

# Paths to the Assembly in British North America: New Brunswick, 1786-1837

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*À la fin du 18<sup>e</sup> siècle et au début du 19<sup>e</sup> siècle, les députés du Nouveau-Brunswick empruntèrent des voies menant à l'Assemblée qui étaient conformes aux normes de l'Amérique coloniale britannique. Ces voies comprenaient l'obtention de nominations à des postes importants sur la scène locale et l'accumulation de richesse et d'influence économique. De nombreux députés de la première génération réussirent à transmettre ces atouts à leurs héritiers politiques, de sorte que les origines sociales distinguées et les liens familiaux qui les accompagnaient étaient devenus d'importants facteurs de succès électoral au moment où la deuxième génération de dirigeants politiques élus de la colonie firent leur entrée à l'Assemblée, dans les années 1810 et 1820. Cette situation entraîna l'émergence d'oligarchies locales dans de nombreuses divisions électorales du Nouveau-Brunswick.*

*During the late 18th and early 19th centuries, New Brunswick assemblymen followed paths to the assembly that conformed to colonial British American standards. These paths included securing appointments to important local offices and accumulating wealth and economic influence. Because many first-generation assemblymen successfully transferred these assets to their political heirs, prominent social origins and the family connections that accompanied them had become important components of electoral success by the time that the colony's second generation of elected political leaders entered the assembly during the 1810s and 1820s. This development signified the emergence of local oligarchies in numerous New Brunswick constituencies.*

AT THE CONCLUSION OF THE AMERICAN REVOLUTION in 1783, thousands of defeated Loyalists had few options but to leave their homes and begin life anew in another part of Great Britain's truncated American empire. Although British authorities assumed that the Loyalists were unified by their continuing allegiance to the British Crown and would assimilate relatively easily into Britain's remaining colonies, the experiences of those who sought refuge in the sparsely settled northern territory that, in 1784, would become the colony of New Brunswick contradicted their assumptions. Along with the challenges of creating viable settlements in New Brunswick's demanding physical environment, the social, cultural, and economic diversity of the Loyalist refugees, coupled with their ongoing conflicts with the territory's Native inhabitants and earlier French and British settlers and their complicated relationship with the British Crown, created considerable turmoil in the

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new colony in the immediate post-war years.<sup>1</sup>

Out of this disorder, though, New Brunswick's diverse inhabitants created a stable and economically significant colony in Great Britain's restructured American empire.<sup>2</sup> Critical to this transformation was the development of stable provincial political institutions – lieutenant governor, council, and representative assembly – based on British and colonial British American models. Thomas Carleton, the colony's first lieutenant governor, and the Loyalist elites who served on the appointed council, anticipated that the representative assembly would serve as a mere "ratifying body" for their executive decisions. But in a process that mirrored the struggles between executives and legislatures across British America before the American Revolution, the increasingly assertive group of elected political leaders who served in New Brunswick's representative assembly gradually wrested power from the colony's appointed governor and council. By 1837, when the representative assembly acquired control of New Brunswick's most valuable resource (its Crown lands), it had become the colony's dominant political institution.<sup>3</sup>

The men who served in the colony's increasingly influential representative assembly powerfully shaped the character of the representative government that emerged in colonial New Brunswick during its first half century. Throughout the early modern British Atlantic world, power in representative assemblies was generally vested in prominent and prosperous men who had the independence and ability required to promote the institution's important responsibilities: safeguarding the people's rights and liberties and advancing the public good.<sup>4</sup> Yet in New Brunswick, local and visiting observers expressed concerns about the qualifications and motivations of those elected to serve in the colony's assembly. Prominent Massachusetts Loyalist Edward Winslow captured these concerns after the elections held to select the members of New Brunswick's Second Assembly in 1792-93, when he complained "our Gentlemen have all become potato planters and our shoemakers are preparing to legislate."<sup>5</sup> And Lieutenant Colonel Joseph Gubbins, a British officer who toured the colony in 1811, recorded disparaging observations in his diary: "The members of the lower house are many of them poor and ignorant to whom the ten

1 The challenges facing Loyalist refugees are portrayed in David G. Bell, *Early Loyalist Saint John: The Origin of New Brunswick Politics, 1783-1786* (Fredericton, NB: New Ireland Press, 1983); Ann Gorman Condon, *The Envy of the American States: The Loyalist Dream for New Brunswick* (Fredericton, NB: New Ireland Press, 1984); W.S. MacNutt, *New Brunswick, A History: 1784-1867* (Toronto: Macmillan of Canada, 1963), 16-117; and Esther Clark Wright, *The Loyalists of New Brunswick* (Fredericton, NB: Esther Clark Wright, 1955).

2 Graeme Wynn, *Timber Colony: A Historical Geography of Early Nineteenth Century New Brunswick* (Toronto: University of Toronto Press, 1981).

3 Condon *The Envy of the American States*, 148, 158-70 (quote on 148); Jack P. Greene, *The Quest for Power: The Lower Houses of Assembly in the Southern Royal Colonies, 1689-1776* (Chapel Hill, NC: University of North Carolina Press, 1963).

4 Trends in colonial British American political leadership are summarized in Milton M. Klein, "Leadership in Colonial and Revolutionary America," in *Law as Culture and Culture as Law: Essays in Honors of John Phillip Reid*, ed. Hendrik Hartog and William E. Nelson (Madison, WI: Madison House, 2000), 58-80.

5 Edward Winslow to Gregory Townsend, Kingsclear, 17 January 1793, in *Winslow Papers, A.D. 1776-1826*, ed. W. O. Raymond (Saint John, NB: Sun Printing Co., 1901; repr. Boston: Gregg Press, 1972), 399.

shillings a day whilst employed, is their greatest object of ambition and their private interests and popularity are more consulted than is the public good.”<sup>6</sup>

Despite these misgivings, an examination of the backgrounds of the 152 men who served in the colonial assembly between 1786 and 1837 reveals that the paths to the assembly that New Brunswick legislators followed conformed to those established by assemblymen throughout colonial British America, before and after the American Revolution.<sup>7</sup> Colonial New Brunswick assemblymen were increasingly distinguished by their prominent social origins, extensive records of service in local offices that demonstrated their fitness for offices of greater public trust, wealth that guaranteed the independence of their actions, and – to the extent possible in a new colony – formal education. As first-generation assemblymen built on these foundations to consolidate their local influence and convey power to their political heirs, their actions had important implications for the character of representative government in colonial New Brunswick. Ultimately, they contributed to the formation of local oligarchies that would dominate electoral politics in many constituencies in colonial New Brunswick.<sup>8</sup>

As Edward Winslow noted, not all of New Brunswick’s earliest assemblymen could claim illustrious family origins. Table 1 summarizes the social origins of New Brunswick’s first-generation legislators.<sup>9</sup> Only seven of New Brunswick’s eighty

6 Howard Temperley, ed., *Lieutenant Colonel Joseph Gubbins, Inspecting Field Officer of Militia, New Brunswick Journals of 1811 & 1813* (Fredericton, NB: New Brunswick Heritage Publications, 1980), 31.

7 An accurate list of New Brunswick’s assembly members was compiled using election results printed in *Elections in New Brunswick, 1784-1984/Les elections au Nouveau-Brunswick, 1784-1984* (Fredericton, NB: New Brunswick Legislative Library, 1984), 35-49. This source was crosschecked with attendance records published in the journals of the House of Assembly. Studies of paths to the assembly in colonial British America include Thomas L. Purvis, “‘High-Born, Long-Recorded Families’: Social Origins of New Jersey Assemblymen, 1703-1776,” *William and Mary Quarterly* 3rd ser., 37 (1980): 592-615; Charles S. Sydnor, *Gentlemen Freeholders: Political Practices in Washington’s Virginia* (Chapel Hill: University of North Carolina Press, 1952); Alan Tully, *William Penn’s Legacy: Politics and Social Structure in Provincial Pennsylvania, 1726-1755* (Baltimore: Johns Hopkins University Press, 1977); and Robert Zemsky, *Merchants, Farmers, and River Gods: An Essay on Eighteenth-Century American Politics* (Boston: Gambit, 1971). Studies of the foundations of political power in British North America include Brian Cuthbertson, *Johnny Bluenose at the Polls: Epic Nova Scotian Election Battles, 1785-1848* (Halifax, NS: Formac, 1994) and J.K. Johnson, *Becoming Prominent: Regional Leadership in Upper Canada, 1791-1841* (Kingston and Montreal: McGill-Queen’s University Press, 1989).

8 Historians have documented the formation of political oligarchies in most of Britain’s North American colonies during the 18th century. See, for example, Richard Alan Ryerson, “Portrait of a Colonial Oligarchy: The Quaker Elite in the Pennsylvania Assembly, 1729-1776,” in *Power and Status: Officeholding in Colonial America*, ed. Bruce C. Daniels (Middletown, CT: Wesleyan University Press, 1986), 106-35, and Zemsky, *Merchants, Farmers, and River Gods*. For the emergence of local oligarchies in Nova Scotia, see Cuthbertson, *Johnny Bluenose at the Polls*, 14.

