

## Poetic Justice Corruption in Lambton County, Canada West, 1854-1858

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Résumé de l'article

A partir de 1855, Robert McBride (1811-1895), commerçant et receveur des postes dans le comté de Lambton, poète, Orangiste, et conservateur modéré, s'est considéré comme victime d'une conspiration organisée par des politiciens réformateurs intrigants et leurs amis. Dans ses livres de poésie, particulièrement ses *Poems Sentimental & Satirical On Many Subjects Connected with Canada*, se basant sur son expérience personnelle, il a décrit les agissements coupables des juges, de la classe des spéculateurs terriens, et autres personnes liées au mouvement réformiste du Haut-Canada, qui, d'après lui, sapaient et corrompaient les bases britanniques de la province. Les poèmes de McBride, et autres documents concernant ses difficultés légales, nous aident à comprendre les liens compliqués qui existaient parmi les administrateurs coloniaux au niveau local dans le Haut-Canada des années 1850.

# Poetic Justice

## CORRUPTION IN LAMBTON COUNTY, CANADA WEST, 1854-1858<sup>1</sup>

by Gregory Stott

On 2 January 1856 the Court of General Quarterly Sessions and the Lambton County Court met at the Sarnia courthouse before his Honour Judge Charles Robinson, assisted by W.E. Wright, Alfred Fisher, and Froome Talfourd. The fifth case brought before the County Court was an action of Tort against Port Franks' merchant and postmaster Robert McBride by Winder merchant Robert Rae.<sup>2</sup>

While the case of "Rae verses McBride" received a modicum of coverage in the local press, like many other similar cases, it quickly faded from the public consciousness. It did not, however, fade from the memory of the defendant who remained convinced that he was a victim not only of a miscarriage of justice, but also of a deliberate conspiracy. However dubious the claims may seem to subse-

quent investigators, McBride believed that his downfall had been orchestrated by various representatives of the colonial government and administration in the Province of Canada. For McBride these apparent transgressions were extremely personal, and yet, he felt, they were symptomatic of a pervasive cancer that was undermining Upper Canadian society. McBride also believed that these outrages were subverting the foundation of British values upon which he felt the colony and its society had been built. This was leading to the colony's degradation and was forcing many of its "best sons" to find greener pastures in the United States. The Act of Union of 1841 had been foisted upon an unhappy and unwilling colonial population still grappling and reeling from the effects of two separate rebellions against the established

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<sup>1</sup> A much earlier version of this paper was presented in the History Department Seminar Series at Nipissing University on 8 October 2008. Special thanks to members of Nipissing's Department of History for their help and input and also to Michelle Vosburgh of Brock University, Sandra Barber of University College of the North, Beth McAuley of Toronto, and the paper's anonymous reviewers.

<sup>2</sup> *Sarnia Observer*, 10 January 1856. Charles Robinson was born in Ireland in about 1817. Local 'Indian Agent' Froome Talfourd was a native of England, born in 1809, while Sarnia's postmaster Alfred Fisher was born in England in about 1820. Canada Census, 1861, Sarnia Town. For a detailed examination of Upper Canada's legal system in the first half of the nineteenth century see David Murray. *Colonial Justice: Justice, Morality, and Crime in the Niagara District, 1791-1849* (Toronto: University of Toronto, 2002).

authorities. While the rebellions had gained little support, at least in Upper Canada, the Union of the Canadas, which linked the predominantly Francophone-Catholic Lower Canada with the more generally Anglophone-Protestant Upper Canada, had just as little in the way of support. It was a difficult union that stumbled along through sectarian, representational, economic, and political squabbles. The troubles facing this union would ultimately have much to do in initiating discussions that resulted in Confederation in 1867.<sup>3</sup>

The colony's internal difficulties and problems aside, commentators at the time and many historians since have frequently lauded the fact that by the end of the 1840s the Union of the Canadas had managed to achieve entrenched responsible government, which in practice and spirit matched the full potential and rights of the colonists under what was ostensibly a British constitution and for the most part laid aside the divisive issues of race and religion to create a particularly Canadian democracy. It seemed to put behind the colonies the old corruptions and abuses of the apparently notorious "Fam-

ily Compact" of the pre-rebellion period when cronyism had a stranglehold on patronage and power.<sup>4</sup> However, McBride

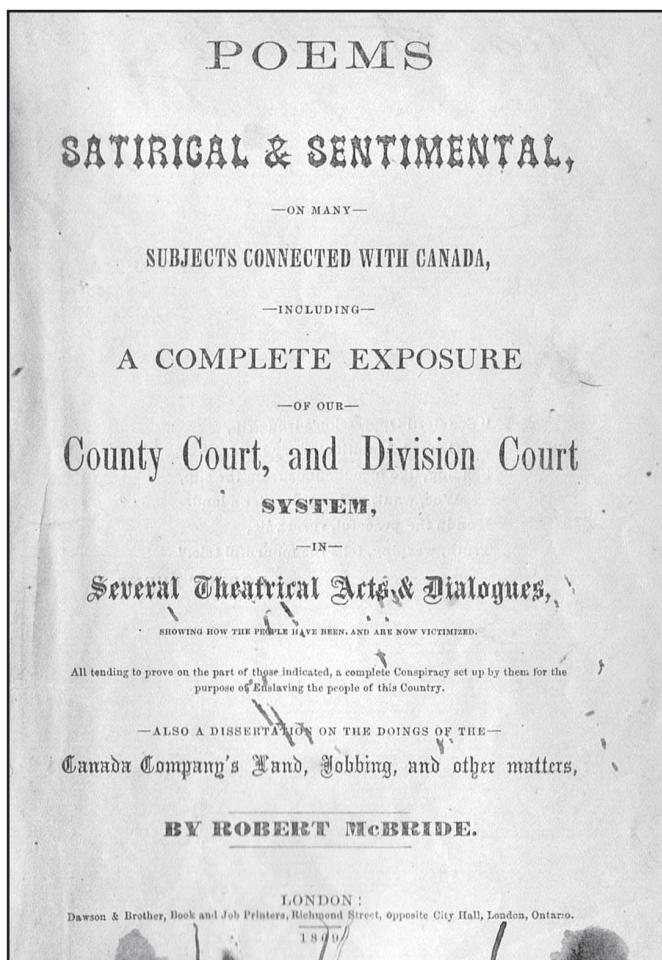
## Abstract

*Beginning in 1855 Lambton County merchant, postmaster, poet, Orangeman and moderate conservative Robert McBride (1811-1895) saw himself as a victim of a conspiracy launched by scheming Reform-minded politicians and their cronies. In books of poetry, particularly his hefty *Poems Sentimental & Satirical On Many Subjects Connected with Canada*, and drawing on his own experiences, he outlined the malfeasance of the judiciary, the 'land jobbing' class, and others associated with the Reform movement in Canada West who, he claimed, were undermining and corrupting the British foundations of the province. McBride's poetry and other contemporary documentation about his legal travails help us understand the complex connections that existed among colonial administrators at the local level in Canada West in the 1850s.*

**Résumé:** *A partir de 1855, Robert McBride (1811-1895), commerçant et receveur des postes dans le comté de Lambton, poète, Orangiste, et conservateur modéré, s'est considéré comme victime d'une conspiration organisée par des politiciens réformateurs intrigants et leurs amis. Dans ses livres de poésie, particulièrement ses *Poems Sentimental & Satirical On Many Subjects Connected with Canada*, se basant sur son expérience personnelle, il a décrit les agissements coupables des juges, de la classe des spéculateurs terriens, et autres personnes liées au mouvement réformiste du Haut-Canada, qui, d'après lui, sapaient et corrompaient les bases britanniques de la province. Les poèmes de McBride, et autres documents concernant ses difficultés légales, nous aident à comprendre les liens compliqués qui existaient parmi les administrateurs coloniaux au niveau local dans le Haut-Canada des années 1850.*

<sup>3</sup> J.M.S. Careless. *The Union of the Canadas: The Growth of Canadian Institutions 1841-1857* (Toronto: McClelland and Stewart, 1967), 222-23. S.J.R. Noel. *Patrons, Clients, Brokers: Ontario Society and Politics, 1791-1896* (Toronto: University of Toronto Press, 1990), 130-33.

