Irishman Lewis Burns.¹²¹

After the Connell affair and in the midst of the charges of a Roman Catholic land scandal, Tilley declared his intention to resign after the next session.¹²² The pressure on himself and his family had been extensive. Financially, he was well off, having just sold his drug store to Thomas Barker. There was also the temperance movement that was in need of assistance.

The rebuff administered to the temperance movement in 1856 cracked the united front that had emerged in the early 1850's. Internal divisions over means and objectives divided the movement both in New Brunswick and in the rest of North America. Tilley continued as an

¹²⁰ Ibid.

¹²¹ See the New Brunswick Reporter, July 6, 1860; Tilley Papers (NBM), Tilley to Livingston, June 6, 1860, Tilley Papers (PAC), Cudlip to Tilley, Jan. 14, 1859, reply to letter of Jan. 12, 1859.

¹²² Tilley Papers (NBM), Livingston to Tilley, July 21, 1860. This was not the first rumour of Tilley's retirement. See T. Barker to Tilley, April 15, 1859.

active member of the Sons, but he was forced to restrict his activities considerably. True to his word, he did not introduce any legislation in favour of prohibition, though he did squeeze temperance into the new School Act. Because of his failure to press for prohibition, he was accused of "prostituting Prohibition to serve political ends." Thomas McHenry made this charge at the Temperance Alliance on November 30, 1859, and McHenry was the influential editor of the Christian Visitor. Tilley demanded an explanation. Had he not, he asked, succeeded in having temperance included "as one of the subjects upon which the people were to be instructed?"¹²³ McHenry's plea that he had been misunderstood for he was arguing that the law had not been upheld rigorously enough was not accepted, and Tilley defended his course of action.

Had I taken the course you suggest, when the Liberal Government was formed, we would have been without a single friend in the administration and I now assert, notwithstanding your opinion to the contrary, that previous to the passage of the Law, and while it was upon the Statute Book that appointments were made to the Majistreys [sic] in many counties, with a view to this very question, and some of the men thus appointed acted in the most energetic manner. You state that certain men should have been removed from office. It is easier to make assertions than to act upon them. It is a more difficult task to remove men holding Judicial offices than you are aware of and you would find it an exceedingly difficult matter.¹²⁴

Tilley had been hurt by the charges, and he realized that internal divisions contributed nothing. When he attended the Annual Meeting of the National Division in Portland, Maine, that June in 1860, the dangers of divisions were all too obvious. The Sons of Temperance in the United

¹²³Tilley Papers (PAC), Tilley to Thomas McHenry, Dec. 9, 1859.

¹²⁴Ibid., Tilley to McHenry, Private, Dec. 26, 1859.

States were being torn asunder by the North-South crisis to say nothing of the other divisions. Tilley was fully aware of these differences for he had been called upon to mediate disputes in the past, but by 1860 the situation was critical. Within a year the United States would be fighting a civil war and the Sons would be on both sides. Tilley was in contact with members from both the North and the South, and they all pleaded with him to use his influence to assist.¹²⁵ On January 21, 1861, Tilley had written Thomas Evans of Richmond, Virginia, trying to suggest a solution. He defended Lincoln who, he claimed, had done nothing unconstitutional. He also charged that "South Carolina was precipitate, not to say rash and foolish." Tilley, who was opposed to slavery and had worked for the New Brunswick "Coloured" for years, could not defend the South. His solution was one friend Joseph Howe would have appreciated. Somewhat naively, he invited the United States to return to the Mother Country, the British Empire. Evans declined the invitation and rejected most of Tilley's other suggestions. One point must have impressed Tilley. "Remember Tilley," Evans had written, "that ours is not a consolidated government, but a confederation of sovereign and independent states - reserving to themselves all the powers and rights not expressly delegated to the federal government." Tilley may not have needed to be reminded, but he may have pondered the implications. Evans had one other observation: "The truth is brother Tilley, I attribute to a great extent our present lamentable trouble to universal suffrage, the multiplicity of popular elections, the depravity of politicians and Common Wiskey."¹²⁶

¹²⁵ Tilley Papers (PAC), Fred. A. Fickards to Tilley, Bethlehem, Penn., Aug. 19, 1858; Dr. S.T. Conduit to Tilley, Jersey City, April 10, 1861.

¹²⁶ Tilley Papers (PAC), Thomas I. Evans to Tilley, Richmond, Va., Feb. 12, 1861.

Tilley may have nodded in agreement as he read this well thumbed, heart rending letter. The United States was almost in a state of dissolution when he received it. More than any other New Brunswick politician Tilley must have grieved over the United States, for he had good friends on both sides and in most states of the union. Many of them he had visited since his first trip south in the 1840's, and now they would be fighting each other in a war. As it turned out, Tilley did not have much time to despair that February. The Liberal government was faced with a Crown Land Scandal of the first order, and Charles Fisher was entangled in the middle of it.

vi

The first inkling that a blowup might occur came on Tuesday, February 26, when the organ of the Conservative "Club" of Saint John, the Colonial Empire, published an article on "Land Jobbing in New Brunswick," an exposé of the exploitation of the Crown lands by Andrew Inches, the Chief Draughtsman of the Crown Land Office. When called before Council later that day to explain, Inches "fearlessly acknowledged that he owned large tracts of land, which had been purchased for him at the public sales, and that he had the same right to purchase that other men had."¹²⁷ The next day Inches was suspended from office. In the meantime James Tibbits, seconded by Albert Smith, moved for a select committee to investigate the matter. The Council was seriously divided on what to do. "Great excitement in the Council," James Brown confided

¹²⁷ James Brown Journal (NBM), Feb. 26, 1861.

to his Journal, "with signs of dissolution."¹²⁸

The select committee began its work immediately, and on March 1, when Inches appeared before it, the full seriousness of the situation was revealed. He admitted to having acquired 26,408 acres of crown land, but that was only the beginning. Charles Fisher was accused of having used his position to acquire hundreds of acres in a number of purchases. To make matters worse Fisher had clumsily attempted to silence Inches.¹²⁹ That he failed was obvious the next day when Inches lashed out in many directions. Brown, who was there, noted: "Attorney General and Mr. Steeves implicated and their reputations seriously damaged, Messrs Smith and Tilley slightly tinged." Inches "grasps, like another Samson, the main pillar of the Government with a relentless determination to demolish the entire structure."¹³⁰

Matters got worse and worse. Fisher could not extricate himself from the charges when he appeared before the committee. Tilley did much better on March 9 when his turn came, for he had acquired his property when he was not in the Assembly (see page 84 above). The government, however, was highly vulnerable. "The Smasher Joint Stock Company is in great peril and tribulation," exulted the Head Quarters.¹³¹ Perhaps the writer knew that on March 11 the Council had held a long and bitter

¹²⁸ Ibid., Feb. 27.

¹²⁹ Journals, 1861, "Evidence taken before the Select Committee," Crown Land Department, Appendix, pp. 1-140. See March 1, pp. 4-14.

¹³⁰ James Brown Journal (NBM), March 2, 1861.

¹³¹ Head Quarters, March 13, 1861.

evening meeting at which time the members told Fisher they would no longer work under him. Two days later Tilley requested all of the Council except Fisher to meet with him. In the morning they prepared a memorandum to Manners-Sutton stating that they would no longer serve with Fisher. In the afternoon they met again and tendered their resignations from the Council.

Tilley appeared before the House of Assembly on March 14 and announced that all of the Councillors except Fisher had resigned.¹³² Before the House had time to wonder about what would happen, Tilley stated that ^{the} Governor had refused to accept the resignations and that Tilley was prepared to take steps "to relieve the Attorney General from his Executive and official duties."¹³³ On Monday, March 18, on the recommendation of the Tilley Council, Manners-Sutton informed Fisher that he "dispenses with the services of the Attorney General, as a member of the Executive Council."¹³⁴ That day Tilley was to appear before the House of Assembly with an explanation.

It was a "cold day" that Monday. The galleries and lobbies were crowded to overflowing as the members took their seats. To the surprise of the observers Fisher rose first. His colleagues, he stated, had not treated him fairly. He had been prejudged before the committee had submitted its report, and since he had done no wrong he refused to resign.

¹³² Journals, 1861, Correspondence on "Ministerial Arrangements," pp. 130-135. See also James Brown Journal (NBM), March 11 to March 18, 1861.

¹³³ Ibid., Tilley to Manners-Sutton, March 15, 1861, p. 133.

¹³⁴ Ibid., Manners-Sutton to Attorney General, March 18, 1861, half past 1 p.m., p. 135.

Tilley followed Fisher. The duty he and his colleagues had to perform, he declared, was most unpleasant and trying, but it was necessary.

Fisher had violated regulations and was unacceptable to the rest of the Council. The speeches had been moderate but uncompromising.¹³⁵ It was, as Brown observed, a "cold day."¹³⁶

Fisher's involvement in the Crown Land Scandal was not the real cause for his deposition, it was merely the final stage in a long process. From the beginning there had been personality conflicts, especially with Smith. Then there was his inability to get along with the Lieutenant Governor. He also appeared to be overly concerned about the interests of his family and Fredericton. His brother, Henry, for example, was appointed the first chief superintendent of education in 1858. Once Connell was ejected Fisher did not have a supporter in the Council. He had not, of course, provided the atmosphere or the cohesiveness that was essential for any government. That had been Tilley's role.¹³⁷ J.H. Gray considered Tilley the government leader long before the fall of Fisher. He had communicated that to P. Steven Hamilton who, in turn, wrote Charles Lindsey that Tilley was "the heart, and soul, and thinking apparatus of the existing Government." Hamilton continued: "I do not think him a man of very broad views; but he is a liberal and progressive. Hitherto, his political views

¹³⁵ Debates, March 18, 1861, pp. 45-47, and the New Brunswick Reporter, March 20, 1861.

¹³⁶ James Brown Journal (NBM), March 18, 1861.

¹³⁷ For Fisher consult Carl Wallace, "Charles Fisher," Dictionary of Canadian Biography, Vol. X, pp. 284-290, especially p. 287.

have been too much limited by his sphere. That has been St. John; and, generally speaking, Saint John is to one of the John Saints, the Universe.¹³⁸

Barely a week before the scandal broke Hamilton was urging Lindsey to "stick to Tilley, like ways. Whatever party is in; or whatever one, out; he is likely to be always a man of large influence in New Brunswick."¹³⁹

In March of 1861 no one would have denied that. He had demonstrated a toughness that not everyone suspected he had. It appeared to many that Fisher had been deposed far too brutally, and there were unanswered questions. Was the rest of the Council trying to hide something? Was Fisher a scapegoat? Was Tilley hungry for power? The answers given to these and other questions were mixed, especially after the Select Committee made its report on March 26. The system of granting Crown land was harshly criticized, and the Surveyor General, James Brown, was found wanting. Inches was roundly condemned, but no member of the Assembly was implicated, not even Fisher.¹⁴⁰ The debates on the report turned on amendment to the resolution to the effect that the Executive "have not acted in conformity with the spirit of the Constitution," in effect, a motion of want of confidence in the Tilley government.¹⁴¹ When the vote was taken, twenty-two stood with Tilley, seventeen stood against him, including Fisher and Connell.¹⁴² The Assembly, at least, supported

¹³⁸ Mackenzie-Lindsey Correspondence (PAO), P. Stevens Hamilton to Lindsey, [Fall, 1860].

¹³⁹ Ibid., P. Stevens Hamilton to Lindsey, Feb. 13, 1861.

¹⁴⁰ Journals, 1861. Report of the Select Committee, March 26, pp. 161-166.

¹⁴¹ Journals, April 6, 1861, p. 205.

¹⁴² Ibid., April 11, p. 212. For Tilley's defense see the Debates, April 6, April 8, 1861, pp. 83-87. Fisher retained the office of Attorney General even though he was removed from the Council. In the end Tilley had to exert considerable pressure on Fisher to make him resign. See Tilley Papers (PAC and NBM) for the extensive correspondence between March 30 and April 26, 1861.

Tilley, but would the province?

Tilley was required by law to go to the people in 1861, and there were undoubtedly a number of nervous politicians consulting their constituents that spring. By mid-April, however, the problems of New Brunswick appeared insignificant to many. On April 12 Fort Sumter was bombarded and on April 15 Lincoln issued his insurrection Proclamation. War was at the doorstep of the province. The New Brunswick Executive Council was in session regularly throughout April and certainly discussed the war, but they had local matters to consider as well, not the least of which was the election. On April 27 at a Saturday meeting in Saint John they unanimously recommended Albert Smith to be Attorney General, nominated Mitchell and Perley to the Legislative Council, and decided to dissolve the Assembly and have an immediate election.¹⁴³ Perhaps they believed that people would stick with the government in power in times of danger, but there were other factors.

Tilley's informers throughout the province told him that there was wide public support for him and the government. In addition, G.E. Fenety had begun to probe Moses Perley, the editor-in-chief of the Colonial Empire, shortly after he had broken the Crown Land Scandal. Fenety wrote Tilley for information on March 9,¹⁴⁴ and by April 22 the public was informed of "Mr. Perley's Land Grabbing," 80,000 acres of it. It had happened in 1835 and the official correspondence was published to prove it.¹⁴⁵ "It is not often," observed the Reporter sardonically,

¹⁴³ James Brown Journal (NBM), April 27, 1861.

¹⁴⁴ Tilley Papers (NBM), Fenety to Tilley, March 9, 1861.

¹⁴⁵ Morning News, April 22, 1861.

"that a hunt results in running down the huntsman instead of the game."¹⁴⁶ The disclosure had the effect of eliminating any advantage from the scandals for either side. Tilley was fortunate in another matter. "The Club", the Conservatives of Saint John, held a meeting on Friday, May 17, and refused to nominate T.W. Anglin, editor of the Morning Freeman. He was indignant about that "hole-and-corner" meeting and at the exclusiveness of the Conservatives.¹⁴⁷ His considerable talents were then turned on both Conservatives and Liberals as Anglin ran as an independent. In so doing he robbed the Conservatives of much support, including innumerable Roman Catholic voters.

Tilley had called a Liberal caucus in Saint John for May 13, at which time he and Watters received the nominations for the city. A slate was also chosen for the county, with John Cudlip the most prominent name on the list. Tilley stressed "the necessity of being united; of acting harmoniously [sic] and in concert with each other, so that a complete triumph might be the result."¹⁴⁸ The Liberal party fought a strong battle in Saint John and, to a lesser extent, in other parts of the province. The opposition, according to the Morning Freeman, had a "fatal lack of skill and ability to conduct the political contest."¹⁴⁹

The voters of Saint John agreed with the Morning Freeman and reelected Tilley and Watters in the city and returned three of four Liberals in the county. Anglin prevented a Liberal sweep. The most

¹⁴⁶ New Brunswick Reporter, May 3, 1861.

¹⁴⁷ Quoted in the Morning News, June 3, 1861, but see the Morning Freeman, May 21, 1861.

¹⁴⁸ New Brunswick Courier, May 16, 1861.

¹⁴⁹ Morning Freeman, May 21, 1861.

surprising result was the defeat of both Gray and Wilmot.¹⁵⁰ Those two had been the backbone of the opposition, and their defeat rendered it impotent, except for a few difficult independents like Anglin. Tilley would have preferred Gray to Anglin on any occasion, but that was not his decision to make.¹⁵¹ Throughout the rest of the province the Liberals did well, but there were a few surprises. Fisher was returned at the head of the poll in York, and was accompanied by three independents. Smith was elected in Westmorland, but James Brown was defeated in Charlotte, and Connell, to Tilley's relief, was rejected in Carleton. The new House offered many possibilities with twenty new members, fourteen of whom had never before sat in the Assembly. Somewhere between sixteen and twenty-five of the members were considered Liberals. Tilley, however, was not much worried. There was no alternative to his party, and the "loose fish" were always available. He set about to form his Council.

¹⁵⁰The voting according to the Morning News, June 10, 1861, was as follows:

<u>City</u> (Two elected)		<u>County</u> (Four elected)	
Watters	1532	Cudlip	1655
Tilley	1481	Anglin	1383
Scovil	1077	Jordan	1365
Lawrence	1027	Skinner	1355
		Gray	1263
		Wilmot	1180
		(Plus five others)	

Watters obviously received a number of Roman Catholic votes that did not go to Tilley.

¹⁵¹See the Morning Freeman, June 18, 1861, and the New Brunswick Courier, June 15, 1861.

IV

The Pursuit of the Intercolonial

1861-1864

Fredericton was especially beautiful that summer of 1861 as Tilley considered the various possibilities for his new Council, but even the most pleasant surroundings could not make the task enjoyable. Fisher lurked in the Fredericton shadows, fully aware that he controlled a possible balance of power. Arthur H. Gillmor of Charlotte, a competent and highly regarded liberal supporter in the previous House, refused to risk his political neck by accepting office.¹ Mitchell, the government leader in the Legislative Council, was wheeling and dealing not too wisely. "Mitchell is certainly very indiscreet. He talks too much," Albert Smith wrote Tilley. "In the name of Wonder why did he talk to McPherson. It only makes those fellows worse."²

Faced with these difficulties, Tilley decided to tour the province and talk to the local people. He called an Executive Council meeting for Shediac on July 13, and then he and Mitchell proceeded to the North Shore. Previously he had visited Charlotte, and by Saturday night, July 20, he was back in Fredericton with a completed Council.³ Tilley, of course,

¹Tilley Papers (PAC), Gillmor to Tilley, July 10, 1861, Telegram.

²Ibid., A.J. Smith to Tilley, July 7, 1861.

³See James Brown Journal (NBM), July 21, 1861, and Tilley Papers (PAC), Tilley to J. Travis, July 27, 1861.

remained Provincial Secretary, and he retained Smith as Attorney General, Charles Watters as Solicitor General, and James Steadman as Postmaster General. J.M. Johnson would be chosen Speaker when the time came. Tilley could not have ignored any of these men. They had stood with him against Fisher in the long, cold March days. James Brown, the Surveyor General, had been defeated at the polls, thus saving Tilley the embarrassment of refusing to appoint him. W.H. Steeves, the Chief Commissioner of the Board of Works, who had also been badly bruised in the Crown Land Scandal, was retained on the Council without office, but only after he had caused considerable trouble for Tilley.⁴

The two positions left open to Tilley were used geographically. George Hatheway of Fredericton became Chief Commissioner of the Board of Works and John MacMillan of Dalhousie became the Surveyor General. Hatheway was regarded as an unreliable and somewhat grasping politician of the "illiterate rank," much akin to Charles Connell.⁵ It was apparently a necessary appointment but one of which Tilley could hardly be proud. MacMillan, on the other hand, was a highly respected North Shore businessman, well suited to his new position. Unfortunately, in accepting the Surveyor Generalship, he deserted his business partner, Jeremiah Travis. MacMillan and Travis had created a prosperous trans-Atlantic trading business, with MacMillan handling the New Brunswick side of the concern. Travis was beside himself with anger at the disruption and accused Tilley of destroying not just a business but a long friendship.

⁴Tilley Papers (PAC), Smith to Tilley, July 7, 1861. W.E. Perley of Queen's County was also on the Council without office.

⁵Morning Freeman, August 1, 1861, but see July 30, Aug. 3 and Aug. 8.

Then he added in one of the most painful letters Tilley would ever receive: "I had looked upon you from childhood as a friend, but this bad, this injudicious, this mad interference with and probable destruction of our whole business makes you one of the worst enemies I have ever had."⁶ Cabinet making, Tilley learned, is never easy. To make matters worse, it was not a very good product in total. Only Smith was of the first rank and some considered him a demagogue.

Manners-Sutton was not much impressed with the newly elected Assembly in general, but it was no longer his problem. He was finally being replaced after seven long years, and strange as it may seem, few were more sorry than Tilley. It was not to be expected that Tilley and Manners-Sutton would ever be compatible much less friends, yet by 1861 the two had become quite close. Perhaps the Duke of Newcastle was speaking for Manners-Sutton in a minute to a letter from the Governor on the expulsion of Fisher: "I am not inclined to express 'regret' for this, of course I must keep clear of local politics. I am not ignorant that Mr. Fisher is one of the worst public men in the B.N.A. Provinces & his riddance is a great gain to the cause of good government in N.A. Mr. Tilley (his successor as Premier) is a respectable man."⁷ As a judgment of Fisher this certainly was unfair, but it was an official view. Manners-Sutton held it, and he and Tilley maintained contacts in later years. They discussed New Brunswick affairs in detail, perhaps even the new Governor, Arthur Hamilton Gordon.⁸

⁶Tilley Papers (PAC), J. Travis to Tilley, July 23, 1861. See Tilley to Travis, July 27, 1861. While justifying his action, Tilley did all he could to appease Travis.

⁷C.O. 188/134, Manners-Sutton to Newcastle, March 19, 1861, Minute by Newcastle, April 27, 1861.

⁸Tilley Papers (PAC), Manners-Sutton to Tilley, May 30, 1862.

For a variety of reasons Gordon has become one of the most controversial of all New Brunswick Governors.⁹ With some justice he is both praised and villified. He arrived like a knight on his charger, full of the best intentions. The knight had the very best upper class British background, and the charger was the modern iron horse from Shediac to Saint John. Manners-Sutton and his Council met the new Governor at Sussex on October 24. Manners-Sutton may have anticipated that the young aristocrat would have difficult days ahead, but he also knew from experience that Gordon and New Brunswick would have to work it out between them. Manners-Sutton went on to Shediac; Gordon and his Council proceeded to Saint John. The next day he took the river steamer from Indiantown to Fredericton, accompanied by Tilley and his wife. "I had a good talk with Tilley," Gordon confided to his diary. "We shall get on well, I foresee. Mrs. Tilley was on board, a rather nice ladylike sort of person."¹⁰ Over the next few days Tilley and Gordon were in regular conference. It was necessary that Gordon have a clear picture of New Brunswick as soon as possible, for Tilley was to leave for London on October 30. On the whole, those first contacts were satisfactory. Gordon thought Tilley "a man of evident ability" surrounded by a "queer lot."¹¹

Tilley was not long out of the province, however, before Albert Smith, "whom I don't like," Gordon admitted, and the Governor locked

⁹The most recent and most sympathetic appraisal of Gordon is to be found in J.K. Chapman, The Career of Arthur Hamilton Gordon, First Lord Stanmore, 1829-1912 (Toronto, 1964). The New Brunswick years are in Chapter II, pp. 16-45.

¹⁰Stanmore Papers (UNB), Diary, Oct. 25, 1861.

¹¹Stanmore Papers (UNB), Gordon to Newcastle, Oct. 29, 1861.

horns. "I have seen a good deal of our Governor," Smith wrote Tilley, "I think he is a pretty good fellow, though he has a good deal to learn yet. . . . I had a little Brush with him but no blood spilt."¹² The brush was over the way affairs were conducted in New Brunswick, and it was clear Gordon had changes in mind.

Tilley must have grimaced as he read Smith's letter in London that December. As soon as he returned to New Brunswick he would have to educate Mr. Gordon on the intricacies of New Brunswick procedures. Tilley had far more pressing matters on his mind before he could settle with Gordon. There were railway negotiations and preparations for war.

ii

Tilley and Howe never gave up on the Intercolonial. Throughout the lean years after the Imperial rejection of 1858 the two had built and schemed to stretch the tentacles of the various railway systems toward each other, though Tilley urged the Western Extension of the European and North American from Saint John to Maine more than Howe would have. Tilley had barely assumed the premiership in 1861 before a Joint Address of the Legislative Council and House of Assembly was sent to the Colonial Office requesting British assistance in the construction of the Intercolonial. Newcastle declined to encourage New Brunswick in its aspirations.¹³ That Joint Address had been in response to a request from some highly placed individuals in England who were organizing an

¹² Stanmore Papers (UNB), Diary, Nov. 18, 1861, and Tilley Papers (PAC), Smith to Tilley, Nov. 25, 1861.

¹³ Journals 1863, Appendix No. 8. "Correspondence relating to the Inter-Colonial Railway," from April 12, 1861, to Feb. 13, 1863. Manners-Sutton to Newcastle, April 12, 1861, with enclosures. Newcastle to Manners-Sutton, May 9, 1861, p.4.

association to support the railway. "A meeting of noblemen and gentlemen who have undertaken to bring the subject of the Halifax & Quebec Railway before Parliament has been held today," Joseph Nelson informed Tilley on March 9. "The conclusion arrived at is that it is of the most vital importance to the success of the application of the Imperial Parliament here that there should be some recent manifestation of a desire for its completion by the British North American Governments."¹⁴

Out of that meeting emerged the British North American Association that was formed while Tilley and Howe were in England. Nelson and Edward Watkin were the inspiration of that Association as well as the next series of Intercolonial negotiations. It was in the late summer of 1861 that Watkin and Nelson toured North America, Watkin as the special emissary of the Grand Trunk Railway.¹⁵ He arranged with the Canadian government for a September meeting on the Intercolonial at Quebec,¹⁶ but first he travelled overland from Quebec City to Fredericton where he met Tilley for the first time "in a plain little room, more plainly furnished."¹⁷ The two agreed completely on railway matters and took a vow "that we, neither of us, shall die before we have looked upon the waters of the Pacific from the window of a British Railway carriage."¹⁸ Howe was equally enthusiastic, and together Howe and Tilley journeyed to Quebec late in September¹⁹ for,

¹⁴ Tilley Papers (PAC), Joseph Nelson to Tilley, March 9, 1861. For the association see R.G. Trotter, Canadian Federation: Its Origins and Achievement, a Study in Nation Building (Toronto, 1924), pp. 192-193.

¹⁵ See A.W. Currie, The Grand Trunk Railway of Canada (Toronto, 1957), pp. 78 ff. The best examination of Watkin's role is in R.G. Trotter, Canadian Federation, Chapter XIV. To be used with care is Edward Watkin, Canada and the States: Recollections, 1851-1886 (London, [1887]).

¹⁶ Howe Papers (PAC), Tilley to Howe, Sept. 10, Sept. 18; and Tilley Papers (PAC), Tilley to Howe, Sept. 18, 1861.

¹⁷ Watkin, Canada and the States, p. 3.

¹⁸ Tilley Papers (NBM), Watkin to Tilley, June 25, 1875. Also quoted in ibid.

¹⁹ Howe Papers, Howe to Tilley, Sept. 18, 1861.

according to Howe, "one of the most delightful excursions" of his life. Howe and Tilley did enjoy each other's company, and the Quebec meeting rivalled the best in conviviality. At one party Howe "found all the Delegates and members of Government half seasons. Tilley and Watkin only sober."²⁰ Philip Vankoughnet got drunk and loud. Much of the bitterness that emerged during the visit of the Prince of Wales was obliterated and an agreement on a combined approach to the Imperial Government was worked out. Tilley, Howe and Vankoughnet were later delegated to go to England to discuss the matter. Thus it was that Tilley was required to leave New Brunswick within a week of the arrival of Gordon.

As with all previous Intercolonial campaigns, Tilley's first venture was not to succeed, even though there was support from a variety of sources. Manners-Sutton, who was so vehemently opposed in 1858, actively supported Tilley in his efforts.²¹ There was also the almost overactive Edward Watkin. He rushed Tilley and Howe to the Duke of Newcastle on November 11. He, in turn, arranged an interview with Viscount Palmerston, the Prime Minister. Watkin also attended their session with William Gladstone, the Chancellor of the Exchequer.²²

Tilley had been warned to tread carefully with Gladstone by Governor Gordon, who knew him well. He cautioned Tilley to have his facts both accurate and convincing. "A very slight error here might be

²⁰ Howe Papers, Vol, XLV. Diary, 1861, p. 150.

²¹ Journals, 1863, Appendix No. 8, p. 6.

²² Watkin, Canada and the States, p. 82.

fatal to all our hopes." Tilley was also urged to stress the "National Honour" as opposed to considerations of a "military character or those affecting what are called Imperial interests."²³ After keeping the delegates waiting for some time in an outer office, a "bored and worried" looking Gladstone, with an "expression of a man on his guard against a canvasser or a dun,"²⁴ finally admitted them. His mood apparently matched his expression, for Gladstone brushed aside arguments for subsidies for Imperial services and claims by "people who might help themselves."²⁵ Further negotiations were futile, and Tilley was clearly taken aback by this treatment. Howe, an old campaigner and one not easily set aside, caught up with Gladstone at an evening reception at Peto's, at which time he filled his ear. "I am glad that you put it to Gladstone concise," Tilley wrote Howe in delight. That was about all he found pleasing. "I fear that another interview with Gladstone if obtained would not however, be of much service. His letters to our Governor, written while we were in London were not favourable, and if you have seen his memo to the Duke of Newcastle you will doubtless have found that he is strongly opposed to our claims."²⁶

Tilley was by then back in New Brunswick. He had left on December 29, 1861, and arrived in Fredericton on January 10, 1862. The

²³ Tilley Papers (PAC), Gordon to Tilley, Private and Confidential, Oct. 29, 1861.

²⁴ Watkin, Canada and the States, p. 84.

²⁵ Ibid.

²⁶ Howe Papers (PAC), Tilley to Howe, Jan. 16, 1862.

trip had been a failure and Tilley was hurt by "the absence of all attention & civility from the members of the government. . . . Their conduct was unpardonable,"²⁷ especially Gladstone's. About three months later the Duke of Newcastle officially informed the colonies that the British government "have not felt themselves at liberty to concur in this mode of assistance," but they would offer an "Imperial guarantee of Interest towards enabling them to raise by public loan, if they should desire it, at a moderate rate, the requisite funds for constructing the Railroad."²⁸ It was not what Tilley and Howe had sought, but it was better than a complete rejection. The road might yet be built. There were, however, more immediate problems than railways.

About the time that Tilley first met Gladstone the news of the "Trent" seizure reached London. That alone disrupted the negotiations, and Tilley was convinced that war was imminent.²⁹ He offered his services to the War Office, which was in need of information on how best to transport the troops to Canada.³⁰ Colonel John Robertson of the New Brunswick Militia was also available and together they were of assistance on approaches to the problems in New Brunswick. Undoubtedly the prospect of

²⁷ Ibid., Feb. 1, 1862.

²⁸ Journals, 1863, Appendix No. 8, Newcastle to Gordon, April 12, 1862, pp. 12-13.

²⁹ Tilley Papers (PAC), T.B. Barker to Tilley, Dec. 20, 1861, in reply to Tilley's letter.

³⁰ Ibid., Lord DeGray to Tilley, Private, War Office, Dec. 3, 1861. See also Colonel John Robertson to Tilley, Dec. 5, 1861. Robertson and Tilley, of course, had helped to organize the volunteer militia.

Imperial troops traversing his province drew Tilley home before the Intercolonial matter was settled, though the death of Prince Albert on December 14 ended all possibility of success. Tilley did want to get home to check on matters, especially Gordon. There was no telling how he would react in a crisis such as the arrival of the troops. Tilley also had to prepare for the coming session of the Legislature, his first since the election.

In the matter of troop movements, Gordon had played the role of Governor to the hilt. He addressed the troops and scurried to and fro to make certain all was done properly. The work, of course, was carried out by the local volunteer militia and by an immensely enthusiastic population, and the troops were despatched rapidly and effectively across the province. Gordon claimed the credit for the success of the operation, a claim with some superficial validity in that Gordon was the chief officer when the movement took place.³¹ Tilley's supporters publicly gave him much of the credit, by pointing out that he had convinced the British authorities to use Saint John for the troop landing in the first place because of the efficient local volunteer militia, which he had helped organize.³² It was the type of claim Gordon found insufferable. One sidelight is worth mentioning. "Grog shops" appeared to serve the passing troops, much to the displeasure, not of Tilley, but of Gordon. He wrote scathingly to Tilley who was slow to act: "I suppose by the time all the troops have passed, the place [Petersville] may really be removed."³³

³¹ Morning Freeman, Jan. 2, 1862, and Chapman, The Career of Arthur Hamilton Gordon, p. 21.

³² "Who Did It?" in the Morning Freeman, Jan. 7, 1862.

³³ Tilley Papers (PAC), Gordon to Tilley, Feb. 3, 1862, but see Jan. 30, 1862, and the Stanmore Diary.

This reproof took place in the middle of what turned out to be a very nasty confrontation between the Governor and his Provincial Secretary. Tilley's reply was immediate and direct. After some preliminaries, Tilley mentioned that the "grog shop" had been taken care of, even though such actions were not under his jurisdiction. "In undertaking this service I did not for a moment suppose that it would lead to a reproof such as is contained in your Excellency's note now before me." Then he added a sentence on manners to the young Governor. "In all my intercourse with Your Excellency, both oral & written I have desired to express myself in courteous and respectful language, and I feel therefore the more keenly the style & content of Your Ex^s note."³⁴ Clearly, Tilley preferred gentlemen like Head and Manners-Sutton, despite his differences with them, to the untutored Gordon.

Smith had warned Tilley about Gordon in November, and his impression was borne out in a series on issues. In none was this more obvious than in the matter of the militia. Gordon was intensely interested in military matters, and as an unmarried man found his companions among the officers in Fredericton. One of the first prerogatives he claimed, Tilley wrote Howe, was "the appointment of Quartermaster & Adjutant General, officers receiving their pay from the Province funds, and the entire control of the money placed at the disposal of the Government for Militia purposes. . . . How do you manage in Nova Scotia?"³⁵ He made the same request of A.T. Galt of Canada, who replied that the Executive

³⁴Ibid., Tilley to Gordon, Feb. 3, 1862.

³⁵Howe Papers (PAC), Tilley to Howe, Jan. 16, 1862.

retained effective control of the militia because it "would certainly be held by the people responsible." Tilley was pleased. "What you have done is just what we claim in New Bk."³⁶

Tilley's opinion of Gordon was not very high at best, and he was not in a mood to put up with his nonsense. He told Howe that Gordon "has much to learn, no matter who appointed him Newcastle or Gladstone, he is young and inexperienced, and is anxious to do too much."³⁷ In this frame of mind, and armed with the information from Galt, Tilley went to Gordon. The result was a very unpleasant row that reverberated throughout the province. "I shall not trust him again," Gordon hastened to include in his diary that night.³⁸ Both men, naturally, had to adjust, and it was Tilley who, for a variety of reasons, went to Gordon and informed him that they "had gone quite low enough and that he was determined to go no lower," an opinion Gordon shared.³⁹

It was well for all concerned, but more especially Tilley, for he was about to face some of the most difficult months of his life. To begin with, he was very ill, being confined to his house under doctor's care for part of the time.⁴⁰ Other members of his family, notably his wife Julia, were also sick for much of the winter, thus contributing to the atmosphere of uneasiness. Then there was Charles Fisher. Tilley was

³⁶ Galt Papers (PAC), Tilley to Galt, Jan. 23, 1862, and Feb. 7, 1862; Tilley Papers (PAC), Galt to Tilley, Feb. 1, 1862. Galt did warn Tilley "But if any reference is made to him [Monck], you had better write some of us privately that we may see that all is right."

³⁷ Howe Papers, Tilley to Howe, Feb. 1, 1862.

³⁸ Stanmore Papers (UNB), Diary, Feb. 4, 1862.

³⁹ Ibid., Feb. 15, 1862.

⁴⁰ See Howe Papers (PAC), Tilley to Howe, Feb. 1, 1862.

convinced that Fisher was plotting to overthrow the government at the first opportunity.⁴¹ The Morning News had made an interesting comparison between 1854 and 1862. In both cases a new Governor arrived after an election in which many new members of uncertain political allegiance had been elected, and in both cases Charles Fisher was at hand to lead the onslaught on those in power.⁴² Doubtless Tilley pondered the dangers, especially after it became clear that he faced a huge deficit of over \$130,000 and would be forced to raise taxes. Still, he wrote confidently to Howe that the House had a number "of restless spirits amongst the new members but [I] feel competent to put matters through."⁴³ There was also the problem of a possible war with the United States, though by February it was receding. "If we don't fight with Jonathan soon," he told Howe impishly, "I think we will have a small war between Halifax & St. John. Then stand your rudder."⁴⁴

Brave words in jest. It was well he did not have to grasp a real tiller. Throughout February and March he was clearly not well. His father-in-law wrote on February 27 warning Tilley to guard against both private and political fatigue, "which is very evident from the tenor of your letter."⁴⁵ Julia's continuing illness was the most serious, but matters were pressing in from all sides.

⁴¹ See Tilley Papers (PAC), T.B. Barker to Tilley, Feb. 20, 1862.

⁴² Morning News, Jan 17, 1862.

⁴³ Howe Papers, Tilley to Howe, Feb. 14, 1862. See also Tilley Papers (PAC), John Boyd to Tilley, Feb. 25, 1862. Boyd wanted Tilley to cultivate John Allen rather "than any of those skunks called Liberals."

⁴⁴ Ibid., Tilley to Howe, Feb. 1, 1862.

⁴⁵ Tilley Papers (PAC), James T. Hanford to Tilley, Feb. 27, 1862.

In the Assembly Tilley's deficit and the huge provincial debt for railway construction sparked a debate about the "reckless spendthrift Government" and the issuing of additional railway debentures.⁴⁶ A motion was introduced to prevent any additional railway debt, which Tilley strongly opposed and succeeded in having defeated nineteen to sixteen. In the process he had lost his temper with Anglin, which served little purpose. The defeat of the motion, however, which amounted to a motion of lack of confidence, apparently convinced Fisher that Tilley was secure for the time being, but there were more problems ahead for Tilley.

When budget time arrived Tilley announced to the House that he had a deficit of \$133,500 and that he planned to increase taxes. To make matters worse, revenue from railways had declined and the province was unable to pay the interest from the railway impost of two and one-half per cent. Tilley blamed the American Civil War for most of the difficulties, which would continue to exist until the war was over. The main problem, therefore, was beyond the control of New Brunswick. All that was possible was to maintain credit, and that could be done only by raising taxes. The railway impost was increased to three per cent from two and one-half on unenumerated articles, making the total fifteen and one-half rather than fifteen per cent. The specific duty was also increased on certain items, notably gin, rum, whiskey, tea, sugar and molasses. The tax on molasses was especially resented but was retained.⁴⁷

⁴⁶ Morning Freeman, March 18, March 20, 1862.

⁴⁷ Journals, 1862, April 8, pp. 228-229; and Debates, March 26, pp. 70-73.

To those who argued that taxes should be placed on luxuries and non-essentials, Tilley replied that taxes on those items encouraged smuggling and did not contribute substantially to the budget, and since he was concerned with sound financing he placed the tax on items that had to be imported. Smith and Tilley had disagreed on the increased taxes. Smith wanted to borrow to meet the deficit, but Tilley refused, and, as he told Howe, "Smith does not express the views of the majority of our Government" on this subject.⁴⁸ Tilley also refused to consider a paper manipulation of the currency. "No sound system of raising money, or paper currency, could be devised, which was not based on specie payments,"⁴⁹ orthodox financing, to say the least. The opposition, sensing they had a vulnerable Provincial Secretary at their disposal, had just begun to attack when Tilley left the Assembly. Matters in the legislature ceased to be very important to him that March. Julia was dying.

Julia had suffered from a fever throughout February and March. Early in March she was so weak she could sit up for only two or three hours a day.⁵⁰ As the month progressed she wasted away, and she was gone by March 27. Tilley lost his wife of nineteen years and was left with a large motherless family. The temptation to leave the whole mess at Fredericton surely entered his mind. He had a weak Council, an awkward Assembly, a troublesome Governor. Yes, retirement from government was the answer.

⁴⁸ Howe Papers (PAC), Tilley to Howe, Feb. 21, 1862.

⁴⁹ Debates, 1862. March 21, p. 58.

⁵⁰ Tilley Papers (PAC), T.B. Barker to Tilley, March 4, 1862.

"Do nothing of the kind," Joseph Howe implored him. "First, because your country cannot do without you, and next because the very care and responsibility incident to the position will serve to detract your thoughts."⁵¹ Tilley must have been comforted by his old friend's advice, for he had already followed it by plunging back into his work. On April 2 he was back in the Assembly, to the surprise of the members,⁵² and he defended his Revenue Bill, which had been under heavy attack because of the tax on molasses. There was also the need for a militia bill.

The Trent Affair rendered it impossible for New Brunswick to continue without a regular militia and on April 16 Watters introduced a bill which provided for an annual appropriation of \$10,000 for instructions and facilities. The object of the bill was "to consolidate and amend the whole law," and Tilley gave it his full support.⁵³ Gordon had hovered over the drafting of the bill, demanding alterations which his Council did not wish to make.⁵⁴ On the sensitive question of ultimate control it was a small war of nerves. Gordon thought the Council was trying to find out how "squeezable" he was, and he did not trust Tilley. "You will find that Tilley, like most Colonial politicians," he informed Newcastle, "uses one language in Downing Street & another on the top of his own dung hill."⁵⁵ The bill, leaving the area of control ambiguous, was

⁵¹ Ibid., Howe to Tilley, April 24, 1862.

⁵² Morning Freeman, April 5, 1862.

⁵³ Debates, 1862, April 16, p. 115.

⁵⁴ Tilley Papers (PAC), Gordon to Tilley, March 24, 1862.

⁵⁵ Stanmore Papers (UNB), Gordon to Newcastle, Private, March 3, 1862. Newcastle recommended "great tact and discreet firmness" in Newcastle to Gordon, (Private), March 8, 1862.

passed. Gordon continued to make appointments, according to Smith, "in violation to what we consider the rights of the people. A Stranger to be appd & that by another Stranger (as the Governor really is) . . . is carrying the joke a little to far." Smith insisted upon decisive action to protect "the dignity of our position."⁵⁶ Gordon, of course, could never understand what was meant by argument about provincial dignity. He was simply annoyed at the opposition of petty politicians and turned his thoughts to ways of eliminating the tiny legislatures in some larger union, especially Maritime Union.

With the session of the legislature over, an exhausted Tilley needed to get away from it all. Joseph Howe had written in a letter of encouragement late in April: "I fear you have had your hands full."⁵⁷ A good long talk with Howe would certainly have been a pleasant diversion, and the opportunity arrived in time. The Duke of Newcastle had offered to guarantee a loan for the Intercolonial in his letter of April 12. Though Tilley did not believe his Assembly would permit him to commit another dollar for railway debt in present circumstances, he was prepared to discuss the possibilities, especially after Watkin urged him not to reject the offer but to come to Quebec to explore the possibilities.⁵⁸ The defeat of the J.A. Macdonald-Cartier government and its replacement by known Intercolonial supporters, the J.S. Macdonald-Sicotte government on May 24, was all Tilley needed. On June 9 he and Howe took the steamer

⁵⁶ Tilley Papers (PAC), Smith to Tilley, May 12, 1862.

⁵⁷ *Ibid.*, Howe to Tilley, April 24, 1862.

⁵⁸ *Ibid.*, Watkin to Tilley, May 20, 1862. Telegram in reply to what may have been a suggestion that New Brunswick reject the proposal.

from Saint John to Portland. It was reported that they were to discuss Intercolonial matters with Watkin in Portland.⁵⁹ They went on to Quebec to see Monck and representatives of the Canadian government, at which time yet another Intercolonial conference was planned for Quebec in September. Howe returned to Nova Scotia, but Tilley went on to the Annual Meeting of the Sons of Temperance at Hamilton, Canada West.⁶⁰ That trip provided an additional diversion from the New Brunswick situation with its disagreeable Governor and a financial crisis that only time could solve. Tilley did have to get back to his family, and preparations did have to be made for the Intercolonial meetings. When he returned toward the end of June, he had fully recovered from his illness and seemed to have rediscovered his vitality.

iii

Monck invited delegates from New Brunswick and Nova Scotia to Quebec for meetings beginning on September 10.⁶¹ Somewhat skeptically Tilley decided to attend. He liked Sandfield Macdonald and considered his government to be enthusiastic about the Intercolonial. In August the New Brunswick Executive Council agreed to send Tilley, Mitchell and Steeves to Quebec, but there was a noticeable lack of unanimity. Attorney General

⁵⁹ Watkin claimed in Canada and the States, p. 95, that he departed from Boston on June 7.

⁶⁰ Tilley Papers (PAC), J.S. Macdonald to Tilley, June 24, 1862, and Head Quarters, June 18, 1862.

⁶¹ Journals, 1863, Appendix No. 8, Monck to Gordon, Aug. 15, 1862.

Smith opposed outright any additional railway debt, and Watters insisted that the maximum cost of the road not exceed £3,000,000.⁶² Tilley had to be his most persuasive to secure Council support, and he was not certain the province would agree with him. Tilley hoped to incorporate the existing lines into an Intercolonial route that would follow the St. John River or "Frontier Line," his own preference, but he would accept the Imperial line with great reluctance and only because of the "depressed state of commerce." "Great efforts should be made, and very great sacrifice incurred, to secure the benefits" of the Intercolonial, but only to an annual maximum of £35,000.⁶³

Tilley, Mitchell and Steeves left for Quebec early in September and were joined by Howe, William Annard and Jonathan McCully of Nova Scotia. Governor Gordon decided to attend the Conference as well. At Quebec an agreement was quickly reached to accept the Imperial guarantee for the road, with Canada to accept five-twelfths of the cost and New Brunswick and Nova Scotia three and one-half twelfths each. Two other matters were discussed at Quebec but not acted upon, intercolonial free trade and a unified militia for British North America. Tilley was instrumental in having free trade set aside, for he believed the decline in revenue then being experienced made any free trade proposals unacceptable.⁶⁴ The militia matter received even less attention. By September 20 Tilley was back in Fredericton to present the results to his Council.

⁶²New Brunswick Executive Council Minutes (NBPA), Aug. 21, 1862.

⁶³C.O. 188/137, Gordon to Newcastle, Confidential, Aug. 19, 1862.

⁶⁴See R.A. MacLean, "Joseph Howe and British American Union," unpublished Ph.D. Thesis, University of Toronto, 1964, p. 515, quoting McGee.

As expected, Albert Smith condemned the agreement forcefully and publicly because New Brunswick could not afford it:

This scheme is, in my opinion, fraught with consequences most injurious to the best interests and welfare of the Province. It involves a heavy charge upon the Revenue, which, added to the present indebtedness, will impose a financial burden . . . our population and resources will not justify. . . . It should not be forgotten that the interest on the debt already contracted from our present Railway is about two hundred pounds per day. The earnings of the road . . . are not more than sufficient to pay the running expenses including wear and tear.⁶⁵

Smith could hardly remain on the Council holding such views and on October 10 he resigned, to the regret of most people who regarded him as an essential member of a weak Council. It did leave Tilley free to pursue the Intercolonial, but first Smith had to be replaced. Some consideration was given to Charles Fisher "with a view to strengthening themselves and prevent a change of government,"⁶⁶ but Tilley was not ready for such a drastic move. J.M. Johnson became Attorney General.

Even before Smith's resignation Tilley was making arrangements for his trip to England. Neither he nor Howe could see any obstacles that would prevent their great Intercolonial dream from being realized. "We should be back soon,"⁶⁷ Tilley telegraphed McCully as he rushed his departure, hoping to return by mid-December. Tilley appears to have turned all the enthusiasm, optimism and determination he once reserved for the temperance movement to the pursuit of the Intercolonial, and in

⁶⁵ Journals, 1863, April 6, "Resignation of Office of Attorney General by A.J. Smith, Esquire," Smith to Gordon, Oct. 10, 1862, pp. 173-174.

⁶⁶ Stanmore Papers (UNB), Newcastle to Gordon, Nov. 1, 1862.

⁶⁷ Copy in Howe Papers (PAC), Tilley to McCully, Oct. 13, 1862, telegram. Many of the details on what followed are from Journals, 1863, Appendix No. 8, Tilley to Gordon, Feb. 10, 1863, pp. 18-24.

1862 he apparently did not consider the possibility of failure. He and Howe steamed across the Atlantic, and though a little upset by the Canadians, J.B. Sicotte and W.P. Howland, being three weeks late in arriving, they proceeded to discuss the matters with the Duke of Newcastle. When the Canadians joined them on November 29, Newcastle agreed to the proposal. There remained the Chancellor of the Exchequer, Gladstone, and the recently acquired knowledge that Imperial guarantees of this type "were usually for twenty years, invariably with provision for payments by a Sinking Fund."⁶⁸ Though opposed to this stipulation, Tilley was not discouraged, and on November 29 he informed Gordon of their satisfactory progress. On the same day Newcastle confided to Gordon: "I must tell you how favourably Tilley has impressed me. Everything he says and does is very businesslike and his views and proceedings are alike conciliatory to the other colonies and fair to the Mother Country. . . . You may expect Tilley back at or soon after Christmas."⁶⁹

Newcastle predicted Tilley's return accurately, for he departed from Queenston on December 13, but by then the Intercolonial negotiations faced a crisis. The problem was with the Canadians. Tilley did not know it at the time, but they had been instructed not to accept a sinking fund under any circumstances, and on December 10, when the delegates met Gladstone, Sicotte opposed the stipulation most strenuously. Gladstone had dropped his opposition to the Intercolonial because of the dangers revealed by the Trent affair and because the British North Americans were

⁶⁸Journals, 1863, Appendix No. 8, Tilley to Gordon, Feb. 10, 1863, p. 20.

⁶⁹Stanmore Papers (NBM), Newcastle to Gordon, Nov. 29, 1862.

to pay for the work themselves. He agreed to reconsider the matter of the sinking fund, and two days later Newcastle informed the delegates that Gladstone would postpone the sinking fund for ten years. This action, Tilley informed Howland, would remove "nearly all my objections to the Establishment of such a Fund."⁷⁰ The Canadians, however, were not even at the meeting. They had gone to France. Tilley blamed Sicotte for this disruptive and perfidious action. He and Howe accepted the Imperial offer, and Tilley left for home, not at all confident that the Canadians would also agree.⁷¹

Howe waited in England for the Canadians, but found Sicotte totally obstinate in his determination not to accept the Imperial offer. Tilley still had some hope, for he had confidence in Sandfield Macdonald, to whom he wrote on January 15, 1863, with a warm recommendation that Canada accept the guarantee. He wrote Howe the same day:

I was delighted to find that you are determined to press the matter. Let Canada take what course she may. We have concluded to do the same, and if Nova Scotia & New Bk pass the necessary acts, I do not see how Canada can back down. Should the present government pursue a course that will defeat the Intercolonial Railway, and delay the opening of their Western Country, they will not be sustained by the People of Canada. Should they destroy these two measures, they deserve to be kicked out, and kept in the cold shades of opposition to the last hours of their existence.