9 First-generation assemblymen were those who were adults when they migrated to Nova Scotia/New Brunswick during the 18th century. The key factors used to determine levels of prominence were office-holding, wealth, occupation, and education. The categories used in the table are adapted from those created in Sidney H. Aronson, *Status and Kinship in the Higher Civil Service: Standards of Selection in the Administrations of John Adams, Thomas Jefferson, and Andrew Jackson* (Cambridge: Harvard University Press, 1964), 67-76, and adapted in both James Kirby Martin, *Men in Rebellion: Higher Governmental Leaders and the Coming of the American Revolution* (New Brunswick, NJ: Rutgers University Press, 1973), 104-08, and William B. Skelton, “High Army Leadership in the Era of the War of 1812: The Making and Remaking of the Officer Corps,” *William and Mary Quarterly* 3rd ser., 51 (1994): 261-3.

Table 1: Social Origins of First-Generation Assemblymen

Family's Level of Prominence	Number of Assemblymen	Social Origins (%)
Provincial Prominence	7	8.8
Local Prominence	30	37.5
Middling Sort	33	41.3
Unknown	10	12.5
Total	80	100.1

Sources: The most useful sources for determining first-generation assemblymen's social origins include W. Bruce Antliff, comp., *Loyalist Settlements, 1783-1789: New Evidence of Canadian Loyalist Claims* (Ottawa: Ministry of Citizenship and Culture, 1985); Peter Wilson Coldham, *American Loyalist Claims, Vol. 1: Abstracted from the PRO Audit Office Series 13, Bundles 1-35 & 37* (Washington, DC: National Genealogical Society, 1980); *Dictionary of Canadian Biography (DCB)*, IV-VII; New Brunswick Families Collection, MC 1, Provincial Archives of New Brunswick (PANB); and Land Petitions, RS 108, PANB.

first-generation assemblymen were members of the leading families of Great Britain's former American colonies. Members of these families had colony-wide reputations, commonly held provincial offices, controlled substantial fortunes, and had college educations. John Robinson, who represented Saint John City in New Brunswick's Third Assembly (1803-1809), epitomized assemblymen whose families possessed provincial prominence in British America before the American Revolution and successfully transferred their prominence to New Brunswick. Robinson was the son of Beverley Robinson, one of New York's largest landowners and most prominent Loyalists, and the grandson of John Robinson, whose many offices in pre-revolutionary America included the presidency of the Virginia Council. The future New Brunswick assemblyman married into another prominent colonial New York family, the Ludlows. His father-in-law, George Duncan Ludlow, was an associate justice of the New York Supreme Court from 1769 to 1776. After the American Revolution, Ludlow moved to New Brunswick and secured one of the colony's most important patronage appointments as chief justice of the Supreme Court in 1784.<sup>10</sup>

Almost two-fifths of the colony's first-generation assemblymen were drawn from

10 T.W. Acheson, "John Robinson," *DCB*, VI:654-5.

locally prominent British and colonial British-American families. The family of Saint John assemblyman Bradford Gilbert typified assemblymen with locally prominent origins. Before the war, Gilbert resided at Freetown, Massachusetts, where his father, Thomas Gilbert, was a justice of the peace and colonel of the local militia. Thomas Gilbert also represented his county in the Massachusetts General Court, but he did not become a leader in the colonial legislature and thus his prominence remained primarily local in nature.<sup>11</sup>

By emphasizing their loyalty and wartime sacrifices and service to the Crown, these colonially and locally prominent families often gained preferential access to land grants and patronage appointments in New Brunswick. This preferred treatment, along with the capital that they brought to New Brunswick and the capital that they gained through their successful claims to reimbursement for property lost during the American Revolution, provided the foundations for continued social prominence and prosperity in their new homeland.

For the majority of New Brunswick's first-generation assemblymen, however, prominent social origins were not a prerequisite for gaining an assembly seat. At least two-fifths of New Brunswick's first-generation assemblymen were members of families of the middling sort, including the tradesmen whose political aspirations Edward Winslow held in such contempt. The difficulty of determining the social origins of another ten of the first-generation assemblymen suggests that they were also members of the middling or lower social ranks.<sup>12</sup> Yet while the majority of first-generation Loyalist assemblymen may have had relatively undistinguished social origins, the American Revolution and resettlement in New Brunswick provided significant opportunities to enhance their position in colonial society. Assemblyman Munson Jarvis is a case in point. Before the American Revolution Jarvis worked as a silversmith in Stamford, Connecticut, where his family had resided since the 17th century, earning their living primarily as tradesmen and holding few local offices. The dislocations of the American Revolution provided Jarvis with opportunities to improve his rank in colonial society, and he acquired wealth and status as a leading merchant in Saint John after the war.<sup>13</sup> And even assemblymen who migrated to the region before the American Revolution found significant opportunities to improve their status. Assemblymen James Simonds of Saint John and Charles Dixon of Sackville had relatively humble social origins as the sons of a middling Massachusetts farmer and a Yorkshire bricklayer respectively. But after they settled in Nova Scotia during the 1760s and 1770s, they began successful mercantile enterprises, amassed substantial landholdings, and became prominent officeholders in the region.<sup>14</sup>

11 Memorial of Colonel Thomas Gilbert to Governor John Parr, Esq., 18 November 1783, Gilbert Family, New Brunswick Families Collection, MC 1, PANB.

12 Esther Clark Wright determined that the majority of Loyalist refugees were members of families of the middling and lower ranks of colonial British American society. See Wright, *Loyalists of New Brunswick*, 160-6.

13 G.A. Jarvis, et al., *The Jarvis Family; Or, the Descendants of the First Settlers of the Name in Massachusetts and Long Island, and Those Who Have More Recently Settled in Other Parts of the United States and British America* (Hartford, CT, 1879); C.M. Wallace, "Munson Jarvis," *DCB*, VI:349-50.

14 T.W. Acheson, "James Simonds," *DCB*, VI:717-20; James Snowdon, "Charles Dixon," *DCB*, V:257-8.

A record of public service in local civil, military, and religious offices that demonstrated fitness for positions of greater public responsibility was an almost mandatory qualification for men aspiring to elected provincial office in Britain's pre-Revolutionary American empire.<sup>15</sup> Yet in New Brunswick voters selected the members of the first assembly a few months after the province's first county and parish officers received their appointments from Lieutenant Governor Thomas Carleton in June 1785.<sup>16</sup> Although a few of the colony's earliest assemblymen had been appointed to local offices in the former British colonies and in Nova Scotia, those serving in the First Assembly had scant opportunity to prove their capability for membership in the assembly by carrying out the duties of a variety of local offices in New Brunswick.<sup>17</sup>

Although they could not point to long records of public service in New Brunswick, aspiring first-generation assemblymen could emphasize their records of military service and leadership during the American Revolution. In the nascent society of colonial New Brunswick, military rank acquired as an officer in the provincial forces during the American Revolution was a conspicuous indicator of status. Loyalist officers included men from both prominent and modest colonial American families. For John Saunders, for instance, serving as an officer in the Queen's Rangers during the American Revolution reinforced his status as a member of a locally prominent Virginia family. Acquiring an officer's rank in the Second Battalion of DeLancey's Brigade also enhanced the status of Elijah Miles, a middling Connecticut farmer. Although Saunders and Miles were members of families of differing social ranks in colonial British America before the war, both were addressed as "Captain" in New Brunswick after the war, and the rank that they earned during the American Revolution was a significant component of their status and was cited as an important qualification for political office in colonial New Brunswick.<sup>18</sup>

Because Loyalist officers often led the resettlement of their provincial regiments in colonial New Brunswick, their leadership roles carried over into civilian life in the new colony.<sup>19</sup> The close relationships that officers formed with their troops during

15 Bruce C. Daniels emphasized the importance of these "political apprenticeships" in colonial British America in his introduction to *Power and Status*, 11.

16 Lieutenant Governor Thomas Carleton made the first appointments to county offices when he issued county warrants in June 1785.

17 Among the members of the First Assembly who had been appointed to local offices before the American Revolution were Ebenezer Foster, a magistrate in New Jersey; Jonathan Bliss, a magistrate in Massachusetts; and Charles Dixon, a magistrate in Cumberland County, Nova Scotia. See Philip Buckner, "Jonathan Bliss," *DCB*, VI:74-6; E. Alfred Jones, *The Loyalists of New Jersey, Their Memorials, Petitions, Claims, Etc. from English Records* (repr., Boston: Gregg Press, 1972), 74-5; and Nova Scotia Commission Book, 31 October 1768-6 September 1781, RG 1, vol. 168, p. 231, Nova Scotia Archives and Record Management (NSARM).

18 List of Officers in the Provincial Forces at the End of the American Revolution [1782], H.T. Hazen Papers, shelf 64, box 10, fol. 6A, New Brunswick Museum (NBM). For example, when Colonel Hugh MacKay addressed the voters at the 1819 election in Charlotte County, he noted that he had "spent seven years in the service during the revolutionary war." See *New Brunswick Royal Gazette*, 26 October 1819.

