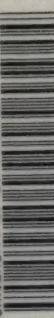


UNIVERSITY OF ST. MICHAEL'S COLLEGE



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SIR LEONARD TILLEY



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THE MAKERS OF CANADA

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TILLEY

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CONTENTS

	Page
<i>CHAPTER I</i>	
EARLY LIFE AND BUSINESS CAREER	1
<i>CHAPTER II</i>	
ELECTED TO THE LEGISLATURE -	17
<i>CHAPTER III</i>	
THE PROHIBITORY LIQUOR LAW	29
<i>CHAPTER IV</i>	
REFORM AND PROGRESS -	41
<i>CHAPTER V</i>	
THE INTERCOLONIAL RAILWAY	53
<i>CHAPTER VI</i>	
THE MOVEMENT FOR MARITIME UNION	59
<i>CHAPTER VII</i>	
THE QUEBEC CONFERENCE	73

CONTENTS

CHAPTER VIII

Page

DEFEAT OF CONFEDERATION 89

CHAPTER IX

TILLEY AGAIN IN POWER 97

CHAPTER X

THE BRITISH NORTH AMERICA ACT 111

CHAPTER XI

THE FIRST PARLIAMENT OF CANADA 127

CHAPTER XII

FINANCE MINISTER AND GOVERNOR 135

INDEX 151

CHAPTER I

EARLY LIFE AND BUSINESS CAREER

THE political career of Samuel Leonard Tilley did not begin until the year that brought the work of Lemuel Allan Wilmot as a legislator to a close. Both were elected members of the House of Assembly in 1850, but in the following year Wilmot was elevated to the bench, so that the province lost his services as a political reformer just as a new man, who was destined to win as great a reputation as himself, was stepping on the stage. Samuel Leonard Tilley was born at Gaagetown, on the St. John River, on May 8th, 1818, just thirty-five years after the landing of his royalist grandfather at St. John. He passed away seventy-eight years later, full of years and honours, having won the highest prizes that it was in the power of his native province to bestow.

In these days, when a man becomes eminent an effort is usually made to trace his descent from distinguished ancestors, but most of the early inhabitants of New Brunswick were too careless in such matters to leave much material to the modern maker of pedigrees. Sir Leonard Tilley was unable to trace his descent beyond his great-grandfather, Samuel Tilley. At one time it was thought that

SIR LEONARD TILLEY

his first ancestor in America was John Tilley, who came over in the *Mayflower* in 1620, but a closer search of the records of the Plymouth colony reveals the fact that John Tilley left no sons. But there were persons of the name of Tilley in the Massachusetts Bay colony as early as 1640, and there seems to be no doubt that Sir Leonard Tilley's ancestors had been long in America. They belonged to the respectable farming class which has given the Dominion of Canada and the United States so many of their most distinguished sons. Samuel Tilley, the great-grandfather of Sir Leonard, was a farmer on Long Island at the time of the American Revolution. His farm was then within the boundaries of the present borough of Brooklyn, and the curious in such matters can find the very lot upon which he resided laid down upon some of the ancient maps of that locality. At the time the British occupied Long Island, after the battle which took place there in the autumn of 1776, resulting in the defeat of the Americans, the Brooklyn farmers were called upon to provide cattle for the sustenance of the troops. Samuel Tilley, being a loyal man and a friend of the government, complied, and for this he was made the subject of attacks by the disloyal element among his neighbours, and in the course of time was compelled to seek shelter within the British lines. The occupation of Long Island by the British during the whole period of the war made it secure enough for Samuel Tilley, as well

OF LOYALIST STOCK

as for all loyal men who lived in the vicinity of Brooklyn; but when the war was over it became necessary for him to seek shelter in Nova Scotia, the acts of confiscation and banishment against the Loyalists being of the most severe character. Samuel Tilley came to New Brunswick with the spring fleet, which arrived in St. John in May, 1783, and was a grantee of Parrtown, which is now the city of St. John. He erected a house and store on King Street, on the south side, just to the east of Germain, and there commenced a business which he continued for several years. He died at St. John in the year 1815. His wife was Elizabeth Morgan, who survived him for many years and died in 1835, aged eighty-four years.

Sir Leonard Tilley was not born when his great-grandfather died, but had a clear recollection of his great-grandmother, who lived for about four years after he came to reside in St. John. James Tilley, the grandfather of Sir Leonard, was also a grantee of Parrtown, he having purchased for a trifling sum, when a boy, a lot on Princess Street, which had been drawn by some person who was anxious to dispose of it. James Tilley was a resident of Sunbury County and a magistrate there for a great many years, dying in the year 1851. Sir Leonard Tilley's father, Thomas Morgan Tilley, was born in 1790, and served his time with Israel Gove, who was a house-joiner and builder. He spent his early days as a lumberman, getting out ship timber, his opera-

SIR LEONARD TILLEY

tions being carried on mainly at Tantiwanty, in the rear of Upper Gagetown. He afterwards went into business at Gagetown, and kept a store there down to the time of his death, which took place in 1870. Sir Leonard's great-grandmother, on his father's side, was Mary Chase, of the Chase family of Massachusetts, she having come from Freetown, in that state. Sir Leonard's mother was Susan Ann Peters, daughter of William Peters, who was for many years a prominent farmer in Queens County, and a member of the legislative assembly. William Peters owned a large property and had one of the finest tracts of land possessed by any man in the province in his day. But he was unwise enough to sell it for the purpose of obtaining money with which to enter into lumbering with William Wilmot, the father of L. A. Wilmot, and, being unsuccessful in his operations, his whole fortune was swept away. The ancestors of William Peters were from New York state, from which they came with the rest of the Loyalists in 1783.

The house in Gagetown in which the future governor of New Brunswick and finance minister of Canada was born, is still standing and is now used as a hotel. Gagetown was at that period, and still is, one of the most beautiful places in New Brunswick. The river St. John flows in front of it, and Gagetown Creek, which is almost as wide as the river, laves its shores. The land in the vicinity is fertile, and fine old trees line the streets, giving

EARLY EDUCATION

an air of beauty and refinement to the locality. Sir Leonard was named after his uncle, Samuel Leonard Peters, and the latter was named after an English schoolmaster named Samuel Leonard, who was a great favourite with William Peters, the grandfather of the subject of this biography. Samuel Leonard, after leaving Gagetown, appears to have removed to Nova Scotia, and probably died in that province. When Sir Leonard was five years old he was sent to the Madras School in Gagetown, of which Samuel Babbitt was the teacher. He attended this school from 1823 until 1827, when the grammar school was instituted in Gagetown. The Madras school system was at that time in high favour with the people of the province, and these schools received large grants from the government, it being thought that this system was more advantageous than any other for the instruction of youth. This idea, however, did not prove to be universally correct, for in the course of a few years we find the legislature declaring that while they believed the Madras system suitable to towns and populous places, it did not answer so well in rural districts. Samuel Babbitt, the teacher of the Madras School, was clerk of the parish, and, according to the custom of that day, led the responses in church. The rector of Gagetown at this period was the Rev. Samuel Clark. The teacher of the local grammar school which young Tilley attended from 1827 to 1831 was William Jenkins, a graduate of

SIR LEONARD TILLEY

Dublin University. Jenkins was a very severe man, and believed in the doctrine that he who spares the rod spoils the child, and Sir Leonard had a very vivid recollection of the vigour with which he applied the birch. He removed from Gagetown shortly after 1831, and took up his residence in Quebec, where he conducted a large school for many years, dying about the year 1863. Sir Leonard, after he had become a well-known political character and a member of the government of New Brunswick, had the pleasure of paying him a visit some time in 1858.

An interesting incident occurred in 1827, at the time young Tilley commenced to attend the grammar school. Sir Howard Douglas, who was then governor of New Brunswick, paid a visit to Gagetown and was the guest of Colonel Harry Peters, the speaker of the House of Assembly. While the governor and his host were walking through Gagetown, they met young Tilley and a son of Harry Peters returning from school, and the boys were introduced to His Excellency, who presented each of them with a Spanish quarter-dollar. Sir Leonard could remember and often spoke of the appearance of Sir Howard Douglas, dressed in a blue coat with brass buttons, a fine-looking gentleman, with a pleasant face and a kindly smile. Little thought the then governor of New Brunswick that the boy to whom he was speaking, a lad of nine years of age, would fifty years

ENTERS ON BUSINESS LIFE

later sit in his own chair in the government house.

Young Tilley was not the kind of youth likely to be satisfied to reside all his life in Gagetown. Other boys of less ambition might be content to settle down on the farm and to fulfil their destinies within the comparatively limited sphere of action which that little town in Queens County afforded, but he had within him longings for a higher destiny than he was likely to attain as a resident of a rural district.

Young Tilley came to St. John in May, 1831, at the age of thirteen. He at once entered the drug-store of Dr. Henry Cook, as a clerk, it being the fashion of those times for medical men to have a dispensary in connection with their professional practice, so that they could give advice, and dispense their own prescriptions with equal facility. He continued as clerk with Dr. Cook until February, 1835, when he entered the service of William O. Smith, who, in later years, was mayor of St. John. It was while a clerk with Smith that Tilley became a member of the St. John Young Men's Debating Society, an organization which, if it has no other claim to the remembrance of posterity, at least has that of giving one distinguished statesman to British America, and a governor to New Brunswick. It was in this society that he made his first attempt at public speaking, and it may be said that from the very beginning he showed

SIR LEONARD TILLEY

a remarkable aptitude for debate and public discussions.

In December, 1837, he took one of the most important steps of his life in espousing the cause of total abstinence. Having taken up this movement, he threw his whole energy into it, and from that time down to the day of his death he was a consistent temperance man, and a strong advocate of the principle of total abstinence. It was, perhaps, this strong advocacy of the cause of temperance, more than anything else, that brought him before the public as a suitable person to become a candidate for the House of Assembly, and led to his first election as a representative for the city of St. John in the local legislature thirteen years later. Certainly the fact that Tilley, from that time until the close of his public career, had always the support of the temperance societies, gave him a strength which he hardly would have obtained otherwise, and rallied around him a phalanx of friends, who, for fidelity to his interests and zeal for his political advancement, could hardly have been surpassed.

Tilley commenced business on his own account in 1838, before he had attained the age of twenty years, as a member of the firm of Peters & Tilley, and he continued a successful career until 1855, when he transferred his business to Mr. T. B. Barker, the founder of the present firm of T. B. Barker & Sons. It is unnecessary to say anything more in regard to Mr. Tilley's life as a business man

COLONIAL TRADE

than that it was a highly prosperous one. He showed so much energy and enterprise that when he entered political life he was comparatively wealthy. There is no doubt that if he had continued in business instead of devoting his energies to the service of the province and Dominion, he would have made far more money than he obtained as a politician.

The movement in behalf of free trade, which was changing the fiscal policy of the United Kingdom in the closing years of the first half of the nineteenth century, did not meet with much favour in New Brunswick, because it seriously affected the leading industry of the province. Colonial timber had long enjoyed a preference in the British market, but this preference had been seriously impaired by imperial legislation and was likely to be taken away altogether if free trade principles should prevail. Many remonstrances had been sent to the British government against the reduction or abolition of the duty on foreign timber which came into competition with the colonial product, but these remonstrances proved wholly unavailing, and it was seriously believed that the colonial timber trade would be destroyed. This led to the annexation movement of 1848, which affected all the provinces, while it also caused the formation of organizations pledged to resist the free trade movement. Tilley was in sympathy with these efforts to preserve colonial trade, and it was in conse-

SIR LEONARD TILLEY

quence of this that he first made his entrance into political life.

At a meeting of the electors of St. John in favour of protection, which was held previous to the general election of 1850, Tilley was nominated as one of the candidates for the city of St. John. He was not present at the meeting and had no knowledge whatever of the intention of the electors to make such a nomination. A meeting was called a few nights later in Carleton to confirm the nomination, and at that meeting Tilley was present. He then made the strongest possible protest against the nomination, but the electors present would not take "No" for an answer, and he eventually consented to stand as a candidate, informing them at the same time that he had an engagement to be in Boston on the day fixed for the nomination, and could not be at the hustings on that day. Notwithstanding this statement they still persisted in his nomination, but as Tilley was absent in the United States, his nomination speech on that occasion was made by Joseph W. Lawrence, who afterwards was found among his strongest political opponents. At the general election of 1850 all the candidates elected for the city and county of St. John were avowed opponents of the government. Tilley was returned at the head of the poll, while W. H. Needham, who ran with him, was likewise elected. The members elected for the county were R. D. Wilmot, William J. Ritchie, John H. Gray and Charles Simonds;

GENERAL ELECTION OF 1850

while J. R. Partelow, Charles Watters and John Jordan were the three defeated candidates. The list of candidates for the city and county of St. John included two future governors, a future chief-justice of the supreme court of Canada and two other judges, to say nothing of the provincial secretary, Mr. Partelow, a speaker of the House of Assembly and a future mayor of St. John. It must be admitted that few elections that have ever been held in any part of British North America have had so many candidates presented to the electors who were afterwards eminent in public life. This election took place at an important epoch in the history of the province, when the old order was passing away and men's minds were prepared for a great change in political affairs. It was a Reform House of Assembly, and, although all the members elected for the purpose of upholding Reform principles did not prove true to their trust, still it contained a larger number of men of Liberal views than any of its predecessors.

Among the members of this House were several who had taken a very important part in public affairs, or who afterwards became members of the executive. The county of York sent among its representatives, Lemuel A. Wilmot, who had been a member of the House for sixteen years, and who had taken a leading part in many measures of importance for the improvement of the system by which the country was governed.

SIR LEONARD TILLEY

Mr. Charles Fisher, who had been a colleague of Mr. Wilmot in the county of York, was defeated at the general election, but soon afterwards became a member of the House. Mr. Fisher had not the oratorical gifts possessed by Mr. Wilmot, but he was even stronger in his Liberal views, and as a constitutional lawyer he had no equal, at that time, in the province. Although his manners were somewhat uncouth and his address far from polished, Fisher had strong individuality and a singularly clear intellect. His services in the cause of Liberalism in New Brunswick can hardly be overestimated, and these services were rendered at a time when to be a Liberal was to be, to a large extent, ostracized by the great and powerful who looked upon any interference with their vested rights as little short of treason.

Tilley's colleague from St. John city was William H. Needham, who afterwards represented the county of York in the legislature. Mr. Needham had some remarkable gifts as a speaker and a public man, and he might have risen to a much higher position than he ever attained had it not been that his principles were somewhat uncertain. In truth, Needham never succeeded in getting sufficiently clear of the world to be quite independent, and this misfortune hampered him greatly in his political career.

One of the members from St. John county was William J. Ritchie, a lawyer who had risen by his own efforts to a commanding position at the bar,

NOTABLE CANDIDATES

and who became chief-justice of Canada. Mr. Ritchie had been a member of the House of Assembly for several years, and always a useful one. He possessed what few members at that time had,—a clear knowledge of the true principles of responsible government. He had an eminently practical mind; he was a forcible and impressive speaker, and he was bold in the enunciation of the Liberal principles to which he held. It was a serious misfortune to the province that at a comparatively early age he was transferred to the bench, so that his great abilities were lost at a critical period when they might have been useful to New Brunswick in many ways.

John H. Gray, a new member, also sat in this House for the county of St. John. Mr. Gray was a man of fine presence, handsome appearance, and had a style of oratory that was very captivating and impressive. His fluency, however, was greater than his ability, and he injured himself by deserting the Liberal party, which he had been elected to uphold. Gray never quite recovered from the unpopularity connected with this action, and he never became in any sense a real leader. The party he had deserted soon obtained the control of the province, and his final appearance in the legislature was as a supporter of Mr. Tilley, content to play a secondary part during the great confederation conflict.

Robert Duncan Wilmot, another of the St. John

SIR LEONARD TILLEY

County members, a first cousin of L. A. Wilmot, was not new to the legislature, and his mind being naturally conservative, it is in connection with the Conservative party that he is best known in the history of the province. He was elected as a Liberal, however, in 1850, but seems to have forgotten that fact as soon as he reached the House of Assembly. This was not the only occasion on which Wilmot contrived to change his principles, for he performed a similar feat during the confederation contest, and left the anti-confederate government of 1865 in the lurch at a moment when its existence almost depended on his fidelity. Wilmot never was an eloquent man, and he entertained some highly visionary views in regard to an irredeemable paper currency, but he was a useful public servant, and he afterwards became a member of the government of Canada and eventually lieutenant-governor of New Brunswick.

The Hon. John R. Partelow, who was defeated in St. John but elected for Victoria, was a man who might have acquired a great political reputation had the stage on which he appeared been a larger one. Partelow's qualifications for high public position did not depend upon his oratory, which was not of a high order, but upon his moderation and good sense. Partelow's origin was humble, and his early days were spent as a clerk in a store on the North Wharf, St. John. In that subordinate position he made himself so useful and dis-

JOHN R. PARTELOW

played so much ability that he was marked for promotion. The idea of bringing him forward as a candidate for the city of St. John seems to have originated with his employers, but when he gained a seat in the legislature he speedily made his influence felt. Partelow spoke but seldom, but when he did address the legislature it was generally with good effect, and after the subject had been to a large extent exhausted by previous speakers. He then had a faculty of drafting a resolution which seemed to express the general sense of all, and which was usually accepted as a solution of the matter. He was a good business man, understood accounts thoroughly and, therefore, had a great advantage in legislative work over those who were not so well equipped in this respect. New Brunswick may have produced greater men than he in public life, but none whose talents were more useful to the province, or better fitted to serve its interests at a critical period in its constitutional history.



CHAPTER II

ELECTED TO THE LEGISLATURE

SHORTLY after the general election, Chief-Justice Chipman, who had been in infirm health, resigned his office, and a vacancy was thus left on the bench of the supreme court of the province. In the natural course, this office ought to have gone to the attorney-general, Mr. L. A. Wilmot, but this appointment was not made. The council were unable to unite in any recommendation to the governor, who consequently laid all the facts before the home government and in reply received instructions to give the chief-justiceship to Judge Carter and to offer the puisne judgeship to Mr. Wilmot, or, if he should refuse it, to Mr. Kinnear, the solicitor-general. The executive council complained that the appointment of Mr. Wilmot to a seat on the bench by the authority of the secretary of state without the advice or recommendation of the responsible executive within the province, was at variance with the principles of responsible government which were understood to be in force. They, however, had only themselves to thank for this, for they were continually appealing to Downing Street. As a majority of the House had been elected as opponents of the government, it was supposed there

SIR LEONARD TILLEY

would be no difficulty in bringing about a change of administration. Mr. Simonds, of St. John, who was reputed to be a Liberal, was elected speaker without opposition, and at an early day in the session Mr. Ritchie, of St. John, moved, as an amendment to the address, a want-of-confidence resolution. This resolution, instead of being carried by a large majority as was expected, was lost by a vote of fifteen to twenty-two, Messrs. Alexander Rankine and John T. Williston, of Northumberland, Messrs. Robert Gordon and Joseph Reed, of Gloucester, Mr. A. Barbarie, of Restigouche, and Mr. Francis McPhelim, of Kent, having deserted their Liberal allies. Had they proved faithful, the government would have been defeated, and the province would have been spared another three years of an incompetent administration.

In this division, Tilley and Needham, who represented the city of St. John, and Messrs. R. D. Wilmot and Gray, two of the county members, voted for Ritchie's amendment. As Wilmot and Gray showed by their votes that they had no confidence in the government in February, 1851, it was with much surprise that the people of St. John, in the August following, learned that they had become members of the administration which they had so warmly condemned a few months before. Their secession from the Liberal party destroyed whatever chance had before existed of ousting the government. Mr. Fisher had seceded from the govern-

RAILWAY LEGISLATION

ment in consequence of their action in reference to the judicial appointments, and John Ambrose Street, who was a member for Northumberland, became attorney-general in place of Robert Parker, appointed a judge. Mr. Street was a ready debater and a strong Conservative, and his entrance into the government at that time showed that a Conservative policy was to be maintained.

