

# The Premier versus the Aristocrat

## Francis Hincks, John G. Vansittart, and Voters in the Oxford-General Election of 1851

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# *The Premier versus the Aristocrat*

Francis Hincks, John G. Vansittart, and Voters in the  
Oxford-General Election of 1851

By George Emery and J.C. Herbert Emery

*They axed me how I was going to vote. I said I would vote for \_\_\_\_; and  
as soon as the word was out of my mouth the blood was out of my nose.*

(Zorra-Township elector on the 1851 Oxford-general election)<sup>1</sup>

In December 1851 the Hon. Francis Hincks defeated his Tory opponent, John George Vansittart, by 86 votes out of 2,500 votes cast. The Rev. W.A. MacKay, in his 1899 memoir, *Pioneer Life in Zorra*, recalled the election as “one of the most exciting contests ever witnessed in the county.”<sup>2</sup> The Oxford riding also held interest provincially and received extensive coverage in the non-local press.<sup>3</sup>

The Oxford contest unfolded during a fundamental realignment of parties in Canada West, following Canada’s attainment of responsible government in 1849

and the resignation of its Baldwin-LaFontaine ministry in 1851. On the ultra-Reform left, an ascendant Clear-Grit movement pushed for radical democracy on the American model, voluntarism<sup>4</sup> in place of establishment religion, and principled politics before party solidarity. Also in the ultra-Reform camp was George Brown, proprietor of the *Toronto Globe*, who championed voluntarism but opposed radical democracy. On the right, a reactionary Toryism gave way to an ascendant moderate Toryism, which took a middle-ground position on estab-

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<sup>1</sup> W.A. Mackay, *Pioneer Life in Zorra* (Toronto: William Briggs 1899), 150.

<sup>2</sup> *Ibid.*

<sup>3</sup> See the London *Free Press* and the *Toronto Globe* (both ultra-Reform journals), the *Toronto British Colonist* (Tory), and the *Toronto North American* (ultra-Reform until 31 October, then ministerial-Reform).

<sup>4</sup> The principle that churches should derive their revenues entirely from the voluntary contributions of their laity.

lishment religion and a pragmatic approach to politics. The Hincks-Morin ministry, successor to the Baldwin-LaFontaine ministry, represented the Reform middle ground. Although nominally committed to Reform-party principles, it used pragmatism and compromise to keep the divergent elements of its coalition together. What placed Oxford at the centre of things was its Reform candidate—none other than the Hon. Francis Hincks, co-premier of Canada and the architect of a ministry that was organized expressly to deal with explosive new issues and the realignment of parties.

The authors use anecdotal evidence and cliometric methods to revisit the 1851 Oxford-general election. They open with the setting—the electoral process, the electorate, the voter turnout, the candidates, and the local issues: railway politics, radical democracy, and establishment religion. Then through analysis of voters, they investigate why Hincks—the incumbent, the province's co-premier in the Hincks-Morin administration (1851-54), but also a non-resident—prevailed over Vansittart—the prominent, eldest son of the deceased Vice-Admiral Henry Vansittart (1777-1843, a retired half-pay naval officer, a founder of Woodstock,

## Abstract

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**Résumé:** Dans cet article, utilisant aussi bien les méthodes quantitatives que des données de nature anecdotique, les auteurs réexaminent l'élection générale de 1851 à Oxford. Le processus électoral, l'électorat, la participation au vote, les candidats, les problèmes locaux (chemins de fer; démocratie radicale; pouvoir religieux), sont tour-à-tour examinés. Puis, à partir d'une analyse des participants aux votes, les auteurs s'attachent à montrer pourquoi Hincks (le député sortant, le co-premier ministre dans le gouvernement Hincks-Morin de 1851-1854, mais aussi un non-résident du comté), réussit à l'emporter sur Vansittart, le fils aîné et influent du vice-amiral Henry Vansittart. Pour les auteurs, la question décisive fut celle du pouvoir religieux, et notamment du pouvoir exercé par ceux officiant dans les réserves. Sur ce point Hinks et Vansittart offraient des solutions de compromis entre les deux extrêmes, les Ultra-Conservateurs et les Ultra-Réformistes; mais les traditions opposées aussi bien sur le plan ethnique que sur le plan religieux des 2,500 votants, permirent à Hinks de l'emporter de justesse.

and a sometime leader of the Woodstock aristocracy). The central finding is that establishment religion, and in particular the clergy reserves, was the decisive issue in Oxford, with Vansittart and Hincks offering alternative middle-ground positions between the ultra-Tory and ultra-Reform

extremes. The contrasting religious and ethnic traditions of the riding's 2,500 voters gave Hincks a narrow win.

## Relationship to the Literature

Our analysis of voters in a constituency case study is unique for general elections in Canada West. As such it gives a pioneer account of the month-long election process, fresh insights on the extent of the franchise and voter turnout in a general election that preceded municipal voters' lists, and patterns of voters' choices.<sup>5</sup> It captures specifics of the 1851 contest such as its timing, which preceded the 1852 census enumeration, the first to report a larger population for Canada West than for Canada East. Thus the issue of "representation by population" and the bogey of "French domination" were still inchoate; this helps to explain why Oxford's Roman Catholic electors favoured the Reform candidate in 1851, rather than the Tory candidate, their preference in later elections.

The Oxford study enriches the litera-



*Vice-Admiral Henry Vansittart (1777–1843). Father of John G. Vansittart. (Art Williams and Edward Baker, Woodstock Bits & Pieces, Woodstock 1967, 41)*

ture on the collapse of establishment religion.<sup>6</sup> Inasmuch as the local contest was something of a plebiscite on the issue, it shows that support for establishment religion in 1851 drew heavily from Anglican electors, but also included significant numbers of

Presbyterians and Method-

ists. The Oxford story also introduces fresh detail: Vansittart's Anglican middle-ground solution for the vexing clergy-reserves question—a retention of state aid to churches, but with a type of equality for the different religious denominations. Vansittart's approach, in turn, shows how the replacement of ultra-Toryism with a pragmatic, moderate new Toryism, later exemplified by John A. Macdonald, dated from the inception of responsible government in 1849.

Finally, our Oxford study enhances Sid Noel's vivid depiction of Francis Hincks as a broker *par excellence*.<sup>7</sup> Canada West during the 1840s was highly

<sup>5</sup> J.M.S. Careless. *The Union of the Canadas. The Growth of Canadian Institutions 1841-1857* (Toronto: McClelland and Stewart 1967) gives a solid general discussion of issues and the realignment of parties indicated in the election outcome. Case studies are needed to connect issues to the mosaic of outcomes in Canada West.

<sup>6</sup> William Westfall, *Two Worlds, the Protestant Culture of Nineteenth Century Ontario* (Montreal and Kingston: McGill-Queen's University Press 1990) gives a superb discussion of the issue, but without reference to elections or the Anglican middle-ground position in the 1851 general election.

<sup>7</sup> S.J.R. Noel, *Patrons, Clients, Brokers. Ontario Society and Politics 1791-1896* (Toronto: University

de-centralized and dominated by local networks of patrons and clients, who were disconnected from the provincial capital and engaged in a symbiotic relationship for the development of local economies. In contrast, the broker, a harbinger of centralization, was a deal-maker who combined the economic surpluses of local patrons with external monies to develop larger enterprises than any patron could individually; the broker also forged supra-local political alliances to make his economic projects possible. Whereas Noel demonstrates Hincks' brokerage achievements at the provincial level, our Oxford study shows them in his local constituency where his skilful manoeuvres neutralized railway politics and radical Reform as election issues.

### The Electoral Process

Oxford's general election unfolded in a month-long process under Canada's 1849 Election Act. On receiving the Governor's writ of election (issued from Quebec on 6 November 1851), the Returning Officer (James Carroll,



the County Sheriff) scheduled Oxford's Nomination Day on 24 November 1851 and set the hustings ("to be held in open air at such place as all electors may have free access thereto") at half-past twelve o'clock on the square in front of the County Court House in Woodstock.

In this regard, the qualification for candidates was the possession of real estate in Canada to the actual value of £500 above encum-

brances.<sup>8</sup> As a preliminary to nomination, each candidate, or his agent, gave the Returning Officer his declaration of qualification which closed with a correct description of the property under which he claimed to be qualified.

From his platform on the square Sheriff Carroll commanded silence from the several hundred electors present while the writ and other necessary documents were read. Then, "in a brief but handsome manner," Col. Benjamin Van Norman, esq., of Dereham nominated the Hon. F. Hincks "as a fit and proper person to represent the County." Eliakim Malcolm, esq., of Oakland seconded the nomina-

of Toronto Press 1990). See also J.K. Johnson, *Becoming Prominent, Regional Leadership in Upper Canada, 1791-1841* (Montreal and Kingston: McGill-Queen's University Press 1989).

<sup>8</sup> Canada. *Statutes*. 12 Victoriae, cap. 27 (1849), s. LXVIII.