19 For an overview of the resettlement of Loyalist regiments in New Brunswick, see Robert L. Dallison, *Hope Restored: The American Revolution and the Founding of New Brunswick*, The New Brunswick Military Heritage Series, Vol. 2 (Fredericton, NB: Goose Lane Editions and the New Brunswick Military Heritage Project, 2003).

years of fighting and resettlement provided a strong foundation of support for the officers' electoral bids for assembly office in colonial New Brunswick, and officers in the British provincial forces were prominent among New Brunswick's first generation of political leaders. Approximately one-half of the members of the earliest New Brunswick assemblies were officers of Loyalist regiments, who were on half-pay after the American Revolution. New Brunswick's First Assembly (1786-1792), for instance, included 14 half-pay officers among its 28 members. Many soldiers supported their former officers because of the personal bonds forged during wartime and the material rewards that officers had provided for them in the past and might provide them in the future.<sup>20</sup> By 1810, however, the political influence of the American Revolutionary generation was waning, and only about one-sixth of the members of the New Brunswick assembly were Loyalist half-pay officers.<sup>21</sup>

An important qualification shared by other members of New Brunswick's earliest assemblies was their leadership of the civilian refugees who fled to the territory that became New Brunswick. At least seven first-generation assemblymen were instrumental in organizing the movement of civilian Loyalist refugees to New Brunswick. The board of the largest refugee organization, the Bay of Fundy Adventurers, included two future assemblymen – Amos Botsford and James Peters. Two other assemblymen, Robert Pagan and William Pagan, led the Penobscot Association of refugee Loyalists, and Samuel Dickinson, Ebenezer Foster, and Samuel Denny Street also had prominent roles in the migration of refugees to New Brunswick.<sup>22</sup> Their leadership of the refugee movement provided opportunities for these future assemblymen to demonstrate their abilities and build a foundation of electoral support among the refugees that they led and settled with in New Brunswick. For example, in his role as an agent, Amos Botsford travelled to Nova Scotia in the fall of 1782 to identify land suitable for Loyalist resettlement and determine how it would be distributed to Loyalist migrants. During the subsequent voyages to New Brunswick, agents were often responsible for distributing provisions. And after the Loyalists arrived in New Brunswick, these agents further facilitated the resettlement process by assisting with refugees' applications for land grants.<sup>23</sup>

Although the colony's earliest assemblymen lacked extensive local civil service credentials and relied on their records of service during and immediately after the American Revolution in their bids for electoral support, those who served in later

20 For a discussion of the bonds between the provincial officers and troops who settled in Upper Canada, see Janice Potter-MacKinnon, *While the Women Only Wept: Loyalist Refugee Women in Eastern Ontario* (Montreal and Kingston: McGill-Queen's University Press, 1993), 99-102.

21 The proportion of Upper Canadian assemblymen who were half-pay officers was similar to New Brunswick. Nine of the seventeen members of the first Upper Canadian assembly, which met from 1792-96, were half-pay officers. Four of the twenty-four members of Upper Canada's Fifth Assembly (1808-1812) were half-pay officers. See Johnson, *Becoming Prominent*, 124-5.

22 Bell, *Early Loyalist Saint John*, 18, 31, 38, 80; Roger Nason, "'Meritorious But Distressed Individuals': The Penobscot Loyalist Association and the Settlement of the Township of Saint Andrews, New Brunswick, 1783-1821" (master's thesis, University of New Brunswick, 1982), 103-15.

23 Wright, *Loyalists of New Brunswick*, 31, 35-8; Bell, *Early Loyalist Saint John*, 43-5. Bell notes that agents' conduct was often criticized due to the ongoing hardships that Loyalist refugees experienced during the resettlement process.

assemblies, like their counterparts in pre- and post-Revolutionary British America, were usually experienced local officeholders. Service in local offices provided opportunities to demonstrate fitness for offices of greater responsibility and public trust, and such service was a key step on the path to the assembly.

British imperial policies heavily influenced the nature of local government and office-holding. As Britain moved to strengthen its authority over its North American colonies after the late 17th century, county government became the predominant form of local government in newly established British colonies because it permitted greater centralized control, including over the selection of local officeholders. When Lieutenant Governor Thomas Carleton was working with the council to create institutions of local governments in New Brunswick during the summer of 1785, he followed imperial instructions by establishing county governments with appointed local officers in the new colony.<sup>24</sup>

New Brunswick's counties were subdivided into parishes, and parish office was commonly the first stage in a local public service career. The justices of the county courts of general sessions appointed parish officers annually. A survey of parish office-holding careers reveals that two distinctive patterns were evident in New Brunswick assemblymen's early public service careers. In the most prevalent pattern, aspiring assemblymen progressed through a series of increasingly responsible and prestigious parish offices. Often beginning their careers by holding minor parish offices such as fence viewer, pound keeper, and constable, they eventually acquired the more important positions of assessor and surveyor of roads. In the years immediately preceding their election to the assembly, they were likely serving as commissioners of highways and overseers of the poor. The local public service careers of the men representing the Saint John River Valley counties – Kings, Sunbury, and York – generally followed this pattern and they served, on average, in 11 increasingly responsible parish offices before winning election to the assembly.<sup>25</sup>

Although assemblymen commonly demonstrated their fitness for office by serving in numerous parish offices, a substantial minority had undistinguished records of service in parish offices before seeking election to the colonial legislature. Of the legislators whose pre-assembly public service careers can be reconstructed, almost one-third served in fewer than four parish offices before seeking election. In the most notable contrast to the Saint John River Valley counties, a record of local service proved less significant in the electoral bids of Northumberland County candidates. Of

24 Elizabeth Mancke, *The Fault Lines of Empire: Political Differentiation in Massachusetts and Nova Scotia, 1760-1830* (New York: Routledge, 2005), 139; MacNutt, *New Brunswick*, 56-7.

25 It is possible to reconstruct the pre-assembly local public service careers of 51 assemblymen. Lists of parish officers are included in the minutes of the courts of general sessions, which are part of the County Council Records in the following record series at PANB: Gloucester County, 1831-1838, RS 149/A1/1; Kent County, 1827-1844, RS 150/A1/1; Kings County, 1815-1834, RS 151/A1; Northumberland County, 1789-1837, RS 153/A1/1-6; Queens County, 1826-1836, RS 154/A1/1; Sunbury County, 1820-1839, RS 157/A1/1-2; and York County, 1789-1839, RS 161/A1/1-3. The minutes of the General Sessions for Westmorland County, 1785-1809, are held at Library and Archives of Canada (LAC) in MG 9, A12-11, vol. 3. Scattered lists of parish officers for Charlotte County are located in the Neville Parker Papers, Charlotte County Historical Society, St. Andrews, New Brunswick.



the ten residents who represented the county after 1789, half served in only one parish office or none at all.<sup>26</sup>

While appointment to parish offices was of varying importance in the pursuit of provincial office, appointment to county offices was of consistently greater significance. The colonial executive appointed all county officers, and county appointments were signs of executive favour that confirmed their recipients' local status. County officers were allowed to use the title "Esquire," which set them apart from other New Brunswickers. More than marks of status, county appointments also conferred significant powers over other county residents. In New Brunswick's county government, the most prominent appointed county officials were magistrates – the justices of the peace, quorum, and inferior court of common pleas – who exercised wide-ranging authority over the county's administrative and judicial affairs. The magistrates' administrative functions included appointing and overseeing parish officers, administering public works projects, auditing parish accounts, licensing and regulating liquor retailers and tavern keepers, and setting rates for county and parish assessments that had been authorized by the provincial assembly. They also judged criminal cases and civil cases involving smaller amounts of property. Given these broad responsibilities, the offices vested significant political and economic power in their holders over other county residents and were highly sought after.<sup>27</sup> In New Brunswick, approximately three-quarters of the assemblymen received appointments as magistrates, and two-thirds of those commissioned as justices of the peace eventually received more prestigious commissions as justices of the quorum and justices of the inferior court of common pleas. The magistrates' considerable powers, which were designed to advance the public good, could also promote their private interests on election days.

Acquiring a commission as a magistrate was an important step on the path to the assembly in colonial New Brunswick, just as it had been in British American colonies before the American Revolution.<sup>28</sup> In their election campaigns, magistrates frequently referred to their service as an important qualification for office. In his assessment of the qualifications of the candidates running for the assembly in the 1827 election in Saint John, the editor of the *New Brunswick Courier* wrote, "Mr. [Gregory] Van

26 Records of the Court of General Sessions, Northumberland County Council Records, RS153/A1/1-6, 1789-1837, PANB. Four of the other five Northumberland County assemblymen served in more than ten parish offices before seeking election. Their careers exemplify the pattern that W.A. Spray described in "Early Northumberland County, 1765-1825: A Study in Local Government" (master's thesis, University of New Brunswick, 1963), 11.

27 For a discussion of the expanding responsibilities of county magistrates in colonial New Brunswick, see Earle O. Tubrett, "The Development of the New Brunswick Court System, 1784-1803" (master's thesis, University of New Brunswick, 1967), 132-69. See also Ronald K. Snell, "'Ambitious of Honor and Places': The Magistracy of Hampshire County, Massachusetts, 1692-1760," in Daniels, *Power and Status*, 17-35. For examples of lobbying for magisterial commissions, see the letters of Thomas Wyer, Jr. to Ward Chipman, 24 May 1823, fol. 31, no. 29 as well as 10 June 1823, fol. 31, no. 33, in S38-1, Ward Chipman Papers, H.T. Hazen Papers, NBM.

