

**The Alcohol Paradox: Consumption, Regulation, and Public Houses in Three  
Maritime Colonies of Northeastern British America,  
1749-1830**

By

Emily Burton

**Submitted in partial fulfilment of the requirements  
for the degree of Doctor of Philosophy**

**at**

Dalhousie University  
Halifax, Nova Scotia  
September 2015

© Copyright by Emily Burton, 2015

## **Dedication**

This thesis is dedicated to my mother, Rosa Elvira Bibiana Burton Rocha, and my son, Evan Nicolás Burton Kelly, who both lived this long experience with me.

## TABLE OF CONTENTS

List of Tables	v
Abstract	vi
List of Abbreviations Used	vii
Acknowledgements	viii
<b>Chapter 1    Introduction</b>	<b>1</b>
Historical Studies of Alcohol	11
Sources and Chapter Outlines	55
<b>Chapter 2    Rum and Authority in a British Imperial Outpost:               Regulation in Nova Scotia</b>	<b>62</b>
A Century (Or So) of Public Houses of British Nova Scotia	71
Debauchery in a Garrison Town, 1749 to 1767	83
Liquor Licencing and Local Revenue, 1768 to 1798	112
Rum and Roads, 1799 to 1831	120
Regulation and Consumption in Nova Scotia	130
Conclusion	148
<b>Chapter 3    Public Houses of Entertainment and Alcohol Regulation:               The Island of St. John / Prince Edward Island</b>	<b>151</b>
“The Shadow of Government,” 1758-1785	156
Public Revenue and Public Houses, 1785 to 1830	173
Conclusion	232

<b>Chapter 4</b>	<b>Trade, Taxation and Governance: Regulation in New Brunswick</b>	<b>235</b>
	“Our Scattered Situation,”1783-1794	243
	The “Double Purpose” – Trade, Taxes, and Rum 1795-1830	301
	Conclusion	324
<b>Chapter 5</b>	<b>Conclusion</b>	<b>326</b>
	Bibliography	<b>346</b>
	Appendix – Copyright Permission	<b>361</b>

## List of Tables

2.1	License Holders in Halifax, Nova Scotia, 1749-1751	87
3.1	Comparison of Statutes: 1758 (N.S.) and 1773 (I.S.J.)	172
3.2	Comparison of Statutes: 1763 (N.S.) and 1785 (I.S.J.)	177
3.3	Licensing Fee on the Island of St. John, 1785-1787	181
3.4	Licensing Fees on Prince Edward Island, 1809	187
3.5	Overview of License Ledgers: Prince Edward Island, 1825-1830	215
3.6	License Ledgers, Revenue Collected: Prince Edward Island, 1825- 1830	216
3.7	Licensing Fees on Prince Edward Island, 1821-1829	217
3.8	Tavern Names and Locations in Charlottetown, 1825	221
3.9	Tavern Names and Locations on Prince Edward Island (not including Charlottetown), 1825	222
3.9.1	Taverns at Ferry Crossings on Prince Edward Island, 1825	226
3.9.2	Tavern Licenses Issued, 1832-1834	234
4.1	Sample of Alcohol Sellers and Types of Alcohol Sold in Saint John, New Brunswick, 1785-1786	299

## Abstract

Despite the prominent role of alcohol in the culture of Atlantic Canada, we know remarkably little about the rise of rum and other alcoholic beverages prior to the rise of the temperance movement in the nineteenth century. This dissertation explores the consumption and regulation of alcohol in the three Maritime colonies of northeastern British America – Nova Scotia, The Island of St. John (later Prince Edward Island), and New Brunswick – in the contexts of changing patterns of consumption in the eighteenth-century Anglo-Atlantic world and early systems of colonial governance. It examines alcohol from the perspective of colonial authorities and their regulation of public houses, such as taverns, inns, and tippling houses. This thesis argues that alcohol, and rum in particular, presented a paradox to governors, council members and elected representatives because it was both an important source of colonial revenue and a cause of disorder which colonial authorities sought to contain. In all three colonies, the reliance on alcohol-generated revenue through import duties and fees and fines associated with public houses was weighed against the need to curb consumption. This dilemma played out differently in each of the three colonies, and this dissertation investigates questions of governance, fiscality, and morality with respect to alcohol consumption and regulation in each colony from 1749 to 1830. By employing alcohol as a lens through which broader processes can be studied, this dissertation contributes to the scholarship on early modern Atlantic-world trade, and on state formation in pre-Confederation Canada. It offers a new interpretive narrative of the development of the Maritimes from the founding of Halifax to the rise of the temperance movement.

## List of Symbols and Abbreviations Used

ChT	Charlottetown
d.	pence
<i>DCB</i>	<i>Dictionary of Canadian Biography</i>
ECCO	Eighteenth-Century Collections Online
NSARM	Nova Scotia Archives and Records Managements
PANB	Provincial Archives of New Brunswick
PANL	Provincial Archives of Newfoundland and Labrador
PARO	Provincial Archives of New Brunswick
s.	shillings

## Acknowledgements

The project of writing a doctoral dissertation became a much longer one than I had anticipated in the beginning. The process has taught me much about both perseverance and the complex nature of striving. I owe tremendous gratitude to my thesis supervisor, Dr. Jerry Bannister, who had the wisdom to know when to hold back and when to keep me on track. This has been a long road for him, also, and I am thankful that he agreed to supervise this project, to negotiate the twists and turns of conceptualizing the topic of study given the challenges posed in identifying primary sources, and in seeing the dissertation through to the final stages.

Thank-you also to the other members of my thesis committee, Dr. Krista Kesselring and Dr. John G. Reid, for their valuable feedback. A special thank-you to Dr. Reid for providing me the opportunity to work on other interesting projects as a graduate student, including the British-Asia British-Atlantic project, for teaching me about Aboriginal history, and for his insightful engagement with the dissertation. Thank-you to the External Examiner, Dr. Greg Marquis, for detailed observations on the dissertation, including feedback on how the project might be further developed.

I received a doctoral award from The Social Sciences and Humanities Research Council, which was invaluable to my doctoral studies. The research for this dissertation cast a wide net, and not all of the research informed directly the final project, but I am also indebted to the individuals and institutions that were a part of the doctoral research project, in particular archivists at the Nova Scotia Archives and Records Management, the Provincial Archives and Records Office of Prince Edward Island, and the Provincial Archives of New Brunswick, who all helped me track down sources relating to alcohol licensing. With acknowledgement also to the Gilder Lehrman Institute of American History for a Fellowship that allowed me to access archival sources at the New York Historical Society, the J.R. Smallwood Foundation for a Research Grant for dissertation research in three St. John's archives, and to the Department of History at Dalhousie University for a travel grant to conduct research in Maritime archives.

Thank-you to Dalhousie University's Department of History, and in particular to Valerie Peck for her enduring patience, and to Tina Jones, Shirley Tillotson and Justin Roberts for interest and assistance along the way. A heartfelt thank-you to Katie Cottreau-Robins and LiLynn Wan in particular, and also Bob Harding, Jeffers Lennox, Roger Marsters, Keith Mercer, and Andrea Shannon, for my having had the good fortune to be a doctoral student with such a fine group of people. The spirit of intellectual inquiry can easily co-exist with warmth and collegiality, and they are all a testament to this.

To my colleagues and former colleagues at the Canadian Museum of Immigration at Pier 21 who were part of the final stretch, thank-you for your interest and support, and in particular to Dr. Monica MacDonald for the unequivocal value placed on three little letters, and to Steve Schwingamer, Elizabeth Tower and Lindsay Van Dyk for attending the



defence. Thank-you also to Dr. Dan Malleck, Brock University, for his interest and insights into the project from the vantage point of an alcohol historian.

*Mil gracias* to all my family and friends, who have been such a heartwarming part of the process. In addition to my mother, Bibi, and son, Evan, I am ever grateful to my step-father, Jim Brown, for being both inquisitive and steadfast, to my sister Jennifer and brother Lawrence, who were supportive without perhaps understanding why I chose to embark on such an endeavour, and to Sean Kelly for helping to launch the project. With sadness that my father, Tony Burton, passed away a year before the finish line, I also appreciate the many phone conversations over the years from B.C., and his intellectual legacy in general that had much to do with the intergenerational pull towards this pursuit. Much gratitude to Linda Davis for being an anchor in more than a few windstorms, and to Olga Kits, for her kindness and much-needed support in the final stretch. For relentless encouragement, and with apologies to those I have left out, thank-you to Arturo Rocha Felices (a reminder that all endeavours should be from the heart), Bruce Gilbert, Andina VanIsschot, Ken Paul (slow and steady does win the race), Suezan Aikins, Robyn Badger, Lynette Reid, Ariella Pahlke, Pratima Devichand, Leticia Delgado, Edgar Hernandez, and, last but not least, Tim Bood.

# Chapter 1

## Introduction

Taxation will... contribute to guard the morals of society as well as be the means of its support.

President of the Legislative Council of New Brunswick, 1807.

In eighteenth and early nineteenth-century northeastern British America, the consumption of various types of alcoholic beverages was common practice for servants, merchants, military officers and others, and imported alcohol was also a source of local revenue for local governments.<sup>1</sup> West Indian and New England rum were the most prominent alcoholic beverages that arrived in the ports and outports of the region, but other alcohols made their way into public and private houses as well. French brandy, English ale, Iberian/Atlantic Island wine and fortified wines, and later British gin, were also consumed in the three British Maritime colonies of Nova Scotia, The Island of St. John (Prince Edward Island), and New Brunswick.

As a distilled drink, or “spirituous liquor,” rum was both new to the market and a novelty for consumers of alcohol in the Anglo-Atlantic world. Sometime between the end of the seventeenth century and the rise of temperance movements, it became the pre-

---

<sup>1</sup> Nova Scotians drank about 4.7 gallons per head annually in 1832-3. Julian Gwyn, *Excessive Expectations: Maritime Commerce & the Economic Development of Nova Scotia, 1740-1870* (Montreal & Kingston: McGill-Queen’s University Press, 1998), p. 59.

eminent drink of the region.<sup>2</sup> The cultivation of sugar cane in the West Indies in the seventeenth century led to the export of molasses and the emergence of a taste for rum in British America, in particular in littoral areas connected to maritime commerce.<sup>3</sup> The distilling of rum, using West Indian molasses, also began in New England in the seventeenth century. In the continental colonies, approximately 140 distilleries were in operation by the time of the American Revolution. In addition to local consumption and the use of rum in the fur trade with Aboriginal people to the West, a great deal of New England rum was exported to Africa. The largest quantity of rum exported “went northward to the British colonies of Newfoundland, Nova Scotia and Quebec.”<sup>4</sup> In northeastern British America, rum was also imported directly from the Caribbean by merchants such as Simeon Perkins in Liverpool.<sup>5</sup> Imported molasses was used in a

---

<sup>2</sup> In terms of alcoholic beverages, British North Americans replaced rum with domestically-produced beer from the 1840s onward. In terms of imported beverages, the volume (Measured in gallons) of imported spirits (mostly rum) fell by 85% between the early 1830s and the mid-1840s, while tea imports (measured in pounds) rose by 58 percent during the same period. William Scarth Moorsom notes in his tour of Nova Scotia in the late 1820s (*Letters from Nova Scotia*, 1830) that one or two East India Company vessels were arriving annually directly from China with tea. Gwyn, *Excessive Expectations*, pp. 58, 64, 169.

<sup>3</sup> Barbados, in addition to being the first British Caribbean island to produce sugar, also seems to have been the birthplace of rum. Giles Silvester, brother of a wealthy sugar planter, provided the first known reference to rum in 1651, a reference that signals a tumultuous entry into the world of alcoholic beverages: “the chiefe fudling they make in the Iland is Rumbullion, als Kill Divill, and this is made of Suggar cones distilled a hott hellish and terrible liquor.” Rum was also distilled in French Martinique by the mid-seventeenth century. The word rum was derived from rumbullion, which was used in Devonshire, England, to mean “great tumult.” Frederick H. Smith, *Caribbean Rum: A Social and Economic History* (Gainesville: University of Florida Press, 2005), pp. 14-16.

<sup>4</sup> John James McCusker, Jr. “The Rum Trade and the Balance of payments of the Thirteen Continental Colonies, 1650-1775” (PhD Dissertation, University of Pittsburg, 1970), pp. 497-8.

<sup>5</sup> The term northeastern British America is used to encompass the geographical areas that were under British sovereignty during the eighteenth century. This encompasses Newfoundland (including the ‘French Shore’ after 1713) and Nova Scotia following the

distillery in Halifax, established by Joshua Mauger, which supplied rum to the garrison soldiers in this imperial outpost.<sup>6</sup> The Royal Navy also began to issue rum onboard naval

---

‘conquest’ of 1710. Prince Edward Island had been the French island of Île Saint Jean until 1758, when it came under British jurisdiction (following the fall of Louisbourg in Île Royale/Cape Breton). At this time, most of the Acadian population on Île Saint Jean was transported to France. It was annexed to Nova Scotia in 1763, although it was not surveyed for settlement until 1767 and British settlement occurred slowly thereafter. It became a separate colony, based largely on agriculture, in 1769 and was renamed Prince Edward Island in 1799. New Brunswick also became a separate colony in 1784, following the arrival of Loyalists from the continental colonies. New Brunswick’s settlement and economy were largely based on timber until the British liberalization of trade in the 1840s. Île Royale, with Louisbourg as the principal settlement, was French until 1758, with the exception of the period from 1745 to 1748. It became Cape Breton under the British and had separate colonial jurisdiction between 1784 and 1820. Neither Cape Breton nor Nova Scotia before 1749 are included in the examination of alcohol regulation in this dissertation. Northeastern British America can also include northern New England (present-day Maine), although this area will also not be considered in the present study. The association between northeastern North America and British sovereignty does not assume, however, that the sovereignty was uncontested or absolute, as attested to by the British wars with the Mi’kmaq in the eighteenth century and Acadian resistance to British insistence on an oath of allegiance. In Newfoundland, the French continued to hold fishing rights along parts of the coast, although the Treaty of Utrecht prohibited permanent French occupation on the island. For an examination of tenuous British sovereignty in eighteenth-century Nova Scotia, see: John G. Reid, “The Nova Scotia Historian: A Creature of Paradox?” *Journal of the Royal Nova Scotia Historical Society*, Vol. 2 (1999), pp.106-121, and John G. Reid et. al. *The ‘Conquest’ of 1710: Imperial, Colonial, and Aboriginal Constructions* (Toronto: University of Toronto Press, 2004). For the early modern northeast in general, see Elizabeth Mancke, “Space of Power in the early Modern Northeast,” in *New England and the Maritime Provinces: Connections and Comparisons*, edited by Stephen J. Hornsby and John G. Reid (Montreal and Kingston: McGill-Queen’s University Press), pp. 32-49. Mancke argues that a “spaces of power” conceptualization does not presuppose colonies and can “accommodate systems without easily identifiable centres.” With respect to Newfoundland, for instance, she argues that the Treaty of Utrecht acknowledged Britain’s sovereign claim but also recognized the “commercial spaces of power” of French fishers.

<sup>6</sup> Merchants in northeastern British America attempted with mixed success to wrest the West Indies market from New England. They were able to take advantage of trade disruptions between New England and the West Indies following the American Revolution, but were hindered by the strong lobby of West Indian planters to re-open trade with the United States. A small population and illegal smuggling also hindered their efforts. Nonetheless, Nova Scotia merchants such as Joshua Mauger, Simeon Perkins and William Roche were able to gain a foothold in the Caribbean market. See Gwyn,

vessels in the seventeenth century, following the capture of Jamaica, and rum would have been consumed by the sailors and naval officers stationed in Newfoundland and Nova Scotia.

Despite its prominence, we know remarkably little about the rise of rum and other alcoholic beverages in the region prior to the temperance decades of the nineteenth century. This dissertation explores the consumption and regulation of alcohol in the three Maritime colonies of northeastern British America – Nova Scotia, The Island of St. John (later Prince Edward Island), and New Brunswick – in the contexts of changing patterns of consumption in the eighteenth-century Anglo-Atlantic world and early systems of colonial governance. It examines alcohol from the perspective of colonial authorities and their regulation of public houses (taverns, inns, tippling houses, public houses of entertainment). Alcohol, and rum in particular, presented a paradox to governors, council members and elected representatives because it was both a source of local revenue in colonies with close imperial ties to Britain and also a cause of disorder which colonial authorities sought to contain. In all three colonies, the reliance on alcohol-generated revenue through import duties and fees and fines associated with public houses was weighed against the need to curb consumption. This basic dilemma played out differently in each of the three colonies, and this dissertation examines the issues of governance, fiscality and morality with respect to alcohol consumption and regulation in each colony between 1749 and 1830.

---

*Excessive Expectations*, pp. 52-3, and Brian Cuthbertson, *Voices of Business: A History of Commerce in Halifax 1750-2000* (Halifax; Metropolitan Halifax Chamber of Commerce, 2000), pp. 5-6.

By employing alcohol as a lens through which broader processes can be studied, this dissertation aims to contribute to the literature on processes of state formation in pre-Confederation Canada. The central question explored – the paradox of alcohol – involves the intentions of authorities with respect to the alcohol regulation. Were they primarily concerned with the regulation of social disorder or with the generation of revenue through licensing? This thesis does not generally deal with the effectiveness of the legislation in terms of implementation, because it is beyond the scope of the research project. The start date of 1749 is associated with the founding of Halifax as a marker of the beginning of Britain’s serious investment in settlement and civil administration in the region. The end date of 1830 coincides with the beginnings of temperance movements in all three colonies.<sup>7</sup> The dissertation examines changes in the regulatory context of Nova Scotia, The Island of St. John (Prince Edward Island) and New Brunswick over this time period, as well as the similarities and differences among the three British Maritime colonies.

In Nova Scotia, authorities were initially concerned with controlling the unlicensed selling of alcohol, and with the debauchery and disorder associated with excessive consumption of rum in particular. This was followed by a period of fluidity in which the revenue potential of licensing fines and fees became more prominent, but was not yet the key feature of licensing legislation. The final phase of licensing legislation in

---

<sup>7</sup> T.W. Acheson notes, in the context of Saint John, that “the evils of insobriety” were known and commented upon prior to 1830, but it was only then that consumption became a broader temperance issue. See T.W. Acheson, *Saint John: The Making of A Colonial Community* (Toronto: University of Toronto Press, 1985), p. 139. See also E.R. Forbes, “Prohibition and the Social Gospel in Nova Scotia,” in *Challenging the Regional Stereotype: Essays on the 20<sup>th</sup> Century Maritimes* (Fredericton: Acadiensis Press, 1989), pp. 13-40.

Nova Scotia focused on the link between revenue-generation associated with public houses and the building and maintenance of roads as provincial settlement expanded. On the Island of St. John, Charlottetown lacked Halifax's imperial presence and accompanying garrison population, and early legislation did not express the same concern regarding debauchery, disorder, or unlicensed selling of alcohol that existed in Nova Scotia. Licensing legislation was initially fluid, focusing on both sellers and imbibers in licensed establishments and roads and the expansion of settlement. This was followed by a regulatory phase that focused more on revenue, and in particular the ability of public houses of entertainment in rural areas to provide accommodations for travelers.

In New Brunswick, the pattern of licensing responded to the particular circumstances in the newly-created province. Legislation was aimed at establishing the basic mechanisms of regulatory control, and did not have the same level of attention to detail as the multi-clause statutes in the other two colonies (or the healthy volume of statutes in Nova Scotia). New Brunswick statutes also focused more on localizing licensing administration and revenue than in the other two colonies. Also, unlike the other two colonies, there did not emerge in New Brunswick a clearly-articulated connection in the legislation between revenue from public houses and the building of roads. Revenue was an issue of concern, but it was focused at the local level, for example by being directed to the Overseer of the poor. In addition, concerns regarding disorder surfaced in New Brunswick in the late eighteenth and early nineteenth centuries, not earlier, as the government attempted to promote trade with the West Indies and increase rum imports, in the context of an emerging timber economy as well, while moral

sanctions against the consumption of spirituous liquors also began to manifest by the 1820s.

My research addresses a lacuna in both Canadian and Atlantic historiographies in our understanding of alcohol in the pre-temperance context of the three Maritime colonies. Peter Pope has studied alcohol consumption in seventeenth-century Newfoundland and Julia Roberts has examined taverns and tavern-going in Upper Canada beginning in the late eighteenth century. Frederick H. Smith has published an economic and social history of rum in the Caribbean, and several historians have examined alcohol in the Thirteen Colonies.<sup>8</sup> Craig Heron provides a general study of alcohol in Canada, and we know a great deal about alcohol beginning in the 1830s (Canada's temperance decades), as well as the 1920s and 1930s, when rum was a popular drink and rum-running a prominent activity in the Atlantic region. My dissertation research builds upon the collection edited by James H. Morrison and James Moreira that examines rum in the history of the Maritime Provinces, as well as Julian Gwyn's study of maritime commerce in Nova Scotia. No in-depth study exists of alcohol in northeastern British America in the eighteenth century. This was a crucial period of transition, when the rum that was new to Atlantic markets in the seventeenth century became the dominant drink of the region. Shifting trade patterns help to explain the increase in the supply of rum, but they do not explain the shifting cultural context that created and sustained demand.

---

<sup>8</sup> These will be discussed subsequently, and include David W. Conroy's *In Public Houses*, Peter C. Mancall's *Deadly Medicine*, Sharon V. Salinger's *Taverns and Drinking in Early America*, and Peter Thompson's *Rum Punch and Revolution*.



My study rests against the backdrop of alcohol as a significant trade commodity in the Early Modern Atlantic, but does not focus directly on the trade and distribution of rum and other beverages. And, since most of the alcohol consumed in the region was imported, the dissertation also does not focus on production. The rum consumed in the three Maritime colonies, with a few exceptions, was produced in the Caribbean and in New England, where it was produced using British and French West Indian molasses. The three British Maritime colonies, as well as Newfoundland, were anomalous in this regard relative to other parts of the Americas during the early modern period. Alcohol research in the colonial Caribbean and Spanish and Portuguese America, for instance, focuses on all aspects of alcohol: production, distribution, consumption, and regulation. Fermented alcoholic beverages were produced in pre-contact America, and intersected with post-contact patterns of consumption.<sup>9</sup> Both fermented and distilled alcohols were produced in various regions of the Americas prior to the nineteenth century – wine and pisco in colonial Peru, for instance, and pulque in colonial Mexico.<sup>10</sup> The alcohol was consumed locally, traded regionally, and also involved in trans-Atlantic trade in Africa.

---

<sup>9</sup> Many societies in the Americas produced and consumed fermented alcoholic beverages prior to European contact, including mobbie in the Caribbean and chicha in the Andes. Aboriginal peoples in northeastern North America, on the other hand, did not produce or consume alcoholic beverages prior to European contact. For mobbie and other fermented drinks in the Caribbean, see Smith, *Caribbean Rum*, pp. 7-8, 119-120. For pre-contact Andean alcohol production and consumption, see Justin Jennings and Brenda J. Bowser, eds., *Drink, Power and Society in the Andes*. Gainesville: University of Florida Press, 2008.

<sup>10</sup> Both the Pisco and Moquegua regions of the Viceroyalty of Peru, for instance, cultivated grapes for wine and pisco, a distilled beverage similar to brandy. See Rice, Prudence M. "Wine and Brandy Production in Colonial Peru: A Historical and Archaeological Investigation." *Journal of InterdisciplinaryHistory* 27. 3 (1997): 455-480. The excessive consumption of pulque was a significant problem for authorities in colonial Mexico City, requiring successive regulatory intervention. See Scardaville, Michael C. "Alcohol Abuse and Tavern Reform in late Colonial Mexico City." *Hispanic American Historical Review* 60 (1980): 643-671.

Brazilian Cachaça (distilled from sugar cane but with less molasses than West Indian rum), was traded in Luanda.<sup>11</sup> Rum was also consumed in Britain and Africa, highlighting the multi-faceted trajectories of alcohol produced in the Americas. Imperial and colonial patterns of production and distribution were such that rum was the only alcoholic beverage produced in the Americas that was consumed in northeastern British America.

The barrels, hogsheads and pipes of wine, fortified wine, ale, beer, brandy and gin that were unloaded on the wharves of Halifax, Saint John, Charlottetown and elsewhere travelled across the Atlantic. In mainland Portugal, Spain, and the Iberian Atlantic Islands, Anglo-Irish merchants were sometimes involved in the production and distribution of these alcoholic beverages. In the Portuguese island of Madeira, for instance (discussed further below), approximately 400 foreigners worked in the wine trade between 1700 and 1815, many of whom were English-speaking Protestants. Very few married Portuguese women, and they operated as an enclave community in the early modern entrepôt of Funchal.<sup>12</sup> The consumption of Madeira and other Iberian wines connected the three Maritime colonies to the broader Atlantic world of culture and commerce in enclave communities. West Indian and New England rum, likewise, connected northeastern British America to Africa and enslaved African labour on Caribbean plantations. Alcohol produced elsewhere was subject to import duties upon arrival in the ports of the three Maritime colonies, thus becoming a source of local

---

<sup>11</sup> For the Brazil-Luanda trade, see José C. Curto *Enslaving Spirits. The Portuguese-Brazilian Alcohol Trade at Luanda and its Hinterland, c. 1550-1830*, Leiden: Brill, 2004, and in particular chapter 5: "The Long Century of Gerebita: The Luso-Brazilian Alcohol Trade at Luanda and its Hinterland, c. 1700-1830," pp. 89-129.

<sup>12</sup> David Hancock, *Oceans of Wine: Madeira and the Emergence of American Taste* (New Haven & London: New Haven Press, 2009), pp. 29-31.

revenue. My dissertation situates the revenue from imported alcohol in the context of evolving understandings of the economic and social (fiscal and moral) role of alcohol in three Maritime colonies.

Licensing legislation covered all the alcoholic beverages in circulation in the region, although authorities often singled out rum. Governors, justices and assembly members expressed concern over the potential for rum, as a "noxious substance," to contribute towards disorder and have negative health and moral consequences for imbibers. As a result, my research includes an examination of the exceptionalism of rum in relation to other types of alcohol.<sup>13</sup> It also situates alcohol as a consumer commodity, and examines rum in particular in terms of shifting early modern notions of consumer need and luxury. This literature implicitly includes alcohol as a consumer commodity and pays insufficient attention to the important differences between alcohol and other consumption goods. Rum, for instance, had much in common with other consumer items (in particular as a trade commodity), but it also possessed, as an alcoholic substance with specific and multiple meanings, qualities that set it apart. The link between rum and disorder, and between temperance and order, in particular, distinguished rum from other consumer goods such as food, clothing, and household items. This thesis contributes to consumerist literature by adopting a framework that pays more attention to the negotiation of power than most scholarship on consumer culture.

This thesis also aims to contribute to an understanding of the continuities and discontinuities in the British Atlantic world with respect to alcohol. Again, rum stands out here amongst other alcoholic beverages. Rum helped fuel the early modern Atlantic

---

<sup>13</sup> For commentary on distilled versus fermented alcohols, as well as an examination of alcohol, tobacco and caffeine in the context of oceangoing commerce, see David T. Courtwright, *Forces of Habit: Drugs and the Making of the Modern World* (Cambridge and London: Harvard University Press, 2001), pp. 9-30.

economy and northeastern British America played a role in this seventeenth and eighteenth-century Atlantic world.<sup>14</sup> It cannot be assumed that the consumption and regulation of rum followed similar patterns throughout the British Atlantic world, and close examination of the northeastern British American context is required to assess the extent to which the patterns of consumption were similar in this region and elsewhere.

### **Historical Studies of Alcohol**

Rum, Madeira wine, and other alcoholic beverages consumed in the three Maritime colonies were also prominent imports elsewhere in British North America, and in the past two decades in particular, historians have studied the distribution, consumption, regulation and production of alcohol in various parts of the British Atlantic world (and Upper Canada). This dissertation is situated, in particular, within the discussion generated by recent works focused on Newfoundland, Colonial America (Massachusetts and Philadelphia in particular), Upper Canada and Britain. It draws upon both Atlantic history and Canadian history (pre-Confederation Atlantic Canadian in particular) in the study of alcohol and public houses in northeastern British America. Atlantic history provides a framework for the examination of an early modern world that was transnational and multicultural in nature and involved the flow of goods, people and

---

<sup>14</sup> The rum trade began with the need to provision seamen, but by the end of the seventeenth century merchants and traders throughout the Atlantic world were exchanging rum for “much-needed plantation labour, provisions and supplies.” See Smith, *Caribbean Rum*, p. 27. In the late sixteenth century, European activity in what would become northeastern British America constituted, along with the Gulf of Mexico, a “center of gravity” of transatlantic commerce. The cod-wine trade of the seventeenth century expanded to the cod-rum trade of the eighteenth century, and both trades connected northeastern British America to the wider Atlantic world. See Peter E. Pope, *Fish Into Wine: The Newfoundland Plantation in the Seventeenth Century* (Chapel Hill and London: University of North Carolina Press, 2004), p. 13.

ideas across and around the Atlantic. The origins of Atlantic history as a consciously articulated framework have been associated with the North Atlantic and with Bernard Bailyn and the Harvard Seminar on the History of the Atlantic World.<sup>15</sup> Several decades prior to this, however, Caribbean historians such as Eric Williams and C.L.R. James began pursuing topics that were “obviously and consciously Atlantic in scope.”<sup>16</sup>

The Harvard Seminar has helped promote scholarship in the field of Atlantic history, which has become a more consciously-articulated and systematic area of scholarly inquiry. David Armitage, for instance, has developed a three-fold typology of Atlantic history which has resonance for the present study. He identifies *circum*-Atlantic history as the examination of the movement of people and goods and ideas across and around the Atlantic. A *trans*-Atlantic perspective is comparative and international in nature, while *cis*-Atlantic history focuses on a particular place or region and the ways in which it is embedded within a broader web of connections.<sup>17</sup> My dissertation is primarily

---

<sup>15</sup> See Bernard Bailyn, *Atlantic History: Concepts and Contours* (Cambridge: Harvard University Press, 2005).

<sup>16</sup> David Armitage, “Three Concepts of Atlantic History,” in *The British Atlantic World 1500-1800*, edited by David Armitage and Michael J. Braddick (New York: Palgrave Macmillan, 2002), p. 26. Williams, for instance, studied the impact of the commerce in sugar and slaves on the Industrial Revolution in Britain. The writings of Williams, first published in 1964, were part of the “Caribbean School” of economic history. See Eric Williams, *Capitalism and Slavery* (London: Andre Deutsch, 1983). See pp. 51-84 for a discussion of the triangle trade. This was followed by a period in which the historiography of the mainland colonies became much richer than that of the Caribbean, a reflection, according to John McCusker, of the “subsequent development” of the Caribbean and the United States. John J. McCusker and Russell R. Menard, *The Economy of British America 16-7-1789* (Chapel Hill: University of North Carolina Press, 1985), p. 144.

<sup>17</sup> Armitage, “Three Concepts,” pp. 12-21. My M.A. thesis also adopted an Atlantic perspective and the introduction contains an overview of the Atlantic approach which has been summarized here. See Emily Burton, “Portuguese Interest in Settlement in Sixteenth-Century Northeastern North America,” M.A. Thesis (Halifax: Saint Mary’s University, 2005), pp. 4-7.

*cis*-Atlantic because it focuses on a particular geographic region within the Atlantic world defined politically as including territories under the sovereignty of the British in the eighteenth century (albeit characterized by nominal or contested control in some cases), following the Treaty of Utrecht. It also encompasses a *circum*-Atlantic perspective because wine, fortified wine, sugar, molasses and rum were all commodities with considerable geographic mobility within the early modern Atlantic world. The inclusion of French brandy and Iberian wines, and the Iberian origins of the cultivation of sugar in the mid-Atlantic, point to aspects of *trans*-Atlantic history as well, although this assumes a comparative, rather than inter-connected, perspective.<sup>18</sup> Eliga Gould has recently coined the term “entangled history” as a means to move beyond the limitations of comparative history. He argues that comparative history views the British and Iberian Atlantic empires as “distinct entities,” while entangled history sees the two as “part of the same

---

<sup>18</sup> The Portuguese first introduced the cultivation of sugarcane to the non-European Atlantic world. The Atlantic island of Madeira, later to form an integral part of early modern commercial activity through its wine trade, had become a leading sugar producer by the end of the fifteenth century. By the following century, the Portuguese Atlantic islands of Saô Tomé (Saint Thomas) and Cape Verde, as well as Brazil, were cultivating sugar using enslaved labour of African origin. The Spanish also cultivated cane in the Caribbean, as did the Dutch in Brazil until mid-century. The latter, through the activities of the Dutch West India Company in Pernambuco, introduced sugar-producing technology to the British (and French) West Indies. Smith, *Caribbean Rum*, pp. 10-14. Nova Scotia also imported Cuban sugar in the nineteenth century beginning in the 1830s. According to Julian Gwyn, the tariff reforms of the 1820s and the abolition of slavery in the British Empire allowed Nova Scotia merchants to engage in commerce in the French and Spanish “sugar islands” as well as coastal ports in Brazil. Sugar imports from the “Foreign West Indies” constituted 2.1 percent of the total sugar imports to Nova Scotia in 1832-36, and rose to 93.7 percent of the total in 1837-53. Imports from the British West Indies fell during the same time period from 89 to 3.5 percent. The overall volume of sugar imports rose between the two time periods from approximately £4.5 million to just over £12 million. See Gwyn, *Excessive Expectations*, pp. 55-7, 208.

hemispheric system or community.”<sup>19</sup> His emphasis on the imperial entanglements of the British and Iberian Atlantics has resonance for the present topic, which highlights the entanglement of commerce and consumption in the Atlantic World.<sup>20</sup>

Alcohol is also an emerging field within social and cultural history in North America. The publication of W.J. Rorabaugh’s *The Alcoholic Republic: An American Tradition* in the late 1970s paved the way for other studies, including those that will be profiled here.<sup>21</sup> Rorabaugh begins his book with the assertion that the study of alcohol in the United States has been a “taboo subject.” The sanctions against alcohol that emerged during the nineteenth-century temperance movements carried forward into a twentieth-century avoidance of the subject. This was coupled with the historiographical tendency to emphasize political rather than social history. A proliferation of social histories beginning in the 1960s, however, marked a shift from grand political narratives to a concern for everyday life, including the role of women and the importance of class and ethnicity. This first wave of social history then paved the way for the examination of topics such as the culture of consumption. Social history has, however, also had its detractors, who have

---

<sup>19</sup> Eliga Gould, “Entangled Histories, Entangled Worlds: The English-Speaking Atlantic as a Spanish Periphery,” *American Historical Review* Forum, Vol. 112, Issue 3 (2007).

<sup>20</sup> The consumption of alcohol in the Atlantic world is an emerging area of study within Atlantic History. A 2007 conference organized through the Harriet Tubman Institute for Research on the Global Migration of African Peoples at York University, for instance, included the presentation of papers covering wide geographic areas and explored themes including the globalization of Atlantic Alcohol, the production, distribution and consumption of alcohol in the Atlantic world, and temperance and “unruly behaviour” associated with alcohol “Alcohol in the Atlantic World: Historical and Contemporary Perspectives,” York University, 24-27 October, 2007. See [www.Yorku.ca/tubman/ConferencesWorkshops/Alcohol/index](http://www.Yorku.ca/tubman/ConferencesWorkshops/Alcohol/index)

<sup>21</sup> W.J. Rorabaugh, *The Alcoholic Republic: An American Tradition* (New York: Oxford UP, 1979). Peter Clark’s research on the history of Alehouses and taverns in England has also provided a substantive and historiographical context for the study of alcohol on the other side of the British Atlantic. See Peter Clark, *The English Alehouse: A Social History, 1200-1830* (London: Longman, 1983).

raised concerns regarding the loss of broader linking narratives. Rorabaugh noted that the “proliferation of social history threatened to leave much of the American past without significant turning points,” such as the Revolution.<sup>22</sup>

The tendency to read the history of alcohol consumption in a “post-temperance” context can also be seen in Canadian historiography. Jan Noel notes that regional studies have implicitly put forth a “fairly straightforward picture of a society awash in alcohol rescued by the timely intervention of temperance.”<sup>23</sup> Likewise, the move from political to social history, and the subsequent debates regarding the role of broader narratives in the telling of the nation’s history, has also played out in the Canadian historiographical context. Economic history, in particular the examination of fur and fish as staples of the Canadian economy undertaken by Harold A. Innis, has also painted itself into the Canadian historiographical landscape.<sup>24</sup> Innis examined the fur trade and the cod fisheries in relationship to the development of Canada as a nation. His scholarship represented a move away from political and constitutional frameworks towards geographic and economic ones to explain the history of Canada. Innis focused primarily on fur and fish as export commodities. The study of imports such as wine and rum – the other side of the equation – has been, however, insufficiently addressed within Canadian historiography.<sup>25</sup>

---

<sup>22</sup> Rorabaugh, *The Alcoholic Republic*, p. xi.

<sup>23</sup> Jan Noel, *Canada Dry: Temperance Crusades Before Confederation* (Toronto: University of Toronto Press, 1995), p. 4. In contrast, Craig Heron’s recent text examines consumption in Canada beyond ‘wet’ and ‘dry’ historiographies. ‘Wet’ histories include those that celebrate alcohol production, rum-runners and “merry” consumers, while ‘dry’ histories focus on alcohol and excessive drinking as a social problem. See Craig Heron, *Booze: A Distilled History* (Toronto: Between the Lines, 2003), pp. 13-14.

<sup>24</sup> See in particular Harold A. Innis, *The Cod Fisheries: The History of an International Economy*, revised edition (Toronto: University of Toronto Press, 1978).

<sup>25</sup> James H. Morrison, “Introduction,” in *Tempered by Rum: Rum in the History of the Maritime Provinces*, edited by James H. Morrison and James Moreira (Porters Lake:



The basic framework outlined by Innis was accepted until the 1960s, when developments in ethnohistory and social history led to a re-examination of his findings. Canada's centennial celebrations, for instance, launched a debate regarding region, race, class and gender and their place in the national narrative. Ramsay Cook used the term "limited identities" as part of a lament for the "dreadful sameness of Canadian historical writing" in the late 1960s. He suggested that a single national identity was lacking in Canada and that further research would demonstrate the existence of "limited identities" based on class, race and region (with gender being added later).<sup>26</sup> The following decades saw the proliferation of social histories on hitherto unexamined topics of Canadian history and identity, many of which focused on local histories.<sup>27</sup> As in the United States, this historiography has not been without its detractors. Michael Bliss, for instance, writing in the early 1990s, was critical of the proliferation of "micro history" in Canada and has called for a return to "macro" history.<sup>28</sup>

---

Pottersfield Press, 1988), p. 12. See also Gwyn, *Excessive Expectations*, p. 163-5, for an overview of Canadian historiography and the study of imports as they relate to standards of living in the Nova Scotia.

<sup>26</sup> Ramsay Cook, "Identities are not like hats," *The Canadian Historical Review*, Vol. 81, Issue 2 (June 2000).

<sup>27</sup> Suzanne Morton's examination of the Halifax neighbourhood of Richmond Heights, in the inter-war period, can be seen as examples of "micro" social history in a Canadian context. Morton demonstrates the ways which regional patterns of de-industrialization were felt at the neighbourhood level. She also examines emerging ideals regarding domesticity in Richmond Heights as a suburban garden community and how these ideals intersected with gender identity. Suzanne Morton, *Ideal Surroundings: Domestic Life in a Working-Class Suburb in the 1920s* (Toronto: University of Toronto Press, 1995). More recently, a focus on state formation and institutional and legal history has marked the Canadian historiographical landscape. For the Atlantic region, see Jerry Bannister, *The Rule of the Admirals: Law, Custom and Naval Government in Newfoundland* (Toronto: University of Toronto Press, 2003), p. 7.

<sup>28</sup> See Michael Bliss, "Privatizing the Mind: The Sundering of Canadian History, the Sundering of Canada," *Journal of Canadian Studies*. Vol. 26 (Winter 1991-2), pp. 5-17.

The historiographical binary between the macro and micro, or political/economic and social/cultural, can be bridged through the study of alcohol. In the early modern Atlantic, alcohol was a complex commodity that revealed and reflected consumer habits, labour practices, social order and disorder, colonial governance, and shifting trade patterns within the British Empire. By connecting the reality on the ground – the key question of who drank what, with whom and where, in the context of the often fragile nature of early settlement and nascent government – with broader patterns and processes of imperial expansion, backed by military, naval, legal and economic power, we can begin to understand the multiple forces at work as governing authorities grappled with the alcohol paradox and established regulatory frameworks for the consumption of rum and other alcoholic beverages.

As with other aspects of the study of alcohol in a pre-temperance context for the region, a significant gap exists with respect to alcohol regulation. C. Mark Davis's examination of rum and the law in the Maritimes (see Chapter Two) is the only focused, albeit brief, examination of regulation for the region.<sup>29</sup> Mariana Valverde's study of alcohol regulation and the emergence of alcoholism as a contingent, medicalised expression of excessive consumption in North America focuses on the nineteenth and twentieth centuries, but nonetheless offers insights that help frame the parameters of the study of alcohol. Valverde argues that some fields of study, such as the history of sexuality, require the posing of different questions for different time periods. One of the unique characteristics of the study of alcohol, on the other hand – at least within

---

<sup>29</sup> The twelve-page article is in James Morrison and James Moreira, *Tempered by Rum: Rum in the History of the Maritime Provinces* (Porters Lake, Nova Scotia: Pottersfield Press, 1988), pp. 40-52.

European and North American societies – is the “remarkable continuity in the basic questions that have been asked by very heterogeneous actors in completely different settings.”<sup>30</sup> The central questions posed by this dissertation – relating to order and disorder, drinking and excessive consumption, alcohol revenue and governance – could be posed for other places at other times, although with different discourses. The answers, however, are very much contingent upon the specific histories of each of the three Maritime colonies being studied, as well as the broader context of British North America and the early modern Atlantic. While pointing to some universal interrogatives, Valverde also cautions against ethnocentric assumptions, in particular in terms of the study of alcoholism in North America. The concept of alcoholism itself, for instance, is not only historically specific; it also pre-supposes the articulation of culturally specific questions. Ideas regarding self-control and the “maximization of the will’s freedom” are not essential categories, but culturally-specific and historically contingent constructions. Valverde begins her examination of alcohol as a “disease of the will” with the eighteenth-century physician Benjamin Rush, who argued that alcohol was a “palsy of the will” – people began “drinking of their own free will” but lost this freedom through dependency-induced habitual consumption.<sup>31</sup>

The study of alcohol cannot be contained within the context of national historiographies, because Canada as a nation did not exist in the time period covered by this study. Northeastern British America was largely maritime in its orientation, and the various alcohols consumed in the region were quintessentially Atlantic products –

---

<sup>30</sup> Mariana Valverde, *Diseases of the Will: Alcohol and the Dilemmas of Freedom* (New York: Cambridge University Press, 1998).

<sup>31</sup> Valverde, *Diseases*, p. 2.

produced elsewhere, exchanged for cod, timber and other trade commodities, and consumed locally in the three Maritime colonies. The broader canvas of Atlantic history, in dialogue with pre-Confederation Canadian historiographies, acknowledges the continuities and discontinuities within the early modern Atlantic in terms of alcohol-related chronologies and themes in the three Maritime colonies examined in the dissertation.<sup>32</sup>

### **Alcohol in British North America**

Sharon Salinger, in her study of taverns and drinking in early America, argues that tavern laws in colonial America were similar to laws regulating taverns in England, and that colonial legislators aimed “to reach the same twin ends: to curb the potential abuses caused by overindulging in drink and to use the tavern trade to raise revenue.”<sup>33</sup> In England, an informal system of licensing alehouses had emerged in “scattered areas” by the Late Middle Ages, as alehouses increased in number.<sup>34</sup> Parliament introduced statutory licensing in 1552 (also as a response to the proliferation of alehouses) that required alehouse keepers to obtain a license and demonstrate good behaviour, with jail time as the punishment for infringement of the act.<sup>35</sup> By the late sixteenth century,

---

<sup>32</sup> Although the thesis is more firmly embedded in an Atlantic framework, it involves a dialogue between Atlantic and Canadian historiographies. The question of whether there is a “Canadian Atlantic” – in a historiographical rather than historically anachronistic sense – was explored in a 2009 forum as a means to address the following two critiques: “that the Atlantic approach to imperial seaborne outreach may have co-existed uneasily with continental-based historiographies of indigenous and other cultures and that the heavy identification of Atlantic historiography with scholars whose interests have a centre of gravity on the eastern seaboard of North America may have created an unduly US-oriented disposition.” See John G. Reid, with H.V. Bowen and Elizabeth Mancke. “Is There a “Canadian” Atlantic World? *International Journal of Maritime History* 21.1 (June 2009): 263.

alehouses had become differentiated from taverns and inns. The latter were required to provide accommodation for travellers, while alehouses were forbidden to do so.

Legislators were primarily concerned with unlicensed alehouses as sites of “tippling” among the lowest orders of society and associated them with poverty, immorality, crime and disorder.

In the early seventeenth century, the Privy Council attempted to introduce specific restrictions to alehouses, including the time a tavern was closed overnight, a prohibition on drinking on Sundays, and even limiting the time a patron could spend in an alehouse to one hour.<sup>36</sup> Alehouses continued to pose a problem for regulators until the mid-eighteenth century, when they started to become more respectable. The early eighteenth century coincided with the rise of gin consumption and illegal gin shops, and this contributed to the respectability of alehouses, a point that will be returned to below.

Throughout the eighteenth century, alcohol legislation in Britain continued to focus on the number of licensed establishments and the drinking habits of patrons at the lower end of the social hierarchy. Drunkenness was increasingly associated with decreased labour productivity, and was regarded as a vice of the lower orders. As such, alcohol regulation did not focus on people of higher social standing. Legislators walked the line by isolating problems associated with consumption to the poor in general, and

---

<sup>33</sup> Salinger also examines the Dutch origins of drinking and tavern regulation, noting that alcohol consumption was deeply embedded in seventeenth-century Dutch culture. In Amsterdam in 1613, for instance, there were 518 alehouses, or one for every 200 people. Neither government nor church officials were able to curb alcohol abuses. Sharon V. Salinger, *Taverns and Drinking in Early America* (Baltimore: The Johns Hopkins University Press, 2004), pp. 9-11, 18.

<sup>34</sup> Under the 1495 Beggars Act, justices were given the authority to suppress alcohol sales in alehouses. Salinger, *Taverns and Drinking*, pp. 13-14.

<sup>35</sup> Salinger, *Taverns and Drinking*, p. 14.

<sup>36</sup> Salinger, *Taverns and Drinking*, p. 15.

excessive consumption in particular, allowing them to benefit from alcohol-generated revenue. As Salinger notes, the “power over the tavern and the behaviour of individuals kept the public coffers full from the fees and bonds paid by tavernkeepers and the imposition of an excise on liquor.”<sup>37</sup> Unlike British North America, where most of the alcohol consumed was imported, in England (and later Britain), people consumed both locally-manufactured alcohol (ale and beer in particular, and gin in the eighteenth century) and imported alcohol (gin, Caribbean and New England rum, French brandy, Portuguese port, and so on). Whether imported or domestically-produced, alcohol represented a revenue stream in eighteenth-century Britain, just as it did in early America and eighteenth-century British North America, and the alcohol paradox of revenue and disorder was present on both sides of the British Atlantic.

Divergences also emerged over the course of the eighteenth century between the licensing contexts in Britain and early America. In the latter, colonies responded to local circumstances, stipulating, for instance, the type of alcohol sold, the rates for food, drink and lodging, and how travellers were to be accommodated. Some taverns in Pennsylvania, for instance, sold only wine and beer, while others in Boston sold only rum.<sup>38</sup> A salient feature of licensing in early America was the focus on categories of imbibers and tavern-goers. This represented both a convergence and a divergence with England/Britain. The stratification based on social rank existed in both places, but expressed itself differently. In late seventeenth-century Massachusetts, for example, tavernkeepers required permission from the masters of servants, slaves and apprentices in order to sell them alcohol. In Boston around the same time, legislation focused on

---

<sup>37</sup> Salinger, *Taverns and Drinking*, p. 17.

<sup>38</sup> Salinger, *Taverns and Drinking*, pp. 19-20.

Aboriginal people and “Negro or Mulatto” servants and slaves. In many colonies, mariners were also singled out in legislation. People with diverse identities were included under one category in licensing legislation. Fear of drunken disorder and crime was one reason for this. Legislators also reasoned that indentured servants, slaves, minors, and mariners currently in service were dependent upon their masters, and as such not legally accountable for their debts, and as such legislation limited the credit available to tavern-goers deemed incapable of paying debts. Although married women were also legally dependent upon their husband, legislation rarely singled out women.<sup>39</sup>

Public houses in England and British North America also aimed to provide accommodation and victualling for travellers, and exempted them from the restrictions placed on other tavern-goers. Unlike England, however, various establishments – ordinaries, taverns and inns – could be licensed to provide accommodation for travellers, and these types of public houses were not differentiated from each other. Local differences existed in terms of specific requirements, such as the number of beds, the number of feather beds, whether bed sheeting and covering was required, the number of travellers that might be required to share a bed, the number of horses that could be stabled, or the requirement that tavernkeepers secure all horses from theft or running away.<sup>40</sup>

Salinger’s comprehensive examination of taverns in early America provides a valuable springboard for the study of alcohol in northeastern British America. Did both convergences and divergences exist between the licensing context in early America (and

---

<sup>39</sup> This limitation also encompassed a paternalistic concern for imbibers who drank the meagre resources available to their families. Salinger, *Taverns and Drinking*, pp. 22-23. 38-40.

<sup>40</sup> Salinger, *Taverns and Drinking*, pp. 18-19.

by extension England and Britain) and the three Maritime colonies examined in this dissertation? In short, yes. This dissertation argues that proclamations and statutes shared key elements with the licensing context examined by Salinger. The most significant convergence is the presence of the alcohol paradox – the twin concern for generating revenue and curbing disorder. The focus on consumption among society’s lower orders, rather than the elite, was also a shared feature of alcohol licensing. Specific elements of this, such as the focus on credit, or sanctions against tavern-going on Sundays, were also shared. Divergences also existed, for instance, in terms of categories of imbibers, whether or not the type of alcohol consumed was limited through legislation, or specific restrictions around public houses and hours of operation.

The need to provide accommodation and victualling for travellers was another shared feature of licensing legislation in England, early America and the three Maritime colonies, although divergences existed in terms of specific requirements of the legislation. This dissertation focuses on differences among the three Maritime colonies, but in so doing also highlights divergences between them and the British colonies of early America. All three Maritime colonies responded to local circumstances – as did legislators in Colonial America – but the level of detail and local discrepancy unveiled by Salinger did not exist for the three Maritime colonies, where licensing legislation developed in the context of different colonial chronologies (with legislation beginning in the seventeenth century in early America), the number of colonies (three versus thirteen), the overall size of the population, and the relationship to Britain.

My study of alcohol regulation in the three Maritime colonies takes Salinger’s analysis of early America as a starting point, but also rests at the intersection of the



entangled Atlantic and pre-Confederation Canadian history. As such, the discussion now turns, in terms of both substantive history and historiography, to seventeenth-century Newfoundland. The commerce and culture of rum in the region was preceded by a pattern of trade and consumption that involved the merchandising of Newfoundland cod in European (and Atlantic island) markets and the consumption of French and Spanish wines in Newfoundland. The only major work that deals with alcohol in northeastern British America focuses on seventeenth-century Newfoundland and thus represents a springboard for discussions of alcohol in other parts of the region in the eighteenth and early nineteenth centuries.

Peter E. Pope's *Fish Into Wine: The Newfoundland Plantation in the Seventeenth Century* examines fishing settlements in Newfoundland as, collectively, a "central node in an international network."<sup>41</sup> Newfoundland fish were exchanged for wine in distant markets, and fishing servants, masters (planters), and merchants were members of transatlantic extended networks, with both "kin and commercial ties" to England.<sup>42</sup> Outports also maintained direct contact with New England and the Mediterranean. Seventeenth-century Newfoundland, in other words, was not isolated. Benjamin Lester, the Trinity (and Poole, Dorset) merchant, made references in his diary to ships arriving from Cadiz, Boston and Philadelphia.<sup>43</sup> In early September, 1767, he wrote of the arrival of a ship from Philadelphia: "... in the afternoon arriv'd Capt. Coombs in a Large Brigg

---

<sup>41</sup> Pope, *Fish into Wine*, pp. 79-80.

<sup>42</sup> Although most planters were men, wives and daughters also became "planters in their own right," and some of the largest fishery plantations were operated by women. Pope, *Fish Into Wine*, pp. 262-4, 270, 297-300.

<sup>43</sup> *Papers of the Lester-Garland Families*. D/LEG Diaries and Accounts of Benjamin and Isaac Lester, 1761-1802, Volume 2, Saturday, 29 August, 1767, Dorchester Records Office, Dorset.

from Philladelphia with a Sorted Cargo of Continent goods, came on shoar to treat with me about a Cargo of Fish in exchae. Drank tea with me & went of in the Evening...”<sup>44</sup>

Wine helped solve a balance of payments problem for merchants. Rather than purchase Newfoundland saltfish for specie, which was in short supply, merchants could exchange fish for wine.<sup>45</sup> This commercial convenience also opened the hold to new patterns of cultural consumption. The sweet Iberian and Atlantic Island wines were the most likely to be consumed. In addition to the close association with Iberia because of the markets for cod in Catholic Spain and Portugal, the sweet wines were better able to arrive intact in Newfoundland after a long transatlantic voyage than drier wines, beer or ale.<sup>46</sup>

But this does not adequately explain the taste for wine in particular, or even alcohol in general. Nor does it explain the shift towards the consumption of rum that began in the latter part of the seventeenth century. To interrogate the deeper meanings behind the consumption of alcohol may seem, as Pope puts it, “willfully obtuse.” The reasons why people have enjoyed alcohol, and specific types of alcohol over others, are varied, complex, and difficult to understand. They have been, nonetheless, the focus of a great deal of inquiry – psychological, anthropological and sociological.<sup>47</sup> Pope’s insights with respect to wine provide a useful starting point for this analysis.

---

<sup>44</sup> *Papers*, Thursday, 3 September, 1767.

<sup>45</sup> Pope, *Fish Into Wine*, p. 394.

<sup>46</sup> Pope, *Fish Into Wine*, pp. 384-5.

