

## The Fall and Rise of the Smashers, 1856-1857: Some Private Letters of Manners-Sutton

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## Notes

# The Fall and Rise of the Smashers, 1856-1857: Some Private Letters of Manners-Sutton

In 1967 a firm in England dealing in rare books and manuscripts offered for sale a number of private letters of Henry Labouchere, British Colonial Secretary from November 1855 to February 1858. Among other papers offered were letters from the Governor of Newfoundland (1852-5), W. B. Hamilton, and subsequent letters of Hamilton from Antigua about Newfoundland. There were also letters from Sir Gaspard Le Marchant, Lieutenant-Governor of Nova Scotia (1852-1858), and from John Manners-Sutton, Lieutenant-Governor of New Brunswick (1854-1861). Altogether about twenty of these letters were purchased privately by Professor Richard Raymond, of the Department of English at Dalhousie. Among the most interesting are those from Manners-Sutton, during the period that Labouchere was Colonial Secretary. Much of Henry Labouchere's private correspondence has been dispersed, simply by being sold. Hence the Raymond Papers, if I may so call them, while they are not extensive, are of considerable interest, and I am greatly indebted to Professor Raymond for permission to use these letters in preparing this brief article.

Private letters between Governors and Colonial Secretaries have long been a good source for historians. Such letters go behind the scenes of politics in ways regular dispatches can not. Official despatches could be laid before a legislature; even confidential despatches could be seen by an Executive Council. But private letters were private, and they often told Colonial Secretaries a great deal more than regular despatches. It is well known, for example, that in the private correspondence between Lord Elgin, the Governor-General of Canada, 1847-54, and the Colonial Secretary, Earl Grey, they told each other what they were going to put into official despatches, and why. The private correspondence of Edward Cardwell — Colonial Secretary at the time of Confederation — is a mine of information.

In Manners-Sutton's case, his private correspondence with Henry Labouchere is more than usually interesting, since official despatches on the subject of the dissolution of 1856 in New Brunswick are rather thin. The reason is made clear in a letter of October 6, 1856:

... I know that all correspondence between the Secretary of State [and myself] which bears upon the dissolution will be called for by the House of Assembly, and it is of great importance that I should be in a position to comply fully with this application when made, and if necessary to state distinctly that I have not received any official document whatever connected with it. I hope that you will consider that a valid reason for my troubling you with a private letter on the subject instead of writing as I had, at one time, intended, an official or confidential despatch upon it.<sup>1</sup>

It was with good reason therefore that the official despatches on this issue are uninformative. Labouchere agreed, or would appear to have agreed, with Manners-Sutton completely, for the gist of Labouchere's reply is clear from a further letter from Fredericton, December 7, 1856: "... I gave a willing and hearty assent to your opinion [in your private letter of November 21, 1856] that an official expression of the sentiments of the Secretary of State on the Policy that I have pursued in dissolving &c. would be most inexpedient."<sup>2</sup>

Prohibition in New Brunswick is a fascinating story. Suffice it here that there were two attempts to bring it in. The first law was passed in 1852, effective January 1, 1853. It prohibited the importation of alcoholic beverages, and in certain parts of New Brunswick magistrates also stopped issuing licences for the sale of liquor. That this law was difficult to enforce is an understatement, and it was repealed in the 1854 session. The second attempt was consequent upon the assumption of power of Charles Fisher later in 1854, a regime that can be called Liberal.<sup>3</sup> In the 1855 session, Leonard Tilley, Fisher's Provincial Secretary, brought in prohibition. It was carried on an open vote in the Assembly, 21-18, and in the Legislative Council by 10-7. The Lieutenant-Governor, John Manners-Sutton, would have liked to have refused assent to the bill; but his Council would not accept that, and no doubt he remembered that the Colonial Office had refused to disallow the 1852 Act. So the Act became law, to come into effect on January 1, 1856. The 1855 Act was a good deal tougher than its predecessor, with a number of loopholes closed. Manners-Sutton tried, as Head had tried in 1852, to persuade the Colonial Office to disallow the Act. But Lord John Russell, then Colonial Secretary, would not.