28 For example, in colonial New Jersey 70 per cent of assemblymen between 1703 and 1776 received magisterial commissions and in colonial Virginia approximately 75 per cent of burgesses received magisterial commissions. See Purvis, "'High-Born, Long-Recorded Families,'" 603-4, and Charles S. Sydnor, *American Revolutionaries in the Making: Political Practices in Washington's Virginia* (New York: Free Press, 1965), 100.

Horne is a gentleman well known among his fellow-citizens, having discharged the duties of a City Magistrate for several years with credit to himself and benefit to the public.”<sup>29</sup>

Because early records of county magisterial appointments are incomplete, the proportion of New Brunswick assemblymen who are known to have received commissions before their election was relatively low in the First Assembly (1786-1792). But as Table 2 indicates, a majority of those elected to each succeeding assembly were magistrates at the time of their election. More than 60 per cent of the members of the Second Assembly (1793-1795) were county magistrates at the time of their election, and the proportion remained consistently at or above 60 per cent for next four decades, reaching a high point during the Ninth Assembly (1828-1830), when three-quarters of the legislators held magisterial commissions.<sup>30</sup>

Of the 35 assemblymen who did not receive magisterial commissions, at least one-third received other important county appointments before their election to the assembly. One assemblyman served as a county sheriff and at least four served as county coroners, but the most common other county office awarded to future assemblymen was the clerkship of the peace and the inferior court of common pleas. At least seven assemblymen were appointed to this important county office before their election to the assembly.<sup>31</sup> According to the original county warrants issued in 1785, the qualifications for clerks included “integrity, skill and knowledge of the Laws”; so it is not surprising that all seven appointees had legal training.<sup>32</sup> The clerks’ duties including taking the minutes of the courts of general sessions of the peace, preparing legal documents, managing county correspondence, and a variety of other responsibilities related to administering county affairs. Appointments to these important county offices were another sign of executive favour that confirmed their holders’ local status. Although only one county clerk is known to have served in the assembly before 1810, their numbers increased thereafter. At least two county clerks served in the Fifth Assembly (1810-1816), and one county clerk served in each of the three assemblies that convened between 1817 and 1827. Two clerks served in the Ninth Assembly (1828-1830), and three clerks were elected to the Tenth (1831-1834) and Eleventh (1835-1837) assemblies. Even though the proportion of those who received magisterial commissions before their election to the assembly declined during the 1830s, the presence of an increasing number of county clerks in the

29 *New Brunswick Courier*, 7 July 1827. Saint John aldermen, like Van Horne, held concurrent appointments as magistrates. The responsibilities of Saint John magistrates are summarized in T.W. Acheson, *Saint John: The Making of a Colonial Urban Community* (Toronto: University of Toronto Press, 1985), 28, 42.

30 The proportion of New Brunswick assemblymen who are known to have received commissions as county magistrates before winning election (46.1 per cent) was slightly higher than in Upper Canada, where 41.7 per cent were magistrates before their election, and slightly less than in Nova Scotia, where Brian Cuthbertson concluded that approximately half of Nova Scotia’s assemblymen were magistrates either before or “shortly after” their election. See Johnson, *Becoming Prominent*, 66-67 and Cuthbertson, *Johnny Bluenose at the Polls*, 19.

31 A list of other county officers was compiled by reviewing the County Council Records, RS 148-161/A1, PANB, and lists of county officers published in New Brunswick almanacs.

32 Charlotte County’s original warrant was reprinted in “Glimpses of the Past,” *St. Croix Courier* (St. Stephen, NB), 11 July 1895.

Table 2: County Magisterial Appointments by Assembly

Assembly	Number of Magisterial Appointments	Magistrate Before Election (%)	Magistrate Before or After Election (%)
First (1786-1792)	33	36.4	75.8
Second (1793-1795)	26	61.5	73.1
Third (1796-1802)	27	70.4	81.5
Fourth (1803-1809)	25	64.0	92.0
Fifth (1810-1816)	30	60.0	80.0
Sixth (1817-1819)	26	69.2	92.3
Seventh (1820)	27	63.0	77.8
Eighth (1821-1827)	32	59.4	87.5
Ninth (1828-1830)	32	75.0	75.0
Tenth (1831-1834)	31	61.3	67.7
Eleventh (1835-1837)	34	52.9	58.8

Sources: Nova Scotia Commission Books, RG 1, vols. 167-70, NSARM; Lists of Commissions, 1790-1840, Records of Warrants, Appointments, and Commissions, RS 538/B/5, PANB. The New Brunswick commission books are incomplete and were supplemented with the listings of county officers in New Brunswick almanacs, including *Chubb's Almanac* and the *New Brunswick Almanac*.

assembly underscores the fact that an executive appointment to county office continued to be an important prerequisite to launching a successful bid for assembly membership in colonial New Brunswick.

A few other assemblymen did not receive county appointments before their election to the assembly because they had instead received higher appointments. Three members of the First Assembly (1786-1792) received provincial appointments before their election. Jonathan Bliss was the colony's attorney general, Ward Chipman, Sr., was the colony's solicitor general, and John Saunders, who was elected to the assembly in a 1791 by-election for York County, had been appointed a justice of the New Brunswick Supreme Court a year earlier. Only two other assemblymen – John M. Bliss and Thomas Wetmore, who served as solicitor general and attorney

general respectively – received provincial appointments before serving in the assembly. The frequent protests during elections warning against the dangers of increasing executive power if government appointees dependent on government salaries were elected to the assembly – warnings that were common in 18th-century British American politics – may explain why so few high appointed and salaried government officials won election to the assembly.<sup>33</sup>

Like appointments to county civil offices, appointments as officers in the county militias both confirmed and conferred local status and power. Consequently, a militia appointment became another important step on the path to the assembly in colonial New Brunswick. New Brunswick, a product of the American Revolution, faced threats of war – if little actual combat on its soil – from its earliest settlement through its first 50 years. Although the British government usually maintained a small force in the colony, and the assembly consistently asserted that defense should be an imperial and not a local colonial responsibility, the militia was considered a key part of the colony’s defense. New Brunswick’s first militia act, passed in 1787, authorized the organization of militia regiments in each county, and all males resident in the colony between the ages of 16 and 50 were to be enrolled in the county regiments. The regiments were subdivided into battalions as the population grew, and the battalion officer ranks were lieutenant colonel, major, captain, first and second lieutenant, and ensign.<sup>34</sup> According to the Militia General Orders published in the *Royal Gazette*, those appointed as officers were to be “fit gentlemen” of “experience and weight in the Society.” The provincial commander-in-chief and the executive made appointments based on recommendations from local commanding officers. Initial appointments were usually made at the lowest level – ensign – unless the appointee had prior military experience, and advances through the officer ranks were made as vacancies occurred.<sup>35</sup>

Nearly three-fifths of New Brunswick assemblymen received a commission as an officer in the county militia, and one-third of them eventually commanded their local battalions.<sup>36</sup> Of the 88 New Brunswick assemblymen who received militia

33 Condon, *The Envy of the American States*, 166; MacNutt, *New Brunswick*, 60-1, 227. For similar concerns in other British American colonies, see Richard Waterhouse, “Merchants, Planters, and Lawyers: Political Culture and Leadership in South Carolina, 1721-1775,” in Daniels, *Power and Status*, 149. Waterhouse notes that the South Carolina assembly passed bills to ban placemen from the assembly, but the efforts were unsuccessful. A few other New Brunswick assemblymen, most notably James Glenie, did not receive county appointments because they were viewed as enemies of the executive.

34 An Act for establishing a Militia in the Province of New-Brunswick, and for regulating the same, *Acts of the General Assembly of His Majesty’s Province of New Brunswick Passed in the Year 1787* (Saint John, NB: John Ryan, 1787), 129-36. Colonels were the commanding officers of the county militias until 1808, when this rank was abolished.

35 David R. Facey-Crowther, *The New Brunswick Militia, 1787-1867* (Fredericton, NB: New Brunswick Historical Society and New Ireland Press, 1990), 43-4.

36 A list of militia officers was compiled by reviewing the officer lists printed in David R. Facey-Crowther, *The New Brunswick Militia Commissioned Officers’ List, 1787-1867* (Fredericton, NB: Capital Free Press, 1984). Lists of commanding officers are printed in Facey-Crowther, *New Brunswick Militia*, 139-58. A militia commission was somewhat less important in Nova Scotia, where one-third of the assemblymen held appointments at the time of their election as opposed to nearly one-half of New Brunswick assemblymen. But J.K. Johnson has argued that in Upper Canada, military

commissions, 80 per cent received their commissions before their election. As a step on the path to the assembly, as Table 3 indicates, a militia commission became significantly more important over time.

Table 3: Militia Commissions by Assembly

Assembly	Number of Military Commissions	Military Commission Before Election (%)	Militia Commission Before or After Election (%)
First (1786-1792)	33	9.1	30.3
Second (1793-1795)	26	23.1	34.6
Third (1796-1802)	27	29.6	48.1
Fourth (1803-1809)	25	44.0	60.0
Fifth (1810-1816)	30	53.3	63.3
Sixth (1817-1819)	26	80.8	88.5
Seventh (1820)	27	77.8	81.5
Eighth (1821-1827)	32	71.9	78.1
Ninth (1828-1830)	32	78.1	78.1
Tenth (1831-1834)	31	71.0	71.0
Eleventh (1835-1837)	34	79.4	79.4

Source: David R. Facey-Crowther, *The New Brunswick Militia Commissioned Officers' List, 1787-1867* (Fredericton, NB: Capital Free Press, 1984).