Tilley should have mentioned that there were people in New Brunswick who were preparing the same fate for him if he did introduce Intercolonial

⁷⁰ Howe Papers (PAC), Tilley to Howe, Dec. 13, 1862.

⁷¹ See Tilley Papers (PAC), Manners-Sutton to Tilley, Dec. 16, 1862, for the participation of Manners-Sutton in converting Tilley to the sinking fund.

legislation. What he did add was "I found all my little ones well, and myself in good health & ready for the fight."⁷²

His first opponent was Canada. The Howland-Sicotte memorandum of December 23, 1862, which amounted to a repudiation of the negotiations, arrived in Fredericton in due course.⁷³ Tilley's annoyance was unlimited. When he learned from Howe of their disgraceful action in England, Tilley decided to go to Quebec and seek an explanation. Leaving Fredericton on January 17, he spent four cold days on the road before arriving at Quebec city. On January 21 he interviewed the members of Government, including Macdonald and Sicotte. His worst suspicions were quickly confirmed. Howland and Sicotte, he was informed, did have strict instructions not to accept a sinking fund, a stipulation, according to the Canadians, that had been agreed to at Quebec. "You know," he complained to Howe, "that we put in writing all that was agreed upon at Quebec, and that this statement is incorrect and I have authoritative parties in Canada to contradict it."⁷⁴ The Canadians also informed Tilley that they considered the Intercolonial agreement abandoned because New Brunswick and Nova Scotia had accepted the sinking fund. All they were prepared to accept was five-twelfths of the cost of the survey.

Tilley left Quebec city an angry man. He blamed this turn-about on the weakness of the government leaders, their fear of defeat in the

⁷²Howe Papers (PAC), Tilley to Howe, Jan. 15, 1863.

⁷³Journals, 1863, Appendix No. 8, J.C. Sicotte and W.P. Howland to Newcastle, Dec. 23, 1862, pp. 25-32.

⁷⁴Howe Papers (PAC), Tilley to Howe, Jan. 27, 1863. Howe spoke of the Canadians as having been sent "to act a living lie before our eyes day by day." Tilley Papers (PAC), Howe to Tilley, Confidential, Feb. 3, 1867.

Assembly, the resistance to an extension eastward in Canada West, and the opposition of "the population of French origin" who considered the Intercolonial a preliminary "to a union of B.N.A." which "would destroy their power and nationality."⁷⁵ The only clear sky Tilley saw on his trip was when he talked with some of the members of opposition and found support for the railway. From that point on Tilley hoped for a defeat of the Government, "by which I believe our prospects will not be damaged." "On the whole," he continued to Howe, "I am not disheartened though annoyed at the position of affairs in Canada."⁷⁶ The Duke of Newcastle, upon reading Tilley's report of his winter adventure in Canada, was moved to commend him. "He seems to have battled gallantly with the shabby fellows at Quebec," he wrote with some satisfaction to Gordon.⁷⁷

iv

The battle, unfortunately, had been a losing one. Tilley knew the Intercolonial was a dead issue without a change in government in Canada; still, he was determined to uphold his part of the original agreement and pass the Intercolonial legislation through the New Brunswick

⁷⁵ Tilley Papers (NBM), Tilley to Gordon, Feb. 2, 1863. Gordon sent a copy of this to Newcastle which has been reproduced by P.B. Waite, "A Letter from Leonard Tilley on the Intercolonial Railway, 1863," Canadian Historical Review, XLV (1964), No. 2, June, pp. 125-129. See as well Howe Papers (PAC), Tilley to Howe, Jan. 27, 1863, for a more intimate view. Unless Howe and Tilley lied to each other, and there is no evidence that they did, there seems little justification for Waite's statement "that Tilley was as capable of twisting facts to his own advantage as he was of using circumstances to the same purpose," p. 126.

⁷⁶ Howe Papers, Tilley to Howe, Jan. 28, 1863.

⁷⁷ Stanmore Papers, Newcastle to Gordon, Private, Feb. 21, 1863.

Assembly, which was due to open in a matter of days. Tilley had been so busy on matters outside the province that he had not had time to look after the ordinary matters of running the province. Charles Fisher had publicly castigated him for leaving his duties "entirely in the hands of clerks,"⁷⁸ and the Morning Freeman concluded that Tilley and Howe, by being so long absent from their desks, had proven that Provincial Secretaries, usually considered "very much over worked and underpaid," were paid for very little indeed.⁷⁹ The charge was both untrue and unfair, for the nature of government and administration was changing rapidly. Civil servants were assuming most of the secretarial and clerical duties once done by the Provincial Secretaries. In Robert Fulton, Tilley had all that he could desire in a Chief Clerk. Because of him Tilley was able to take off on his foreign ventures and not be concerned about his office. Fulton, with forty years' experience in the Provincial Secretary's office, kept a sharp eye and a firm hand on all government offices, including Executive Councillors who failed in their responsibilities. Attorney General Johnson he found totally impossible and told Tilley so. Fulton also had to keep a wary eye on Gordon.

Governor Gordon could barely tolerate Colonial politicians and had an equally low opinion of clerks. With Tilley away as often as he was and with the increased responsibility of the civil servants generally, Gordon had to accept them. Once when Tilley was immersed in the defense of his government during the session of 1863, he sent Fulton to Gordon

⁷⁸ Morning Freeman, Nov. 13, 1862.

⁷⁹ Ibid., Dec. 23, 1862.

for some signatures. "This is really a little too bad!" Gordon snapped back at Tilley. "You send me up by a clerk a list of Sheriffs to sign for insertion in tonight's Gazette just as if it were a mere formal document of no consequence. . . . Advice tendered without reasons assigned for it, is not advice, but dictation."⁸⁰ Tilley replied soothingly that very day, but he did not say, as he believed, that he did consider signatures of this type a formality, a Council decision that was to be carried out. Gordon complained bitterly that he was "virtually excluded from his Council and is not permitted to discuss with its members until after they have in writing announced to him their decision."⁸¹

Gordon, it is clear, was temperamentally unsuited to be the Governor of a colony with responsible government, especially since the very nature of that concept was a continuously changing and evolving one that required flexibility from all concerned, but above all it required Governors who could appreciate it, something Gordon could never do. About the only area in which he was comfortable was with the military, and he dearly loved to strut with the men. With Tilley away in England in the fall of 1862 Gordon had an opportunity to play the General when he learned of a riot among striking workers of the St. Andrews to Woodstock Railway. He despatched the regulars from Fredericton immediately, and in his own view carried out a tremendously effective military operation and preserved peace in the province in a calm, correct and competent manner.⁸²

⁸⁰Tilley Papers (PAC), Gordon to Tilley, Private, April 8, 1863.

⁸¹See Stanmore Papers (UNB), Gordon to Newcastle, Oct. 13, 1862.

⁸²C.O. 188/137, Gordon to Newcastle, Nov. 10, 1862.

To Fulton and others he appeared to charge off in all directions, though Fulton did admit that the presence of the troops may have helped to settle the matter quietly. Surveyor General MacMillan was less charitable. "Our little man the Governor made quite a display at Woodstock," he told Tilley. "He is unfortunate. He means well, I believe." Tilley, of course, thanked Gordon for stopping the "Civil War on the Borders of Maine and New Bk,"⁸³ but a closer approximation of his attitude toward Gordon may be assumed from this letter from his son Harrison which was written about this time:

Our inspection came off last Monday and although it was raining a little we turned out in the barrack-yard at 3 o'clock. The occasion afforded the Governor another opportunity of making himself ridiculous; of course he appeared in his Volunteer uniform and to prevent the rain from injuring his good scarf, he contrived to get some covering half blanket, half quilt which gave him a look of an old squaw more than anything else; as soon as we could distinguish, by means of the white feathers what the object was, both companies became convulsed with laughter and Mr. Skene, who was in the ranks directly in front of me, was able to form an opinion of the estimation in which the Commander-in-Chief is held by the Volunteers.⁸⁴

Clearly, New Brunswickers snickered behind their hands at their Governor while he wrote vitriolic letters about them to his friends in England.

One of the reasons Tilley was in such a hurry to get back from England in December, 1862, was to make certain the Woodstock situation did not get out of hand. There was also a bye-election in Victoria County, which the government candidate won, but above all was the coming

⁸³ Tilley Papers (PAC), MacMillan to Tilley, Nov. 10, 1862, and Tilley to Gordon, Confidential, Nov. 29, 1862.

⁸⁴ Tilley Papers (PAC), Harrison Tilley to S.L. Tilley, [Fall or early winter, 1862].

session of the Assembly and the introduction of the Intercolonial bill. There were other matters as well. The budget was straightforward. Though Tilley had to report another deficit, it was small, and both the economy and the revenue were showing signs of a remarkable recovery. At Saint John alone the revenue was up fifty per cent over the year before, and Tilley was convinced they had seen their "darkest days."⁸⁵ There were numerous other bills and an attempt to have simultaneous elections, which Tilley opposed. Then there was a diverting debate on a bear bounty resolution, which Tilley "very earnestly" opposed. "If farmers would not kill bears without a bounty they deserved no sympathy," he told the House, "asserting that the sportsman if he met a bear would never wait to enquire whether there was a bounty; that it must be more sport to hunt and kill bears than to shoot down a poor moose caught in seven feet of snow."⁸⁶

Debate of this type was mere sparring for the main event, the railway measure. Tilley learned very early how much trouble he would have. Albert Smith sat vulture-like waiting for the carcass. There were also John W. Cudlip, a strong Liberal supporter since the early 1850's, who informed Tilley in January that he could not "support a measure calculated to lay a heavy additional debt upon the Country, for a road to be located by persons entirely beyond our control, and to be built and worked by three Governments neither [sic] of whom would be responsible."⁸⁷ That letter set the pattern for the debate that followed.

⁸⁵ Howe Papers (PAC), Tilley to Howe, Jan. 15, Feb. 3, 1863.

⁸⁶ Morning Freeman, Feb. 21, 1863, from the debates of Feb. 19.

⁸⁷ Tilley Papers (PAC), Cudlip to Tilley, Jan. 31, 1863. See also Tilley Papers (NBM), W.H. Tuck to Tilley, Feb. 4, 1863.

Cudlip was from Saint John and was committed to "Western Extension." Tilley confided his problem to Howe in February. "We have had much trouble with it, and we can afford, if need be, to have a big fight to end with."⁸⁸ He asked Howe, not for the first time, for a copy of his bill so that the two would be similar. Before the bills could be introduced, however, Tilley had to face a bye-election in Saint John. John Jordan, an uninspired but dependable government supporter, had died, leaving an important vacancy in a most sensitive constituency. Tilley could not lose that seat.

The names of potential candidates were put forward immediately: R.D. Wilmot, Joe Lawrence, J.H. Gray, all conservatives. Tilley thought Wilmot would be the opposition candidate. He also mulled over the stance of Gray, who had recently delivered a widely publicized lecture on "The practical application of passing events to the improvement of our own country,"⁸⁹ in which he called for a British North American union. He was also an outspoken supporter of railways and had backed Tilley in 1860 when the opposition attacked the European and North American. Tilley had regretted Gray's defeat in the 1861 election, though not all Liberals had. Gray, after all, had "crouched to the lion" and joined Governor Head in 1851, an action that resulted in Tilley's resignation from the Assembly. That was a long time ago, however, and as Tilley examined possible candidates it was obvious that Gray stood head and shoulders over the

⁸⁸ Howe Papers (PAC), Tilley to Howe, Private and Confidential, Feb. 25, 1863. There are numerous letters between Howe and Tilley on the progress of the bills. Tilley actually appeared to enjoy the fight.

⁸⁹ Weekly Telegraph, Feb. 27, 1863.

rest. When he announced his candidacy, Tilley and most of the Liberals supported him. The issue was not party but the Intercolonial.

Tilley's support of Gray created considerable confusion for the electorate. "Bear in mind," J. Wedderburn had warned Tilley on April 7, "parties will be in a queer mess. Gray versus Thomson; 'Greek meeting Greek'."⁹⁰ To complicate matters even more, S.R. Thomson, the opponent was a Roman Catholic, or at least had the support of the Roman Catholics. The introduction of religion into the election at the beginning created a somewhat nasty situation. The Morning Freeman was filled with attacks on Tilley, Gray and the Intercolonial, but Anglin cannot be blamed for the religious overtones of the election. Gray's supporters played the "Popish Plot" game quite unscrupulously, as Anglin quite rightly charged. At the same time, according to John Boyd, "priestly influence was at work and the basest lies uttered against Gray and the Railway Bill. . . . The Catholics did not all vote for Thomson. Many would not be led, as on former occasions, but I believe the Priests did their best for Anglin."⁹¹

Perhaps because of the uncertain situation Tilley "Stole Away" from the Assembly on March 13, the day he was supposed to deliver his budget, to speak at Gray's nomination in Saint John.⁹² Thomson and the

⁹⁰ See Tilley Papers (PAC), J. Wedderburn to Tilley, March 7, 1863. For Liberal opposition to Gray see W.H. Tuck to Tilley, March 9.

⁹¹ Tilley Papers (PAC), John Boyd to Tilley, March 31, 1863, and March 19, 1863. See the Morning Freeman, March 12, 1863, for reference to "Popish Plot," and the Weekly Telegraph, March 20, 1863, on "The Religious aspects of the Election." Over a year later the Morning Freeman, June 16, 1864, was still writing about how "Mr. Tilley's agents and tools were set to work to excite the Orangemen of this County."

⁹² Morning Freeman, March 17, 1863.

opposition had gathered considerable support by attacking the proposed route of the Intercolonial through New Brunswick. Tilley had realized that the "Route will give us some trouble, but we feel disposed to take the Bull by the horns, and subdue him or run the risk of being gorred."⁹³ At Gray's nomination he certainly ran that risk. Tilley was called for and delivered an effective defense of the government. Thomson was not going to let Tilley off without a rebuttal and he lashed out at him, especially his failure to designate the route. A wag in the crowd sang out:

North or South, or through the middle,
Which of them will Tilley riddle?⁹⁴

Tilley could only smile uncomfortably at an unanswerable question.

So much rested on Gray's election. A defeat might make it impossible for Tilley to proceed and might even result in the overthrow of the government. Tilley need not have worried. Gray had a majority of almost 900. He had 1954 votes to 1057 for Thomson.⁹⁵ Within a few days the Assembly was considering the Intercolonial bill.

For three weeks the House did little else except debate the railway bill. Smith and Cudlip, two former government supporters, led the attack; Tilley, Gray and Fisher defended valiantly. Strange bedfellows, no doubt, but the alliance was necessary. Tilley and Howe had both prevailed on Fisher to support the bill, and work with Tilley. The result was that the Intercolonial had a majority of between ten and fifteen on most votes.⁹⁶ Tilley described the debate to Howe:

⁹³ Howe Papers (PAC), Tilley to Howe, Feb. 3, 1863.

⁹⁴ Morning Freeman, March 17, 1863.

⁹⁵ Howe, Papers, Tilley to Howe, March 19, 1863, and Weekly Telegraph, March 20, 1863.

⁹⁶ Ibid., Tilley to Howe, April 13, 1863. See also Fisher to Howe, March 18, 1863, Journals, 1863, March 13, pp. 198-201.

Smith has been quite beside himself upon the subject. He imagined that he could by hook or by crook defeat the Bill, and he is terribly chagrined to find that he has so singly failed. He has not abated his opposition to the measure night or day since the House met. He has given drives & suppers & Champagne without stint, but all to no purpose. He is a most determined fellow, and has given us in this matter much trouble. Having been a member of the Govt for many years, he knew the preferences of members of the Government about route, and failing to defeat the Bill upon the first vote, he resorted to every deception or amendment, to destroy it upon some side issue. He posed all kind of questions. Who was to select the Route? What was meant by the word 'line' & 'Site,' in the Bill. [He] said these terms were introduced for the purpose of deceiving & c and asserted that under the 13 section of the Bill we could spend any amount of money, £ 5,000,000 if we desired it.

The only course we could take to prevent his embarrassing us was to refer him to the Bill itself, and decline any construction of its meaning. All his amendments were voted down by large majorities.

With the strong feeling in our Province about Route [it] was . . . a difficult game to play, but [we] have got the matter safe thus far, and I have no doubt it will pass the upper house with but little discussion. Gray & Fisher both behaved nobly. They laid aside all personal considerations and stood by us from the start. They both made able speeches in defence of the Bill and in support of the negotiations giving the Canadians their due.⁹⁷

The voting on the bill completely obliterated the old party lines with five Liberals voting against it and eight Conservatives voting for it, and Tilley realized he would have to mend some fences before another election and that was two years away. The Council clearly was in need of reconstruction, as the public press frequently reminded him, but that too could come in time. The House closed seven days after the debate and Tilley, rather exhilarated by the exercise, looked confidently to the next step. How he would like to have talked to Joseph Howe about affairs,

⁹⁷Howe Papers (PAC), Tilley to Howe, April 24, 1863.

especially now that it looked as if the Canadian government would soon be defeated. He mentioned to Howe that he could see him in Saint John in early May, or in Halifax in mid-June, where the Sons of Temperance were holding their Annual Meeting. "We must make a Patriarch of you."⁹⁸ Before that meeting took place there were to be two general elections. The Canadian government was defeated in the Assembly on May 8, as expected, and Howe led his Liberals to the polls.

The results of those two elections robbed Tilley of much of his cheerfulness. Sandfield Macdonald was not defeated and the Howe party was almost annihilated. Tilley regretted the Liberal defeat in Nova Scotia in particular, for it meant that he had to form a partnership with the new Provincial Secretary, Dr. Charles Tupper. Howe would have departed for the position of fisheries inspector no matter what happened in the election, but as Tilley said of Tupper in a letter to Howe early in 1864, "As a co-delegate to carry on negotiations I would not give Joe Howe, if you have ever heard of the man, for a dozen of him [Tupper] ."⁹⁹ Gordon's first opinion of Tupper was also probably Tilley's. He described Tupper as "a man possessed of but very modest abilities, considerable obstinacy, & a large share of vanity."¹⁰⁰ Tilley would have a better opinion of Tupper later, but in the meantime he regretted the change.

The Canadian election, in which Tilley had placed such high hopes, was supposed to have swept the opposition into power and eliminated

⁹⁸ Ibid.

⁹⁹ Ibid., Tilley to Howe, Private, Jan 13, 1864.

¹⁰⁰ Stanmore Papers, Gordon to Newcastle, Most Confidential, Sept. 20, 1863.

all the road blocks in the way of the Intercolonial. Before the election, Howland resigned from the Council and Sicotte was forced out of office. What little comfort Tilley found in those changes was dampened by the entrance of A.A. Dorion, an even stronger enemy of the railroad. In addition, George Brown, who considered the Intercolonial another shoddy Grand Trunk job, had swung in behind J.S. Macdonald. As the election results began to come in, it became clear that J.S. Macdonald had carried Canada West easily while Dorion lost considerable ground in Canada East. There appeared to be fewer Intercolonial advocates in the new House than the old, but there were some encouraging signs. The Macdonald-Dorion government would be sustained but with a precarious majority, and D'Arcy McGee, the most forceful proponent of the Intercolonial in the Macdonald-Sicotte government, had joined Cartier in the opposition. What Tilley hoped to see was all the Intercolonial people on one side. That was still a possibility, as McGee made clear to him on his speaking tour of the Maritimes in July.

To assist his friends in Canada, Tilley decided sometime during the summer of 1863 to become uncooperative with the Canadian government. Like a rejected suitor he sought recompense. Perhaps it was with regret, for he had liked them, especially Sandfield Macdonald, but their disgraceful performance over the past few months had cooled the romance. When they dared to blame the failure of the Intercolonial negotiations on the Maritimes, it was more than Tilley could bear. There is a tortured correspondence on the Intercolonial matters covering the whole of 1863, in which charges and counter charges flew back and forth between New

Brunswick and Canada.¹⁰¹ The usual conventions and pleasantries could not hide the anger and frustration of both sides. Even Charles Tupper, who could himself use a heavy hand, became alarmed. "I hardly know what to say in reply to your letter," Tupper wrote Tilley after receiving a copy of Governor Gordon's very strong and somewhat offensive letter to Governor General Monck of October 20, 1863. He considered Tilley's minutes of Council "models in the style diplomatique" but found Gordon's indefensible. The possibility that Tilley was using Gordon cannot be ignored.¹⁰²

Tilley had recently been described by a "Traveller" as "the best tactician" in New Brunswick politics. "He has a foxy appearance - sharp as a steel trap - awfully 'politic' - a great deal of give in him when convenient, but considerable 'go' too. They call him Premier or Leader of the Government."¹⁰³ "Foxy" was a good characterization, one the Canadians would have appreciated. A glance at events from June, 1863, will explain.

Tilley had gone to Halifax in mid-June to attend the annual meeting of the Sons of Temperance. Many of the delegates had stopped off in Saint John on the way to attend a public demonstration more or less in Tilley's honour. On Thursday, June 11, the opening session of the Annual Meeting was held in the Nova Scotian House of Assembly, with Tilley

¹⁰¹ Journals, 1864, Appendix, "Further Correspondence Relating to the Inter-Colonial Railway," from March 19, 1863 to February 29, 1864.

¹⁰² Tilley Papers (NBM), Tupper to Tilley, Oct. 22, 1863.

¹⁰³ Weekly Telegraph, Sept. 3, 1863.

about the only representative "of the olden times glory" in attendance.¹⁰⁴ That same day the Conservative Executive of J.W. Johnston and Charles Tupper were announced. It appears likely that Tilley talked with Tupper on this occasion, for Tilley was back in Halifax on July 18 at Tupper's invitation to meet the government of Nova Scotia on July 23.¹⁰⁵ D'Arcy McGee was also in Halifax to deliver his lecture on "The Intercolonial Railway and Intercolonial Relations." It was vintage McGee before a large, receptive audience. Johnston, Howe, Tilley and Tupper all spoke after McGee had finished. Tupper hoped that Howe, though out of politics, would serve Nova Scotia during expected changes in the future. Tilley was even more explicit. "The condition of affairs told us plainly," he declared, "that the Provinces could not remain much longer in the present relations, and therefore it became our duty to prepare for change." He went on to declare that the people of New Brunswick were ready for Maritime Union.¹⁰⁶ It is not clear what Tilley meant by the "condition of affairs." It might have been the difficulties with Canada; it was more likely the battle of Gettysburg, which had just ended. McGee and Tilley proceeded to Saint John for more speeches, then McGee returned to Canada, but he kept in close touch with Tilley, giving him details on the state of politics. In particular, he stressed that the government was weak and must fall. Their successors, McGee was convinced, would have "a strong Union and British sentiment" in their policy, "and therein assimilate it more to your aim."¹⁰⁷

¹⁰⁴ Ibid., June 11, 1863.

¹⁰⁵ Tilley Papers (PAC), Tupper to Tilley, July 16, 1863, Telegram.

¹⁰⁶ Morning Chronicle, Halifax, July 21, 1863, and New Brunswick Reporter, July 31, 1863.

¹⁰⁷ Tilley Papers (PAC), D'Arcy McGee to Tilley, Aug. 18, 1863.

At the urging of Edward Watkin, Tilley decided to give the Canadians one last chance, and in September he and Tupper went to Quebec to discuss the arrangements for the survey. Watkin was discouraged and had come to think his "presence & interference rather retards than benefits the great object we have in view, and I must leave you to manipulate matters on this side while I am your obedient servant to do anything you require on our side of the Atlantic."¹⁰⁸ Watkin, as President of the Grand Trunk, wanted to press on with the railway as a private venture but wanted the survey done first. After some hesitation the New Brunswick Executive Council did approve the survey on August 20.¹⁰⁹ Tilley took that information to Quebec where he discovered that the Canadian government, upon agreeing to the survey, "had declared that the basis of the agreement entered into at Quebec by the three Governments in September 1862 was considered by them as abandoned."¹¹⁰ They refused to agree to the survey until the governments of New Brunswick and Nova Scotia approved. That Tilley was not prepared to accept, though the discussions continued and Sandford Fleming was tentatively agreed upon as the engineer in charge of the survey.

¹⁰⁸ Tilley Papers (PAC), Watkin to Tilley, Aug. 10, 1863. See also Watkin to Tilley, Private and Confidential, Aug. 18, 1863, "Do not let this noble work lose this last . . . chance of life." and "I cannot overstate the Duke's satisfaction at the straightforward, open & statesman-like course you have formally adopted. The weakness is here & the Gov. Gen is the weakest, I fear, with the best intentions."

¹⁰⁹ Journals, 1864, Appendix, "Further Correspondence Relating to the Inter-Colonial Railway," p. 11.

¹¹⁰ Tilley Papers (NBM), Tilley to Watkin, Oct. 23, 1863.

Tilley had found the negotiations distasteful, as he informed Watkin. He outlined what he considered to be Canadian double-dealing and lying, and then explained why he insisted upon the Canadians upholding the agreement of 1862:

By insisting upon the obligation of Canada to the Lower Provinces being honourably adhered to, we place the present opposition in Canada in a position to ask Parliament when they come to power, (and that time can not in my opinion be very distant,) to give their support to the arrangement by their predecessors, such a proposition made by a New Government, would secure the support of nearly their entire party, as well as some of the votes of the present Govt. and their supporters.

The friends of the measure in Canada take this view of the case, and are therefore anxious that the course we have thus far pursued should be adhered to. The present Government in Nova Scotia is not in a position to take as high ground as we can. . . .

The fact is that an abandonment of the agreement entered into at Quebec would practically be the closing up of the whole question. By consenting to the survey upon the terms proposed, we would be grasping at the shadow and loosing [sic] all chances of possessing the substance.¹¹¹

Tilley was not one to grasp for shadows, and in his actions and attitudes toward the Canadian government it appeared to some that he was both unwise and unreasonable. When Tupper complained about the behaviour of New Brunswick, Tilley suggested he get his facts straight in a long, sharp letter full of details about past and present circumstances.¹¹² When C.J. Brydges, the enthusiastic general manager of the Grand Trunk, suggested that Tilley should cooperate with the Canadian government, Tilley informed him he was both uninformed and naive. "I have no faith in the sincerity of the professions of the men now in power," Tilley

¹¹¹ Ibid. See Tilley to Tupper, Oct. 28, 1863 as well.

¹¹² Ibid., Tilley to Tupper, Private, Oct. 28, 1863, and Howe Papers (PAC), Tilley to Howe, Private, Jan. 13, 1864.

told Brydges bluntly.¹¹³ He applauded any setback suffered by the Canadian government and contributed to their discomfort whenever possible. He delayed the proposed survey by refusing to accept Fleming as New Brunswick's engineer even though he had tentatively agreed to him in September, 1863. The Assembly of New Brunswick, he concluded, had to give its approval. Gordon informed Newcastle, who was distressed by Tilley's actions, that the government "would have been overthrown immediately on the opening of the Session" had they done otherwise.¹¹⁴ Even after the matter was before the House it was permitted to drag out amid some confusion over the reported disallowance of the Intercolonial act.¹¹⁵ The government newspapers of Canada charged Tilley with outright obstructionism in January, and an exasperated Macdonald-Dorion government finally decided to undertake the survey itself, hoping that the Maritime provinces would reimburse them later.¹¹⁶ How Tilley must have chuckled at this victory. The Canadians were being smoked out of their hole and were obviously in trouble. Failure in the Assembly must follow shortly.

v

When the Intercolonial arrangements turned sour in 1863, the railway dreamers of New Brunswick turned immediately to other ventures. John A. Poor of Maine had written Tilley on June 15, suggesting that the

¹¹³Ibid., Tilley to C.J. Brydges, Private, Dec. 4, 1863.

¹¹⁴C.O. 188/140, Gordon to Newcastle, Feb. 13, 1864.

¹¹⁵Journals, 1864, March 19, "Inter-Colonial Railway Act," p. 143.

¹¹⁶See Morning Telegraph, Jan. 26, 1864, and Journals, 1864, Appendix, "Further Correspondence Relating to the Inter-Colonial Railway," Monck to Gordon, Feb. 20, 1864, pp. 51-52.

Western Extension of the European and North American from Saint John to Maine be taken up in earnest.¹¹⁷ That was the beginning of what developed into a "Western Extension" fanaticism that threatened to destroy the Intercolonial and stretched Tilley's agility to the limit. Shortly after the September conference of 1863 failed, Poor wrote Tilley with a proposition to lease the Saint John to Shediac line and to construct the remainder of the European and North American for \$30,000 a mile. Though Tilley declared that he was as a general rule "in favour of these works being managed & conducted by individuals, when it can be accomplished," he informed Poor bluntly that he was "over sanguine in supposing that you can construct a substantial Railroad, such as would be required for the business of the E. & N.A. Railway through either Maine, New Bk or Nova Scotia for \$30,000 per mile." "I have had some experience in constructing Railways," he reminded Poor,¹¹⁸ as he had to remind Brydges and E.R. Burpee, an engineer with an elaborate plan for Western Expansion.

Tilley, of course, considered the Intercolonial the first priority, but there was something magical about the concept of Western Extension that captured the public mind, especially in Saint John. There were visions of the traffic of the eastern United States being channeled through their port. As far as the Intercolonial was concerned people came to believe that it was essential for Canada to have it, and Canada would build it anyway. Throughout January and February, 1864, public meetings were held regularly. Gordon even warned the Colonial Office

¹¹⁷Tilley Papers (PAC), John A. Poor to Tilley, June 15, 1863.

¹¹⁸Tilley Papers (NBM), Tilley to Poor, Nov. 25, 1863.

that the pressure might force the government to adopt Western Extension rather than the Intercolonial, though his Council still held firm.¹¹⁹ The climax was reached in late February when practically the whole Saint John business community signed a petition in favour of Western Extension. A worried C.J. Brydges had contacted Tilley in January asking for an opinion on the situation. Tilley admitted that he was having trouble in Saint John and expected more in the legislature. He also requested Brydges to be available to come to New Brunswick "at a critical time,"¹²⁰ should he be needed. When the Saint John petition arrived, Tilley, for the first time, wavered. Had all these people given up on the Intercolonial, he asked his friend John Boyd?

"All the men of thought and action who supported the Inter-Colonial still support it," Boyd replied encouragingly; "they signed the other petition because they believed the Western Extension was all that was left to them."¹²¹

Tilley found himself in an awkward situation, no matter what Boyd said. The Saint John Daily Evening Globe, which had been founded as a Tilley paper in 1858, and had remained his supporter from its first issue, turned on Tilley and the Intercolonial on February 13, just as the House was opening. "The country will soon recognize but two parties, a Railway and anti-Railway party, and the most powerful must lead."¹²² Clearly, the initiative would be torn from timid hands. Tilley soon

¹¹⁹ C.O. 188/140, Gordon to Newcastle, Feb. 1, 1864.

¹²⁰ Tilley Papers (PAC), Tilley to Brydges (Private and Confidential), Jan. 30, 1864.

¹²¹ Tilley Papers (PAC), John Boyd to Tilley, March 10, 1864.

¹²² Daily Evening Globe, Feb. 13, 1864.

found that the Assembly wanted action. His budget, which revealed an improved situation generally and an exceptional outlook, had little impact. The blood was up for railways when John Cudlip moved a resolution on March 8 to repeal the Intercolonial Act. It was a difficult debate, but Tilley was in top form. Even Anglin considered Tilley's speech of March one of his "best days."¹²³ That very day Brydges was being displayed prominently as planned. The resolution was lost twenty to fifteen,¹²⁴ but Tilley had to do something. One week later the government introduced its "Bill in aid of the construction of Railways,"¹²⁵ otherwise known as the Railway Facility Bill or Lobster Bill, because it provided for a government subsidy of \$10,000 per mile on certain specified lines. Had the lines been built, few would have been out of the sound of train whistles. As a "politic" manoeuvre, the legislation could hardly have been more successful. "The iron age is about to return," declared the Morning Telegraph, which thought the bill excessive. The writer hoped a safety valve would be built in for the time when "the pressure of 'railways on the brains' should by and by become too severe."¹²⁶ Tilley had considered that danger and decided that the province was safe from being over extended. Besides, an outlet for the Western Extension fever was essential.

¹²³ Tilley Papers (PAC), John Boyd to Tilley, March 22, 1864. See also Stanmore Papers (UNB), Diary, March 10, 1864.

¹²⁴ Journals, 1864, pp. 109, 110, 142, 143.

¹²⁵ Ibid., March 26, p. 163.

¹²⁶ Morning Telegraph, March 18, 1864.

Even before Tilley was over the railway crisis he faced another that was also highly emotional. The problem was the Governor Gordon's salary. Gordon claimed £3,000 sterling, which was equivalent to £3,600 colonial. On March 29, 1864, Albert Smith moved a resolution in the Assembly in which he accused the Governor of taking funds wrongfully.¹²⁷ Tilley attempted to get the House to approve £3,000 sterling, but his amendment was defeated nineteen to eighteen, the speaker casting the deciding vote. Smith's original resolution was also lost nineteen to eighteen, with the speaker again casting the decisive vote.¹²⁸ The matter was thus left up in the air with a very hostile Governor furious about the attack on him and the feeble defense offered by his Council. Tilley had the additional task of informing the Governor that his Council would not permit him to receive £3,000 since the House had not approved it. So intense was the feeling about the issue that Tilley was convinced he would be defeated in the House over it at the next session. There would be no more speaker's decisions. "I see no way of escaping from that responsibility," Tilley informed Chandler, "but by resignation." He went on: "I hope you will so advise him [Gordon] as to avoid a collision with the Legislature & the People."¹²⁹ Chandler may have spoken to Gordon. Though the Governor took what he thought was rightfully his, he returned the difference to keep the books straight. It was a

¹²⁷ Journals, 1864, March 29, pp. 177-178.

¹²⁸ Ibid., April 1, p. 187.

¹²⁹ Tilley Papers (NBM), Tilley to Chandler, Private & Confidential, July 25, 1864.

compromise that avoided an immediate conflict.¹³⁰

The voting on that issue revealed how precarious was Tilley's hold over the Assembly. When G.L. Hatheway announced on April 9 that he was opposed to the government railway policy, he revealed that there were internal problems in the Council as well. The defeat of a government candidate in a Queens County bye-election in June prompted the Morning Freeman to announce: "The knell of Smasherism has begun to toll."¹³¹ When Charles Connell won another bye-election the next week in Victoria, few doubted that Tilley's days were numbered. Tilley himself would not have admitted a premature defeat, and the Morning Telegraph had observed of the "Premier":

The fact is, Mr. Tilley is never so dangerous, so fertile in expedients, so altogether irresistible, as when his adversaries think they have him cornered. . . . He is always equal to the occasion. He may stoop to conquer, or he may ride triumphantly the whirlwind of passion.¹³²

The whirlwind was then taking shape in Canada.

¹³⁰ Tilley Papers (PAC), Gordon to Tilley, May 30, 1856; Tilley Papers (NBM), Tilley to Colonel Cole, July 28, 1864, and Mitchell to Tilley, Aug. 26, 1864; Stanmore Papers, Gordon to Cardwell, Aug. 15, Oct. 1, 1864, Colonel Cole to Cardwell, Aug. 1, 1864.

¹³¹ Morning Freeman, June 25, 1864.

¹³² Morning Telegraph, April 14, 1864. The article continued: "His wonderful tact and success in governing, his unceasing application to the duties of his office, with the strong personal friendships which he is capable of inspiring, have given him an influence in his native Province such as no other politician has ever wielded."

V

"Breakers Ahead!"

1864-1865

I may state here emphatically as one of those delegates constitutionally appointed for the purpose of considering the union of the maritime provinces, that I am decidedly in favour of that proposition, but I am prepared, at the same time, if an arrangement equitable to these provinces, can be made, to expand this union and have a general confederation. I have been in favour of a union of the Maritime Provinces, because it has been my good fortune to represent my government in delegations in England, in Canada, and in Nova Scotia, either for the purpose of increasing or improving our intercolonial communications, or extending our trade; and I don't hesitate to say that in every step we have made, we have been frustrated by the existence of these separate legislatures and governments.¹

Frustration was the key. All of Tilley's negotiations for the Intercolonial had ended in frustration, as he stated in the above speech at the Halifax Hotel on September 12, 1864. At the time the Charlottetown Conference had just ended and a solution had been found. An encouraging Canadian government had emerged after months of confusion in the spring of that year, just as Tilley had hoped and McGee had predicted. It had been a very long spring, however, and the J.A. Macdonald-Tache government stumbled into June with no apparent direction. "I fear the Govt [of Canada] in such a condition will not dare take hold of the Intercolonial Railway with vigour," a dejected Tilley wrote Gordon. "Unless they can by some means increase the number of their supporters in the Lower House,

¹Quoted in Edward Whelan, The Union of the British Provinces (Toronto, 1927 [1864]), p. 40.

they will advise a dissolution at no distant date."² George Brown provided that extra support; the condition was Confederation.

The Canadian coalition was announced on June 22, but Tilley had learned of its nature earlier from Brydges, just as he was returning from the annual meeting of the Sons of Temperance in Cleveland. Tilley and Brydges had made arrangements to meet in Portland about June 21, but the excitement in Canada detained Brydges, and he urged Tilley to run up to Canada immediately to talk to the new Government.³ Tilley may have considered such an excursion, but he had affairs at home to look after. He had just settled back into his office when Governor General Monck's letter of June 30 arrived, requesting permission for Canada to participate in the proposed Maritime Union Conference. Tilley had been expecting Canadian representation, but he had not anticipated this sudden change in direction. In late April or early May he had written McGee about the upcoming Maritime conference planned for Charlottetown in August. At the time Tilley suggested another Intercolonial railway conference with the new Canadian government, and McGee supported the idea. At the end of his reply McGee added: "Why might not our proposed Intercolonial Conference, be also held at Charlottetown, after your Maritime Conference?"⁴ McGee said he would attend in any case. Tilley's pursuit of the new Intercolonial conference was still in progress when Monck's request arrived. Tilley's government informed Monck on July 12 that New Brunswick would "cheerfully

²Stanmore Papers, Tilley to Gordon, June 6, 1864.

³Tilley Papers (PAC), Brydges to Tilley, June 20, 21, 1864, and Stanmore Papers, Tilley to Gordon, June 6, 1864.

⁴Tilley Papers (UNB), McGee to Tilley, May 9, 1864.

meet the Delegates from the Canadian Government," though it did not state for what purpose.⁵ Tilley immediately set to work on the arrangements for the upcoming conference.

i

Tilley's commitment to a Maritime or a larger union was always somewhat ambiguous. Discussion of unions was hypothetical at best and Tilley rarely showed much interest in useless speculation. Manners-Sutton had come to view Maritime union as a practical necessity, and from what correspondence is available, it seems likely that Tilley was converted to that scheme during Manners-Sutton's tenure. It was not until July, 1863, that Tilley made a strong public statement in support of the union, and that was in Halifax. About the same time Governor Gordon, who had inherited Manners-Sutton's enthusiasm, toured Prince Edward Island, and thought he found the leaders "unanimous in favour of an amalgamation." Gordon wrote Newcastle enthusiastically that Tilley agreed the time was ripe, "and it is therefore our intention to take every opportunity of giving direction to the public mind favourable to the scheme."⁶ Gordon is credited with being the midwife of Maritime union, and there can be no doubt he toiled valiantly for it throughout 1863 and 1864. Tilley's strong support requires some explanation.

⁵ Journals, 1865, Appendix No. 10. "Correspondence Concerning the Proposals for Inter-Colonial Union, Legislative & Federal," The Administrator of the Government (J. Cole) to the Governor General of Canada, July 12, 1864, pp. 7-8.

⁶ C.O. 188/138, Gordon to Newcastle, Confidential, July 6, 1863.

What seems clear now is that Joseph Howe, who had great influence with Tilley, was opposed to any political union, though he was misunderstood about this at the time.⁷ While Howe was still in office Tilley could not press the subject. With the electoral victory of Tupper, a strong Maritime union man, in June, 1863, Tilley was freed from the personal bond. In July of that year he made his first strong union statements. The problems of trying to negotiate with unreliable Canadians over the Intercolonial, on the one hand, combined with the dangers from the United States, where Gettysburg had just been fought, on the other, convinced Tilley of the necessity of a larger union. By the end of August the negotiations were "progressing actively," according to Gordon, with positive legislation expected at the next session.⁸

Tilley, Tupper and Gordon discussed the proposal in detail at Saint John after the two Provincial Secretaries returned from their Quebec trip of September, 1863. With characteristic assurance Tupper predicted that a "resolution in its favour would be adopted by the Legislature of N. S. without a single dissentient vote." Gordon assumed Howe would help. Tilley expected opposition, but "detailed the measures by which he proposed to disarm the opposition of members of the respective legislatures apprehensive of an early dissolution."⁹ Tilley waited until December before presenting the Maritime union proposal to his Council. Though he met some opposition, the idea was "quite as favourably received

⁷Whitelaw, The Maritimes and Canada before Confederation, pp. 175-176.

⁸C.O. 188/139, Gordon to Newcastle, Most Confidential, Aug. 29, 1863.

⁹C.O. 188/139, Gordon to Newcastle, Most Confidential, Sept. 28, 1863.

as had been anticipated by Mr. Tilley & myself," Gordon informed Newcastle. About the only problems on the horizon were "some trifling differences with respect to the place of meeting."¹⁰

Another problem did arise when Tupper introduced his resolution in the Nova Scotia legislature. Instead of petitioning the Queen to enact Maritime union, as Gordon had argued should be done, the resolution merely provided for delegates to be appointed "for the purpose of arranging a preliminary plan for Union." Tilley's resolution was equally restrictive. It permitted the delegates to consider "the subject of the Union of the three Provinces" and required any proposals to be ratified by the Assembly.¹¹ It would have been unreasonable to expect the Assemblies to have acted differently. In both provinces the resolutions were approved without a division. The one day debate in New Brunswick was uninspired to say the least. Albert Smith, who declared nothing would come of it anyway, expressed a majority opinion.¹² All that Tilley knew for certain was that a meeting would take place, though the division in the Prince Edward Island Assembly had been disappointing. If Gordon did nothing else he would force a meeting. He stopped off in Halifax on his way to England in April to discuss with Tupper the location of the meeting. The consensus was Charlottetown, sometime in August.¹³ Tilley agreed, for it was shortly after this that he wrote McGee about the conference.¹⁴

¹⁰C.O. 188/139, Gordon to Newcastle, Confidential, Dec.10, 1863.

¹¹Journals, 1865, Appendix No. 10, Hastings Doyle to Gordon, Feb. 27, 1864, and Journals, 1864, April 9, pp. 228-229.

¹²Morning Telegraph, April 12, 1864.

¹³Tilley Papers (UNB), Gordon to Tilley, April 14, 1864.

¹⁴Tilley Papers (UNB), McGee to Tilley, May 9, 1864.

It is generally held that the Charlottetown conference would not have been held without the spur of the Canadian request. The conference that was held would most certainly not have taken place, but the Tilley correspondence suggests the Maritime union meeting was to be held and in Charlottetown. What gives credence to the Canadian inspiration theory was that Premier J.H. Pope of Prince Edward Island became opposed to holding the large conference when the subject was broached in July.¹⁵ On July 19, Tilley informed Tupper that he would attempt to settle the matter with Pope. On July 25, Tupper wrote Tilley that "I presume by the following telegram received from Pope yesterday [June 25] that you & P.E.I. have decided to have the Conference there."¹⁶

The location of the Intercolonial conference was barely out of the way before Tilley had to prepare for what McGee called "a Canadian invasion" early in August.¹⁷ That was the visit of Canadian politicians, newspapermen and businessmen under the auspices of the Saint John Chamber of Commerce. "What shall we do with them?"¹⁸ was the question on everyone's lips, including Tilley's. The answer was provided when the goodnatured group of Canadians and an enthusiastic collection of New Brunswickers sat down to dine, party, and travel together. August 6 and August 7 were spent in Saint John. On August 9 the Canadians took the train to Rothesay and then the river boat on the "beautiful St. John -

¹⁵ Tilley Papers (NBM), Tupper to Tilley, July 15, 1864.

¹⁶ Tilley Papers (NBM), Tupper to Tilley, July 26, 1864. Lt. Gov. MacDonnell claimed the credit for settling the conference in Charlottetown, perhaps with some validity. See Creighton, Road to Confederation, pp. 72-73, and Waite, Life and Times of Confederation, p. 60.

¹⁷ Tilley Papers (NBM), McGee to Tilley, July 23, 1864.

¹⁸ Morning Telegraph, Aug. 5, 1864.

the river of promise - New Brunswick's richest artery."¹⁹ At Gagetown Tilley joined them, and from Oromocto to Fredericton they raced the "Heather Bell," with Governor Gordon, who was returning from England, on board.

That evening at 8:15 a dinner was served and Tilley addressed the group. His speech is worth noting because he stated his objectives for the approaching conference. After urging the Canadian newspapermen "not to paint New Brunswick or New Brunswickers better than they are, but to tell the honest sober truth," he dwelt upon the advantages to be gained in a union. It is clear that he sought a number of limited objectives, each to act as a stepping stone to the desirable British North American union. His immediate goals were in the areas of trade and communications. He described Imperial objections in the past to British North American free trade, and he condemned the "petty fragments" that had prevented the construction of the Intercolonial. As an immediate solution he anticipated a loose confederacy. "To get a common tariff a common legislature was needed. In the approaching Conference, if no other union was worked out with Canada, at least they might establish a common legislature." He mentioned that "he had long ago suggested that if no common legislature should be established, the members of the several governments should meet informally once a year to compare notes, to see what could best be done in common, and to submit the necessary measures to their respective legislatures to carry their decisions into effect." The only time such an inter-provincial conference had been held was in 1862 over the Intercolonial railway. Despite the failure to complete that work, Tilley regarded that railway as essential for a closer union and pictured the

¹⁹ Ibid., Aug. 10, 1864.

railway stretching to the Pacific, with "a continuous chain of settlements and line of communications. . . . [It was] the destiny of this country." Toward the end Tilley became quite emotional. He reached out his arms to those beside him, "grasping the hand of Mr. Ferguson, of Canada, on the one side, and Mr. Wiers, of Halifax on the other" uniting the three colonies symbolically, "and he trusted they would remain one and forever inseparable."²⁰ The Canadians were soon on their way, singing their songs in both English and French but also talking of the enlarged destiny for British North America.

It is perhaps characteristic of New Brunswick's geographic orientation that the Canadians were barely out of sight before the carpet was rolled out for a second invasion. John A. Poor arrived on August 19 with the Railway Congressional Committee Delegation from the United States, which included sixteen Congressmen and reporters. The group was smaller by far than the Canadians and the publicity was less extensive, though by no means meagre. The hard nosed businessmen fully realized the commercial and railway implications of that tour of influential Americans. They were given the royal treatment on the European and North American line with an excursion to Shediac and back. Tilley joined the group in Saint John for the riverboat trip to Fredericton and acted as a guide, especially to the resources and trade available in New Brunswick. That evening, August 22, he entertained the group at his own home in Fredericton.²¹ Tilley kept one eye on the United States and Western Extension even as he negotiated for a larger British North American union. By 1864 Tilley

²⁰ Ibid.

²¹ Ibid., Aug. 20, 22 and 24. Tilley Papers (PAC), Boyd to Tilley, Aug. 25, 1864. Boyd stated "I think it must result in good in more ways than one."

was too experienced and too sceptical to expect much of the Charlottetown conference. Besides, New Brunswick would always have to look to the United States for trade, no matter what happened.

Tilley barely had time to make final arrangements for Charlottetown after the Americans left. At the July meeting of the Executive Council E.B. Chandler and J.H. Gray were selected as the two non-government representatives to accompany Tilley, Johnson and Steeves to the conference. The selection of Chandler and Gray over Albert Smith, the unofficial leader of the opposition, suggests that Tilley hoped to pacify Gordon by choosing two men the Governor respected. The salary issue was still boiling hot and the appointment of Smith would have contributed nothing, while the selection of Chandler may have contributed to a settlement.²² There was a second reason for choosing friends of the Governor. He was so totally committed to a legislative union of the Maritimes that he was certain to become difficult should that venture fail or should a federal scheme emerge that retained the local legislatures. In his speech to the Canadians in August Tilley appears to have anticipated a loose confederacy with a central government to oversee matters of general concern, such as railways and tariffs. There was a third reason for the selection of Chandler and Gray which must be considered. Those two men represented what the Morning Telegraph classed as the "Old Opposition;" Smith and Anglin led the "New Opposition." Tilley, in choosing the "Old Opposition," was apparently

²²Tilley Papers (NBM), Tilley to Chandler, Private & Confidential, June 25, 1864, and Chandler to Tilley, Private & Confidential, July 27, 1864.

attempting to create a Liberal-Conservative coalition, united for purposes of procuring both a British North American union and the Intercolonial railway. The "New Opposition" opposed both.²³ At the practical level, Tilley could not have carried the House of Assembly without a coalition, as the votes on the Governor's salary had revealed. In making his choice, however, he forced all of the opponents of the Intercolonial and of a union into each other's arms. The danger was that should public opinion become polarized about an issue such as union, the opposition might be able to overthrow Tilley. There was real danger, as Tilley well knew. Concerning union, the Morning Telegraph observed that the "mass of the people have never given it a thought."²⁴

With a new coalition in the making, but without much public support, the New Brunswick contingent, including Gordon, assembled at Shediac on August 13 and embarked for the 'Island'. The boat stopped at Summerside to collect passengers on their way to Slaymaker's and Nichol's Olympic Circus. The crowded ferry finally reached Charlottetown at 11 p.m., and W.H. Pope, who was waiting patiently for them, ushered the New Brunswick delegates to the Mansion House.²⁵ At 3 p.m. the next afternoon the Conference began.

ii

Both the Charlottetown and Quebec Conferences have been examined in detail recently, and little more remains to be said until additional

²³ Morning Telegraph, Sept. 2, 1864.

²⁴ Ibid., July 7, 1864.

²⁵ Ibid., Sept. 5, 1864.

sources appear.²⁶ The Tilley Papers add little, though there was an extensive file at one time. Tilley, along with Tupper, served as secretary of the Maritime Union Conference, and he kept extensive notes, as his later correspondence reveals. Until those papers show up, and to avoid a redundant survey of well known events, only Tilley's role will be emphasized here.

