

## **Tories in the Revolution**

*(previously entitled The United Empire Loyalists: a Canadian Point of View)*

*Speech by Mr. Lorne Elkin Rozovsky, QC on October 5<sup>th</sup>, 2011 as part of the Adult Learning Program of the University of Connecticut held at Seabury Heritage Hall, Bloomfield, CT*

Ladies and Gentlemen, it is a privilege to be with you this morning, especially to speak on the subject of the United Empire Loyalists, a group of people known largely through myths and perceptions. Americans often refer to those who opposed the Revolution as Tories, whereas Canadians ordinarily do not. The word “Tory” in Canada is used exclusively as a nickname for members of the Conservative Party. In the Canadian sense, many Loyalists may in fact not be “Tories”.

Meeting with you this morning brings back personal memories. The first time I spoke on the subject of the Loyalists was at a dinner meeting in Halifax, Nova Scotia in 1984 in the presence of His Honour, the Lieutenant-Governor of Nova Scotia who represents the Queen in that province of Canada. We met at St. George’s Church, the magnificent round church built in 1800 and designed by Edward, the Duke of Kent, Queen Victoria’s father. We were in the right atmosphere to discuss the mass movement of over 100,000 people who left the United States in the years following the American Revolution in 1776.

We were also gathered on the occasion of the birthday of His Late Majesty, King George III who lived from 1760 to 1820. Regardless of the King’s mental state and medical problems, and his image as the focal point of the American colonists’ complaints against the mother country, we should remember that during his life and very long reign, the Georgian Age of Elegance flourished. It set the stage for the entry of the world into the industrial era that arrived but a few years later.

Under His Majesty’s sovereignty, the world was given the great minds of Adam Smith and Jeremy Bentham, the artistic genius of Gainsborough and Reynolds, the writings of Sheridan and Goldsmith, and on and on the list goes. They influenced the thinking not only of England, but of the entire world.

The Georgian era saw Sir Walter Scott, William Blake, Jane Austen, Lord Byron, William Wordsworth, the painters Turner and Constable, and the architect John Nash. During this period the world began to re-awaken to new ideas. Seeds of social and political change were planted.

But this is not why we are gathered here this morning. We are here because of one particular historic event, the American Revolution and the effect of it on the one hundred thousand people who we call the United Empire Loyalists.

However, if we are here merely to recount what happened to the Loyalists and to glorify the past, I would suggest that it has not much meaning. My object this evening is to comment on the Loyalist Movement and explore together what we can learn from it.

When I was in law school, our professors told us that we should always tell judges that we are about to make a number of points, and then to number them. This hopefully would keep their lordships awake and in sufficient suspense that they would pick up their pencils and carefully follow each step in the argument. By the end, so the theory went, they would not have missed anything and agree with the argument being presented. This evening, I am going to make six points.

Point number one. We are told that the American Revolution was clothed in glory and in the principles of idealism. History books tell us that it was a just revolution. Some even tell us that it was under the protection of God.

The mythology of revolution in most places in the world, tell us that people arose, united, threw off their chains and revolted against their tyrants. We see this in school text books, but we also see it in films, in the murals of Mexico, in the banners of the Soviet Union, and on the walls of Maoist China. We know that was not so and never is.

The Russian Revolution was not a mass popular uprising and neither was the American. Only the makers of history make it so.

As John Adams, signer of the Declaration of Independence said, one third of the people are loyalist, one third are patriot and one third don't give a damn.

Point number two. The American Revolution was not really a revolution. It was a civil war. It split families and friends. Benjamin Franklin was a patriot. His son William was a Loyalist. Thomas Heyward who signed the Declaration of Independence was the son of a Loyalist.

The Bloomfield, Connecticut connection with the United Empire Loyalists is particularly prominent in Saint John, New Brunswick which

calls itself “the Loyalist City of Canada”. In the centre of the city is a National Historic Site called Loyalist House, also referred to as Merritt House.. This magnificent Georgian home was built by a United Empire Loyalist from Rye, New York , David Daniel Merritt. David Merritt was an ancestor of Bloomfield town councilor, Joe Merritt. The home was finished in 1817 and remained in the possession of six generations of Merritts until it was acquired by the New Brunswick Historical Society. It is now open to the public.