The proportion of assembly members who received commissions as officers in their county militia regiments increased steadily until the mid-1810s, when more than four-fifths of those who served in the Sixth Assembly, which met from 1817-1819,

leadership and service, specifically a militia commission and service during the War of 1812, were more important components of prominence than magisterial commissions. Given the ongoing military threats and consequent importance of military service in Upper Canada, it is not surprising that a larger proportion of Upper Canadian assemblymen received militia commissions than in New Brunswick. Sixty-nine per cent of Upper Canadian assemblymen received militia commissions versus fifty-eight per cent of New Brunswick assemblymen. See Cuthbertson, *Johnny Bluenose at the Polls*, 11, and Johnson, *Becoming Prominent*, 74, 126.

had received a commission as an officer in the county militia before their election. Thereafter, approximately three-quarters to four-fifths of those elected before 1837 had received officer commissions before their election. Even though the role of the militia in colonial New Brunswick remained largely “ceremonial and social rather than military,” a commission as a militia officer was an important mark of official favour and local status that elevated prospective assemblymen above the rank and file of colonial society while also conferring power over their fellow county residents on annual mustering days.<sup>37</sup>

In filling positions of responsibility in local civil and military affairs, New Brunswick’s future assemblymen demonstrated their leadership skills, commitment to public service, and suitability for higher office in a variety of local settings. Not all assemblymen, though, were model officeholders. The provincial executive dismissed at least two county militia officers due to “improper behavior,” and other appointees were dismissed because they refused to carry out the responsibilities of their offices.<sup>38</sup> Yet, in most constituencies, appointment to these county offices was an important prerequisite to securing the status and power that was essential to obtaining elective office. And, over time, appointments to county offices were increasingly influenced by the recommendations of the then-current officeholders; accordingly, such appointments signaled the support of not only the colonial executive but also of prominent members of the local community, who increasingly controlled access to appointed positions of political power through their connections to the colonial executive.

As local officeholders occasionally complained, their positions were “of trust and responsibility rather than emolument.”<sup>39</sup> Although a few county magistrates collected considerable sums in fees, in most cases the fees that parish and county offices commanded were usually meager and officeholders could spend hundreds of hours each year discharging their official duties with scant promise of financial reward. Therefore colonial office-holding required not only the willingness to carry out often-onerous duties, but also the financial means to do so. The economic costs of assembly service were particularly dear. Before 1800, annual assembly sessions usually lasted fewer than four weeks. By the 1810s, the colonial assembly was commonly in session for two months or more each year. Moreover, many legislators lived at a distance from the seat of government in Fredericton. Although assemblymen included a travel and per diem allowance in annual budget requisitions, the sum hardly covered the costs of service, especially when considering the potential losses associated with long absences from their farms and other business endeavours.<sup>40</sup>

37 Temperley, *Lieutenant Colonel Joseph Gubbins*, xxv.

38 Lewis Burns, a captain in the Saint John militia, was court-martialed in October 1827 for “contemptuous and improper conduct,” “neglect of duty,” and “disobedience of orders” when he refused to take charge of the company to which he had been assigned. John Humbert, captain of a rifle company in their third battalion was also court-martialed and found guilty but was later reinstated. See Facey-Crowther, *New Brunswick Militia Commissioned Officers’ List*, 164, 273. The provincial executive omitted Alexander Rankin and Richard Simonds from the list of Northumberland County magistrates in 1823 after they refused to serve. See Petition of the Freeholders and Inhabitants of Miramichi, 1823, Records of Warrants, Appointments, and Commissions, RS 538/E1/1, PANB.

39 Petition of Henry Smith, 2 April 1823, H.T. Hazen Papers, shelf 64, box 10, fol. 14, item 12, NBM.

40 The assemblymen’s allowance was widely regarded as being too generous for the revenues of the

While the guidelines that regulated New Brunswick's first two elections did not include economic qualifications for candidates, the election act that went into effect in 1795 specified that candidates possess £200 of real estate free of encumbrances.<sup>41</sup> The property requirement for candidates reflected prevailing principles that only propertied men had the personal independence required to be disinterested public servants and legislate for the public good and not in their own narrow interests.<sup>42</sup> Some of the colony's earliest candidates undoubtedly barely met the property requirement.<sup>43</sup> By the 19th century, however, men whose wealth set them apart from ordinary New Brunswickers dominated the assembly, including men such as Charles Simonds and Hugh Johnston, Jr., of Saint John, who had accumulated such extensive mercantile fortunes that they were able to retire from business and pursue careers in public service.<sup>44</sup>

Because assemblymen were elected locally, determining their economic status within their local communities is more significant in understanding their paths to the assembly than determining where they ranked on the provincial level.<sup>45</sup> Parish assessment lists, which include assessments of the real property owned by parish residents, are the most accessible source for analyzing assemblymen's local economic status. Scattered assessment lists for the period before 1837 are extant for select parishes in four counties – Charlotte, Northumberland, Sunbury, and Westmorland – and these lists include assessments of the real property owned by one-quarter of the assemblymen. With few exceptions, legislators included in the assessments owned real property that placed them among the wealthiest ten percent of their parish's residents. For example, two assessment lists for Charlotte County's most populous and important mercantile centers, St. Andrews and St. Stephen, are extant for the 1820s. The lists include 11 of the 21 assemblymen who represented Charlotte County between 1786 and 1837. The 1822 assessment for St. Andrews includes seven assemblymen, all of whom rated among the top ten percent of property owners in the parish.<sup>46</sup> In St. Stephen, assessors rated four assemblymen in the parish's 1823 assessment. Three of

infant colony to support. The controversial allowance, which was ten shillings per day in 1808, and increased to fifteen shillings per day in 1816 and one pound per day in 1818 or 1819, was included in the annual appropriations measures. See Debentures of the House of Assembly, 1808-1837, Papers of the Executive Council, RS 8, PANB.

41 An Act for Regulating Elections, of Representatives in General Assembly, and, for limiting the duration of Assemblies, in this Province, [passed in 1791 and confirmed in 1795], *The Acts of the General Assembly of Her Majesty's Province of New Brunswick from the Twenty-Sixth Year of the Reign of King George the Third to the Sixth Year of the Reign of King William the Fourth* [*New Brunswick Acts*] (Fredericton, NB: John Simpson, 1838), 86-93.

42 Waterhouse, "Merchants, Planters, and Lawyers," in Daniels, *Power and Status*, 152.

43 For example, Jasper Belding was forced to sell his farm to pay for the costs of contesting the 1809 general election and 1810 by-election in Kings County. See Temperley, *Lieutenant Colonel Joseph Gubbins*, 29.

44 T.W. Acheson, "Hugh Johnston," *DCB*, VII:444-45, and Acheson, "Charles Simonds," *DCB*, VII:805-10.

45 Historians of colonial British American assemblies have commonly used probate records to analyze assemblymen's comparative levels of wealth. Probate records, including estate inventories, survive for almost one-third of New Brunswick's assemblymen. These records are, however, scattered across the span of a century, rendering comparative analysis difficult. Probate records also detail the possessions of assemblymen often decades after they were active in the assembly and thus do not necessarily provide information regarding their economic status during their tenure in office.

46 Tax Assessment List, St. Andrews, 1822, Charlotte County Council Records, RS 148/C8, PANB.

the four ranked among the top ten per cent of property owners in their parish. Only George S. Hill, a 27-year-old attorney who did not win election to the assembly until 1830, was not yet among the parish's economic elite.<sup>47</sup> During the 1820s and 1830s, Northumberland County assemblymen were also consistently ranked the top five property owners and paid the highest assessments in their parishes.<sup>48</sup>

Wealth was a foundation of status, and it also provided economic power that could be converted into votes on election days. Merchants dominated the New Brunswick assembly before 1837, and the legislators who engaged in mercantile activities, ranging from the great merchants of Saint John to the timber merchants of the Passamaquoddy and the Miramichi to the country storekeepers of the Saint John River valley, had the economic status and influence to match their political aspirations.<sup>49</sup> The merchants' business ledgers, estate inventories, and mortgage records demonstrate the extensive economic power that they wielded over local residents due to their control of access to credit, supplies, timber, employment, and markets. This considerable economic power was often used to influence voters' choices.<sup>50</sup> In the 1785 election, for instance, Northumberland County's sheriff, Benjamin Marston, attributed William Davidson's electoral victory to his powerful economic influence, noting that he "has great influence over the People here many of them holding lands under him & many others being Tradesmen & labourers in his employ."<sup>51</sup> Economic coercion continued to influence the outcome of Northumberland County elections into the 19th century. After the 1828 by-election, for example, an observer wrote:

Can it be but expected that men here, will use their influence as in every other quarter? Is it unfair or unreasonable if I have been under obligations to a merchant, I should oblige him by voting for his friend, when I have reason to think he knows the qualifications of a Representative better than I do, and has more interest in procuring

47 They included merchants Ninian Lindsay, Joseph N. Clarke, and the estate of Joseph Porter, who died the previous year. See Tax Assessment List, St. Stephen, 1823, Charlotte County Council Records, RS 148/C14, PANB.