Mr. Street, as leader of the government in the assembly, presented a long programme of measures for the consideration of the legislature, none of which proved to be of any particular value. The municipal corporation bill was passed, but it was a permissive measure, and was not taken advantage of by any of the counties. A bill to make the legislative council elective, which was also passed in the Lower House at the instance of the government, was defeated in the Upper Chamber. The bill appointing commissioners on law reform was carried, and resulted in the production of the three volumes of the revised statutes issued in 1854. The most important bill of the session, introduced by the government, was one in aid of the construction of a railroad from St. John to Shediac. This bill provided that the government should give a company two hundred and fifty thousand pounds sterling, to assist in the construction of the line referred to. There was also a bill to assist the St. Andrews and Quebec Railroad to the extent of fifty thousand pounds, and a bonus or subvention to

SIR LEONARD TILLEY

the Shediac line amounting to upwards of eleven thousand dollars a mile, for which sum a very good railway could be constructed at the present time. It may be stated here that, although the company was formed and undertook to build a railway to Shediac under the terms offered by the government, the province had eventually to build the road at a cost of forty thousand dollars a mile, or fully double what a similar road could be constructed for now.

One of the measures brought forward by the government at this session was with reference to the schools of the province. The idea of taxing the property of the county for the support of public schools had not then found any general acceptance in New Brunswick ; indeed, it was not till the year 1872 that the measure embodying this principle was passed by the legislature. The government school bill of 1851 provided that the teachers were to be paid in money, or board and lodging, by the district to the amount of ten pounds for six months, in addition to the government allowance. This bill was a very slight improvement on the Act then in force, and as the government left it to the House to deal with, and did not press it as a government measure, it was not passed. A private member, Mr. Gilbert, of Queens, at this session proposed to convert King's College into an agricultural school, with a model farm attached. King's College had been established by an Act

KING'S COLLEGE

passed in 1829, and had received a large endowment from the province, but it never was a popular institution because of its connection with a single Church. The original charter of the college made the bishop of the diocese the visitor, and required the president to be always a clergyman of the Church of England; and, although this had been changed in 1845 by the legislature, the number of students who attended it was always small, and it was shown in the course of debate that it had failed to fulfil the object for which it was created. The college council consisted of fifteen members, of whom ten were Episcopalians; and the visitor, the chancellor, the president, the principal, five out of seven of the professors and teachers, and the two examiners were members of the same Church. The services in the college chapel were required to be attended by all resident students, and of the eighteen students then in the college, sixteen were Episcopalians. It was felt that this college required to be placed on a different footing, and Mr. Gilbert's bill, although it provoked much hostile comment at the time, certainly would have been more beneficial to the educational interests of the country, if it had passed, than the state of affairs which resulted from the continuance of the old system. An agricultural school was the very thing the province required, while, judging from the limited attendance at the college at that time, the people of this province were not greatly impressed

SIR LEONARD TILLEY

with the value of a classical education. In 1851, however, any one who proposed to replace a college for the teaching of Greek and Latin with a college of agriculture, and the sciences allied to it, was looked upon as a Philistine. Then youths were taught to compose Latin and to read Greek who never, to the day of their death, had a competent knowledge of their own language; and agricultural studies, which were of the highest importance to more than one-half of the people of the province, were totally neglected. Mr. Gilbert's bill was defeated, as it was certain to be in a legislature which was still under the domination of old ideas. Had it passed, New Brunswick might at this time have had a large body of scientific farmers capable of cultivating the soil in the most efficient manner, and increasing its productiveness to an extent hardly dreamed of by those who only consider it in the light of the present system of cultivation.

During this session, Mr. Ritchie of St. John moved a series of resolutions condemning the government, and complaining of the colonial office and of the conduct of the governor. These resolutions declared: first, that the House was entitled to full copies of all despatches addressed to or received from the colonial office, and that it was not enough merely to send extracts from a despatch which had been received by the governor. They declared that the power of making appointments to offices was

A POLITICAL SURPRISE

vested in the governor by and with the advice of the executive council, and that the appointment of the chief-justice and a puisne judge by the governor, contrary to the advice of his council, was inconsistent with the principles of responsible government. They complained that the salaries were excessive, and condemned the refusal of the British government to allow the colonies to grant bounties for the development of their resources. These resolutions, after being debated for about a week, were rejected by a vote of twenty-one to nineteen, the smallness of the majority against them at the time being looked upon as virtually a Liberal victory. If the nineteen had been made up of men who could be relied on to stand by their colours in all emergencies, it would have been a Liberal triumph, but, unfortunately, among the nineteen there were some who afterwards deserted their party for the sake of offices and power.

Early in August it was announced that John H. Gray and R. D. Wilmot, two of the Liberal members for the county of St. John, had abandoned their party and their principles and become members of the government. The Liberals of St. John, who had elected these gentlemen by a substantial majority, were naturally chagrined at such a proof of their faithlessness, and their colleagues were likewise greatly annoyed. Messrs. Gray and Wilmot made the usual excuses of all deserters for their conduct, the principal one being that they thought

SIR LEONARD TILLEY

they could serve the interests of the constituency and of the province better by being in the government than out of it. The friends of the four members who still remained faithful, Messrs. Tilley, Simonds, Ritchie and Needham, held a meeting at which these gentlemen were present, and it was agreed that they should join in an address to their constituents condemning the course of Messrs. Wilmot and Gray, and calling on the constituency to pronounce judgment upon it. As Wilmot, who had been appointed to the office of surveyor-general, had to return to his constituency for reelection, the voice of the constituency could only be ascertained by placing a candidate in the field in opposition to him. This was done, and Mr. Allan McLean was elected to oppose Mr. Wilmot. The result seemed to show that the people of St. John had condoned the offence, for Wilmot was re-elected by a majority of two hundred and seventy-three. As this appeared to be a proof that they had lost the confidence of their constituents, Messrs. Simonds, Ritchie and Tilley at once resigned their seats and did not offer for reelection. This act was, at the time, thought by many to indicate an excess of sensitiveness, and Needham refused to follow their example, thereby forfeiting the regard of most of those who had formerly supported him. The sequel proved that the three resigning members were right, for they won much more in public respect by their conduct than they

THE ST. JOHN ELECTION

lost by their temporary exclusion from the House of Assembly.

The gentlemen returned for the three seats in St. John which had been vacated by the resigning members were James A. Harding, John Goddard and John Johnson. Mr. Harding, who ran for the city, was opposed by S. K. Foster. Harding was a Liberal, but this fact does not seem to have been kept in view when he was elected. The net result of the whole affair was that the constituency of St. John could not be relied upon to support a Liberal principle, or any kind of principle as against men. That has always been a peculiarity of the St. John constituencies, men being more important than measures, and frequently a mere transient feeling being set off against the most important considerations of general policy.

Tilley was not in the House of Assembly during the sessions of 1852, 1853 and 1854; that period was one, however, of development in political matters and of substantial progress. The governor's speech at the opening of the session of 1852 was largely devoted to railways, and it expressed the opinion that a railroad connecting Canada and Nova Scotia, and a connection with a line from St. John to the United States, would produce an abundant return to the province, and that by this means millions of tons of timber, then standing worthless in the forest, would find a profitable market. It was during this session that Messrs. Peto, Brassy

SIR LEONARD TILLEY

and Betts proposed to construct the European and North American Railway, on certain conditions. The subsidies offered by the province at this time were twenty thousand pounds a year for twenty years, and a million acres of land for the European and North American Railway, as the line to the United States was termed; and for the Quebec line, twenty-two thousand pounds sterling for twenty years, and two million acres of land. A new company, which included Mr. Jackson, M. P., offered to build the New Brunswick section of both railroads, upon the province granting them a subsidy of twenty thousand pounds a year for twenty years, and four million acres of land. Attorney-General Street introduced a series of railway resolutions favouring the building of the Intercolonial Railway jointly by the three provinces, according to terms which had been agreed upon by the delegates of each. The arrangement was that the Intercolonial Railway should be built through the valley of the St. John, and for favouring resolutions in the House confirming this arrangement, Mr. Street's Northumberland constituents called upon him to resign his seat, a step which he refused to take.

The government railway resolutions were carried by a large majority. During the recess Mr. Chandler, as a representative of New Brunswick, and Mr. Hincks, a representative of Canada, went to London to endeavour to obtain from the British government a sum sufficient to build the Intercolonial

INTERCOLONIAL RAILWAY

Railway. The request of the delegates was refused on the ground that such a work had to be one of military necessity, and that the route which had been selected, by the valley of the St. John, was not a proper one for military purposes. As Mr. Chandler could not obtain what he wished from the British government, he applied to Messrs. Peto, Brassy and Betts, who said they were prepared to build all the railroads that New Brunswick might require, upon the most advantageous terms. Mr. Jackson visited the province in September of the same year, and it was agreed that his company should build a railway from St. John to Amherst, and from St. John to the United States frontier, the distance being then estimated at two hundred and fourteen miles, for the sum of sixty-five hundred pounds sterling per mile. The province was to take stock to the extent of twelve hundred pounds per mile, and to lend its bonds to the company for one thousand eight hundred pounds additional per mile. The completion of this arrangement caused great rejoicing in the province, especially in St. John, a special session of the legislature being called on October 21st for the express purpose of amending the Railway Act so that it might conform to the new conditions. As both branches of the legislature were strongly in favour of the railway policy of the government, the necessary bills were speedily passed and the legislature was prorogued after a session of eight days.

SIR LEONARD TILLEY

The meeting of the legislature in 1853 derived its principal importance from the fact that much of its time was taken up with the discussion of the question of a reciprocity treaty with the United States of America. The discussion disclosed a strong disinclination on the part of many members to any arrangement by which the fisheries would be surrendered. An address to the queen was agreed to by both branches of the legislature in which it was stated that the exclusive use of the fisheries by the inhabitants of British North America would be much more advantageous and satisfactory than anything which the United States could offer as an equivalent. It was also stated that no reciprocity treaty with that country would be satisfactory to New Brunswick which did not embrace the free exchange of raw materials and natural products and the admission of colonial built vessels to registry in American ports. The tone of the discussions on this subject, both in 1853 and 1854, shows that reciprocity with the United States was not generally regarded as being an equivalent for the giving of the fisheries to our neighbours, and it is quite clear that, so far as New Brunswick was concerned, the reciprocity treaty would not have been agreed to had it not been that the matter was in the hands of the British government, and that the legislature of the province was not disposed to resist strenuously any arrangement which that government thought it wise to make.

CHAPTER III

THE PROHIBITORY LIQUOR LAW

THE House which had been elected in 1850 was dissolved after the prorogation in 1854, and the election came on in the month of July. It was a memorable occasion, because it was certain that the topics discussed by the House then to be elected would be of the very highest importance. One of these subjects was the reciprocity treaty, which at that time had been arranged with the United States through the British government. This treaty provided for the free interchange of certain natural products between the great republic and the several provinces which later formed the Dominion of Canada, and it had been brought about through the efforts of Lord Elgin, who at that time was governor-general of Canada. The treaty was agreed to on June 5th, and was subject to ratification by the imperial parliament and the legislatures of the British North American colonies which were affected by it. In the St. John constituencies there was at that time a strong feeling in favour of a protection policy, but this did not interfere with the desire to effect the interchange of raw material with the United States on advantageous terms. Tilley had been originally

SIR LEONARD TILLEY

nominated as a protectionist, and still held views favourable to the encouragement and protection of native industries by means of the tariff, but he was also favourable to reciprocity with the United States if it could be obtained in such a manner as to be beneficial to the province. At the general election he led the poll in the city of St. John, his colleague being James A. Harding, who had been elected at a bye-election to the previous House. For the county, Mr. William J. Ritchie was one of the successful candidates, and the only Liberal returned for that constituency. The other members for the county were the Hon. John R. Partelow, Robert D. Wilmot and John H. Gray.

The new House was called together on October 19th for the purpose of ratifying the reciprocity treaty, and the Hon. D. L. Hanington was elected speaker by a vote of twenty-three to thirteen. This gave the opposition an earlier opportunity of defeating the Street-Partelow administration than would, under ordinary circumstances, have been possible. An amendment to the address was moved by the Hon. Charles Fisher, which was an indictment of the government for their various shortcomings and offences. The amendment was to expunge the whole of the fifth paragraph and substitute for it the following:—

“It is with feelings of loyalty and attachment to Her Majesty’s person and government that we recognize, in that provision of the treaty which

QUESTION OF THE JUDGES REVIVED

requires the concurrence of this legislature, a distinct avowal by the imperial government of their determination to preserve inviolate the principles of self-government, and to regard the constitution of the province as sacred as that of the parent state. We regret that the conduct of the administration during the last few years has not been in accordance with these principles, and we feel constrained thus early to state to your Excellency that your constitutional advisers have not conducted the government of the province in the true spirit of our colonial constitution." This amendment was debated for six days, and was carried by a vote of twenty-seven to twelve.

The general ground of accusation against the government, and the one most strongly insisted upon, was that it had yielded to the influence of the colonial office in the appointment of Judge Wilmot. It was well known that the government at that time, or at least a majority of them, did not consider it necessary to appoint another judge; at all events, they took no steps to bring about another appointment; but they yielded to the colonial office, and the pressure put upon them by Sir Edmund Head, the lieutenant-governor, so far as to acquiesce in the appointment of Judge Carter as chief-justice, and the elevation of Mr. Wilmot to the bench. This was a fair ground of attack, because it was clear that if the executive council of New Brunswick was under the orders of the home govern-

SIR LEONARD TILLEY

ment, representative institutions and responsible government did not exist.

Thus the Street-Partelow government fell, and with it disappeared, at once and forever, the old Conservative régime which had existed in the province from its foundation, and which, unavoidably no doubt, had presided over the early political life of the colony, but the undue continuance of which was wholly incompatible with the full development of representative institutions and responsible government. It was a great triumph for the cause of Liberalism that the Conservatives of that period were not only defeated, but swept altogether out of existence. After that a government of men who called themselves Conservatives might go into power, but the old state of affairs, under which the lieutenant-governor could exercise almost despotic powers, had departed forever, and could no more be revived than the heptarchy. All that a Conservative government could do after that was to fall into line with the policy of the men they had displaced, and proceed, less rapidly perhaps, but none the less surely, along the path of political progress.

The new government which was formed as the result of this vote had for its premier the Hon. Charles Fisher, who took the office of attorney-general; Mr. Tilley became provincial secretary; Mr. James Brown, a few weeks later, received the office of surveyor-general; J. M. Johnson, one of the members for Northumberland, became solicitor-

SESSION OF 1855

general; and William J. Ritchie, Albert J. Smith and William H. Steeves were members of the government without office.

The bill to give effect to the reciprocity treaty passed its third reading on November 2d, only five members voting against it. On motion of the Hon. Mr. Ritchie, one of the members of the new government, it was resolved that it was desirable and expedient that the surveyor-general, who was a political officer, should hold a seat in the House of Assembly, and that the government should carry out the wishes of the House in this respect. Before the House again met the wishes of the House had been complied with, and Mr. Brown, of Charlotte, became surveyor-general.

The House met again on February 1st, 1855, and then the real work of legislative and administrative reform began. In the speech from the throne it was stated that the Customs Act would expire in the course of a year, and that it was necessary that a new Act should be passed. A better system of auditing the public accounts was also recommended, and a better system of electing members to the legislature. On March 5th, correspondence was brought down, dated the previous 15th of August, announcing, on the part of the imperial government, the withdrawal of the imperial customs establishment, which was considered to be no longer necessary, and stating that as the duties of these offices were now mainly in connection with

SIR LEONARD TILLEY

the registration of vessels in the colonies, and the granting of certificates of the origin of colonial products, this work would hereafter be performed by the colonial officers. A letter addressed to the comptrollers and other customs officers had informed them that their services would be discontinued after January 5th, 1855. So disappeared the last remnant of the old imperial custom-house system, which had been the cause of so many difficulties in all the colonies and which had done more than anything else to bring about the revolution which separated the thirteen colonies from the mother country.

The great measure of the session of 1855 was the law to prevent the importation, manufacture or selling of liquor. This bill was brought in by Mr. Tilley as a private member, and not on behalf of the government. It was introduced on March 3d. Considering its importance and the fact that it led to a crisis in the affairs of the government and the temporary defeat of the Liberal party, it went through the House with comparatively little difficulty. It was first considered on March 19th, and a motion to postpone its further consideration for three months was lost by a vote of seventeen to twenty-one. The final division on the third reading was taken on March 27th, and the vote was twenty-one to eighteen, so that every member of the House, with one exception, voted yea or nay. The closeness of this last division should have warned

PROHIBITORY LIQUOR ACT

the advocate of the measure that it was likely to produce difficulty, for it is clear that all laws which are intended to regulate the personal habits of men must be ineffectual unless they have the support of a large majority of the people affected by them. That this was not the case with the prohibitory liquor law was shown by the vote in the legislature, and it was still more clearly shown after the law came into operation on January 1st, 1856.

The passage of the prohibitory law was a bold experiment, and, as the sequel showed, more bold than wise. The temperance movement in New Brunswick, at that time, was hardly more than twenty years old, and New Brunswick had always been a province in which the consumption of liquor was large in proportion to its population. When it was first settled by the Loyalists, and for many years afterwards, the use of liquor was considered necessary to happiness, if not to actual existence. Every person consumed spirits, which generally came to the province in the form of Jamaica rum, from the West Indies, and as this rum was supposed to be an infallible cure for nearly every ill that flesh is heir to, nothing could be done at that time without its use. Large quantities of rum were taken into the woods for the lumbermen, to give them sufficient strength to perform the laborious work in which they were engaged, and if it had been suggested that a time would come when the same work would be done without any more powerful

SIR LEONARD TILLEY

stimulant than tea, the person who ventured to make such a suggestion would have been regarded as foolish. Experience has shown that more and better work can be done, not only in the woods, but everywhere else, without the use of stimulants than with them; but no one could be persuaded to believe this sixty years ago. Every kind of work connected with the farm then had to be performed by the aid of liquor. Every house-raising, every ploughing match, every meeting at which farmers congregated, had unlimited quantities of rum as one of its leading features. It was also used by almost every man as a part of his regular diet; the old stagers had their eleven-o'clock dram and their nip before dinner; their regular series of drinks in the afternoon and evening; and they actually believed that without them life would not be worth living. Some idea of the extent of the spirit-drinking of the province may be gathered from the fact that, in 1838, when the population did not exceed 120,000, 312,298 gallons of rum, gin and whiskey, and 64,579 gallons of brandy were consumed in New Brunswick. Spirits, especially rum, were very cheap, and, the duty being only thirty cents a gallon, every one could afford to drink it if disposed to do so.

It was at midnight on December 31st, 1855, when the bells rang out a merry peal to announce the advent of the New Year, that this law went into force. This meant little less than a revolution in

PROHIBITORY ACT UNPOPULAR

the views, feelings and ideas of the people of the province, and, to a large extent, in their business relations. The liquor trade, both wholesale and retail, employed large numbers of men, and occupied many buildings which brought in large rents to their owners. The number of taverns in St. John and its suburb, Portland, was not less than two hundred, and every one of these establishments had to be closed. There were probably at least twenty men who sold liquor at wholesale, and who extended their business to every section of the province, as well as to parts of Nova Scotia, and their operations also had to come to an end. It was not to be supposed that these people would consent to be deprived suddenly of their means of living, especially in view of the fact that it was by no means certain that the sentiment in favour of prohibition was as strong in the country as it appeared to be in the legislature. It has always been understood that many men voted for prohibition in the House of Assembly who themselves were not total abstainers, but who thought they might make political capital by taking that course, and who relied on the legislative council to throw out the bill. No men were more disgusted and disappointed than they when the council passed the bill.

The result of the attempt to enforce prohibition was what might have been expected. The law was resisted, liquor continued to be sold, and when attempts were made to prevent the violation of the

SIR LEONARD TILLEY

law, and the violators of the law were brought before the courts, able lawyers were employed to defend them, while the sale of liquor by the same parties was continued, thus setting the law at defiance. This state of confusion lasted for several months, but it is unnecessary to go into details. In the city of St. John, especially, the conflict became bitter to the last degree, and it was evident that, however admirable prohibition might be of itself, the people of that city were not then prepared to accept it. At this juncture came the astounding news that the lieutenant-governor, the Hon. H. T. Manners-Sutton, had dissolved the House of Assembly against the advice of his council. This governor, who had been appointed the year previous, was a member of an old Conservative family, one of whom was speaker of the British House of Commons for a great many years. The traditions of this family were all opposed to such a radical measure as the prohibitory law, and, therefore, it was not to be expected that Manners-Sutton, who drank wine at his own table, and who considered that its use was proper and necessary, would be favourable to the law. But even if he had been disposed to favour it originally, or to regard it without prejudice, the confusion which it caused in the province when the attempt was made to enforce it, would naturally incline him to look upon it as an evil. At all events, he came to the conclusion that the people should have another opportunity of pro-

DISSOLUTION OF LEGISLATURE

nouncing upon it, and, as the result of this view of the situation, resolved to dissolve the legislature, which had been elected only a little more than a year, and had still three years to run.

