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# Military Aid to the Civil Authority in mid-19th Century New Brunswick

**J. Brent Wilson**

During the mid-19th century, the role of the military in New Brunswick began to change. Although its primary function remained defence against invasion, the civil power called on it with increasing frequency; first the British regulars and later the militia assisted in capacities ranging from fighting fires to policing. Nevertheless, as New Brunswick changed from colony to province, the militia did not automatically replace the imperial garrison. Civil authorities were reluctant to call on it, and volunteers assumed this role only after the regulars departed in 1869. This article first examines the types of disorder that occurred between the 1830s and the 1870s. It next considers the 18 known instances during this period when the civil authorities called out British regulars and provincial (ie., county-based) militias to aid them. It finally looks at factors that discouraged such use of the militia.

## Types of Disorder

Throughout the late colonial and early Confederation periods in New Brunswick, military forces – British regulars and provincial (county-based) militias – provided defence against threats from the south.<sup>1</sup> Both forces defended the border during the so-called Aroostook War in 1839 and the Fenian scare in 1866. From time to time, they also assisted residents and civil authorities, in operations ranging from pulling beached boats from sand bars in the St John River to fighting major fires.<sup>2</sup> Occasionally, they acted as policemen to preserve law and order during and after disasters.<sup>3</sup> In the wake of the

Great Fire of Saint John on 20 June 1877, the mayor notified the British military commander in Halifax: “We need troops here at once. The vandals are stealing everything they can reach and we fear the worst from them.”<sup>4</sup> However, usually the authorities called out troops to preserve the peace during and after large-scale local disturbances. [See the table on the next page for a complete list of events.]

Disorder occurred frequently in New Brunswick during the mid-19th century.<sup>5</sup> There were 18 disturbances involving the use of troops between 1837 and 1877. I have identified four main causes: sectarian riots (ten in 1845-49 and 1875-76), elections (one, in 1843-44), labour disputes (five in 1850-75), and lawlessness (two, in 1837 and 1877).

## Sectarian riots

During the 1840s, sectarian and nativist animosities between Protestant Orangemen and Irish-Catholic immigrants emerged because of complex local socio-economic forces.<sup>6</sup> Numerous incidents took place, with serious riots in 1845 (two) in Saint John and in Saint John and nearby Portland; in 1847 (three) in Saint John, Portland, Fredericton, and Woodstock (Carleton County); in 1848 in Woodstock; and in 1849 (two) in Saint John and in Saint John and Portland. As late as 1876, the civil power called out troops in Saint John (one event) in anticipation of Orange riots, although no disturbance occurred, except for a marcher who accidentally shot himself in the leg with his own revolver.<sup>7</sup> As well, religious and linguistic tensions arising from

| Date                         | Place (and County)                           | Disturbance                            |
|------------------------------|--|--|
| 1837                         | Woodstock (Carleton)                         | Rowdyism                               |
| August 1843-<br>January 1844 | Miramichi region<br>(Northumberland)         | Post-election unrest                   |
| 1 January 1845               | Saint John (St John)                         | Sectarian unrest                       |
| 17 March 1845                | Saint John, Portland<br>(St John)            | Sectarian riot                         |
| 12 July 1847                 | Saint John & Portland;<br>Fredericton (York) | Sectarian riots<br>(2 separate events) |
| 12 July-<br>19 October 1847  | Woodstock                                    | Sectarian unrest                       |
| May 1848                     | Woodstock                                    | Sectarian unrest                       |
| 6 March 1849                 | Saint John                                   | Sectarian riot                         |
| 12 July 1849                 | Saint John, Portland                         | Sectarian riot                         |
| 1850                         | St Croix (Charlotte)                         | Labour unrest                          |
| October 1862                 | Richmond (Carleton)                          | Labour strike                          |
| 2 June 1869                  | Fredericton                                  | Labour strike                          |
| 23 September 1869            | Fredericton                                  | Labour strike                          |
| January-March 1875           | Caraquet (Gloucester)                        | Sectarian unrest                       |
| 6 May 1875                   | Saint John                                   | Labour strike                          |
| 12 July 1876                 | Saint John                                   | Sectarian unrest                       |
| 20 June 1877                 | Saint John                                   | Fire                                   |

the 1871 Common Schools Act led to serious clashes between English-speaking Protestants and French-speaking Catholics at Caraquet in January 1875, in which a sheriff's volunteer and an Acadian protestor died (one event).<sup>8</sup>

### Elections

Throughout the winter of 1842-43 and the following summer, widespread disorder took place in communities along the Miramichi River in Northumberland County during and after the so-called Fighting Elections campaigns.<sup>9</sup> This event resulted in the intervention of troops.

### Labour Disputes

In 1850, disorderly behaviour among Irish immigrant workers in railway construction necessitated sending a small detachment of troops to the St Croix area in southwestern New Brunswick.<sup>10</sup> Railway workers' strikes at Richmond near Woodstock in October 1862 and at Fredericton in June and in September 1869, and a strike by longshoremen in Saint John in May 1875, all resulted in the summoning of troops.<sup>11</sup>

### Lawlessness

Violence broke out when "rowdyism" got out of hand. The first example occurred when lumbermen returning from the woods created

such tumult in Woodstock in 1837 that the magistracy requested stationing of a company of regulars in the town to preserve the peace and protect inhabitants. The second occurred in June 1877, when the civil power called out troops during and after the Great Fire of Saint John to protect property.<sup>12</sup>

### The Ultimate Sanction: Calling Out the Troops

Authorities dealt with these disturbances in at least three ways – they could use law enforcement, intervene directly, or call on the military. Common and statute law vested responsibility for maintenance of peace and order with the civil authority, so the first line of defence was the local judicial and law-enforcement establishment – mayors (acting as chief magistrate), justices of the peace or magistrates, sheriffs, constables, special constables, night watches, and police, where they existed.<sup>13</sup> However, throughout most of this period the civilian constabulary generally proved incapable of handling serious disturbances, mainly because special constables were ineffective and police forces inadequate.<sup>14</sup> Because local officials were frequently unable to keep the peace, "mob law," or vigilantism, intervened, which inevitably led to confrontation and virtually ensured the need for troops.

Officials could intervene directly in confrontations, with varying degrees of success. In October 1862, Lieutenant-Governor Arthur H. Gordon prevailed without using troops when he personally interceded in the railway strike near Richmond.<sup>15</sup> However, during the York Point riot in 1849, the mayor of Saint John failed. When he confronted the Irish Catholics, someone struck him in the head with a brick-bat, and rioters attempted to throw him into the open cellar of a recently burnt-out house. He managed to escape without more serious injury and then proceeded to the city barracks, where he directed the commandant of the garrison, Lieutenant-Colonel Charles Deane of the 1st (Royal) Regiment, to help restore order.<sup>16</sup>

Calling out the troops was usually a last resort. Common law would allow use of only



minimum force to suppress public disorder.<sup>17</sup> Authorities also wanted to limit confrontations between the military and citizenry. In 1845, Lieutenant-Colonel G. Whannell, commander of the British forces in New Brunswick, wrote: “I conceive it should be always borne in mind that calling out the Military to assist in quelling a disturbance should be the last measure resorted to by the Magistrates, and never adopted until all the means at their disposal have been found unavailing, it being at all times most desirable to avoid any collision between the Military and the people.”<sup>18</sup>

In some cases, magistrates did resist summoning troops even though serious disturbances erupted and injuries occurred. During the sectarian riot in Fredericton in 1847, these officials took precautionary measures “to prevent any unnecessary interference of the Military.” The troops stayed in their barracks, and on several occasions magistrates dispersed the rioters. However, the marchers reassembled and during the night fired shots that killed a Catholic, and rioters from both parties were

beaten. As Lieutenant-Governor Sir William Colebrooke noted, “It was not however found necessary to call out the Troops, and tranquillity was on the following day restored.”<sup>19</sup> Magistrates also resisted ordering troops to intercede after their calling out. During the 1847 Woodstock riot, despite rioters’ firing upwards of 300 shots – which killed several people and wounded many others – the magistrates, “desirous to save any unnecessary Effusion of Blood,” did not call on the military to open fire.<sup>20</sup>

Nevertheless troops received some unnecessary calls, much to the regret of the military and the community. In March 1845, Major F.W. Whingates, commander of the Saint John garrison, reported that that had happened twice in less than three months. He believed that, in response to the riot of 17 March, the mayor should have sworn in numerous special constables, prevented the mob from collecting, and then had the constables “fearlessly” arrest the rioters. Whingates worried that “the awe at present inspired by the presence of the Troops will by repetition be diminished, and that some

When sheriff’s constables and volunteers tried to arrest Acadian protestors at Caraquet, NB on 27 January 1875, an exchange of gunfire left a volunteer and an Acadian dead. Justices of the peace subsequently requested assistance from the militia to suppress the disorder. Troops from the 73rd Northumberland Battalion and Newcastle Field Battery remained on station for six weeks.