At that first meeting on September 1, Colonel J.H. Gray of Prince Edward Island was chosen as President and Tilley and Tupper were selected to be secretaries. Some preliminary discussion followed.²⁷ The next morning the resolutions from each of the three provinces were read and discussed, but by then everyone was anxious to hear what the Canadians had to offer. That afternoon, Friday, the Canadians were invited to present their views, and present them they did. Three days later, Monday, the "number and value" of the conquests of the Canadian ship, Queen Victoria, were being ranked with those of the Alabama and the Tallahassee. "Such well known pieces of artillery as the Cartier, the Brown, the Macdonald and the Galt," observed the Morning Telegraph, had carried New Brunswick and Nova Scotia, and were being trained on Prince Edward Island.²⁸ Perhaps it will never be known exactly how it happened, but by Wednesday,

²⁶ See especially Waite, Life and Times of Confederation, Chapters V to VIII and Creighton, Road to Confederation, Chapters 4 to 6.

²⁷ For details see Wilfred I. Smith, "Charles Tupper's Minutes of the Charlottetown Conference," Canadian Historical Review, XLVIII, 2 (June, 1967). The official minutes were also published. See Journals, 1865, 1865, Appendix No. 10, "Report of proceedings of a Conference held to consider the question of a Legislative Union of Nova Scotia, New Brunswick, and Prince Edward Island," signed by Gray, Tupper and Tilley, pp. 31-32. Consult as well Brown Papers, Brown to Anne, Sept. 13, 1864, and C.O. 188/141, Gordon to Cardwell, Sept. 12, 1864.

²⁸ Morning Telegraph, Sept. 8, 1864.

September 7, the Canadian delegation confidently awaited the Maritime reaction to the proposals. That day Tupper introduced a resolution in favour of Maritime Union, but debate was quickly adjourned to Halifax on September 10. The Maritime delegates apparently informed the Canadians that "they were unanimous in regarding Federation of all the Provinces to be highly desirable, if the terms of union could be made satisfactory - and that they were prepared to waive their own more limited question until the details of our scheme could be more fully considered & matured."²⁹

Tilley could have written that opinion, though it was George Brown writing to his wife. The Canadian intervention, Tilley declared, had changed the situation; in fact, it "would be more difficult to carry the Legislative Union [of the Maritimes] than the Confederation - Seat of Government. . . . If we got the Confederation now we could easily unite the Maritime Provinces in a Leg. Union afterwards." As reported by Tupper, Tilley actually opposed a union of the Maritimes before Confederation. "Why do Canadians feel so anxious to have us to unite in a Legislative Union?" he asked. "Because they would have to give us better terms if we went in separately."³⁰

How Gordon would have fumed had he heard Tilley express that opinion. Gordon had stayed in Charlottetown for only a couple of days, but after Chandler had written him on September 8 that Maritime Union was abandoned, he warned Tilley: "I certainly do not expect ever to be induced to look favourably on any scheme of which the Legislative Union of

²⁹ Brown Papers, Brown to Anne, Sept. 13, 1864.

³⁰ Smith, "Charles Tupper's Minutes of the Charlottetown Conference," pp. 106-107.

the Lower Provinces does not form a part."³¹ Gordon became even more annoyed as the delegates headed to Halifax for more debate and speeches, and accepted a Canadian invitation to assembly at Quebec on October 10. New Brunswick was not to be omitted from "the erratic course of this ambulatory conference,"³² as Gordon referred to it. There was a dinner at Stubb's Hotel in Saint John on September 16, at which all further debate on Maritime union was deferred until after the conference at Quebec. The next day Brown, Cartier, Galt and Tilley dined with Gordon at Fredericton, following which the Canadians headed home. Gordon, it was obvious, had lost the initiative. His own Council had let him down, and what was worse, the Canadian intervention had prevented Maritime union, which he had considered a certainty.

Though Gordon was annoyed at him, Tilley was not deterred. He was convinced that the Confederation scheme had the solution to a number of problems, and encouragement came from a variety of sources. His son, Harrison, who was studying theology at King's, informed his father of a debate at the College society. "I may inform you that the question was decided in favor of Federal Union," Harrison wrote jocularly, "and if you should be ever discussing the subject before the House of Assembly, you might bring forward this decision as an authority for the federation."³³

Much as Tilley may have enjoyed the suggestion, the type of support he needed had to have a little broader public base. It was with his eyes

³¹Tilley Papers (PAC), Gordon to Tilley, Sept. 8, 1864.

³²C.O. 188/141, Gordon to Cardwell, Confidential, Sept. 26, 1864.

³³Tilley Papers (PAC), Harrison Tilley to S.L. Tilley, Sept. 16, 1864.

on the events that would follow the Quebec Conference that he decided to strengthen the New Brunswick delegation. Charles Fisher was an obvious choice. He had a wealth of experience in constitutional matters and he gave representation to York and the St. John River valley, which was missing at Charlottetown. The other member was apparently Charles Watters, who would represent the Roman Catholics. For one reason or another, Watters was dropped and Peter Mitchell was added. Perhaps Watters did have too many business commitments to be absent for a length of time; it is more likely that Mitchell insisted on a North Shore representative to balance the addition of Fisher.³⁴

The Quebec Conference started officially at 11 a.m. on October 10. Tilley sat at one end of the long table in the reading room of the Canadian Legislative Council, flanked by the New Brunswick and Nova Scotia delegates. Gray of Prince Edward Island sat at the other end with representatives from his province and Newfoundland. The Canadians occupied the centre. For two and one-half weeks they remained together. Tilley apparently spoke rarely, which was considered a strength rather than a weakness. On the first day of the meeting he seconded Macdonald's motion "That the best interests and present and future prosperity of British North America will be promoted by a Federal Union under the Crown of Great Britain, provided such union can be effected on principles just to the several Provinces."³⁵ It was Tupper who did most of the talking

³⁴Morning Telegraph, May 26, 1866. Hatheway charged that Watters was removed by Tilley's intrigues.

³⁵G.P. Browne, Documents on the Confederation of British North America (Toronto, 1969), pp. 58-59. "Hewitt Bernard's Minutes of the Quebec Conference."

among the Maritimers after that. With one or two exceptions, Tilley limited himself to amendments.

On Thursday, October 13, for example, his amendment to Resolution Three was accepted. "With a view to the perpetuation of our connection with the Mother Country," it called for the constitution to follow that of Britain, "so far as our circumstances will permit." On the same day his motion to have a 24-24-32 composition for the Senate by Canada West, Canada East, and the Maritimes did not pass. Eight days later his motion to remove "Roads and Bridges" from the general government was approved.³⁶

On two matters Tilley was more detailed. He supported a strong and well developed local government, in opposition to Brown and Macdonald. "New Brunswick differs with Mr. Brown," he declared. "They propose to keep the existing things as they are, so far as consistent with expense. They propose Legislative-Governor, five departmental officers, with seats in House," and a bicameral legislature.³⁷ The other matter that excited Tilley was finances, specifically the assumption of Provincial assets and debts. "The Federal Government would take all the public property and proposed nothing in return for this," he complained. "Our Railway now pays one and one-half per cent on the cost of the road or \$60,000 over working expenses, wear and tear. Mr. Galt proposes to take this from us and allow nothing in return."³⁸ Tilley was especially sensitive about the European and North American Railway, which had some claim to being one of the very few successful railways in British North America. "The Grand

³⁶ Ibid., p. 63, 65, 78.

³⁷ Ibid., p. 114.

³⁸ Ibid., p. 145.

Trunk stock is of no value," he pointed out, "yet we find it put down as an asset."³⁹ The delegates at this and the later conference in London must have grown tired of hearing of the value and success of the European and North American Railway, but Tilley was not one to be sidetracked, as the financial settlement New Brunswick received at London would reveal.

Throughout the conference Tilley was defensive about the Maritime contribution and role, especially after they were referred to as "weak and impoverished." In the one public banquet held during the meetings, Tilley dwelt on this matter. "The delegates from the Lower Provinces were not here seeking this union," he reminded the guests at Russell's Hotel. Canada had intervened in Maritime affairs with the offer of a larger union, and the Maritimes were not coming in "as paupers." There was, however, one non-negotiable condition. "We won't have this union unless you give us the railway [Intercolonial]."⁴⁰

Tilley, on that occasion, had not spoken for long, but he had been specific. Generally, he was not one of the dominating speakers at Quebec, judging from the records that remain. A reporter from the Montreal Gazette, who appeared to have inside information, observed that though Tilley lacked Galt's "extraordinary facility of statement," he was "always clear, cogent and to the point." The article continued:

The unpardonable sin in Mr. Tilley's mind, would seem to be, surplusage. There was not in all he said a sentence thrown away, or a syllable over much. He possesses above most of his colleagues that essential knowledge for a good party leader, the knowledge of where and when, to stop. Any ordinary man can open an argument, most men can keep it

³⁹ Ibid., p. 121.

⁴⁰ Quoted in Whelan, The Union of the British Provinces, pp. 77-78.

up, but Mr. Tilley always knows where his matter ends.⁴¹

One subject that was almost at an end was Maritime union. With the Quebec conference over, the Maritime conference continued on its "ambulatory" way to Montreal, Ottawa, Toronto, Hamilton and Niagara. At Queen's Hotel in Toronto they remembered to reconvene the meeting on November 3, but only long enough to postpone further consideration of the subject of Maritime union, in view of the resolutions passed at Quebec.⁴² As McCully of Nova Scotia observed, the work was adjourned "unbegun."⁴³ As it turned out, that was a matter Tilley would have to explain. He had spoken for New Brunswick in Canada; he had accepted a drastic change in the constitution of the province. But did he have that right? and would the people of New Brunswick follow him into the whirlwind?

iii

Tilley returned to New Brunswick on Tuesday evening, November 9, to the reception, as he wrote Galt, of a "strong current running against Federation." With only unreliable newspaper reports to go on, and some of them dreadfully exaggerated, the general public had become apprehensive. The secrecy of the conferences fed this uncertainty and permitted opponents of any change, like Albert Smith, to go about "prejudicing the minds of some of our leading men."⁴⁴ If Tilley was nothing else, however, he was

⁴¹Quoted from the Montreal Gazette, Oct. 28, in the Morning Telegraph, Nov. 3, 1864.

⁴²Smith, "Charles Tupper's Minutes of the Charlottetown Conference," p.105.

⁴³Quoted in Whelan, The Union of the British Provinces, pp. 178-179.

⁴⁴Galt Papers, Tilley to Galt, Nov. 11, 1864.

sanguine, to use one of his favourite words, and he was tenacious. The day after his return to Saint John he was on the streets to talk to his constituents. For the next four months he kept up a breathless pace, covering almost every county of the province. The first of the public meetings was held at the Mechanics' Institute Hall on Thursday evening, November 17.

It should have been one of the great performances of Tilley's life. He was leading his province on a dramatic course. The 1,500 people who crowded around him had come full of expectations if not enthusiasm. He started with the great opportunity being offered them, and turned to the historical evolution of the concept of British North American union. Very quickly, however, he became defensive about the actions of the delegates, the financial arrangements, and the dangers of domination by Canada. As the Morning Telegraph observed, he laboured over the matter in a most "monotonous" way. Gray, who also spoke, was no better. "The Collapse of Confederation" was the opinion of one observer. Tilley's financial exposé was considered to be full of holes and Gray's oratory had failed him.⁴⁵

There was one issue in particular that raised hackles everywhere, and Tilley had been most cautious about it. Was there to be an election on the matter? "It was mooted at Quebec, argued in the papers, and urged in our own Executive" that there "be no appeal to the people on the question,"⁴⁶ at least that was the newspaper story. Tilley had called an Executive Council meeting immediately upon his return from Canada, and

⁴⁵ Morning Telegraph, Nov. 18, 19, 1864.

⁴⁶ Ibid., Nov. 19.

presented the results of the conference, and suggested, at least, that there be no election on the matter. The Minutes of that meeting state only that the "Report" was "read."⁴⁷ Since no diary was kept and since there is little unanimity on what happened, it is difficult to get a clear picture of proceedings. The opposition press declared later that the Council was split five to four over having an election, with Tilley in the minority opposed to a vote.⁴⁸ George Hatheway, who alone of the councillors was opposed to Confederation, was apparently the source of this information, but he was unreliable. The best indication of what happened comes from Tilley who wrote Galt shortly after the meeting that the "feeling with us is so strong that an election should take place before the Legislature vote on the resolutions, that I have been compelled to announce that if there is any doubt as to the opinion of the public we will give them a chance to express their views at the polls. We may dissolve before meeting Parliament again, but in this we will be governed by circumstances."⁴⁹ The next day the matter came to a head when Tilley was on the platform at Carleton. He was much more effective on this occasion than at the previous meeting. His message, which was directed at those who argued that the idea "originated in Canadian difficulties," was that even if that were the case, was that a sufficient reason to reject the opportunity of a lifetime. He then dwelt on the advantages of the scheme. In the questions that followed, J.R. Macshane, apparently

⁴⁷ Executive Council Minutes (NBPA), Nov. 15, 1864.

⁴⁸ Daily Evening Globe, Oct. 10, 1865, in a letter by "Ivan".

⁴⁹ Galt Papers, Tilley to Galt, Private, Nov. 20, 1864.

a Liberal party worker, asked Tilley if he planned to submit the measure to the next session of the House. Tilley replied that he might. More questions followed and Tilley finally announced that "the Legislature would not be asked to pass any resolutions until the people first had an opportunity of voting upon it at the polls."⁵⁰

From that point on an election was unavoidable. George Brown was alarmed when he heard the decision, and John A. Macdonald was not a little annoyed. "The Canadians," he later wrote Tilley, "think that Canada is the only Province that carried out its engagement with respect to the Union. It was agreed at Quebec that the Resolutions then agreed to should be submitted by the several Govts to their respective legislatures at the next Session. . . . Nova Scotia and New Brunswick did not pass them, and their Governments did not even attempt to pass them."⁵¹ The question over whether Tilley did or did not agree at Quebec to avoid a public vote does not have a simple answer, since the agreement was informal, though none the less probably made. All the information available on the subject, however, is inconclusive and most of it was written months after the Quebec Conference. Tilley declared publicly in September, 1865, that "he never made any such promise or arrangement," and he wrote Macdonald on the matter on September 13.⁵² It seems possible that Tilley may have agreed to discuss the possibility of presenting the matter to the next

⁵⁰ Morning Telegraph, Nov. 22, 1864.

⁵¹ Tilley Papers (PAC), Macdonald to Tilley, Oct. 8, 1866. See also Tilley Papers (UNB), Brown to Tilley, Private and Confidential, Dec. 8, 1864.

⁵² New Brunswick Reporter, Sept. 15, 1865. Macdonald Papers, Vol. 51, Tilley to Macdonald, Private and Confidential, Sept. 13, 1865.

session, but it is highly unlikely that he agreed to more than that. Macdonald considered Tilley's actions "unstatesmanlike,"⁵³ but he obviously knew nothing of the situation in New Brunswick. Tilley had a totally unprepared and hostile public on his hands, and one of the main obstacles to overcome was the dislike and distrust of a grasping Canada. Long before any of the other public leaders, Tilley realized that Confederation required an extensive publicity campaign to overcome prejudices and false information. Tact, patience, time and effort were all required. A public vote was part of the campaign.

Even if Tilley had decided to press the resolutions on the House without an election, it is unlikely that he could have succeeded. With an election required by New Brunswick law on or before June, 1865, it is doubtful if enough members would have dared risk their necks by voting for such an unpopular measure. There was also the problem of Governor Gordon, who was beside himself with resentment over developments. After the election Tilley wrote Galt that Gordon had told him "he would not consent that the measure or address should be submitted to the House for their action until after an election; and that he had ascertained that he could find a ministry who would take the responsibility of advising that course."⁵⁴ Tilley wrote this after his electoral defeat, and it looks suspiciously like an excuse for failure. It is doubtful if Gordon ever discussed the matter with the opposition, for he could not tolerate Smith and Anglin. Gordon in this matter was being used as

⁵³ Macdonald Papers, Vol. 51, Macdonald to J.H. Gray [P.E.I.], March 24, 1865.

⁵⁴ Ibid., Tilley to Galt, undated [April 10-15, 1865].

a whipping boy. He was opposed to Confederation, and he was very annoyed at Tilley. With the dismissal of 1856 still fresh in his mind, Tilley realized what a Governor was capable of doing. He, therefore, took every step he could to neutralize Gordon. He asked George Brown to speak to Cardwell about the awkward Maritime governors, Gordon in particular. "I am getting no assistance from Mr. Gordon," Tilley complained to Brown on November 21, "on the contrary his course is weakening my hands."⁵⁵ By 1864 Tilley had had many years experience with Governors. Gordon could be handled.

By early December Tilley had decided to call the House together as usual in February, conduct the regular business, and present the Confederation papers, but not a resolution. All the while the process of public education would go on. By late spring a successful election could be run.⁵⁶ Cardwell's despatch of December 8 to Gordon upset the timetable. He urged immediate action, and, according to Tilley, "placed us in a dilemma." The campaign against the "ignorance of the people in relation to the proposed change" was progressing well, but they were not yet ready.⁵⁷ Tilley took a long month to consider the possibilities.

For all of Tilley's optimism, the opposition to Confederation was growing faster than was support. Late in November Albert Smith published

⁵⁵ Brown Papers, Tilley to Brown, Private & Confidential, Nov. 21, 1864. Fisher had the same view. See Macdonald Papers, Vol. 51, Fisher to Macdonald, Dec. 6, 1864.

⁵⁶ Tilley Papers (UNB), Tilley to Tupper, Private, Dec. 8, 1864.

⁵⁷ Macdonald Papers, Vol. 51, Tilley to Galt, undated, and Journals, 1865, Appendix No. 10, Cardwell to Gordon, Dec. 8, 1864, with enclosure of Cardwell to Monck, Dec. 3, 1864, pp. 27-29.

a letter to the Electors of the County of Westmorland, which became the cornerstone of the opposition. The delegates, Smith declared, had acted unconstitutionally and were placing the interests of Canada ahead of those of New Brunswick. Those same Canadians would dominate the union and impose prohibitive taxes on New Brunswickers to pay for their past and future extravagances, such as western canals. The costs of two governments rather than one would raise the taxes immediately. One by one, and in packs, the "odds and ends" of the opposition began to fall in behind Smith.⁵⁸ He was not the type to make a party leader, but the opposition to Confederation drafted him as a prominent public figure to lead the movement.

Equally ominous was the campaign being carried on by T.W. Anglin through his Morning Freeman. Tilley's alienation from the Roman Catholics had grown continuously since 1855, and in both the general election of 1861 and Gray's bye-election of 1863, the Protestant-Catholic animosity was thinly disguised. One of the first people Tilley went to see after his return from Quebec was Bishop Sweeney of Saint John. Sweeney feared the Protestant-Orange influence of Canada West, which he thought would come with Confederation. Tilley believed that the Bishop's fears had been allayed after their conversation and that the Bishop would "take no part in the election."⁵⁹ Even with that assurance, it was clear by January of 1865 that Anglin and many in the Roman Catholic community were carrying out a strong campaign against the whole concept of union.

⁵⁸ Daily Evening Globe, Nov. 24, 1864. The "odds and ends" description was used in the Morning News, October 10, 1862.

⁵⁹ Macdonald Papers, Vol. 51, Tilley to Galt, undated.

Tilley seems not to have feared the growing opposition. He considered Saint John "safe"⁶⁰ and thought his main problem was outside the larger centres, where the people were least likely to understand or to support union. He wrote letters to all possible supporters, asking their opinions and advice. By Christmas he thought he had "worsted" his enemies in all encounters. "The current of opinion in Saint John," he informed Galt, "is now with us and we trust that this change will produce its effects in other parts of the Province." The "Country people" were the problem. "It will take some time & labour" to convince them they had nothing to fear.⁶¹ Tilley was then speaking throughout the province - Charlotte, Sunbury, York, Kings, Westmorland - he kept up a tiring pace. He even went into Smith's backyard at Sackville to do battle with "The Lion of Westmorland . . . The Douglas of Dorchester," and came off quite well.⁶² On L. A. Wilmot's advice Tilley's speeches ceased to emphasize the financial, the statistical, and the constitutional factors. "You must not lay too much scope on the financial adjustments," Wilmot had warned. Stress the "great future . . . national greatness" and avoid "Taxation."⁶³ The modification seemed to help, and Tilley continued what Gordon called his "indefatigable" defense of Confederation.

All the while Tilley wrestled with the date of the election. After Cardwell's demand for haste, Gordon pressed for an immediate election,

⁶⁰ Ibid., Tilley to Macdonald, Nov. 23, 1864.

⁶¹ Galt Papers, Tilley to Galt, Dec. 26, 1864.

⁶² Head Quarters, Dec. 28, 1864, and Tilley Papers (NBM), Chandler to Tilley, Private, Dec. 16, 1864.

⁶³ Tilley Papers (NBM), L.A. Wilmot to Tilley, Dec. 9, 1864.

which was an influence.⁶⁴ Of equal importance was the advice of people like Peter Mitchell and J.H. Gray, both of whom wanted an early election. As early as December Mitchell thought he saw Confederation stock rising and was for an election as soon as possible.⁶⁵ By mid-January Tilley had still not made up his mind, when he received a letter from Gray which stressed three things. The first was about the "success of your movement. . . . The sound is there - and like the drum only requires striking to be brought out." The second emphasized the dangers to be faced in the House should a session be held. It would probably be impossible to avoid defeat of the government over the Governor's salary, which was certain to arise. Even if Tilley did not introduce a Confederation resolution, the opposition would introduce one of their own against it, which could not be defeated, because of the defection of people like Hatheway. "The chance is too great," Gray warned, "and our honour is at stake." The third point Gray wished to make was that New Brunswick had to get its resolutions through the House as soon as possible out of respect to Canada and Nova Scotia. Wait a month, Gray suggested, Canada and Nova Scotia will by then have taken action, a contract for Western Extension can be let, other developments will have occurred in England and the United States, and more public meetings will have been held. "Then - Gentlemen, walk the plank."⁶⁶

⁶⁴C.O. 188/143, Gordon to Cardwell, Confidential, January 16, 1865, with enclosure of Gordon to Tilley, Private & Confidential, Jan. 14, 1864.

⁶⁵Tilley Papers (NBM), Mitchell to Tilley, Dec. 10, 1864.

⁶⁶Ibid., Gray to Tilley, Private, Jan. 16, 1865.

Gordon had written Tilley on January 14, and had pressed for an immediate election about as hard as he dare, to the extent of recording a dissenting opinion in the Minutes of the Executive Council. The annoyance value of that letter cannot be calculated, though it is to be doubted that it was the decisive factor. As both Tilley and Gordon knew, there was no alternative government, and the Imperial government would hardly approve the action of a governor that rejected a colonial Executive that was carrying out Imperial wishes. When the Executive Council met on January 19 they undoubtedly considered the letter. They were still divided about what course to pursue, but in the end they chose to have an immediate election, and planned to call the new House together about March 20.⁶⁷ Tilley himself may have remained opposed to this course, for he wrote Gordon on January 30: "I cannot refrain, however from stating that our chances of success would have been increased by adhering to our original design."⁶⁸ What seems more likely was that Tilley chose the best of the alternatives. In that letter to Gordon he never once mentions that it was pressure from the Governor that forced the decision, rather he stressed the need for full cooperation with Canada and Nova Scotia. If Gordon compelled Tilley to have the election, as has frequently been argued, there should be some explanation why Tilley bothered to write the Governor the reasons for his decision. Gordon's role in the event, the Tilley Papers suggest, has been decidedly exaggerated, probably by Tilley himself after his election defeat.

⁶⁷C.O. 188/143, Gordon to Cardwell, Confidential, Jan. 30, 1865.

⁶⁸Stanmore Papers, Tilley to Gordon, Jan. 30, 1865.

"Breakers Ahead!" was the warning of the Morning Telegraph on December 31, 1864. As he entered the new year, Tilley considered Confederation a sturdily built vessel that could take most of the breakers, though the sea trials had only begun. New Brunswick's stormy winter election broke over the top of the craft, ripped its sails, and snapped its rudder. The announcement of the election on January 21 startled almost everyone. Albert Smith, who had wanted the Assembly platform to debate the issue, called it "an act of tyranny."⁶⁹ Even Tilley's supporters were unprepared. J.H. Gray urged Tilley to get to Saint John "as soon as possible" on January 24 to help settle matters.⁷⁰ That was the beginning of a frantic six weeks of speeches, cheers and jeers. Tilley had never before been in an election like this.

If Tilley believed the opposition was on the run, it was not long after the election was announced that he discovered how wrong he had been. Anglin, R.D. Wilmot, Needham, Hatheway, Allen, Cudlip, A.R. Wetmore, Gillmor, Joe Lawrence, and above all Albert Smith formed a solid phalanx in opposition to the Canadian scheme.⁷¹ Tilley knew them all well. With

⁶⁹ Weekly Telegraph, Feb. 8, 1865.

⁷⁰ Tilley Papers (NBM), Gray to Tilley, Jan. 24, 1865.

⁷¹ Lawrence had made a very strong attack on Tilley's financial arguments in a speech at the Mechanics' Institute on Dec. 6, 1864. Morning Telegraph, Dec. 7, 1864. It inspired "A Ode."

Sublime and slow
The mighty Joe
Reviewed the great Confederate scheme,
Without a pause
He oped his jaws
In one stupendous coup de main.

(The True Humorist, Dec. 10, 1864.)

the exception of Allen, he had, at one time or another, been allied with each of them. One by one they had fallen away as Tilley rose to power and his years in politics multiplied. In one respect they were the losers, but in 1865 they united against Tilley.

Smith led the assault on Tilley, partly in reprisal for Tilley's invasion of Westmorland. On Tuesday, January 31, Smith occupied the platform of the Mechanics' Institute Hall. He had developed a highly effective speech which he delivered in a "calm and dispassionate manner"⁷² to audiences throughout the province. He told his listeners that Confederation, which had originated in the "oily brains of Canadian politicians,"⁷³ would result not only in higher taxes but in the addition of dreaded direct taxation to pay for such Canadian misadventures as the Grand Trunk, the Rebellion Losses Bill and Seigneurie Tenure. Matters would only get worse as the population of Canada West grew, and he warned the people that unless the Intercolonial were built before Union it probably would not be built at all. Under the proposed arrangements, Smith continued, "New Brunswick is likely to learn [become] what Mr. Galt terms the present Government, a mere municipality, while Upper Canada with its 194 members will assume the right of taxing the whole." Taxation and domination: those were the pillars of the attack. By the end of his lecture Smith had his audience almost totally converted to his position.

⁷²Morning Telegraph, Feb. 1, 1865. Smith's role is presented in more detail in C.M. Wallace, "Albert Smith, Confederation, and Reaction in New Brunswick, 1852-1882," Canadian Historical Review, XLIV, 4 (Dec., 1963).

⁷³This statement was made at Sackville and was reported in Morning Telegraph, Jan. 23, 1865. The remainder of the material appeared in the Morning Telegraph, Feb. 1, 1865.

He warned them to consider the two states, "one [Canada] suffering from anarchy and disquite, . . . [the other] New Brunswick . . . enjoying all the blessings of this life." As Smith finished, Tilley rose from the cheering audience and made his way to the platform. When he attempted to address the assembly, he was rudely "shouted down." Smith pleaded with them to hear Tilley, but they would have none of it. All that Tilley was able to do was invite everyone, including Smith, to return to the same hall two days later to hear the other side.⁷⁴

Tilley had faced this type of opposition before in the elections of 1856 and 1857, and he realized that one skirmish rarely settles an election. He returned to the hall on Thursday evening as announced, smiling, confident, possibly courageous. He was greeted by a mixture of hearty cheers and "hisses and groans," a reception that was accorded his whole speech. His performance that night was adequate, but the problem was that he was totally on the defensive. Instead of presenting a positive platform aggressively, he denied the charges that taxes would be increased, that there was "Poverty in Canada!", that one section would dominate. Far from taxing the poor, Tilley stated, "Men who wear broadcloth, ladies who wear silk and those who use champagne, &c will pay more than the working classes. We paid \$2.70 in 1863, Canada \$2.40, now bring their rate up to \$2.70 and \$1,000,000 will just meet" the expected additional expenses.

One issue more than any other troubled Tilley. Well over half the speech was devoted to Western Extension and the Intercolonial. Western

⁷⁴Morning Telegraph, Feb. 1, 1865.

Extension had been guaranteed by Smith and the "Antis," if they were elected. Tilley pointed out that Smith "had always a mania against Railroads" and this sudden change required explanation. As far as Western Extension was concerned its construction was already guaranteed under the Facility Act of 1864. The problem was, as Tilley knew, the road had not yet been started and the Act was almost a year on the books.

That other railway, the Intercolonial, had ceased to be desired in Saint John and had become a threat. The east coast Imperial line offered nothing; in fact, it might even destroy the existing trade as the line provided a direct link from Halifax to Canada. Tilley denied that the Central and the St. John Valley routes had been abandoned, but Hatheway, on resigning from the Council, indicated otherwise. Tilley quoted Hatheway on this matter:

The question was put daily to Mr. Tilley, "Can you define the route?" Even the poet from Albert put it in excellent style -

"Mr. Tilley will you stop your puffing
And blowing,
And tell us which way the
Railway is going?"

Did he answer? No.

It is to Tilley's credit that he delivered this before a not entirely friendly audience. He declared that the route was still not settled, but that the benefits for the province in any case would be immeasurable. In his conclusion Tilley stated that he believed the scheme "to be as perfect as possible, but it was in the power of the representatives of the people to change it if they thought otherwise. . . . The power is yours. You are the jury, by whom the cause is to be decided."⁷⁵

⁷⁵ Ibid., Feb. 3, 1865. In the election of 1872 Tilley used a variation on this: Tilley he talked and puffed and blowed,
But he couldn't tell the way the Railway goed. Daily Telegraph
Aug. 5, 1872.

Tilley was fairly confident after that meeting. The arguments against Confederation, he believed, had been demolished. That ticklish railway issue had been placed in the proper perspective. Both lines would be built, to the benefit of Saint John. The crisis, he thought, had been passed. Mitchell, Macmillan and Johnson were doing well on the North Shore, and Fisher appeared to be having success up the valley. In general, reports were encouraging. "Scores came away from the meeting with a thrill of honest pride," R. Nugent wrote Tilley after the meeting of February 2, "that we have a son of the soil able to handle this subject without decending [sic] to low personalities."⁷⁶ Of greater importance was a note from John Macmillan that he would get "the largest vote that ever was polled in this county."⁷⁷

It was about that time that someone from the Daily Evening Globe found an interesting statement by Macdonald in the Canadian Parliament. Macdonald had stated on February 3 that the Intercolonial guarantee could not be part of the federal constitution. There was nothing startling about the statement because the railway guarantee was to be independent of the constitution. To the Antis, however, it was a useful weapon. The Canadians had not changed; the Intercolonial would never be built. Tilley immediately demanded an explanation in an angry letter to Macdonald. "No Delegate from this Province will consent to Union unless we have this guarantee. . . . All will be lost without this."⁷⁸ Macdonald's timing had been incredibly bad. He telegraphed Tilley on February 20 that the

⁷⁶Tilley Papers (PAC), R. Nugent to Tilley, Feb. 5, 1865.

⁷⁷Ibid., Macdonald to Tilley, Feb. 12, 1865.

⁷⁸Macdonald Papers, Vol. 51, Tilley to Macdonald, Feb. 13, 1865.

Intercolonial "was one of the conditions on which Constitution was adopted such condition will of course be inserted in the Imperial Act."⁷⁹ Tilley read the reply at a Portland meeting, but the damage had been done. "We will have an animated & warm contest"⁸⁰ Tilley informed Gordon on February 24 when he informed the Governor he could not leave Saint John until after the election on March 4. As the elections were about to take place Tilley thought about twenty-five or twenty-six in favour of Confederation would be returned.⁸¹

The first of the elections was held in Kent on February 28, but it gave little indication of what was to follow, since Tilley did not expect a supporter to be elected. The next day Carleton County returned two Confederate candidates, Connell and Lindsay. It was York County that must have made Tilley shudder. Fisher and all the Confederates were defeated. Hatheway, Allan, J.J. Fraser and Needham were returned. Tilley remained hopeful, however, because he had carried only one seat in York in 1861. The critical elections were to take place in St. John County on March 3 and Saint John city the next day.

The results in St. John County and city were disastrous. Cudlip, R.D. Wilmot, J. Coram and Anglin overwhelmed the union men in the County by an average majority of 354 votes. John Gray trailed Anglin by over 300

⁷⁹Tilley Papers (PAC), Macdonald to Tilley, Feb. 20, 1865.

⁸⁰Stanmore Papers, Tilley to Gordon, Private, Feb. 24, 1865. On that very day Gordon informed Monck that he did not think Tilley could win. Gordon to Monck, Private, February 24, 1865.

⁸¹Macdonald Papers, Vol. 51, Tilley to Galt, undated.

votes. In the city Tilley and Watters both trailed Wetmore and J.V. Troop, though Tilley lost by only 109 votes.⁸² Those results in St. John determined the final outcome of the election. The opposition carried about twenty-six seats, the government about eleven, and there were four independents, though it is difficult to be specific. Tilley claimed he had thirteen, plus three others pledged to Union. "Had we carried the 6 members for the City & County of St. John," he wrote Galt, "we could have put the address through."⁸³ The voters in Kings, Charlotte and Northumberland, who voted after the Saint John elections, were casting ballots for an election that had already been settled. By the middle of March it was all over. Tilley had lost, as he observed wittily, because "he had not quite votes enough."⁸⁴ He declined invitations to run in other Counties, since one wound was enough to lick at one time. He decided to let matters in New Brunswick ferment for a few months.

v

The election of 1865 is usually treated as the "Confederation Election," but a good argument could be put forward to prove that Confederation was little more than a smoke screen for a diversity of local issues, not the least of which was the disintegration of the old Liberal party. In the fall of 1864 the Morning Telegraph had talked of Tilley's alliance

⁸² Morning Telegraph, March 7, 1865.

⁸³ Macdonald Papers, Vol. 51, Tilley to Galt, undated.

⁸⁴ Morning Telegraph, March 7, 1865. Tilley said this in his speech on Declaration Day.

with the "Old Opposition." On October 8, 1864, it stated that the "Government now sees that it cannot possibly weather another election in its present debilitated condition," an argument with considerable validity. Even the Halifax Citizen discussed the possibility that the Tilley Government was using Confederation, which "may either lead to the triumph of the present one, or enable the leader of the administration to form a new combination by which to keep themselves in power."⁸⁵ There can be little doubt that new combinations were being formed in the mid 1860's. The election of 1865 came in the middle of the realignment, and the results reflected not a vote for one party or another but the product of a confused and divided electorate choosing among factions.

J.H. Gray was a little more brutal in his assessment. Many voted as they did, he wrote Brown, "from their hatred of the Govt. and from their desire to oust Tilley who they thought had been too long in power."⁸⁶ Gray, as a former Conservative leader, had been twice defeated by Tilley, and his opinion on the subject may reflect some partisanship. There are indications, however, that many of the dependable organizers and supporters failed to contribute in the election of 1865, especially in Saint John, but in other areas as well. "The object can be carried in this county," S.T. Gove wrote from Charlotte, "if the Candidates will spend plenty of money, otherwise, County people will not turn out even on this great question unless they are fed, and warmed, and no wonder, in the dead of winter."⁸⁷ Apparently they were not fed and warmed in Charlotte. In

⁸⁵ Quoted in the Morning Telegraph, Nov. 15, 1865.

⁸⁶ Brown Papers, Gray to Brown, March 27, 1865. For a similar view see Gordon to Brown, March 17, 1865.

⁸⁷ Tilley Papers (PAC), Gove to Tilley, Jan. 28, 1865.

the critical county of St. John the bankers and some of the business community reportedly did not support Tilley as they had in previous elections, though Gray claimed the merchants, manufacturers and intelligent classes did support Confederation.⁸⁸

As Tilley reviewed the wreckage, he did not mention the influence of the business community. He was very specific on what he considered the problems. First of all he felt the election had been premature. Next he pointed to "the strength of political prejudice," by which he meant the attitude toward his government. The problems over the Intercolonial and Western Extension were his third cause. The fourth and most important was "the unaccountable opposition of nearly all the Roman Catholic voters."⁸⁹ Tilley felt so strongly about this that he declared he could have handled all the other issues, such as taxation, domination and railways, but the religious issue was so deep and strong it could not be overcome. He discovered that "some of the Catholics who were on our Election Committee, and worked at first heartily for us, were found working & voting against us on the day of the Election." The reason escaped him, but he was determined to find an explanation. "We would have carried nearly every constituency in the Province," he told Galt, "had the Catholic vote been divided - certainly all except York & Kent."⁹⁰ Tilley in this explanation

⁸⁸Macdonald Papers (PAC), Gray to Macdonald, March 13, 1865. Gray contradicted himself in this widely quoted letter. The part most quoted, without any reference to Gray's statement that business interests were in support of Confederation, is as follows: "Again the banking interests united against us. They at present have a monopoly and their directors used their influence unsparingly. They dreaded the competition of Canadian banks coming here and the consequent destruction of that monopoly - and many a businessman now in their power felt it not safe to hazard an active opposition to their influence."

⁸⁹Tilley Papers (PAC), Tilley to Gordon, May 17, 1865.

⁹⁰Macdonald Papers, Vol. 51, Tilley to Galt, undated.

was not telling the whole truth to Galt. The Roman Catholic opposition to both himself and his party had been growing for ten years, as he well knew. He had absolutely no contacts with the Acadians, who were terrified by the prospect of being overwhelmed in the huge Anglo-Saxon nation of British North America. The Orange Protestant influences of Canada West stood for all to see as a real danger. The Irish Roman Catholics, who had been given a voice and direction by Anglin and his Morning Freeman, hived together against the North American re-creation of the annexation of Ireland.⁹¹

Gordon's activities were considered to be a cause for the defeat at the time and by observers since. It was public knowledge that Tilley and Gordon had clashed over the nature of the proposed union, especially after Tilley stressed in a public address that "with the exception of the General Post Office every department of the [Local] Govt will continue exactly as it is at present."⁹² It was just this development that Gordon dreaded, but short of committing political suicide, Tilley had to support the retention of a strong local government. Gordon, unfortunately, was horrified, and broadcast his opinion widely. Gordon's opposition was not of particular significance, but Tilley did consider his failure to give full support to the movement a hindrance. It was in this frame of mind that he asked the Canadians, when in London, to urge upon the Colonial Office the need "to send us a man who is heartily in favour of the Union and none else."⁹³ The Canadians, understandably interpreted this to mean

⁹¹See Creighton, Road to Confederation, p. 251.

⁹²Gordon quoted Tilley in Stanmore Papers, Gordon to Cardwell, Jan. 16, 1865.

⁹³Macdonald Papers, Vol. 51, Tilley to Galt, undated. See also Galt Papers, Tilley to Galt, May 18, 1865, and Tilley Papers (PAC), Galt to Tilley, (Private), June 3, 1865.

that Gordon had used his influence against Confederation and told the Colonial Office. When Gordon learned of this he was furious. Tilley attempted to put the matter right, but the damage was done.

To what extent was Confederation an important factor in the election? Tilley thought that it would be important in about three of the fourteen counties. Gordon concluded that in those few counties where Confederation outweighed local issues, every union candidate was defeated.⁹⁴ What those arguments ignored was that the issue of Confederation provided the one core about which an opposition could be formed. The four or five factions of the opposition could never have united to form a government without the cement provided by their opposition. It was a negative force, but it was none the less powerful.

Whatever the reasons for the defeat of Confederation, and the fear of the unknown was one of them, it is doubtful if anyone expected the Tilley government to crumble as it had. Only John Macmillan of Restigouche and W.E. Perley of Sunbury survived of the old Council, and neither was considered an important candidate. Shortly after the last votes were tabulated, Tilley submitted his resignation, and sat back to see what kind of mongrel would emerge from the factions that would make up the new government. He should have been completely disheartened, but he had been through it all before in 1856, and he viewed as absurd the possibility of a successful Council emerging from this anti-confederate collection.

⁹⁴ Stanmore Papers, Gordon to Cardwell, Feb. 4, March 16, 1865.

The defeat provided Tilley with the one ingredient he had needed from the beginning - time. Time to convert the people to Confederation. "All our friends are plucky," he wrote Galt early in April, "sanguine of early success and intend fighting earnestly for a reversal." A year should do it. All he asked of the Canadians was that they should not leave New Brunswick "out in the cold."⁹⁵

⁹⁵ Macdonald Papers, Vol. 51, Tilley to Galt, undated. See also Tilley Papers (PAC), Tilley to Gordon, May 17, 1865.

VI

"We shall all be bound together"

1865-1867

"I know not whether to condole with or to congratulate you," Harrison Tilley wrote his father on learning of the March 4 election defeat. "Your family at least may be glad that you are again free from care and responsibilities of public life." Then he added, "I can hardly understand your settling down in a quiet place like Fton without business to occupy your time."¹ The son knew his father well. Tilley had no intentions of settling down in Fredericton or anywhere else for a while. Confederation had entered his soul; it had become, as his Nova Scotian Liberal friend Jonathan McCully had written, their "manifest destiny."² The election reversal was but a nasty winter storm that had driven him to harbour. The voyage would continue. Even as he huddled miserably during the worst of the blast, he charted his course.

i

The first step was an official resignation, and on March 27 that

¹Tilley Papers (PAC), Harrison Tilley to S.L. Tilley, March 6, 1865. Harrison was then in King's College studying theology. For letters similar to this see Harrison Tilley to S.L. Tilley, March 18, and Louisa Tilley to S.L. Tilley, March 20, 1865.

²Tilley Papers (NBM), McCully to Tilley, April 21, 1866.

was done.³ He then sat back for a few days to watch what Smith and Antis would do. Their victory was less overwhelming than it appeared at the outset. The shifting of one hundred to two hundred votes in two or three counties, especially St. John, Kings and Northumberland, would have produced a minority government if not a Tilley victory. The new government dare not run office holders in any of those counties. Of greater significance were the obvious divisions among the Antis, which were clearly revealed at their first caucus, held at Stubb's Hotel in Saint John on March 17. Two weeks later, positions were still not settled, although Smith and R.D. Wilmot had agreed to form a government on March 28.⁴ "Wilmot is, I think," Gordon confided to Tilley, "afraid to run for St. John."⁵ Tilley must have been amused at the spectacle of Smith and Wilmot, who had snarled at each other throughout the 1850's, trying to work together. Smith as Gordon's chief advisor was almost bizarre, for of all the Liberals Smith had been the Governor baiter par excellence, especially over the salary matter. Finally, on April 4, the new government was announced, with Smith as President of the Council and Wilmot without office. Hatheway returned as Chief Commissioner of the Board of Works, Gillmor of Charlotte became Provincial Secretary, Allen of York was appointed Attorney General, and Bliss Botsford of Westmorland was selected to be the Surveyor General. There were three others without

³ Morning Telegraph, March 28, 1865.

⁴ N.B. Executive Council, Miscellaneous File (NBPA), John Boyd to Tilley, March 17, 1865. This letter is filed incorrectly in M G 9, A 1, Vol. 123.

⁵ Tilley Papers (PAC), Gordon to Tilley, Private, March 30, 1865. Gordon had first asked Hatheway, as a former Executive Councillor, to form a government, but he declined.

office, Anglin, W.H. Odell and Richard Hutchinson. Gordon was delighted with the selection of what he called "educated gentlemen," especially the last two, as compared with the "intemperance. . . incompetence, and ignorance" so obvious in Tilley's Council. In his letter to Cardwell Gordon did say that Tilley was "a far abler man than any of those who compose the present administration."⁶

Tilley would never have agreed that the new Council was in any way superior. George Hatheway was both the weakest and least admirable member of the old Council and he held exactly the same position on the new. In addition, Botsford, Odell and Hutchinson, for all their pretensions, were 'light weight' by any standard. What a "queer combination of weak and strong men" observed the Morning Telegraph, as it surveyed the new group. Within the political spectrum it ranged all the way from the Loyalist establishment in Odell to the Irish radical in Anglin.⁷ "I don't think there will [be] much harmony in the new Govt,"⁸ John McAdam of Charlotte wrote Tilley as soon as he saw the list, and it was that point that intrigued Tilley the most.

The old party alignment had disintegrated, as Tilley well knew, and new combinations were emerging. The Smith coalition, however, had very little hope of success. All the members, apparently, were united in their opposition to the Quebec Resolutions. Allen and Wilmot, however, had some sympathy for a legislative union, while Smith was in favour of a

⁶ Stanmore Papers, Gordon to Cardwell, Confidential, April 8, 1865.

⁷ Morning Telegraph, April 4, 1865.

⁸ Tilley Papers (PAC), McAdam to Tilley, April 4, 1865.

highly decentralized system. Gillmore considered "abstract union . . . abstract nonsense" and the arguments for it no more than "dazzling generalities."⁹ Anglin was opposed to any and all unions. The remainder of the Council fell within the wide spectrum of the leaders. It was not the attitudes toward union, however, that would be the most disruptive; it was local issues. On matters of defense, for example, Wilmot wanted an increased local appropriation while Smith was opposed to any expenditure. Smith would also have liked the capital and the University moved out of Fredericton, but that would have created a near war with Allen and Hatheway. The issue that had the most potential for disruption of all was railways. Gillmor supported Western Extension if it followed the shoreline, whereas Anglin and Wilmot wanted it through the more logical Douglas Valley route. Hatheway did not want Western Extension but supported the Intercolonial, if it passed through Fredericton. Smith was opposed to all railway construction that required public moneys. The Council, it was obvious, was starting its career with prospects little better than those of Humpty Dumpty. The Morning Telegraph came close to expressing Tilley's sentiments about the Council. "Singular in its conception - marvellous in its birth - its life, perhaps will be brief and bitter, and its death may not be lamented."¹⁰ His experience over the past ten to fifteen years indicated that Smith's heterogeneous Council with so many independent minded men contained within itself the ingredients for its own destruction.

⁹ In the Morning Freeman, March 27, 1866, and in James Brown Papers (UNB), Gillmor to Brown, Jan. 3, 1866.

¹⁰ Morning Telegraph, April 5, 1865.

The main flaw in such an argument was that threats and pressure from the outside would hold the Council together. When the Canadians and the British appeared to be preparing an assault on the Smith government, Tilley went to Gordon in May, 1865, with his ideas on how best to manipulate the situation. Gordon communicated Tilley's plan to Cardwell:

Any premature attempts to revive the agitation could in his opinion be attended with signal failure. It was consequently his intention to remain perfectly quiet until the Month of November and then to undertake the commencement of a systematic organization for the purpose of effecting a change in public opinion. He proposes to avail himself for this purpose of the machinery of the Temperance Societies, of which he is a very prominent member, and to hold meetings at which petitions are to be adopted praying that the Legislature will adopt a measure to effect a union of the British North American Provinces, or that in the event of their not doing so the existing Parlt may be dissolved by me.¹¹

When the events of the following twelve months are considered, it is possible to envision Tilley as a puppeteer. The play progressed as planned, though the strings did get entangled from time to time. Tilley knew the game of politics and the whims of his province well. The dress rehearsal in 1856-1857 assisted him immensely.

Tilley attempted to maintain a fairly inconspicuous stance while carrying out his design. A week after his defeat, for example, he decided to go to London to discuss the situation.¹² He also contacted the Canadians and urged them not to jump to any hasty conclusions or to do anything unwise, since the defeat could be overcome.¹³ He did ask them

¹¹C.O. 188/143, Gordon to Cardwell, Confidential, May 22, 1865.

¹²Tilley Papers (PAC), William Wright to Tilley, April 1, 1865, in reply to Tilley of March 11.

¹³There are many letters but see Macdonald Papers, Vol. 51, Tilley to Galt, undated [April 10-15, 1865].

to use their influence in the Colonial Office to appoint as Gordon's replacement a man totally in favour of union. When the Canadian delegation stopped at Halifax in mid-April on its way to discuss the situation with the British authorities, Tilley joined them for what he called the "Halifax demonstration," because he believed the people must realize that Confederation was not abandoned.¹⁴ The effect, he told Galt, "stimulated our friends. I hope to have a formidable association organized at St. John within ten days, having Branches in every County in the Province."

Tilley also impressed upon the Canadians that the "interference of the Colonial Office would not help us materially, but it is all important that our people should understand that the Imperial Government desire, nay more, are anxious that the Union should be consummated with the least possible delay. . . . Such a document we would gladly have before our House rises."¹⁵ The result of the Canadian representation and of Gordon's letter of May 22 was Cardwell's despatch of June 24, expressing "the strong and deliberate opinion of Her Majesty's Government that it is an object much to be desired that all the British North American Colonies should agree to unite in one government."¹⁶ The New Brunswick Executive was annoyed, to say the least, and sent a terse, cutting reply to Cardwell, reminding him that their province had for some time enjoyed the privilege of responsible government.¹⁷ The immediate effect of the outside

¹⁴Galt Papers, Tilley to Galt, April 22, 1865, and New Brunswick Reporter, April 21, 1865.

¹⁵Ibid.

¹⁶New Brunswick, Legislative Council, Journals, 1866. "Correspondence on the subject of the Union of British North America," Cardwell to Gordon, June 24, 1865, p. 67.

¹⁷Ibid., Executive Council to Gordon, July 12, 1865, pp. 70-71. Smith and Allen were in England. Wilmot and Anglin wrote the reply.

intervention was to unite the Council, as Tilley had anticipated, but it was well to have the Imperial position clear from the beginning and work from there.

To Tilley the Imperial support was only a crutch, though an important one, for as Tilley's new newspaper, the Morning Journal, stated on June 3: "Any outside attempts to settle our destiny, come from what quarter they may, would be the means of postponing a union with Canada indefinitely."¹⁸ All the Imperial and Canadian machinations would go for naught unless a substantial change took place within New Brunswick. Two changes were required, the failure of the Smith government and the conversion of the public to Confederation. The first, Tilley believed, would happen by itself; the second and more important was already under way. As early as June Tilley saw "a change steadily growing in the public mind, favourable to Confederation."¹⁹ He was in contact with church leaders, businessmen, newspaper editors, temperance workers, school teachers, lawyers, doctors, anyone who could help. He became much more active in the temperance movement than he had been in recent years. He attended the annual meeting of the Sons in New York in June, but it was his visits with local groups that made the difference.