<sup>4</sup> John Edwin Hodgetts. *Pioneer Public Service: An Administrative History of the United Canadas*,



*Robert McBride's Poems Satirical and Sentimental, published in 1869, was his way of striking out at his many adversaries.*

opinion, had seriously jeopardized the rights and values of what he saw as the core British nature of the predominantly Protestant Upper Canada or Canada West and threatened the underpinnings of its society. In the preface to his hefty volume of poetry, *Poems Sentimental & Satirical On Many Subjects Connected with Canada*, in which he recounted his troubles and outlined the problems facing Canada West, McBride noted that the haemorrhaging of people had two causes "It is the land jobbing craft and the land jobbing craft; these are the principal actors. I have watched them for over thirty years. Previous

felt differently. In fact he believed that if anything the situation had grown worse under the new order and he felt that his own experiences and observations proved this point. Far from promoting the interests of the colonists, the Union, in his

to the union with the French, they were harmless; since then, they have got power they never had before, and have grown into monster leeches. These have produced a boil, into which, if a probe was sent to the bottom, the pus that would

1841-1867 (Toronto: University of Toronto Press, 1955), 20, 46-47, 162-63; Noel, *Patrons, Clients, and Brokers*, 155-56. Certainly there was much anxiety over the control that the Reformers had over patronage under Robert Baldwin and Louis LaFontaine and the manner in which it was dispensed caused anger both within the ranks of the Reform movement as well as within the ranks of the more conservative opposition. John Clarke. *Land, Power, and Economics on the Frontier of Upper Canada* (Montreal: McGill-Queen's University Press, 2001), 449-55; John Ralston Saul. *Extraordinary Canadians: Louis-Hippolyte LaFontaine & Robert Baldwin* (Toronto: Penguin, 2010), 5-6.

come forth would astonish the people.”<sup>5</sup> In a society where so much of the political culture was built on what S.J.R. Noel outlined as “clientalism” which he identified as highlighting the important pattern of the useful connections between patrons and clients, there was much emphasis placed upon deference to social and political betters.<sup>6</sup> However, McBride was not alone complaining about the persistence of corruption within the Canadas which played a major role in unseating the administration of Francis Hincks in 1854.<sup>7</sup>

Corruption in the land distribution process was the core of McBride’s medical metaphors. It was issues over land that had led to the emergence of a new and powerful “land jobbing” class that victimized all who crossed it. McBride had observed these people at work when he lived along the Grand River and found it again

upon his arrival in Lambton County. In his great tomes of poetry, McBride—arch Tory and Orangeman—linked together the Canada Land Company, the judiciary, and, overarching them all, the great Reform-minded politicians and their supporters. It was this last group who, through compromising their principles with the French-Catholic “other” and advancing their own policies and cronies, had, despite their claims, victimized Upper Canadians and stunted the growth of the colony. As McBride further claimed, “If there was a good doctor that would begin and purify the blood first, he might then make a cure.”<sup>8</sup>

Poetry as a form of political activism was not unique to McBride, as American poets like Walt Whitman and William Davis Gallagher used poetry as a means of voicing political ideals and concerns. Even in Canada poems had been used

<sup>5</sup> Robert McBride, “To the Reader,” *Poems Sentimental & Satirical On Many Subjects Connected with Canada, Including A Complete Exposure of Our County Court, and Division Court System, in Several Theatrical Acts & Dialogues, Showing How the People Have Been, and Are Now Victimized. All Tending to Prove on the Part of those Indicated, a Complete Conspiracy set up by them for the Purpose of Enslaving the people of this Country. Also a Dissertation on the Doings of the Canada Company’s Land, Jobbing, and other Matters* (London, Ontario: Dawson Brothers, 1869), 3. On the issue of land and government land policies during the nineteenth century, see Michelle Vosburgh, “The Crown Lands Department: The Government and the Settlers of McNab Township, Canada West,” *Ontario History* 100:1 (Spring 2008): 80-100; Michelle Vosburgh, “Bending the Rules: Inspectors and Surveyors and Upper Canada’s Land Policies,” *Ontario History* 94:2 (November 2002): 148-64. Evidence of what McBride most decried about speculators and ‘land jobbing’ is amply described in David Shanahan, “Tory Bureaucrat as Victim: The Removal of Samuel Jarvis, 1842-47,” in *Ontario History* 95:1 (Spring 2003): 38-64. Kenneth C. Dewar’s study of Charles Clarke examines a prolific writer who would have been a political opponent of McBride. The study, however, has much to say about a mid-nineteenth-century Canadian political writing. Kenneth C. Dewar, *Charles Clarke: Pen and Ink Warrior* (Montreal: McGill-Queen’s University Press, 2002); xiii-xv, 47-70, 270-73.

<sup>6</sup> S.J.R. Noel, 14-17.

<sup>7</sup> *Globe*, 22 March 1855; *Ibid.*, 14 May 1855; A Doubly Disappointed Settler, “More Land Jobbing!,” *Globe*, 6 July 1857; “Opinions of the Press: The Next Election,” copied from the *Haldimand Independent* in *Globe*, 10 November 1857.

<sup>8</sup> McBride, “To the Reader,” *Poems Sentimental & Satirical*, 3; David Shanahan, “Tory Bureaucrat,” 45-47.

by French-Canadian nationalists in the lead up to the Rebellion of 1837-38.<sup>9</sup> With their essential focus on his experiences, McBride's poems provide a unique insight into aspects of the judicial system and the way land issues and courts were experienced by one individual. The poems penned by McBride are certainly not impartial and are far from accurate transcripts of the proceedings—which, if they existed, have not survived. They are largely based upon the memory of the writer, but, while he uses the alter ego "John Merchant," the dates and procedures to which he refers are consistent with those found in other more official records of the proceedings against him. McBride took much poetic license and imagined many of the exchanges based upon his own suppositions and possible paranoia. McBride's writings cannot reconstruct the actual trial transcripts, or properly evaluate his claims of injustice, but they do provide a fascinating and important glimpse into perceived wrongs and the motivations for his political activism.

Whatever fame or notoriety Robert

McBride gained during his lifetime, it was probably quite local in its scope and extent. For the most part he appears to have laboured in relative obscurity, and while his work may have gained the attention of some in the 1860s and 1870s, it was almost certainly forgotten until periodically dredged up by local antiquarians and journalists and occasionally historians. His published works, amounting to one hefty and two considerably lighter volumes of poetry, probably had a limited shelf-life.<sup>10</sup>

A native of Ardstraw in the parish of Urblereagh in County Tyrone, Ireland, McBride was a product of his time and place. Born in late 1811 or early 1812 the self-styled "Canadian Orange Minstrel" had been well educated, later demonstrating his breadth of knowledge of Irish and British history, a competent grasp of the English language, and a devotion to the ideals of the British constitution.<sup>11</sup> It is clear that, like many of his contemporaries, McBride did not view Canada as much other than an extension of his native British Isles.<sup>12</sup> The influence of his Orangeism had a huge role to play in

<sup>9</sup> Jason Frank, "Aesthetic Democracy: Walt Whitman and the Poetry of the People," *Review of Politics* 69:3 (2007), 402-430; Terry A. Barnhart, "The Partisan: William Davis Gallagher and the Cause of Western Literature," *Ohio History* 115 (2008), 101-120; Muriel Farley Dominguez, "Politics and Poetics: A Study of Nineteenth-Century Nationalist Verse in French Canada," *Nineteenth Century French Studies* 21:1-2, (1992-1993), 168-79.

<sup>10</sup> Arthur Ford, "Over the Weekend," *Sarnia Observer*, 23 December 1946; Greg Stott, "Yon Sand-Beaten Shore": *The Story of Port Franks, Ontario* (Arkona, Ontario: G. Stott Publishing, 1998), 11-23; Greg Stott, "'The Chicago of the Dominion?': The Development of Port Franks, Ontario," *Ontario History* 45 (Spring 2003), 22-37; Christina Burr, "'Oil Mania': Colonial Land Policy, Land Speculation, and Settlement in Enniskillen Township, 1830s-1860s," *Histoire sociale/ Social History* 38:76 (2005), 305.

<sup>11</sup> McBride, "Dreams and Reminiscences: Written March 1858," *Poems Sentimental & Satirical*, 239, 242-43.

<sup>12</sup> McBride, "Epistle to Mr. Davis," and "Epistle From Davis," *Poems Satirical & Sentimental*, 11-19. Catherine L. Albanese, "On the Matter of Spirit: Andrew Jackson Davis and the Marriage of God and Na-

By the nose to vote I ne'er was led ;  
And now I'll vote just with the rest,  
For whom the people think is best.

*Crimp.* That's right, I know its very true,  
To buy your vote we had no view ;  
But just in common, as a friend,  
We always shall our hand extend.

*Merchant.* I thank you, sir, you're always kind,  
I'll look to the man and then to the mind,  
And vote for him whom I think best,  
And care not a fig for all the rest. [*exit Crimp.*

(*Merchant to people in the store.*)

Does that knave think I am a fool,  
That I should be a traitor's tool ?  
I scorn the faction, and their ev'ry action.