David Merritt was one of the sons of Thomas and Amy Merritt who emigrated to Saint John having been forced to leave their home in New York because David had signed a protest against the Revolution. Another son emigrated to Ontario, and a third was killed while serving in the Loyalist army defending the colonies for Britain.

Some of the furnishings in the house to-day were brought by the family from New York, some imported from England and some imported later from New England.

Some of the ancestors of Joe Wactowski of Bloomfield, whose mother was a member of the well-known Eno family were also Loyalists.

Point number three. Just as America is often seen by non-Americans, and by many Americans, as more than just a country, but almost as a political belief, there is a tendency on the Loyalist side to glamorize the Loyalist cause. The difference is that the Loyalist movement has not received the enormous mass media and Hollywood attention as that of the Revolutionaries. However, I do not believe that there was ever a Loyalist cause in the same sense that there was a Revolutionary cause. Against the development of patriot enthusiasm, the Loyalists were divided and leaderless. Theirs was a reaction to events over which they had no control, rather than a movement with a mission.

I believe that the Loyalists were average people who may have disagreed with British policies of the day regarding the American colonies, but who saw themselves as British living in the American colonies. And that being British, with rational discussion, things would gradually work themselves out. To talk of cutting themselves off from Britain was to deny what they were, which was British.

As a result the Loyalists never proposed any alternatives to revolution and independence. The Loyalists did not confer with one another. They did not organize. They got little or no assistance from

London. Only about 19,000 Loyalists were armed by the British and fought in the conflict.

On the other hand, the patriots did confer with one another and did organize. As many said, "The unnatural contest prevailed."

No taxation without representation. The complaints against the British administration polarized public opinion. The complaints went unanswered. Gradually the idea of independence grew. The patriot cause was born. It was dynamic and exciting.

Point number four. In the mythology that is built up around a revolution in any country, the picture is glamorized. The marching masses with flags flying, is all so glorious, just as war is painted in glamorous tones. The Charge of the Light Brigade actually sounds like fun, so that we may all say, "We wish we were there." I do not believe that revolution is glorious, though whether it is just is only determined by the winner many years afterwards. Human conflict is nasty and vicious, even when it is conducted for the common good or for a higher goal.

Point number five. The American Revolution was fought to establish freedom and liberty, or so the mythology makers tell us. In fact, the temper of the times was so nasty that those who even quietly voiced their opinion against independence were quickly silenced by the Sons of Liberty, a group that subsequently became part of the hero worship of revolutionary mythology.

Combining points four and five we see that the glory of revolution was qualified. Anne, sister of Henry Hulton, commissioner of customs in Boston in the years before the Revolution, reports:

"But the most shocking cruelty was exercised a few nights ago, upon a poor old man, a tidesman, one Malcom. He is reckoned crazy. A quarrel was picked with him. He was afterward taken, and tarred and feathered. There is no law that knows a punishment for the greatest crimes beyond what this is, of cruel torture. And this instance exceeds any other before it. He was stripped naked, one of the severest cold nights this winter. His body covered all over with tar, then with feathers....." and on and on her description goes in the most horrifying words. Anne describes how thousands watched the subsequent whippings as the crowd demanded that the man denounce his masters, the King and the Governor, but he would not. They brought him to the gallows, but could not hang him, for as Anne wrote "God was above the devil". It is unlikely she said that he will live.

Point number six. We often paint a romantic picture of Loyalists marching together arm in arm with Britannia, dreaming of what is right, and of King and country. In fact, if the Loyalists got a raw deal from their American compatriots merely by expressing their views, they were abandoned by the British. Yet they were British, but Americans at the same time.

In fact, the Treaty of Paris which marked the end of the Revolutionary War in 1783 gave the Loyalists nothing. Even the right to fish and to dry the fish ashore off the coast of Nova Scotia and New Brunswick had been granted to the Americans.