In July he took his planned voyage to England. His timing was of interest. Smith and Allen left for London on June 20 to counteract the influence of the Canadian delegations and to discourage any suggestions

¹⁸Morning Journal, June 3, 1865. The newspaper began publication in May.

¹⁹Tilley Papers (PAC), Tilley to Edward Watkin, June 3, 1865.

that the New Brunswick House be dissolved and a new election called.²⁰ About two weeks later Tilley was on a Cunard steamer on his way to cover their steps. He need not have made the trip. Cardwell listened to Allen and Smith, admitted the validity of many of their claims, but stated that the Imperial Government favoured a British North American Union as soon as possible. There would be no interference with the internal affairs of New Brunswick, but Smith was asked to reconsider his position. They were more successful in three other areas: reciprocity with the United States, railway connections between New Brunswick and Nova Scotia (Eastern Extension), and a loan. Cardwell assured Smith that New Brunswick would be represented in any negotiations over reciprocity. A contract for the construction of the railway was signed with the International Contract Company, and a loan of £25,000 was arranged with Barings.²¹

By the time Tilley arrived matters had been settled about as he would have wished. He went to see Cardwell on July 21, and he had several meetings with Edward Watkin and Joseph Nelson.²² Little more could be accomplished, and on August 19 he was back in New Brunswick. Two letters from Nelson followed him across the Atlantic. In one Nelson stated that Smith was wavering on union "and the only question now

²⁰ Ibid. About this time Gordon was informed that Tilley wanted him replaced. He wrote Cardwell not to believe what Tilley would say, for he was a liar: "even the certainty of speedy detection will not prevent him from telling any lie which may appear to serve the purpose of moment." Quoted in Creighton, Road to Confederation, p. 295, from Cardwell Papers, Gordon to Cardwell, July 17, 1865.

²¹ Journals, 1866, "Memorandum of the Delegates to England," Sept. 20, 1865, pp. 96-97.

²² Tilley Papers (PAC), Joseph Nelson to Tilley, July 17, 1865; Edward Watkin to Tilley, July 18, 1865.

in his mind is whether he can with honour to his party be the means of assisting to carry it out." In the other Nelson stated that Smith had left and "Failure is certain."²³

Tilley's main concern over the next few months was that costly mistakes be avoided. The balance was beginning to swing in his favour, but a wrong move might jeopardize the movement. Early in September he faced one minor crisis when Hatheway and Anglin returned from a Canadian jaunt with information that the Canadians were prepared to present changes in the Quebec scheme that would be acceptable to New Brunswick. Tilley wrote immediately to Macdonald, insisting upon a denial. He told Macdonald that he had already issued a statement to the press "that no proposition is to be forwarded by your [Canadian] government."²⁴ Macdonald's railway statement in February had made Tilley wary of his Canadian allies, and he was determined to keep them on the mark.

It was especially important that a united front be maintained that fall. There was to be a bye-election in York. Chief Justice James Carter, whose appointment had been the occasion of Tilley's resignation from the House of Assembly in 1851, retired in 1865, creating both a vacancy on the bench and a problem. Puisne Judges in seniority were Robert Parker, L.A. Wilmot and William Ritchie. Parker was both old and ill, and he did not wish to be appointed Chief Justice, but Wilmot was both an outrageous Protestant and an outspoken pro-Confederate. Ritchie was the best man, and Smith wished to appoint his old colleague. Before a decision could be made, R.D. Wilmot and A.R. Wetmore circulated a

²³ Tilley Papers (PAC), Joseph Nelson to Tilley, Aug. 4, Aug. 10, 1865. New Brunswick Reporter, Aug. 18, 1865.

²⁴ Macdonald Papers, Vol. 51, Tilley to Macdonald, Private & Confidential, Sept. 13, 1865.

petition, which was signed by a majority of the members, requesting Smith to take the Chief Justiceship.²⁵ Smith was not in the least interested in the position. He had Allen appointed to the Bench, but the question of the Chief Justice remained a problem. Tilley hoped he would bypass Wilmot and appoint Ritchie, as he wrote Macdonald:

York is ours as Wilmot has many personal & political friends in the County. We will watch the movement and be ready to strike a blow at them. . . . I am quite certain Fisher can be returned under any circumstances with an expenditure of 8 or ten Thousand Dollars. If this should be considered necessary, is there any chance of the friends in Canada providing half the expenditure, not to exceed five Thousand Dollars for their share.²⁶

Tilley was confident of success in this election and he expected a general election in about six months. "With a fair share of the needful," that too could be managed.²⁷

About the middle of September Tilley left for New York, to see Watkin, and Washington, probably on temperance matters, though Mitchell wondered if it were "under direction of the British Government."²⁸

Toward the end of the month he showed up in Montreal to participate in the Maritime invasion of Canada, which was just ending. It was the Maritime counterpart of the Canadian visitation of the previous August. The influence of this return engagement may have been even more important than the original. R.D. Wilmot, who was in Montreal for the "Confederate Council of British North America" on reciprocity matters, was also the

²⁵ Daily Telegraph, Sept. 12, 1865.

²⁶ Macdonald Papers, Vol. 51, Tilley to Macdonald, Private & Confidential, Sept. 13, 1865.

²⁷ Ibid.

²⁸ Tilley Papers (PAC), Mitchell to Tilley, Sept. 24, 1865.

official New Brunswick representative in the Maritime tour. Perhaps it was the enthusiasm of the occasion, but Wilmot made "a capital Confederation speech" in London and another in Toronto before returning to Montreal and a special banquet.²⁹ His critics claimed that "Mr. Wilmot was like a virtuous damsel who was completely changed by a lap full of gold," or by the guarantee of a sinecure such as a Senatorship.³⁰ Whatever the reason, Wilmot came to the Montreal banquet a converted unionist. Tilley and he undoubtedly had an opportunity to discuss Wilmot's objections to the Quebec Scheme. In his speech on that occasion Tilley referred to the "temporary defeat" in New Brunswick, but he made a point of defending Smith and his colleagues against the charges that they were disloyal or annexationist. Without specifying the means, Tilley declared that Union was not far off. "I have invariably found that where interest and patriotism are united for the securing of any object, it is certain to be obtained."³¹ He did not mention that one of the purposes of his trip to Canada was to secure a guarantee of the "needful" from his Canadian allies, when the occasion should arise.

In Tilley's absence Smith had recommended the appointment of Parker as Chief Justice, thus avoiding the problems with L.A. Wilmot. The York bye-election was called for November 6, and Tilley did all in his power to secure the victory of Fisher over his opponent John Pickard, "an honourable man, a good citizen, faithful and honest in his business transactions," but a complete unknown in the political arena.³² Tilley

²⁹New Brunswick Reporter, Oct. 6, 1865.

³⁰Tilley Papers (NBM), F.A. Everett to Tilley, June 1, 1866, quoting S.R. Thompson.

³¹New Brunswick Reporter, Oct. 6, 1865.

³²Ibid., Oct. 27, 1865.

wrote Mitchell to arrange for a North Shore contingent to visit York in support of Fisher.³³ It seems likely that Tilley had returned from Canada with his pockets full for this most expensive and most famous of all New Brunswick bye-elections. Jonathan McCully considered it "the most eventful election ever contested in any of the Provinces."³⁴ The campaign attracted international attention and it was admitted on all sides that Confederation was the issue, even though Fisher was pledged to opposing Union until a general election should be held.

One of the main lines of attack used by Fisher's supporters, though not publicly by Tilley, was to label opponents of Confederation as disloyal. A natural extension of this line of thinking in New Brunswick was to turn the argument to religion. "The 'Protestant faith' and the 'open Bible' are in danger," warned the Baptist Religious Intelligencer, "and the climax is, that on Monday next the people of York had better vote against the anti-Confederate candidate and for Mr. Fisher."³⁵ York was especially susceptible to that type of emotional issue. Charles Fisher was aware of it when he wrote Macdonald in August, asking him to speak to the Orange Order of Canada and have them "influence the Orangemen down here" using the grounds of "Loyalty and British connection."³⁶ With influences such as this brought to bear, there was

³³Tilley Papers (PAC), Mitchell to Tilley, Oct. 2, 1865.

³⁴Tilley Papers (PAC), McCully to Tilley, Nov. 3, 1865. For comments on the expense, see Fisher to Tilley, Nov. 8, 1865, and Charles Perley to Tilley, Nov. 9, 1865.

³⁵Quoted in the Daily Evening Globe, Nov. 4, 1865.

³⁶Macdonald Papers, Vol. 51, Fisher to Macdonald, Confidential, Aug. 13, 1865.

not much doubt about the election. Fisher had a majority of over 700 votes. It was a great victory, and Confederates everywhere took heart. It had revealed to Smith, if he needed to be reminded, that his hold on New Brunswick was precarious because Fisher had trailed Allen by 919 votes only eight months earlier. It had also forced Anglin out on the limb. He had been singled out as the main enemy and the leader of papal aggression. The True Humorist caught the attitude:

What think you now of York, Tim?
 And things and matters here?
 The game you played so well, Tim,
 Is over now - that's clear.³⁷

Anglin was naturally the special target of the opposition because of his outspoken attitudes which were presented so explicitly in the Morning Freeman. Along with Smith, Anglin had given direction to the anti-Confederation movement, and it would be difficult to say which was the more influential.³⁸ To his credit, Anglin did not change his opinion on the subject, and as winter approached he found himself isolated in the Council, especially after the York election showed the direction of public opinion. A few days after the Fisher victory, Anglin resigned from the Council. The issue was not the election, however, it was Western Extension. Anglin had worked unceasingly for that railway, especially during the last session of the legislature. On November 9 the first sod of Western Extension was turned by the Mayor of Saint John at South Bay. Tilley and Smith both made speeches on the occasion, but that was about all that

³⁷ True Humorist, Nov. 25, 1865. For the election results see the New Brunswick Reporter, Nov. 10, 1865. Fisher received 1927 votes, Pickard 1218.

³⁸ Stanmore Papers, Gordon to Cardwell, Confidential, Dec. 4, 1865.

happened.³⁹ Some preliminary work was undertaken, but within a short time the crews had gone home. In the meantime, Anglin had resigned, ostensibly because Smith had awarded the contract for Western Extension without consulting his colleagues.⁴⁰

ii

With Anglin out of the way Smith was provided with "the golden opportunity . . . to reconstruct the Government" and follow a new policy,⁴¹ possibly even a union policy. Wilmot was openly in support of union and Edward Williston, the new Surveyor General from Northumberland, was in favour of Confederation. Tilley was aware that the Smith government might be on the verge of a dramatic move. So was Governor Gordon, who had returned to New Brunswick with his bride, Rachel, and a most insulting but clear order from Cardwell to exert all his efforts, tactfully and properly, on behalf of Confederation.⁴² Tilley knew that Gordon was under strict orders, but he probably worried that Gordon, with his unfortunate lack of the manner "diplomatique," might precipitate a crisis. Still, as Dr. Gove observed, the return of a "politically and Socially joined, and Confederated" Gordon had possibilities,⁴³ especially after the Fisher election and Anglin's resignation. The death of Judge Parker provided the first opportunity.

³⁹ Daily Evening Globe, Nov. 9, 1865. Waite claims it was Nov. 8, but the article begins "This morning a party . . ." The Mayor, Mr. Woodward turned the first sod into "a good substantial birch wheelbarrow." See Waite, Life and Times of Confederation, p. 253.

⁴⁰ Daily Evening Globe, Nov. 13, 1865.

⁴¹ Ibid.

⁴² Stanmore Papers, Cardwell to Gordon, Sept. 29, Oct. 5, Oct. 26, Nov. 11, 1865.

⁴³ Tilley Papers (PAC), Gove to Tilley, Oct. 16, 1865.

By mid-November Parker's death appeared imminent, and Gordon did everything in his power to persuade Smith to accept the Chief Justiceship. At the end of their November 17 interview Gordon believed that Smith would have accepted the position, had Parker died that day. But Parker lived until November 28, and Smith immediately recommended Ritchie to be Chief Justice and John Wesley Weldon to be Puisne Judge. Weldon's appointment was non-political. Gordon claimed later that Smith's mind had been changed by his Anti friends and that a great opportunity to organize a new government had been missed. The opportunity probably never did exist, since Smith throughout his whole career avoided similar appointments. On November 17 he may have let Gordon think he would accept, simply to end what must have been a tiresome interview, or Gordon may have exaggerated what actually happened in his letter to Brown on December 21, a long month after the event.⁴⁴

To Tilley the appointment of Ritchie was a windfall. He considered Ritchie, his former colleague, the best candidate, and probably would not have wished to be in the position to choose between Ritchie and Wilmot. It was not the appointment that was important to Tilley so much as the repercussions from it. A.R. Wetmore of Saint John, who had had an eye on the Court, suddenly discovered that he had seen the light on Confederation.⁴⁵

⁴⁴Brown Papers, Gordon to Brown, Private, Dec. 21, 1865. See Creighton, Road to Confederation, pp. 331-333, for another interpretation. Brown had visited New Brunswick and Nova Scotia in mid-November, at Gordon's request, and talked to Tilley, Smith, R.D. Wilmot, among others. He claimed to have arranged a meeting between Wilmot and Tilley. See J.M.S. Careless, Brown of the Globe, Vol. II, pp. 208 ff. It is difficult to determine what he accomplished, if anything.

⁴⁵Tilley Papers (PAC), E. Willis to Tilley, Dec. 4, 1865.

R.D. Wilmot took the occasion to be very upset about the failure of his cousin to be promoted, though he continued to sit on the Council. When Smith was appointed on January 1, 1866, to represent New Brunswick at the Reciprocity Conference in Washington, Wilmot threw up his hands in disgust and resigned.⁴⁶ He had represented New Brunswick at the earlier meeting in Montreal and believed he should have received the appointment. Wilmot, Anglin, Allen, Wetmore - the nucleus of the Anti party - had all fallen by the way, as Tilley had predicted.

Smith had been aware of his problem for some time, and late in November, perhaps when he recommended Ritchie to the Chief Justiceship, he had discussed the matter with Gordon, who informed Cardwell:

His mind is not yet fully made up but I am not at all certain that he will not declare himself a friend of union. Indeed at the end of a long conversation with me of several hours duration a few days ago, he discussed the means by which such a measure was to be carried, in a tone & spirit which led me to infer that he would finally determine to take a part in securing its adoption. Should he do so its success is at once assured.⁴⁷

Smith had arrived at that position while he was in England the previous summer, but with Anglin looking over his shoulder, he could not act. It had been decided to introduce a paragraph in the Speech from the Throne favourable to union. Should the Council refuse to comply, Gordon told

⁴⁶ New Brunswick Executive Council Minutes (NBPA), Feb. 17, 1866. Wilmot and Wetmore were the two leading "converts" to Confederation, and it served them well. In December, 1868, when negotiations were being carried out with the Nova Scotian Antis, Tilley wrote Tupper: "I cannot see how we can refrain from giving a portion of the patronage to the new allies, in fact treating them as we treat the men who abandoned the anti ranks in New Bk in 1866." Tilley Papers (PAC) Letter book, 1868-1871, Tilley to Tupper, Dec. 22, 1868.

⁴⁷ Stanmore Papers, Gordon to Cardwell, Confidential, Dec. 4, 1865.

Cardwell with a flourish, "the time will I think have arrived at which a change of government may be effected and a dissolution tried."⁴⁸ Gordon kept Tilley, Mitchell, Wilmot, and perhaps others informed of developments.

As soon as Smith left for Washington early in January, Tilley began to go to work in earnest, because there were indications that the turning point was at hand. It was not just that Smith had decided to support a union scheme. R.D. Wilmot had precipitated a crisis on January 4 by submitting his resignation. Gordon refused to accept that resignation, at least until Smith returned. His reason was that he had a scheme to form a new Council with R.D. Wilmot and Peter Mitchell temporarily in charge. Tilley would join them immediately.⁴⁹ Tilley was aware of this plan, and in anticipation of an election, had set out on a winter lecture tour. In Charlotte, for example, he spoke at St. Stephen one night, drove to St. Andrews the next day where, Gove promised, "our Church Ladies will have a tea meeting." The next day there was a large public lecture.⁵⁰ Day after day Tilley was on the platform, for as soon as Smith returned in mid-February he expected a tempest.

"We are on the eve of a crisis," he wrote Macdonald on February 13, and he sketched out the details. Smith's Council would crumble and a "provisional Government of 5 or 6 Members will be formed, to recommend Confederation in the speech." Tilley hoped for a majority in the present House, but was not especially optimistic. The next day Tilley wrote Rev. E. McLeod, the violently anti-Catholic editor of The Religious Intelligencer.

⁴⁸Ibid.

⁴⁹C.O. 188/145, Gordon to Cardwell, Confidential, Feb. 12, 1866.

⁵⁰Tilley Papers (PAC), Gove to Tilley, Jan. 25, 1866.

⁵¹Macdonald Papers, Vol. 51, Tilley to Macdonald, Feb. 13, 1866.

The letter is useful for the details it contains both on the confused state of the Council and on Tilley's relationship with the editor.

Fton.

Feb. 14, 1866

Rev & dear Sir,

I understand there is a Meeting of Council today, and I have reasons for suspecting that some questions will be submitted for their consideration, that will give them trouble, but the result will very much depend upon the action the Government may take. I think your best course is to state that rumours are afloat of dissatisfaction in the Government ranks, that may lead to a break up of the Administration.

I would merely state it as rumour, and say that it may turn out to be without foundation. This is the safest course, as the result depends upon their action in part.

I am confident that the Governor has decided upon aiding Confederation and that a crisis may be expected soon. I trust that it may come in the shape best calculated to serve Confederation.

You will have seen by the editorials in the "Freeman & Globe" that they look no longer upon the Governor as a friend.

There are some Fenian articles in the "Globe" worth copying. See Hynes speech in New York in the Globe last evening.

I will try to see you before I leave here on Saturday for St. Stephen.

Yours V Sincerely
S.L. Tilley

Rev E McLeod
Fton⁵²

This letter does indicate that Tilley was less confident than Gordon about the Governor's ability to handle Smith and the Council. Tilley knew that Wilmot was not an especially popular figure and that he did not have a very large following. Smith was in Fredericton to face the crisis as Tilley wrote the letter.

⁵²Tilley Papers (UNB), Tilley to McLeod, Feb. 14, 1866.

It is impossible to determine exactly what happened over the next few days, so contradictory were the statements and reports that were made later. What seems obvious was that Wilmot had absolutely no support in the Council; in fact, the Council in its minutes labelled him as misleading, untruthful and grasping.⁵³ Gordon seems to have been taken back by such a strong expression against Wilmot and so little support for him. He was given no option but to accept Wilmot's resignation and negotiate with Smith. After several days of meetings, Smith agreed to support a union scheme "provided one could be obtained upon fair and equitable terms," but he was opposed to the Quebec Scheme which "would build up one portion of the Confederacy at the expense of New Brunswick." A Joint Committee of both Houses was to be set up to investigate the matter. Smith insisted on a decentralized form of government, with safeguards to protect less populated regions against undue taxation.⁵⁴

Smith departed for Dorchester and Gordon left for Canada, each to make arrangements for reopening the matter of union. On March 3 Smith declared that there appeared to be no objections to the appointment of a Joint Committee, while Gordon had ascertained that Canada was willing to make some unspecified concessions. Finally, it was agreed that a statement not unfriendly to union would be inserted in the Speech from the Throne. Gordon wanted Smith to cooperate with some of the members of the opposition in the matter, but Smith, who was furious at Gordon for suggesting it,

⁵³New Brunswick Executive Council Minutes (NBPA), Feb. 17, 1866.

⁵⁴Journals, 1866, "Resignation of the Late Council," p. 217.

declared that "he could carry out his plans without any assistance from his political opponents."⁵⁵

The session opened on Thursday, March 8, with the last paragraph of the Speech intimating a union policy. The item was never aired in the House, for Charles Fisher moved an amendment to the fourth paragraph on March 12 on the peril from the Fenians that consumed the Assembly for four long weeks. Smith had consistently dismissed the Fenians as of no consequence. When the Morning Telegraph reported on March 1 that a New York source declared the Fenians would attack New Brunswick in mid-March, Smith's policy was treated as precarious.⁵⁶ Fisher made the best of it. What also became clear was that a number of the members of the Assembly who had supported Smith, were going to vote against him.

As the month of March dragged on, Gordon became increasingly more insistent that Smith bring in his union proposals, but Smith became increasingly more noncommittal. Tilley, who hovered about the corridors and balconies as the "forty-second member,"⁵⁷ was convinced the end was near and he was in frequent contact with Gordon over procedures.⁵⁸ Smith's supporters had dropped to about twenty-two, still a majority but not much more.⁵⁹ One or two more members would do it, then Confederation was assured. Fisher was accused of playing the party game, because he did not wish Smith to carry union, and that was certainly true. In

⁵⁵ Ibid., p. 218. The correspondence is both long and rancorous (pp. 202-232).

⁵⁶ Morning Telegraph, March 1 and March 20, 1866.

⁵⁷ George Stewart, Sir Leonard Tilley (Quebec, 1892), p. 328.

⁵⁸ Macdonald Papers, Vol. 51, Tilley to Macdonald, Private and Confidential, April 14, 1866.

⁵⁹ Journals, 1866, pp. 226-228.

February Fisher had written Macdonald that he feared Gordon would dissolve the present government, leaving them in "full control of the time and mode of holding the elections." No doubt Fisher was "playing Mr. Smith's game" by delaying, but that was the only way to wear down the Smith supporters, as Tilley told Macdonald.⁶⁰ The debate dragged into April.

The impatient Gordon could no longer stand the delay, and on Saturday, April 7, informed Smith that he would accept with pleasure a message from the Legislative Council in favour of Confederation. Smith quite rightly was upset, since he felt it the prerogative of the Executive Council to at least express an opinion. After a series of meetings, messages and missed encounters, Gordon accepted the message of the Legislative Council, leaving Smith and his Council no choice but to resign, which they did on the following Tuesday. Smith condemned Gordon for "prostituting the prerogative of the Crown" by his actions. Then he expressed a common New Brunswick opinion: "High birth and lofty position, a cocked hat and gold lace, did not make the man, and many a lowly garb and humble position covered up greater worth than is sometimes possessed by men in high and commanding positions."⁶¹

Tilley, who had suffered from a Governor's arbitrary hand ten years earlier, was of two minds over developments, though he planned to take advantage of the situation. He believed that "Smith and his colleagues were not sincere" in their union proposal and a change of government had

⁶⁰ Macdonald Papers, Vol. 51, Tilley to Macdonald, Private and Confidential, April 14, 1866; Fisher to Macdonald, Feb. 21, 1866. See Macdonald to Mitchell, April 10, 1866, in Joseph Pope (ed.), Correspondence of Sir John A. Macdonald (Toronto, 1921), p. 32.

⁶¹ Debates, 1866, p. 108, p. 119.

to take place to secure Confederation. For this reason he could justify Gordon's actions.⁶² What upset Tilley was that Gordon had failed to follow acceptable constitutional procedures in not giving Smith the opportunity to discuss the issue with his Council before the message was received. It was not the unconstitutionality that troubled Tilley especially, it was the implications. "Had the break-up occurred in any other way," he complained to Macdonald, "we could, without doubt, have put the Nova Scotia resolutions through this House, and have a majority to sustain the new Administration."⁶³ Tilley and some of his colleagues were convinced that a few more days would have produced the same result without the dangerous after effects. That would certainly have been a more desirable and less divisive outcome. An election now was unavoidable, and "upon less favourable ground than we would if the simple question of Confederation was at issue . . . though I think we can make a fair defence of him . . . our difficulties are increased by the Governor."⁶⁴

With Smith out of the way Gordon called on Wilmot and Tilley to form a government, but Tilley declined because he did not hold a seat in either branch of the Legislature. It fell to Mitchell and Wilmot to name the Executive, which was sworn in on Saturday, April 14. Tilley, Fisher and Macmillan returned to their old positions while Wilmot and Connell were without office. Mitchell was President of the Council and called himself Premier. Edward Williston, Smith's Surveyor General,

⁶²Macdonald Papers, Vol. 51, Tilley to Macdonald, Private and Confidential, April 14, 1866.

⁶³Ibid. For another opinion that Gordon's action was unnecessary see Tilley Papers (NBM), D.L. Hanington to Tilley, April 19, 1866.

⁶⁴Ibid.

retained his office. Premier "Herr von Bismarck Mitchell" and his fellow conspirators were assailed as "unconstitutional" and "irresponsible,"⁶⁵ and the vehemence of Smith and his followers was so extreme that the House was prorogued on Monday, April 14, with Smith's curses ringing in its ears.⁶⁶ On May 9 the House was dissolved, with returns to be in by June 20.

iii

Tilley's prediction that he would be back in power in about a year had been uncannily accurate. Imperial support and the disintegration of Smith's Council had both come about as expected. The third component of the reversal was now to be put to the test, the conversion of the electorate to Confederation or at least to Tilley's side, and as Tilley wrote Macdonald, "We have a hard fight before^{us}, but we must put it through."⁶⁷

As a practical politician, Tilley took as few chances as possible. He reminded Macdonald of the assistance that had been promised in Quebec the previous September, and he proposed a liaison in Portland between someone from New Brunswick and someone from Canada. "It will require some \$40,000 to \$50,000 to do the work in all the counties," he announced. "St. John, Charlotte, Westmorland, York & Kings will require about \$35,000, and must be covered." Rumours were about, he mentioned, that assistance for the Antis would be coming in from Nova Scotia and the United States,

⁶⁵ Daily Evening Globe, April 18, 1866, and C.O. 188/145, Gordon to Cardwell, April 14, 1866.

⁶⁶ Debates, April 16, p. 119.

⁶⁷ Macdonald Papers, Vol. 51, Tilley to Macdonald, Private and Confidential, April 14, 1866.

and if that were the case, it must be countered.⁶⁸ It is not known how much of the total the Canadians provided, perhaps half, as in the Fisher election, but they did scrape it together as best they could, and sent someone, probably Galt, to Portland to make the exchange.⁶⁹

The election of 1866 could not have been won without money, but by itself it merely fed and warmed the claimants. It had to be combined with other factors. Had Tilley wished to create an accomplice that would swing the doubtful voters to his side, he could not have improved on the Fenian Movement. During Smith's last days in office the Fenians were reported in Portland, Maine, and two British warships, the Pylades and the Niger, were despatched to New Brunswick waters and the militia was called out. The invasion took place at midnight on Saturday, April 14, when five Fenians occupied Indian Island near the mouth of the St. Croix, terrorized a custom's official, and disappeared with a British flag. Two days later a Fenian circular was issued in Saint John which condemned Confederation and offered freedom to New Brunswick. Within the next week the British and Americans reinforced their positions, as feelings on both sides of the border rose. By April 26 the affair was over and the Fenians headed for Canada.⁷⁰

Tilley realized the advantages to be gained from this Fenian threat immediately. In his first public speech on April 23 after returning

⁶⁸ Ibid., see letters on April 17 and April 20, 1866.

⁶⁹ Macdonald Papers, Vol. 51, Galt to Macdonald, Cable, April 27, 1866: "I shall go."

⁷⁰ For details see Waite, Life and Times of Confederation, Chapter XIV, and H.A. Davis, "The Fenian Raid on New Brunswick," Canadian Historical Review, XXXVI, 4 (Dec. 1955).

to office Tilley reminded his audience of the dangers they had faced:

The first few hours after I was sworn in were some of the most trying I ever experienced, knowing the position of affairs, and the despatches which were constantly being received of the gathering bands on the frontier. But the presence of English war ships and English soldiers have tended greatly to alleviate any serious apprehensions which might have been entertained.⁷¹

The Antis were never able to shake off the charges that they had failed to take proper measures for the defense of the province and that the Fenians were assisting them. "When they [the Fenians] came and said they were prepared to assist the antis in preventing Confederation," Tilley observed later, "the feeling in favour of Union at once became more general, for the people saw that in that alone was safety."⁷² Tilley made certain in Charlotte, where the incursion had actually taken place and which had voted so decisively against Confederation in 1865, that the local volunteer militia was able to play a prominent and continuing role.⁷³ The overall effect of the excitement in April was that supporters of Confederation began to appear everywhere. "The only fear is that we shall have too many," Tilley was informed. "There are some persons that we do not want and would be sorry to have with us."⁷⁴

An unavoidable extension of the Fenian excitement was the impetus it gave to the religious animosity that pervaded the election. In one of

⁷¹"Great Mass Meeting at the Mechanics' Institute, Monday, April 23, 1866," published as a supplement to Morning Telegraph, April 28, 1866.

⁷²Debates, 1867, pp. 124-125.

⁷³Stanmore Papers, Tilley to Gordon, April 30, 1866. There had been a plan to replace the St. Andrews Volunteers with the St. John Volunteers. Tilley was in St. Andrews and may have slipped down to Portland to see Galt. It would have been impossible for him to have taken the boat from Saint John without being observed. It was about May 1 that the liaison took place.

⁷⁴Tilley Papers (NBM), D.C. Perkins to Tilley, April 26, 1866.

his first speeches in Ottawa Smith charged that the 1866 "election was carried by a no-Popery Cry raised by the Minister of Customs [Tilley]." ⁷⁵ He was shouted down before he could continue, but the point was made. The religious feelings of the time were unbounded. The Baptist Christian Visitor listed those for and against Confederation. The opponents included all annexationists, all Fenians, nearly all Irish and French Roman Catholics, and all those who wished to destroy the British Empire. Among the list of supporters were the British Government, the Queen, the leading statesmen of both British parties, seven-eighths of all Protestant ministers, and the editors of all religious papers and all but three or four secular papers. ⁷⁶ Bishop Rogers of Newcastle and Bishop Connolly of Halifax, both strong supporters of Confederation, did everything they could to disprove the allegations, but such efforts were twisted into additional reasons for distrust. "The Catholic Church usually has a pretty keen idea of what is to its advantage," suggested the Daily Evening Globe, "and, no doubt, has very good reasons for its support of Confederation." ⁷⁷

Smith fought a valiant battle, and it is to his credit that he rejected all appeals based on bigotry and intolerance, but in 1866 Smith had nothing to offer except that he was fighting for the rights of New Brunswick against an arbitrary and unconstitutional Governor, and few seemed to care. The somewhat miserable record of his government, especially in regard to the Fenians, and the disintegration of his Council

⁷⁵ Canada, House of Commons, Debates, 1867-1868, Nov. 14, 1867, p. 78.

⁷⁶ Reported in the Daily Evening Globe, March 3, 1866.

⁷⁷ Daily Evening Globe, May 1, May 2, 1866.

stood for all to see. He could not promise Western Extension, or a reciprocity treaty, nor could he oppose a union scheme, since the Speech from the Throne had supported one.

Tilley and the Confederates were in complete control in that 1866 election. Their offer was "Union or disunion,"⁷⁸ and Smith had provided enough of the latter. Tilley painted Confederation and its advantages in such glowing colours that people began to wonder what they had been so concerned about the year before. It was nonsense to talk about higher taxes or domination. This was "The Turning Point in Our History," "The Inevitable Destiny of the Province."⁷⁹ The ticklish problem of the route of the Intercolonial was solved with a statement that pleased almost everyone. "I am in favour of the Southern route," Tilley assured his listeners, "failing that, the Central route, but rather than not have the Railway, I will go for any line that can be built with three million sterling."⁸⁰ As far as Western Extension was concerned, the abrogation of the reciprocity treaty and the Fenian threat had cooled that passion for the time being. On the eve of the election Tilley was given two additional advantages in his own constituency. A "Keep Tilley Out" campaign was exploited to his advantage, and a rumour spread about that Tilley's life had been threatened, which gave him a painless form of martyrdom.⁸¹

⁷⁸ Quoting Tilley in the Morning Telegraph, April 23, 1866.

⁷⁹ From a series in the Morning News, May 16, May 21, May 25, 1866.

⁸⁰ Quoted in the Morning Telegraph, May 26, 1866.

⁸¹ Morning News, May 30, 1866, and Tilley Papers (NBM), W. E. Estey to Tilley, June 4, 1866.

In that election of 1866 the Confederates made no mistakes. The first elections were in the safe seats - Northumberland, Carleton, Albert, Restigouche and Sunbury. By June 1, when York went to the polls, the Confederates had twelve seats, the Antis had two. As the voting was about to begin in the difficult counties, the Fenians made one last contribution to the cause. They invaded Canada at Niagara on the night of May 31. British territory was occupied with casualties on both sides. In New Brunswick the Confederates swept most of the remainder of the seats. They captured all four St. John County positions. When the voting took place in the city on June 7 the Confederates already had a majority, twenty-four to six. Tilley's personal victory was guaranteed. He received 1761 votes, fifty-eight more than A.R. Wetmore, and 726 more than the nearest Anti.⁸² Never before had anyone received such a majority in Saint John. When the final results were tabulated for the province, there were thirty-three supporters of Confederation elected and eight opponents, including Smith. "The loyal Protestant and British sentiment which has been so nobly declared at the polls," concluded the Religious Intelligencer, "will raise this Province in the eyes of England."⁸³

Tilley had predicted the reversal, as he frequently reminded people. The victory was all that he could have wished. Like P. Stevens Hamilton, he^{was} "almost intoxicated with the delight" of a Confederation victory.⁸⁴ It had been the losses in the southern St. John River valley that had spelled defeat in 1865. As a result of twelve months of labour,

⁸² Morning Telegraph, June 14, 1866.

⁸³ Quoted in the Morning Telegraph, June 16, 1866.

⁸⁴ Tilley Papers (NBM), Hamilton to Tilley, June 15, 1866.

all opposition in York, Charlotte and St. John had been swept away, fourteen seats gained, and he would need those seats to remind Peter Mitchell where Confederation had been won. "Bravo! Bravo!! Well done for St. John," an excited Jonathan McCully wrote Tilley. "All the Saints in the Calendar must have been on your side, this time." "Do you remember how you skeltoned out this campaign last summer on your way to England in my office?" he enquired. It had all come to pass, but on "a scale no sane man dare then to have dreamed of. What an earthquake! What an upheaval!"⁸⁵

While Tilley was still enjoying the spectacle of his "upheaval" McCully reminded him that the election had been only one more step up the ladder. The next one must be taken immediately, while the Imperial Parliament was still in session. If it were not, Tupper's majority in the Nova Scotia Assembly "will be scattered to the four winds" by the election due by May, 1867, and Confederation would be delayed indefinitely.⁸⁶ That Nova Scotia situation added a touch of frenzy to the next six weeks. McCully and Tilley had been Liberal friends since the Joe Howe days, and both had made the break with Howe over the Union issue. In a way, McCully filled the Nova Scotia vacuum created by the loss of Howe. Tupper was just another Conservative whom neither much liked, but that was of no consequence in the summer of 1866. The union scheme was still in danger.

⁸⁵Ibid., McCully to Tilley, June 8, 1866.

⁸⁶Ibid.

The Nova Scotians had done their part to assist New Brunswick by getting their Confederation resolutions through the Assembly on April 8, when New Brunswick needed a boost; it was now New Brunswick's turn. Tupper wanted to sail for England by July 1. Haste was essential.⁸⁷

On Thursday, June 21, the day after the final election results were submitted, the House was called together. The Speech was short and deliberate. Union with Nova Scotia and Canada would be pursued. Mention was also made of changes in the revenue bill that would be required by the ending of reciprocity, and of the heavy drain on the revenue that had been necessary to defend the province against the Fenians.

It is difficult to say whether Smith or Tilley dominated the session. Both made long, highly personal, somewhat emotional speeches on Confederation, the main subject of debate. The New Brunswick resolution was general, calling for the Lieutenant Governor to appoint delegates to arrange a British North American Union on suitable terms, including the Intercolonial railway.⁸⁸ Smith criticized the lack of details in the resolution as well as the principles of the Quebec Resolutions. He also moved an amendment that would have required the final proposals to be submitted to the Legislature or the people for ratification.⁸⁹

Tilley followed Smith and spoke almost continuously for a day and a half. Somewhat uncharacteristically he began with a vicious attack on

⁸⁷ Tilley Papers (PAC), Tupper to Tilley, June 17, 1866.

⁸⁸ Debates, 1866, Second Session, June 26, p. 20.

⁸⁹ Ibid., p. 29.

Smith, for which he apologized to the House. Then he turned on Joseph Howe, and exposed his inconsistencies, in the manner that McCully had pioneered in Nova Scotia. With the two antagonists taken care of, he presented some details on the evolution of the union idea, and then examined the financial ramifications. Of special interest was that the general government would be assuming the grants for 190 miles of railway to be built under the Facility Act. His conclusion was moving:

We shall all be bound together, so that if you touch the smallest member of the body the heart will feel the throb, and send forth its power to protect it. We look with ardent hope for the establishment of this glorious Empire, whose greatness shall be measured only by comparison, and who in a few short years shall rival the parent stem from which it springs.⁹⁰

On Saturday, June 30, the Smith amendment was defeated thirty to eight, and the Confederation resolution was passed thirty to eight.⁹¹

Before the House was prorogued Smith made one last attempt to protect the autonomy of New Brunswick by moving eight resolutions that would have guaranteed equal representation for provinces in the Senate, a cabinet member for each Maritime province, and would have modified representation by population as the basis of distribution for the House of Commons. In addition, he wanted a Supreme Court to settle inter-governmental problems, an equitable taxation and grant structure, and the "commencement of the Intercolonial Railway before the right shall exist to increase taxation." Unfortunately for Smith, he no longer had any influence. His resolution was defeated thirty to eight.⁹²

⁹⁰Ibid., June 29, p. 40.

⁹¹Ibid., June 3, p. 57.

⁹²Ibid., July 3, p. 69.

It was July, after all, and everyone wanted to escape the heat of Fredericton. Tilley's budget speech on July 2 was embarrassingly short. A \$70,000 deficit was explained away in a paragraph or two. A new revenue bill that filled the holes left by the reciprocity treaty was rushed through the House. When the correspondence in connection with the appointment of Ritchie and the resignation of the late government was introduced on July 7, Tilley and Smith again exchanged insults. Two days later the House was prorogued. On July 19, less than one month after the final New Brunswick election results were submitted, the Maritime delegates boarded the Africa and were on their way to England.

iv

That the departure was premature practically everyone agreed. Gordon told Tilley on July 10 that it would be a waste of time. Monck considered it "ridiculous" under existing circumstances with the Fenians threatening the Canadian border and the British in the process of finding a new government.⁹³ On July 11 Tilley asked Tupper by cable if "changes in England led you to conclude that delegation should be delayed or do you send your delegates nineteenth[?] We can be ready to act with you in either case."⁹⁴ Tilley was prepared to follow Tupper's lead in this matter because the Nova Scotian had made the arrangements on a visit to Canada late in June. Tupper replied to Tilley immediately: "Must not delay on any account," and he informed Macdonald the Maritime delegates

⁹³Tilley Papers (PAC), Gordon to Tilley, July 10, 1866.

⁹⁴Tupper Papers, Tilley to Tupper, Telegram, July 11, 1866.

were leaving on July 19 as planned.⁹⁵ Macdonald, Monck and Gordon all attempted to dissuade the Maritimers from leaving. It was "great folly to go under the circumstances" Gordon cabled Tilley as the ship was about to leave.⁹⁶ Monck refused to let the Canadians depart without specific instructions from the Colonial Office. Closing their eyes to any reasoning and all problems but their own, Tilley and Tupper boarded the Africa as planned. The Canadians could follow their lead on this occasion.

It was Friday evening, July 28, that the Maritime delegates arrived in Liverpool. The excitement that filled the air that day had nothing to do with their arrival, however, for the Atlantic cable had been completed successfully just the day before. In one sense, North America had preceded them to England. On Monday they had an appointment with Cardwell and learned that the Canadians had not left, but that was merely a minor inconvenience. "The Colonial Secretary has telegraphed the Canadians to come over without delay," Tilley wrote Abner McClelan, "that is if they have not left previous to the despatch reaching Canada. This will detain us 10 days or a fortnight but we hope to make short work of it after they arrive. The Members of the House of Lords & of the House of Commons are all but unanimous upon the question."⁹⁷ Within ten days Tilley learned that the Canadians had not left and might not embark for months. He vented his wrath in an August 9 letter to Galt, the Canadian with whom he had established the closest relationship over the past year. He could

⁹⁵ Tilley Papers (PAC), Tupper to Tilley, Telegram, July 11, 1866; Macdonald Papers, Vol. 51. Tupper to Macdonald, Telegram, July 14, 1866.

⁹⁶ Ibid., Gordon to Tilley, Telegram, July 19, 1866.

⁹⁷ Webster Collection, A.R. McClelan Correspondence (NBM), Tilley to McClelan, Aug. 3, 1866.

not believe the Canadians would be so "discourteous to the delegates"⁹⁸ as to postpone their departure, possibly until November. They should leave for England immediately.

Tilley felt justified in delivering this rebuke, even though he had been warned the Canadians would be late arriving. The delegates had come to London on the invitation of the Colonial Office and had found Lord Carnarvon, the new Secretary, waiting with a bill that might have been adequate. Without the Canadians, however, nothing could be done, and the Imperial Parliament was prorogued on August 10. The Canadian lack of cooperation and insensibility to the Maritime dilemma would make matters much worse before they would start improving.

Tilley's departure had been premature for other reasons as well. He had left his Secretaryship with such haste that a number of matters remained to be settled. Ever reliable Robert Fulton stood in the breach as he had so many times before, and it was especially important on this occasion. Charles Connell was in the Provincial Secretary's chair almost before Tilley was out of sight. "Is such your instruction?" Fulton asked Tilley in desperation. "If you think it necessary give me any one but him."⁹⁹ That certainly had not been Tilley's intention. Abner McClelan was the best man in the rump that remained, since Mitchell, Fisher, J.M. Johnson and R.D. Wilmot were in England with Tilley. The absence of Chandler and Gray from the New Brunswick delegation left a huge gap in the quality of the contingent, but they, apparently, had not earned the privilege of participating in this last conference. While he waited for

⁹⁸ Macdonald Papers, Vol. 51, Tilley to Galt, Aug. 9, 1866.

⁹⁹ Tilley Papers (PAC), R. Fulton to Tilley, Telegram to Halifax, July 17, 1866.

the Canadians, Tilley kept up a steady correspondence with McClelan. There was a moderately serious problem at home. Governor Gordon was spending his last days in New Brunswick in the middle of one last controversy. Joseph Lawrence was at the centre of it with him.

Robert Jardine had resigned as chief railway commissioner on March 24, 1865. Joseph Lawrence was appointed to replace him after some time, and reportedly did an adequate job. He claimed to have disassociated himself from political involvement.¹⁰⁰ The 1866 election was barely over before the head of Lawrence was demanded by the victorious. He became a symbol of the opposition to both Tilley and Confederation in Saint John. W. H. Tuck, the leading St. John party organizer, insisted upon Lawrence's removal. "The feeling here is general that Lawrence must be removed," he informed Tilley. "I know your view and mine entirely coincide upon the subject."¹⁰¹ R.D. Wilmot fought to retain Lawrence, but one of the last acts Tilley undertook before leaving for England was to inform Gordon that the Council had decided to remove Lawrence.¹⁰²

The problem with this was that Gordon felt slighted and ignored. He was, according to Fulton, "sore because he was not consulted in the matter by a single member of Council." Behind it all, however, was the departure of the delegates against his express wishes.¹⁰³ He told

¹⁰⁰ Lawrence, "Reminiscences" (NBM).

¹⁰¹ Tilley Papers (PAC), Tuck to Tilley, July 13, 1866, but see letters on July 8 and July 12.

¹⁰² Ibid., Tilley to Gordon, July 17, 1866. The following is in the Tilley Papers (NBM), Anna Bloomfell Lawrence (Mrs. Joseph) to Tilley, July 27, 1866. She begged Tilley to let her husband keep his job. "May I ask you as a friend not only of my early married days, but also through these latter years of sorrow and conflict to permit him to do so."

¹⁰³ Tilley Papers (NBM), Fulton to Tilley, July 30, 1866.

McClelan they "can go to Constantinople if they desire" for all the good they would do.¹⁰⁴ In that frame of mind Gordon refused to approve the recommendation of his Council. A special session of the Council was called for August 10 to settle the issue, but before a solution was reached, Connell left the meeting, breaking quorum, and Gordon went fishing. Gordon must "go and go at once"¹⁰⁵ McClelan wrote angrily, and Connell was causing "trouble in the camp." Finally, Gordon returned, and in one of his very last acts before leaving for Trinidad, assented to the removal of Lawrence. "The last political decapitation, in New Brunswick at the hand of a Governor, appointed by the Sovereign was J.W. Lawrence," the victim wrote sorrowfully in his "Reminiscences."¹⁰⁶ Tilley's epitaph on Gordon's departure may also have been in sorrow: "I pity the people where he is going."¹⁰⁷

By cable and by letter Tilley had been informed of the New Brunswick problems, and they contributed to his discontent with matters in general. The damp October days had arrived, and still the Canadians remained at home. When Tilley's ugly letter of August 9 was delivered to Galt, he became furious. After all, the Maritimers had brought their predicament on themselves, and they seemed totally unconcerned that Canada had to defend herself against those very same Fenians that had threatened New Brunswick. Had Tupper written the letter, Galt could have

¹⁰⁴ Ibid., McClelan to Tilley, July 30, 1866.

¹⁰⁵ Ibid., Sept. 4, 1866.

¹⁰⁶ Lawrence, "Reminiscences."

¹⁰⁷ Webster Collection, A.R. McClelan Correspondence (NBM), Tilley to McClelan [fall, 1866].

understood, but Tilley! "He owes everything to us," Galt told Macdonald.¹⁰⁸ He was prepared to let Nova Scotia go to the devil and make other arrangements. Galt sent Tilley's letter to Macdonald along with a nasty reply, since it was obvious that Tilley had meant the letter for the Canadian Council. It was six weeks before Macdonald bothered to take up the matter. In the meantime, Tilley and the other delegates in England occupied themselves as best they could. With Premier J.C.Pope of Prince Edward Island in England at the time, they made an arrangement for a grant of \$800,000 for the purchase of the property of the absentee landlords, if Prince Edward Island would attend the Conference. Tupper, all the while, carried on a public debate with Joseph Howe, who was in London to prevent Confederation. Tilley attended a number of Temperance functions and he also had his son Harrison with him for a good part of the time.¹⁰⁹ By the beginning of October, however, the waiting and the delay had taken their toll and abandonment seemed unavoidable. Finally, on October 18, they were informed that the Canadians were to leave on November 7, but that meant the meetings could not begin for at least a month. Two or three days later Tilley received a fat letter from Macdonald, with Galt's reply to Tilley's missive of August 9 enclosed.

Macdonald told Tilley in no uncertain words that Canada had acted correctly from the beginning; in fact, Canada was the only province that had carried out its side of the bargain. The "compact was broken

¹⁰⁸ Macdonald Papers, Vol. 51, Galt to Macdonald, Aug. 31, 1866, enclosing his reply to Tilley.

¹⁰⁹ Tilley Papers (NBM), Harrison Tilley to S.L. Tilley, Oct. 23, 1866.

not by us but by you. The failure in the Maritime Provinces caused Canada the greatest embarrassment." Macdonald then traced the developments of the previous year or so from a Canadian perspective, including the unwise departure of the Maritime delegation in July. All of that was now water under the bridge, however, because the Canadians would arrive in November with Monck, who would be "the solvent" to effect smooth inter-government relations and help solve problems, especially in those areas where the Maritimes wanted changes. Finally, Macdonald stressed that it would have been most unwise to have arrived at a final arrangement too early before the Imperial Parliament approved it, since the enemies of the movement might have time to organize against it.¹¹⁰

Though Tilley could see the reasoning behind Macdonald's arguments, he was stung by the total lack of appreciation it revealed for the Maritime position, Tilley's in particular. New Brunswick had not asked for Confederation. It was a Canadian scheme. Macdonald had no right to be paternal about it, almost intolerant. Galt's letter was even worse in one respect for he stated "I did not expect that after what the Canadian Govt had done you would have written me as you have."¹¹¹ Was Galt suggesting that they had bought Tilley?

He decided to resign. Perhaps it was an impulsive gesture, for he had been hurt by the letters and the attitude of the Canadians. After three months waiting for them it was not the sort of communication Tilley

¹¹⁰Tilley Papers (PAC), Macdonald to Tilley, Oct. 8, 1866.

¹¹¹Ibid., Galt to Tilley, Aug. 31, 1866.

expected. Edward Watkin, to whom Tilley confided his decision, wrote him immediately and quite sensibly told him that he could not possibly desert "the child of Confederation" while it was still in the cradle. Besides, he had to stay in politics. "Neither you nor I were made for another life."¹¹² Watkin was right, of course. He could not resign. Macdonald's letter had mentioned something about modifications that attracted him. That must mean the changes that New Brunswick wanted. On November 9 he wrote confidently to Rev. MacLeod that the Canadians were on their way and the "prospects of a fair concession being made to the Maritime Provinces are very good. I think they will give us nearly all we want. . . . By July next I hope to have all our Railways in progress and Confederation a fixed fact. Employment for our People, and a future for our Country."¹¹³

v

The delegates assembled for the first of their formal meetings on December 4 at the Westminster Palace Hotel, the residence of the Canadian delegation.¹¹⁴ Whether by design or through an unfortunate oversight the isolation between the Canadians and the Maritimers was exaggerated at the beginning by the latter having accommodations at the Alexandra Hotel, many long blocks away. That physical separation may, however, have contributed to the gradual rapprochement that took place over the next three weeks.

¹¹²Tilley Papers (NBM), E. Watkin to Tilley, Oct. 26, 1866, in reply to a letter from Tilley.

¹¹³Tilley Papers (UNB), Tilley to McLeod, Nov. 9, 1866.

¹¹⁴No attempt is made here to examine the details of the London Conference. The best account is to be found in Creighton, Road to Confederation, Chapt. 14, though some useful material is to be found in W.L. Morton, The Critical Years: The Union of British North America, 1857-1863, (Toronto, 1964), Chapt. 11.

By Christmas day they had settled all their problems. Within two months the bill was on its way to the Imperial Parliament.