Sheriff James Carroll. (*Williams and Baker, Woodstock Bits & Pieces, 41*)

tion. John Jackson, esq., of Blenheim then nominated John George Vansittart, with Captain Robert Cameron, esq., of Nissouri seconding the nomination. John Scratcherd, the reeve of Nissouri and warden of the County, was then nominated, “but such was the rush on the hustings that [the London *Free Press* reporter] failed to learn the names of the gentlemen who moved and seconded

the nomination.”

Then the nominees spoke. In a brief address, Scratcherd declined his nomination. Despite having campaigned for two weeks on a platform of “Hincks, the traitor to Reform principles,” he judged that he could not win and withdrew to avoid splitting the Reform vote. Vansittart, the next up, let loose a bombshell—an announcement of letters printed in the Woodstock *British American* and on widely-circulated handbills to the effect that Hincks in 1843 had obstructed justice to avoid a charge of criminal libel.<sup>9</sup> Hincks “next came forward and was received with mingled cheers and hisses.

Several minutes elapsed ere quiet could be restored.” At length, he denounced the letters as “gross forgeries, and he defied any man to show in his own handwriting aught to implicate him.” Unfortunately for Hincks, “Mr. Finkle held up one of the original letters from Mr. Hincks ... and another gentleman held up two cheques, for £40 and £25 each, and payable to Mr. H. A great deal of confusion prevailed, and it was difficult to catch what was said.”<sup>10</sup> John Douglass, publisher of the Woodstock *British American*—whose proprietors included Vansittart—held the original letters and banknotes and faced Hincks’ threats of criminal prosecution for having published them.<sup>11</sup>

Having more than one qualified candidate, Sheriff Carroll called for “a show of hands and as [he] was doubtful on which side a majority lay, the people were requested to divide, the supporters of Mr. Hincks taking the western side of the area, and those of Mr. Vansittart the eastern; then the Returning Officer decided that the majority was in favour of Mr. Vansittart, and pronounced accordingly.” Hincks or his agent then demanded a poll, as a candidate or any elector was entitled to do under the Election Act.<sup>12</sup>

Accordingly, the Returning Officer gave notice of a poll on December 2-3. By Statute each of Oxford’s twelve townships received a polling place which a Deputy-Returning Officer and a Poll

<sup>9</sup> For details, see *Toronto British Colonist* 28 November 1851.

<sup>10</sup> *Toronto North American* 28 November 1851; *Toronto British Colonist* 28 November 1851.

<sup>11</sup> *Woodstock British American* 6 December 1851.

<sup>12</sup> *London Free Press* 27 November 1851.

## ATTENTION!

## REFORMERS!!

Hincks, the traitor to Reform Principles, and his Office-Hunting friends have reported that Scratcherd will resign. This is false! Scratcherd cannot resign.

400

Free and Independent Electors have signed his Requisition, and he is pledged to go to the polls. He is opposed to tax the people \$800,000 a year to pay the 'Interest' on money for a railroad from Quebec to Halifax, for the benefit of Lower Canada.

Electors of Oxford! — Can you vote for Hincks, who has falsified every promise, and betrayed your dearest interests?

Who voted against the Marriage Bill? Hincks.

Who voted against the Rectory Bill? Hincks.

Who voted against the Clergy Reserves Bill? Hincks.

Who is patron of the fifty-seven Rectories? Hincks.

Who said you persecuted the English Church? Hincks.

Who turned Merrit and Malcolm Cameron out of the Executive Council? Hincks.

Who supports Sectarian Schools? Hincks.

Who said Upper Canada Reformers were a set of Pharisaical Brawlers? Dr. Taché, one of the new Ministry.

Who got \$7,000 to pay for dinners in Montreal, and called it 'extra services'? Hincks.

Who voted \$80,000 of your money to repair the Governor's

Residence in Quebec? Hincks.

Who spent \$350,000 to remove the seat of Government? Hincks.

Who voted \$300,000 last year to pay for the Administration of Justice? Hincks.

Who divided the County? Hincks.

REFORMERS! — AWAKE.

Record your votes for Scratcherd, for his election must be secured. Read his address. He is a Farmer and a resident of your county. His interest is yours.

November 18, 1851

*John Scratcherd's Campaign Poster (W.A. Mackay, Pioneer Life in Zorra, 148–9)*

book the elector's vote, name, legal addition (something like occupation), whether proprietor or tenant, the location of his property, and the swearing of the oath. As viewed from the Hincks camp, the Tories deployed "immense sums of money," concocted "the most infamous lies" and circulated these

in handbills by the thousands over the County. Special riders were employed to start every morning from Woodstock, the headquarters of the gang, charged with the duties of disseminating the diabolical production of their press ... Hired agents and teams were in every part of every township, taking out the votes of Mr. Vansittart.<sup>13</sup>

[As viewed by Tories, Hincks came] fortified by all the clerical and lay assistance he could muster—ready to promise anything and everything in the event of being returned. Offices with him were as plenty as blackbirds in autumn, and government patronage was fully and freely made use of ... Officials were tampered with and threatened with loss of office ... and every species of chicanery and electioneering fraud was resorted to the purpose of securing his election.<sup>14</sup>

Clerk administered. The Statute required these officials to open their poll at 9 a.m. of the first day and close it at 5 p.m. of the second day. The dates for Nomination Day and the Polling Days varied from one riding to another. In other Canada-West ridings, the polls opened as early as December 2 and as late as December 17.

An elector voted by appearing at the poll, verbally declaring his vote, and swearing an oath ("so help you God") attesting to his property qualifications, not having voted before, and not having received a bribe for his vote. The Deputy-Returning Officer recorded in the poll

Vansittart led by 137 votes after the first polling day, but lost in the end, Vansittart surmised, because his supporters became overconfident and insufficiently vigorous in getting out the vote.

Sheriff Carroll proclaimed Hincks the winner on Oxford's Declaration Day, December 5. The occasion witnessed "a grand turn-out of the Reformers from

<sup>13</sup> Toronto *North American* 5 December, 12 December 1851.

<sup>14</sup> Woodstock *British American* 6 December 1851.

all parts of the County” and “several four-horse teams,” one with “a highland piper with bagpipes ... in the procession which accompanied Mr. Hincks through Woodstock.” In victory, Hincks thanked his supporters, defended his conduct and policies, and tried to explain his narrow 86-vote margin of victory.<sup>15</sup> Vansittart completed the proceedings with a dignified concession speech.

### The Electorate

The 1849 Election Act offered the franchise to male-British subjects of 21 years of age who met a property qualification—in townships freehold tenure worth 40s sterling per year; in towns possession of a dwelling house and lot with the yearly value of £5 sterling; and in towns being a tenant with 12 months residency and paying an annual rent of £10 sterling on a dwelling house. The method of property valuation was mechanical and not reflective of market value; that is, all forms of property regardless of location received a fixed valuation prescribed by statute.<sup>16</sup>

The property qualification took hold over time.<sup>17</sup> An abundance of free land permitted near-universal manhood suffrage during the early years of settlement. Then, as the supply of free land dimin-

ished, the property qualification created a sizable class of non-freeholders. Each immigration season made the freehold franchise more restrictive, with the effect of favouring native-born men over immigrants. The transition accelerated during the 1840s when heavy immigration doubled the population of Canada West. In Oxford, population quadrupled, and the acreage of occupied land rose by 113 per cent.<sup>18</sup>

The extent of disenfranchisement in Oxford in 1851 is obscure because the electoral process then did not provide for the creation and maintenance of municipal voters' lists. The evidence does show that Oxford's 2,500 voters were 27 per cent the county's 9,437 adult males reported in the 1852 census. What is unknown is how the 6,937 non-voters divided between qualified electors and the disenfranchised.

To estimate the numbers of the disenfranchised, the authors calculated the voter turnout for the 1861 general election, the first to use voters' lists.<sup>19</sup> This revealed that 74 per cent of the men on the voters' lists actually voted. If one applies the 1861 voter-turnout statistic to the 1851 general election, then the 2,500 voters in 1851 would have represented 74 per cent of 3,378 eligible voters

<sup>15</sup> Woodstock *British American* 6 December 1851; Toronto *North American* 12 December 1851.

<sup>16</sup> Canada, *Statutes*, 12 Victoriae, cap. 27 (1849), s. XXXIff, XLII, XLVI; John Garner, *The Franchise and Politics in British North America, 1755-1867* (Toronto: University of Toronto Press 1969), 108.

<sup>17</sup> Garner, *Franchise and Politics*, 105-9. Free Crown land ended in 1849.

<sup>18</sup> Calculated from data for 1840 and 1852 in Thomas S. Shenston, *The Oxford Gazetteer* (Hamilton: Chatterton & Helliwell 1852), 33.

<sup>19</sup> Province of Canada, 25 Victoriae 1862. *Sessional Papers*, No. 24. Microfilm, series IC. CA9CP PA S26; *Dominion Sessional Papers* (No. 39) 1871-72.



