
The Late Loyalists

Northern Reflections of the Early American Republic

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The American Revolution divided North America, creating an independent republic south of a new border that preserved the British Empire to the north. Far from retreating across the Atlantic, that empire took on a new complexity and dynamism in its Canadian provinces, thanks to the influx of at least 50,000 Loyalist refugees fleeing from the Revolution. American historians, however, rarely examine the northern half of the revolution's legacy—despite its comparative potential for illuminating the early republic. To that end, this essay sets the American nation in a broader, continental context of multiple experiments in political culture during the postrevolutionary generation.¹

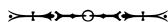
For that comparison, the province of Upper Canada (now Ontario) is especially promising, for most of its inhabitants were American born. And the American boundary invited a steady exchange of migrants and information, which obliged the colonists and visitors recurrently to eval-

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1. An exception to the neglect rule is the work of an American sociologist: Seymour Martin Lipset, *Continental Divide: the Values and Institutions of the United States and Canada* (Toronto, ON, 1989). For a comparative examination of postrevolutionary Britain and America, see R. A. Burchell, ed., *The End of Anglo-America: Historical Essays in the Study of Cultural Divergence* (Manchester, UK, 1991). For the continental approach see Alan Taylor, James F. Brooks, Elizabeth A. Fenn, and Andrés Reséndez, "Continental Possessions," *Journal of the Early Republic* 24 (Summer 2004), 159–188.

uate the differences that a revolution and a border could make. Finally, the political institutions and economic policies of Upper Canada were designed by Britons and Loyalists who had fought against the Revolution and who meant to prevent its recurrence within their province. By reading Upper Canada's constitution and early history (through the War of 1812), we can recover the lessons of the revolution for those who lost. And we can measure the republican consequences of victory south of the new border.

This essay argues that Upper Canada was a counterrevolutionary polity that, by its contrast, highlights the transforming liberal consequences of the republicanism generated by the American Revolution. By liberal I mean a pluralistic society premised on equal individual rights for citizens to seek private property and political power. Republicanism and liberalism may have had distinctions as political theories, but I find none in political practice in North America after the Revolution. Americans looked to a republic to safeguard their liberal aspirations. To their north, the British designed Upper Canada to discourage such aspirations—except within narrow bounds carefully patrolled by executive power.²



In the Canada Constitutional Act of 1791, Parliament established a new colony on the northern and western shores of Lakes Erie and Ontario and along the upper reaches of the St. Lawrence River. Parliament created Upper Canada by dividing the immense, old province of Quebec along the Ottawa River, above Montreal, defining the lower reaches of the St. Lawrence valley as the sister and superior province of "Lower Canada." The division was cultural as well as geographic: French speakers predominated in Lower Canada while English speakers prevailed in Upper Canada. Based in Quebec City, the capital of Lower Canada, a governor general held military command of both provinces (as well as

2. Gordon S. Wood, *The Radicalism of the American Revolution* (New York, 1992), 229–70; Isaac Kramnick, *Republicanism and Bourgeois Radicalism: Political Ideology in Late Eighteenth-Century England and America* (Ithaca, NY, 1990), 1–39; and Marvin Meyers, *The Jacksonian Persuasion: Politics and Belief* (Stanford, CA, 1957), 121–41. The celebration of equal individual rights for citizens certainly did not preclude growing inequalities of condition among them, to say nothing of the systematic exploitation of the majority of noncitizens: women and enslaved African Americans.

over the Maritime provinces to the east). His subordinate, a lieutenant governor, exercised the executive power in Upper Canada.³

The new province reflected the lessons of the American Revolution, as understood by men who rued its success. Led by Secretary of State William W. Grenville, the British examined “the constitution of our former Colonies . . . in order that we may profit by our experience there, & avoid, if possible, in the Government of Canada, those defects which hastened the independence of our antient possession in America.” That retrospective found excessive colonial democracy because “no care was taken to preserve a due mixture of the Monarchical & Aristocratical parts of the British Constitutions.” Grenville and his associates designed Upper Canada to serve as an antidote to the Revolution, as an alternative to the American republic, and as the model for a revived British empire. In 1791, the colony’s first lieutenant governor, John Graves Simcoe, explained, “The establishment of the British Constitution in this Province offers the best method gradually to counteract, and ultimately to destroy or to disarm the [American] spirit of democratic subversion.”⁴

The British designed Upper Canada to restrict both popular discontent and popular participation in politics. On the one hand, the British officials sought a content and inert public by minimizing taxation and by

3. Gerald M. Craig, *Upper Canada: The Formative Years, 1784–1841* (Toronto, ON, 1963), 15–19; “Discussions of Petitions and Counter Petitions Re Change of Government in Canada,” and William W. Grenville to Lord Dorchester, Oct. 20, 1789, in Adam Shortt and Arthur G. Doughty, eds., *Documents Relating to the Constitutional History of Canada, 1759–1791* (Ottawa, ON, 1918), 976, 987–88.

4. “Discussion of Petitions and Counter Petitions,” in Shortt and Doughty, eds., *Documents Relating to the Constitutional History of Canada*, 983–86 (quotations 982 and 983); John Graves Simcoe to the Duke of Portland, Jan. 22, 1795, in E. A. Cruikshank, ed., *The Correspondence of Lieut. Governor John Graves Simcoe, With Allied Documents Relating to His Administration of the Government of Upper Canada* (5 vols., Toronto, ON, 1923), 3: 265; S. R. Mealing, “John Graves Simcoe,” *Dictionary of Canadian Biography* (Toronto, ON, 1983), 5: 754–59. For the importance of prerevolutionary precedents set in Nova Scotia for later designing the Canada Constitutional Act, see Elizabeth Mancke, “Early Modern Imperial Governance and the Origins of Canadian Political Culture,” *Canadian Journal of Political Science* 32 (Mar. 1999), 3–20; Elizabeth Mancke, “Another British America: A Canadian Model for the Early Modern British Empire,” *Journal of Imperial and Commonwealth History* 25 (Jan. 1997), 1–36.

maximizing access to cheap farm land. On the other hand, they restricted electoral power and tightly controlled the press to prevent demagogues from fomenting public ferment. In sum, the officials worked to deny the colonists both the motives and the means for rebellion. But there was a complication: Sparsely settled Upper Canada needed more people.

Prior to 1783 the few Euro-American settlers in Upper Canada were French Canadians clustered along the Detroit River on the colony's western fringe. During the next two years, however, the region received about 6,000 new settlers, primarily Loyalist refugees, fleeing from the American republic, or disbanded British and Hessian soldiers and their families. By 1791 the new province's population doubled to 14,000. Yet Upper Canada remained dwarfed by the swelling numbers of Americans to the south and east. In 1790 the single adjoining state of New York boasted a population of 340,120: more than twenty-four times the number resident in Upper Canada. That discrepancy in numbers alarmed British officials, who anticipated another war with the Americans—and sooner rather than later.⁵

To improve security along the border, Upper Canada needed thousands of new settlers for a militia. But where would those families come from? Procuring emigrants from distant Great Britain meant crossing the Atlantic and ascending the often ice-choked or fog-bound St. Lawrence River, rendering the transit long, difficult, and expensive. In 1793, renewed war with France added hostile warships to the trans-Atlantic hazards of transporting people from Britain to Canada. Moreover, British emigrants lacked the experience and skills needed to clear forests and to make frontier farms.⁶

As an alternative, Simcoe sought settlers from the nearby American republic. On the plus side, American settlers were close at hand and

5. Craig, *Upper Canada*, 35–38; Douglas McCalla, *Planting the Province: The Economic History of Upper Canada, 1784–1870* (Toronto, ON, 1992), 249; David Maldwyn Ellis, “The Rise of the Empire State, 1790–1820,” *New York History* 56 (1975), 5–6; James Macauley, *The Natural, Statistical and Civil History of the State of New-York* (3 vols., New York, 1829), 1: 417–18.

6. J. David Wood, *Making Ontario: Agricultural Colonization and Landscape Re-Creation before the Railway* (Montreal, QC, 2000), 22–28; McCalla, *Planting the Province*, 15–17; Donald G. Creighton, *The Empire of the St. Lawrence, 1760–1850* (Toronto, ON, 1956), 116–23.

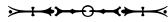
experienced at farming. They could emigrate cheaply at their own expense and would quickly support themselves as frontier farmers. And Simcoe reasoned that every settler drawn into Upper Canada subtracted from the republic's strength as it added to the empire's. An ideologue of empire, Simcoe vowed to undermine the American republic by bolstering Upper Canada.⁷

But recruiting Americans was also a dangerous gamble, for they came from a revolutionary republic ideologically hostile to the British Empire. Instead of strengthening the empire, their growing numbers might subvert Upper Canada from within.⁸

Seeing no evil, Simcoe devoutly believed that the American states remained filled with closet Loyalists who longed to escape republicanism by returning to the empire. In 1791 he insisted,

There are thousands of the Inhabitants of the United States whose affections are centered in the British Government & the British Name; who are positively enemies of Congress & the late division of the Empire; many of their Connections have already taken refuge in Canada & it will be true Wisdom to invite & facilitate the emigration of this description of people into that Country.

To attract these settlers, Simcoe promised to exempt them from both taxation and democracy, while providing cheap land.⁹



In a major concession to American desires, the British mandated freehold land tenure in Upper Canada (rather than the leaseholds of French Quebec). The Canada Constitutional Act of 1791 also precluded the Crown quitrents that had irritated the prewar colonists (although collection had been indifferent). The land tenure concessions followed the

7. Simcoe to Henry Dundas, Aug. 12, 1791, and Nov. 23, 1792, in Cruikshank, ed., *Correspondence of Simcoe*, 1: 50–51 and 264; Fred Landon, *Western Ontario and the American Frontier* (Toronto, ON, 1941), 16.