<sup>47</sup> Pope, *Fish Into Wine*, p. 396. See, for instance, Igor de Garine & Valerie de Garine, eds., *Drinking: Anthropological Approaches* (New York: Berghahn Books, 2001) and the journal *The Social history of Alcohol and Drugs*. Available online, [www.historyofalcoholanddrugs.typepad.com](http://www.historyofalcoholanddrugs.typepad.com). For a Canadian perspective, see Cheryl Krasnick Warsh, “John Barleycorn Must Die”: An Introduction to the Social History of Alcohol,” in *Drink in Canada: Historical Essays*, edited by Cheryl Krasnick Warsh (Montreal & Kingston: McGill-Queen’s University Press, 1993). She characterizes societies that gave rise to temperance movements (Canada, but also the

Both alcohol and tobacco, according to Pope, functioned as “little hearths” in a literal sense: Newfoundland was cold and these products provided warmth. The understanding of these small luxuries as little hearths was primarily symbolic and rooted in humoral theories about the four elements (earth, air, fire and water), and the four primary properties (cold, moist, dry, hot):

The association of dryness and heat with alcohol in general and red wines and spirits in particular is explicit in a tract of 1622 on “divers kindes of drinke.” Tobias Venner argues that one of the “commodities of wine” is that it “mightily strengtheneth the naturall heat. Ale, beer, even white and Rhenish wines he dismisses as cold, like water. Sack, on the other hand, is “completely hot,” as are Canary wine and wines of western France.<sup>48</sup>

The symbolic imbibing of red wine (and later spirits such as rum) can be understood as a component of the “ceremonial construction of an ideal world,” and this facilitates the understanding of symbolic consumption in other contexts. Frederick Smith’s study of rum in the Caribbean also points to a contemporary understanding of rum as a hot liquid.<sup>49</sup> It could be used to fight yellow fever and other illnesses (fighting fire with fire), and to restore body heat on damp days. The medicinal use of rum complemented the caloric value of rum, which in turn helped plantation owners cut costs.<sup>50</sup> Smith also offers a concept of alcohol as escape. He examines “alcoholic marronage” in the context of slave societies in the British Caribbean. He argues that enslaved Africans and Afro-Creoles, drawing upon West African Igbo and Akan drinking practices that pre-dated the

---

United States and Finland, for instance) as “ambivalent” – a concept created by social anthropologists “to describe conflicting attitudes towards alcohol consumption.” In Canada, a “joyous image of alcohol” has existed “under the shadow of the demon rum” since the 1830s.

<sup>48</sup> Pope, *Fish into Wine*, p. 397.

<sup>49</sup> Smith, *Caribbean Rum*, p. 25.

<sup>50</sup> An ounce and a half of 100% proof rum could provide almost 150 calories. Smith, *Caribbean Rum*, pp. 25-6.

transatlantic slave trade, brought the physical and spiritual worlds closer together through the consumption of rum that was part of the weekly plantation rations as well as part of a system of rewards and incentives. This imbibing constituted a temporary respite – an alcoholic marronage – from the harsh realities of slavery. Wine and tobacco – little luxuries – likewise provided a temporary refuge from the harshness of life and labour in the North Atlantic outposts.<sup>51</sup> Smith points out that, while alcohol provided a form of physical and spiritual escape, it also probably hindered organized resistance to slavery.<sup>52</sup>

Alcohol was also used in seventeenth-century Newfoundland as part of a generalized system of exchange that was embedded in patron-client and employer-servant relationships. “Insofar as economic relationships on the fishing periphery were a continuous succession of mutual favours,” Pope contends, “payment without prestation of drink, in particular, was likely the exception, not the rule.” In other words, alcohol was a gift that was used in the creation of social obligations. “Vertical prestations” might involve the granting of a “small gratuity” of wine or brandy to seamen in exchange for volunteer labour or the sharing of drinks as a way of avoiding conflict or resolving disputes.<sup>53</sup>

---

<sup>51</sup> Smith, *Caribbean Rum*, pp. 118-167. See also Frederick H. Smith, “Alcohol, Slavery, and African Cultural Continuity in the British Caribbean,” in *Drinking: Anthropological Approaches*, edited by Igor de Garine and Valerie de Garine (New York: Berghahn Books, 2001), pp. 212-224. Warsh also discusses the consumption of alcohol in the context of “leisure” and the role of work in industrial economies. Alcohol in this context represents a “time out.” It is both a symbol of leisure and a “disinhibiter and dissolver” of social hierarchies. See Warsh, “John Barleycorn Must Die,” p. 6.

<sup>52</sup> Smith, *Caribbean Rum*, p. 167.

<sup>53</sup> Pope, *Fish into Wine*, pp. 398-9.

## **Alcohol and Changing Consumer Patterns in the Anglo-Atlantic World**

Pope describes the wines imbibed in Newfoundland as “little luxuries.” They were little because they were not the mansion houses in Poole made from the profits of the cod-wine trade, or for that matter the cavalier cufflinks found in archaeological digs in Ferryland that exemplify pretensions “to gentle status.”<sup>54</sup> They were nonetheless luxuries because wine was not the everyday drink of fishing servants. By the fifteenth century in England, river water was becoming contaminated by rural industries such as tanning and by the disposal of garbage in waterways. Ale and wine were relatively expensive, but “ordinary people,” according to Peter Clark, “probably turned increasingly to the consumption of ale and beer” as a way of dealing with contaminated water.<sup>55</sup> The wine-consuming fishing-labourers of Newfoundland were, according to Pope, “atypical of working people in the Anglophone world” because they drank wine, not beer or ale.<sup>56</sup> The difference between ale and wine, in other words, seems to be the difference between a commonplace substance and a luxurious one. Pope argues that people in Newfoundland, by consuming wine, were participating in the “evolution” of consumer society in the early modern Atlantic world and that this consumption helped place this fishing periphery in a broader cultural context. This evolution was gradual, occurring over the span of four centuries.

The consumer revolution approach associates changes in consumer culture with the eighteenth-century Anglo-Atlantic world rather than with a gradual shift over several

---

<sup>54</sup> Pope, *Fish into Wine*, pp. 268-9.

<sup>55</sup> Clark, *The English Alehouse*, pp. 32-3.

<sup>56</sup> Pope, *Fish Into Wine*, p. 384.

centuries. T.H. Breen countered historiographical interpretations of self-sufficiency among early settlers with the argument that colonists were consumers connected to “an exploding Atlantic economy that was changing the material culture not only of the well-to-do but also of average folk.”<sup>57</sup> American historians, according to Breen, had not yet appreciated the extent to which this emerging consumer society had “affected the character of the entire British empire.”<sup>58</sup> During the eighteenth century, wages increased while the price of food and the cost of producing many “common household items” fell, thus allowing for higher levels of consumption. “In little more than a generation,” according to Breen, “shoppers transformed former luxuries into necessities.”<sup>59</sup>

Sugar was one of the primary commodities to make the early modern trajectory from luxury to need. Sidney Mintz argues that the consumption of “sucrose” provides an index to the transition to modernity. “[M]asses of European working people,” he notes, gained access to precious products of distant origins that had hitherto been unavailable to them. Sugar – along with cocoa, coffee and tea – represented, according to Mintz, the conversion of the “luxuries of the leisured and rich, into the daily necessities of the overworked and poor.”<sup>60</sup> Mintz further argues that the introduction of these new commodities changed not only people’s relationship to labour, but also to themselves. As they increasingly depended on faraway markets, they also began to measure and identify themselves by what they consumed:

---

<sup>57</sup> T. H. Breen, “An Empire of Goods: The Anglicization of Colonial America, 1690-1776,” *The Journal of British Studies*, Vol. 25, No. 4 (October 1986), p. 468.

<sup>58</sup> Breen, “An Empire,” p. 468.

<sup>59</sup> Breen, “An Empire,” p. 476.

<sup>60</sup> Sidney W. Mintz, “The Changing Roles of Food in the Study of Consumption,” in *Consumption and the World of Goods*, edited by John Brewer and Roy Porter (London and New York: Routledge, 1993), p. 263.

The meaning of work, the definition of self, the very nature of material things must have seemed to change, as commodities, in the new capitalist sense, became commonplace. What it meant to be a person would now become a different thing too.<sup>61</sup>

The relationship between people and markets, in terms of the importance of geographic distance, is a key factor in Mintz's analysis. This point has been echoed by Breen, with respect to the early connection to Atlantic markets among settlers in the continental colonies. Mintz also clearly situates newly-introduced foods in the spectrum from luxury to need. This did not necessarily hold true for alcohol, and is a question that bears on the changing identities of the alcoholic beverages that were the focus of licensing legislation in the three Maritime colonies – including Madeira wine, and Caribbean rum, both of which departed from Mintz's luxury-to-need trajectory, albeit in different ways. Rum, in particular, was a complex commodity, inhabiting symbolic, medicinal, nutritional, quotidian, and contested meanings. In terms of the latter, the association with drunkenness, debauchery and disorder was in turn related to the exceptionalism of rum in government regulation of alcohol and public houses in the three Maritime colonies.

The changing identity of consumer items from luxuries to necessities has had considerable resonance in the literature on early modern Anglo-Atlantic consumption. Joyce Appleby, for instance, explores the philosophical underpinnings of "luxury" in the western world. She notes that early modern consumption – "the active seeking of personal gratification through material goods" – revived and re-interpreted classical notions of luxury. Hebrew and Greek understandings of luxury associated it with a "complex of evils" that interfered with harmony and order. Luxury was associated with desire, disobedience and disorder (and not surprisingly, also with women). It was the role

---

<sup>61</sup>Mintz, "The Changing Roles," p. 267.

of rulers to restrain people from wanting what they did not need. Although this view gave rise to sumptuary laws in many parts of Europe, Appleby argues that the obligation to “maintain order among the predictably disorderly” saved the elite of England from “the sting of criticism about its luxurious consumption.”<sup>62</sup> Scottish intellectuals, Puritans and others drew upon classical ideas of luxury in their critiques of consumption. This view, however, was at odds with emerging ideas regarding the civility of commerce in which the marketplace was replacing the political assembly of classical times. Economic life, rather than being synonymous with decay and disorder, represented the “naturally sociable and co-operative aspects of human nature.” In short, commerce cordialized.

Appleby argues that a notion of “comfort” as acceptable consumption began to emerge in the eighteenth century as a “happy mean between biting necessity and indulgent luxury.”<sup>63</sup> John Crowley has examined the “invention of comfort” with specific reference to early Anglo-American consumption. He argues against naturalistic assumptions of comfort and examines specific aspects of material culture such as lighting and heating and their relationship to both the body and the environment. The desire for physical comfort became naturalized in Anglo-American social thought by the early nineteenth century, but prior to this people may have been motivated by other considerations – in particular social status – in their decisions regarding the use of central hearths and artificial lighting.<sup>64</sup> The literature on consumption suggests the emergence

---

<sup>62</sup> Joyce Appleby, “Consumption in Early Modern Social Thought,” in *Consumption and the World of Goods*, edited by John Brewer and Roy Porter (London and New York: Routledge, 1994), p. 166.

<sup>63</sup> Appleby, “Consumption,” p. 168.

<sup>64</sup> John E. Crowley, *The Invention of Comfort: Sensibility and Design in Early Modern Britain and Early America* (Baltimore and London: The Johns Hopkins University Press, 2001), pp. ix, 168.



not only of a distinct consumer society and culture in the early modern Anglo-Atlantic world, but also of new understandings of consumer goods themselves in which medieval luxuries – bed linen, candle sticks, comfortable cottages and tea – emerged as modern needs.

Alcohol, when regarded as a consumer item, is implicitly assumed to have followed this trajectory. For instance, Philadelphia shopkeeper William Coats issued a broadside in 1772 in which he advertised numerous consumer items, including West Indian and Philadelphian rum, Madeira, Lisbon and Tenerife wines, muscovado sugar, molasses, tea, chocolate, rice, oatmeal, pepper, ginger, nails, powder and shot, soap and candles, raisins, currants, red-wood and salt. Carl Robert Keyes, quoting James Walvin, notes that “[m]uch of Coats’ inventory” was once an expensive luxury but had become “commonplace pleasure and necessity of the masses” by the revolutionary era. The key point is that the inventory is not differentiated. Rum and wine figure prominently in the broadside, and it can be assumed that they followed the same trajectory from luxury to necessity as sugar, tea, salt, nails and candles.<sup>65</sup> Alcohol, however, was a complex commodity. It could be associated with respectable elite sociability, quotidian consumption with meals and while working, or the immorality of the lower orders of people. Different alcoholic beverages could have different associations, and these could change over time. Ale was commonly consumed at home and with meals in England, but drinking in an alehouse could be considered disorderly, and this in turn shifted with the rise in the consumption of gin. Madeira wine was a common table wine at the beginning

---

<sup>65</sup> Carl Robert Keyes, “The Elaboration and Refinement of Advertising in Eighteenth-century Philadelphia: Print Culture, Material Culture, Consumer Culture,” paper presented at the Graduate and Faculty Colloquium, Department of History, Dalhousie University, 9 November, 2007.

of the eighteenth century (as will be explored further below), and had become an article of elite consumption by the end of the century. Rum was a contested alcoholic beverage, and could be associated with everyday consumption, escape from the hardship of labour in the North Atlantic fishery or West Indian plantations, or drunkenness, debauchery and disorder. Elite consumption of luxurious rum punch co-existed with the grog of the illegal rum shops in the port towns of the British Atlantic and the medicinal use of rum on Caribbean slave plantations. Something more complicated and contradictory than a shift from luxury to need was taking place with early modern alcohol, thus marking the eighteenth and early nineteenth centuries as a time of transition. The thesis examines alcohol regulation with these transitions in mind.

The study of consumption and regulation between the post-Utrecht territorial British expansion in the region and the beginnings of an organized temperance movement in the 1830s suggests that alcohol had many faces and did not follow the trajectory from luxury to need experienced by other consumer commodities, including sugar and tea. It was a contested substance, and the duality of the objectives of curtailing consumption to prevent disorder while promoting it as a source of colonial revenue underscores the difficulties of aligning it with other Anglo-American trade and consumer goods. In the three Maritime colonies, governing officials referred to many alcoholic beverages, including rum, brandy, fortified wine, wine, ale, beer, (apple) cider and perry (pear-based cider), but often singled out rum. The thesis argues that rum was an exceptional alcoholic beverage in that it was more strongly associated with drunkenness and disorder among servants, sailors and soldiers than other alcoholic beverages.

While Pope's "little luxuries" and "vertical prestations" suggest more symbolic and cooperative roles for alcohol, much of the historiography of employer-employee relationships in the Newfoundland fishery has focused on contested relationships.<sup>66</sup> The credit system – whereby merchants supplied planters and their servants with provisions including fishing supplies, clothing, food and drink – has been examined by Newfoundland historians in the context of cycles of indebtedness. While the relationship that developed between planters and merchants may have offered reciprocal security, the exchange involving alcohol between masters and servants was more likely to be part of a paternalistic system of labour control.<sup>67</sup> Masters advanced rum to servants during the fishing season, thus ensuring the servants had “little or no claim for wages when accounts were settled.”<sup>68</sup>

Gerald Sider argues, through an examination of the journal of Labrador fishing Master George Cartwright, that the ability on the part of fishing masters to control the flow of alcohol (and food) to servants was a form of paternalism that involved both symbolic and material power. The journal reveals instances of generosity in Cartwright’s dealings with his servants – providing them with “sweet cakes and cheese for supper” on

---

<sup>66</sup> An anthropological approach to imbibing is more likely to emphasize symbolism and celebratory rituals in cross-cultural contexts than the discord associated with excessive drinking. See Heron, *Booze*, pp. 13-14.

<sup>67</sup> Given the important role played by merchants and mercantile houses in supplying food and other imports, Keith Matthews and Grant Head have concluded that the credit system was the only system that could have led to permanent British residency on the island. See overview of the credit, or truck, system in W. Gordon Handcock, *Soe longe as there comes noe women: Origins of English Settlement in Newfoundland* (St. John’s: Breakwater Books, 1989), pp. 232-3.

<sup>68</sup> Masters could use the accusation of drunkenness and neglect of duty as means to justify the withholding of wages or other disciplinary action. Master and merchants walked a fine line, however. While they supplied servants with alcohol, they were also feared, as did local magistrates, the unrest and social disorder associated with “insolent behaviour.” Bannister, *The Rule of the Admirals*, pp. 12, 45.

Christmas Eve in 1785, as well as “a present of a bottle of rum.”<sup>69</sup> Cartwright could also exercise harsh discipline toward “unruly” or “disobedient” servants: “All the people got very drunk today [5 January, 1772] and the cooper behaving in a very insolent manner, I gave him a few strokes with a small stick, upon which he had the impudence to complain of being so bruised as not to be able to eat his dinner.”<sup>70</sup> Cartwright’s mixture of “sternness and benevolence” is, according to Sider, “so characteristic of paternalism that it is taken as definitive.”<sup>71</sup>

In addition to this mixture of generosity and discipline, Sider places a great deal of emphasis on the fishing master’s control of the supply of food and drink to servants: “The food, if not the drink, conveyed a double message: he was the source of what they ate, and he was the source of special food for special occasions.”<sup>72</sup> Cartwright did, however, acknowledge consumption that occurred beyond his watchful eye. On one occasion, Cartwright offered his servants hot rolls, coffee and spirituous drink. Sider notes that, while doing this, Cartwright also “grumbled about the servants’ own, more autonomous, drinking.” This latter point was significant because it suggests that, while masters exerted tremendous control over servants in the fishery, there were also spaces for “autonomy.” Sider’s notion of autonomy overlaps with Pope’s concepts of consumption as a little hearth and suggest at least some potential for choice and agency on the part of fishing servants.<sup>73</sup> Pope suggests that a significant shift occurred between

---

<sup>69</sup> Gerald Sider, *Between History and Tomorrow: Making and Breaking Everyday Life in Rural Newfoundland* (Peterborough: Broadview Press, 2003), p. 126.

<sup>70</sup> Sider, *Between History*, p. 125.

<sup>71</sup> Sider, *Between History*, p. 126.

<sup>72</sup> Sider, *Between History*, p. 127.

<sup>73</sup> Agency can be seen in the extremes to which people might go in order to obtain alcohol, as well as in the decision to not drink. The 1766 Trinity Bay surrogate court

the seventeenth and eighteenth centuries. “Perhaps credit sales of the little luxuries became an integral part of the social control of labour in eighteenth-century Newfoundland,” he notes, “but chronic indebtedness for advances of drink was not perceived as a common behaviour pattern among fishing servants before the turn of the century.”<sup>74</sup>

Pope and Sider have examined the consumption of alcohol and tobacco in seventeenth-and eighteenth-century Newfoundland and Labrador, but no equivalent comprehensive study exists for the other three colonies of northeastern British America for the same time period. The thesis study aims to fill this gap in the historiography. Many of the statutes introduced in the three Maritime colonies addressed the issue of providing alcohol to servants, sailors, soldiers (and in Nova Scotia, slaves) on credit in public houses. While this context of consumption differed from the fishery in Newfoundland, the discussion of credit (in conjunction with Salinger’s observations above) provide a framework within which to examine credit (as well as alcohol and labour) in the three Maritime colonies, where distinctions among different classes of imbibers were also made, and where legislative attempts to control imbibers focused on labouring people and not travellers or members of elite colonial society. The study of the exercise of power in Newfoundland also points to the limits of control, and legal statutes and other primary documents reveal the complexities of early colonial governance in this

---

heard a complaint by W. Jones against Math. Moor, Richard Parsons and Wlm Watts for stealing rum from his storehouse. See Bannister, *The Rule of the Admirals*, pp. 242-3. At the other end of the spectrum, Lulan, a Mi’kmaw who had saved the life of George Patterson’s grandfather, chose to share in the customary consumption of alcohol at the funeral when the grandfather passed away, even though he had not had a drink for a long time. See Ruth Holmes Whitehead, *The Old Man Told Us: Excerpts from Mi’kmaw History 1500-1950* (Halifax: Nimbus, 1991), p. 203.

<sup>74</sup> Pope, *Fish into Wine*, p. 405.

regard. The need to introduce new legislation repeatedly (including amendments) regulating consumption in Nova Scotia, for instance, pointed to the limits of authority in the eighteenth century.

In addition to the Spanish wines consumed in Newfoundland, fortified Portuguese wine from the Atlantic Island of Madeira also entered the British Atlantic market in the late seventeenth century. Named after the island in which it was produced, Madeira wine was initially an inexpensive and relatively undifferentiated table wine and became, by the end of the eighteenth century, a luxury product consumed largely in the British West Indies and British North America by the colonial elite. David Hancock, in *Oceans of Wine*, explores this shift through an examination of innovation and experimentation in production, and distribution, including: clarifying, blending, fortifying, aging, heating, storing, and packaging. Some of the innovations were partially accidental. The increased agitation of wine being transported across long maritime distances for instance, helped the brandy mix with the wine in fortified wines, thus wearing off the “sometimes erratic taste” of the brandy in the wine.<sup>75</sup> Madeira wine was, also, a quintessentially Atlantic product, encompassing an entangled Portuguese and British Atlantic. Hancock argues that the production, distribution and consumption of Madeira revealed a “multi-focal” Atlantic, rather than the mercantilist “hub and spoke” relationship between mother countries and colonies. Furthermore, this multi-focal Atlantic emerged through the “self-organized complexities” of merchants engaged in activities that made sense to them, such as relying on extended kin networks for the distribution of Madeira in British North America. Madeira was consumed by Anglo-American elite men – merchants, colonial

---

<sup>75</sup> Hancock, *Oceans of Wine*, p. 89.

administrators and officers – in the port towns of eastern British North America – Boston, New York, Philadelphia, Charles Town. Hancock explores the increasing demand for Madeira over the course of the eighteenth century among the officers and gentlemen of the Thirteen Colonies, and how the consumption of Madeira as a luxury commodity came to be associated with gentility, refinement, and status. Although Hancock does not include the more northern colonies of British North America in his analysis, the study provides a valuable matrix for examining the entangled Atlantic trade patterns and elite consumption in the three Maritime colonies, including Halifax, Charlottetown, Saint John and elsewhere, where patterns of imbibing in coffee houses and inns were similar, in flavour if not in scope, to those of the Thirteen Colonies.

Rum and spirits locally-distilled from imported molasses were also popular in these port towns. In New England, rum became a prominent alcoholic beverage, just as it did in Newfoundland. Rum was introduced into Massachusetts in the late seventeenth century on a large scale, and by the early eighteenth-century in Boston, then a town of approximately 10,000 inhabitants, almost 80,000 gallons were imported annually, most of which was consumed in the city. “Whether it was the taste of rum that appealed,” notes David Conroy, “or its capacity to induce intoxication... quickly, rum rapidly became one of the most desired drinks in Boston.”<sup>76</sup> Rum, not surprisingly given its popularity, posed

---

<sup>76</sup> The first Boston distilleries opened as early as the 1660s, but produced a lower quality rum than their West Indian counterparts. David Conroy, *In Public Houses: Drink and the Revolution of Authority in Colonial Massachusetts* (Chapel Hill: University of North Carolina Press, 1995), pp. 38, 61 and 74. John McCusker contends that people in the Continental Colonies generally had plenty of options in their choice of beverages. They drank rum not as a simple thirst-quencher or intoxicant, but because of the cold weather and poor diet. Rum had a high caloric value, and people required rum as an inexpensive source of calories “to supply the energy to live and work.” McCusker, “The Rum Trade,” p. 477.

a problem for colonial leaders in Massachusetts. They sought to regulate – through law and religion – the production and consumption of this commodity. They were not necessarily opposed to the customary consumption of alcohol at meals, or the use of alcohol as partial payment for labour, but they did object to rum on other grounds.<sup>77</sup> Economically, it was an imported, luxury product that would encourage excessive consumption, or divert spending away from other goods. It also involved a drain of hard currency because the colonies had to pay for either the rum itself or the sugar and molasses needed to produce it locally.<sup>78</sup> At the end of the seventeenth century, in an attempt to generate revenue through rum, a 12 d. tax was imposed on rum sold in taverns

---

<sup>77</sup> Many were Puritans, and were not entirely opposed to the consumption of alcohol. The first Puritans to arrive in Massachusetts in the seventeenth century attempted to brew beer, and it was not until after the Revolution that attitudes towards the consumption of wine as part of the Eucharist began to change. Drunkenness, more than drinking, was of concern to Puritan preachers and leaders. According to Increase Mather, wine was from God, while “the drunkard” was from the devil. Andrew Barr notes that the Puritans “did not object to pleasure per se,” but only to activities that “interfered with their effort to fashion their own version of civilization.” Andrew Barr, *Drink: A Social History of America* (New York: Carroll & Graf, 1999), pp. 124, 358, 366. The attitudes of authorities towards alcohol and work were ambiguous. A 1645 General Court law prohibited the use of alcohol as partial payment for labour and in 1672 it was forbidden by law to give labourers alcohol above and beyond their wages. Despite these regulations, however, Conroy notes that labourers “continued to expect and demand the provision of drink by masters as a condition of employment.” Conroy, *In Public Houses*, p. 40.

<sup>78</sup> This contemporary perspective is at odds with subsequent interpretations regarding the role of rum in the economic life of New England. John McCusker, in his monumental PhD dissertation on rum and the balance of payments in colonial New England, tested the assertion that rum actually contributed positively (through its export as a manufactured product; notwithstanding the cost of imports of raw materials) to New England’s balance of payment. McCusker concluded that rum, in fact, did not contribute to the extent that has been assumed as a direct credit in New England’s balance of payment. He does argue, however, that rum did contribute to the overall economic development of the colony, for instance in terms of the “invisibles in the current account” such as maritime insurance and other aspects of “carriage” that were part of the Atlantic molasses and rum trades. This perspective is explored more fully in a subsequently published co-authored text. See McCusker and Menard, *The Economy*, pp. 71-88.



and by retail –much higher than the tax on wine, ale, beer or cider – although the high levy gave rise to illegal sellers. Morally, rum was more likely than other alcoholic beverages to be consumed in excess, leading to drunkenness and sinfulness. A series of laws and sermons on intemperance in the late seventeenth and early eighteenth centuries coincided with the rise in popularity of both rum and the public houses within which it was consumed. Despite the best efforts of local legislators, rum had become a “staple drink consumed by all ranks” by 1720.<sup>79</sup>

Conroy argues that more was at stake in colonial Massachusetts than money or morality. *In Public Houses: Drink and the Revolution of Authority in Colonial Massachusetts*, claims, as the title suggests, that consumption of alcohol and colonial authority were interrelated issues. Puritan ministers preached against the hospitality and fellowship associated with alcohol, and pressured government officials to restrict alcohol licenses. Puritan minister Cotton Mather, for instance, reminded magistrates that it was their duty to punish drunkenness.<sup>80</sup> He instructed tithingmen to use “Christian admonitions” against offenders, although tithingmen were often reluctant to issue warnings to neighbours involved in alcohol-related sociability.<sup>81</sup> The office of tithingman was associated with keeping order in church, and otherwise regulating behaviour on the Sabbath (including regulating drunkenness). In Massachusetts, the office was created for “general moral policing” in the 1670s, and was subsequently extended to regulate public houses, thus blurring the boundary between moral and legal licensing and sanctions

---

<sup>79</sup> Conroy, *In Public Houses*, pp. 96-7.

<sup>80</sup> He reminded the magistrates, also, of similar laws in England. Conroy, *In Public Houses*, p. 61.

<sup>81</sup> Conroy, *Public Houses*, p. 78.

around alcohol.<sup>82</sup> Government leaders who sought to regulate rum did so as part of a broader attempt to maintain authority in the rapidly changing colony. They feared the corrupting influence of drink on the “ritual renewal” of trust in virtue-based leadership. Puritans leaders in particular were considered about the corrupting influence of rising consumerism –including but not limited to alcohol – within colonial society. In short, intemperance in drink and extravagance in food “threatened to destroy all that the forefathers had sacrificed to build.”<sup>83</sup>

The role of tithingman was taken over by excise officers in the eighteenth century, with the latter focussed more on the collection of taxes than regulating unruly drinking as locally-manufactured and imported rum became a source of revenue. Concern over the consumption of rum continued; several decades before the physician Benjamin Rush published his findings on alcohol as a palsy of the will, Massachusetts clergymen and other observers had begun to describe the impact of rum in the language of addiction.<sup>84</sup> Merchants and other residents were quickly adapting to changes in both commercial exchanges and material comfort – including the consumption of rum in public houses lit by candlelight to ratify business transactions – and consistently ignored both moral and legal attempts at regulation.<sup>85</sup> As calls against intemperance continued, tavern-owners in

---

<sup>82</sup> Conroy, *In Public Houses*, p. 38.

<sup>83</sup> Conroy, *In Public Houses*, p. 96.

<sup>84</sup> A 1716 writer, for instance, declared that some people were brought to ruin by rum because they could not control their cravings. A 1733 article in the *Boston Gazette* commented that people used rum to “drown their uneasy thoughts,” but then could not escape the reliance on “a continual state of drunkenness” to keep their troubles at bay. Conroy, *In Public Houses*, p. 144-5.

<sup>85</sup> Authorities attempted not only to regulate consumption and duties, but also to define public houses as places designed primarily to provide food and lodging for travellers, and not as sites of everyday consumption for local inhabitants. Conroy, *In Public Houses*, p. 88.

turn made their establishments *more* attractive to potential customers. “The changing material culture of public houses,” according to Conroy, “provides clues to their persistent popularity and the triumph of rum.”<sup>86</sup> Conroy highlights the Crown Coffee House, in Boston, as an establishment catering to the mercantile elite which set “an example for the populace at large” by “exercising paternal guidance of them.”<sup>87</sup> The Crown Coffee House was a luxurious 13-room establishment overlooking the harbour with room for almost 75 patrons. The Coffee Room included linen table clothes, forks and mirrors, while the Bar Room served patrons rum punch in silver bowls and individual drinking glasses. Canary, Madeira and Fayall wines and port were also available for the Crown’s discerning guests. Despite a 1712 law prohibiting the sale of rum and brandy in taverns, the Crown sold mainly rum (and wine), attesting to the role played by the “emerging gentry” of Boston in resisting laws prohibiting or limiting consumption. The patrons of the Crown were gentlemen who, Conroy notes, were more interested in London styles than colonial temperance: “Georgian elegance and cosmopolitan tastes had come to storm Puritan Boston.”<sup>88</sup>

Conroy’s study is a significant social history of colonial taverngoing that intertwines with the political history of authority and governance in Massachusetts, and the changes that occurred between the seventeenth and eighteenth centuries.<sup>89</sup> As Peter Thompson has noted, one of the significant aspects of *In Public Houses* is the examination of Massachusetts taverns with reference to “old world” patterns of

---

<sup>86</sup> Conroy, *In Public Houses*, p. 87.

<sup>87</sup> Conroy, *In Public Houses*, p. 89.

<sup>88</sup> Conroy, *In Public Houses*, p. 95.

<sup>89</sup> *In Public Houses* explores the election of leaders in the eighteenth century who, rather than suppress drinking and tavern assemblies, used the issuing of licenses as part of a process of acquiring political power.

consumption. Habits that might have made sense in England – drinking as a quotidian activity and the association of alcohol as fortification for labour – became dysfunctional in colonial Massachusetts. Rum played a particular role in the transformation from virtue to vice and Conroy’s study offers a comparative vantage point for the study of the exceptionalism of rum in northeastern British America.

Thompson’s *Rum Punch and Revolution: Taverngoing and Public Life in Eighteenth-Century Philadelphia* likewise examines taverns and taverngoing in a British colonial context. Unlike Conroy’s tendency to see taverngoing and drinking as resistance to colonial authority, however, Thompson adopts a non-oppositional approach to the study of culture.<sup>90</sup> He asserts that the ministers, assemblymen and “men of learning” of Philadelphia were also taverngoers themselves and “lived and worked in communities which they shared with their subjects.” In other words, a clear boundary did not exist between the regulators and the consumers of drink as is suggested by Conroy for Massachusetts. Tavern company for most of the eighteenth century was, according to Thompson, “socially and culturally heterogeneous,” with “rich, poor, and middling Philadelphians” drinking alongside one another in public houses. Colonial laws excluded apprentices, Aboriginal peoples and slaves from taverns, but tavernkeepers encouraged the attendance of “sailors, slaves, free blacks, servants, apprentices, and ‘wild boys.’”<sup>91</sup>

---

<sup>90</sup> Peter Thompson, *Rum Punch and Revolution: Taverngoing and Public Life in Eighteenth-Century Philadelphia* (Philadelphia: University of Pennsylvania Press, 1999), p. 12.

<sup>91</sup> Thompson, *Rum Punch*, p. 75. In comparison to other colonial towns and cities, Philadelphia was religiously and ethnically diverse, with English, Welsh, Irish, Dutch, and German settlers. “Quakers, Anglicans, Presbyterians, Lutherans, and Moravians as well as Roman Catholics and Jews established households, businesses, and places of worship in the city.” See Carl Robert Keyes, “Early American Advertising: Marketing

In Philadelphia, as in colonial Massachusetts, a concern regarding excessive drinking did exist. Unlike Conroy's presentation of drinking as resistance to colonial and moral authority, however, Thompson presents the regulation of consumption in Philadelphia as one that presented a paradox between private lives and public practices. William Penn's vision for Philadelphia – and Philadelphians – was one that attempted to avoid “measures designed to coerce outward appearances of piety” (including regulation) from the colony's citizens. Quaker Philadelphia was to be a place where people could look inward and remake themselves. It was also designed as a place of order, commerce and prosperity, and taverns were integral components of sociability in Philadelphia's quickly growing urban landscape. For Benjamin Franklin, another of Philadelphia's noteworthy citizens, good living could not take place in the absence of good drinking. Public drinking houses could lead to disorder, however, thus requiring regulation of consumption. Penn first banned taverns and alehouses in Philadelphia, and then introduced legislation aimed to establish taverns as places with acceptable standards. Sociable drinking was to be permitted; gambling, sedition and drunkenness were not.<sup>92</sup>

The contradiction that presented itself in Philadelphia with respect to private manifestations of the “self” and public taverngoing intersected with the need to maintain order in the face of the potential disorder caused by excessive imbibing. This paradox was not, however, the only one that presented itself in colonial British North America with respect to alcohol. Peter C. Mancall's *Deadly Medicine: Indians and Alcohol in Early America* examines the paradox that emerged between British ideas regarding the

---

and Consumer Culture in Eighteenth-Century Philadelphia,” PhD Dissertation (Baltimore: Johns Hopkins University, 2007), p. 11.

<sup>92</sup> Thompson, *Rum Punch*, p. 21.

civility of commerce and a trade with Aboriginal peoples that involved alcohol. *Deadly Medicine* begins with the stereotype of the ‘drunken Indian.’ Franklin, for instance, described Aboriginal people as “very quarrelsome and disorderly” when drunk. Mancall argues that this image, which persisted throughout the colonial period, was related to colonists’ fear of attacks, although perception did not always reflect reality. Aboriginal people, in fact, consumed less alcohol on average than did colonists, and drinking was often associated with specific purposes or events, such as rituals, ceremonies and the establishing or strengthening of alliances. In short, Aboriginal people drank for their own reasons, ones that were “intricately bound up” with the way they understood the world around them.<sup>93</sup> European observers, Mancall argues, did not see the “careful patterns” of drinking present among Aboriginal peoples because of their fear of drinking-associated violence.

Europeans did not, however, refrain from giving alcohol to Aboriginal people.<sup>94</sup> Rum, wine and brandy were also integral commodities in the fur-alcohol trade that developed between Europeans and Aboriginal people, and the ability to control the trade in alcohol also facilitated control of the fur trade.<sup>95</sup> A fundamental paradox, however, came to be associated with the alcohol trade. As noted in the introduction, emerging ideas in the early modern world regarding the civilizing influence of commerce played themselves out among settlers and colonists in terms of their relationship to luxury commodities. The notion of commerce itself having a civilizing influence could also be

---

<sup>93</sup> Peter C. Mancall, *Deadly Medicine Indians and Alcohol in Early America* (Ithaca and London: Cornell University Press, 1995), p. 100.

<sup>94</sup> In a 1753 Pennsylvania treaty negotiation, Franklin and the other negotiators agreed to give those present “Plenty of Rum” if they remained sober during the negotiations. Mancall, *Deadly Medicine*, p. 12.

<sup>95</sup> Mancall, *Deadly Medicine*, p. 164.

seen in the relationships Europeans established with Aboriginal peoples. In short, commerce was thought to promote the development of “civilized Indians.” The specific commerce in alcohol, however, could lead to the opposite: disorder and violence. This in turn fed colonists’ fears of “drunken Indians.”

Temperance advocates existed across the spectrum, with both Aboriginal peoples and colonists advocating temperance and regulation due to the perceived dangers of the alcohol trade. Unlike the organized temperance movements of the nineteenth century, these appeals represented “widespread but divergent responses to a common problem.”<sup>96</sup> A debate also played out in terms of the desire for metropolitan control, on the one hand, and for “free trade” on the other. Mancall argues that in the end the “decentralized structure of the empire in British America was not conducive to a uniform strategy in Indian affairs,” with British officials, colonists, military leaders and negotiators all holding differences of opinion. This resulted in the lack of a uniform British imperial view of the liquor trade.<sup>97</sup>

Mancall highlights the contemporary nature of the debates. The “civility of commerce” perspective was not universally accepted, but was enmeshed in discussions that intersected with colonists’ fears, the tensions between merchant and metropolitan control, and temperance efforts on the part of both Aboriginal peoples and colonists. Underlying the debates was a pervasive fear of disorder and violence. This fear of disorder could also be seen in Newfoundland and Massachusetts. In Philadelphia, the trepidation existed, but on balance, the city’s residents “found taverngoing to be

---

<sup>96</sup> Mancall, *Deadly Medicine*, p. 102.

<sup>97</sup> Mancall contrasts policy with respect to alcohol in North America with later more successful attempts on the part of British imperial planners to “solidify their control over parts of Asia with opium.” Mancall, *Deadly Medicine*, p. 166-7.

unremarkably natural, enjoyable, and valuable.”<sup>98</sup> In Upper Canada, Julia Roberts paints a portrait of tavern sociability that likewise emphasizes order over disorder.

Roberts focuses specifically on taverns and taverngoers in her dissertation. She acknowledges the existence of violence and discord among taverngoers, but places this disorder within the overall context of “predominantly peaceful sociability and public interaction.”<sup>99</sup> Roberts’s dissertation is the first significant work in the Canadian historiographical context to examine taverngoing as a mostly peaceful, orderly, and sociable activity. Roberts’s research, as she acknowledges, builds upon Peter DeLottinville’s 1982 article “Joe Beef of Montreal: Working Class Culture and the Tavern, 1869-1889,” in which Joe Beef’s Canteen is analyzed as a meeting place in a working-class Montreal neighbourhood. “His tavern,” according to DeLottinville, “was a popular drinking spot, but also a source of aid in times of unemployment, sickness, and hunger. For its patrons, Joe Beef’s Canteen was a stronghold for working-class values and a culture which protected them from harsh economic times.”<sup>100</sup> This view of tavern culture began to replace previous interpretations which focused on men and drunkenness, and on taverns as “multiple sites of disorder.”<sup>101</sup> It has opened the door for broader social and cultural understanding of public houses – understandings that are explored more deeply by Roberts. The dissertation, building on the research of Roberts and others,

---

<sup>98</sup> Thompson, *Rum Punch*, p. 11.

<sup>99</sup> Julia Roberts, “Taverns and Tavern-goers in Upper Canada, the 1790s to the 1850s,” PhD Dissertation (University of Toronto, 1999), p. 5. See also Julia Roberts, *In Mixed Company: Taverns and Public Life in Upper Canada* (Vancouver: UBC Press, 2009), pp. 5-6.

<sup>100</sup> Peter DeLottinville, “Joe Beef of Montreal” Working Class Culture and the Tavern, 1869-1889,” *Labour/Le Travailleur*, Vols. 8 (1982), p. 10.

<sup>101</sup> Roberts, “Taverns,” pp. 4-5.



acknowledges public houses as potential sites of economic exchange, political activity, cultural practices (such as customary pastimes), and heterogeneous sociability.

One of Roberts's key arguments is that tavern life revolved around much more than liquor. Taverns provided a "constellation of services" including food and lodging for travellers and their animals, and a place for people to conduct various business activities, from auctions to the selling of agricultural produce, the settling of debts, and professional services such as dentistry.<sup>102</sup> Taverns also "sustained political life at many levels." Township and city officials, for instance, often met at taverns, which could also house township records.<sup>103</sup> Like Conroy and Thompson, Roberts emphasises the freedom of political expression enjoyed by tavern patrons.<sup>104</sup> The tavern is presented as an informal public space (and not a formal public sphere) in which varied and contrasting opinions could be expressed.<sup>105</sup> Taverns also provided an opportunity for the enjoyment of

---

<sup>102</sup> Roberts, "Taverns," pp. 78, 85-6, 92, 101-2.

<sup>103</sup> Roberts, "Taverns," pp. 106-7.

<sup>104</sup> She cites, for instance, exchanges between taverngoers during the War of 1812 in which "pro-American" sentiments were expressed "quite freely," as well as the frequent tavern meetings of Reformers. She contends that these meetings and exchanges contradict J.M.S. Careless's presentation of taverns as chaotic and undemocratic. It was, in fact, the "excessively democratic potential of the public house" that raised concerns for the governing Council, as was the case after the Rebellion of 1837. Roberts, "Taverns," pp. 108-112.

<sup>105</sup> Roberts emphasises the social nature of the taverngoing public, and as such distinguished her emphasis on "public spaces" from the "public sphere" theorized by Jürgen Habermas, "where formally equal men joined to reach public opinion through rational debate." Julia Roberts, "A Mixed Assemblage of Persons': Race and Tavern Space in Upper Canada." *Canadian Historical Review* 83.1 (March 2002), p. 4. Peter Thompson similarly argues that his use of the term "public space" emphasises the "ethnographic origins" of his examination "of a range of changing forms of tavern behaviour and interaction," whereas Habermas's work on coffee houses is part of the examination of the emergence of a bourgeois public sphere as a component of civil society in eighteenth-century Europe. Thompson, *Rum Punch*, p. 17. Other historians have argued that non-elites played a more significant role in the public sphere than has been assumed. Joanna Brooks examines Black community and literary formation in the

customary pastimes including singing, dancing, story-telling, serious discussion or simply “talking together over drink or tea.”<sup>106</sup> Playing at games of chance was another tavern pastime that, unlike those just mentioned, could walk “a fine line between definitions of good order and disorder.” The regulation of taverns often included stipulations against unlawful gaming as well as drunkenness, suggesting that the two were associated with potential disorder, while other tavern activities were associated with ordered sociability and civil pursuits.

Although Roberts emphasizes taverns as sites of multiple activities, she does explore drinking as a distinct activity. She suggests that, while a tolerance existed for “occasional sprees,” taverngoers tended to separate themselves from drunkenness and drunken behaviour.<sup>107</sup> People enjoyed imbibing for imbibing’s sake, and “wanting a drink” and drinking to excess were “entirely different” acts. Drink was appreciated as a substance, and people called at taverns to quench their thirst. That said, Roberts also acknowledges a potential discrepancy between the perceived restraint of drinkers and the actual consumption of Upper Canadians.<sup>108</sup> Restraint was a virtue that existed in opposition to the vice of drunkenness, and consumption was thus frequently described as

---

late-eighteenth century and argues that Black authors used “counterpublic” networks to gain access to the “print public sphere.” Joanna Brooks, “The Early American Public Sphere and the Emergence of a Black Print Counterpublic,” *The William and Mary Quarterly* 62.1 (2005), par. 2. Available Online.

<http://www.historycooperative.org/journals/wm/62.1/brooks.html>.

<sup>106</sup> A “learned argument on architecture” or “an animated theological discussion between a Christian and [a] free thinking Yankee,” for instance. Roberts, “Taverns,” pp. 184-5.

<sup>107</sup> Roberts, “Taverns,” pp. 145, 150-1.

<sup>108</sup> Taken as a whole, Upper Canadians drank about the same amount of alcohol per capita as Americans and Europeans – about 2.5 gallons annually in 1791 and twice that amount in 1820. Roberts, “Taverns,” pp. 147-8.

an act of moderation. Attempts to control drunkenness when it did occur were considered to be an acknowledgement of a “popular set of rules governing the use of alcohol.”<sup>109</sup>

Drinking was a social activity, and drink was “as much a symbol as it was a substance.”<sup>110</sup> Roberts explores the symbolic value of treating in creating group conviviality and a sense of social obligation.<sup>111</sup> “Accepting a treat, or an invitation to mutual drink,” she notes, “implied a form of association between the parties.” Charles Fothergill found himself offending the people at Baker’s Inn in Osnabruck township who were attending a funeral – “upon the strength of which they were getting jovial” – because he refused to drink brandy before dinner with them.<sup>112</sup>

Taverns were also sites of what Roberts refers to as “exclusive taverning.” Although the boundaries between exclusive and non-exclusive taverning were permeable, people with some social prominence (through education, family property and “good prospects”) preferred parlours and upstairs sitting rooms over barrooms.<sup>113</sup> They gathered in select groups in a socially acceptable environment that was “separate from the rest of the community.”<sup>114</sup> Aspects of the material culture of exclusive taverngoers, such as clothing and dishware as well as separate sitting rooms, reflected their “claims to polite living.”<sup>115</sup> This form of sociability could be either exclusively male or involve “mixed companionship,” and taverning existed on a continuum with other activities, such as

---

<sup>109</sup> Roberts, “Taverns,” pp. 150-1.

<sup>110</sup> Roberts, “Taverns,” p. 139.

<sup>111</sup> Roberts, “Taverns,” pp. 139-145.

<sup>112</sup> Roberts, “Taverns,” p. 143.

<sup>113</sup> Roberts, “Taverns,” p. 212.

<sup>114</sup> Roberts, “Taverns,” pp. 198-9.

<sup>115</sup> Roberts, “Taverns,” pp. 202-4.

“parlour teas with women and families in their homes.”<sup>116</sup> For those with pretensions of upward mobility who could not afford households with servants and wine cellars, participation in exclusive dining, drinking and sociability in taverns allowed them to participate in the cultural rituals of elite colonial society.

Exclusive taverning among elite white men also occurred in early America. Often, these men formed clubs which met at taverns. The clubs provided structure, and a forum to “converse on various subjects.”<sup>117</sup> The clubs’ restricted memberships promoted “camaraderie, a sense of belonging, and unity of purpose.” They represented “civilized living” among gentlemen, although Salinger notes that this appearance of civility could be simply “an excuse for heavy drinking.”<sup>118</sup> Gentlemen’s clubs in early America could also meet in people’s homes. In contrast to private homes, taverns, inns and coffee houses were public spaces. And yet, the presence of exclusive clubs and other forms of exclusive sociability blurred the boundary between private and public. Men meeting in sitting rooms were removed from the watchful eyes of female family members and servants in the home, for instance. In general, elites, according to Salinger, “claimed their right to separate themselves from the rest of society and to maintain this private space within the public realm.”<sup>119</sup> The examination of status, elite sociability and alcohol consumption, provides a helpful backdrop for the examination of alcohol consumption in the three Maritime colonies. Where distinctions made in licensing legislation, for instance, between the consumption of servants and others at the lower end of the social hierarchy,

---

<sup>116</sup> Roberts, “Taverns,” pp. 227-8.

<sup>117</sup> Salinger, *Taverns and Drinking*, p. 76.

<sup>118</sup> Salinger, *Taverns and Drinking*, p. 76

<sup>119</sup> Salinger, *Taverns and Drinking*, p. 80.

and elite alcohol consumption? Did different types of public houses cater to different classes of imbibers?

Roberts also explores the other end of the spectrum of sociability in taverns: heterogeneous sociability. In contrast to the deference “between host and guest in a private home,” taverns were public spaces where, in theory, freedom of access existed. There were, however, limits to the tavern’s accessibility. Roberts, following contemporary discourses regarding racialized identities, examines “Indians,” “Blacks,” and “whites” and their relationships to taverngoing.<sup>120</sup> For Aboriginal peoples, taverns functioned as sites of economic exchange with settlers, as venues where consumption of alcohol could symbolize good relations between Aboriginal peoples and Europeans, and as places for the purchase of alcohol – despite laws prohibiting the sale, trade or barter of alcohol between Aboriginal people and tavernkeepers.

The fear associated with the “drunken Indian” explored by Mancall existed also in Upper Canada and was related to government regulation regarding Aboriginal consumption.<sup>121</sup> Although Aboriginal people sometimes drank in taverns, and lodged there as well, in general gatherings in “Native-only groups” away from taverns were more characteristic of the Aboriginal experience with alcohol.<sup>122</sup> Taverns were thus not generally “loci of Native sociability.” According to Roberts, this “granted ownership of

---

<sup>120</sup> She notes that the contemporary use of these terms, rather than, for instance, “Christian Mohawks, freed or refugee slaves” or “an independent yeomanry” suggests the use of race in certain instances rather than “culture, status, or economic rank” in the construction of identity. Roberts, “Taverns,” pp. 232-3.

<sup>121</sup> Roberts, “Taverns,” pp. 236-7.

<sup>122</sup> Roberts, “Taverns,” pp. 239, 243.

the taverns to white society.”<sup>123</sup> Aboriginal leaders who did dine with Europeans in taverns adopted European manners and other cultural rituals, suggesting an attempt to present status in terms settlers would understand, while at the same time symbolizing “the power imbalance between the two groups.”<sup>124</sup> Roberts concludes that “race mattered,” albeit in unpredictable ways (not always in ways that were in keeping with government policy for instance) with respect to Aboriginal peoples and taverngoing. The same was true for Blacks, and the presence of both was part of the construction of “whiteness” on the one hand, and of a “recasting of the public nature of the public house into a private place” on the other hand.<sup>125</sup> The construction of public and private spaces is connected, in turn, to questions regarding order, disorder and identity. The spaces of consumption in the three Maritime colonies, for instance, included public spaces such as wharves and streets, spaces where the distinction was blurred, such as tents and tippling houses, public taverns, and more refined inns and coffee houses where men could meet for private functions or government business. Roberts’s analysis of taverngoing in Upper Canada provides insights from another part of British North America, beginning in the late eighteenth century, that help frame the discussion of taverns and taverngoing in this dissertation.

---

<sup>123</sup> Roberts, “Taverns,” p. 239. This interpretation of the potential for heterogeneous sociability places less emphasis on sociable exchanges within taverns that Roberts’ 2002 article, which examines the “easy accommodation” afforded to Aboriginal peoples in Upper Canada’s taverns. The vignette of “three Indians in full hunting costume” sitting around the fire with “several Scotch Highlanders” and “a couple of New England Americans” is certainly significant, but it appears to have been more the exception than the rule. Roberts, “A Mixed Assemblage,” p.1, 3.

<sup>124</sup> Roberts, “Taverns,” p. 240.

<sup>125</sup> Roberts, “Taverns,” p. 248.

The present study of alcohol consumption and regulation in the three Maritime colonies is in conversation with the existing historiography of alcohol in the British Atlantic world, and British North America in particular. The questions posed by alcohol researchers provide a matrix for the questions posed in this dissertation. The broad question of the motivations of governing authorities in issuing licensing legislation (curbing disorder, maintaining order, generating revenue) rests upon other (and earlier) legislative contexts, as do specific questions about alcohol regulation. Did legislation focus more on unlicensed selling or the regulation of licensed houses? Did it focus on both tavernkeepers and taverngoers? What types of alcoholic beverages were identified in the legislation, and were they differentiated? Where were the various alcoholic beverages consumed in the public houses of the three Maritime colonies produced, and how did alcohol imports intersect with issues of colonial revenue and development, and therefore also consumption and regulation? How did licensing intersect with patterns of alcohol consumption, for instance related to labour, elite sociability, political unrest, Aboriginal-settler conflicts, or drunkenness? What kinds of limitations were placed on public houses? What types of public houses existed, and how were they, and the people who drank in them, differentiated? What were the licensing fees and how were they collected? What fines were imposed for breaches of the licensing acts? Who was to enforce the stipulations of licensing legislation? How was money raised from fees and fines to be spent? How did alcohol licensing intersect with issues facing the three colonies such as the need to establish legislative assemblies, generate revenue and build colonial infrastructure to accommodate the expansion of settlement? These questions are posed for each of the three Maritime colonies in turn, and this dissertation addresses the change

over time component of licensing in each colony. This allows for an examination of convergences and divergences among the three colonies, and establishes a point of comparison for other North American British colonies.

### **Sources and Chapter Outlines**

This thesis is anchored in proclamations, ordinances and statutes dealing with the licensing of alcohol consumption. Nova Scotia, The Island of St. John/Prince Edward Island and New Brunswick all had legislative assemblies for most of the time period covered by the dissertation, and statutes form the spine of the analysis of licensing regulation in each of the chapters dealing with these colonies. Both archival statutes (in some cases, the original hand-written bills and acts) and printed acts were consulted in some cases for cross-comparison. The phases of regulation identified in each colony are based on key acts passed by the colonial legislatures. Other statutes relating to alcohol (outlining duties on imported alcohol or observance of the Lord's Day, for instance), as well as statutes that help contextualize government motivation in terms of colonial order, development, or revenue are also examined. Government records relating to the licensing context constitute the second tier of primary sources, and include licensing bills that may not have been passed, governors' correspondence, records of the legislative assembly, published journals of the assembly, commission and order books, petitions to the government involving funds to establish public houses, tavern licenses, and license ledgers. Primary sources (archival, printed, and online) that contextualize the statutes and other government records in terms of government motivation, the dynamics of trade, settlement and war in each province, and the social context of tavernkeeping and



taverngoing were also consulted. This includes *The Royal Gazette* and other newspapers, maps, photographs, and diaries, letters and travel accounts such as William Dyott's diary, Walter Johnstone's writing about the Island of St. John, and the correspondence of Edward Winslow and other Loyalists. Finally, primary documents relating to alcohol and regulation elsewhere in the British Atlantic world have also been incorporated into the present study.

The evidentiary focus of the dissertation emerged as the best way to deal with the gaps in extant sources and the associated challenge of researching alcohol in the three Maritime colonies during the time period in question. The sources on licensing revenue are incomplete, as are the sources for revenue on imported alcohol. On Prince Edward Island, for instance, both exist only for the period from 1825 to 1830. Licensing statutes exist for all three colonies, and provide points of chronological comparison as well. The focus on statutes and accompanying legislation reveals a point of view that is biased towards elite authorities and not tavernkeepers and taverngoers, although attempts have been made to interweave these perspectives into the study of the regulation of public houses. No extant tavernkeepers journals came to light during the research, and references to consumption and sociability are scattered across various sources. The dissertation nonetheless provides a springboard for further research into questions of alcohol revenue and the implementation of alcohol licencing legislation. A focus on New Brunswick county records, for instance, similar to the research carried out by Paul Craven for Charlotte County (see Chapter 4), would allow for a fuller picture of the discretionary nature of rural and local law, as well as point to divergence and convergence with Charlotte County. A systematic analysis of how alcohol import duties changed over time,

in conjunction with an examination of available sources on actual revenue derived from alcohol imports, would also add to the (dis)order/revenue question.