## SCENE II.

*Enter Crimp.*

*Crimp.* Hot weather, Mr. Merchant, hot ;  
I've rode my horse beyond a trot,  
I'm sick and sore as well as he,  
I cannot help, such things must be ;  
I must serve all this bunch of papers  
Before the folks light up their tapers ;  
Election times are coming fast,  
Now stick your colors to the mast.

(*laying his hand on Merchant's shoulder.*)

And give your vote, both free and fervent,  
To whom you are an humble servant.

*Merchant.* Me his servant ? Goto the dogs,  
I hate such croakers worse than frogs ;  
I'll vote for him, whom I think best,  
So you begone, and be at rest.

*Crimp.* You seem offended, sir ; take care,

You'll meet with trouble, now beware ;  
This I am bound to let you know,  
If in this County you act so. [*exit Crimp.*

*Merchant* (sullenly). He's gone with threats, the scamp ;  
He wants my vote to damp ;  
I'll never owe him one brass cent  
Who wants to make me thus repent.

## SCENE III.

*Enter Crimp, pulling out papers.*

*Crimp.* See here, I've got —

*Merchant.* Bay what.

*Crimp.* See here it is, sir, look at that, [*handing a paper*  
It's from your old friend, Captain Buck,  
Ho keep it, and I wish you luck. [*exit Crimp.*

(*Merchant reads back of Summons.*)

Spittle-park, Jan. 5, 1855.

J. Merchant,	To Captain Buck in account.	
Unfurling sails last trip, . . . . .	£2 10 0	
Counting ropes that slip, . . . . .	2 10 0	
Unshipping rudder last storm, . . . . .	5 10 0	
Other work I did not perform, . . . . .	5 10 0	
Total . . . . .	£16 0 0	

*Merchant.* Villain, does he mean to say,  
I owe him anything I would not pay ?  
It's the designing of this wicked Crimp,  
Who acts court harpy for his brother imp.

## SCENE IV.

*Merchant at his Books—Crimp enters with papers.*

*Crimp.* I have been instructed, sir, to seize that boat,  
That's by your storehouse there afloat.

*Merchant.* On what account be pleased to tell,  
She's not a smuggler, I know well.

*Crimp.* It's on account of Rae and Rip,

his decision making. While the diversity of the Orange Order's membership in British North America little resembled the greater homogeneity of the organization in the British Isles, and seemed to be largely removed from the original conflicts in Ireland, the presence of a huge Francophone-Catholic population and the increasing influx of dispossessed Irish Catholic immigrants in the 1840s in the colonies gave the Order a particular resonance for many Protestant

Canadians. Indeed, it was the antipathy toward Catholicism that provided even greater unity than the issue of loyalty to the Crown. McBride's many references to the triumph of the Protestant religion in the struggles in Ireland and his espousal of the Protestant cause in Canada were clearly illustrated in his many poems celebrating the Order. He equated Roman Catholicism with backwardness and viewed adherents to the Roman Catholic Church—whether by design or

ture," *Journal of the American Academy of Religion* 60 (Spring 1992); 1-17. David Gagan, "George Taylor Denison," *Dictionary of Canadian Biography*, vol. 10 (Toronto: University of Toronto Press, 1972), 224-25; David Gagan. *The Denison Family of Toronto 1792-1925* (Toronto: University of Toronto, 1973), 32-43; David Mills. *The Idea of Loyalty in Upper Canada, 1784-1850* (Montreal: McGill-Queen's University Press, 1988), 58-59; J.M. Bumsted, "The Consolidation of British North America, 1783-1860," *Canada and the British Empire*, ed. Philip Buckner (Oxford: Oxford University Press, 2008), 43.

default—as enemies of British freedoms and the well-being of Canada.<sup>13</sup>

Following his father's death, McBride "secured the position of Seal Master or inspector of linens, in the Strabane Linen Hall, which position he held for six years." At that juncture he resigned and immigrated to Canada sometime in the 1830s. According to later documentation, upon arriving in the Upper Canada he settled in Hamilton, "entering into the grocery business," before moving on to Oneida Township in nearby Haldimand County.<sup>14</sup> By the early 1840s he was married to a woman whose name is unknown. Two sons were born of the union, James in 1841, and William in 1844. It was shortly thereafter that McBride's wife died.<sup>15</sup> He then married an Upper Canadian woman named Mary who was twenty years his junior; their daughter Elizabeth, was born in 1850. However, his second wife and young daughter died sometime during the early 1850s. Of these tragedies McBride made no mention in his writings.<sup>16</sup>

Early in 1851 McBride bore witness to what he saw as an outrage against a group of "persecuted people who have been shamefully abused by our Canadian

Government." This group of settlers had been squatters along the Grand River on lands dubiously transferred from the control of the Six Nations Confederacy. This situation arose during a period of internecine disputes and rivalries between conflicting political and bureaucratic institutions that had pitted Reformers against traditional Tories and helped to ensure the downfall of Indian Agent Samuel P. Jarvis. Changes in administration and reinterpretations of laws and agreements under the aegis of the Reformers and Governor General Lord Elgin had led to the forcible dispossession of the squatters. Whatever the legalities, McBride's sense of justice was badly shaken when these people, who had "been encouraged to settle on these lands by a former Government," were dispossessed of their homes and evicted. Given their experiences, many of these settlers either dispersed to the United States or sought refuge in the western parts of Canada West on Canada Company lands.<sup>17</sup> Given his background, education and proclivities, this incident inflamed McBride's anger over the steady loss of Canadians to the United States.<sup>18</sup> As an Orangeman, McBride also saw a clear conspiracy of Catholics attempting

<sup>13</sup> Scott W. See. *Riots in New Brunswick: Orange Nativism and Social Violence in the 1840s* (Toronto: University of Toronto, 1993); 71-76; Mills, *The Idea of Loyalty in Upper Canada, 1784-1850*, 85-87. Robert McBride, "Come to Our Standard; Or Unions is Strength to Our Protestant Cause," *The Canadian Orange Minstrel* (London, C.W.: London Free Press, 1860); 3-4.

<sup>14</sup> *Petrolia Advertiser*, 21 November 1895.

<sup>15</sup> McBride, "Obituaries: Written by the Author after the Death and Burial of his Eldest Son, who died at Oil Springs June 13th, 1862, Aged 20 Years 6 Months and 23 Days," *Poems Sentimental & Satirical*, 273.

<sup>16</sup> McBride, "Moral" *Poems Sentimental & Satirical*, 276.

<sup>17</sup> McBride, "A Dissertation On the Doings of the Canada Company's Land Jobbing and Other Matters," *Poems Sentimental & Satirical*, 281; F.J. Cheshire *Information for the Public Account of the Proceedings*



to undermine the “true” British character of Canadian society, and this apparently “sinister” influence was directly undermining land tenure and the rights of Protestant settlers.<sup>19</sup>

While McBride railed against the fate of his friends and neighbours, he was not himself directly caught up in the dis-possession. He was, however, interested in looking for greener pastures, although he was determined to remain on British soil. McBride felt that the security of the Oneida and Tuscarora Township squatters had been guaranteed by the more conservative-minded regime of Metcalfe and his chief advisor William Henry Draper. The about-face with regard to these “persecuted people” was made under the aegis of the reform-minded Lord Elgin and the co-premiers Robert Baldwin and Louis-Hippolyte Lafontaine. While the politics and sectarian conflicts of his youth would heavily influence his subsequent writings and philosophies, McBride found that many of these con-

cerns melded well with the new political situations that he found in his adopted land. McBride and other Orangemen of Loyalist and British background found ready applications of their politics and beliefs in the colony. Through his own observations and experiences, McBride came to equate upheaval, dislocation and injustice with the zeal and corruption at the root of the Reform movement.<sup>20</sup>

Whether or not McBride was part of the “moderate Toryism” that emerged in Upper Canada during the polarizing debates of the 1820s and 1830s, he seems to have harboured little faith in many Reform-minded politicians. As David Mills argued, Upper Canadians had become less swayed by the ideology of loyalty than with its more practical political realities. There had been considerable disquiet about the extremism employed by traditional Tory authorities on the issue of loyalty, which equated reformist attitudes with disloyalty, American republicanism, and social chaos.<sup>21</sup> McBride

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*and Doings of the Government Commissioners Against the Unfortunate Settlers Upon the Indian Lands in the Townships of Tuscarora and Oneida, in the Years of our Lord 1846 and 1847* (Hamilton: Gazette Office, 1847), 3-11. The crux of the issue was the fact that the Six Nations Confederacy whose lands flanked the Grand River had given so-called Brant Leases or Indian Deeds of land to various settlers from outside of the Confederacy, namely, people of non-First Nations background. Colonial authorities increasingly viewed these transactions as illegal for they maintained that the Crown alone protected and administered the rights of Upper Canada’s First Nations peoples. See John S. Hagopian, “Joseph Brant vs. Peter Russell: A Re-examination of the Six Nations’ Land Transactions in the Grand River Valley,” *Histoire Sociale/Social History* 30:60 (1997), 300-333 and Shanahan, “Tory Bureaucrat as Victim: The Removal of Samuel Jarvis, 1842-47,” 38-64. From the perspective of the settlers the new administration seemed to renege upon earlier promises and set up a board of commissioners to investigate the situation [D. Fraser to John S. Pakington, 28 May 1852, in *Return to an Address of the Honourable The House of Commons dated 16 August 1853*, 3].