8. Richard Cartwright to Peter Hunter, Aug. 23, 1799 in C. E. Cartwright, ed., *Life and Letters of the Late Hon. Richard Cartwright* (Toronto, ON, 1876), 96.

9. Simcoe to Dundas, June 30, 1791, in Cruikshank, ed., *Correspondence of Simcoe*, 1: 27.

advice of Lord Dorchester, Canada's Governor General, "that all seeds of discord between Great Britain and her Colonies may be prevented."¹⁰

And the price of Crown land was right. On February 7, 1792, Simcoe issued a proclamation inviting Americans into Upper Canada to receive virtually gratis at least 200 acres of land per family. To obtain a land grant, a settler needed only to take an oath of allegiance to "the King in his Parliament," and to pay some paltry official fees. During the mid-1790s those fees amounted to only six pence per acre—which rendered land in Upper Canada dirt-cheap relative to the \$1 to \$3 per acre charged by the United States government in Ohio and by private land speculators in New York and Pennsylvania.¹¹

One of the great ironies of the American Revolution was that it led to virtually free land for settlers in British Canada but to enhanced prices in the United States. Burdened by public debts incurred to fight the war, the American federal and state governments sought greater revenues by selling lands to speculators. Only they could immediately pay the cash desperately needed by governments to pay public creditors while holding down taxes. For example, during the summer of 1791 New York State, in thirty-five transactions, sold 5,542,170 acres—most of its remaining public domain—to land speculators for \$1,030,433. Those speculators profited by retailing the land to actual settlers, who had to pay a premium. In sum, postrevolutionary settlers paid higher land prices to enrich speculators and to fund the war that had secured national independence. If they disliked that bargain, settlers could emigrate to Canada to procure cheaper land by resuming their allegiance as British subjects.¹²

10. Dorchester to Grenville, Feb. 8, 1790, in Shortt and Doughty, eds., *Documents Relating to the Constitutional History of Canada, 1759–1791*, 1004.

11. Simcoe, "Proclamation," Feb. 7, 1792, in Cruikshank, ed., *Correspondence of Simcoe*, 1: 108; Lillian F. Gates, *Land Policies of Upper Canada* (Toronto, ON, 1968), 28; E. A. Cruikshank, ed., "Petitions for Grants of Land, 1792–6," Ontario Historical Society, *Papers and Records* 24 (1927), 17. For prices in the United States see David Maldwyn Ellis, *Landlords and Farmers in the Hudson–Mohawk Region, 1790–1850* (Ithaca, NY, 1946), 25; Paul D. Evans, *The Holland Land Company* (Buffalo, NY, 1924), 45; Malcolm J. Rohrbough, *The Land Office Business: The Settlement and Administration of American Public Lands, 1789–1837* (New York, 1968), 10.

12. For New York's land sales see Alfred F. Young, *The Democratic Republicans of New York: The Origins, 1763–1797* (Chapel Hill, NC, 1967), 237.

In a second major concession to American notions, the Canada Constitutional Act of 1791 reiterated Parliament's 1778 pledge never again to tax the North American colonists for revenue. That war-time pledge belatedly recognized that Parliamentary taxation had provoked the American rebellion. Although we cast the Loyalists as losers, they ultimately won the original goal of the colonial resistance: exemption from British taxation while remaining within the empire.¹³

Indeed, far from seeking colonial revenue, Britain heavily subsidized the government of Upper Canada. The Crown bore the costs to administer its Indian relations and to garrison its forts. Those related expenditures exceeded £50,000 sterling annually during the mid-1790s. In addition, Parliament funded the salaries drawn by almost all of the colony's executive officers and leading judges, at a further cost of £7,000 a year. Because of this British largesse, the Canadian colonists paid only nominal taxes, primarily to finance their elected assembly and to construct district courthouses, jails, bridges, and roads. In 1794 Upper Canada's landholders paid only 5 shillings in tax for every £100 in assessed property: a rate of one-quarter of one percent. This was one-fifth of the tax rate borne by New York's landholders. In 1808, the colony's revenue amounted to a paltry £3,000, or about 5 percent of the total paid by British taxpayers for the military, Indian, executive, and judicial establishments in the colony.¹⁴

13. Grenville to Dorchester, Oct. 20, 1789, in Shortt and Doughty, eds., *Documents Relating to the Constitutional History of Canada, 1759–1791*, 974; Craig, *Upper Canada*, 19; Simcoe to Dundas, Feb. 16, 1792, in Cruikshank, ed., *Correspondence of Simcoe*, 1: 113; Michael Smith, *A Geographical View of the Province of Upper Canada, and Promiscuous Remarks Upon the Government* (Hartford, CT, 1813), 58.

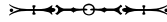
14. "Discussion of Petitions and Counter Petitions Re Change of Government in Canada [1789]," in Shortt and Doughty, eds., *Documents Relating to the Constitutional History of Canada, 1759–1791*, 985–86; "An Act for Laying and Collecting of Assessments and Rates," *Upper Canada Gazette*, July 25, 1793; Simcoe to Dundas, Aug. 2, 1794, and the Upper Canada Civil Establishments for 1794 and 1795 in Cruikshank, ed., *Correspondence of Simcoe*, 3: 1–2, 250, and 4: 167; McCalla, *Planting the Province*, 17–19, 352n27, and 352n28; Craig, *Upper Canada*, 29; Isaac Weld, *Travels Through the States of North America*, (2 vols., New York, 1968), 1: 373. For the provincial revenue in 1808, see Francis Gore to Sir James H. Craig, Jan. 5, 1808, in Douglas Brymner, ed., "Note B: Anticipation of the War of 1812," *Report on Canadian Archives, 1896* (Ottawa, ON, 1897), 35.

Another great irony of the American Revolution was that the winners had to saddle themselves with higher postwar taxes (as well as higher land prices) to finance the war debts incurred to secure their independence. In 1800 an American emigrating to Upper Canada explained his push factor: "We fought seven years to get rid of taxation, and now we are taxed more than ever!" Although deemed the war's losers, the Loyalists in Upper Canada secured a lighter tax burden than that borne by either the prewar colonists or the postwar citizens of the republic.¹⁵

In a third concession to American expectations, the British provided Upper Canada with an assembly elected by the freeholders. In 1789 Grenville explained, "I am persuaded that it is a point of true Policy to make these Concessions at a time when they may be received as [a] matter of favour, and when it is in Our own power to regulate and direct the manner of applying them, rather than to wait 'till they shall be extorted from us by a necessity." He noted that, given the "neighbourhood of the American States," settlers expected an assembly with control over local taxes. Grenville concluded that a restricted assembly "would afford a juster & more effectual security against the growth of a republican or independent spirit, that any which could be derived from a Government more arbitrary in its form or principles." Defined as a royal favor, rather than as a popular right, the assembly operated within the constraints set by the British mixed constitution, which combined elements of monarchy, aristocracy, and republicanism.¹⁶

15. [Anonymous], "Canadian Letters: Description of a Tour thro' the Provinces of Lower and Upper Canada in the Course of the Years 1792 and '93," *Canadian Antiquarian and Numismatic Journal* 9 (July–Oct. 1912), 126; Smith, *Geographical View*, 60; Patrick C. T. White, ed., *Lord Selkirk's Diary, 1803–1804: A Journal of His Travels in British North America and the Northeastern United States* (Toronto, ON, 1958), 184; John Askin to James McGill, Oct. 7, 1805, in Milo M. Quaife, ed., *The John Askin Papers* (2 vols., Detroit, MI, 1928, 1931), 2: 484. The American emigrant is quoted in John Maude, *Visit to the Falls of Niagara in 1800* (London, UK, 1826), 60. For New York's tax rate on land see Young, *Democratic Republicans of New York*, 27, 61.

16. "Discussion of Petitions and Counter Petitions Re Change of Government in Canada [1789]," in Shortt and Doughty, eds., *Documents Relating to the Constitutional History of Canada, 1759–1791*, 983–87.



Early and often, Simcoe boasted that Upper Canada's constitution was "the very image and transcript of that of Great Britain, by which she has long established and secured for her subjects as much freedom and happiness as is possible to be enjoyed under the subordination necessary to civilized society." He expressed the Loyalist ideology that popular liberty could not survive without regulation by an aristocratic elite. The false liberty of republicanism would rapidly corrode as an ill-educated, penurious, greedy, and volatile majority exercised power. In the violent turmoil and property confiscations of the American Revolution, the Loyalists found ample confirmation that civilized order and "rational liberty" required elements of monarchy and aristocracy to balance a tincture of republicanism. From Simcoe's perspective, it would do the Upper Canadians no favor to indulge them with the same excessive liberty that had provoked the miseries of the American Revolution and the tyranny of the American majority.¹⁷

Under the Canadian Constitution of 1791, the elected assembly had to share power with a "legislative council" of colonial notables, who comprised the upper house of the legislature. Nominated by the lieutenant governor and appointed by the crown, the legislative councilors held life terms, never facing election. The British also hoped, in the future, to bestow titles of provincial nobility on the most worthy councilors. In Grenville's words, Canada's Constitution would "give to the Upper branch of the Legislature a greater degree of weight and consequence than was possessed by the Councils in the old Colonial Governments, and to establish in the Provinces a Body of Men having that motive of attachment to the existing form of Government, which arises from . . .