As at Charlottetown and Quebec, Tilley was not prominent among the speakers. Fisher, who talked too much, and Mitchell, who appeared bombastic, were loud in their defense of the New Brunswick position. Hector Langevin surveyed the lot and decided that Tilley was "one of the most distinguished men of the Maritimes." He was "a deft trimmer, clever and adroit."¹¹⁵ Tilley was not in London to be convinced of anything, but he was there, as he reminded the Conference, to obtain the best terms possible for New Brunswick, and that included the Intercolonial railway. Like a hawk he watched for changes in the Quebec scheme. A proposal that might have changed the balance in the Upper House raised his ire. "Our protection is now settled," he declared. The creation of new members by the Crown would cause problems. "What is the Crown?" he asked. "The Government of the day."¹¹⁶

Tilley's primary concern at London was not with the constitution. It was in the debate over the grant structure that the description of "deft trimmer" was most appropriate. Perhaps it was his long experience, or the force of his argument, or the use of his statistics, but at Quebec the New Brunswick debt allowance had been set at \$7,000,000 or \$27.77 per capita, while Nova Scotia received only \$8,000,000 or \$24.17 per capita and Canada received \$62,500,000 or \$24.92 per capita. The European and

¹¹⁵ Quoted in Morton, *The Critical Years*, p. 207.

¹¹⁶ Quoted in Browne, Documents on the Confederation of British North America, p. 211.

North American Railway had obviously paid a very high dividend. At London Tilley was equally adept in presenting New Brunswick's position. The eighty cents per capita subsidy could not be changed, nor could the grants in support of government, by which Ontario was to receive \$80,000 per year, Quebec \$70,000 per year, Nova Scotia \$60,000 per year and New Brunswick \$50,000 per year. It was at this point that Tilley pressed New Brunswick's special needs. In one of the strangest decisions made at London, New Brunswick was given a special grant of \$63,000 per year for ten years, because Tilley had convinced the delegates that his province could not possibly meet its expenditures without it.¹¹⁷

When Nova Scotia demanded Better Terms in 1868, there was more than a little justice to its claim that it had not done as well as some others. Whether the special grant should be considered a Tilley victory or not could be the subject of debate because he opened the way to decades of arguments and bitterness over subsidies and tax sharing. In the short run, no one could deny that he had done well for New Brunswick. It was done in Tilley's style. He moved from limited objective to limited objective.

By far the most dangerous proposal to arise at London from Tilley's point of view was not over the financial arrangements; it was over the attempt to impose denominational schools on the Maritimes. Separate school systems were to be guaranteed in Canada, and Bishop Connolly of Halifax hovered about the London Conference demanding similar rights for Maritime Catholics. Galt's amendment to the forty-third clause of the Quebec Resolutions, which guaranteed separate schools where they

¹¹⁷ See Browne, Documents on the Confederation of British North America, p. 228. The most useful general study on the matter of fiscal arrangements is J. Harvey Perry, Taxes, Tariffs & Subsidies, Vol.1 (Toronto, 1955).

existed, and permitted local legislatures to adopt them in the future, was the best Connolly could get.¹¹⁸ The explanation of what happened is included in a circular issued by Bishop Rogers of Newcastle on January 6, 1874.

It was thought that this [separate school guarantee] could only be done by transferring the question of education to that of the general parliament of the Dominion; and to this the two delegates from the Province of Quebec objected, invoking the diplomatic aid of the French Government to maintain the French Canadians in all the rights and privileges guaranteed them at the capitulation of Quebec and confirmed by subsequent treaty between England and France.¹¹⁹

Though questions might be raised about Roger's details, it seems clear that the Quebec delegates refused to assist Connolly.

Those same Quebec delegates were Tilley's essential allies in this matter. He would probably have withdrawn from the Conference rather than accept separate schools for New Brunswick. His position on them was a matter of public record. What was equally important was that a mass movement for a non-sectarian school system was just beginning to swell in New Brunswick. The Confederation election of 1866, with its extreme Protestant-Roman Catholic cleavage, set the stage for a ten-year battle over the school question. Tilley could not have accepted any compromise in the matter. On January 4, 1867, he hastened to inform Rev. McLeod of the Religious Intelligencer, that "Denominational schools can only be established in Nova Scotia and New Brunswick by the vote of the Local Legislature, but for Canada we have allowed their delegates to arrange matters to suit themselves."¹²⁰

¹¹⁸Ibid., p. 207, p. 216.

¹¹⁹Quoted in Peter M. Toner, "The New Brunswick Separate Schools Issue: 1864-1876," M.A. Thesis, University of New Brunswick, 1967, p. 27.

¹²⁰Tilley Papers (UNB), Tilley to McLeod, Private and Confidential, Jan 4, 1867.

There is one other item about the London Conference that must be touched upon. Tilley is reputed to have suggested the word Dominion for the nomenclature. The only evidence to substantiate what has become an accepted interpretation is a letter from L.P.D. Tilley, S.L. Tilley's son, written on June 28, 1917.¹²¹ His father frequently told the story of how he had been reading the 72nd Psalm on the morning on which there was division over the issue. Verse 8 came to his mind and he recommended it: "His dominion shall be also from the one sea to the other." No contemporary records substantiate this story, but no other claimant has arisen. In view of Tilley's well known religious predilections, the story is certainly believable. It has, at any rate, become a part of Canadian mythology. As myths about Founders go, it is worthy of perpetuation.

Tilley and most of the other delegates remained in England to follow Confederation over its final hurdles. There was always the danger of another setback, as Tilley well knew. Early in March the possibility of the disintegration of the British government created some apprehension, but on March 8 the bill received its third and final reading. Tilley was shortly on his way back to New Brunswick, though he did make one final appearance at a Temperance reception on March 11. The China churned across the Atlantic and deposited Tilley at Halifax on March 26. He hurried to his children, whom he had not seen for eight months, Harrison excepted.

¹²¹Tilley Papers (PAC), L.P.D. Tilley to G.S. Holmstead, June 28, 1917.

Judging from the receptions given Tilley in both Saint John and Fredericton on March 29 and April 1 respectively, many in New Brunswick were pleased to see him back home. He must have been touched by the warmth of the greetings, for there was not much doubt about their sincerity. The success of the London negotiations was only part of it. There was relief that the issue of union was settled once and for all after two and one half years of uncertainty. Tilley's struggle for Confederation could not be matched by any of the other leaders. He had returned from a humiliating defeat to carry his province triumphantly into the union. New Brunswick, after another "sober second thought," would follow Tilley to what he called the "destiny of this country."¹²²

¹²²Quoted in the Morning Telegraph, Aug. 10, 1864, from Tilley's speech to the visiting Canadians on Aug. 9, 1864. New Brunswick's first "sober second thought" was in 1857. See the New Brunswick Reporter, May 22, 1857.

VII

"Tilley dances whilst New Brunswick weeps"

1867-1870

It was well before dawn in Saint John on July 1, 1867, but the city was wide awake. At 4 A.M. the local artillery unit had fired a twenty-one gun salute to commemorate the birth of the new Dominion. There were two more twenty-one gun salutes from separate locations at 6 A.M. A fourth at noon was probably enough salutes for everyone. In the meantime there had been prayers, parades, speeches, and "such a rough Donnybrook" in the Irish district that "several of the paddy were obliged to return to their homes to have their heads bandaged." Flags and bunting were erected in a display of "true, honest, zealous and unyielding patriotism and loyalty," though old Dr. Livingston insisted on flying his flag at half mast in defiance of the general trend. Some volunteers raised the flag to the top against the wishes of the good doctor, and shortly afterwards it disappeared completely.¹

That there would be a mixed reception to the new nation in New Brunswick, especially Saint John, was to be expected. The Morning Freeman insisted on proclaiming the death of "THE PROVINCE OF NEW BRUNSWICK in the 83rd year of its age." In the funeral procession was

¹Morning Telegraph, July 3, 1867.

the "Provincial Secretary smiling, dressed up in his fancy suit, sword reversed, followed by the Editor of the [Morning] News dressed as a 'Fenian,' carrying Mr. Tilley's cocked hat." A.R. Wetmore's two little boys brought up the rear singing a "mournful dirge":

I have no country now,
Mr. Tilley sold my Country,
Tow, Row, Row.²

On balance, the image of a birth or a marriage was preferred to that of death by the reporters, although one celebrated the timely "burial of each and all of these hitherto divided provinces."³

i

Tilley was not in New Brunswick on July 1; he had gone to Ottawa in mid-June to assist in the setting up of the general government. Everyone knew he would be a federal cabinet minister, but the selection of a second New Brunswick representative was more difficult. "I leave to you to select an associate from New Brunswick," Macdonald had written Tilley in May. "Is it to be Mitchell, Fisher, Wilmot, or who? Make up your mind and bring him with you."⁴ Tilley rejected Wilmot outright, and decided that Fisher, "the Master of the Rolls is broken down, unfit for service."⁵ He wanted a position on the Bench. That left Mitchell, and though Tilley did not in particular want Mitchell, he did give the North Shore representation, which had some political advantages. Tilley and Mitchell did agree on one essential point, and that was that the government of

²Morning Freeman, June 15, 1867.

³Morning Telegraph, July 3, 1867.

⁴Macdonald Papers (Vol. 51), Macdonald to Tilley, Confidential, May 30, 1867.

⁵Ibid., Tilley to Macdonald, Private, June 5, 1867, but see Macdonald Papers, Letter Book 10, Macdonald to Tilley, Confidential, June 1, 1867, where it is made clear that Mitchell should be chosen.

Canada be a coalition of Confederates, whether Liberals or Conservatives. George Brown had been pressing for distinct party alignment, but with little success in New Brunswick. "We have been taking the ground in New Bk," Tilley informed Macdonald, that "Confederates and Confederates alone should be elected as Reps to the General Parliament, irrespective of party and we will fight it out upon that line."⁶ He thought his prospects good.

When Tilley and Mitchell arrived in Ottawa they found the Canadians in the midst of a dreadful fight over cabinet positions, with Macdonald, according to Galt, "in a constant state of partial intoxication."⁷ The Ontario Reformers demanded three positions, and were on the verge of withdrawing from the Coalition. It was on Saturday, June 23, that a final split seemed likely, with Tilley and the other Maritimers attempting to conciliate. "The only people who have really been without reproach are the gentlemen from the Lower Provinces," Galt wrote his wife, "who have done all in their power to reconcile matters." The Reformers had rejected a final proposition that Saturday, but Tilley asked them to reconsider and wait until Monday.⁸ The problem with Quebec representation was equally difficult, and it was solved only after Charles Tupper and D'Arcy McGee both stepped aside in a last minute compromise. Edward Kenny, a Nova Scotian Roman Catholic, was, as a consequence, given a place in the history books.

The other matter to be settled was the distribution of specific offices. Tilley had a strong claim on finance because of his long

⁶Ibid., Tilley to Macdonald, May 6, 1867.

⁷Galt Papers, Galt to his wife, June 23, 1867.

⁸Ibid.

experience and his role in the Confederation movement. Throughout the early part of 1867 there was some speculation that he might receive such an appointment. In April, for example, the Montreal Daily News carried an eulogistic article on him and suggested he would make a worthy Minister of Finance. As late as June 28 the New Brunswick Reporter considered his claim reasonable.⁹ It is doubtful, however, if Macdonald gave Tilley more than a fleeting moment as Minister of Finance. The position was far too important to entrust to one of those strangers from the Maritimes. It was a Canadian office by its very nature, and he needed it badly to satisfy the multitude of demands from the factions in Ontario and Quebec. Galt was the obvious choice. Tilley could have Customs. When the Canadian customs administration and tariff rates were imposed in the near future, it would be well to have a Maritimer as a buffer when the criticism began.

That first Canadian cabinet assembled in the Privy Council Chamber to be sworn in on July 1. As Prime Minister, Minister of Justice and Attorney General, John A. Macdonald was the first to be sworn in. Cartier, Minister of Militia and Defence was second, and Tilley, Minister of Customs, was third. The others followed in their turn. Once that matter was disposed of, Governor General Monck announced the honours list. Cartier, Galt, Tilley, Tupper, Howland and McDougall were all named Companions of the Bath, a respectable title indeed for the son of a poor New Brunswick shop keeper. Macdonald, however, was named a Knight Commander of the Bath, a somewhat higher distinction. Perhaps Tilley considered the differentiation an unfortunate reflection of Monck's Canadian bias, since

⁹Consult the New Brunswick Reporter, April 26 and June 28, 1867.

both he and Tupper had claims beyond all the others with the exception of Cartier. Cartier and Galt might make spectacles of themselves by demanding higher honours. That was their privilege. The Maritimers were not going to complain. Tilley was shortly on his way back to New Brunswick to tidy up affairs.¹⁰

Despite his appointment to a Canadian cabinet position, Tilley remained Provincial Secretary of New Brunswick until late August, much against his wishes. He submitted his resignation on July 10 to Major-General Charles Hastings Doyle, the temporary Lieutenant Governor of the province.¹¹ Doyle refused to accept the resignation, however, until the New Brunswick government was reorganized, and that proved to be much more difficult than Tilley had expected.

Tilley had rushed back from England in March, after the passage of the British North America Act, to arrange affairs in New Brunswick. The unexpected death of Robert Fulton on February 26 had increased the urgency of his return.¹² Fortunately for Tilley, Fulton had left his house in order and James Johnson, the provincial Auditor General, had taken over the responsibilities and managed very well. As far as Tilley could judge, his absence had made little difference in the operation of affairs. He

¹⁰ For the problem over the titles see O.D. Skelton, Life and Times of Sir Alexander Tilloch Galt, Carleton Library edition (Toronto, 1966), pp. 198ff. Some years later Peter Mitchell began to nurse a personal grievance over his failure to receive a C.B. See his "Secret History of Canadian Politics" in the Toronto Evening News, beginning on Feb. 15, 1894. A version of this appeared in A.L. Burt, "Peter Mitchell on John A. Macdonald," Canadian Historical Review, XLII, 3 (Sept. 1961).

¹¹ Tilley Papers (PAC), Tilley to Doyle, July 10, 1867.

¹² New Brunswick Reporter, March 1, 1865. Fulton was sixty-five.

set to work immediately to choose the New Brunswick Senators and to prepare the legislation for the final session of the old provincial legislature.

The selection of the Senators should not have been difficult. Ten of the twelve were to come from the Legislative Council and all ten were expected to be supporters of Confederation. Peter Mitchell and E.B. Chandler were obvious appointments, but what of Robert Hazen? He had opposed Confederation and had condemned Governor Gordon for accepting the controversial Address in April of 1866. He was, however, a Saint John stalwart and the Saint John interests demanded his appointment for obvious reasons.¹³ Tilley acceded. R.D. Wilmot was also appointed Senator for one of the St. John River positions. The result was that counties from up the river were under-represented, and Fisher and Connell fought for the appointment of the latter in the place of Chandler.¹⁴ The situation was messy, and the final appointments displeased as many as they satisfied. There was one inexcusable omission. Not one Roman Catholic was selected. Tilley's first speech in the House of Commons was a defense against Anglin's charge that he had discriminated against Roman Catholics. Tilley mentioned that Watters "was an Irish Roman Catholic who supported Confederation, and that no Catholic Senator had been selected for Ontario, but no complaint had been urged." They had chosen for New Brunswick the "twelve

¹³ Tilley Papers (PAC), W.H. Tuck to Tilley, April 26 and April 27, 1867.

¹⁴ Macdonald Papers (Vol. 51), Mitchell to Macdonald, May 15 and May 27, 1867.

ablest men."¹⁵ He must have realized that he had created a problem with no easy solution.

The final session of the legislature was called together on May 11, and it lasted little more than a month. With union on the horizon most members had one eye on the new political arrangements and found it difficult to concentrate on local affairs, with the future so uncertain. Tilley had told Macdonald that no changes were planned for the "local constitution." "We wish to slide them into the new condition of things as smoothly as possible."¹⁶ No one was entirely certain what the new condition would be like. Tilley and Smith debated the whole issue of Confederation for the last time in the Assembly, but that debate had become stale. There was some housekeeping legislation, plus three important bills. One set up a system of county courts, a measure long overdue. A second provided for the construction of Western Extension, with the government taking \$300,000 in stock in addition to paying a grant of \$10,000 per mile. Peter Mitchell informed Macdonald that this bill almost destroyed the government for the North Shore men were going to resign over it.¹⁷ Since the only evidence of this cabinet crisis is a letter from Mitchell to

¹⁵ Canada, House of Commons, Debates, 1867-1868, Nov. 14, 1867, p. 77. The official debates of Canada did not begin until 1875, but Peter Waite is in the process of publishing a selection of the missing years from the newspapers. Only the volume for 1867-1869 has appeared. For 1869, 1873 and 1874 the "Scrapbook Debates" (Canadian Library Association microfilm) have been used, and will be identified as Debates (SB). The semi-official "Cotton" debates have been used for 1870 to 1872 and will be identified as Debates (C). No further references will be made to the debates of New Brunswick in a shortened form.

¹⁶ Macdonald Papers (Vol. 51), Tilley to Macdonald, May 6, 1867.

¹⁷ Ibid., Mitchell to Macdonald, June 6, 1867.

Macdonald, it may be that Mitchell had his mind on the federal cabinet then being formed and the selection of the route of the Intercolonial, which had to be settled once and for all within a year.

The third important bill of the session prohibited dual representation in both federal and provincial houses. The purpose of the bill was to prevent some members from controlling the patronage of both governments, and in the long run it was essential to separate the two. The immediate result, unfortunately, was to sever the federal and provincial leadership, and since most of the experienced politicians went to Ottawa, the shock on the provincial government was extreme. The appointment of dozens of new county judges and new federal civil servants also drained off many public men. It may be that dual representation for a few years might have helped to smooth over the disagreements of the first difficult years.

In that final session Tilley presented his estimates and delivered a most glowing budget speech, which Smith classed as prophesy that was probably inaccurate. Tilley appears to have been anxious to be off to Ottawa, because he really did not take enough care with the balance sheet. When his successor as Provincial Secretary presented the estimates in March, 1868, he had to include an item of \$30,000 under unforeseen expenses, for which he gave no explanation and assumed no responsibility. Tilley was left open to the charge of "gross mismanagement and recklessness."¹⁸ There was one final measure that should be mentioned. On Friday, June 14, Tilley moved a resolution to provide an annual grant of \$800 per year to

¹⁸Head Quarters, March 13, 1868.

establish a Chair of Logic and Moral Philosophy at the University of New Brunswick. Smith tried, unsuccessfully, to stop the resolution because it lacked the required two day's notice.¹⁹ The House closed on Monday, with the traditional "Battle of the Bills." According to rumour it was an especially exciting battle that day with one distinguished casualty. Tilley got a black eye.

Casualty or not, Tilley went off to Ottawa immediately for the selection and swearing in of the cabinet. By July 6, however, he was back in New Brunswick attempting to sort out the local government. Mitchell, Fisher, MacMillan, R.D. Wilmot, Connell, McClelan, every experienced member of the old Council was going to Ottawa. Throughout July well into August Tilley wrestled with "reconstruction."²⁰ The main problem was that he could not find an agreeable Provincial Secretary. Fisher and Connell complicated matters by refusing to resign from the local Council until they had been elected to Ottawa on the grounds that the River Counties would be under-represented.²¹ By August 19 Tilley thought he was free when George Kerr of Northumberland agreed to become Provincial Secretary. At the last minute Kerr failed to appear because Fisher and Connell remained on the Council. "What would you recommend

¹⁹New Brunswick, House of Assembly, Debates, 1867, June 14, p. 182.

²⁰The term was used by the New Brunswick Reporter, Aug. 23, 1867.

²¹Fisher and Connell may have stayed with Tilley's approval. See Macdonald Papers (Vol. 276), Tilley to Macdonald, Aug. 16, 1867.

I do?" Doyle wrote Tilley in desperation. "I must have a Provincial Secretary."²² On August 24 Doyle permitted Tilley to resign, even though the local government was still not settled. The provincial government that did emerge after another month of jockeying had A. R. Wetmore as Premier and Attorney General.²³ His Council was a Liberal-Conservative Confederate Coalition. John A. Beckwith, a Fredericton Conservative, with no experience in the Assembly, became Provincial Secretary.

Tilley had one other responsibility to fulfill. He had to be elected to the federal House and he had to secure as many New Brunswick supporters as possible. He predicted he would take "12 out of the 15."²⁴ The elections were held between September 4 and September 18, with the city going to the polls on September 14. Tilley expected to be unopposed, but John Wilson, a virtually unknown fish merchant, came forward at the last moment. Tilley won easily, 1402 to 610, but only about half of those eligible voted.²⁵ Throughout the province the Confederates did well. Smith, Anglin and Costigan were the only former Antis elected. All three were reconciled to Confederation but were determined to oppose the Confederation Coalition. Nine Confederates were elected and there were three independents who had not been involved in the struggle over Confederation. Tilley considered them available, which made his prediction of twelve seats look very good.²⁶ He headed for Ottawa satisfied that he had done as well as could be expected.

²²Tilley Papers (PAC), Doyle to Tilley, Aug. 19, 1867.

²³Wetmore was villified as an unscrupulous, unreliable and self-seeking creature who wanted only an appointment to the Bench. See the Daily Evening Globe, Sept. 28, Oct. 1 and Oct. 2, 1867.

²⁴Macdonald Papers (Vol.276), Tilley to Macdonald, Aug. 26, 1867.

²⁵Morning News, Sept. 10, 1867.

²⁶Opinions vary on the number of Confederate supporters elected. At the end of the first parliament in 1872 Anglin claimed that only three opponents had been elected. See Morning Freeman, July 9, 1872.

Tilley returned to New Brunswick at least once more before the House opened on November 6. He arrived at Saint John by way of St. Stephen on October 8. He was back in St. Stephen on October 22 to attend New Brunswick's most "Fashionable Wedding" of the year. It was his own. Rev. Henry Pollard of New Brunswick and Rev. E.W. Murray of Maine united Tilley and Alice Starr, daughter of Zechariah Chipman at Christ's Church. Miss Chipman was attended by six bridesmaids. Colonel Lester Peters stood with Tilley, and the St. Stephen's Battery fired a salute in honour of the event. With the ceremony over the "happy couple" headed for Bangor by carriage, with their friends in mock pursuit.²⁷ Tilley, in his fiftieth year, continued on to Ottawa with his young bride. He began his second marriage, as he entered a second political career, full of hope.

ii

In those first few months after July 1, 1867, a number of decisions were made that determined how the new nation would be administered. The British North America Act had established the legal framework for Canada, but had left such matters as the organization of the cabinet, the nature of the departments, the composition of the civil service, and various other decisions to the Canadian government. In the area of general policy, decisions about priorities and directions were made almost on a daily basis. Hard work and compromise were required of everyone, but it

²⁷For the wedding see the Morning News, Oct. 23, and the New Brunswick Reporter, Oct. 25, 1867. Zechariah Chipman was Tilley's contemporary and strong Liberal supporter. They may also have had common business interests in St. Andrews. The second Mrs. Tilley was born in 1844.

was exciting, even frantic, at times. In those fall days of 1867 structures and policies that might last for one hundred years were agreed upon.

What this meant in the practical sense was the extension of the old province of Canada. The various departments of the new nation took the Canadian units as a nucleus in almost every case. This was true of Public Works, the Post Office, Agriculture, and Finance, which included Customs.²⁸ The old Canadian Department of Finance was divided into three sections, with Galt as Minister of Finance, Tilley as Minister of Customs, and Howland as Minister of Inland Revenue. The separation required little adjustment. An innovation, however, was the Treasury Board, which was to consider all matters relating to finance, revenue, expenditure, and public accounts. The three Ministers, together with the Receiver General, made up that Board, with the Minister of Finance as chairman.²⁹ Tilley's position in the cabinet, therefore, was a slightly inferior one, but as a member of the Treasury Board he was on an extremely important committee. His primary function in the cabinet was to oversee the Department of Customs, which was responsible for the implementation and continuation of customs administration. In the area of tariff rates, there was considerable compromise among the provinces. In the case of customs regulations, "there is no evidence of compromise; the administrative techniques of the Province of Canada were imposed on the Maritimes."³⁰

²⁸See, for example, PAC, Manuscript Division, Preliminary Inventory, Record Group 3, Post Office Department, 1960, p. 1, and Record Group 19, Department of Finance, 1954, p. 10. Marine and Fisheries, a new department, was the only major exception.

²⁹Galt Papers, Galt to his wife, July 1, 1867, and Record Group 19 (PAC), p. 10. The Treasury Board was created by Order-in-Council on July 2, 1867, and confirmed by an act of Parliament in 1869.

³⁰Gordon Blake, Customs Administration in Canada, An Essay in Tariff Technology (Toronto, 1957), p. 69.

Tilley realized from the beginning that his department was one of the more sensitive areas. Thomas Barker, who had taken over Tilley's drug store, complained on August 12, 1867, about a problem with medicines detained at a Customs House. "It seems to me strange," Barker complained, "that the Custom House officers, many of them, seem disposed to prevent free trade between the Provinces whenever they can find an opportunity to do so, & lead people to think that what was promised under Confederation was all humbug."³¹ That was only the beginning of what would swell to a large file of complaints about the Customs Department. The Department was the only one singled out in the correspondence published in the Sessional Papers of 1867-1868.³² The correspondence was from all those who had "losses or grievances, consequent upon the operation of any Acts passed by the Parliament of Canada" during its first session. There were problems over classifications, regulations and procedures. Thomas Worthington of the Inland Revenue Department, in replying to one of the letters, declared: "Experience has taught us that, in order to be effective, laws for the collection of Inland Revenue, can hardly fail to be inquisitorial in their action, and . . . exceedingly annoying to many of those who are subject to their operation."³³ What the Maritimers learned in 1867 was that they had previously lived under a fairly mild system of regulations and that Confederation imposed a much stricter system that was much more

³¹Tilley Papers (PAC), Barker to Tilley, Aug. 12, 1867.

³²Canada, Sessional Papers, 1867-1868, Vol. 9, No. 86.

³³Ibid., Worthington to Messrs J & R Reed, Saint John, Feb. 5, 1868, p. 10.

"inquisitorial" in its operation. The decision to follow the old Canadian pattern had been made before the House opened in November, but it was one that parliament approved.

It was on a Wednesday afternoon, November 6, that the recently elected members of the parliament of Canada assembled for the first time. The speaker of the Commons was chosen that day, but it was also an occasion for getting acquainted in the general "Who's Who?" that took place. Macdonald, Cartier and Howe seem to have been of central interest, though Tilley had his share of admirers. "Not a few attributed the Honourable Leonard Tilley's fresh looks to his temperance principles."³⁴ The next afternoon the Governor General delivered the Speech from the Throne, in which the members were informed that "measures will be laid before you for the amendment and assimilation of the laws now existing in the several provinces."³⁵ The range of laws was to be wide and covered the militia, the postal service, currency, customs, revenue, public works, to name just a few. Two specific measures were also promised. One provided for the construction of the Intercolonial Railway, the other for the acquisition of the west. The overall thrust was a combination of centralization and expansion. The new federal state was to be drawn together by a variety of legal and administrative devices and was, at the same time, to acquire federal territory and tie the provinces together by a federal communications network.

³⁴ James Young, Public Men and Public Life in Canada, Vol. II (Toronto, 1912), p. 38.

³⁵ Debates, 1867-1868, Nov. 7, p. 6.

Tilley made a decision in 1867 to devote himself to the concept of a centralized federal state. Until the passage of the British North America Act he had assumed an aggressive New Brunswick position, out of political necessity. At Ottawa his role was that of a moderately passive federal officer, at least in his public pronouncements. As a member of Macdonald's cabinet, he obviously had no other choice, a circumstance that would cause him considerable embarrassment. In that first session of parliament the laws of the various provinces were assimilated, as promised, and federal administration was extended. In the process, virtually every Maritime member of the House found himself forced to protest against what was considered injustice. When the election of a New Brunswick member was questioned, for example, Albert Smith pointed out that it was a provincial matter. "It was in the last degree undesirable that the Dominion Parliament should entertain questions of local legislation," and he believed in "drawing a distinct line between the subjects to be legislated on by the Dominion Parliament, and those by Local Legislatures, otherwise very serious difficulties would arise."³⁶ The problem was that no one knew exactly where that line should be drawn, and virtually every piece of federal legislation would, in one way or another, affect the old provincial structures.

No issue created as much interest as the amount of taxation that would be imposed, and all eyes were on John Rose, Canada's second Minister of Finance. When Galt had resigned in a huff and under a cloud on

³⁶Ibid., Nov. 26, 1867, p. 137.

November 1, Macdonald first offered the position to Howland, who declined, and then to Rose, an old and trusted friend.³⁷ On December 7 Rose presented his estimates. He predicted an expenditure of \$14,301,301 and a revenue of \$14,457,400, of which about two-thirds, or \$9,121,900 was to come from customs.³⁸ Five days later it was Tilley's turn at centre stage as he introduced the new tariff rate. It was, with very few modifications, the rate of the old Province of Canada. An ad valorem duty of fifteen per cent was imposed on all non-enumerated items and specific duties were levied on most other items. Since New Brunswick had had a fifteen and one-half per cent rate before Confederation, its situation was improved somewhat, but for Nova Scotia, which had had a ten per cent rate, it amounted to a fifty per cent increase. The problem was not so much with the rate; it was with the articles upon which the rates were imposed. Flour, meal, corn, sugar, tea and molasses, to name items of consumption, were all placed on considerably higher scales than had existed in New Brunswick. Wheat and flour had previously entered free, but faced a twenty-five cent per barrel duty after 1867.³⁹ By reaching into every pocket in the province, Tilley precipitated a severe attack upon himself, both in and out of the House. In his defense Tilley stated that the revenue had to be raised and he was carrying out his responsibility in a just manner. The government, he stated, "did not regard this tariff as final, but intended by and by to bring down another based upon a larger

³⁷ Ibid., Nov. 18, 1867, p. 90, and Dec. 12, pp. 257-263.

³⁸ Ibid., Dec. 7, 1867, p. 216.

³⁹ Ibid., Dec. 12, 1867, p. 265.

experience, which they might reasonably hope to last for four or five years." He then castigated those of New Brunswick who carped about a higher tax structure, since the rate in New Brunswick would be considerably higher without Confederation. At most the increase amounted to only \$20,000 for that province, and it was freed of all responsibility for its huge provincial debt. "As a matter of policy he should perhaps have kept silent, but he could not by such silence appear to admit that his province was oppressed."⁴⁰

With his tariff and his defiant defense of it, Tilley exposed himself as he had rarely done in the past. Smith had jumped upon him immediately about the "burdens about to be imposed" on New Brunswick,⁴⁴ but it was Charles Connell who seemed to hurt the most. Connell asked rhetorically what he could tell his constituents when he returned home. He would reply that "a tariff has been passed, lessening the duty on gin, wine, and brandy, but increasing the duties on tea, molasses and sugar, and also placing a duty on flour and meal, . . . and we have in prospect a Stamp Act and postage on newspapers."⁴² Connell reminded the House that practically all Maritime members were opposed to the tariff, and that Tilley, who had misled the people, stood alone.

"What are we to think of men who would attempt to justify a tax on bread and meal?" Albert Smith asked an overflow audience at Saint John

⁴⁰Ibid., Dec. 13, 1867, pp. 276-277.

⁴¹Ibid., Dec. 12, 1867, p. 267.

⁴²Ibid., Dec. 16, 1867, pp. 291-292.

on New Year's Eve, 1867.⁴³ All of his dire predictions had come true. The taxes had been increased before one penny had been spent on the Intercolonial or the North West. He reminded the people that Tilley had predicted a budget of \$11,500,662.82, whereas Smith had predicted \$14,757,864.80. Finance Minister Rose's budget was for \$14,301,301. Whatever pleasure Smith derived from having been vindicated, his pessimism for the future ruined it. "We are utterly powerless," he complained. "We are under the controlling power of Messrs McDonald [sic] and Cartier." It was useless to hope for improvement with a change of government because "the interests of Ontario were entirely distinct and at variance with all other provinces."⁴⁴

Few blamed Smith for making his "I Told You So" speech and many agreed with him. The interests of the old Canada had predominated, and Tilley and Mitchell appeared to be its willing servants. "They will be without a Maritime supporter in the popular branch," warned the Daily Telegraph, unless the tariff is changed.⁴⁵ Tilley had expected some antagonism, though perhaps not as much as there was. A dose of bad tasting medicine, a druggist might say, was the first step to a cure. It was better to get it over with early and hope for good results later. But he did make one attempt to justify his position.

In mid-January, the former Auditor General of New Brunswick and the new Assistant Commissioner of Customs of Canada, James Johnson, issued

⁴³Quoted in the Borderer and Westmorland and Cumberland Advertiser, Jan. 10, 1868.

⁴⁴Morning News, Jan. 3, 1868.

⁴⁵The Daily Telegraph and Morning Journal (hereinafter cited as Daily Telegraph), Feb. 11, 1868.

a comparative statement of tariffs payable both before and after the new rates were introduced. It showed a net increase of \$33,172, which would certainly not pay for the increased services received from Canada. Unfortunately for Johnson and for Tilley, a number of highly questionable assumptions were made and there were a number of minor errors in the calculations. Instead of clarifying the situation, Johnson's tables had created an atmosphere of confusion. By January 31 the Morning News declared that there was "no question before the public attention in New Brunswick that rivals in importance the question of the tariff."⁴⁶ On Saturday night, February 15, members of the business community of Saint John, many of them Tilley supporters, met to air their grievances. They met again on February 20 and February 22 and drafted a series of proposals which were sent to the Privy Council.⁴⁷

This type of criticism in the past had usually moved Tilley, but it was the end of April, 1868, before he could claim anything resembling an improvement. On April 28 Rose had presented his estimates and delivered his budget. A whole range of modifications was made, including the removal of the tariff on flour, meal, grain, and breadstuffs. The duty on sugar and molasses was reduced. Increases were placed on other items such as spirits, pine logs and shingle boards. Tilley naturally supported the changes as a boon to the "poor man" as opposed to the rich, who would continue to pay taxes on wine, fancy soaps and rice.⁴⁸

⁴⁶ Morning News, Jan. 31, 1868. Johnson's statement appeared in many newspapers, but see the Morning News, Jan. 24, 1868.

⁴⁷ Ibid., Feb. 24, 1868.

⁴⁸ Debates, 1867-1868, April 28, 1868, pp. 580-581.

It is difficult to determine if Tilley had much influence in bringing about the tariff or any other changes in the cabinet. The records on the subject of cabinet interaction are so inadequate that only a guess can be made. In the New Brunswick press it was assumed that he was virtually without influence. Such was hardly the case, but he certainly was not among Macdonald's close advisors. Despite appearances, Tilley appears to have been the chief advisor on Maritime matters. The tariff changes that Rose introduced had brought the Canadian tariff very close to the old New Brunswick rate. By the spring of 1868, however, Tilley had become very sensitive about all criticism. He was vulnerable and short tempered. When the Customs Department came up for \$23,000 in the debate on supply, Smith "questioned the propriety of having a party paid out of the public chest for making fallacious calculations."⁴⁹ He clearly meant James Johnson, and Tilley snapped back at Smith. This led to a sharp interchange over taxation and the North West, with Tilley on the defensive.

Tilley had strongly supported the government measure to acquire the North West when it was before the House in December, 1867. It had gone hand in hand with the Intercolonial bill and, on the surface, both should have been accepted without too much opposition, yet both divided the Maritime members. Connell wanted to know how Canada could make the huge financial commitment for the west before the House had had an opportunity to examine the financial statement. Joseph Howe followed Connell and took much the same approach. Tilley replied that "on the hustings he had stated that in his judgment three years would not pass

⁴⁹Ibid., April 15, 1868, p. 492.

before the Dominion would embrace the whole of the territory from the Atlantic to the Pacific." This bill would realize his prediction. He dismissed as unreasonable arguments about expenditure when the possible return from 35,000,000 acres of arable land was taken into consideration.⁵⁰

The Intercolonial bill was potentially the more divisive, and it occupied the House for an extended period. Tilley supported the bill, of course, and said little. It did not specify the route, but that was the topic that dominated the debate. Charles Fisher delivered a long, detailed speech on December 19 in favour of the St. John valley route, but he got no support from Tilley. The northern route appeared to have the upper hand as most of the Members headed home for the winter recess that would last from December 21 to March 12. The Morning Freeman on that Christmas eve found nothing to praise from the first sitting, and pictured Tilley as somewhat of a miser grasping his \$5,000 a year. "Nero fiddled whilst Rome burned," it bewailed. "Tilley dances whilst New Brunswick weeps."⁵¹

In the Maritimes, but more especially in New Brunswick, the dissatisfaction with Confederation deepened throughout 1868. Nova Scotia had not expected much in the first place, but New Brunswick had been given an exaggerated notion of what to expect. A business recession contributed to the overall problem, and helped to explain what might have been identified as a New Brunswick whine over its unfortunate condition.

⁵⁰ Ibid., Dec. 6, 1867, p. 208.

⁵¹ Morning Freeman, Dec. 24, 1867, but see the New Brunswick Reporter, Jan. 3, 1868, for a similar view.

The Journal de Quebec expressed what a number of others must have thought about the incessant complaining of New Brunswick:

What has New Brunswick given, or what will she give for that which she receives or will shortly receive? For the sake of seeing the sea, we are like the proprietor who, wanting a few feet more land at the end of his property, pays a most exorbitant price for his fancy.⁵²

The suggestion that Canada had purchased just a few more feet of real estate was infuriating, and contributed to a very unhealthy relationship between New Brunswick and the Canadians of the old province.

"Whether too much was promised, or too much expected," moaned the New Brunswick Reporter, "certain it is the facts fall far short of the expectations, and the very best friends of Confederation shake their heads ominously." The failure of the New Brunswick representatives to gain more than the minimum concessions was "sufficient to dampen the ardour of the Union in New Brunswick."⁵³ Tilley, it was generally held was helpless within the cabinet. Mitchell was considered to have done better, because he had erected a small empire of his own in the new Department of Marine and Fisheries, and unlike Tilley, did not hesitate to tell the people how important he was. Tilley admitted his problem to Macdonald on March 22, 1868, when he wrote to request the appointment of L.A. Wilmot as Lieutenant Governor:

The current of popular feeling that has been moving so strongly against me, and against Confederation since December last, has been slightly checked, and if I could meet our friends with this appointment made, I could make some headway in checking the opposition to Canada. Do strengthen my hands. I want all the assistance I can get to allay the dissatisfaction that exists in that province.

⁵²Quoted in the Daily Telegraph, May 2, 1868.

⁵³New Brunswick Reporter, May 29, 1868.

The impression is very general that I have no influence with the Government, that Mitchell controls all New Bk. matters, and up to the present time I have not been able to give much visible evidence that such is not the case.⁵⁴

Because of the differences between Tilley and Mitchell, the appointment of a Lieutenant Governor was deferred. Almost in desperation Tilley wrote Macdonald on June 22. Howland was to be appointed Lieutenant Governor of Ontario. "Should the appt be made for Ontario and not for New Brunswick," Tilley complained, "my position will be anything but enviable, and I have just as much as I can stagger under without subjecting me to new embarrassments."⁵⁵ Mitchell wished concessions. According to the newspapers he wanted a specific man appointed Senator and he wanted D. R. Wetmore to go to the Bench. To this last Tilley was absolutely opposed because of the disruption it would cause in the local government.

Mitchell was after something much more important than the appointment of Wetmore. He wanted the route of the Intercolonial to go by the North Shore. There was undoubtedly a struggle in the cabinet over the route with Mitchell receiving support from Cartier, and Tilley getting the backing of McDougall and Howland for the central route. The St. John Valley line had few supporters. Macdonald appears to have been neutral but may have shifted his neutrality from Tilley to Mitchell by the middle of March.⁵⁶ "Sir George and the North Shore men have the winning cards," declared the Toronto Globe in May. "The Dominion will have to submit to the selection

⁵⁴ Macdonald Papers (Vol. 276), Tilley to Macdonald, March 22, 1868.

⁵⁵ Ibid., Tilley to Macdonald, June 22, 1868.

⁵⁶ See the Daily Telegraph, March 19, 1868, and the New Brunswick Reporter, May 22, 1868.

of the longest, least useful, and most expensive of all the proposed routes."⁵⁷ Tilley kept up the fight for the central route until the bitter end, which occurred at a cabinet meeting in late June. On July 3 the North Shore route was determined once and for all, although it was not announced publicly for six weeks. The Union Advocate, Mitchell's "Nursling of Newcastle," received the privilege of making the public announcement in mid-August. "Tout est perdu, is now the exclamation of our people," lamented the New Brunswick Reporter, "who begin to practice French in view of the great nationality which Monsieur Cartier is to establish on the completion of the railroad."⁵⁸

Wilmot was appointed Lieutenant Governor of New Brunswick on July 18, undoubtedly a sop to Tilley as a result of the North Shore decision. He certainly needed something to polish what had become a very tarnished image. When he had returned to Saint John on June 9, for example, his reception had been anything but enthusiastic. The Morning Freeman stated that there was little cheering and a marked coolness on the part of the crowd that had gathered to greet the ship. Even the Morning News, Tilley's strongest supporter, could claim that the reception was "warm and hearty though not a boisterous welcome."⁵⁹ Tilley could hardly have expected anything else. Early in March a New Brunswick League had been formed in Saint John to seek repeal, and in the middle of the month, John Cudlip, running as a repealer and annexationist,

⁵⁷ Quoted in the New Brunswick Reporter, May 22, 1868.

⁵⁸ New Brunswick Reporter, Aug. 21, 1868.

⁵⁹ Morning News, June 15, 1868, but see the Morning Freeman, June 11 and June 13, 1868.

was returned to the New Brunswick Assembly without opposition.⁶⁰ One week later R.D. Wilmot warned parliament that "as he passed through St. John, on his way here, gentlemen with great influence, both anti-Confederate and Confederate, told him to take action and assist Nova Scotia in getting this Confederation Act repealed."⁶¹ The attitude was unhealthy, to say the least.

In an attempt to improve the situation, Tilley issued a letter on "New Brunswick's First Year's Experience of Union" to the Morning News on July 10. To say that it was typical of Tilley would be an understatement. It was filled with statistics to prove that New Brunswick received \$16,453 more than it had contributed to Canada in the first year and would receive \$159,763 over contributions in the second year.⁶² He then left for Nova Scotia for a week or so, and when he returned found that his letter was the centre of a controversy. On July 27 he issued a second letter in which he reaffirmed his position and dismissed all criticisms of his first letter as untenable. One of Tilley's statements was rejected by everyone. He had stated that the government policies had been opposed only by the Opposition and the Anti press. According to the Daily Telegraph, the "Government Tariff was opposed in the Commons by nearly all the New Brunswick members, Unionist and Anti alike; and some other Government measures . . . have caused more sincere sorrow to Unionists in this Province than to Anti-Unionists."⁶³

⁶⁰ Daily Telegraph, March 14, 1868.

⁶¹ Canada, Senate, Debates (SB), March 23, 1868.

⁶² Morning News, July 10, 1868.

⁶³ Daily Telegraph, July 28, 1868.

iii

While New Brunswick complained about abuse and neglect, Nova Scotia was being wooed as it had seldom been before. That province had entered Confederation almost as a belligerent, and the legislation that was resented in New Brunswick was equally onerous to Nova Scotia. Joseph Howe had stood in the House of Commons day after day, informing all listeners in highly colourful language how dreadful Confederation and the actions of the Canadian government were. In one respect he may have served as a safety valve for Nova Scotia's frustrations. Tilley's silence had the reverse effect on New Brunswick. Tilley was not, of course, very comfortable in the House of Commons, which thrived on hyperbole and "surplusage," while Howe gloried in the atmosphere. Tilley was good on details and practical application. He was also especially adept at negotiations and compromise.

As Tilley and the other members listened to Howe in the Commons, it became clear to them that his activities in Ottawa gave more to hope for than to fear. In his very first speech he indicated that he would support or oppose measures, depending upon their virtues, "but he would seek no factious course to delay the proceedings of the House."⁶⁴ Properly handled, Howe might yet be converted to Confederation, but it would not be easy. Howe might create innumerable problems, and a huge dowry would probably have to be presented. When Howe led a Nova Scotian delegation to London to seek a repeal of the British North

⁶⁴ Debates, 1867-1868, Nov. 8, 1867, p. 13.

American Act, the Canadian government sent Tupper to counteract the move and seek a reconciliation with Howe.⁶⁵ The Imperial government refused to consider any repeal ideas and sent Howe back to Nova Scotia with a firm recommendation that he seek accommodation with Canada.

When Howe's steamer reached the Halifax dockside, Tilley was among those waiting on the wharf. Tupper, who was also on the ship, gave Tilley his side of the story, then Tilley, Archibald and Howe went to a friend's house for dinner. After a pleasant meal the conversation drifted "to the interesting subject."⁶⁶ It was continued the next morning when Tilley breakfasted with Howe and his family. It was reminiscent of many similar occasions in the 1850's and early 1860's when the two Maritime Liberals had seen eye to eye on so many issues. They began to search for common ground and found it. Tupper's proposal for the "distribution of a few important offices amongst the anti-Confederates" was, according to Tilley, "a delusion, a great mistake." It would serve only Tupper. Howe had other proposals, and Tilley explained them to Macdonald:

Appoint a Royal Commission, let it decide. If that cannot be done, let a friendly conference be opened, between the Dominion Government and the leading Antis in Nova Scotia, including the Members of the local Government. The Dominion Govt to make some proposal for their consideration, or if would be inconvenient, a friendly talk to see if some agreement can not be

⁶⁵ For details see R. A. MacLean, "Joseph Howe and British American Union." Unpublished Ph.D. thesis, University of Toronto, 1964, pp. 385 ff. Creighton, Macdonald, Vol. II, pp. 11 ff. is also useful.

⁶⁶ Macdonald Papers (Vol. 115); Tilley to Macdonald, Private & Confidential, July 17, 1868.

arrived at with the understanding that bye gones be bye gones, and that they meet as gentlemen anxious to find a solution of the difficulty. Now you will observe that this means just this. We will abandon our opposition to Confederation if some concessions are made. This is a move in the right direction. The reasonable men want an excuse to enable them to hold back the violent and unreasonable of their party. And this excuse ought to be given them.⁶⁷

Tilley insisted that Macdonald attend a conference that Howe wanted on August 3, and that he should appear to bend. "I rather suspect that the nature of the concession is of less importance to them, than the fact that concessions, have been made," Tilley continued, but above all it must be done immediately. "There is no use crying peace when there is no peace." Unless action be taken while Howe is in a conciliatory mood he and some of his associates may "get off on the rampage." They had, Tilley wrote, "reached the critical point in the history of our Confederation movement, . . . there was sufficient inflammable material every where in Nova Scotia that the torch applied by a man like Howe would put the whole country in a blaze." It was, therefore, not only Nova Scotia that Tilley had in mind. The general dissatisfaction and the repeal movement in New Brunswick convinced him that "many of our people would join the cry, hence greater necessity for calming the troubled waters in Nova Scotia."⁶⁸

Macdonald was in Toronto when he received Tilley's letter. He was given no time to hesitate, and on August 1 he was in Halifax to talk matters over with Howe. Cartier, Tupper and John Sandfield Macdonald accompanied him on the salvage operation. The negotiations were hard, but as Tilley had predicted, Howe was open to a reasonable proposition.⁶⁹

⁶⁷ Ibid.

⁶⁸ Ibid.

⁶⁹ Ibid.: Macdonald to Monck (Confidential), Sept. 4, 1868.

Over the next few months the details of Better Terms for Nova Scotia were ironed out, and on November 16, 1868, Howe joined the federal cabinet as Secretary of State for the Provinces. Tilley was delighted that his old friend had joined Confederation. He expected Howe and his friends to "carry on a large portion of the Antis with them in their arrangements and that the Nova Scotia difficulty may now be considered settled." Financially, Nova Scotia was to be placed in the same position as New Brunswick, Tilley wrote Abner McClelan, and "I think they were fairly entitled to that."⁷⁰ Nova Scotia's debt was assumed to have been \$9,186,756 in 1867 rather than \$8,000,000 as stated in the British North America Act, and the annual allowance was increased from \$60,000 to \$82,698, being \$2,698 more than the original allowance for the province of Ontario. To the constitutional purists who argued against changes in the agreement, Tilley replied that it was nonsense to perpetuate injustice or to give aid to anti-Confederates and repealers, and "if a quarter of a century hence the local subsidies were not sufficient, they should be increased."⁷¹

It may be that the settlement was just, as Tilley suggested, but it raised a number of problems and questions. If the new arrangement were fair, then the original settlement was unfair. In that case Tupper had not handled the affairs of his province as well as he might have, or Tilley did more than yeoman service for New Brunswick. The special grant of \$63,000 per year for ten years that he had acquired for New Brunswick

⁷⁰J. C. Webster Collection, A. R. McClelan Correspondence (NBM), Tilley to McClelan, Feb. 2, 1869.

⁷¹Debates (SB), 1869, June 11 and June 12.

had upset the pattern in the beginning and laid the groundwork for all later demands for change in the grant structure.

With Better Terms granted to Nova Scotia Tilley might have expected New Brunswick to understand how well he had done for them in the first place. It was a vain hope. Even before the settlement was announced a Better Terms for New Brunswick agitation was under way. Far from appreciating what Tilley had achieved in the first place, it was concluded that Nova Scotia by its belligerence and its flirting with repeal, was to be placed in a better position than New Brunswick.⁷² It became such a pervasive issue that in the provincial election of 1870 every candidate was pledged to obtain Better Terms; none claimed to support the federal government.⁷³

Despite the criticism of both the union and himself in New Brunswick, Tilley never seemed to have regretted Confederation. His effort to find a reconciliation with Howe is one of the best indications of his continuing belief in the new nation. He considered the annexation of both Prince Edward Island and Newfoundland to be inevitable and was involved in negotiations with both. In 1869 he confidently predicted that "Newfoundland will be in before the close of the current year,"⁷⁴ and he expected Prince Edward Island to follow shortly. During that summer he was on the Island "doing good service. Sir George Kenny and I

⁷²Morning News, Feb. 3, 1869.

⁷³See the Morning News, Morning Freeman, Daily Telegraph and New Brunswick Reporter, June, 1870.