<sup>18</sup> McBride, “Imprisonment for Debt Illustrated,” *The Canadian Orange Minstrel* (1860), 5

<sup>19</sup> Robert McBride, “ON THE MURDER OF JAMES CAMPBELL BY THE ONEIDA PAPISTS, JULY 12, 1851. TUNE – “OUR COUNTRY’S SAVIOUR.” *The Canadian Orange Minstrel* (1860), 12-13.

<sup>20</sup> See, *Riots in New Brunswick: Orange Nativism and Social Violence in the 1840s*, 75.

<sup>21</sup> Mills, *The Idea of Loyalty in Upper Canada, 1785-1850*, 71.

himself felt antipathy toward prominent Catholic politicians and held the Act of Union as the cause of the steady migration to the United States. In a note accompanying his poem "The Canadian Serpent" he argued that "Previous to our union with the French, very few Canadians left the country, since then there has been a combination so unjust as to cause them to leave in thousands." It was, from McBride's perspective, a deliberate policy of Lower Canadian politicians and their associates to ensure that their population remained the larger part of the union.<sup>22</sup>

McBride suggested that many affected by the land seizures along the Grand River had been encouraged by promotional literature from the Canada Company to take up lands in Bosanquet Township on Lake Huron in the southern reaches of the Huron Tract. Having corresponded with company officials in Toronto, McBride was provided with a prospectus for the creation of a new town at the mouth of the Ausable River to be called Port Franks. McBride and at least two other parties from his neigh-

bourhood attempted to secure land in the region, only to discover that Canada Company officials in the district capital of Goderich professed to know nothing of the plan. A flurry of confused correspondence and hastily issued disclaimers were sent. However, the Canada Company now had to face the ire of McBride and other potential settlers who threatened legal action for being misled and for redressing possible costs. Indeed, McBride had already disposed of his Oneida property. Facing legal unpleasantness, Company officials immediately retracted their previous disavowals and dispatched surveyors to lay out the town plot of Port Franks. On 17 November 1851, McBride secured deeds for five one-quarter acre lots, although he would not relocate to Port Franks until early in 1854.<sup>23</sup> By the time of his arrival, a small settlement of a few dozen squatting fishermen and lumbermen had grown up around a tavern started by Levi Stephens.<sup>24</sup>

According to his later musings, McBride's difficulties began almost at once. While he was busy erecting his new busi-

<sup>22</sup> McBride, "The Canadian Serpent," *Poems Sentimental & Satirical*, 229-233. McBride, "ON THE TRAP FOR UPPER CANADA, AS SEEN BY PROTESTANT GEORGE AND PAPIST McGEE, JOINING HANDS," *The Canadian Orange Minstrel* (1860), 5-6. See David A. Wilson, *Thomas D'Arcy McGee: Volume I: Passion, Reason, and Politics, 1825-1857* (Montreal: McGill-Queen's University Press, 2008), 32-35.

<sup>23</sup> McBride, "A Dissertation On the Doings of the Canada Land Company's Land Jobbing and Other Matters," *Poems Satirical & Sentimental* 281-286. Circumstantial evidence suggests that his wife and daughter died during this period. Tina Loo has argued that in the scattered and isolated gold rush settlements of mid-nineteenth-century British Columbia the law and legal structures were used as a means of establishing economic and social order. They were employed to provide for the orderly construction of civil society, ensuring property rights and cementing potentially disparate elements of colonial society together. Tina Loo, *Making Law, Order, and Authority in British Columbia, 1821-1871* (Toronto: University of Toronto Press, 1994), 71-72, 92;

<sup>24</sup> Stott, "The Chicago of the Dominion", 22-26; Bosanquet Township Assessments 1852 and 1853, Lambton Room Archives, Lambton County Library Headquarters, Wyoming, Ontario.

ness and home at Port Franks and securing a post office for the community, of which he was to be postmaster, he again ran into difficulties with the Canada Company. Writing “to the Company for several parties who wanted to buy building lots,” he was frustrated to receive no response. He learned that when the township council had written to Company officials for lists of sold lots for the purposes of taxation, they had been informed “that there was no town there, nor likely never [*sic*] would be.”<sup>25</sup> All further attempts to seek clarification on the matter failed.<sup>26</sup> McBride was then advised by unnamed parties to take legal action for having been lured “into the wilderness, under false pretences of a town being where the existence of which was denied by themselves.”<sup>27</sup> Although he pursued legal action he was apparently the victim of an unscrupulous or incompetent lawyer. McBride insinuated that his suit—and by inference any suit—against the Canada Company was useless “because

money can bribe and do anything with too many of the lawyers we have at the present day.”<sup>28</sup> Whether he was aware of it or not similar complaints surrounded other Canada Company lands in Howick Township were “land jobbing” duped other settlers while other commentators exposed politicians having “engaged in land jobbing and other practices unworthy of statesmen.”<sup>29</sup> McBride’s land problems were still unresolved when he was overtaken by other legal woes.<sup>30</sup>

In 1854 McBride secured the position of postmaster at Port Franks through the aegis of Postmaster General Malcolm Cameron. As McBride poetically explained he was informed by Cameron’s cronies that as, “you are one [who] receives the bounty;/ So you will use, without objection,/ Your voice, and vote at our election.”<sup>31</sup> However, given that McBride’s political proclivities were better aligned with Cameron’s opponent, George Brown, and the fact that he objected to having his vote bought, he

<sup>25</sup> McBride, “Dissertation,” *Poems Satirical & Sentimental*, 288.

<sup>26</sup> Bosanquet Township Minutes, 6 March 1854, 27 November 1855, and 16 April 1856.

<sup>27</sup> McBride, “Dissertation,” *Poems Satirical & Sentimental*, 289.

<sup>28</sup> *Ibid.*

<sup>29</sup> A Doubly Disappointed Settler, “More Land Jobbing!,” *Globe*, 6 July 1857; “Opinions of the Press: The Next Election,” copied from the *Haldimand Independent* in *Globe*, 10 November 1857. The situation in Howick was not dissimilar to that faced by McBride at Port Franks. The settler was issued with a receipt by John Clarke, the Crown Land Agent at Goderich—the same man McBride had dealings with in 1851—but when he went to make his second payment he “was refused on the ground that the land had been sold to other parties!” A commission of inquiry established that there had been a mistake. However, it was later explained “that the second instalment cannot be taken from me or my friends, as the lots were sold to other parties in April, 1854, just four months prior to the Government public sale in Goderich, at which our purchase was made, and instalments paid.” The aggrieved settler demanded to know whether “our land granting department will be placed in a state of efficiency, and disappointed settlers cease to be driven to seek lands where they at least receive straightforward and honourable treatment—in the United States?”

<sup>30</sup> *Sarnia Observer*, 26 April 1855.

<sup>31</sup> McBride, “County Court,” Act 1, Scene 1, *Poems Satirical & Sentimental*, 19.



*The Hon. Malcolm Campbell, the target of much of McBride's wrath. Credit: Topley Studio, Library and Archives Canada. PA 025476.*

publically refused to cast his vote for his benefactor, whatever his perceived debt. In his essay "Dissertation" he chose a narrative voice to further explain that:

About this time there had been an election in this County [Lambton], and one of the Bailiffs being anxious to secure the return of his man, and seeing and knowing that the writer had a good many bills due him over

the country; this Bailiff wanted to get them out of his hands for collection, which would have been a good thing before an election, but the Bailiff was told that he was not in the habit of suing unless he could not help it, and would give no bills. This Bailiff then asked him for his vote for his friend, and threatened him if he would not vote as he wanted him (this is the whipping-in season), that he would suffer. The reason he said was, because his friend had great interest in the country. He then told the Bailiff that the very threat would cause him to vote for his opponent, if he even thought he was no better than the other. But just as sure as the Bailiff threatened, and immediately after the election the trouble began, but so long as an old gentleman, "who was then judge," sat on the bench, they could do him little harm.