17. Simcoe to Evan Nepean, Dec. 3, 1789, Simcoe to Dundas, June 30, 1791, Simcoe to Alexander Grant, Dec. 1, 1791, Simcoe to Dorchester, Mar. 3, 1794, and Simcoe to the Duke of Portland, Dec. 21, 1794, and June 18, 1796, all in Cruikshank, ed., *Correspondence of Simcoe*, 1: 7, 27, 86, 2: 176, 3: 235, and 4: 302. For the ideology of Loyalism and the British Constitution, see David Mills, *The Idea of Loyalty in Upper Canada, 1784-1850* (Kingston, ON, 1988), 15; Janice Potter, *The Liberty We Seek: Loyalist Ideology in Colonial New York and Massachusetts* (Cambridge, MA, 1983), 16-26, 35-36, 55-59, 172, 180; Jeffrey L. McNairn, *The Capacity to Judge: Public Opinion and Deliberative Democracy in Upper Canada, 1791-1854* (Toronto, ON, 2000), 16-26.

hereditary distinction.” For want of an aristocracy, Grenville reasoned, the old colonies had rebelled.¹⁸

In Upper Canada both houses of the legislature were constrained by a more powerful executive branch that served at the crown’s pleasure. Always a Briton, and never a colonist, the lieutenant governor could summon, prorogue, or dissolve a legislative session. He appointed the speaker of the legislative council and could veto any speaker chosen by the assembly—as well as any other bill. And his veto was complete, without any provision for the legislature to override. Nor could the legislature review the measures or the expenditures of the executive branch. To become law, an assembly initiative had to survive a formidable gauntlet of increasingly elite and distant power. An assembly bill needed assent by the legislative council, next by the lieutenant governor, and finally by the imperial bureaucracy in London (where the king’s ministers had up to two years to veto a colonial law).¹⁹

By paying the executive salaries, the home government ensured executive autonomy from popular, colonial control as it secured the officials’ dependence upon the imperial bureaucracy. This arrangement reflected another British lesson from the American Revolution: that the elected assemblies of the thirteen colonies had grown in power at the expense of the crown’s officials. The colonial assemblies had exploited their power of the purse to intimidate royal governors by threatening to withhold their salaries. To avoid repeating that danger, Britain’s £7,000 subsidy for official and judicial salaries was a shrewd investment in colonial dependence and popular passivity.²⁰

18. Alfred Leroy Burt, *The Old Province of Quebec* (2 vols., Toronto, ON, 1968), 2: 116–58; Leslie F. S. Upton, *The Loyal Whig: William Smith of New York and Quebec* (Toronto, ON, 1969), 150–1, 167; Craig, *Upper Canada*, 17–19; Grenville to Dorchester, Oct. 20, 1789, in Shortt and Doughty, eds., *Documents Relating to the Constitutional History of Canada, 1759–1791*, 987–89; Harry H. Guest, “Upper Canada’s First Political Party,” *Ontario History* 54 (Dec. 1962), 275; F. Murray Greenwood, *Legacies of Fear: Law and Politics in Quebec in the Era of the French Revolution* (Toronto, ON, 1993), 43–44.

19. Greenwood, *Legacies of Fear*, 45; Craig, *Upper Canada*, 17–19; “Discussion of Petitions and Counter Petitions Re Change of Government in Canada [1789],” in Shortt and Doughty, eds., *Documents Relating to the Constitutional History of Canada, 1759–1791*, 977.

20. Richard L. Bushman, *King and People in Provincial Massachusetts* (Chapel Hill, NC, 1985), 118–125, 137–38, 155–62, 165, 169–75; Potter, *Liberty We*

To secure a growing revenue in perpetuity, without resorting to provocative taxes, the British reserved one-seventh of all public land grants for the crown. As settlement developed adjoining lands, the Crown Reserves would appreciate in value, generating enhanced rents controlled by the crown executive without any oversight from the assembly. British administrators expected that this income would eventually replace the parliamentary subsidy to pay the executive officials, preserving their autonomy from the elected assembly. Grenville believed that a policy of Crown Reserves “if it had been adopted when the Old Colonies were first settled, would have retained them to this hour in obedience and Loyalty.” To endow the Anglican church—another ligament of loyalty—the British reserved another seventh of the public lands as Clergy Reserves.²¹

Even the assembly was, by design, largely insulated from popular democracy. British imperialists concluded that revolutionary republicanism had ripened in the thirteen colonies because the assemblies had been too democratic and too powerful. Frequent elections from small districts of small-minded farmers had filled those assemblies with parochial representatives hostile to imperial subordination and taxation. Such a large body of representatives could not be satisfied and co-opted by the limited patronage available to the royal governors of colonial America.²²

Learning that lesson, the British limited the size of the Upper Canada assembly by stretching the bounds of electoral districts. Only sixteen members represented the nineteen counties in the first assembly, 1792–1796. A small assembly could be managed by a lieutenant governor’s patronage. Supporters won coveted commissions in the militia or as justices of the peace as well as government contracts to supply the military

Seek, 172; the Upper Canada Civil Establishments for 1794 and 1795 in Cruikshank, ed., *Correspondence of Simcoe*, 3: 250, and 4: 167; McCalla, *Planting the Province*, 17–19, 352n27.

21. Gates, *Land Policies*, 24–25, 303; Grenville to Dorchester, Oct. 20, 1789, in Shortt and Doughty, eds., *Documents Relating to the Constitutional History of Canada, 1759–1791*, 970.

22. Bushman, *King and People*, 85–86; Edmund S. Morgan, *Inventing the People: The Rise of Popular Sovereignty in England and America* (New York, 1988), 239–62; “Discussion of Petitions and Counter Petitions Re Change of Government in Canada [1789],” in Shortt and Doughty, eds., *Documents Relating to the Constitutional History of Canada, 1759–1791*, 984–86.

garrisons with provisions. Of course, wayward representatives sacrificed these rewards. Because the garrisons comprised the largest agricultural market within Upper Canada, their provisioning contracts gave the lieutenant governor considerable power. In 1793, the province's chief justice, William Osgoode, advised Simcoe that

Grain is the sole produce of the Country and a Market the only Benefit required. Give me the Controul of that Market and I will ensure the Result of ev[e]ry Proposition to be made in the House [of Assembly] where ev[e]ry man is a Farmer.

Simcoe promptly threatened to cancel the contracts held by his few critics in the legislative council. In June 1794 Simcoe boasted that the threat "contributed to a very visible change in the language of those Gentlemen." He concluded that the army supply contracts were "indispensably necessary to the carrying on [of] the public measures with facility & tranquility." Because Upper Canada's farmers depended on the military market, the lieutenant governor possessed an economic and political power far beyond that of any royal governor in the thirteen colonies.²³

The mode of assembly election also minimized democratic influence. The lieutenant governor appointed the county sheriffs, who supervised the polling for assemblyman. In each county the sheriff conducted the poll at a single location, which reduced the turnout, given the dispersed settlement pattern, large counties, and miserable frontier roads. Located in the county shire town, the single polling place favored voting by those most dependent upon official favor. Upper Canada also retained the traditional practice of public, oral voting, which discouraged independent voting by debtors and other dependents. Finally, as in Britain, executive and judicial officers could also sit in the assembly—and need not reside in the districts that elected them. In contrast, the republican constitutions of the new American states banned legislators from holding executive or judicial office and required residence in their districts.²⁴

23. William Osgoode to Simcoe, "Secret & Confidential," n.d. but c. 1793, Simcoe to Dorchester, June 15, 1794, and Cartwright to Todd, Oct. 1, 1794, in Cruikshank, ed., *Correspondence of Simcoe*, 2: 124, and 265, and 3: 109; Gates, *Land Policies*, 35–36; J. K. Johnson, *Becoming Prominent: Regional Leadership in Upper Canada, 1791–1841* (Kingston, ON, 1989), 79.

24. John Garner, *The Franchise and Politics in British North America, 1755–1867* (Toronto, ON, 1969), 82–90; C. C. James, "The First Legislators of Upper

The large districts, single polling places, oral voting, and executive eligibility favored candidates preferred by the government. For example, in 1792, Simcoe recruited his Surveyor General, David W. Smith, to stand for an assembly seat in Essex County, which lay on the Detroit River, more than two hundred miles west of Smith's residence at the capital town, Newark. Simcoe explained, "The persons who shall compose the Assemblies must admittedly be dealt with as our Parliaments are & be purchased to their duty by the participation of the officers of government."²⁵

A traditionalist, Smith entrusted electioneering to his "friends," leading merchants in Essex County. They campaigned in the traditional style, lavishing music, food, and alcohol, rather than policy discussions, upon the voters. No egalitarian, Smith advised his campaign manager, "Let the peasants have a fiddle, some beverage and beef." Anticipating victory, he planned a culminating celebration: "I beg an ox be roasted whole on the common and a barrel of rum to be given to the mob, to wash down the beef."²⁶

In the assembly, Smith zealously promoted the crown's prerogative and the dependency of Upper Canada on the empire. He observed,

We cannot at present exist without the assistance of Great Britain; she has ever shewn herself a foster Mother to her Colonies & any procedure which I conceive tends to divide the Interests of the Parent Kingdom & all her Colonies I will oppose with all my might.

He overruled other legislators who cited American precedents "as patterns & models, which I neither approve [n]or countenance." His per-

Canada," Royal Society of Canada, *Transactions*, 2nd Ser. 8, Sec. 2 (1902), 93–119. For the republican innovations in representation, see Morgan, *Inventing the People*, 239–62; Gordon S. Wood, *The Creation of the American Republic, 1776–1787* (Chapel Hill, NC, 1969), 162–96.