(2,500/0.741). This would leave 6,059 of the County's 9,437 adult males—64 per cent—without the vote. Voter turnouts, of course, varied across polls and elections. By our estimates from a range of known turnouts, the disenfranchised were from 60 to 66 per cent of Oxford's adult-male population.

Oxford voters were distinctive in the County population. Farmers, for example, were 77 per cent of the voters but only 39 per cent of census-enumerated persons with occupations; for labourers (rural and urban) the statistics were 3 and 40 per cent. Voters under-represented Roman Catholics (3 per cent of voters and 7 per cent of population). They over-represented British-born and American-born residents and under-represented the Canadian-born—an effect of the younger age profile of the Canadian-born population. Finally, the provincial voters were just 44 per cent of the County's municipal electors (freeholders and householders on the township-assessment roll who paid taxes on real property).<sup>20</sup>

### Voter Turnout

In every election, some eligible voters did not vote.<sup>21</sup> In 1851, however, the electoral process did not use voters' lists; thus direct evidence is lacking to determine how non-voting-adult males divided between qualified stay-at-home

electors and the disenfranchised.

In the circumstances, the authors used votes cast as a percentage of the poll's adult-male population as an indicator of poll variation in voter turnout. By this crude measure, as shown in Table 1 (left-hand column), four northern, pro-Vansittart polls—Oxford North, Blandford, Blenheim, and Nissouri—were each below the County average for turnout of voters. Bad roads may have been a factor in three townships. Blandford, Blenheim, and the western half of Nissouri were uniquely lacking in toll roads, and their ordinary roads were in scattered patches.<sup>22</sup>

Nevertheless, politics, as well as bad roads, could have influenced turnout. Indeed, following John Scratcherd's vicious pre-election campaign against him, Hincks speculated that "many Reformers stayed at home, while others, especially in the Lanes [?] and Nissouri, voted for Mr. Vansittart."<sup>23</sup> Another possible source of Reformer non-voting was the Tory Nomination-Day allegation that Hincks had obstructed justice to escape a charge of libel. Finally, as Table 1 shows, four northern polls in which Hincks did poorly were also the polls with the four lowest turnouts.

To deepen their investigation of partisan influences on turnout, the authors selected Anglican electors—with

<sup>20</sup> Canada *Statutes*, 1849 Municipal Act, cap. 81; Shenston, *Oxford Gazetteer*, 54. In 1851 Oxford had 1,992 voters within its reduced-1852 territory.

<sup>21</sup> Gail Campbell, "Voter Turnout in the Nineteenth Century," *Social Science History* (1987).

<sup>22</sup> See Brian Dawe, *Old Oxford is Wide Awake! Pioneer Settlers and Politicians in Oxford County, 1793-1853* (1980), map no. 11, opposite p. 89; Shenston, *Oxford Gazetteer*, 65-75, 84-86.

<sup>23</sup> Toronto *North American* 12 December 1851; Woodstock *British American* 6 December 1851.

Table 1. Voter Turnout in Four Polls.				
	Voters N=2,500		Differences between % of Votes cast and % of Population. N=1,664	
	Voters as % Adult-Males	% of Vote for Hincks	Anglican (Tory Proxy)	Baptist (Reform Proxy)
Oxford N	17	29	+5	-2
Blandford	18	34	+6	+16
Blenheim	19	35	+4	+8
Nissouri	21	48	+3	+2
COUNTY	26	52	0	0

85 per cent support for Vansittart—as a proxy for Tory supporters and Baptist electors—with 76 per cent support for Hincks—as a proxy for Reform supporters.<sup>24</sup> They then compared the Anglican and Baptist percentages of voters in each poll with the Anglican and Baptist percentages of the poll populations. At the County level, these measures did not show party differences in voter turnout. Anglicans and Baptists voted in proportion to their respective populations. Nor were significant partisan differences evident at the poll level. In Blandford and Blenheim, polls with heavy Vansittart majorities, Anglican and Baptist voters each surpassed their percentage of population. Finally, although the Baptist preference for Hincks was below the County average in Blenheim and North Oxford (50 and 38 per cent respectively), it was above average in Blandford (91 per cent).

To summarize, Hincks’ poor showing in northern polls with low turnout

supports anecdotal evidence that Reformers stayed home on polling days. Our crude measures of partisan differences, however, did not yield additional confirmation of this.

### The Candidates

Francis Hincks (1807-

85), the Reform-Party standard-bearer and the incumbent, was the youngest of nine children of an Irish-Presbyterian minister, the husband of Martha Anne, the father of five children, a Canadian resident since 1832, a former banker, and a former newspaper proprietor, first in Toronto and then in Montreal.<sup>25</sup> Although an outsider to the County, Hincks was no stranger to its politics. He had won election for Oxford as a Reformer in 1841, been re-elected as a Tory minister in a 1842 by-election, been defeated in the 1844 general election, and been elected in the 1847 general election.

Hincks presented himself as a moderate Reformer who championed responsible government, government assistance for railway construction, and the secularization of revenues from the clergy reserves. Unlike the Clear Grits, he preferred the freehold-property based franchise to universal-manhood suffrage and the British parliamentary system to American-style democracy with an elect-

<sup>24</sup> Data: 1,664 voters linked to personal census.  
<sup>25</sup> William G. Ormsby. “Hincks, Sir Francis.” *Dictionary of Canadian Biography* (DCB). Vol. XI (1881-90), 406-16.

ed governor and a written constitution.

But Hincks styled himself as a realist who worked with compromise. For example, he adopted a go-slow approach to secularization of clergy-reserve revenues to placate francophone colleagues who opposed the separation of church and state in either section of the province. Similarly in 1851 Hincks agreed, against his personal inclinations, to extend the franchise to obtain Clear-Grit support for his Hincks-Morin ministry. Historically Hincks had voted against bills that he professed to support in principle (one to secularize of clergy-reserve revenues, one to give non-conformist clergy the right to perform marriages) and for bills that he professed to oppose in principle (one to legalize ecclesiastical corporations, one to allow sectarian common schools).<sup>26</sup> Certainly he had not always voted with his Reform colleagues and had served briefly in a Tory ministry.

To many Reformers, Hincks was simply an office-seeking opportunist. George Brown of the *Toronto Globe*, a champion of voluntarism regardless of its political cost in Canada East, flatly refused to serve under Hincks and bolted the Reform party in July 1851. Locally, a hastily-convened *Oxford Reform Convention* manoeuvred to deny the incumbent Hincks, *the Traitor to Reform Principles*, the Oxford-Reform nomination. Indeed,

opposition from within his own party prompted co-premier Hincks to run in both Oxford and Niagara in 1851 to ensure that he won a seat.<sup>27</sup>

The Tory candidate, John George Vansittart (1813-69), the eldest son of Vice-Admiral Henry Vansittart, was 38 years of age in 1851, an Irish-born Anglican, an Oxford resident since 1834, husband to Isabella aged 31, and the father of two.<sup>28</sup> After having briefly studied law in Toronto, poor health had led him to settle on a farm near his father's estate in East Oxford where, about 1837, he suffered a permanent paralysis of one side of his body. On the creation of Brock District in 1839, he had received appointment to the offices of District Court Clerk, Surrogate Court Registrar, and magistrate. On the death of his father in 1843, he had inherited 4,104 acres, which his father had purchased during the early 1830s from Allan MacNab, esq., of Hamilton, the future *gallant knight* and President of the *Great Western Railway*. A year after being made Returning Officer for the Oxford-general election of 1847, he had removed to property near Woodstock. He was a lay delegate to the Anglican Synod, a Blandford-Township councillor (1851-52), and a proprietor-founder of the *British American*, the sole local newspaper in Woodstock until 14 November 1851 when a ministerial-Re-

<sup>26</sup> *Toronto Globe* 4 November 1851.

<sup>27</sup> He was acclaimed in Niagara but chose to represent Oxford.

<sup>28</sup> 1851 personal census, Blandford Township, p. 53, l. 10-13; 1861 personal census, Blandford Township, p. 11, l. 10-13; Henry J. Morgan, *Sketches of Celebrated Canadians*, Quebec: Hunter Rose & Co. 1862, 423-29; *Vansittart Collection* (secondary materials), Woodstock; and Dawe, *Old Oxford*, chap. 4. Vansittart's father was a Rear-Admiral when he removed to Oxford in 1834 but was promoted to Vice-Admiral in 1841.



*Ink Sketch of John G. Vansittart's House (1836–48) near his father's estate at Eastwood before he re-moved to Woodstock (National Archives of Canada, Peter Winkworth Collection, R9266-188)*

form journal, the *Western Progress*, appeared. By 1851 Vansittart was a middle-ground Tory.<sup>29</sup> That is, while retaining his traditional-Tory attachment to religious establishment and social hierarchy, he accepted responsible government, the primacy of economic development, and pragmatism in politics.