The election which followed in July, 1856, was perhaps the most hotly contested that has ever taken place in the province. In St. John, especially, the conflict was fierce and bitter, because it was in this city that the liquor interest was strongest and most influential. All over the province, however, the people became interested in the struggle, as they had not been in any previous campaign.

By the Liberals and friends of the government, the action of Governor Sutton was denounced as tyrannical, unjust and entirely contrary to the principles of responsible government. On the other hand, the friends of the governor and of the liquor interest declared that his action was right, and the cry of "Support the governor," was raised in every county. At this day it is easy enough to discern that there was a good deal of unnecessary violence injected into the campaign, and that neither party was inclined to do full justice to the other.



CHAPTER IV

REFORM AND PROGRESS

THE result of the election was the defeat of the government. Mr. Tilley lost his seat for St. John city, and the Hon. James Brown, the surveyor-general, was rejected by the county of Charlotte, so that two of the principal members of the executive were not in their places when the House was called together in July. The city of St. John, and the city and county of St. John, sent a solid phalanx of six members opposed to prohibition, and an Act repealing the prohibitory liquor law was passed by a vote of thirty-eight to two. The new government which was formed had for its principal members, the Hon. John H. Gray, who became attorney-general; the Hon. John C. Allen, solicitor-general; the Hon. R. D. Wilmot, provincial secretary; the Hon. John Montgomery, surveyor-general, and the Hon. Francis McPhelim, post-master-general. The other members of the executive council were the Hon. Edward B. Chandler, the Hon. Robert L. Hazen and the Hon. Charles McPherson.

When the House met in July, the Hon. Charles Simonds, of St. John, was elected speaker, and it was soon discovered, after the liquor bill had been

SIR LEONARD TILLEY

disposed of, that the majority supporting the government was so small as to make it impossible for them to accomplish any useful legislation. When the legislature again met, in the early part of 1857, it was seen that in a House of forty-one members twenty were arrayed against the government, and the only way in which government business could be done was by the casting vote of the speaker. This condition of affairs speedily became intolerable, because it practically made legislation impossible, but it was brought to an end by Mr. McMonagle, one of the members for the county of Kings, withdrawing his support from the government. Two courses only were now open to them, to tender their resignations or advise the dissolution of the legislature, and they chose the latter. The House of Assembly was dissolved by proclamation on April 1st, 1857, and the writs for the election were made returnable on May 16th.

The excitement attending this second election was, if possible, even greater than during the election of 1856, for the public mind had been wrought up to a high state of tension by the proceedings in the House and the numerous divisions in which the government was supported only by the casting vote of the speaker. The result of the election was so unfavourable to the Gray-Wilmot government that they at once tendered their resignations to the lieutenant-governor, agreeing to hold office only until their successors were appointed.

THE FISHER GOVERNMENT

The most bitter contest of the election centred in the city of St. John, and it resulted in the election of Mr. Tilley, with Mr. James A. Harding for his colleague, the latter having changed his views in regard to the question at issue since the previous election, when he was chosen as an opponent of the government of which Tilley had been a member. When the Gray-Wilmot government resigned, the lieutenant-governor sent for Mr. Fisher, and entrusted to him the business of forming a new government. The government thus formed comprised the Hons. James Brown, S. L. Tilley, William Henry Steeves, John M. Johnson, Albert J. Smith, David Wark and Charles Watters. The Hon. Charles Fisher became attorney-general, and, resigning his seat, was reëlected for the county of York prior to the meeting of the legislature on June 24th, 1857. The session lasted only until July 1st, being merely held for the purpose of disposing of the necessary business. James A. Harding was elected speaker of the House, and the legislation was confined to the passage of the supply bills, and matters that were urgent. Tilley took no part in the legislation of this session, for his seat immediately became vacant by his appointment as provincial secretary. The other departments were filled by the appointment of Mr. Brown to the office of surveyor-general; of Mr. Charles Watters, to the office of solicitor-general, and of John M. Johnson as postmaster-general.

SIR LEONARD TILLEY

The legislature met again on February 10th, 1858, and the speech from the throne dealt mainly with the financial crisis, the Intercolonial Railway, and the progress that was being made in the construction of the line between St. John and Shediac as a part of what was termed the European and North American Railway. The speech also referred to the fact that the surplus civil list fund had been, by arrangement with the British government made the previous year, placed at the disposal of the House of Assembly. It was soon seen that the government was strong in the House, the first test vote being that taken on the passage of the address in reply to the speech from the throne. This came in the form of an amendment, regretting that the arrangement in regard to the surplus civil list fund had been acceded to without the consent of the House. This amendment to the address received the support of only six members. A return brought down at an early period in the session showed that the revenue of the province for the fiscal year, ending October 31st, 1857, amounted to \$668,252, an increase of \$86,528 over the previous year. Of this sum upwards of \$540,000 came from import duties and what were termed railway imposts, which were simply duties levied on imports for the purpose of defraying the cost of the railways then building. The casual and territorial revenue yielded only eighteen thousand pounds, but the export duties reached almost twenty thousand pounds.

INTERCOLONIAL RAILWAY

The Intercolonial Railway still continued to engage the attention of the legislature, and correspondence with the secretary of state, with the government of Canada, and with the government of Nova Scotia, in regard to this great work, was laid before the House soon after the session opened. The government of New Brunswick consulted with the governments of Canada and Nova Scotia as to what assistance should be given by the imperial government towards the construction of the Intercolonial Railway from Halifax to Quebec, in the form of a guarantee of interest. The British government professed to feel a strong sense of the importance of the object, but thought they would not be justified in applying to parliament for the required guarantee, because the heavy expenditures to which Great Britain had been subjected did not leave them at liberty to pledge its revenue for the purpose of assisting in the construction of public works of this description, however desirable in themselves. The correspondence on the subject of the Intercolonial Railway extended over a period of more than twenty years and grew to enormous proportions, but it is safe to assert that this line of railway would not have been constructed in the nineteenth century but for the fact that it was undertaken by the Canadian Dominion as a work which had to be built for the purpose of carrying out the terms of confederation as set out in the British North America Act (section 145).

SIR LEONARD TILLEY

The railway to Shediac was finally completed and opened for traffic on August 5th, 1860, its length being one hundred and eight miles. The nineteen miles between Pointe du Chêne and Moncton had been open as early as August, 1857, and the nine miles from St. John to Rothesay, on June 1st, 1858. The railway was opened from St. John to Hampton in June, 1859, and to Sussex in November of the same year. Although the people of the province had abated something of their enthusiasm for railways by the time the St. John and Shediac line was finished, still its opening was a great event, because it was the commencement of a new era in transportation and gave St. John access to the north shore, from which it had previously been practically shut out. Goods could now be sent by means of railway and steamer to Prince Edward Island, and to the New Brunswick ports on the Gulf of St. Lawrence, and a community of interest which did not exist before was thus created between the most remote sections of the province.

The traffic receipts of the complete line were thought to be highly satisfactory; the business for the first three months amounted to about \$45,000, and yielded a revenue of \$18,000. This was a good showing and gave promise of still better things for the future. It may be interesting to state that in the last year that the railway was operated by the government of the province, the gross receipts amounted to \$148,330, and the net receipts to

THE BALLOT

\$51,760. The gross and net revenue of the road had shown a steady increase from the first, and although it had been a costly public work the people of the province considered it a good investment. It was only after it had passed into the hands of the government of Canada, and become a part of the Intercolonial Railway, that any colour was given to the accusation that it was an unprofitable line. The railway from St. John to Shediac had always paid well, and probably, if dissociated from its connecting lines, would at this day pay three or four per cent. upon its original cost.

The legislation of the province between 1858 and 1861, although it included many useful measures, evolved nothing that calls for particular mention, with the exception of the law which provided for voting by ballot. This was an innovation to which many were opposed, but which the Liberal party very properly considered necessary to the protection of the voter, who was liable to be coerced by his employer, or by those who had financial relations with him. The ballot system introduced by the government was quite imperfect and did not insure absolute secrecy, because it did not provide for an official ballot such as is required in the system of election which now prevails in connection with the choice of members to our Canadian parliament. Yet it was a vast improvement on open voting, not only because it gave the voter a certain degree of protection, but also from the

SIR LEONARD TILLEY

fact that it tended to promote order at elections, and to do away with that riotous spirit which was characteristic of the earlier contests in the province.

In 1859 an important step was taken for the reorganization of King's College, which by an Act passed in that year, was changed into the University of New Brunswick. There had always been a great deal of dissatisfaction with the college in consequence of its denominational character, and in 1854 an Act was passed empowering the lieutenant-governor to appoint a commission to inquire into the state of King's College, its management and utility, with a view to improving it. The commissioners appointed were the Hon. John H. Gray, the Rev. Egerton Ryerson, J. W. Dawson, the Hon. John S. Saunders and the Hon. James Brown. The report, which was dated December 28th, 1854, was laid before both branches of the legislature in 1855. In 1857 the college council appointed a committee and prepared a draft of a bill which was laid before the legislature. This, with a few slight alterations, was the bill which was passed in 1859 for the establishment of the University of New Brunswick, and in this bill were embodied the principal recommendations of the commissioners appointed in 1854 to enquire into the state of the college. This Act transferred to the University of New Brunswick all the property of King's College and its endowment, and made the university liable for the payment of the debts and the performance of the contracts of

UNIVERSITY OF NEW BRUNSWICK

King's College. It created a new governing body for the college to be styled the senate, to be appointed by the governor in council, and the president of the college was required to be a member of that body and also to be a layman. It conferred upon the senate the power of appointing the professors and other officers of the university, except the president, and also the power of removing them from office, subject to the approval of the governor in council. It also authorized the senate to fix their salaries. It abolished the professorship of theology and provided for the affiliation of other institutions with the university, and also for a number of free scholars. This Act, which was passed in April, 1859, was especially approved by Her Majesty in council on January 25th, 1860. Thus a new era in the higher education of New Brunswick was commenced, and a long step was taken towards making the college more acceptable to the people of that province. Great hopes were entertained at the time that this liberalizing of the constitution of the college would lead to a large increase in the number of its students, and a more general interest in its work, but, unfortunately, as the sequel showed, these hopes were only partially realized.

During the spring of 1860 circumstances occurred which led to the resignation of the post-master-general, the Hon. Charles Connell. The legislature having adopted the decimal system of currency in

SIR LEONARD TILLEY

the place of the pounds, shillings and pence which had been the currency of the province since its foundation, Mr. Connell, in March, 1860, was authorized to obtain a new set of postage stamps of the denominations required for use in the postal service of the province. No person, at that time, thought that a political crisis would arise out of this order, but it appears that Mr. Connell, guided by the example of presidents and postmasters-general of the United States, had made up his mind that instead of the likeness of the queen, which had been upon all the old postage stamps of the province, the five-cent stamp, the one which would be most in use, should bear the impress of his own countenance. Accordingly the Connell postage stamp, which is now one of the rarest and most costly of all in the lists of collectors, was procured and was ready to be used, when Mr. Connell's colleagues in the government discovered what was going on and took steps to prevent the new five-cent stamp from being issued. The correspondence on the subject, which will be found in the journals of 1861, is curious and interesting; it ended in the withdrawal of the objectionable stamps and in the resignation of Mr. Connell, who complained that he had lost the confidence of his colleagues, and in resigning, charged them with neglecting the affairs of the province. Only a few of the Connell stamps got into circulation, the remainder of the issue being destroyed. Mr. Connell's place as postmaster-



Polling Day

From the painting
by C. W. Jefferys

RESIGNATION OF MR. FISHER

general was filled by the appointment of James Steadman.

In the early part of 1861 a very important event occurred in connection with the government which produced a lasting effect on provincial politics. Charges were made by a St. John Conservative paper, *The Colonial Empire*, in which it was stated that members of the government and certain Crown lands officials had been purchasing the most desirable and valuable Crown lands of the province for speculative purposes, and that in bringing these lands to sale the government regulations had been violated and the public treasury had suffered. A committee of the House was appointed to investigate these charges, and inquiry established the fact that an official of the Crown lands department had purchased some eight hundred acres. These lands were all bought at public sale, but in the forms of application other names were used, which was a violation of the rules of the department. A portion of the press at the time created a widespread excitement upon this subject, and the services of the official referred to were dispensed with. Some of the supporters of the government also took such ground in reference to the attorney-general, Mr. Fisher, that his retirement from the government became necessary, the accusation against him being that he had negligently permitted some improper sales of Crown lands to be made. It was felt at the time by some that the penalty that

SIR LEONARD TILLEY

was paid by the attorney-general was excessive for the offence; but, under the excitement then existing, it was the only course that could be taken to avoid the defeat of the government. At the general election that followed a few months later, Mr. Fisher was reëlected for the county of York, and later on, after the excitement had passed over, the delinquent Crown lands official was reinstated. At the same election, that took place in 1861, the government was handsomely sustained, after one of the warmest contests that had ever taken place in New Brunswick. Probably the most effective nomination speech ever made by Tilley, during his long political career, was the one then delivered at the court-house, St. John, in his own defence, and in the vindication of his government against the charges made by the Opposition candidates and press.

CHAPTER V

THE INTERCOLONIAL RAILWAY

THE imperfect means of communication between the Maritime Provinces and Canada had long been recognized as a great evil, and very soon after the introduction of railways into England a line of railway was projected to run from St. Andrews, in New Brunswick, to Quebec. The transfer of a considerable tract of territory, which had been believed to be in New Brunswick, to the state of Maine, under the terms of the Ashburton Treaty, gave a check to this enterprise, and financial difficulties afterwards prevented its accomplishment. A more promising scheme was that of a railway from Halifax to Quebec, and this so far received the approval of the British government that an officer of engineers, Major Robinson, was, in 1847, detailed to conduct a survey of the proposed line. As this gentleman was influenced by purely military considerations, his line was carried as far from the United States boundary as possible, and consequently by a very long and circuitous route. During the session of 1852, Attorney-General Street introduced a series of resolutions in the New Brunswick legislature favouring the building of the Intercolonial Railway jointly by Canada, New

SIR LEONARD TILLEY

Brunswick and Nova Scotia, according to terms which had been agreed upon by the delegates of each. This arrangement was that the Intercolonial Railway should be built through the valley of the St. John. These resolutions were carried by a large majority. During the recess, Mr. Chandler, as the representative of New Brunswick, and Mr. Hincks, the representative of Canada, went to London to endeavour to obtain from the British government financial aid to build the Intercolonial Railway. This was refused on the ground that such a work had to be one of military necessity. Further efforts were made in 1855, and again in 1858, to influence the British government in favour of this railway, but without result; the answer of Downing Street being that the heavy expenditure involved in the Crimean War prevented the government from assisting in the construction of public works, such as the Intercolonial Railway, however desirable in themselves.

The effort to secure the construction of the Intercolonial Railway was renewed in 1861. At a meeting of delegates representing Canada, Nova Scotia and New Brunswick, which was held at Quebec on September 30th, it was resolved that the three governments should renew the offers made to the imperial government in 1858 with reference to the Intercolonial Railway, and that the route to be adopted be decided by the imperial government. The Hon. Mr. Tilley, who was at this

DELEGATION TO ENGLAND

Quebec meeting, was sent to England as a delegate to confer with the imperial government with regard to the railway, while Nova Scotia was represented by the Hon. Joseph Howe, and Canada, by the Hon. P. M. Vankoughnet. The delegates reached England in November and placed themselves in communication with the Duke of Newcastle, who was then colonial secretary, and they also had interviews with the prime minister, Lord Palmerston, the chancellor of the exchequer, the secretary of war, and the president of the board of trade. While in England, the seizure of the commissioners of the southern confederacy, Messrs. Mason and Slidell, by Commodore Wilkes, on board the British mail steamer *Trent*, produced a crisis in the relations between Great Britain and the United States which seemed likely to lead to a war, and greatly strengthened the position of the delegates, who were able to point out the difficulty involved in defending Canada without a railway to the sea. They presented their views to the colonial secretary in a very ably written state paper, which should have convinced those to whom it was addressed that the railway was an absolute necessity. The delegates estimated the cost of the railway at £3,000,000 sterling, and they asked the imperial government to join in a guarantee of four per cent. interest on this sum, each of the provinces to guarantee £20,000 a year for this purpose and the imperial government, £60,000. This proposal was rejected by the

SIR LEONARD TILLEY

British government, but it offered "an imperial guarantee of interest towards enabling them to raise by public loan, at a moderate rate, the requisite funds for constructing the railway." The British government, therefore, would do nothing for this great work except to indorse the bonds of the provinces to a limited extent, for it was stated in the Duke of Newcastle's letter to the delegates that "the nature and extent of the guarantee must be determined by the particulars of any scheme which the provincial governments may be disposed to found on the present proposal and on the kind of security which they would offer."

Delegates representing the three provinces met in Quebec in September, 1862, to consider this offer, New Brunswick being represented by Messrs. Tilley, Steeves and Mitchell. The delegates from the Maritime Provinces declared their willingness to propose to their respective governments to accept the proposition of the Duke of Newcastle if Canada would bear one-half of the expense of the railway instead of one-third. The Canadian government offered to assume five-twelfths of the liability for the construction and working of the Intercolonial, and to this the delegates for New Brunswick and Nova Scotia had to agree. This imposed a very serious burthen on two provinces, which, between them, had only six hundred thousand inhabitants, and their willingness to assume it shows the interest they took in this great work.

NEGOTIATIONS IN ENGLAND

In pursuance of an arrangement made at this Quebec meeting, delegates from the three provinces went to England to arrange the terms of the guarantee with the British government; the Hon. Mr. Tilley represented New Brunswick, and the Hon. Joseph Howe, Nova Scotia. Mr. Gladstone, who was then chancellor of the exchequer, insisted on a sinking fund being provided, which was to be a first charge on the revenues of the several provinces. This sinking fund was objected to by the colonial delegates, but the only modification in its terms which they were able to obtain was that the sinking fund was not to take precedence of any existing liability. Before leaving England, Messrs. Tilley and Howe prepared and submitted a memorandum to the Duke of Newcastle in which they expressed a hope that Mr. Gladstone might be induced to reconsider the matter of the sinking fund, and that it would not be insisted on. The Canadian delegates left England without an acceptance of the terms proposed by Mr. Gladstone, and without a formal rejection of them. Previous to the meeting of the Canadian parliament, Tilley proceeded to Quebec to urge upon the Canadian government the preparation of the necessary bills to carry out the agreement entered into for the construction of this great railway. He reported to the lieutenant-governor on his return that the government of Canada, for reasons stated, could not then undertake to pass the legislation required, which they greatly re-

SIR LEONARD TILLEY

gretted, but that they had not abandoned the arrangements for the construction of the railway. The Canadian government's declaration in the course of the session that they had abandoned this important enterprise was, accordingly, a source of great surprise and regret. The governments of New Brunswick and Nova Scotia passed the necessary legislation at the next session, but the government of Canada took no further step in the matter until the confederation negotiations were commenced in 1864.

CHAPTER VI

THE MOVEMENT FOR MARITIME UNION

WE now come down to an event of the greatest interest, in which Mr. Tilley took part, and one of such vast and far-reaching importance that it quite overshadows all the other events of his career. The confederation of the Canadian provinces was, beyond all question, the most notable colonial movement within the British empire since the American Declaration of Independence. It changed at once the whole character of the colonial relations which had subsisted with the mother country, and substituted for a few weak and scattered colonies a powerful Dominion, able to speak with a united voice, and stand as a helpmeet to the nation from which most of its people had sprung. No man, whatever his views as to the wisdom of that political union may have been at the time, can now deny that it was timely and necessary, if the colonies and the mother country were to preserve their connection with each other. It is safe to say that, if confederation had not taken place in 1867, British interests on this continent would have suffered, and possibly some of the colonies would now have been a part of the United States. The policy of separating the colonies from England,

SIR LEONARD TILLEY

which has been so much advocated by many leading public men in the great republic, would have found free scope, and by balancing the interests of one colony against those of another, promoting dissensions and favouring those provinces which were disposed to a closer union with the United States, something might have been done to weaken their connection with the British empire, which is now the glory and the strength of the Dominion of Canada.