25. Simcoe to Peter Russell, July 17, 1791, quoted in Gates, *Land Policies*, 36. For Simcoe's electoral management see also Simcoe to Dundas, Nov. 4, 1792, and Sept. 16, 1793, and Simcoe to the Duke of Portland, Dec. 20, 1794, in Cruikshank, ed., *Correspondence of Simcoe*, 1: 249, 2: 53, and 3: 237; Jane Errington, *The Lion, the Eagle, and Upper Canada: A Developing Colonial Ideology* (Montreal, QC, 1987), 29–32; Craig, *Upper Canada*, 31.

26. David W. Smith to Askin, July 26 ("I beg"), and Aug. 14 ("Let"), 1792, in Cruikshank, ed., *Correspondence of Simcoe*, 1: 182, and 196.

spective derived from his British birth and upbringing, his military officer's commission, his executive salary, and his loyalty to Simcoe, rather than from the wishes of his colonial constituents. And Smith became, as Simcoe expected, the speaker of the assembly, chosen by the more common but deferential representatives.²⁷

With Smith's help, Simcoe easily managed the assembly. During the summer of 1795, a French traveler, the Duc de La Rochefoucault-Liancourt, passed from the United States into Upper Canada. He marveled when Simcoe opened the legislative session, although only five of the sixteen assembly members had arrived:

Where no taxes are to be settled, no accounts to be audited and examined, and no military regulations to be adjusted, public business cannot occupy much time. But, if even all these points were to be discussed, the business would still be trifling, from want of an opposition; which seems to be precluded by the manner in which the two Houses for Upper Canada are framed.

Nothing could have differed more from the avid electioneering and hyperactive legislation that the Duc had witnessed in the American states.²⁸

In sum, Upper Canada's government was more elitist than the thirteen colonies had been. Compared with their prewar predecessors, officials in Upper Canada were more dependent upon Britain and less beholden to popular pressure. Upper Canada's mixed constitution was a considerable reaction against the republican experiments underway in the new United States, as a comparison with New York state reveals.²⁹

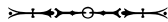
Under the revolutionary state constitution adopted in 1777, New York's elections became more frequent, more important, more accessible, and more inclusive. By permitting polls in every township, the new order

27. Smith to Askin, Oct. 2, 1792, in Cruikshank, ed., *Correspondence of Simcoe*, 1: 231–32.

28. William Renwick Riddell, ed., *La Rochefoucault-Liancourt's Travels in Canada, 1795, With Annotations and Strictures by Sir David William Smith* (Toronto, ON, 1917), 51.

29. Wood, *Radicalism of the American Revolution*, 287–305. For the reactionary nature of the postwar empire, see C. A. Bayly, *Imperial Meridian: The British Empire and the World, 1780–1830* (London, UK, 1989), 1–15; Eliga H. Gould, "American Independence and Britain's Counter-Revolution," *Past and Present*, no. 154 (Feb. 1997), 107–41.

enhanced electoral access. Written ballots also replaced the oral voting that had subjected common men to overt political intimidation by their landlords and creditors. Because the colonial governor had been a royal appointee, who, in turn, had named the members of the upper house, New York's colonial voter could elect only representatives to the assembly. After the Revolution, most New York men could vote for governor, lieutenant governor, state senators, and federal congressmen—as well as for assembly representatives. The colonial system had allocated but two assembly seats for every county, no matter how large or small. The new state constitution established a more proportional system by allocating from two to ten assembly seats per county, depending on population, and by mandating the regular addition and redistribution of county seats as population grew and shifted. New York's voters chose assemblymen every year, their congressman biennially, their governor and lieutenant governor at triennial intervals, and their state senators every fourth year. Only the state senators were chosen as infrequently as Upper Canada's assemblymen. Republican logic maximized the popular sovereignty that the British mixed constitution sought to contain.³⁰



Upper Canada's geography reinforced government power by dispersing the people, and by discouraging the development of commercial towns with substantial populations. The settlements straggled along a narrow corridor defined by the St. Lawrence, Niagara, and Detroit Rivers and by the northern shores of Lake Erie and Lake Ontario. In 1797 the province's chief justice, John Elmsley, described the colony as "a parallelogram of near 500 miles [long] by not more than 10 [miles wide]. Exclusive of the inconvenience of its form, it is hardly possible to con-

30. Young, *Democratic Republicans of New York*, 17–22; Patricia U. Bonomi, *A Factions People: Politics and Society in Colonial New York* (New York, 1971), 34–39, 114–15; Nicholas Varga, "Election Procedures and Practices in Colonial New York," *New York History* 41 (1960), 249–77; Edward Countryman, *A People in Revolution: The American Revolution and Political Society in New York, 1760–1790* (Baltimore, MD, 1981), 76–79, 166–69; Horatio Gates Spafford, *A Gazetteer of the State of New York* (Albany, NY, 1813), 25–28; New York State, *Laws of the State of New York, Comprising the Constitution and the Acts of the Legislature, Since the Revolution, From the First to the Fifteenth Sessions, Inclusive* (2 vols., New York, 1792), 1: 7–9.

ceive [of] anything more scanty, more irregular, or more uncertain, than the means of communication which the extremities of this slender strip have with each other, & with the seat of Government.” By 1800 Upper Canada had only three villages of any commercial significance—Kingston, Newark (now Niagara-on-the-Lake), and York (now Toronto). None exceeded 1,000 inhabitants. Dependent upon a few muddy, stumpy roads and the boisterous Great Lakes, transportation and communication were usually slow and, in some seasons, impossible. The thin and dispersed colonial population remained politically dependent on the official elite and its imperial resources.³¹

To preserve that dependence, the lieutenant governor and his executive councilors tightly restricted the press, for the British also blamed the American Revolution upon unregulated and seditious newspapers. Until 1799, the colony had only a single newspaper, the *Upper Canada Gazette*. Published in the provincial capital, the paper depended upon an official subsidy. Leaving nothing to chance, the administration also subjected that newspaper to both prior censorship and subsequent prosecution for seditious libel. In 1794 a traveler reported that the *Upper Canada Gazette* was “carefully guarded against every thing that may excite discontents among the inhabitants or encourage assaults upon religion and government.” Such strict censorship hardly seemed necessary given that so few colonists ever read the lone newspaper. Because of the dispersed population and bad roads, the newspaper rarely circulated beyond the capital town into the frontier settlements where most people lived. In 1795, another traveler remarked, “As to the interior of the country, no news penetrates into that quarter, a circumstance that excites there very little regret.” By contrast, in 1795 New York State had thirty-one newspapers that reached readers in every county.³²

During the mid-1790s, two brothers and American emigrants, Gideon

31. John Elmsley to Peter Russell, Nov. 26, 1797, in E. A. Cruikshank, ed., *The Correspondence of the Honourable Peter Russell, With Allied Documents Relation to His Administration of the Government of Upper Canada* (3 vols., Toronto, ON, 1932), 2: 28. For Upper Canada’s population, see McCalla, *Planting the Province*, 15–17, and 249. For New York’s population growth, see Benjamin Franklin Hough, ed., *Census of the State of New-York for 1855* (Albany, NY, 1857), xii.

32. Simcoe to Alured Clarke, May 31, 1793, to the Duke of Portland, Dec. 20, 1794, and to John King, Feb. 16, 1795, in Cruikshank, ed., *Correspondence*

and Silvester Tiffany, struggled to conduct the official newspaper in security-obsessed Upper Canada. Before emigrating, Silvester Tiffany had published in New York State a newspaper called the *American Spy*—hardly a name to reassure his subsequent employers in British Canada. By the partisan and competitive standards of the American press, the *Upper Canada Gazette* was the most innocuous of newspapers. In 1795, La Rochefoucault-Liancourt aptly described the paper as “a short abstract of the newspapers of New York and Albany, accommodated to the principles of the Governor.”³³

And yet the Tiffany brothers repeatedly ran afoul of the official censors. In April 1795 Simcoe’s aide, Major Littlehales, lectured Gideon Tiffany, “Good sense and discretion . . . would induce you to prefer that [news], if it appears to be true, which is most favorable to the British Government.” Littlehales also warned, “It seems to have been thoughtless in you to have published a libel for which the printer was prosecuted in Ireland as without doubt you are liable to a similar prosecution in this Country.” In 1797 the Crown prosecuted and convicted Gideon for public blasphemy. He paid a £20 fine, spent a month in jail, and had to resign as printer, leaving the press to his brother’s management. But Silvester soon reaped his own measure of official disgust. In February 1798 Chief Justice John Elmsley fumed that a speech to Parliament by King George III, “the finest thing in Modern History, & which ought to be circulated in all his Dominions, & got by heart by all his Subjects, has never made its appearance, while every trifle related to the damned States is printed in large characters.” In April 1798 the government sacked Silvester as official printer.³⁴

of *Simcoe*, 3: 233, 298; John Cosens Ogden, “A Tour Through Upper and Lower Canada By a Citizen of the United States . . . [1794],” *The Magazine of History With Notes and Queries*, Extra Number 56 (Tarrytown, NY, 1917), 50; Riddell, ed., *La Rochefoucault-Liancourt’s Travels in Canada*, 75. For New York State newspapers in 1795, see Edward Connery Lathem, *Chronological Tables of American Newspapers, 1690–1820* (Barre, MA, 1972), 31–35.

33. W. S. Wallace, “The First Journalists in Upper Canada,” *Canadian Historical Review* 26 (Dec. 1945), 372–81; Riddell, ed., *La Rochefoucault-Liancourt’s Travels in Canada*, 57–58.