Chapter Two examines three phases of alcohol regulation in Nova Scotia from the founding of Halifax in 1749 until 1832, when new legislation was introduced that represented a significant shift from earlier statutes, and coincided with the beginning of the temperance movement. Each regulatory phase (as with the other two colonies) was associated with a key piece of legislation. A 1758 statute represented the first comprehensive legislation to deal with licensing in the province, and authorities connected licensing to concerns regarding disorder. In 1768, a statute was introduced by the Provincial Legislature that dealt with revenue associated with licensing. This was the first act to do so, thus sparking a transition in the legislation. The next thirty years was a period in which concerns regarding disorder continued, but authorities also began to identify licensing as a source of revenue for schools and roads. In 1799, the legislature introduced a comprehensive statute dealing with licensing duties and the regulation of public houses. This legislation made specific connections between the collection of licensing fees for the operation of public houses and the building of roads in the province. This use of licensing revenue for road building formed part of the broader context of a maturing colonial society that required additional sources of revenue to finance infrastructure projects associated with the expansion of settlement. An examination of the licensing of public houses thus has the potential to shed light on processes of colonial state formation in Nova Scotia. The chapter on Nova Scotia includes an examination of public houses that helps anchor the regulatory analysis in this and subsequent chapters in the historical realities of public houses, including the ways in which they were

differentiated according to status and geographic location. This chapter also includes a discussion of alcohol as a changing cultural commodity, with a particular focus on rum as a consumer good with complex meanings beyond its essential characteristic as a distilled sugarcane-based alcohol.

Chapter Three examines the legislative context on the Island of St. John (Prince Edward Island after 1799). The first comprehensive statute was introduced in 1773, the year of the first meeting of the legislative assembly on the island. The land lottery and quitrent system provided a prescriptive formula for colonial development on the island, and licensing is examined within this context. Authorities were aware of developments in Nova Scotia, with many individuals having spent time there prior to residing on the island, and appear to have borrowed from Nova Scotia statutes, while at the same time tailoring legislation to island circumstances. The 1773 legislation was fluid and reflected concerns over the excessive consumption of rum in particular (regulating both sellers and imbibers, particularly servants and labourers) and connecting licensing fees and fines to roads, and the expansion of settlement. In subsequent legislation, beginning in 1785, the concern regarding revenue continued, and licenses were tied, in particular, to the ability to provide accommodation for ‘man and horse’ in areas outside Charlottetown. During the second licensing phase, fee structures for licensed establishments were developed, while authorities also expressed specific concerns regarding unlicensed selling. This chapter draws upon sources specific to licensing and public houses, including the records kept by the commissioners for assessment on licensed retailers of spirituous liquors, petitions for funds to build or complete public houses, petitions to keep public houses of

entertainment, and license ledgers kept by government officials to keep track of license fees.

Chapter Four examines regulation of alcohol selling and consumption in New Brunswick, beginning in 1784 when it became a separate colony. Key licensing acts were passed in 1785, 1786 (phase one) and 1814 and 1825 (phase two). Colonial authorities in early New Brunswick were aware, as in early Halifax, of the contradiction of relying upon alcohol revenue for government expenses. The first phase of regulation focused on governance, including establishing mechanisms of implementation of the acts at the local, or parish, level, while both revenue and concerns regarding order and disorder marked the second licensing phase. The chapter on New Brunswick includes a sampling of early advertisements from *The Royal Gazette* that include alcohol. The advertisements focus on the sale of alcohol in Saint John taverns, inns, coffee houses, and stores, as well as other references to the consumption of alcohol, and provide a wealth of information on regulation, trade and consumption. Alcohol appears as a trade commodity throughout Governor Carleton's official correspondence.

Both continuities and discontinuities existed in the licensing frameworks of the three Maritime colonies. In all three colonies, licensing responded to the exigencies of early colonial development, and licensing was local in orientation and reactive in nature. Concerns for (dis)order and revenue generation – the alcohol paradox – existed in all three colonies, permeating the licensing context of each colony. Concerns regarding excessive consumption (of rum in particular) and disorder were consistently weighed against the need to generate revenue, although this paradox was localized in both time and space. Concerns regarding disorder – including debauchery and drunkenness – were

expressed most strongly during the first phase of licensing legislation in Nova Scotia, in particular in Halifax, while disorder was a more prominent concern during the second phase of licensing in New Brunswick. On the Island, the potential for rum to impact health and morals and incite other vices among servants and labourers was also present in the first phase of regulation, but the legislation did not focus specifically on tavernkeepers or unlicensed sellers (as had been the case in Nova Scotia), but on alcohol retailers – a response to the sparseness of the inhabited colonial landscape. The need to generate revenue through alcohol (both duties and licensing fees and fines) existed in all three colonies. In Nova Scotia, imperial fiscal divestment following the Seven Years' War was a key motivating factor. On the Island, the failure of the quitrent system to provide anticipated revenue led authorities to seek local sources of revenue, and in New Brunswick, the demands of a newly-created colony with only limited initial imperial support for relocation and settlement pushed the government to actively seek trade with the West Indies involving an exchange of fish and timber for rum. In terms of the mechanisms of implementation of licensing legislation, early legislation in New Brunswick focussed more on the local level than in the other two colonies as a result of experiences with local government among the Loyalist settlers. The reference to licencing monies being allocated to the poor in early legislation in Nova Scotia also reflected experiences in local government among Planter migrants. In both Nova Scotia and on the Island of St. John, revenue generation in later legislation was tied to the expansion of settlement and road building, more so in Nova Scotia than on the island, than to control of revenue at the county level. Finally the end of the second decade of the nineteenth

century marked a turning point in all three colonies with the rise of temperance movements in the region.

## Chapter 2

### Rum and Authority in a British Imperial Outpost:

#### Regulation in Nova Scotia

In December, 1758, the newly-formed Nova Scotia provincial assembly decided that a lighthouse and dwelling house were needed on Sambro Island. Halifax was embedded in multiple early modern trade routes, and ships had been entering and leaving the harbour since 1749 from points near and far in the Atlantic-Mediterranean world. From August to October in 1753 alone, for instance, ships cleared the harbour for Newfoundland, Oporto, Bilbao and Surinam, and arrived from Louisbourg, Newfoundland, Cork and Fyal.<sup>1</sup> A lighthouse was needed to aid the maritime commerce key to the economy of the town and colony.

The legislation calling for the new buildings on Sambro Island stipulated that a sum of £1,000 was to be allocated to cover the expense. The money was not to come out of a general fund, or to be financed from London. The lighthouse would be financed from duties collected through the sale of “spirituous liquors,” principally rum.<sup>2</sup> Several other government expenses likewise were paid for through the duties collected on the sale of rum and other alcohol. On 1 January, 1760, for instance, the Provincial Treasurer, Benjamin Green, was ordered by Governor Charles Lawrence to use money arising from

---

<sup>1</sup> NSARM, *Royal Gazette*, 04 August, 1753, 11 August, 1753, 17 August, 1753, 25 August, 1753, 01 September, 1753, 29 September, 1753, 06 October, 1753.

<sup>2</sup> NSARM, RG 5 Series S, vol. 1, 1758-9, 1. Costs involved in operating the lighthouse were subsequently to come from port duties charged to Masters of vessels (except coasters and fishing vessels), suggesting that funds from duties on alcohol may have been useful in covering initial funds for endeavours that later became self-financing. NSARM, RG 5 Series S, vol. 1, 1758-1759, 4, “An Act for regulating and maintaining a Lighthouse in Sambro Island.”

duties on spirituous liquors to pay the Commissioner for the Public Works £1,000 “to discharge such Debts as are due on those Accounts.” The same funds were also to be used to pay William Nesbitt £161 to defray the expenses of the House of Assembly. These costs included the rental of a room for the current session, allowances to the messenger and doorkeeper, stationery, the Printer’s account, and firewood.<sup>3</sup> In November, 1760, William Nesbitt was to receive £100 for his services as His Majesty’s Attorney for the previous year, also from the same fund.<sup>4</sup> The treasurer was also to pay several people between £25 and £75 from the same source for their services as justices of the Court of Common Pleas.<sup>5</sup> Patrick Sutherland was to receive £250 from the same fund as a reimbursement for the expenses he incurred in the settlement of Lunenburg, and Green was requested to pay John Dupont £100 for his services as clerk of the council in General Assembly.<sup>6</sup> Money paid from licenses issued for selling alcohol in public houses, and the fines collected for breach of the law regarding licensed houses, were also used to finance government projects such as the building and repairing of roads, highways and bridges in the province and the support of the province’s poor. Alcohol was a source of revenue, an important consideration in early Halifax.

The settlement of the town, and the province generally, was almost entirely a state-funded enterprise, costing several hundred thousand pounds. British MP Edmund

---

<sup>3</sup> NSARM, RG1, vol. 166A, Lawrence to Green, 17 May, 1760. Green was also ordered to pay Nesbitt £40 for his services as government Attorney during the last half year.

<sup>4</sup> NSARM, RG1, vol. 166A, Lawrence to Green, 1 January 1760, & Belcher to Green, Halifax, 8 November, 1760.

<sup>5</sup> Charles Morris was to receive £75 as first Justice, James Monk, John Dupont, Joseph Gerrish and Edmund Crawley were each to receive £50, and Joseph Scott £25. In all cases, the sums were for one year’s service on the court. NSARM RG1, vol. 166A, Lawrence to Green, 1 January, 1760.

<sup>6</sup> NSARM, RG1, vol. 166A, Lawrence to Green, Halifax, 1 May, 1760, & Lawrence to Green, 2 July, 1760.



Burke noted, in 1780: “this colony has stood us in a sum of not less than £700,000.” He also complained that Nova Scotia did “not even support those offices of expence, which are miscalled its government; the whole of that job still lies upon the patient, callous shoulders of the people of England.”<sup>7</sup> Julian Gwyn has observed that British public expenditure on Nova Scotia was actually far greater than this, given the province’s reliance on imported provisions.<sup>8</sup> Retail licenses, as well as duties imposed on imported goods, were among the few sources of revenue available to local authorities.

Duties imposed upon imported distilled alcohol varied. A 31 July, 1751 Act of Council imposed a duty of 3 pence per gallon on rum and “all other Distill’d Spirituous Liquors” imported into the port of Halifax. This act targeted New England rum, as rum and spirits imported from the British West Indies or Great Britain were exempt from duties.<sup>9</sup> In the fall of 1767, the assembly set the excise duty on rum at one shilling per gallon.<sup>10</sup> Subsequent acts generally imposed duties of 3 or 6 pence per gallon. By 1785, for instance, the duty on all rum and other distilled spirituous liquors was three pence per gallon.<sup>11</sup> The duty was subsequently raised to 6 pence per gallon, but by 1794 had been reduced again to 3 pence.<sup>12</sup> Several of the acts specified that the duties were to be used to pay the interest and principal of the public debt of the province. Although this revenue

---

<sup>7</sup> In Julian Gwyn, *Excessive Expectations: Maritime Commerce & the Economic Development of Nova Scotia, 1740-1870* (Kingston & Montreal: McGill-Queen’s University Press, 1998), p. 28.

<sup>8</sup> Gwyn, *Excessive Expectations*, pp. 28-9. See also Jeffers Lennox, “An Empire on Paper: The Founding of Halifax and Conceptions of Imperial Space, 1744-55,” *Canadian Historical Review*, Vol. 88.3 (September, 2007), p. 379.

<sup>9</sup> NSARM, RG1, vol. 164.

<sup>10</sup> NSARM, *The Halifax Gazette*, 5 November, 1767.

<sup>11</sup> NSARM, RG5 Series S, vol. 6, 1784, “An Act for more effectually raising a Duty of Excise on Wine, Rum and certain other enumerated Articles, and for preventing any Fraud in the Collection of the Revenue.”

<sup>12</sup> NSARM, *The Halifax Gazette*, 8 July, 1794.

source paled in comparison with the funds invested in the province from Britain, the allocation of these funds to cover specific expenses suggests that local authorities were able to exercise some control over revenue. Nova Scotia was one of the British colonies that represented an exception within the colonial experience in the Americas in that it was characterized by an authoritarian administration.<sup>13</sup> As such, the ability to have some control over local revenue generation was significant.

The reliance on alcohol as a source of revenue created a dilemma for authorities. On 25 April, 1763, Lieutenant-Governor Belcher opened a session of the General Assembly of the province with a commentary on the connection between revenue and alcohol. “We rely upon the consumption of a noxious manufacture,” he noted, “for which it is the very object of the laws to restrain.” The members of the three-person committee that replied to his speech noted that they could not “think of any other tax more suitable than that on spirituous liquors” which “will, we fear, be consumed by the profligate in immoderate quantities.” The committee acknowledged that the high level of consumption would happen “notwithstanding the wholesome laws for suppressing debauchery.”<sup>14</sup> This exchange reveals that the governing authorities were well aware of the paradox of promoting the importation of rum and other distilled alcohols as a source of revenue

---

<sup>13</sup> While governance structures and practices in Newfoundland were significantly different from Nova Scotia in the eighteenth century, the two colonies shared the same tendency towards imperial control. See Jerry Bannister, *The Rule of the Admirals: Law, Custom, and Naval Government in Newfoundland, 1699-1832* (Toronto: University of Toronto Press, 2003), p. 168. For a case study of political divergence between Nova Scotia and Massachusetts with respect to authority, see Elizabeth Mancke, *The Fault Lines of Empire: Political Differentiation in Massachusetts and Nova Scotia, ca. 1760-1830* (New York: Routledge, 2005). Mancke examines the ways in which authorities in Halifax exerted control over Liverpool, Nova Scotia in contrast to Machias, Maine, where town government played a larger role. This issue is discussed in more detail in Chapter Four with respect to early colonial governance in New Brunswick.

<sup>14</sup> Murdoch, II, p. 427. In NSARM, MG1, vol. 1882, Folder 15/3, p. 5.

while, at the same time, limiting consumption because of the negative consequences of immoderate imbibing. The fear of drunkenness and disorder reflected elite stereotyping of the lower orders, but it was also rooted in the imperial military and naval realities of the colony, and Halifax in particular, as a soldier and sailor town.

In his 1821 letters to the *Acadian Recorder*, Thomas McCulloch presented a similar dilemma regarding taverns and drinking. This dilemma was expressed in fictional terms through the satirical letter-writer Mephibosheth Stepsure, and framed in nineteenth-century ideals regarding industriousness rather than eighteenth-century notions of debauchery. In the letter, Stepsure noted Parson Drone's failure to persuade Mr. Soakem, a hitherto hardworking farmer, to give up his tavern, despite warnings regarding the "conduct of vagabonds" in his tavern and the influence this would have on his children. The parson then appealed to the magistrates, "the guardians of good order," to issue fewer tavern licenses, noting that a license should not be granted "to every fool who chose to ruin himself and his family."<sup>15</sup> Mr. Stepsure then noted: "Our magistrates have always been in the practice of giving licenses to all who request them. They say they need the money."<sup>16</sup>

The tension expressed by both Belcher and McCulloch, between the government revenue generated from alcohol and the potential for social disorder associated with drinking and drunkenness, continues to be a recurring theme in alcohol regulation.<sup>17</sup> A

---

<sup>15</sup> Thomas McCulloch, *The Stepsure Letters* (Toronto: McClelland and Stewart, 1960): 30.

<sup>15</sup> McCulloch, *The Stepsure*, p. 30

<sup>16</sup> McCulloch, *The Stepsure* p. 30.

<sup>17</sup> Mariana Valverde has noted that there is "remarkable continuity" in the broad parameters of the study of alcohol across time for European and North American

1973 report of the Brewers' Association of Canada, for instance, noted that taxation produced "money for the public purse," while also having the potential to change consumption patterns.<sup>18</sup> The "dual role of control and revenue" created potential conflict in that efforts to achieve one could negate the other.<sup>19</sup>

Although the study of alcohol involves questions that tend toward the universal, the responses are highly culturally and historically contingent, pointing to the need for in-depth studies that focus on nuances, gaps, and changes over time. The history of alcohol consumption and regulation in Nova Scotia has been an understudied topic, as noted in Chapter One, and specific questions regarding government intentions in establishing regulatory frameworks remain unanswered. Two essays in the 1988 collection *Tempered by Rum: Rum in the History of the Maritime Provinces*, have represented a notable exception.<sup>20</sup> Mark Davis argued that, between 1764 and 1850, authorities were more concerned with economics than morality when it came to alcohol. It was, according to Davis, "an innocent beverage that paid handsome government revenues if properly managed,"<sup>21</sup> though much of his analysis focuses on the nineteenth century. Judith

---

societies. Mariana Valverde, *Diseases of the Will: Alcohol and the Dilemmas of Freedom* (New York: Cambridge University Press, 1998), p. 14.

<sup>18</sup> "Beer, Wine and Spirits: Beverage Differences and Public Policy in Canada. The Report of the Alcoholic Beverage Study Committee. A Summary. 1973, p. 11.

<sup>19</sup> "Beer, Wine and Spirits. P. 11.

<sup>20</sup> James H. Morrison and James Moreira, eds., *Tempered by Rum, Rum in the History of the Maritime Provinces* (Porter's Lake: Pottersfield Press, 1988).

<sup>21</sup> C. Mark Davis, "Rum and the Law," in *Tempered by Rum, Rum in the History of the Maritime Provinces*, edited by James H. Morrison and James Moreira (Porter's Lake: Pottersfield Press, 1988), p. 44.

Fingard examined “taverns and the law” between the 1830s and the 1880s, and concluded that Victorian liquor licensing was a form of class legislation.<sup>22</sup>

Were authorities in fact committed to limiting the consumption of alcohol through legislation? This chapter examines this question by reviewing the legislation that was passed to deal with consumption, in particular the issuing of licenses for venues where alcohol was sold and consumed, between the founding of Halifax in 1749 and the beginnings of the temperance movement around 1830. During this period, Nova Scotia was an imperial outpost, with Halifax established as a garrison town to bolster British defences in the face of French Louisbourg, on Île Royale. In addition to the Acadian and Mi’kmaw populations in the region, settlement attempts promoted by the British brought British immigrants, New England Planters, and Protestant French, Swiss and German settlers to the region. Widespread demographic changes occurred with the arrival of the Loyalists, as well as continued Scottish migration into the nineteenth century. The chapter explores how the legislation changed over the period in question. The numerous instances of regulation spread out over several decades suggest that the will to regulate was there. Whether motivated by benevolence or social control, successive governors, councils and assemblies were concerned with the excessive use of alcohol – rum and other spirituous liquors in particular. The need for continuous, repeated legislation, on the other hand, indicates limits to the authority of the Governor and Council, and the Assembly after 1758.

---

<sup>22</sup> Judith Fingard, “A Great Big Rum Shop”: The Drink Trade in Victorian Halifax,” in *Tempered by Rum, Rum in the History of the Maritime Provinces*, edited by James H. Morrison and James Moreira (Porter’s Lake: Pottersfield Press, 1988).

The chapter argues that both economic and cultural factors must be taken into consideration in attempting to understand the limits to authority regarding the control of consumption. Alcohol was a source of revenue, and duties on rum were used for specific expenditures. Authorities walked a delicate line by allowing alcohol to be imported in order to reap the revenue rewards, while dealing with the problems associated with alcohol by establishing legal limits to consumption, in particular attempting to control where alcohol could be sold and imbibed. Their enthusiasm for the regulation of consumption was thus likely tempered by the need for revenue. While the fiscal question holds significant explanatory power in terms of understanding patterns of authority in relation to consumption, it does not fully address the problem of limiting consumption. In short, the context within which regulators were operating involved more than a question of fiscality versus morality.<sup>23</sup> While different appointed office holders dealt with the licencing of public houses and the collection of duties on imported alcohol (clerks of the licence and magistrates for the former and customs officers for the latter, for instance), members of the legislature read and passed bills dealing with both public houses and import duties on alcohol, sometimes in the same sitting.<sup>24</sup>

Cultural issues were at stake. As noted in the previous chapter, the literature of early modern Anglo-American consumer culture identifies goods as either luxuries or

---

<sup>23</sup> The issue of fiscality versus morality with respect to the regulation of alcohol production and consumption was discussed at a workshop held at York University, 24-27 October 2007: "Alcohol in the Atlantic World: Historical and Contemporary Perspectives." See [www.Yorku.ca/tubman/ConferencesWorkshops/Alcohol/index](http://www.Yorku.ca/tubman/ConferencesWorkshops/Alcohol/index)

<sup>24</sup> Many magistrates were also members of the assembly, and as such would have been aware of both statute legislation and the local administration of justice with respect to alcohol. For a discussion of the early Nova Scotia assembly, see Brian Cuthbertson, *Johnny Bluenose at the Polls. Epic Nova Scotian Election Battles 1758-1848* (Halifax: Formac Publishing Company, 1994), pp. 19-20.

necessities. Rum was a complex commodity because it had the potential to be both. It was both extraordinary and ordinary, exceptional and everyday. The identification of rum as exceptional helps explain why it was problematic. On the other hand, the identification of rum as an everyday cultural commodity also helps explain the limits that existed regarding regulatory attempts. Rum became embedded in pre-existing expectations regarding the quotidian consumption of alcohol, with its origins in the consumption of ale in England, and this made it more difficult for authorities to curtail consumption, despite the excesses associated with the imbibing of rum.

The first part of the chapter provides an overview of public houses in Nova Scotia during the time period in question. This section provides a template, for subsequent chapters also, for understanding public houses in northeastern British America in the eighteenth and early-nineteenth centuries. The chapter then identifies and examines three phases of licencing legislation, and concludes with a discussion of the phases of regulation in terms of the meanings of consumption and motivations of governing authorities in regulating it. Public houses and alcohol regulation are examined through an identification of the shifting fiscal and social priorities of licensing authorities in Nova Scotia from the founding of Halifax to the beginnings of the temperance movement (1749-1831). The central question, as with the dissertation as a whole, involves government intention, not implementation, and is one which was present for both Belcher and McCulloch (and the Brewers' Association): were authorities more concerned with raising revenue through licensing than the moral and social regulation of drinkers and drinking establishments? During the first phase (1749-1767), authorities were primarily concerned with the control of drunkenness and disorder. This was followed by a period of

fluidity in which legislators increasingly viewed licensing as a form of government revenue (1768-1798). During the final phase (1799-1831), the raising of revenue emerged as a key focus of the legislation, with licensing fees being targeted towards the building and repairing of roads. This phase ended with the repeal of this legislation and the introduction of an extensive overhaul statute in 1832. The shift from focussing on disorder to revenue generation was associated with imperial realignments following the Seven Years' War (in particular a decrease in civil spending), while the specific focus on revenue and roads was associated with colonial expansion and development in the late eighteenth and early nineteenth centuries.

### **A Century (Or So) of Public Houses of British Nova Scotia**

Liquor licenses were issued to people who operated public houses where alcohol was served. A variety of alcoholic beverages were consumed in these public spaces. Early licenses were issued for the sale of 'spirituous liquors,' which usually referred to rum, and subsequent statutes also itemized, brandy, wine, ale, beer, cider, perry and "other Spirituous and Strong Liquors, or mixed Drinks."<sup>25</sup> Public sites of consumption were referred to in the licensing legislation using various terms, including "Common Tipling Houses", taverns, alehouses, inns, houses of entertainment, and public houses.<sup>26</sup>

---

<sup>25</sup> See, for instance, NSARM, RG 5, Records of the Legislative Assembly of Nova Scotia, Series S, Vol. 1 1758-1759 3, "An Act for the better discovery and more effectual Suppressing of Unlicenc'd Houses," 1758, and NSARM, RG 5, Series S, Vol. 2 1761-5, "An Act in further Addition To and Amendment of an Act for Suppressing unlicensed Houses, and for Granting to His Majesty a Duty on Persons hereafter to be licensed," 1763.

<sup>26</sup> Only early legislation referred to drinking establishments as tipling houses, and later laws used the terms "public house" and "house of entertainment." See, for instance, NSARM, 1758, RG 5, Series S, Vol. 1 1758-1759 3, "An Act for the better discovery and



In keeping with public houses elsewhere in British North America, those in Nova Scotia were places where alcohol was consumed, but they were often public spaces in a broader sense.<sup>27</sup> Commercial business, the meetings of charitable societies, and the functions of government could all be carried out within the walls of public houses. The public houses of Nova Scotia during this time varied. Many were owned or operated by women. Many were tipping houses or taverns only, while others, especially outside of Halifax, also functioned as inns, or houses of entertainment, that provided lodging as well as meals and alcohol. Taverns and inns were often the only public spaces, apart from churches, in nascent settlements and small communities and on country roads, and they were sites of social, economic and political life.<sup>28</sup> Public houses thus reveal a great deal about daily activities. Officials in Nova Scotia at both provincial and local levels took advantage of taverns and inns as public spaces, but also sought to control the uses of these spaces. Between 1749 and 1831, authorities introduced proclamations and statutes to regulate public houses, beginning in Annapolis Royal, and then in Halifax, Lunenburg, Liverpool, Windsor, Digby, Truro, Preston and places in between.

---

more effectual Suppressing of Unlicenc'd Houses," and 39 Geo 3d, Cap. 13, "An Act for raising a Revenue to repair the Roads throughout the Province, by laying a Duty on Persons hereafter to be Licensed to keep Public Houses, or Shops, for the retail of Spirituous Liquors, and for regulating such Public Houses, and Shops," 1799, *The Statutes at large, passed in the Several Assemblies held in His Majesty's Province of Nova Scotia*, Volume 1, 1758-1804 (Halifax, 1805), pp. 41.

<sup>27</sup> For Upper Canada, see Julia Roberts, "Taverns and Tavern-goers in Upper Canada, the 1790s to the 1850s," (PhD Dissertation, University of Toronto, 1999), pp. 78, 85-6, 92, 101-2, 106-7. See also Julia Roberts, *In Mixed Company: Taverns and Public Life in Upper Canada* (Vancouver: UBC Press, 2009), pp. 59-70, for economic and political activities in taverns, and pp. 138-164 for women's activities in public houses as public spaces. For early America, see Sharon Salinger, *Taverns and Drinking in Early America* (Baltimore and London: The Johns Hopkins University Press, 2002), pp. 48-82.

<sup>28</sup> Salinger, *Taverns and Drinking*, p. 5.

Early Halifax had no shortage of places in which alcohol was consumed, from the illegal ‘grog shops’ of Barrack Street to licensed establishments that were little more than a private home with a sign, to the finer inns, taverns and coffee shops of the small town.<sup>29</sup> While alcohol could be obtained in many forms, rum in particular was a prominent import of the Halifax waterfront and local merchants frequently advertised its arrival and sale in the local newspaper. By 1768-1772, an annual average of 78,000 gallons of rum entered Nova Scotia from the Thirteen Colonies. With a population of approximately 14,000 on the eve of the American Revolution, this represented an average of 5.6 gallons per person.<sup>30</sup> On 3 May 1752, Malachy Salter announced the sale of New England and “West-India” Rum at his store near the South Gate in *The Halifax Gazette*.<sup>31</sup> The following year, a *Gazette* advertisement revealed to readers the availability of “Good New England Rum” at 2s. 2d. per gallon (by the hogshead or barrel) at William Jackson’s house, located “opposite Capt. Cooke’s Wharfe.”<sup>32</sup> Rum was so abundant that the Reverend James MacGregor noted, in this by now familiar phrase, that “the business of one-half of the people was to sell rum, and the other half to drink it.”<sup>33</sup>

---

<sup>29</sup> The official name of the lane that ran past the wooden barracks was Brunswick Street, but it was known “for a century and a half” as Barrack Street. It was a gathering spot, according to Thomas H. Raddall’s subjective account, for “an evil slum of grog sellers, pimps, and prostitutes who battered on the dissolute soldiery.” Thomas H. Raddall, *Halifax: Warden of the North* (Halifax; Nimbus, 2007), p. 41.

<sup>30</sup> John James McCusker, Jr. “The Rum Trade and the Balance of Payments of the Thirteen Continental Colonies, 1650-1775 (PhD Dissertation, University of Pittsburg, 1970), p. 500. John Reid, *Nova Scotia: A Pocket History* (Halifax: Fernwood Publishing, 2009), p. 79. See also Julian Gwyn, “Commerce of Rum: West Indian Connections and Salingeredited by James H. Morrison and James Moreira (Porters Lake, Nova Scotia, 1988), pp. 116-8.

<sup>31</sup> NSARM, *The Halifax Gazette*, 3 May, 1752.

<sup>32</sup> NSARM, *The Halifax Gazette*, 14 April, 1753.

<sup>33</sup> Fingard, “A Great Big Rum Shop,” pp. 89, 100.

Jean Gibbons was one of thirty people to receive licenses to keep a tavern and sell “spirituous liquors” in early Halifax (these early licenses are explored in more detail below).<sup>34</sup> Her license was issued on 21 August, 1749 for Halifax, although the specific location was not listed. Neither do we have information about the kind of establishment Gibbons operated, although an account of the tavernkeeper’s death – that she expired in 1753 after a night of “Mirth,” when she was seized with a “Fitt” and died laughing – points more to a grog shop or brothel than an inn that catered to the Halifax elite.<sup>35</sup> Collectively, the grog shops and brothels were associated with Halifax’s identity as a garrison and navy town.<sup>36</sup> They provided escape from the harsh lives of soldiers and sailors in the eighteenth century, but were not generally equated with harmony and order. In 1842, for instance, visiting writer Richard Henry Dana, Jr. wrote of Barrack Street as a “nest of ... brothels & dance-houses.”<sup>37</sup> One of the larger houses contained 20 to 30 men, many “girls” (all drinking rum, brandy and wine), “the old harridan” with a “keen wicked eye, looking sharp after the girls,” the fiddler and the “red faced master of the house.”<sup>38</sup>

The taverns, according to Dana’s nineteenth-century assessment, were crowded, dirty and noisy, and the tavern-goers “looked broken down by disease & strong drink.”<sup>39</sup> On the other hand, taverns (and grogshops, brothels and dance houses) also likely provided amiable sociability. For the Victorian period, Fingard concluded that soldiers and sailors in Halifax did not have lodgings suited for sociability, and sought out the

---

<sup>34</sup> NSARM, RG 1, Government at Halifax Series, vol. 163, Commission and Order Book Subseries, p. 14.

<sup>35</sup> NSARM, RG 1/163, p. 14. See also NSARM, MG1, Vol. 1882, F15/11, “Jean Gibbons

<sup>36</sup> Davis, “Rum and the Law,” pp. 43-4.

<sup>37</sup> Richard Henry Dana, Jr. “From The Journal of Richard Henry Dana, Jr.,” in John Bell, ed., *Halifax: A Literary Portrait* (Lawrencetown Beach: Pottersfield Press, 1990), p.90.

<sup>38</sup> Dana, “From the Journal,” pp. 90-2.

<sup>39</sup> Dana, “From the Journal,” p. 91.

“warmth and conviviality” of the taverns.<sup>40</sup> Michael Seltzer has also argued that seaport taverns elsewhere in British North America provided a caring home away from home for mariners, and this may have been the case for Halifax in the eighteenth century as well.<sup>41</sup>

However noisy the establishments on the lower echelons of social respectability may have been in their time, they do not speak to us now as loudly as the finer houses, for which we have written anecdotes and newspaper advertisements, as well as some surviving material and architectural evidence. In 1768, William Fury opened a “Coffee-Room” on the beach leading to the dockyard in the North End.<sup>42</sup> The designation of the establishment as a coffeehouse points to the intention that it be a gathering place for local merchants. The best known in Halifax among the more ‘respectable’ public houses was Pontac’s Tavern, or the Great Pontack, a large three-storey inn at the corner of Duke and Water streets that was the home of frequent gatherings of the Halifax civil, military and naval elite. In 1754, on the day that Chief Justice Jonathan Belcher was sworn in, the ceremony was preceded by “an elegant breakfast” in the Long Room of the Great Pontack, in which the scarlet-robed Chief-Justice was accompanied by Charles Lawrence, members of the Council, gentlemen of the bar, officers of the army, and other “gentlemen and ladies” of the town.<sup>43</sup>

---

<sup>40</sup> Fingard, “A Great Big Rum Shop,” p. 98.

<sup>41</sup> In contrast to the dancing “girls” and prostitutes of Barrack Street, Seltzer argued that barmaids and women tavernkeepers in seaport establishments could be surrogate wives and daughters who spent time socializing with male patrons but did not provide paid sexual services. Michael Seltzer, “Haven in a Heartless Sea: The Sailor’s Tavern in History and Anthropology,” *The Social History of Alcohol and Drugs*, 19 (2004), pp. 82-3.

<sup>42</sup> NSARM, *Royal Gazette*, 05 May, 1768.

<sup>43</sup> George Mullane, “Old Inns and Coffee Houses of Halifax,” *Collections of the Nova Scotia Historical Society*. Vol. 22 (1919), pp. 2-3.

Another Halifax establishment, the Golden Ball, originally on the southwest corner of Hollis and Sackville Streets, was often referred to as “O’Brien’s Tavern.” John O’Brien announced his intention to open the Golden Ball on 1 May, 1780 in *The Nova Scotia Gazette and Weekly Chronicle*, noting his “large stock of the best Wines; Rum, Brandy, &c” and also “a variety of convenient Rooms, for the accommodation of those Gentlemen, who may favour with their Company.”<sup>44</sup> The references to a variety of imported alcoholic beverages, private rooms, and ‘gentlemen’ in the notice signalled the proprietor’s intention to cater to the Halifax elite. In the fall of 1787, William Dyott, then a lieutenant in the 4<sup>th</sup> Regiment, wrote in his diary of dining at “O’Brien’s” with Major Vessy of the 6<sup>th</sup> regiment.<sup>45</sup> The following evening, “his royal Highness” Prince William Henry also “dined with the Commodore and Captain of the Fleet at O’Brien’s Tavern.”<sup>46</sup> Although Prince William was not himself “fond of drinking,” according to Dyott, he did not object to the alcoholic imbibing of those in his entourage. Dyott and other members of the Halifax civil, military and naval elite drank Madeira wine and other imported alcoholic beverages frequently, and often to excess, in establishments such as the Golden Ball, on board naval ships in the harbour, in the garrison and at the Governor’s House.<sup>47</sup> Elite drinking and drunkenness were not unique to Halifax. In colonial Philadelphia, drinking rituals such as toasting and speeches were associated with gentility and refinement. “[D]ecent drunkenness” was acceptable, and British military officers in

---

<sup>44</sup> NSARM, *The Nova Scotia Gazette and Weekly Chronicle*, 14 March, 1780.

<sup>45</sup> Dyott, William. *Dyott’s Diary*, edited by Reginald W. Jeffery (London: Archibald Constable and Co. 1907), p. 36.

<sup>46</sup> Dyott, *Dyott’s Diary*, p. 37.

<sup>47</sup> Dyott, *Dyott’s Diary* pp. 37-40, 45, 52-62.

Philadelphia were the “hardest drinking gentlemen” among this elite group.<sup>48</sup> In addition to providing a venue for exclusive sociability, the Golden Ball was also the site of public auctions.<sup>49</sup> For a few years after the burning of the Buckingham Street courthouse, the ‘long room’ of the Golden Ball was also the home of the Nova Scotia Supreme Court.<sup>50</sup>

Several taverns and inns, including the Golden Ball, were used by charitable societies for their meetings and social gatherings.<sup>51</sup> On 3 December, 1799, *The Royal Gazette and the Nova Scotia Advertiser* reported the recent gathering of the North British Society at the British Coffee House, in which “a number of loyal toasts were drank.”<sup>52</sup> A few years later, on St. Patrick’s Day, the Charitable Irish Society held their annual dinner in the same location.<sup>53</sup>

None of the Halifax public houses, from the grog shops of Barrack Street to the Great Pontack, survived into the twenty-first century. The Sinclair Inn in Annapolis Royal, conversely, remains standing and currently operates as a museum.<sup>54</sup> In 1781, the German immigrant Frederick Sinclair (Frederick Zeiglar) bought the Soullard House, formerly an Acadian dwelling and then operated as a tavern by Rebecca Whitchurch in

---

<sup>48</sup> Peter Thompson, “‘The Friendly Glass’: Drink and Gentility in Colonial Philadelphia,” *The Pennsylvania Magazine of History & Biography*, 63. 4 (October 1989), 549. 569.

<sup>49</sup> NSARM, *The Nova Scotia Gazette and the Weekly Chronicle, Supplement*, 25 May, 1784, “To be sold at Public Auction at Mr. John O’Brien’s tavern... A large and commodious Distill House situated near his Majesty’s naval yard.”

<sup>50</sup> Brian Cuthbertson, “Halifax Homes of the Nova Scotia Supreme Court,” in *The Supreme Court of Nova Scotia, 1754-2004*, edited by Philip Girard, Jim Phillips, & Barry Cahill (Toronto: Osgoode Society for Canadian Legal History, University of Toronto Press, 2004), p. 244.

<sup>51</sup> The members of St. John’s lodge (including John O’Brien) held a dinner at the Golden Ball in the afternoon of 27 December, 1780. Mullane, “Old Inns,” p. 8.

<sup>52</sup> NSARM, *The Royal Gazette and the Nova Scotia Advertiser*, 3 December, 1799.

<sup>53</sup> Mullane, “Old Inns,” p. 17.

<sup>54</sup> “The Sinclair Inn,” [www.annapolisheritagesociety.com/sinclair%20.htm](http://www.annapolisheritagesociety.com/sinclair%20.htm). Accessed 11/01/2010.

the 1740s, and joined it with the Skene house to form the Sinclair Inn.<sup>55</sup> The dwelling functioned as both an inn and a tavern, and was the site of property auctions into the nineteenth century. In 1782, five thousand acres of land on the Annapolis Basin belonging to Colonel Jonathan Hore were to be sold at public auction at the inn.<sup>56</sup> When Frederick died in 1799, his wife, Mary, continued to operate the Inn, and when she died in 1814, it was operated by her daughter Hannah.<sup>57</sup>

Rebecca Whitechurch and Mary and Hannah Sinclair were not unique as women tavernowners or tavernkeepers, as this was one of the few occupations open to women, in particular widows, in British North America. In port cities such as Boston and Charleston, colonial officials viewed women as less qualified than men to receive tavern licenses, but also saw the issuing of licenses as an alternative to the use of the public purse to support impoverished women.<sup>58</sup> Halifax tavernkeepers Jean Gibbons and Esther Addington was also issued licenses in Halifax in August, 1749. Jane Gallagher ran the British Tavern on Upper Water Street in Halifax, initially opened in 1798, for several years after her husband Andrew died. Phoebe West ran a popular tavern in Liverpool from 1783 to 1806 after the death of her husband John.<sup>59</sup> Joseph Howe, in his *Western Rambles*, described his “worthy friend Mrs. Fuller,” a widow and the keeper of the Kentville Inn, as someone you could trust “to make you comfortable after a long day’s

---

<sup>55</sup> “The Sinclair Inn,” In 1746, Rebecca Whitechurch was granted a license by the Governing Council to sell “strong drink,” and she opened the Soullard House as a tavern the following year.

<sup>56</sup> NSARM, *The Nova Scotia Gazette and the Weekly Chronicle*, 13 August, 1782.

<sup>57</sup> “Sinclair Inn, The Later History,”

[www.annapolisroyalheritagesociety.com/slaterhistory.htm](http://www.annapolisroyalheritagesociety.com/slaterhistory.htm). Accessed 11/01/2010.

<sup>58</sup> Salinger, *Taverns and Drinking*, p. 165.

<sup>59</sup> Dan Conlin, “A Private War in the Caribbean: Nova Scotia Privateering 1793-1905.” M.A. Thesis (Halifax: Saint Mary’s University, 1996), p. 122.

ride.”<sup>60</sup> Mrs. Wilcox at Windsor and Mrs. Davis at Annapolis Royal were also praised by Howe and other contemporary observers for their fine food, good service and comfortable accommodations.<sup>61</sup>

The Lennox Tavern in Lunenburg was another early public house which, like the Sinclair Inn, remains architecturally intact. It is a two-story symmetrical Georgian building on Fox Street, in the upper slopes of Lunenburg.<sup>62</sup> It was built by John Lennox, sometime after 1791, to be used as both a tavern and an inn.<sup>63</sup> An inventory drawn up in 1817, after the death of Lennox, revealed that a shop was also contained on the premises.<sup>64</sup> In the late nineteenth century it became a Temperance House.<sup>65</sup>

The Sinclair Inn and the Lennox Tavern were located in two of the few British-sponsored settlements outside the district of Halifax. As migration increased and settlement expanded, particularly after the arrival of the Loyalists in the 1780s, the number of public houses also increased. In Shelburne, a number of tavern were established shortly after the Loyalists’ arrival. McGraph’s Tavern, on Mason’s Lane, was a popular establishment for dancing and card playing.<sup>66</sup> The Merchant’s Coffee House, or

---

<sup>60</sup> Joseph Howe, *Western and Eastern Rambles: Travel Sketches of Nova Scotia*, edited by M.G. Parks (Toronto: University of Toronto Press, 1973), pp. 78-9.

<sup>61</sup> M.G. Parks, “Introduction,” in Howe, *Rambles*, pp. 27-8.

<sup>62</sup> “Lennox Tavern,” [www.historicplaces.ca/visit-visite/affichage-display.aspx?id=1299&page=2](http://www.historicplaces.ca/visit-visite/affichage-display.aspx?id=1299&page=2). Accessed 02/02/2010.

<sup>63</sup>“Lennox Tavern.” It is listed in the Canadian Register of Historic Places as having been built sometime between 1791 and 1818.

<sup>64</sup> Household goods, including clothing, upholstery, fans, artificial flowers and snuff boxes were sold. Robert Cram, “Restoration of the Lennox Inn,” <http://www.lennoxinn.com/restoration.html>. Accessed 11/03/2010.

<sup>65</sup> The building was restored in the 1990s and is currently operated as an Inn “The oldest continuously operating inn in Canada,” according to the inn’s website “Lennox Inn, 1791,” <http://www.lennoxinn.com>. Accessed 11/03/2010.

<sup>66</sup> Bonnie Huskins, “Shelburnian Manners’ Gentility and the Loyalists of Shelburne, Nova Scotia,” *Early American Studies* (Winter 2015), p. 161.



Steel's Tavern, provided accommodation for travellers, hosted balls, held slave auctions, and provided space for court sessions. Bonnie Huskins notes that many newcomers sought to establish polite society and a "middling gentility" in Shelburne, and taverns provided spaces for sociability.<sup>67</sup> The "Long Room" in Steel's Tavern, for instance, hosted balls to celebrate the queen's natal day and in honour of St. Andrew's feast day.<sup>68</sup>

The roads leading from Halifax to various parts of the province were increasingly dotted with inns for travellers that held licenses to sell alcohol.<sup>69</sup> The road along the Bedford Basin before Fort Sackville, for instance, included Shaw's Inn, or Three Mile House, (built by a member of the legislature), Warwick House or Four Mile House, the Rockingham Inn (home to a literary and social club established by John Wentworth), Housen's Inn, New Inn and Andrew's Inn.<sup>70</sup> Ten Mile House was another early inn on the outskirts of Halifax. It was just beyond Fort Sackville and, according to Joan Dawson, may have formed part of the early barracks complex.<sup>71</sup> In addition to serving travellers, it was also one of the several destinations in the area for Haligonians on day-outings.<sup>72</sup> Like the Sinclair Inn and the Lennox Tavern, the building has survived into the twenty-first century.<sup>73</sup> On 6 October, 1768, William Sentell informed all gentlemen and travellers, via the *Royal Gazette*, that he had opened a "House of Entertainment for Man and Horse" in

---

<sup>67</sup> Other taverns included Rodney's Victory, the King's Arms, Campbell's Tavern, Whiting's Tavern, the British Coffee House, and Mrs. Lowrie's Tavern. Huskins, "Shelburnian Manners," p. 161.

<sup>68</sup> Huskins, "Shelburnian Manners," p. 162.

<sup>69</sup> Joan Dawson, *Nova Scotia's Lost Highways: The Early Roads That Shaped the Province*, (Halifax: Nimbus, 2009), pp. 29-31, 33, 51.

<sup>70</sup> Dawson, *Nova Scotia's Lost Highways*, pp. 22-25.

<sup>71</sup> Dawson, *Nova Scotia's Lost Highways*, p. 28.

<sup>72</sup> Dawson, *Nova Scotia's Lost Highways*, p. 28

<sup>73</sup> Unlike Sinclair Inn and the Lennox Tavern, it has strayed significantly from its original function and is currently used as a Bicycle Store.

Windsor, near the “fording Place” between Windsor and Falmouth. Both good entertainment and civil treatment were to be found at Sentell’s establishment.<sup>74</sup>

Another tavern that was also an inn, the Stag Inn in Preston, was built at a slightly later date, in the 1830s.<sup>75</sup> It operated as a public house until at least 1865. The inn was initially owned by George Dear, a War of 1812 refugee who settled in Preston, and then by William Dear. A sign was made for the first owner, George, but William altered the sign to include his name. The verse on the sign was written by William Chearnley, an ex-army captain who remained in Halifax after his regiment left in 1833. He was a hunter and sports fisherman, and was clearly impressed with the “Streams for Trout, and Woods for Deer,” near the inn. With clean beds, food for horses as well as “the best of Cheer: Brandy, Whiskey, Hop, Spruce, Ginger Beer,” the Stag Hotel would have provided a good base, within short travelling distance of Halifax, for outdoor recreation.<sup>76</sup>

In Liverpool, the established community member and local merchant Simeon Perkins made several references to taverns in his diaries. In addition to Mrs. West’s tavern mentioned previously, Perkins frequented ‘Dexter’s’ and ‘Doggetts’ to carry out responsibilities associated with his various civil positions, dine with commercial associates, and attend social functions. Perkins met with justices and attorneys at Dexter’s

---

<sup>74</sup> NSARM, *Royal Gazette*, 06 October, 1768.

<sup>75</sup> It was also known as the Stag Hotel, Nine Mile House and Deers Castle. The sign was acquired by the Nova Scotia Museum in 1936. NSARM, “Sign from the Stag Inn, Preston,” <http://www.gov.ns.ca/nsarm/virtual/africanns/archives.asp?ID=175>. Accessed 17/02/2010.

<sup>76</sup> “Sign from the Stag Inn, Preston,” Frederic S. Cozzens, in his 1859 *Acadia; or A Month With The Blue Noses*, also wrote about the Stag Inn after a June visit in the late 1850s. Cozzens described it as a “little, weather-beaten house;” one that served Cozzens, like Chearnley, as a base for exploration of the area.

tavern to “consult matters respecting their offices” in May 1772.<sup>77</sup> The following June he dined with a business associate, John Pollard, who had arrived the previous day from Halifax and to whom Perkins sold boards and oak plank.<sup>78</sup> On 30 September 1773, Perkins and “several gentlemen” spent the evening at Deborah Doggett’s newly-opened tavern and each spent two shillings.<sup>79</sup> A Mr. Phillip and a Mr. Boyle also operated taverns in Liverpool in the late eighteenth century.<sup>80</sup> According to the historian Dan Conlin, Mrs. West’s establishment appeared to have been a “middle of the road one.”<sup>81</sup> By comparison, privateers tended to congregate for “rowdy drinking” at Mr. Boyle’s tavern.<sup>82</sup> On the other end of the spectrum, the Governor, when visiting Liverpool, would dine at Mr. Phillip’s.<sup>83</sup>

This three-fold typology of taverns appeared to hold for inns as well, in particular in county districts. “Brown sugar houses” revealed their “second-rate status” by serving brown sugar rather than the white loaf-sugar of finer inns, and, according to the editor of Joseph Howe’s *Rambles*, M.G. Parks, the term “brown sugar house” served as a rating device among Nova Scotia travellers.<sup>84</sup> Those that served only molasses, and no sugar at all, were lowest on the scale. Unlike the grog houses of Halifax, however, molasses houses were few and far between. That said, not all travellers were as impressed as Howe

---

<sup>77</sup> *The Diary of Simeon Perkins, 1766-1780*, vol. 1, edited by Harold A. Innis (Toronto: The Champlain Society, 1948), pp. 45-6. He also attended a land auction during the same month.

<sup>78</sup> *The Diary of Simeon Perkins*, p. 55.

<sup>79</sup> *The Diary of Simeon Perkins*, pp. 57, 59. Deborah Doggett was the widow of Captain Samuel Doggett, who died on 15 August of that year after experiencing “great distress in the stomach.”

<sup>80</sup> Conlin, “A Private War,” p. 122.

<sup>81</sup> Conlin, “A Private War,” p. 122

<sup>82</sup> Conlin, “A Private War,” pp. 122-3.

<sup>83</sup> Conlin, “A Private War,” p. 123.

<sup>84</sup> G.M. Parks, “Introduction,” p. 28.

with the inns and taverns of the roads and highways of the province. Thomas Haliburton's fictional Sam Slick noted: "I reckon they are bad off for inns in this country. When a feller is too lazy to work here, he paints his name over the door, and calls it a tavern, and as like as not he makes the whole neighbourhood as lazy as himself."<sup>85</sup>

The overview of public houses, from the Sinclair Inn in early-eighteenth-century Annapolis Royal to the Stag Inn in mid-nineteenth-century Preston, with points and places in between, has provided a glimpse for this chapter, as well as the following two chapters, of the variety of establishments in existence in British Nova Scotia, including the various clientele catered to in the grog shops, tippling houses, taverns, inns and other public, the presence of women proprietors, and some of the activities, apart from moderate, excessive, convivial and symbolic imbibing, that took place in public houses, such gatherings of charitable societies, auctions, and the holding of meetings to discuss government business.

### **Debauchery in a Garrison Town, 1749 to 1767**

During the first licensing phase in Nova Scotia, the main focus of concern for governing authorities was not the regulation of alcohol selling and consumption in licensed public houses, but unlicensed alcohol selling in venues where alcohol consumption was linked to disorder. Several orders and proclamations dealing with the selling of alcohol were issued prior to 1758, and two statutes along with amendments, provided the first comprehensive legislation dealing with unlicensed houses and the regulation of licensed houses.

---

<sup>85</sup> Thomas C. Haliburton, *The Clockmaker* (Toronto: McClelland & Stewart, 1990), p. 12.

### *Early Proclamations and Licenses*

On 17 July, 1749, Governor Edward Cornwallis issued an order stating that no “person whatever” was to “presume to retail Spirituous Liquors without a Licence from his Excellency or Persons appointed by him, upon penalty of forfeiting all Liquor Belonging to them and Suffering what other punishment His Majesties Council shall think fitt to inflict.”<sup>86</sup> The governor and council had met previously to discuss the problem of unlicensed alcohol sellers. According to the estimates of the Grand Jury, approximately 40 establishments existed in which alcohol was sold illegally. Fourteen transports carrying approximately 2,500 settlers had only just arrived (the first sloop dropping anchor on 21 June), and the proclamation was read at a Council held in the harbour aboard the warship *Beaufort*. Among the various activities associated with establishing a settlement – clearing land, laying out streets, building forts and accommodations, provisioning settlers – Cornwallis and the Council deemed it necessary to regulate the consumption of alcohol. Amidst fears of inclement weather, insufficient supplies and attacks by Mi’kmaq rested also the fear of unruly behaviour and disorder on the slopes of Citadel Hill. Alcohol was readily available. A letter from Halifax stated that “good rum” was to be bought for 3s per gallon, and red and white port for a shilling a bottle (although “a pot of good London porter or purl” was not to be found).<sup>87</sup> Naval Officer’s records also mention “the fearsome quantities of rum imported.”<sup>88</sup> The consumption of alcohol could impede work, and with winter approaching, Cornwallis had

---

<sup>86</sup> NSARM RG1, vol. 163 Commission Book, 1749-1759.

<sup>87</sup> NSARM MG 1, vol. 1882, folder 15/3.

<sup>88</sup> Winthrop Pickard Bell, *The ‘Foreign Protestants’ and the Settlement of Nova Scotia* (University of Toronto Press, 1961) p. 338.

cause for concern. He had to deal with “rank and file settlers who persistently defied official orders... resorting to drink and desertion” when working on the construction of fortifications and other projects.<sup>89</sup>

The first order of Council was short and did not elaborate on the “other punishments.” Subsequent proclamations suggested that the forfeiture of alcohol and the vague wording for other punishments of this first order were insufficient means to address the problem. The following month, on 28 August, another Council meeting held on the *Beaufort* ordered that a penalty of 20s. sterling for each offence be added to the July proclamation. In addition, retailers were forbidden, on the same penalty, to entertain any company after nine o’clock at night.<sup>90</sup> Council members had considered the imposition of higher duties on imported spirits as a deterrent, but decided that would not be beneficial to a settlement in its infancy. They also considered greater penalties for convicted illegal sellers, as well as greater rewards for informers, but decided against these measures also, because they had been found to not have the desired effect. They decided in the end to add corporal punishment to the fines and forfeitures already established, and ordered that a proclamation be issued to reflect this decision.<sup>91</sup>

The August proclamation acknowledged both the abuses and irregularities committed in licensed houses and the continued selling of liquor in unlicensed houses, and declared that nothing could be “more detrimental to the Settlement or more certainly destructive to the health and Morals of the inhabitants.” The proclamation aimed to “prevent the Mischiefs naturally following Such numbers of Irregular Houses.” The

---

<sup>89</sup> Judith Fingard, Janet Guildford and David Sutherland, *Halifax: The First 250 Years* (Halifax; Formac, 1999), p. 14.