The question of the union of the several colonies of British North America was by no means a new one when it came up for final settlement. It had been discussed at a very early period in the history of the provinces, and indeed it was a question which it was quite natural to discuss, for it seemed but reasonable that colonies of the same origin, owing the same allegiance, inhabited by people who differed but little from each other in any respect, and with many commercial interests in common, should form a political union. No doubt it might have been brought earlier to the front as a vital political question but for the fact that the British government, which was most interested in promoting the union of the colonies, took no step towards that end until almost compelled by necessity to move in the matter. The colonial policy of England, as represented by the colonial office and in the royal instructions to colonial governors, has seldom been wise or far-seeing, and the British colonies which

CONFEDERATION FORESHADOWED

now girdle the world, have been built up mainly as the result of private enterprise; for the part taken by the government has, in most cases, been merely to give official sanction to what private individuals have already done, and to assist in protecting British interests when they have become important, especially in new regions of the world.

When the Earl of Durham was sent out as governor-general of Canada after the rebellion there in 1838, he suggested in his Report that the union of the colonies of British North America was one of the remedies which ought to be resorted to for the pacification of Canada and the reconstruction of its constitution. While a large proportion of the people of the colonies looked with favour upon the idea of a political union, there was in all of them a large body of objectors who were steadily opposed to it. People of that kind are to be found in all countries, and they have existed in all ages of the world's history. They are the persons who see in every new movement a thousand difficulties which cannot be surmounted. Their minds are constructed on the principle of rejecting all new ideas, and clinging to old forms and systems long after they have lost their vitality. They are a class who look back for precedents for any step of a political character which it is proposed to take, and who judge of everything by the standard of some former age. They seem to forget that precedents must be created some time or another, and that the present

SIR LEONARD TILLEY

century has as good a right to create precedents as any of its predecessors. To these people every objection that could be urged against confederation was exaggerated and magnified, and whenever any proposal was made which seemed to tend towards the union of the colonies, their voices were heard upon the other side. We need not doubt the honesty or loyalty of these objectors, or consider that they were unfavourable either to British connection or to the building up of the empire. It was merely their misfortune that they were constitutionally adverse to change, and could not see any merit in a political movement which involved the idea of novelty.

For some time the principal advocate of confederation in the Maritime Provinces was the Hon. Joseph Howe, a man of such ability and force of character that on a wider stage he might have risen to eminence, and ranked amongst the world's great statesmen.¹ It is impossible indeed not to regret that so great a man, one so imperial in his instincts and views, should have been condemned to spend his life within the bounds of one small province.

The question of the political union of the British North American provinces was brought up in the House of Assembly of Nova Scotia in 1854, and then the leaders of both parties, the Hon. Mr. Johnson for the Conservatives, and the Hon. Mr.

¹ For a full account of Howe's views on confederation see the Hon. J. W. Longley's *Joseph Howe* in this series.

ATTITUDE OF COLONIAL OFFICE

Howe for the Liberals, united in advocating the measure, and in depicting the advantage which would accrue from it not only to Nova Scotia, but to every British province in North America. In 1858 the question of confederation was discussed in the parliament of Canada, and such a union was made a part of the policy of the government; for Mr. A. T. Galt, on becoming a member of the administration, insisted upon its being made a cabinet question, and Sir Edmund Head, the governor-general, in his speech at the close of the session, intimated that his government would take action in the matter during the recess. Messrs. Cartier, Galt, and Ross, who were in England representing the government of Canada, waited upon the colonial secretary, Sir Edward Bulwer Lytton, asking the authority of the imperial government for a meeting of representatives from each of the colonies to take the question of union into consideration. The colonial secretary informed the Canadian delegates, no doubt after consultation with his colleagues, that the question of confederation was necessarily one of an imperial character, and declined to authorize the meeting, because no expression of sentiment on the subject had as yet been received from any of the Maritime Provinces except Nova Scotia. The Earl of Derby's government fell a few months after this declaration of its policy in regard to the colonies, and was succeeded by the government of Lord Palmerston, which was

SIR LEONARD TILLEY

in office at the time when the negotiations which resulted in the confederation of the colonies were commenced. At first Lord Palmerston's government seems to have been no more favourable to the union of the colonies than its predecessor; for in 1862 the Duke of Newcastle, then colonial secretary, in a despatch to the governor-general of Canada, after stating that Her Majesty's government was not prepared to announce any definite policy on the question of confederation, added that, "If a union, either partial or complete, should hereafter be proposed, with the concurrence of all the provinces to be united, I am sure that the matter would be weighed in this country both by the public, by parliament and by Her Majesty's government, with no other feeling than an anxiety to discern and promote any course which might be the most conducive to the prosperity, strength and harmony of all the British communities of North America." It must always be a subject of astonishment that the British government for so many years should have had no definite policy on a matter so momentous, and that they should have sought to discourage, rather than otherwise, a project which has been of such vast importance to the empire.

The first impulse in favour of confederation in the minds of the members of Lord Palmerston's cabinet seems to have developed about the time when it became evident that the result of the civil war in the United States would be the defeat of

A MISSIONARY OF UNION

the southern confederacy and the consolidation of the power of the great republic in a more effectual union than that which had existed before. No one who was not blind could fail to see that this change of attitude on the part of the United States would demand a corresponding change in the relations of the British colonies towards each other; for from being a mere federation of states, so loosely connected that secession was frequently threatened by states both north and south, the United States, as the result of the war, had become a nation with a strong central government, which had taken to itself powers never contemplated by the constitution, and which added immensely to its offensive and defensive strength.

In 1863, Thomas D'Arcy McGee, a member of the Canadian cabinet and a man of great eloquence and ability, visited St. John and delivered a lecture in the Mechanics' Institute Hall on the subject of the union of the colonies. His lecture was fully reported in the *Morning News*, a paper then published in that city, and attracted wide attention because it opened up a subject of the highest interest for the contemplation of the people of the provinces. Shortly afterwards a series of articles on the same subject, written by the author of this book, appeared in the columns of the *Morning News*, and were widely read and quoted. These articles followed closely the lines laid down for the union of the colonies by the late Peter S. Hamilton,

SIR LEONARD TILLEY

of Halifax, a writer of ability whose articles on the subject were collected in pamphlet form and extensively circulated. Thus in various ways the public mind was being educated on the question of confederation, and the opinion that the union of the British North American colonies was desirable was generally accepted by all persons who gave any attention to the subject. It was only when the matter came up in a practical form and as a distinct proposition to be carried into effect, that the violent opposition which was afterwards developed against confederation began to be shown.

An event occurred in the summer of 1864 which had its effect on the question of confederation. Up to that time the people of Canada and New Brunswick had been almost wholly unknown to each other, because the difficulties of travelling between the two provinces were so great. Any person who desired to reach Montreal at that time from St. John had to take the international steamer to Portland, Me., and was then carried by the Grand Trunk Railway to his destination. Quebec could be reached in summer by the steamer from Pictou which called at Shediac, but in winter the journey had to be made by the Grand Trunk Railway from Portland, the only alternative route being the road by which the mails were carried from Edmunston north to the St. Lawrence. Under these circumstances the people of the Canadian provinces and of the Maritime Provinces had but few oppor-

POLITICAL CRISIS IN CANADA

tunities of seeing each other, and the people of all the provinces knew much more of their neighbours in the United States than they did of their fellow-colonists. One result of the Hon. D'Arcy McGee's visit in 1863 was an invitation by the city of St. John to the legislature of Canada to visit the Maritime Provinces. The invitation was accepted and a party of about one hundred, comprising members of the legislature, newspaper men, and others, visited St. John in the beginning of August, 1864. Their trip was extended to Fredericton, where they were the guests of the government of New Brunswick, and to Halifax, where they were the guests of that city and of the government of Nova Scotia. This visit produced a good effect upon the public mind, and enabled the Maritime people to see what kind of men their fellow-colonists of Upper and Lower Canada were.

In the meantime a great crisis had arisen in the government of Canada, which was the immediate cause of the active part which that province took in the confederation movement. When Upper and Lower Canada were united in 1841, it was arranged that the representation of each province in the legislature should be equal. The arrangement at that time was favourable to Upper Canada, which had a smaller population than Lower Canada; but in the course of time, as the population of Upper Canada increased faster than that of the lower province, the people of Upper

SIR LEONARD TILLEY

Canada felt that they had less representation than they were entitled to, and this state of affairs led to the raising of the cry of "Representation by Population" which was so often heard in that province prior to the era of confederation. In 1864 Upper Canada had half a million more people than Lower Canada, and yet was only entitled to the same number of members in the legislature. Another serious difficulty, which arose out of the union, was the necessity, which not long afterwards began to be recognized, of the government having a majority in the legislature from each section of the province. This, in time, grew to be so great an evil that the successful government of Canada became almost impossible, for the majority for the government in one province might at any time be disturbed by some local feeling, and as a consequence the government overthrown. To trace the history of the difficulties which arose from this cause would be to recite twenty years of the history of Canada; but it is only necessary to point out thus plainly the reasons for the willingness of the people of Upper and Lower Canada to resort to confederation as a means of getting rid of their embarrassments.

In 1863, the Hon. John Sandfield Macdonald was leader of the government, but he was compelled to resign when parliament met in the early part of 1864, and in March of that year a new administration under the premiership of Sir E. P.

MACDONALD-BROWN COALITION

Taché was formed. This new government developed very little strength, and was defeated on June 14th by a vote of fifty-eight to sixty, on a question relative to some transaction connected with bonds of the city of Montreal. A deadlock had come, and as it was evident that no new government which could be formed was likely to command sufficient support, it became necessary to make some new arrangements in regard to the system of administration. Immediately after the defeat of the government, Mr. George Brown, leader of the Opposition, spoke to several supporters of the administration strongly urging that the present time should be availed of for the purpose of settling forever the constitutional difficulties between Upper and Lower Canada, and assuring them that he was prepared to coöperate with the existing or any other administration that would deal with the question promptly and firmly, with a view to its final settlement. After much negotiation Messrs. Brown, Mowat and McDougall, three prominent members of the Reform party, agreed to enter the government for the purpose of carrying out this policy based on a federal union of all the provinces.

Prior to this time there had been various efforts made by the government of New Brunswick to enter into closer relations with Nova Scotia and Prince Edward Island. Previous to the year 1861 a number of factories of various kinds had been

SIR LEONARD TILLEY

established in the Maritime Provinces, but the limited market they then enjoyed prevented their extension and crippled their operations. To remedy this, Mr. Tilley, with the approval of his colleagues in the government, visited Nova Scotia and Prince Edward Island and proposed to the governments of both provinces free admission of their natural products and a uniform tariff on dutiable goods. In Halifax he had a lengthy and satisfactory conference with Mr. Howe, then leader of the government, and with Dr. Tupper, the leader of the Opposition. Both gentlemen agreed that the proposed arrangements would be in the interests of the three provinces, and Mr. Howe agreed to submit the matter to his government with the view of legislative action at the next session. Mr. Tilley then proceeded to Charlottetown, Prince Edward Island. At the conference held with the government there, his proposal was not so favourably entertained, the objection being that the existing tariff of Prince Edward Island was lower than the tariff of either Nova Scotia or New Brunswick, and sufficient for the financial wants of the Island, and that the necessary advance would be imposing taxation beyond their requirements. Notwithstanding the failure to secure the coöperation of the Island government, it was decided that the joint action of the Nova Scotia and New Brunswick legislatures in the direction named was desirable. When the Nova

SCHEME OF MARITIME UNION

Scotia legislature met and the public accounts were proposed, it was found that a reduction of tariff was not practicable, and Howe informed Tilley that the scheme would have to be postponed, "though in other respects desirable." But the subject was not allowed to sleep, and in 1864 there was a renewal of the movement for a union of the Maritime Provinces. At the session of the New Brunswick legislature held that year, resolutions were passed authorizing the government to enter into negotiations with Nova Scotia and Prince Edward Island to hold a convention for the purpose of carrying such a union into effect. Similar resolutions were carried in the legislatures of Nova Scotia and Prince Edward Island, and the convention thus authorized was appointed to meet at Charlottetown in the month of September following.

CHAPTER VII

THE QUEBEC CONFERENCE

THE delegates appointed by the government of New Brunswick for the purpose of representing the provinces at Charlottetown in the convention for a union of the Maritime Provinces, were the Hon. Messrs. Tilley, Steeves, Johnson, Chandler and Gray. The first three were members of the government, while Messrs. Gray and Chandler were leading members of the Opposition, so that the arrangement had the assent of the leaders of both political parties and was in no sense a party movement. The Nova Scotia delegation consisted of the Hon. Charles Tupper, the leader of the government, the attorney-general, Mr. Henry, and Mr. Dickey, a Conservative supporter, and also the Hon. Adams G. Archibald and Jonathan McCully, leaders of the Liberal party. The Prince Edward Island delegates were also chosen from both sides of politics. The convention was opened in due form at Charlottetown on September 8th, in the chamber of the House of Assembly. The delegations had no power to decide finally on any subject, because any arrangements they made were necessarily subject to the approval of the legislatures of the three Maritime Provinces. But at this time the sentiment in favour

SIR LEONARD TILLEY

of maritime union was so strong it was confidently believed that whatever was agreed upon at Charlottetown would become the basis of a future union.

The government of Canada had full knowledge of what was going on at Charlottetown, and they considered the time opportune for the purpose of bringing to the notice of the delegates from the Maritime Provinces the subject of a confederation of all the British North American colonies. A telegram was received while the delegates were in session announcing that representatives of the government of Canada had left Quebec for the purpose of meeting the delegates of the Maritime Provinces, and placing certain proposals before them. On the receipt of this message the further consideration of the question which they had met to discuss was deferred until after the Canadian delegates had arrived. They came in the government steamer *Victoria* on the following day and were found to embrace the leading men then in Canadian political life,—the Hons. J. A. Macdonald, George Brown, Georges E. Cartier, Alexander T. Galt, Thomas D'Arcy McGee, Hector L. Langevin, William McDougall and Alexander Campbell. These delegates represented the Reform, as well as the Conservative party, and were therefore able to speak with authority in regard to the views of the people of both Upper and Lower Canada. They were accorded seats in the convention, and at once sub-

CHARLOTTETOWN CONVENTION

mitted reasons why in their opinion a scheme of union, embracing the whole of the British North American colonies, should be adopted. The Hon. John A. Macdonald and Messrs. Brown and Cartier were heard on this subject, the financial position of Canada was explained, and the sources of revenue and wealth of the several provinces were discussed. Speeches were also made by Messrs. Galt, McGee, Langevin and McDougall, and after having commanded the attention of the convention for two days the Canadian deputation withdrew. Before doing so they proposed that if the convention concluded to suspend its deliberations upon the question of Maritime union, they should adjourn to Quebec at an early day, to be named by the governor-general, to consider the question of confederation. On the following day the convention adjourned, on the ground that it would be more for the general interest of British North America to adopt the larger union than a union of the Maritime Provinces merely, and it was thought that this might be effected without any very great difficulty, for there was then no strong feeling evinced in any quarter against confederation.

From Charlottetown the members of the convention and the Canadian deputation went to Halifax, where they were received most cordially and entertained at a banquet. They then took their departure for St. John, where they were entertained at a public dinner at which many leading men of the

SIR LEONARD TILLEY

city were present. The chair was occupied by the Hon. John H. Gray, one of the delegates, and the expressions in favour of the proposed confederation were strong and hearty. No one could have suspected at that time that the movement for confederation would meet with so much opposition in New Brunswick. All seemed plain sailing but, as the result showed, the battle for confederation had yet to be fought, and it was won only after a long and doubtful struggle.

According to arrangement, the delegations from the other provinces met in convention at Quebec on October 10th, all the colonies, including Newfoundland, were represented and the delegates were as follows:—

Canada.—Hon. Sir Etienne P. Taché, premier; Hon. John A. Macdonald, attorney-general west; Hon. Georges E. Cartier, attorney-general east; Hon. George Brown, president of the executive council; Hon. Alexander T. Galt, finance minister; Hon. Alexander Campbell, commissioner of Crown lands; Hon. William McDougall, provincial secretary; Hon. Thomas D'Arcy McGee, minister of agriculture; Hon. Hector Langevin, solicitor-general east; Hon. J. Cockburn, solicitor-general west; Hon. Oliver Mowat, postmaster-general; Hon. J. C. Chapais, commissioner of public works.

Nova Scotia.—Hon. Charles Tupper, provincial secretary; Hon. W. A. Henry, attorney-general,

THE QUEBEC CONFERENCE

Hon. R. B. Dickey, Hon. Adams G. Archibald, Hon. Jonathan McCully.

New Brunswick.—Hon. Samuel L. Tilley, provincial secretary; Hon. John M. Johnson, attorney-general; Hon. Edward B. Chandler, Hon. John Hamilton Gray, Hon. Peter Mitchell, Hon. Chas. Fisher, Hon. William H. Steeves.

Newfoundland.—Hon. F. B. T. Carter, speaker of the House of Assembly; Hon. Ambrose Shea.

Prince Edward Island.—Hon. John Hamilton Gray, premier; Hon. Edward Palmer, attorney-general; Hon. W. H. Pope, provincial secretary; Hon. George Coles, Hon. A. A. Macdonald, Hon. T. H. Haviland, Hon. Edward Whelan.

Sir Etienne P. Taché, who was then premier of Canada, was unanimously chosen president of the conference, and Major Hewitt Bernard, of the staff of the attorney-general west, private and confidential secretary. It was arranged that the convention should hold its meetings with closed doors, and it was laid down as a principle of the discussion that, as the matters to come up for debate were all of a novel character, no man should be prejudiced or held liable to the charge of inconsistency because he had changed his views in regard to any particular matter in the course of the discussion. It was also agreed that the vote, in case of a division, should be by provinces and not by numbers, Canada having two votes, representing Canada East and Canada West, and each

SIR LEONARD TILLEY

of the other provinces one. This arrangement made it quite certain that the interests of the Maritime Provinces were not likely to be prejudiced by the result of the vote, or the work of the convention. It was soon decided that a federal union was to be preferred to a legislative union, and on the second day of the meeting the outlines of the proposed confederation were submitted in a series of resolutions by the Hon. John A. Macdonald. The general model of the proposed confederation was that of the United States, but with this difference, that whereas in the United States all powers not expressly given by the constitution to the federal government are held to belong to the several states, in the Canadian constitution all powers not expressly reserved to the several provinces were held to belong to the federal parliament. Thus in the United States the residuum of power is in the several states, while in Canada it is in the federal union and in the parliament of the Dominion. No doubt the recent example of the civil war in the United States, which was the result of an extreme assertion of state rights, was largely responsible for this feature of the Canadian constitution. It is clear, however, that it is a feature that is to be commended, because its tendency is to cause Canadians to regard themselves rather as Canadians than as belonging to any particular province, while in the United States the feeling of statehood is still very strong. There are,

DIFFICULT QUESTIONS

of course, many other contrasts between the Canadian confederation and the federal union of the United States, arising from radical differences in the system of government. Nothing like responsible government, as understood in the British empire, exists in the United States, while this essential feature had to be preserved in the Canadian constitution, not only with reference to the Dominion parliament, but also in the legislatures of the several provinces.

In all the proceedings at Quebec, Mr. Tilley, as the finance minister of New Brunswick, took a very prominent part. One great difficulty which arose was with respect to the amount of money to be given by the federal government to the several provinces for legislative purposes, in lieu of the revenue which they had been accustomed to obtain from customs duties and otherwise. The whole customs establishment was to be transferred to the central government, and as most of the provinces would have no other means of obtaining a revenue except by direct taxation, this feature of the matter became of very vital importance. The difficulty was increased by the fact that by the municipal system prevailing in Upper Canada the local needs of the municipalities, in the way of roads, bridges, schools and other matters, were provided for by local taxation, whereas in the Maritime Provinces the provincial government had been accustomed to bear these burdens. It was therefore an essential

SIR LEONARD TILLEY

requisite to any scheme of union, to make it acceptable to the people of the Maritime Provinces, that sufficient money should be given to the provincial governments to enable them to continue these services as before. It was difficult to convince the representatives of Upper Canada of this, and it appears that the conference nearly broke up without arriving at any result, simply because of the apparently irreconcilable differences of opinion between the representatives of the Maritime Provinces and those of Canada in regard to this point. Finally these differences were overcome, and the conclusions of the conference were embodied in a series of seventy-two resolutions, which were agreed to, and which were to be authenticated by the signatures of the delegates, and transmitted to their respective governments, and also to the governor-general, for the secretary of state for the colonies. These resolutions formed the first basis of confederation and became what is known as the Quebec scheme.