34. Edward Baker Littlehales to Gideon Tiffany, Apr. 19, 1795, in Cruikshank, ed., *Correspondence of Simcoe*, 3: 346; Court of King’s Bench, Rough Term-books, Apr. 24, and July 19, 1797, Record Group 22, Ser. 126, Archives of Toronto, Ontario (hereinafter AO); Elmsley to Smith, Feb. 25, 1798, and Execu-

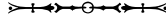
A year later, the brothers founded the province's first independent newspaper, *The Canada Constellation* (soon renamed *The Niagara Herald*). But they quickly discovered that, given the province's limited, scattered, and impecunious readership, no newspaper could thrive without a government subsidy. And Gideon Tiffany again offended the official elite, this time by publicly singing "God Save the King" with his own, new verse: "God Save America and keep us from despotic Powers or Sways till Time shall Cease." To avoid prosecution for sedition, he retired from the press to run his gristmill and sawmill, leaving Silvester Tiffany as the sole editor and publisher. In January 1801, he unwisely ridiculed the government newspaper for publishing "An Ode for Her Majesty's Birthday" in celebration of the queen. By satirizing the ode as written by a dog, Tiffany confirmed the government's resolution to award no printing business to the upstart press. At year's end, *The Niagara Herald* tottered to its financial demise. To discourage any new challenge, in 1804 the executive proposed, and the assembly adopted, a draconian sedition law that allowed the government to banish critics and to execute any who returned.³⁵

In sum, by leaving the United States for Upper Canada, an emigrant forsook the active liberty of republican citizenship in exchange for the passive benefits of British subjects: cheap land and low taxes. The active definition of a republican citizen contrasted with the essential passivity of a monarch's subject. Birth and residence defined the subject, while the citizen had to enact his identity in elections and in office. In Upper Canada the empire asked little of its subjects but permitted them little say in their own government. Because Simcoe believed that sensible Americans disliked republican electioneering, legislative partisanship,

tive Council Minutes, Apr. 25, 1798, in Cruikshank, ed., *Correspondence of the Honourable Peter Russell*, 2: 104 and 144; John White to Russell, Apr. 23, 1798, and Silvester Tiffany to Russell, Apr. 30, 1798, in Peter Russell Papers, Box 2, Baldwin Room, Metropolitan Toronto Library, Ontario (hereinafter MTL).

35. Douglas G. Lochhead, "Silvester Tiffany," *Dictionary of Canadian Biography* 5 (1983), 814–15; "To the Public," *Niagara Herald*, Aug. 1, 1801. For Gideon Tiffany's singing, see Henry Weishuhn to Russell, Mar. 13, 1799, in Peter Russell Papers, Box 3, Baldwin Room, MTL. For libel law, see McNairn, *Capacity to Judge*, 139. For the sedition act, see Carol Wilton, *Popular Politics and Political Culture in Upper Canada, 1800–1850* (Montreal, QC, 2000), 12.

and libelous newspapers, he assumed that thousands would find Upper Canada's political passivity just as alluring as its paltry taxes and generous land grants.³⁶



Simcoe did increase migration from the United States into Upper Canada. In March 1792, John Munro reported, "I have the pleasure to inform Your Excellency that Emigrants are flocking in from the States with all their property." From 1792 to 1796, Simcoe's administration fielded 4,000 applications for land, about three-quarters from newcomers. That influx persisted under Simcoe's successors after he returned to England in 1796. In 1800 Thomas Merritt marveled to his brother, "You would be astonished to see the people from all parts of the States, by land and by water, 250 wagons at a time, with their families, [walking] on the road, something like an Army on the move." For want of a census or any surviving and comprehensive register of the newcomers, the pace and scale of emigration defy precise calculation. Contemporary officials suggested that about 500 families arrived annually from the United States between 1792 and 1812. Because of Simcoe's conceit that they had remained loyal during the revolution, the newcomers became euphemistically known as "the Late Loyalists."³⁷

Thanks primarily to the Late Loyalist migration, Upper Canada's population swelled from 14,000 in 1791 to 70,000 by 1811. By 1812 these "Late Loyalists" from the United States composed about two-thirds of Upper Canada's inhabitants, outnumbering both the original,

36. Eric Hinderaker, *Elusive Empires: Constructing Colonialism in the Ohio Valley, 1673–1800* (New York, 1997), 260–61; Marilyn C. Baseler, "Asylum for Mankind": *America, 1607–1800* (Ithaca, NY, 1998), 254–55.

37. John Munro to Simcoe, Mar. 14, 1792, Simcoe Letterbook for 1792–1793, p. 36, Manuscript #558, Huntington Library; Cruikshank, ed., "Petitions for Grants of Land," 17; John Maude, *Visit to the Falls of Niagara in 1800* (London, UK, 1826), 127; Craig, *Upper Canada*, 67, 70–71. In 1793 Simcoe ordered that the two ferries across the Niagara River to keep "registers of the names of all who pass and repass and every three months copies to be sent to headquarters," but these seem not to have survived. See Littlehales to James Smith, June 20, 1793, in Manuscript Group 23, H I 1, Ser. 4 (Simcoe Transcripts), 7, Folder K: 97, Library and Archives Canada, Ottawa (hereafter LAC).

true Loyalists, who had arrived during the 1780s, and the still small number of immigrants from Great Britain.³⁸

The Late Loyalists primarily came from the mid-Atlantic states, especially New Jersey and Pennsylvania. Most came overland through western New York, crossing the Niagara River at one of the two ferries: at Fort Erie above the celebrated falls or at Queenston below them. Because the original Loyalists had settled pretty fully along the St. Lawrence River, the Bay of Quinte, and the Niagara River, the Late Loyalists opened new settlements along the north shore of Lake Ontario, in the hinterland of the Niagara Peninsula, behind York along Yonge Street, and to the west in the Grand River and Thames valleys.³⁹

The best information on the migrants comes from an investigation by the Surveyor General, David W. Smith, who reported to the executive council in 1796. From the local magistrates, who issued the oath of allegiance and recommended newcomers, Smith collected data on 250 male emigrants who obtained land between November 6, 1794, and December 31, 1795. About 71 percent came from the United States, with the British Isles (22 percent) accounting for most of the rest. The Americans primarily came from New Jersey ($n = 54$), New York (50), and Pennsylvania (29). Smaller numbers originated in the New England (9) or southern states (13). As befit a frontier region, most were young men in their late teens or twenties ($n = 137$), with a smaller number in their thirties (59), and few older men (44). They were hardworking, rural men of modest status: 74 percent were farmers, 18 percent artisans, and 6 percent laborers or sailors. Only one could claim the genteel status of "Esquire," and the only two professionals were barely that: two school-teachers, then as now an underpaid and undervalued occupation.⁴⁰

38. Landon, *Western Ontario*, 1, 17–20; McCalla, *Planting the Province*, 15; Alfred Leroy Burt, *The United States, Great Britain, and British North America from the Revolution to the Establishment of Peace After the War of 1812* (New Haven, CT, 1940), 180–82; Marcus Lee Hansen and John Bartlet Brebner, *The Mingling of the Canadian and American Peoples* (New Haven, CT, 1940), 87; Smith, *Geographical View*, 51.

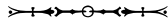
39. For the settlement pattern see Erastus Granger to Henry Dearborn, Sep. 14, 1807, Thomas Jefferson Papers, Library of Congress; Craig, *Upper Canada*, 46–47; Wood, *Making Ontario*, 23–27.

40. David W. Smith, Report, Jan. 30, 1796, Surveyor General's Reports, Crown Lands, Record Group 1, A- II—1, Reel #MS -3696, 1: 33, AO. The numbers do not all add up to 250 because of missing data for some variables: in

The British discouraged well-educated emigrants from the United States, lest they become local leaders of suspect loyalty. In 1794 the visitor John Cosens Ogden observed,

The object of the British nation is to people and cultivate this country, and to make it as perfect a part of the Empire as possible. Dreading revolutions, they are cautious in receiving republicans from the States, and wish to encourage husbandmen and labourers only. Clergymen, lawyers, physicians, and schoolmasters from the States are not the first characters who would be fostered.

An Episcopal minister from New Hampshire, Ogden spoke from experience. Despite flaunting his love for the empire—and despite the shortage of Episcopal clergy in the colony—he failed to win a position because officials distrusted his American background. J. K. Johnson’s systematic study of Upper Canada’s pre-1841 local elite found that Late Loyalists “were largely excluded from anything more than the most basic, non-paying public offices” in favor of immigrant Scots and English. Faced with such poor prospects in Upper Canada, most ambitious Americans stayed south of the border. Consequently, families of modest means and aspirations prevailed among the Late Loyalists.⁴¹



Less than a representative cross-section of American society, the migrants stood out for either their relative poverty or for their commitment to a pacifist denomination. Disengaged from politics, both groups saw little reason to regret (and some cause to celebrate) their emigration to a colony where a British elite would govern them at the king’s expense.

According to contemporary observers, Upper Canada attracted relatively poor farm families with modest economic aspirations and little education. In 1804 lieutenant governor Peter Hunter described the colony as “principally settled by people who came into it with a very small

21 cases for origin; 21 cases for age; in 45 cases for occupational status. The percentages given exclude the cases that do not provide data for that variable. The British emigrants came from Ireland (27), Scotland (12), and England (12). Another 16 emigrants came from Germany (8), Bermuda (1), Nova Scotia (1), Lower Canada (5), and Spain (1).