*Canadian Illustrated News*, Vol. XI, No. 7, Page 101.





day they will be fired upon from a bye lane or House, when bloodshed and slaughter will be the inevitable consequence."<sup>21</sup>

Authorities might request troops either preemptively or in response to disturbances. Civic officials in garrison towns such as Saint John, where troops were readily at hand, received military assistance. Justices in more distant locations such as Newcastle and Woodstock, who had to apply to the executive for troops or reinforcements, faced greater difficulties. During the Miramichi election violence of 1843 in Northumberland County, magistrates twice requested troops; the lieutenant-governor turned them down the first time and responded to the second request so late that the forces did not arrive until after the election.<sup>22</sup> Generally, deployment of troops required certain conditions. In May 1848, when the magistrates of Carleton County asked for more troops for Woodstock, Lieutenant-Governor Sir Edmund Head agreed, but with strict guidelines.<sup>23</sup> Although the magistracy was responsible for preserving the peace, governors could limit their freedom of action.

Once the forces assembled, they usually stayed in readiness until action or resolution. On a few occasions, troops acted against crowds. During the 1849 York Point riot, the mayor of Saint John led the troops to the site of the disturbances. According to the lieutenant-governor's report, following an exchange of gunfire in which both parties suffered numerous casualties, the mayor read the prescribed riot act – more than once – to the Catholics. The crowds dispersed, and there were a few arrests; but the troops did not come into actual conflict with either party, except when marching through the crowd. However, the Orangemen later reassembled, and this time the troops intercepted and “broke through them,” whereupon the marchers retired.<sup>24</sup> Although troops in New Brunswick may have come close to shooting on at least one occasion, as we see below, they never fired on rioters, unlike in the Canadas, where troops shot at crowds several times.<sup>25</sup>

As several observers pointed out, however, deployment of troops only quelled disturbances; it did not provide permanent solutions. As the *Weekly Chronicle* commented in the wake of the sectarian riot of 1 January 1845 in Saint John:

[The mayor] need not expect that he will be able to catch the demons by simply marching the troops past their dens, into which they pop at the sound of a whistle and out at the same call. The villains must be 'bearded' in their dens, whither the sight of the red coat and bayonet frighten them, and from their dens they must be dragged, and then punishment can be inflicted.

For this to happen, communities needed the active and impartial support of residents and an effective police force, both generally absent.<sup>26</sup>

In most cases, the troops employed were infantrymen, but during a few of the disturbances in Saint John the Royal Artillery deployed its guns. During the 1845 riot on St. Patrick's Day gunners placed a 6-pounder “well supplied with grape shot” near the Portland wharves, and during the York Point riot they set up a field-piece at the foot of Dock Street, “to be ready in case of emergency to rake the entire street.”<sup>27</sup> Later, during the 1875 Gloucester County disturbances, 2 officers and 41 non-commissioned officers (NCOs) and men of the militia's Newcastle Field Battery guarded the jail and its Acadian prisoners in Bathurst with two 9-pounders. Unlike the Canadas, New Brunswick rarely used cavalry during these operations. It did so once, in the aftermath of the 1847 Orange riot at Woodstock, when a captain, 2 sergeants, and 16 men from the Carleton Light Dragoons patrolled the roads leading into town and during the next week or so brought in prisoners and witnesses.<sup>28</sup>

The number of troops employed varied. Sometimes forces were small. For instance, the Woodstock riot in July 1847 and the Fredericton Branch Railway strike in June 1869 brought out between 15 and 20 regulars, and the May 1875 strike in Saint John, 50 militiamen. In most cases – the York Point riot in 1849, the Richmond strike in 1862, and the disturbances in Miramichi in 1843 and Caraquet in 1875 – about 100 men acted. During the July 1876 Orange procession in Saint John, 130 officers and men were ready, and following the same city's fire in 1877, 140 officers and men from the 62nd Battalion (St John Fusiliers) and New Brunswick Artillery assembled.

Troops served in a variety of ways. During confrontations with crowds, they acted under the direct supervision of magistrates. After



In late June 1877, fire devastated much of the city of Saint John. Local militia were called out to control crowds during the fire, and protect property and patrol the streets afterwards. *Canadian Illustrated News*, Vol. XVI, No. 1, Pages 8-9.

Confederation, they generally operated in concert with the police. In the Fredericton Branch Railway strike of June 1869, the regulars accompanied the deputy sheriff and two policemen.<sup>29</sup> During the 1875 Caraquet disorder, a detachment of the 73rd Northumberland Battalion protected constables while they arrested protestors and guarded prisoners and, in place of constables, mounted sentries at several establishments.<sup>30</sup> During the Saint John conflagration in 1877, militiamen kept back crowds while firemen extinguished the flames and afterwards placed guards on bank vaults and public buildings throughout the unburned portions of the city. The troops separated into several parties, each under an officer, and patrolled the streets at night with special constables.<sup>31</sup>

Most callouts lasted only several hours. A few went on for a week, including the October 1862 railway strike in Richmond, and after the Saint John fire troops remained encamped for 12 days. Unrest on the Miramichi in 1843-44 saw troops on station for over five months; after the 1847 Woodstock riot, troops were on hand for over three months; and ongoing sectarian conflict in Gloucester County in 1875 required troops in Bathurst for six weeks.

Until 1869, the government had both regular and militia forces at its disposal. Before Confederation, officials usually called on regulars, except in frontier Carleton County, which used the Carleton Light Dragoons in Woodstock in 1847, and the 1862 Richmond strike, when Lieutenant-Colonel William Baird of the Carleton County Militia claimed that Lieutenant-Governor Gordon directed him to hold his rifle company in readiness for active service at Woodstock.<sup>32</sup> Both regular and militia forces served in a constabulary role or waited in readiness some miles away. Militiamen sometimes formed part of the civilian constabulary; for instance, troops in Carleton County served with special armed police following the Woodstock riot of 1847.<sup>33</sup>

It was only after British regulars departed in 1869 – and before Canada set up a permanent force – that the authorities began using local militias to quell disturbances. On 23 September 1869, over 200 men of the York and Queens County militia were attending a camp of instruction near the Fredericton railway station when the riot occurred. The mayor called for assistance on Major Hewitson, the camp commandant, who detailed the Queens County company, which marched to the scene and “made



short work of the rioters.”<sup>34</sup> In 1875, magistrates called on the Newcastle Field Battery and 73rd Battalion<sup>35</sup> during the Caraquet disturbances and on the 62nd Battalion to stand in readiness during the dockworkers’ strike. The next year, detachments of the 62nd and provincial artillery again stood to during the Jubilee Orangeman’s march through Saint John.

However, authorities still called on British troops at least once. In the aftermath of the devastating Saint John fire in 1877, despite the presence of 140 city militiamen and offers of service from several militia battalions throughout the province, the authorities asked for assistance from British regulars, the mayor explaining to the British commander in Halifax that “our volunteers have lost their arms and clothing.”<sup>36</sup> Over the next few days, imperial forces arrived from Nova Scotia on HMS *Argus* with a detachment of marine artillery, and two companies of the 97th Regiment reached Saint John by rail. These troops stayed between one



and two weeks and assisted in various military duties, including patrolling the streets and pulling down walls.<sup>37</sup>

### Factors Discouraging Use of the Militia

In the absence of effective police forces, various military forces might help maintain public order. During the first half of the 19th century, authorities in Britain used both regulars and such auxiliary troops as the militia, corps of Yeomanry, and pensioners, although the regulars remained the bulwark against rioters.<sup>38</sup> By mid-century, in the Canadas, British regulars and local provincials and militias aiding the civil power had also become standard.<sup>39</sup>

However, in New Brunswick summoning auxiliary forces presented several problems. During an early episode two concerns – legal and fiscal – surfaced. In the early 1820s, widespread unrest on the Miramichi had necessitated the presence of a detachment of the British 74th Regiment. In 1823, the army considered withdrawing the regulars, despite magistrates’ fears that lawlessness would soon reappear. When the government considered using the militia in their place, two issues arose. First, the militia’s legal status was unclear; legislation had dropped the forces’ traditional role as *posse comitatus* vis-à-vis insurrection or rebellion. Moreover, as David Facey-Crowther has pointed out, the disturbance was hardly insurrection or rebellion. Second, who would pay? If local government failed to cover costs, the colony, which had few resources, might be responsible.<sup>40</sup>

The Richmond strike in October 1862 produced other worries. At the outset of the disturbance, Lieutenant-Governor Gordon refused the county sheriff’s request to employ the militia and decided that he would send regulars. He wrote to the secretary of state, the Duke of Newcastle, in November 1862: “Militia Volunteers are, as it appears to me, the most unsuitable force that could well be employed for the prevention

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Arthur Hamilton Gordon was lieutenant-governor of New Brunswick between 1861 and 1866. He was reluctant to call out the militia to aid the civil authority, preferring to use British regulars. He personally interceded to end the railroad strike near Richmond, NB in October 1862, before troops had to be committed.