It was perhaps inevitable that during the discussion of the scheme of confederation by the Quebec convention, the proceedings should be secret, but this restriction should have been removed as soon as the convention adjourned. That this was not done was the principal reason for the very unfavourable reception which the Quebec scheme met with from the people of New Brunswick, when it was placed before them. It was agreed

SUBVENTIONS TO THE PROVINCES

at the Quebec conference that the scheme should not be made public until after the delegates had reported to their respective governments for their approval, but it was impossible that a document, the terms of which were known to so many men, should be kept wholly concealed from the public, and so the details of the scheme leaked out and soon became a topic for public discussion. These discussions would have been conducted in a much more friendly spirit if the Quebec scheme had been given freely to the world, but as it was, prejudices and jealousies, in many cases, darkened the question, and made men, who were otherwise favourable to confederation, assume an attitude of hostility to the Quebec scheme.

One of the points which at once attracted the attention of the opponents of the scheme was the sum allowed to the several provinces for the purpose of conducting their local affairs. As the provinces had to surrender to the general government their right to levy customs and excise duties, it became necessary to make up in some way a sum sufficient to enable them to carry on those services which were still left to the provincial legislatures. It was arranged that this sum should be eighty cents a head of the population of the provinces as established by the census of 1861, which would give to New Brunswick something more than two hundred thousand dollars. This feature of the confederation scheme was eagerly seized upon as being

SIR LEONARD TILLEY

a convenient club with which to strike it down. The cry was at once raised that the people of New Brunswick were asked to sell themselves to Canada for the sum of eighty cents a head, and this parrot-like cry was repeated with variations throughout the whole of the election campaign which followed in New Brunswick. It has often been found that a cry of this kind, which is absolutely meaningless, is more effective than the most weighty arguments, for the purpose of influencing men's minds, and this proved to be the case in New Brunswick, when the question of confederation was placed before the people. It was conveniently forgotten by those who attacked the scheme in this fashion that, if the people of New Brunswick were selling themselves to Canada for the sum of eighty cents a head, the people of Canada were likewise selling themselves to New Brunswick for the same sum, because the amount set apart for the provincial legislatures was precisely the same in each case. It would not, however, have suited the enemies of the confederation scheme to view the matter in this light; what was wanted was a cry which would be effective for the purpose of injuring the scheme and making it distasteful to the people who were asked to vote upon it.

It is not necessary to assume that those who opposed confederation were all influenced by sinister motives. Many honest and good men, whose attachment to British institutions could not be questioned,

OPPONENTS OF CONFEDERATION

were opposed to it because their minds were of a conservative turn, and because they looked with distrust upon such a radical change that would alter the relations which existed between the province and the mother country. Many, for reasons which it is not easy to understand, were distrustful of the politicians of Canada, whom they looked upon as of less sterling honesty than their own, and some actually professed to believe that the Canadians expected to make up their financial deficits by drawing on the many resources of the Maritime Provinces through the confederation scheme. On the other hand confederation was opposed in the province of New Brunswick by a number of men who could only be described as adventurers, or discredited politicians, and who saw in this contest a convenient way of restoring themselves to influence and power. There were also among the opponents of the scheme some men who recognized in its success the means of perpetuating British power on this continent, and who, being annexationists, naturally looked with aversion upon it for that reason. The vast majority of the people, however, had given the matter but the slightest degree of attention, and their votes were cast in accordance with prejudice hastily formed, which they had an opportunity of reconsidering before another year and a half had elapsed.

It had been arranged at the convention that the first trial of the scheme before the people should be

SIR LEONARD TILLEY

made in New Brunswick, the legislature of which was about expiring, and accordingly the appeal was made to the people and the elections came on in the month of March, 1865. The enemies of confederation were very active in every part of the province, and they left no stone unturned to defeat the measure. The great cry upon which they based their opposition to the union with Canada was that of taxation, and, as the voters of New Brunswick were not inclined to favour any policy which involved high taxation, the appeals made in this way had a powerful effect. All through the rural constituencies the Opposition candidates told the electors that if they united themselves with Canada direct taxation would be the immediate result. They said that every cow, every horse, and every sheep which they owned would be taxed, and that even their poultry would not escape the grasp of the Canadian tax-gatherers. In the city of St. John, Mr. Tilley and his colleague, Mr. Charles Watters, were opposed by Mr. J. V. Troop and Mr. A. B. Wetmore. Mr. Troop was a wealthy ship-owner, whose large means made him an acceptable addition to the strength of the anti-confederate party, although previously he had taken no active part in political affairs. Mr. Wetmore was a lawyer of standing in St. John, who was considered to be one of the best *nisi prius* advocates at the bar, and who carried the methods of the bar largely into his politics. In the course of time he became attorney-

FEELING IN NEW BRUNSWICK

general of the province, and later on a judge of the supreme court. Mr. Wetmore, when haranguing St. John audiences, used to depict the dreadful effects of confederation in a manner peculiarly his own. His great plea was an imaginary dialogue between himself and his little son, that precocious infant asking him in lisping tones, "Father, what country do we live in?" to which he would reply, "My dear son, you have no country, for Mr. Tilley has sold us to the Canadians for eighty cents a head."

In the county of St. John, the Hon. John. H. Gray, Charles N. Skinner, W. H. Scovil and James Quinton, who ran as supporters of confederation, were opposed by John W. Cudlip, T. W. Anglin, the Hon. R. D. Wilmot and Joseph Coram. Mr. Cudlip was a merchant, who at one time enjoyed much popularity in the city of St. John. Mr. Anglin was a clever Irishman, a native of the county of Cork, who had lived several years in St. John and edited a newspaper called the *Freeman*, which enjoyed a great popularity among his co-religionists. He was admitted to be the leader of the Irish Catholics of St. John, and had acquired an ascendancy over them which was not easily shaken; yet he was not, as a politician, a great success, nor did his efforts to improve the condition of his countrymen always lead to satisfactory results. The Hon. R. D. Wilmot had been a prominent Conservative politician, but was defeated, and had retired to his

SIR LEONARD TILLEY

farm at Belmont. For some years he had been devoting his abilities to stock-raising; but at the first note of alarm on the confederation question he abandoned his agricultural pursuits and rushed into the field to take part in the contest. Mr. Joseph Coram was a leading Orangeman, and a highly respected citizen.

In the county of York, the Hon. George L. Hatheway, who was then chief commissioner of the board of works, appeared in the field as an Opposition candidate, in company with John C. Allen, John J. Fraser and William H. Needham. Mr. Hatheway deserted the government in its hour of need, apparently because he judged from the cries that were raised against confederation that the current of public opinion was strongly adverse to the Quebec scheme. Having left Mr. Tilley in the lurch on the eve of the confederation contest, he deserted the Smith government sixteen months later, when the second confederation election came to be run, thereby inflicting upon them a blow from which it was impossible they could recover. William H. Needham, whose name has already appeared in this volume, did not lay claim to any high political principles; but having retired some time before to private life, he found in the confederation struggle a good opportunity of getting into the legislature. He was a man of very considerable ability, and had his principles been only equal to his knowledge and talents, he might have risen to the highest position

A CRITICAL ELECTION

in the province. But his course on many occasions made the public distrustful of him, and he died without having enjoyed any of those honours which men of far less ability have obtained. John James Fraser, afterwards governor of New Brunswick, was a man of a different stamp, and seems to have been a sincere opponent of confederation from conviction. The same may be said of John C. Allen, afterwards chief-justice of the province, a man whose sterling honesty has never been questioned.

CHAPTER VIII

DEFEAT OF CONFEDERATION

THE result of the election was the most overwhelming defeat that ever overtook any political party in the province of New Brunswick. Out of forty-one members, the friends of confederation succeeded in returning only six, the Hon. John McMillan and Alexander C. DesBrisay, for the county of Restigouche; Abner R. McClelan and John Lewis for the county of Albert; and William Lindsay and Charles Connell for the county of Carleton. Every member of the government who held a seat in the House of Assembly, with the exception of the Hon. John McMillan, the surveyor-general, was defeated. The majorities against the confederation candidates in some of the counties were so large it seemed hopeless to expect that any future election would reverse the verdict. Both the city and county of St. John, and the county of York, made a clean sweep, and returned solid delegations of anti-confederates. With the exception of the two Carleton members, the entire block of counties on the river St. John and the county of Charlotte, forming the most populous and best settled part of the province, declared against the Quebec scheme. On the north shore, Westmorland, Kent, Northumberland and

SIR LEONARD TILLEY

Gloucester pronounced the same verdict, and, on the day after the election, the strongest friends of confederation must have felt that nothing but a miracle could ever bring about a change in the opinion which had been pronounced with such emphasis and by so overwhelming a majority. Yet fifteen months later the verdict of March, 1865, was completely reversed, and the anti-confederates were beaten almost as badly as the advocates of confederation had been in the first election; such are the mutations of public opinion.

Mr. Tilley and his colleagues resigned immediately after the result of the elections became known, and the Hon. Albert J. Smith was called upon to form a new government. Mr. Smith had been attorney-general in Mr. Tilley's government up to the year 1862, when he resigned in consequence of a difference with his colleagues in regard to the negotiations which were being carried on for the construction of the Intercolonial Railway. He was a fine speaker, and a man of ability. At a later period, when confederation had been established, he became a cabinet minister in the government of the Hon. Alexander Mackenzie. His powerful influence was largely responsible for the manner in which the North Shore counties declared against confederation, and he also did much to discredit the Quebec scheme by his speeches delivered in the city of St. John. Mr. Smith did not take the office of attorney-general in the new government, but contented himself with the

THE NEW GOVERNMENT

position of president of the council, the Hon. John C. Allen, of York, becoming attorney-general, and the Hon. A. H. Gillmor, of Charlotte, provincial secretary. The Hon. Bliss Botsford, of Westmorland, was made surveyor-general; and the Hon. George L. Hatheway retained his old office as the chief commissioner of the board of works. The other members of the government were the Hon. Robert Duncan Wilmot, of Sunbury, the Hon. T. W. Anglin, of St. John, and the Hon. Richard Hutchinson, of Miramichi.

The new government looked strong and imposing, and seemed to be secure against the assaults of its enemies, yet it was far from being as compact and powerful as it appeared to the outward observer. In the first place, it had the demerit of being founded solely on a negative, and upon opposition to a single line of policy. The reason why these men were assembled together in council as a government was that they were opposed to confederation, and, this question having been disposed of, they were free to differ upon all other points which might arise. Some of the men who thus found themselves sitting together at the same council board had all their lives been politically opposed to each other. The Hon. R. D. Wilmot, an old Conservative, could have little or no sympathy with Mr. A. H. Gillmor, a very strong Liberal. The Hon. A. J. Smith, also a Liberal, had little in common with his attorney-general, Mr. Allen, who was a Conservative. Mr. Odell, the post-

SIR LEONARD TILLEY

master-general, represented the old Family Compact more thoroughly than any other man who could have been chosen to fill a public office in New Brunswick, for his father and grandfather had held the office of provincial secretary for the long term of sixty years. As he was a man of no particular capacity, and had no qualification for high office, and as he was, moreover, a member of the legislative council, his appointment to such a position was extremely distasteful to many who were strongly opposed to confederation. The Hon. Bliss Botsford, of Moncton, who became surveyor-general, was another individual who added no strength to the government. In a cabinet consisting of four men in the government who might be classed as Liberals, and five who might be properly described as Conservatives, room was left for many differences and quarrels over points of policy, to say nothing of patronage, after the great question of confederation had been disposed of. Local feelings also were awakened by the make-up of the government, for the North Shore people could not but feel that their interests were in danger of being neglected, as instead of having the attorney-generalship and the surveyor-generalship, which had been theirs in the previous government, they had to be content with a single member in the government, without office, in the person of Mr. Richard Hutchinson, who, as the representative of Gilmour, Rankine & Co., the great lumber house of the North Shore, was ex-

DISSENSIONS IN THE GOVERNMENT

tremely unpopular, even in the county which had elected him. The Hon. Robert Duncan Wilmot was perhaps the most dissatisfied man of any, with the new cabinet in which he found himself. He had not been a fortnight in the government before he began to realize the fact that his influence in it was quite overshadowed by that of Mr. Smith and Mr. Anglin, although neither of them held any office. Mr. Wilmot was a man of ability, and of strong and resolute will, so that this condition of affairs became very distasteful to him and his friends, and led to consequences of a highly important character.

The new government had not been long in existence before rumours of dissensions in its ranks became very common. Mr. Wilmot made no secret to his friends of his dissatisfaction, and it was understood that other members found their position equally unpleasant. An element of difficulty was early introduced by the resignation of the chief-justice, Sir James Carter, who, in September, 1865, found it necessary, in consequence of failing health, to retire from the bench, rendering it immediately necessary for the government to fill his place. The Hon. Albert J. Smith, the leader of the government, had he chosen, might have then taken the vacant position, but he did not desire to retire from political life at that time, and the Hon. John C. Allen, his attorney-general, was appointed to the bench as a puisne judge, while the Hon. Robert Parker

SIR LEONARD TILLEY

was made chief-justice. The latter, however, had but few weeks to enjoy his new position, dying in November of the same year, and leaving another vacancy on the bench to be filled. Again, as before, the Hon. Mr. Smith declined to go on the bench, and the Hon. John W. Weldon, who had been a long time a member of former legislatures, and was at one time speaker, was appointed to the puisne judgeship, and the Hon. William J. Ritchie was made chief-justice. The entire fitness of the latter for the position of chief-justice made his appointment a popular one, but he was the junior of the Hon. Lemuel A. Wilmot as a judge, and the Hon. R. D. Wilmot, who was a cousin of the latter, thought the senior judge should have received the appointment of chief-justice. His disappointment at the office being given to another caused a very bad feeling on his part towards the government, and he would have resigned his seat forthwith but for the persuasions of some of those who were not friends of the government, who intimated to him that he could do them a great deal more damage by retaining his seat, and resigning at the proper time than by abandoning the government at that moment. Mr. Wilmot remained in the government until January, 1866, but although of their number, his heart was estranged from them, and he may properly be regarded as an enemy in their camp.

Mr. Anglin also had some difference with his colleagues with regard to railway matters, and he

CONFEDERATION VICTORY IN YORK

resigned his seat early in November, 1865; still he gave a general support to the government, although no longer in its councils. But the most severe blow which the administration received arose from the election in the county of York, which followed the seating of the Hon. John C. Allen on the bench. The confederation party had been so badly beaten in York at the general election that no doubt was felt by the government that any candidate they might select would be chosen by a very large majority. The candidate selected by the government to contest York was Mr. John Pickard, a highly respectable gentleman, who was engaged in lumbering, and who was extremely popular in that county, in consequence of his friendly relations with all classes of the community and the amiability of his disposition. The Hon. Charles Fisher was brought forward by the confederation party as their candidate in York, although the hope of defeating Mr. Pickard seemed to be desperate, for at the previous election Mr. Fisher had received only 1,226 votes against 1,799 obtained by Mr. Needham, who stood lowest on the poll among the persons elected for York. Mr. Fisher by his efforts in the York campaign, which resulted in his election, struck a blow at the anti-confederate government from which it never recovered. His election was the first dawn of light and hope to the friends of confederation in New Brunswick, for it showed clearly enough that whenever the people of the province were given

SIR LEONARD TILLEY

another opportunity of expressing their opinion on the question of confederation, their verdict would be a very different one from that which they had given at the general election. Mr. Fisher beat Mr. Pickard by seven hundred and ten votes, receiving seven hundred and one votes more than at the general election, while Mr. Pickard's vote fell five hundred and seventy-two below that which Mr. Needham had received on the same occasion.

CHAPTER IX

TILLEY AGAIN IN POWER

AMONG the causes that had assisted to defeat confederation in New Brunswick, when the question was first placed before the people, was the active hostility of the lieutenant-governor, Mr. Arthur Hamilton Gordon, a son of that Earl of Aberdeen who was prime minister of England at the outbreak of the Crimean War. Mr. Gordon had been a strong advocate of maritime union and had anticipated that he would be the first governor of the united province of Acadia, or by whatever name the maritime union was to be known. He was therefore greatly disappointed and annoyed when the visit of the Canadians to Charlottetown, in September, 1864, put an end to the conference which had met for the purpose of arranging the terms of a union of that character. While a governor cannot take a very active part in political matters, he may stimulate others to hostility or to a certain course of action, who, under other circumstances, would be neutral or inactive, and there is reason to believe that some of the men who were most prominent in opposing confederation at the general election of 1865 were mainly influenced by the views of the lieutenant-governor. Confedera-

SIR LEONARD TILLEY

tion, however, had been approved by the British government, after the terms arranged at Quebec had been submitted to it in a despatch from the governor-general; and those officials in New Brunswick and elsewhere, who expected to find support in Downing Street in their hostility to confederation, were destined to be greatly disappointed. Not long after the new government was formed in New Brunswick, Mr. Gordon returned to England, and it was generally believed that he was sent for by the home authorities. Instead of being favourably received on the ground of his opposition to confederation, he is said to have been compelled to submit to a stern reproof for his anti-constitutional meddling in a matter which did not concern him, and to have been given decidedly to understand that if he returned to New Brunswick, to fill out the remainder of his term of office, it must be as one pledged to assist in carrying out confederation and not to oppose it. When Mr. Gordon returned he was an entirely changed man, and whatever influence he was able to exert from that time forward was used in favour of confederation.

Another cause which made confederation more acceptable to the people of the province arose from the threats of the Fenians to invade Canada, which were made during the year 1865, and which were followed by armed invasions during the following year. Although there was no good reason for believing that the opponents of confederation were

FENIAN THREATS

less loyal than its supporters or less inclined to favour British connection, it was remarked that all the enemies of British connection seemed to have got into the anti-confederate camp. The Fenian movement had its origin in the troubles in Ireland arising out of oppressive land laws and other local causes, and it soon extended to America, where the politicians found it useful as a means of increasing their strength among the Irish people. At that time, there were in the United States many hundreds of thousands of men who had been disbanded from the army at the close of the Civil War, and who were only too ready to embrace any new opportunity of winning for themselves fame and rank on other fields of glory. Among these disbanded soldiers were many Irishmen, and it soon came to be known that bands of men could be collected in the United States for the invasion of this country, with the avowed object of driving the British flag from the American continent and substituting the stars and stripes. It was impossible that the people of Canada could view without emotion these preparations for their undoing, and in New Brunswick, especially, which was the first province to be threatened, the Fenian movement materially assisted in deciding the manner in which the people should vote on this great question of confederation when it came to be submitted to them a second time.

The House of Assembly met on March 8th,

SIR LEONARD TILLEY

1866, and the speech from the throne, delivered by the lieutenant-governor, contained the following paragraph: "I have received Her Majesty's commands to communicate to you a correspondence on the affairs of British North America, which has taken place between Her Majesty's principal secretary of state for the colonies and the governor-general of Canada; and I am further directed to express to you the strong and deliberate opinion of Her Majesty's government that it is an object much to be desired that all the British North American colonies should agree to unite in one government. These papers will immediately be laid before you." This paragraph was not inserted in the speech without considerable pressure on the part of the lieutenant-governor, and it excited a great deal of comment at the time, because it seemed to endorse the principle of confederation, although emanating from a government which had been placed in power as the result of an election in which confederation had been condemned. When this portion of the speech was read by the lieutenant-governor, in the legislative council chamber, the crowd outside the bar gave a hearty cheer,—a circumstance which never occurred before in the province of New Brunswick, and perhaps not in any other British colony.

The members of the House favourable to confederation immediately took up the matter, and dealt with it as if the government had thereby

DESERTED BY FRIENDS

pledged themselves in favour of that policy, and indeed there was a fair excuse for such an inference. When the secret history of the negotiations between the lieutenant-governor and his advisers, prior to the meeting of the legislature, comes to be told, it will be found that at least some of the members of the government had given His Excellency to understand that they were prepared to reverse their former action and to adopt confederation. The difficulty with them was that they feared their own supporters, and thought that if they made such a move they would lose the favour of those who had placed them in power, and this fear was certainly a very natural one.