<sup>90</sup> NSARM, MG1, vol 1882, Folder 15/3

<sup>91</sup> NSARM, MG1, vol. 1882, Folder 15/3, “Proclamations RE Liquor Retailing. Etc. Etc.”

number of licenses was to be limited and only those houses that could ensure they would follow established regulations would be issued licenses. This helps explain the gap in licenses between February and September, 1750, referred to above. The proclamation singled out rum in particular as problematic, noting the “Shameful practice of having Rum almost sold in Every house.”<sup>92</sup> Over and above previous penalties, a fine of 20s. was to be paid to an informant. Making good on the commitment to extend penalties to corporal punishments, the proclamation stated that a person found selling liquor without a license was also to sit one hour in the pillory for the first offence and was to receive 20 lashes for the second offence, although the Council did not always follow through on the prescribed punishments. The proclamation also called for all of the settlements to observe the Lord’s Day. Inhabitants who kept taverns, ale houses or other houses of entertainment were not to sell to “any Inhabitant Fisherman, Seaman or other person Whatever” on “any Lords day or Sunday” any “Rum, Brandy or Strong Water of any kind Whatsoever.”<sup>93</sup>

On the same day Governor Cornwallis issued the first order regulating alcohol sales (17 July, 1749), John Shippey was issued the first license in Halifax to sell ‘spirituous liquors’ and keep a tavern.<sup>94</sup> It appears he had also been granted a lot on the

---

<sup>92</sup> NSARM, RG1, vol 163, Commission Book, 1749-1759, p. 30

<sup>93</sup> NSARM, RG1, vol 163, Commission Book, 1749-1759, p. 30. The term strong waters was used elsewhere in British North American colonies. Daniel Denton, for instance, writing in 1670 about Aboriginal people consuming alcohol in New York, noted that alcohol was treated as medicine, and had to be consumed in great quantities in order to derive benefit from it. Denton noted that the “proportion” consumed was “ordinarily a quart of Brandy, Rum, or Strong-Waters.” In Mancall, *Deadly Medicine*, pp. 70, 215.

<sup>94</sup> NSARM, MG1, vol. 1882, Folder 15. Information in this folder, “Laws Relating to Liquor Sales and a List of Inns and Taverns in Early Halifax; Liquor Retailing 1749-1817,” was collected by Archivist C.B. Ferguson. The names of individuals issued licenses were cross-referenced with the Cornwallis Mess List, Original Grantee

west side of Water Street. On the same day, William Croft (or Craft) was also issued a license to sell liquor, although his license was revoked in December of that year for allowing soldiers and sentries to get drunk at his house. By 8 April, 1751, an additional 29 licenses had been issued in Halifax for the sale of liquor by retail.<sup>95</sup> In a 16 September, 1750 letter to the Lords of Trade and Plantations, Governor Cornwallis noted that each of the thirty “Publicans” holding licenses paid a Guinea per month to Mr. Nesbitt, Clerk of the General Court. The funds were distributed to the clergy of the parish charitable use. Table 2.1, based on a table compiled by George T. Bates, provides a summary of the 31 license holders.

Table 2.1 License Holders in Halifax, Nova Scotia, 1749-1751<sup>96</sup>

Name of License Holder	Date of Issue	Location of Public House	Identifying Information
John Shippey	17 July 1749	Lot 1-C, S suburbs	--
William Croft	17 July, 1749	Callendar’s Division E-2	--
John Williams	19 July, 1749	28-A, N suburbs	--
John Aubony	21 July, 1749	--	--
Richard Wenman	28 July, 1749	For. C-12	Quarter Gunner
John Willis	11 August, 1749	Collier’s Division E-2	Chymist & surgeon
Ewnosh Auchmuty	21 August, 1749	½ B-1, N. suburbs	--
Jean Gibbons	21 August, 1749	--	--

---

information, the 1752 Census, July and St. Paul’s Parish Records. Fergusson also incorporated information from George T. Bates regarding the location of the lots granted to licence holders. The information on this group of licensees is based on this source. While not definitive, it is likely that the people granted licenses correspond to people of the same name for whom additional information was collected by Fergusson and Bates. The original licenses are found in NSARM, Commission Book, 1749-1759, RG1, vol. 163.

<sup>95</sup> The locations have been carefully reconstructed by George T. Bates. NSARM, George T. Bates, Map of ‘Old Halifax, 1749-1830.’

<sup>96</sup> Modified from the following record: NSARM, MG1, vol. 1882, Folder 15. “A List of the first Thirty (30) licenses issued for the sale of liquor by retail in Halifax, as obtained from the Minutes of Council, Public Archives of Nova Scotia. GTB.”



Esther Addington	22 August, 1749	--	--
Samuel Blagreive	22 August, 1749	Galland's Division F-13	Husbandman
Edward Orpin	01 September, 1749	For A-14	Husbandman
Thomas Bryant	05 September, 1749	Galland's Division A-5	Mariner
Thomas Greenoak	05 September, 1749	For D-9	Mate, <i>Nassaw</i>
William Neile	18 September, 1749	For A-8	B[L?]ieut. -- Privateer
John Cooke	02 October, 1749	For B-16	Biscuitmaker
John Deneston	01 November, 1749	14-C, S. suburbs	--
Linach Martin	06 November, 1749	--	--
Robert Parfet	06 November, 1749	'Town' 52 census	--
Joseph Ford	01 December, 1749	Callendar's Division H-13	--
Thomas Franklin	01 December, 1749	Ewers Division D-11	Husbandman?
Gregory Berners	24 January, 1750	Collier's Division D-11	Lieutenant (army)
William Canon	24 January, 1750	Galland's Division C-12	Mariner
John Johnston & John -----	24 January, 1750	For E-3	Carpenter
William McClure	24 January, 1750	Ewers Division C-13	--
John Sharp	26 January, 1750	Collier's Division F-7	Corporal
Amey Williams	27 January, 1750	--	--
Thomas Poor	27 January, 1750	H-7, S. suburbs	--
Thomas Daws	27 January, 1750	For E-9	--
G. Shilcocks	27 January, 1750	For B-10	--
John White	01 February, 1750	Collier's Division C-16 or or Ewers Division E-4	--
William Piggot	08 April, 1751	Callender's Division H-4	Coffee House and billiard table

Cornwallis's reference to thirty licenses having been issued by September, 1750 suggests that no licenses were issued between February and September of that year. The licenses were sometimes issued in clusters: four over a ten-day span in July 1749, four in two days in September of the same year, and eight over a four-day span in January of 1750. The original town was laid out in a seven by seven grid pattern of streets between Citadel Hill and the harbour, surrounded by five log forts, with the two-story wooden

governor's house and Grand Parade – “in reality a patch of rough ground littered with rocks and stumps” -- in the centre. The land to the west of the hill remained forested until the Seven Years War. Some of the licensed establishments have been identified according to location – north suburbs, south suburbs, Callendars, Collier's and Galland's Divisions, and so on, but all 31 establishments would have been within close proximity to each other, as well as to any houses, huts or shelters where rum and other spirits were sold illegally.<sup>97</sup>

Little is known about this initial group of people granted licenses beyond the information summarized in the table, although they appeared to represent a cross-section of the population of the new settlement. Mariners, mates, privateers, carpenters, corporals and a surgeon were included among them, and at least two of the twenty-eight were women. John Williams was issued a license on 19 July, 1749, John Aubony, probably a carpenter by trade, was issued a license two days later. Almost a decade later, in September, 1768, Aubony announced in the newspaper that his establishment near the beach was to be rented. The Mermaid Tavern had been fitted for business, and with a store adjoining.<sup>98</sup> The Mermaid may not have been the finest of establishments, but the presence of an adjoining store, as well as an advertisement in the paper to rent the premises, indicates that it was a more respectable establishment than the grog shops of Barrack Street, if not an elite establishment such as the Great Pontack or Golden Ball. Richard Wenman was issued a license at the end of July. A Richard Wenman represented Halifax in the Assembly from 1765 to 1770, and was a Justice of the Peace in 1762. He had a daughter, Susanna, who married Hon. Benjamin Green, the Provincial Treasurer.

---

<sup>97</sup> Fingard et. al. *Halifax*, pp. 12-13, 17.

<sup>98</sup> NSARM, *Royal Gazette*, 08 September, 1753.

Justices of the peace in other colonies, including New Brunswick, could also be tavernowners, so it was almost certainly the same person, and indicates the tavern license as an entry level into the merchant culture of early Halifax, and this in turn a stepping stone to office holding.

John Willis received a license on 11 August of the same year. He is listed in the records as a “Chymist” and Surgeon who had been granted Lot 2, Block E in Collier’s Division of the town, on the east side of Albemarle Street. John and his wife, Penelope, buried two infant children between 1750 and 1752, and Penelope died in 1757 after the birth of daughter Jane in 1754. John remarried in 1760. A John Willis was later the keeper of the well-known Halifax public house, the Great Pontack. In 1758, he issued General James Wolfe a bill for almost £100 for a dinner held on the eve of the General’s departure for Louisbourg.<sup>99</sup> In 1769, an advertisement appeared in the Nova Scotia Gazette in which a John Willis (possibly the same person or possibly his son) informed the public that he had lately opened the house “commonly known by the name of Great Pontack.” The advertisement was signed by John White, who also received a license in February, 1750.<sup>100</sup>

On 21 August, 1749, in addition to Jean Gibbons (mentioned previously), Ewnosh (or Eunice) Auchnuty was issued a license. Another female proprietor, Esther Addington, received a license the following day, along with Samuel Blagreive (or Blaggrave). An Edward Orpin received a license on 1 September, 1740, and Thomas Bryant received

---

<sup>99</sup> Raddall, *Halifax: Warden*, pp. 50-51. See also NSHS Vol. 16, pp. 15-16, in NSARM, MG1, vol. 1882, 15/10, p. 2.

<sup>100</sup> NSARM, *The Nova Scotia Chronicle*, 19 September, 1769. NSARM, MS 100, vol. 1882, folder 15/10, p. 3. An advertisement had previously appeared in the paper on 19 January, 1769, announcing that the Pontack, “lately occupied by Mr. Edward Best,” was to be let. NSARM, *The Nova Scotia Gazette*, 19 January, 1769.

License number 12 on 5 September, 1749.<sup>101</sup> A Thomas Greenock, mate, arrived in Halifax with his wife and six children and was granted Lot 9, Block D in Forman's Division. He also appears to have been issued a license to sell spirituous liquors on 5 September.

William Neile received a license on 18 September, and John Cook on the second of October. John Deneston was issued a license on the first day of November, and Linach Martin and Robert Parfet both received licenses on the sixth day of that month. Joseph Ford and Thomas Franklin were both issued licenses on 1 December, 1749.<sup>102</sup>

The licenses were in keeping with others issued, and were brief and to the point:

“Licenses to Sell Liquors in the Usual Form Granted to Mr. Joseph Ford to keep a Tavern & Sell Spirituous Liquors Granted this 1<sup>st</sup> December 1749.”<sup>103</sup> As with the other licenses, this one did not specify the nature of the spirituous liquors, or mention other forms of alcohol such as wine, ale, beer and cider that are mentioned in later legislation.

The first licenses of 1750 were granted on the twenty fourth of that month – 4 in total – to Gregory Berners, William Canon, John Johnston and William McClure.<sup>104</sup> An additional license was granted to John Sharp two days later (likely Corporal Sharp of Collier's Division). The license issued to Berners specified, unlike most of the others, that he was to pay the rate of “one Guinea the first of every Month” and was “Subject to the usual

---

<sup>101</sup> Orpin is listed in the records as a Husbandman who was granted a half lot in Forman's Division on 11 September, 1749. Bryant is described as a mariner who received land in Galland's Division.

<sup>102</sup> A Joseph Ford received land in Callendar's Division, and Thomas Franklin was a husbandman who arrived in Halifax with his wife via Wilmington.

<sup>103</sup> NSARM RG1, vol. 163, p. 7.

<sup>104</sup> Berners is listed as a Lieutenant with the Welsh Fusileers and Johnston as a carpenter.

regulation of the Sellers in Said Town.”<sup>105</sup> Canon ran a tavern for several years which was acquired by William Sutherland in 1772 and named “Salutation.” It then became Sutherland’s Coffee House, a “leading tavern” in Halifax.<sup>106</sup>

The governor and council continued issuing licenses into 1750. Four licenses were issued on 27 January, to Amey Williams, Thomas Poor, Thomas Daws and G. Shilcocks.<sup>107</sup> The name Amey Williams may be a transposition of William Ames, so it is unclear whether the licensee was a man or a woman. A Thomas Poor appears in *The Halifax Gazette* of 6 April, 1752. An announcement of the Nova Scotia Vice-Admiralty stated that a public auction was to be held in Poor’s house the following day, by court order, for the sale of a parcel of damaged bread, as well as “sundry rigging” and anchors saved from the wreck of the Schooner *Molly*.<sup>108</sup> According to the historian Beamish Murdoch, Poor’s house was also the setting of treasonous activity in 1758. Maj-Gen Hopson complained, in February of that year, that Thomas Poor and the people living in his house were suspected of secret correspondence with the French at Louisbourg which involved “furnishing intelligence to the enemy.” A warrant was issued by Governor Lawrence to enter Poor’s house, seize documents and arrest everyone found there.<sup>109</sup> John White received a license on the first day of February, 1750, and the last of this

---

<sup>105</sup> NSARM, RG1, vol. 164, p. 7.

<sup>106</sup> NSARM, George T Bates Map of “Old Halifax,” 1749-1830.

<sup>107</sup> A Thomas Daws, of Forman’s Division, buried his wife on January 20, 1750, remarried on 5 February, as was himself buried on 28 August of the same year. His wife Virginia was buried the following January. Shilcocks was granted lot B-10 in Foreman’s Division.

<sup>108</sup> NSARM, *The Halifax Gazette*, Monday, 6 April, 1752.

<sup>109</sup> Beamish Murdoch, *History of Nova Scotia Volume II*, p. 332. Quoted in NSARM MG1, vol. 1882, Folder 15/15.

group of licenses was issued to William Piggot on 8 April, 1751. According to the Council Minutes, Piggot's license was to operate a coffee house with billiard table.

With the exception of Piggot, all the tavernkeepers received their licenses between July, 1749 and February, 1750. The problem of illegal alcohol selling continued, however, and on 12 October, 1750, yet another proclamation was issued by Cornwallis, following a council meeting held at the Governor's House the previous day. The proclamation noted persons who presume – “in Defiance of Authority, and to the great prejudice of his Majesty's Subjects within this Settlement,” and notwithstanding previous orders in Council already made public – to retail liquor without a license. The fine for illegal sales was increased. Every person convicted was to pay £10 sterling, one half to the person informing of the offence, and the other half to the poor of the settlement. In addition, he or she was to be publicly whipped 30 stripes. A three-month jail term would ensue if the offending retailer did not pay the £10. The proclamation, unlike previous ones, called upon the aid of officials and settlers in dealing with the problem of unlicensed sales of alcohol: “And all Magistrates and other Officers of Justice are hereby required, and all his Majesty's good Subjects residing within the Settlement are desired to use their best Endeavours to put a Stop to such a pernicious and destructive practice.”<sup>110</sup>

The Council also attempted to further regulate places in which alcohol was sold by requiring “all Persons, having Licence, to put up a Sign, and to cause their Names to bewrote thereon.” The need for a license to sell spirituous liquors was also reiterated. Although the proclamation specified retailing liquor without a licence, the focus was on

---

<sup>110</sup> While Constables were mentioned in subsequent statute legislation (see pages 99 and 104), they were not identified in earlier proclamations. Murdoch, *History*, in NSARM, MG1/1882, Folder 15/15.

“irregular” public houses, and not stores. Restrictions regarding the selling of alcohol were mostly focused on Halifax, but provincial forts were not immune from regulatory attempts. The Commanding Officer at Chignecto, for instance, was given instructions by Governor Hopson in the spring of 1753 for “Masters of Vessels, Merchants, Traders or others” to sell rum only to licensed settlers “attending the Garrison.” An exception to this instruction was made for Commanding Officers who might want rum or other liquors for their own use. The instructions also singled out settlers selling rum from their houses. Disobeying the governor’s orders would result in the drastic action of the person’s house being pulled down, with the person ordered from the fort. Given the isolated location of the fort, the governor also made arrangements for women who would have been left on their own as a result of this measure. Any women “Cohabiting as Wife or otherways” was to be sent to Halifax, “at the same time granting all Indulgences you shall see proper to such Women as these.”<sup>111</sup>

Despite the three proclamations of July and August, 1749, and October 1750, the order regarding signs, and the issuing of alcohol licenses, the practice of selling spirituous liquors such as rum and brandy in the nascent settlement continued to be difficult to control. On May 3, 1751, six people, including two women, were examined by the Grand Jury at the Court Chamber in Halifax for selling alcohol by retail without a license. All were convicted, although most received only part of their sentence. Mary Unick, Sarah Dale, John Petty and James Follin were all ordered to pay a penalty of £10, with “the whipping being remitted.”<sup>112</sup> James Skinner informed against himself, and so

---

<sup>111</sup> NSARM, RG1, vol. 163, Instructions to Commanding Officer from Hopson, 25 April, 1753.

<sup>112</sup> NSARM, MG1, vol. 1882, Folder 15/2 and Folder 15/3.

retained 5 of the £10 he was ordered to pay, although he was also to be whipped.

Benjamin Storer was the luckiest of the group. He was ordered to pay only £5, with the remainder of the punishment remitted by Council. The six sellers would have been aware of the illegal nature of their retail activities, given the orders and proclamations issued in 1749 and 1750, outlining the penalties to be imposed for the illegal retailing of alcohol.

By 1757, the Council had not brought under control the problem of public drinking and decided to establish a blank slate with respect to licenses for public houses. On 8 June, Governor Charles Lawrence issued a proclamation in which all licenses previously issued to tavernkeepers or others were recalled and declared null and void. This measure was taken due to a concern regarding the increased number of public houses in both Halifax and Dartmouth. The proclamation declared that inhabitants were complaining of abuses on a daily basis, and it was felt that “licenced Persons should be subjected to some further Regulations.” This is the first proclamation to claim that the settlement’s residents considered public drinking a problem. Although filtered through an official lens, this observation nonetheless suggests that the regulatory context may have represented more than an simple binary between governing elites and unruly settlers. Persons selling liquor or keeping “Houses of publick Entertainment” without a license were to be “liable to prosecution as the law directs in Cases of Persons keeping disorderly Houses.” Finally, the proclamation directed people who wished to apply for new licenses to the Secretary’s Office. The month following this proclamation a fever spread amongst the troops, and the Commanding Officer complained that it had been caused by rum sold to his troops by unlicensed retailers. As a consequence, the Governor and Council



“ordered all liquors held by merchants and traders to be secured in the King’s Stores without delay.”<sup>113</sup>

The selling of liquor in public houses was not made illegal with the June, 1757 proclamation, given that people were able to (re)apply for licenses. The measure did not succeed in creating a framework for the effective control of consumption, as subsequent government legislation clearly indicated that ‘debauchery’ and ‘evil practices’ associated with alcohol continued to be a problem for authorities. In fact, the problem may have worsened by the late 1750s. The Seven Years’ War had begun in 1756 and Halifax became an important military and naval base, receiving both resources and personnel. A large naval yard was installed and Citadel Hill was fortified. New barracks were built for the thousands of soldiers stationed in Halifax and, in 1758, over 22,000 military personnel descended upon the town in preparation for the assault on Louisbourg. Grog shops abounded, and Halifax had “a distinct character dominated by noise, stench, and considerable disorder.”<sup>114</sup>

### ***Statute Legislation and Alcohol Regulation***

Political changes were also occurring in the province, with the creation of an elected House of Assembly under Governor Lawrence. The first session of the Assembly

---

<sup>113</sup> Murdoch, *History of Nova Scotia*, Vol. II, p. 328. In NSARM MG1 Vol. 1882 Folder 15/3. The Gauger, Lewis Pearse, was appointed and authorized to receive into the government storehouse all the “Spirituos Liquors as shall be delivered to you at the said Storehouse of the Provost Marshall or his Deputies or by any Merchants or other Traders in obedience to the Resolution and order of His Majesty’s Council published this day.” He was to gauge the alcohol as it was received and be prepared to issue a certificate if requested regarding the amount. He was to carefully mark each person’s liquor, which was to be returned at an unspecified date. NSARM, RG1, vol. 163, Lawrence to Pearse, n.d.

<sup>114</sup> Fingard et. al., *Halifax*, p. 17.

met on 2 October, 1758. Included in the 36 acts passed in this session was an act prohibiting the erecting of “Distilling Houses or setting up Stills.”<sup>115</sup> The prohibition was for the Town of Halifax and extended to “within one quarter of a Mile of the present Lines or Picketts of the said Town.” A hefty fine of £100 was to be paid for every distilling house or still set up. One quarter of the amount collected was to go to the informer or prosecutor, and the rest “to the uses of the Government.” The reason given for prohibiting the distilling of “Cordial Waters, or any Spirituous Liquors” within the town was that the stills were “deemed and Adjudged to be a Publick Nuisance.”<sup>116</sup> In the second (and last) session of the first assembly, an extensive, six-page act was passed dealing specifically with unlicensed houses.<sup>117</sup> This 1758 act was the first comprehensive legislation in the province dealing with the selling of alcohol in unlicensed houses. The preamble to the proposed act clearly stated the perceived problem addressed by the legislation:

Whereas divers idle and illdisposed Persons in this Province are so daring as to presume to Sell and Retail Rum, Brandy, Wine, Cyder, Perry, and other Spirituous and Strong Liquors, or mixed Drinks, and to keep common Tipling Houses, therein Harbouring and entertaining Common Soldiers, Common Sailors, Common Marines and Servants, tending to the Weakening and Destroying of His Majesties Forces in this Province, And to all Prophaness and Debaucheries  
For the Remedy whereof and the more effectual deterring and Suppressing of such evil Practices for the future... Be it Enacted...<sup>118</sup>

The act attempted to leave no stone unturned. It gave detailed information on the types of alcohol consumed: “any Rum, Brandy, Wine, Ale, Beer, Cyder Perry or other

---

<sup>115</sup> NSARM, RG 5, Series S, vol. 1, 1758-1759 1.

<sup>116</sup> NSARM, RG 5, Series S, vol. 1, 1758-1759 1.

<sup>117</sup> NSARM, RG 5, Series S, vol. 1, 1758-1769 3, “An Act for the better discovery and more effectual Suppressing of Unlicenc’d Houses.”

<sup>118</sup> NSARM, RG 5, Series 3, vol 1, “An Act.”

strong Liquors or mixt Drink, or by whatever Name or Names they are or may be called or distinguished.” It specified ‘common tippling houses’ as sites of illegal consumption, but also went beyond this, outlining the selling of alcohol in public places more generally. Any person who “shall Hawk Sell or expose to Sale... about the Streets, Wharffs, Highways, Lanes or Suburbs” of Halifax, in any “WheelBarrow or Baskett, or upon the Water in any Ship Boat or Vessel,” or any “Bulk or Bulks, Stall or Stalls, or in any Shed or Sheds or on, or in any other place or places” was ordered to pay a sum of £10 (the amount of the fine thus remaining constant). The act was aimed at tippling houses which catered to soldiers, sailors and servants, and clearly specified that it did not intend to prevent unlicensed “Merchant Shopkeepers” from selling alcohol “not less than three Gallons at one time.” This points to a perceived association between tippling houses, and the people who drank there, and social disorder.

The act also included commentary on alcohol and wages. In the case of fishermen, no “Person or Persons in the Fishery” should be prevented from supplying “a Necessary quantity of Rum or other Liquors during the time of the Fishing Season.” On the other hand the act dealt differently with servants who received alcohol as an advance on their wages. An employer who deducted all or part of the wages of a “Journeyman, Workman, Servant or Labourer” for spirituous liquors “or strong waters” would be considered a “Retailer of Spirituous Liquors without Licence” and would be required to forfeit £10 for every offence. This dual response to wages and work suggests a period of transition. It was still deemed necessary for fishermen to receive rum while fishing – perhaps as fortification for working in cold, difficult conditions, thus suggesting an ‘everyday’ rather than ‘exceptional’ consumption of rum – but this was not the case for

other labourers and servants while working. The latter were not to be advanced alcohol on credit. The need to control the consumption habits of sailors, soldiers and servants went hand-in-hand with the fear of disorder in port establishments.

Justices of the peace had authority to convict the offending person or persons based on the justices' own views, the proof under oath of a credible witness, or a confession. Justices thus had considerable discretionary authority through the statute. The failure to pay a fine could result in a two-month jail term. Any money collected was for government use, with one part going to an Informer as applicable.<sup>119</sup> Any grand juror or provost marshal (or deputy or constable) was authorized, in company of a justice of the peace, to enter the house "or dependencies thereof, Bulk or Shed" of any person suspected of the illegal retailing of alcohol, during daylight hours, in order to search for liquor.<sup>120</sup> If alcohol was found, and it was considered "to be more than for the Necessary Use of the Family, or what their Condition may reasonably allow them to expend," the attending constable or constables would seize the alcohol and sell it. The money was to be divided, not between an Informer and the government treasurer, but between the judges and officers attending the seizure and the government.

Tippling houses were private homes where a room was converted, often on a temporary basis, into a public meeting place and site of consumption. Tippling houses could also combine tavern functions with the offering of accommodations, as was the case in seventeenth-century Newfoundland. Alehouses fulfilled a similar function in

---

<sup>119</sup> One 'moiety' was to go to the Informer if he or she existed, which could either be an unspecified portion, or one half.

<sup>120</sup> A night-time refusal entrance would result in a £10 fine. Refusal to pay this fine could result in a two-month jail sentence.

seventeenth-century England.<sup>121</sup> It is not clear whether the ‘common tippling houses’ referred to in this act also acted as boarding houses. Given the references to stalls and sheds, they were more likely illegal grog shops.

It would have been difficult to differentiate between a family’s private consumption and the public consumption of a tippling house, especially given the possible presence of lodgers, borders, servants or slaves in the household.<sup>122</sup> The act did not outline specific quantities of alcohol, or other ways it might determine what might be considered ‘family use’ and what might be considered public consumption. The line between private homes and public houses was thus permeable and represented a problem for authorities, although the situation was not unique to Nova Scotia. Six male planters in Bertie County, North Carolina, for instance, were charged in 1724 with retailing strong liquors and argued before the court that they were only carrying out their responsibilities as good neighbours when they provided neighbours and passers-by with alcohol.<sup>123</sup>

The Nova Scotia act was prolonged in September, 1760, and was to be in effect for another seven years after that. Unforeseen circumstances, however, resulted in amendments and additions to this act in early May, 1763. The preamble to the 1763 legislation noted difficulties which had arisen in carrying out several of the clauses of the previous act, as well as difficulty in the conviction of offenders against the act –

---

<sup>121</sup> See Peter Pope, *Fish Into Wine: The Newfoundland Plantation in the Seventeenth Century* (Chapel Hill and London: University of North Carolina Press, 2004), pp. 346-7.

<sup>122</sup> All could be considered part of the early modern household, and servants could outnumber family members in the household, as was the case in colonial Virginia, the West Indies, and the seasonal population in Newfoundland. In the late seventeenth century, for instance, households on the English Shore of Newfoundland (1677) and Barbados (1680) averages between 7 and 9 persons, with servants (and enslaved people in the case of Barbados), outnumbering family members. Pope, *Fish Into Wine*, pp. 212-3.

<sup>123</sup> Salinger, *Taverns and Drinking*, pp. 127-8.

indicating both the attempt to control consumption and the difficulties encountered in these efforts. As with the previous act, this one made explicit that Merchant Shopkeepers were to be able to sell alcohol without a license, and the limit was set at five gallons rather than three. On 1 October, 1767, the Excise Office printed a public notice in the newspaper addressed to merchants, distillers, “and all other persons whatsoever, having for sale rum or other distilled spirituous liquors.” Sellers were required to apply to the Excise Office for a permit to sell alcohol “in any Quantity exceeding five gallons.”<sup>124</sup> Although the retailing of alcohol was included in statute legislation dealing with the consumption of alcohol in public houses, the mechanisms of implementation of the act in terms of retail and tavern sales remained distinct.

New to the 1763 act was a specific reference to children and servants. No “person or persons whatsoever within this Province, either by themselves or any of their Children or known or reputed Servants or Substitutes under them, directly or indirectly in any House, Shop, Warehouse, Storehouse or other Place whatsoever belonging to the Father, or Mother of such Child or Children, or to the known or reputed Master or Mistress of such Servant of Substitute,” were to sell, barter or exchange alcohol, or deliver it on credit, without a license.<sup>125</sup> The alcohol was as described in previous acts, and included not only rum but also brandy, wine, ale, cider, perry, “or other Strong Liquors, mixt or unmixt.” The act specified that children and servants were not to sell (etc.) alcohol whether or not it was “by the Commandment” of the father, mother, master or mistress. It also stipulated the locations of sale, barter, exchange and delivery as streets, wharves,

---

<sup>124</sup> NSARM, *The Nova Scotia Gazette*, October 1, 1767.

<sup>125</sup> NSARM, RG5, Series S, vol. 2, 1763, “An Act in further Addition To and Amendment of an Act for Suppressing unlicensed Houses, and for Granting to His Majesty a Duty on Persons hereafter to be licensed.”

highways, lanes, suburbs of the town, bulks, stalls, sheds, and upon the water in ships, boats or vessels.

Under the act, a fine (still £10 for every offence) was to be paid by the father or mother of the child or children, or by the master or mistress of the servant or substitute. As with the previous act, justices of the peace were given the authority to convict any offending person, an authority based either on the justice's own personal view of the situation, a confession, or a witness's proof taken under oath. The justice of the peace was also permitted to issue a warrant that would allow him to sell the offenders "goods and chattel" in order to cover the fine. In the case of "no sufficient Distress" being found (no goods to sell), the offender would be committed to the county jail for 3 months (or less if the fine were paid). This addition to the 1758/1760 act suggests that the selling of alcohol could be a household affair (as servants would be considered part of the household).<sup>126</sup> It also clearly specified both men and women as members of the household responsible for decision-making, if not as actual household heads. As noted above, women were among the first group of people to receive licenses in 1749 and 1750, and the 1763 act indicated that women continued to sell alcohol, not just in Halifax, but in the province more generally.

While the 1758 legislation indicated difficulties in identifying places where alcohol was consumed, the 1763 addition to the act also pointed to the need to more clearly define who was selling alcohol. The locations in which alcohol was sold continued to be seen as a problem in the 1763 act as well, indicating the diffused and informal nature of alcohol distribution. One can imagine children and servants carrying

---

<sup>126</sup> See Pope, *Fish into Wine*, pp. 63, 171, 208.

small quantities of rum or ale to sailors on the wharf or settlers in the suburbs. Shutting down a tipling house or tavern for selling without a license would have been an easier task than following men, women, servants and children through the streets of Halifax and other settlements in the province as they went about their business.

In order to limit the selling of alcohol to one physically-defined space, alcohol was to be sold by the person holding the license, or his or her children or servants, only “at the House or Place where such person or persons themselves shall Bona Fide, actually and constantly reside and dwell.” An offender selling in more than one place with one license was considered to be selling alcohol without a license and subject to the same penalties. This debarred, in principle, all informal selling of alcohol, since licenses were granted to sell alcohol in houses, not in the streets. Specifying this in law had not been necessary three years prior (given the prolonging of the 1760 act for seven years), and the selling of alcohol in this manner (outside of homes) had become a particular problem in the early 1760s. As noted above, legislation passed in 1758 was likely responding to changes taking place in Halifax associated with the Seven Years’ War. The 1760 prolongation of the 1758 act dealing with unlicensed houses did not include amendments or additions either because authorities had not yet realized the scope of the problem, or because the problem itself was not acute in 1758, or 1760, but had become so by 1763.

Official correspondence in July, 1761, indicated that authorities were well aware of the problem. In a letter to the Board of Trade, the governor expressed concerned over the effects of the importation and retail of spirituous liquors on the settlement. He hoped that the Legislature would work to control it.<sup>127</sup> Authorities also saw the selling of

---

<sup>127</sup> NSHS, vol. 8, p. 59, in NSARM, MG1 Vol. 1882, Folder 15/3, p. 5.



alcohol outside of tippling houses and taverns as problematic, and issued a proclamation in June, 1761 regarding both garrisoned troops and settlers in Halifax. Soldiers had been encamped in the town of Halifax “for the more conveniently carrying on the Works of fortification,” and officials wanted to limit access to alcohol amongst His Majesty’s troops: “it is necessary that all lawfull measures should be taken for the preservation of their health by preventing... drunkenness, debauchery and disorders which may arise not only amongst them but also the Inhabitants of this Town.” The proclamation forbade the sale of liquor near the encampment, through booths, tents or huts. People with permission to keep public houses would have their licenses revoked for attempting to sell liquor to the encamped soldiers, as well as suffering other potential (unspecified) penalties.<sup>128</sup> The identification of booths, tents and huts in this proclamation was a precursor to the more extensive identification of bulks, sheds, stalls, wharves, lanes and so on in the 1763 act. And, although the proclamation focused on soldiers, it also indicated that drunkenness was a problem among the settlement’s inhabitants more broadly – a trend also suggested by the 1763 act.

In addition to legislation dealing specifically with unlicensed houses, the assembly also passed legislation on other matters that imposed restrictions on places of consumption. In the third General Assembly of the province in 1761, for instance, two such acts were passed. The first, passed in the first session of the assembly, was “for the better observation and keeping of the Lord’s Day.”<sup>129</sup> In addition to stipulating that no shops or warehouses were to be opened, the act also prohibited tavernkeepers, retailers of

---

<sup>128</sup> NSARM, RG1, vol. 165, Commission Books, 1759-1766, p. 159.

<sup>129</sup> NSARM *The Statutes at Large Passed in the Several Assemblies Held in His Majesty’s Province of Nova Scotia, 1758-1804* (Halifax: 1805), pp. 64-5.

spirituous liquors, vintners and other persons keeping a “public house of entertainment” within the province from attending to people. An exception was made for lodgers and people who entered public houses in search of “necessary dieting and victualling.” People were prohibited from “drinking or idly spending their time on the Lord’s Day” in dwelling houses, out-houses or yards. A £10 fine was to be paid for every person found drinking in a public house. The act further specified that each person found drinking in a public house was to pay the sum of 5 shillings. This was the first legislation to single out the consumer of alcohol, rather than the seller, as liable to fines and penalties for the consumption of alcohol. Church wardens and constables were authorized by the act to enter into “any public house of entertainment” to search for offenders, breaking down doors if necessary, and anyone who was found neglectful of their duty to aid the warden or constable could be fined 10 shillings.

During the second session of the third General Assembly in 1762, an act “for the regulating Innholders, Tavern-keepers, and Retailers of Spirituous Liquors” was passed. It specified that retailers, innholders, tavern or alehouse keepers could not recover debts exceeding 5s. for alcohol sold on credit. Any “soldier, sailor, servant, apprentice, bound servant, or negro slave, or other person whatsoever” or the person’s master or mistress, could recover, through a justice of the peace, any “pawn or pledge” given for payment of alcohol valued at 5s. or more. Retailers withholding patrons’ pledges were subject to a further 20s. fine, which was to be used both to cover the costs of prosecution and “for the use of the poor.”<sup>130</sup> The act was not meant to prevent travellers and boarders from receiving “necessary refreshments” on credit. Legislators identified specific groups of

---

<sup>130</sup> NSARM, *The Statutes at large Passed in the Several Assemblies Held in His Majesty’s Province of Nova Scotia, 1758-1804* (Halifax, 1805), pp. 77-8.

potential imbibers. Owners of drinking establishments were to obtain “special order or allowance” from the master or mistress of apprentices, bound servants and black slaves before they could sell alcohol to them. Failure to do so could result in a 20s. fine (for the overseer of the poor), and failure to pay the fine could result in a jail term of up to one month. This act, as with the act dealing with drinking on Sundays, singled out consumers as well as vendors of alcohol. It was very specific in the categories of people it identified and encompassed both a particular interest in regulating drinking among these populations as well as paternalistic concern for their welfare in terms of protecting them from unscrupulous retailers.

Nova Scotia was the only one of the three colonies to include a legislative reference to slaves in licensing legislation. In the Caribbean, slaves frequented taverns, and laws were enacted to restrict tavernkeepers from selling alcohol to them.<sup>131</sup> Rum shops were informal public spaces similar to tippling houses.<sup>132</sup> An act passed in Barbados in 1668, for instance, identified “Unlicens’d Tipling-houses” as places “commonly called Brandy or Rum-houses.” The act expressed concern for illegal trade between tavernkeepers and servants and slaves, as well as drunkenness and other vices committed on the Sabbath, and forbade entirely the sale of wine, brandy or rum in tippling houses near broadpaths and on highways, with a hefty fine of £500 of sugar for

---

<sup>131</sup> Frederick H. Smith, *Caribbean Rum: A Social and Economic History* (Gainesville: University of Press of Florida, 2015), p. 106.

<sup>132</sup> A tavern on the Drax Hall estate, Jamaica, for instance, was a simple shack with a dirt floor where people gathered to drink. Caribbean rum shops could be “places to get snacks and drinks, enjoy a variety of games, exchange gossip, debate current events, receive loans, sell goods, and advertise availability as a sexual partner.” Smith, *Caribbean Rum*, p. 106.

the first offence of illegal selling, and a three-month jail term for the second.<sup>133</sup> Another act passed in 1692 in Barbados focussed specifically on prohibiting both the selling of rum to slaves, and “White” people purchasing rum from slaves.<sup>134</sup> The two Barbadian acts reveal convergences with the licensing in Nova Scotia (a concern for illegal selling and drunkenness, as well as the imposition of fines) as well as divergences (the stipulation of sugar as a fine, the focus on white people purchasing rum from black people). As noted in Chapter 1, licensing in early America built upon the licensing context of England, and continuity can be seen in the Barbados statutes as well. Slavery had existed in the region under the French regime in the seventeenth century, and existed also under British rule beginning in the eighteenth century.<sup>135</sup> The lack of extensive documentation makes it difficult to determine the number of slaves in Nova Scotia, although the number increased with the 1780s loyalist migration.<sup>136</sup> Nova Scotia did not have statute law related to slavery, and the 1762 licensing act was the only legislative reference to slavery in Nova Scotia law. It was intended as a general identifier of social

---

<sup>133</sup> ECCO. “An Act for preventing the Selling of Brandy and Rum in Tipling-houses near Broad Paths and High-ways within this Island.” Barbados. *Acts of Assembly, passed in the island of Barbados, from 1648, to 1718*. London, 1721, pp. 62-3.

<sup>134</sup> The fine for a first offense was a lighter 20 shillings. ECCO. “An Act for Prohibiting the Selling of Rum or other Strong Liquors to any Negro or other Slave.” Barbados. *Acts of Assembly, passed in the island of Barbados, from 1648, to 1718*. London, 1721, p. 160.

<sup>135</sup> Harvey Amani Whitfield, “The Struggle over Slavery in the Maritime Colonies,” *Acadiensis*, 49. 2 (Summer/Autumn 2012), p. 20.

<sup>136</sup> A contemporary estimate of 1,232 servants would have included both servants and slaves in Loyalist settlements, concentrated in Shelburne, Saint John and the Annapolis Valley. The number of servants who were slaves “remains elusive.” Whitfield, “The Struggle,” p. 20. A more recent study indicates an estimated 2,000 to 2,500 African American slaves arrived with the Loyalists. See Catherine M.A. Cottreau-Robins, “Searching for the Enslaved in Nova Scotia’s Loyalist Landscape,” *Acadiensis* 43.1 (Winter/Spring 2014): 126.

status rather than a specific comment on the legality of slavery, although it was used in an early nineteenth-century pamphlet arguing for the right to slaveholding in the province.<sup>137</sup>

The legislation did not, however, identify Aboriginal people as a group of imbibers. By the beginning of the eighteenth century, Aboriginal-European contact had been characterized by over two centuries of both conflict and cooperation. Much of this contact, furthermore, involved the exchange of alcohol and furs as part of both trading exchanges and the establishment of alliances based on friendship. In 1716, for instance, a group of Mi'kmaq refused French gifts, including wine and brandy (as well as meat, gun powder, rifles and blankets) offered during a banquet. According to a French account of the event, the Mi'kmaq said that they would “repair to the English to buy what they lacked,” thus demonstrating the use of alcohol to negotiate Aboriginal spaces of power in the context of British and French imperial conflicts. In another exchange, in the mid-eighteenth century, a priest aboard a French vessel told a group of Mi'kmaq that they should refrain from drinking “rum or cider” provided to them by the English. The priest attempted to persuade them to drink French brandy instead.<sup>138</sup> The Mi'kmaq and Wulstukwiuk did, however, consume British-imported rum. In the early 1780s, British Army corporal Johan Seume was on guard duty in Halifax when a birchbark canoe drifted into the outer battery. A Mi'kmaw man was asleep in the canoe, accompanied by one empty bottle of rum, one half-empty bottle, and 40 Spanish dollars. He was taken to

---

<sup>137</sup> Whitfield, “The Struggle,” p. 22.

<sup>138</sup> Gamaliel Smethurst, *A Narrative of an Extraordinary Escape out of the Hands of the Indians in the Gulph of St. Lawrence* (1774), p. 47. Citation from Ruth Holmes Whitehead, *The Old Man Told Us: Excerpts from Mi'kmaw History, 1500-1950* (Halifax: Nimbus, 1991), p. 168.

the guardhouse to rest, and his money was returned to him when he “sobered up and woke.”<sup>139</sup>

Mi’kmaw and Wulstukwiuk leaders and British officials did on occasion consume alcohol together, but it was more likely to be symbolic diplomacy than heterogeneous sociability.<sup>140</sup> The final fall of French Louisbourg in 1758, followed by 1760-61 treaties, paved the way for a shift in imperial-Aboriginal relations, although a decisive shift would not occur until the Loyalist migrations of 1782.<sup>141</sup> Alcohol played a role in the process of establishing “peace and friendship” between the two sides. In February, 1760, Wulstukwiuk and Passamaquoddy representatives met with officials in Halifax to discuss the ratification of the 1725 treaty and the terms of a new treaty.<sup>142</sup> According to Thomas

---

<sup>139</sup> Johan Seume. *Mein Leben*. 1961, p. 88. Translated by Brigitte Beckershaus Petersmann. Citation from Holmes Whitehead, *The Old Man Told Us*, p. 176-7.

<sup>140</sup> See Holmes Whitehead, *The Old Man Told Us*, p. 91.

<sup>141</sup> Various British officials and representatives of Algonquian-speaking signed a series of treaties between 1725 and 1779 in Massachusetts, New Brunswick and Nova Scotia. Although historians debate whether the 1760s or 1780s represented the turning point in Aboriginal-Imperial relationships, up to this point the Algonquian-speaking peoples of the region were in a position to contest British imperial power, whereas by the end of the eighteenth century, northeastern North America was defined more decisively by the British presence. Stephen E Patterson, “Indian-White Relations in Nova Scotia, 1749-1761,” *Acadiensis*, 24. 1 (Autumn/Automne 1993), and John G. Reid, “*Pax Britannica* or *Pax Indigena*? Planter Nova Scotia (1760-1782) and Competing Strategies of Pacification.” *The Canadian Historical Review*. Vol. 85, No. 4 (December 2004), p. 669.

<sup>142</sup> Wulstukwiuk and Passamaquoddy leaders had also ratified a 1726 Annapolis Royal treaty at Fort Frederick in Saint John, and Mi’kmaw leaders from Richibucto, La Hève and Shubenacadie ratified the treaty in Halifax in late February, 1760. British officials ratified treaties with representatives of various Mi’kmaw villages, and not the Mi’kmaq as one group, and the February 1760 treaty included representatives from mainland Mi’kma’ki and the coast of New Brunswick. The 1760-1 treaties established a commercial relationships between the Mi’qmaq, Wulstukwiuk and Passamaquoddy and the British by establishing truckhouses where fish and meat were exchanged for cloth, flour and other trade items. This treaty stipulation implicitly acknowledged Aboriginal hunting and fishing territories and restricted “the unilateral right of the British to build new settlements.” For an in-depth discussion of this, see William C. Wicken, *Mi’kmaq*

Akins, the discussion was concluded with a drink to “His Majesty’s health.”<sup>143</sup> Alcohol was embedded in Aboriginal-European exchanges as a trade item and as a symbolic component of diplomacy, but the relationships developed outside the parameters of the licensing context. This was the case for the Island of St. John/Prince Edward Island and New Brunswick as well, although legislation in the latter colony did stipulate explicitly the exclusion of Aboriginal people in the one statute – a point that will be returned to in Chapter 4.

Legislation related to the unlicensed selling of alcohol was usually dealt with separately from legislation dealing with duties on imported rum and other alcohol. Occasionally, however, the two were combined. The 1760 act prolonging the 1758 act on unlicensed houses, for instance, also prolonged legislation relating to an excise on wine, rum and other alcohol sold by retail. On 18 April, 1764, Governor Montague Wilmot addressed not only the selling of alcohol without a license, but also the illegal importing of rum and other spirits into the province. He issued a proclamation in which he noted the “great diminution of His Majesty’s Revenue” as a result of these clandestine activities. As with the October, 1750 proclamation, this one singled out specific people in authority who were to address the problem: “Commissioners for Collecting His majesty’s Duties of Impost and Excise and their Several Officers under them, as also the Attorney and Solicitor General, Provost Marshall & his Officers under him, and all our Judges Justices and Ministers” were to “use their utmost Endeavours to prosecute Such Offenders against

---

*Treaties on Trial: History, Land and Donald Marshall Junior* (Toronto: University of Toronto Press, 2002), pp. 196-202, 209.

<sup>143</sup> Thomas B. Akins, *History of Halifax City* (Dartmouth: Brook House Press, 2002), p. 64.

the said Laws and to Supress all such Unlicens'd Houses.”<sup>144</sup> A few years later, several barrels of illegally-imported rum were seized by the Collectors of Impost and Excise, suggesting some follow-through on this proclamation.<sup>145</sup>

Collectors of impost and excise were responsible for collecting duties on imported alcohol, while clerks of the licenses were responsible for the issuing and regulation of licenses for public houses. The latter retained 5 per cent of the sums received for licenses and were given specific instructions regarding the retailing of liquor. In 1766, specific instructions were also given to the clerk of the licenses that no licenses be given to “any Person belonging to His Majesty’s Navy or Army,” or persons living near the Dock Yard.<sup>146</sup> Also in 1766, the Secretary’s Office instructed the clerk that “no person be allowed a License without first paying the arrears already due to the Government.” All persons granted licenses were also required to “pay a Quarter advance, give Bond and otherwise strictly comply with the Province’s Laws.”<sup>147</sup> Authorities did attempt to take action in cases of non-compliance. In late 1763, or early 1764, the Commission Book for the province singled out people convicted of selling distilled spirits who had not “Discharged their Respective dues” or produced a receipt for the Clerk.” They were subject to the penalties of the law and prosecuted accordingly, although no details were

---

<sup>144</sup> NSARM, RG1, vol. 165, Commission Book, 1759-1766, pp. 305-6.

<sup>145</sup> Three barrels of rum, illegally imported and sold by Malachy Salter to an inhabitant of Dartmouth, and two barrels of rum in possession of a Halifax boatbuilder were seized. NSARM, RG1, vol. 167, Campbell to Belcher, Halifax, 21 April, 1767. Malachy Salter, a well-known Halifax businessman of New England origin, had been Collector of impost and retail duties of rum in 1754, and was appointed Justice of the Peace for the County of Halifax a few years after the illicit rum importing, and does not appear to have been implicated in the illegal activity. NSARM, RG1, vol. 163, Cotterell to Murray, n.d.

<sup>146</sup> NSARM, RG1, vol. 166, 8 October, 1766, Instructions for the Clerk of the Licenses from the Lieutenant Governor, n.p.

<sup>147</sup> NSARM, RG1, vol. 166, n.p.



given.<sup>148</sup> In another instance a few years later, a Clerk Richard Gibbins was instructed to recall a license, possibly because the grantee was not complying with regulations.<sup>149</sup> Authorities did thus prosecute offenders, although further research is required to assess the extent to which they used their “utmost endeavours” to do so.

### **Liquor Licensing and Local Revenue, 1768 to 1798**

In November, 1768, another bill was passed by the House of Assembly. The act was aimed at both the suppression of unlicensed houses and the granting of a duty on persons to be licensed.<sup>150</sup> The first part of the act reiterated the stipulations of the 1763 legislation regarding children and servants selling alcohol in any place other than the dwelling of the father, mother, master or mistress.<sup>151</sup> Rather than one justice of the peace, two were required by this legislation for a conviction. The clerk of the license was also identified as someone both “impoverished and required” to investigate and prosecute anyone suspected of or known to have infringed upon the act. The 1768 legislation stipulated, unlike the previous one, that all prosecutions had to be made within 3 months of the offence being committed. The act also specified that any person with a license to sell alcohol was required, within 10 days of acquiring the license, to “hang out a Sign or

---

<sup>148</sup> NSARM, RG1, vol 165, Commission Books, 1759-1766, pp. 296-6. Note: Page 295, with the first part of this entry, is missing.

<sup>149</sup> NSARM, RG1, vol. 166. Richard Gibbins, Clerk of the Licenses, was instructed to recall a license to sell wine or spirituous liquors on 10 December, 1766 by Governor Michael Franklin.

<sup>150</sup> NSARM, RG 5 Series, S, vol. 3, 1768, “An Act for Suppressing unlicensed Houses and for Granting to His Majesty a duty on Persons heretofore to be Licensed.” The act was published in *The Nova Scotia Gazette* the following January. NSARM, *The Nova Scotia Gazette*, 5 January, 1769.

<sup>151</sup> The stipulation that Merchant Shopkeepers were not to be prevented from selling alcohol in quantities “not less than five Gallons delivered at one and the same time” was also repeated in this act.

inscription with their names thereon, setting forth that spirituous Liquors are there to be sold by License.” Failure to do so would result in a £5 fine. Anyone hanging out a sign without having a license was subject to the fines associated with selling alcohol without a license.

The 1768 act gave, for the first time, detailed information regarding both the purpose to which duties raised were to be put and the application process for obtaining licenses. The duties raised through licenses, as well as the fines paid for infringements of the acts regarding licenses, were to be used to make and repair highways, roads and bridges in the province. Governor Michael Francklin considered roads to the interior of the colony key to both promoting settlement and lessening Mi’kmaq efforts to obstruct colonial encroachment. John Reid notes that Franklin articulated the need for road building in terms of both “projecting military force,” and “economic development.”<sup>152</sup> The articulation of a link between licensing revenue and road building in the 1760s was a precursor to an expansion of the relationship between the two in the nineteenth century.

The cost of a license within the peninsula of Halifax was £6 per year, to be paid in advance and in quarterly instalments (this was above and beyond the customary fees charged by the clerk for making licenses and taking bonds). Elsewhere in the province, the charge for a license was only £4 per year, likewise to be paid in advance quarterly instalments. People hoping to obtain licenses who did not have “sufficient surety” were first required to give bond to the clerk of the licenses in the sum of £20 in order to give assurances that “he she or they” would comply with all laws made or to be made regarding licenses to sell liquors. The bond also required the licensee to: “keep and

---

<sup>152</sup> John G. Reid, “Empire, the Maritime Colonies, and the Supplanting of Mi’kma’ki/Wulstukwik, 1780-1820,” *Acadiensis* 38.2 (Summer/Autumn 2009), p. 86.

maintain good order in said Tavern or house of publick Entertainment,... not suffer the using any unlawful Games therein,” and to pay the fee within 10 days of it being due. The clerk of the license was to receive a 5 shilling fee for payment. The applicant would then apply to the Governor, who was authorized to grant the licenses.<sup>153</sup> The licenses were to be in effect for two years, and justices would pay two-thirds of any funds collected as a result of breaches to the act (after deducting prosecution charges) to informants, with the remaining one-third going to the clerk of the licenses, who in turn was accountable in turn to the Treasury.<sup>154</sup> Tavernkeepers on public roads who provided accommodation for travellers would receive the license without having to pay a fee. If the clerk did not receive the payment due, the money could be recovered upon complaint to the justices of the peace for sums under £3. Complaint to the Courts of Record were required for sums over £3.

People who refused to provide information or evidence against someone in breach of the act were fined £5 – which could be obtained through sale of the person’s goods if necessary – with the money going to the overseer of the poor. As with people convicted of illegal selling, reluctant informers could go to jail for failure to pay the fine, although in the case of the latter the sentence was for one month rather than three. People giving evidence were paid “reasonable charges” for their attendance, and were not obliged to give evidence without the payment.

The act was to remain in force until December, 1770, and was prolonged, in June, 1770, until 1 July, 1771. Legislation further prolonging the act for an additional two years

---

<sup>153</sup> In the absence of a Governor, application would be made to the Lieutenant Governor or Commander in Chief “for the time being.”

<sup>154</sup> Monies raised through this act were audited by the auditor general of His Majesty’s plantations.

passed in June, 1771 with one amendment. Merchants without a license to sell liquor who previously were able to sell alcohol in any quantity above five gallons (“not less than five Gallons”) could now sell without a license any quantity above three gallons. The alteration returned the limit to the level established by the 1758 act.

On 29 October, 1773, the House of Assembly passed yet another act which both altered and continued previous acts relating to licensed houses.<sup>155</sup> This act dealt only with the duties and not, as with previous ones, with suppressing unlicensed houses. It focused on counties and districts in the province, where three or more justices of the peace were required to appoint a clerk of the license.<sup>156</sup> Justices were also authorized to issue licenses, including licenses free of charge to persons keeping houses of entertainment on public roads. Justices were also to hold a special session coinciding with the beginning of the act for purpose of granting licenses. The legislation made specific mention of Lunenburg on the South Shore, established four years after the founding of Halifax by Foreign Protestants. Funds received from both fees and fines in Lunenburg were to be used to make and repair roads within the township. This amendment was thus significant in that it was the second piece of legislation to focus on alcohol licensing and road revenue. It also articulated an overall approach to licensing in the counties outside of Halifax that built on previous stipulations regarding the ‘town and country’ fee structure for tavern licenses.

---

<sup>155</sup> NSARM, RG 5 Series S, vol.4, 1773, “An Act For altering and Continuing the several acts relating to the Duty on Licensed Houses.”

<sup>156</sup> As with the previous act, persons applying for licenses were required to give bond to the clerk in the sum of £20 and fulfill the other requirements as outlined above. Refusals to pay the clerk any money due would be dealt with as in the previous act.

The act was to be in effect until the end of 1775, although it was amended in November, 1774 during the fifth General Assembly. The amended legislation also dealt with duties on licensed houses, and not with suppressing unlicensed houses, suggesting that by the 1770s the latter was less of a problem that it had been previously.<sup>157</sup> As with the 1773 legislation, this act focused on the issuing of licenses outside the township of Halifax. It stipulated that the duties on licenses to keep houses of public entertainment and retail liquors in the counties and districts of the province were too high. Persons in “remote places” would be more likely to take out licenses if the duties were lower, and this would in turn increase the revenue arising from duties. Licenses for retailing alcohol (Wine, Beer, Ale, Cider or perry, Rum or other Distilled Spirituous Liquors) were set at 40s. per year. An exception was made (similar to the one in the previous act regarding public houses on public roads) for persons licensed to keep ferries. It was thought necessary to keep houses of public entertainment near ferries for the ease of travellers, and as such, these houses were exempt from the regular duties to be paid by retailers of liquors, although ferry operators were required to give Bond, maintain good order in their houses, and pay a five shilling fee to the clerk of the licenses for the respective county, town or district.