and suppression of riot.” He claimed militiamen did not have the discipline to control a riot. He might have noted as well their potential personal interest and partiality, which allegedly affected callouts in Britain and the Canadas.)<sup>41</sup> Militia, moreover, might lack the presence to overawe the crowd – their main method of deterrence. Finally, because they were members of the local community their involvement could worsen the situation.<sup>42</sup>

### Statutory Limitations

Lieutenant-Governor Gordon was not alone in his doubts about employing militia against crowds. His experience in Scotland as commanding officer of a volunteer battalion undoubtedly made him aware that civil officials and the military in Britain were reluctant to use volunteer militias to assist the civil power – an attitude that was common in the Canadas as well.<sup>43</sup>

Did the militia’s legal status prevent a more active role at mid-century? During the colonial era, the circumstances for callouts – as defined by the Militia Acts – did broaden somewhat. The 1825 act referred only to invasion. The acts of 1862 and 1865 cited war, invasion or insurrection, or imminent danger of any of them; but unlike the Canadas’ 1855 Militia Act they did not mention aid to the civil power. The Dominion Militia Act of 1868 addressed this issue.<sup>44</sup>

### Costs

Municipalities and counties had chief responsibility for paying regulars and militiamen alike.<sup>45</sup> Local governments in New Brunswick before 1867 frequently could not defray the military’s costs (pay, transport, food, lodging). For example, Lieutenant-Governor Head agreed to send more troops to Woodstock in 1848, but only after the Carleton County magistrates agreed to pay the bills. Although the justices acquiesced, they pointed out that the county’s finances “render utterly hopeless the prospect” of prompt payment.<sup>46</sup> Yet, as Colebrooke had stated in July 1843 during the Miramichi election disturbances, who paid for conveying troops from Fredericton to Newcastle was of secondary importance to the shortage of wagons and horses to transport the soldiers over 100 miles by road. In the end, the colony absorbed the costs.<sup>47</sup>

After Confederation, the indirect costs of using the militia may have deterred its use at

least once. As militia officials frequently pointed out, the volunteers gave up time and money during training and callouts. During Saint John’s Great Fire of 1877, the city’s decision to call on regulars from Halifax rather than use additional local militiamen may have been partly a matter of economics. New Brunswick’s deputy adjutant general, indignant that British troops stood in for his forces, noted that, even though numerous militiamen were available, the authorities “deemed it necessary to secure the services of a detachment of H.M. 97th Regiment from Halifax, probably not desiring, on economical grounds, to withdraw more of the Active Militia than were then and there assembled from their industrial pursuits.”<sup>48</sup>

### Deficient Discipline

In 1864, the adjutant general noted that companies formed into battalions tended to consider themselves independent corps. Moreover, officers were not strict enough in enforcing rules and orders and in some instances did not follow orders from above.<sup>49</sup> On at least one occasion, officers may have had difficulty calling out soldiers to support public order. According to Lieutenant-Colonel J.R. MacShane, who commanded the 62nd Battalion during the 1875 dockworkers’ strike in Saint John, once the mayor had warned him that violence was likely in the morning he ordered a detachment to stand ready throughout the day. He noted that when a disturbance was imminent it was difficult to guarantee troops’ appearance unless they were already on duty, so he drew up his detachment at six o’clock in the morning.<sup>50</sup>

Was the militia undisciplined, as Gordon feared it would be? During the aftermath of the Saint John fire in 1877, the chief of police refused to answer the challenge of a militia sentry at the Bank of New Brunswick. In response, the gunner brandished his revolver and drove the chief back on his men. However, the militiaman may not have realized that he was subordinate to the civil authority and may have resented the police for not having shown due respect for the volunteers.<sup>51</sup> Indeed, members of the militia seem in general to have behaved in a soldier-like way. In September 1869, the first use of the militia in Fredericton evoked no negative response. According to the *New Brunswick Reporter*, although the riot “was but a small affair in itself, it seems designed to show, in the event of serious disturbances, the



advantages of having men disciplined and trained in readiness to preserve the public peace."<sup>52</sup> Similarly, during the 1875 Caraquet disturbances in Gloucester County, the Newcastle Field Battery maintained good conduct and discipline while staying at Bathurst through the winter.<sup>53</sup>

Moreover, MacShane's difficulty may have been an isolated problem. Lieutenant-Colonel Caleb McCulley, brigade major of 3rd Brigade, who commanded the militia detachments during the Caraquet troubles, reported that "both officers and men have all endeavoured to hasten to the support of the lawful authorities, and have performed their duties with praiseworthy exertion and perseverance."<sup>54</sup>

At least two factors help to explain the militia's steady conduct in various episodes. Officers took steps to avoid unnecessary tension between their forces and the crowds. Following customary practice in employing the military for riot control, they used troops from outside the area whenever possible. Soldiers from Queens County assisted during the June 1869 strike in Fredericton (York County), and units from Northumberland were used during the Caraquet disorder. Officers also tried to isolate troops from protestors. During the 1875 longshoremen's strike, MacShane kept his men inside their quarters in the Customs House while they were on duty and obtained their meals at an adjacent hotel – "to avoid the appearance of menace."<sup>55</sup>

According to many writers, traditionally the military has disliked assisting the civil authority,<sup>56</sup> but this was not always the case in New Brunswick. The post-Confederation militia exhibited a keenness reminiscent of the earlier volunteer spirit and took pride in fulfilling this duty. For example, in 1875 Major R.R. Call, who commanded the Newcastle Field Battery during the Caraquet disorder, wrote: "While we regret the unfortunate circumstance which necessitated our presence...still we know it was our duty to carry out instructions with as little delay as possible, and feel that not only as volunteers, but as citizens of the Dominion we should be ready and willing at all times to aid the civil power to carry out the laws by which we are governed."<sup>57</sup>

Such a positive attitude was also the result of a growing sense of professional pride. During the aftermath of the Saint John fire, the deputy

adjutant general reported that the 900 officers and men from the Kings, Westmorland, York, and Carleton regiments, who were performing their annual drill nearby, were ready to reinforce the Saint John militia at short notice. Moreover, he had also received offers of service from the commanding officers of the 8th Regiment of Cavalry and 67th Battalion. As the local brigade major reported, "it is needless to say that if the services of these...corps, or either of them, had been accepted, the necessary authority for their employment could have been easily obtained, and the detachment of the Imperial force rendered wholly unnecessary."<sup>58</sup> Thus fears about the militia's lack of discipline, at least after Confederation, seem groundless.<sup>59</sup>

Conversely, were the regulars steadier and more reliable, as Gordon maintained? Certainly the regulars were often very efficient in aiding the civil power. In mid-October 1843, the magistrates and inhabitants of the Miramichi commended the departing redcoats for their "good order and conduct...especially in their intercourse with the inhabitants of this place, accompanied as it has been, by that strict discipline, which is the characteristic of the British soldier, and renders him so efficient in the field."<sup>60</sup> The Carleton County justices of the peace noted that during the 1847 Woodstock riot Lieutenant Wickham, who commanded the detachment of the 33rd Regiment, was on the ground immediately with his men once the magistrates called on him, and "we cannot say too much in Commendation of his Coolness, Forbearance, Determination and Firmness, and we should be doing him Injustice if we did not very mainly ascribe to his presence and Exertions, the Ultimate Suppression of the Riot."<sup>61</sup> Following the 1862 Woodstock strike, Colonel J. Amber Cole of the 15th Regiment reported on his troops' conduct as "exceedingly good," and Gordon described it as "most exemplary."<sup>62</sup>

Nevertheless lapses in discipline did occur, at least during fire-fighting duty. During a large shipyard conflagration in Portland in August 1841, detachments of the 36th Regiment and Royal Artillery fought the flames, while another detachment of infantry arrived in marching order with muskets and bayonets and took up positions to guard property and keep back the crowds. "Some unpleasantness" ensued when Lieutenant Thistlewayte, commander of a squad, ordered

a number of members of the Protection Fire Club out of the neighbourhood. According to one account: “the members of this body were most of them prominent citizens, and their aims were similar to those of the salvage corps... When they were ordered away they remonstrated, whereupon the officer ordered the soldiers to charge, which command was only countermanded through the interference of Mr. Payne, the magistrate.” To make matters worse, when the blaze was over “the return to barracks was not always a striking display, for the soldiers were not averse to accepting stimulating draughts as a reward for their valor, and some extraordinary scenes were at times the result.” Sailors from HM Brig *Racer*, which was lying to in the harbour, assisted the troops. During the excitement, several sailors deserted, and once the fire was under control the vessel had to “race” down the coast to apprehend them before they escaped into Maine.<sup>63</sup>

British troops also on occasion exhibited slack discipline in the presence of civilians. Imperial soldiers were unpopular with some New Brunswickers and became the target of attacks by townspeople, especially in Saint John and by its Irish Catholics.<sup>64</sup> In a few cases, these assaults led to questionable acts by British forces, including serious unauthorized retaliation. In October 1845, Saint Johners frequenting brothels near the garrison clashed with troops who used their bayonets against them.<sup>65</sup> Similarly, in Woodstock in the late 1830s, following an attack on two British soldiers, a confrontation occurred between disorderly lumbermen and British regulars. According to William Baird:

Presently a sub-division front of the soldiers, filling Water Street from side to side, was seen advancing at the double with fixed bayonets.