Stripped of alternatives, the Loyalists became refugees. They were officially banned from eight of the thirteen states and effectively banished from the others. One hundred thousand homeless souls exiled from their homes by hatred and violence in the name of Liberty.

Many Loyalists went to what they dreamed was "home", to England, and were disillusioned. In America they were English. In England they were colonials. In America many had positions. In England they had none. Crowded dirty London was no match for the pure air of Virginia, Connecticut or Pennsylvania. They were foreigners in their homeland.

Some went to the West Indies, particularly the Bahamas and the Abaco Islands, searching for an island that could be home. Some went to Bermuda and others to Florida which was Spanish at the time. Of the one hundred thousand, about half went to what is now Canada with 5,000 going to what is now Ontario, 10,000 to Quebec, and 35,000 to what we now call the Maritimes Provinces.

The US negotiators of the Jay Treaty advised Congress to compensate the Loyalist refugees for the property which they had been forced to abandon. Congress did not accept this advice, and no compensation however, was ever paid.

The best the British could do for their loyal subjects was to strand them on the rocky shores of Nova Scotia and what later became New Brunswick. The first major landing was at Shelburne, Nova Scotia, where there was a lack of food, clothing, and shelter. The prospects of sustaining a large community were dim. Stranded in a place where they did not want to be, exiled from their homes and estranged from their motherland, the Loyalists were a tragic lot.

The Loyalist settlers in Shelburne, many of whom were used to a life of elegance and ease set to with courage, imagination and

determination to transform the wilderness and to build a city which rival Halifax the military city founded in 1749 to protect the British colonies in North America from the French.

After two years, Shelburne's population had swollen to more than ten thousand. For four or five years it flourished, but then accumulating deficits, restricted and misdirected enterprises, isolation, and the economic strength of Halifax the colonial capitol reversed its fortunes and dashed the hopes of the Loyalist settlers. Within a single generation by the time of the Battle of Waterloo, Shelburne had dwindled away to a ghost town of only 300.

The story as handed down by the Loyalists, of Shelburne Loyalist printer James Robertson sums up and typifies the Loyalist experience.

With his father, James Robertson had established printing offices in Norwich, Connecticut and Albany, New York. Both believed that difficulties with the British could be overcome peacefully and without leaving the Empire. For these unpatriotic views, Robertson's crippled father, Alexander, was viciously attacked. Jailed for over six months he was treated according to the story, with every species of cruelty, and was "in imminent danger of being deprived of existence".

When the British troops approached, those prisoners who were able were marched off. But it was Alexander Robertson's unhappy fate to be left in jail until the building was set on fire. He was able to make his way through the house on his hands and knees and came outside to a cabbage garden, where by digging a pit with his hands and bringing cabbages to it, he saved himself by lying on his belly and chewing them to prevent being suffocated.

Three days after he was found in the ruins by the returning foe, who were so little moved by compassionate feelings, though his hair and most of his clothes were burnt and his body in blisters, that they ordered him to Hurby Jail four or five miles away.

James escaped to British New York where he established a printing press. There he prospered until the British Government sent over a printer from England to be His Majesty's Printer and took government printing away from Robertson. Relocated in Charleston, South Carolina, Robertson again lost the commission to an English appointee.

After the collapse of the American colonies, the Robertsons moved to Shelburne, Nova Scotia. With the decline of that settlement the

Robertson printing enterprise was seized and sold at sheriff's auction to pay off his debts.

The compensation offered by the British for the Robertson losses to the American patriots was one third of its actual value. Encouraged to begin once again by promises of a commission to be the King's Printer in Charlottetown, in the colony of Prince Edward island. James Robertson moved there and the commission finally came through. The official appointment read: There was no objection to naming Robertson official printer but that there would be no salary for the position.

Stories such as this were repeated time and time again. Unlike most immigrants who move to a new land to make a better life or to escape from one that is no longer tolerable, the Loyalists did not move north because they wanted to. Their attitude was not one of positive optimism. Under these circumstances of dashed hopes and lives, it is not surprising that discord among the refugees was rampant.

Their welcome by colonial authorities was also not very encouraging. Governor Parr of Nova Scotia who had wanted increased immigration was not impressed with the Loyalists. He referred to them as "a cursed set of dogs" and "people preying on one another like sharks". The Loyalists were a tragic lot.