This act, together with those passed in 1768, 1771 and 1773, was to continue until 31 December, 1780, although a further amendment was passed in June, 1778. This amendment also dealt with districts outside the township of Halifax, but focused on

---

<sup>157</sup> NSARM, RG 5 Series S, vol. 4, 1774, “An Act in Amendment of, and in addition to the Several acts relating to the Duty on Licensed Houses, and for further Continuing the Same.”

licenses for shopkeepers.<sup>158</sup> Justices of the peace could grant licenses to shopkeepers (“persons Keeping Shops for vending Goods wares and merchandise”) for the selling of alcohol “in quantity not less than one gallon delivered at one in the same time.” The cost of the license was set at 20s. per year, with an additional fee of 2s. 6d. to be paid to the clerk of the licenses for preparing the license. This is the first indication of shopkeepers’ licenses to retail alcohol being brought under the same legislative umbrella as tavernkeepers’ licenses, as retail licenses had previously been administered through the Excise Office.

On 30 October 1780, in preparation for the expiring of the act in December, the assembly approved a series of legislative amendments to the licensing framework. The new act placed further restrictions on the amount of alcohol that could be sold by “persons having Shop Licenses.” In order to lessen the quantity of “Rum or other Spirituous Liquors” sold (other forms of alcohol are not mentioned), persons holding shop licenses could sell any quantity not less than one quart delivered at one time. The 1778 and 1780 amendments with respect to shopkeepers represented a shift in the attitude towards merchant retailers. Whereas previously they were able to sell alcohol without a license in quantities above 3 or 5 gallons, they were now required to pay a licensing fee for all amounts greater than a quart. The 1780 act specified that the objective of the legislation was to reduce the amount of alcohol (rum in particular) sold, although the imposition of a licensing fee suggests that revenue generation may also have been a motivating factor in the legislation. This would be in keeping with the interest in duties on licensed houses beginning in the 1768 legislation. On the other hand, the respective

---

<sup>158</sup> NSARM, RG 5, Series S, vol. 5, 1778, “An Act in further amendment of and addition to the several Laws relating to the Duty on Licensed Houses.”

costs of the licenses (£4 to £6 for public houses, 20s. for shops) may indicate that a stricter regulatory context for tipping house and tavern owners than for store owners was still in place.

In addition, in order to receive a license to retail liquors in Halifax, the person applying had to provide the clerk of the licenses with “a Certificate of his or her good Character” which was to be signed by at least 3 justices of the peace. Outside of Halifax, justices of the peace in Session had discretion to issue and limit licenses and grant them only to persons deemed by the justices to be “fit and proper” to hold them. The act further stipulated that justices would not grant a tavern license unless the licensee also kept a “House of public Entertainment for travellers.” Justices of the peace in the counties and townships were empowered to hold special sessions for revising “such licenses as are already Granted by them.” This act was to be in place until 31 December, 1781. It was prolonged in 1782 until the 31 December, 1783 with one amendment. Collectors of duties on licensed houses were required to render quarterly accounts, with payment of all sums received, to the treasurer. The penalty for failure to do so was set at a hefty £50.<sup>159</sup> Collectors were motivated to collect fees and used the newspapers to communicate with tavern owners. John Cleavland, Collector of Duties for Halifax, published an advertisement in *The Nova Scotia Gazette and the Weekly Chronicle* in 1791 appealing to license holders to pay their duties.<sup>160</sup>

---

<sup>159</sup> NSARM, RG 5 Series S, vol. 6, 1782, “An Act In addition to, and for Continuing the several Laws relating to the Duty on Licensed Houses.”

<sup>160</sup> NSARM, RG 5, Series S, vol. 6, 1782, “An Act in addition to, and for Continuing the several laws relating to the Duty on Licensed Houses,” and NSARM, *The Nova Scotia Gazette and the Weekly Chronicle*, 22 March, 1791.

Two other bills were passed in the 1790s that dealt indirectly with licensing. The first, from 1794, concerned the Grammar School in Halifax. The act called for an additional duty of three pence per gallon on imported wine. The money (up to £150 per year) was to be used for the support of the Grammar School. If the extra wine duties did not amount to £150, the needed funds could be drawn from the duties collected on licensed houses in Halifax.<sup>161</sup> The act used duties from imported alcohol *and* fees from the licensing of consumption for the same purpose, thus drawing a broader connection between alcohol and revenue. The following year, legislation dealing with army billeting stipulated that innholders and “tavern or ale house keepers” could be fined £5 for refusing to billet officers and soldiers on march from one district to another.<sup>162</sup> This act provided another example of the use of taverns and inns as public spaces that encompassed much more than the consumption of alcohol. As was the case with the holding of the Supreme Court at the Golden Ball tavern in Halifax and the meeting of militia officers at Mrs. Doggett’s in Liverpool, the billeting of troops pointed to the use of public houses as places where the functions of the colonial state were carried out.

The second phase of legislation covered a period of approximately 30 years. The 1768 act was the first to mention roads as the recipient of licensing money. This was not mentioned in the title or highlighted in the act. Subsequent amendments revealed an emerging focus on the counties and districts outside of Halifax and initial efforts to establish mechanisms of implementation in these areas in terms of the collection of fees

---

<sup>161</sup> 34 Geo 3d, Cap. 15, “An Act to provide for the Support of the Grammar School in Halifax, and for other public purposes therein contained,” 1794, *The Statutes at large*, volume 1. This act was continued in 1804 to 1805.

<sup>162</sup> 35 Geo 3d, Cap. 4, “An Act for quartering and billeting His Majesty’s Forces, when marching from one District to another, within the Province,” 1795, *The Statutes at large*, volume 1, p. 350.



and fines. During this period, licensing fees could also be designated for purposes other than road-building, as was the case with the Grammar School. This period was characterized by the strengthening of the association between licensing and government revenue, with a diversification in revenue allocations, as authorities responded to local circumstances. Public houses in the counties were also emerging during this phase as sites associated with colonial governance, and taverns associated with ferry crossings were singled out as being exempt from licencing fees in order to facilitate travel throughout the colony in the slowly expanding transportation system. Overall, the period from 1768 to 1798 was one of fluidity in the colonial government's approach to licencing, as authorities began to stretch the licencing framework to the counties but still did not exclusively tie licencing revenue to the development of transportation infrastructure in the growing geography of settler society.

### **Rum and Roads, 1799 to 1831**

In 1799, the assembly passed an extensive 27-clause statute dealing with licensing duties and the regulation of public houses. Some sections of the act dealt with issues from previous statutes. The focus in the 1763 legislation on sellers, for instance, was reiterated and expanded upon in the first section of the 1799 act. Persons – including wives, children and servants – selling alcohol without a license could spend up to 3 months in jail, where they would be “put to hard labour,” if they failed to pay the £10 fine for selling without a license. The stipulations that “every person having licence” was to hang out a sign within ten days of obtaining the license, was also reiterated, as was the clause

linking licenses to specific locations.<sup>163</sup> The most salient feature of the end-of-century statute, however, was the strong association between alcohol revenue and road building. The emphasis on roads articulated by Governor Franklin in the 1760s was echoed by Governor Wentworth in the 1790s, with even greater emphasis on the creation of “settler space” by destroying the animals upon which the Mi’kmaq depended. As Reid points out, these developments were not uncontested, and included reproachful protests against government officials.<sup>164</sup> Furthermore, the colonial dynamics of settlement and encroachment had a devastating impact overtime, but did not involve the surrender of territory or ceasing of diplomatic relations with British imperial officials.<sup>165</sup>

The link between roads and licensing-based revenue was made explicit not only in the body of the legislation, but also in the title, leaving no ambiguity about the focus of the legislation: “An Act for raising a Revenue to repair the Roads throughout the Province, by laying a Duty on Persons hereafter to be licensed to keep Public Houses, or Shops, for the retail of Spirituous Liquors, and for regulating such Public Houses, or Shops.”<sup>166</sup> The act outlined how the monies raised for road building were to be distributed. In Halifax, accounts were to be given to the treasurer of the province for the repair of public roads within ten miles of the town. In the counties, quarterly accounts were to be given to county treasurers and applied by county justices for the “making,

---

<sup>163</sup> 39 Geo 3d, Cap. 13, “An Act for raising a Revenue to repair the Roads throughout the Province, by laying a Duty on Persons hereafter to be Licensed to keep Public Houses, or Shops, for the retail of Spirituous Liquors, and for regulating such Public Houses, and Shops,” 1799, *The Statutes at Large Passed in the Several General Assemblies, Vol. 1*, (Halifax, 1805), pp. 411-416.

<sup>164</sup> Reid also notes that the Mi’kmaq pursued other strategies, including migration and agricultural cultivation to offset “the effects of settlement and environmental change.” Reid, “Empire,” pp. 86-7.

<sup>165</sup> Reid, “Empire,” pp. 87-88.

<sup>166</sup> 39 Geo 3d, Cap. 13, *The Statutes at large*, pp. 411-416.

opening and repairing of public roads, making or repairing of bridges, and establishing [of] ferries” within the counties where the money was collected.<sup>167</sup> The general stipulation in the 1768 act regarding roads and revenue, and the specific focus on roads in Lunenburg in 1773, were refined at the end of the century into an association between the collection of licensing revenue in specific counties and the expenditure of funds on transportation infrastructure in the same county.

The act reiterated the 1780 stipulation that licenses would only be granted to people that also kept “houses of entertainment for travellers,” but also gave specific and detailed information not contained in previous statutes regarding the “manner of proceeding on granting licenses,” and different mechanisms of implementation were established for Halifax and the Counties.<sup>168</sup> Outside of Halifax, license holders were required to put up a sign stating that “entertainment may be had there for man and horse,” provide two beds for travellers, a stable with hay for horses, and “good and wholesome victuals and drink.” Licenses were valid for one year and failure to renew a license was equivalent to selling liquor without a license. The license fee remained at £6 per year for Halifax, but was reduced to £3 per year elsewhere.<sup>169</sup> In addition, licenses could be provided free of charge to persons living on remote roads in order to encourage the keeping of houses of entertainment for the accommodation of travellers.<sup>170</sup> The act attempted to balance out the potential for revenue from licensed houses with the need to provide incentives for people to offer travellers a place to rest, eat and drink.

---

<sup>167</sup> 39 Geo 3d, Cap. 13, *The Statutes at large*, pp. 411-416.

<sup>168</sup> 39 Geo 3d, Cap. 13, *The Statutes at large*, pp. 411-416.

<sup>169</sup> 39 Geo 3d, Cap. 13, *The Statutes at large*, pp. 411-416.

<sup>170</sup> The 1817 sketch of Spences’ Inn illustrated the isolated nature of many country inns. John Elliot Woolford, “Spences Inn on the Windsor Road,” *Sketches of Nova Scotia*, 1817. Photo No. 78.45.58, Nova Scotia Museum History Collection.

The act also explained in greater detail the role of the clerk of the license. Justices were to appoint a day during the spring sessions for the granting of licenses, and clerks of the license were to attend the session, receive quarterly advances from persons with licenses, and make a list of their names and “abodes,” retaining 7.5% of all revenue collected from fees and fines as payment for their services.<sup>171</sup> Clerks were also required to visit taverns to ensure that the provisions of the act were being complied with. These visits – a potential intrusion of colonial authority in a place of leisure and sociability – may not always have been well received, because persons interrupting or assaulting a clerk could be fined or imprisoned.<sup>172</sup>

A concern regarding disorder was not limited to potential assaults on licensing clerks in 1799. The act included one clause on disorderly persons, including hired men, female servants, apprentices and people under twenty-one years of age, who were not to “idle or misspend their time” in taverns.<sup>173</sup> The original bill also stipulated that “lewed or disorderly women” were not to “resort to lodge or Harbor in or about” a tavern-keeper’s house.<sup>174</sup> The Council recommended that this section be removed from the bill, suggesting an interest in downplaying the particular gender-based vices associated with tavern life, and it did not appear in the act. The legislation did stipulate that, other than strangers, lodgers and people requiring “dieting and victualling,” no person was to be in a

---

<sup>171</sup> 39 Geo 3d, Cap. 13, *The Statutes at large*, vol. 1, pp. 411-416. Clause 15 stipulated that clerks who failed to render accounts were subject to a penalty of double the sum “he shall so retain.” This money, also, would be used for roads. Clause 20 stipulated that clerks could bring actions (before a justice of the peace) against people who failed to pay their quarterly accounts.

<sup>172</sup> 39 Geo 3d, Cap. 13, *The statutes at large*, pp. 411-416.

<sup>173</sup> 39 Geo 3d, Cap. 13, *The statutes at large*, pp. 411-416.

<sup>174</sup> NSARM, RG 5, Series A, Petitions and Correspondence, 1758-1800, vol. 6, no. 190, Amendments Proposed by the Council to the bill for suppressing unlicensed taverns etc..

tavern on the Lord's Day. This stipulation was to be posted in every public room.<sup>175</sup> The act also focussed on the suitability and character of tavernkeepers, and their role in the maintenance of order. Grand Juries would recommend to justices of the peace "fit and proper persons of good fame, and of sober life and conversation," to be licensed to sell spirituous liquors or to keep taverns or houses of public entertainment.<sup>176</sup> In general, however, the 1799 statute focused on the uses of the revenue collected, and also the role of the clerks and the distinctions between Halifax and other counties, rather than questions of disorder.

Numerous amendments dealing with the licensing administration were introduced over the next few decades. Thomas Wood, Clerk of the Peace for the County of Halifax, had petitioned the assembly in 1799 regarding the "great deal of trouble," in terms of time and expense, involved in summoning people to be licensed to the sessions and recording the proceedings. He further noted that no allowances had been made for this in the 1799 act and requested that reasonable fees be paid to him as a clerk of the peace.<sup>177</sup> In an 1801 amendment, this request was granted, with clerks of the peace receiving payment of 2s. 6d. for registering licensees in the minute books of the Sessions.<sup>178</sup> In 1807, the expenditures for Halifax roads were also more explicitly defined. The county

---

<sup>175</sup> 39 Geo 3d, Cap. 13, *The Statutes at large*, volume 1, pp. 411-416.

<sup>176</sup> 39 Geo 3d, Cap. 13, *The Statutes at Large*.

<sup>177</sup> Wood also noted in his petition the added responsibility given to him by recent acts associated with recording the licensing of butchers and truckmen. NSARM, RG 5, Series A, vol. 6, no. 142, Petition of Thomas Wood, Clerk of the Peace for Halifax County, to The General Assembly.

<sup>178</sup> 41 Geo 3d, Cap. 12, "An Act in addition to, and in amendment of, an Act, made and passed in the Thirty-ninth year of His present Majesty's reign, entitled, An Act for raising a Revenue to repair the roads throughout the Province, by laying a duty on persons hereafter to be licensed to keep Public Houses, or Shops, for the retail of Spirituous Liquors, and for regulating such Public Houses and Shops," 1801, *The Statutes at large*, vol 2, p. 445.

treasurer was to pay the road commissioner for Halifax all the monies received under the act. The funds were divided up very specifically. One fifth was to be used for repairing the road from Halifax to Sackville as far as Seven Mile Post, one fifth for the section of road from Seven Mile Post to the Bridge at Sackville, and the rest for roads, streets and lanes in Halifax.<sup>179</sup> In 1815, legislators determined that three-fifths of the money raised through licenses in Halifax was to be paid to the road commissioners for road building and repair, but the rest was designated for police officers upon the order of a justice of the peace.<sup>180</sup> This section of the act made reference to another act passed in the same session providing for a Police Office in Halifax, along with “proper Officers to attend the

---

<sup>179</sup>48 Geo 3d, Cap. 3, “An Act to revive, alter and continue, an Act passed in the thirty-ninth year of his present Majesty’s reign, entitled, An Act for raising a Revenue to repair the Roads throughout the Province, by laying a Duty on Persons hereafter to be licensed to keep Public Houses or Shops for the retail of Spirituous Liquors, and for regulating such Public Houses and Shops; and also, the Act, passed in the fortieth year of his Majesty’s reign in amendment of the above-recited Act; also an Act, passed in the forty-first year of his Majesty’s reign, entitled and Act in addition to, and in amendment of the above-recited Act; and also the Act, passed in the forty-sixth year of his Majesty’s reign, entitled, An Act in addition to, and in amendment of, the above-recited Act,” 1807, *The Statutes at large Passed in the Several General Assemblies, Vol. 2, 1805-1816* (Halifax, 1817), p. 1.

<sup>180</sup> 55 Geo 3d, Cap. 17, “An Act to revive, alter and continue, the several Acts of the General Assembly, for raising a Revenue to repair the Roads throughout the Province, by laying a Duty on Persons hereafter to be licensed to keep Public Houses and Shops for the retail of Spirituous Liquors.” Another act passed in 1816 (56 Geo 3d, Cap. 3, “An Act to enable the Inhabitants of the Town of Halifax to Pave Water-Street, in the same town”) also stipulated that monies from the license fund could be used for this purpose. In 1819 (59 Geo 3d, Cap. 1), the acts dealing with licensing revenue and roads that had been passed in 1799 and 1800 were repealed, but other acts, including those passed in 1807 and 1815, were not. Presumably, the latter statutes had by then sufficiently replaced the earlier ones. In 1826 (7 Geo IV, Cap. 32), previous acts, including those passed 1805 and 1815, were continued to 1827. *The Statutes at large*, vol. 2, pp. 158, 212, and vol. 3 1817-1826, (Halifax, 1827), pp. 40, 267.

same.”<sup>181</sup> This act also reiterated concerns regarding disorderly houses. Licenses could be suspended upon complaint to two justices.<sup>182</sup>

Over a thirty year period, only two references were made in the legislation to disorder in public houses, both of them brief and neither describing the ‘debauchery’ of earlier times. And yet, Nova Scotia continued to be a violent place into the nineteenth century. Much of the violence, according to Allyson May and Jim Phillips, was focused on Halifax and was associated with concentrations of young, single men in a military and naval town.<sup>183</sup> Crime rates fluctuated according to the fortunes of war, as conflicts brought soldiers and sailors to Nova Scotia. During the War of 1812, the workforce of the naval dockyard increased to 1,600 men.<sup>184</sup> War-time prosperity also brought higher wages, with labourers often paid in cash.<sup>185</sup> Despite the potential for disorder and drunken excess associated with concentrations of young men with ready money, legislation during this period did not emphasize problems associated with disorder.

The legislation, rather, focused on revenue. The 1799 act and subsequent amendments refined the regulation of licenses, outlining in detail the role of the license clerks, as well as indicating how monies would be channelled and spent. The legislation remained, on balance, remarkably consistent over this thirty year period. With one

---

<sup>181</sup> 55 Geo 3d, Cap 17. The act was entitled “An Act for establishing of a Bridewell, or House of Correction, for the County of Halifax, and for the better and more effectual administration of the Office of a Justice of the Peace in the Township of Halifax, and for providing a Police Office in said Town, with proper Officers to attend the same.”

<sup>182</sup> 55 Geo 3d, Cap. 17. In addition, justices of the peace could grant licenses without recommendations from the Grand Jury, as had previously been the case.

<sup>183</sup> Allyson N. May and Jim Phillips, “Homicide in Nova Scotia, 1749-1815,” *The Canadian Historical Review*, 82, 4 (December 2001), pp. 631, 660.

<sup>184</sup> D. A. Sutherland, “1810-1820, War and Peace,” in *The Atlantic Region to Confederation: A History*, edited by Phillip A. Buckner and John G. Reid, (Toronto: University of Toronto Press, 1994), p. 239.

<sup>185</sup> Sutherland, “1810-1820,” p. 239.

exception made for police officers, associated with the establishment of a House of Correction in Halifax and a Police Office in 1815, revenue was used for the building and repairing of roads and bridges, in Halifax and in Counties throughout the province. The responsibility for both raising and spending monies associated with licensing increasingly fell under the domain of county and district officials. This suggests a refinement in the mechanisms of implementation of liquor licensing legislation, and a shift towards the exercise of local authority in the structures of colonial governance in terms of revenue collection and expenditures. Given the cleavage that existed in Nova Scotia between the seat of colonial authority in Halifax and the outlying counties, the ability for counties to have some control over revenue was not insignificant.<sup>186</sup> The evolution of local licensing mechanisms may thus provide insights into processes of state formation in Nova Scotia. Justices of the peace, county treasurers, road commissioners, clerks of the license and clerks of the peace were “tentacles” of a centralized state, but they were also individuals who exercised “freedom in their conduct of local business.”<sup>187</sup>

While the second regulatory phase had been connected to shifting fiscal imperial dynamics following the Seven Years’ War, this third phase was more closely aligned with colonial patterns of development. The second half of the eighteenth century had seen a significant demographic shift in Nova Scotia, with the arrival of the New England Planters, both highland and lowland Scottish immigrants, the United Empire Loyalists

---

<sup>186</sup> On “court and country factions,” see Graeme Wynn, “1800-1810: Turning the Century,” in *The Atlantic Region to Confederation: A History*, edited by Phillip A. Buckner and John G. Reid, (Toronto: University of Toronto Press, 1994), p. 227.

<sup>187</sup> Proposals for municipal incorporation in the region in the 1840s were mostly rejected, although Halifax became incorporated in 1841. Graeme Wynn, “Ideology, State and Society,” in *Colonial Leviathan: State Formation in Mid-nineteenth-century Canada*, edited by Allan Greer and Ian Radforth (Toronto: University of Toronto Press, 1992), pp. 313-4.



and others. By the end of the century, a skilled population, stable local government and the beginnings of educational and legal institutions had emerged. “The challenge of succeeding generations,” according to Ann Gorman Condon, “would be to realize the promise of these assets.”<sup>188</sup> The beginning of the nineteenth century was marked by confidence in the future, and the prosperity centered in Halifax had begun to radiate outward.<sup>189</sup> The development of effective communication between settlements in the colony had become essential, and several thousand pounds were spent on road building each year in the first decade of the nineteenth century.<sup>190</sup>

Road building was an expensive undertaking; in addition to materials and tools, labourers, overseers and supervisors had to be paid. In the first three decades of the nineteenth century, roads expenditures amounted to a total expenditure of over £300,000, or an average of about £10,000 per year.<sup>191</sup> By 1829, total appropriations for roads stood at £22,500, although “each commissioner would only supervise work worth a few pounds.”<sup>192</sup> Road-building was also a contentious process, with road commissioners receiving their appointments through patronage, and in turn, deciding who received road work.<sup>193</sup> Sources other than licensing monies, in particular duties on imported alcohol, were also used for improvements in transportation. The so-called ‘Brandy Election’ of 1830, which involved disputes between the assembly and council over a four pence tax

---

<sup>188</sup> Ann Gorman Condon, “1783-1800: Loyalist Arrival, Acadian Return, Imperial Reform,” in *The Atlantic Region to Confederation: A History*, edited by Phillip A. Buckner and John G. Reid, (Toronto: University of Toronto Press, 1994), p. 209.

<sup>189</sup> Wynn, “1800-1810,” in *The Atlantic Region to Confederation*, p. 214.

<sup>190</sup> Wynn, “1800-1810,” in *The Atlantic Region to Confederation*, p. 214.

<sup>191</sup> Brian Cuthbertson, “Place, Politics and the Brandy Election of 1830,” *Collections of the Royal Nova Scotia Historical Society*, 41 (1981), p. 11.

<sup>192</sup> Cuthbertson, “Place, Politics and the Brandy Election,” p. 11.

<sup>193</sup> Cuthbertson, “Place, Politics and the Brandy Election,” p. 11.

on brandy that might have been used to help finance road building, demonstrated the contentious nature of revenue and road building in the province. In 1830, the assembly allocated £25,000 for roads, but needed additional revenue. Coincidentally, through a petition from Enos Collins requesting a refund of his customs duties, the assembly members discovered that the Collector of Duties, Hibbert Binney, had not been collecting an additional duty of four pence per gallon that had been imposed on imported brandy, gin and cordials in 1826. The Assembly added this alcohol tax to the revenue bill, but the Council refused to accept the extra tax. This left a vacuum in which no legislation existed for imposing duties on alcohol – a short bonanza for merchants, including Collins and others, who sat on the Council.<sup>194</sup> The use of licensing revenue for road building was thus significant in that it was part of the broader context of a maturing colonial society that required additional sources of revenue to finance infrastructure projects associated with the expansion of settlement. The deadlock between the Assembly and the Council over the brandy tax also generated discussions about the need to distinguish the Council's executive and legislative functions, the latter being in effect when the legislature was in session.<sup>195</sup>

The legislation introduced in 1799, along with subsequent amendments, was repealed in 1832. The new act reiterated previous stipulations regarding licensing revenue and roads, but did not include this in the title. The act focused on the types of licenses issued, distinguishing between tavern, shop and general licenses, and formed part of the

---

<sup>194</sup> Cuthbertson, "Place, Politics and the Brandy Election," pp. 14-15.

<sup>195</sup> A resolution introduced in 1834 calling for an appointed Executive Council and an elected Legislative Council was defeated. See Cuthbertson, *Johnny Bluenose*, pp. 64-65.

regulatory context of the 1830s to 1880s.<sup>196</sup> The period from the passing of the 1799 bill to the beginning of the temperance movement around 1830 made an unequivocal link between licencing legislation and revenue for road building. It marked a new phase of colonial development that included the encroachment on Mi'kma'ki and expansion of European and other non-Aboriginal settlement, as well as the evolution of local licencing mechanisms.

### **Regulation and Consumption in Nova Scotia**

A healthy volume of proclamations, orders and acts were issued or passed between the founding of Halifax in 1749 and the beginning of the temperance movement in the early 1830s. Over a dozen pieces of legislation were introduced, including key statutes in 1758 (with a 1763 amendment), 1768 (with 1773, 1774, 1778 and 1780 amendments) and 1799 (with amendments in 1801, 1807 and 1815) Collectively, they contain a wealth of information on the types of alcohol consumed, where and by whom, as well as the punishments determined by the law for failure to uphold legislation regarding the selling of alcohol. During the time period in question, the legislative assembly and council included the regulation of legal and illegal public houses in the business of the law-making in a constant way. From 1749 to 1782, for instance, there were 33 sessions of the assembly, indicating that legislation dealing with the consumption of alcohol was dealt with in at least 1 out of every 3 sessions of the assembly. During the 33 sessions, 431 acts were passed, although many of these were

---

<sup>196</sup> See Fingard, “A Great Big Rum Shop,” pp. 96-100.

acts continuing or amending previous acts. Legislation dealing with duties on imported alcohol was consistently passed during these sessions.

In addition to unlicensed houses, legislation also dealt with other aspects of social regulation in the province, including the disorderly riding of horses and carriages, trespassing, vagabonds and disorderly persons, and the unnecessary use of fire arms.<sup>197</sup> Early legislation referred only to spirituous liquors, which would have been primarily rum, given the trade links between Nova Scotia and New England (and also the West Indies). Gin and brandy might also have been consumed, although only brandy is mentioned in the legislation. Wine, ale, beer, cider and perry (fermented pear juice) were also itemized in legislation, indicating that regulatory attempts were meant to be all-encompassing. It is worth noting, however, that rum (including as a spirituous liquor) is mentioned consistently throughout the legislation and, on occasion, it is singled out as a particularly problematic beverage.

Specific people were targeted in legislation. The inclusion of women among licensees and the specific identification of mothers and mistresses as being responsible for children and servants indicated that authorities considered women, as well as men, to be sellers of alcohol. Children and servants were also singled out as illegal sellers of alcohol. Sailors, soldiers, servants and slaves were identified as drinkers, although the legislation also reflects a concern for drinking among Nova Scotia's settlers more

---

<sup>197</sup> See "An ACT to prevent disorderly riding Horses, and driving Carts, Trucks, and Sleds, Slays or any other Carriage whatsoever, within the Town of Halifax, or any other Town within the Province," "An Act for preventing Trespasses," "An ACT for punishing Rogues, Vagabonds, and other Idle and Disorderly Persons," and "an Act to prevent unnecessary firing of Guns, and other Fire Arms, in the Town and Suburbs of Halifax, to the Town Plot of Dartmouth," *The Statutes at large Passed in the Several Assemblies Held in His Majesty's Province of Nova Scotia, 1758-1804* (Halifax, 1805), pp. 51-2, 72-3, 186-8, 322.

generally. There was no attempt in the legislation to regulate consumption of alcohol among the province's Mi'kmaw population. A distinction was made between travellers and boarders in need of victualling in public houses and other patrons of these establishments. The places of sale and consumption identified through legislation varied widely, and included encampments, dockyards, ships, boats, vessels, wharves, tippling houses, taverns, ale houses and houses of public entertainment, as well as booths, tents, huts, sheds, bulks and more generally streets, highways, lanes and suburbs. The legislation also differentiated between places where alcohol was consumed, such as the above, and places where it was sold only (shops), placing greater restrictions on the former than the latter.

In terms of punishments, the first proclamation introduced in 1749 stipulated only the forfeiting of all alcohol as punishment. Shortly thereafter, a monetary penalty of 20s. for each offence was imposed, thus establishing the payment of a fine as punishment. Shortly thereafter, this amount was increased to £10, a sum that remained fairly constant until the nineteenth century. Corporal punishment in the form of lashes and also a jail term were then added to the legislation restricting the sale of liquor in taverns. Jail terms continued to be included in legislation throughout the period, but only applied when the requisite fines were not paid. Whippings, on the other hand, were only listed as a form of punishment in early legislation. Clerks, church wardens and, in particular, justices of the peace were responsible for enforcing legislation relating to unlicensed houses and illegal drinking, with the authority to collect fines, seize goods and enter premises if necessary.

Early proclamations were brief and indicated an attempt to gain control of a situation that had manifested itself as a problem from the first days of the settlement of

Halifax. They were replaced by the more comprehensive 1758 act, and subsequent amendments added stipulations to the existing legislation. The legislation responded to specific circumstances, such as the granting of free licenses to ferry operators, the selling of alcohol by children and servants, the selling of alcohol to soldiers, servants and slaves, and drinking on Sundays. Legislation changed over time as a response to evolving circumstances, such as the expansion of settlement in the province. An early concern regarding excessive consumption and the abuses of regulatory efforts in Halifax was replaced by latter legislation, beginning in 1768, which also focused on the collection of duties and fines. By the early 1770s, the suppression of unlicensed houses was no longer part of the regulatory context, with the 1773 act focussing only on the collection of duties from licenses. This suggests both that the licenses had become a well-established source of revenue by the 1770s and that unlicensed houses were not as significant a problem as they had been previously, in particular during the first years of settlement when rum was “almost sold in every house.”<sup>198</sup> A moral concern regarding drinking can be seen in the legislation throughout the period, although later acts do not contain the same preoccupation with the disorder and debauchery associated with excessive alcohol consumption found in earlier legislation. This suggests that, also by the 1770s, authorities had achieved some measures of success in their regulatory efforts.

With the exception of the fine imposed upon people found imbibing on Sundays, authorities attempted to control consumption by focussing on retailers, rather than consumers. Importers were likewise not singled out as a means to control the supply of alcohol entering the province. The early proclamations were likely influenced by the

---

<sup>198</sup> See p. 12. NSARM, RG1, vol. 163, Commission Book, 1749-1759, p. 30.

British licensing context of the 1740s. A 1736 British act had included a prohibitive £50 annual licensing fee (this adding to unlicensed alcohol selling) as well as high taxes for distillers. This act was repealed in 1743 with legislation that introduced moderate annual fees for public houses while simultaneously allowing for the collection of alcohol duties – on domestically-manufactured alcohol such as gin rather than imported rum. The attempt to balance alcohol revenue (through duties), with the introduction of moderate fees was a recent regulatory template that Nova Scotian authorities would have been aware of, and may have consciously sought to emulate. The British legislation passed quickly through the House of Commons, but was debated in the House of Lords. Lord Bathurst noted, for instance, that experience had taught that it would be impossible to prevent the retailing of distilled alcohol, and so “common sense pointed out” that the best course of action to curb excessive consumption was to allow public retailing of “liquors,” while laying “a duty upon the still head and upon licences as, without amounting to a prohibition, will make them come so dear to the consumer, that the poor will not be able to launch out into an excessive use of them.”<sup>199</sup>

In terms of sellers of alcohol, the acts also emphasized people selling in licensed houses, more than shopkeepers. Legislation specified, in fact, that regulations were not meant to debar merchants from selling in their shops, although the quantities they were permitted to sell without a license varied, with greater restrictions in later legislation. Although places of consumption are given various names, including taverns and public houses, early legislation was particularly aimed at tipling houses, and also the sale of

---

<sup>199</sup> In Sidney Webb and Beatrice Potter Webb, *The History of Liquor Licensing in England Principally from 1700 to 1830* (London: Longmans, Green and Co., 1903), pp. 28-30. Reprinted by BiblioBazaar, 2010.

alcohol through non-residential structures such as booths, sheds and tents. It was this type of selling, then, and the soldiers, sailors and servants who drank there, that was considered the most problematic. Later statutes focused more on public houses of entertainment on rural roads and in counties and communities outside Halifax.

The volume of proclamations, statutes, and in particular amendments to existing statutes, introduced between 1749 and 1831 strongly suggests that authorities were committed to introducing licensing legislation.<sup>200</sup> The need for continuous legislation with additions and amendments, on the other hand, suggests that it was not entirely effective. This may have been in part because authorities targeted consumption, rather than going to the source – the importation of alcohol. Most alcohol was imported. Local rum production using imported molasses did exist, but intermittently and sparingly until the nineteenth century – in part due to efforts to prohibit distilleries in order to protect rum imports. Alcohol distribution was regulated, through duties and drawback stipulations on wine, Madeira, rum, ale and other alcoholic beverages imported into Nova Scotia, but the volume of imported alcohol was not limited as a means to curb excessive consumption or alcohol-induced debauchery and disorder.<sup>201</sup> Likewise, merchant shopkeepers had more flexibility than tavernkeepers in terms of selling alcohol.

---

<sup>200</sup> There was not a linear legislative increase during this time. Twenty-nine acts were passed during the first two years of the assembly. This was followed by a peak decade in the 1760s, with 174 acts being passed. The 1770s and 1790s each saw the passing of 144 acts, while only 114 acts were passed in the decade in between. The volume of licencing statutes, in other words, did not correlate with an overall increase in the volume of acts passed by the assembly. *The Statutes at large*, vol. 1.

<sup>201</sup> Drawback refers to the import duties paid back on goods that were re-exported. Sugar, molasses and rum were Nova Scotia's main re-export commodities, and were re-exported to Great Britain and other colonies of British North America. As noted in the following chapter, rum entering Prince Edward Island originated mostly in Halifax. On Nova Scotian re-exports, see Gwyn, *Excessive Expectations*, p. 33.



Decreasing the supply of alcohol would have impacted upon the government's revenue base. This did not, however, entirely explain both the significant levels of consumption that existed and the ongoing efforts to control it. An attempt to understand the forces at work that impacted upon consumption requires a socio-cultural understanding of alcohol as both an exceptional and everyday substance.

As the legislation reviewed in this chapter demonstrates, the consumption of alcohol was associated with debauchery, disorder and 'evil' practices. Concern regarding excess drinking was also expressed in Halifax through other voices. An anonymous letter to the printer, published in *The Nova Scotia Gazette* in 1767, discussed the excess in drinking and seeking "pleasure at the tavern."<sup>202</sup> Reverend William Tutty, a Church of England missionary with the Society for the Propagation of the Gospel, wrote to the society shortly after his arrival in Halifax of the "pernicious vice of excessive drinking, that inexhaustible source of evils."<sup>203</sup> Alcohol in general was associated with drunken excess, but 'spirituous liquors' such as rum were often singled out specifically. Tutty associated the high mortality rate in the early settlement with "an inviolable attachm't to New England rum, ye most destructive of all destructive spirits."<sup>204</sup> With respect to rum retailers, Charles Lawrence noted that as "much gunpowder fired amidst us would not do us more mischief."<sup>205</sup> The anonymous poem, "The Jug of Rum," which was printed in the Halifax paper, clearly identified rum with death and destruction:

---

<sup>202</sup> NSARM, *The Nova Scotia Gazette*, August 13, 1767. See also March 1, 1755.

<sup>203</sup> "Mr. Tutty's Second Letter to the Society," *Collections of the Nova Scotia Historical Society*, 7 (Halifax: Morning Herald, 1891), p. 111.

<sup>204</sup> Cited in Pickard Bell, *The 'Foreign Protestants,'* footnote 13, pp. 338-9.

<sup>205</sup> Pickard Bell, *The Foreign Protestants*, p. 440. According to Bell, Charles Lawrence expressed concern regarding the excessive use of rum in his journals and letters. See p. 421.

Destructive fiends of hateful shape  
Even now are planning to escape  
Here, only by a cork control'd  
And slender walls of earthen mould,  
In all their pomp of death reside  
Revenge that ne'er was satisfied  
The tree that bears the deadly fruit  
Of mamming, murder and dispute, ...  
All these within this jug appear...<sup>206</sup>

It was not just authorities and elites who held these views. As noted above, some of the legislation passed made specific mention of inhabitant's concerns regarding excessive drinking. This view was of course filtered through an official lens.

Nonetheless, it would have been reasonable for settlers to be concerned about disorder. Moral issues also came into play. In early November, 1752, Thomas Jobbit was found guilty of burglary and felony and was executed later that month. At his execution, the repentant Jobbit reflected upon the role of alcohol in his demise. He "acknowledg'd the Justice of his Fate," and "warn'd all People, especially his Fellow Soldiers, to be ware of those Sins which had bro't him to that untimely End, to have a greater Regard for the Sabbath, and to spend more of their Time at the Church, and less at the Gin-shops."<sup>207</sup>

An association between drunkenness and degeneracy was also reflected in other contemporary sources in the British Atlantic world, and concerns regarding drunkenness were often tied to broader issues. An article printed in the *Gentleman's Magazine* in Britain, for instance, made the connection between drunkenness and loss of industry and productivity. The article singled out specifically the "lower Orders of the People," whose

---

<sup>206</sup> NSARM, *The Halifax Gazette*, January 15, 1792.

<sup>207</sup> NSARM, *The Halifax Gazette*, Sunday, November 11, 1752 and Saturday, November 25, 1752. See also Fingard, et. al., *Halifax*, pp. 15-16.

ill-health through the excessive consumption of “Spirituous Liquors” would have disastrous effects in many arenas:

... if an epidemical Weakness of Body should be diffused among them, our Power must be at an End, our Mines would be an useless Treasure, and would no longer afford us either the Weapons of War, or the Ornaments of domestic Elegance, we should no longer give Law to Mankind by our Naval Power, nor send out Armies to fight for the Liberty of distant Nations. We should no longer supply the Markets of the Continent with our Commodities, or share in all the Advantages which Nature has bestowed upon distant Countries...<sup>208</sup>

In a similar vein, an article from the *Westminster Journal*, reprinted in *The Halifax Gazette*, specifically associates drunkenness with degeneracy and luxury, as well as idleness in labour, uncultivated lands and the abandonment of trade:

... it has been calculated, that a twentieth part of the labouring hands of this nation, are detained from their proper occupations by the many prevalent inducements to Drunkenness and indolence; which ought to be reasonably prevented before the contagion is incurable; and it is already so dangerous, as to make it imagined that a 20<sup>th</sup> part of the British trade is every year lost, or perhaps a twentieth part of our people annually buried to the grave, or disabled from continuing to the public emolument; which is very melancholy, and a very alarming consideration.<sup>209</sup>

These authors established a direct link between drunkenness and idleness and, in turn, a loss of productive labour which would have wide-sweeping ramifications for the nation. Consuming alcohol to excess was not simply a private matter, nor was it one of concern for moral reasons alone. *Gentleman's Magazine* was explicit regarding the ruling elite's reliance upon the labour of the poor: “all the Advantages which high Stations or large

---

<sup>208</sup> “Debates in the Senate of Lilliput,” *The Gentleman's Magazine*, 13 (Nov. 1743), p. 566.

<sup>209</sup> NSARM, *The Halifax Gazette*, November 18, 1752.

Possessions can confer, are derived from the Labours of the Poor.”<sup>210</sup> In short, people needed to stay sober in order to be productive.

The reprinting of *The Westminster Journal* article in *The Halifax Gazette* suggests that the issue of drunkenness was transatlantic in scope. The regulation of consumption in Nova Scotia in the 1750s and beyond may have been influenced by mid-century concerns in Britain regarding crime and social disorder. In 1751, for instance, a Parliamentary committee listed the excessive habits of idleness, entertainment and gaming among the “lower sort of people” as one of the seven causes of the increase in crime, and the more effective suppressing of disorderly houses was put forth as one of the remedies to the crime situation.<sup>211</sup>

Rum was exceptional in that, unlike other consumer commodities that arrived in Halifax from distant ports of the Atlantic world, it was associated with social excess, moral evils, disorder and a loss of industry. The association between drunkenness, debauchery, luxury and the “lower sorts of people” is of particular interest. The concept of luxury did not refer simply to an item that was expensive or difficult to obtain. Luxury was debauchery of the masses that disrupted the social, economic and political order. As noted in Chapter One, Joyce Appleby argues that early modern Anglo-Atlantic consumerism revived and re-interpreted classical understandings of luxury which associated it with the disruption of balance and order.<sup>212</sup> Luxury was associated with

---

<sup>210</sup> “Debates,” *The Gentleman’s Magazine*, p. 565.

<sup>211</sup> ‘Disorderly houses’ referred primarily to brothels, but demonstrated an overarching concern regarding idleness among the poor. Jerry Bannister, “Assessing the Bloody Code: Movements Toward ‘Reform’ of the Criminal Law in England, 1748-1752,” paper presented to the conference of the Canadian and Atlantic Societies for Eighteenth Century Studies, 15 October, 1992.

<sup>212</sup> Appleby, “Consumption,” p. 166.

desire and disobedience, and it was the role of rulers to restrain people from wanting what they did not need – as seen above in the *Westminster Journal* and *Gentleman's Magazine* excerpts.

This view of luxury was at odds with emerging early modern ideas regarding the civility of commerce in which the marketplace was replacing the political assembly of classical times. The sociability and respectability of economic life went hand-in-hand with the rise of coffee houses and similar establishments in the port towns of British North America, where merchants discussed trade and politics, conducted commercial transactions, and held meetings associated with their civil positions in colonial administration amidst amiable sociability and the imbibing of Madeira and rum punch. Merchants in Halifax placed advertisements in local newspapers in which West-India rum, Old Jamaica Spirits, Antigua rum, New-England rum, as well as Madeira, Tenerife and Fyal wines and Fine Pale and Amber English Beer, were sold alongside Connecticut pork, beef, flour, Indian corn, bread, boards, plank, shingles, soap, candles, nails shoes, Scarlet cloth and “Sundry other Things.”<sup>213</sup> In short, the retailing of rum and other alcohol was a component of common commercial practices in the British Atlantic littoral and was associated with the civility of commerce and not the luxury and disorder of concern to authorities. The civility of commerce was, paradoxically, based on the trans-Atlantic slave trade and African slavery in the Americas, as all rum – whether imported directly from Barbados, Jamaica or one of the other West Indian islands, or produced in New England or Nova Scotia using French and British West Indian molasses – was produced using enslaved labour. Nova Scotia was intricately tied to the early modern

---

<sup>213</sup> See, for example, NSARM, *The Halifax Gazette*, 13 May, 1752; 27 January, 1753, and; 23 June, 1753.

Atlantic world of slavery through the commerce and consumption of rum, in addition to the presence of slave-owners and enslaved people in the colony, a point that will be returned to in the next chapter, as the Island of St. John was the only one of the three Maritime colonies to introduce an alcohol control law focussed directly on slaves in the colony.<sup>214</sup>

It was in this latter context that merchants imported rum into Nova Scotia. Shopkeepers sold it by the gallon and government authorities provided it to sailors, soldiers and settlers. People in Nova Scotia consumed alcohol along with meals and were provided with rum as part of their wages or work day. It was standard practice, for instance, to provide both rum and provisions when victualling government pilot boats in Nova Scotia in the 1750s.<sup>215</sup> Rum was also included in the provisions given to troops at Chignecto and Annapolis Royal.<sup>216</sup> This practice was not unique to Nova Scotia. In September, 1714, Newfoundland Governor Moody wrote to the Lord High Treasurer that mutinous soldiers at Placentia had “nothing to drink but water and no subsistence.” The previous month, the desperate soldiers had demanded clothing, provisions, rum and

---

<sup>214</sup> See Greg Grandin, *The Empire of Necessity: Slavery, Freedom and Deception in the New World* (New York: Henry Holt and Company, 2014) for a discussion of the ways in which individuals involved in the accumulation of wealth based on slavery were blind to the social realities of slavery around them.

<sup>215</sup> See, for instance, NSARM, RG1, vol. 163: “An Order to Victual the New Casco three months allowance of Rum & Provisions for Six men.” (5 March, 1753); “Order to Victual the Pilot Schooner Dolphin Twenty two Days Allowance of Provisions & Rum, which Compleats her to 28<sup>th</sup> January last.” (22 March, 1753); “Order to victual the Sloop Ulysses three months allowance of Provisions & Rum for Twelve men.” (28 March, 1753).

<sup>216</sup> NSARM, RG 1, vol. 163, “Charles Lawrence to Erasmus James Philipps,” Halifax, 2 November, 1753.

beer.<sup>217</sup> In short, rum and beer were ‘needed’ more than water. The 1758 legislation on suppressing unlicensed houses demonstrated that the inclusion of rum as wages was shifting in the mid-eighteenth century (rum was to be given to fishermen but not servants). An association between alcohol and work was part of the pre-existing cultural matrix when rum was introduced into the market.

The provisions for inhabitants in new settlements in Nova Scotia also could include rum. In 1753, John Cunningham, the government Storekeeper appointed to issue provisions to settlers in the province, was given instructions (through the Commissary Thomas Saul) to issue provisions to the German settlers who had just arrived in Merligash (Lunenburg). Cunningham was told to “continue giving the Customary allowance of Provisions, Rum & Molasses to the Foreign settlers... until their year of victualling be expired.” One “mans” allowance for 28 days included 20 pounds of bread and flour, 12 pounds of beef and 8 of pork, four pints of peas, one pint of vinegar, 2 pints of molasses and 2 pints of rum.<sup>218</sup> Shortly after their arrival, each man in a working party of inhabitants building the blockhouse in the new settlement was given a dram of rum with breakfast “for their encouragement” by Charles Lawrence.<sup>219</sup>

In North America and the Caribbean, more generally, rum was largely the drink of “common folk” and, according to Frederick H. Smith, competitors emphasized this distinction when attempting to sell wine and brandy to the elite. Rum was also consumed by the elite, but often as punch, where it was mixed with lemon or lime, sugar and other

---

<sup>217</sup>Calendar of State Papers, Colonial Series, West Indies and America, Volume 23, 1714-1715, 194/xvii-viii, xiii (b).

<sup>218</sup> Other foreign settlers, for unexplained reasons, were not given the rum (or molasses or vinegar). NSARM, RG1, vol. 163, “P.T.H. to John Cunningham,” Halifax, 9 May, 1753.

<sup>219</sup> Pickard Bell, *The Foreign Protestants*, p. 421.

ingredients available only to those with the means to pay for them. Drinking rum punch was an expression of gentility similar to the consumption of brandy or Madeira, and was enhanced by “ornate Georgian punch bowls, silver ladles, and other fashionable serving items.”<sup>220</sup> There was an everyday quality about rum, and it could be seen as a necessity when it was first introduced into the market rather than a luxury. Authorities had difficulties limiting consumption in Nova Scotia in part because people had the expectation that they would drink wine, ale, beer, cider or rum. At work, at home, in timpling houses and taverns, at temporary encampments, on the wharves alongside the merchant ships docked in the harbour and in the fishing boats that set out from port to catch cod, people drank. A widespread cultural shift was unlikely to occur through government legislation alone. People’s expectations that they would consume alcohol in a quotidian manner was also coupled with the widespread availability of alcohol. Like fermented drinks, rum was considered to have medicinal and nutritional qualities. People drank rum to provide calories and to fortify themselves for hard labour.<sup>221</sup> Rum could be seen as beneficial when compared with other distilled alcohols, such as gin and brandy. Gin – “Mother’s ruin” – was seen as the cause of both social and health disorders in Britain in the eighteenth century.<sup>222</sup> William Hogarth’s mid-century *Beer Street* and *Gin Lane* best depicted, in visual representation, the contrasting values of the “thriving respectability of the licensed alehouse” in contrast with the moral decay and social

---

<sup>220</sup> Smith, *Caribbean Rum*, pp. 79-81. See also David Hancock, “Commerce and Conversation in the Eighteenth-Century Atlantic: The Invention of Madeira Wine,” *Journal of Interdisciplinary History*, Vol. 29, No. 2 (Autumn, 1998), pp. 197-219.

<sup>221</sup> McCusker, Jr. “The Rum Trade and the Balance of Payments, p. 477.

<sup>222</sup> Smith, *Caribbean Rum*, p. 74.



disorder caused by gin.<sup>223</sup> Gin was decried as “too fiery, acrid, and inflaming,” while rum, the “Sugar Spirit,” was touted as a beneficial substance used in the aid of distempers.<sup>224</sup>

Rum was also compared favourably to French brandy and malt liquors. John Oldmixon, in his early eighteenth-century history of the British Empire in America, commented on the offensive taste and smell of rum, but also its positive qualities: “’tis said to be very wholesome, and therefore it has lately supply’d the Place of Brandy in Punch. Indeed, ‘tis much better than malt-Spirits, and the sad Liquors sold by our Distillers.”<sup>225</sup> How, then, can one account for the divergent identities of rum as benevolent and ‘evil,’ necessity and luxury? The key to understanding the connection between the two – the exceptional and everyday – may lie in rum’s relative newness to the market. Sidney Mintz notes that, “when unfamiliar substances are taken up by new users, they enter into pre-existing social and psychological contexts and acquire – or are given – contextual meanings by those who use them. He further notes that the ways in which this happens is not obvious.<sup>226</sup> The ways in which people give meanings to new substances, then, must be unravelled according to the contingencies of time and place as well as to the relational associations of the substance.

---

<sup>223</sup> Peter Clark, *The English Alehouse: A Social History 1200-1830* (London and New York: Longman, 1983), n.p. and p. 241.

<sup>224</sup> Smith, *Caribbean Rum*, p. 77.

<sup>225</sup> ECCO. John Oldmixon, *The British Empire in America, containing the history of the discovery, settlement, progress and present State of all the British Colonies on the continent and islands of America*, Vol. II (London, 1708), p. 145, 336.

<sup>226</sup> Mintz, *Sweetness and Power*, p. 6.

Mintz's observations, as noted in Chapter One, were related specifically to sugar.<sup>227</sup> Rum had much in common with sugar, first and foremost in that both were derived from sugarcane cultivated using enslaved labour. Rum, however, became available on the market at a later date than sugar. Another key difference between rum and sugar was that, although the concept of 'sweetness' was largely lacking in Europe until the widespread consumption of sugar derived from cane, the same could not be said for alcohol. The regulation of alcohol in Early America, as noted in Chapter One, emerged out of the regulatory context in England and was also adapted to local circumstances. Alcohol consumption in Nova Scotia – and in the other two maritime colonies as well – likewise emerged from the cultural matrix of consumption in English (and British in the eighteenth century) and was at the same time transformed by the contingencies of trade and alcohol availability.

People in England and Britain were accustomed to the consumption of alcohol. It could be considered to have both medicinal and nutritional value, and was often associated with everyday activity.<sup>228</sup> In Medieval England, ale was relatively expensive, but by the fifteenth century it had become more accessible to "ordinary people" who

---

<sup>227</sup> The Arab westward expansion of the seventh and eighth centuries introduced sugar cultivation into the Mediterranean region, and the Crusades introduced sugar to Western Europe. It was not, however, in widespread use until the seventeenth century, following the Atlantic and American expansion of cultivation. Furthermore, sugar was initially not a common sweetener, but a "medicinal, condimental, ritual, or display" commodity. Mintz argues that sugar was introduced into the European market as a luxury commodity but fairly quickly became an everyday substance – a necessity – that was in widespread use. Mintz, *Sweetness and Power*, pp. 23, 28, 37-8.

<sup>228</sup> People consumed beer while working, for instance, because they believed it gave them strength. Andrew Barr, *Drink: A Social History of America* (New York: Carroll & Graf, 1999), p. 36.

consumed it with meals instead of water.<sup>229</sup> In a 1737 pamphlet discussing debt and taxes, for instance, ale, beer and malt were considered necessities, along with soap, candles and coal, and the anonymous author argued that money should be raised by taxing luxuries or property, not the necessities consumed by the poor:

Many of the Taxes lie heavy on the *Poor* and the *Manufacturer*, by being laid on the *Necessaries of Life*, of which the *Poor* consume more than the *Rich* ; as the Excises on *Malt, Beer, Ale, and Salt*, and also the Taxes on *Soap, Candles, Coals and Leather*... All the Money, which the Necessities of the Publick required to be raised, ought to be raised on *Property*, or *Articles of Luxury*; but nothing on the *Necessaries of Life* without the most *absolute Necessity*.<sup>230</sup>

Unlike sweeteners, then, alcohol was a familiar substance embedded in a pre-existing, albeit shifting, matrix. When rum, an unfamiliar substance, was introduced into the Atlantic world, it entered into the existing context of consumption. It initially took its place alongside other types of alcohol and would have been seen as a nutritional, medicinal or quotidian necessity. “Rum,” notes Andrew Barr, “became popular in colonial America for much the same reason as beer in England.”<sup>231</sup> Beer did not transport well and was not readily available in Nova Scotia, but people found a ready substitute in the hardy Caribbean spirit.<sup>232</sup> Fairly quickly, however, rum came to be seen as an alcoholic substance distinct from fermented drinks. It inserted itself into a pre-existing

---

<sup>229</sup> Clark, *The English Alehouse*, pp. 24, 241.

<sup>230</sup> *Reasons for the more speedy lessening the national debt, and taking off the most burthensome of the taxes*. London, 1737. pp. 7-8.

<sup>231</sup> Barr, *Drink*, p. 36.

<sup>232</sup> Beer brewing did not exist on a significant scale in Nova Scotia until the nineteenth century. Alexander Keith purchased a local brewery from Charles Bogg in 1820, and production was aimed at local consumption. See K.G. Pryke, “Keith, Alexander,” *DCB* (University of Toronto/Université Laval, 2003), online. <http://www.biographi.ca>. Accessed 10 February, 2008. See also Craig Heron, *Booze: A Distilled History* (Toronto: Between the Lines, 2003), pp. 17-8.

context of quotidian consumption but then acquired different contextual meanings by those who used it, and those who sought to regulate its use.