41. John Cosens Ogden, *Tour Through Upper and Lower Canada* (Tarrytown, NY, 1999), 34; J. K. Johnson, *Becoming Prominent*, 24 (quote), 30.

property.” A register survives of male newcomers taking the oath of allegiance between 1794 and 1800 in the Home District, the center of government and settlement in the colony. Of the 719 names on the register, 171 (24 percent) made a mark instead of signing, an illiteracy rate about three times higher than usually prevailed in the northern American states during the 1790s.⁴²

The government’s land policy offered Americans cheap and easy access to land in quantities of 200 acres—perfect for a small farm—but restricted most larger grants to government officials. Michael Smith explained that Upper Canada attracted “many thousands of my fellow-citizens of the United States, who were without land, and [without any] prospect of obtaining any in the United States upon such easy terms as they might in Upper Canada.” Two hundred acres was as much as they could manage in Canada and more than they could afford to buy in the United States.⁴³

42. Hunter to Lord Hobart, Apr. 25, 1804, Manuscript Group 11, Colonial Office 42 (reel B-288), 334: 34, LAC; Cartwright to Hunter, Aug. 23, 1799 in C. E. Cartwright, ed., *Life and Letters of . . . Richard Cartwright*, 96; Upper Canada, Oaths of Allegiance, Home District, 1794–1800, Record Group 1, E11, vol. 16, LAC. For the second, smaller register, see Robert Kerr, Register, Feb. 23, 1793, Record Group 1, E 11, vol. 11, LAC. By “relative poverty,” I do not mean that they were beggars utterly without means, but merely that they came from the lower class of agriculturalists: those who possessed farm tools and some livestock but few consumer goods and little or no credit. On the oath register, 35 of the names were subscribed by other men as lists from a common settlement, so they have been excluded from the calculations. If we assume that they were illiterate and include them, then the illiterate rate rises to 206 of 754 (27 percent). For literacy rates in the early republic, see Kenneth A. Lockridge, *Literacy in Colonial New England: An Enquiry into the Social Context of Literacy in the Early Modern West* (New York, 1974).

43. Smith, *Geographical View*, iii; Francis Gore to William Windham, Oct. 1, 1806, in Douglas Brymner, ed., *Report on Canadian Archives, 1892* (Ottawa, ON, 1893), 37. The exception to the small-lot rule for Americans was Simcoe’s ill-conceived township program of 1792–93, when an array of entrepreneurial Americans received grants to entire townships of unsettled land. Simcoe naively assumed that the recipients represented egalitarian groups of Loyalist farmers who wished to settle together to sustain a common church. In fact, most of the township grantees were land speculators seizing a bargain. Outraged to discover his error, Simcoe revoked most of the township grants in 1795–1796. Thereafter few Americans could obtain more than 200 acres. See Lillian F. Gates, “Roads, Rivals, and

While attracting relatively poor families, the land policy discouraged emigration by more prosperous and ambitious Americans, who preferred to settle where they could wheel and deal in larger quantities of land bought on long-term credit. In traveling through Pennsylvania and New York and into Upper Canada in 1798, Benjamin Mortimer noted a significant difference in economic culture:

Most of the inhabitants of Canada are emigrants from the United States; but no sooner did we enter the country, than we perceived that some difference exists between their national characters. In the States, the principal subject of conversation in most public companies which we entered, was the quality of lands. From Tioga to Buffaloe every traveller is supposed to be in quest of them; and little else is cared about, if bargains of that kind can only be made or disposed of to advantage. In Canada, the settlers are more humble in their views. They are mostly poor people, who are chiefly concerned to manage, in the best manner, the farms which have been given them by government.

In Upper Canada, settlers could more easily and cheaply obtain farms, but they faced poorer prospects for speculating their way to greater prosperity.⁴⁴

Upper Canada also offered an inferior position for commercial agriculture. To reach the Atlantic export market, Upper Canadian farmers had to boat their produce down the long St. Lawrence River to Quebec. Rapids above Montreal made that route difficult and expensive for bulky exports—and still more so for consumer goods coming upriver. For half the year, ice shut down the port of Quebec. Meanwhile, the American frontier farmer benefited from ports that usually (New York) or always (New Orleans) remained open through the winter. Consequently, Upper Canadian farmers could rarely compete with their American counterparts in the wheat export trade. McCalla estimates that in 1803 Upper Canada's wheat exports amounted to only about 17 bushels per household per year, providing only £3.0.0 (\$12.00) in annual income.⁴⁵

Rebellion: The Unknown Story of Asa Danforth, Jr.," *Ontario History* 76 (Sept. 1984), 235–37; Gates, *Land Policies of Upper Canada*, 30–31.

44. Benjamin Mortimer, Journal, May 13, 1798 in Leslie R. Gray, ed., "From Bethlehem to Fairfield—1798," *Ontario History* 46 (Spring 1954), 60.

45. McCalla, *Planting the Province*, 24–25. For the perils and costs of St. Lawrence transportation, see Patrick Campbell, *Travels in the Interior Inhabited*

Because farmers earned so little cash, they could afford few consumer goods, which depressed commerce. By American standards, stores were few and far between in Upper Canada. In 1798 Benjamin Mortimer reported,

There are no stores or shops in the whole province of Upper Canada, except in the towns of Newark and York, and in the neighbourhood of Detroit. The most common articles to be had in every village in the eastern parts of the United States can hardly be procured here for any money. Br[other] Heckewelder, for instance, was in want of tobacco and could get none. He began at length today to smoke dried leaves of trees.

Upper Canada offered cheap and easy access to farm land, but the settler had to accept a lower standard of living than in the United States. That prospect screened out most ambitious men.⁴⁶

The tight market for wage labor also discouraged commercial farmers from settling in Upper Canada. Wage laborers remained scarce and expensive (by British and American standards), because they could so easily obtain their own farms. In 1797 Chief Justice John Elmsley complained that he could find neither tenants nor laborers to develop his estate. He bitterly asked, "Who will work long for another, when he can, as he undoubtedly may at present in this Province, earn the fee simple of four Acres by one day's labour?" Similarly, Peter Russell warned an Irish gentleman, "This is the best Country in the World for an industrious poor Man, but a bad one for a Man of Fortune, as he cannot possibly obtain either Comforts or Luxuries adequate to his Expenses."⁴⁷

Consequently, the class that ordinarily provided political leadership in rural America—prosperous and entrepreneurial farmers/millers/innkeepers—remained relatively small and weak in Upper Canada. That weakness strengthened the hand of the government at the expense of

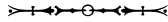
Parts of North America in the Years 1791 and 1792 (Toronto, ON, 1937), 121–22; [Anonymous], "Canadian Letters," 88–89, 113–16.

46. Mortimer, *Journal*, May 19, 1798, in Gray, ed., "From Bethlehem," 125.

47. Gates, *Land Policies of Upper Canada*, 1–80; Elmsley to Russell, Nov. 26, 1797, in Cruikshank, ed., *Correspondence of . . . Peter Russell*, 2: 26; Russell to Hugh Hovell Farmer, Mar. 2, 1795, Russell Papers, Manuscript Group 23 H II, 7 (Microfilm A-128), LAC.

civil society, by which I mean the network of associations and institutions beyond government's control.⁴⁸

Benajah Mallory was an exception who proved the rule. From Vermont, he emigrated via New York to Upper Canada in 1795, settling at Burford in the Grand River Valley. A versatile and entrepreneurial Yankee, he obtained an unusually large farm—1,400 acres—and developed a distillery, tannery, and tavern. He also tried to build an ironworks. He became a militia captain, Methodist preacher, and petty politician popular among the American emigrants who prevailed in his valley. Challenging the district's older Loyalist elite, Mallory won election to the provincial assembly in 1804. His political activism confirmed the government's distrust of entrepreneurial men with local priorities. The lieutenant governor gave thanks that such men of means and ambition were so few among the Late Loyalists.⁴⁹



Upper Canada did attract some more prosperous families who belonged to pietist denominations with pacifist convictions: German-speaking Mennonites and Dunkers (or Tunkers), as well as English-speaking Quakers. Most of these emigrants came from New Jersey or Pennsylvania. During the American Revolution, they had suffered persecution for their pacifism, reaping arrest, confiscations, and heavy fines from rebel officials. After the war, many pacifists continued to feel marginalized and insulted for their supposed Loyalism. In particular, they resented the fines levied for their absence from militia musters. Those with large fami-

48. Gray, ed., "From Bethlehem," 121, 125; Campbell, *Travels in the Interior*, 136. For the problems caused by the paucity of mills in Upper Canada see John McGill to James Green, May 23, 1797, in Cruikshank, *Correspondence of . . . Peter Russell*, 1: 176–77. For civil society and the public sphere, see John L. Brooke, "Consent, Civil Society, and the Public Sphere in the Age of Revolution and the Early American Republic," in *Beyond the Founders: New Approaches to the Political History of the Early American Republic*, ed. Jeffrey L. Pasley, Andrew W. Robertson, and David Waldstreicher (Chapel Hill, NC, 2004), 207–38.