The crowd was not slow to discover that the red-coats meant business, and as leaves eddy and whirl before the thunder storm, so did the valiant (?) crowd disappear, rushing into front doors, cellar doors, and alley ways to escape the thrust of the bayonet. Pricking the building and front of stores...the word ‘right about’ was given by Sergeant Tracey, the non-commissioned officer in command of the sub-division, which marched quietly to its quarters. The majesty of the law was asserted.<sup>66</sup>

The murder of Private John Brennan of the 22nd Regiment in October 1868 precipitated a similar riot by soldiers in Fredericton.<sup>67</sup> Although the British performed admirably against rioters, these incidents raise doubts about Gordon’s belief that they would always act in a disciplined way with civilians.

### Partiality

Although there has been no detailed study of the composition of the late colonial and early Confederation active militia in New Brunswick,



we know that many of the men were urban members of the middle class.<sup>68</sup> Their officers were generally “men of position and some private means,” especially in the more fashionable artillery batteries, which “held the palm of superiority.” The majority of the gunners were bank clerks and students, while the rank and file of the infantry were active in “industrial pursuits” – probably skilled artisans.<sup>69</sup> Some volunteer units, particularly in Saint John, had strong links with the Protestant community, especially the Orange Order. The earliest efforts to organize a volunteer company in that city occurred in autumn 1859, when several members of the Orange Lodge in Portland discussed forming a unit to demonstrate their patriotism. In early 1860, John S. Hall, a prominent member of the lodge, was the catalyst for the creation of the Havelock Rifles, which he subsequently commanded for several years. There soon followed the Queen’s Own Rifles, which also had many Orangemen. Finally, a number of members of the Woodstock Rifle Company marched with the Orange demonstrators during the 1847 riot.<sup>70</sup>

Parties in these sectarian and labour confrontations perhaps counted on the militia to support the status quo against such dissenters as Irish Catholics and striking railway construction workers. When the manager of the New Brunswick and Canada Railway called on the county sheriff to protect company property during the Richmond strike, he requested the Charlotte and Carleton militias.<sup>71</sup> When the sheriff passed on this request to Fredericton, Gordon overruled it for the reasons we saw above. There is no evidence either that the pre-Confederation militia failed to act impartially or that aid to the civil power after 1867 led to indiscipline.

Militiamen may have been ignorant about the groups they confronted – a result of the wide social gulf between most volunteers and the protestors. Militiamen frequently encountered demonstrators who were “outsiders,” such as Irish railway construction workers, or locals whose cause was obscure. Captain Warren Franklin Hatheway, an officer in the detachment of the 62nd standing ready during the longshoremen’s strike in Saint John in May 1875, wrote: “We, the militia, knew nothing about the rights of the dock workers. If a disturbance had occurred, and our Col. had sent us to the

Square to quell it, we would have fired upon the rioters.”<sup>72</sup> His comment suggests a detached view that resembled that of the regulars.

Were the British regulars more impartial because they were strangers, as Gordon claimed? Cursory evidence reveals that they did not long remain outsiders. British garrisons had been present in some towns for several decades, and troops had established strong links with civilians. For instance, in the early 1820s Irish officers from the Saint John garrison joined with local businessmen, professionals, and tradesmen to form the St. Patrick’s Society, which provided leadership for the city’s Irish community. The British army also transplanted the Orange Order to British North America. During the early 19th century, British units in New Brunswick had many Orangemen, who, between 1818 and 1831, continuously supported a military lodge in Saint John. Even after civilian lodges emerged, British soldiers continued to staff them into the mid-1840s, after which time native New Brunswickers took control.<sup>73</sup> The last regiment to garrison Fredericton, the 22nd, remained for three years and entered fully into the city’s social and economic life. By the time it departed in May 1869, 80 members had married local women with leave, and another 50 to 60 had done so without leave. The *New Brunswick Reporter* observed that their departure was a “matter of general regret,” although farmers and storekeepers’ loss of so many customers seems to have caused most of this sadness.<sup>74</sup>

Did these close community ties jeopardize the regulars’ impartiality? Direct evidence is scanty and difficult to interpret. During the 1847 sectarian tumult in Fredericton some soldiers of the 33rd Regiment did become involved in the riot, even though the civil authority had not summoned them. Captain Walker helped a man under attack by Catholics, and when the crowd turned on him he had to draw his sword in self-defence. Another individual whom the protestors were pursuing ran up to the barracks gate and gained admission while soldiers kept the rioters at bay with bayonets – but to protect people in danger or to support Orangemen? Similarly, a magistrate later reported hearing of an Orange flag going up at the barracks, but did it fly over the facility – a serious breach of military discipline – or did it belong to the Orangemen at the barracks gate?<sup>75</sup>



Officers of the 22nd Regiment in front of the Officers' Quarters in Fredericton, NB.  
The 22nd was the last British regiment to garrison the city, from 1866 to May 1869.

An episode in Saint John does seem to indicate a British bias in favour of Orangemen. On 6 March 1849, after restoring order in the streets, regulars escorted a large number of besieged Orangemen home by surrounding them with a "protection guard."<sup>76</sup> Some historians suggest that efforts to control riots in Saint John in the late 1840s may have created a "fusion" between all levels of authority, including British troops and the Orange Order.<sup>77</sup> This may be overstating the case; the lieutenant-governor's account of the York Point riot indicates that the mayor used troops against both sides, once against the Catholics and twice against the Orangemen.<sup>78</sup> Moreover, soldiers did not have a free hand; they acted under the direction of civil authorities, who may indeed have had a vested interest in the outcome. An officer in the midst of a riot would have disobeyed a magistrate at his peril. Nevertheless, although a more concrete assessment must await further study, evidence does suggest that British troops did not always act impartially.

### Lack of Presence

Some militia units did present an imposing image. According to the regimental history of the 62nd Battalion, in May 1875, when the detachment of the 62nd was ready to deal with ship labourers' violence in Saint John, "[t]he moral effect of such a Force, thoroughly armed and equipped, and ready to act at a moment's notice, served the desired end, and no further trouble arising, the force was dismissed in the evening."<sup>79</sup> And in the wake of the city's great fire of 1877, the mayor assured the militia forces on duty that the good order "was due in great measure to their presence."<sup>80</sup> Although, as we see below, the militia suffered from a general lack of confidence, there is nothing to indicate loss of nerve during specific events.

How accurate was Gordon's observation about the impact of regulars' presence on rioters? In some instances, especially in smaller, spontaneous incidents, protestors did disperse quickly once British troops appeared. During the





Soldiers from the 62nd Battalion, St. John Fusiliers, ca 1880. They were called out to aid the civil authority during a dock workers' strike in May 1875, the Orange procession in July 1876, and the Saint John fire in 1877.

1869 railway strike in Fredericton the arrival of the detachment of the 60th Rifles had an almost instantaneous effect. According to the *New Brunswick Reporter*, "On seeing the 'Dark Green Jackets' a regular skedaddle took place, equalled only by the celebrated 'Bulls [sic] Run.'"<sup>81</sup>

However, during larger confrontations with "veteran" rioters this was not always the case. Sometimes demonstrators disappeared when troops arrived, only to reassemble after the redcoats had departed. During the riot in Saint John on 1 January 1845, a bugle sounded as the soldiers approached, whereupon the rioters dispersed, so that by the time the military arrived scarcely anyone remained. "The military paraded up and down for some time, and after finding that every thing was peaceable, they marched back to their barracks again. The military were no sooner out of sight, than the hell-hounds again assembled to carry on their lawless depredations."<sup>82</sup>

Occasionally the crowds were more defiant. During the 1845 St. Patrick's Day riot in Saint John, the troops stayed for several hours, by which time the people had dispersed, "without any further display than the brandishing of a few clubs, the distant firing of several muskets into the air, and a large portion of threatening language."<sup>83</sup>

In at least two instances, demonstrators openly defied the British. During the 1847

Woodstock riot, both Catholics and Orangemen ignored the magistrates and the small contingent of regulars and opened fire on one another.<sup>84</sup> Perhaps the most serious confrontation occurred at Chatham (Northumberland County) on 27 August 1843; less than 24 hours after arriving on the Miramichi, troops had to quell a disturbance involving some 500 people. A peace commissioner reported to Lieutenant-Governor Colebrooke that nothing serious occurred, but two newspapers wrote about far more serious clashes, with troops only moments away from firing on the defiant crowd.<sup>85</sup>

### Antagonizing Civilians

Was there reason to fear the negative, long-term effects that using the militia could have on the community, as Gordon suggested? During at least one episode, its employment apparently did not antagonize residents. When the Newcastle Field Battery departed Bathurst (Gloucester County) in March 1875, Senator John Ferguson and 37 justices of the peace and others expressed their thanks:

The readiness with which you have performed duties, in many respects most difficult, have been worthy of praise. The strict discipline maintained, and the exemplary conduct of the men, have been frequent subjects of remark, and may be just cause for congratulation. While we are grateful therefore, that the state of the county will justify the removal of the battery, we

are no less pleased that its conduct amongst us has been such as not to leave any ground for complaint.<sup>86</sup>

The Acadian population saw things differently. A representative remarked that there had been no need “for the calling of the Prussian Army to Caraquet by the Bismarcks and Kaisers of Gloucester.” Nevertheless, the contending parties eventually reached a compromise on common schools.<sup>87</sup>

The use of militia forces during the 1875 dockworkers’ strike in Saint John created hard feelings. The day after the call-up, the Irish-Catholic *Morning Freeman* observed sardonically: “People wondered why a number of Volunteers appeared in the streets in their uniforms yesterday, and asked what the matter was. Everything else looked peaceful and quiet as possible, and the town was indeed unusually dull. Were the Fenians again on the border, or what was the matter?”<sup>88</sup> During the May term of the Saint John Circuit Court, the chief justice stated that, in view of recent violence, including a brutal attack on a merchant, the decision to hold troops in readiness was appropriate.<sup>89</sup> The *Morning Freeman* disagreed: the strike was neither an unlawful assembly nor a riot, and summoning troops would seriously injure the port, “as shipowners and ship agents abroad must suppose that in sending their vessels to a port where such serious measures are necessary they run a very great risk.”<sup>90</sup> Still, the incident probably did not contribute to any long-lasting animosity.

Did use of regulars to aid civil power cause less conflict because they were “strangers”? Lieutenant Thistlewayte’s confrontation with the Protection Fire Club in Saint John later became the source of some indignant resolutions, but a short time later the difficulty was “amicably arranged.”<sup>91</sup> Similar “unpleasantness” arose between the garrison and citizens in Fredericton. In 1866, the commanding officer of the 22nd, Colonel Harding, was inadvertently doused during a blaze and subsequently withdrew the garrison’s fire-fighting services. Because the garrison was such an important source of manpower in these fire-ridden times, these circumstances eventually became the focus of earnest correspondence between the mayor and the British commander in the Maritimes.<sup>92</sup>

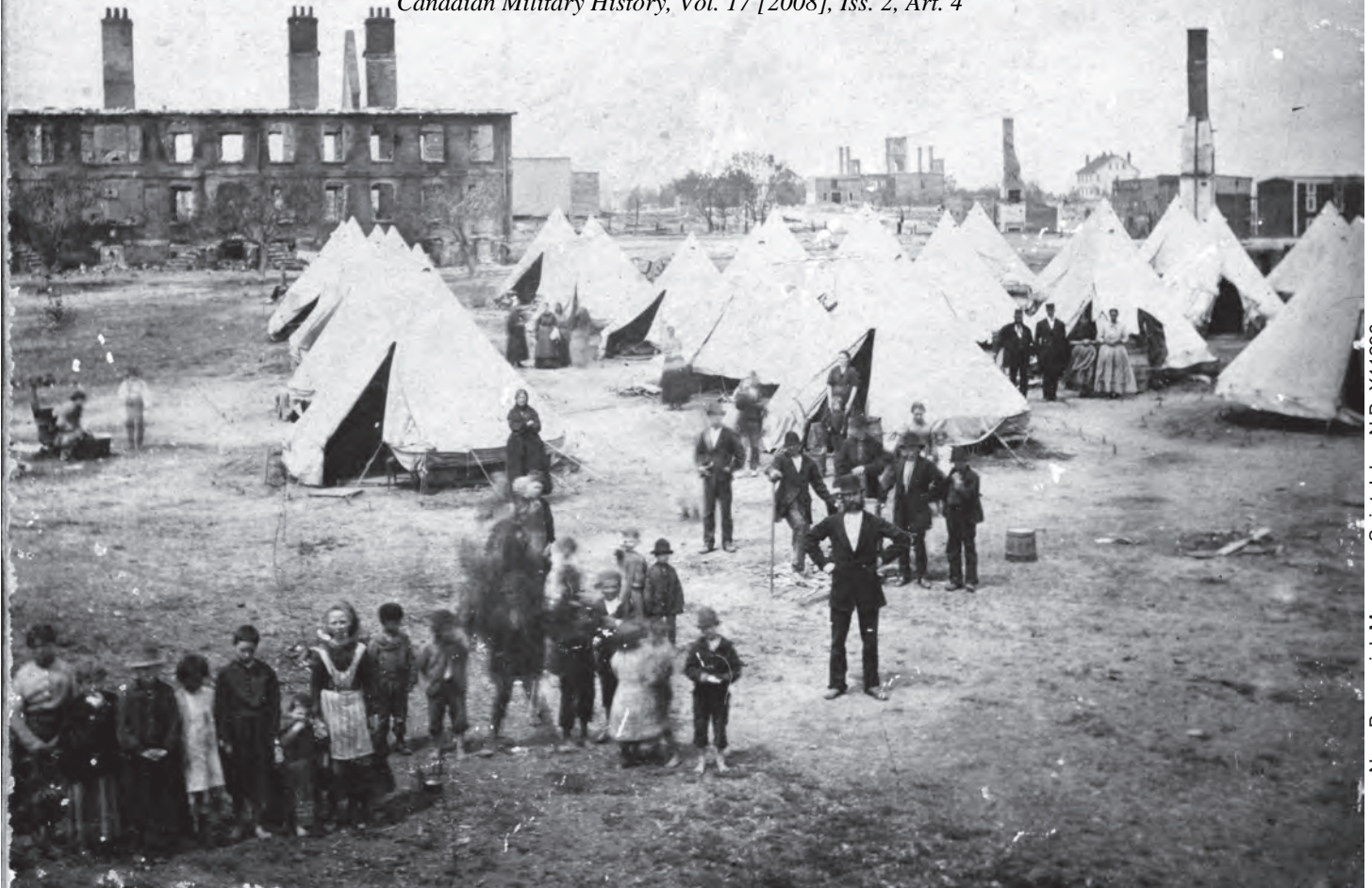
Confrontations between regulars and residents certainly could sour relations and leave bitter memories on both sides. Both Harding and the mayor mentioned the murder of Private Brennan and the subsequent soldiers’ riot in Fredericton with great regret during a farewell ceremony for the 22nd in May 1869.<sup>93</sup> In at least one case, use of troops probably harmed relations, even though it is likely that soldiers had little say in the event. The 1847 Woodstock riot drove a wedge between Catholics and Protestants, and during the aftermath Fredericton’s government appeared to favour the Orangemen by, among other things, again sending troops to deter more violence during the trial of the Irish-Catholic rioters. The decision came in response to a petition signed by locals – most of them Orangemen – who used this event to consolidate their position, gaining the upper hand in this continuing struggle.<sup>94</sup> Once again, Gordon’s assumption about the long-term effect of employing British troops seems questionable.

It is likely that the militia’s failure to inspire general confidence discouraged its use in support of the civil authority. Troops did not just prevent riots and disperse crowds; they were also to allay alarm, inspire hope, and generally sustain the community and its leaders during difficult times.<sup>95</sup> It was in this capacity that the militia was found most wanting.

There can be little doubt that the regulars – even small contingents such as Lieutenant Wickham’s detachment during the Woodstock riot in 1847 – inspired hard-pressed magistrates. Indeed many New Brunswickers saw the redcoats as their only source of protection, and the prospect of their withdrawal in the wake of a disturbance unnerved residents.<sup>96</sup> After the 1842-43 election riots on the Miramichi, a peace commissioner informed Colebroke that local police could maintain order if they had a strong force to fall back on in case of need. “In this point of view a military detachment is... essential. The moral effect of such a force is what is required to give confidence to the Civil Power...the probable withdrawal of the Troops is looked upon with terror by all people of property.”<sup>97</sup>

It is doubtful that the militia, either before or after Confederation, evoked the same degree of





New Brunswick Museum, Saint John, N.B. X11296

Citizens of Saint John living in tents on Barrack Square after being left homeless by the Great Fire of June 1877.

confidence. During the early years of this study, some observers held the militia in low regard and saw it as a needless financial burden and source of moral corruption.<sup>98</sup> During the 1850s and 1860s, enthusiasm waxed and waned with the political atmosphere.<sup>99</sup> After Confederation, the volunteers did have some ardent supporters, such as the *New Brunswick Reporter*, which claimed that the militia could in six days turn out a set of men as well drilled as it took the regulars six months to achieve.<sup>100</sup> Still, as the deputy adjutant general, Lieutenant-Colonel George Maunsell, noted in 1869, the volunteers faced a general lack of support, especially in Saint John, once a stronghold of enthusiasm: "I sincerely hope that the community generally will ere long become fully sensible of the fact that as the Imperial troops are being withdrawn, the Local Force becomes the standing army of Canada, ready and willing to repel invasion, or aid the civil power, and maintain peace within our borders, and surely it is not too much to ask for support and encouragement from the people."<sup>101</sup>