Authorities in Nova Scotia expressed concern over excessive consumption of spirituous liquors such as rum and connected this to both moral concerns and broader issues of disorder and loss of productivity that could have ramifications on economic development and military output. At its most essential, rum was a distilled spirit derived from molasses, but it also had constructed and contested meanings. Rum was initially both necessity and luxury. Over time, it became *less* of a necessity, as its associations with quotidian consumption decreased and its identification with debauchery, disorder and loss of industry increased. Not only did it not follow the same trajectory as sugar and other Anglo-Atlantic consumer goods, it did not follow the same path as other alcoholic beverages in circulation in the Atlantic World. As seen in Chapter One, fortified wine produced on the Portuguese Atlantic island of Madeira began the eighteenth century as a common table wine, and ended it as a luxury distributed by Anglo-merchants and consumed by Anglo-American elites.

It is difficult to assess whether or not the people who imbibed in Nova Scotia identified rum as being distinct from brandy, fortified wine, wine, or other fermented drinks. The fact that authorities did make this distinction suggests that rum had indeed begun to acquire new meanings. Legislators had cause, in other words, to be concerned about excessive consumption. The eighteenth century was a key time of transition. The existence of overlapping identities for rum, as old and new, everyday and exceptional, helps explain both the drive to regulate on the part of authorities and the cultural context of widespread consumption that authorities could not change through prescriptive

legislation alone. Imbibers were expressing a public will to consume, and legislation constantly negotiated the limits of what was possible in terms of regulation.

## **Conclusion**

Were authorities more concerned with raising revenue through licensing than the moral and social regulation of drinkers and drinking establishments? In general, early proclamations and statutes focused on Halifax as a nascent settlement and reflected concerns regarding disorder and debauchery among drinkers in public spaces. These issues were not completely ignored in later legislation, but the focus shifted towards revenue generation, with a period of fluidity followed by a focus on funds for the improvement of transportation infrastructure. In the nineteenth century, it was left to contemporary observers such as McCulloch to pronounce upon the relative morality of the proliferation of taverns in the province.

Three phases of government intentions regarding the regulation of alcohol consumption in public houses in British Nova Scotia existed between 1749 and 1831, with one key piece of legislation in each phase: in 1758, 1768 and 1799. The first phase (1749-1767) focused on the illegal selling of alcohol in unlicensed houses and targeted sellers (including women, children and servants), and imbibers (soldiers, sailors, servants and slaves). The governor and council, and assembly members after 1758, used legislation as a means to curb disorder in the nascent settlement.

During the second phase (1768 to 1798), legislation was fluid and responded to the need to generate revenue locally following a decrease in imperial civil expenditures in Nova Scotia. The revenue issue became increasingly central, although no clear pattern

had yet emerged. Funds were targeted for both road building and the Grammar School in Halifax for instance, and road building funds focused mostly on Halifax and Lunenburg.

Between 1799 and 1832, the assembly singled out the use of licensing funds for the building of roads, bridges and ferries, and focused on refining the mechanisms of administration of the acts. The evolution of licensing suggests that state formation in Nova Scotia was a long process – one which began earlier here than in the other parts of British North America that would become Canada.<sup>233</sup> The shift from concerns regarding disorder to an interest in revenue (albeit fluid) and then a focus on roads and colonial development was gradual, taking place over at least a half-century.

Although both individual imbibers and tavernkeepers were sometimes singled out, legislation between 1749 and 1831 generally focused on places of consumption. The mid-eighteenth-century concern regarding tippling houses and public drinking in Halifax was replaced with an early nineteenth-century focus on county taverns and inns and the need to provide ‘houses of entertainment’ with meals and lodgings for travellers. The public houses of Nova Scotia stood at the crossroads – sometimes literally but also symbolically. They were sites for the exercise of colonial authority and the generation of government revenue but they could also be used as places where the business of government could be carried out, from the holding of court to the billeting of soldiers. They were also social and cultural institutions more broadly, providing public spaces for auctions, charitable

---

<sup>233</sup> For a discussion of state formation in British North American in the nineteenth century, see Allan Greer and Ian Radforth, “Introduction,” in *Colonial Leviathan*, pp. 3-15.

society meetings and accommodations for ‘man and horse.’ They thus played a pivotal role in the early Nova Scotia. Rum, as the primary alcoholic beverage imported and consumed in Nova Scotia, also stood at a crossroads – this one between late medieval English understandings of quotidian alcohol consumption and early modern associations between distilled alcohol (gin as well as rum) and immorality, idleness, debauchery and disorder. It also encompassed the paradox of the civility of commerce and the dehumanizing exploitation of chattel slavery. The study of the regulation of public houses and alcohol consumption provides a lens into this complex, contradictory, and shifting early modern Atlantic world of cultures, commodities and commerce, with a particular focus on Nova Scotia as a nascent cis-Atlantic British colony. The focus on alcohol as an aspect of colonial development either over-looked, under-examined, or limited to the parameters of cultural and social history, also provides a window into the world of early colonial governance in terms of the tensions between imperial controls and local, decentralized governance and revenue generation.

## Chapter 3

### Public Houses of Entertainment and Alcohol Regulation:

#### The Island of St. John / Prince Edward Island

Thomas Curtis, of Hampshire, England, set sail on the *Elizabeth* in August, 1775, for what he supposed would be a grand adventure. His business dealings had not gone as he had hoped, and being young and "bless'd with a good constitution," he decided to try his luck on the Island of St. John, a newly-created colony in British North America.<sup>1</sup>

Knowing that the few British settlers there relied heavily on imported manufactured products, Curtis purchased a number of items for resale on the island. These included ten suits, four dozen white shirts, a number of pairs of shoes, four guns, fowling pieces, fifty pounds of "Battle powder," saws, thread for nets, one thousand gun flints, and shot pouches. In preparation for the voyage and sojourn on the island, Curtis and his acquaintance John Compton, a cooper travelling with his wife and child, agreed to "lay in a Joint Seas Stock of liquors" that included "4 Doz of porter"(perhaps in bottles, although this was not specified) and an equal quantity of cider. Robert Clark, an English merchant with land for sale on the Island of St. John that was also of interest to Curtis, was surprised to discover that the two men had not purchased any provisions for the winter on the island. Upon Clark's recommendation, Curtis and Compton managed to trade some

---

<sup>1</sup> Thomas Curtis. "Voyage of Thos. Curtis." In *Journey to the Island of St. John*, ed. D.C. Harvey. Toronto: The MacMillan Company of Canada, 1955, p. 9. The use of the definite article 'the' with non-naval ship names varies. This dissertation follows the Maritime Museum of the Atlantic in not using 'the' with ship names, naval or otherwise. Conversation with Roger Marsters, Marine Curator, Maritime Museum of the Atlantic, Halifax, Nova Scotia, 5 August, 2015.



articles they had purchased for a few barrels of beef and flour with Compton's uncle, who had arrived to see his nephew off on his voyage.<sup>2</sup>

Even though Compton had been in America previously, neither he nor Curtis appeared to have undertaken a realistic assessment of day-to-day life in the nascent British colony. As it turned out scarce provisions were not the only challenge the men faced. The *Elizabeth* was wrecked on a sand bar off the north shore of the island. The following winter was long and cold, and Curtis, along with other fellow passengers, suffered severe hardships on the island. In the end, Curtis decided that the island was not "agreeable to an English constitution," and by February, 1777, he had made it back (via Newfoundland) to England.<sup>3</sup>

Island living was also hard for the existing inhabitants. Approximately 900 British settlers (from both Scotland/England and New England) arrived on the island between 1770 and 1775, and the total population in 1775, including Mi'kmaw people and Acadians who had escaped the 1758 deportation, was only 1,300 inhabitants.<sup>4</sup> The Island of St. John had come under British jurisdiction after the 1758 fall of French Louisbourg, and was formally annexed to Nova Scotia through the 1763 Royal Proclamation.<sup>5</sup> Samuel

---

<sup>2</sup> Curtis, pp. 10-11.

<sup>3</sup> D.C. Harvey, ed. "Introduction," *Journeys to the Island of St. John* (Toronto: Macmillan Company, 1955), p. 8 and Curtis, p. 65.

<sup>4</sup> Harvey, "Introduction," p. 7.

<sup>5</sup> Eighteenth-century British imperial documents refer to the 'Island of Saint John.' See, for instance, *Walter Patterson's Commission as Governor*, Westminster, 04 August, 1769. In A.B. Warburton, *A History of Prince Edward Island From its Discovery in 1534 until the Departure of Lieutenant-Governor Ready in A.D. 1831* (St. John, N.B. Barnes & Co.), Appendix A, p. 443. Thomas Curtis refers to the 'Island of St. John's' in his narrative. The term 'St. John's' also appears in sources. See Margaret R. Conrad & James K. Hiller. *Atlantic Canada: A Concise History* (Don Mills: Oxford UP, 2005), p. 79. In 1799, the name was changed to Prince Edward Island. The Lieutenant-Governor cited

Holland, the Dutch-born surveyor and military engineer who had served with the British in the attack on Louisbourg in 1758, was appointed to survey the island in 1764-5.<sup>6</sup>

Holland divided the island into counties of approximately 500,000 acres, parishes of roughly 100,000 acres and townships of approximately 20,000 acres each. He established and named Charlottetown as the centre of governance, and also established sites for other towns and identified rivers and harbours, forest resources, plant life, and the quality of soils for agriculture.<sup>7</sup> In 1767, the land was granted by lottery to private proprietors who agreed, in exchange, to settle and develop the land, and to pay quitrents to the Crown.<sup>8</sup>

Two years later the lot proprietors – naval officers, government supporters and merchants – petitioned successfully to have the island established as a separate colony.

In the initial choice of porter and cider over beef and flour, Curtis and Compton shared with many men of the British Atlantic world a cultural predisposition toward the quotidian consumption of alcohol. Settlers on the Island of St. John likewise consumed

---

confusion regarding the name due to other places with the name 'St. John' (in Newfoundland, Labrador, New Brunswick and other places) as the reason for introducing the name change. Warburton, *A History*, p. 268. The statute introducing the name was titled "Act for altering and changing the name of this Island from Saint John to that of Prince Edward Islands. 39 Geo III, Cap. I, 1798. Following this, Elections P.E.I. Office uses the term 'St. John Island.' Elections P.E.I. Office "Prince Edward Island Governors, Lieutenant Governors and Administrators 1769 to May 2009: Pictures and Biographical Information (Elections P.E.I. Office, 2009). This dissertation follows eighteenth-century government documents in using 'The Island of St. John' when referring to the period up to 1799, although alternate terms are also used when linked to specific sources.

<sup>6</sup> Holland had submitted a proposal to the Board of Trade in 1762 to survey British possessions in North America, and was subsequently appointed to survey all British possessions north of the Potomac River, starting with the Island of St. John. F. J. Thorpe, "Holland, Samuel Johannes," in *DCB*, vol. 5 (University of Toronto/Université Laval, 2003), online. <http://www.biographi.ca>. Accessed July 22, 2013.

<sup>7</sup> Thorpe, "Holland, *DCB*."

<sup>8</sup> J.M. Bumsted, "The Origin of the Land Question on Prince Edward Island, 1767-1805," in *The Acadiensis Reader: Volume One. Atlantic Canada Before Confederation*, third edition, edited by P.A. Buckner, Gail G. Campbell and David Frank (Fredericton: Acadiensis Press, 1998), p. 132.

enough alcohol that successive governors, and elected members of the legislature after 1773, deemed it necessary to regulate its consumption. This chapter examines the licensing of alcohol sales on the island in taverns, inns, other public houses, and in comparison to stores. In addition to an overview and analysis of key statutes passed in 1773, 1785, and 1825, the chapter also explores extant documents related to licencing, including reports of licensing commissioners, petitions to the government from residents owning, or hoping to run, public houses, and nineteenth-century license ledgers that provide insights into the names and locations of taverns and inns on the island, as well as the revenue generated through the issuing of licenses. The chapter includes a close comparison with Nova Scotia statutes in an attempt to discern continuities and discontinuities in the licensing context on the newly-established British colony of the Island of St. John. Finally, laws and related licensing documents are also examined in relation to other statutes, and in particular duties on imported alcohol.

The chapter argues that the licensing of public houses on the island revealed concern over both order and revenue generation, albeit in ways that were unique to the Island of St. John/Prince Edward Island. The nascent nature of colonial society during the eighteenth century was reflected in a slim demographic profile and lack of significant built infrastructure in terms of civil governance, transportation, and public life, as well as in the difficulties in generating revenue through quitrents. All of these characteristics contributed to the specific ways in which licensing legislation evolved on the island. In particular, colonial authorities faced the dilemma of requiring public houses to support the development of colonial infrastructure, while simultaneously requiring infrastructure such as roads and jails in order to both promote public houses and enforce the legislation

that aimed to oversee their operations. This ‘catch-22’ persisted into the nineteenth century.

The chapter identifies two phases of licensing legislation on the island. In the first, from 1769 to 1784, the central legislation identified twin concerns regarding proper moral conduct (with intoxication and rum among servants in particular being singled out), and the establishment of a structure to collect fees and fines associated with licensed establishments. During the second phase, from 1785 to 1830, governing authorities expressed concern over proper moral conduct, but directed it towards tavernkeepers rather than imbibers. Concerns over the prevalent use of rum and its impact on labourers were replaced with attention towards strangers on the island, duties on alcohol, and enforcement in the act. The mechanisms of implementation of the act were further developed, with the appointment of commissioners of assessment who set license fees annually. An examination of the commissioners’ records, as well as petitions to the government for funds to operate taverns in the nineteenth century, and license ledgers from the 1820s, all provide insights into the implementation of the act, as well as information about public houses on the island, including the geographic dispersal and names of public houses, and tavern owners. Taken together, the statutes and other extant records regarding alcohol licensing, as well as narrative accounts from travellers to the island, reveal a licensing context that both borrowed from Nova Scotia, but was responsive to the local circumstances of the twin need for local revenue and the existence of public houses of entertainment to accommodate travellers as settlement expanded on the island. Unlike Nova Scotia, the island legislature did not explicitly link revenue and roads, but pursued both as parallel streams.

## "The Shadow of Government," 1769-1784

In 1770, the year after the island became a separate colony, Governor Patterson and his council issued the first liquor ordinance. In order to ensure proper moral conduct among the 'lower orders,' and in particular to control the practice of employers paying wages in rum, sellers required permission from the governor to offer for purchase alcohol in quantities above two gallons.<sup>9</sup> According to J.M. Bumsted, it is not clear how the government intended to enforce the regulation, and it "had virtually no practical effect on alcohol consumption."<sup>10</sup>

During the first General Assembly of the new legislature, in 1773-4, the question of selling alcohol was also considered. The twelfth act passed during this session involved the issuing of licenses for the sale of rum and other "distilled Spirituous Liquors."<sup>11</sup> The act's preamble identified the excessive use of rum, as well as other distilled spirituous liquors, "among Artificers, Servants, Labourers, Soldiers and Sailors," but did not mention cider, perry, ale or wine.<sup>12</sup> By identifying both sojourners and those belonging to the island, the act reflected the fluid demographics on the island. It expressed concern cover the health, morals and labour productivity associated with the

---

<sup>9</sup> J.M. Bumsted, *Land, Settlement, and Politics on Eighteenth-Century Prince Edward Island* (Kingston & Montreal: McGill-Queen's University Press, 1987), p. 34. Original in CCO 226/4/126ff.

<sup>10</sup> Bumsted, *Land, Settlement, and Politics*, p. 35.

<sup>11</sup> PARO, RG 3, Series 2, Subseries 1, Part I, PEI Statutes, 1773-1894, "An Act prohibiting the Sale (by Retail) of Rum, or other distilled Spirituous Liquors, without first having a Licence for that Purpose, and for the due Regulation of such as shall be licensed." (The alternate spellings for 'licence' and 'licensed' – 'c' and 's' – are in the original document.)

<sup>12</sup> PARO, RG 3, "An Act prohibiting the Sale."

"prevalent and common" use of alcohol, and also noted the potential for alcohol to incite other vices. In this regard, the legislation represented continuity with the previous liquor ordinance. When the Council introduced the latter, another ordinance regulating the departure of residents –debtors and indentured servants in particular – was also passed.<sup>13</sup> In both the 1770 ordinances and the 1773 statute, the issue of alcohol consumption and the problem of an itinerant population were intertwined.

The comprehensive act contained ten clauses. A license was required in order to retail alcohol in quantities less than twenty gallons. Failure to obtain the required license would result in a reasonably soft fine of 40s. for the first offence, with a £5 fine imposed for the second offence. In Nova Scotia, by comparison, legislation during the 1750s and 1760s stipulated a ten pound fine. Justices of the peace were empowered to collect the fines, and likewise to issue a Warrant of Distress for the sale of goods and chattels in the event of neglect or failure to pay the fine. Informants were to receive one half of any fines and forfeitures collected, with the other half going, within six months of collection, to the island's treasurer for the government's use. If no informer was involved, the entire sum would go to the government. Offenders who could not pay the fines, and had no goods to forfeit, were to be sent "to the next common Goal or Prison" on the island and remain there until the fine or forfeiture could be paid, or a maximum of one month for a first offence and no more than six months for each subsequent offence.<sup>14</sup>

In terms of the stipulation in the act regarding jail time, correctional infrastructure in the colony was non-existent, as were colonial public buildings generally. In 1768,

---

<sup>13</sup> Bumsted, *Land, Settlement, and Politics*, pp. 34-5.

<sup>14</sup> The act uses the spelling "goal" rather than "gaol" for jail.

when the island was still under the jurisdiction of Nova Scotia, Lieutenant-Governor Franklin had sent a dispatch to London with four separate estimates of the costs associated with the establishment of civil governance on the island. The total cost was approximately £6,800, with £500 allotted for a court house and prison, and another £500 for a church.<sup>15</sup> By October, 1768, only two buildings had been erected in Charlottetown. Each was a clap-boarded and shingled dwelling, 56 by 26 feet, with several rooms, fireplaces and stone cellars.<sup>16</sup> In 1769, when the island became a separate colony, much of the island remained covered with trees, and there were only the two houses and a few log huts in Charlottetown.<sup>17</sup>

In 1769, the proprietors had agreed to pay a moiety of the quit rents on their lots to cover costs associated with the establishment of civil governance in the new colony, with the other half of the payment taking effect twenty years later. The cost estimate for a permanent civil establishment in Franklin's dispatch to Lord Hillsborough had been £2,175.6.0. The annual cost of civil administration was revised the following year to £1,470 – mostly for salaries, with £100 allotted for contingent expenses. The proprietors proposed that the exact sum for annual civil expenditures could be raised through quit rents: £780 from 26 lots paying a moiety of 6s. per 100 acres, 29 lots contributing £580 (half the total for 4s. per acre) and £110 from 11 lots paying rents of only 2s. per acre, for

---

<sup>15</sup> The four estimates were enclosed in the same dispatch from Franklin to Lord Hillsborough, Secretary of State, 29 May, 1768. Estimate No. 3 also included £1,000 for public buildings, a house for the Lieutenant-Governor and boats, £200 for a 40-ton vessel, and £50 for a boat for the Lieutenant-Governor. In Warburton, *A History*, pp. 138-140.

<sup>16</sup> Warburton, *A History*, p. 144.

<sup>17</sup> Peter E. Rider. *Charlottetown: A History* (Charlottetown and Gatineau: Prince Edward Island Museum and Heritage Foundation and Canadian Museum of Civilization Corporation, 2009), pp. 5-6.

a total of £1,470.<sup>18</sup> The money raised was insufficient, however, to cover either temporary or annual expenditures, and the court house, jail and church were not built.

With the colony's acquisition of separate status, the newly-appointed governor saw immediately the need to establish the basic physical infrastructure of colonial society and colonial government.<sup>19</sup> Governor Walter Patterson wrote to the imperial Secretary of State, Lord Hillsborough, shortly after his arrival on the island in 1770, requesting £3,000 to build a church, a court house and a jail. Patterson argued that without these buildings, the colonists would be left "to submit to all manner of injustice and violence." With specific reference to the jail, Patterson noted: "[a]t present this is only the shadow of government without the substance, for there is not one house or place in or near this town that would confine a man contrary to his inclination."<sup>20</sup>

Hillsborough responded in early 1771 with a promise to endeavour to provide the funds for the three buildings, and for the building of roads also, since transportation infrastructure consisted of paths through the woods and water routes. Patterson's request was granted, and disbursed in two fifty-percent allotments over the next two years. Patterson wrote to Hillsborough that the funds would also engender respect from other British colonies, as they would counter the view that the Island of St. John was "formed rather by way of experiment."<sup>21</sup> Patterson was referring to the imperial intention that the colony not be settled at the expense of the British government, but through quit rent

---

<sup>18</sup> Warburton, *A History*, p. 144.

<sup>19</sup> Prior to this, he and his brother John had acquired Lot 19 through the land lottery. Elections P.E.I., "Prince Edward Island Governors, Lieutenant Governors and Administrators 1769 to May 2009: Pictures and Biographical Information" (Elections P.E.I. Office, 2009).

<sup>20</sup> Warburton, *A History*, p. 156.

<sup>21</sup> In Warburton, *A History*, p. 157.



income – an unprecedented and as yet untested model for British settler societies. As noted in the previous chapter, the Crown had invested heavily in Nova Scotia, in particular in the establishment of Halifax as an imperial garrison town. Proprietors who had been land recipients through the 1767 lottery (including Patterson and his brother John) were to settle and improve their lots at their own expense and pay quit rents, with the income from the latter being used to cover expenses of the civil government. According to the original terms of the grants, one person per 200 acres would be established within ten years.<sup>22</sup> Patterson's instructions upon his appointment as governor stipulated that quit rent would be paid annually (at the rate of 2s. 4s. or 6s. per 100 acres, depending on the quality of the lot, as established under Governor Franklin).<sup>23</sup> Patterson was to receive an annual salary of £500, with seven other appointed officials also receiving salaries ranging from £50 to £200.<sup>24</sup>

In practice, the proprietors did not fulfill their quit rent obligations. Despite legislative attempts to introduce statutes for the recovery of quit rents, the land tenure issue continued well into the nineteenth century, with persistent attempts among islanders to have the Crown revoke the land grants because the terms had not been fulfilled.<sup>25</sup> Due to the shortfall in anticipated revenue, modifications were required in order to cover

---

<sup>22</sup> Bumsted, "The Origin of the Land Question," p. 132.

<sup>23</sup> *Instructions to our trusty and well-beloved Walter patterson, Esquire, our Captain-General and Governor-in-Chief in and over our island of Saint John, and the territories adjacent thereto in America, and on which now are or heretofore have been dependent thereupon. Given at Our Court at St. James' the fourth day of August, 1769, in the ninth year of our reign.* In Warburton, *A History*, Appendix B, p. 458-9.

<sup>24</sup> Chief Justice: £200, Secretary and Register: £150, Attorney General and Church of England minister: £100 each, Clerk of the Crown and Coroner: £80 each, and Provost Marshal: £50. In Warburton, *A History*, Appendix B, p. 458-9.

<sup>25</sup> See Patterson, "The Origin," pp. 132-145, for a discussion on escheat and the land question on the island.

colonial expenditures. An early accommodation involved the £3,000 allotted for public buildings. The funds were used to cover the salaries of officials, including Patterson, rather than the building of the courthouse, jail and church.<sup>26</sup> Both the governor and members of the legislative assembly were intent on establishing the potential for incarceration as a response to breaches to the licensing statute. Given the reality on the ground, the intent, in 1773, was prescriptive, but it does nonetheless suggest that disorder was a key concern.

When the 1773 licensing legislation was introduced, Charlottetown boasted 15 dwellings and an improved dock extending into the Hillsborough River, but still lacked basic public infrastructure, including a court house and jail.<sup>27</sup> The following year, in 1774, a courthouse was erected at the corner of Queen and King Streets, and a small jail was built on Pownal Square, also known as Goal Square.<sup>28</sup> A new courthouse and legislature on Queen's Square replaced the old one in 1814. The issue of public funds for jails and courthouses continued, however, into the nineteenth century. In 1818, the legislature introduced a statute imposing an import duty on "all kinds of Goods, Wares, and Merchandize" at the rate of £2. 10s. on every £100 worth of goods imported for sale and consumption. The act stipulated that the building of a jail in Queen's County, a courthouse and jail "under one roof" in Prince County, and a courthouse and jail in one

---

<sup>26</sup> The disbursement of the funds was a matter of debate and contention among member of the House of Assembly. Warburton, *A History*, p. 158.

<sup>27</sup> Early public buildings were often required to serve a number of purposes, including church, jail, courthouse and assembly meeting place. In 1780, for instance, a small school began operation in the St. John's Coffee House in Charlottetown. By 1804, classes were being held in the courthouse. The first public school to operate out of a specially built schoolhouse did not open until 1821. Rider, *Charlottetown*, pp. 20-21.

<sup>28</sup> The spelling of "goal" follows contemporary usage here as well. Rider, *Charlottetown*, p. 5.

building in King's County was necessary for both the maintenance of justice and security of private property.<sup>29</sup> Presumably, the jail on Pownal Square was deemed insufficient to meet the town's needs and the legislature called for funds to build a new one, whereas the 1814 courthouse and legislature adequately fulfilled Charlottetown's infrastructure requirements.<sup>30</sup> It was not until 1831 that a jail was built on Pownal Square that was "well adapted" for its prescribed use.<sup>31</sup> Colonial authorities were thus wrestling with infrastructure funding and building into the nineteenth century. In 1773, they would have had difficulty enforcing a one-month jail sentence for licensing offenders unable to pay fines because suitable venues for the incarceration of offenders were lacking. This part of the legislation was clearly prescriptive and may have had the intent of underscoring the need for a jail.

Given the shortfall in quit rent income, the alcohol licensing act also represented an attempt to generate government income. A. B. Warburton argued that the legislation was the first attempt to do so, although the expected contribution to the public purse was a modest £20 per year. Patterson assented to the law, according to Warburton, due to the "absolute necessity for a little money to answer the common exigencies of government and to pay off some debts already contracted."<sup>32</sup> Warburton's otherwise conscientiously detailed history of the early history of the island did not provide an explanation or

---

<sup>29</sup> 59 Geo 3d, Cap. 1, "An Act for Raising a Fund to build Gaols and Court Houses and for appointing Commissioners to carry the same into effect," *The Acts of The General Assembly of Prince Edward Island*, vol. 1, 1773-1852 (Charlottetown: Printed by John Ings at the *Royal Gazette Office*, 1862), pp. 69-70. (The spelling 'Gaol' was used in this act, replacing the earlier usage of 'goal'.)

<sup>30</sup> Rider, *Charlottetown*, p. 13.

<sup>31</sup> It was referred to as "Harvie's Brig" after the jailer, Nicholas Harvie. Rider, *Charlottetown*, p. 15.

<sup>32</sup> Warburton, *A History*, p. 178.

primary source for either Patterson's explicit motivation, or the calculation of the £20 sum. Was it primarily to be derived from fines or licensing fees? If it were the former, few breaches of the law, in particular second offences, would have been anticipated. It would have required, for instance, approximately ten first offences to raise the £20 of annual revenue, or five first offences and two second offences. If the stipulated £10 fine for justices who failed to carry out their duties were included, the £20 per year would quickly be surpassed. It seems likely that the prescribed fines were intended primarily to curb disorder, whereas the dues derived from licensing were considered a revenue source, albeit a small one. Extant sources for licensing fee rates have not survived for the 1770s, but do exist from the mid-1780s onward (see below for a full discussion). Licensing fees in 1785 for tavernkeepers ranged from approximately £1.5 to £5 per year, with shopkeepers paying up to £10 per year. A modest calculation of one licensed tavern in each settlement mentioned by the licensing commissioners in their 1785 meeting would give a total of £30 annually in fees for 1785. Extant license ledgers with records of the amounts paid by proprietors in licensing fees exist only after 1824. The license revenue for 1825, for instance, was over £200.<sup>33</sup> Although this was over half a century after the initial 1773 legislation, with more public houses and a different currency evaluation, this sum nonetheless provides a point of comparison (the License Ledgers are examined in more detail below). In this light, £20 for 1773 seems a realistic equivalent, albeit a conservative estimate of overall potential revenue from the act if fines were included as revenue. Nonetheless, the principle of a revenue-generating statute seems warranted, whatever else it was intended to be, in the context of a cash-strapped civil authority

---

<sup>33</sup> PARO, RG 7, Provincial Secretary Fonds, 1795-1978, Series 1: Licenses, 1825-1875, Sub Series 1, License Ledgers 1825-1874.

searching for alternate sources of revenue for colonial settlement and development – including the payment of civil officials.

The act also stipulated that employers paying labourers (artificers, journeymen, servants, labourers) their wages in rum or other distilled alcohols were considered to be unlicensed retailers. An exception was made, as had been the case in Nova Scotia, for fishermen, for whom it might be "really and truly" necessary to receive rum during the fishing season. In addition, license holders were not permitted to sell to any one person, upon trust or credit, alcohol valued at more than five shillings. These stipulations acknowledged the economic importance of the "fishing business" in the colony, while at the same time expressed a concern over the potential economic disruption caused by servants and other labourers using their wages to consume rum. Retailers were not permitted under the act to extend credit to patrons if it was more than 5s., nor could they receive pawns or pledges as security of payment. Alcohol functioned as a circulating medium of exchange or quasi-currency in the British Atlantic where specie was often in short supply, so paying servants' wages with rum and other alcoholic beverages was in keeping with established patterns of commercial transactions based on credit. On the other hand, employers often paid servants rum at inflated prices, thus contributing to cycles of indebtedness. The preamble to the act regarding excessive consumption of alcohol among servants and the injury to their health and morals, indicating a paternalistic concern for the wellbeing of the "lower orders" of people in the colony.<sup>34</sup> The legislation, according to J.M. Bumsted, also targeted indentured servants who secretly fled the island to avoid paying debts. Since indentured servants represented

---

<sup>34</sup> Bumsted, *Land, Settlement, and Politics*, pp. 34-5.

capital investments, absconding debtors were a double loss to the colony. Bumsted argued that this stipulation had "virtually no practical effect either on alcohol consumption or population movement" because the government was unable to enforce the legislation. The inability to procure funds for either a courthouse or a jail underscores Bumsted's assertion regarding enforcement difficulties.<sup>35</sup>

The next (and fifth) clause of the act reflects more explicit concerns over drinking and drunkenness. License holders were not permitted to supply drinkers with alcohol "in such quantity as to effect intoxication," nor to sell outside, nor to sell alcohol on Sunday, with an exception being made in the case of the latter for travellers and lodgers. The stipulation regarding intoxication echoed the concern of authorities in early Halifax regarding debauchery. Despite the low population on the island generally, settlers in the nascent colony, in Charlottetown in particular, pursued leisure activities that ran the gamut from virtue to vice. Many residents enjoyed hunting, fishing, riding, carriage racing, picnicking, suppers, games and dancing. Others, according to a clergyman visiting in 1791, were prone to swearing and drunkenness.<sup>36</sup> While the former activities were in keeping with the Georgian ideal of bringing order to the wilderness, the latter ran counter to this objective and had to be curtailed.

Drunkenness was explicitly considered a vice by the British Crown. The August, 1769 instructions to Governor Patterson referred to a request that had been previously put forth by the Lord Bishop of London (Reverend Burke), in a petition to George I, "humbly beseeching him to send instructions" to governors of all the British colonies in

---

<sup>35</sup> Bumsted, *Land, Settlement and Politics*, p. 35.

<sup>36</sup> Rider, *Charlottetown*, p. 11.

America to cause laws against vice to be "rigorously executed."<sup>37</sup> The vices listed included "blasphemy, profaneness, adultery, fornication, polygamy, incest, profanation of the Lord's Day, [and] swearing and drunkenness."<sup>38</sup> With specific reference to the Island of St. John, Governor Patterson was instructed to provide laws for the "restraint and punishment" of these vices, and to discourage vices by encouraging "virtue and good living" through Christian practice. The building of schools to provide youth with a religious education was also specifically mentioned.<sup>39</sup> The 1773 statute did not include a reference to schools or religious education of youth, but it did echo the spirit of the governor's instructions in linking Christian virtue to consuming alcohol in moderation rather than to the point of intoxication.

People who had been summoned but refused to give evidence were required to pay £5 to the Treasurer. Justices or other officers who failed to execute their duties were required to pay a ten-pound fine, half to be paid to the treasurer, and the other half to the informer. Both of these fines could be recovered in the Supreme Court, and anyone who considered the sentence unfair could appeal to the Supreme Court or the next General Sessions of the Peace within the same county. Colonial officials in British North America could be either elected, as in New England, or appointed. Elizabeth Mancke has argued that in the latter system, county governments with royally-appointed officials served as extensions of colonial governments, which in turn were extensions of

---

<sup>37</sup> *Instructions*, in Warburton, *A History*, p. 462.

<sup>38</sup> *Instructions*, in Warburton, *A History*, p. 462

<sup>39</sup> *Instructions*, in Warburton, *A History*, p. 462

metropolitan governments.<sup>40</sup> This "statist turn" had begun at the end of the seventeenth century, and local government in British North America after the American Revolution in particular was intended to reinforce "vertical administrative linkages that reached from Whitehall and Westminster to individual settlements in the colonies."<sup>41</sup> Appointed officials were generally unpaid, although the positions conferred important benefits in terms of status and influence to a select group of members of the male colonial elite.<sup>42</sup> The fine imposed on a Justice who failed to execute his duties under the licensing act was twice the fine for a retailer who sold alcohol without a license. The voluntary nature of the position made the official fine that much steeper, and underscored the importance of vertical linkages in colonial state development in northeastern British America.

The act focused on retailers of alcohol, but did not specify tavernkeepers or innkeepers. This seemed to suggest that there were not yet many taverns or inns in existence in the colony. The issuing of licenses for taverns and inns expanded as the roads, bridges and settlements of the colony likewise expanded. The settlements that did exist outside the colonial capital were small and even more rudimentary than Charlottetown, with most settlers and stores depending on a supply of goods from England. Thomas Curtis, for instance, thought the first dwelling he saw in "Malpeck Bay," where he arrived with a contingent of shipwreck survivors, was a "cow house or place for Cattle," and not a home.<sup>43</sup> In another dwelling, the master of the house (Montgomery), extended a meal of

---

<sup>40</sup> Elizabeth Mancke, *Fault Lines of Empire: Political Differentiation in Massachusetts and Nova Scotia ca. 1760-1830* (New York & London: Routledge, 2005), p. 139.

<sup>41</sup> Mancke, *Fault Lines*, p. 140.

<sup>42</sup> Mancke describes local officeholding as "a kind of tax on men of wealth and status." Mancke, *Fault Lines*, p. 143.

<sup>43</sup> Curtis, p. 38.



"Salt Ells and Potatoes" to Curtis and some of his group. The "poor Creatures" of the abode, however, had "nothing but water to drink."<sup>44</sup>

Curtis was also surprised, when he arrived in New London, to see how different it was from the idea he had in his mind about it. "I then begin to repent of my Voyage and wish my Selfe in Old London again," he observed after taking in the "little row of Log houses" that made up most of the town.<sup>45</sup> The forty inhabitants of New London had only three barrels of supplies left to get them through the winter when Curtis arrived. Curtis stayed the winter there, with his friend from *Elizabeth*, John Compton, and the latter's wife – the two having found their way to the settlement earlier. Salt cod and potatoes were the mainstay of the diet, with water more often than alcohol to drink, although Curtis made mention of "a small quantity of Rum in the stores" selling for 8s. per gallon.<sup>46</sup> It was, according to Curtis, a "great favour to get a pint."<sup>47</sup>

The apparent paucity of taverns was in keeping with the absence of explicit reference to taverns, as well as inns or public houses of entertainment, in the legislation. The limited availability of alcohol in many settlements only two years after the passing of the 1773 statute, suggests that most clauses in the act -- the need for retailers to obtain a license, the attempts to curtail excessive consumption among labourers as well as intoxication in general – were focused on the colonial capital at Charlottetown.

---

<sup>44</sup> Curtis, p. 38.

<sup>45</sup> Curtis, p. 39.

<sup>46</sup> Curtis, p. 40.

<sup>47</sup> Curtis, p. 40. When Curtis and his group were reunited, several months later, with fellow former-*Elizabeth* passengers who had spent the winter living in a wigwam and living off the rum and provisions salvaged from the wreck, the latter deemed themselves to be better off than Curtis and his companions. Curtis, p. 47.

The act responded to circumstances on the ground at a time of early European settlement on the Island of St. John. This was in keeping with other early statutes that dealt with local issues as they arose. In the same year, for instance, an act was passed to indemnify people burning brush and rubbish on the island.<sup>48</sup> In the following decades, the legislature continued to pass acts that responded to local circumstances. In 1780, assembly members introduced an act that dealt with the "running at large" of hogs on the island, as well as unruly and trespassing cattle and sheep. A 1795 amendment noted this to be a continuing problem, and authorized the parties injured by trespassing hogs to apply to the justice of the peace for damages. The Justice would make the decision by surveying the impacted ground in the company of a few neighbours who were empowered by the act to likewise survey the damage. The final clause of the short amended act highlighted the prohibition against keeping hogs or pigs within the limits of Charlottetown.<sup>49</sup> In 1796, a statute was put in place to prevent "disorderly persons" from riding other peoples' horses without their permission.<sup>50</sup> All three acts dealt with bringing order to the potential chaos created by nature. Whether wild or domesticated, the flora and fauna of the island, and the people who were associated with them, had to be legislated into the normative standards of the colonial society local authorities were

---

<sup>48</sup> 13 Geo 3d, Cap. 7, "An Act for indemnifying persons who shall burn small Bushes, rotten Windfalls, decayed Leaves, and all other brush and Rubbish, upon the Lands and in the Woods on this Land," *The Acts of The General Assembly*, p. 4. The act was repealed y 39 Geo 3d, Cap. 2.

<sup>49</sup> *The Acts of the Assembly*, p. 175. 35 Geo 3d, Cap. 9. This session of the assembly began in 1790, but continued though prorogation until 1795.

<sup>50</sup> 36 Geo 3d, Cap. 5. "An Act to prevent disorderly persons from taking and riding or using the horses of others, without their leave or permission," *The Acts of the Assembly*, p. vii.

endeavouring to carve out of the St. John's wilderness. Early alcohol legislation likewise was concerned with the establishment of order.

The act was not entirely reactive (in the sense of responding to local conditions), however. It also contained clauses that re-iterated stipulations in early Nova Scotia legislation. The first licensing legislation passed in Nova Scotia, in 1758, and the 1773 St. John Island statute both dealt with the payment of wages and alcohol. The comparison in Table 3.1 of the text of the two acts demonstrates the similarity in content and style between the two.

Table 3.1 Comparison of Statutes: 1758 (N.S.) and 1773 (I.S.J.) <sup>51</sup>

1758 Nova Scotia Statute: Extract	1773 Island of St. John Statute: Extract
<p>And be it Enacted by the Authority aforesaid That is any Person or Persons within this Province shall from and after the Passing of this Act Agree or Contract with any Journeyman, Servant Labourer or other person employed be or Working under him, her or them respectively in manner following, that is to Say, If such Master Mistress or other Person or Persons shall Agree to Pay, such Journeyman, Workman, Servant Labourer or other Person employed by or working under him, her, or them, or under his, her, or their directions so much Money for Wages, and</p>	<p>And be it enacted. That all persons within this Island, or the territories thereunto belonging, who shall, from and after publication hereof, agree or contract with any Artificer, Journeyman, Servant, Labourer, or other person employed by them, to pay such Artificer, Journeyman, Servant, Labourer, or other person, any part of his, her, or their wages in Rum, or other distilled spirituous Liquors ; or shall set off or deduct all or any part of the wages so due to them respectively, for any or either of those articles so paid or delivered ; shall be deemed unlicensed Retailers within the</p>

<sup>51</sup> NSARM, “An Act for the better discovery and more effectual Suppressing of Unlicenc’d Houses,” and PARO, “An Act Prohibiting the Sale (by Retail) of rum, or other distilled Spirituous Liquors, without first having a licence for that Purpose, and for the due regulation of such as shall be licensed.”

<p>such a Quantity of Spirituous Liquors or strong Waters as together with such Money shall Amount to the Value of Wages as shall be Ordinarily and usually paid for the Work of such Journeyman, Workman Labourer Servant or other Person shall be employed in, or shall sett off Stop or deduct all or any Part of the Wages or hire due to such Journeyman, Workman, Servant or Labourer, for any Spirituous Liquors or strong Waters Delivered to them, or to any other Person by their direction or Order, by him her or them or any other Person, such Person or Persons so Offending shall be deem'd a Retailer of Spirituous Liquors without Licence within the meaning of this Act. And shall for every Offence forfeit the Sum of Ten Pounds And such Journeyman, Workman Servant, Labourer or other Person shall be entitled to his or her whole Wages. Notwithstanding any such Agreement setting off stopping or Deducting and shall have the like Remedy in Law for the same as if all or any part of such Wages were not paid.</p>	<p>true intent and meaning of this Act ; and shall for the First, Second, and every other succeeding offence, be subject to all and singular the penalties, Forfeitures, and Punishments, that are inflicted on certain persons herein expressed; to be in the same manner recovered and applied: and all such Artificers, Journeymen, Servants, Labourers, or other persons, shall be entitled to his, her, or their whole Wages, notwithstanding any such agreement, set-off, or deduction ; and shall have the like remedy in Law, for the recovery of the same, as if all, or any part of such Wages, were not paid or in any manner satisfied...</p>
---	---

Neither act prevented persons from supplying labourers in the fishery with rum. In addition, both stipulated that the act was not to extend to persons selling alcohol above a certain amount – three gallons in the case of Nova Scotia (increased to five gallons in 1763 and decreased again to three gallons in 1771), and 20 gallons in the case of the Island of St. John. The Nova Scotia legislation identified these people as merchant shopkeepers "or other persons not Licens'd to retail rum," whereas the island assemblymen identified them simply as "persons." The wording in each act is not identical. Both identify journeymen, servants and labourers, while only the St. John act

identifies artificers. The Nova Scotia act identified "Spirituuous Liquors or strong Waters," whereas the island legislation mentioned "Rum, or other distilled spirituuous Liquors," but the latter phrasing was also used elsewhere in the 1758 Nova Scotia statute. Both stipulated that people selling alcohol to labourers would be considered retailers of spirituuous liquors without a license (Nova Scotia) / unlicensed retailers (Island of St. John). The Nova Scotia statute specified a £10 penalty for unlicensed selling, while the island legislation was more open-ended, offending persons being subjected to "appropriate penalties, forfeitures and punishments."

Despite minor changes in tone and content, the overall arc of each excerpt is the same, suggesting a borrowing from Nova Scotia statutes. The clause in the 1773 statute regarding pawns and pledges likewise contains elements of borrowing. In Nova Scotia, pawns and pledges were dealt with in the separate and more detailed 1762 act regulating tavern-keepers (and not unlicensed sellers). The act identified soldiers, sailors, servants, apprentices, bound servants and slaves as people who might leave pawns or pledges as payment, and also identified the sum as exceeding five shillings. The abridged island legislation was more generic, simply prohibiting licensees from receiving pledges. Furthermore, on the island, this stipulation was incorporated as one clause in the licensing act, rather than as a central clause in a tavernkeepers' act. This may have had to do with the limited number of public houses on the island. Members of the colonial legislature on the island were selective. They borrowed from existing legislation where appropriate, ignoring other clauses in the same legislation. The stipulations in the 1758, 1763 and 1768 Nova Scotia legislation regarding hawking and selling on streets, wharves, lanes, suburbs (and so on), for instance, were not included in the 1773 Island of

St. John legislation. In early America, tavern laws were more uniform in the seventeenth century, drawing upon both English and Dutch legal heritages. By the eighteenth century, according to Sharon Salinger, differences emerged in the licensing context that were related to controlling drinkers (limiting access to taverns and credit as well as forbidding certain activities in taverns) as a means to maintain social order. In this regard, licensing on the island, and in Nova Scotia, followed a similar pattern in tailoring legislation to specific requirements related to maintaining social order.<sup>52</sup>

### **Public Revenue and Public Houses, 1785 to 1830**

The 1773 act was amended twelve years later, in 1785.<sup>53</sup> Much had changed in British North America in the interim. At the end of the American Revolutionary War, colonists loyal to the British crown gathered in New York, the last focal point of British military power along the eastern seaboard. Within a few years, tens of thousands of Loyalists had migrated to the Bahamas, Quebec, and the Maritime colonies, the latter including approximately 30,000 colonists and their slaves and servants, as well as approximately 3,000 former slaves who had achieved their freedom in return for siding with the British during the war. While most went to Nova Scotia and what was to become New Brunswick (the latter will be examined in Chapter Four), colonial authorities on the island also made attempts to attract settlers. In November, 1782, a broadside "To the

---

<sup>52</sup> Sharon V. Salinger, *Taverns and Drinking in Early America* (Baltimore and London: The Johns Hopkins University Press, 2002), p. 123.

<sup>53</sup> PARO, RG 3, Series 2, Subseries 1, Part I, PEI Statutes, 1773-1894, "An Act in addition to, and amendment of an Act made and passed in the Thirteenth Year of His present Majesty's Reign, intituled 'An Act prohibiting the Sale (by Retail) of Rum, or other distilled Spirituous Liquors, without first having a License for that Purpose, and for the due Regulation of such as shall be licensed.'"

Loyal Refugees" was issued by officers of the King's Rangers. The broadside informed people that, despite rumours of starving settlers, the island had good soils, plenty of room for settlers (without specific reference to terms of settlement), and light taxes raised only for local use.<sup>54</sup>

By May of the following year, the governing council recommended that the assembly hold elections to allow for new settlers to become involved in the colony's governance. The following month, in June 1783, eighteen proprietors offered one-quarter of their land (collectively, 426,000 acres) for free in an attempt to encourage Loyalist settlement, which would in turn add to the economic prosperity of the sparsely-populated British island. The petition sent to London with the offer also suggested that Guy Carleton would furnish the would-be migrants with transport and provisions for the voyage from New York to the island.<sup>55</sup>

In the end, despite these and other efforts, only 550 refugees and soldiers arrived on the island as re-settled Loyalists. Although a very small number in comparison to Nova Scotia and Quebec, the overall island population was also small. Bumsted argues that the Loyalists and their dependents collectively "increased the population of the Island and potentially represented a major factor in its early development."<sup>56</sup>

### ***The Emergence of Tavern-keepers, 1785-1814***

---

<sup>54</sup> "To the Loyal Refugees, who either have already left, or who hereafter may leave their Respective Countries in search of other Habitations." Bumsted, *Land, Settlement and Politics*, pp. 99-100.

<sup>55</sup> Bumsted, *Land, Settlement and Politics*, p. 101.

<sup>56</sup> Bumsted, *Land, Settlement and Politics*, p. 99.

It was against this backdrop that the 1785 statute was introduced. The amended act was even more lengthy than the original 1773 act, with sixteen clauses. The preamble identified the "uncertain and fluctuating State of Business" and the increase in the number of "Strangers" on the island as the two primary factors leading to difficulties with enforcement of the previous legislation. The preamble referred to duties and taxes, using language more in keeping with duties on imported alcohol than licensing, and also referred specifically to the "Manifest Injury of the Public revenue" associated with unlicensed alcohol sales.

The first clause of the act dealt with the fines and forfeitures associated with unlicensed selling. Unlike the 1773 act, this statute appears to have borrowed from the 1763 Nova Scotia statute regarding categories of both sellers and places where alcohol was sold. The Island of St. John statute identified not only "Persons," but also their wives, children, and servants or substitutes (or Fathers, Mothers, masters and mistresses) as potential sellers of alcohol. It also identified alcohol "sold, bartered, exchanged or delivered" without a license in the streets or elsewhere about town in both Charlottetown and other towns in the island, and in any counties on land or water, as being subjected to the act. The following comparison of the 1763 Nova Scotia statute and 1785 Island of St. John statute demonstrates the discursive continuities and discontinuities in the respective legislation.

Table 3.2 Comparison of Statutes: 1763 (N.S.) and 1785 (I.S.J.)<sup>57</sup>

---

<sup>57</sup> NSARM, "An Act in further Addition To and Amendment of an Act for Suppressing unlicensed Houses, and for Granting to His Majesty a Duty on Persons hereafter to be licensed," and PARO, "An Act in addition to, and amendment of an Act made and passed in the Thirteenth Year of His present Majesty's Reign, intituled 'An Act prohibiting the



1763 Nova Scotia Statute: Extract	1785 Island of St. John Statute: Extract
<p>That from and after the Publication hereof, if any person or persons whatsoever within this Province, either by themselves or any of their Children, or know or reputed Servants or Substitutes under them, directly or indirectly in any House , Shop, Warehouse, Storehouse or other Place whatsoever belonging to the Father, or Mother of such Child or Children, or to the known or reputed Master or Mistress of such Servant or Substitute, shall sell Barter or Exchange, or deliver upon Credit, any Rum, Brandy, Wine, Ale Cyder, Perry, or other Strong Liquors, mixt or unmixt by whatsoever Name or Names they are or may be called or distinguished, without License first had and obtained for that purpose in manner and form as directed by the said Act, ...</p>	<p>That from and after the Publication hereof, all Persons whatsoever within this Island, who shall themselves, or by their Wives, or by any of their Children, or known or reputed Servant or Servants, or Substitutes under him or them respectively, either directly or indirectly, in any House, Shop, Warehouse, or other Place whatsoever unto them respectively belonging, sell, barter, exchange, or deliver upon Credit, any Wine, Rum, Brandy, or other distilled Spirituous Liquors; Porter, Ale, Cyder, Perry, or other strong fermented Liquors whether mixed or unmixed, or by whatsoever Name or Names they severally are or may be called or distinguished, without License first had and obtained for that Purpose, in manner as is directed in and by an Act made and passed .... [1773 act]...</p>

The two extracts above are strikingly similar in length (127 and 123 words), in style and general content, and in specific wording in terms of alcohol sellers, types of alcohol, and methods of selling alcohol. The same clause in both statutes also included reference to fines and forfeitures. In the 1785 island statute, the fine is outlined as being the same as the 1773 legislation: 40s. for a first offence, and £5 for a second (compared to £10 for Nova Scotia in 1763). The 1785 statute diverges from Nova Scotia legislation in the discussion of confinement penalties in place for persons in breach of the law who were unable or unwilling to pay the fines. The one-month term for a first offence and six-month confinement for a second offence were considered to "constitute a Punishment

---

Sale (by Retail) of Rum, or other distilled Spirituous Liquors, without first having a License for that Purpose, and for the due Regulation of such as shall be licensed.”

disproportionate to the Nature of the Offence." The specific concern was not over the wellbeing of the prisoner, but the likelihood of the offender escaping – with the aid of compassionately-motivated person. These terms were shortened to twenty days and sixty days, respectively.

The act also made explicit that it was aimed at people selling alcohol in any place other than their personal residence – the place where a person “[did] actually and constantly reside or dwell.” This wording also echoed the 1763 Nova Scotia legislation, although the latter provided additional details (such as not selling in more than one place). Taverns at this time were likely mostly tippling houses (private residences where alcohol was sold) rather than stand-alone public houses or inns. The legislation was aimed at preventing people from selling in public spaces such as streets, and may have been the first step in attempting to establish stand-alone public houses. Residences/homes where alcohol was sold would not have been the only dwellings to encompass both private and public activities. Other public services, such as the post office, were located in private homes.<sup>58</sup>

Nonetheless, when officials meet in Charlottetown to determine the licensing structure under the act, they made specific reference to tavernkeepers, both in Charlottetown and elsewhere, and also distinguished them from store keepers. Thomas Wright, George Burns (Judges of the Supreme Court), and Alex Fletcher (The Speaker of the House of Assembly), as well as James Campbell and James Curtis, Senior Justices of the Peace, had been named as licensing commissioners, following the fifth clause in the

---

<sup>58</sup> The first post office was not established until 1802, and this was in Benjamin Chappell's house on Water Street. Rider, *Charlottetown*, p. 13.

statute which appointed "Commissioners of Assessment on licenced Retailers of Wine, Rum, Brandy, and other distilled Spirituous Liquors, as also Porter, Ale, Cider and Perry, or other strong fermented Liquors." The commissioners, or any three from the list, were to meet annually during the first week of the judicial Trinity Term island's to set the licensing fees throughout the island. The annual licenses were to take effect on the first day of July, and commissioners were to record the assessments in a book kept by the public treasurer. The act also contained a separate clause for people who had been issued licenses but had not paid the fees, thus differentiating them from unlicensed sellers. This level of organization in the mechanisms of implementation of the act had not existed in 1773.

The five licensing commissioners held their first meeting at the island's Supreme Court in 1785, and unanimously resolved to establish a fee structure for the licensing of both tavernkeepers and store keepers in Charlottetown and in various other towns and settlements. The latter were specifically named in the minutes of the meeting, as outlined in Table 3.3 below.<sup>59</sup> Furthermore, two distinctions were made in the cost of the licenses: one between tavern and store keepers, and the other between various settlements. As would be expected, licenses in Charlottetown were the most expensive, at £5 per year. Tavernkeepers in four other settlements were to pay £3 per year, whereas license costs in all other settlements were less than half that amount. The same licensing fee was re-established by the same five commissioners for the next two years. The setting of differential licensing fees based on geography, and in particular 'town and country'

---

<sup>59</sup> James Curtis was also Foreman of the Grand Jury. PARO, RG 34, Independent Boards and Commissions Fonds, Series 1: Commissioners for assessment on licensed retailers of spirituous liquors fonds. 1785-1829, 1 volume.

divides, also existed elsewhere in British North America, including Nova Scotia as outlined in the previous chapter.<sup>60</sup> This basic formula was further complicated by the type of alcohol sold. Prior to 1710, for instance, Pennsylvania establishments selling beer only were required to pay a 50s. licensing fee, whereas those selling only wine paid £5 and "well customed" ordinaries with no stables and no wine being sold paid only £4 annually.<sup>61</sup> In Rhode Island, licensing fees were set by individual towns rather than the assembly or governor and council in order to give towns more discretionary power over revenue-generation, although the assembly did impose a ten-pound upper limit on licenses.<sup>62</sup> Local discretion in regulating licensing legislation is discussed in the following chapter on New Brunswick.

Table 3.3 Licensing Fees 1785-1787 <sup>63</sup>

1785/1786/1787 Place / Type of Establishment →	Tavernkeepers	Shop Keepers
"Charlotten"	5 " 0 " 0	10 " 0 " 0
Cove Head, Bay of Fortune, Saint Peters (or Stukely) Savage Harbor, Hillsborough River, West River, Tryon River, Bedeque, "or any other place not herein particularly mentioned"	1 " 10 " 0	3 " 0 " 0
Grand Rustico, New London, Prince Town (or Malpec), Three Rivers	3" 0 " 0	6 " 0 " 0

<sup>60</sup> In Pennsylvania, beginning in 1710, tavern licenses were more expensive in Philadelphia than in other towns: £3.40s. Salinger, *Taverns and Drinking*, p. 158.