49. Robert Lochiel Fraser, "Benajah Mallory," *Dictionary of Canadian Biography* (Toronto, ON, 1985), 8: 606–8; R. C. Muir, "Burford's First Settler, Politician, and Military Man—Benajah Mallory," Ontario Historical Society *Papers and Records* 26 (1930), 492–95; W. R. Riddell, "Benajah Mallory, Traitor," Ontario Historical Society *Papers and Records* 26 (1930), 573–75.

lies and small farms sought new lands on the frontier, but they dreaded the Indian war that raged in the Ohio Valley until 1795. Pacifists preferred Upper Canada, where the British kept the peace by treating the Indians more generously than did the Americans. The British welcomed the pietists as especially hardworking and orderly farmers endowed with some property. To entice them, Simcoe and his successors exempted the pietists from militia service upon the payment of modest fees.⁵⁰

The pious pacifists felt threatened by the republican ideology of the American Revolution, which promoted a more homogeneous public culture that combined nationalism, individualism, and majoritarianism. They felt nostalgic for the colonial social order that seemed more tolerant of ethnocultural minorities. In 1805 Christopher Beswick recruited fellow Dunkers for emigration to their own township, Uxbridge, in Upper Canada: "I have taught them to believe that in Uxbridge they will find a second edition of Pennsylvania as it was before the American War." These migrants rejected the American individualism that aggregated into a majoritarian conformism often intolerant of cultural minorities.⁵¹

In contrast to postrevolutionary Americans, British officials imagined political society in more traditional and prenational terms: as a congerie of quasi-distinct and quasi-corporate communities, each with varying customs, duties, and privileges. This tolerance should not be misunderstood as either liberal or as uniformly characteristic of British imperialism. Where they could safely indulge their xenophobic prejudices, the British treated cultural others with contempt. But in Canada during the

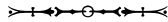
50. Lewis J. Burkholder, *A Brief History of the Mennonites in Ontario* (n.p., 1935), 21–22; E. Morris Sider, "Early Years of Tunkers," *Ontario History* 51 (Spring 1959), 121–24; Hansen and Brebner, *The Mingling*, 83–84; Charles M. Johnston, "An Outline of Early Settlement in the Grand River Valley," *Ontario History* 54 (Mar. 1962), 55–57; Simcoe to Phineas Bond, May 7, 1792, and Simcoe to Dundas, Aug. 20, 1792, in Cruikshank, ed., *Correspondence of . . . Simcoe*, 1: 151, 198; William Hartshorne, *Diary*, May 27, 1793, New York Public Library. For the revolutionary alienation of the pacifist denominations see Wallace Brown, "Loyalists and Non-Participants," in *The American Revolution: A Heritage of Change*, ed. John Parker and Carol Urness (Minneapolis, MN, 1975), 126–27.

51. Christopher Beswick to James Green, Jan. 10, 1805, Record Group 5, A1 (reel C-4503), Upper Canada Civil Secretary's Correspondence, Upper Canada Sundries, IV, 1281, LAC; Landon, *Western Ontario*, 19–20. For the majoritarian, republican threat to minority communities see William H. Nelson, *The American Tory* (Boston, MA, 1964), 90–91; Mancke, "Another British Empire," 5, 17.

1790s, imperial officials saw security for their rule in the division of their subjects into several distinct ethnocultural communities loath to cooperate with one another.⁵²

The Dunkers, Mennonites, and Quakers preferred Upper Canada because the empire promised to leave them alone and leave them distinct. With official encouragement, the pietists obtained entire townships, where they could live in distinct communities in the upper Grand River Valley or along Yonge Street. Upper Canada's German, New England Yankee, New York Dutch, and Scots Highland settlers also tended to settle in distinct townships, relishing the opportunity to minimize their contact with ethnic and cultural others. Because of this ethnocultural clustering within the overall pattern of straggling settlement in an immense province, Upper Canada was a loosely affiliated set of dispersed and distinctive communities with little cause or desire to cooperate, much less to meld. Neither officials nor settlers wanted Upper Canada to become an American "melting pot."⁵³

British officials defined the province as a set of absences—as lacking the social and political pathologies that prevailed in the United States. Imperial officials and Loyalists celebrated Upper Canada as a province without the land jobbing, higher taxes, Indian warfare, republican electioneering, libelous newspapers, majoritarian intolerance, and mob violence that blighted the American states. In 1792 the British officer Patrick Campbell insisted that the American migrant to Upper Canada would "get lands for nothing, be among his countrymen, and run no risk of being ever molested by the Indians, tarred or feathered." The British promoted Upper Canada more for what it was not than for what it was.⁵⁴



Simcoe wishfully believed that political conviction primarily motivated the Late Loyalists: that they ideologically rejected the republic by returning to the empire. He regarded the land grants and low taxes less as

52. Hansen and Brebner, *The Mingling*, 83–85; Johnston, "An Outline," 55–57; Linda Colley, *Captives* (New York, 2002), 234–38; Edward Countryman, "Indians, the Colonial Order, and the Social Significance of the American Revolution," *William and Mary Quarterly* 53 (Apr. 1996), 342–62.

53. For ethnic clustering in Upper Canada see White, ed., *Lord Selkirk's Diary*, 173, 198; Gray, ed., "From Bethlehem," 112, 121, 125.

54. Errington, *The Lion*, 14–15, 18, 22–23; Campbell, *Travels*, 19–20.

incentives to emigration than as due rewards for loyalty. In 1795 La Rochefoucault-Liancourt saw Simcoe greet an arriving American family:

“We come,” said they, “to the Governor, . . . to see whether he will give us land,” “Aye, aye,” the Governor replied, “you are tired of the federal government; you like not any longer to have so many kings; you wish again for your old father . . . ; you are perfectly right; come along, we love such good royalists as you are, we will give you land.”

Smith similarly described the American emigrants: “The loyal peasant, sighing after the government he lost by the late revolution, travels from Pennsylvania in search of his former laws and protection; and having his expectations fulfilled by new marks of favor from the Crown, in a grant of lands, he turns his plough at once into these fertile plains, and an abundant crop reminds him of his gratitude to his God and to his King.”⁵⁵

But some of Simcoe’s closest associates doubted the wisdom of his pro-American settlement policy. In 1793, Captain Charles Stevenson warned, “I could wish we had not so many emigrants from the States as I much fear the turbulent seeds of fanaticism and rebellion are not sufficiently eradicated from their breasts.” In 1800, Colonel Thomas Talbot categorized the American immigrants as

1st. Those who were early enticed by a gratuitous offer of land, without any predilection on their part, to the British Constitution. 2nd. Those who have fled from the United States for crimes, or to escape their Creditors. 3rd. Republicans, whose principal motive for settling in that Country, is an anticipation of its shaking off its allegiance to Great Britain.

In 1800 the British traveler John Maude dreaded that the emigrants would “form a nest of vipers in the bosom that now so incautiously fosters them.”⁵⁶

55. Simcoe to Dundas, Feb. 23, 1794, in Cruikshank, ed., *Correspondence of Simcoe*, 2: 162; Riddell, ed., *La Rochefoucault-Liancourt’s Travels in Canada*, 60; David W. Smith, *A Short Topographical Description of His Majesty’s Province of Upper Canada*, in *North America* (London, UK, 1799), 34–35.

56. Stevenson to Simcoe, Apr. 27, 1793, in Cruikshank, ed., *Correspondence of Simcoe*, 1: 319; Maude, *Visit to Niagara*, 60; Isaac Weld, *Travels*, 2: 172, 174; Thomas Talbot to John Sullivan, Oct. 27, 1802, in Ernest Alexander Cruikshank, ed., “The Early History of the London District,” Ontario Historical Society,

In fact, most of the newcomers lacked ideological commitment to either empire or republic. They were neither good royalists nor republican vipers. In 1798, Benjamin Mortimer observed, "What has invited people into Canada, is the free gift of 200 acres, which is made by government to every actual settler." Michael Smith confirmed that he had emigrated from Pennsylvania into Upper Canada, "in order to obtain land upon easy terms (as did most of the inhabitants now there) and for no other reason." In 1805 near Buffalo, Julian Niemcewicz, a traveler from Poland, saw American emigrants preparing to cross the border. A committed republican, he lamented,

Thus having struggled for nine years to shake off the English yoke, and having shaken it off, they go of their own free will to submit themselves again. I believe that, were they to learn that even in Hell there were lands producing excellent wheat and corn and at six cents an acre, despite all the flames and all the torments, they would give up their *liberty and equality* to go and settle there.

Attracted by cheap land and low taxes, the Late Loyalists cared little about the regime, so long as it demanded little from them.⁵⁷

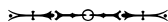
Simcoe had been only half successful in recruiting Upper Canada's settlers. He had enticed families who did not particularly care for the republic, but he had not attracted people who cared deeply for the empire. Most Upper Canadians lacked both the motives and the means to challenge their rulers. Political agitation remained confined to an occasional cabal of disappointed officials, who tried to mobilize but failed to sustain a popular following. Between 1805 and 1812 an opposition faction did belatedly emerge in the assembly. Led by some Irish-born officials—Robert Thorpe, William Weekes, and Joseph Willcocks—they

Papers and Records 24 (1927), 207; Errington, *The Lion*, 51; Garner, *The Franchise*, 86.