This Judge was one of the old appointments, but he was soon exchanged for another.<sup>32</sup>

While Upper Canadian elections frequently included discord, threats and even violence, campaigns in Lambton and neighbouring Huron counties had been particularly contentious affairs, especially in the early 1850s when a serious split in the Reform camp emerged.<sup>33</sup>

<sup>32</sup> McBride, "Dissertation," *Poems Satirical & Sentimental*, 289-90.

<sup>33</sup> John Garner. *The Franchise and Politics in British North America, 1755-1867* (Toronto: University of Toronto Press, 1969), 198-99, 200-209.

While McBride had been angered by the about-face shown in the Grand River land issue by the Reform ministry of Baldwin and Lafontaine, he, like many of the government's detractors, must have been heartened by the fracturing of the old-Reform alliances. In part this fissure was sparked by Toronto's George Brown who was fearful of the new ministry under Francis Hincks and Augustin-Norbert Morin, which was positioning itself as an administration of government and church in an attempt to cement support with Roman Catholic reformers in Lower Canada. Having alienated Brown and his influential *Globe*, Hincks had turned to Malcolm Cameron, who, though an independent, had campaigned against Brown, Alexander Mackenzie, and the Central Reform Association of Lambton. Cameron had pointed them out as anti-Catholic and as sowers of discord. Brown, in turn, had denounced Cameron as a "political-turncoat" and referred to him as a "Coon"—a name that would remain attached to Cameron and would

find ready acceptance by McBride in his future wrangles and writings.<sup>34</sup>

McBride probably knew of Cameron before he arrived in Lambton County, given the latter's prominence in provincial politics and the role he had played in toppling chief superintendent Jarvis. Whatever feelings he harboured toward Cameron, McBride acknowledged the fact that he owed his appointment as postmaster of Port Franks to Cameron who had been postmaster general until the fall of the Hincks' ministry late in 1854.<sup>35</sup> It was certainly no secret that, in order to secure voters, "Mr. Cameron and all the satellites of Government within reach are traversing the county day and night... [p]romises of office are freely made, new post offices are being erected at every corner."<sup>36</sup> Cameron's use of public office for political or pecuniary gain was well known, and in 1853 he had secured the services of a well-known Conservative commentator to conduct a survey of the Ottawa River valley ostensibly for settlement purposes, but in an area

<sup>34</sup> Margaret Coleman, "Malcolm Cameron," *Dictionary of Canadian Biography*, vol 10 (Toronto: University of Toronto, 1972), 124-29; J.M.S. Careless. *Brown of the Globe: Vol. One: The Voice of Upper Canada, 1818-1859* (Toronto: Macmillan Co. of Canada, 1959), 137-41; A.J. Johnston. *Lambton County Names and Places: Revised Edition* (Sarnia: Lambton County Council, 1942), 37.

<sup>35</sup> McBride, *Poems Satirical & Sentimental*, 19. Cameron was Post Master General of the Canadas as late as 1 September 1854, a full month after McBride took up his post and opened the first post office at Port Franks. A year after he left that office, Cameron's influence was still being felt when he requested that his successor, Robert Spence, fill a vacancy at the Dundas post office with a man he recommended. In reporting the matter to W.H. Griffin, Spence noted that while "Cameron asks me to appoint John to the letter carrier—I am so fond of C. that I would like to meet his wishes—as I do in most things he asks me—Cameron is a good judge of Character... the great misfortune with John is that he is entirely destitute of Education and not brain enough to remember two messages at one time." Robert Spence, PMG, to W.H. Griffin, post office appointments, 4 August 1855. Post Office Department, Department Circular, Quebec 1 September 1854, "Reconstruction of the Inspector's Office Districts, into the London, Toronto, Kingston, and Montreal Divisions", Malcolm Cameron, Postmaster General. Library and Archives Canada, Post Office Fonds, RG 3, Vol. 1007, Folder 7, 1851-58.

<sup>36</sup> *Globe*, 20 July 1854.

where Cameron's associates had timber interests.<sup>37</sup> Cameron's shady dealings led to damaging accusations by his political opponents.<sup>38</sup> Whether McBride was willing to admit to it, this appointment came with an expectation of future support. Cameron would expect that his patronage would not go unrewarded. McBride's failure, and indeed his vehement refusal to reciprocate along with his support for Cameron's political opponent George Brown—whose anti-Catholic attitudes accorded more closely with McBride's—in the 1854 contest would make things difficult.<sup>39</sup>

From McBride's perspective, his troubles increased infinitely after he, in good faith, purchased a fishing boat from one Abraham Goister, a transaction that, while witnessed, curiously was not documented with a receipt. According to the stylized testimony developed by McBride, the boat was sold "About the very first of May" in 1855.<sup>40</sup> While little is known about Goister with any certainty, it is clear that by the summer of 1855 he was in serious financial difficulties and ultimately forced to sell most of his prop-

erty and holdings at a bailiff's sale. As the *Sarnia Observer*—a paper patronized by Cameron—reported, the Scottish-born Widder merchant Robert Rae claimed to have purchased the same boat at the bailiff's sale.<sup>41</sup> According to McBride, he was served with a "Summons and Account" on 20 September 1855.<sup>42</sup> As his alter ego, John Merchant, ranted in the poetic recounting of the events: "These rascals all, I knew them well!/ See how they work their magic spell; I bought that boat, and paid the cash,/ How dare they send me here such trash;/ I must be off and get subpoenas [*sic*],/... With time and money I'll secure them."<sup>43</sup> On 1 November 1855, the Lambton County Court issued a Summons of Trover—a suit alleging the wrongful or fraudulent alienation of property—against Robert McBride who duly appeared with his lawyer William Vidal.<sup>44</sup>

Robert Rae had already established himself, at least in McBride's eyes, as a chief adversary both as a competing, and apparently indebted, businessman and a political hopeful in the nearby village of Widder.<sup>45</sup> In 1856 Rae launched his

<sup>37</sup> *Globe*, "Mr. Turner's Appointment," 12 March 1853.

<sup>38</sup> Coleman, "Malcom Cameron," 127.

<sup>39</sup> S.J.R. Noel, *Patrons, Clients, Brokers*, 13-14, 179, 182-83; Shanahan, 47-49.

<sup>40</sup> *Sarnia Observer* 10 January 1856; McBride, *Poems Satirical & Sentimental*, 35; Bosanquet Township Minutes, 15 April 1856.

<sup>41</sup> *Sarnia Observer*, 10 January 1856 and 3 July 1856.

<sup>42</sup> McBride, *Poems Satirical & Sentimental*, 23.

<sup>43</sup> *Ibid.*

<sup>44</sup> Archives of Ontario, RG 22-2766-0-1, Lambton County, Court Court Appearance Book, 1853-1860, 1878, 18. Robert Rae Plaintiff vs. Robert McBride.

<sup>45</sup> *Sarnia Observer*, 3 July 1856. Rae appears to have at least hinted that McBride's role in this matter may have been to simply prevent him from receiving the monies that were due to him, suggesting, as McBride himself would assert, personal or political antipathy.

political career by running for a seat on Bosanquet Township council. That same July he secured the appointment as Winder's postmaster, a community that had become an important centre of trade and commerce.<sup>46</sup> Unlike McBride, Rae's support for Cameron was unwavering. Upon being questioned by the judge about the veracity of the claim made against him, "John Merchant" responded emphatically, "No! He owes me a large amount./ I'll show my books, and then you'll see/ How his account and mine agree:/ I owe him not, nor never did/ Go in his debt—the fates forbid!"<sup>47</sup>

Rae's counsel Joshua Adams—who would be immortalized by McBride as "Mr. Positive"—had been born near Perth where his father had been warden of the Bathurst District. The younger Adams had attended the District Grammar School before studying law and had practised in his native town from 1848 to 1851. He then sojourned for a few years in the lumber business before moving to Sarnia in 1855, where he resumed the law practice which included the management of none other than the Honourable Malcolm Cameron's businesses and interests.<sup>48</sup> Thus, there was a double connection to Cameron that would be given great scrutiny by McBride, for he believed that Cameron was the chief architect of his difficulties and persecutions. Al-

though he would vehemently condemn Cameron, McBride never implicitly or explicitly admitted any debt or gratitude he might owe for having been awarded the office of Port Franks' postmaster.