Of the 15,000 refugee Loyalists who fled to New Brunswick and Nova Scotia, almost 20% of them were Black. Their story is common to the times – a story of crossed purposes and divided loyalties. In order to entice black slaves to the Loyalist cause, the British offered "to free any rebel-owned slave who would resort to the Loyalist standard". Freedom and liberty were irresistible; loyalty to Britain a distant third.

On the special instructions of Governor Carleton in 1785 votes of Blacks were not permitted. This was not changed until the mid-nineteenth century about fifteen or twenty years prior to the formation of Canada in 1867.

In Shelburne some settled within the town. Others established the first all black community in North America, a segregated tract of land outside the town lines which they called Birchtown. To the white Loyalists many of whom were slave owners, the black pioneers were a source of cheap labour. This practice and the fact that not enough land was available for thousands of refugees, most ex-soldiers, lead to the first Nova Scotia race riot in July 1784 when black homes were attacked and wrecked.

To the blacks it was a familiar story. And so under the leadership of their preacher, David George, twelve hundred black Loyalists left in 1791 to try their luck in distant Sierre Leone, and founded Freetown. For those who remained Baptist and Methodist congregations were established. The church became the one institution entirely their own. It symbolized the promise of permanent relief from oppression and gave a strong sense of identity.

Many of the Loyalists who had settled in Shelburne left and moved on to found Saint John, New Brunswick in 1783. This city eventually became a major world ship building and commercial capitol. New Yorker Gabriel Ludlow became the city's first mayor, and the son of the last royal governor of Massachusetts became the first sheriff.

However, even there, many of the Loyalists did not see eye to eye with each other. Benedict Arnold was one of them. Those who wanted to escape from what some believed was crass commercialism moved north to Fredericton where they could establish a centre of education, culture, government and religion, and to a very large extent it remains that way to-day.

As an in-land city on the St. John River, Fredericton became the capitol which was moved there in 1785 from Saint John on the Bay of Fundy because of the fear of an American attack.

Fredericton with its magnificent gothic Christ Church Cathedral, is considered as one of the most beautiful cities on the continent. Its Legislative Assembly building overlooking the river, is across from the Beaverbrook Art Gallery which one of the finest collections of British and Canadian art. The Gallery is one of many gifts of the late Rt. Hon. Lord Beaverbrook, originally from New Brunswick, who became one of the major press barons of England owning The Daily Express and the Sunday Express, and was a minister in Churchill's War Cabinet.

Fredericton is also the home of Canada's oldest English language university . The University of New Brunswick with its Loyalist roots dates to 1785 and is one of North America's oldest public universities.

A centre of religion, culture and politics, all traditions brought to Canada and to Fredericton by the Loyalists.

The Loyalists were an independent lot of people. They came from an environment and a culture which sought independence. It must not be forgotten that the Loyalists were just as independence minded as the patriots. They would not follow the Revolutionary furor that was sweeping through the American colonies. They would not follow the



crowd, and they paid the price of being independent, a price far more dangerous than any price paid by the supporters of American independence.

Those attitudes did not change when they crossed the border into the remaining British North American colonies. In a short while, the Loyalists in what is now New Brunswick felt that their interests were not being served by being part of the colony of Nova Scotia. As a result in 1784, New Brunswick was separated from Nova Scotia and became a truly Loyalist colony. It adopted the motto "Spem Reduxit" (Hope was Restored).

Wounds of war and social disruption however, did not heal with the founding of New Brunswick as a separate colony. The struggles continued with Loyalist vs. Loyalist. They fought for patronage and favours which were often in short supply. Some even returned to the United States when the situation there became more settled.

Another major area of Loyalist settlement took place just across the border from Vermont southeast of Montreal in what is known as the Eastern Townships (or in French les Cantons de l'Est) of Quebec. Even though that area has largely become predominantly French Canadian and French speaking, the English Loyalist place names remain mixed with names that are very French.