⁷⁴J.C. Webster Collection, A.R. McClelan Correspondence (NBM), Tilley to McClelan, Feb. 2, 1869.

had satisfactory conversation yesterday with Island Govt preparatory to sending proposals after Government meet."⁷⁵ Over the next three or four years he kept the pressure on the Island, watching for the right moment to act. In December of 1872, for example, he informed Macdonald that "I doubt if the Island People are yet ripe for Confederation. They require to feel the pressure of increased taxation before they are consered."⁷⁶ Two months later this followed: "We have put the Island Government in a tight place by our reply and they have found it necessary to send a delegation, but I am not [sanguine?] as to our reaching satisfactory results."⁷⁷ He was mistaken, as it turned out, and on May 17 he introduced the resolution that brought Prince Edward Island into Confederation.⁷⁸

Tilley had supported expansion to the west as well, and not just the Hudson's Bay Company lands. In February of 1868 he forwarded to Macdonald a letter from a friend in British Columbia requesting action on Confederation,⁷⁹ and he continued to support the movement until British Columbia had been admitted. With the guarantee of a railway to the west coast another of Tilley's dreams was fulfilled.

The admission of British Columbia to Canada coincided with Tilley's decision to retire from politics. On April 27, 1871, he wrote

⁷⁵ Macdonald Papers (Vol. 276), Tilley to [Macdonald], Aug. 15, 1869.

⁷⁶ *Ibid.*, Tilley to Macdonald, Confidential, Dec. 24, 1872, but see as well Tilley Papers (NBM), Thomas Kelly to Tilley, Aug. 12, 1872.

⁷⁷ *Ibid.*, Feb. 15, 1873.

⁷⁸ A convenient summary is to be found in Morton, *The Critical Years*, pp. 274-275. Some indication of Tilley's role is in Tilley Papers (NBM), Robert Poore Haythorne to Tilley, June 20, 1873.

⁷⁹ Macdonald Papers (Vol. 276), Tilley to Macdonald, Feb. 29, 1868. Macdonald acted on Tilley's letter. See Macdonald to Governor General in Pope, *Memoirs*, p. 504.

Macdonald requesting to be appointed Lieutenant Governor of that province.⁸⁰

It was a combination of personal and political contingencies that prompted the decision. The persistent dissatisfaction and criticism in New Brunswick had reached the stage where he wanted no more of it. The province, in addition, appeared to be in a state of internal chaos over the introduction of a school law. With his request to Macdonald for the governorship, Tilley indicated that he wanted out of politics and wished to sever his connections with New Brunswick.

⁸⁰Ibid., Tilley to Macdonald, April 27, 1871.

VIII

"The doctrine of 'Expediency'"

1870-1878

When Tilley departed for Ottawa in the autumn of 1867, he assumed that he was leaving the problems of New Brunswick behind him. He may even have believed that the creation of the Dominion would obliterate the pettiness of the old provinces as the people were swept up in the new nationality. At the very least he expected those members who went to Ottawa would turn their attention outward if not upward. Charles Bliss, a sensitive Anglican priest who was retiring from his charge in Sussex, put it very well indeed: "In the General Parliament all mere Local provincial prejudices will be laid aside and the different representatives no matter from what party they hail will act together for the welfare and prosperity of the Province at large."¹ Bliss knew the local problems would not disappear, but he expected them to be insignificant. Tilley was fond of Bliss and had found him a sensible and sympathetic correspondent over the years. When Tilley invited Bliss to accompany him to Ottawa as his private secretary, he accepted. During those early years after 1867, when criticism was directed at Tilley from many sources, Bliss must have been a comfort. Both men appear to have been optimistic that everything would be for the best in the end, but their faith was given a severe test.

¹Tilley Papers (PAC), Charles Bliss to Tilley, April 1, 1867.

Tilley had not really left New Brunswick and its problems, as he realized by 1870. That line between federal and provincial responsibilities that had been drafted so carefully for the British North America Act, had not been drawn very straight or deep. Tilley discovered that one of his primary functions in the Macdonald cabinet was the accommodation of New Brunswick, which was not expected to have been an onerous task. As the only province to have had the opportunity to vote on the Confederation issue, and as the province that received the most favourable debt allowance and grant structure, Tilley cannot have anticipated the discontent that materialized.

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The main weakness in the new arrangement after 1867 was the near sterility of the provincial government, and for that Tilley was partly responsible. He and the Confederates had done everything in their power to erect a puppet administration during the reconstruction of 1867. In this they were overly successful and they created a liability. A.R. Wetmore's government lacked any cohesion except that it was the product of the Confederates. To make matters worse, the leaders appear to have been bribed by promises of office. The Daily Evening Globe observed on Wetmore's appointment as Attorney General that he had "nearly attained the desire of his heart, the result of a tortuous policy; he has grasped the Attorney Generalship, and the Judgeship, for which he pants, opens to his view."² Harsh as this judgment may appear, it was entirely accurate. Within a week of L.A. Wilmot's appointment as Lieutenant Governor,

²Daily Evening Globe, Oct. 2, 1867.

Wetmore's request for the vacancy on the Bench was in Macdonald's hands,³ and Mitchell supported him. Tilley opposed the appointment because it would destroy the local government and he believed, permit the repealers and anti-Confederates to take power. "I may say frankly to you, Sir John," Tilley wrote in defense of his point of view, "that [had] I consulted my personal popularity or my position for the future in my own Province, I would have asked you to relieve me from my Executive and official position when the Railway route was settled." Tilley stated bluntly that for the future of Confederation and himself, Wetmore must not be selected and Charles Fisher must be appointed Judge. "The doctrine of 'Expediency' may not be a just one," he observed, "but at the present moment we cannot afford to ignore it."⁴ Macdonald apparently agreed because Fisher was appointed on October 3, 1868.

Wetmore was only one of a number of the local politicians who had a limited interest in government. Charles Skinner, perhaps the most able member of Wetmore's government, demanded and received the appointment of Judge of Probate in March of 1868. In one brief short period in 1868-1869, four different men served as Surveyor General. It is fair to say that from 1867 to 1870 the government was almost in chaos, with only the unwilling Wetmore providing continuity. In January, 1869, the break-up was being predicted as soon as the House opened, and on March 17 there was a very black day. John Cudlip introduced a resolution calling for New Brunswick to "seek to carry out what our people are doing individually, and ask the

³Macdonald Papers (Vol. 341), Wetmore to Macdonald, Private, July 25, 1868.

⁴Macdonald Papers (Vol. 276), Tilley to Macdonald, Private, Sept. 2, 1868.

United States to admit us to the Union on fair and equitable terms." He asked for a committee to investigate the matter, but cries of treason and disloyalty prevented the resolution from being printed in the Journals.⁵ The government stumbled through the remainder of the session, but it did not fall.

Cudlip represented the extreme position, but even the moderates were dissatisfied. The federal government had just granted Better Terms to Nova Scotia, committed a huge sum to acquire the North West, and refused to reconsider the route of the Intercolonial. Tilley, it was felt, could do nothing for his province. When the province received a settlement of \$250,000 from the federal government for the Eastern Extension from Moncton to the Nova Scotia border, it was accepted, but there was little appreciation shown.⁶ The fact that Ottawa was under no obligation to make a settlement was conveniently ignored. The opening of Western Extension on December 1, 1869, for which Tilley could claim credit, failed to overcome the criticism of the route of the Intercolonial. Tilley apparently could not satisfy his province.

What he did not realize was that New Brunswick had entered a period of extraordinary instability that would end in a riot and death. The province would be divided more seriously than it had been over Confederation, and Tilley would be driven to seek an escape on the west coast. The failure of the provincial government to find direction,

⁵New Brunswick Reporter, March 18, 1869.

⁶Tilley was acting Minister of Public Works from November, 1868, to April, 1869, and may have had something to do with the settlement. For the Eastern Extension see G.R. Stevens, Canadian National Railways, Vol. 1, Sixty Years of Trial and Error (Toronto, 1960), pp. 181-182.

combined with the total lack of reliable, experienced leadership, created a vacuum that might be filled by unpredictable new leadership. There was no telling where it might lead, should the legislature find direction in an emotional issue. The Better Terms for New Brunswick movement united most members against Ottawa, but it was not dangerous in itself. It was another, more sinister matter that galvanized public opinion in New Brunswick. It was the movement for free, non-sectarian schools.

The agitation for public school systems was international, but was marked by local variations in the western world. As the movement gathered momentum in New Brunswick in the late 1850's and the 1860's, it became increasingly anti-Roman Catholic in its nature. The Protestant-Roman Catholic emotionalism that surrounded the Confederation struggle set the stage for the Protestant drive for what the Daily Telegraph called a "Proper Educational System."⁷ The opposition of the Roman Catholic clergy and various lay organizations combined with the outspoken and powerful voice of the Morning Freeman contributed to the determination of the Protestants to have a non-sectarian school system. Bills were before the House in 1869 and 1870 but passage was unlikely under the circumstances. Wetmore's elevation to the Bench on May 26, 1870, and a provincial election in June of the same year resulted in the formation of a fluid coalition government that was finally ended in March, 1871, by the emergence of a George L. Hatheway - George King combination determined to stand or fall on a new school bill.

Hatheway had served as Tilley's not too reliable Chief Commissioner of Public Works from 1861 to 1865. King was an "able and popular" young

⁷Daily Telegraph, Aug. 29, Sept. 1, 1869.

lawyer from Saint John who had entered politics under the sponsorship of John Boyd and possibly Tilley in 1867.⁸ Of all the provincial politicians to emerge out of the chaos after 1867 King was probably the most attractive, and he served as Premier from 1872 to 1878. King could hardly be classed as a Protestant extremist, but he was the leading public figure in support of the new school law. It was his bill that was before the Assembly in 1869 and 1870, and it was his bill that was approved in May, 1871. An indication of the viciousness of the debate was given by the Daily Telegraph when it stated that the Speaker had been elected to preside over an Assembly, not over a "bear garden."⁹ All of the arguments, petitions, pleadings and threats of opponents of the bill were swept aside by an Assembly that had finally found a sense of purpose. The law was to come into effect on January 1, 1872.

The New Brunswick "bear garden" was not to have the last word on the School Act. The Roman Catholic Church both inside and outside the province was determined to have the act disallowed. When the nature of the Liberal-Conservative coalition was taken into account, it appeared that it might expect some success. The "Douay Amendment" of 1858 was elevated into a principle and the spirit of the British North America Act was called to the fore. Tilley viewed the possibilities with alarm. He was opposed in principle to separate schools, which was public knowledge, but what could he do if the federal cabinet had to take a stand on the New Brunswick School Act and he was found in the minority?

⁸ Tilley Papers (PAC), Boyd to Tilley, July 10, 1867.

⁹ Daily Telegraph, April 19, 1871. A thorough study on the School Act remains to be written. McNaughton, Development of the Theory and Practice of Education in New Brunswick, Chaps. 8 and 9, is useful. There are two M.A. theses. Douglas Aruge, "The Separate School Question in New Brunswick," Carleton, 1967, and Peter Toner, "The New Brunswick Separate School Issue," University of New Brunswick, 1967.

The danger from the School Act was only the most depressing of the problems that Tilley considered in the early months of 1871. The Better Terms agitation was continuing on its merry way, blackening the federal arrangement. His own image had never been lower, and the appointment of Sir Francis Hincks as Finance Minister in October of 1869 to replace John Rose had convinced all but his most faithful admirers that he was destined never to hold a senior cabinet position at Ottawa. When Hincks raised the tariffs across the board from fifteen per cent to twenty per cent in 1870 and imposed or increased the specific duties on coal, wheat, grain, flour, salt, among other items, Tilley friends were difficult to find in New Brunswick. "When the courtship was pending," moaned the New Brunswick Reporter, "New Brunswick was a delightful land; it had assurances of the kindest treatment and promises that it should be tenderly cared for and subject to no irksome duties." The marriage was less than three years old, and "already, we blush to tell it, the step-mother's breath is blowing coldly upon us; but entreaties are all in vain, our remonstrances are despised, and 'submission' is the order of the day."¹⁰

Scorn was heaped on Tilley as the architect of misery of his province. Peter Mitchell was able to avoid the abuse. He blustered about in the Department of Marine and Fisheries and he rattled sabres at the United States over the inshore fisheries. He had become something of a folk hero, and claimed credit for whatever small achievements resulted from Confederation. Mitchell's activities were, in part, responsible for the Washington Conference, which was to consider the Alabama claims and a

¹⁰New Brunswick Reporter, April 15, 1870.

number of other matters such as the use of the inshore fisheries and the possibility of reciprocity. The conference was in session throughout March and April, 1871, and by the end of April it was certain that there would be no reciprocity; in fact, the Americans were close to getting the inshore fisheries for almost nothing. From the New Brunswick point of view that would be disastrous.

It was the fourth week of April, and Tilley was despondent. The New Brunswick school bill, Better Terms, fisheries - everything had gone sour. The death of his father on April 24 was the final straw. He sat down to write Macdonald that he was through. "As matters now stand in New Brunswick, it appears to me that my retirement from the Government at an early date might prove advantageous, both to the Government and myself." Then he asked: "May I under the circumstances venture to ask for the refusal of the Governorship of British Columbia?"¹¹

Macdonald apparently acceded to Tilley's request. Throughout May and June the rumour that Tilley was on his way to British Columbia was broadcast widely.¹² That spiritual departure was probably necessary because New Brunswick did react turbulently to the Treaty of Washington. By the treaty the Canadian inshore fisheries were thrown open to the Americans in return for a cash payment to be determined by arbitration. Only Canadian fish and fish oil were to be admitted free to the United States. There were other matters of concern to Canada, especially in the area of transportation across boundaries. It was a "Surrender rather

¹¹ Macdonald Papers (Vol. 276), Tilley to Macdonald, April 27, 1871.

¹² Sir Alexander Campbell Papers (Public Archives of Ontario), W.H. O'Dell to Campbell, May 30, 1871, and Brown Papers, Brown to Anne, June 27, 1871.

than a Treaty," declared the Daily Telegraph. Canada might as well join the United States, concluded the New Brunswick Reporter, and have the "satisfaction of belonging to the winning side."¹³ Attorney General King temporarily lifted the House out of the public school embroilment by taking the lead in the fight against the Treaty, which he considered "nothing more nor less than the annexation of our coast line to the United States."¹⁴ He had the unanimous support of the House as he led an official delegation on a tour of the Maritime capitals to plot the overthrow of the Treaty. The journey turned out to be a fruitless "fool's errand," according to the Halifax Evening Express on July 3.¹⁵ By then the New Brunswick delegation was back in New Brunswick examining the advantages of the Treaty. There was more to be gained than had at first been evident. On July 5, Joseph W. Trutch, a British Columbia Father of Confederation, was appointed Lieutenant Governor of his province.

ii

Tilley's decision to stay in the cabinet may have been his own, although it seems likely that Macdonald had to convince him. Perhaps he reminded Tilley that Confederation still required his services, especially because of the peculiar situation in New Brunswick. There was to be an election in a year or so and the Coalition might not survive without the New Brunswick seats. J.S. Macdonald had been badly mauled in an Ontario

¹³ Daily Telegraph, May 10, 1871, and New Brunswick Reporter, May 19, 1871.

¹⁴ Quoted in the Daily Morning News, May 18, 1871.

¹⁵ Quoted in J. Paris Mansfield, "New Brunswick and the Treaty of Washington," unpublished MA thesis, University of New Brunswick, 1958, p. 68.

provincial election, a result that would have an effect on a federal election. The provincial election in New Brunswick in 1870 had also been fought, in part, on an anti-Ottawa platform. Mitchell might make a loud noise, but he was in the Senate and was incapable by his nature of playing the role of compromiser. Macdonald might also have reminded Tilley that Mitchell's advice had rarely been decisive, except in matters concerning Marine and Fisheries. There was also a growing alliance between Tilley and Albert Smith that would be forfeited if Tilley resigned. Smith had decided by 1871 that he had little in common with the Ontario and Quebec members of the opposition, who were as provincial in their way as he was in his. Of the alternatives he considered Macdonald and his colleagues more to his fancy. Tilley and Smith pulling together gave strength to the representation that had previously been missing.¹⁶

Tilley must also have realized that his departure would have disrupted the cabinet, which had already had quite enough changes. He was the only surviving member of the original Treasury Board, where continuity was essential. The Customs Department, though operating well, was still in the process of change. The "First Report of the Royal Commission on the Civil Service," issued in 1869, gives some indication of extent of growth:

No other Department is so largely affected by the increase of business consequent upon Confederation, the number of separate ports being now 181 against 71 which formerly existed in Canada. The system of books and returns now required from 110 of these is very different from what they have been accustomed to, involving much correspondence and some confusion in the returns; and as so much that is

¹⁶See Smith's speech quoted in the Daily Telegraph, Dec. 5, 1873.

new must necessarily be introduced in assimilating the methods in the different Provinces, it is very desirable to take the opportunity of thoroughly examining the whole system, with a view to making, once and for all, any changes which our experience of defects in our system, and the example of other nations, may make advisable.¹⁷

In 1871 the Department still required an experienced hand at the top.

Despite his personal depression, Tilley was aware of signs of improvement in many directions. The recession that had plagued them since 1867 appeared to be over. The revenue for 1869-1870 had been \$740,483 higher than expected, and a surplus of \$2,360,000 was projected for 1870-1871.¹⁸ This indicated that imports and customs revenue were both recovering, and that the tariff increases of 1870 were probably unnecessary to meet ordinary expenditures. If the government did consider removing the increase, there was no indication of it in the 1871 budget. Hincks, and Macdonald, and Rose before them, had talked about a "national policy" which tended toward protection, but it had never been fully worked out. In 1871, with a huge surplus and facing unpopularity across the country, the government yielded to pressure from the opposition and both removed all the increases of 1870 and abandoned the idea of a "national policy" for the time being. Tilley had distinguished himself in the session of 1871 by taking on Galt in a debate over the budget. Tupper was moved to write Macdonald, who was in Washington, that "Tilley replied to Galt in a splendid speech. For the first time in this House he did himself justice. The effect will be to utterly demolish the opposition."¹⁹

¹⁷ Canada, Sessional Papers, 1869, No. 19, p. 39.

¹⁸ Debates (C), 1870. Hincks' budget speech on April 7, 1870, pp. 920-921. The figures were open to question, but see J. H. Perry, Taxes, Tariffs & Subsidies, Vol. 1, p. 58 ff. for a useful summary.

¹⁹ Tupper Papers, Tupper to Macdonald, March 12, 1871. The speech is in Debates (C), 1871, March 10, pp. 403-409.

As Tilley turned his attention to New Brunswick in the summer and fall of 1871, he probably discerned that the spasm over the Treaty of Washington had passed, as Macdonald had predicted. New Brunswick, with a large fishery and a small population, came to realize that it was in a position to sell fish on the American market. The American fishermen who came to their waters would require supplies and provide customers for the provincial merchants. There was another consideration. The New Brunswick Better Terms delegation, hoping to capitalize on the desire of the federal government to appease New Brunswick, was pressing its claim on Ottawa while the Treaty of Washington was before the House. As a result the opposition to the Treaty almost ceased. "We trust that the New Brunswick members in the House of Commons will stand behind their leader Mr. Tilley on the Treaty matter," announced the Daily Telegraph. "The Treaty is not what the Government or country could wish, but it is the best the Government could obtain."²⁰

Albert Smith said much the same thing in the Commons on May 15, and Tilley followed with a very strong speech on May 16. "The question now was not whether we [the government] approved of the Treaty, but whether, in the interests of the Empire and the Dominion it was expedient to accept or reject it." He informed the House that the "Government individually and collectively did not approve of the Treaty; but for the sake of Imperial interests, and the sake of maintaining British connections, they were ready to accept."²¹ The next day the Treaty was approved.

²⁰ Daily Telegraph, May 7, 1872.

²¹ Debates (C), 1872, May 16, pp. 621-623.

The Better Terms delegates stood in the corridors waiting for some consideration. Their arguments were well known. New Brunswick was heading back into debt because it could not survive on the federal allowances. The choice was Better Terms or direct taxation, which was no choice at all. Despite their hopes, there was very little sympathy for Better Terms for New Brunswick. If the Treaty of Washington had been the only matter before the House, they might have got a hearing. What was before the House, unfortunately, was the New Brunswick School Act, and that created a serious "anti-New Brunswick furor."²²

On April 29 Auguste Renaud of Kent County moved an address for correspondence relating to the School Act which, he said, had inflicted "tyranny and injustice" on New Brunswick Roman Catholics.²³ That was the beginning of a debate that was to last until 1875. Constitutional, religious, political, ethical and educational arguments were advanced on all sides, but underlying the whole debate was intense emotionalism. Threats and name calling punctuated that first Canadian debate on the extent to which minority rights and privileges were or were not to be guaranteed or imposed by the federal government. Macdonald and Cartier wanted to avoid the issue in that election year at all costs. That proved impossible when John Costigan moved to have the School Act disallowed on the grounds that Roman Catholics were deprived of their rights. Cartier attempted to avoid the issue by pointing out that such an action would create a precedent of federal interference in the area of provincial jurisdiction that would be unacceptable to Quebec. Costigan's motion he

²²Tilley Papers (NBM), T.H. Hogg to Tilley, June 14, 1872.

²³Debates (C), 1872, April 29, p. 197.

characterized as "impudent" and "fallacious." "If the law was unjust," he said, "it would not last long."²⁴

As the debate advanced it seemed clear that some action was to be taken, and throughout Tilley sat in despair. The crisis arrived on May 22 when Pierre Chauveau moved an amendment for an address to be presented to the Queen, praying her to cause an act to be passed amending the British North America Act so as to give every religious denomination in New Brunswick and Nova Scotia the rights and privileges regarding schools they had enjoyed at the time of Confederation.²⁵ The ultimate result of the passage of this amendment would have been the establishment of separate schools, but the temper of the province was such that violence might have been precipitated, as Smith and Tilley both knew. Smith was on his feet immediately, and he requested an adjournment of the debate, which was granted.

"Mr. Chauveau is a bigot and a fanatic," cried the New Brunswick Reporter on May 29, "and as Superintendent of Education in Quebec was the plain tool of the priesthood. . . . Our readers may depend upon it that New Brunswick will resist to the bitter end any such attempt to rob us of our constitutional and inherent privileges." The threat went even further. "Should all else fail, then there is an open door through which we shall gladly escape - better annexation than oppression."²⁶ Tilley was beside himself with anxiety, because it appeared there might be enough support

²⁴ Ibid., May 20, pp. 706-708.

²⁵ Ibid., May 22, p. 764.

²⁶ New Brunswick Reporter, May 29, 1872.

to carry Chauveau's amendment. He sat down to write Macdonald on May 25:

I am now satisfied that my voting for Chauveau's resolution or remaining silent and declining to vote at all, will completely destroy me politically (say nothing of the consequences to the Province I represent, and the cause of Union generally should either Chauveau's or Costigan's resolutions be carried.)

I therefore feel it my duty to take the earliest opportunity of letting you know that I see no course open for me but to ask you to relieve me from embarrassment by accepting my resignation.

It is painful for me to sever the connection that has so pleasantly existed since 1867, and nothing but a sense of public duty and self preservation could have induced me to take this course.²⁷

Macdonald must have shaken his head at Tilley's second resignation in a little over a year. A solution had to be found and the resignation of Tilley would only contribute to the difficulty. It may be that Tilley knew full well that Macdonald would decline the resignation, but the condition would have to be that the government not accept either of the resolutions. Within a few days Tilley had got his way. On May 28 the New Brunswick Senators and Members of Parliament held a protest meeting at which they signed a petition "respectfully but earnestly . . . protesting against this attempt to interfere with the Legislative rights and privileges of the provinces of Nova Scotia and New Brunswick." Pressure groups in Ottawa and in the Maritimes, and the various Protestant journals exerted all their influence to prevent the passage of the resolution. They "rained telegrams" and petitions on Ottawa.²⁸

²⁷ Macdonald Papers (Vol. 276), Tilley to Macdonald, Confidential, May 25, 1872.

²⁸ Daily Telegraph, May 29, June 3, 1872.

A compromise was reached on May 29 when an amendment was moved that expressed regret that the New Brunswick School Act had proved unsatisfactory to a large portion of the population of that province. It was agreed, in addition, that an opinion of the Law Officers of the Crown should be obtained.²⁹ Tilley said nothing throughout the debate, though he was undoubtedly partly responsible for the solution. He at least stayed in the cabinet. Neither the Roman Catholics nor the Protestants of New Brunswick were satisfied, which was the best he could have hoped for. The former were forced to abide by an intolerable School Act while the latter were convinced that they had been unduly censured.

One casualty of the affair was the Better Terms proposal. Dr. Masson of Quebec stated bluntly that New Brunswick could not expect special consideration while the Roman Catholics were denied their rights. The following appeared in the Nouveau Monde a year later:

In the caucus which was held at the house of Mr. Cartier last year, at which Mr. Langevin and all the conservative members assisted, Sir George promised that New Brunswick would obtain better terms only on condition of the School law of 1871 being repealed. It was then said that appealing to the pocket of New Brunswick would be the only means of obtaining all the concessions from her. It is time to try the efficiency of the remedy.³⁰

With a federal election around the corner, the government had barely escaped from an explosive situation in May of 1872. Not wishing to alienate any supporters, the government could not grant Better Terms and expect to receive the Quebec vote; nor could the School Act be disallowed

²⁹ Debates (C), 1872, May 29, p. 899.

³⁰ Quoted in the Daily Telegraph, May 31, 1873.

because the Protestant vote, especially in the Maritimes, would be lost. The stop gap solution gave Roman Catholics some hope that they would receive justice, but it also left the matter to the courts, in which the Protestants were convinced their position would be upheld. Better Terms, though not granted, had not been rejected, and that was also of some significance.

Tilley headed for New Brunswick and the August election more hopeful than he would have dreamed possible a few months earlier. The Macdonald government, in danger of losing the election not long before, now stood as a favourite, although the Ontario elections were a cause of worry. In New Brunswick there was really no opposition party. Smith ran with Tilley as a government supporter, having publicly announced the "dissolution of his partnership with the Grits."³¹ The choice of the electorate was between Liberal-Conservative Coalition candidates, or independents like Anglin, Costigan or Connell. The federal Liberal party had no tentacles in the province whatsoever.

There were other favourable circumstances, including the return of "good times." "The country is prosperous," stated the Daily Telegraph. "Confederation may not be the cause, but at all events, it has not ruined us."³² Federal patronage also was used liberally. Port facilities, post offices, customs houses, and various official salaried positions had been made available or were promised for the near future. Tilley again hoped to be returned unopposed, but even his best friends were not that optimistic. In what was meant as a compliment the Daily Telegraph observed that "it is customary in some circles to talk of Mr. Tilley's want of influence in

³¹Daily Telegraph, Aug. 10, 1872.

³²Ibid., July 27, 1872.

the Government and in Parliament." The writer admitted that Tilley was "content to be comparatively silent and observant for a session or two," but he reminded his readers of his clash with Galt in March of 1871.³³ No one else, it was concluded, could have done better. A number of people in Saint John disagreed. Thus while Albert Smith and Charles Connell were returned by acclamation, Tilley had to face a very strong opponent. J.S.B. DeVeber was a prominent and popular businessman from a distinguished family. He stressed local issues, including the fact that Tilley had rarely been in the city since 1867. In his nomination speech on August 3 Tilley defended himself and the various government policies. Many of the latter, he declared, he had opposed, such as the route of the Intercolonial, but it could hardly be expected that everyone would be pleased. When the expansion of the nation and the vast improvement in services were taken into consideration, Confederation was an unquestioned success. He itemized what he considered the improvements to be, and suggested that those who complained that he was not often in Saint John should ask themselves if he were not more useful at his desk in Ottawa than he could be in Saint John. DeVeber dismissed the speech as "spread eagle" because it ranged over everything and said nothing.³⁴ Tilley had to face some harsh criticism, especially over the various tariffs. Voters were urged not to vote for the man who "took the tax from the rich man's wine and placed it on the poor man's whiskey." Another effective slogan that was

³³ Ibid., July 25, 1872. On the same day the Daily Morning News ran a very similar article.

³⁴ Ibid., Aug. 5, 1872.

widely quoted said: "Smoke dear Tobacco and Thank Tilley."³⁵ DeVeber did not really threaten Tilley in 1872, and the result was a solid majority for Tilley, 1765 to 1225.³⁶ DeVeber, however, had doubled the vote of Tilley's opponent in 1867 and had laid the groundwork for a serious challenge in another election.

If Tilley worried about DeVeber, he never mentioned it and he was soon off to Ottawa, satisfied that Confederation and its advocates had passed through the critical first years. Ahead lay a few years of comfort. In July Macdonald let it be known that the Governor General had recommended Tilley for a K.C.M.G., which would make him the first native born New Brunswicker to be so honoured.³⁷ The defeat of Sir Francis Hincks in the South Brant election opened up possible changes in the cabinet. Government candidates had swept the Maritimes but had lost badly in Ontario. There would be a government majority in the new House, though it would be more unreliable than the last. The Maritime contingent, as a result, occupied a much stronger position.³⁸

iii

About the third week in October, 1872, a rumour suggested that Hincks was to retire as Minister of Finance, and that Tilley was to take his place. Hincks had accepted a safe seat in British Columbia, but was

³⁵ Ibid. The Morning Freeman introduced the School Act into the election but there seemed to be little to choose between Tilley and DeVeber on the issue. See the Daily Telegraph, Aug. 9, 1872.

³⁶ Ibid., Aug. 5, 1872.

³⁷ Pope, Memoirs, p. 606, and Tupper Papers, Lisgar to Macdonald, July 16, 1872.

³⁸ See the Daily Telegraph, Sept. 15, 1872, for an article on the Maritimes holding the balance of power.

not comfortable at the prospect of the ridicule he would face in the House of Commons. Tilley, it was assumed, was the only logical candidate. A Quebec newspaper characterized Tilley in the following, often quoted manner:

Mr. Tilley has an especial title to such a position. He is an old apothecary and knows thoroughly how to gild pills. At the head of our finances, still more than in his ancient establishment, he will have occasion to utilize this rare talent. We shall soon see his work and shall be able to judge of the amount of dexterity he shows in his ancient occupation.³⁹

Despite the speculation, Macdonald could not let Hincks go. The negotiations for the Pacific railway contract continued, and Hincks, who knew something about railways, was considered to be an essential colleague. Almost against his will Hincks remained and contributed significantly to the nature of the contract. When the charter was issued to Sir Hugh Allan on February 3, 1873, Hincks could not be detained. On February 10 he submitted his resignation, and it was accepted.⁴⁰ On February 24 Tilley was sworn in as Canada's fourth Minister of Finance in six years.⁴¹

Tilley's appointment met with general approval. No one else had his experience, nor did anyone else have a claim on the office. The appointment, however, attracted little attention. Hincks's retirement was the headline story of the day. That suited Tilley, since he preferred to slide into the new position. In appointing Tilley, Macdonald may have

³⁹ Quoted in the Daily Telegraph, Oct. 30, 1872, from the Toronto Globe which had quoted a "French paper." For information on Hincks's position see R.S. Longley, Sir Francis Hincks (Toronto, 1943), p. 419.

⁴⁰ Macdonald Papers (Vol. 224), Hincks to Macdonald, Feb. 10, 1873.

⁴¹ See the Toronto Mail, Feb. 25, 1873. Tupper became Minister of Customs.

had an eye on New Brunswick as well as on government finance. The Better Terms commissioners were again pounding on the door. Of greater significance was a decision by the New Brunswick Supreme Court on February 12 upholding the constitutionality of the School Act.⁴² Ottawa could expect fire works over that decision. As Tilley turned his attention to his forthcoming budget, New Brunswick affairs continued to plague him.

Tilley's first budget speech in Ottawa was delivered on April 1, 1873. Compared to any that he delivered in later years, it was very elementary in its objectives and naively optimistic in its outlook. With a huge surplus of over three and one-half million dollars, there was no discussion of the purpose of the tariff in advancing a national policy. With a booming economy and a productive revenue tariff no government tinkers with the system. The revenue for the previous year was \$20,714,813 and the expenditures were \$17,589,468. With the addition of \$470,606 in the sinking fund, Tilley calculated the surplus at \$3,595,951, an unheard of sum in that day. In his speech he surveyed the first five years of Confederation, and he peppered the House with statistics. The average taxation per head for 1867 to 1872 had been only \$4.09, and with a surplus under the present rate, no increase could be expected. Much of his speech was devoted to the improvement in construction, investment and services since 1867. For the year ahead he projected an expenditure of \$20,826,849 and a revenue of \$21,740,000.⁴³ He had been provided with one of those rare opportunities when he could please everyone. He apparently pleased

⁴²Daily Telegraph, Feb. 13, 1873.

⁴³The speech was reproduced in the Montreal Gazette, April 2, 1873.

the House. When he had finished the members crowded around him from all sides. Mackenzie, Holton, and others from the opposition crossed the floor in a "coalition for the moment" to congratulate him.⁴⁴ He had never been better in Ottawa, "clear, comprehensive, and pertinent." According to the Montreal Gazette, he had "both surprised and delighted the House."⁴⁵

Alexander Mackenzie, in the role of financial critic, accused Tilley of being too "sanguine" in his forecast. The revenue, he claimed, would never pay for the future commitments, such as the railway. Richard Cartwright later attacked Tilley for predicting prosperity when all that lay ahead, in his view, was recession.⁴⁶ Arguments such as this made little impression in the face of the obvious success. Only the most pessimistic of the exceptionally foresighted were predicting depression in the spring of 1873.

April 1 had been a great day for Tilley. On April 2 L.S. Huntington rose in the House and accused the government of having received huge sums of money from Sir Hugh Allan and his American associates for election expenses in 1872. In return for this assistance they had been granted the contract to construct the railway to the Pacific. He moved for a committee of seven to enquire into the charge.⁴⁷ Tilley's budget melted into insignificance. The House turned to the railway matter, and though Huntington's motion was defeated one hundred and seven to seventy-six,

⁴⁴ Daily Telegraph, April 3, 1873.

⁴⁵ Montreal Gazette, April 3, 1873.

⁴⁶ For Mackenzie see Debates (SB), April 1, 1873. The Tilley-Cartwright debate was on May 17, 1873.

⁴⁷ Debates (SB), April 2, 1873.

it was obvious the matter would not end there. The very next day Macdonald gave notice of motion that he would ask the House to appoint a special committee of five to investigate the charges, and on April 8 the committee was appointed.⁴⁸

Tilley, unfortunately, has left no record of his attitude or feelings toward what was already being called the Canadian Pacific Scandal. He would have been less than human if he did not say a small prayer of thanks that Sir Francis Hincks had remained the Minister of Finance until the contract was awarded. Tilley's relative obscurity in the early years had rendered him a service. He could and did plead ignorance of any chicanery. Throughout the spring and summer of 1873 the Pacific railway investigation increasingly forced all other issues into insignificance. Tilley attempted to avoid the controversy as he concentrated on other matters.

Better Terms for New Brunswick and action on the School Act reared their heads again in Ottawa in mid-May. On May 14 Costigan reminded the House that New Brunswick Supreme Court had ruled in favour of the Act and the New Brunswick legislature had compounded the earlier injustice by introducing legislation that legalized assessment for the schools before the issue had been settled. His resolution was aimed at the subsequent legislation which he wanted disallowed. He also wanted the Law Officers of the Crown to give an opinion of the issue.⁴⁹ The debate

⁴⁸ Ibid., April 8, 1873.

⁴⁹ Ibid., May 14, 1873.

followed the pattern established in 1872, with constitutional and legal arguments in juxtaposition with religious and moral positions. Cartier was dying in London, and Macdonald had to speak for the government. He delivered a long, vacillatory speech giving moral support to the Roman Catholic position and legal support to the New Brunswick government. He wanted the New Brunswick legislature to change the Act, which he called unjust.⁵⁰ It was clear that he wished the matter would simply go away. Pierre Masson refused to accept compromise. "He did not admit that this right of disallowance was given with regard to the constitution alone." Confederation, he maintained, was an ethical agreement and in its spirit the British North America Act included the protection of minority groups.⁵¹ Few people took up this argument that later generations developed. In 1873 it was almost cut and dry. You were either for or against the Roman Catholic position. Tilley could not sit silently through the debate as he had done a year earlier. He declared that no legal injustice had been done to the Roman Catholics in New Brunswick, and was able to use as authority his act of 1858 on which so much of the argument turned. The solution to the problem, he was convinced, did not lie in Costigan's resolution, which "would tend to postpone for ten or fifteen years the settlement of the question."⁵² To him it was a New Brunswick issue and there it had to be settled. A parade of practically all the New Brunswick members followed Tilley's argument, but it was to no avail. Costigan's resolution was passed ninety-eight to sixty-three. The government of Canada also agreed to defray all the expenses of those who desired to have the matter

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Ibid.

litigated in England before the Judicial Committee of the Privy Council.⁵³

Tilley had failed to prevent the passage of the resolution, and he knew his supporters would be upset. The Macdonald government was castigated for its "cruel, cold blooded, timid, undecided policy," and suggestions were put forward for the formation of a third party, "free from all entangling alliances, who will not understand what fear means."⁵⁴ Premier King and the other members of the Better Terms delegation protested immediately to the Governor General over the infringement of their rights.

Perhaps it was only a coincidence, but the matter of Better Terms was settled only three days after Costigan's resolution was approved. The grant structure was not changed, but a way was found to increase the assistance to New Brunswick. Section 124 of the British North America Act had permitted New Brunswick to retain the privilege of levying a duty on American lumber using the St. John River. By the Treaty of Washington that privilege was traded for other rights on the Great Lakes. On May 17 Macdonald introduced legislation that would compensate New Brunswick at a rate not to exceed \$150,000 per year. Tilley, who calculated that New Brunswick would ordinarily collect \$200,000 per year, supported the move as reasonable under the circumstances.⁵⁵

It was argued at the time that the granting of Better Terms to Nova Scotia had created a vicious circle that would never end. It had

⁵³ Ibid., May 19, 1873.

⁵⁴ Daily Telegraph, May 20, 1873.

⁵⁵ Debates (SB), 1873, May 17.

"established the principle that Parliament could over-ride the constitution of the country."⁵⁶ Tilley rejected this, because he did not believe constitutions should stand in the way of necessary alterations. The province of New Brunswick was in the peculiar position of demanding a change in the constitution over the matter of Better Terms while insisting that the constitution was inviolable in the matter of the School Act. Tilley, at least, was more consistent. He had not used constitutional arguments in the School Act debate; he urged expedience, which appears to have been his philosophy, in so far as he had one.

The settlement with Prince Edward Island was only another example of his attitude. On May 17 he introduced a resolution to bring that province into Confederation. In debt allowance it was given \$50 per capita compared to \$27.22 for the other Maritime provinces. The reason was that Prince Edward Island's per capita debt had risen from \$3 to \$41 between 1864 and 1873, and the additional grant was required. The Island also received a special annual grant of \$45,000 because of the absentee landlord problem.⁵⁷ Tilley, it is obvious, was not concerned with symmetrical legal structures which might or might not work. Practicability was his guide. The improved allowances for Prince Edward Island, of course, facilitated the additional grant of \$150,000 to New Brunswick. Ontario and Quebec were also given an additional \$150,000 each per annum in a settlement over their debt allowance. On May 21, 1873, after a final frantic week of legislation, the House was adjourned. Tilley's surplus

⁵⁶ Daily Telegraph, June 2, 1873, discussing articles that had appeared in the Ottawa papers.

⁵⁷ Debates (SB), 1873, May 17. But see Parry, Taxes, Tariffs & Subsidies, Vol. II, Chapter 31, especially p. 514.

had been pretty well scattered by that time, but few seemed to notice. The Canadian Pacific Scandal was taking a firm hold in the public mind.

From early in the year, when Hincks first learned that he was to be attacked for his part in the railway contract, through Huntington's resolution of April 12 and his various attempts to force the railway issue on the House, the government stood united and secure. Few of its independent supporters, such as Albert Smith, wavered, even after the publication of the Allan-McMullen correspondence on July 5. The release of McMullen's long statement on July 18 combined with the publication of the correspondence stolen from J.J. C. Abbott's files sent a shudder through even the most faithful allies. All of Canada read Macdonald's telegram in which he requested "another ten thousand" from Allan, and no one doubted that he received it.⁵⁸ All was not lost, however, and as the members assembled in Ottawa on August 13 to reopen the adjourned House, a logical explanation might have saved the day. What they got in its place was a prorogation and the appointment of a Royal Commission.

Under the circumstances it was the wisest course. The Royal Commission would bring out the facts upon which a sensible debate might take place. The newspaper reports had been both biased and fragmentary. Tilley undoubtedly noticed that Albert Smith had been prominent among those who had assembled in the Railway Committee Room on August 13 to protest against the prorogation. Smith had at least deprecated those who found the government guilty before they were tried, but he insisted that it was Parliament's right to decide, and what Macdonald had done was to

⁵⁸See Creighton, John A. Macdonald, Vol. II, Chapter VI.

commit an "act of tyranny."⁵⁹ Tilley must have been uncomfortable, because the last time he had heard that charge from Smith was just after calling the election of 1865. Was it possible that they were in for another crisis of that magnitude?

No, it could not be that serious. The Royal Commission would exonerate the government. He knew his colleagues too well to suppose that they would permit a man like McMullen to have any hold over them. Tilley began to prepare for a journey to England. A government bond was to be floated and he had to be at hand to choose the exact moment at which to place the bonds on the market. He was on a train to the east coast when he encountered Lord Dufferin, the Governor General. They discussed the "Pacific question" in some detail. Dufferin mentioned that the opposition claimed to have evidence that certain candidates in Quebec had received election money from Allan which was non-refundable if Allan got the charter. Tilley stated that the "Govt could only be responsible if they were cognisant of, and approved of these transactions." Dufferin agreed and suggested that Tilley see Lord Kimberly, the Colonial Secretary, and some newspapermen when in England to present the government case. "He says he has written Kimberly fully," Tilley informed Macdonald, "and put the case as he sees it, and that is not in an unfavourable light."⁶⁰

Tilley proceeded to England and the government loan of £4,000,000. The tenders were received on Monday, September 22, with the total loan being subscribed at four and one-half per cent and not to bear interest

⁵⁹ Daily Telegraph, Aug. 15, 1873, from the meeting of Aug. 13.

⁶⁰ Macdonald Papers (Vol. 276), Tilley to Macdonald, Aug. 19, 1873.

until October 1. This was, according to Tilley, "a little better than the last loan" which had four months interest due when subscribed. He had made an "extra effort to make it a success," Tilley wrote Macdonald, because failure might have been attributed to the "Pacific Railway 'Scandall' [sic]." "All is well," he declared, "and I am content."⁶¹

Tilley's luck in this matter was phenomenal. Jay Cooke and Co. failed on September 18 and precipitated the 'Panic of 1873,' the worst of the nineteenth century. Within four days of the settlement of the Canadian loan, Macdonald telegraphed Tilley: "Exchange unsaleable - panic imminent - ship five hundred thousand sovereigns forthwith."⁶² Tilley, who sent the money immediately, stated that the interest rates had risen already and that the Canadian loan would not have been taken had they delayed one week.⁶³ The situation was reminiscent of 1857, and Tilley must have anticipated what lay ahead. It might not be as bad this time, of course, but Jay Cooke had been the most successful banker in the United States during the Civil War. His failure had terrifying implications.

As Tilley pondered the financial situation in the United States, he became increasingly upset over the reports in the British newspapers about the railway investigation. He telegraphed Macdonald on September 20 that the "Substance of Commission Report should be telegraphed special Times" because "unfair statements [are being] sent and prejudicial articles [are being] based upon them."⁶⁴ He discussed the situation

⁶¹Ibid., Tilley to Macdonald, Sept. 23, 1873.

⁶²Ibid., Macdonald to Tilley, telegram, Sept. 26, 1873.

⁶³Ibid., Tilley to Macdonald, Sept. 30, 1873.

⁶⁴Ibid., Tilley to Macdonald, telegram, Sept. 30, 1873.

with Lord Kimberley, who was disturbingly noncommittal. On October 7 he boarded ship for home. During the voyage he had much to think about.

Albert Smith had been offered the Lieutenant Governorship of New Brunswick in June but had declined the offer because he was not interested in the position. He had informed Tilley that New Brunswick could best be served with Tilley in the government and Smith supporting him in the House.⁶⁵ Tilley replied that he was weary of public life and would probably take the Lieutenant Governorship himself if Smith would enter the government. Within two months Smith was the leader of a large New Brunswick contingent, perhaps even a majority, that stood opposed to the Macdonald government. When the House reassembled on October 23, Tilley was aware that both he and the government might not survive the next crisis. The Royal Commission Report, fortunately, had not condemned the government and Tilley, personally, was not implicated in any of the dealings with Allan.

The debate on the Address opened on October 27 and went against the government from the beginning. Former allies like Albert Smith had deserted in August, and others drifted away as the debate progressed. When Tilley rose to speak on Friday afternoon, October 31, it was with the knowledge that a majority of the New Brunswick members if not the whole House had been lost. The issue before them, he began, was of "greater magnitude and importance" than any subject on which he had ever before spoken. After reviewing the evidence, he rejected totally the charges against Macdonald and the government. As a participant he was

⁶⁵From Smith's speech, quoted in the Daily Telegraph, Dec. 5, 1873, but see Macdonald Papers (Vol. 276), Tilley to Macdonald, June 16, 1873.

able to state that no American influence had been or would be permitted in the railroad much less over the government. Referring to the use of money at elections, he concluded "it was necessary for the success of the candidates" of all parties, especially in the larger constituencies. Mackenzie's cry for a "pure election law" he characterized as unrealistic. Tilley wondered about the honesty of the opposition which had twisted and mutilated the evidence. He concluded by saying that "from having sat with him [Macdonald] in Council for the last six years, he did not believe he was guilty." Macdonald had been charged unjustly and he, Tilley, was prepared to "fall with him, and take the consequences of vindicating his course before the country."⁶⁶

Tilley had rarely been more articulate, "short, clear, comprehensive, dignified and effective,"⁶⁷ but it was not enough. Macdonald tried to capture the House the following Monday in what may have been the greatest speech of his life, but he too failed. On November 5 further delay was futile and the government resigned. One of its final official acts that day was the appointment of Tilley as Lieutenant Governor of New Brunswick.

iv

Tilley's retirement to the office of Lieutenant Governor and the resignation of the Confederation government marked what everyone considered the end of an era. Even the most optimistic considered the case of the Macdonald government as a "lost cause, which they will never again regain."⁶⁸

⁶⁶ Debates (SB), 1873, Oct. 31.

⁶⁷ Ottawa Daily Citizen, Nov. 1, 1873.

⁶⁸ New Brunswick Reporter, Nov. 12, 1873.

Tilley, for all his brave talk about falling with his chief, had deserted for a fat sinecure when the crunch arrived. The Mackenzie government attempted to undo those last minute appointments on Saturday, November 8,⁶⁹ but Dufferin refused to permit the reversal of those that had appeared over his signature, and Isaac Burpee, Mackenzie's Minister of Customs from Saint John, wished to avoid jeopardizing his own re-election by pressing what might have been an unpopular act. An extra of the Canada Gazette on November 11 confirmed Tilley's appointment,⁷⁰ and two days later the swearing in took place in Fredericton.

He must have anticipated the criticism he would face, and that it would be unfair. Tilley's speech had been made in good faith. He had declined to accept the appointment on October 24 and again on November 3, and only agreed after much pressure was exerted on him on November 5. It was months before the press let up on him, however, and as late as February 22, 1877, when the whole question of appointments and dismissals was aired in the House of Commons, Mackenzie and Edward Blake paraded Tilley's black act before the House.⁷¹ His defense was silence. He would not diminish his new office by participating in a public quarrel. In time the matter would be forgotten. He turned to his new responsibilities.

⁶⁹ Ottawa Daily Citizen, Nov. 10 and Nov. 11, 1873, has details. For the extent of the last minute appointments see Canada, Sessional Papers, 1877, No. 144. Albert Smith supported Tilley as well and attended a dinner in his honour in November, 1873. Debates, 1879, April 10, pp. 1228-1229.

⁷⁰ Ibid., Nov. 11, 1873.

⁷¹ See Tilley Papers (PAC), Tilley to Dufferin, April 2, 1877. Tilley's version first appeared in the Daily Morning News on May 3, 1874, without any reference to the source of information. Tilley discussed the chronology in Macdonald Papers (Vol. 276), Tilley to Macdonald, Private, April 17, 1877.

Among the first announcements to be issued from the new Governor was that the "use of wine at Government House was abolished,"⁷² and it must have been with dampened spirits that the provincial notables journeyed to the old mansion for an official reception on December 16. The event, nevertheless, was reported by a 'dry' paper to have passed off with "decided éclat."⁷³ That was the beginning of four and one-half years in a role that was totally different from anything Tilley had occupied before, and he entered into it with enthusiasm. On Christmas day he had a special dinner prepared for the poor of the Alms House and the inmates of the gaol. All the churches in Fredericton received a special donation, and on New Year's Eve a gala ball was held, with an enthusiastic Mrs. Tilley much in evidence.⁷⁴ On February 11, 1874, Tilley was the centre of attention. It was the opening of the Assembly. The militia was out in style, and Tilley arrived in "Court Dress richly embroidered, with gold lace, a cocked hat and a plume." Whether he was uncomfortable in an unaccustomed seat or whether he was still suffering from a "recent indisposition," Tilley was almost inaudible on that occasion.⁷⁵ At prorogation on April 8, however, when the ceremony was repeated, all traces of uncertainty had disappeared.

The following July Tilley took his family to St. Andrews, where he had recently acquired a summer home. For twenty years he was to make

⁷²New Brunswick Reporter, Dec. 17, 1873.

⁷³Ibid.

⁷⁴Ibid., Dec. 31, 1873, and Jan. 7, 1874.