This general lack of confidence probably helped bring about the decision to supplement

the militia with regulars in the wake of the 1877 Saint John fire: "Fears are entertained by the more thoughtful citizens that the remaining portion of the city is in danger from the large numbers of reckless and desperate men that are now unemployed, and roam at large without check of any kind to restrain them, and thought it expedient that the community be under military protection."<sup>102</sup>

The city waited "in hourly expectation" of British troops from Halifax, not of New Brunswick militiamen. Saint Johners paid scant attention to the offended sensibilities of the militia once the regulars arrived. The mayor's praise notwithstanding, we can see public attitudes in light-hearted newspaper accounts of the provincial artillery's attempts to blow down the walls of burnt-out buildings with bags of gunpowder, one of which blew up the lieutenant in charge and killed a bystander.<sup>103</sup> Until the militia became a reliable military force – which it did only after the period under review – it could not serve as New Brunswick's main support for the civil authority.<sup>104</sup>

## Conclusion

A detailed assessment of the factors that critics advanced against using the militia to aid the civil power reveals mixed findings. Like several other studies of the use of auxiliary forces to assist civil authorities, this analysis fails to substantiate some of the arguments against employing militia.<sup>105</sup> In particular, statutory limitations and financial burdens do not appear to have been serious obstacles. Likewise, fear of slack discipline had no basis in fact, and there is no evidence that militiamen failed to act impartially. Moreover, their presence did on occasion intimidate protestors. But anxiety about the local impact of calling out the militia was appropriate.

Of course, these findings apply only to the New Brunswick militia in the period after Confederation and do not necessarily mean that Gordon's views on the militia were not valid before 1867. Until greater detail about use of the colonial militia to aid civil power becomes available, the record will remain unclear.<sup>106</sup> However, this analysis does show that some of the lieutenant-governor's arguments in favour of employing regulars were not valid for this earlier era. Contrary to his beliefs, British troops did not always perform their duties, especially fighting fires, in a disciplined manner, although their conduct when confronting crowds was admirable. Similarly, they did not always act impartially, nor did they always have the effect on crowds that Gordon described. Finally, the use of regulars did contribute to lingering problems within communities, as we saw in Woodstock, although the troops had little or no say in the matter. One can conclude only that in most cases the militia was neither worse nor better prepared than were the regulars for this kind of duty and that the government and civil authority's reluctance to use the militia came more from general lack of public confidence in volunteers' capacity than from the realities of events.

## Notes

1. David Facey-Crowther, *The New Brunswick Militia, 1787-1867* (Fredericton, NB: New Ireland Press, 1990), pp.vi, 72, 136.
2. See F.H. Phillips, "Steamboat a'Comin'," *Canadian Magazine* (January 1934), p.2. In both 1837 and

- 1841, British regulars fought major fires in Saint John. See W.K. Reynolds, "The Fire of Thirty-Seven," *New Brunswick Magazine*, 2, no.1 (January 1899), p.3; and "A Shipyard Fire," *New Brunswick Magazine*, 1, no.3 (September 1898), pp.162-63.
3. Major fires took place in Saint John in 1837, 1839, 1841, and 1877, while Fredericton suffered widespread damage in 1850, 1854, and 1867.
4. S. Earle to Lieutenant-General William J. Haley, 22 June 1877, in the correspondence of S.L. Tilley, Tilley Family Papers, New Brunswick Museum (NBM), Saint John; E.T. Sturdee, *Historical Records of the 62nd St. John Fusiliers (Canadian Militia)* (Saint John, NB: J. & A. McMillan, 1888), pp.74-75; Canada, Department of Militia and Defence, Report (1878), pp.49-50. By contacting Haley directly, Mayor Earle circumvented the proper chain of command and delayed the military's response. Before moving his troops, Haley first had to seek direction from the lieutenant-governor. Haley to Sir S.L. Tilley, 27 June 1877, Tilley Family Papers, NBM.
5. This study considers only disturbances that involved troops. For details on some of the other incidents during this period, see Scott W. See, "Nativism and Social Violence in Mid-Nineteenth Century New Brunswick, Canada," PhD thesis, University of Maine at Orono, 1984, pp.20-22, 104-5, 133-34, 160-62; Scott W. See, *Riots in New Brunswick: Orange Nativism and Social Violence in the 1840s* (Toronto: University of Toronto Press, 1993), pp.22-23, 148-51.
6. T.W. Acheson, *Saint John: The Making of a Colonial Urban Community* (Toronto: University of Toronto Press, 1985), chapter 5; and four items by Scott W. See: *Riots in New Brunswick*, pp.23-24, 61-70, 82-83, 199-200; "The Orange Order and Social Violence in Mid-Nineteenth Century Saint John," *Acadiensis*, 13, no.1 (autumn 1983), pp.71-89; "The Fortunes of the Orange Order in 19th Century New Brunswick," in P.M. Toner, ed., *New Ireland Remembered: Historical Essays on the Irish in New Brunswick* (Fredericton, NB: New Ireland Press, 1989), pp.90-105; and "'Mickey's and Demons' vs. 'Bigots and Boobies': The Woodstock Riot of 1847," *Acadiensis*, 21, no. 1 (autumn 1991), pp.110-31.
7. John B.M. Baxter, *Historical Records of the New Brunswick Regiment, Canadian Artillery* (Saint John, NB: Sun, 1896), p.152.
8. G.F.G. Stanley, "The Caraquet Riots of 1875," in P.A. Buckner and David Frank, eds., *Atlantic Canada after Confederation: The Acadiensis Reader, Volume Two* (Fredericton, NB: Acadiensis Press, 1985), pp.76-95; Richard Wilbur, *The Rise of French New Brunswick* (Halifax, NS: Formac, 1989), pp.24-30.
9. Louise Manny, "Miramichi's Fighting Elections," *Maritime Advocate and Busy East*, 42, no. 9 (May 1952), pp.21-26; Scott W. See, "Election Crowds and Social Violence: The Northumberland County, New Brunswick, Campaigns of 1842-43," MA thesis, University of Maine at Orono, August 1980; "Polling Crowds and Patronage: New Brunswick's 'Fighting Elections' of 1842-3," *Canadian Historical Review*, 72, no.2 (1991), pp.127-56.
10. W.S. MacNutt, *New Brunswick - A History: 1784-1867* (Toronto: Macmillan, 1984), pp.329-30.
11. Lieutenant-Governor W.H. Gordon to the Duke of Newcastle, 10 November 1862, Messages of the Lieutenant-Governor, *Journals of the House of Assembly [JHA]* (1863), pp.115-16; "Trouble on Fredericton Railway," *New Brunswick Reporter (NBR)*, 4 June 1869;