McBride was represented by one of Lambton County's most well-connected lawyers, William Penrose Vidal. The son of a captain in the Royal Navy who had become Sarnia's first collector of customs, Vidal had accompanied his family to Upper Canada in 1834. His elder brother, Alexander, became a provincial land surveyor and in 1853 had been named an agent for the Bank of Upper Canada. Part of Sarnia's elite, the Vidals remained prominently connected to the local Tory and later Conservative establishment.<sup>49</sup>

On 2 January 1856 the case of "Rae verses McBride" was the fifth of seven cases put before the justices. As the *Sarnia Observer* reported:

Action of Tort, brought to recover the value of a fishing boat, claimed by the Plaintiff, as having been purchased by him at a Bailiff's sale, as then being the property of a person of the name Goister; but which was claimed by the Defendant as having been purchased by him from said Goister, some time previously, the Bailiff's sale having been made on an execution against him as the reputed owner of the boat, at the instance of the plaintiff, but retained by the Deft., on the plea of a previous sale made by Goister to him.<sup>50</sup>

Writing of his experiences in the format

<sup>46</sup> *Commemorative Biographical Record of the County of Lambton, Ontario* (Toronto: J.H. Beers, 1906); 36-38.

<sup>47</sup> McBride, *Poems Satirical & Sentimental*, 24.

<sup>48</sup> *Commemorative Biographical Record of the County of Lambton, Ontario*, 384-85.

<sup>49</sup> *Ibid.*, 1-2.

<sup>50</sup> *Sarnia Observer*, 10 January 1856.

of a play, McBride remained unswerving in his assertions that “This boat, I bought her long ago,/ And worked her with my men, I’ll show,/ That I possession long had got,/ And paid her price down on the spot.” While in his published work he generally refrained from naming his accusers directly, he allowed himself at least one exception when he made note of the fact that Goister “who sold this boat away,/ Was put in Court by Rip and Rae [author’s emphasis]”.<sup>51</sup>

At least in hindsight, from McBride’s perspective, it seemed that everyone assembled in the courtroom was against him. Just as the case of “Rae versus McBride” was to be taken up, there was a call made for the court to adjourn for lunch. However, according to McBride’s account, as the members of the jury left the courtroom, he received intelligence that there was a deliberate “plan to get a packed jury.” When six of the twelve jurors failed to return after lunch, McBride, in poetic form, alleged that Judge Robinson (to whom McBride applied the pseudonym of Blunderbrains) summoned six replacements; one of whom was a cousin of the bailiff, another was “a willing imp,” another was a relation to one of Rae’s principal supporters, and a fourth was simply described as having “the thick lip.”<sup>52</sup> Adams brought forward several witnesses who spoke on behalf of

Rae and claimed that the sale of the boat had been a deliberate fraud. The bailiff was vehement that when he went to seize the boat from McBride’s wharf that the merchant had threatened his life and come after him with various weapons. These were claims that Adams played up and McBride vociferously denied. In response to all of these allegations and witnesses, however, McBride’s lawyer Vidal—to whom he later referred to as “Mr. Simple”—called upon Goister to take the stand. In McBride’s rendition, Goister was adamant that “I sold that boat I truly say,/ About the very first of May;/ Defendant paid me every cent,/ I sold the boat and don’t repent.” When Vidal asked Goister how the payment had been made Goister responded that McBride had “paid in goods and note of hand” and that there was a witness to this transaction and that the note had since been passed to another merchant. However, when Adams commenced the cross-examination, he confronted Goister with the allegation that “I think I’ve heard some others tell/ That you had said you did not sell?” To this Goister (identified simply as “F. Owner” in McBride’s dramatic rendering) said, “I never told such words as that/ To John or Than, the lying brat;/ I was paid down, without a doubt,/ Thirty pounds, or thereabout.”<sup>53</sup> Adams then called upon the alleged witness to

<sup>51</sup> McBride, “John Merchant’s Vision of the Great Beast of Lambton,” Scene VIII, *Poems Satirical & Sentimental*, 30.

<sup>52</sup> McBride, “County and Division Court Taxes,” *Poems Satirical & Sentimental*, 31-33. McBride’s charge of jury-rigging came during a decade when reform of the institution in Canada West had sought to do away with earlier excesses and corruption. R. Blake Brown, *A Trying Question: The Jury in Nineteenth-Century Canada* (Toronto: University of Toronto Press, 2009), 8-9, 133-44, 157-58.

<sup>53</sup> McBride, *Poems Satirical & Sentimental*, 35-36.



the transaction, a man that McBride cryptically called 'Harrow Fib' whose stylized testimony explained, "That note I never saw nor drew,/ Nor was there such a note in view./ If such a note has ever been/ By me the like was never seen;/ I do deny all knowledge of it,/ And swearing false I do not covet./ The note was false if such there was,/ To cheat the plaintiff by the laws;/ For me I have no more to say,/ But that I'm clear from Rip and Rae,/ I was no partner with them there,/ Nor have I in this case a share."<sup>54</sup>

Adams produced other rebuttal witnesses—"Captain Buck" and "Mr. Deist"—who backed up Harrow Fib's testimony.<sup>55</sup> McBride's later writings make it abundantly clear that he had little faith in his legal counsel. If McBride's poetic rendering of the trial is to be believed, then it seems that Vidal gave up on a vigorous defence and resorted to making apologies for his client. As McBride told it, in his dramatic retelling of events in his final summations to the jury, Vidal or "Mr. Simple" explained, "I'm sorry gents, that I must show/ How my poor client little know [*sic*],/ And sorry, too, that he has spoken/ Such reckless things as here be-token;/ That he's a man of shallow wit,/ And cannot things in order put;/ Such cannot live up to the fashion,/ But this I hope will be a caution/ To every man

who hears his case,/ I speak it here before his face;/ I'm sorry for him, bear in mind,/ I hope you'll use him very kind;/ He has done wrong without his knowledge,/ And like yourselves, ne'er got to college;/ I'm sorry for him, and distrest,/ My very heart sinks in my breast;/ What can I do but plead his case,/ You jurymen all know your place."<sup>56</sup>

If the essence of the proceedings was accurately recounted by McBride, then the outcome was a foregone conclusion. Outside observers may have shared some of McBride's scepticism about the process, for the more objective *Sarnia Observer* reported that "[t]he evidence was very contradictory, but the jury returned a verdict for the Plaintiff for £20."<sup>57</sup>

McBride's portrayal of the county judiciary was highly unflattering, noting that "they have their cloaks like to a raven/ Standing in courts your money cravin';/ They'll cock their nose, and wag their jaw,/ An point their fingers to the law." He further cautioned, "If you're a stranger, sir, beware,/ And of their trover acts take care."<sup>58</sup> In particular, McBride saved his most biting criticism for the well-connected Judge Charles Robinson who had been appointed to the bench on 30 September 1853.<sup>59</sup> Despite being a relatively recent emigrant from Dublin, Ireland, Robinson had quickly established

<sup>54</sup> *Ibid.*, 36.

<sup>55</sup> *Ibid.*, 37.

<sup>56</sup> *Ibid.*, 37-38.

<sup>57</sup> *Sarnia Observer*, 10 January 1856.

<sup>58</sup> McBride, "Dialogue Between The Client and the Lambton Ghost On Going From Court," *Poems Satirical & Sentimental*, 41.

<sup>59</sup> *Appendix to the Fourteenth Volume of the Journals of the Legislative Assembly of the Province Canada . . . 15th February to the 1st July 1856* 19 Victoria Appendix (No. 64), 185.

his legal credentials and been appointed to the bench in Perth County before being permitted to switch his posting with Judge Read Burrett of Sarnia. His rise to prominence was helped in no small part by his connections to Upper Canada's chancellor, William Hume Blake, whose sons, Edward and Samuel, were apparently Robinson's nephews.<sup>60</sup> In his satirical recounting of his trial, McBride referred to Robinson or "Judge Blunderbrains" in a scathing footnote "This family of Blunderbrains are very numerous. There are many of that name now presiding over our County and Division Courts, because we hear of them being in many parts of Canada, if reports are true. They have got many relatives also in active business whose names are Catchpoll and Cheatim, they are all connected, and are the great grand-children of one great father, whose name was Persecution, but who changed his name on coming to this country, many years ago."<sup>61</sup> Similarly, McBride charged that there was a concerted effort upon the part of the officers of the court to slander and defame his character, given that he was "a stranger". It was a deft move, however, for McBride acknowledged that the tactic drew "the people's attention away from seeing the wrong inflicted."<sup>62</sup>

Unwilling to accept the verdict, McBride appealed his conviction by apply-

ing for a new trial which was granted for 1 July 1856. McBride maintained "that he had a bona fide interest in the boat." Both sides of the case appear to have spent more time and resources in preparing for their second showdown because of a total of eighteen witnesses were called to testify, eight for Rae and ten for McBride. As in the early trial, it was noted that "[t]he evidence adduced on the trial was exceedingly contradictory—making it very difficult to arrive at a satisfactory conclusion as to whom the boat 'properly' belonged." As the *Sarnia Observer* assessed "[T]he turning point of the case seemed to be,—Was the sale of the boat made by Goister to McBride bona fide, and for good consideration, and not merely for the purpose of preventing the present plaintiff from receiving the amount of his claim against Goister."<sup>63</sup> Unfortunately for McBride, the jury "appeared to be of the opinion that the sale was fraudulent in its nature."<sup>64</sup>

While the second verdict was clearly a blow to McBride, he was not about to concede defeat. Indeed, he immediately began a campaign to prove that his opponents had conspired against him and that many of the witnesses had perjured themselves in court. McBride imagined what might have transpired once word of his intended challenge reached Robinson, Adams, and Vidal. He was confident that

<sup>60</sup> *Sarnia Observer*, 20 February 1901; Donald Swainson, "William Hume Blake," *Dictionary of Canadian Biography*, vol. 9 (Toronto: University of Toronto, 1976), 55-59; J. Rordans, *Upper Canada Law Directory for 1858* (Toronto: J. Rordans, 1858), 104.