In the end Manners-Sutton convinced himself, or was convinced by Labouchere, who had become Colonial Secretary in November, 1855, that it was useful for the people of New Brunswick to bear the consequences of the actions

1 Manners-Sutton to Labouchere, private, 6 October 1856, Raymond Papers.

2 Manners-Sutton to Labouchere, private, 7 December 1856, Raymond Papers.

3 This regime has often been said to have inaugurated responsible government in New Brunswick. As Professor MacNutt has pointed out to me, this view is taking the Smashers at their own valuation. There is a good case to be made for responsible government having been inaugurated by Sir Edmund Head in 1848. One has to ignore, of course, the absence of exclusive executive authority to initiate money bills. This was not achieved, in any case, until 1857. I am grateful to Professor MacNutt for having read this paper before it went into print.

of their own elected representatives. The Act had been passed constitutionally, and by properly elected representatives, and however unwise it may have been, there it was. What remained was to enforce it. Manners-Sutton's intention now, in December 1855, was to force his Council either to enforce the law properly or to propose the repeal of it. The Council were not happy with either choice.<sup>4</sup>

Manners-Sutton did not like his Council, and there were a number of reasons why he did not. In the first place, as Professor MacNutt points out, he disliked their political and social ideas.<sup>5</sup> But there was another reason — finance. After January 1, 1856, something like one-third of New Brunswick's annual revenue would be cut off by the operation of prohibition regulations. Worse than that, in 1855, current expenditure had far exceeded current income, and appropriations for 1856 were heavily in excess of estimated revenue. The Province of New Brunswick was, according to Manners-Sutton, deeply in debt to private banks in the province, and the credit of the province was sufficiently low that the debentures issued to make up the deficiency for 1855 were not only difficult to sell, but on more than one occasion were positively refused by local banks.<sup>6</sup> Notwithstanding this, the Fisher government in the 1856 session actually proposed to the legislature, and carried, a scheme for annually borrowing £200,000 Sterling to be expended on the simultaneous construction of four different lines of railway. Each of these would be comparatively valueless until completed, and completion involved a total expenditure of about £3,000,000 Sterling.

The railway scheme, according to Manners-Sutton, would have strained the Province's finances so badly that the Province would have been compelled to have stopped payment. Manners-Sutton went on:

But what of this? The Government have indeed purchased a majority in the House of Assembly and were all powerful in the existing Legislature: but they were weak and rapidly losing ground out of doors; it was necessary therefore to provide against the time when a new Assembly would be called, and by their Railway scheme, they obtained the means of purchasing or at least controlling every Constituency in the Province but four. For there are only four counties out of fourteen in which, by the Railway Acts passed . . . the Government is not authorized to expend annually and at their discretion, large sums of public money in the construction of public works.<sup>7</sup>

4 Manners-Sutton to Labouchere, private, 24 December 1855, Raymond Papers.

5 W. S. MacNutt, *New Brunswick: A History 1784-1867* (Toronto, 1963), p. 358.

6 Manners-Sutton to Labouchere, private, 6 October 1856, Raymond Papers. Manners-Sutton in this letter acknowledges receipt of a private letter from Labouchere, of August 26th, 1856. He apologizes for the delay in replying to Labouchere, but he was engaged "in a semi-official tour and subjected to ceaseless interruptions." He therefore deferred writing until his return to Fredericton.

7 *Ibid.*

The legislature was duly prorogued in May, 1856. Manners-Sutton then put it to Council that the Prohibitory Law was wholly inoperative. Council refused to admit that it was, despite the fact that during the session three Government members had advocated repeal for that very reason. Probably Council would have felt much relieved if the law could have been got rid of without their intervention as a Government. But that was impossible, and fearful of offending the Sons of Temperance, they temporized. That was fatal to them. The Lieutenant-Governor had a popular issue and knew it. Furthermore he knew he could get advisors who would take the responsibility for his actions. He decided to dissolve the House of Assembly. The Executive Council resisted. They made threats. They said that unless the Lieutenant-Governor "yielded to them, the consequences would be very disagreeable" to him personally.<sup>8</sup> Notwithstanding, on May 21, 1856 he directed that the dissolution be proclaimed. The Executive Council resisted briefly, but Tilley, the Provincial Secretary, accepted it, and the Fisher government thereupon resigned. E. B. Chandler became the new Premier, with R. D. Hazen, J. H. Gray, and R. D. Wilmot in his Cabinet, all men, as Manners-Sutton put it, "of liberal education and social standing in the Province."<sup>9</sup> MacNutt puts it more neatly; it was the compact party once again.<sup>10</sup>