57. Mortimer, Journal, May 13, 1798 in Gray, ed., "From Bethlehem," 116; Smith, *Geographical View*, iii (quotation), 211–12; Burt, *The United States, Great Britain*, 181–83; Hansen and Brebner, *The Mingling*, 65; Riddell, ed., *La Rochefoucault-Liancourt's Travels*, 36, 58; William N. Fenton, ed., "The Journal of James Emlen Kept on a Trip to Canandaigua, New York, September 15 to October 30, 1794," *Ethnohistory* 12 (Fall 1965), 293; Metchie J. E. Budka, ed., "Journey to Niagara, 1805: From the Diary of Julian Ursyn Niemcewicz," New York Historical Society, *Quarterly* 44 (Jan. 1960), 105; Mills, *Idea of Loyalty*, 21; White, ed., *Lord Selkirk's Diary*, 141; Landon, *Western Ontario*, 22.

appealed to Late Loyalist voters. The assembly of 1808–1812 had an unprecedented number of Late Loyalists (four, including Benajah Mallory) but they remained a small minority among the twenty-nine members, primarily true Loyalists of the earlier migration. Indeed, many Late Loyalists, especially pietists, disliked the new opposition faction as seditious. A Quaker leader, Peter Lossing, denounced Mallory and his associations for “raising insidious distinction, what they term’d the friends of the People & the friends of Government.” As a result, even at its peak, the opposition remained a minority easily frustrated by executive power.⁵⁸

On the other hand, the Late Loyalists also lacked the common purpose and patriotic passion actively to support their colony. The pacifists certainly could not be counted upon to bear arms to defend Upper Canada—and the other Late Loyalists showed little enthusiasm for that service. The newcomers cared much for their families, farms, and communities but little for the empire, which they regarded as an absence of any demands upon their imagination, emotions, or pockets. In 1807 an American agent assessed the Pennsylvania German emigrants to Upper Canada, concluding that it was “of no consequence to them who governs, if they have good land, light taxes, and can raise a plenty of wheat.” Anticipating war, he added, “The people at present feel no oppression. They have hitherto rather been fostered by their Government. We therefore can only calculate on their neutrality & good wishes for our success.” Designed to remain politically inert, Upper Canada was ill prepared to mobilize for war.⁵⁹



The War of 1812 tested the loyalty of the American settlers in Upper Canada. The leaders of the United States invaded the colony and expected support from the American-born majority. In fact, most Upper

58. Graeme H. Patterson, “Whiggery, Nationality, and the Upper Canadian Reform Tradition,” *Canadian Historical Review* 56 (Mar. 1975), 25–44; Peter Lossing quoted in Brian Dawe, *Old Oxford is Wide Awake!* (n.p., 1980), 23. For the analysis of the assembly members, see J. K. Johnson, *Becoming Prominent*, 121–26. For the assembly’s weakness, see also Wilton, *Popular Politics and Political Culture*, 10–11.

59. Erastus Granger to Henry Dearborn, Sept. 14, 1807, Thomas Jefferson Papers, Library of Congress.

Canadians preferred to remain safely at home. The British did muster militia support from the older Loyalist settlements along the Niagara and St. Lawrence rivers, but precious little from the newer and more numerous Late Loyalist settlements. Nor did more than a few hundred settlers openly take up arms to assist the invaders. Significantly, they included the exceptional Benajah Mallory who won an American officer's commission as a major.⁶⁰

Fortunately for the British, their regular troops in Upper Canada were more than a match for the larger numbers of poorly disciplined American troops. With much help from the Indians, and some from the Loyalist militia, the British repeatedly repelled invasion, preserving Upper Canada for the empire in the peace treaty concluded in December 1814.⁶¹

The War of 1812 had demonstrated the flaws in Simcoe's vision of Upper Canada as a school for regenerating empire by remaking American citizens into British subjects. After the war, William Dummer Powell, a leading jurist, blamed Simcoe for attracting "a base and disloyal Population, the dregs and outcasts of other countries." Although Powell exaggerated the active disaffection, the Late Loyalists' passivity had hampered the colony's defense. Upper Canada had attracted a diverse and dispersed population united only by a common lack of ideological zeal either to subvert or to defend any trans-local polity.⁶²

At war's end, the imperial government rejected Simcoe's policy of promoting American settlement. The empire discouraged further immigration by Americans by forbidding them land grants. Instead, the British encouraged and subsidized emigrants from Scotland and Ireland. Between 1815 and 1850, a million British newcomers submerged the American numbers and influence in Upper Canada. As in the United

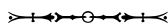
60. Smith, *Geographical View*, 214–16; Landon, *Western Ontario*, 23, 29–30; George Sheppard, *Plunder, Profit, and Paroles: A Social History of the War of 1812 in Upper Canada* (Montreal, QC, 1994), 79–91, 98; Donald E. Graves, "The Canadian Volunteers, 1813–1815," *Military Collector and Historian* 31 (1979), 113–17.

61. Sheppard, *Plunder, Profit, and Paroles*, 71–75; Craig, *Upper Canada*, 66–84. For the Indian role in defending Upper Canada, see Carl Benn, *The Iroquois in the War of 1812* (Toronto, ON, 1998).

62. Landon, *Western Ontario*, 43–46; Mills, *The Idea of Loyalty*, 25–29; Craig, *Upper Canada*, 85–90; Powell, "First Days in Upper Canada," William Dummer Powell Papers, 3: 1044, Manuscript Group 23 H I 4, LAC.

States, the postwar period also brought a surge in Canadian patriotism that invented a more heroic version of their exertions in the recent war.⁶³

But, if the glass of loyalty was half empty in Upper Canada during the War of 1812, that glass was also half full. Although few Upper Canadians rallied enthusiastically to defend the empire, fewer still assisted the invaders—to the surprise, dismay, and ultimate defeat of American leaders. The bottom line is that Upper Canada remained British. This retention stands in stark and revealing contrast to Texas, which during the 1830s successfully rebelled against Mexican rule. Like the British in Upper Canada, the Mexican authorities had welcomed American settlers to Texas and had bestowed large grants of free land to buy their allegiance. But, unlike the Late Loyalists of Upper Canada, the Anglo-Texans were a well-armed and belligerent people eager to rejoin the United States.⁶⁴



Prior to the 1970s, Canadian historians emphasized the original Loyalist refugees of the 1780s as a charter element of enduring influence in Anglophone Canada. According to S. F. Wise and Gad Horowitz, the Loyalists favored an organic, corporate, and hierarchical society led by a powerful government. This Tory vision rejected American democracy, egalitarianism, and competitive, possessive individualism. And that Loyalist imprint allegedly endured into the twentieth century, preserving a nation of orderly government and social stability from American excesses. By emphasizing the original Loyalists, however, this interpretation slights all subsequent migrant waves—including the Late Loyalists—as of little consequence to Canada's political culture.⁶⁵

63. Craig, *Upper Canada*, 124–44.

64. Sheppard, *Plunder, Profit, and Paroles*, 102–5; Craig, *Upper Canada*, 85; Richard White, *"It's Your Misfortune and None of My Own": A History of the American West* (Norman, OK, 1991), 64–69; Andrés Reséndez, *Changing National Identities at the Frontier: Texas and New Mexico, 1800–1850* (New York, 2005), 146–70.

65. S. F. Wise, "Upper Canada and the Conservative Tradition," in Wise, ed., *God's Peculiar Peoples: Essays on Political Culture in Nineteenth-Century Canada* (Ottawa, ON, 1993), 169–84; Gad Horowitz, "Conservatism, Liberalism, and Socialism in Canada: An Interpretations," in *Canada's Origins: Liberal, Tory, or Republican*, ed. Janet Ajzenstat and Peter J. Smith (Ottawa, ON, 1995), 21–44.

More recent historians of early Upper Canada have faulted the teleological interpretation of early and enduring Toryism. Instead, they cast Canadian Loyalism as a myth belatedly constructed after the War of 1812 to entrench a conservative elite in power. Moreover, as left-liberals, these scholars naturally bristle at the notion that their nation rests on a historical foundation of change-resistant Toryism. Jeffrey L. McNairn observes, "Upper Canada was not a somnolent backwater of conservatism whose ideas and politics have nothing more to say to us." These revisionists find a more reassuring and inspirational heritage in Upper Canada's reformers of the 1820s and rebels of the 1830s. Sometimes, however, these scholars stretch that point by looking before the War of 1812 to seek a vibrant republican tradition introduced by the Late Loyalists to Upper Canada.⁶⁶

That early search can produce only scant returns. During the 1820s, some leading reformers like Marshall Spring Bidwell were the children of Late Loyalists, but most such leaders were British emigrants, including William Lyon Mackenzie. The pre-1812 period does offer occasional liberal voices, like Mallory and the Tiffanys, but they stand out for their furtive isolation and eventual frustration. Prior to 1820, the political culture provided far more obstacles than resources for the construction of liberal reform in Upper Canada. McNairn's work reveals that a civic culture beyond official control barely existed before 1820. Then, during the 1820s and 1830s, newspapers, Masonic lodges, agricultural societies, and debating clubs suddenly proliferated. He reveals how this rich, *new* civic culture generated new norms for public discourse and a new authority for public opinion newly imagined to embrace the entire province. Reformers both created and benefited from that participatory political culture. Consequently, the 1820s represented a major watershed

66. Peter J. Smith, "The Ideological Origins of Canadian Confederation," and Smith, "Civic Humanism Versus Liberalism: Fitting the Loyalists in," in Ajzenstat and Smith, eds., *Canada's Origins*, 47–78, 109–35; Errington, *The Lion, the Eagle, and Upper Canada*; Mills, *The Idea of Loyalty*; Patterson, "Whiggery, Nationality, and the Upper Canadian Reform Tradition," 25–44; McNairn, *Capacity to Judge*, 10–19 (quote 19); Paul Romney, "Very Late Loyalist Fantasies: Nostalgic Tory History, and the Rule of Law in Upper Canada," in *Canadian Perspectives on Law & Society: Issues in Legal History*, ed. Barry Wright (Ottawa, ON, 1988), 119–47.

that highlights the counterrevolutionary nature of the political culture during the previous generation.⁶⁷

But the powerful transformation also challenges the older teleology that primarily credits the original Loyalists for the political culture of Anglophone Canada today. After the War of 1812, reformers and rebels endowed Canada with its own powerful, but distinctive, legacy of liberalism. To do so, they had to challenge an older legacy of executive power and popular passivity in Upper Canada.

67. McNairn, *Capacity to Judge*, 63–107; Wilton, *Popular Politics and Political Culture*, 9–17.

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