As soon as the House met, it was discovered that Mr. A. R. Wetmore, one of the prominent supporters of the government who had been elected to represent the city of St. John as an anti-confederate, was no longer in sympathy with the government. Mr. Wetmore's long experience as a *nisi prius* lawyer, and his curt and imperturbable manner, rendered him a most exasperating and troublesome opponent, and at a very early period of the session he commenced to make it unpleasant for his former friends. He cross-examined the members of the government in the fashion which he had learned from long experience in the courts. Such attacks proved extremely damaging as well as very annoying.

The address in reply to the speech from the throne was moved in the House of Assembly by

SIR LEONARD TILLEY

Colonel Boyd, of Charlotte County, and when the paragraph relating to confederation was read, Mr. Fisher asked him what it meant. Mr. Boyd replied that the government had no objection to confederation, provided the terms were satisfactory. This reply still further strengthened the feeling that the government were inclined to pass the measure which they had been elected to oppose. Mr. Fisher moved an amendment to the fourth paragraph of the address, which referred to the Fenian conspiracy against British North America, expressing the opinion that while His Excellency might rely with confidence on the cordial support of the people for the protection of the country, his constitutional advisers were not by their general conduct entitled to the confidence of the legislature. This amendment was seconded by Mr. DesBrisay, of Kent, who had been elected as a supporter of the government, and it was debated at great length. The discussion upon it continued from day to day for about three weeks, when, on April 10th, the government resigned in consequence of difficulties with His Excellency in regard to his reply to the address of the legislative council. The legislative council had proceeded to pass the address in reply to the speech, but in consequence of the delay in the House of Assembly, this reply had not before been presented to the governor. In answer to the address of the legislative council, His Excellency said: "I will immediately transmit your address to the secretary

THE GOVERNMENT RESIGNS

of state for the colonies in order that it may be laid at the foot of the throne. Her Majesty the Queen has already been pleased to express deep interest in a closer union of her North America colonies and will no doubt greatly appreciate this decided expression of your opinion, and the avowal of your desire that all British North America should unite in one community, under one strong and efficient government, which cannot but tend to hasten the accomplishment of this great measure.”

The resignation of the government was announced in the House of Assembly on April 13th by the Hon. A. J. Smith, and the correspondence between the lieutenant-governor and his advisers was laid before the House at the same time. The immediate and ostensible cause of the resignation was the terms of approval in which the lieutenant-governor had replied to the address of the legislative council in reference to confederation. Mr. Smith claimed that it was the duty of the lieutenant-governor to consult his constitutional advisers in regard to the answer to be given, and that, in assuming to himself the right to reply to such an address without consulting them, he had not acted in accordance with the true spirit of the constitution. This was certainly sound doctrine, and the reply of the lieutenant-governor was by no means satisfactory on this point, but he was able to show that Mr. Smith had himself expressed his willingness to enter into a scheme of union, although

SIR LEONARD TILLEY

opposed to the Quebec scheme, and had suggested that, as a preliminary step, the papers on that subject should be referred to a joint committee of both Houses with an understanding that the committee should report in favour of a measure of union. At a later period Mr. Smith seemed indisposed to carry out this arrangement, his conduct evidently being the result of timidity, and so he found himself, to use the language of Sir Arthur Gordon, "entangled in contradictory pledges from which he found it impossible to extricate himself." He had, in fact, placed himself in the power of the lieutenant-governor, and his only resource was to resign. It was understood at the time, and has never been denied, that His Excellency was acting under the advice of the Hon. Peter Mitchell, a member of the legislative council, who was a strong supporter of confederation. Mr. Mitchell was a man of great force of character, and, next to Mr. Tilley, must be regarded as the most potent factor in bringing about the change in the sentiments of the people of the province with respect to confederation.

The lieutenant-governor called upon the Hon. Peter Mitchell, who was a member of the legislative council, to form a government. Mr. Mitchell had been very active in the cause of confederation, and was the moving spirit in the legislative council in all the proceedings in its favour taken in that body; but, when asked to form a new government, he advised the lieutenant-governor that the proper

THE FENIAN INVASION

person to undertake that responsibility was the Hon. Mr. Tilley. The latter, however, declined the task on the ground that he was not a member of the legislature, whereupon Mr. Mitchell associated with himself the Hon. Mr. Wilmot for the purpose of forming a new government. The government was announced on April 18th, and was formed as follows:—Hon. Peter Mitchell, president of the council; Hon. S. L. Tilley, provincial secretary; Hon. Charles Fisher, attorney-general; Hon. Edward Williston, solicitor-general; Hon. John McMillan, postmaster-general; Hon. A. R. McClelan, chief commissioner of public works; Hon. R. D. Wilmot and Hon. Charles Connell, members without office. The latter afterwards became surveyor-general.

While the government was being formed in New Brunswick, a Fenian army was gathering upon the border for the purpose of invading the province. This force consisted of four or five hundred young men, most of whom had been in the army of the United States. It was recruited at New York, and its chief was a Fenian named Doran Killian. A part of his force arrived at Eastport on April 10th, and a schooner, laden with arms for the Fenians, soon after reached that place. From this schooner, which was seized by the United States authorities, one hundred and seventeen cases of arms and ammunition were taken,—a clear proof that the intentions of the Fenians were warlike, and that their presence on

SIR LEONARD TILLEY

the border was not a mere demonstration. The Fenians appeared to have been under the impression—as many residents of the United States are to this day—that the people of Canada and of New Brunswick were dissatisfied with their own form of government, and were anxious to come under the protection of the stars and stripes. This absurd idea was responsible, largely, for the War of 1812, and it has been responsible, since then, for many other movements, with respect to the British provinces of North America, in which residents of the United States have taken part. There never was a greater delusion than this, and, in the instance referred to, the Fenians were doomed to be speedily undeceived. The presence of a Fenian force on the border sounded like a bugle blast to every able-bodied man in New Brunswick, and the call for troops to defend the country was instantly responded to. About one thousand men were called out and marched to the frontier. The troops called out consisted of the three batteries of the New Brunswick regiment of artillery, seven companies of the St. John volunteer battalion, one company of the first battalion of the York County militia, one company each of the first and third battalions of the Charlotte County militia, and two companies each of the second and fourth battalions of the Charlotte County militia. These troops remained in arms on the frontier for nearly three months, and were disbanded by a general order dated June 20th. The

CONFEDERATION VICTORIES

Fenian raid on New Brunswick proved to be a complete fiasco. The frontier was so well guarded by the New Brunswick militia and by British soldiers, and the St. Croix so thoroughly patrolled by British warships, that the Fenians had no opportunity to make any impression upon the province. It ought to be added that the United States government was prompt to take steps to prevent any armed invasion, and General Meade was sent down to Eastport with a force of infantry and a ship of war to prevent the Fenians from making that place a base of operations against these provinces.

The general elections to decide whether or not New Brunswick was willing to become confederated with Canada, were held in May and June. The first election was that for the county of Northumberland on May 25th, and the result was that the four candidates who favoured confederation, Messrs. Johnson, Sutton, Kerr and Williston, were elected by large majorities. The same result followed in the county of Carleton, where the election was held on May 26th, Messrs. Connell and Lindsay being elected by a vote of more than two to one over their anti-confederate opponents. The third election was in Albert County on the 29th, and there Messrs. McClelan and Lewis, the two candidates in favour of confederation, were triumphantly returned. On May 31st, elections were held in Restigouche and Sunbury, and, in these counties, the candidates in favour of confederation were returned by large

SIR LEONARD TILLEY

majorities. The York election came next. In that county, the anti-confederates had placed a full ticket in the field, the candidates being Messrs. Hatheway, Fraser, Needham and Brown. Mr. Fisher had with him on the ticket, Dr. Dow and Messrs. Thompson and John A. Beckwith. Every person expected a vigorous contest in York, notwithstanding the victory of Mr. Fisher over Mr. Pickard a few months before. But, to the amazement of the anti-confederates in other parts of the province, the Hon. George L. Hatheway and Dr. Brown retired after nomination day and left Messrs. Fraser and Needham to do battle alone. Mr. Hatheway's retirement at this time was a death-blow to the hopes of the anti-confederates all over New Brunswick, affecting not only the result in the county of York, but in every other county in which an election was to be held. A few nights before his resignation, Mr. Hatheway had been in St. John addressing a packed meeting of anti-confederates in the hall of the Mechanics' Institute, and he had spoken on that occasion with apparent confidence. When his friends in St. John, who had been so much moved by his vigorous eloquence, learned that he had deserted them, their indignation was extreme, and they felt that matters must indeed be in a bad way when he did not dare to face the York electors.

The election in the county of St. John was held on June 6th, and that in the city, on the seventh.

THE BATTLE IS WON

For the county, the confederate candidates were Messrs. C. N. Skinner, John H. Gray, James Quinton and R. D. Wilmot, and the anti-confederate candidates were Messrs. Coram, Cudlip, Robertson and Anglin. The former were elected by very large majorities, Mr. Wilmot, who stood lowest on the poll among the confederates, having a majority of six hundred over Mr. Coram, who stood highest among the defeated candidates. The election for the city was an equally emphatic declaration in favour of confederation. The candidates were the Hon. S. L. Tilley and A. R. Wetmore on the confederate side, and J. V. Troop and S. R. Thompson opposed to confederation. Mr. Tilley's majority over Mr. Troop, who stood highest on the poll of the two defeated candidates, was seven hundred and twenty-six. The only counties which the anti-confederate party succeeded in carrying were Westmorland, Gloucester and Kent,—three counties in which the French vote was very large,—so that of the forty-one members returned, only eight were opponents of confederation. The victory was as complete as that which had been recorded against confederation in the beginning of 1865.

The battle of confederation had been won, and the triumph was mainly due to the efforts of the Hon. Mr. Tilley. That gentleman, as soon as the defeat of confederation took place in March, 1865, had commenced a campaign for the purpose of educating the people on the subject. Being free from his

SIR LEONARD TILLEY

official duties and having plenty of time on his hands, he was able to devote himself to the work of explaining the advantages of the proposed union to the people of the province; and during the years 1865 and 1866, he spoke in almost every county on the subject which was so near to his heart. He had embraced confederation with a sincere desire for the benefit of his native province, and with the belief that it would be of the greatest advantage to New Brunswick. If the fruits of confederation have not yet all been realized, that has been due rather to circumstances over which neither Mr. Tilley nor any one else had any control, than to any inherent vice of confederation itself. If union is strength, then it must be admitted that the union of the British North American provinces, which consolidated them into a powerful whole, was a good thing; and there cannot be a doubt that if the provinces had remained separate from each other, their present position would have been much less favourable than it is now.

CHAPTER X

THE BRITISH NORTH AMERICA ACT

ONE of the great objects of confederation was the construction of the Intercolonial Railway from St. John and Halifax to Quebec. It was thought that there could be no real union between the several colonies of British North America unless a good means of communication existed, and such a means was to be obtained only through the construction of this line of railway. The Intercolonial Railway, as we have seen, had been a part of the policy of successive governments in the province for many years, and it became an essential part of the scheme of confederation. When confederation was accepted by the people of New Brunswick in 1866, the Intercolonial Railway had yet to be built. Western Extension, as the line to the Maine border was called, had only been commenced; Eastern Extension, from the Shediac line towards Halifax, was in the same condition; in fact, the total mileage of the railways in New Brunswick did not exceed two hundred miles, and these lines were isolated and formed no part of any complete system. New Brunswick now has three separate lines of railway leading to Quebec and Montreal; it is connected with the great railway systems of the continent;

SIR LEONARD TILLEY

there is no county in the province which has not a line of railway traversing it; and the mileage has risen from less than two hundred to more than fourteen hundred.

Mr. Tilley realized that the time had come when the communities which form the British provinces of North America must either become politically connected or else fall, one by one, beneath the influence of the United States. After confederation had been brought about between Canada, New Brunswick and Nova Scotia, enough was seen in the conduct of American statesmen towards Prince Edward Island to show that their design was to try to create a separate interest in this colony apart from the general interest of Canada. The acceptance of the scheme of confederation by Prince Edward Island, at a comparatively early period, put an end to the plots in that quarter; but in the case of Newfoundland the same thing has been repeated, and an attempt was made by American statesmen to cause the people of that island to believe that their interests and those of Canada are not identical, and that they would be specially favoured by the United States if they held aloof from the great Dominion. The attitude of the people and congress of the United States towards Canada has not been marked, for the most part, by any great friendliness. They saw in confederation an arrangement that was likely to prevent this country from ever becoming absorbed by their

HIS SPEECHES

own, and they believed that by creating difficulties for us with respect to the tariff and other matters, and limiting the area of our commercial relations, they could put such pressure upon Canada as would compel our people to unite with them. This scheme has failed because it was based on a misconception of the spirit of our people; but who will say that it would not have succeeded if the several provinces which now form the confederation had been dis-united and inharmonious in their relations and had pursued different lines of policy?

It is unfortunate that, owing to the absence of verbatim reports, it is impossible to reproduce any of Tilley's speeches during the confederation campaign. No speaker that New Brunswick has ever produced has been more generally acceptable than was Tilley. His speeches were pointed, and so clear that they could not be misunderstood. He possessed, to a very large extent, that magnetism which enabled him to retain the attention and to awaken the sympathy of his audience. At all the meetings which he addressed, there were many who regarded themselves always as his friends and supporters and who formed a phalanx around him, giving him a confidence and political strength which few statesmen have ever enjoyed to a like extent. Although his addresses frequently provoked the bitter animosity of his enemies, he had always enough friends to counteract their influence; and during the many contests which he had to fight

SIR LEONARD TILLEY

for his seat in the city of St. John, he was always able to rely on the loyalty of those who were his early associates and who remained his supporters until the end of his career. It is quite safe to assert that confederation could not have been carried had it not been for the personal efforts of Mr. Tilley. As the leader of the government which had consented to the Quebec scheme, he was properly looked upon as the chief promoter of confederation in New Brunswick, and his name will go down to future generations identified with that large and necessary measure of colonial statesmanship.

Although the vote of the electors had been taken on the question, much remained to be done before confederation could become an accomplished fact. The last elections, which were those of Kings and Charlotte, were held on June 12th, but more than a year was to elapse before the union was effected, and the result which the election was intended to bring about realized. The first thing to be done was to call the legislature together and complete the business of the province, which had been interrupted by the dissolution. The legislature met on June 21st, and the Hon. John H. Gray, who had been an active advocate of confederation, and who was one of the members for the county of St. John, was made speaker. In the speech from the throne the following reference was made to the question of confederation:—

THE LEGISLATURE MEETS

“Her Majesty’s government have already expressed their strong and deliberate opinion that the union of the British North American provinces under one government is an object much to be desired. The legislatures of Canada and Nova Scotia have formed the same judgment, and you will now shortly be invited to express your concurrence with or dissent from the view taken of this great question by those provinces.”

The address in reply was moved by Mr. Kerr, of Northumberland, and seconded by Mr. Beveridge of Victoria, and its consideration was made the order of the day for the following Saturday. When it came up for discussion the Hon. Albert J. Smith was not in his place, and Mr. Botsford, one of his colleagues from Westmorland, endeavoured to have the consideration of the matter postponed; but the House was in no humour to await the convenience of any single member, and the address was passed the same day by a vote of thirty to seven. Attorney-General Fisher, immediately on the passage of the address, gave notice of the following resolution, which was to be made the order of the day for Monday, June 26th:—

“*Resolved*, That an humble address be presented to His Excellency, the lieutenant-governor, praying that His Excellency be pleased to appoint delegates to unite with delegates from the other provinces in arranging with the imperial government for the union of British North America, upon

SIR LEONARD TILLEY

such terms as will secure the just rights and interests of New Brunswick, accompanied with provision for the immediate construction of the Intercolonial Railway; each province to have an equal voice in such delegation, Upper and Lower Canada to be considered as separate provinces.”

Mr. Fisher moved the resolution in question in a very brief speech, and was replied to by the Hon. Mr. Smith, who spoke at great length and continued his speech on the following day. Mr. Smith took exception to giving the delegates power to fix the destinies of the provinces forever, without again submitting the scheme of union to the people. He proceeded to discuss the Quebec scheme, and took exception to the construction of the Upper House of the proposed legislature of the confederation, declaring that each province should have an equal number of representatives in it, as was the case in the United States. After going over the ground pretty thoroughly and criticizing most of the terms of the scheme of confederation, he moved an amendment, to the effect that no Act or measure for a union with Canada take effect until approved by the legislature or the people of the province.

The Hon. Mr. Tilley replied to the leader of the Opposition in one of the most effective speeches that he ever delivered in the legislature. He first took up Mr. Smith's allusion to the constitutional question, and, with immense power and solemnity, he charged that any want of constitutional action

A PLAN FOR CONFEDERATION

which existed was due to Mr. Smith and his colleagues. He stated that the governor's sympathies were with the late government, and that he had endeavoured to aid and not to injure them. Mr. Smith had alluded to the Hon. Joseph Howe, who was then an opponent of confederation, in terms of praise, and Mr. Tilley, in reply, read from Mr. Howe's speech, made in 1861, a magnificent paragraph on the union of British America. Mr. Tilley stated that the government would take the Quebec scheme for a basis, and would seek concessions to meet the views of those who found objection to parts of it. He mentioned the various counties of the province to show that they were either expressly or potentially favourable to the Quebec scheme. He was convinced that even his friend, the ex-attorney-general and member for Westmorland, was hardly against union. He asked, "Was there one anti-unionist on the floor of the House? Where was Mr. Anglin? Mr. Needham? Mr. Hill and all the rest of the anti-unionists? They were all swept away and unionists had taken their places, and when the arrangements for union were carried out, the feeling in its favour would be deeper and deeper." Mr. Tilley showed the great advantages which would accrue to New Brunswick eventually in consequence of confederation. He combated the statement made by Mr. Smith that after confederation the provincial legislature would become a mere farce, showing that of all the Acts passed

SIR LEONARD TILLEY

during the previous two years there were only seven which would have come under the control of the general legislature. Mr. Tilley closed by dwelling on the impression of power which union would have on the minds of those abroad who were plotting our ruin. The speech was listened to with the utmost attention by the members of the legislature and by a very large audience which completely filled the galleries, and it was generally considered to have been one of his greatest efforts.

The resolution was finally carried by a vote of thirty to eight, only two members, both of whom would have voted for the resolution, being absent. As soon as the confederation resolution was passed the Hon. A. J. Smith moved a resolution which, after reciting the steps which had already been taken in favour of union with Canada, continued as follows:—

“THEREFORE, *Resolved*, as the deliberate opinion of this House, that no measure for such union should be adopted which does not contain the following provisions, viz.: first, an equal number of legislative councillors for each province; second, such legislative councillors to be required to reside in the province which they represent and for which they are appointed; third, the number of representatives in the federal parliament to be limited; fourth, the establishment of a court for the determination of questions and disputes that may arise between the federal and local governments as to

SMITH'S AMENDMENT

the meaning of the Act of Union ; fifth, exemption of this province from taxation for the construction and enlargement of canals in Upper Canada, and for the payment of money for the mines and minerals and lands of Newfoundland ; sixth, eighty cents per head to be on the population as it increases and not to be confined to the census of 1861 ; seventh, securing to each of the Maritime Provinces the right to have at least one executive councillor in the federal government ; eighth, the commencing of the Intercolonial Railway before the right shall exist to increase taxation upon the people of the province.”

Mr. Smith supported his resolution in a lengthy speech in which he predicted increased taxation as the result of confederation. He said that the House, instead of being a deliberative assembly, had to surrender its judgment to the government. Confederation was a great experiment at best, and called for the exercise of other men's judgment. The government were going on in the most high-handed manner and were not justified in withholding information asked for. He elaborated the idea that Canada was pledged to issue treasury notes to pay present liabilities, and asserted that the government was altogether under the control of Canadian politicians. He insisted particularly on a provision in the Act of Union that each of the Maritime Provinces have an executive councillor in the federal government. Finally the vote was taken and the

SIR LEONARD TILLEY

following amendment, which had been moved by the Hon. Mr. Fisher, was carried, only eight members voting against it:—

“Resolved, That the people of this province having, after due deliberation, determined that the union of British North America was desirable, and the House having agreed to request His Excellency the lieutenant-governor to appoint delegates for the purpose of considering the plan of union upon such terms as will secure the just rights of New Brunswick, and having confidence that the action of His Excellency under the advice of his constitutional advisers will be directed to the attainment of that end, sound policy and a due regard to the interests of this province require that the responsibility of such action should be left unfettered by an expression of opinion other than what has already been given by the people and their representatives.”