⁷⁵Ibid., Feb. 18, 1874.

the same excursion, and he was to treasure his annual escape to St. Andrews-by-the-Sea. In that first summer the provincial militia held its exercises at nearby "Camp Tilley." The Governor and Lady were much in evidence at the temporary camp. There was an inspection, a levee, a luncheon and a ball.⁷⁶ By September the Tilleys were back in Fredericton for another year of receptions, official duties, and activity with the Church, the Bible Society, and the temperance movement. The second year was probably the most enjoyable he would spend in Fredericton. All of the tension of the first had disappeared, and the Tilleys were a common sight jingling over the winter roads. They were frequently at the Cathedral, and up the hill at the University of New Brunswick, or at a temperance meeting. In this manner they made their first contacts with George Parkin and George Foster, both of whom were to have distinguished careers. They were in their twenties at the time and were teachers. Parkin, the headmaster of the Fredericton Collegiate School, had just returned from a year at Oxford, and was full of ideas about the empire. Foster, who was a lecturer in Classics at the University of New Brunswick, had earlier studied at Edinburgh and Heidelberg. It is not difficult to visualize long evenings in Government House around a warm fire, with the discussion straying from temperance to Canadian politics and the future of the empire.⁷⁷

By the end of the second winter, when Dufferin mentioned to Tilley that he heard "a great deal of the satisfaction you are giving

⁷⁶Ibid., July 8, 1874.

⁷⁷Little can be said for certain about the relationship among the men in the 1870's. Later correspondence confirms that they associated together during the period. See Tilley Papers (NBM), passim.

in the administration of your government,"⁷⁸ Tilley was beginning to feel the restrictions his office placed on him. He looked forward to his summer in St. Andrews, but then it would be a return to the same routine. He had already been in touch with Macdonald and Tupper about the political situation in Canada, especially over the strategy of the party and what their policy should be. Cartwright's budget on April 14, 1874, which recommended an across the board tariff increase of two and one-half per cent and an increase in numerous specific rates, struck Tilley as totally unnecessary. He wrote Macdonald three days later, giving his opinion. He also wrote Tupper and Mitchell, "calling their attention to some matters to be ventilated when the Finance Minister again calls the attention of the House to them."⁷⁹ It was difficult being on the outside and unable to participate. Official silence was not always easy. On December 29, 1874, for example, the band was about to begin playing when it was announced that Macdonald had been successful in a bye-election made necessary by a disputed election. Alice Tilley immediately "burst out in an exclamation that nearly all must have heard," Tilley wrote Macdonald. "Mrs. Tilley, though in Govt. House, loses no opportunity before friend or foe, to express the hope that Sir John will soon be back in power again."⁸⁰ Tilley knew it would be at least three years. He also realized that at fifty-six he was too young to retire.

Tilley may have had a prominent place in the deliberations of the New Brunswick Executive Council, though the evidence to prove this is

⁷⁸Tilley Papers (PAC), Dufferin to Tilley, May 5, 1875.

⁷⁹Macdonald Papers (Vol. 276), Tilley to Macdonald, Private, April 17, 1874.

⁸⁰Ibid., Tilley to Macdonald, Private, Dec. 31, 1874.

not available.⁸¹ His long experience alone must have been of some use to George King, the Premier. Tilley and King became very close during Tilley's tenure, and Tilley appears to have come to think of King as his successor at Ottawa. While Tilley was Lieutenant Governor the School Act problem reached both a crisis and a settlement, to which Tilley may have contributed. In the provincial election of June, 1874, King swept the province in an incredibly emotional campaign. The slogan "The Ticket, the Whole Ticket, and Nothing but the Ticket,"⁸² proved most effective and King captured thirty-six of the forty-one seats. A month later, on July 17, the Judicial Committee of the Privy Council ruled in favour of the New Brunswick government on all matters.⁸³

Within six months the "Caraquet Riot" had claimed two lives, and order was restored only by the arrival of Brigade General McCully and forty volunteers.⁸⁴ That jolted both Protestant and Roman Catholic leaders to seek a compromise, and in the summer of 1875 a settlement was reached which granted Roman Catholics a modified type of separate school within the public school system and under its curriculum. At the same time, members of religious orders were permitted to teach, and religious instruction was tolerated, but only after regular school hours.⁸⁵ Extremists on both sides remained hostile, and elections in New Brunswick have to this day a strong religious bias that found its roots in the

⁸¹ John T. Saywell, The Office of Lieutenant-Governor: A Study in Canadian Government and Politics (Toronto, 1957), suggests that the Governors had considerable influence in New Brunswick after Confederation, pp. 35-36.

⁸² New Brunswick Reporter, April 29, 1874.

⁸³ Daily Telegraph, July 18, 1874.

⁸⁴ See the Daily Telegraph, Jan. 17 and Jan. 28, 1875, and the Morning Freeman, Jan. 18, 1874, for two widely divergent reports of what happened.

⁸⁵ See MacNaughton, Development of the Theory and Practice of Education in New Brunswick, pp. 220-221.

controversies over Confederation and the School Act. By 1878, however, the School Act itself was not an issue, and a somewhat less hysterical political alignment was beginning to take place.

Tilley served out the last three years of his term in a moderately quiet political setting. The economic issues that dominated in those days transcended provincial politics. By 1877 he was impatient to be rid of his position, as his letters to Macdonald indicate. In that year, however, tragedy struck. On June 20 the "Great Saint John Fire" destroyed fully two-fifths of the city, leaving 12,000 homeless, and wiping out many of the prominent businessmen.⁸⁶ Tilley visited the city immediately and discovered that much of the place he had known was gone. The Temperance Hall, in which he had so often spoken, was a pile of rubble. Black chimneys stood as grotesque monuments to remind him of homes he had often visited. His own property had escaped but that was small consolation. Many of his business friends and political allies were destitute. The rebuilding began immediately, but the fire left a scar that lasted for years.

A personal tragedy later in the year left an even deeper scar. Tilley's son, Harrison, died. He had just recently become the first assistant at the Cathedral Church of St. James, Toronto, and appeared to have a great future. Tilley was beside himself with sorrow. Harrison was his first and his favourite child. Tilley, ever a devout Christian, found solace in his faith. "He has gone to his Heavenly Home, and eternal rest,"

⁸⁶There are many studies of this, but see George Stewart, The Story of the Great Fire in St. John, N.B., June 20, 1877 (Toronto, 1877).

he wrote Macdonald. "It nevertheless is hard to part with one so dearly loved. He was always a devoted and obedient son."⁸⁷

Tilley received a third blow early in 1878. For his work on the Halifax Fishery Commission of 1877, by which Canada was awarded \$4,500,000, Albert Smith, that sometime ally and the man who had almost prevented Confederation, was created a Knight Commander of the Order of St. Michael and St. George.⁸⁸ Tilley's knighthood had been lost somewhere in the shamble of 1873, and it was Smith, not Tilley, who became New Brunswick's first native born to be knighted. Tilley hid his disappointment, but Peter Mitchell, who believed Smith had received a title for the work done by Mitchell, was incensed and did not care who knew it.⁸⁹ Most had praise for a provincial hero, and on August 16, "thousands of people" gathered for a political picnic at Peticodiac to pay their respects to Sir Albert and Lady Smith.⁹⁰ The picnic was part of the 1878 federal election campaign. Tilley had already left the office of Lieutenant Governor and was on the stump as befitted a rejuvenated old warrior.

From 1875 on Tilley had not been exactly detached from politics, even though his hands were "completely tied" by the office. He kept up a

⁸⁷ Macdonald Papers (Vol. 276), Tilley to Macdonald, Private, Dec. 10, 1877. There is a short life of Harrison Tilley in Stevens, History of St. Luke's, pp. 66 to 87.

⁸⁸ See Dufferin-Carnarvon Correspondence, edited by C.W. de Kewit and F.H. Underhill, (Toronto, 1955), Nos. 367, 368, 387 and 388.

⁸⁹ Moncton Daily Times, Sept. 10, 1878.

⁹⁰ Daily Telegraph, Aug. 17, 1878.

steady correspondence with Macdonald and others, read the newspapers from all over the country, and began to organize "Liberal Conservative Clubs" throughout the province.⁹¹ His participation must have been an open secret, but it is doubtful if it were realized how completely he orchestrated the party behind the scenes, especially in the River counties. Cartwright's budget of 1874, with its criticism of Tilley, had first stirred Tilley's fighting blood, and by 1875 he was working out an election strategy. The Mackenzie government, Tilley wrote Macdonald at the end of the year, was "doing your work well, and if you let them go on a little longer, 'they will be delivered into your hands'."⁹² The depression that was creating so many insoluble problems he saw as an accomplice, and he urged Tupper to delay any attempt to defeat the government under present circumstances. In the meantime, they would "wallow through their difficulties."⁹³ He visited Macdonald in October, 1877, and between them they mapped out their approach to the election. Tilley was then anxious to be out of his office. New Brunswick, he had decided, was the weakest province for his party in all of Canada. The reconstruction of Saint John following the fire had produced a huge stimulant to the economy of the whole province. Men and materials everywhere were put to use, and money flowed into the province, both from the government and a multitude of private sources. The government, as Tilley ruefully told Macdonald, had been provided with a very useful way to distribute patronage.⁹⁴ On the northeast coast of the

⁹¹ Macdonald Papers (Vol. 276), Tilley to Macdonald, Private, Sept. 2, 1876.

⁹² *Ibid.*, Tilley to Macdonald, Private, Dec. 4, 1875.

⁹³ Tupper Papers, Tilley to Tupper, Private, Jan. 27, 1876.

⁹⁴ Macdonald Papers (Vol. 276), Tilley to Macdonald, Private, Dec. 18, 1877.

province, at the same time, the development and expansion resulting from the completion of the Intercolonial Railway in 1876 helped to overcome the repercussions of the depression.

When E.B. Chandler became Lieutenant Governor on July 23, 1878, and Tilley finally became what he called a "free man again,"⁹⁵ he had an extremely difficult task ahead of him, even with George King, who had retired as Premier in June, as his running mate in St. John County. There was not one newspaper in Saint John that supported them, and he could count on only one or two in the province. As Tilley surveyed the situation he was anything but optimistic. He would have been satisfied with half of the sixteen seats. "Taxation & Pacific Scandal" were the warnings that filled the press, and it was not until July 29 that he got his own paper, the Saint John Daily Sun, into operation.⁹⁶ By that time the extent of his problem was clear. Peter Mitchell was in serious trouble on the North Shore, where the "Knight of the two Saints," Albert Smith, was in control.⁹⁷ On the River side of the province, Tilley considered his candidates in York, Charlotte and Albert to be weak. Eight seats out of sixteen began to appear unreasonable, and he wrote Macdonald on August 3 that he could not join him in any meetings in Ontario, because of the local situation. Young DeVeber, whom Tilley had defeated so decisively in 1872, had been returned by acclamation in Tilley's seat in the fall of 1873 and had overwhelmed his opponent by a three to one margin in the federal election of 1874. He was a popular member with good local contacts, and appealed

⁹⁵ Ibid., Tilley to Macdonald, Private, July 28, 1878.

⁹⁶ Ibid.

⁹⁷ Moncton Daily Times, Aug. 15, 1878.

to the same voters who had supported Tilley over the years. Prime Minister Mackenzie and Cartwright toured the Maritimes in August in the first attempt at a cross-Canada type of campaign. In Saint John they had harsh words for Tilley and the problems they had inherited from him. His undignified escape to the Lieutenant Governorship was again brought up. That visit may have been a mistake, because the "carpet-baggers of the cabinet" may have alienated more than they pleased and given Tilley the edge he needed.⁹⁸

The opposition to Tilley was partly on a personal basis, and there were not a few comments about his participation in politics after having held the office of Lieutenant Governor. The main thrust, however, was against the proposed tariff changes. A one hundred per cent increase was bruited about and widely believed. His opponents, Tilley declared, were "working up the protection Cry in the Country, and the Coal & Flour duty to be paid they say by New Brunswick to make the Ontario millers and Nova Scotia miners rich."⁹⁹

Tilley's approach to the problem was interesting. The term "Re-Adjustment" was much in use, and he talked about a just system to replace the unjust hodge-podge of the government. The change was necessary, Tilley stated, because of the situation in the United States. He emphasized that they must protect the home market and home manufacturing, and prevent "our workingmen [from being] driven to a foreign country in order to gain employment."¹⁰⁰ This last argument was especially effective

⁹⁸ Daily Sun, Saint John, Aug. 24, 1878.

⁹⁹ Macdonald Papers (Vol. 273), Tilley to Macdonald, Private, Aug. 3, 1878.

¹⁰⁰ Daily Sun, Sept. 11, 1878.

because everyone had relatives who had gone to the United States. Tilley was rather cunning about the increases. Earlier he had sent Macdonald a copy of a speech and he noted:

You will see that I had to deal gingerly with the Flour & Coal question, justifying the duty on the grounds of securing a reciprocity arrangement. Our friends here going to their constituents for election urged me for that sake not to be extreme on those points. I nevertheless leave myself open for the re-introduction of the policy with that in view.¹⁰¹

In another similar deception Tilley referred to the "national policy tariff" of 1870, and suggested that there had been no ill effects suffered from it. The implication was clear. Nothing more drastic was anticipated than the previous policy, out of which emerged the prosperity of 1871 to 1873. Tilley also stressed the selectivity of the proposed changes. He told a St. Andrews audience, for example, that no tariff should or would be placed in ship building materials. He was almost caught, on another occasion, when he recommended a lower tax on rum, but he turned it to his advantage by stating that it was "not fair to increase the tax on the rich man's brandy 4-1/2 per cent only, while the poor man's rum and whiskey is increased to 55 per cent."¹⁰² Tobacco he treated in a similar manner. Above all he insisted that the tariff would be both fair and systematic, and not more favourable to Quebec and Ontario as in the past.¹⁰³ The Moncton Daily Times gave the party a slogan which was both appropriate

¹⁰¹ Macdonald Papers (Vol. 276), Tilley to Macdonald, Private, July 28, 1878.

¹⁰² Daily Sun, Aug. 13, 1878.

¹⁰³ Ibid.

and catching. The people had a choice between the "No Policy Party" and the "National Policy Party."¹⁰⁴

Throughout the election Tilley defended the idea of a "National Policy," but it is clear that he disguised very cleverly what the policy was to be. Obviously it was expedient, but it was also necessary to regain power before those necessary policies could be introduced. As much as possible he directed the argument away from the tariff and to the glorious past of both the party and its New Brunswick members. That incomparable budget of 1873 was waved before audience after audience as a reminder of what had been and what might be. He could not, of course, avoid the Pacific Scandal. Macdonald's acceptance of \$45,000 for election expenses "he did and he had not defended it in his speech in Parliament. . . . it was wrong for a member of the Government, or a leading member of the Opposition . . . to receive money from a public contractor."¹⁰⁵ It was an attempt to diffuse the scandal by pointing to the problems of the system, though he made it clear a mistake had been made that would not be repeated. What the voters were asked to consider in 1878 was not the scandal, but the progress that preceded 1873 and the decline that followed.

The evening of September 17 was longer than Tilley had expected. The polls were closed and the votes were being counted. In Kings No. 1 DeVeber jumped into an early lead and carried the poll one hundred and fifteen to thirty-seven. He carried Kings No. 2 as well, seventy-four to fifty-four. There were strong Tilley areas such as Guys which gave

¹⁰⁴ Moncton Daily Times, Sept. 2, 1878.

¹⁰⁵ Daily Sun, Sept. 11, 1878.

him one hundred and thirty-four to eighty-one for DeVeber. The lead switched hands almost on every poll. Word was received that George King had lost in the county, which gave hope to the DeVeber forces. As the final vote was tabulated, it was still anyone's election. The results were rechecked. Tilley had won by a hand full, 1475 to 1466, and DeVeber demanded a recount, even though there was not much chance of a reversal.¹⁰⁶

It was not a great victory, and Tilley was weak. He had been in a "smash up" in his carriage on September 2, which left him badly bruised and bedridden for a number of days,¹⁰⁷ and now there was this unbelievably close election. To make matters worse, the party had carried only six or seven seats in the province, and Mitchell had lost his seat. Across the country, however, the election had gone well and Macdonald was asked to form the next government. Somewhat disheartened, Tilley accepted the Ministry of Finance, the only cabinet position offered to a chastened New Brunswick.

¹⁰⁶ Ibid., Sept. 18, 1878. For DeVeber's protest see H.J. Morgan, The Dominion Annual Register and Review (hereinafter cited as Dominion Annual Register), 1878 (Montreal, 1879), p. 213.

¹⁰⁷ Macdonald Papers (Vol. 276), Tilley to Macdonald, Confidential, Sept. 5, 1878.

IX

"Canada for the Canadians"

1878-1896

From early on the morning of March 15, 1879, groups of people gathered outside newspaper offices waiting for a glimpse of the budget. The day before, Leonard Tilley had presented the "National Policy" in his own if not Canada's most famous budget speech. It was undoubtedly the most discussed subject on March 15 as people attempted to determine the meaning of the tariff changes. In the evening the post office was a perfect bedlam as everyone came for their papers or hurried to send for explanations. The merchants studied the new tariff rates very carefully and hastened to examine their stocks. Some rejoiced that they had imported certain items and avoided the increase; others regretted a failure to purchase, or worse, their decision to import large quantities of items like cigars on which there was no increase. It was a day of questions as well as answers. What does it mean? What effect will it have in England? in the United States? What will it do to the poor?¹

Tilley had asked these questions himself and thought he had the answers. For the next six or seven years he stood behind the tariff policy and defended it against all opposition. He made numerous modifications or refinements in the rates, but the basic policy remained unchanged. During his term of office the National Policy meant the tariff policy, though the construction of the Canadian Pacific Railway and the opening

¹Daily Morning News, Saint John, March 17, 1879.

of western lands were considered natural correlates of the other project. The tripartite policy much favoured by historians is more obvious in retrospect than it was in 1879. The railway and the opening of the west were logical extensions of Confederation and were, in fact, part of the original proposal in 1864. The tariff policy was an innovation that Tilley, for one, did not accept until 1876 or 1877. Even those who had advocated a "national policy" in 1869 and 1870 had never elaborated what they meant. With his budget speech of 1879 Tilley implemented a dramatic shift in policy for Canada. If, as O.D. Skelton has written, the phrase "National Policy" was one which "Rose devised, Hincks stamped with his approval, and Macdonald made current," it should be added that Tilley was its designer and builder.²

1

Tilley had started his career in 1849 as a protectionist, but his dedication to that doctrine was usually related to business cycles. In periods of recession such as 1849-1850 and 1857-1860, he invariably preached or implemented higher tariffs, though the need for public revenue was always closely associated with changes. From the beginning, however, Tilley was acutely aware of the effect of foreign dumping on local manufacturing. He also associated this with the migration of population to the United States. A protected home market appeared to be the solution, and while he was Provincial Secretary of New Brunswick the tariff was increased by over one hundred per cent. With his tariffs

²O.D. Skelton, "General Economic History, 1867-1912," p. 514, Canada and its Provinces, Vol. IX. The Toronto Daily Mail, May 24, 1879, called Tilley the architect of the National Policy.

Tilley always attempted to find a rate that would provide a balance among the various segments of the community, such as his effort to consider both the shoemakers and the tanners in his revenue bill of 1855. Since protection was considered bad politics in that era, Tilley justified all increases on the grounds that a balanced budget and a sound currency were essential. Until 1876 Tilley's primary objective was probably to secure a satisfactory revenue tariff, with a little protection on the side if possible. In the early 1870's he seems to have rejected protection because he voted for the removal of Hincks's increases of 1870 in 1871, and he strongly criticized Cartwright for raising the tariff unnecessarily in 1874. The necessity of placating Maritime opposition to increased taxation and tariffs was undoubtedly Tilley's objective, and it does suggest his commitment to protection was political rather than theoretical. As late as 1876 he warned Macdonald that the protection cry or campaign which the Liberal-Conservatives had adopted that year was highly unpopular in New Brunswick. "St. John being a manufacturing centre, is an exception and will go protection."³ How fortunate for Tilley that Saint John was his constituency.

When he entered the 1878 election campaign, Tilley came out strongly in favour of the upward adjustment of the tariff as essential for protection from abroad and improved developments at home. To give him his due, protection may have been a natural inclination. Had Cartwright raised the tariff to twenty per cent in 1876 as planned, Tilley might have been placed on the other side, but not necessarily. He was much like Macdonald in this matter. Both paid lip service to the various arguments over free trade and protection, but neither was

³ Macdonald Papers (Vol. 276), Tilley to Macdonald, Private, Sept. 2, 1876.

especially tied to that type of speculation or to either position. As hardnosed politicians they could see by 1877 that the free trade position for underdeveloped countries like Canada was probably impossible. Tilley was aware that between 1873 and 1877 the British imbalance of trade had risen from \$250,000,000 to \$700,000,000 while the United States had converted an imbalance of \$66,000,000 in 1873, into a favourable balance of \$300,000,000 in 1878. He concluded that "the prosperity of the one country, at this moment, is caused in a great measure by the large surplus in its favour, and the depression in the other by the large deficiency."⁴ Since one was a free trade nation and the other protectionist, he arrived at the conclusion that Canada must follow the pattern of the United States. It is possible that even if Cartwright had raised the tariff rate to twenty per cent in 1876 that Tilley and the party would still have opted for the National Policy. It was the intent of the National Policy rather than the rate it imposed that completely separated it from any previous tariff.

Tilley was sworn in as Minister of Finance on October 17, and, as he confessed later, "I cannot say I found the finances in the most satisfactory condition."⁵ It was a cut aimed directly at the former Minister of Finance, Richard Cartwright, who had spent five years blaming Tilley for his problems. One of those problems he left to Tilley. Within two months of assuming office Tilley had to raise

⁴Debates, 1879, March 14, p. 414.

⁵Ibid., p. 411.

\$15,500,000 to meet ordinary expenditures and to compensate for maturing debts. After making some preliminary arrangements for some investigation of tariff changes, Tilley departed for London and did not return until Christmas. It was a bleak period in which to be seeking money, but he had no choice. There was, fortunately for Tilley, one lucky moment at which to float a loan, and it occurred around December 9, when bids were received on Canada's £3,000,000 offer.⁶ Pleased with himself, Tilley headed for Canada.

With the House set to open in less than two months, there was little enough time for planning. The budget was delivered on March 14, 1879, and Tilley, as expected, was charged with throwing his tariff package together from the demands of the manufacturers. It is customary to this day to quote from critics like Edward Porritt who claim that the manufacturers set the rates and the policy. No less an authority than Prime Minister Macdonald is given as proof. He was reported to have told a Hamilton audience: "Let each manufacturer tell us what he wants, and we will try to give him what he needs."⁷ What adds credibility to this interpretation was the publication of Industrial Canada by the Canadian Manufacturers' Association in 1901. It was claimed in that work that representatives of various industries in Toronto and Montreal submitted their proposals to Tilley. "With few exceptions," according to the

⁶ Ibid. Rose called it a most fortunate moment. See Macdonald Papers (Vol. 259), Rose to Macdonald, Dec. 19, 1878.

⁷ Quoted in Edward Porritt, Sixty Years of Protection in Canada, 1846-1907, Where Industry Leans on the Politicians (London, 1908), p. 317.

Secretary of the Association, "the tariff which was proposed by Sir Leonard Tilley in his budget speech that session was the same as that suggested by the Manufacturers' Association."⁸ It is true that Tilley invited interested parties to Ottawa, but it included those who were for as well as those who were against the tariff changes. Undoubtedly the interests of the industrialists were looked after, but the claim of the Canadian Manufacturers' Association was exaggerated. It was, after all, a retrospective flourish, not an immediate claim. Since the tariff structure was completely revamped that year, and since the new structure has been retained ever since, with modifications, it is to be questioned if it was the thrown-together gift package it is represented as being.

Tilley, it must be remembered, knew more about the tariff and the details of customs administration than anyone else in government at the time. Almost continuously from 1854 to 1873 they had been his responsibility at one level or another. He had also introduced the Canadian tariff of 1867, which was one of the first national policies. Over the years he had participated in innumerable debates on the virtues of various approaches, and he had acquired a practical detailed knowledge of the workings of various schemes. He also had some theoretical background. In his youth protection and free trade were much debated subjects; he may have even taken one side or the other as a topic at the St. John Debating Society. Later, at the Mechanics' Institute, the topic was frequently on the programme. Abraham Gesner, who was studying the geology

⁸ Quoted in S.D. Clark, The Canadian Manufacturers' Association (Toronto, 1939), p. 13.

of New Brunswick, often spoke on the advantages of protection in developing countries, especially as an aid to infant industries. Tilley certainly knew Gesner and had discussed the subject with him.⁹

Tilley also read the work of John MacLean, whose Protection and Free Trade (1867) argued that manufacturing industries could develop in a new nation only under protection.¹⁰ Of more importance was J. Beaufort Hurlbert, who wrote Field and Factory Side by Side, or How to Establish and Develop Native Industries (1870). Hurlbert was convinced that there was a close relationship between the farmer and his market. "To have a good market," he wrote, "we must have consumers who are not producers of what is offered for sale." The farmer, therefore, needed industrialized urban centres. In those centres there must be diversified industry which could survive in a new country only under protection.¹¹ In the budget debate of 1876 Macdonald had sprinkled his speech with the ideas of MacLean and Hurlbert in his argument for a "re-adjustment of the tariff."¹² Tilley would do the same in 1879. One of the first appointments Tilley suggested after taking over as Minister of Finance in 1878 was that of Hurlbert "to collect information touching the operation and effect of the protective policy in France and the U. States."¹³

⁹ See C.D.W. Goodwin, Canadian Economic Thought: The Political Economy of a Developing Nation, 1814-1914 (Durham, 1961), p. 46. This study is very useful on the ideas of the period.

¹⁰ Tilley Papers (NBM), for copies of MacLean's works.

¹¹ Quoted in Goodwin, Canadian Economic Thought, p. 47, from Field and Factory Side by Side, p. 5.

¹² Debates, 1876, p. 489.

¹³ Macdonald Papers (Vol. 276), Tilley to Macdonald, Nov. 15, 1878.

Of even greater significance than the appointment of Hurlbert was that of Edward Young. Though born in Nova Scotia, Young moved to the United States and acquired a Ph.D. along the way. By 1870 he had set up and was Chief of the United States Bureau of Statistics. In 1874 he prepared a detailed history of Customs Tariff Legislation as a reference for Congressmen. Declaring himself to be a protectionist, Young offered his services to Tilley in 1878. His strength was his knowledge of tariff systems around the world, especially that of the United States. This, combined with his grasp of statistics, was certain to impress Tilley. Young was hired and Tilley publicly stated his debt to him on many occasions.¹⁴

During the first two and one-half months of 1879 Tilley and his group of experts drew up the new Canadian tariff schedule based on an entirely different premise from any of its predecessors. It would continue to provide revenue, but that ceased to be its main purpose. They were attempting to satisfy a number of public and private demands as well as construct a workable and acceptable system. As March approached Tilley became weary and had sore eyes.¹⁵ Young and the others supplied him with acres of statistics on the possible results from a variety of ad valorem and specific duty combinations. The revenue feature was considered.

¹⁴There are many letters from Young in Tilley Papers (NBM), and Tilley Papers (PAC), for October and November, 1878, on his proposals for his position in Ottawa. Tilley was criticized for bringing Young to Canada. See Debates, 1879, March 18, p. 528, for a speech by John Charleton: "It is a servile imitation of the American system" he said of the National Policy. Tilley had imported "an assistant from the Washington Bureau of Statistics."

¹⁵Alexander Mackenzie Papers (PAC), Mackenzie to his daughter, March 11, 1879.

The possible impact on imports from England and the United States was calculated. Some attempt was made to determine the effect on the consumers. J.A. Domville, a Member of Parliament from King's County, New Brunswick, was one of a parliamentary committee who assisted. On Tilley's request he made a study of sugar duties. He recommended a higher tariff rate on refined sugar, and a low rate on raw sugar. "What the Revenue might fall off in the higher grade," he wrote, "could be recouped by the larger quantities of the raw imported." Refining would be encouraged, but he added a warning: "If the refiner receives a beneficial tariff, there should be some check to prevent them selling a highly adulterated article because which foreign refined sugar is kept out and they have the market themselves. They have no right to make large profits by giving the people a spurious article."¹⁶ Tilley agreed and attempted to follow his advice.

It was not an enviable task. There were so many diverse interests and regions to serve, so many internal and external problems to consider. "We have endeavoured to meet every possible interest," Tilley told the House, "the mining, the manufacturing and the agricultural interests. We have endeavoured to assist the ship building industry, which is a very depressed condition. We have endeavoured not to injure the lumber interests."¹⁷ A fair question, and one that was asked at the time, was what about the poor. To Tilley that segment of the population could be improved only with a healthy economy, and it was to that end he headed for the House on March 14.

¹⁶ Tilley Papers (NBM), Domville to Tilley, Feb. 19, 1879.

¹⁷ Debates, 1879, March 14, p. 428.

It was a Friday afternoon, and there was not an empty space in the Commons as Tilley rose. The "beauty and fashion of the capital" was crowded into the Speaker's gallery, with Princess Louise, the wife of the Governor General, much in evidence.¹⁸ Sir Alexander Galt also came to hear his successor. From the beginning it was obvious that Tilley was taking a new direction. He was "perfectly calm and in excellent voice,"¹⁹ giving evidence of having learned a little about style in the previous five years.

Compared to his task in 1879, Tilley began, his "work was a very easy one indeed" in 1873, his last budget.²⁰ Then he had no problems and was not required to find solutions. This time he was surrounded by the uncertainty of the depression and expected to provide answers. At the very beginning he stressed the need for revenue. There had been a deficit of about \$1,100,000 in 1878 and another of \$2,400,000 for 1879 was unavoidable. Since it was impossible to expect confidence in the country with such a condition, he planned to raise enough revenue to cover expenditures. It is possible, in fact, to read Tilley's whole budget as a statement in support of sound financing of which an adequate revenue tariff was the objective. Between 1873 and 1879 the revenue decline had averaged from thirty-three and one-third to forty per cent while the

¹⁸ Daily Sun, March 15, and the Globe, Toronto, March 15, 1879.

¹⁹ Daily Sun, March 15, 1879.

²⁰ Debates, 1879, March 14, p. 409.

volume of imports had remained about the same. To overcome this problem he proposed to introduce specific duties in many areas rather than ad valorem. Related to the value of the goods, the ad valorem tariff had been found unreliable in times of falling prices. Ad valorem rates were retained on a wide range of items, and Tilley requested "power and authority" to fight the problem of "undervaluation" of foreign products by setting up machinery similar to the American to determine the "value of goods in the country from whence they are imported."²¹

Tilley went to some length to link the fiscal needs of the nation with the other objective he had in mind. "We have also, in arranging for the levying of that duty," he told the Commons, "to consider how it can best be imposed to encourage the industry of the country."²² He painted a sad statistical picture of Canada's unfavourable balance of trade, especially with the United States, which had agents in "every part of the Dominion" seeking purchases at ridiculous prices. Canada was being used as a "slaughter market," and the American government encouraged the practice by paying "a bounty" on certain manufactures. Tilley held out the possibility of reciprocity on certain items to the United States, but he had little hope. He warned the United States that Canada would no longer accept unfair practices like "drawbacks" and bounties, and he devised a scheme of "countervailing duties" as a remedy and to be used on his authority. Before his critics could attack him on this he mentioned that he had got the approval of the practice from no less an authority than William Gladstone while in England the previous fall.²³ Throughout

²¹Ibid., p. 418.

²²Ibid., p. 413.

²³Ibid., pp. 414-416.

Tilley insisted that the interests of the British had been considered and that where possible he had attempted to act in Britain's favour. Under the old system the average duty on British goods was seventeen and one-half per cent while it was only ten per cent against the United States. The new structures, he said, would reverse that, but it would be difficult since the tariff was aimed at manufactured goods, which made up the bulk of the imports from England.²⁴

The basic principle on which the National Policy was built, Tilley claimed, was that there would be a graded structure. He had decided "to select for a higher rate of duty those [items] that are manufactured or can be manufactured in the country [Canada], and to leave those that are not made in the country or likely to be made in the country - such as printed cottons - at a lower rate of duty."²⁵ There was, in addition, an extensive free list. To summarize the tariff changes: the general rate on non-enumerated items was raised from seventeen and one-half per cent to twenty per cent, and was expected to raise an additional \$750,000 even though many ad valorem rates were replaced by specific duties. Among the latter, with the expected revenue, were the following: breadstuffs (\$250,000), anthracite coal (\$175,000), bituminous coal (\$100,000), iron, iron bars and pig iron (\$260,000), wollen goods (\$180,000), silk goods (\$150,000), cottons (\$100,000), hardware (\$80,000), books (\$35,000), hats and caps (\$37,500), wines and spirits (\$150,000).²⁶ An unmistakable objective of the duty on the final item was to encourage home manufacturing.

²⁴ Ibid., p. 416.

²⁵ Ibid., p. 418.

²⁶ Ibid., pp. 427-428.

The tariff on sugar, molasses and tea was reduced, and the free list included such important items as ship building materials, many types of machinery, certain grades of lumber, barrels for petroleum, and animals for stock improvement. Tilley's handling of printed works was instructive. In those "higher class and better class of books which cost a higher price . . . where intellect had made the books valuable, a duty should not be placed upon the intellect." On British books, therefore, only the paper and the printing were to be taxed. On items of bulk and mass circulation "of small literary or moral worth,"²⁷ the tax was placed on weight. Needless to say, this was directed against the flood of American books, periodicals and magazines then entering Canada, and more was involved than an effort to raise revenue.

There were numerous attempts at manipulation, and not all of them were as clumsy as that directed against American publishing. The main thrust, however, was to encourage home manufacturing, especially of textiles and iron and steel products. Tilley's conclusion is worth quoting, if only because it was the best speech he ever made at Ottawa:

In our policy, as just propounded, we have dealt with the agricultural interest, the mining interest, the shipping interest, indirectly with the lumbering interest, and with very many interests, without touching heavily at all upon any other interest; and it does appear to me, Sir, that we have now arrived at the time when it becomes necessary for this country, for this Parliament to decide whether we are to remain in the position we now occupy, with a certainty that, within two years, with the existing laws upon our Statute-book, almost every manufacturing industry in the country will be closed up, and the money invested in them lost. The time has arrived, I think, when it will become our duty to decide

²⁷Canada, Sessional Papers, 1879, No. 155, p. 4.

whether the thousands of men throughout the length and breadth of this country who are unemployed, shall seek employment in another country, or shall find it in this Dominion; the time has arrived when we are to decide whether we will be simply hewers of wood and drawers of water; whether we will be simply agriculturists raising wheat, and lumbermen producing more lumber than we can use, or Great Britain and the United States will take from us at remunerative prices; whether we will confine our attention to the fisheries and certain other small industries, and cease to be what we have been, and not rise to be what I believe we are destined to be under wise and judicious legislator, or whether we will inaugurate a policy that will, by its provisions, say to the industries of the country, we will give you sufficient protection; we will give you a market for what you can produce; we will say that, while our neighbours build up a Chinese wall, we will impose a reasonable duty on their products coming into this country; at all events, we will maintain for our agricultural and other productions, largely, the market of our own Dominion. The time has certainly arrived when we must consider whether we will allow matters to remain as they are, with the result of being an unimportant and uninteresting portion of Her Majesty's Dominions, or will rise to the position, which, I believe Providence has destined us to occupy, by means which, I believe, though I may be over sanguine, which my colleagues believe, though they may be over sanguine, which the country believes are calculated to bring prosperity and happiness to the people, to give employment to the thousands who are unoccupied, and to make this a great and prosperous country, as we all desire and hope it will be.²⁸

Tilley had barely settled into his seat before Richard Cartwright had the floor. It was the first occasion since Confederation that a former Minister of Finance could attack his successor, and Cartwright, who did not attempt to hide his "personal hostility" to Tilley,²⁹ seemed to enjoy his role. Between 1873 and 1878 he had slashed at Tilley's shadow and now told the House that the remedies Tilley was proposing were

²⁸ Debates, 1879, March 14, p. 429.

²⁹ Daily Mail, March 18, 1879. The Tilley-Cartwright relationship went from bad to worse. Cartwright used ridicule and satire on Tilley and frequently referred to his lack of education and grammatical errors. In one of his last speeches in the House of Commons Tilley pointed to Cartwright as the only member in Ottawa who had not treated Tilley with "every respect and consideration." Debates, 1885, March 5, p. 367.

to cure his own mischief. Tilley was "suffering the direct consequences of his own imprudence, of his own folly, of his own willful neglect." Like the "first witch" in Macbeth and like Frankenstein, Tilley had created with the National Policy a monster. It was the Canadian "tariff of abomination . . . a tariff of corners" because it attempted to make "concessions to some particular clique, to some particular interest, to some prominent political partisan, or to some particular class when it is desirable, for political reasons, to conciliate." Tilley, he declared, was blind if he expected that "out of the united action of a community of dishonest men to evoke an honest policy."³⁰

In that speech Cartwright stated most of the well known arguments against protection and in favour of free trade. Protection, he said, was morally, socially, financially, economically and politically wrong. Capital and labour would be diverted unnaturally into the wrong channels. In the long run it would help neither the manufacturers, who would be priced out of the world markets, or the consumers, who would pay a higher price for a lower standard of living. The effect of the tariff, he was certain, "must be to enhance the cost of the necessaries of life to the poorest classes of the community,"³¹ and it would breed socialism and communism.

Taken together, the Tilley and the Cartwright speeches seemed to corroborate David Mills' declaration during the election of 1878. The

³⁰ Debates, 1879, March 14, p. 444.

³¹ Ibid., p. 448.

two parties, he declared, were "not simply travelling upon divergent roads; we are seeking to persuade you [the electorate] to take opposite directions."³² There was, however, more political rhetoric involved than any of the leaders of the time would admit. It was an emotional political issue as much as it was a belief in a political principle. The National Policy, bellowed the Saint John Daily Sun on March 17, meant "Canada for the Canadians."³³ On the same day the Toronto Globe wrote about "The Consumer the Sufferer," and remarked that "ninety-nine hundreds of our people ought to realize the depth of folly" resulting from the election of 1878.³⁴

The debate on the subject has, of course, continued up to the present. Practically all arguments have been variations on the themes used by Tilley and Cartwright. On balance the National Policy has had the better of the hundred years' debate. No government of Canada has failed to follow the Policy, though there have been revisions. Writing for the Royal Commission on Dominion-Provincial Relations in 1939 W.A. Mackintosh stated that the National Policy has "never been reversed nor indeed very seriously modified."³⁵ What this makes clear is that politicians have been able to reconcile themselves to the policy with greater ease than dozens of academics and theoreticians. In 1908 Edward Porritt wrote Sixty Years of Protection in Canada as an assault on protection in general and the National Policy in particular. Like Cartwright, Porritt

³² Quoted in McDiarmid, Commercial Policy in the Canadian Economy, p. 156.

³³ Daily Sun, March 17, 1879.

³⁴ Globe, March 17, 1879.

³⁵ W.A. Mackintosh, The Economic Background of Dominion-Provincial Relations (Toronto, 1964 [1939]), p. 25.

appears to have developed some personal antagonism to Tilley, "the least inspiring speaker who ever submitted a budget statement to the House of Commons." The Speech was "about as inspiring reading as a voters' list or the manifest of an Atlantic steamer."³⁶ Ten pages later the hero of the piece emerged. Richard Cartwright with "presence, voice, earnestness, strong convictions, and ideal popularly expanded,"³⁷ all of which were used to destroy Tilley. Porritt repeated most of Cartwright's arguments. The tragedy of the book was not the National Policy; it was the great "betrayal" of the Laurier Liberals in following it.³⁸

More recently J.H. Dales with The Protective Tariff in Canada's Development has argued with Cartwright that the National Policy has been entirely negative in its results and has contributed to a lower standard of living for Canadians. He attempts to quantify his evidence and he proves quite conclusively that there was a negative economic result from the tariff.³⁹ Tilley did not have Dales's techniques of analysis, but it is a fair guess that even if he had, he might have decided that non-economic factors had to be taken into consideration. Like the modern politicians who have not followed Dales's advice, Tilley and the government of the day made a political decision with economic implications, not an economic

³⁶ Porritt, Sixty Years of Protection in Canada, p. 316.

³⁷ Ibid., p. 327.

³⁸ Ibid., p. 362.

³⁹ J.H. Dales, The Protective Tariff in Canada's Development (Toronto, 1966), Chaps. 6 and 7. He has a very interesting survey of the literature on the National Policy on pp. 143-153.

decision with political implications.⁴⁰

Throughout March and April, 1879, the debate on the new tariff continued, even though it was an exercise in repetition. Tilley and the government were not going to back down, as Tilley made clear in his supplementary budget on March 26. After noting the various criticisms, he rejected them one by one. He then introduced a few amendments to the original proposal, mostly additions, and gave some indication of the revenue expected. As in 1855 he had stood on the structure originally presented and rejected all criticisms and depositions. The National Policy would spawn industries that would use the vast network of internal communications then completed or under construction. The present population would prosper and "in the opening of that great North-West, we expect to provide a comfortable home for the surplus population of Great Britain."⁴¹ On the Canadian, British, United States relationships he was to the point. To those who argued that a better arrangement should be made with the Mother Country, he stated that "Great Britain has nothing to give."⁴² Britain could afford free trade, but Canada could not. With the National Policy, however, Canada could go to France, or Spain, or the United States and negotiate a trading agreement. Tilley's statement

⁴⁰ A savage argument among modern academics and politicians over the impact of foreign investment is presently being fought and no attempt is made to settle it here. One of the intentions of the National Policy appears to have been to encourage the establishment of branch plants. W.H. Pope, The Elephant and the Mouse: A Handbook on Regaining Control of Canada's Economy (Toronto, 1971), is one of the recent criticisms of foreign control. It has a very useful annotated bibliography.

⁴¹ Debates, 1879, March 26, p. 718.

⁴² Ibid., p. 725.

on the United States has been frequently reiterated by politicians: "A Canadian statesman, who does not, in dealing with our American neighbours, duly consider their feelings, does not act in the interests of Canada," he warned the House, "but he is not expected in any to sacrifice the interests he is specifically charged to protect."⁴³

When Parliament was prorogued on May 15, Tilley had finally reached that prominent position predicted for him in 1867. As a Minister of Finance he had introduced a policy that completely surpassed the work of his predecessors. He had also shown more skill on the floor of the House than had been evident earlier. There was no railway scandal this time to draw the attention of the nation away from his budget. Perhaps it was justice that on the Queen's sixtieth birthday, which occurred in the week following prorogation, he was belatedly created a Knight Commander of the Order of St. Michael and St. George. The timing was appropriate.⁴⁴

ii

From the day he presented his budget in 1879 until he retired six years later, Tilley defended the National Policy and modified or refined the tariff rates. Fortunately for him the introduction of the National Policy was accompanied by the return of prosperity, and he was able to make extravagant claims that may or may not have been justified,

⁴³Ibid., p. 718.

⁴⁴Daily Mail, May 24, 1879. In addition to Tilley were: Tupper, Campbell, Howland, Cartwright, and George Brown. Brown declined to accept. See J.M.S. Careless, Brown of the Globe, Vol. II, pp. 363-364.

but which were totally predictable from wily politicians. Within a month of the budget speech the Saint John Daily Sun carried a list of almost fifty manufactureries that were reputed to have been expanded or started as a consequence of government policy.⁴⁵ It was a government newspaper and was certain to take that position, just as the opposition was to deny such claims. Each year in the House of Commons a charade was played. Though others participated, Tilley and Cartwright were the leading actors, and each year, with the exception of 1883, they gave what amounted to the same speeches. Tilley was always optimistic, expansive, and enthusiastic; Cartwright, "the grand opposer," called for retrenchment, and economy and predicted disastrous results from the evil policy.⁴⁶

In 1880 Tilley could not claim miraculous improvement because he had a deficit of about \$500,000, but he pointed proudly to a \$1,300,000 increase in the revenue. There were other encouraging signs. The tariff rate on British goods had dropped from 19.9 per cent to 19.43 per cent, while it had risen from twelve to 15.3 per cent on American goods. Despite the predictions, there was no "unfriendly feeling in England toward Canada" and it was now much easier to raise money in the English markets than it had been. "These facts go to show that, while the object, design, and intention of the Government was not to legislate directly against any particular country, but in favour of Canadian interests," Tilley stated proudly, "the effect of the Tariff has been

⁴⁵ Daily Sun, April 5, 1879.

⁴⁶ W.R. Graham, "Sir Richard Cartwright and the Liberal Party, 1863-1896." Unpublished Ph.D. thesis, University of Toronto, 1950, p. 126.

to diminish less the importations from Great Britain than from the United States."⁴⁷ Within Canada he claimed that prices had not risen, except to cover the cost of raw materials, and that no section of the Canadian community was suffering from government policy. Some refinements were considered necessary, and to this end the duty on coal was raised from fifty cents per ton to sixty cents per ton, the extra ten cents being considered necessary to save the Hamilton market for Nova Scotia coal. Settlers' effects were added to the free list, and there were many minor changes.

Cartwright predictably found nothing to praise. The poor were being victimized for the benefit of the rich. The increased tax on coal was inexcusable because "not a ton more has been raised, but everything miners use has been increased in price." To Tilley's argument that the taxes would balance each other out, Cartwright asked: "Does he mean that if you take 50 cents from the Nova Scotian fisherman for each barrel of flour he consumes, that he is fully compensated by your taxing an Ontario artisan 50 cents on every ton of coal he burns? And if this is his doctrine, what will he do for the working man of St. John's [sic] who has to pay both?"⁴⁸ Tilley rejected such arguments. To him there were bound to be regional problems of an inconvenient or temporary type, but one had to look at the overall, national picture in the long range, not in the short. Tilley emerged in this period as both a Canadian

⁴⁷ Debates, 1880, March 9, p. 517.

⁴⁸ Ibid., p. 539.

nationalist and an internationalist, seeing Canada in quest of world markets. Cartwright, at the same time, appeared to be a provincialist and a continentalist.

In 1881 it appeared that Tilley was the victor. He appeared before the House with a surplus of over \$2,000,000 proof of the revenue capacity of the National Policy. A tax cut was rejected for the time being on the grounds that Canada must improve its credit both at home and abroad, especially with the Canadian Pacific Railway in search of financing. All of this was only an introduction to what he saw as the major change. The general economy had improved in all directions, especially in manufacturing. In the cotton works alone there were 1850 more workers employed than earlier. There was a twenty-five per cent increase in production and in the number employed in the boot and shoe industry. "From a careful estimate it is now established that, in the last year, the increase of raw materials, in value, by the application of machinery, capital and labour, throughout the Dominion, was \$6,000,000," he told the House, "and the number of persons employed has been augmented 14,000, representing, with their families, a total of 42,000," the equivalent of a new town a year. They received about \$4,000,000 which entered and stimulated the economy.⁴⁹

Tilley saved his best point for the end. "The annual average excess of imports over exports from 1867 to 1879 was \$20,000,000. Last

⁴⁹Ibid., 1881, Feb. 18, p. 1024.

year the excess of exports over imports was \$1,451,711, the first instance of this kind in the history of Canada."⁵⁰ It was the type of success that could not easily be criticized, though it was attacked. "I congratulate you most heartily on your Budget," Galt wrote Tilley. "It is most conclusive & satisfactory in every way. . . . You must indeed have had hard work, with both Sir John & Tupper unable to help you."⁵¹

As if by design the pinnacle was reached in 1882, the election year. "At no period in the history of Canada has a Government met Parliament with the financial condition of the country in the position it is to-day," he told the House and the voters. "At no period in the history of Canada has its credit stood so high as it stands today; at no period in the history of Canada, possibly, was the country, generally speaking, as prosperous that it is to-day."⁵² The one sector of the economy about which he had been criticized in 1881 was the agricultural, and coincidentally, on May 4, 1882, a special committee of the House of Commons presented its report on the effect of the tariff on agriculture. In Quebec, in response to a questionnaire on the effect of the tariff, 612 replied in favour and only forty-six were against. In Ontario, 198 were in favour; eleven against.⁵³ In the same session a report on new factories was presented which proved conclusively that the number of

⁵⁰ Ibid., p. 1027.

⁵¹ Tilley Papers (NBM), Galt to Tilley, March 13, 1881.

⁵² Debates, 1882, Feb. 24, p. 78.

⁵³ Canada, Journals, 1882, Appendix 2, p. 16.

factories and employees had increased as had wages. Best of all, the "new factories are scattered over the whole section covered by our tour," declared the Commissioners, "each Province participating in the general revival of trade."⁵⁴

Tilley produced figures to prove that production and exports had increased in all directions, and that even though government spending had increased to cover essential services, the average annual taxation per head was only \$4.65, compared to the average of \$4.88 per head during the Liberal years. The average public debt per head, he calculated had risen to only \$35 in 1882 from \$34 in 1878-1879, and could be expected to drop to \$34.20 by 1890. It might even be reduced to \$20 with the expected sale of 100,000,000 acres of western lands.⁵⁵ On top of everything else, Tilley announced a surplus of over \$6,000,000 and the removal of the tax on tea, coffee and tin. There were other reductions. On May 10 newspapers and periodicals published in Canada were permitted to use postal service free of charge. The fishermen were also remembered as they received an annual bounty of \$150,000 to foster the fishing industry.

Cartwright continued his assault on the National Policy, but Edward Blake, the new leader of the Liberal opposition, and a number of his party found it difficult to oppose such obvious success. In a letter to the electors of West Durham, Blake stated that the issue was not "between the present tariff and absolute free trade," but he believed the tariff

⁵⁴ Canada, Sessional Papers, 1882, No. 83, Report of Commission on Factories, p. 3.

⁵⁵ Debates, 1882, Feb. 24, p. 82.

"to be in some important respects defective and unjust."⁵⁶ That divided the party, and in the election that summer the Macdonald Liberal-Conservatives took 139 seats to seventy-one for the Liberals. Cartwright was defeated in Wellington Centre.

Tilley presented three more budgets after 1882, and though he claimed continuing success, it became evident before very long that the problem with business cycles had not been beaten and the economy was running down. The budget of 1883 was almost a repeat of 1882, in that Tilley had another huge surplus of over \$6,000,000, and he made the same extravagant claims he had the year before. The most interesting feature of the budget of 1883 was carefully selected holes that he began to carve in the tariff wall. A number of raw materials to be used in manufacturing found their way to the free list. Included were some types of brass, iron and steel, copper, marble, and steel railway bars. A bounty of \$1.50 per ton was offered on pig iron produced in Canada. The tariff was increased on cotton products, petroleum by-products, and force pumps, and a thirty-five per cent duty was placed on agriculture implements. The overall thrust was to manipulate the economy to an even greater extent than in 1879. The ad valorem duty was raised to thirty per cent on a number of items, including the following: shoe laces, braces, bells, jewel cases, railway cars, sleighs, cutters, wheelbarrows and hand carts. That thirty per cent duty gave, in fact, almost one hundred per cent protection on most of these items, since importation was out of the question.