<sup>61</sup> McBride, "County and Division Court Taxes," *Satirical & Sentimental*, 23.

<sup>62</sup> *Ibid.*, 26.

<sup>63</sup> *Sarnia Observer*, 3 July 1856.

<sup>64</sup> *Ibid.*

his collection of materials would cause a scandal and prove that perjury and corruption had reigned against him in the court. Accordingly, at least his poems alleged, there was then a concerted effort to give his “name a bad report” in the hopes that it would stop him from proceeding further. McBride seems to have viewed his own erstwhile counsel to be the lesser of the three conspirators, motivated more by a fear that his colleagues might be exposed for immoral and even illegal activity. McBride surmised that his counsel was troubled by his client’s apparent thirst for vengeance and felt merely that “Respected men should not be mark’d,/ In open Court with shame;/ When hidden malice, mean and dark,/ Is all that gives them blame.”<sup>65</sup>

Whether McBride had any evidence whatsoever or merely gave vent to his wild imaginings, he explained in metre how Robinson had approached Queen’s Counsel to explain that McBride was simply a troublemaker who was badgering the court and, having lost, was merely attempting to undermine the prestige of the judiciary. This, from McBride’s perspective, explained why, upon presenting his case and evidence of perjury to the Queen’s Counsel, he was informed that he would need to wait until the last day of the assizes to present the matter before a magistrate he called “Doctor Angler,” which may have been a thinly veiled pseudonym for Alfred Fisher. Upon appearing before the magistrate with eleven

witnesses who were willing to swear on his behalf, McBride presented his case and related documents and explained that the legal nightmare in which had become embroiled had “bled my pockets till they’ll bleed no more.” To his horror, however, the magistrate, was unsympathetic and disputed McBride’s allegations of conspiracy and corruption as “All bosh!” McBride then suggested that his persecutors had managed to sway the magistrate who then violently lashed out at the complainant and his allegations and threatened to fine him for contempt and categorically refused to hear any more, either from McBride or from his witnesses.<sup>66</sup>

Having exhausted both his legal and fiscal options, McBride found himself nearly penniless. The bailiff descended upon his property seizing the goods in his store as well as his home to meet the demands of the verdict as well as all other legal costs. From McBride’s perspective, however, the forces that were against him conspired to inflict one final blow by concocting another bogus claim that would finish him off once and for all. Apparently at the urging of his enemies in Sarnia, a Division Court Clerk—whom McBride called “James Needy”—was dispatched on a round trip of some thirty-four miles to secure from Robert Rae a sworn affidavit on 27 December 1856 which attested to McBride’s duplicity in asserting that he “hath parted with his property, or made some secret or fraudu-

<sup>65</sup> McBride, “Dialogue II”, *Poems Satirical & Sentimental*, 52.

<sup>66</sup> McBride, “Dialogue V”, *Poems Satirical & Sentimental*, 61.

lent conveyance thereof, in order to prevent its being taken in execution.”<sup>67</sup> The court now assessed that McBride was owing £41, 4, 9.<sup>68</sup> Faced with these allegations, a mounting debt and with no more resources to fight them, McBride was persuaded by his counsel, the same William Vidal or Mr. Simple, to concede defeat. McBride reluctantly reported to Sarnia on 17 January 1857 to be incarcerated in the debtor’s ward of the Lambton County Jail. According to McBride, he was met by none other than Malcolm Cameron himself who personally conducted him into his new quarters and condescendingly recounted how “The Lord provides for those in need;/ To sit and take their ease.”<sup>69</sup> Then in what must have been utterly the product of McBride’s imagination, Cameron returned to debrief the co-conspirators and “thank you for unwearied zeal,/ In working out my plan;/ We’ll fix him how, he’s fast in jail;/ This most insulting man.” Cameron then allegedly pressured the jailor to do his best to break McBride’s spirit by feeding him substandard food. McBride, however, held out, refusing the paltry offerings until the third day. On that day he informed the jailor that “he never would eat what he brought him. After this he was used like a human being.”<sup>70</sup>

McBride was incarcerated, separated from his children, and left with few real options. However, his attorney, William

Vidal, informed him that he could apply for relief under the Insolvent Debtors Act. By the provisions of this Act, McBride would have to surrender “up all his property into the hands of parties whom the law styled trustees.” Having done this he would then publish notices in the *Canada Gazette* and the local *Sarnia Observer* and write personally to his creditors advising him of this decision. McBride was reluctant to do so, but seeing little alternative, he followed the advice. On 18 January 1857 McBride made the necessary appeals and put forward his claims.<sup>71</sup>

Forced to give up his books, records, and “Bills Receivable,” McBride found himself once more at the mercy of the court. It was McBride’s contention that the monies owed to him, of which he claimed to have kept a careful record, amounted to “nearly double the amount of the unjust debt and law costs included.” However, although he had provided Vidal with money to pay for the notices in the *Observer* and the *Gazette*, the notice was printed in the latter only twice and not the required three times. Therefore, when McBride appeared before the court again to plead his case and be freed, because the third notice had not been published, “the Judge would not proceed,” and McBride was again remanded until the case could be heard in another three weeks. The reason for this delay, McBride

<sup>67</sup> McBride, *Poems Satirical & Sentimental*, 69.

<sup>68</sup> AO, RG 22-2766-0-1 Lambton County, County Court Appearance Book, 1853-1860, 1878, 18.

<sup>69</sup> McBride, *Poems Satirical & Sentimental*, 71.

<sup>70</sup> *Ibid.*, 72; *Sarnia Observer*, 9 April 1857.

<sup>71</sup> *Sarnia Observer*, 22 January 1857.

alleged, was that even then in the Legislative Assembly the Hon. John Hillyard Cameron (no relation to McBride's nemesis Malcolm Cameron) had introduced a bill to abolish the provisions that permitted debtors to go through the process and regain their freedom. The bill, McBride charged, was pushed "through with all the power with which [Malcolm Cameron's]... brethren of the long robe were able to help him."<sup>72</sup> Echoing McBride's own claims one of the bill's chief critics was Lambton's representative George Brown who charged "that a certain number of persons had been allowed to get the full benefit of this Act. Others had taken the same pains but the judges had heard some cases and postponed others, perhaps for some personal reason."<sup>73</sup> Passed as it was on 31 March 1857 and taking immediate and retroactive effect, the Act quashed McBride's hope for rapid release. However, the new legislation did allow that any debtor who had attempted to gain freedom under the provisions of the old bill would be permitted to have his books and properties returned to him from the trustees. McBride reported that despite this right and his own attempts to see it done the judge never acted and McBride never received

his records back. As a result, he had no records of the monies owed to him and no legal means of seeing that they were collected. There only remained the debt and costs over which he had been convicted.<sup>74</sup> As McBride explained, as a result of the new Act, there were some 600 debtors incarcerated in the prisons of Upper Canada with no legal recourse to gain their freedom, other than by paying their original debt. He argued that fear of this "lawfully acknowledged robbery" resulted in thousands fleeing to the United States with negative results, "This injured the creditors more than anything else, because the property left behind them was eaten up by lawyers, sheriffs, and bailiffs. But then these unfortunate debtors did right when the laws of their own country would not protect them. If they could have stopped at home, they would have saved their creditors a great deal, but putting their property into the best shape to pay them."<sup>75</sup>

In this allegation McBride saw the Canada Company in full complicity, by encouraging immigration yet holding debts and failure to pay as a threat over the poor settlers of the Huron District who, to save themselves from incarceration, were "forc'd to fly from Huron."<sup>76</sup>

<sup>72</sup> McBride, *Poems Satirical & Sentimental*, 85-87.