48 Hugh Munro was among the top five property owners in Saumarez, Joseph Cunard paid the highest assessment in Chatham, and John A. Street and Alexander Rankin's business paid the highest assessments in Newcastle. See Assessment List for Saumarez, 1823, Taxation Records, Northumberland County Council Records, RS 153/C30/2; Tax Returns, Chatham, RS 153/C11/5; and Assessment List, Newcastle, 1830, RS 153/C22/5, PANB. While Carleton parish was still part of Northumberland County before 1827, two future Kent County assemblymen, John P. Ford and John W. Weldon, alternated paying the highest assessment. See Assessment Lists, Carleton, 1825-26, RS 153/C9/4-5, PANB.

49 Approximately one-half of the assemblymen who served before 1837 were merchants. The occupational composition of the assembly is examined in chapter two of the author's book manuscript (in progress): "The Development of Representative Government in British North America: New Brunswick, 1785-1837."

50 Wynn, *Timber Colony*, 113-37. For a discussion of the pervasiveness of "ledger influence" in Nova Scotia elections, see Brian Cuthbertson, "Planter Elections: The First One Hundred Years," in *Making Adjustments: Change and Continuity in Planter Nova Scotia, 1759-1800*, ed. Margaret Conrad (Fredericton, NB: Acadiensis Press, 1991), 253-63.

51 Diary of Benjamin Marston, Miramichi, 17 November 1785, Winslow Papers, vol. 22, pp. 203-4, University of New Brunswick Archives.



a fit and proper one. Should it be expected that I would vote against the friend of a man who held a bond on my property, and could ruin me if he pleased.<sup>52</sup>

Attorneys were members of the one important occupational group in the New Brunswick assembly that did not consistently possess the economic prominence that most assemblymen achieved.<sup>53</sup> As the colony's earliest lawyers lamented, a legal career provided scant opportunity to acquire wealth in colonial New Brunswick. One of the colony's most accomplished first-generation lawyers, Ward Chipman, Sr., complained: "There are so many other men in the profession that I find myself almost without any business at all and I cannot condescend to seek it."<sup>54</sup> To attain a measure of economic security, many of the colony's lawyers focused their efforts on securing one of the colony's few government offices. For example, Ward Chipman, Sr., successfully utilized his connections to imperial authorities in London to secure his appointment as New Brunswick's first solicitor general.<sup>55</sup> Second-generation lawyers often found considerable economic success by combining their legal practices with patronage appointments to fee-generating offices and mercantile activities. Lawyers Edward B. Chandler of Westmorland County and John W. Weldon of Kent County received appointments as clerks of their county courts and John A. Street profited from his legal training by serving as Northumberland County's registrar of wills and deeds. All three were also involved in successful mercantile ventures.<sup>56</sup>

Although lawyers were often the least prosperous members of the assembly, they were often among its most influential leaders. A lawyer usually served as the speaker of the house of assembly, and lawyers chaired many of the assembly's most important committees. The lawyers in the assembly possessed one important attribute that many other assemblymen lacked: education above the basic level of literacy. The education, professional training, and skills associated with their occupation were viewed as important qualifications for political office and often became more important bases for pursuing office than the wealth and economic influence that they might acquire from their legal practices.

52 "Amicus," *Miramichi Mercury*, 10 February 1829. An extended discussion of the many forms of economic influence that candidates wielded during elections is included in chapter five of the author's book manuscript. For the influence of debt relationships in Upper Canadian elections, see Albert Schrauwers, "Revolutions without a Revolutionary Moment: Joint Stock Democracy and the Transition to Capitalism in Upper Canada," *Canadian Historical Review* 89, no. 2 (June 2008): 240.

53 Approximately one-eighth of New Brunswick's assemblymen before 1837 had legal training, and attorneys became an increasingly significant minority in the assembly. During the 1830s, for example, attorneys consistently occupied one-fifth of the assembly seats.

54 Ward Chipman to Edward Winslow, St. John, 27 March 1805, in Raymond, *Winslow Papers*, 534-5.

55 D.G. Bell has emphasized that for first- and second-generation New Brunswick attorneys, "a 'genteel independency' was possible only for those who could supplement ordinary professional fees with income from public office." See Bell, "Paths to the Law in the Maritimes, 1810-1825: The Bliss Brothers and their Circle," *Nova Scotia Historical Review* 8, no. 2 (1988): 6, 18 (quote on 6).

56 County officers were listed in various New Brunswick almanacs. See Michael Swift, "Edward Barron Chandler," *DCB Online*, [http://www.biographi.ca/009004-119.01-e.php?&id\\_nbr=4890&&PHPSESSID=o6h46q7mf1pe1mbsjrms7l6587](http://www.biographi.ca/009004-119.01-e.php?&id_nbr=4890&&PHPSESSID=o6h46q7mf1pe1mbsjrms7l6587), as well as W.A. Spray, "John Ambrose Street," *DCB Online*, [http://www.biographi.ca/009004-119.01-e.php?&id\\_nbr=4730&&PHPSESSID=o6h46q7mf1pe1mbsjrms7l6587](http://www.biographi.ca/009004-119.01-e.php?&id_nbr=4730&&PHPSESSID=o6h46q7mf1pe1mbsjrms7l6587).

Higher education generally was also relatively common among first-generation political leaders in New Brunswick, and Loyalists in particular possessed higher levels of formal education than most other first-generation assemblymen. In New Brunswick, seven of the original 26 members elected to the First Assembly (1785-1792) had earned degrees from American universities. The Harvard graduates included Jonathan Bliss (1763), Ward Chipman (1770), Daniel Murray (1771), and William Paine (1768). Amos Botsford (1763) and Daniel Lyman (1770) graduated from Yale, and William Hubbard earned a degree from King's College of New York. In addition to the seven college graduates, John Saunders and Peter Clinch attended the College of Philadelphia and Trinity College, Dublin, respectively, although neither completed a degree.<sup>57</sup>

None of the succeeding ten assemblies, though, achieved the high educational standards set by the First Assembly. Despite the Loyalist leaders' efforts to establish educational institutions in New Brunswick, few schools were organized during the colony's first three decades. Although the colony's first institution of higher education, the College of New Brunswick, was founded in 1785, persistent funding and personnel problems meant that it did not graduate its first students until 1828. The necessity of traveling outside the colony severely limited higher educational opportunities for second-generation New Brunswickers.<sup>58</sup> Nearly four-fifths of those who served after 1792 did not receive any formal higher education. Overall, only one-eighth of New Brunswick's assemblymen who served before 1837 attended college, and only one-fifth are known to have received any formal education beyond the basic level of literacy. Many candidates did not acquire even a basic education, a failing pointed out by an elector in 1795 who found it "inconceivable" that men "without even the advantage of a common School Education, should aspire to a Trust of this nature."<sup>59</sup>

With this limited access to institutions of higher education, training in the professions – especially law – became a common supplement to or substitute for higher education for New Brunswick's aspiring political leaders. Although a few assemblymen, including John Saunders and Ward Chipman, Jr., attended the Inns of Court in London, most of New Brunswick's future lawyers during this era followed a

57 Shipton, *Sibley's Harvard Graduates*, 15:355-8, 17:67-75, 369-79, 562-6; Franklin Bowditch Dexter, *Biographical Sketches of the Graduates of Yale College with Annals of the College History* (New York: Henry Holt, 1896), 3:9-10, 287; *Columbia University Alumni Register, 1754-1931* (New York, 1932); W.A. Spray, "John Saunders," *DCB*, IV:683. James Glenie, who was elected to the assembly in 1789, earned a master's degree at St. Andrews University; see W.G. Godfrey, "James Glenie," *DCB*, V:347. Samuel Lee, a member of the Third Assembly, graduated from Harvard in 1776; see W.A. Spray, "Samuel Lee," *DCB*, V:483.

58 Katherine F.C. MacNaughton, "The Development of the Theory and Practice of Education in New Brunswick, 1784-1871: A Study in Historical Background" (master's thesis, University of New Brunswick, 1945); Patricia Jasen, "Cicero on the Frontier: Higher Learning in Pioneer Canada, Nova Scotia, and New Brunswick," *Beaver* 71 (1991): 42-50. The pattern of greater access to formal education among first-generation legislators and lesser access among second-generation legislators was present in other parts of British North America and due, in large part, to the delay in the founding of local institutions of higher education. See Cuthbertson, *Johnny Bluenose at the Polls*, 20, and Johnson, *Becoming Prominent*, 123.

59 "To the Freeholders of the Province of New Brunswick," by "A Friend to the Province," *Saint John Gazette*, 21 August 1795.

reading program and clerkship with a lawyer practicing in the colony.<sup>60</sup> Saint John assemblymen Ward Chipman, Sr., and Ward Chipman, Jr., were the most prolific mentors of future legislators. Ward Chipman, Sr., provided legal training for 13 students, including future assemblymen William Botsford and Thomas Wetmore as well as his own son, Ward Chipman, Jr.<sup>61</sup> The nine students of Ward Chipman, Jr., included Robert Parker, Jr., Daniel L. Robinson, and George S. Hill.<sup>62</sup> The only lawyer outside of Saint John to have a significant impact on the training of future political leaders during this period was Westmorland County assemblyman William Botsford, who oversaw the legal education of Edward B. Chandler, William End, and John W. Weldon.<sup>63</sup> In British North America, formal education was not a prerequisite for success in most occupations (even law), yet the possession of formal education and professional training distinguished lawyers from the rank and file of colonial society.