The elections took place at once, in June 1856. Manners-Sutton and his advisors naturally took their stand on the liquor question, indeed "carefully abstained from mixing it with . . . any other question either of Policy or Principle."<sup>11</sup> Fisher and Tilley took precisely the opposite course. They naturally refused to admit that the liquor question was the issue, and they used every means in their power to divert public attention away from it. Their railway scheme they cited again and again as evidence of their sincere devotion to the "principles of progress," and of their determination to advance what they chose happily to regard as the real interests of New Brunswick. They also raised the old cry of aristocratic domination and Colonial Office tyranny, in the person of Manners-Sutton himself. As he put it, "their chief cheval de bataille was, unlimited personal abuse of me . . . the most violent denunciation of my 'despotic' and insolent interference with the undoubted right of the people to manage their own affairs."<sup>12</sup>

The result was, as everyone knows, a solid victory for the Lieutenant-Governor. Tilley was personally defeated. In the House of 41 there were 17 new faces, and when the House met in July, 1856, Manners-Sutton's despotic action was specifically vindicated by good majorities, 23-16, and 24-15. The repeal of prohibition was accomplished with a thumping vote of 38-2. Moreover, the

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*

<sup>10</sup> MacNutt, *New Brunswick*, p. 360.

<sup>11</sup> Manners-Sutton to Labouchere, private, 6 October 1856, Raymond Papers.

<sup>12</sup> *Ibid.*

pressure on the Treasury eased. The change of government was followed by a removal of financial difficulties by the local banks. The railway scheme was not changed by the short 9-day summer session, but Manners-Sutton's new Council had no intention of doing anything with it, save for the completion of works in progress under the old, pre-1856 law.

It was also Manners-Sutton's view that the failure of prohibition in New Brunswick seriously weakened its hopes in Nova Scotia and Canada. Indeed, prohibition never succeeded in either colony. The Sons of Temperance were discredited, and they were not again able to bring prohibition to New Brunswick. In fact, Manners-Sutton made so bold as to say, the election of 1856 "has settled the question of Prohibition for good in this province."<sup>13</sup> That was perhaps too much to expect. But when prohibition did come again, it came in the form of the Canada Temperance Act of 1878, a system of local option, and it was to give Canada an even more celebrated example of the problems of prohibition in Fredericton, New Brunswick: *Russell vs. the Queen*.

It may have been the end of attempts at prohibition but it was not the end of the Smashers. Manners-Sutton offered no great hopes for the future, but he felt that at least the old "conspiracy" was broken up. He had hard words for the Baptists whom he felt were behind Tilley and Fisher, quoting Lord Metcalfe's Jamaica experience with Baptists: "... all the good which they have done would have been done without them, and ... all the evil which they have committed is exclusively their own." He even offered to resign. Though he had never for a moment doubted the necessity of dissolution, he felt that Labouchere might find it useful to replace him. As it turned out Labouchere did not want his resignation. Manners-Sutton did however recognize the disadvantages of his proceedings, having earned, as he put it, "the personal enmity of a party which, although not momentarily large, is active hungry[?] and unscrupulous and deeply incensed by the defeat which it has sustained."<sup>14</sup>

It was this combination of qualities that was to test ruthlessly the new Chandler-Hazen regime in 1857. With a majority of 7 to 9 seats, the Government was safe. But could its majority hold? Once prohibition was out of the way there was a natural tendency to swing away from an essentially conservative regime. To Manners-Sutton the swing was quite unnatural, and he was refreshingly candid about the reason. On or before February 15, 1857, four government supporters were bought by the Fisher-Tilley party. It was a matter of public notoriety, so Manners-Sutton said, that "in three cases at least, the consideration for the votes then purchased by the opposition in the H [*sic*] of Assembly was money; indeed it is well known that the price of these three votes was 1100£."<sup>15</sup> On February 23rd, the Government was supported only by the casting vote of the Speaker in a 21-20 split. The Government staggered

13 *Ibid.*

14 *Ibid.*

15 Manners-Sutton to Labouchere, private, 14 April 1857, Raymond Papers.

on a little longer, but finally gave up, and there was a new dissolution. The elections in May 1857 restored the Smashers to power for another eight years.

Not until the climactic events of 1865 were they ever close to losing it, and they had the good sense to leave prohibition alone. Manners-Sutton was never again to enjoy the power he had had in 1856, and for punishment he had to live with a ministry he disliked, and who disliked him, until he left New Brunswick in 1861. Even his private correspondence with the Colonial Secretary, which has told us so much, was criticized by Charles Fisher, the Premier, as being the source of the wicked amount of backstairs information that was available in London. The Smashers even wanted to control the *drafting* of confidential despatches. They never got that. Nor did they ever succeed in preventing the private and all too frank opinions of a Lieutenant-Governor from reaching the private ear of the Colonial Secretary. In this art, Manners-Sutton's successor, Arthur Gordon, was to spread himself even more luxuriously.

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