<sup>61</sup> Salinger, *Taverns and Drinking*, pp. 158, 286.

<sup>62</sup> Salinger, *Taverns and Drinking*, p. 158-9.

<sup>63</sup> PARO, RG 34, Commissioners for assessment on licensed retailers of spirituous liquors.

The settlements included in the licensing commissioners' records reflect early patterns of habitation and migration. Most had been Acadian communities prior to the 1758-9 deportations: Havre-aux-Sauvages, Havre Saint-Pierre, Havre la Fortune, Rivière des Blonds (Tryon), Malpeque and Bedeque. Acadians had also lived along the rivers draining into Hillsborough Bay in Three Rivers and Rustico, and in Port-La-Joye, the administrative and military centre and annual meeting place with the Mi'kmaq.<sup>64</sup> In some communities, inhabitants had avoided deportation by fleeing into the woods. In Malpeque the British lacked the time and resources to include the entire La Sainte-Famille Parish in the deportation to Louisbourg in 1758. When Samuel Holland surveyed the island during the following decade, he noted the presence of the Acadians who had initially fled and then surrendered to the British and lived on fishing and gardening.<sup>65</sup> Other Acadians returned to the island after the end of the Seven Years' War. According to a 1768 census, there were Acadians living on the shores of Malpeque Bay (51 families), in Rustico (42 families), St. Peter's Harbour and Fortune Bay (24 families), as well as two families in Township 50.<sup>66</sup> When Walter Patterson and his family arrived in Charlottetown in 1770, there were "a few Acadians" among the small group of British officials present to greet them.<sup>67</sup> Unlike the Acadians in Nova Scotia, however, the French inhabitants had not left a significant imprint on the cultural landscape of Île Saint-Jean.<sup>68</sup>

When Scottish settlers began arriving in the early and mid-1770s, many settled in or near these Acadian settlements. Approximately eighty people from Argyllshire, for

---

<sup>64</sup> Rider, *Charlottetown*, p. 3 and Earle Lockerby, *Deportation of the Prince Edward Island Acadians* (Halifax: Nimbus Publishing, 2008), pp. 7, 59.

<sup>65</sup> Lockerby, *Deportation*, 26-28, 64.

<sup>66</sup> Lockerby, *Deportation*, p. 91.

<sup>67</sup> Bumsted, *Land, Settlement and Politics*, p. 33.

<sup>68</sup> Bumsted, *Land, Settlement and Politics*, p. 11

instance, arrived in Malpeque (Lot 18 after Holland's survey) in 1770.<sup>69</sup> Some quickly moved to an abandoned Acadian site on the west side of the bay (Lot 13) because the land there had already been cleared. The migration of these Scottish families had been financed by Lieutenant Colonel Robert Stewart, with backing and support from other members of the Stewart family. His brother, Peter, for instance, paid the fares of several families. Peter Stewart and his family had been passengers aboard the ill-fated *Elizabeth*. Peter Stewart became Chief Justice in 1776, two years after the death of the island's first Chief Justice, John Duport.<sup>70</sup> Stewart began a long term as an alcohol-licensing commissioner in 1791 (see below). He also leased a portion of Sir James Montgomery's land on Lot 34.<sup>71</sup> With a small island population, many of the people involved in settlement schemes were also government officials.

The Malpeque area retained its Scottish identity into the nineteenth century, with the first Presbyterian Church being built in 1813.<sup>72</sup> If a tavern existed in the community in 1785 (the first year for which extant licensing-fee records exist), it would have predated the first church, thus repeating a pattern found in many other early communities in

---

<sup>69</sup> Bumsted, *Land Settlement and Politics*, p. 61. Lucille H. Campey, *"A Very Fine Class of Immigrants," Prince Edward Island's Scottish Pioneers 1770-1850*, second edition (Toronto: Natural Heritage Books, 2007), pp. 6, 28, 68.

<sup>70</sup> Walter Patterson suspended Stewart from his duties, on charges that the latter had assisted his son John in "divulging a secret of Council" during an election meeting (hustings) regarding the government's intention to introduce an unpopular general tax. Stewart was restored to his office in 1789, when the new Lieutenant-Governor, Edmund Fanning, determined that there were no specific charges against the Chief Justice. Warburton, *A History*, p. 421-3. Patterson, in correspondence to Lord North, argued that Lieutenant John Stewart had "infused into the peoples' minds" the idea that Patterson would make "slaves of them by laying an impost on every article of their produce, to even seize their cattle by force..." Patterson to Lord North, 15 April, 1784. Reproduced in Warburton, *A History*, p. 420.

<sup>71</sup> Upon his death, Stewart was "severely in debt to Montgomery." Campey, *"A Very Fine Class of Immigrants,"* p. 154.

<sup>72</sup> Campey, *"A Very Fine Class of Immigrants,"* p. 22.

British North America. The tavern (and possibly store, also) would have had importance as a meeting place and public space in the community. Malpeque was one of four larger population centres outside of Charlottetown in the 1780s. Some Loyalists had also settled there in 1784-85. Was the licensing aimed only at the Scottish population of Malpeque, or did it include the Acadians and Loyalists, also? In addition, was Malpeque included in the list because a store or tavern already existed, or because it had an established population and a store or tavern might be opened? In other words, was the list of places descriptive or prescriptive? The same questions hold for other settlements on the list as well.

New London, the "little row of log houses" described by Thomas Curtis in 1775, had only been established as a settlement two years prior to his arrival, in 1773. Corresponding to Lots 21 and 22, the settlement remained small until subsequent migrations of Scottish settlers arrived in the early nineteenth century.<sup>73</sup> In the Tryon River area (Lots 28 and 29), Scottish settlers from Dumfriesshire, Kirkcudbrightshire and Wigtownshire arrived in 1774 and 1775. Highland Catholics settled along the Hillsborough River (Lots 37 and 38) in 1790-1791.<sup>74</sup>

Cove Head in the licensing ledger refers to the land on Lot 34 that was part of land initially granted to Sir James Montgomery. He established a settlement there in 1770, under the management of his agent David Lawson. During the 1770s, all of the initial British settlements were struggling, although Covehead (Stanhope Farm) fared better than others. Montgomery intended to establish a flax plantation using indentured

---

<sup>73</sup> Campey, *"A Very Fine Class of Immigrants,"* p. 60.

<sup>74</sup> Campey, *"A Very Fine Class of Immigrants,"* pp. 28, 68.

servants, whom Montgomery referred to as "White Negroes." Lawson did not render to Montgomery proper accounts of his stewardship at Stanhope, and he was removed as Montgomery's agent in 1788. The farm was subsequently run by the Loyalist Bovyer family and the Customs' Comptroller James Douglas became Montgomery's agent.<sup>75</sup>

The settlements continued to be listed by name on the licensing ledgers until 1801, although Stukely and Malpeque were not included as alternate names for Saint Peters and Prince Town, respectively, from 1791 onward. No new settlements' names were added to the list, but would have been included under the umbrella "or any other place not herein particularly mentioned" associated with the lowest licensing fee of one pound, one shilling per year. Between 1801 and 1808, no specific settlements were mentioned by name. Each year, the commissioners simply renewed the rates of the previous year. For instance, in 1802, Commissioners Gray, Curtis and Douglas noted: "At a meeting of the Commissioners of Assessments on Licensed Retailers of Spirituous Liquors at Charlottetown the 5<sup>th</sup> day of July 1802, it was ordered, That the several rates of License Duty established on the 4<sup>th</sup> July 1801 be continued for the year ending the 1<sup>st</sup> July 1803, and the same hereby ordered accordingly."<sup>76</sup>

The commissioners remained fairly constant for the period between 1785 and 1829. Records do not exist for 1788, 1789 and 1790, but in July, 1791, three new commissioners (Chief Justice Peter Stewart, Assistant Justice Robert Gray, and Justice of the Peace Charles Lyons) met at the Supreme Court and agreed to maintain the same fee structure for the same establishments. The three commissioners reiterated these

---

<sup>75</sup> Bumsted, *Land, Settlement, and Politics*, pp. 53, 153-4.

<sup>76</sup> PARO, RG 34, Commissioners for assessment on licensed retailers, 05 July, 1802 meeting.



stipulations at their annual meeting on 26 June, 1793. The following 24 June, Charles Lyons was replaced by Assistant Judge Joseph Robinson, but the licensing structure remained intact.<sup>77</sup> The next extant record of the annual meeting is from July, 1797. The five men present were listed more formally as the "Commissioners of Assessment on Licensed Retailers of Spirituous Liquors." In addition to the three commissioners present in 1794, John Stewart, Speaker of the House of Assembly, and Robert Hodgson, Justice of the Peace, were also present. The commissioners raised the licensing fee for tavernkeepers in Charlottetown to £7.10s. All other fees remained the same. Taverns in the colonial capital were prosperous enough, and plentiful enough, to warrant an increase in the fees charged. This fee structure was re-instated in 1797, but in 1799 the licensing fee for some of the counties was reduced, with a fee of £1. 10s. being established for all tavernkeepers outside of Charlottetown. Likewise, all shopkeepers were to pay only £3 per year. This change brought the fee structure for both tavern and shop licenses down in Grand Rustico, New London, Prince Town and Three Rivers.

The three commissioners present at the annual meeting on 2 July, 1800 – Peter Stewart, Robert Gray and James Curtis – maintained the same fee structure for the upcoming licensing year (July, 1800 to June, 1801). Robert Gray continued as Commissioner of Assessment of Licensed Retailers of Spirituous Liquors every year until 1822.<sup>78</sup> James Curtis was also a steady member of the group during this time, attending

---

<sup>77</sup> PARO, RG 34, Commissioners for assessment on licensed retailers.

<sup>78</sup> Robert Gray's appointment as a licensing commissioner during Fanning's tenure was perhaps not coincidental, but a consequence of Fannings' trust in Gray's revenue-generating potential. Gray had served as a captain in the King's American Regiment of Foot, which had been commanded by Edmund Fanning. When the latter became governor of the Island of St. John, he appointed Gray Receiver-General of Quit Rent. In

almost two-thirds of the meetings.<sup>79</sup> There was always at least one additional commissioner at the meeting, for a total of three (in keeping with the statute stipulation), and on five occasions, four commissioners met to determine the licensing rates.<sup>80</sup> The group met every year in late June or early July until 1821, and maintained the same fee structure that had been established in 1799. In other words, over a 22-year span, there was no change in the amount tavernkeepers (or store keepers) were required to pay in order to obtain a license to retail alcohol. In 1809, the commissioners altered the wording somewhat, while maintaining the fee structure. No specific settlements were named, but the four categories of payment were clearly delineated, as summarized in the following table:

Table 3.4 Licensing Fees on Prince Edward Island, 1809<sup>81</sup>

Tavernkeepers	Charlotte Town	£7.10.0
Shopkeepers	Charlotte Town	£10.0.0
Tavernkeepers	All other places on the Island	£1.10.0
Shopkeepers	All other places on the Island	£3.0.0

---

correspondence with Lord Sydney regarding the appointment, Fanning described Gray as "a gentleman of superior merit and worth" who had "acquitted himself with the highest reputation and credit" during his three years' employment in the Nova Scotian government. Fanning also noted that the appointment was "of the first importance to the interest of His Majesty's revenue in government." 26 November, 1787. In Warburton, *A History*, p. 243.

<sup>79</sup> PARO, RG 34, Commissioners for assessment on licensed retailers. Curtis did not sign on as commissioner in 1803, 1805, 1808, 1810, 1816, 1817, 1820 or 1821, thus participating in 14 of 22 years, or sixty-four percent of the time.

<sup>80</sup> PARO, RG 34, Commissioners for assessment on licensed retailers. In 1811, 1816, 1817, 1818 and 1821.

<sup>81</sup> PARO, RG 34, Commissioners for assessment on licensed retailers, 1809.

While the fee for Charlottetown remained high, public houses everywhere else in the province paid a low fee to legally sell alcohol. In Nova Scotia, likewise, county fees dropped from £4 in 1768 to 40s. eight years later. It was thought that reducing the fee would entice more people to take out licenses, thus increasing the revenue arising from the license duties. No reason was given by the commissioners on the Island of St. John for the fee reduction in 1799, or for it remaining at a constant rate for the next 22 years. It was, however, in keeping with the desire of the colonial government to raise revenue.

By keeping the fees low, the government encouraged people to open public houses outside of Charlottetown, which in turn promoted colonial development. As had been the case in Nova Scotia (beginning in 1774), persons keeping "Houses of Entertainment" for the accommodation of travellers on public roads, as well as people operating ferries for public use, were to receive the licenses *gratis*. Both the licensing commissioners and the original statute also differentiated between tavernkeepers and store keepers. The statute, again echoing legislation in nearby Nova Scotia, clearly stipulated that the licensing act was not meant to "prevent any Merchant, Shop-keeper, or other Person not licensed" from selling or disposing of alcohol, in quantities not less than two gallons delivered at one time.<sup>82</sup> The legislation was thus narrow and targeted. It focussed on tavernkeepers and either kept the fees low for those operators outside the colonial capital who would have difficulty paying the annual fee, or provided the licenses without a charge when the needs of public transportation outweighed the possibility of generating a modest revenue through the act. By appointing commissioners and keeping the records with the public treasury, legislators were nonetheless identifying tavern

---

<sup>82</sup> PARO, "An Act in addition to... 'An Act prohibiting the Sale (by Retail) of Rum,'" clause 4.

licensing as a specific revenue stream within the public purse. The reference in the act's preamble to taxes likewise underscored this intent.

If a person had been issued a license, but then neglected to pay the licensing fee to the treasurer, the latter could make a complaint to justices of the peace, who were empowered by the act to take action against the tavernkeeper or shop owner. The act differentiated between amounts less than, and exceeding, 40 shillings. A payment arrear of less than 40s. suggested a missed payment for an otherwise compliant license holder, whereas larger amounts might have been associated with an inability or unwillingness to pay the fee. For the smaller amount, only one justice of the peace was required to take action against the offender.<sup>83</sup> For fines above 40s., the treasurer was required to make a complaint to two justices of the Peace. The justices would then proceed as was the case for the lesser fine.

A licensed retailer could also be deprived of his or her license if complaints were made regarding "Irregularity or improper behaviour" on the part of the retailer. In this case, also, justices of the peace were empowered by the act to issue a summons to the retailer and issue a judgement. Two or more justices were required, and the license could either be suspended or made void if the justices, "in Equity and good Conscience," saw cause to do so. The act did not provide information regarding the person or persons making the complaint, or the specific nature of improper or irregular behaviour.

---

<sup>83</sup> The justice could choose to levy the amount either "upon sufficient Proof... by Distress and Sale of the Defendant's Goods and Chattels," or against the defendant's body. The justice was to proceed in "a summary Way," and without giving any return day to the process. PARO, "An Act in addition to... 'An Act prohibiting the Sale (by Retail) of Rum,'" clause 9.

In other parts of British North America, tavernkeepers were expected to be sober individuals. In the eighteenth-century, sobriety was not necessarily associated with temperance, but more importantly with industriousness and good character. Salinger has argued that licensing laws in early America were one component of a "shared ideal that law should enforce individual morality."<sup>84</sup> Tavern owners were required to maintain order in their establishments, functioning as informal police. Disorderly people, according to John Adam, were more likely to frequent establishments run by people of lower status. Conversely, taverns run by proper individuals would likewise appeal to the right sort of clientele.<sup>85</sup> Adams was also concerned that legislators were issuing licenses too easily in order to incur favour with potential town-council voters who frequented taverns.<sup>86</sup> This would not have been the case on the Island of St. John, or in Nova Scotia, as local government did not exist. In neither colony did authorities attempt to limit the number of licenses issued, although this did happen elsewhere. In the same year, 1785, Newfoundland's Governor Campbell notified justices of the peace in St. John's that the Grand Jury considered public houses to be "a great nuisance," and had recommended the number of establishments in St. John's be reduced to 24. The governor thought this to be too few, and fixed the upper limit on the number of houses at forty.<sup>87</sup> In McCulloch's fictional narrative of early nineteenth-century Nova Scotia (chapter 2), magistrates seemed to be issuing altogether too many licenses, suggesting revenue generation outweighed concerns over sobriety, morality, and order. In Newfoundland, Governor

---

<sup>84</sup> Salinger, *Taverns and Drinking*, p. 159.

<sup>85</sup> Salinger, *Taverns and Drinking*, p. 159.

<sup>86</sup> Salinger, *Taverns and Drinking*, p. 159.

<sup>87</sup> PANL, GN 2/1/A Outgoing Correspondence of the Colonial Secretary's Office, Governor Campbell, volume 10, pp. 217, 1785.

Campbell attempted to find a balance between the concerns of the jurors and the fiscal necessity of public houses. On the island, the 1785 act was concerned with regulating unlicensed sellers and establishments, but not with the overall number of legal public houses.

In other parts of British North America, authorities sometimes identified specific people, or groups of people, who were not to be issued licenses. In New York in 1685 Jews could not operate taverns, although no reason was given. In North Carolina in the mid-eighteenth century, sheriffs could not be tavernkeepers, and in Virginia, jurors and tobacco inspectors could not obtain licenses to operate public houses. Finally, authorities generally favoured men over women as tavern owners because men were deemed to be ideal publicans. Giving women the authority to control disorder and "govern the conduct of male patrons" could subvert the gendered ordering of colonial societies. In many instances, however, in particular with respect to the issuing of licenses to women, lawmakers made exceptions to the laws and norms of colonial society. In the case of women, issuing licenses to poor widows was a way to keep them off poor rolls. Salinger argues that licensing criteria in early America could be arbitrary, with convicted criminals being issued licenses in some places, for instance.<sup>88</sup> Licensing legislation on the Island of St. John included stipulations regarding women (and children and servants) as unlicensed sellers, but neither the statutes nor the licensing commissioners' records stipulated that women, criminals, law enforcers, or other categories of people were to be prohibited from operating legal drinking establishments. Proper behaviour (or, lack of improper or irregular behaviour) and the ability to pay the fee were the two main criteria

---

<sup>88</sup> Salinger, *Taverns and Drinking*, pp. 160, 162, 164, 167, 173.

for obtaining a license. The sale of alcohol through residences was a related component of the licensing requirement.

The final clause of the 1785 act also included legal recourse for tavern owners who thought themselves to have been unfairly "aggrieved" by judgements passed by justices regarding improper or irregular behaviour. Tavernkeepers could appeal to the Supreme Court. If any of the parties thought "himself, herself or themselves" aggrieved by the appeal, recourse could then be made to the governor and council, whose decision and sentence on the matter would be final. Final authority thus rested with the highest level of colonial governance. Given the diminutive demographic profile of the island, and the early stage of colonial development, there would not have been many hoops to go through between a local magistrate and the governor and council. The recourse to the governor and council as the second appeal underscored the vertical nature of colonial government on the island. It also highlighted the differentiation established through the statute between different mechanisms of implementation and enforcement of the act. The commissioners empowered by the act, for instance, were to be involved only in setting licensing fees, but not in monitoring the behaviours of license holders. Magistrates were responsible for all fines, forfeitures and penalties associated with the act, as well as the suspension or revocation of licenses. The act also stipulated that people summoned by the act to give evidence regarding a breach of the specified regulations were to receive half of any monies arising from fines, forfeitures and penalties. On the other hand, refusing to give evidence, or be sworn in (or non-attendance at the summoned time and place) would result in a penalty of £5, levied against goods and chattels. Non-payment would result in a one-month jail term (although the informer would be released upon payment of the £5.

The act thus stipulated revenue from licensing (ranging from one pound one shilling to £10) and fines (ranging from 40s. for a first offence to £5 for a second offence or for a non-compliant informer). It also called for jail terms for both unlicensed retailers and witnesses who did not pay the fines. Unlike in the 1773 statute, no stipulation was included in 1785 regarding a fine for justices and other officers who failed to carry out their duties. Half of all monies raised from fines, penalties and forfeiture would be accounted for to the king and the High Treasury, and be audited by the Auditor General of His Majesty's Plantations. All prosecutions associated with fines, forfeitures and penalties were to commence within six months of the offence.

### ***Imported Alcohol as Revenue***

The licensing of public houses of entertainment was not the only source of alcohol-based revenue for the island government. In 1785, an extensive, 32-clause, overhaul statute was introduced that reduced into one all other acts dealing with impost duties on alcohol.<sup>89</sup> A 6d. duty was imposed on every gallon of imported wine, rum, brandy, or other distilled liquors.<sup>90</sup> The duties were to be paid, at the rate of 5d. per

---

<sup>89</sup> In 1779, an act had been introduced imposing a duty of 4d. per gallon on imported rum and other spirituous liquors. The title of the act also made reference to the regulation of the conduct of tavernkeepers, although no record exists of the text of the statute. "An Act intituled An Act for imposing a Duty of Four Pence per Gallon on *Rum*, and other Spirituous Liquors, &c. for regulating the Conduct of *Tavern-Keepers*, and for altering and amending an Act, passed in the Thirteenth Year of his present Majesty's Reign, imposing a Duty on *Retailers of Rum*, and other distilled *Spirituous Liquors*," *The Acts of The General Assembly*, p. 48.

<sup>90</sup>"An Act to amend, render more effectual, and to reduce into one Act, the several Laws made by the General Assembly of this Island, relative to the Duties of Impost on Wines, Rum, Brandy and other distilled Spirituous Liquors; and for allowing a drawback upon all wines, rum, brandy, and other distilled spirituous liquors exported from this island,"



Spanish milled dollar, to the Collector and Receiver. If the duties due were between £10 and £50, the importer could have up to three months to complete the payments. For duties between £50 and £100, collectors could grant credit for payment for up to six months, and sums exceeding £100 could be paid within nine months of importing the alcohol.<sup>91</sup> Masters of ships were required to break bulk within twenty-four hours of arriving in port, to land alcohol cargos during the day, and to sign an oath confirming that the Collector's report was a "just and true Account" of all alcohol imported.<sup>92</sup> The statute included stipulations regarding hefty fines for the clandestine landing or concealing of alcohol, suggesting this to be a significant concern. A person who knowingly aided in the clandestine landing of alcohol could be convicted under the act, with the oath of at least one credible witness, and required to either pay a £50 fine or spend six months in jail without bail.<sup>93</sup>

Someone found to simply be in possession of alcohol without a permit was required to forfeit £50. The act conveyed government doubts regarding alcohol imported for consumption, rather than for sale (presumably in a shop or tavern), and clarified that

---

25 Geo 3d, Cap. 4. *The Acts of The General Assembly*, pp. 92-100. By 1795, legislators had determined that the duties collected on alcohol were "insufficient to pay off the Debts," and had to be raised. An additional 4d. was added to the existing duties on rum and distilled liquors, and on wines. An additional 2d. per gallon was imposed on porter, ale, and strong beer. The duties were to be collected in the same manner as stipulated in the 1785 act, and likewise the monies were to be accounted for in the same way. A hefty duty of 10d. per gallon on rum came into effect through this statute. PARO, "An Act for raising a Duty on Wine, Rum, and other Distilled Spirituous Liquors, and for imposing a Duty on Porter, Ale and Strong Beer." This was higher than the equivalent duties for Nova Scotia during the 1790s.

<sup>91</sup> PARO, "An Act to amend... spirituous liquors exported from this island," p. 92.

<sup>92</sup> PARO, "An Act to amend... spirituous liquors exported from this island," pp. 93-95.

<sup>93</sup> PARO, "An Act to amend... spirituous liquors exported from this island," p. 94.

persons bringing alcohol to the island for their own consumption were also required to render an account to the Collector and Receiver, and likewise to pay the same rates, duties and impost paid by other importer, or be subject to the same fines. The act allowed for a drawback of 4d. per gallon on re-exported alcohol. Masters of vessels were required to sign an oath stating that the duties had been paid, or secured to be paid, and that the alcohol would not be "fraudulently relanded" on the island. If the latter occurred, both ship and cargo were to be forfeited. Collectors and Receiver would certify the ship Masters, who could then receive clearance from a Naval Officer. The act also made provisions for drawback duties on alcohol issued for naval use. In this instance, the Commanding Officer of the vessel, upon presenting a certificate to the governor or appointed officer, would receive a permit stating that the wine, rum, brandy or other distilled spirits had been received onboard. Unlike the penalties for merchant ships, only the alcohol would be forfeited for re-landed alcohol. The person (or persons) committing the fraud, however, was required to pay a hefty £50 fine. In both naval and merchant vessels, only quantities of thirty gallons or more were entitled to drawback.<sup>94</sup> One clause in the act made specific provisions for prize alcohol entering the island. The Collector and Receiver was required to issue a permit to either the Marshal of the Court of Vice Admiralty or an Auctioneer stating how much alcohol was sold, and to whom. Marshals, or Deputies, and Auctioneers were required to sign an oath confirming the information in the permit, under the penalty of forfeiting £200 for each offence.

The fines associated with import duties on rum and other alcohol were significantly larger than fines associated with licensing fees and penalties, suggesting that

---

<sup>94</sup> PARO, "An Act to amend... spirituous liquors exported from this island," pp. 97-99.

the illegal landing of alcohol was a problem. Highlighting elements of the 1785 statute on duties and drawbacks makes more explicit the link between the port and the public house. Laws were enacted to regulate alcohol in both places. One focussed on distribution and the other on consumption, but they were two sides of the same revenue coin. In the 1785 duties and drawbacks statute, half of any money collected would go to informers, and the other half was to be used in to build and repair public roads, and to establish ferries (or other uses determined by the governor with council advise).<sup>95</sup> Specifically earmarking the funds for transportation infrastructure also intertwined alcohol imports and licensing revenue, given the articulated need to establish public houses of entertainment on public roads as a means to promote settlement on the island.

The practicalities of governance required colonial authorities to weigh the desire to generate revenue, albeit in small amounts, against the need to establish the basic infrastructures of colonial life, including roads and ferries and food and lodging for travellers along these routes. By the early nineteenth century, the economy was showing signs of improvement, and the settlement scheme of Thomas Douglas, 5<sup>th</sup> Earl of Selkirk, was bringing Scottish migrants to the island. Selkirk understood the importance of proper protocol with the governing authorities of the island. During a brief stay with Governor Fanning, "most of the principal people of Charlottetown," paid him a visit. Selkirk was not, however, overwhelmed with the efficiency of the government. Of the governor, he noted: "The bonhomme's politeness is rather burdensome. He is a man of no superabundant head."<sup>96</sup> Chief Justice Thorpe fared slightly better, especially when compared to the governor. Selkirk considered Thorpe to be "not deficient in the natural

---

<sup>95</sup> PARO, "An Act to amend... spirituous liquors exported from this island," p. 100.

<sup>96</sup> In Warburton, *A History*, p. 273.

qualifications of enhancing his own importance," but nonetheless having "ideas and cleeks in his head to hang inferences upon, which does not seem the case with the Governor."<sup>97</sup> Selkirk's assessment of the economy was more favourable. He noted that the annual average of exports from 1801 to 1804 had been considerably higher than in previous years, and included: 387 head of cattle, 400 bushels of wheat, 480 sheep or hogs, 1,200 bushels of barley, 60 barrels of beef and pork, 3,000 bushels of oats, 15 cwt. of butter, 1,200 bushels of potatoes, seal oil (up to 300 casks at times) and skins (600 to 1,200) and "trifling and irregular" lumber exports. Islanders owned approximately seventy vessels, mostly 30 to 40 ton schooners used in coastal trades and fishing. There was little direct trade with Britain, and Halifax was both the principal market for exports and main source of imports. The latter, according to Selkirk, were "said to come principally in rum," underscoring the importance of the Atlantic-world alcohol trade to the island's economy.<sup>98</sup> Selkirk would have had his own reasons for providing these assessments and interpretations. Anxious to promote settlement, he wanted to portray the island's economy in a favourable light. On the other hand, as an active and engaged proprietor (unlike many absentee proprietors), Selkirk was frustrated with government delays in land allotments.<sup>99</sup> Whatever his objectives, it is nonetheless significant that he singled out rum as the main island import, underscoring the extent to which alcohol was intertwined in the emerging colonial economy.

The specific focus on rum also connected Prince Edward Island to the Atlantic world of commerce and slavery. Large-scale plantation slavery was not a part of the

---

<sup>97</sup> In Warburton, *A History*, p. 273.

<sup>98</sup> In Warburton, *A History*, pp. 279-280.

<sup>99</sup> Warburton, *A History*, p. 281 and Campey, "*A Very Fine Class*," p. 41.

economy of the island, nor was it for Nova Scotia or New Brunswick, but slave-owners and enslaved labourers existed in all three Maritime colonies. As pointed out in the previous chapter, the 1762 tavernkeepers act was the only statute associated with slavery in Nova Scotia. The Island of St. John, on the other hand, was the only one of the three colonies to introduce legislation specifically dealing with slavery. A 1781 law stated that baptism would not exempt slaves from bondage.<sup>100</sup> Harvey Amani Whitfield and Barry Cahill argue that “racial understanding on the Island had its roots in the attitudes and circumstances that gave rise to the 1781 slave law and the exploitation of black slaves.” The further argue that there has been an “historical amnesia” about slavery in the region, with historians treating slavery as “an exceptional practice imported from the United States,” rather than a key component of pre-Confederation and regional historiography.<sup>101</sup>

In addition to the existence of slavery in the region, rum produced by enslaved labourers in the Caribbean, and in New England distilleries with West Indian molasses, further tied all three colonies to an early modern Atlantic world in which slavery played a pivotal role. Historian Greg Grandin has argued that slaves were at once commodities, capital, credit, property and investments, and that slavery was the motor of the early modern economy.<sup>102</sup> As noted in Chapter 1, economic historian John McCusker’s research pointed to the significant, if indirect, role of rum in the New England economy, as well as the large volumes of New England rum that made their way into British North America. In conjunction with rum from Halifax that would have originated in Barbados,

---

<sup>100</sup> Harvey Amani Whitfield and Barry Cahill, “Slave Life and Slave Law in Colonial Prince Edward Island, 1769-1825,” *Acadiensis* 38.2 (Summer/Autumn 2009), p. 29.

<sup>101</sup> Whitfield and Cahill, “Slave Life,” p. 31.

<sup>102</sup> Greg Grandin, *The Empire of Necessity: Slavery, Freedom and Deception in the New World* (Metropolitan Books, 2014).

Jamaica, and other islands where sugarcane was cultivated and rum produced, the rum landed on Prince Edward Island tied the colony to the Atlantic and hemispheric spheres of slavery and commerce. This link moved onshore and inland to every store, tavern, inn and other public house of entertainment where rum was sold alongside other alcoholic beverages, and likewise the tavernowners and taverngoers who sold and consumed rum, as well as the revenue generated through the fees and fines associated with alcohol licensing. The connection between slaveholding and slave-produced alcohol could also be seen in specific individuals. Chief Justice Peter Stewart, the long-standing alcohol licensing commissioner starting in 1791, was a slaveholder, and was also an active legislator when the 1781 slave law was introduced.<sup>103</sup> The study of rum and licensing on the island echoes Whitfield and Cahill's concerns regarding insufficient consideration of the study of slavery in regional historiography, and contributes an additional dimension to this dialogue by arguing that consideration must be given not only to slavery in the region, but also to the role of imported Atlantic-world commodities produced by enslaved labour.

### ***Petitions to Keep Public Houses of Entertainment***

Selkirk's general observation about the importance of rum imports in the early nineteenth century, the specific relationship between licensing revenue and roads included in the 1785 act regulating alcohol duties, and, finally, the licensing commissioners' reduction of annual fees for public houses outside of Charlottetown, all

---

<sup>103</sup> In 1772, Scottish law had determined that slavery was not legal, and Stewart, arriving from Scotland three years later, worked to ensure that the Scottish law on slavery was not introduced on the island. Whitfield and Cahill, "Slave Life," p. 43.

point to links between alcohol and colonial development. This was also evident in a series of early-nineteenth-century petitions presented to the government by individuals seeking funds to help them establish 'houses for the accommodation of passengers.' Would-be and existing proprietors of public houses of entertainment in both Charlottetown and other communities could petition the government for funds. A small collection of extant petitions sheds light on the challenges and opportunities associated with this process, all from the early nineteenth century. The requests could either be referred, granted, or rejected. Unlike early America, where licensing procedures had moved from provincial to local (town or county) levels by the eighteenth century, on the island would-be tavernowners petitioned the government in Charlottetown.<sup>104</sup>

All of the petitions except the first, from 1802, were from men. Anne Richardson, a married or widowed woman from Charlottetown, did not request funds, but rather a license for her public house, which seemed to be already in operation. Furthermore, she did not pen the petition herself. It was presented on her behalf by inhabitants who endorsed the proprietor's ability to supply refreshment on credit, and who had "found Mrs. Richardsons [sic] house the most convenient and best calculated for the purpose of any in Charlotte Town." They also noted that they had never known Mrs. Richardson to keep a disorderly house. On the contrary, the proprietor's establishment "observed the greatest Decorum that a house of that description could keep."<sup>105</sup> The petition was submitted on 26 November, 1802, and read in council on 12 January, 1803, but no comment on the decision was recorded.

---

<sup>104</sup> Salinger, *Taverns and Drinking*, p. 153.

<sup>105</sup> PARO, Smith Alley Collection, Series 7: Inns, Taverns, Bridges, Ferries, 1788-1826, Acc. 2702/345. Petition on behalf of Mrs. Richardson re: a liquor license. 26 Nov. 1802.

A few years later, on 10 January, 1805, Jeremiah Meyer submitted a petition to the government for funds to complete a stable to go with an inn he had built on Prince Town Road. Meyer had spent all his money, and contracted debts, in the construction of the inn, a “homely shelter to the wearied traveller,” and was requesting a “further grant” (suggesting he had already received funds to build the inn) from public monies. No specific amount was requested or stated in the decision, but the request was granted on 6 May, after having been read in Council on 5 February when it was postponed for further consideration. The entire process thus took just under two months, an efficient turnaround time.<sup>106</sup> Not all petitions were accepted by the Council. James Peters, for instance, had petitioned a sum to purchase three feather beds for his tavern in Rustico, but the petition was rejected almost six months after it was submitted.<sup>107</sup>

On 25 August, 1810, Francis Garobbo petitioned Governor Joseph Frederick Wallet DesBarres for “such relief as in your wisdom and discretion may be thought necessary” to assist with the building of a tavern or hotel in Charlottetown. Garobbo had already purchased a lot with the intention of erecting the “Freemason's Hotel Italian Place,” a tavern and hotel that would also have offices suitable for societies. He noted in the petition that gentlemen who were obliged to travel to Charlottetown for sittings of the General Assembly and the Law Courts did not have sufficient accommodation. Garobbo hoped to provide such accommodation for the men, as well as their families, and also stabling for horses. The establishment would also serve the public at large. The buildings were already under construction, but the high price of labour and building materials were

---

<sup>106</sup> PARO, Acc. 2702/347. Petition of Jeremiah Meyer re: funds for building an inn, 2pp. 10 January, 1805.

<sup>107</sup> PARO, Acc. 2702/344. Petition of James Peters re: keeping a tavern at Rustico, 3pp. 19 February, 1813.



slowing the progress, and Garobbo was thus soliciting the government for funds to complete the project.

Garobbo considered himself "sufficiently capable of conducting with propriety an establishment" such as the one he described in his petition. The Hotel Italian Palace was clearly meant to be an elite establishment that could accommodate various activities in addition to Assembly members and magistrates. It was in line with multi-function elite establishments such as Pontack House and the Golden Ball in Halifax. In British North America more broadly, taverns such as these were surrogates for colonial infrastructure in addition to spaces of sociability, leisure and recreation.<sup>108</sup> In addition, the name of the public house suggests that Garobbo did not fit the immigrant profile of either Anglo-Loyalist or Scottish settler.<sup>109</sup> The surname Garobbo and the name of the hotel point to an Italian origin. The first Masonic lodge in Italy was established in Florence, in 1731, but there was no Grand Lodge in Italy in the eighteenth century. Lodges operated under the influence of foreign crafts, in particular British ones, and functioned clandestinely due to their anticlerical views. Garobbo's interest in migrating to British North America may have been associated with his freemason identity. An 1890 publication on the history of the St. John's Lodge of "free and accepted masons" included Garobbo in the list of lodge members. His profession was listed as "Hotel Keeper 'Free Mason Hotel.'" Other professions listed included carpenter, printer and merchant.<sup>110</sup>

---

<sup>108</sup> Christine Sismondo, *America Walks Into a Bar: A Spirited History of Taverns and Saloons, Speakeasies and Grog Shops*. (New York: Oxford UP, 2011).

<sup>109</sup> The name Garobbo does not appear on any of the eleven extant passenger lists for ships crossing from Scotland to the island between 1771 and 1808. See Campey, "A Very Fine Class," Appendix 1, pp. 105-134.

<sup>110</sup> PARO, Acc. 2566/31. Wakeford, George. *History of St. John's Lodge* 1890, p. 200.

Garobbo's petition for funds was read in council the day it was submitted and referred for further consideration. On 14 September, the council decided to grant Garobbo a loan of £50, upon his giving sufficient security. On 17 October of the following month, Garobbo presented another petition to Governor Des Barres in which he acknowledged having already received funds from the government which were used, along with £500 "arising from other funds," to procure materials and furniture and undertake the building projects described in the previous petition. He requested a small sum in addition to the funds previously granted in order to have rooms and stabling ready for "public reception" by Christmas. He also requested that someone be appointed to inspect the premises to confirm the progress to date. Finally Garobbo gave the governor assurances of his repayment of the sum. The petition was read in council on 23 October and was referred. The records do not indicate whether it was referred to a committee or the assembly, nor whether the request was granted.<sup>111</sup>

Garobbo did indeed finish the construction of the building, only to have it destroyed the following year. On 02 October 1811, The Charlottetown Weekly Recorder informed readers of the impacts of a severe gale that had passed through Charlottetown the previous Monday. It lasted, at its strongest, four hours, and caused considerable damage, pulling several ships off their moorings and sinking pleasure boats in the harbour. One newly-erected building was moved from its foundation, and several other buildings were blown to the ground. "Among the principal sufferers," the article noted, were "Mr. Theo. Desbrisay, Mr. Garobbo and J. Coble Welsford, whose extensive

---

<sup>111</sup> PARO, ACC 2702/341, Petition to Gov. DesBarres from Francis Garabbo re: an advance of money to finish building an inn, 17 Oct 1810.

skelletons of buildings were dashed to the ground in the most shattered conditions.”<sup>112</sup>

Only a few weeks after the storm, an advertisement appeared in the *Weekly Recorder of Prince Edward Island* for the sale of Garobbo’s property at public auction on 19 October and on the premises:

"Excellent Frame

put up last Fall, and now blown down by late heavy gale of wind, to be sold as it now lays; It may be put up again at no great expense, being well worthy the attention of those desirous of having a fine substantial Building – the staunchness of the Timber and the superior workmanship of the same is allowed by connoisseurs to excel all others heretofore put up.”<sup>113</sup>

Garobbo had invested considerable sums of money into the building of his inn. In addition to funds granted to him by the colonial government, he had borrowed heavily from several people in Charlottetown (the £500 from other sources mentioned in his petition). Even before the September gale, some of the lenders had attempted unsuccessfully to recover the loans, and the disputes found their way to the Supreme Court in Charlottetown. Garobbo owed James Shee £20 sterling on a promissory note, payable 01 May, 1811.<sup>114</sup> On 23 September, 1811, he borrowed £52 from merchant Peter McAuslane. Despite various efforts on McAuslane’s part to recover the debt, Garobbo (identified as an innkeeper in the court document) had not repaid the money, or “any part thereof,” and an additional 63s. in damages was granted to McAuslane in the court’s

---

<sup>112</sup> PARO, *Weekly Recorder*, 2 October, 1811.

<sup>113</sup> PARO, *Weekly Recorder*, 15 October, 1811.

<sup>114</sup> PARO, RG 6.1 Series 5 Supreme Court Case Papers, 1811. J. Shee vs. F. Garrobo. Garobbo’s last name was also court Garrabo or Garrobo in various court documents. ‘Garobbo’ was the most commonly-used spelling, and so is used for all references to him in the text.

decision on the case.<sup>115</sup> These sums were relatively small, but Garobbo also became indebted for larger sums. Garobbo had borrowed £210 in ‘lawful money’ from Edmund Waters, and in February, 1811, the debt case was heard in Charlottetown, with Charles Stewart acting as Waters’ attorney in his suit against Garobbo. At the time (the third Tuesday in February), Garobbo was already in the sheriff’s custody for a plea of debt. In a judgement issued the following month, the court decided against Garobbo, and added 63s. in damages to the £210 owed to Waters.<sup>116</sup> Garobbo was also brought before the Supreme Court in February, 1811 by James McDouniell, to whom the former was indebted for £240.6s. The court document in this cases also stated that Garobbo was in the custody of the sheriff for a plea of debt, and likewise decided in favour of the lender, adding the 63s. for damages.<sup>117</sup> On 24 August, 1811, the court decided yet again against Garobbo in a debt case: £106 plus the same damages as in the previous cases was awarded to George Irving. By 12 March of the following year (after the gale that destroyed the hotel), Garobbo had not yet paid the debt, and the court issued a writ of execution stating that if the debt could not be paid through the “goods and chattles, lands and tenements of the said Francis Garrobo,” then he would be committed to the jail in Charlottetown, where he would be detained until he paid the debt, or be discharged by George Irving.<sup>118</sup> In a final case from 1813, Garobbo (along with a Thomas Jones) owed Henry Molineux £9, along with damages.<sup>119</sup>

---

<sup>115</sup> PARO, RG 6.1, Supreme Court Case Papers, McAuslane vs. F. Garrabbo, 1811.

<sup>116</sup> PARO, RG 6.1, Supreme Court Case Papers, E. Waters vs F. Garrabo, 1811.

<sup>117</sup> PARO, RG 6.1, Supreme Court Case Papers, 1812, M. McDouniell vs. F. Garabbo.

<sup>118</sup> PARO, RG 6.1, Supreme Court Case Papers, 1812, G. Irving vs F. Garabbo. See also George Irving vs F. Garabbo, 1811.

<sup>119</sup> PARO, RG 6.1, Supreme Court Case Papers, 1813, H. Molineux vs F. Garabbo.

Taken together, all these debts amounted to over £600. With the possible exception of the small amount owed to Molineux, all the debts seemed to have been incurred as part of the construction of the 'Italian Palace.' Colonial authorities were aware that Garobbo was using other means to finance the launching of the hotel, as he had been upfront about this in his petition to the government for funds. Garobbo invested a great deal of effort and resources into the construction of the hotel, and the returns on his investment might well have cleared his debts if not for the storm. In the months prior to the storm, Garobbo also acted as the market clerk, and recovered small debts from Samuel Crossman and William Spraggon.<sup>120</sup> The years between 1811 and 1813 were, however, difficult ones for the Italian freemason. Despite this, he continued to make efforts to stay on the island. On 13 May, 1814, Rector Theophilus Desbrisay, Saint Paul's Church of England, married Garobbo and Sarah Currie, also of Charlottetown.<sup>121</sup> Perhaps he had managed, by 1814, to turn his fortunes around enough to marry. The wedding did indicate his ongoing ties with the Anglo-Protestant community on the island. On the other hand, Garobbo's freemason lodge membership ceased in 1816, with the cause listed as "unknown."<sup>122</sup> Despite his marriage, the Italian freemason had struggled to establish himself in Charlottetown after the loss of his hotel in 1811. No extant death record exists for him on the island, so he (and Sarah?) may have left the island in 1816 to try their fortunes elsewhere.

---

<sup>120</sup> PARO, RG 6.1 Series 5 Supreme Court Case Papers 1811, F. Garrobbo vs S. Crossman, 21 July, 1811 and 9 October, 1811.

<sup>121</sup> PARO, Ira W. Brown collection, Acc. 2810/206, Marriage Licence, Francis Garobbo and Sarah Curry, 15 May, 1814.

<sup>122</sup> PARO, Acc. 2566/31. Wakeford, *History of St. John's Lodge*, p. 200.

Despite the unfortunate outcome, Garobbo's documentary trail suggests that he attempted to remain loyal to his freemason identity while simultaneously integrating into a British North American colony. He sought opportunities wherever he could, and attempted to establish himself and his wife on the island. The petitions indicated that the innkeeper invested considerable energy in the building of his hotel, and was reasonably confident of the need he was going to meet as well as the likely success of the venture. The debt cases brought before the courts, on the other hand, as well as the end of his freemason membership, suggest he was not able to recover from the 1811 storm that destroyed the hotel, and along with it his prospects on the island.

In the same year that Francis Garobbo and Sarah Currie exchanged vows in St. Paul's Church, the provincial legislature introduced an amendment to the licensing legislation, noting in the bill's preamble that both the 1773 and 1785 statutes had not made sufficient provisions for the accommodation of travellers and strangers with their horses and cattle at the "different Inns and Taverns within the Island."<sup>123</sup> In addition to being a "great inconvenience and injury" to the travellers, the lack of accommodation also had become, according to legislators, a "public evil." Government authorities were also concerned with the excessive consumption of spirituous liquors in shops, declaring it "prejudicial to the health and morals of those who frequent such Shops." They expressed, also, a concern that there was no accommodation for customers for people with shop licenses.

---

<sup>123</sup>PARO, RG 3, Prince Edward Island House of Assembly, Series: Acts of the House of Assembly – 1773-1894, Subseries 2: Bills presented to the House of Assembly. – n.d., 1790-1890, "1814 Tavernkeeper's Bill." The subseries includes "original handwritten bills presented to the House of Assembly for reading and debate for proposed legislation in PEI."

The remedies in the text of the bill were specific. Alcohol could only be consumed in “houses or Shops” if the owners also provided boarding and lodging, as well as proper stabling for horses. Outside Charlottetown, inn and tavern owners were also required to attach a sign to the outside of the house, in a publically visible place, with the name of the innkeeper(s) or tavernkeeper(s) painted in large Roman capitals on the sign. “Entertainment for man and Horse,” was also to be written under the name.<sup>124</sup> The fine for selling alcohol without proper accommodation for ‘man and horse,’ or proper signs, was the same as for other retailers selling without a license as outlined in the 1773 act (40s. for a first offense, and £5 for subsequent offenses). The bill was thus intended to be an addition to the original statute, rather than separate legislation. The draft text of the bill was recorded in the Journals of the House of Assembly, and it received the first reading on 10 January, 1814. There is no record of the bill beyond this, nor any explanation as to why it did not receive further readings or pass into law. The bill also specified that it did not extend to Shop licenses that involved the retailing of alcohol that was to be consumed elsewhere. Despite this, the bill blurred the boundary between shop and tavern licenses and this may have accounted for the bill not receiving a further reading. Legislators may have determined that it was too soon to require tavernkeepers outside Charlottetown to fulfill the requirements of the act, given the difficulties faced by existing and potential proprietors in establishing public houses outside Charlottetown.

Another series of petitions presented to the government in the same decade by John Smith illustrated these difficulties. Smith wrote to Governor Charles Douglas Smith on 6 June, 1815, with a request for funds to open a rural inn. He had also requested funds

---

<sup>124</sup> The bill also clarified that tavern licenses could be provided *gratis* under certain circumstances. PARO, “1814 Tavernkeeper’s Bill.”

from the government previously. The original petition has not survived, but correspondence from 1810 referred to the request. Writing to Colonel Palmer, Charlotte Town, from New London on 20 April, 1810, Smith noted: "According to your directions, I have Enclosed the Copies of My Character and discharge relying on your goodwill for the furtherance of the Business you proposed."<sup>125</sup> Smith included two references to his character. The first, dated 16 October, 1780, verified that Smith had been an ordinary seaman on HMS *Dromedary*, but had received a 'rupture,' had been subsequently discharged, given clothing and 3s. 6d., and sent to Deal to recover. The statement was issued by the person appointed to take care of sick and hurt seamen. A copy of a second statement from 10 April, 1799, written by the Master Carpenter at the Naval Arsenal at Woolwich, verified that Smith had worked at Woolwich as a carpenter "upwards of four years," that he had "behaved himself as was becoming an Honest Sober and Industrious man" during that time.<sup>126</sup> Smith went to some effort to establish his good character. By the following month, however, he had decided that the funds could not be used and had written to the governor and council explaining why this was the case.

Smith's letter illustrated the precariousness and logistical difficulties associated with the establishment of a rural public house and inn. In addition to the £25, the government had also granted Smith land "in the wood on the West Road at the 16 mile Brook."<sup>127</sup> Smith had not seen the land prior to receiving it, but quickly realized that it

---

<sup>125</sup> PARO, Acc. 2702/343. John Smith to Honorable Colonel Palmer, 20 April, 1810.

<sup>126</sup> PARO, Acc. 2702/342. Petition of John Smith re: funds for upkeep of his inn and other documents, 6 June, 1815.

<sup>127</sup> PARO, Acc. 2702/319. Letter from John Smith, New London to J.B. Palmer re: money advanced to him to build an inn, 28 May 1810.



would be too "hard a task" to make a go of it there. Smith gave a few key reasons for the difficulties associated with the venture. He was poor, with a large family of mostly young children. He would not have it in his power to make travellers comfortable because of the logistical details associated with establishing an inn. It would take many a year – or perhaps not be possible at all – to purchase provisions for ‘man and horse’ as well as his own family. The distance to any nearby settlement was too great, and the road was so bad that it was "almost impossible for so poor a man as I am" to travel the distance of 9 or 10 miles "over high hills and cragey rock" to the nearest settlement in order to acquire corn and other provisions: "I have no horse nor hay to keep a horse on nither can hay or corn be Brought to that place for little less then the value of it." It would take two years to establish a hay crop, and in the interim, Smith could not afford to pay the high cost of bringing supplies from elsewhere. With the assertion that it would be dishonest for him to go to the place appointed to him and spend the money, Smith decided instead to return the £25, and was writing to the governor and council to find out to whom it should entrusted.<sup>128</sup>

The 1815 petition made reference to the returned money, but focused on Smith's most recent venture, the establishment of an inn on the Prince Town Road. It was a venture for which Smith had considerably more enthusiasm. The petition provided additional information of Smith's background and circumstances. Smith had been born at Bexley in Kent and had served in both the Royal Navy and the Oxford Blues (a regiment of Horse Guards originally commanded by the Earl of Oxford). He had served aboard several royal navy vessels in addition to his time as a carpenter at the Arsenal at

---

<sup>128</sup> PARO, Acc. 2702/319, Letter from John Smith.

Woolwich. He had arrived on the island fifteen years prior to writing the petition (in 1800, or shortly after leaving Woolwich, since the Master Carpenter's certification was written in 1799), with his wife and four children, and had "expended all his little property and the savings of many years Land, Labour" upon arriving on the island. He had been, according to his petition, greatly deceived by the accounts given to him of the island and he had been struggling ever since.

At the time of the 1815 petition, Smith was sixty years old, with nine children. The family was living in New London Harbour and had decided to open an inn after hearing of travellers between Charlottetown and Prince Town freezing and having accidents on the road. Determined "to settle on the land with his family and afford shelter and relief to the utmost of his power to the weary and distressed Traveller," and motivated by "humanity and the feelings of an Englishman," Smith had decided to establish himself 28.5 miles from Charlottetown by keeping a small inn. Smith did not request a specific amount of money to help with the improving and keeping of his inn on the Prince Town road, but only for the assistance afforded to others in similar cases. He also annexed to the petition a certificate with the 31 signatures (all or mostly men) who attested to his character and ability to run the inn. The subscribers certified Smith to be "an honest sober and industrious man" who was in "every way deserving the encouragement of Government." The 1810 letter from the Master Carpenter at Woolwich had also described Smith as "honest sober and industrious." While the three words were in common usage as descriptors of a person's character, it was perhaps not coincidental that the phrasing was identical in both instances, suggesting that Smith drafted the subscription. The subscribers also noted that Smith's house was "of the utmost utility" to

people travelling westward from Charlottetown, but that Smith was unable to procure bedding and other "things so requisite towards affording relief" to travellers because of his "low circumstances." They recommended him for government assistance so that he could make his house "convenient and comfortable to those who pass."<sup>129</sup> Smith's petition was read in Council and referred. The fate of Smith's inn on the Prince Town road from 1815 onwards is not known. Smith's name did not appear on the License Ledger in 1825.<sup>130</sup> Three John Smiths appear in the 1841 census, all of them under the age of 45, and possibly under the age of sixteen. One of them may have been the inn keeper's son, but this seems unlikely, as two were Irish (both Roman Catholic: one a farmer in Lot 26 and the other a farmer in Lot 29). The third, a carpenter living on Lot 99, was a member of the Church of Scotland.<sup>131</sup> An establishment on the Prince Town road, owned by Alex. Johnstone, did appear in the 1825 license ledger. This establishment was located on Lot 21, which included New London, so it is possible that Johnstone may have taken over Smith's inn, although it could also have been a separate establishment.<sup>132</sup>

Two other extant petitions indicated the transfer of a property from one tavernkeeper to another. James Warren submitted a petition on 18 June, 1811 for funds to build a tavern and keep a "house of accomodation for travellers" on the Malpeque Road about sixteen miles from Charlottetown.<sup>133</sup> Warren noted in the petition that the Council had previously appropriated £50 for that purpose, that he had already received £15, and

---

<sup>129</sup> PARO, Acc. 2702/342, Petition of John Smith. Some of the signatures were: David Murray, Wm Murray, George Green, Saml. Rix, Benjn Rix, Wilm Rix, Jacob Schurman, George Cannon, Ralph Thompson, Caleb Schurman, Saml Green and George Brown.

<sup>130</sup> PARO, RG 7 License Ledgers, 1825-1874.

<sup>131</sup> PARO. 1841 Census.

<sup>132</sup> PARO, RG 7, License Ledgers, 1825-1874.