<sup>73</sup> "Insolvent Debtors Act," *Globe*, 7 March 1857.

<sup>74</sup> *Appendix to the Fifteenth Volume of the Journals of the Legislative Assembly of the Province of Canada* 20 Victoria Appendix 44, 1857, No. 11. Charles Robinson submitted the names of Robert McBride and David Buchanan of Sarnia. Interestingly enough while Buchanan's debt was listed at £3,675 it was further noted that his "Assets assumed at £2,925." However, while McBride's debt was listed at £218 there was no listing of his assets. Sarnia *Observer*, 26 March 1857. Donald Swainson, "John Hillyard Cameron," *Dictionary of Canadian Biography*, vol. 10 (Toronto: University of Toronto Press, 1972), 118-24.

<sup>75</sup> McBride, "Huron Frog Pond," *Poems Satirical & Sentimental*, 88.

<sup>76</sup> McBride, "Canada Company's Walking Beam," *Poems Satirical & Sentimental*, 92.

In this way he tied the issue of “land jobbing” in the Canada Company lands with those of land speculators and land policies that had displaced the settlers in Haldimand. It was, from McBride’s perspective, an officially sponsored outrage that was controlled by a small but powerful elite that dominated in the areas of politics, land speculation, and the judiciary, something other critics also seemed to assert.<sup>77</sup>

McBride would languish in prison until March 1858. At this point he was something of a broken man who had no other recourse than to sign a certificate of surrender of all of his property to cover not only the original penalties and costs found against him but also for the weekly allowance that had to be paid for his upkeep while in prison. With no records in his name and now no property, McBride left Sarnia a free but penniless man on 31 March 1858.<sup>78</sup> McBride’s experiences coloured his perceptions of the world around him and appear to have left him scarred by a deep-seated suspicion of most people, counselling his sons to “Keep your father’s house and home,/ Be not led off to stray and roam/ Where words, sweet sounding, strike the ear;/

Such sweet-lipp’d scoundrels, keep them clear . . .”<sup>79</sup>

Upon his release from prison, McBride found employment as a school teacher in Warwick Township, and began his forays into publishing and honing his poetry.<sup>80</sup> Like hundreds of others across the province, McBride was captivated by the news of the petroleum boom in the heart of Lambton County at Oil Springs. While the first strike had occurred back in 1858, the first major oil boom began in early 1862. McBride and his sons left Warwick for the oil fields to set up shop along with many other artisans, professionals, and entrepreneurs. Finding themselves in the centre of a haphazard community of some 1,600 persons amidst a scene of horrendous ecological degradation, the McBride family would soon face another tragedy.<sup>81</sup> It was inevitable that squalid living conditions would engender disease and, by the end of June 1862, one witness explained, “There has been a great deal of Typhoid Fever here whilst I was home. Several have Died.”<sup>82</sup> The same correspondent later explained “I think the water is the great cause of it, it is so bad & then there is so much vegetable matter decomposing in the Woods

<sup>77</sup> “Insolvent Debtors Act,” *Globe*, 7 March 1857; A Doubly Disappointed Settler, “More Land Jobbing!,” *Globe*, 6 July 1857; “Opinions of the Press: The Next Election,” copied from the *Haldimand Independent* in *Globe*, 10 November 1857.

<sup>78</sup> AO, RG 22-2766-0-1 Lambton County, County Court Appearance Book, 1853-1860, 1878, 18.

<sup>79</sup> McBride, “Lines on the Death of Dog Prince, and his Advice to His Young Masters,” *Poems Satirical & Sentimental*, 190.

<sup>80</sup> *Petrolia Advertiser*, 21 November 1895; Canada Manuscript Census, 1861, Canada West, Lambton County, Warwick Township, Div. 2, page 8; McBride, *Orange Minstrel* (1860), cover page.

<sup>81</sup> Burr, “Oil Mania: Colonial Land Policy, Land Speculation, and Settlement in Enniskillen Township, 1830s-1860s,” 272.

<sup>82</sup> E.W. Watkins, letter of 27 June 1862, to his wife. Archives Western University, Letters of E.W. Wat-

around us.”<sup>83</sup> Whatever the circumstances, McBride’s eldest son John died in June 1862 at the age of 20. Tragedy would also beset his surviving son, William. He was engaged to marry a local woman who died unexpectedly on a visit with her family in Oakville. The elder McBride recorded both tragic tales in two poems he included in his magnum opus *Poems Satirical & Sentimental* which appeared in 1869. Inconsolable, William never married.<sup>84</sup>

As of 1870 McBride had stopped publishing his volumes of poetry. However, the following year, in contrast to his apparently more staid and less pedantic neighbours, he informed the census taker for Oil Springs that his occupation was “Poet Writing Poems & Songs on the Evil & good transpiring in Canada.”<sup>85</sup> But by then, he had begun to move onto other things. The boom that Oil Springs had enjoyed petered out just as quickly as it had started. The village was left a mere shadow of its former self. Villagers, however, continued to foster hopes and schemes that would see it reemerge from the economic doldrums. McBride’s name

was associated with various business dealings that pertained to Oil Springs, such as the Dresden and Oil Springs Railway, and the equally elusive Huron and Erie Railway. Early in 1878, McBride was elected as chaplain of the Lambton Orange Lodge No. 6 in Petrolia.<sup>86</sup> Early in 1891, a correspondent to *The Canadian Bee Journal* made note of a recent visit to the McBrides’ oil fields and commented at being “astonished to find on the premises about 60 colonies of bees” in the best order. It was his son William McBride, though, who was the real genius behind the honey business and who had sold over fifty dollars in honey the previous year.<sup>87</sup> For the most part, the last two decades of Robert McBride’s life remain obscure. Poet, arch-Orangeman, polemicist, poet, entrepreneur, debtor, zealot, school teacher, and one time inspector of linens, died on 7 November 1895 at Oil Springs. He was 84. His son duly reported the death to local authorities. There had been no attending physician and the cause of death was attributed to “old age.” He is presumably buried in Oil Springs, but his grave is not marked.<sup>88</sup>

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kins to his wife, 1861-1867, M 268.

<sup>83</sup> *Ibid.*, letter of 12 September 1862.

<sup>84</sup> McBride, “Obituaries,” *Poems Satirical & Sentimental*, 273 and “William and Susan,” *Poems Satirical & Sentimental*, 225-26.

<sup>85</sup> Canada, 1871 Manuscript Census, Oil Springs, 21. R. McBride. *The Canadian Orange Minstrel! For 1870: Written for the Purpose of Keeping in Remembrance the Dark Doings and Designs of Popery in this Country* (Toronto: P.H. Stewart, 1870), ii. McBride, “Dissertation,” *Poems Satirical & Sentimental*, 293-94.

<sup>86</sup> *Petrolia Advertiser*, 9 October 1874, 19 February 1875, and 11 January 1878.

<sup>87</sup> *The Canadian Bee Journal*, vol. 7, no. 1, 1 April 1891, 472.

<sup>88</sup> Ontario Vital Records, Schedule of Deaths, 1895, Oil Springs, 008734, “Robert McBride”. William McBride immigrated to the United States in 1907 and ended up in Detroit Michigan. *Canada Border Crossings: From Canada to U.S., 1907, Port Huron, 29; 1910 United States Federal Census, Michigan, Wayne Co., Detroit City, 1st Ward, 6945.*

To what extent McBride's trials and tribulations were due to a conspiracy to punish and silence "[t]his most insulting man" is difficult to say with any certainty. From his own point of view, he was the hapless victim of greedy politicians and a corrupt judiciary that closed ranks when threatened with exposure. Whether he was willing to admit to it, however principled he believed his stance to have been, the campaign allegedly launched against him had much to do with his dogged refusal to work within the predominant system of *quid pro quo* that was part and parcel of the political and economic mechanisms of Canada West. His failure to support Malcolm Cameron's election after having been awarded the position of postmaster did not seal his fate, but it certainly contributed to it. The evidence of McBride's case that is found in surviv-

ing newspapers and court records and the corroboration, albeit one-sided and strongly partisan, provided by his poems gives us a unique glimpse into the interactions of the legal system of Lambton County and Canada West as a whole. The poems and their supplementary notations as well as McBride's more prosaic commentaries suggest something about the complex interconnectedness of the political, legal, and land systems. While the claims McBride made are difficult to judge from a distance of 150 years, they do make it clear that personal and political connections continued to matter. In the end, the poems shed light on the lone figure of McBride himself, an immigrant who was fully engaged in the political process while attempting, in his own way, to improve the lot of his adopted province.

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