Vansittart's actions as Returning Officer in Oxford's previous general election remained controversial in 1851. In 1847, after consulting with Crown attorneys, Vansittart had disqualified Hincks for having failed to declare properly his qualification at the hustings. Then at the close of polling, he had declared elected the Tory candidate who had polled 296 fewer votes. The election committee of the provincial Assembly had overturned the decision, whereupon the Assembly,

in a partisan vote, had reprimanded Vansittart and dismissed him from one of his government positions, that of Inspector of Licenses for Brock District. The Tory take on the affair was that the Assembly had punished Vansittart for following the law. In reaction,

they feted their man with public dinners in Montreal, Hamilton, Woodstock, and London. On his return from Toronto (where he had been summoned to the bar of the Assembly) to Oxford, he was met on its borders by an immense concourse of people, who escorted him to his home.<sup>30</sup> The outpouring of public sympathy reportedly gave him the self-confidence to become a candidate in 1851. Hincks, for his part, criticized Vansittart, not for ruling on his qualification, but rather for not having done so *before* the poll was taken, thereby preventing Reformers from nominating another candidate. In the event, the pragmatic Hincks held no grudges and included Vansittart, a magistrate since 1840, to remain so in the government's 1849 commission.<sup>31</sup>

<sup>29</sup> London *Free Press*, 22 November 1851; 25 December 1851 (item from the *Toronto Globe* which lists moderate-Tory candidates in the general election).

<sup>30</sup> Morgan, *Sketches*, 427–28.

<sup>31</sup> Dawe, *Old Oxford*, 83; Shenston, *Oxford Gazetteer*, 96. Magistrates were provincial-government appointees. After the 1847 general election, however, with the acquiescence of the Governor-General, Lord Elgin, control of patronage passed to the Reform majority in the Assembly, with Hincks having a key role in the distribution of patronage. Noel, *Patrons, Clients, Brokers*, 165, 169.

Each of the nominators was a local notable whose endorsement carried weight for his candidate. Hincks' first nominator, Benjamin Van Norman (1800-69), was a magistrate, Lieutenant-Colonel in the militia, past Brock-District councillor (1842-44, 1848-49), past reeve of Dereham and past warden of Oxford County (1850), and son-in-law to George Tillson, the American-born founder of Tillsonburg village. Hincks' second nominator, Eliakim Malcolm (1801-74) of Oakland, had been one of two principals in the western rebellion of 1837 and was a public land surveyor, a magistrate, reeve of Oakland (1850-51), future warden of Brant County (1853), champion of the Buffalo and Brantford Railway Company, and one of eight Oakland Malcolms who voted for Hincks. Vansittart's first nominator, John Jackson, esq., of Blenheim was a magistrate and reeve of Blenheim (1851-52). His second nominator, Robert Cameron of Nissouri, was a magistrate and a Captain in the militia. Whatever might have been Cameron's influence, the pre-election campaign against Hincks by John Scratcherd, reeve of Nissouri and warden of Oxford County, also helped the Tory cause in Cameron's poll.

The attributes of each nominator spoke to the strengths of his candidate. On the Hincks side, Benjamin Van Norman was a resident of Dereham (54 per cent of its vote going to Hincks), American-born (81 per cent for Hincks), and a Wesleyan Methodist (62 per cent for Hincks). Eliakim Malcolm was a resident of Oakland (92 per cent for Hincks),

a Congregationalist (97 per cent for Hincks), Canadian-born (67 per cent for Hincks), and of American parents (81 per cent for Hincks). On the Vansittart side, John Jackson was a resident of Blenheim (65 per cent for Vansittart), Irish-born (69 per cent for Vansittart), and an Anglican (84 per cent for Vansittart). Robert Cameron was a resident of Nissouri (56 per cent for Vansittart), Presbyterian (55 per cent for Vansittart) and Canadian-born (67 per cent for Hincks, but 60 per cent for Canadian-born Presbyterians).

Hincks' non-resident status was no handicap in Oxford. Indeed, dissident Reformers only put up John Scratcherd against Hincks after failing to secure a



*Eliakim Malcolm (C.M. Johnston, Brant County. A History 1784-1945)*



prominent outsider to represent them.<sup>32</sup> In the 1858 South-Oxford general election, both candidates were Toronto lawyers. In 1861 three of the four candidates in the two Oxford ridings were Toronto men, and the other was from Hamilton. Vansittart as a local man was the exception, not the rule, and, of course, he lost the election.

Finally, Oxford served up one type of contest among several across the province.<sup>33</sup> Among 35 contested ridings in Canada West, Oxford was one of 18 that pitted a ministerial Reformer against a Tory—13 of which the Tory won. Ultra-Reformers contested 14 ridings and won 9 of them. Six of these 14 ridings featured three-way battles among Tory, ministerial-Reform, and ultra-Reform candidates.

### The Issues

Under Lord Durham's re-visioning of colonial politics in 1841, responsible self-government and economic growth were to replace landed aristocracy and church establishment as the basis for social order. In 1849 Britain conceded responsible government, but gave it limited scope. An Imperial Act of 1840, for example, had imposed a clergy-reserves settlement on Canada; hence Imperial enabling legislation was a necessary preliminary to any made-in-Canada change.

In this context, three issues had come to the fore in Canada West by 1851: rail-

ways and economic development (Durham's new basis for social order); radical democracy on the American model; and the dismantling of church establishment (the pre-Durham basis for social order). The resignation of the Baldwin-LaFontaine ministry and its replacement by the Hincks-Morin ministry on 28 October 1851 marked the province's transition to the emerging issues. It remained to be seen how those issues were to play out in Oxford.

### Railways in Oxford Politics

During the 1850s Canada West was in the grip of railway mania, and Oxford, "an inland County with neither ports nor harbours," was no exception. Railway projects, however, were controversial. In December 1850, despite opposition from "a large portion of the County, and several large meetings held in Woodstock [at which] resolutions were unanimously passed voting want of confidence in the G.W.R.R. Company," the County subscribed £25,000 for shares in the Great Western Railway Company, whose projected Niagara-Hamilton-London route to Sarnia and Detroit passed through Blenheim, East Oxford, and North Oxford Townships. In the same year, to protect its monopoly position, the Great Western stifled efforts of rivals to have government revive an expired charter for the Niagara and Detroit Rivers Railway, whose proposed southern

<sup>32</sup> Dawe, *Old Oxford*, 85. They had in mind George Brown or one of the *Clear Grits*, John Rolph and Malcolm Cameron.

<sup>33</sup> Paul G. Cornell, *The Alignment of Political Groups in Canada 1841-1867* (Toronto: University of Toronto Press 1962), 31, 103. Six of forty-one ridings were settled by acclamation.

east-west route ran from Buffalo to the Windsor area by way of St. Thomas and bypassed Oxford. In the meantime, other rival promoters had been seeking charters for short-distance roads, which they envisaged as eventual segments of a comprehensive southern line. One such project, chartered in 1848, was the Woodstock and Lake Erie Railway and Harbour Company whose projected route ran south from Woodstock through East Oxford and Norwich Townships. Another southern-segment project, organized but without charter in 1851, was the Buffalo and Brantford Railway, whose proposed route passed near Oxford's Oakland Township; one of its champions was Eliakim Malcolm, a prominent Oakland Reformer and second nominator for the candidacy of Francis Hincks.

Francis Hincks, Inspector-General in the Baldwin-Lafontaine ministry, member of the provincial Railway Committee, and father of the province's railway legislation,<sup>34</sup> was in the thick of these developments. In June 1850 he introduced a bill to revive the charter of the Great Western's southern competitor, the Niagara and Detroit Rivers Railway. As he explained to Sir Allan MacNab, chair of the Railway Committee and a Director of the Great Western, he "had opposed the bill last session because a very large majority of

his constituents in Oxford [then] were in favour of the Great Western Railway, but now the same majority were in favour of the Niagara and Detroit Rivers Railway."<sup>35</sup> Then Hincks changed sides after his southern initiative failed. In December 1850 he and the Great-Western directors paid a surprise visit to Oxford and persuaded the previously-opposed County council to purchase company stock. According to his agent, Thomas Shenston, Hincks was instrumental in "obtaining a vote of the inhabitants at the public meetings" in support of the County's subscription.<sup>36</sup>

While Hincks aligned himself with the Great Western, Vansittart's position was unclear. As noted above, he was a director in the southern-segment project, the Woodstock and Lake Erie Railway and Harbour Company, whose backers were straight from Woodstock's social register.<sup>37</sup> In April 1849 his party organ, the Woodstock *British American*, endorsed the resolutions of a County Railway Committee appointed at a public meeting in Woodstock. As a condition of the County purchasing railway stock, the committee insisted on an amalgamation of the Great Western and Niagara and Detroit Rivers companies and the retention of the already-surveyed Great-Western line west from Woodstock. To the east of Woodstock, however, the amalga-

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<sup>34</sup> Hincks was author of the 1849 *Railway Guarantee Act*, which guaranteed up to six per cent interest on railway-company bonds for roads with greater than seventy-five miles of length and having achieved fifty per cent completion; effectively it gave railway companies a return on capital before the route was completed. See Careless, *Union of the Canadas*, ch. 8.