- "An Episode." *NBR*, 24 September 1869; Militia Dept., Report (1876), p.56; Sturdee, *Historical Records of the 62nd St. John Fusiliers*, p.69.
12. William T. Baird, *Seventy Years of New Brunswick Life: Autobiographical Sketches* (Fredericton, NB: St Annes Point Press, 1978), pp.153-56.
  13. Charles M. Clode, *The Military Forces of the Crown: Their Administration and Government*, 2 vols. (London, 1869), II, pp.125-26; K.O. Fox, "Public Order: The Law and the Military," *Army Quarterly and Defence Journal*, 104, no. 3 (April 1974), p.295.
  14. On the problems of calling out special constables and using them effectively, see See, "Polling Crowds and Patronage," pp.139-40, 147. On early police forces in New Brunswick, see Acheson, *Saint John*, pp.221-29; W. Austin Squires, *History of Fredericton: The Last 200 Years* (Fredericton, NB: City of Fredericton, 1980), p.54; See, *Riots of New Brunswick*, pp.142-43, 153, 158-59; Greg Marquis, "A Machine of Oppression under the Guise of the Law': The Saint John Police Establishment, 1860-1890," *Acadiensis*, 16, no. 1 (autumn 1986), pp.58-77.
  15. Gordon to Newcastle, 10 November 1862, Messages of the Lieutenant-Governor, *JHA* (1863), p.116. The lieutenant-governor was not part of the civil authority per se and acted presumably as commander-in-chief of military forces.
  16. Sir Edmund Head to Lord Grey, 15 July 1849, CO 188/110. Lieutenant-Governor Colebrooke intervened during the Orange riot in Fredericton in 1847 with somewhat greater success. See *NBR*, 16 July 1847.
  17. Fox, "Public Order," p.295.
  18. Lieutenant-Colonel G. Whannell to Lieutenant-Governor Colebrooke, 25 March 1845, Executive Council Records, Riots and Disasters, Provincial Archives of New Brunswick [PANB].
  19. Colebrooke to Grey, 31 July 1847, CO 188/109.
  20. Carleton County Justices of the Peace to John S. Saunders, 12 July 1847, Executive Council Records, Riots and Disasters, PANB; See, "Mickeys and Demons," p.120; *Riots in New Brunswick*, p.122.
  21. Major F.W. Whingates to Lieutenant-Colonel G. Whannell, 20 March 1845, Executive Council Records, Riots and Disasters, PANB. A grand jury agreed with Whingates's appraisal of the incident and castigated the mayor and magistracy for their lack of energy, stating that the unwarranted resort to troops cast a stigma on the loyal and well-disposed citizens of the city. Thomas Leavitt to Lieutenant Governor Colebrooke, 22 March 1845, *ibid.*
  22. See, "Election Crowds and Social Violence," pp.85, 160.
  23. John S. Saunders to A.R.S. Wetmore, 13 May 1848, Executive Council Records, Riots and Disasters, PANB.
  24. Head to Grey, 15 July 1849, CO 188/110. Scott See presents a different description of events, implying that the British troops protected the Orangemen from further attacks by the Irish Catholics, thereby allowing the Orangemen "to continue their procession unmolested." *Riots in New Brunswick*, pp.168-69.
  25. Elinor Kyte Senior, *British Regulars in Montreal: An Imperial Garrison, 1832-1845* (Montreal: McGill-Queen's University Press, 1981), especially pp.11-36, 57-133. The New Brunswick experience was probably more akin to the English example, where – even though large-scale riots were numerous and use of troops was frequent – actions were generally moderate. Aside from such notorious episodes as the Wilkes riots in 1768, the Peterloo massacre in 1819, and the Bristol riots in 1831, British troops rarely inflicted serious casualties and instead arrested large numbers of rioters. Stanley H. Palmer, "Calling Out the Troops: The Military, the Law, and Public Order in England, 1650-1850," *Journal of the Society for Army Historical Research [JSAHR]*, 56 (1978), pp.209-14; F.C. Mather, *Public Order in the Age of the Chartists* (Manchester: Manchester University Press, 1959), p.21. The same is probably true of the Canadian army, which between 1867 and 1914 opened fire twice (Quebec City, 1878, and Valleyfield, 1900), inflicting only one fatality, despite over 105 callouts. J.J.B. Pariseau, *Disorders, Strikes and Disasters: Military Aid to the Civil Power in Canada, 1867-1933* (Ottawa: Directorate of History, National Defence Headquarters, 1973), pp.20, 31, 51, 55-56; Desmond Morton, "Bayonets in the Streets: The Canadian Experience of Aid of the Civil Power, 1867-1990," *Canadian Defence Quarterly*, 20, no. 5 (April 1991), p.31.
  26. *Weekly Chronicle*, 3 January 1845.
  27. *Ibid.*, 21 March 1845; *NBR*, 21 March 1845; See, "Orange Order and Social Violence," p.82; D.R. Jack, Centennial Prize Essay on the History of the City and County of St. John (1883). Head more prosaically called it "an additional precaution." Head to Grey, 15 July 1849, CO 188/110.
  28. Report of J.B. Tupper, Paymaster of the Civil Police, 20 July 1847, Correspondence, Colebrooke Papers, PANB. On the Canadian experience, see Elinor Senior, "The Provincial Cavalry in Lower Canada 1837-50," *Canadian Historical Review*, 57, no. 1 (March 1976), pp.1-24.
  29. "Trouble on the Fredericton Railway," *NBR*, 4 June 1869.
  30. Militia Dept., *Report* (1876), pp.54-55.
  31. *Saint John Globe*, 23 June 1877, p.1; Sturdee, *Historical Records of the 62nd St. John Fusiliers*, p.74.
  32. Baird, *Seventy Years of New Brunswick Life*, p.217. Baird's account may be apocryphal: he mistakenly dates the event in 1861, it does not appear among the official records, and it contradicts Gordon's ideas about using militia, as we see below.
  33. Among their ranks were Lieutenant J.B. Tupper (paymaster, 3rd Battalion), who served as paymaster, and Ezekiel Truesdell (quartermaster, 1st Battalion), who was sergeant-major. Report of Tupper, 20 July 1847. David Facey-Crowther, *The New Brunswick Militia: Commissioned Officers' Lists, 1787-1867* (Fredericton, NB: NB Genealogical Society and NB Bicentennial Commission, 1984), pp.22 & 37. In Britain the authorities augmented police forces in the early 1840s by using military pensioners as special constables. F.C. Mather, "Army Pensioners and the Maintenance of Civil Order in Early Nineteenth-Century England," *JSAHR*, 36, no. 147 (September 1958), pp.116-19.
  34. "An Episode," *NBR*, 24 September 1869.
  35. The 73rd eventually evolved into the North Shore (New Brunswick) Regiment. This was the only time the regiment aided the civil power. Will R. Bird, *North Shore (New Brunswick) Regiment* (Fredericton, NB: Brunswick Press, 1963), p.72.
  36. Earle to Haley, 22 June 1877, Tilley Family Papers, NBM.
  37. Sturdee, *Seventy Years of New Brunswick Life*, pp.74-75; Baxter, *Historical Records of the New Brunswick Regiment*, pp.154-58; George Stewart, *The Story of the*

- Great Fire in St. John N.B.* [1877], reprint edition (St. Stephen, NB: Non-Entity Press, 1980), p.160; *Saint John Globe*, 26 June 1877, p.1.
38. Fox, "Public Order," pp.295-96; Palmer, "Calling Out the Troops," pp.199, 201-7; Mather, *Public Order*, chapter 5; Oskar Teichman, "The Yeomanry as an Aid to the Civil Power, 1795-1867," *JSAHR*, 19 (1940), pp.75-91, 127-43.
  39. See Senior, *British Regulars in Montreal*, especially pp.55-142; Elinor Senior, "The Glengarry Highlanders and the Suppression of the Rebellions in Lower Canada, 1837-38," *JSAHR*, 56, no. 227 (autumn 1978), pp.143-59.
  40. Facey-Crowther, *New Brunswick Militia*, p.43.
  41. Palmer, "Calling Out the Troops," p.203; Desmond Morton, "'No More Disagreeable or Onerous Duty': Canadians and Military Aid of the Civil Power, Past, Present, Future," in David B. Dewitt and David Leyton Brown, eds., *Canada's International Security Policy* (Scarborough, ON: Prentice Hall Canada, 1995), p.134.
  42. Gordon to Newcastle, 10 November 1862, Messages of the Lieutenant-Governor, *JHA* (1863), p.116.
  43. On Gordon's militia background, see Facey-Crowther, *New Brunswick Militia*, p.97. On use of volunteers in Britain, see Clode, *The Military Forces of the Crown*, II, pp.140, 651-52; and I.F.W. Beckett, "The Problem of Military Discipline in the Volunteer Force, 1859-1899," *JSAHR*, 56, no. 226 (summer 1978), p.72. On attitudes in Canada towards use of local forces, both before and after Confederation, see Senior, *British Regulars in Montreal*, p.73; and Pariseau, *Disorders, Strikes and Disasters*, pp.8-10.
  44. "Militia Act," 17 March 1825, *The Acts of the General Assembly from 1786 to 1836* (Fredericton, NB: Queen's Printer, 1838): "An Act Relating to the Militia," 23 April 1862, *Acts of the General Assembly* (1862), p.59; "An Act Relating to the Militia," 31 May 1865, Acts of the General Assembly (1865), p.21; "An Act Respecting the Militia and Defence of the Dominion of Canada," 22 May 1868, *Statutes of Canada* (1868), pp.72-73.
  45. Pariseau, *Disorders, Strikes and Disasters*, pp.16-17, 43-44.
  46. Carleton County Magistrates to Lieutenant-Governor Head, 6 and 17 May 1848, Correspondence, Head Papers, PANB. Magistrates on the Miramichi faced a similar conundrum in 1843. See, "Election Crowds and Social Violence," pp.87, 92.
  47. Colebrooke to John Allen and John Robinson, 25 July 1845, Executive Council Records, Elections, Northumberland County Election Disturbances, 1843, PANB; See, "Election Crowds and Social Violence," p.125, n. 90.
  48. Militia Dept., *Report* (1878), p.39.
  49. Report on the Militia for 1864, *JHA* (1865), p.4. Volunteers – partly because of their apparent lack of discipline – received little respect in Britain and rarely aided the civil power. See Beckett, "The Problem of Military Discipline in the Volunteer Force," pp.68-72.
  50. Militia Dept., *Report* (1876), p.56.
  51. Baxter, *Historical Records of the New Brunswick Regiment*, p.158. Clashes between troops and the police were not uncommon in Britain. Mather, *Public Order*, p.177.
  52. "An Episode," *NBR*, 24 September 1869.
  53. Militia Dept., *Report* (1876), pp.55-56.
  54. *Ibid.*, pp.54-55. The deputy adjutant general reported that "they responded to the call with no uncertain voices." *Ibid.*, p.50.
  55. *Ibid.*, p.56. The deputy adjutant general later praised MacShane's "judgment and promptitude with which he acted upon the requisition of the magistrates, and the very soldier-like steps which he adopted." *Ibid.*, p.49.
  56. Lieutenant Colonel Henry Smith, "Military Aid of the Civil Power," Canadian Military Institute, *Selected Papers*, X (1900), p.74; Desmond Morton, "Aid to the Civil Power: The Canadian Militia in Support of Social Order, 1867-1914," *Canadian Historical Review*, 51, no. 4 (December 1970), p.414; L.W. Bentley, "Aid of the Civil Power: Social and Political Aspects 1904-1924," *Canadian Defence Quarterly*, 8, no. 1 (summer 1978), pp.44-45; Morton, "Canadians and Military Aid of the Civil Power," p.132.
  57. Militia Dept., *Report* (1876), pp.55-56; see also *Ibid.* (1877), p.40.
  58. *Ibid.* (1878), p.39.
  59. Pariseau reached the same conclusion in *Disorders, Strikes and Disasters*. Even under attack, troops maintained discipline, using only minimal force to defend themselves; p.31.
  60. *Gleaner*, 13 October 1843.
  61. Carleton County Justices of the Peace to John S. Saunders, 12 July 1847, Executive Council Records, Riots and Disasters, PANB.
  62. Colonel Cole to Gordon, 3 November 1862, Messages of the Lieutenant Governor, *JHA* (1863), p.114; Gordon to Newcastle, *Ibid.*, p.116.
  63. Reynolds, "A Shipyard Fire," pp.162-63.
  64. Mary Peck, *A Soldier's Life in Mid-Nineteenth Century New Brunswick* (Fredericton, NB: Historical Resources Administration, May 1975), pp.1, 12; See, "Nativism and Social Violence," p.157; *Riots in New Brunswick*, p.33.
  65. *Weekly Chronicle*, 17 October 1845.
  66. Baird, *Seventy Years of New Brunswick Life*, pp.154-55. An NCO, not magistrates or an officer, directed these troops.
  67. For an account of the case of Private Brennan, see Margaret Howard Blom and Thomas E. Blom, eds., *Canada Home: Juliana Horatia Ewing's Fredericton Letters, 1867-1869* (Vancouver: University of British Columbia Press, 1983), pp.350-55.
  68. Facey-Crowther, *New Brunswick Militia*, p.106; Acheson, *Saint John*, pp.52-53; Morton, "Aid to the Civil Power," pp.415-16.
  69. Report on the Militia of New Brunswick for 1862, *JHA* (1863), p.79; Sturdee, *Historical Records of the 62nd St. John Fusiliers*, p.8; Baxter, *Historical Records of the New Brunswick Regiment*, pp.109-13, 135. Initially, the early Volunteer Force in Britain was also middle class in character, but later the bulk of the recruits came from the artisan class. Beckett, "The Problem of Military Discipline in the Volunteer Force," pp.69, 73. Report on the Militia of New Brunswick for 1867, *JHA* (1868), p.4.
  70. Sturdee, *Historical Records of the 62nd St. John Fusiliers*, pp.4-5; Baird, *Seventy Years of New Brunswick Life*, 159. Militias in the upper provinces also had strong links with the Orange Order. See Morton, "Aid to the Civil Power," pp.413-14.
  71. The Manager of the New Brunswick and Canada Railway to the High Sheriff of Carleton, 24 October 1862,