For most New Brunswick assemblymen, accumulating a combination of appointments to local offices, wealth, and education were important steps on their paths to the assembly. Yet York County assemblyman John Allen lacked nearly all of these components. Allen was just 25-years-old when he won his first election in a competitive York County contest in 1809, becoming the youngest man to serve in New Brunswick's assembly. Allen's education was undistinguished. Although he had received a recent appointment as the captain of the First Battalion of the York County militia, his civil public service career was limited to serving in the parish offices of assessor and surveyor of highways. Allen's economic activities were varied but often unsuccessful, and his sisters were continually rescuing him from his financial difficulties. Yet he was the only son of Isaac Allen, a prominent New Jersey Loyalist who served as a judge of the New Brunswick Supreme Court and as a member of His Majesty's Council from 1784 until his death in 1806. John Allen's status as the only son of one of New Brunswick's most prominent Loyalist settlers was the key factor in launching a political career that included eight terms in the assembly.<sup>64</sup>

John Allen's path to the assembly highlights the most important characteristic distinguishing second-generation New Brunswick assemblymen from their first-generation counterparts. Less than one-half of first-generation assemblymen were members of prominent families. But like John Allen, the majority of second-

60 E. Alfred Jones, *American Members of the Inns of Court* (London: Saint Catherine Press, 1924), 48-9, 192-4; Bell, "Paths to the Law in the Maritimes," 13-17.

61 Philip Buckner, "Ward Chipman," *DCB*, VI:138.

62 Joseph Wilson Lawrence, *The Judges of New Brunswick and Their Times*, with an introduction by D.G. Bell, Sources in the History of Atlantic Canada, no. 4 (Fredericton, NB: Acadiensis Press for the Barristers' Society of New Brunswick, 1983), 330. Jonathan Bliss and Jonathan Sewell trained John Murray Bliss. See Philip Buckner, "John Murray Bliss," *DCB*, VI:73-4.

63 Lawrence, *The Judges of New Brunswick and Their Times*, 284.

64 Lawrence, *The Judges of New Brunswick and Their Times*, 59-60. For Allen's local public service career, see Lists of Parish Officers, Minutes of the General Sessions, York County Council Records, 1789-1817, RS 161/A1/1. For information regarding Allen's financial problems, see the mortgages of his property in the York County Registry Office Records, 1817, RS 98/F/186-89, pp. 234-7, PANB.

generation assemblymen had prominent social origins. Table 4 summarizes the social origins of second-generation assemblymen.<sup>65</sup>

Table 4: Social Origins of Second-Generation Assemblymen

Level of Prominence	Number of Assemblymen	Social Origin (%)
Provincial Prominence	13	18.1
Local Prominence	43	59.7
— County	(27)	(37.5)
— Parish	(16)	(22.2)
Middling Sort	11	15.3
Unknown	5	6.9
Total	72	100.0

Source: Published sources used to determine the social origins of second-generation legislators included the *DCB*; Facey-Crowther, *New Brunswick Militia Commissioned Officers' List*; and Shirley B. Elliott, ed., *The Legislative Assembly of Nova Scotia, 1758-1983: A Biographical Directory* (Halifax: Province of Nova Scotia, 1984). Manuscript sources consulted included the New Brunswick Families Collection, MC 1; County Probate Court Records, RS 62-75; Land Petitions, RS 108; and the lists of parish and county officials and tax lists in the County Council Records, RS 148-161, PANB.

More than three-quarters of New Brunswick's second-generation assemblymen were members of provincially or locally prominent families. Nearly one-fifth of second-generation assemblymen were members of families who had attained prominence on the provincial level. These were the first families of New Brunswick – families whose members had managed to acquire the most important appointive provincial offices, serve in the assembly (often as its leaders), control substantial fortunes, and earn college educations. The fathers of the assemblymen in this category included two members of His Majesty's Council, three Supreme Court justices, and nine assemblymen. The social origins of second-generation legislators George D. Robinson and Daniel Ludlow Robinson typify the members of this group. Their father, prominent Saint John merchant John Robinson, served as speaker of the

<sup>65</sup> Second-generation assemblymen included those born in New Brunswick, those who migrated to New Brunswick as children during the Loyalist migration, and those who migrated to the colony after 1790.

assembly, provincial treasurer, and, like his own father Beverley Robinson, as a member of His Majesty's Council.<sup>66</sup>

Assemblymen with locally prominent family origins constituted nearly three-fifths of second-generation legislators. More than one-third of second-generation assemblymen were members of families who had achieved prominence on the county level. The fathers of these 27 assemblymen were not only among the wealthiest residents of their parishes, but they also held important county offices (most notably commissions as justices of the peace). Eight fathers had served in the assembly, although they did not acquire leadership positions, and their influence remained primarily local in nature.<sup>67</sup> The Morehouses of northern York County exemplified families of locally prominent standing. Assemblyman George Morehouse's father, Daniel Morehouse, a Loyalist refugee who became a prosperous general merchant in Queensbury after the war, was the most prominent public servant in his parish. Beginning in the 1780s, he served as parish clerk, overseer of the poor, surveyor of highways, and commissioner of highways for Queensbury parish. He later received appointments to the county magistracy and county militia that confirmed his standing as a member of York County's elite.<sup>68</sup>

Slightly more than one-fifth of second-generation assemblymen were members of families who achieved prominence on the parish level. Lemuel Wilmot of Lincoln, Sunbury County, was the father of three assemblymen and the grandfather of a fourth. He was the wealthiest man in his parish and held the most prestigious parish offices, including overseer of the poor, commissioner of roads, and assessor.<sup>69</sup> His position was comparable to that of 15 fathers of other second-generation assemblymen – men who were often among the wealthiest and most prolific officeholders in their parishes, but who did not attract the notice or favour of the provincial executive who bestowed all county offices.

Given the high proportion of second-generation assemblymen who were members of locally or provincially prominent families, family connections were important elements of many second-generation assemblymen's paths to the assembly. Forty-one of the seventy-two second-generation assemblymen had fathers, fathers-in-law, or uncles who served in the assembly. Overall, at least three-fifths of New Brunswick assemblymen had at least one other close relative who served in the assembly during

66 T.W. Acheson, "John Robinson," *DCB*, VI:654-5.

67 The fathers of three second-generation assemblymen of county prominence served in the Nova Scotia assembly. Jonathan Crane, father of William Crane, represented Kings County (1784-1793, 1799-1818) and Horton Township (1818-1820); Thomas Millidge, Sr., father of Thomas Millidge, Jr., represented Digby Township (1785-1793) and Annapolis County (1793-1806); and John Ritchie, father of Andrew S. Ritchie, represented Annapolis County (1783-1785). See Elliott, *The Legislative Assembly of Nova Scotia*, 42, 155-6, 186-7.

68 List of Parish Officers, Minutes of the General Sessions, 1789-1827, York County Council Records, RS 161/A1/1-2, PANB. Morehouse served as the commanding officer of the Second Battalion of the York County Militia from 28 February 1810 to 1818. See Facey-Crowther, *New Brunswick Militia Commissioned Officers' List*, 406.

69 List of Parish Officers for Lincoln, 1803, Papers of the Court of General Sessions, Sunbury County Council Records, RS 157/A2/6; Rate Bill for Lincoln, 1811, Sunbury County Council Records, RS 157/A2/13, PANB.

its first half-century. In later assemblies, it was not uncommon for a legislator to have two relatives as fellow assemblymen.

Table 5: Related Assemblymen by Assembly

Assembly	Related to Contemporary or Former Assemblymen (%)
First (1786-1792)	7.7
Second (1793-1795)	34.6
Third (1796-1802)	25.0
Fourth (1803-1809)	25.9
Fifth (1810-1816)	37.0
Sixth (1817-1819)	50.0
Seventh (1820)	42.9
Eighth (1821-1827)	64.3
Ninth (1828-1830)	58.8
Tenth (1831-1834)	58.8
Eleventh (1835-1837)	53.1

Source: Kinship networks among assemblymen were traced in diverse sources, including the Families Collection, MC 1, PANB; County Probate Court Records, RS 62-75, PANB; multiple volumes of Daniel F. Johnson, *Vital Statistics from New Brunswick Newspapers* (Fredericton, NB: New Brunswick Genealogical Society); and numerous local and family histories.