<sup>35</sup> Toronto *Globe* 15 June 1850.

<sup>36</sup> Shenston. *Oxford Gazetteer*, 82; Dawe, *Old Oxford*, 86.

<sup>37</sup> Canada. *Statutes*, 1847 10-11 Victoriae, chap. 117.

mated line would pass through Brantford to Buffalo, with Hamilton reduced to a branch-line connection.<sup>38</sup> Even so, Vansittart's pro-southern-route manoeuvres were in the past by 1851. Quite possibly, like Hincks, he had moved on.

Meanwhile, railway projects fractured public opinion in different ways. In nearby Middlesex, the County's purchase of Great-Western stock pitted northerners against southerners in bitter division. London and the northern townships were on surveyed route of the Great Western and favoured the purchase, which was financed by a railway-surtax on all County property. St. Thomas and the southern townships were off the surveyed route of the Great Western, but on the route of the proposed Niagara and Detroit Rivers southern line. Thus southern ratepayers resented the surtax, which promised them no benefit and indeed reduced public money available for improvement of concession roads, bridges, and swamplands in the southern townships. On losing the battle, the southerners took steps to secede from Middlesex, with the object of forming Elgin County with St. Thomas as its County town.<sup>39</sup>

Such geographical division was less pronounced in Oxford. In his Nomination-Day speech, Hincks recalled how

friends in Norwich and Oakland, who had been dissatisfied with ... the service he had rendered ... the Great Western Railway, had now ceased their opposition ... while in the

town of Woodstock and the village of Ingersoll ... he met with the most unreasonable opposition, although he could safely say that had it not been for his personal exertions, there would not be a single man engaged in the work.<sup>40</sup>

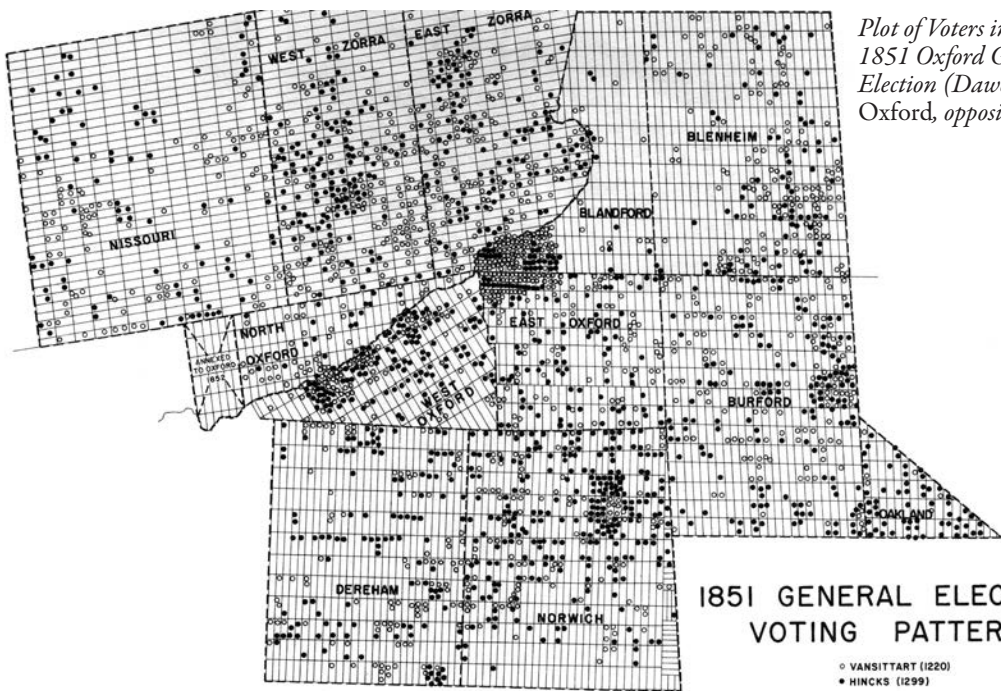
Our sources do not mention what reconciled Hincks with Norwich and Oakland townships, which were bypassed by the Great Western. A particular puzzle is why Eliakim Malcolm, a champion of the southern-segment-railway project, the Buffalo and Brantford Railway, made peace with Hincks. Perhaps the imminent removal of Oakland and Burford townships to the newly-created Brant County in 1852 softened Malcolm's opposition; at a minimum, this meant that Oakland and Burford ratepayers escaped the tax liability to pay for Oxford's purchase of Great Western stock. Possibly Malcolm received private assurance that Hincks, as member of the provincial railway committee and now co-premier, could befriend more than one railway if Malcolm delivered the vote. In the event, with peace on the railway front, Hincks recruited Eliakim Malcolm for his second nominator, and Oakland became his strongest poll. Meanwhile Vansittart's interest in the southern-segment project, the Woodstock and Lake Erie Railway, failed to draw Tory votes from Norwich, which was on its proposed route. The explanation in part was that the Company was without capital and on the verge of collapse in 1851.<sup>41</sup> Hincks, the perennial railway fixer, was to become its

<sup>38</sup> Woodstock *British American* 14 April 1849.

<sup>39</sup> London *Free Press* 31 October 1850; 3 and 31 January 1851; 10 April 1851.

<sup>40</sup> Toronto *North American* 28 November 1851.

<sup>41</sup> Walter Neutel, *From Southern Concept to Canada Southern Railway, 1835-1873* (M.A. thesis UWO 1969), 30-48.



*Plot of Voters in the 1851 Oxford General Election (Dawe, Old Oxford, opposite, 86)*

president in 1852.

A different source of opposition to the Great Western, in townships along its surveyed route, was impatience with delays in getting its construction underway. Impatience, in turn, bred want of confidence in the Great Western's capacity to deliver a railway through Oxford, and hence public opposition to the County's purchase Great Western stock.<sup>42</sup> In line with these sentiments in 1850, Hincks had supported the revival of the charter for an alternative to the Great Western, the Niagara and Detroit Rivers Railway. By election time, however, everything had changed. Efforts to revive the charter of Niagara and Detroit Rivers Company had failed and were moribund in 1851.

Oxford County was now a shareholder in the Great Western and committed to its fortunes. What is more important, construction on the Great Western was finally underway. As the Company announced in June 1851, it had engaged 3,000 men for the Hamilton-to-Woodstock section, while the Woodstock-to-London section of the route was staked out and ready for work, and contractors notified to start the grading.<sup>43</sup>

The documentary evidence runs entirely against the notion that railway politics mattered to the outcome of the Oxford-general election. None of the ten points in the platform of the renegade Oxford Reform Convention was about railways.<sup>44</sup> Moreover, Hincks, the Great

<sup>42</sup> Woodstock *British American* 14 April 1849; Toronto *Globe* 15 June 1850; Shenston, *Oxford Gazetteer*, 82-84.

<sup>43</sup> London *Free Press* 12 June 1851, report of the *Great-Western* directors.

<sup>44</sup> London *Free Press* 23 October 1851. The final plank in the radical platform did, however, call for



Western's friend, lost the polls along the Great-Western's right-of-way—Blenheim, East Oxford, and North Oxford—but prevailed in the Burford, Dereham, Norwich, and Oakland polls, all of which were bypassed by the Great-Western route.<sup>45</sup> Similarly, 131 Oxford electors within one concession of the Great-Western route favoured Vansittart by a margin of 2 to 1.

A final piece of evidence concerns the 1850 County Council, which initially opposed the County's purchase of Great Western stock, but then changed its mind. Whereas Hincks contributed to the turnaround by promoting the stock subscription at public meetings, John Barwick, Reeve of Blandford and Chair of the County's Railway Committee, led the Great-Western cause within Council.<sup>46</sup> In 1851, however, Barwick voted for Vansittart, his Anglican co-religionist, not Hincks, his ally in railway matters.

## Radical Democracy in Oxford Politics

In Canada West a radical Clear-Grit movement within the Reform Party, launched in February 1851, wanted democracy on the American model with

vote by ballot, extension of the franchise, the election of all branches of government, and a written constitution rather than the British parliamentary model.<sup>47</sup> Clear Grits also supported denominational voluntaryism (discussed separately below). On both issues, they professed to put principle before party solidarity and political convenience.

In May 1851 Reformers in West Oxford resolved that Hincks had "forfeited the confidence reposed in him by his constituents."<sup>48</sup> On 15 October 1851 an Oxford Reform Convention in Woodstock issued a ten-point program that focused, first on voluntaryism, then on democracy—like the Clear-Grit platform of democracy and voluntaryism but with the priorities reversed.<sup>49</sup> On the issue of radical democracy, the Convention demanded the

simplification and codification of the laws; extension of the elective franchise and an equitable increase of representation based on population; no appropriation of the country's funds without legislation; election of all county officers by the people, and the vote by ballot.

After calling for nominations and receiving two, the convention conditionally endorsed Hincks as its nominee by a vote of 25 to 16. Further motions re-

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retrenchment in government expenditures, where Hincks, father of the *Railway Guarantee Act*, was committed to public financial support for private railway ventures.