- Messages of the Lieutenant Governor, *JHA* (1863), p.111.
72. James Richard Price, "A History of Organized Labour in Saint John, New Brunswick, 1813-1890," MA thesis, University of New Brunswick, 1968, p.77, n. 68. During the latter part of the century, when the permanent force was emerging in competition with the militia, some militia officers reversed this argument by asserting that the regulars' training made them look on extreme measures with less disfavour than volunteers. See H.M. Mowat, "The Law and the Soldier," Canadian Military Institute, *Selected Papers*, IX (1897-99), p.46.
  73. Acheson, *Saint John*, pp.98, 106; See, "Orange Order and Social Violence," p.76; *Riots in New Brunswick*, pp.73-75, 77-78.
  74. *NBR*, 28 May 1869.
  75. *NBR*, 19 November 1847; See, "Nativism and Social Violence," p.219; *Riots in New Brunswick*, p.195.
  76. *Morning News*, 9 March 1849.
  77. See, "Orange Order and Social Violence," p.87; *Riots in New Brunswick*, pp.4, 168-69, 195.
  78. Head to Grey, 15 July 1849, CO 188/110; Acheson, *Saint John*, p.286, n.98.
  79. Sturdee, *Historical Records of the 62nd St. John Fusiliers*, p.69. Pariseau concluded that the relative infrequency with which Canadian troops fired on crowds demonstrated the salutary effect of their appearance; *Disorders, Strikes and Disasters*, p.20.
  80. *Saint John Globe*, 6 July 1877, p.1.
  81. "Trouble on Fredericton Railway," *NBR*, 4 June 1869.
  82. *Morning News*, 3 January 1845; *Courier*, 4 January 1845.
  83. *Courier*, 22 March 1845.
  84. See, "Nativism and Social Violence," p.109; "Mickeyes and Demons," p.119; *Riots in New Brunswick*, p.119.
  85. According to the newspaper accounts, when a magistrate ordered the rioters to disperse, they "laughed" at him. Attempts to warn them of the consequences also had no effect. The justice then ordered the detachment commander to load and fire in five minutes if the rioters did not leave the ground. After the time had elapsed the troops loaded their weapons and "made ready." Only then did the crowd disperse. Subsequently, reinforcements were called for, and when they arrived and marched into town they found about 100 men well armed with muskets and supported with two field-pieces. However, this situation also passed without bloodshed. If these reports are accurate, this was undoubtedly the most dangerous incident in the period under study. William Wright to Colebrooke, 27 August 1843, Executive Council Records, Elections, Northumberland County Election Disturbances, 1843, PANB; *Courier*, 2 September 1843; *Gleaner*, 15 September 1843.
  86. Militia Dept., *Report* (1876), pp.55-56.
  87. Stanley, "The Caraquet Riots of 1875," pp.94-95.
  88. *Morning Freeman*, 7 May 1875.
  89. *Daily News*, 12 May 1875.
  90. *Morning Freeman*, 14 May 1875.
  91. Reynolds, "A Shipyard Fire," p.163.
  92. Elva Richards, *The Fredericton Military Compound, 1784-1869* (National Historic Sites Service, 1968).
  93. *NBR*, 28 May 1869.
  94. See, "Nativism and Social Violence," pp.118-19, 122-23; "Mickeyes and Demons," pp.126, 130; *Riots in New Brunswick*, pp.127, 132.
  95. For example, see Carleton County Justices of the Peace to Lieutenant-Governor Head, 6 May 1848, Correspondence, Head Papers, PANB; and See, "Election Crowds and Social Violence," pp.85-86.
  96. See *Weekly Chronicle*, 7 August 1840; *Gleaner*, 29 September 1843; and *Morning News*, 9 March 1849. The final withdrawal of the regulars from the province in 1869 had a similar effect. See *NBR*, 2 July 1869.
  97. Wright to Colebrooke, 23 September 1843, Executive Council Records, Elections, Northumberland County Election Disturbances, 1843, PANB.
  98. Facey-Crowther, *New Brunswick Militia*, pp.59-60. See *Morning News*, 8 January 1844.
  99. Sturdee, *Historical Records of the 62nd St. John Fusiliers*, pp.29-30, 49-53; Baxter, *Historical Records of the New Brunswick Regiment*, pp.72, 77; Facey-Crowther, *New Brunswick Militia*, pp.128, 133. More generally, see Stephen J. Harris, *Canadian Brass: The Making of a Professional Army, 1860-1939* (Toronto: University of Toronto Press, 1988), pp.11-13.
  100. *NBR*, 1 October 1869.
  101. Militia Dept., *Report* (1870), p.44. See also Pariseau, *Disorders, Strikes and Disasters*, p.9.
  102. *Saint John Globe*, 22 June 1877.
  103. As Baxter wrote: "In this service the men faced danger as great as that on the battlefield." *Historical Records of the New Brunswick Regiment*, p.156. See *Saint John Globe*, 23 and 25 June 1877, p.2; Stewart, *The Story of the Great Fire in St. John*, pp.162-64.
  104. As Desmond Morton points out, this was the last time the civil authority in Canada called out British troops. "Aid to the Civil Power," p.418.
  105. Two studies of the conduct of auxiliary forces in support of the civil authority that discount negative contemporary and historical assessments are Mather, *Public Order*, p.148, and Senior, "The Glengarry Highlanders," pp.154-58. Pariseau concludes generally that Canada's military, including the militia, carried out this role "in exemplary fashion" between 1867 and 1933. *Disorders, Strikes and Disasters*, p.64. See also R.H. Roy, "... in Aid of a Civil Power", 1877," *Canadian Army Journal*, 7, no. 3 (October 1953), pp.61-69. For a more negative assessment, see Morton, "Aid to the Civil Power," p.414.
  106. Scott See's research on sectarian violence in New Brunswick indicates that this is fertile ground for further research. In his study of the 1847 Woodstock riot he suggests that Orangemen may have been armed with militia weapons before the riot and that civilian members of the community, fearing Catholic retaliation, afterwards received weapons and ammunition from militia stores. "Mickeyes and Demons," pp.119, n. 42, and 121-22.

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