This ended the battle for confederation in New Brunswick, for what remained to be done was merely the arrangement of the details of the union by the delegates who had received full powers for that purpose. The session of the legislature, which must be considered one of the most important ever held in New Brunswick, came to a close on Monday, July 7th. At a meeting of the government held immediately after the prorogation, the Hon. Messrs. Tilley, Wilmot, Fisher, Mitchell, Johnson and Chandler were appointed to go to England as delegates for the purpose of meeting delegates from

THE DELEGATES IN ENGLAND

Canada and Nova Scotia, and framing the bill which was to be passed by the imperial parliament for the consummation of confederation. It was understood that there would be no delay on the part of the delegates from Canada, but Sir John A. Macdonald and the other Canadian delegates were unable to leave at the time appointed, and did not meet the Maritime Provinces delegation in England until many months after the latter had arrived there. This unfortunate circumstance produced much comment at the time, because it looked as if the government of Canada was treating the delegates of New Brunswick and Nova Scotia with discourtesy. Instead of the business being completed promptly, as was expected, and the bill passed by the parliament during the autumn season, the whole matter was thrown over until the following year, and the New Brunswick delegates, most of whom were prominent members of the government, had to remain in England for about ten months at great expense and inconvenience.

The delegates from the three provinces, Canada, Nova Scotia and New Brunswick, met at the Westminster Palace Hotel, London, in December, 1866, the Hon. John A. Macdonald in the chair and Lieut.-Col. Hewitt Bernard acting as secretary. The resolution passed at the Quebec conference held in 1864 was read, and amendments were moved in accordance with the suggestions made in the several legislatures during the discussions at the previous

SIR LEONARD TILLEY

sessions. It was conceded by all that the Intercolonial Railway, by which facilities for interprovincial commercial intercourse should be secured, must be built by the united provinces and without delay. It was also conceded that in the provinces where separate schools were established by law, that principle should not be disturbed. In the discussion it was claimed that the sole right of imposing an export duty should be vested in the federal authority. This was objected to by the New Brunswick delegates, on the ground that as the people of that province had expended a large sum of money in the improving of the navigation of the upper St. John, they had to recoup themselves by imposing an export duty on lumber shipped from the province. A considerable portion of the income thus received was paid by the lumbermen of the state of Maine, the advantage derived by them from such improvements being very great. The claim thus presented by the New Brunswick delegates was conceded, and the province was permitted to retain the right. This right was abandoned after confederation, the Dominion paying therefor a hundred and fifty thousand dollars per annum to the New Brunswick government.

During the sitting of the delegates, which lasted for two months, many conferences were held with Lord Carnarvon, then secretary of state for the colonies, and the law officers of the Crown, in regard to objections which were taken to some of the reso-

THE BRITISH NORTH AMERICA ACT

lutions adopted by the delegates. The governor-general of Canada, Viscount Monck, was in London at the time, and was able to render valuable assistance during the conference, owing to his intimate knowledge of the previous negotiations at Quebec. The arrangements there made, in regard to the strengthening of the central government, founded on the experience of the United States during the War of Secession, were adhered to in the London resolutions and accepted by the imperial authorities. When the bill reached parliament some amendments were suggested, but when it was pointed out that the bill as presented was the result of the most careful consideration of both the imperial authorities and the colonial representatives, the suggested amendments were not pressed and the measure passed through both Houses with very little discussion. But one spirit seemed to animate both the imperial government and the members of parliament, and that was to give the provinces interested the fullest powers consistent with their relation to the Empire. The parliamentary opposition to the measure was much less than might have been expected, when it is remembered that the opponents of confederation had representatives in London, well able to present objections from their standpoint, who had the ear of Mr. Bright and other members of the House of Commons. Her Majesty took a deep interest in the measure and expressed that interest to members of

SIR LEONARD TILLEY

the delegation, adding that she felt a great affection for her loyal Canadian subjects. While the bill was before the House of Lords, Messrs. Macdonald, Cartier, Galt, Tupper and Tilley were honoured by a private presentation to Her Majesty, at Buckingham Palace, and shortly afterwards all the members of the conference were presented at a drawing-room at the same place.

The New Brunswick delegates returned to Canada in the spring of 1867, having completed their labours, and the legislature was called together on May 8th. The business before it was of great importance, for the province was entering upon a new era as a member of the Canadian confederation, and the legislature was about to lose that portion of its powers which was delegated to the federal parliament. It is not, however, necessary to enter into any details of the work of the session, which was carried through without any particular difficulty, the Opposition being too weak to oppose seriously the measures of the government. It was felt on all sides that, as twelve members of the legislative council were about to become members of the senate of Canada, and as fifteen representatives were to be elected to the House of Commons, most of whom would come from the House of Assembly, a striking change would take place in the composition of the legislature, which would be deprived of the services of a large number of its ablest men. One of the important bills of the session was the passage

COUNTY COURT ACT

of the Act establishing county courts in the province, and in respect to this measure a difference of opinion took place between Mr. John M. Johnson, one of the delegates and member for Northumberland, and his fellow-delegates to England. He thought that the legislature had no authority under the terms of confederation, or from any understanding between the delegates while in England, to create county courts, while the other delegates held a different view. The Act was passed, however, and has proved to be one of the most useful ever placed upon the statute-book, relieving the supreme court of many cases, both civil and criminal, which would otherwise block its business, and enabling them to be disposed of more rapidly than before. The county court judges appointed under this Act were, with one exception, taken from the legislature, and this made another serious drain upon its experienced members.



CHAPTER XI

THE FIRST PARLIAMENT OF CANADA

THE British North America Act, by which the provinces of Upper and Lower Canada, New Brunswick and Nova Scotia were bound into a confederation, came into force by royal proclamation on the first day of July, 1867. When it is considered how vast and vital a change this measure brought about, it is surprising that it produced so little excitement anywhere. With the exception of one or two demonstrations which were made with flags by persons hostile to confederation, it was received in the province of New Brunswick, which had been so much excited during two elections, with perfect calmness, and although for some years afterwards there were always a number of persons opposed to union who predicted direful things from confederation, and thought it must finally be dissolved, the voices of such persons were eventually silenced either by death or by their acquiescence in the situation. To-day it may be safely declared that the Canadian confederation stands upon as secure a foundation as any other government in the civilized world.

In June, 1867, the Hon. John A. Macdonald, the leading spirit in the government of Canada, was

SIR LEONARD TILLEY

entrusted by Lord Monck, then governor-general, with the formation of a ministry for the Dominion. Mr. Macdonald naturally experienced a good deal of difficulty in making his arrangements. In the formation of the first ministry much care was necessary; provincial and national interests were to be thought of and denominational claims had to receive some attention. But the greatest difficulty arose with respect to old party lines. Mr. Macdonald thought that these ought, as far as possible, to be ignored, and accordingly selected his men from the leading advocates of confederation belonging to both parties, placing in his cabinet seven Conservatives and six Liberals. The Liberals included the names of Mr. W. P. Howland and Mr. William MacDougall for Ontario. A large number of the Liberals of Ontario, including George Brown and Alexander Mackenzie, opposed this arrangement, called a public meeting in Toronto, and passed resolutions in favour of a strictly party government on the old lines. It declared hostility to the proposal for a coalition, and resolved to oppose Messrs. Howland and MacDougall, should they accept office under Mr. Macdonald. This decision was carried out, but these gentlemen were both elected by good majorities. In this first ministry there were five members from Ontario, four from Quebec, two from Nova Scotia, and two from New Brunswick: S. L. Tilley and Peter Mitchell.

FIRST CONFEDERATION MINISTRY

The wisdom of the course adopted will be apparent when it is remembered that the question of confederation was not settled or carried on party lines, some of the Conservatives opposing and some Liberals supporting it. This was clearly the case in New Brunswick, as shown by the last two elections held there. About one-third of the Liberal party, and a like proportion of the Conservative party, opposed confederation at the second election. To have formed the first government on a party basis would have necessitated the selection of some men who were opposed to the union, and whose efforts might not have been devoted to making it a success.

The first confederation ministry was a very strong one. The Hon. John A. Macdonald became premier and minister of justice; the Hon. George E. Cartier was minister of militia and defence; Alexander T. Galt was minister of finance; the Hon. William MacDougall was minister of public works; the Hon. W. P. Howland was minister of inland revenue; the Hon. A. J. F. Blair, president of the privy council; the Hon. Alexander Campbell, postmaster-general; the Hon. J. C. Chapais, minister of agriculture; the Hon. Hector L. Langevin, secretary of state. The Hon. Mr. Tilley became minister of customs and the Hon. Mr. Mitchell minister of marine and fisheries, while the two Nova Scotia representatives, Messrs. Archibald and Kenny, became respectively secretary of state for the provinces and receiver-general.

SIR LEONARD TILLEY

It will thus be seen that the Maritime Provinces had four representatives out of thirteen members of the cabinet, and this proportion has generally been maintained since that time; so that the fears of those who anticipated that the provinces by the sea would not receive fair treatment in the distribution of high offices have proved to be groundless. On the contrary, it can be said that the Maritime Province members of the government appear always to have occupied a very influential position.

The office of minister of customs, which Mr. Tilley received, was thought by some of his friends to be less important than he deserved, they being of the opinion that he should have been made minister of finance. This office, however, went to Mr. Galt, who, owing to a difference with the rest of the government, resigned four months later, his place in the cabinet being taken by Sir John Rose, who held the office of finance minister until October, 1869, Sir Francis Hincks then receiving the appointment. It was not until the resignation of the latter in February, 1873, that Mr. Tilley became minister of finance. The office at first assigned to him, however, was one of great importance, involving as it did the reorganization of the entire establishment of the customs of Canada, and it gave ample scope for his great ability as a business man.

The elections for the House of Commons in the new parliament of Canada took place in August,

FIRST CANADIAN PARLIAMENT

when Tilley was chosen to represent the city of St. John, and John H. Gray, the county. It had been expected, in view of the fact that these men had been so largely instrumental in bringing about confederation, that they would be allowed to walk over the course unopposed. This was the case with Mr. Gray, whose candidature met with no opposition; but Mr. Tilley was opposed by Mr. John Wilson, who received a very small vote. This needless and futile opposition to the candidature of a man who deserved so well from the province, was merely one of the proofs of the existence of political rancour in the breasts of those who had been defeated on the confederation question.

The first parliament of united Canada met on November 6th, 1867, and the address was moved by the Hon. Charles Fisher, who had been elected to represent the county of York. The session was a very long one, lasting until May 22nd of the following year; but there was an adjournment, extending from December 21st to March 20th. This meeting of parliament was especially memorable, inasmuch as it brought together, for the first time, the representatives of all the provinces, and the ablest men of all political parties. The people of Ontario and Quebec were little known to the people of the Maritime Provinces, and those who resided in the larger provinces in like manner knew comparatively little of their fellow-subjects who dwelt by the sea. It was expected by some

SIR LEONARD TILLEY

that the Maritime Province representatives would be completely overshadowed by men of greater political reputation belonging to the larger provinces, but this did not prove to be the case. The Maritime representatives at once took a leading position in parliament, and this position they have steadily maintained down to the present time. No man stood better in the House of Commons than the representative from St. John, the Hon. S. L. Tilley. At that time Her Majesty, the Queen, in acknowledgment of his services in the cause of confederation, had created him a Companion of the Bath, a distinction which was also given to the Hon. Charles Tupper, of Nova Scotia.

A vast amount of business had to be disposed of at the first session of the parliament of Canada. Although the Union Act embodied the plan upon which confederation was founded, it was necessary to supplement it by a great deal of special legislation, for the purpose of interpreting it and making preparations for the practical working of the constitution. In all the discussions relative to the measures which had to be passed at that time, Tilley took a prominent part, and, when the session was over, he had established in the House of Commons, as fully as he had in the legislature of New Brunswick, a reputation for ability as a speaker and as a man of affairs. He was looked upon as one whose wide knowledge of the needs of the province and whose experience in departmental work were

MINISTER OF FINANCE

likely to be of the greatest use to the confederation. His high character gave weight at all times to his words, and caused him to be listened to with the most respectful attention. During the whole period that Tilley sat in the House of Commons, he had the pleasure of knowing that even his political enemies respected his character and abilities, and, with the exception of the premier, perhaps no man wielded a more potent influence in the councils of the Dominion than he.

It is not necessary here to trace to any large extent the career of Sir S. L. Tilley in the parliament of Canada; that belongs rather to the history of the Dominion than to a work which deals particularly with his connection with his native province. Only so much of his public life in the House of Commons will be dealt with as seems necessary to complete his personal history. Tilley continued to hold the position of minister of customs during the whole of the term of the first parliament of Canada. This parliament held five sessions and dissolved in the summer of 1872, the general election being in the month of July, upon which occasion he was reelected for the city of St. John without opposition.

The second parliament met on March 5th, 1873. Eleven days before that time Mr. Tilley had become minister of finance, succeeding Sir Francis Hincks, who had resigned that office after holding it for more than three years. The advance-

SIR LEONARD TILLEY

ment of Mr. Tilley to this responsible and influential position was very pleasing to his friends, and was received with satisfaction by the country generally.

The first confederation ministry of Canada resigned office on November 5th, 1873, under circumstances which are a part of the political history of the Dominion and need not be gone into in this volume, further than to say that, whatever basis there may have been for charges of corruption in connection with the Pacific Railway contract against other persons in the government, none were ever preferred against Mr. Tilley; nor did any one suspect or believe that he had anything whatever to do with the transactions which led to the resignation of the government. Prior to that event Mr. Tilley had been appointed lieutenant-governor of the province of New Brunswick in succession to the Hon. Lemuel A. Wilmot, whose term had expired. Every one felt that the honour thus bestowed upon Tilley was a most fitting one, for he was New Brunswick's foremost son in political life, and had reached his high position purely through his own ability and his own good character. That position he filled a greater number of years than any of his successors are likely to do, and it is admitted on all sides that no man could have performed the duties of the office more satisfactorily than he did.

CHAPTER XII

FINANCE MINISTER AND GOVERNOR

MR. TILLEY took up his residence in the old Government House, Fredericton, and he must have been struck with the changed aspect of affairs from that presented under the old régime, when lieutenant-governors were appointed by the British government and sent out from England to preside over the councils of a people of whom they knew little or nothing. Most of these former governors had been military men, more accustomed to habits of command than to deal with perplexing questions of state. They looked with a very natural degree of impatience on the attempts which the people of the province were making to get the full control of their own affairs. Under the old régime the governor was surrounded with military guards, and sentries paced the walks and guarded the entrances to the Government House. The withdrawal of the British troops from Canada before the lieutenant-governorship of Mr. Tilley commenced relieved him of any embarrassment in regard to dispensing with military guards and sentries; but all pretentious accompaniments of authority were foreign to his nature, and he always showed, by the severe simplicity of his life, that he felt he was one

SIR LEONARD TILLEY

of the people, and that it was his duty as well as his pleasure to permit all who had any occasion to see him to have free access to him, without the necessity of going through any formal process.

When Mr. Tilley became lieutenant-governor of the province, he was fifty-five years of age, and he seems to have thought that his political career was ended, because, by the time his term of office expired in its natural course, he would have reached the age of sixty, a period when a man is not likely to make a new entrance into public life. But circumstances, quite apart from any desire on his part, made it almost necessary for him to change his determination, and during the summer of 1878, when the general election was imminent, he found himself pressed by his old political friends to become once more the candidate of his party for his old constituency, the city of St. John. There was great enthusiasm amongst them when it was announced that he would comply with their wishes, and that he had resigned the lieutenant-governorship. The result of that general election is well known. The Liberal party, which had succeeded to the government less than five years before with a large majority in the House of Commons, experienced a severe defeat, and the Hon. Alexander Mackenzie, seeing this, very properly did not await the assembling of parliament, but sent in the resignation of the ministry, and Sir John A. Macdonald was called upon to form a new government. In the cabinet thus constructed Mr.

THE PROTECTIONIST TARIFF

Tilley resumed his old office of minister of finance, and one of his first duties was to assist in the framing of a new customs tariff which was to give effect to the principle, upon which the election had been run, of protection to home industries. This idea of protection had not been heard of in the Canadian confederation as the policy of any political party until Sir John A. Macdonald took it up about a year before the general election, but it proved a winning card and was the means of giving the new government a long lease of power.

Sir Leonard Tilley's speech in introducing the new tariff was well received and made a strong impression upon all who heard it. It was admitted, even by those who were opposed to the views he held, that he showed a great mastery of the details, and that he illustrated in a very clear manner the view that the country was suffering because the duties imposed upon foreign goods were not sufficiently high to protect Canadian manufactures.

It is not the intention of this volume to deal to any full extent with the career of Sir Leonard Tilley during his second term of office as minister of finance of Canada. To enter into that phase of his career would be to relate the history of Canada, for he was but one member of the government, and not its leader. It is admitted that, in respect to financial questions, Sir Leonard showed the same ability that had characterized his career during his

SIR LEONARD TILLEY

previous term of office, and he was looked upon by his colleagues as a man in whose judgment the utmost confidence could be placed. At this time, however, his health began to fail, and the disease which finally carried him off developed to such an extent that he was told he must cease all active work or his days would be shortened. Under these circumstances, it became necessary for him to retire from the severe duties of his very responsible and laborious office, and on October 31st, 1885, he was again appointed lieutenant-governor of New Brunswick, an office which he had filled with so much acceptance between 1873 and 1878. Sir Leonard Tilley continued lieutenant-governor during a second term, for almost eight years, or until the appointment of the Hon. John Boyd to that position. He was lieutenant-governor of New Brunswick for considerably more than twelve years, a record which is not likely to be equalled by any future lieutenant-governor for many years to come, if ever.

There was no event of particular importance to distinguish Sir Leonard Tilley's second term as lieutenant-governor. The Hon. Mr. Blair was premier of New Brunswick during the whole period, and there was no political crisis of any importance to alter the complexion of affairs. The only event in connection with the governorship which is worthy of being mentioned is the change that was made by the abandonment of the old Government House,

SECOND TERM AS GOVERNOR

at Fredericton, as the residence of the lieutenant-governor. This building had become antiquated, and in other ways unsuitable for the occupancy of a lieutenant-governor, and its maintenance involved a very large expenditure annually, which the province was unable to afford. It was therefore determined that in future the lieutenant-governor should provide his own residence, and that the amount spent on the Government House annually should be saved. Sir Leonard Tilley built a residence in St. John, in which he lived for the remainder of his life, and the seat of government, so far as his presence was concerned, was transferred to that city. Sir Leonard Tilley was always on the most cordial terms with the various premiers who led the government of New Brunswick during their terms of office. He knew well the strict constitutional limits of his office, and was always careful to confine his activities within their proper scope. The lessons of responsible government which he had learned in his early youth, and which had been the study of his manhood, enabled him to avoid those pitfalls which beset the steps of earlier lieutenant-governors.

During Sir Leonard Tilley's last term of office, and after its close, he abstained wholly from any interference with public affairs in the Dominion, and although he still remained steadfastly attached to the Liberal-Conservative party, he gave no outward sign of his desire for their success. This neu-

SIR LEONARD TILLEY

tral position which he assumed in political matters had the effect of drawing towards him thousands of his fellow-countrymen who, in former years, had been accustomed to regard him with unfriendly feelings. They forgot the active political leader and saw before them only the aged governor, whose venerable figure and kindly face were so familiar at social or other gatherings, or whenever work was to be done for any good cause. In this way Sir Leonard Tilley grew to assume a new character in the public estimation, and at the time of his death the regret was as great on the part of those who had been his political opponents as among those who had been his associates in political warfare. This was one of the most pleasing features of his declining years, and one that gave him the greatest satisfaction, because it enabled him to feel that he enjoyed the affectionate regard of the whole body of the people.