The city of Sherbrooke, Quebec which at one time was mainly English is now mainly French and is the site of l'Universite de Sherbrooke. The neighbouring town of Lennoxville however, remains about half English speaking and is the site of one of Canada's most prestigious small liberal arts colleges, Bishop's University.

Names like Danville, Richmond, Wotton and others still have small English populations. Some place names have combined French and English names like Drummondville and St. Georges-de-Windsor.

One must keep in mind that the Loyalists were English Americans, in language, tradition, mentality and culture. The society into which they moved was Quebec which had been New France and had been conquered by the British in 1759.

The British Parliament in 1774 had passed the Quebec Act which brought peace and stability to the French empire over which the British now had control. It guaranteed the right to practise the Roman Catholic faith, the use of the French language and the use of the French civil law system in private matters. English common law was to be used in public

matters such as government administration. This legislation set the stage for the development of Canada right up to the present day.

The American English Loyalists did not feel very much at home in this sort of political, linguistic, religious or cultural environment.

Other large Loyalist settlements were established along the St. Lawrence River west of Montreal all the way to what is now Toronto and throughout southwestern Ontario, towards Windsor across the river from Detroit and down to Niagara Falls. They were not as affected by the French presence except that at the time Quebec included most of this area which is now Ontario.

Because the Loyalists simply did not fit into what was to a large degree a French colony of Britain, the British Parliament passed the Constitution Act in 1791, which split the colony into Lower Canada which had been called Quebec, and Upper Canada previously Ontario. The act once again entrenched the French language, law and religion in Lower Canada, and many Loyalists remained there.

Upper Canada was to a very large extent created as another Loyalist colony with English laws, language and institutions. It eventually returned to its previous name of Ontario as did Lower Canada to Quebec. Ontario's Loyalist roots however are remembered in its official motto, "Ut inceptis fidelis, sic permanet" (Loyal she began, loyal she remains).

On a smaller scale, other Loyalists settled on Cape Breton Island at the east end of Nova Scotia. For a time, it also became a Loyalist colony separated from Nova Scotia but subsequently rejoined. Later the island was settled by many immigrants from Scotland, and to-day is considered by many in the Celtic cultural world to be the North American centre for Gaelic music. In fact, Gaelic is still spoken to a limited degree and some of the schools still teach it.

The Loyalist presence in Canada is now very much diminished as their descendants have integrated into the general population. While traditionally Canada was made up largely of people of either Anglo-Saxon or French-Canadian heritage, this is no longer true. Within the last fifty years, Canada has become one of the most multi-cultural countries in the world with the majority of Canadians being neither of Anglo-Saxon nor of French background.

One should mention however, that Loyalists were given the right in 1789 by the Crown to place the letters UE (Unity of the Empire) after their names in perpetuity, for them and their descendants forever.

There are still Loyalists to-day who use that designation, though I would doubt that most Canadians would not recognize the designation if they saw it. The designation is also not part of the official Canadian honours system which is the order of Canada, and similar orders in the provinces.

However, the early influence of the Loyalists who were British and American in their thinking and culture, was profound. While there was no revolution, there were rebellions in both Lower Canada and Upper Canada largely complaining about the fact that their colonies were governed by governors appointed from Britain and advised by an appointed Council. The elected Assembly could be overruled by the Governor-in-Council which was not responsible to the Assembly. Following the rebellions the principle of “responsible government” was established.

More than any other, it is this principle which differentiates the American system of congressional governance with the parliamentary system in Canada. It does not mean that governments are required to act “responsibly”, and this is true anywhere in the world. This depends on those who are elected and the expectations of the public.

“Responsible government” in the parliamentary system means that the government which is in effect the executive branch consisting of a premier or at the federal level the Prime Minister and the Cabinet are responsible for their actions to the elected parliament or assembly. Both the prime minister and the cabinet ministers are all regular members of parliament or the provincial assembly. They can and are asked questions during question period. They are required to defend their actions and those of their departments or of the government. In unusual situations the government can be overthrown before a regular election by being defeated in the assembly of the House of Commons at the federal level. This would result in the calling of an election in which the electorate may remove the government or reinstate it.