As Table 5 indicates, the proportion of legislators in each assembly who were related to contemporary or former legislators increased steadily during the late 18th and early 19th centuries. Two brothers, Robert Pagan of Charlotte County and William Pagan of Saint John, were the only relatives who served together in the First Assembly. By the mid-1810s, however, approximately one-half of the members in each succeeding assembly had at least one relative who served at the same time or in an earlier assembly. The proportion of New Brunswick assemblymen who were related to former and contemporary assemblymen increased steadily through the

1820s. The proportion of interrelated legislators declined slightly only after the assembly's membership was expanded by six seats with the creation of three new counties between 1827 and 1834, which saw men without family connections to previous legislators initially win the new counties' assembly seats.<sup>70</sup> The assembly's relatively small size and the fact that number of representatives per constituency did not increase between 1785 and 1827 contributed substantially to the consolidation of political power in relatively few families in many New Brunswick constituencies.<sup>71</sup>

Across colonial British America before and after the American Revolution, officeholders regarded elective offices as possessions that could be passed on to their male heirs.<sup>72</sup> Thirty-six fathers and sons, twenty-five fathers-in-law and sons-in-law, and twenty-two uncles and nephews won seats in the New Brunswick assembly before 1837. Fathers and sons rarely served in the same assembly.<sup>73</sup> One-third of the sons captured their fathers' assembly seats in the elections held immediately after their fathers' deaths or retirements. After the death of Westmorland County assemblyman Amos Botsford in 1812, the county's voters unanimously elected his son, William Botsford, to fill his assembly seat. Other assemblymen treated their assembly seats as possessions that they could assign to their sons during their lifetimes. In his speech after his re-election to represent Sunbury County in the colonial assembly in 1820, Elijah Miles noted that he had been uncertain whether to stand for election again "as his utmost wishes tended to the advancement of his son [Thomas O. Miles] to this important office." Miles decided to contest the election when "only on the day of the election did he hear that his son could not possibly return

70 Two new counties, Gloucester and Kent, gained one representative in the assembly in 1827, bringing the assembly's membership to 28. The assembly's size increased again in 1832 when Carleton County was created and granted one representative, and in 1834, when Carleton, Gloucester, and Kent counties each gained one additional representative. See An Act for the division of the County of Northumberland into three Counties, and to provide for the government and representation of the new County [passed in 1826 and confirmed in 1827], *New Brunswick Acts*, 387-90; An Act for the division of the County of York into two Counties, and to provide for the government and representation of the new County, [passed in 1831 and confirmed in 1832], *New Brunswick Acts*, 558-60; and An Act to increase the representation of the Counties of Carleton, Gloucester and Kent [passed and confirmed in 1834], *New Brunswick Acts*, 708.

71 In contrast, only 29 per cent of Upper Canadian legislators had close relatives who also served in the assembly between 1791 and 1841. The disparity in the development of kinship networks in British North America was due in part to the differences in the expansion of the assemblies' membership. Between 1785 and 1837 the number of seats in the New Brunswick assembly increased approximately 25 per cent while in Upper Canada, the assembly grew by more than 300 per cent (from 17 to 70 legislators) between 1791 and 1841. See Johnson, *Becoming Prominent*, 7, 159-60.

72 For a discussion of the pervasiveness of the "patrimonial conception of officeholding" in colonial British America, see Gordon S. Wood, *The Radicalism of the American Revolution* (New York: Alfred A. Knopf, 1992), 77-92.

73 The exceptions were John Agnew and his son, Stair Agnew, who represented Sunbury County and York County, respectively, in the Second Assembly (1793-1795), and Stephen Humbert and his son, John Humbert, who represented Saint John City, Saint John County and Kings County, respectively, in the Tenth Assembly (1831-1834). See *Elections in New Brunswick, 1784-1984*, 36-7, 46; Margaret Filshie Leask, "Stephen Humbert," *DCB Online*, VII, [http://www.biographi.ca/009004-119.01-e.php?&id\\_nbr=3452&interval=20&&PHPSESSID=1pfdmtoao273d00nllcnu55gq7](http://www.biographi.ca/009004-119.01-e.php?&id_nbr=3452&interval=20&&PHPSESSID=1pfdmtoao273d00nllcnu55gq7); W.A. Spray, "Stair Agnew," *DCB*, VI:6.

from Miramichi in time.”<sup>74</sup> In the next provincial election, held in 1827, Thomas O. Miles was present at the Sunbury County polls and his father did not run. The voters elected the elder Miles’s son in his place. A similar case occurred in Queens County in 1816 when John Yeamans, who had represented the county since the assembly’s first session in 1786, retired, and his son, Richard Yeamans, replaced him. And in its account of the 1827 election in Saint John City, the *New Brunswick Courier* noted that “Mr. [John] Ward . . . steps into his father’s shoes.”<sup>75</sup>

If fathers lacked sons with political ambitions, they could preserve political power within the family circle by sponsoring the political careers of their daughters’ husbands. Twenty-five fathers-in-law and sons-in-law served in the assembly before 1837. The most influential father-in-law was Charles Dixon, a Methodist who migrated from Yorkshire in the 1770s and who represented Westmorland County in the First Assembly. Although none of Dixon’s three sons chose to seek their father’s seat in the assembly, two of his daughters and one granddaughter married future assemblymen, all of whom settled in Westmorland County after 1790. Dixon’s daughter, Elizabeth, married physician Rufus Smith (a Saint John native); Dixon’s daughter, Martha, married Methodist minister Benjamin Wilson (a member of a Virginia Loyalist family). And Dixon’s granddaughter, Susan Dixon Roach, married William Crane, a native of Horton, Nova Scotia, who moved to New Brunswick and became a prominent Westmorland County merchant. Through their marriages, these Westmorland County newcomers gained access to and no doubt benefitted from Charles Dixon’s local political, economic, and religious influence as they pursued their political aspirations.<sup>76</sup>

Family connections with former assemblymen provided tangible and intangible social, economic, and political advantages for New Brunswick’s second-generation political leaders as they launched their careers. Family capital and connections were invaluable as farmers and merchants established the successful businesses that would support and advance their political careers.<sup>77</sup> Kinship networks were also critical to beginning careers in the professions. Becoming a successful attorney in colonial New Brunswick depended more on family connections than it did on aptitude for the law because leading Loyalist attorneys worked together to ensure that their sons and the sons of other respectable Loyalist families received legal training and were admitted to the New Brunswick bar.<sup>78</sup> Family recommendations also helped secure appointments to the county offices that served as key steps on the path to the assembly. Because personal recommendations from those already in office influenced

74 *New Brunswick Royal Gazette*, 4 July 1820.

75 *New Brunswick Courier*, 7 July 1827.

76 Dixon’s daughter, Mary, married William Chapman, brother of Westmorland County assemblyman, John Chapman. See James D. Dixon, *History of Charles Dixon, One of the Early English Settlers of Sackville, N.B.* (Sackville, NB: Forest City Publishing Co., 1891); Milner, *History of Sackville, New Brunswick*, 141-51; and Dixon Family, MC 1, PANB. An analysis of the ethnic and religious factors that influenced electoral politics in colonial New Brunswick is included in chapter two of the author’s book manuscript.

77 An examination of probate records reveals that many sons benefitted from the land and other forms of wealth that their fathers had accumulated. See RS 62-75, County Probate Court Records, PANB.

78 David G. Bell, “The Transformation of the New Brunswick Bar, 1785-1830: From Family Connexion to Peer Control,” *Papers Presented at the 1987 Canadian Law in History Conference* (Ottawa, 1987), 1:240-56.



colonial executives' decisions on appointments to county civil and military positions, having family members in positions to make recommendations was another important advantage that the majority of New Brunswick's second-generation officeholders enjoyed.<sup>79</sup> Moreover, relatives with previous political experience provided a base of knowledge about local electoral conditions and potential supporters that would be essential for first-time candidates.<sup>80</sup> Having a relative with legislative experience was an important advantage when launching a political career, a finding perhaps best summarized by the fact that on average, sons of former assemblymen were almost seven years younger than other assemblymen when they were first elected to the assembly.<sup>81</sup>

During the late 18th and early 19th century, New Brunswick assemblymen followed paths to the assembly that conformed to pre- and post-Revolutionary British American standards. For New Brunswick's first- and second-generation assemblymen, like their counterparts across British America, their paths commonly included securing appointments to important local civil and military offices and accumulating wealth and economic influence. Although a majority of New Brunswick's first-generation assemblymen were not members of prominent families, they took advantage of opportunities during the American Revolution and resettlement in New Brunswick to enhance their status and power, and many first-generation assemblymen were remarkably successful in consolidating and transferring these assets to their political heirs. By the time that New Brunswick's second generation of elected political leaders was entering the assembly during the 1810s and 1820s, prominent social origins and the family connections that accompanied them had also become important components of electoral success.<sup>82</sup> The increasing importance of family connections in securing offices and accumulating wealth, combined with the limited expansion of assembly membership, had a profound impact on the emerging character of representative government in colonial New Brunswick. These developments contributed to the consolidation of political power and the formation of local oligarchies that would dominate electoral politics in many constituencies across colonial New Brunswick.

79 T.W. Acheson determined that great merchant families, who often dominated Saint John's assembly representation, were remarkably successful in conveying magisterial commissions from one generation to the next. See Acheson, *Saint John*, 52.

80 For a discussion of the ways in which family connections aided aspiring assemblymen in 18th-century Massachusetts, see Zemsky, *Merchants, Farmers, and River Gods*, 73.

81 The median age of first election was 34 for sons of former assemblymen and 41 for all other second-generation assemblymen.

82 The extensive kinship networks that developed among New Brunswick assemblymen during the colony's first 50 years resembled those in the colonies of Britain's first American empire. For example, 71 per cent of New Jersey's assemblymen from 1703 to 1776 were related to other assemblymen, and Virginia's 18th-century legislators were similarly interrelated. See Purvis, "'High-Born, Long-Recorded Families,'" 599.