Sir Leonard Tilley throughout his life gave great attention to his religious duties. He was a devoted member of the Church of England, and his attendance at its services was constant and regular. For several years before his death he was connected with St. Mark's congregation, and no cause, except severe bodily illness, was ever allowed to prevent him from going to church on Sunday morning. On many occasions, when his steps had grown feeble and his strength was failing, it was suggested to him that he should drive to church, but he always replied

HIS IMPERIAL HONOURS

that he would walk to church as long as he had strength left to do so, and that he would not have people harnessing up horses on the Sabbath Day on his account. This resolution he maintained to the end of his life. Sometimes, when he met an old acquaintance, as he toiled up the street which led to his favourite church, he would cheerfully greet him by saying, "John, this hill has grown steeper than it used to be," but he climbed the hill to the end, and the last Sunday he was able to be out of his bed he walked to church as usual. He also took a deep interest in all humane and philanthropic objects as well as in the great work connected with the spread of the Gospel. He was a constant attendant at the annual meetings of the British and Foreign Bible Society, and was a life member of that admirable association.

The honours that Sir Leonard Tilley received from Her Majesty, in recognition of his great public services, were very gratifying to his friends as well as to himself, and when he was made a Knight Commander of St. Michael and St. George, in 1879, his temperance friends embraced the first opportunity on his return to St. John to have a banquet in his honour, at which he wore, for the first time in public, the insignia of the knightly order of which he had become a member. There was probably no public event in the whole course of his life which gave him greater pleasure than this proof of the attachment of his old friends.

SIR LEONARD TILLEY

Sir Leonard's last visit to England was marked by an extremely gracious invitation to visit the queen at Osborne, in the Isle of Wight. While he and Lady Tilley were sojourning at Cowes a message was sent summoning them to Osborne House, where they were received by Her Majesty in the beautiful grounds that surround that palace. The Princess Louise and Princess Beatrice, with an equerry in waiting, were the only other persons present. After an interesting conversation they were permitted to visit the private apartments of Her Majesty, and the Prince Consort's farm.

Sir Leonard Tilley was first married in 1843 to Julia Ann, daughter of the late James T. Hanford, who died in 1862. By her he had seven children, two sons and five daughters. In 1867, he married Alice Starr, daughter of the late Z. Chipman, of St. Stephen. By this marriage he had two sons, Mr. Herbert C. Tilley, of the Imperial Trust Company, who resides in St. John, and Mr. L. P. DeWolfe Tilley, barrister, who is also a resident of St. John. These two sons, Herbert and Leonard, were the prop and comfort of his declining years and were devoted wholly to him to the end.

Sir Leonard Tilley's second marriage was contracted at the time when he was exchanging the limited field of provincial politics for the wider sphere which confederation opened up to him in the parliament of Canada. It was a fortunate union, for it gave him a helpmeet and companion

LADY TILLEY

who was in full sympathy with him in all his hopes and feelings, and who was singularly well qualified to preside over his household, which, in his capacity of a minister of the Crown, had become, to a considerable extent, a factor in the public life of Canada. Lady Tilley had a high ideal of her duty as the wife of a cabinet minister and of the governor of New Brunswick, and was not content to lead a merely ornamental life or confine her energies within a narrow range. She saw many deficiencies in our appliances for relieving human misery, and with a zeal which could not be dampened, she sought to remedy them. The Victoria Hospital at Fredericton is her work; hers also is the Nurses' Home in connection with the Public Hospital in St. John, and the Reformatory for the care of bad or neglected boys, who are in danger of becoming criminals if they are not educated and disciplined when they are young. In every work of philanthropy Lady Tilley has always taken not only an active, but a leading part, and her position has enabled her to enlist in the cause of humanity the energies of many who, under other circumstances, might not have given their attention to philanthropic work.

Sir Leonard Tilley for many years had suffered from an incurable disease, which had been mitigated by rest and medical treatment, but not removed. It was the knowledge of the fact that his days would be shortened if he continued in active po-

SIR LEONARD TILLEY

litical life that compelled him to leave the government in 1885. For many years before his death the malady had been so far subdued that it gave him comparatively little trouble, but any unusual exertion on his part was almost certain to arouse it again to activity, so that he was prevented on many occasions from taking part in public functions which, under other circumstances, he would have been glad to attend. Still, he always contrived to take his daily walk, and few who saw him ever suspected that he was constantly menaced by death. For three or four years before his decease his strength had been failing, he stooped more as he walked, and it was evident that he was not destined to enjoy many more years of life. Yet during the spring of 1896 there was nothing whatever to indicate that the end was so near, for he went about as usual, and was able to preside at the annual meeting of the Loyalist Society which was held during the last week in May. On that evening he appeared very bright and cheerful, and he entered with much interest into the discussion of the details of an outing which it was proposed the society should hold during the summer. "Man proposes, God disposes." Sir Leonard had gone to Rothesay early in June to spend a few weeks in that pleasant spot, and he appeared to be in his usual health until the night of June 10th, when he began to suffer great pain from a slight cut which he had received in the foot. The symptoms became alarming and gave indications of

LAST ILLNESS AND DEATH

blood poisoning, a condition due to the disease from which he had suffered so many years. On June 11th, he was taken to Carleton House, his town residence, and from that time the doctors gave no hope of his recovery. It was one of the sad features of his illness that his life-long friend and physician for many years, Dr. William Bayard, was unable to attend him, being himself confined to his bed by illness.

After Sir Leonard Tilley reached his home in St. John he never rallied, and he was well aware that his end was near. He was attended by Dr. Inches and Dr. Murray McLaren, but he was beyond medical aid, and therefore the people of St. John, for several days before the event took place, were aware that their foremost citizen was dying. The time was one of great excitement, for the general election was near, yet the eyes of thousands were turned from the moving panorama of active life which passed before them to the silent chamber where the dying statesman was breathing his last. The regret and sympathy that was expressed was universal, and in their kindly words those who had been his life-long political opponents were not behind those who had been his friends. Sir Leonard Tilley died at three o'clock on the morning of June 25th, the second day after the general election which brought about the defeat of the party with which he had been so long identified.

SIR LEONARD TILLEY

His death evoked expressions of sympathy and regret from all parts of the empire and from many states of the union. The letters and telegrams of condolence which Lady Tilley received during the first days of her widowhood would of themselves fill a volume, showing how widely he was known and respected. The funeral, which took place on the Saturday following his death, was one of the largest ever seen in St. John, and was attended by the Board of Trade, the Loyalist Society, the various temperance organizations, the members of the provincial government, and a vast concourse of prominent citizens. The services took place at St. John's Episcopal Church, and were conducted by the rector, the Rev. John deSoyres, assisted by the Rev. R. P. McKim, rector of St. Luke's Church, with which Sir Leonard had been identified in his earlier years. The interment took place in the Rural Cemetery. Many references to the decease of this eminent man were made from the pulpits of St. John and other parts of the province on the Sunday following his death, and all the newspapers had long notices of the event and editorials on his life and character. We may fittingly close this work by quoting a portion of what was said of him by the St. John *Telegraph*, a paper that was politically opposed to him for many years:—

“It is greatly to the honour of Sir Leonard Tilley that no scandal, public or private, was ever attached to his name. A consistent temperance

HIS EMINENT SERVICES

man to the end of his life, he was faithful to the cause which he had espoused when he was young, and he enjoyed the confidence and received the steady support of a vast majority of the temperance men of the province, who looked upon him as their natural leader. His capacity for friendship was great, and his friends might be numbered by thousands, for he had a peculiar faculty of strongly attracting men to himself. This may be ascribed, in part, to the magnetism of a buoyant and strong nature, but it was more largely due to the extreme simplicity of his character, which remained wholly unspoiled by the favours which fortune had showered upon him. No man, however humble, had any difficulty in obtaining an interview with Sir Leonard Tilley; he was every inch a gentleman, and was, therefore, as polite to the poorest labourer as to the richest in the land. Such a man could not fail to be loved even by those who had been his most bitter opponents in former years, when he was in active political life.

“It is one of the drawbacks of this human life that the wise, the learned, the good, and those whom we most love and honour, grow old and feeble, fall by the wayside and pass away. So while we lament the death of Sir Leonard Tilley, we must recognize it as an event that was inevitable, and which could not long have been postponed. His lifework was done; his labours were ended; his active and brilliant career was closed; he was

SIR LEONARD TILLEY

but waiting for the dread summons which sooner or later must come to all. The summons has come, and he has gone from among us forever. His venerable, noble face will no longer be seen on our streets, his kindly greeting will no longer be heard. But his memory will live, not only in the hearts of all his countrymen, but enshrined in the history of this his native province, and of the great Dominion which he did so much to create, and which he so fondly loved.”



INDEX



INDEX

A

- ALLEN, HON. JOHN C.**, solicitor-general, 41 ; opposes confederation, 86 ; becomes attorney-general, 91 ; appointed a judge, 93
Anglin, Hon. Timothy W., opposes confederation, 85, 91 ; differences with colleagues, 94 ; resigns from the government, 95
Ashburton Treaty, 53

B

- BABBITT, SAMUEL**, teacher of the Madras School, 5
Ballot Law, passed, 47
Beckwith, John A., member for York, 108
Bernard, Lieutenant-Colonel Hewitt, secretary of the confederation delegates, 121
Blair, Hon. Andrew G., premier of New Brunswick, 138
Botsford, Hon. Bliss, surveyor-general, 91
Boyd, Hon. John, lieutenant-governor of New Brunswick, 138
British North America Act, the, comes into force, 127
Brown, George, agrees to support confederation, 69
Brown, James, surveyor-general, 32

C

- CARNARVON, LORD**, his interest in confederation, 122

- Carter, Sir James**, resigns the chief-justiceship, 93
Cartier, Hon. Georges E., minister of militia, 129
Chandler, Edward B., goes to England on behalf of the Intercolonial Railway, 26, 54 ; a confederation delegate to England, 120
Clark, Rev. Samuel, rector of Gagetown, 5
Confederation, 59, 60 ; proposed in Lord Durham's Report, 61 ; discussed in 1858, 63 ; not favoured by Lord Derby's government, 63 ; D'Arcy McGee's party visits the Maritime Provinces, 67 ; crisis in the government of Canada, 67, 68 ; Canadian statesmen at the Charlottetown conference, 75-7 ; the Quebec scheme, 80 ; unfavourably received in New Brunswick, 81-3 ; the general election of 1865, 84-7 ; defeat of, 89 ; recommended in the speech from the throne, 100 ; carried at the general election of 1866, 107-9 ; resolutions in its favour carried in the legislature, 118, 120 ; delegation sent to England to arrange details of, 120 ; delay in arrival of Canadian delegates, 121 ; meeting in London, 121 ; discussion of the terms of union, 122 ; Confederation Act passed by parliament, 123 ; the union of the provinces proclaimed, 127

SIR LEONARD TILLEY

Connell, Hon. Charles, postmaster-general, circumstances which led to his resignation, 49, 50 ; member for Carleton, 89 ; becomes a member of the Mitchell-Wilmot government, 105 ; re-elected for Carleton, 107

Cook, Dr. Henry, 7

Council, legislative, of New Brunswick, favours confederation, 102

Custom house system, imperial, discarded, 33, 34

D

DES BRISAY, L. P. W., seconds Fisher's amendment to the address in reply to the speech from the throne, 102

Douglas, Sir Howard, lieutenant-governor of New Brunswick, 6

Dow, Dr., member for York, 108

F

FENIANS, threaten to invade Canada, 98, 99 ; invade New Brunswick, 105 ; Doran Killian, leader of, 105 ; troops called out to oppose them, 106 ; their invasion a fiasco, 107

Fisher, Hon. Charles, his services to the Liberal party, 12 ; moves a want of confidence resolution, 30, 31 ; joins the new government as attorney-general, 32 ; retires from the government, 51 ; re-elected for York, 52 ; elected on the confederation ticket for York, 95 ; moves an amendment to the

address in reply to the speech from the throne, 102 ; becomes attorney-general, 105 ; moves a confederation resolution, 115, 116 ; a confederation delegate to England, 120 ; elected for York in the first parliament of united Canada, 131

Fraser, John J., opposes confederation, 86

G

GAGETOWN, birthplace of Sir Leonard Tilley, 4

Galt, Hon. A. T., in favour of confederation, 63 ; minister of finance, 129

Gilbert, Thomas, advocates agricultural schools, 20

Gillmor, Hon. A. H., provincial secretary, 91

Gladstone, Right Hon. W. E., 57

Gordon, Arthur Hamilton, lieutenant-governor of New Brunswick, opposed to confederation, 97 ; his change of views, 98 ; the confederation paragraph in his speech from the throne, 100 ; differences with his government, 100

Gray, Hon. John H., 10 ; supports the government, 18 ; becomes a member of the government, 23 ; appointed attorney-general, 41 ; favours confederation, 85 ; elected for St. John county, 109 ; speaker of the assembly, 114 ; again elected for St. John in the parliament of 1867, 131

INDEX

Gray-Wilmot government, formed,
41 ; defeated, 42

H

HAMILTON, PETER S., his articles
advocating confederation, 65

Hanington, Hon. D. L., speaker of
the House, 30

Hannay, James, his articles in
favour of confederation, 65

Harding, James A., elected for the
city of St. John, 25

Hatheway, Hon. George L., opposes
confederation, 86 ; joins the anti-
confederation government, 91 ;
retires from the contest in York,
108

Howe, Hon. Joseph, advocates con-
federation, 62

Hutchinson, Richard, 92

J

JENKINS, WILLIAM, teacher of the
Gagetown grammar school, 5

Johnson, Hon. John M., solicitor-
general, 32 ; confederation dele-
gate to England, 120 ; opposes
county courts bill, 125

K

KERR, GEORGE, member for North-
umberland, 107

King's College, bill to amend its
charter passed, 21 ; reorganized
and becomes University of New
Brunswick, 48

L

Legislature of New Brunswick,
called together in 1866, 114 ; its
session of 1867, 124

Leonard, Samuel, 5

M

MACDONALD, SIR JOHN A., chairman
of the confederation delegation,
121 ; forms the first Dominion
cabinet, 128

McClelan, Hon. A. R., chief com-
missioner of public works, 105 ;
re-elected for Albert county, 107

McGee, Thomas D'Arcy, favours
confederation, 65 ; lectures in St.
John, 65 ; brings a party to visit
the Maritime Provinces, 67

McMillan, Hon. John, surveyor-
general, elected for Restigouche,
89 ; becomes postmaster-general,
105

McPhelim, Francis, postmaster-
general, 41

Manners-Sutton, Hon. H. T.,
lieutenant-governor of New
Brunswick, dissolves the House
of Assembly, 38

Maritime union movement, 69-71 ;
the Charlottetown conference, 73

Meade, General, 107

Mitchell, Hon. Peter, member of
the legislative council, 104 ; sup-
ports confederation, 104 ; called
on to form a government, 104 ;
forms the Mitchell-Wilmot gov-
ernment, 105 ; confederation dele-

SIR LEONARD TILLEY

- gate to England, 120 ; becomes minister of marine, 129
- Monk, Viscount, governor-general of Canada, 123
- Montgomery, Hon. John, becomes surveyor-general, 41
- Morgan, Elizabeth, great-grandmother of Sir Leonard Tilley, 3
- Peters, William, grandfather of Sir Leonard, 4
- Peto, Brassy and Betts, propose to construct New Brunswick railways, 25-7
- Pickard, John, defeated in York, 95
- Prohibitory liquor law, 34-6 ; its failure, 38

N

- NEEDHAM, W. H., member for York, 10 ; his ability and character, 12 ; opposes confederation, 86
- Newcastle, Duke of, colonial secretary, 55

O

- ODELL, HON. WILLIAM H., postmaster-general, 91, 92

P

- PALMERSTON, LORD, his government in office during confederation negotiations, 64
- Parker, Hon. Robert, becomes chief-justice, 93
- Parliament of united Canada, its first meeting, 121
- Partelow, Hon. John R., his ability as a speaker and as a business man, 15
- Peters, Colonel Harry, speaker of the assembly, 6
- Peters, Susan Ann, mother of Sir Leonard Tilley, 4

R

- RAILWAYS, European and North American, proposed, 26 ; its progress, 44 ; completed to Shediac, 45, 46 ; Intercolonial, building of, proposed, 26, 53 ; delegations sent to England to obtain assistance, 7 , 54-6 ; discussed in parliament, 45 ; a meeting held in Quebec to consider the offer of the British government, 56 ; a committee is sent to England to arrange the terms of the guarantee but fail to come to an agreement, 57, 58 ; its construction secured by confederation, 122
- Reciprocity treaty, discussed, 28, 29 ; bill passed, 33
- Ritchie, Hon. William J., member for the county of St. John, 10 ; his great ability, 13 ; moves a want of confidence resolution, 18 ; complains of the conduct of the governor and the colonial office, 22 ; resigns his seat, 24 ; re-elected for St. John, 30 ; joins the Fisher government, 33 ; becomes chief-justice, 94

INDEX

S

SIMONDS, HON. CHARLES, elected speaker of the House, 18 ; resigns his seat, 24 ; again elected speaker, 41

Skinner, Hon. C. N., favours confederation, 85 ; member for St. John city, 109

Smith, Hon. Albert J., joins the Fisher government, 33 ; forms an anti-confederation government, 90 ; differences with the lieutenant-governor, 100 ; his government resigns, 103 ; moves an amendment to confederation resolutions, 118

Smith, William O., mayor of St. John, 7

Steadman, Hon. James, postmaster-general, 51

Steeves, Hon. William H., joins the Fisher government, 33

Street, Hon. John Ambrose, attorney-general, 19

Street-Partelow government, defeated, 30-2

Sutton, Richard, 107

T

TILLEY, JAMES, grandfather of Sir Leonard, 3

Tilley, Lady, 142 ; her charitable work, 143

Tilley, Samuel, great-grandfather of Sir Leonard, 1

Tilley, Samuel Leonard, birth and ancestry, 1 ; at the Madras School, 5 ; at the grammar school,

5 ; removes to St. John, 7 ; enters a drug store as clerk, 7 ; becomes a total abstainer, 8 ; begins business on his own account, 8 ; elected to the House of Assembly as member for St. John, 10 ; resigns his seat, 24 ; re-elected for St. John, 30 ; becomes provincial secretary, 32 ; defeated on the prohibition question, 41 ; again elected for St. John, 43 ; a delegate to England in regard to the Intercolonial Railway, 54 ; a delegate to Quebec to consider the offer of the British government, 56 ; second delegation to England, 57 ; at the Quebec conference, 77-80 ; defeated in St. John city, 89 ; resigns with his colleagues, 90 ; declines to form a new government, 105 ; becomes provincial secretary, 105 ; re-elected for St. John city, 109 ; his efforts for confederation, 110 ; his ability as a speaker, 113 ; supports the confederation resolutions, 116, 117 ; confederation delegate to England, 120 ; presented to Her Majesty, 124 ; becomes minister of customs, 130 ; elected to parliament for St. John city, 131 ; made a Companion of the Bath, 132 ; his standing in the House of Commons, 132 ; becomes minister of finance, 133 ; elected to the second parliament, 133 ; appointed lieutenant-governor of New Brunswick, 133 ; resigns the governorship, 136 ; again be-

SIR LEONARD TILLEY

comes finance minister, 137 ; introduces a protectionist tariff, 137 ; again appointed lieutenant-governor, 138 ; resides in St. John, 139 ; his simple habits, 139 ; his popularity, 140 ; a member of the Church of England, 140 ; made a K.C.M.G., 141 ; his marriages, 142 ; visits Her Majesty at Osborne, 142 ; his children, 142 ; suffers from an incurable disease, 143 ; his last illness, 144 ; death, 145 ; funeral, 146 ; tributes of respect, 146-8

Tilley, Thomas Morgan, father of Sir Leonard, 3
Trent affair, 55

U

UNITED STATES, their attitude towards Canada, 112

V

VANKOUGHNET, HON. P. M., a delegate to England in regard to the Intercolonial Railway, 55

W

WATERS, HON. CHARLES, an advocate of confederation, 84

Weldon, Hon. John W., appointed a judge, 94

Wetmore, Hon. A. R., opposes confederation, 84 ; opposes anti-confederation government, 101 ; re-elected for St. John city, 109

Williston, Hon. Edward, solicitor-general, 105 ; re-elected for Northumberland, 107

Wilmot, Hon. Robert Duncan, 10 ; his change of principle, 14 ; supports the government, 18 ; becomes surveyor-general, 23 ; re-elected in St. John, 24 ; becomes provincial secretary, 41 ; opposes confederation, 85 ; dissatisfied with the government, 93 ; resigns in January, 1866, 94 ; forms a new government with Mitchell, 105 ; re-elected for St. John county, 109 ; confederation delegate to England, 120