The American system does not allow for this except in the unusual case of impeachment, and while the system of checks and balances may impede action by the executive, the executive branch is not responsible to the legislative branch, as it is in Canada.

A further influence of the Loyalists is the legacy of the English Common Law which is paramount throughout Canada except in the Province of Quebec which while influenced by the Common Law is based on the French Civil Law system. In this way, the United States and

Canada share the same legal system with the exception of Quebec and Louisiana which is also based on the French civil law system.

The British military and cultural traditions also took root with the arrival of the Loyalists.

One of the main legacies however, was the attitude towards political and social change. The Loyalists believed, despite the internal wrangling within their own ranks, that change can come about peacefully. They believed in evolutionary independence rather than revolutionary independence.

When Canada was formed as a country in 1867, there was absolutely no desire for independence. Just as the early American Loyalists wanted, founders of Canada, referred to as the Fathers of Confederation, insisted that they would remain British, and in fact the constitution of Canada which is now simply called that was passed not by Canada but as an ordinary act of the British Parliament in 1867 called the British North America Act.

The purpose was to form a new country called Canada which would be a federation of provinces. Originally this consisted of only four, Nova Scotia, New Brunswick, Quebec and Ontario. Over the years others joined or were created bringing the total up to ten, with three Arctic territories which gradually are developing into provinces. The last province to join was Newfoundland and Labrador in 1949.

Canada remains in an unique position. It has never had a revolution. It has never had a civil war. And it has never declared independence, even though gradually and peacefully, it became an independent country. This did not happen all of a sudden in 1867. It was done very gradually as Canada took over more and more responsibility from Britain. The ties now are purely symbolic with Canada being a fully independent, parliamentary constitutional monarchy with Queen Elizabeth II as Queen of Canada and head of state.

The monarch is represented in Canada by the Governor-General who is described as the de facto head of state. Over the years the position of Governor-General has been held by both English and French Canadians, a woman who was a Chinese refugee, a Ukrainian Canadian and a woman from Haiti.

The legacy of the Loyalists that is most precious of all however, is the right which was denied to the Loyalists, the freedom of speech.

While the Loyalists have become insignificant in terms of numbers and position, their belief in gradual political change,

democracy, their system of law and the way of relating with one's society and government continues to affect how Canada thinks and acts.

In looking back on the Loyalists however, one must not forget that they were Americans. They brought with them not only their British legacy, but also that of the United States. They all had close family, business and cultural ties with the US. These ties are a very strong bond in Canada. Canada remains the largest trading partner with the US. Cultural, educational, commercial and political ties between the two countries are closer than almost any other two democracies in the world. This is yet another legacy of the Loyalists.

Just as the American Revolution had its romance and mythology, so did the Loyalists, even though it is not as well known among Canadians. Much of the political and cultural expressions of the past, mainly the Victorian era now seem terribly out of date. This is particularly true in Canada which does not have the tradition of highly visible political expression or attachment that one finds in the United States. Attachment to Canada by most Canadians is not considered a belief, but more of a pragmatic behaviour, except of course, at events such as hockey.

However, from time to time there was a patriotic feeling that to a certain extent was in line with Loyalist thinking. To a certain extent the emotions were shared by the patriots and to many around the world who are caught up in political division and turmoil. This is best expressed by a poem written in 1908, long after the Loyalist era by Sir Cecil Spring-Rice who was not Canadian but who had served as British ambassador to the United States. This is not the sort of loyalty that one finds in Canada to-day .

The poem reads.

I vow to thee my country all earthly things above  
Entire and whole and perfect the service of my love  
The love that asks no questions: the love that stands no test.  
That lays upon the alter the dearest and the best:  
The love that never falters, the love that pays the price,  
The love that makes undaunted the final sacrifice.

And there's another country, I've heard of long ago –  
Most dear to them that love her, and great to them that know –  
We may not count her armies; we may not see her king –  
Her fortress is a faithful heart, her pride is suffering –  
And soul by soul and silently her shining bounds increase,  
And her ways are ways of gentleness and all her paths are peace.

Ladies and Gentlemen. G-d Bless America and G-d Save the Queen.

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