<sup>45</sup> Calculated from the voter-plot map in Dawe, *Old Oxford*, opposite 87.

<sup>46</sup> Shenston, *Oxford Gazetteer*, 82-3.

<sup>47</sup> Suzanne Zeller, "McDougall, William," *DCB*, XIII (1900-10), 633.

<sup>48</sup> Dawe, *Old Oxford*, 84-85; *Toronto Globe* 4 November 1851.

<sup>49</sup> *London Free Press* 23 October 1851. On voluntaryism, the dissident Reformers called for the secularization of clergy-reserves revenues; an end to rectory grants; no ecclesiastical corporations; and the abolition of sectarian clauses in the commons schools bill.



quired Hincks to subscribe in writing to the Oxford-Reform platform and to resign his seat if two-thirds of the convention members expressed want of confidence in him. Failing Hincks' compliance, the Convention would meet again to nominate another.

On 29 October, from his office in the capital, Quebec, Hincks flatly refused to commit himself to the Oxford-Reform program. As a Minister of the Crown, he was responsible for the welfare of the province, not just for his riding or a segment of the Reform Party.<sup>50</sup> Given that the support of French-Canadian members from Canada East was essential to the preservation of the Union, he was forced to respect their antipathy for voluntarism and democracy, notwithstanding his personally-held liberal views. How convenient an argument for being "economical of promises," muttered the Tory organ, the *Toronto British Colonist*.

Meanwhile on 28 October, Hincks had formed a ministry that included two Clear Grits, Dr. John Rolph and Malcolm Cameron. The price of Clear-Grit support was his ministry's commitment to voluntarism and democratic-electoral reforms—an elected Upper House, an extension of the franchise, and assessment-based voters' registers. In return, the Clear Grits accepted a postponement of their full programme and their newspaper, William McDougall's *Toronto North American*, became a ministerial

organ.<sup>51</sup>

In early November a twenty-six-man self-styled majority of the Oxford-Reform Convention delegates met, noted that since their earlier meeting Hincks had formed a ministry which all reformers should support, and invited Hincks to announce himself as the Reform candidate "without reference to the political platform submitted to you for approval."<sup>52</sup> When Hincks accepted, the still-disaffected convention delegates put up John Scratcherd as a Reform nominee. In the end, however, Scratcherd declined nomination to avoid splitting the Reform vote.<sup>53</sup>

Each candidate felt that Scratcherd had damaged his chances. For Hincks, Scratcherd's Nomination-Day withdrawal came too late for him to reverse the damage to his cause among back-country farmers. For Vansittart, campaigning against a divided Reform-Party enemy, the primary strategy had been, not to articulate Tory principles, but rather to feature Scratcherd's assaults on Hincks. With Scratcherd's late withdrawal, Vansittart had but one week to train his guns on a single opponent.

### Establishment Religion in Oxford Politics

**I**n Canadian tradition the Church of England and Ireland was literally part of the state and one of its instruments for social order and maintenance of the Im-

<sup>50</sup> *Toronto British Colonist* 7 November 1851.

<sup>51</sup> Zeller, "McDougall, William," 632-36.

<sup>52</sup> *London Free Press* 20 November 1851.

<sup>53</sup> For Scratcherd's speech, see *London Free Press* 27 November 1851.

perial tie.<sup>54</sup> As such the Church received state monies to establish and maintain rectories (ecclesiastical livings) and educational institutions. In Canada West much of the state revenue for rectories came from leases and sales of Crown lands that were designated as clergy reserves.

When Anglican hopes for a monopoly of establishment floundered in Canadian multi-denominational conditions, an Imperial Act of 1840 legislated what one might characterize as plural establishment in theory and dual establishment in practice.<sup>55</sup> In the Imperial Government's intended "final solution" to the clergy-reserves endowment, revenue from "old sales" and half the revenue from "new sales" went to the Church of England and the Kirk of Scotland in a ratio of 2 to 1; the remaining half of revenue from "new sales" was to go to other denominations on their application for support.

For some years, the clergy reserves had produced little revenue. In January 1848, however, government announced a surplus from a revival of sales to the amount of £1,800 and, with real money at stake, support for the Imperial settlement of 1840 began to unravel in the face of two influences. The first was denominational jealousy—demands by certain denominations for an equitable alloca-

tion of state revenues to religious bodies in place of the current system, which favoured Anglicans and the Kirk. The second was voluntarism—the principle that churches should derive their revenues entirely from the voluntary contributions of their laity. Thus Churches should be separate from the state, not part of it, and revenues from the clergy reserves should be secularized—that is, they should be redirected from churches to the support of non-denominational public education.

In this regard, an ancillary issue on church-state relations was Hincks' successful piloting of an 1850 *Common Schools Act* for Canada West, whose nineteenth clause required municipalities to erect separate schools where twelve Roman Catholic heads of families so requested one in an area where the common-school teacher was a Protestant. Hitherto such allocation had been left to the discretion of municipal authorities. To critics, the Act opened the door to separate schools for other denominations and the disintegration of a non-denominational system.<sup>56</sup>

Denominational alignments on the establishment-religion issue are tricky to discern. Concerning Methodists, the Wesleyans applied for and received state monies for the support of their educa-

<sup>54</sup> Westfall, *Two Worlds*, ch. 4; S.F. Wise, "Sermon Literature and Canadian Intellectual History," *The Bulletin* (United Church Archives 1965).

<sup>55</sup> Careless, *Union of the Canadas*, 174; John S. Moir, *Church and State in Canada West* (Toronto: University of Toronto Press 1959), 50-51; Alan Wilson, *The Clergy Reserves of Upper Canada* (Toronto: University of Toronto Press 1968).

<sup>56</sup> Careless, *Union of the Canadas*, 176. In his 1899 memoir, the W.A. MacKay recalled how in Zorra the "Clergy Reserve" question and the "Separate School" question were up, and a great deal of religious feeling was aroused.

tional institutions, while other Methodist denominations were in the camp of voluntarism. Concerning Presbyterians, the secession of Free-Church Presbyterians from the Kirk of Scotland in 1843 had weakened the Kirk's legitimacy as an establishment church. Although the Free Church initially accepted establishment religion in principle, its secession had entailed the loss of state financial support that had come through the Kirk. Conversely, the Kirk had benefited financially from secession in that its fixed statutory share of clergy-reserve revenues henceforth went to drastically-diminished numbers of clergy and church members. Effectively the Free Church had voluntarism in practice, regardless of its support for establishment religion in principle. Although still not committed to voluntarism in 1848, the Free Church's Provincial Synod had vetoed further applications for clergy-reserves grants because of the divisive effect of such applications on the church. Then in June 1851 its Synod committed to voluntarism.<sup>57</sup> Meanwhile a second but smaller secessionist denomination, the United Presbyterian Church, endorsed voluntarism from its inception.<sup>58</sup> The statistics for membership of the various Presbyterian and Methodist denominations leave much to guesswork. In each case the published statistics include a large "other" category

for persons for whom the enumerator did not report a specific denominational designation.<sup>59</sup>

In his Nomination-Day speech, Hincks presented the clergy reserves as the great question of the day. Nevertheless, sceptical Reformers questioned whether he would deliver. His track record in the legislature had often been at variance with his professed support for voluntarism, in part because he was a minister of the Crown who believed that workable solutions had to pass muster with francophone colleagues from Canada East. As critics of Hincks gleefully pointed out, the francophone part of his new Hincks-Morin ministry was as hostile to voluntarism in Canada West as Hincks' Clear-Grit ministers were for it. Effectively his ministry was an unworkable combination, and the need for enabling legislation from the Imperial Parliament gave him ample pretext for delay.

Circumstantial evidence points to Vansittart's precise position on the issues of the clergy reserves and establishment religion. One indicator is the 1851 *Election Manifesto* in the *Church Union*, the official journal of the Anglican Church.<sup>60</sup> Effectively the *Manifesto* proposed a new final solution in place of the Imperial Government's discredited final solution of 1840. Given "the very mixed constitution of" the Canada West population in

<sup>57</sup> Moir, *Church and State*, 49; London *Free Press* 26 June 1851.

<sup>58</sup> Westfall, *Two Worlds*, 117-18; Moir, *Church and State*, 7-8; London *Free Press* 12 June 1851.

<sup>59</sup> Calculated from comparison of published totals for Oxford with detailed information in the manuscript census. See also *Journals of the Legislative Assembly of the Province of Canada 1854-55*, App C.17.

<sup>60</sup> Excerpt from the Canadian-Anglican journal, *Church Union*, printed in the Toronto *North American* 18 November 1851.

1851, it accepted “that no one religious denomination can consistently with the contentment of the people possess peculiar privileges denied to others.” Thus it proposed

that so far as the lands [already] appropriated, vested interests should be respected; but so far as unsold lands, they should be divided amongst the various religious Christian denominations according to their numbers. The [companion] plan is to make up from other sources the deficiency or inequality, if any, in the shares of the other religious denominations, so that their state aid should be equivalent in value in proportion to their number with that of the Church of England; and as a further consequence of either of these plans, that each religious denomination should receive a transfer of their shares, and have full power to hold them inalienably to religious or educational uses, as they think proper.