⁵⁶Quoted in Dominion Annual Register, 1882, pp. 122-123.

In 1884 and 1885 Tilley repeated almost in word and deed his budget of 1883. On both occasions the list of raw materials admitted free for manufacturing was expanded. Though he continued to express confidence, Tilley must have been aware that problems were appearing. The days of the surpluses were gone. A deficit of \$754,255 in 1884 was followed by another even larger one of over \$2,000,000 in 1885. Cartwright had never had anything that bad, and since he had been returned to Parliament in a bye-election, he could not wait to get at Tilley. Since 1879 he had annually laid before Parliament Cartwright's failures and his own successes. In 1885 the wheel had finally turned; Tilley was ill and unlikely to again appear before the House; the architect of the National Policy was to be brought down finally. Tilley, however, failed to play the defeated role. "My faith is great," he told Cartwright at the beginning.⁵⁷ The economy was much more hopeful looking for 1885. The "retrogression" of the previous two years was swept into the seven year averages and treated as a temporary inconvenience. As proof of the benefits of the National Policy he quoted from a soon to be published Report Relative to Manufacturing Interests in Canada. The survey was highly complimentary, in general, to the National Policy, and Tilley quoted figures that were said to represent two-thirds of those engaged in manufacturing:

⁵⁷ Debates, 1885, March 3, p. 313.

	No. of Factories	No.hands employed	Yearly wages paid	Production	Capital Invested
1884	2,096	77,346	\$24,396,165	\$102,870,166	\$67,293,373
1878	<u>1,501</u>	<u>42,794</u>	<u>13,833,733</u>	<u>49,963,282</u>	<u>37,819,931</u>
Increase	595	34,552	\$10,562,432	\$ 52,906,884	\$29,473,442 ⁵⁸

Tilley dwelt on other items as well, such as the strength of Canada's banking system, the excellent credit of the country abroad, and the construction of railways. He ended with the usual changes in the tariff and claimed that the foundation had been laid for a "powerful nation" which will realize that it is a "great and prosperous people."⁵⁹

Cartwright, as expected, questioned all the statistics and all of Tilley's conclusions. He pointed to the increase in the public debt and wondered how anyone could talk about a healthy economy. It had risen \$60,000,000 in eighteen months and \$90,000,000 since Tilley had taken over. Tilley hid any reservations he may have had by discussing the necessities of nation building.

Tilley clearly had the best of the budget debate in 1885. Even Macdonald, who was bored by such detailed discussion about finances, wrote Tupper that "Tilley's budget speech was very good & he has been better in health ever since his delivering of it."⁶⁰ Tupper was then the Canadian High Commissioner in London.

⁵⁸ Canada, Sessional Papers, 1885, No. 37. Report Relative to Manufacturing Interests in Existence in Canada, and Debates, 1885, March 3, p. 322.

⁵⁹ Debates, 1885, March 3, p. 332.

⁶⁰ Tupper Papers, Macdonald to Tupper, Private, March 17, 1885.

By 1885 the National Policy was firmly entrenched as a Canadian institution, and Tilley never doubted its merit. The downward turn in the economy in 1883 indicated the return of hard times, but with the National Policy, Canada, Tilley believed, was able to protect itself as it had not in the 1870's. The Report Relative to Manufacturing in Canada (1885) showed that a "successful if not a brilliant season may be looked forward to for 1885," and that foreign investment had increased to such an extent that it contributed to a healthy Canadian economy.⁶¹ There were, for example, over sixty new American owned branch plants producing in Canada, a result that may or may not have been an objective of the National Policy but which was certainly a result.⁶² In that recession of the mid 1880's the decline in Canada was less severe than in the United States, and the Canadian banking and monetary system was able to avoid the disruption so evident south of the border. One of the best indicators of the soundness of the Canadian economy and the confidence placed in it by investors was given when the government floated a loan for £5,000,000 in 1884. It was all taken at three and one-half per cent, the lowest rate ever obtained by a British territory up to that time.⁶³ As Tilley surveyed the results of the National Policy in 1885, he could hardly be blamed for feeling some pride.

⁶¹ Canada, Sessional Papers, 1885, No. 37, p. 61.

⁶² See Herbert Marshall, Frank A. Southard and Kenneth W. Taylor, Canadian-American Industry: A Study in International Investment (New York, 1936), Chapt. 1, pp. 12 to 15.

⁶³ Canada, Department of Agriculture, Statistical Abstract and Record, 1886, p. 139.

iii

The presentation of the annual budgets and the defense of the National Policy together made up Tilley's most obvious role during his years as Minister of Finance. As a senior cabinet member, however, he spoke more often than he had in the earlier years and on many more subjects. He became a good if not an exciting House of Commons man, and he was never overwhelmed or dominated as he had been on previous occasions. He retained the capacity to be both precise and silent, as the occasion demanded, and he combined it with an encyclopaedic knowledge on all matters connected with finance and policy that made him quite formidable. When the debate turned to philosophical or abstract discussion, he usually found a reason to be in his office on business, though he read and marked the debates and recalled them as required. About the best speech Tilley ever made was in the presentation of the National Policy in 1879, but even that had the ring of the accountant to it. At his dullest, Tilley reduced everything to dollars and cents. That seems to have been a natural inclination, but as President of the Treasury Board every expenditure of the government came across his desk and it tinged his view of all subjects under discussion.

One of Cartwright's annual charges against Tilley was that he had failed to control the spiraling expenditures of the government, and he used as his gauge the increase in the national debt. Between 1867 and 1878 the annual rate of increase had been \$7,400,000. From 1878 to 1885 it rose at the rate of \$10,500,000 per year. That amounted to a total of \$83,000,000 increase during the period and raised the national debt from \$168,000,000 to \$251,000,000. Railways accounted for \$59,000,000

and public buildings another \$18,000,000.⁶⁴ Tilley had no choice but to defend this increase in debt. Privately, however, he worried and fretted, and was unable to face another dollar of railway expenditure by 1885. Since 1878 he had raised over \$80,000,000 in new debentures and he had renegotiated much of the previous debt. He had made frequent trips to the money market of London since 1878, but by 1885 he had just about used up his welcome as well as his health.

Much of Tilley's negotiations in London was carried on through the Canadian High Commissioner. Sir John Rose, who served unofficially as Canada's representative in London from 1869 until 1880, was unable to accommodate the increasing number of demands that a growing country generated, and the unofficial and private arrangement had many drawbacks. As a consequence, an innovation that the Mackenzie government had developed in 1875 was rejuvenated. The original proposal had been for a "Financial Commissioner of the Dominion of Canada" who would be resident in London to "aid and assist the Minister of Finance in the Sale and Conversion of Securities from time to time."⁶⁵ When Macdonald, Tilley and Tupper went to England in the summer of 1879, in connection with railway matters and another loan, they broached the subject of a Canadian commissioner in a Memorandum of August 20. They requested a semi-diplomatic position, "specially entrusted with the general supervision of all the political,

⁶⁴ Ibid., p. 130.

⁶⁵ Tilley Papers (NBM), Copy of a "Report of a Committee of the Honourable the Privy Council approved by His Excellency the Governor General on the 5th March 1875."

material and financial interests of Canada in England, subject to instructions for his government."⁶⁶ It took months of bargaining over the position and the title, but finally, on February 7, 1880, it was settled and Sir Alexander Galt became Canada's first High Commissioner in London. Tilley had been party to all of the negotiations and drafted not only part of the original Memorandum but the list of the duties and instructions as well. The first item in that list placed the "entire management of Canada's Public debt and the correspondence connected with the finances of the Dominion" in the hands of the High Commissioner, but "under the instructions of the Minister of Finance."⁶⁷ Sir John Rose, in whom Tilley placed great faith, was retained as Special Finance Commissioner. First with Galt and later with Tupper, but always with Rose, Tilley supervised Canada's position in the money market. They also sought ways to expand Canada's trade with foreign nations.

One of the main problems for Tilley throughout was to find an accommodation with the High Commissioners. Both Galt and Tupper preferred to work directly through Macdonald rather than the Minister of Finance, and neither believed that Canada provided them with adequate funds either to live properly or to function adequately as Canada's representative. "I wish you would tell Tilley," Galt wrote Macdonald in a typical letter,

⁶⁶ Canada, Sessional Papers, 1880, No. 105. Confidential Memorandum by Macdonald, Tilley and Tupper on the subject of the resident agent in Great Britain, Aug. 20, 1879, p. 4. For details on the establishment of the position of High Commissioner see D.M.L. Farr, The Colonial Office and Canada, 1867-1887 (Toronto, 1955), Chapt. 8.

⁶⁷ Macdonald Papers (Vol. 217), "Summary of duties and responsibilities of the Officer of High Commissioner."

"that if he does not send me some money I shall committ highway robbery."⁶⁸ Galt's letters to both Macdonald and Tilley were pathetic in that he expended most of his energy worrying about his own position. He at least tried to live within his means. Tupper ignored the limitations placed upon him and sent Tilley the bills. "Have you made an arrangement with him [Tupper] on this point," an angry Tilley wrote Macdonald when he received a Tupper bill. "We will talk this matter over after Council tomorrow."⁶⁹

Galt, with his knowledge of government and international finance, was able to negotiate and manage most of the money matters during this period. When Tupper took over in 1883, however, and the problems increased, Tilley was required to spend more time in England and to keep a closer watch over affairs. Tupper had considerably less knowledge about and had less interest in financial matters than Galt, but he was also less apt to follow instructions. Tupper's main role was in political rather than financial relations, but he wanted a free hand in both. In both 1884 and 1885, however, Tilley had to overrule Tupper and the financial agents in matters connected with loans. The type of bonds, the percentage to be asked, and the time of offering were all of significance and Tilley had to go to London to take the business under his own wing. In 1885, for example, when the Canadian Pacific Railway faced bankruptcy and the North West Rebellion was scaring investors away, Tupper cabled Macdonald that an unsatisfactory

⁶⁸ Macdonald Papers (218), Galt to Macdonald, Dec. 27, 1881.

⁶⁹ Macdonald Papers (277), Tilley to Macdonald, Private, Nov 13. 1883.

but necessary arrangements had to be made immediately. The next day, May 14, Macdonald cabled back that Tilley was coming and the "Government was inclined to await Tilley's arrival."⁷⁰ Tilley, though very ill and in need of an operation, left for England and arrived in London on May 23. He immediately settled Tupper and the agents down and calmly surveyed the situation. The capture of Riel and the approaching end of the Rebellion worked in his favour. By early June, John Rose informed Tilley that a favourable moment was approaching. "Money for the moment, is very cheap, & though investors will not be attracted directly, you will have a chance of bringing in institutions and operators, who buy to sell again."⁷¹ Within a few days Tilley had arranged to place the Canadian loan on the market at four per cent. It was all taken up immediately. By that time Tilley was in the hospital and had undergone an operation. When he was well enough he wrote Rose to both thank him and pay him. Tupper was busy writing Macdonald about his great success in managing the loan and warning him that Rose was not to be trusted.⁷²

iv

Much of the difficulty of 1885 was closely associated with the Canadian Pacific Railway. Tilley must have wondered, as the years passed, if he would ever realize his dream of crossing Canada by rail. He probably

⁷⁰Macdonald Papers (283), Macdonald to Tupper, telegram, May 14, 1885.

⁷¹Tilley Papers (PAC), John Rose to Tilley, Private, June 3, 1885.

⁷²Ibid., John Rose to Tilley, July 3, 1885. Tupper wrote Macdonald on July 13, 1885. Tupper Papers, Tupper to Macdonald, Confidential. There is conflicting evidence on the part played by Tupper, Rose and Tilley in the matter of the loan.

also wondered if it was worth the effort. The days of the scandal were gone, but the problems with the railway remained. When Macdonald, Tilley and Tupper were in England in 1879, their chief objective was to procure, if possible, an imperial guarantee for the money to construct the railway. They were successful in the two other endeavours, the appointment of the High Commissioner and the defense of the National Policy, but the British would not assist them with the railway.⁷³ Ultimately, a private company was formed, largely through the efforts of Macdonald and Tupper. When Tupper brought the agreement before the House of Commons in the winter of 1880-1881, Tilley gave it his full support. In his speech Tilley emphasized three points. The first was that Canada was morally and contractually committed to British Columbia to build the road. The second was that the road must be built through Canadian territory, both as a matter of national pride and a matter of national independence. He wanted Canada to be entirely free of dependence upon the United States for its internal communications. Tilley's third point was that the contract was a beneficial arrangement for Canada and a good investment for private citizens. "Were I a capitalist," he declared, "I would not hesitate to put up money on a proposition of this kind, knowing that there would be nothing to build but the prairie section of 900 miles, and that they would receive, free of cost to them, the 450 miles of railway at the head of Lake Superior and the Pembina Branch. That is one of the most lucrative

⁷³For the National Policy see Tilley Papers (PAC), Confidential Memorandum by Macdonald, Tilley and Tupper [1879].

propositions that could possibly be made. It is no wonder that they are prepared to take hold of this work."⁷⁴

With Tilley's blessing the company received the grant of 25,000,000 acres of land and \$25,000,000, but it is clear that he expected the company to complete the road without again coming to the government for help. Almost alone on the government side he had mentioned the give-away nature of the agreement, and he maintained a heavy Treasury Board hand on this and all government expenditures. By the middle of 1884, when the Canadian Pacific Railway Company was plaguing the government for additional assistance, Tilley was not very sympathetic, and he was upset. Writing from London on July 2, 1884, Tilley told Macdonald that "We all put the best face on matters when spoken to in reference to the CPR, but I fear there is trouble ahead for them, and that means trouble for us."⁷⁵ Tilley fully accepted the position that the government and the Canadian Pacific Railway were welded together on the same rail, and that both must travel together, but he never considered it to be the overriding ingredient in the nation for which great sacrifices must be made. From his position on the Treasury Board he looked out on all the demands being made from all the regions of the country. There were public buildings, canals, eastern railroads, and public services, and all had to be supported. He always had one eye on the Maritimes and watched for signs of discontent. National unity meant a contented east as well as a satisfied west. The demands from the

⁷⁴ Debates, 1881, Jan. 18, p. 522. Either Tilley's speech was reported incorrectly, or he did know the location or the distance to be covered by the Canadian Pacific Railway.

⁷⁵ Macdonald Papers (Vol. 277), Tilley to Macdonald, Private, July 3, 1884.

Canadian Pacific Railway, therefore, were always placed in a slightly unsympathetic light when they came under Tilley's gaze.

In almost the first letter Tilley wrote Macdonald after assuming office in 1878 he warned him that "you will find it necessary to delay every expenditure possible to enable us to make the two ends meet, and to raise money here London . . ."⁷⁶ In the flush times from 1879 to 1883, Tilley could not control the enthusiasm of his colleagues for expenditures, but when the revenues began to decline in 1883 and a recession became evident, he became increasingly parsimonious. Macdonald complained about his tight fist in September of that year. Tilley wrote to him the next day: "You remarked yesterday that it was hard with all our surpluses to be so short of funds or so hard up. It should be remembered that the surplus on the consolidated Revenue not on the whole expenditure."⁷⁷ He continued to point out some hard financial realities to Macdonald, such as the difficulty of their not meeting ordinary expenditures over the next year and unavoidable increase in the public debt from other commitments.

When George Stephen of the Canadian Pacific Railway arrived in search of money, Tilley found it very difficult to justify letting him have it. Stephen began his campaign in the fall of 1883, and for almost two years was a dreaded sight on Parliament Hill. Tilley's attitude

⁷⁶Macdonald Papers (276), Tilley to Macdonald, Nov. 28, 1878.

⁷⁷Macdonald Papers (277), Tilley to Macdonald, Private, Sept. 27, 1883.

offended him, and when he left for New York in October he wrote Macdonald that he would get "Tilley's fifteen million,"⁷⁸ but he did not get it and he was thrown back on the government. Finally, on February 1, 1884, Charles Tupper, who still retained his seat in the House of Commons introduced his resolutions to loan the Canadian Pacific Railway twenty-two and one-half million dollars. In the whole debate Tilley did not say a word, a highly irregular tactic for the Minister of Finance on such an important issue.

It is doubtful if Tilley ever trusted Stephen after December, 1881, when he learned that the Canadian Pacific Railway Syndicate was negotiating to make Portland or Boston the eastern ocean terminal of the railway. He was beside himself with annoyance. Such a move would have negated one of the first objectives of Confederation and of the National Policy. He wrote to Macdonald immediately: "It is but due to you Sir John, as my leader, and one whose success in life I desire beyond that of all other public men, to promptly warn you of the danger I see ahead, both to the Dominion and to the party, should such an arrangement be made by the Syndicate."⁷⁹ In late January, 1882, both Tilley and the Railway denied publicly that such an eastern terminal was being considered, but both knew it was untrue. The "Short Line" to the east coast remained an important political issue to the end of Tilley's career. In March, 1884,

⁷⁸Macdonald Papers (267), Stephen to Macdonald, Oct. 29, 1883.

⁷⁹Macdonald Papers (276), Tilley to Macdonald, Confidential, Dec. 23, 1881. For the "Short Line" see Murray E. Angus, "The Politics of the 'Short Line'," unpublished M.A. Thesis, University of New Brunswick, 1958.

a pamphlet was published that showed the Canadian Pacific Railway continued its negotiations with Portland, Maine, despite the denial.⁸⁰ In the autumn of 1883, for example, just after Stephen had asked for a Canadian guarantee, he and J.J.C. Abbott, were in Portland to discuss the port with the city officials and give the impression that they were seriously thinking of it as the major eastern terminal for the Railway. To Tilley this represented a lack of faith in the country on the part of the Railway, and it exposed him to great pressure from all over the Maritimes. He had remained quiet throughout the debate on Tupper's resolutions, but when the time came to hand the money over to Stephen, he wrote Macdonald:

I cannot refrain from writing you at once expressing my strong conviction that if Tupper's proposition in reference to CPR matters is acted upon in its present shape, that immediate disaster stares us in the face. . . . You must keep in mind the fact that advance was made, not because the Co. could not complete the work by 1891, but to enable the company to press the work to an early completion. To this end our friends supported us and the country will assent, but to take from the twenty-two and a half million Dollars Four million to repay the Co. of the guarantee deposit made solely for the benefit as it has proved of the stock holders, will not, I fear be willingly assented to by our friends in the House, and should they be compelled to give a reluctant vote, our hold upon them will, to a great extent be destroyed, if indeed we get from them the reluctant vote.⁸¹

It is difficult to escape the conclusion that Tilley thought the government was being exploited by people whose hearts were not in the right place. The huge public debt or commitments, in his view, should not be added to just as the surpluses were disappearing. Tilley's

⁸⁰ Macdonald Papers (129), "Canadian Pacific Railway - Correspondence and Papers showing the Efforts the Company has made to secure Portland for the Winter port " (Montreal, 1884).

⁸¹ Macdonald Papers (277), Tilley to Macdonald, Private, March 8, 1884.

anguish over this matter was complicated by a serious illness which struck him in the winter of 1882-1883. Late in May of 1884 he left for England, partly on business, partly for medical reasons. A government loan had to be negotiated and he had an appointment with a medical specialist. In both ventures he was moderately successful. He wrote Macdonald about the extreme position to the Railway in London, but he declared with pride that the credit of Canada had been able to overcome the unscrupulous opposition.⁸² With the loan safely under his arm, Tilley left for a rest in Scotland on doctor's orders. Toward the end of July, when he was about to leave for Canada, he received a letter from Macdonald on the continuing needs of the Canadian Pacific Railway. "I note what you say about proposed aid to the C.P.R.," he replied apprehensively. "I will be anxious to learn how you propose to give it to them."⁸³

Stephen and other railway supporters increasingly began to picture Tilley as their enemy. Stephen, in particular, complained to Macdonald about Tilley and his lack of understanding or cooperation. Tilley "feels quite cheery at the prospect of the Government getting a cheap property," Stephen observed at one time,⁸⁴ though there is little evidence that Tilley ever wanted to take over the Canadian Pacific Railway. He had merely come to believe there was a lack of an overall perspective in the matter. Throughout the fall of 1884, as his deficit increased and the credit of the country was buffeted, he urged Macdonald to use caution. "Care must be taken in our expenditure to avoid a deficit," he wrote.

⁸² Ibid., Tilley to Macdonald, Confidential, March 8, 1884.

⁸³ Ibid., Tilley to Macdonald, Private, July 23, 1884.

⁸⁴ Quoted in Heather Gilbert, Awakening Continent: The Life of Lord Mount Stephen, Vol. 1: 1829-91 (Aberdeen, 1965), p. 170.

"Our estimated surplus will fail us and a deficit probable, unless we put on the Brakes."⁸⁵ The main problem was the rush to complete the Canadian Pacific Railway, no matter what the consequences were in the rest of the country. With so much of the limited resources tied up in one project, there was little credit left for others. Thus when Stephen asked for an additional \$14,000,000, Tilley was appalled. "I cannot see how we can go to Parliament next session and ask our supporters to vote for it," he confessed to Macdonald.⁸⁶ Even after the loan was cut to \$5,000,000 Macdonald informed Tupper it was a matter that "Tilley can't face."⁸⁷ Perhaps Tilley lacked the expansive view required of the project, or perhaps his vision had become blurred. Whatever the reason he was incapable of making another gamble. There is no way of knowing, but he may also have been correct that everything was out of joint in connection with the Canadian Pacific Railway.

The outbreak of the Rebellion in the North West on top of everything else just about finished Tilley. During the Easter break in April, Tilley had gone to New York to see a specialist about his health, and he wrote Tupper about the problems in the West:

Some lives have been lost, but I hope that our men will soon reach Prince Albert and Battleford, and put Riel & his followers down, before there is any general uprising of the Indians. Most of them so far remain quiet, and those who have taken the war path are ungrateful fellows as it cost us \$1,500,000 a year for the last 3 or 4 years to keep them in food and from starvation. Riel has had his own game to play, demanding \$60,000 to leave the country.⁸⁸

⁸⁵ Macdonald Papers (277), Tilley to Macdonald, Private, Dec. 3, 1884.

⁸⁶ Ibid., Tilley to Macdonald, Private, Jan. 6, 1885.

⁸⁷ Tupper Papers, Macdonald to Tupper, Private, March 17, 1885.

⁸⁸ Ibid., Tilley to Tupper, April 5, 1885.

While the Rebellion was still on, Tilley had to leave for London to look after the 1885 loan, with which Tupper was having difficulty. There was considerable bitterness in a letter he wrote Macdonald about the Canadian Pacific before he left. The issue was the "Short Line" from central Canada to the east coast. Tilley demanded that it be the shortest line between Montreal and Saint John. He would accept no other line under any circumstances.⁸⁹

v

There is a link between the Saint John to Shediac line, which first brought Tilley into the political limelight, and the eastern extension of the Canadian Pacific Railway to Saint John, which was his last major political project. Tilley pursued them both relentlessly, as he had the Intercolonial, and in all of the enterprises he was successful. He had, as usual, sought limited objectives. If the mark of a successful politician were calculated on that scale, Tilley would rank high. He was above all a skilful politician.

In the election of 1878 he had emerged from the office of Lieutenant Governor and had secured his own election in a province where there were few Liberal-Conservative victories. Albert Smith and Timothy Anglin had carried a majority of the voters and the seats to the Liberals in 1873 and they held them in 1878. One result of that election of 1878 was that Confederation was no longer an issue and new political alliances had been formed. Smith and Anglin had most of the old anti-Confederates

⁸⁹Macdonald Papers (277), Tilley to Macdonald, Private, May 11, 1885.

with them as well as a large number of the Roman Catholic voters. Tilley was associated with the School Act party, especially since former Premier George King ran with him in Saint John. A number of years were to elapse before party alignment was fixed in New Brunswick, but by 1878 its nature had been determined. The Roman Catholic opposition to the Liberal Conservative leadership indicated then that they would vote Liberal.

Throughout the period between 1878 and 1885 Tilley attempted to overcome this antagonism, but his style of Protestantism prevented him from ever fully trusting the Roman Catholics. When the matter of Tilley's successor came up in 1885, he opposed even a Protestant who represented a Roman Catholic district. "Pardon me for asking if that Roman Catholic influence is not strong enough at present," he wrote Macdonald privately. "6 cabinet ministers, Speaker Senate, Deputy Speaker H. of C. and Minister of Justice from Nova Scotia, one Minister from N.B., gives our friends of that Church a pretty strong influence in the Maritime Provinces." The appointment of New Brunswick's second cabinet member from a Roman Catholic district "might strain matters a little more than would be desirable down by the Sea. I go with you in giving them full share of influence and patronage, but we ought not go too far."⁹⁰ Macdonald followed Tilley's advice. George Foster, a good New Brunswick Baptist with years of service in the Temperance movement, was appointed Minister of Marine and Fisheries on December 10.

⁹⁰ Macdonald Papers (39), Tilley to Macdonald, Confidential, Nov. 5, 1885.

Tilley also kept New Brunswick and Saint John matters to the fore. When, for example, Canada received the training ship Charybdis from England in 1880, he insisted that it go to Saint John because "there is no part of the Dominion of Canada so exposed as the Harbour of St. John,"⁹¹ nor had that city received its fair share of the benefits of Confederation. The ship was delivered to Saint John on July 27, 1881. Unfortunately, the boilers of the Charybdis were unfit for use, and after she was anchored in the harbour, "she often broke from her moorings and caused damage to other shipping, and some lives were lost. At the same time she cost the Government more than \$20,000 for repairs and crew." When it became the butt of the inevitable jokes and had caused the government untold embarrassment, the New Brunswick Members of Parliament insisted that the ship be removed. Tilley admitted "she has been found to be not as desirable a vessel for the purpose of a training ship as the Government had hoped," but how could Canada insult the Imperial authorities by returning it?⁹² In the end it was given back to the British navy in Halifax. That was the conclusion of the first chapter in the building of a Canadian navy.

The Charybdis affair was a Tilley disaster and may have hurt him in the election of 1882. He was able to compensate for it somewhat by the lavish use of patronage during those good years in the early 1880's. Tilley hoped, as usual, to be returned by acclamation. In July of 1881 he and Tupper had covered the steps of Edward Blake and L.S. Huntington on their Maritime speaking tour, and had thought they had beaten Blake,

⁹¹ Macdonald Papers (276), Tilley to Macdonald, Private, Nov. 15, 1880.

⁹² Dominion Annual Register, 1882, p. 101.

the new leader of the opposition, at every turn. His "mission so far has been proved a failure," he wrote Macdonald.⁹³ Tilley described a reception held in July 25 for Tupper and himself as "the most magnificent public meeting it has been my privilege, in 32 years of public life to address or witness."⁹⁴

As he put his name forward in 1882 he believed that finally he might receive an extra measure of public acclaim. He was Sir Leonard Tilley, Canada's senior cabinet minister, the architect of the National Policy, and the provider of surpluses and prosperity. Unfortunately for Tilley, he was never to receive much public adoration. Shortly after the election was announced the Saint John Telegraph began its assault on him as "The Slanderer of Our Province." He was called an "atrocious liar," a "falsifier of figures," an "ingrate," and "master of falsehood." The apparent cause of this outburst was that Tilley claimed New Brunswick received \$80,000 more from Canada than it contributed.⁹⁵ The Telegraph also discovered that Tilley had secured salaried positions for ten of his relatives. "What a patriot Tilley is to be sure," the article concluded.⁹⁶ That half the people on the list were not relatives was unimportant. It was obvious that Tilley was to be opposed, and savagely at that. The Liberals put forward a George McLeod, a lumber merchant and former member for Kent County, who had recently moved to Saint John. Choosing an outsider may have been a tactical error, though it apparently provided

⁹³ Macdonald Papers (276), Tilley to Macdonald, July 3, 1881.

⁹⁴ Quoted in the Daily Sun, May 26, 1882.

⁹⁵ Quoted in the Daily Sun, June 8, 1882.

⁹⁶ Ibid.

money. "They are giving me a hard fight here," Tilley wrote Macdonald on June 9.⁹⁷

Tilley ran on his record, thirty-two years of it. During that period New Brunswick had grown and prospered. Progress was his theme. Confederation, increased population, railways, more trade, investment, great surpluses, and finally, there was the National Policy; Tilley may, in fact, have become tiresome. The opposition thought they had him. Tilley described the election to Macdonald. The opposition, he wrote, "made a dead set upon myself. The influences used were such as I have never encountered before and the opposition was ever giving [money]. Anglin brought out Bishop Sweeney and nearly all the Irish R.C.'s. Money was as free as water. \$20 & \$30 for a vote. But we gained today, but not without a bitter fight."⁹⁸

The election of 1882 gave Macdonald the largest majority of his career, one hundred and thirty-nine seats to seventy-one, and in New Brunswick he carried nine of sixteen, including Tilley. Sir Albert Smith was defeated for the first time in his life, and Anglin was also rejected. It looked like a great victory, but it was deceiving. Peter Mitchell, for example, was elected as a Liberal in Northumberland, and Tilley had been the only one of three government men elected in Saint John. With everything in his favour, he had received only 137 more votes than McLeod, the outsider, 1288 to 1151;⁹⁹ the total was the least number of votes he had received since 1856. It was not a great victory, and Tilley escaped to St. Andrews, "thoroughly used up."¹⁰⁰

⁹⁷Macdonald Papers (277), Tilley to Macdonald, June 9, 1882.

⁹⁸Ibid., Tilley to Macdonald, June 25, 1882. Private.

⁹⁹See the Daily Sun, June 26, 1882.

¹⁰⁰Macdonald Papers (277), Tilley to Macdonald, Private, June 25, 1882.

There was probably no relationship between them, but during the following winter Tilley's health began to decline. It became so severe as the summer of 1883 approached that he went to Dr. Kidd in London, who found indications of diabetes. Tilley was ordered to Hamburg for three weeks of rest and cure. He seemed to improve, but within a year he was back in London to see Sir Andrew Clark. Dr. Clark decided that Tilley did not have diabetes, but problems with diet and lack of exercise. He prescribed for both, though to little avail.¹⁰¹ By Christmas Tilley was complaining of "bad pain in my bladder,"¹⁰² and at the end of April, 1885, his condition was public knowledge. "Poor old Tilley is so ill," Galt wrote Macdonald, I cannot write him."¹⁰³ The success of the budget debate provided a spark that seemed to help, but the Rebellion in the North West, the incessant demands of the Canadian Pacific, and the crisis in the money market appeared to agitate him severely. Nevertheless, he left for London to take charge of the government loan.

By June 12 the loan had been taken care of, but his health was gone. Sir Henry Thompson, his third specialist in three years, discovered a stone in Tilley's kidney, and on June 12 operated to remove it. When he returned to Canada a month later Tilley informed Macdonald that he could no longer continue in office. "There appears no escape," he wrote, "as it is a question of life or death, health or disease. You need and

¹⁰¹Ibid., Tilley to Macdonald, July 4, 1883, and Tilley to Macdonald, Private, July 30, 1884.

¹⁰²Ibid., Tilley to Macdonald, Dec. 26, 1884.

¹⁰³Macdonald Papers (220), Galt to Macdonald, Confidential, April 27, 1885.

must have young blood, and the present is a favourable opportunity to secure it."¹⁰⁴ When Tilley suffered a severe "Ottawa attack" a few days later, there was no choice. He left for St. Andrews and complete rest as soon as possible.

Freed of responsibility, Tilley improved sufficiently to accept the appointment of Lieutenant Governor for a second term. R.D. Wilmot's five years in the office had expired on February 11, and on November 3 the public was informed that Tilley was to be the new Lieutenant Governor.

vi

Tilley was sixty-seven when he returned to Fredericton in 1885. For seven years and ten months he was to remain as Lieutenant Governor, giving him a total of twelve and one-half years in the office, the longest period in the position of any Canadian since 1867. It was Tilley's final official role, and he apparently filled it with dignity. The Premier, Andrew G. Blair, and Tilley became highly compatible over the years, but Blair needed very little assistance from Tilley in the operation of the government. One of Blair's moves was to close Government House, and after 1886 Tilley lived in a new house he had just built on Germain Street in Saint John. He was in Fredericton only on formal occasions or when Blair sent for him. The removal of the office and the house of the Lieutenant Governor from Fredericton created a major change in the office.

¹⁰⁴ Macdonald Papers (277), Tilley to Macdonald, Private, July 20, 1885.

There was also one public incident that deserves mention. In 1892 A.A. Stockton, the leader of the opposition in New Brunswick, presented Tilley with a Memorial in which he charged Blair and the government with eighteen acts of corruption. He demanded a Royal Commission to investigate. Tilley's reply, which was made public, reminded Stockton that the House of Assembly was in session and that the matter must be pressed there. His objective, he declared, was "to guard against the breaking down of the Parliamentary bulwarks, erected after great experience, with which members of Parliament and Governments are wisely surrounded."¹⁰⁵

Tilley remained Lieutenant Governor until September, 1893, a very long term by any standard. The reason for the extended term was not difficult to determine. Tilley wrote innumerable letters to his friends in Ottawa, seeking favours and positions, usually for his relatives, but for others as well. It also would appear that Tilley himself did not have much of an income, and that he needed the money from the office to continue his life style. On April 21, 1891, he wrote Macdonald asking for an extension: "Our limited income, my wife's and my own, will not up to the close of my term be sufficient to meet expenses, and we will find it necessary to draw upon capital year after year. . . . About 3 mos. since, symptoms of Diabetes returned and the attack of la Grippe of late brought my old Bl adde r trouble."¹⁰⁶ Macdonald, then only

¹⁰⁵ Tilley Papers (NBM), Tilley to A.A. Stockton, April 4, 1882. George Stewart, who wrote his booklet Sir Leonard Tilley in 1882, called this letter "a masterpiece of parliamentary literature and tact," p. 331, an exaggeration, no doubt.

¹⁰⁶ Macdonald Papers (277-1), Tilley to Macdonald, April 20, 1891.

weeks from his own death, sent the letter to Foster. "This is a sad letter," he observed. "We must leave him in govt house as long as possible." Foster replied: "I agree with you,"¹⁰⁷ and for two and one-half years Foster protected Tilley. In September of 1893 the government responded to criticism and Tilley was replaced.¹⁰⁸

During those years as Lieutenant Governor Tilley had remained active in a variety of organizations, most notably the Imperial Federation League. In 1891 and 1892 he served as President of the Canadian League, but only under pressure and only as a figure head.¹⁰⁹ It was also during those years after leaving Ottawa that he realized an old dream. In the summer of 1889 he travelled across Canada by train. William Van Horne sent him passes in February and promised "special facilities."¹¹⁰ He had two daughters in the West, one in Winnipeg and one in Chilliwack. In Victoria he visited John Hamilton Gray, who had been appointed a Judge in the 1870's. It was a great trip, and Tilley talked about it the rest of his life.

In the years after leaving the Lieutenant Governorship in 1893 Tilley stayed close to home, retaining an interest in politics, especially as the Liberal-Conservatives entered a period of recurrent crises in 1895 and 1896. He corresponded with his old colleagues and made innumerable observations and suggestions. He even wrote a long

¹⁰⁷ Ibid., Notes by Macdonald and Foster.

¹⁰⁸ Tilley Papers (NBM), Foster to Tilley, Private, Sept. 20, 1893.

¹⁰⁹ Tilley Papers (NBM). There is quite a large file of letters on the Imperial Federation League, including letters from Principal Grant, Dalton McCarthy, George Denison and George Parkin.

¹¹⁰ Ibid., W.C. Van Horn to Tilley, Feb. 19, 1889. Tilley had written to Van Horn for the passes.

letter to the editor of the Daily Sun on the Remedial Bill, pointing out that he was a participant in the decision that guaranteed the special minority rights to Manitobans:

It is argued that in the interest of Manitoba, Separate Schools should not be established there, and that because a large majority of the Electors of that Province are opposed to Separate Schools, Manitoba should not be forced by Parliament to change their Legislation. This is not the question here to consider. It is the right of the minority to ask Parliament to consider their position, under their constitution in view of the [Ruling] of the Judicial Committee of the Privy Council.¹¹¹

It was a surprising position for Tilley to take, and it may have had as much to do with the position the Liberal-Conservative government had taken as with his belief in minority rights. He took the same ground in his correspondence with Tupper, however, which suggests he believed sincerely in the right of the federal government to intervene in that particular case.

Tupper and Tilley wrote back and forth to each other frequently during those early months of 1896. "I wish you could have been present in the caucus yesterday morning." Tupper wrote to Tilley on March 4, "when I read to them the extract from your letter to me of Dec. 20th referring to the school question & heard the deafening cheer with which it was heard."¹¹² As the June election approached Tilley watched the events anxiously. "You have not only religious prejudice to fight," he observed to Tupper on June 3, "but the influence of five local

¹¹¹ Tilley Papers (NBM), April, 1896, a handwritten copy by Tilley.

¹¹² Ibid., Tupper to Tilley, March 4, 1896.

Governments to contend with. And a divided Roman Catholic vote as well. If you succeed in defeating all these, and the influence of U States greenbacks as well, you will have accomplished wonders."¹¹³

Tilley never did learn that the day of wonders for old war horses had ceased. Tilley died early in the morning of June 25 without knowing that Tupper had lost and that new men were taking over.¹¹⁴

¹¹³Tupper Papers, Tilley to Tupper, June 3, 1896.

¹¹⁴For the last days see Hannay, Tilley, pp. 375 ff.

Conclusion

"By the death of Sir Leonard Tilley," announced the Saint John Telegraph, "the Province of New Brunswick loses its most famous son, a man whose political career extended over a longer period and who was more successful in political life than any other statesman that this province has produced."¹ Three-quarters of a century later, that observation is still appropriate. There have been a number of prominent federal members, a few premiers have had distinguished careers, and there have been celebrated individuals like Lord Beaverbrook, R.B. Bennett and Bonar Law, but none of these men had a New Brunswick career to match Tilley's. His success can be explained partly by circumstances, partly by his personality. Confederation was the unique event that permitted him to move from the premiership of New Brunswick to important federal offices. He might have been defeated as leader in New Brunswick in 1865 and not returned to power had the Confederation issue not created entirely new circumstances, as well as a second career.

Another contingency that served Tilley was the evolution of the party system in the 1850's and 1860's. He was the first party leader in the real sense. While others flitted in and out of factions, alliances and coalitions, Tilley started with a nucleus of reformers in Saint John who called themselves Liberals and welded it into a political party. After 1857

¹Quoted in Hannay, Tilley, p. 379. Hannay has reproduced a number of the obituaries on pp. 375-393.

it was the only party in the province, and its organization was tied closely to Tilley and the Saint John interests. In one respect the party can be interpreted as an extension of the influence of Saint John, and Tilley undoubtedly never forgot where his voters lived.² Perhaps because of the antagonism to Saint John throughout the rest of the province, Tilley did not always have a majority in the Assembly, but he was usually able to acquire it because of his ability to manipulate or to reconcile disparate interests.

Tilley's personality became important at that point. Despite the obvious differences between them, Tilley and Macdonald had much in common. Tilley's strength was in his ability to negotiate and to find compromise, and to offer alternatives. He always looked for the practical and the workable solution. He had been scorched badly by the Prohibitory Liquor Law affair, and had learned something about the limitations placed on those in power as well as the necessity of having an informed electorate. He had also realized the need to reconcile as wide a cross section of the Assembly as possible to all measures. When he returned to power in 1857 he applied himself tirelessly to the management, not only of his office, but of the politicians as well. By 1863 references were made to his "foxy appearance" and to the fact that he was "awfully 'politic'."³ The best example of his skillfulness in politics was the way he manoeuvred Charles Fisher out of office in 1861 and assumed the premiership himself. That event had also shown a toughness behind that "bland" smile and apparent flexibility. After going to Ottawa in 1867 he retained that combination of hardness in certain circumstances,

²Tilley's concern for the interests of Saint John remained constant. There is ample material for an article on Tilley as an urban politician extending the influence of his city.

³Weekly Telegraph, Sept. 3, 1863.

such as the tariff, and the application of the "doctrine of 'Expediency'" in almost all matters. Machiavellian may be too strong a term to apply, especially if it is used in the derogatory sense, and it would present Tilley at his worst. Macdonald would not have used it. According to Joseph Pope, Macdonald's opinion of Tilley was that "in every relation of life he is a good man in the very best meaning of the word."⁴

Tilley had many failures, of course, and his main one was with the Roman Catholics. It was probably unavoidable, given the circumstances of the time. Tilley, as a fundamentalist Protestant, did not trust the Roman Catholic Church, and his best friends were virulently anti-Catholic. The fear of papal aggression in the period from 1850 to 1880 was pervasive among most Protestants, and Tilley certainly shared it. In the sphere of practical politics, it was his stand against separate schools in any form that made him a marked man. He was, as he said in 1858, "decidedly and emphatically" opposed to them,⁵ and since he controlled the government policy in that area, he was their enemy. When the School Act of 1871 was taken to Ottawa, he said little but did everything he could to prevent any action on it. The reason he gave for this was that the matter had to be settled in New Brunswick and that a solution could not be forced from outside. Curiously he took the opposite position on the Manitoba School Question in 1896, possibly because his party took that stand. It is also possible that he believed that rights granted to a minority by the federal constitution must be upheld.

Tilley's failure to gain Roman Catholic support was a major factor in most of the set backs he suffered in his career. His first retirement in 1851 appears in retrospect to have been the impulsive action of a youthful

⁴Pope, Memoirs, p. 288.

⁵Morning News, May 24, 1858.

politician; nevertheless, it was over a matter of principle. In 1856 and in 1865, when he was defeated at the polls, he did not receive the Roman Catholic vote, and he was convinced that it was the cause of not only his own defeat in 1865 but that of Confederation as well.

It is natural to look for external excuses for defeat, and one possibility Tilley apparently did not consider was that he personally did not attract great public enthusiasm. With two or three exceptions he rarely had large majorities. That he received the votes he did can be attributed to his political skill. In what was meant as a criticism, Ivan wrote of him in 1865 that "he is remarkably well versed in all the petty arts of management by which a political party may be kept well in hand."⁶ Ivan used the word "crafty" as well. A friend might have used the same idea without implying criticism, as Ivan clearly intended. Tilley, after all, understood politics and used the system effectively.

In some respects it is useful to think of Tilley as a party manager or an administrator. He did not attempt to do everything himself, because he employed or received the services of many subordinates. In government, for example, Robert Fulton, James Johnson, Edward Young and J.M. Courtney worked for Tilley faithfully for long years. Courtney is especially interesting. He was a Liberal partisan, appointed by Cartwright as Deputy Minister of Finance, but Tilley retained him after 1878 and the man, who had considerable ability, served admirably. It was people like Courtney and Fulton who freed Tilley from the details and routine of his various offices. He himself had a solid grasp of statistics and details, as he demonstrated on several occasions, but that did not mean he did all the work himself.

⁶The letter was published in the Saint John Globe on Sept. 27, 1865.

Tilley gained the reputation of a man of details with no ideas. Ivan observed of Tilley's speeches that they "never animate us by disclosing great principles. Indeed, Mr. Tilley is a master of details, not of principles. He never lifts our minds to high conceptions of a great subject, but always leads us to follow him while he cunningly leads us into the minute considerations of some particular part of it."⁷ Tilley was obviously not interested in philosophical speculation; rather, he was content to let others display their ideas so long as he did not suffer from their deliberations. He was wily about this. While others speculated and hypothesized, he achieved, usually by moving from limited objective to limited objective, as he did in railway matters and in the features of the grant structure at Confederation. He became formidable at the stage when discussion turned from propositions to realities, and his effectiveness at that stage may explain his political success.

There was a tendency to think of Tilley as a mediocre man who was in his position as if by chance. "In short," wrote Ivan, "Mr. Tilley is just what a man possessing moderate abilities, a good memory, and some natural aptitude for ordinary business, endowed with no imagination, and influenced by little refined sentiment, without the advantages of a good early education or of extensive reading in after life, might become." His prominence came from his being "pushed forward into the political arena and kept there by a party to serve its peculiar purposes."⁸ Bearing in mind that the article was written to discredit Tilley and his party, it still had a spark of truth, though it is hardly the whole story.

⁷Ibid.

⁸Ibid.

An examination of his career reveals that Tilley was well above the ordinary in the political arena. There were three great events in his life, and in all three he distinguished himself, though in different ways. In the Prohibitory Liquor Act affair he had stood firmly on a moral principle and was prepared to win or lose with it. In that period he also advocated and helped to introduce a number of political and social reforms. His defeat over prohibition forced him to reevaluate his position, and at no time in the future did he expose himself as he had in 1855 and 1856. Confederation, the second major event, also saw him defeated at the polls, but there was a difference. He had begun to organize a Confederation Coalition before the Charlottetown Conference, and he also started a campaign of public education as soon as possible. He had learned in his defeat over prohibition what the public would not accept, and he also realized that an electoral defeat could be reversed by careful political tactics. The success of Confederation in New Brunswick in 1866 demonstrated the acuteness of his course. With the National Policy his role was far less prominent in a political sense than in the other two, but he did secure his own victory in a province that returned few Macdonald supporters in 1878.

That Tilley lacked ideas in the speculative sense cannot be denied, but he did have elaborate conceptions for each of prohibition, Confederation and the National Policy. He operated at the problem-solution level with all three. Perhaps he was not inventive, but he was thorough. "There was one good thing about the tariff of 1879," Edward Young wrote Tilley in 1890 as he looked back on the National Policy, "it was well built, part corresponded to part as in a well planned building. Unlike nearly all U.S. tariff acts it did not require subsequent legislation to correct errors or omissions. The

changes subsequently made in Canada were such as seemed to be required by the Finance Minister and by Parliament."⁹

In Tilley's final seven years in Ottawa he finally freed himself from the preponderant New Brunswick outlook that characterized his first Parliament. In both his presentation of and subsequent defense of the National Policy tariff he emerged as a 'Greater Canada' nationalist, especially in the economic sense. The tariff and the Canadian Pacific Railway were both of greater benefit to Ontario, especially its manufacturers, than to New Brunswick or any of the Maritimes. Tilley, however, thought in terms of the whole country, of all the parts being interrelated, of one nation for all. By 1885 he seems to have realized that the Maritimes were 'have-not' provinces and would receive more from Confederation than they contributed financially, but there was more to it than that. Those Maritime sons and daughters who had at one time gone to the United States were offered an opportunity to move and still stay in their own country, under the British monarch. Tilley's own family was a case in point. His son Harrison had gone to Ontario, a daughter Annie was in Manitoba and another daughter, Frances, was in British Columbia. By the end of his career Tilley had acquired a feeling for all of Canada that was not matched by many of his colleagues or members of the opposition. Cartwright, for example, probably never overcame his provincialism. "From the first to the last," observed Joseph Pope in Macdonald Vindicated, "he [Cartwright] was an Ontario man."¹⁰ Cartwright himself might have agreed. In 1891 he wrote in the Toronto Globe of Macdonald's government that "Our opponents' array . . . is most literally a thing of shreds and patches,

⁹Tilley Papers (NBM), Edward Young to Tilley, Confidential, Dec. 18, 1890.

¹⁰Quoted in Graham, "Sir Richard Cartwright and the Liberal Party," p. 344.

made up of ragged remnants from half a dozen minor provinces."¹¹ Since there were then only seven provinces, the implication is clear.

Despite Tilley's prominent role, he has not attracted much attention from the historians, whereas Cartwright, to take one example, is unquestionably better known. It may be that Cartwright, as the most outspoken figure in favour of economic liberalism, has benefited by the dominance of Canada's celebrated liberal historical tradition. It is more likely that Cartwright stood out in that bleak Mackenzie cabinet while Tilley and most other Liberal Conservatives were totally overwhelmed by Macdonald.

For the pre-Confederation period, in which it might have been expected that his position would warrant more attention, the interest has centred about the Lieutenant Governors. W.S. MacNutt in his New Brunswick: A History appears to have accepted Gordon's view that Liberals or Smashers were "coarse ignorant brutes"¹² and since Tilley was the leader, he did not escape that brush. Peter Waite in Life and Times of Confederation adopted much the same position, though he relied on newspapers to a far greater extent than MacNutt. In general, there has been a tendency to treat colonial politicians as decidedly inferior. What emerges from this study of Tilley is the suggestion that the Lieutenant Governors were not impartial observers of affairs in New Brunswick, and, in addition, occupied an increasingly less important position in the years after 1854. Gordon was so totally alienated that he brought ridicule on the office. Tilley contributed to the emancipation of the colony in those years in a number of ways, not the least of which was his refusal to play an inferior role. Perhaps the most significant

¹¹ Ibid.

¹² Stanmore Papers, Gordon to Wilberforce, Nov. 16, 1864.

material in the various Tilley papers is about his activities between 1857 and 1864. It is difficult to escape the conclusion that colonial politicians, and Tilley in particular, dominated all facets of government and administration during those years.

Tilley's New Brunswick years before 1867 were his most productive; his early federal career was of secondary importance, largely because he lacked the scope in the opportunities Macdonald offered him. When he was given a larger stage, as indeed the Department of Finance from 1878 to 1885 was, he grew into the position and created an enduring structure with the National Policy.

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The Tilley Papers, which are housed in several archives, were the principal source for this study. Few Tilley Papers were thought to have survived, but in the last fifteen years a number of separate collections have appeared. The New Brunswick Museum acquired the most useful group in 1958. It contains material covering most of Tilley's career. The Public Archives of Canada received a substantial body of papers in 1968, which at one time was part of the New Brunswick Museum collection. There is no logical division between the two holdings, but together they represent all of the Tilley Papers for the pre-Confederation years that are likely to appear. They also constitute the largest single collection of Confederation Papers of any of the Fathers of Confederation except Macdonald. The post-Confederation Tilley Papers are still incomplete, especially for the years between 1867 and 1878. There are, fortunately, a number of other holdings rich in Tilley material for these years. Most notable are the Macdonald Papers at the Public Archives of Canada. Of the other sources the following were the most useful: the Howe, Tupper, Galt and Brown Papers at the Public Archives of Canada; the James Brown and Stanmore Papers at the University of New Brunswick; and the James Brown Journal, A.R. McClellan Correspondence, and Joseph Lawrence 'Reminiscences' at the New Brunswick Museum. The holdings of the New Brunswick Museum in general were invaluable.

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