The *Election Manifesto*, in other words, would let the Church keep what it had of state resources, while raising other denominations, on the basis of membership size, up to equality with Anglicans and with each other. This liberal-sounding solution would seem to have been Vansittart’s position. As the Independent-Reform journal, the London *Free Press*, observed

on hearing Vansittart’s Nomination-Day speech, it was “amusing to hear how liberal a high-church Tory can be when his object is to win over a few Reformers.”

### Summary of Background Information

To summarize for the 1851 Oxford general election, Oxford featured a Reform-Tory battle for the middle ground on the principal issue, the clergy reserves and establishment religion. Both Hincks and Vansittart accepted that the status quo (Anglican and Kirk primacy) was untenable. After this point they differed. Vansittart’s solution was to retain establishment religion, but in a form which provided equality among the various denominations. Hincks proposed a ministerial-Reform middle ground, one that would replace establishment religion with voluntarism. Where ultra-Reformers wanted immediate action on the clergy-reserves question, however, Hincks would act when conditions permitted. This meant securing prior enabling legislation from the Imperial Government and, implicitly, compromising on other issues to gain the support of

Table 2. Denominational Composition for each Birthplace. Row totals = 100 %. Data = 1,664 voters linked to the census.						
Place of Birth	Anglican	Baptist/ Congregationalist/ Quaker	Methodist	Presbyterian	Roman Catholic	Other
USA	6 %	41 %	41 %	6 %	0 %	6 %
Canada	12 %	30 %	44 %	7 %	0 %	7 %
England	55 %	12 %	26 %	4 %	1 %	2 %
Ireland	37 %	3 %	21 %	18 %	19 %	2 %
Scotland	2 %	3 %	2 %	91 %	1 %	1 %
Maritime BNA	13 %	47 %	31 %	6 %	0 %	3 %

francophone Canada-East supporters of his ministry.

Given the caveats and Hincks' reputation as an opportunist, the issue for ultra-Reformers was whether Hincks would deliver on the clergy-reserves issue. Hincks' platform, moreover, mentioned only part of the ultra-Reform agenda to secularize the state. Whereas he was committed to action on the clergy-reserves question, he was silent on allied issues such as the abolition of rectories and the removal of sectarian privilege from the common-school system. By including two Clear Grits in his coalition ministry in late October 1851, Hincks appeared to have co-opted Oxford's ultra-Reformers, most of whom rallied behind him rather than putting forward their own candidate. Even so, John Scratcherd's Nomination-Day capitulation came late in the day to prevent damage to Hincks' prospects.

With establishment religion and the clergy-reserves question as the general-election issue, the religious affiliation of voters was the key to their political choices. Anglican and Kirk-of-Scotland electors, whose churches benefited from the status quo, were likely to choose Vansittart (a liberalization of the status quo in order to preserve it). Baptist, Congregationalist, and Quaker electors, whose churches were committed in principle to voluntarism, were equally likely to choose Hincks. In the middle were electors from the Methodist and Presbyte-

rian groups of denominations. Those committed to voluntarism in principle would choose Hincks. Those motivated by jealousy of Anglican primacy might prefer Vansittart.

Birthplace is a proxy for the elector's ethnicity in a province with a history of ethnic tensions. A broad distinction was made between the North-American-born and the Old-Country-born. These two categories, in turn, divided into American- and Canadian-born, on the one hand, and England-, Scotland-, and Ireland-born, on the other. Here Canadian-born was an amorphous category in that contemporaries commonly classed Canadian-born children by the ethnicity of foreign-born parents (i.e., they regarded the Canadian-born children of American-born parents as American).<sup>61</sup> Finally, Ireland-born divided into Roman Catholic and Protestant; this confessional division is unnecessary for other birthplace groups in Oxford, where eighty per cent of Roman-Catholic voters were Ireland-born.

To an extent, the birthplace attributes of electors expressed their differences in religious traditions. As Table 2 shows, the American-born, Canadian-born, and Maritime-born electors had few Anglicans, but many in the Baptist/Congregationalist/Quaker group, and many in the middle-ground Methodist camp; as such, they were promising ground for Hincks. In contrast, English-born electors, with many Anglicans and few in the Baptist/Congregationalist/Quaker group, were

<sup>61</sup> Colin Read. *The Rising in Western Upper Canada, 1837-8: the Duncombe Revolt and After* (Toronto: University of Toronto Press 1982), ch. 7.



likely to poll strongly for Vansittart.

Nevertheless, birthplace-ethnic political preferences also expressed an historical political divide about the virtues of Imperial paternalism, hierarchy, and appointed officialdom, on the one hand, and responsible self-government and democracy, on the other. As Colin Read shows, the disaffected in the western rebellion of 1837 were mostly American-born or the children of American-born parents.<sup>62</sup> In contrast, British-born men, like Zorra's Highland Scots, staffed the loyalist militias. Interestingly, twenty-eight men on Read's list of rebels voted in Oxford's 1851 general election, and each of them chose Hincks.

### The Data for Quantitative Analysis

The documentary sources comprise the poll books, personal census, and published census statistics for Oxford. The poll book reports the elector's poll (township), name, and legal addition (occupation), but not his age, place of birth, religion, or marital status—information that the personal census does report. Published census tables report township totals for age by sex and marital status, religious affiliation, and place of birth.

Whereas the December 1851 Oxford-election polls corresponded exactly

with County townships in 1851, they differed from subdivisions of the census taken in January 1852. A reorganization of Canada-West counties on 1 January 1852 separated Woodstock Town from Blandford and East Oxford Townships; separated Ingersoll Village from West Oxford Township; removed Oakland and Burford Townships to the newly-created Brant County; and removed the western half of Nissouri Township to Middlesex County (leaving East Nissouri Township in Oxford). Thus one needs census statistics for three counties to match up with Oxford County in 1851.

We constructed two electronic-data files for analysis of the election outcome. The first, the *Oxford Poll-Book file*, records the votes, names, places of residence, and legal additions for the 2,500 voters. The second, the *Oxford Linked-Cases file*, was generated by linking individuals in the poll books (2-3 December 1851) to the same individuals in the personal census (11 January 1852) to obtain each voter's age, religious affiliation, and birthplace.<sup>63</sup> Our linkage decision was positive for 1,664 electors, or 67 per cent of the 2,500 voters.<sup>64</sup> Although the Oxford riding did not have a poll for Woodstock, we constructed one for all voters for whom the poll books reported Woodstock as their place of residence.

<sup>62</sup> Read, *Rising*, 205ff, Appendices 1-2.

<sup>63</sup> Forty days elapsed between the closing of the polls (3 December 1851) and Census day (11 January 1852); however, the census enumeration took place "between Monday the 12th day of January and 15th day of February." Shenston, *Oxford Gazetteer*, 33.

<sup>64</sup> The 1852 personal census for North Oxford Township is not extant, but the Ingersoll returns included some North-Oxford voters; for other North-Oxford linkages, the authors used the 1861 personal census. Linkage was tricky for West Zorra Township whose Scottish populations included clusters of men with the same name (e.g., Sutherland, Ross, McKay).

## Religion, Ethnicity and Voting

With establishment religion as the major issue, denominational differences influenced electors' choices at the poll. As cross-tabulation of the data revealed, Hincks polled well among Episcopal-Methodist, Baptist, Congregationalist, United-Presbyterian, and Quaker electors, whose churches favoured voluntaryism. Conversely, Vansittart did well among Anglican and the Kirk-of-Scotland electors, whose churches were established. Birthplace modified voters' choices by religious affiliation. The Anglican preference for Vansittart was stronger among British-born electors (90 per cent) than among American-born ones (56 per cent). The Methodist preference for Hincks was stronger among American-born electors (82 per cent) than among the English-born (38 per cent).

Given that the birthplace and religious influences overlap, we use multivariate analysis to sort out their relative importance. A *Probit* model serves for the purpose. Like a standard-regression framework, the *Probit* model estimates the effect of one variable (e.g., Anglican religion) on the probability of voting for Hincks by holding constant the effects of other variables (e.g., birthplace, occupation, age, and poll).

The *Probit* estimation technique requires that the dependent variable, voting for Hincks, is binary (0 or 1). Its estimated coefficients show whether the probability of the defined outcome (voting for Hincks) increases or decreases with change

in an independent variable (e.g., whether the voter is Methodist or non-Methodist). Since the binary dependent variable (0 or 1) has no meaningful scale (as with age), the estimated coefficients have no meaningful interpretation as to the magnitude of effects on the dependent variable. Thus the *Probit* technique uses the estimated coefficients to generate the marginal effects of the independent variables—the percentage change in the predicted probability of observing the defined outcome (voting for Hincks) due to a change in a given independent variable (whether the voter is Methodist or non-Methodist).

To develop our *Probit* model, we transformed each categorical variable into a set of binary dummy variables (e.g., religion dummies: Anglican = 1, Non-Anglican = 0; Methodist = 1, Non-Methodist = 0, et cetera). Then for each set of dummy variables, we excluded one dummy (e.g., Presbyterian for the Religion set). The omitted dummies became the *constant term* in the model—its reference for comparison. Our data held four categorical variables (Religion, Birthplace, Poll, Occupational Group); for our constant term we selected *Presbyterian*, *Scotland-born*, *Blandford*, and *labourer*. Hence comparison with this constant term determined the likelihood that a voter with particular characteristics voted for Hincks. The marginal effect of Anglican religion, for example, measured its probability of voting for Hincks relative to the dummy in the constant term, Presbyterian. Thus in Table 3, an Anglican voter was 0.221 per cent less likely to vote for Hincks than a Presbyterian voter. An English-born vot-

<b>Table 3. <i>Probit</i> Estimations, Reduced Model.</b> <b>Dependent Variable: Vote for Hincks = 1</b> <b>* = Statistically significant at the 0.05 level.</b>				
Variable Category	Marginal Effect	% of File	Net Influence	Difference in Votes for Hincks out of 2,500 cast
Relative to Presbyterian (45 % for Hincks)				
Anglican*	-0.221	0.207	-0.047	-118
Methodist*	0.163	0.284	0.049	124
Baptist*	0.284	0.154	0.049	123
R. Catholic*	0.425	0.027	0.012	29
No Religion*	0.150	0.017	0.003	6
Other Religions	0.313	0.019	0.006	15
Relative to Scotland (49 % for Hincks)				
Canada West	0.086	0.249	0.021	54
England*	-0.199	0.204	-0.041	-101
Ireland*	-0.249	0.112	-0.028	-70
USA*	0.223	0.193	0.043	108
BNA excl. CW	-0.038	0.037	-0.001	-4
Other	-0.110	0.007	-0.001	-2
Relative to polls other than Oakland and Blenheim (53 % for Hincks)				
Blenheim*	-0.181	0.096	-0.010	-43.2
Oakland*	0.408	0.025	-0.010	25.5
Blenheim Scot-b.*	0.420	0.019	0.008	20
Blenheim O. BNA*	-0.374	0.013	-0.005	-12

er had a probability of voting for Hincks 0.199 per cent lower than a voter born in Scotland. To reiterate, one interprets the marginal effects relative to our arbitrarily-selected constant term—*Presbyterian, Scotland-born, Blandford, and labourer*.

The marginal effect is statistically insignificant at the 0.05 level for all occupational categories, all polls but Oakland and Blenheim, and the ratio variable age. Accordingly, to simplify the presentation, Table 3 presents a reduced model that excludes occupation and age and all polls except Blenheim and Oakland. For the variable poll the constant term becomes all excluded categories (i.e., all polls except Blenheim and Oakland, not just Blandford, the constant in the full model).

The findings show how the election turned on the religious and birthplace attributes of the electors. Relative to Presbyterians (45% for Hincks), Anglicans, as expected, showed markedly lower support for Hincks, whereas Methodists, Baptists and Roman Catholics showed stronger support. Relative to Scotland-born electors (49% for Hincks), American-born and Canada-West-born electors more strongly favoured Hincks, whereas the opposite obtained for electors born in England and Ireland.

Although Roman-Catholic voters strongly preferred Hincks, they were less than three per cent of the 1,664 linked-cases. Thus to complete the calculation of the relative importance of a given dum-

my (e.g., Roman Catholic religion), one multiplies its estimated marginal effect by its percentage of the linked-cases sample. Relative to the Presbyterian voters' choices, as shown in Table 3, the Roman Catholic preference for Hincks made a difference of +29 votes, while the Anglican, Methodist, and Baptist voters' preferences made differences of -118, +124, and +123 votes respectively.

The *Probit* model works well for the County, with its prediction that Hincks would poll 53 per cent of the linked-cases votes for all townships outside of Oakland and Blenheim, compared to his actual polling of 52 per cent. It works poorly, however, for the Blenheim poll. Given the birthplace and denominational attributes of Blenheim voters, it predicts that Hincks would win 51 per cent of the linked-cases votes, more than his actual support, 37 per cent. Effectively, Oxford's 1851 general election requires two models to explain support for Hincks, one for Blenheim and the other for the rest of the County.<sup>65</sup>

Compared to the rest of the County excluding Oakland, and independent of the voter's birthplace and religion, mere residence in Blenheim reduced the probability of voting for Hincks by 0.181. What underlay the Blenheim-residence effect was a polarization between those born in Scotland, who rallied to Hincks, and voters from other birthplaces, who uniformly rejected Hincks.<sup>66</sup> Our sources do not

show why this ethnic divide obtained in Blenheim but not in neighbouring polls.

## Issues and Voters in the 1851 Oxford-general Election

Provincial politics and local circumstances made establishment religion and the clergy reserves the key issue. Railway politics mattered less because the key divisive force, the County's purchase of stock in the Great Western, was resolved before the election. Similarly Hincks' formation of a ministry that included Clear Grits effectively bottled up local pressures for radical democracy and radical voluntarism.

Effectively, the collapse of extremes on the church-establishment issue resulted in a Reform-Tory battle for the middle ground. The ministerial Reformer and co-premier, Hincks, promised to secularize the clergy-reserves revenues, but only when the right political conditions were in place, while remaining silent about related questions, such as the abolition of rectories and sectarian rights in the public school system. On the Tory side, Vansittart proposed a system of establishment pluralism with denominational equality, based on relative membership strength. Implicitly both candidates worked for a made-in-Canada solution to the replace the Imperially-imposed status quo of 1840. Oxford's Blenheim poll was a special case. Otherwise the church-establishment issue was up, and the ethno-religious

<sup>65</sup> A likelihood-ratio test rejects the null hypothesis that the Blenheim model is statistically equivalent to that for the rest of Oxford County.

<sup>66</sup> Scotland-born Blenheim voters gave higher support for Hincks than Scotland-born voters elsewhere in Oxford (excluding Oakland) and also higher support than non-Scottish-Blenheim voters. Similarly, non-Scotland-born voters gave lower support for Hincks in Blenheim than in other polls.

differences among the electors delivered a horserace and narrow win for Hincks.

### Historical Significance of the 1851 Oxford-general Election

The 1851 general election marked the end of an era in Oxford's history. With its focus on establishment religion and the clergy reserves, the election was a milestone in Oxford's passage from "a squire-and-parson model of society" towards one energized by "industrious, money-getting men."<sup>67</sup> It was Oxford's last general election with its pre-modern boundaries in a single riding. In 1852 Oakland, Burford, and West Nissouri were lost to other counties, and Oxford divided into North-Oxford and South-Oxford ridings. The 1851 contest was Oxford's last election in its pre-railway era. The Great Western Railway opened in December 1853, after which large-scale immigration and settlement made Oxford a different place from that which Hincks and Vansittart had known in 1851. Finally, the 1851 general election was the last in which Hincks became the member for Oxford. In 1854 he contested and won the seats for both South Oxford and Renfrew. In 1851 he had chosen Oxford over Niagara; this time he chose Renfrew.

With the province's co-premier as one of its candidates, the 1851 Oxford-gener-

al election had provincial significance as part of a fundamental realignment of party lines in Canada-West politics during the years 1849-54. On the one hand, Vansittart's narrow loss masked the ascendancy of the new Toryism, with its Hincks-like pragmatic approach to ideology and politics. On the other hand, Hincks' narrow victory mattered to the survival of the Hincks-Morin ministry and the containment of the radical Clear-Grit movement in Canada West. A settlement of the clergy-reserves question followed. In 1853, at the Canadian government's request, the Imperial government repealed the 1840 Act that had imposed clergy reserves on Canada, with its sole restriction being "to prohibit interference with the annual stipends or allowances which had already been assigned to clergymen, during the lives or incumbencies of the persons interested."<sup>68</sup> Despite having the Imperial enabling legislation in hand, the Hincks-Morin ministry failed to secularize the clergy-reserve revenues and collapsed in 1854. Thus ironically it was a new Tory, John A. Macdonald, Attorney-General in a MacNab-Morin Liberal-Conservative coalition ministry, who steered through the Act for the abolition of the clergy reserves. As he remarked on the occasion, the Conservative "must yield to the times."<sup>69</sup>

<sup>67</sup> Nancy B. Bouchier, *Amateur Sport in Small-Town Ontario 1838-1895* (Kingston and Montreal: McGill-Queen's University Press 2003), 18.

<sup>68</sup> John Charles Dent, *The Last Forty Years: Canada Since the Union of 1841* (Toronto: George Virtue 1881), 273.

<sup>69</sup> J.K. Johnson and P.B. Waite, "Macdonald, Sir John Alexander," *DCB*. Vol. XII (1891-1900), 593. Glebe-endowed rectories gradually declined in number through private sales. See Moir, *Church and State*, 190-91.