<sup>133</sup> PARO, Acc. 2702/348, Petition of James Warren re: funds for building a tavern, 18 June, 1811.

was requesting the remaining £35, although he received only £10 from the Council (on 06 July, 1811). The outbreak of war in 1812 seemed to change Warren's fortunes. He enlisted as a soldier in 1813, and Richard Bagnall petitioned the Council to take over Warren's establishment, although this petition was not presented until January, 1817. Bagnall's petition stated the house of entertainment was on the West Road, 17.5 miles from Charlottetown. Bagnall had already incurred "heavy expense" in establishing the tavern, and stated in the petition that he "was led to believe that some patronage would have been bestowed by the government," and in particular Mr. Townshend, towards his enterprise, given the support for similar establishments. Bagnall had been on the property between Charlottetown and Malpeque since 1813, had made a clearing in the woods, and was conveying "refreshment hay and oats for travellers," but by 1816 he had to abandon his "gloomy residence" because mice had destroyed his grain and potato crops. The distance to both Charlottetown and Malpeque was too great to acquire supplies, and Bagnall left the stock to a family who also were forced to leave in 1816. Bagnall had been urged by many people, including both merchants and landowners with interests in that part of the island who frequented the road, to reopen the house of entertainment. The petition conveyed the importance of inns and taverns for travellers, as well as the awareness among them of the process requiring tavernkeepers to solicit government funds. The following excerpt provides a sense of the petition's tone:

Memorialist therefore, before returning again to serve the public by fitting up his habitation in the wilderness and conveying provisions etc to it, which will require considerable out lay, humbly submits this statement of his former failure, in the expectation that your excellency and the Honorable Board will afford aid in the

furtherance of an establishment, that cannot be entered into at this season of the year without considerable expense and much arduous bodily labour.<sup>134</sup>

The Council read the petition the day it was submitted, and awarded Bagnall £30. Neither Bagnall nor any of the other petitioners appeared on the 1825 license ledger, suggesting they may have experienced ongoing difficulties, in addition to the ones outlined above, in establishing and operating public houses of entertainment in Charlottetown and elsewhere on the island. Petitions were used in the Maritime colonies in various ways. Loyalist settlers, both black and white, petitioned for land and supplies, for instance, and women petitioned to obtain widows' pensions and teachers' salaries.<sup>135</sup>

### ***License Ledgers***

The ledgers contained lists of both taverns and stores on the island, in Charlottetown and elsewhere. They recorded the annual payment of license fees, including the varying licensing rates, and were sent to the Colonial Office in Britain. The following table provides a summary of a six-year period for the ledgers at the end of the 1820s, with both taverns and stores in Charlottetown and elsewhere summarized and compared.

---

<sup>134</sup> PARO, Acc. 2702/343, Smith to Palmer.

<sup>135</sup> For women petitioners in mid-nineteenth-century New Brunswick, presenting petitions to the government enabled participation in political processes without the benefit of the right to vote. See Gail Campbell, "Disenfranchised but not Quiescent: Women Petitioners in New Brunswick in the mid-19<sup>th</sup> century," *Acadiensis* 18.2 (1989), pp. 22-54.

Table 3.5 License Ledgers 1825-1830: Overview <sup>136</sup>

Year	Taverns & Stores in Total	Taverns & Stores in ChT	Taverns & Stores in ChT as % of total on island	Taverns in Total	Taverns as % of stores and taverns	Taverns in ChT	Taverns in ChT as % of total taverns on island
1825	79	28	35%	68	86%	23	34%
1826	69	31	45%	39	57%	18	46%
1827	68	32	47%	53	78%	23	43%
1828	43	26	60%	34	79%	19	56%
1829	59	30	51%	41	70%	19	46%
1830	70	30	43%	45	64%	17	38%
Average	65	30	46%	46	71%	20	44%

The taverns in the island's capital fluctuated between approximately one third to just over half of the total number of taverns for the island, with a peak in 1828. Relative to stores, the overall number of taverns also fluctuated, although taverns were always more numerous than stores, representing more than two-thirds of the total in all years except 1826. The above table thus indicates that taverns outside of Charlottetown were numerous, and that, on the island as a whole, taverns were more numerous than stores. Many communities outside of Charlottetown would have had a tavern (or inn or public house of entertainment), but not a store, attesting to the importance of taverns as public

---

<sup>136</sup> PARO, RG 7, License Ledgers, 1825-1874.

spaces in small rural communities. The following table provides a breakdown of the revenue generated through the licensing fees during the same period.

Table 3.6 License Ledgers 1825-1830: Revenue Collected<sup>137</sup>

Year	Total Revenue Collected (£)	Revenue Collected for Taverns (£)	Revenue Collected for Taverns as % of Total (£)
1825	243	171	70
1826	287	128	45
1827	394	287	73
1828	325	212	65
1829	309	166	54
1830	237	134	57
Total	1795	1098	61

With the exception of 1826, the revenue collected from taverns was greater than that for stores. The fees for the latter were greater, but the higher frequency of taverns meant that they generated greater revenue, with a total of £1098 over the six year period, or an average of £183 annually. This was a respectable increase from the annual revenue of £20 estimated by Warburton for the 1770s, and would have made a modest but nonetheless significant contribution to the everyday expenses associated with island governance. When fines for breaches of the licensing statutes and duties on imported alcohol are factored into the port to public house revenue stream generated through imported rum and other alcohol, the revenue canvas widens. Stores without licenses to retail alcohol may have existed outside the capital, but the numbers suggest that taverns,

---

<sup>137</sup> PARO, RG 7, License Ledgers, 1825-1874.

inns and public houses of entertainment outside the principal settlement on the island were more numerous, and hence more significant, than stores. As noted previously, the licensing fees remained unchanged between 1799 and 1821. For the remainder of the 1820s, however, the fees fluctuated. The Commissioners of Assessment of Licensed Retailers of Spirituous Liquors experimented with the fee structure during this time, lowering the fees, then raising them for two years, and then lowering them again. The following table summarizes the changes and amounts, and includes the final year for which the fees were stable (1821).

Table 3.7 Licensing Fees 1821-1829 <sup>138</sup>

Year	Inns and Public Houses in Charlottetown	Tavernkeepers at all other Places	Shops and Stores in Charlottetown	Shop and Storekeepers at all other Places
1821	£ 10.0.0	1.1.10	7.10.0	3.0.0
1822	£ 6.0.0	1.1.10	12.0.0	3.0.0
1823	£ 6.0.0	1.0.0	12.0.0	2.10.0
1824	£ 5.0.0	1.10.0	10.0.0	3.0.0
1825	£ 5.0.0	2.0.0	10.0.0	3.0.0
1826	£ 5.0.0	2.0.0	10.0.0	3.0.0
1827	£ 8.0.0	4.0.0	15.0.0	10.0.0
1828	£ 8.0.0	4.0.0	15.0.0	10.0.0
1829	£ 6.0.0	3.0.0	12.0.0	6.0.0

One of the trends illustrated by the above table is the increase in relative importance of taverns and inns outside of Charlottetown. Taverns, in particular, experienced an almost four-fold increase in fees (and then dropped to £3). The fees for

<sup>138</sup> PARO, RG 7, License Ledgers, 1825-1874.



taverns in Charlottetown, conversely, began the period at £10 and finished at only £6. In other words, taverns' licensing fees were decreasing in Charlottetown, but increasing everywhere else (while store licencing fees increased in both categories). The ability to charge a higher licensing fee for taverns in villages and rural areas, and along the colony's emerging road system, attested to the strengthening of colonial infrastructure and increase in population, since the overall number of legal taverns did not, in the same period, experience an increase.

The government did attempt to introduce legislation in 1827 (as an amendment to the 1773 and 1785 acts) that would have altered the fee structure outlined in the above table. The 1773 and 1785 acts had been continued to 1825, with the Attorney General John Johnstone noting: "I see no objection to the passing of this which seems to me wholesome and necessary for this Colony."<sup>139</sup> The 1827 bill, however, introduced additional changes to the licensing structure, and it did not become statute legislation. The preamble of the 1827 bill stated that the rate of licenses granted in 1785 "had been found inconvenient," and the bill's first clauses proposed a two-tier fee structure. It did not make 'town and country' distinctions, but rather outlined a £6 fee for all inns and taverns on the island (including Charlottetown) that provided accommodation, and a £12 fee for all taverns and inns, "whether in Town or Country," that did not provide accommodations. Legislators were attempting to facilitate establishments that provided accommodations, but the actual fee structure used by the commissioners did not reflect

---

<sup>139</sup> PARO, RG 1, Lieutenant Governor fonds, Series 4: Correspondence. 1790-1947, "No. 8 A Bill, intituled, an Act in addition to, and in further amendment of An Act made and passed in the thirteenth Year of the Reign of his Late Majesty, intituled An Act prohibiting the sale by retail of Rum or other distilled Spirituous Liquors, without first having a License for that purpose, and for the due regulation of such as shall be licensed."

this division. The bill received a first reading on 20 April, 1827, and it was to receive a second reading the following day, although the Assembly Journals contain no further account of the bill.<sup>140</sup> The bill was also an attempt to introduce additional mechanisms to implement and enforce licensing legislation. It called for the appointment of one or more officers in each county who could inspect licensed establishments to ensure they possessed the accommodations required by law. The bill would have empowered the government to suspend or revoke licenses in taverns and inns found to be deficient in providing accommodations. The officers would also have had the power to report unlicensed establishments. Officers were given the authority to enter and inspect inns and taverns, including stables, at “all usual hours and times,” and to impose a £5 fine on tavernkeepers who did not cooperate with the inspections. The fine was to be recovered by the justice of the peace in the same county, with half of the money collected going towards the carrying out of the act itself, and the other going towards informers. The bill thus promised a significant step in decentralizing the regulation of taverns on the island. That it was not passed into legislation, on the other hand, suggests that the island was not yet equipped to receive this reconfiguration of governance structures with respect to licensing. The bill also underscored the importance the government placed on accommodation for travellers, including stables for horses, both in Charlottetown and elsewhere on the island.

---

<sup>140</sup> PARO, RG 3, Bills presented to the House of Assembly, “A Bill intitled an Act to alter and amend an act made and passed in the Twenty fifth year of the late King’s reign intitled an Act in addition to and in amendment of an Act made and passed in the thirteenth year of his present Majesty’s reign intitled An Act for prohibiting the sale by retail of Rum or other distilled Spirituous Liquors without first having a license for that purpose, and for the due regulation of such as shall be licensed; and also to authorize the appointment of certain officers for the inspection of licensed taverns and inns,” 1827.

The number of licensed public houses on the island fluctuated during the last half of the 1820s, and the legislation proposed in 1827 reflected an attempt to address this changing context. From an initial high number of almost seventy, the overall number of taverns listed in the License Ledgers fluctuated every year, but there were only 45 listed in 1830. Conversely, there were more stores on the island in 1830 than 1825 (25 and 11, respectively), although the number of stores also fluctuated. The petitions reviewed previously demonstrated the difficulties people had in establishing taverns outside of Charlottetown, and this could account for the difficulties, into the 1820s, of establishing public houses on the island. They were, nonetheless, established in and around Charlottetown, along the Prince Town road, and in small settlements throughout Kings and Queens Counties. The following two tables provide a bird’s-eye view of both proprietors and public houses in Charlottetown and elsewhere on the island for 1825, the year in which public houses were most numerous.

Table 3.8 Tavern Names and Locations: Charlottetown, 1825 <sup>141</sup>

<b>“Sign”</b>	<b>“Name”</b>
“Tavern”	John Alexander
“Tavern”	Jm.s Cardiff
“Tavern”	J.H. James
Carpenter’s Arms	Thomas Fitzgibbon
Globe [Glove?] tavern	John Quirk
Traveller’s Friend	Henry Collings
The Swan	Ja.s Mooney

---

<sup>141</sup> PARO, RG 7, License Ledgers, 1825-1874.

Commercial Inn	Tho.s Jones
Traveller's Joy	Joshua Frott
P.Ed Hotel	Sims & Son
"Tavern"	Mary Reilly
"Tavern"	Colin McLaughlin
Crown & Harpe	Michael Brun
"Tavern"	John Cardiff
Royal Oak	Jm. Alexander
Caledonian Inn	Tho.s Alexander
Highland Tavern	Hector Rankin
Wellington Hotel	Tms. Howel
"Tavern"	Donald Livingston
"Tavern"	Simon Dodd
"Tavern"	John M'Arthy
"Tavern"	Cornelious Little
"Tavern"	Wm Crabb

Of the 23 public houses in Charlottetown in 1825, 11 (48%) did not have a name, and were listed in the license ledgers simply as "Tavern." Only one woman was listed as a proprietor, Mary Reilly. As an establishment without a name, hers was likely among those that catered to servants, sailors and soldiers, and not the merchant elite or assembly men of Charlottetown. Establishments with names such as Royal Oak, The Swan and Crown & Harpe not only pointed to a different clientele, but also in some instances information about the proprietor. The names of the Highland Tavern and Caledonian Inn (as well as owners Rankin and Alexander), for instance, point to Scottish establishments. The Wellington Hotel, Commercial Inn and Caledonian Inn were all larger

establishments that provided accommodation as well as a public space for the consumption of alcohol. Traveller’s Friend was a name repeated in Lot 49 (see table below), and the use of the term ‘traveller’ in the sign occurred in both Charlottetown and elsewhere, with variations (Friend, Joy, Rest) – all suggesting use by sojourners, as seen in the following table.<sup>142</sup>

Table 3.9 Tavern Names and Locations: Prince Edward Island (not including Charlottetown), 1825 <sup>143</sup>

“Sign”	“Residence”	“Name”
--	Bedeque	John Alexander
--	Lot 17	Wm Robins
--	Lot 5	John Moore
Cooper’s Arms	Covehead Road	Jas. Kelly
--	George Town	Jms. Hearney
Traveller’s Rest	Tryon Road	Mary McAulay
Bridge Inn	St. P. road C.T.R.	Wm. Higgans
Travellers Rest	S.P. road C.T.R.	Jms. Croker
“Tavern”	P.T. Royalty	Geo. Bearist
Wellington Inn	Lot 36 St. P road	Thos. Hickey
Free	P.T. Road, Lot 21	Alex. Johnston
Black Bear	St. P’s Bay, Lot 41	Jms. McKenzie
Free Mason’s Arms	P.T. Royalty	Jas. Sinclair

<sup>142</sup> Julia Roberts notes that in Upper Canada, taverns could be named to attract a certain type of clientele. Many travellers were farmers, for instance, and public houses such as Farmer’s Arms Inn, Black Horse Inn, Farmer’s Hotel catered to this demographic. Julia Roberts, “Taverns and Tavern-goers in Upper Canada, the 1790s to the 1850s,” PhD Dissertation (University of Toronto, 1999), pp. 88-89.

<sup>143</sup> PARO, RG 7, License Ledgers, 1825-1874.

--	Morrel	Michael Agin
Cottage Tavern	St. P. Road C.T.R.	Thos. Thornton
--	Lot 49	Nicholas Cochran
The Shamrock	Malpeque Capes	Jas. Frueguard
Halfway House	Savage Harbour	John Champion
Hope Tavern	S.P. road, C.T.R.	Jas. Weldon
Horse & Plough	Crossroads, Lot 46	Donald Stewart
Ship & Plough	Margate, Lot 19	Ann Smith
Travellers Friend	Lot 49	N & H. Jenkins
Tea Gardens	C.T. Royalty	Rich. White
The Red House	Lot 37 St. P. Road	Thos. Barrett
Hazle Grove	P.T. Road, Lot 22	Rich. Bagnall
--	Lot 17	Thos. Tobin
--	New Bristol	L&A Cambridge
George & Dragon	Lot 32. P.T. Road	David Hooper
The Union	Lot 28, Tryon River	Jas. Bullspitt
--	Belfast	Alexr. Martin
--	Rustico Road, Lot 24	George Coles
The Harpe	George Town	Jms. Kearney
The Harpe	Three Rivers	Wm. Cody
--	Prince Town Road	Wm. Crabb
Windsor farm	St. Peter's road	Elisha Coffin
--	P.T. Road, Lot 18	Alex. Matthews
--	Three Rivers	Mess. A & T. Owen
--	Lockerby, Lot 63	Jas. Graham
Travellers Rest	Township 19	J. Townshend
Free	New P.T. Road	Richard Gates

In areas outside Charlottetown, the entry for 'sign' was blank for 14 establishments. These are more likely to have been smaller, more informal spaces (perhaps tippling houses or grog shops) or new establishments. Many adopted names in keeping with public houses of Britain and the British Atlantic World, such as Cooper's Arms, Horse & Plough, and George and Dragon. The Ship & Plough, in Margate, Lot 19, may have catered to both mariners and farmers. The location given for the establishments was in many instances a specific place, including Bedeque, George Town, Morrel, Malpeque Capes, Savage Harbour, New Bristol, Belfast, and Three Rivers. Other public houses of entertainment were identified by either the Lot number or road, suggesting they were in isolated rural areas and were more likely to function as resting places for travellers. The lots listed included: 5, 16, 17, 18, 19, 21, 24, 28, 32, 36, 37, 41, 46, 49, and 63 (15 lots in total, with lots 17, 19 and 49 repeated for a total of 18 establishments mentioned by lot number). Only 4 of the 19 lots were for taverns in Prince County (5, 16 and two taverns in lot 17), and only 4 were in King's County (46, 49 63), underscoring the isolation relative to Charlottetown, as well as sparse population, in Egmont, Halifax and Richmond parishes. According to an 1814 survey, there were 209 families on Lots 1-17, and 1,360 families on the other 50 lots. There were 23 families on Lot 5, and 25 on Lot 16. Acadian families who had escaped expulsion comprised the majority of the 45 families on lot 17, although the names William Robins and Thomas Tobin do not suggest Acadian identity.<sup>144</sup> Ten of the 18 establishments mentioned by lot number were located in Queens County. Perhaps they were similar to Shaw's Inn (Three Mile House),

---

<sup>144</sup>D.C. Harvey, Introduction, Walter Johnstone, "Letters" and "Travels" Prince Edward Island, in *Journeys to the Island of St. John* (Toronto: The Macmillan Company, 1955): 75-76.

Warwick House and Ten Mile House on the Bedford Highway leading out of Halifax, although the term ‘Mile House’ was not used for any of the island establishments.

Only two women were listed in the 1825 license ledgers, both for public houses in Queen’s County: Mary McAualy [sic], proprietor of Travellor’s [sic] Rest in Tryon River, and Ann Smith, license holder for the Ship & Plough in Margate. The latter was also listed as Lot 19, which had waterfrontage on Malpeque Bay according to a map of the island that accompanied Walter Johnstone’s 1823 *Travels in Prince Edward Island*. Margate, on the other hand, was near New London, on the Southwest River leading into New London Bay on the north shore of the island, and on the other side of the Prince Town road in another lot. The person registering the license payers may not have had an intimate knowledge of the island outside of Charlottetown. Five of the establishments that paid licensing fees for taverns were listed in the license ledger as “Ferryman,” and are listed in a separate table below.

Table 3.9.1 Taverns at Ferry Crossings, 1825 <sup>145</sup>

“Sign”	“Residence”	“Name”
Ferryman	Hunter’s River	Thos. Gardiner
Ferryman	Lot 48	Wm. Judge
Ferryman	St. Andws. Pt.	John Hightman
Ferryman	Lot 32, York River	Thos. Walsh
Ferryman	Ellis River Lot 16	Thos. McConnell

<sup>145</sup> PARO, RG 7, License Ledgers, 1825-1874.



## ***Discouraging Excess and Encouraging Settlement: Rum and Roads in the Nineteenth Century***

In addition to his *Travels* book, Walter Johnstone wrote *A Series of Letters Descriptive of Prince Edward Island*, both treatises on the island aimed at would-be immigrants, written in part on the island. Johnstone had set sail from Dumfries on the brig *Diana* in the spring of 1820, and reported comfortable beds, and a cheerful captain willing to accommodate passengers in need of cordials. The sailors were likewise friendly, and willing to help passengers in exchange for “nearly the whole stock of spirits,” since seasick passengers could consume only water and beer.<sup>146</sup> The island population had risen to 15,000 inhabitants by 1820, including Mi’kmaq, Acadians, Loyalists, Scottish settlers who arrived in the 1790s, as well as the Selkirk settlers and other immigrants from the British Isles and Newfoundland into the nineteenth century.<sup>147</sup> The island remained agricultural, but also relied on alcohol revenue. According to Edward MacDonald and Carolyn Roberts McQuaid, alcohol taxes raised 43% of the island’s total revenue by the early 1820s, and never dipped below 15% for the remainder of the colonial period.<sup>148</sup>

According to Johnstone, Charlottetown was by this time a “beautiful town” with eighty principal streets and forty cross ones, a Court-house, High Church and Market

---

<sup>146</sup> Walter Johnstone, “Letter First, Murray Harbour, May 30<sup>th</sup>, 1820,” in *A Series of Letters, Descriptive of Prince Edward Island, in the Gulph of St. Laurence, Addressed to the Rev. John Wightman, Minister of Kirkmahoe, Dumfries-shire* (Dumfries, 1822), pp. 89-90.

<sup>147</sup> Harvey, “Introduction,” pp. 75-77.

<sup>148</sup> Edward MacDonald and Carolyn Roberts McQuaid, “‘Spirituos Liquors:’ Brewing and Distilling in 19<sup>th</sup> Century Charlottetown” *The Island Magazine* (2005), p. 33.

House, and wooden houses, some of them elegant, albeit “neither warm nor durable.”<sup>149</sup> All the roads on the island radiated from Charlottetown, with the St. Peter’s Road being the “most public and best furnished” road.<sup>150</sup> This spacious and dyked road leading out of Charlottetown was home to a brewery and distillery run by Mr. Wright, as well as Five Mile House (not mentioned in the ledgers). Seven public houses in the 1825 license ledger, on the other hand, listed St. Peter’s Road as the location, including Bridge Inn, Traveller’s Rest, Black Bear, Cottage tavern, The Red House, Hope tavern and Windsor Farm. The other main road out of Charlottetown, the Malpeque Road according to Johnstone, led travellers to Rustico, New London, and also Tryon and Bedeque. “A few years ago,” Johnstone observed, the road “was forty miles long through continued woods, without a house to shelter or refresh the weary traveller.” By 1821, the road (Prince Town Road in the ledgers), was “settling fast,” with “several houses... furnishing accommodation for both man and horse.”<sup>151</sup> Two other roads, one across the North River towards Tryon and Bedeque, and the other across the Hillsborough River toward lots 48 and 49 and Belfast, were also mentioned in Johnstone’s September letter from Charlottetown.<sup>152</sup> A ferry was required to cross the river into Lot 48, where William Judge ran a tavern as a Ferryman. Anyone, according to Johnstone, could travel throughout the island on the series of roads that crossed the island with little expense, as long as he stayed out of taverns. In additions to the cost associated with tavern-based

---

<sup>149</sup> Johnstone, “Letter Fifth, Charlotte Town, July 30<sup>th</sup>, 1821,” in *A Series of Letters*, 118.

<sup>150</sup> Johnstone, “Letter Fifth,” in *A Series of Letters*, p. 118.

<sup>150</sup> Johnstone, “Letter Sixth, Charlotte Town, September 13<sup>th</sup>, 1821,” in *A Series of Letters*, p. 123.

<sup>151</sup> Johnstone, “Letter Sixth,” in *A Series of Letters*, p. 125.

<sup>152</sup> Johnstone, “Letter Sixth,” in *A Series of Letters*, p. 125.

entertainment, Johnstone expressed concern over people's "remarkable" fondness for "riding, roving about, frolicking, and drinking rum:"

This last practice has been the ruin of many of the settlers, in a moral and financial point of view; and the present depression of the timber, grain and cattle markets, I hope, will have a salutary effect in weaning them from many of their vices, which they formerly indulged in to excess.<sup>153</sup>

Johnstone was not opposed to the consumption of alcohol, although he did lament the lack of tea. He commented, for instance, on the healthy diet of the Scottish farmers on the island: good oatmeal for breakfast and supper, potatoes and pork, beef or mutton and barley soup for dinner, and possibly "a cask of good homebrewed beer to treat a friend with, and plenty of whiskey of the same manufacture."<sup>154</sup> Johnstone thus made a clear distinction between locally-manufactured alcohol (whether beer or spirits), and imported rum. He also distinguished between the moderate consumption of alcohol that was a component of friendly and neighbourly sociability in the private sphere, and the excessive and public consumption of rum in taverns along the newly-emerging roads on the island, which was associated with other suspect moral behaviours such as frolicking, roving, and riding.

Johnstone wrote of a visit to a public house (on the Sabbath) while travelling through the country, although his *Travels* did not give the name or location of the establishment. His account provides a glimpse into the varied clientele and activities that could reside under the same roof in a public house. The taverns was divided into separate spaces, and there were many patrons in the "inn, or tavern" during his visit, many of

---

<sup>153</sup> Johnstone, "Letter Seventh, 23<sup>rd</sup> October, 1821, Charlotte Town," in *A Series of Letters*, pp. 139-141.

<sup>154</sup> Johnstone, "Letter Sixth, Charlotte Town," in *A Series of Letters*, p. 131.

whom were “greatly inflamed with rum.”<sup>155</sup> In one “apartment” in the inn, he found people discussing religion, with one patron declaring –“I was born a Protestant!” At the other end of the establishment, a young man with a Methodist Hymn Book boasted of his singing abilities, while others “were making love to the girls who were in the house.” Patrons passed the time with these activities until supper was ready, when all but the most intoxicated (to Johnstone’s relief) joined together for the meal. As Johnstone retired from the crowd after eating, he observed: “the company in the apartment I had left was soon greatly increased, and rum was called for and drank plentifully; and the young men and women were carrying on their sports as lightly as if it had been the evening of a Scotch fair or market.”<sup>156</sup>

The socializing described by Johnstone involved young people, both men and women, and excessive consumption of rum with little food being eaten. The people appear to have been local residents who knew each other, and not travellers or sojourners. Perhaps they were servants and farm labourers. The “girls” in the group eventually departed (again suggesting nearby residence), and the remaining men engaged in a different sort of sociable “contrivance,” which Johnstone described in great detail:

One of the men covered himself over with a rug, or carpet, and began to act a character such as I had never seen acted before. But whether he intended to imitate a madman, a bull, a bull-dog, or a bear, or the whole of these intermixed, I could not determine. But he roared, barked, stamped with his feet, and tore and scratched on all sides with his hands, uttering, at intervals, hideous sounds of barking, roaring, howling, &c. such as I had never heard uttered previously by neither the human or brutal tribe. He turned round on all sides, exhibiting these powers of voice and gesture; and every change of motion, voice, or gesture, excited through the company a new bursting roar of approving laughter; and when his powers

---

<sup>155</sup> Johnstone, *Travels*, p. 168.

<sup>156</sup> Johnstone, *Travels*, p. 168.

of utterance and extravagance were exhausted, he took a breathing, and again began varying his voice and manner as long as the roar of laughter indicated that it had yet some amusing charms for the company. In short, I thought, if the devil had got him entirely at his command, he could not have caused him to act a more ridiculous farce.<sup>157</sup>

Johnstone was detailed in his description of the nocturnal tavern activity, and likewise clear in his disapproval of the young men's lubricated and unusual sociability. His book's goal was to promote settlement on the island, and so he endeavoured to portray the colony in as favourable a light as possible, commenting in his letters and travels on the potential for agriculture and trade on the island. He simultaneously hoped to attract industrious immigrants, and painted a portrait of the ideal settler. He noted, for instance, that the first Highland and Loyalist settlers in the British colony "knew nothing about cultivating land, the comforts of a good house, or a well furnished table; and having procured plenty of fish, potatoes and rum, they neither wished nor sought for more." Island prosperity required settlers cut from a different cloth: tea-drinking women who were good spinners, knitters and sewers. Johnstone spoke favourably, for instance, of Acadians in Souris and Colville Bay, where he was welcomed at the first house he came upon and was joined by neighbours who had heard of his arrival: "This, I was told afterwards, was a custom among these French settlers when they wanted to show the highest respect in their power to a stranger."<sup>158</sup> Johnstone had clear ideas regarding amiable and respectable sociability, on the one hand, and the descent into debauchery on the other. His elaborate description of the intoxicated behaviour of the tavern's male patrons, as well as his contrasting commentaries on early settlers and Acadians, served to

---

<sup>157</sup> Johnstone, *Travels*, p. 169.

<sup>158</sup> Johnstone, *Travels*, p. 172.

emphasize to his readers in Scotland the difference between desirable and undesirable settlers.

Taken together, the license ledgers and Johnstone's writings provide an indication of the alcohol consumption and licensing context for the 1820s. Public houses represented a revenue stream, as well as being sites of both amiable sociability and potential immorality. The number of taverns, inns and public houses on the island fluctuated in the 1820s, with an average of 46 licensed taverns (20 in Charlottetown and 26 elsewhere) for the period from 1825 to 1830. Governing authorities attempted to introduce legislation in 1814 and 1827 to further regulate licensed establishments, but these bills were not passed by the assembly. Potential tavern owners petitioned the government for funds to establish taverns and inns, and licensing commissioners recorded the revenue received through licensing – just over £1,000 for 1825-1830. These records were sent to the Colonial Office in Britain. They constituted a small, but steady and potentially growing, revenue stream that had the potential to offset the deficiencies of the quit rent system and provide a local source of revenue. The licensing acts were suspended in 1830, and repealed in 1846, during the reign of Queen Victoria, when an act was passed to consolidate all previous acts.<sup>159</sup>

---

<sup>159</sup> *The Acts of the General Assembly of Prince Edward Island*, vol. 1, pp. 213, 494. Several amended statutes introduced after 1845 were consolidated in 1856 into an extensive 36-clause act with four schedules containing templates for oaths and certificates. The 1856 act stipulated, for instance, that taverns or inns in Charlottetown required at least six beds, four of which were to be feather beds, as well as good stabling for eight horses within one hundred yards of the establishment. Tavernkeepers failing to provide proper accommodation could be fined 40 shillings. The license fee for Charlottetown establishments with proper accommodations was £5, whereas the fee elsewhere dropped to only 40 shillings. All licensed tavernkeepers were required to hang a sign with “licensed tavernkeeper” on it, thus enacting the stipulation outlined in the

Extant tavern licenses from the early 1830s, although beyond the scope of the present study, reveal that licenses continued to be issued for public houses – approximately 60 in 1832 alone, suggesting that temperance calls for moderate imbibing did not immediately slow the growth of taverns. While a strong concentration of licenses existed in Charlottetown, inns and taverns elsewhere continued to be certified. Magistrates issued the license certificates after visiting the premises and ensuring that proper accommodation existed on the premises for travellers, including beds for people and stables for animals (“man and horse.”). Many of the licenses stated this requirement in general terms, such as the one issued to David Hooper on Lot 32 in Queens’s County: “Beds and stable accommodations are for the use of Travellers who may stop at this tavern.”<sup>160</sup> Lewis Gay’s license, on the other hand, stipulated that his “Brake of Day” tavern on Lot 49 had a “good stall stabling for six horses & two beds for the accommodations of travelers.”<sup>161</sup> Henry McNeill’s license to keep an “Inn or Tavern for Travellers” in his “house and premises” in Charlottetown did not specify the number of beds or size of the stable, but it did certify that McNeill had completed the affidavit required by law. Most of the petitions contained signed affidavits similar to McNeill’s, which stated: “I do swear that the Beds and Stable accommodations now exhibited are for the use of travellers who may stop at this Inn.”<sup>162</sup> Some of the licenses identified the

---

earlier 1814 bill (although the penalty was only 20 shillings). License holders were also required to post a copy of the license “in some conspicuous place,” or be subject to a forty-shilling fine. *The Acts of the General Assembly of Prince Edward Island*, vol II, 1853-1862 (Printed by John Ings at the ‘Royal gazette’ Office, 1862), pp. 141-152.

<sup>160</sup> PARO, ACC 2810/228/1, Colonial Secretary Licence Ledgers / Tavern Licenses, 1 June, 1832 David Hooper Lot 32 County of Queens.

<sup>161</sup> PARO, ACC 2810/228/5, Head of Vernon river, 20 June, 1832, Lewis Gay Brake of Day Tavern Lot 49.

<sup>162</sup> PARO, ACC 2810/228/7, Henry McNeil, Charlottetown, 01 July, 1832.

proprietor as a fit and proper person to keep a house of entertainment or tavern, although these were the exception rather than the rule. Francis Longworth and John Brecken, the justices who issued Thomas Jones' license for his Charlottetown establishment, for instance, stated that he that was a "fit and proper person to receive Such a license."<sup>163</sup> Only one woman, Eleanor McArthy of Charlottetown, was issued a license that year, and the justices certified that she had taken the oath stipulated by law (in addition to having sufficient beds and stabling).<sup>164</sup> The 1832 licenses were issued between June and December, with most tavernowners receiving them in July. The following table provides a representative sample of approximately half of all licenses issued in 1832.

### 3.9.2 Tavern Licenses Issued 1832-1834 <sup>165</sup>

Tavernkeeper	Tavern (if listed)	Date - 1832
David Hooper	Lot 32	28 June
Alex Johnston	Lot 23, Prince Town Road	29 June
Lewis Gay	Head of Vernon River, Brake of Day Tavern Lot 49	20 June
Henry McNeill	Inn, Charlotte Town	01 July
James Sinclair	Free Masons Inn, Prince Town Royalty	03 July
John Jeffs	Tavern, Charlottetown	03 July
John Campion	Mount Pleasant Lot 37	02 July
John Alexander	Charlottetown	03 July
Michel Brinan	Lot 47	05 July
David Walker	Bedeque	05 July
Peter Praught	Lot 49	05 July
John Doyle	Charlotte Town	06 July
Eleanor McArthy	Charlotte Town	06 July
John McLean	Charlotte Town Royalty	07 July
Joseph Pippey	Charlotte Town	07 July
James Mooney	Charlotte Town	07 July
James Fitzpatrick	Willington Inn, St. Peters Road	09 July
James Hayden	Vernon River	09 July

<sup>163</sup> PARO, ACC 2810/228/32, Thomas Jones, Charlottetown, 10 July, 1832.

<sup>164</sup> PARO, ACC 2810/228/19, Eleanor McArthy, Charlotte Town, 06 July, 1832.

<sup>165</sup> PARO, ACC 2810/228, Tavern Licenses, mscl, 1832.



Thomas Jones	Charlottetown	10 July
John Davis	Charlotte Town	11 July
James Maloney	House and premises	11 July
John White	Charlotte Town	12 July
M Roderick McDonald	Charlotte Town	14 July
James H. Downe	Charlotte Town royalty	14 July
Edmund Lodge	Lot 51, Charlotte Town Road	04 August
Patrick Mullins	Patrick Mullins House – The Hebernian Tavern	10 August
Richard Bagnall	Prince Town Road	31 August
John Cunningham	Saint Peters Road	01 September
Mathew Redmond	Lot 42	16 September
William Williams	house	29 September
James Grant	--	04 December

The 1832 licenses also indicated continuity with the previous decade in terms of tavernowners. Some of the names in the above tables also appeared in the license ledgers from 1825, for instance, among them John Alexander and Thomas Jones of Charlottetown, James Sinclair of Prince Town Royalty, David Hooper (Lot 32, Prince Town Road), and Alex Johnston, whose establishment was also on the Prince Town Road.<sup>166</sup> Richard Bagnall did not appear on the 1825 license ledger, as has been noted, but his receipt of a tavern license in 1832 indicated that he had, in fact, been able to put to good use the £30 granted to him by the council following his 1817 petition (see previous discussion of petitions).<sup>167</sup>

## Conclusion

---

<sup>166</sup> PARO, ACC 2810/228. The 1825 ledgers indicated his tavern was in Lot 21, whereas his 1832 license was for Lot 23.

<sup>167</sup> PARO, ACC 2810/228. Three names were given for the location of the tavern; Malpeque road, the West road, and Prince Town road.

Did the alcohol paradox present itself on the island as it did in Nova Scotia? In short, yes and no. The first licensing phase (1769-1784), associated with the 1773 act, revealed an elite concern regarding the excessive consumption of rum and its multiple impacts in terms of morals, health and an increase in vices. Legislation focused on fines for unlicensed selling (and paying wages in rum), and the limiting of credit to servants and other imbibers associated with the “lower orders” of inhabitants. Unlicensed sellers were not targeted to the extent they had been in early legislation in Nova Scotia, however. In fact, the act did not reference tavernkeepers as a group at all, but focused on retailers of alcohol. The first licensing statute focused on (dis)order, but it was also fluid. It responded to the need to establish both an ordered society and a colonial revenue base through alcohol, given the shortfall in revenue from quitrents.

The second phase of licensing legislation on the island (1785-1830), addressed more directly the unlicensed selling of alcohol, in public spaces including streets, by men, women, children and servants. Licensing commissioners also began to identify tavernkeepers, and differentiate them from shopkeepers – setting up differential licensing fees between the two. Imported alcohol was one of the few sources of local revenue at the time, and licensing fees represented a small but significant source of revenue, especially when combined with import duties. The second licensing phase reflected changes in colonial development on the island. Licensing fees were also differentiated according to location (with tavernkeepers in Charlottetown paying the highest annual fees), and settlers petitioned the government for funds to establish taverns and inns in Charlottetown, on rural roads, and in newly-settled lots. In granting funds to tavernkeepers, authorities recognized that expenditures were required to establish the

basic infrastructure of colonial life – roads and places where travelers and their horses could find food and lodging.

## Chapter 4

### Trade, Taxation and Governance: Regulation in New Brunswick

In December, 1776, a few months after a failed rebel attack on Fort Cumberland, Chief Pierre Tomah and other Wulstukwiuk leaders meet with George Washington on the banks of the Delaware River.<sup>1</sup> By the last quarter of the eighteenth century, the Indigenous peoples of northeastern North America had varied but significant experiences of contact, conflict and cooperation with Europeans and settlers. The American Revolution required, yet again, a strategic response from the Mi'kmaq, Wulstukwiuk and other Aboriginal peoples in terms of friendships and alliances. A treaty-making process with the British had begun in 1725, with significant treaties being signed in 1760-61, but it was not yet entirely clear in 1778 which direction the Wulstukwiuk-British relationship would take. The Wulstukwiuk had ordered the British from the St. John River, and, in late summer, almost one hundred Wulstukwiuk in a flotilla of canoes met James White, recently-appointed Deputy Superintendent of Indian Affairs, in a lone canoe at Long Reach, near Saint John. The two parties agreed to move ashore for a grand council meeting. Several representatives from both sides then meet to discuss grievances and reparations, and the following month both parties reached an agreement. Tomah, Nicholas Akomápis, and

---

<sup>1</sup> Tomah and other Wulstukwiuk participated in the attack along with Jonathan Eddy and other rebel supporters. France's entry into the war coupled with British encroachments in Wulstukwik territory were weighed against colonial warfare in northern New England. Hunt argues that the disputes that caused the war were of little concern to the Wulstukwiuk, but they were in need of the provisions they could receive in return for support. Richard I. Hunt, "Pierre Tomah," *DCB*, vol. 4, (University of Toronto/Université Laval, 2003), online. <http://www.biographi.ca>. Accessed 25 January, 2015.

other Wulstukwiuk and Mi'kmaw leaders, met with White, Michael Franklin, and other British representatives. Offerings of a wampum belt and the promise to build a trading post along the river accompanied the signing of a peace treaty on 4 September, 1778. The next morning, aboard the British *Albany*, members of both parties drank to the king's health, distributed gifts, and exchanged speeches.<sup>2</sup>

Acadians, both those who had escaped deportation and many more who returned at the end of the Seven Years' War, as well as New England Planters, English, Scottish and Irish immigrants, and a group of Pennsylvania Germans also inhabited the area that was to become New Brunswick.<sup>3</sup> The Scottish merchant William Davidson, for instance, had established a settlement in Acadian and Mi'kmaw Miramichi in the 1760s, after having been granted a large township by the Nova Scotian government. He hoped to engage in trade with the Mi'kmaq, and establish also a trans-Atlantic Mediterranean commerce based on the export of salmon and cod.<sup>4</sup> Maugerville, established by the Halifax-based rum merchant Joshua Mauger, recorded 261 inhabitants in 1766, productive agricultural fields, and trade with the Wulstukwiuk.<sup>5</sup> In 1775, Portland Point, at the mouth of the St. John River, had just over 140 inhabitants, stores and barns in

---

<sup>2</sup> Virginia P. Miller, "Akomápis, Nicholas," *DCB*, vol. 4 (University of Toronto/Université Laval, 2003), online. <http://www.biographi.ca>. Accessed 25 January, 2015; and M.A. MacDonald, *Rebels & Royalists. The Lives and Material Culture of New Brunswick's Early English-Speaking Settlers 1758-1783* (Fredericton: New Ireland Press, 1990), pp.104-105.

<sup>3</sup> MacDonald, *Rebels & Royalists*, p. 52.

<sup>4</sup> William Davidson to Thomas Carleton, n.d. [1785], and William Davidson to Thomas Carleton, St. John, 04 April, 1786, in "Historical and Geographical Documents Relating to Nova Scotia," edited by W.F. Ganong, *Collections of the New Brunswick Historical Society*. 9 (Saint John, Barnes & Co. 1914), pp. 310, 318.

<sup>5</sup> MacDonald, *Rebels & Royalists*, p. 29.

addition to private dwellings, and saw and grist mills nearby.<sup>6</sup> Non-Aboriginal settlement was not demographically significant on the eve of the American Revolution, existing mostly in the lower St. John River area, around Ford Cumberland, and in the Miramichi, but the influx of almost 15,000 Loyalists over a few short years in the 1780s produced new profiles, and fault lines. While historians generally agree that this was a period of significant territorial loss for Aboriginal people in terms of Mi'kma'ki and Wulstukwik, John Reid has argued that this "supplanting" of territory "was characterized by a complex and distinctive pattern" in the long eighteenth century.<sup>7</sup> The treaties, for instance, did not involve land surrender or military defeat, and the treaty relationships continued to evolve into the nineteenth century.<sup>8</sup> The Loyalist migration also impacted earlier populations. Davidson, for instance, had to petition Governor Carleton to prevent the escheat of his land grant. The annulling of land grants issued before 1783, and the requirement that settlers and Aboriginal people obtain licenses of occupation in some instances, were mechanisms employed by the provincial governments in Nova Scotia and then New Brunswick to offer land to Loyalists as part of the compensation for their material losses and forced exile as a consequence of their allegiance to Britain.

Most of the Loyalists who settled in New Brunswick sailed in convoys from New York in 1783. *Two Sisters*, for instance, left New York on 25 May, 1785, and arrived at the mouth of the St. John River just over one month later. Sarah and Billy Frost, and their two children, shared a cabin onboard with six other families, and all 250 passengers were

---

<sup>6</sup> MacDonald, *Rebels & Royalists*, p. 96.

<sup>7</sup> John Reid, "Empire, the Maritime Colonies, and the Supplanting of Mi'kma'ki/Wulstukwik, 1780-1820," *Acadiensis* 38.2 (Summer/Autumn 2009), pp. 78-97.

<sup>8</sup> Reid, "Empire," p. 81.

part of the Loyalist exodus at the end of the American Revolution. *Two Sisters* sailed in a fleet of thirteen ships which, in turn, carried but a fraction of the almost 30,000 Loyalists who arrived on the shores of Nova Scotia following the defeat of British forces in the Thirteen Colonies.<sup>9</sup> Sarah collected gooseberries while *Two Sisters* was anchored at North River, and her husband and several other people from the ship visited a tavern there. They ordered rum punch, but the landlord forgot to add either sugar or rum, and Sarah noted to her travel confidant: “it was a comical punch I assure you.”<sup>10</sup> While on board, Sarah and Billy played cards, drank tea with the captain, had green peas for dinner, and witnessed “such a firing among the ships as to astound one” on the occasion of the King’s birthday.<sup>11</sup> On 26 June, near the banks of Cape Sable, the Captain informed Sarah they were one day’s sail from their destination in the Bay of Fundy. Sarah wrote in her account of the journey that she longed to see the strange land that was their destination. The vessel anchored off Fort Howe at the mouth of the St. John River two days later. Some passengers ventured on shore and collected wild pea vines, gooseberries, spruce and grass before returning to the ship. Sarah waited one day to go ashore, and her initial enthusiasm about sighting land and arriving at her destination gave way to apprehension about what awaited them. “It is I think the roughest land I ever saw... but this is to be our city they say... We are to have our land sixty miles further up the river. We are all ordered to land tomorrow, and not a shelter to go under.”<sup>12</sup>

---

<sup>9</sup> “The Diary of Sarah Frost,” 1783. Transcribed and edited by R. Wallace Hale. Accessed online 07 January, 2015. [http://preserve.lib.unb.ca/wayback/20141205161007/http://atlanticportal.hil.unb.ca/acva/loyalistwomen/en/documents/frost/sarah\\_frost.pdf](http://preserve.lib.unb.ca/wayback/20141205161007/http://atlanticportal.hil.unb.ca/acva/loyalistwomen/en/documents/frost/sarah_frost.pdf), 1-3, 5-6.

<sup>10</sup> “The Diary of Sarah Frost,” p. 5.

<sup>11</sup> “The Diary of Sarah Frost,” p. 4

<sup>12</sup> “The Diary of Sarah Frost,” pp. 9-10.

Approximately half of the Loyalists who arrived in Nova Scotia (including what would soon become New Brunswick) were military men and their families (from provincial regiments and other military families); most of the remainder were civilian Loyalists (refugees).<sup>13</sup> A small but vocal minority had been members of the colonial elite (military officers, clergy, Crown lawyers and wealthy merchants) who had lost much of their wealth during the revolutionary war, but most were farmers, traders, craftspeople, fishermen, servants, former slaves, and slaves.<sup>14</sup> Apart from the elite, most, also like Sarah and her small family, had “not a shelter to go under,” living in tents for the first year or two. The British imperial government had promised the Loyalists safe transport, settlement support, compensation for property losses, land, and half-pay for military officers. Although the process of making good on these promises was uneven, and involved various petitions to the Crown, most Loyalists did receive land, and settled either in port towns (Saint John, Saint Stephen and Saint Andrews), or on small farms along the St. John and other rivers, as was the case with the Frost family.<sup>15</sup>

This chapter examines licencing legislation in the British colony of New Brunswick through the lens of Loyalist migration and the society and government they sought to establish. What was the initial objective of governing authorities in establishing licencing legislation, and how did this change over time, up to the beginning of the

---

<sup>13</sup> Most refugees were organized under militia companies, although the companies had no military function. David Bell, *Loyalist Rebellion in New Brunswick: A Defining Conflict for Canada's Political Culture* (Halifax: Formac Publishing, 2014), p.10. Approximately 700 refugees also arrived from Maine under the umbrella of the Penobscot Association, a timber-trading company. Ann Gorman Condon, *The Loyalist Dream for New Brunswick: The Envy of the United States* (Fredericton: New Ireland Press, 1984), pp. 86, 95-6.

<sup>14</sup> Ann Gorman Condon, “Loyalist Arrival, Acadian Return, Imperial Reform,” in *The Atlantic Region to Confederation: A History*, edited by Phillip A. Buckner and John G. Reid (Toronto: University of Toronto Press, 1994), p.186.

<sup>15</sup> Gorman Condon, *The Loyalist Dream*, p. 140.



temperance movement in the 1830s? How did the statutes introduced in New Brunswick compare to those on the Island of St. John/Prince Edward Island and in Nova Scotia outlined in the two previous chapters?

This examination of the early history of alcohol legislation in New Brunswick draws upon historiographical discussions regarding early state formation and liberalism. Ian MacKay has posited the 1840s as the beginning of the rise of the liberal order in what was to become Canada. Jerry Bannister, on the other hand, has argued that the “project-of-rule story” began earlier; prior even to the arrival of the Loyalists in the 1780s. He points to a growing consensus among historians that the late 1740s (when Halifax was founded as an imperial garrison town, and naval government was established in Newfoundland) marked the end of a period of salutary neglect and the “tightening of imperial administration” in Britain’s empire in North America.<sup>16</sup>

The Loyalist elite sought to establish an authoritarian government in New Brunswick. It was built upon the imperial transition of the 1740s, as well as the realignments associated with the Seven Years’ War and the American Revolution, and, finally, the Loyalist influx itself to British North America. The examination of licencing legislation in New Brunswick has the potential to shed light on debates within the historical literature regarding the early processes of state formation, and how this, in turn, informs the Loyalist, and Liberal Orders. The issue of licencing taverns, inns and other public houses was both local and, as outlined in the two previous chapters, related to

---

<sup>16</sup> Jerry Bannister, “Canada as Counter-Revolution: The Loyalist Order Framework in Canadian History, 1750-1840,” in *Liberalism and Hegemony: Debating the Canadian Liberal Revolution*, edited by Jean-François Constant and Michel Ducharme (Toronto: University of Toronto Press, 2009), p. 102.

specific government concerns and intentions with respect to social (dis) order and revenue generation. The chapter argues that the emphasis on the local (parish) level in the New Brunswick statutes was distinct and represented a new, albeit nuanced, articulation of the colonial state relative to the Island of St. John and most of the legislation in Nova Scotia. It was specifically related to the Loyalist vision of New Brunswick, although it was also embedded in the tensions and fault lines that accompanied the prescriptive idea of a new colony in Northeastern British America.

Most of the chapter focuses on the licensing context during the first decade of New Brunswick's history, when the first licencing legislation was introduced. It begins with an examination of the setting up of government, and the role of alcohol and taverns in Saint John during the first election. The chapter then examines two key phases of licensing legislation, the first from 1783 to 1794, and the second from the 1790s to the late 1820s. During the first phase, key laws – one regulating tavernkeepers (1786) and one empowering justices (1787), were introduced, as well as other statutes relating to alcohol involving servants, Sundays and gaming, and a minor amendment to licensing legislation in 1794. This amendment marked the end of this regulatory phase. Various types of imported alcohol were consumed in New Brunswick, although rum (as had been the case for the other two Maritime colonies), stood out in terms of both revenue and concerns over disorder. This section also includes an examination of the availability of rum and other alcoholic beverages, including Iberian and Atlantic wines, through a focussed case study of the sale of alcohol in Saint John in the 1780s. The first phase of regulation focused on governance, and setting up a basic regulatory framework for public

houses. It did not address the unlicensed selling of alcohol, and legislation did not reflect serious concerns over alcohol-induced debauchery and disorder.

The next section examines the licencing context between 1795 and 1831, when legislation was introduced in 1814 and 1825. In 1831, all previous laws regulating taverns were repealed, thus initiating a new regulatory framework, and concluding the second phase of licencing in New Brunswick examined in this dissertation. No new legislation was introduced between 1795 and 1814, but this section begins with a discussion of the broader context of alcohol in New Brunswick, in particular in terms of rum as a trade commodity and source of revenue. It examines government correspondence (in particular that of Governor Thomas Carleton) relating to New Brunswick's position in the British Atlantic world in terms of rum production and distribution.<sup>17</sup> As such, this section also addresses New Brunswick's inextricable connection to slavery in the early modern Atlantic. It examines the focus on rum in the 1792 revenue act, as well as subsequent impasses regarding revenue as a reflection of broader political fissures. This section then examines two statutes introduced in the nineteenth century, in 1814 and 1825, which addressed the government's understanding, as articulated in the quotation at the beginning of the chapter, of the complex role of alcohol revenue (taxation) and control of disorder. The mutual, and paradoxical, concerns for revenue and disorder were the defining features of this phase of licensing legislation. Taken together, the focus in New Brunswick on governance, and then revenue and disorder, point to a divergence in New Brunswick from regulatory patterns in the other two Maritime colonies.

---

<sup>17</sup> Carleton's official title, as with other governors in the Maritime colonies at this time, was Lieutenant-Governor.

### **“Our Scattered Situation,” 1783 to 1794**

When Sarah and the other passengers of the thirteen-ship convoy arrived at the mouth of the St. John River in 1783, the territory was part of Nova Scotia’s Sunbury County (with two elected representatives), and was under the umbrella of licencing legislation introduced in Nova Scotia, up to the 1773 act and its amendments. The idea of carving out a separate Loyalist colony pre-dated the arrival of *Two Sisters* and the other Loyalist vessels. Edward Winslow and other elite loyalists did not see their interests aligning with those of the existing population in Nova Scotia, and they lobbied London for a new colony. The new administration in London approved the partition. A strong loyalist colony would help keep the other colonies loyal to the crown, and a separate colony was also warranted by the long distances between the new settlements and Halifax.<sup>18</sup>

New Brunswick formally came into being on 18 June, 1784.<sup>19</sup> It was to have the same governance structure as Nova Scotia as a British colony, with a governor and Council, and an elected assembly. Differing ideas and political philosophies coexisted regarding the interpretation of this basic framework of colonial government. These were expressed through correspondence and proposals from Loyalist leaders such as Jonathan Sewell, Jonathan Odell and Duncan Ludlow, and their British supporters, including Sir Guy Carleton and William Knox. Sewell, for instance, had anonymously written a series

---

<sup>18</sup> W.S. MacNutt, *The Atlantic Provinces: The Emergence of Colonial Society 1712-1857* (Toronto: McClelland and Stewart, 1965), pp. 95-96. Gorman Condon, p. 44.

<sup>19</sup> Cape Breton, also, became a separate colony in November, 1784, with Sydney as the capital. MacNutt, *The Atlantic Provinces*, p. 98.

of essays in the 1760s and 1770s on law and authority in a structured society.<sup>20</sup> In 1780, Knox, then under-secretary for the American colonies, had also proposed a loyalist settlement on the Penobscot to be named New Ireland. It did not materialize, and Knox subsequently gave advice regarding the formation of New Brunswick through his “Memoranda Concerning Nova Scotia.”<sup>21</sup> A perfect consensus did not exist among the Loyalist leadership, and they in turn did not represent the diversity of loyalist identity and experience. That said, the formation of New Brunswick emerged from an idea: to create a British colony in which loyalty to the Crown and a strong social order (with the loyalist elite men as a kind of colonial oligarchy), would check the democratic impulses of republican doctrines.<sup>22</sup> Loyalist leaders expressed concern over the excessive authority of elected legislatures and town governments in the Thirteen Colonies. Sir Guy Carleton argued that the increasing strength of colonial legislatures diminished proportionately the “counterbalance from the other two,” and this in turn was a “fertile Source of much mischief and disorder.”<sup>23</sup> Sewell took this one step further, by pointing to the town meetings as well as the colonial legislature in Massachusetts as “impolitic” indulgences that could not be brought into order by the countervailing authority of the Governor, Council and Judges. Sewell also argued that the distance between London and the colonies contributed to this situation by rendering timely decision-making difficult.<sup>24</sup>

---

<sup>20</sup> Gorman Condon, *The Loyalists*, pp. 45-6.

<sup>21</sup> MacNutt, *The Atlantic Provinces*, p. 95 & Gorman Condon, *The Loyalist Dream*, p. 44. Knox suffered heavy losses during the American Revolution, although he eventually received partial compensation for his properties in Georgia and invested in the Newfoundland fishery. See Jeff A. Webb, “William Knox and the 18th-Century Newfoundland Fishery,” *Acadiensis* 44.1 (Winter/Spring 2015), p. 116.

<sup>22</sup> Bannister, “Canada as Counter-Revolution,” p. 104.

<sup>23</sup> In Gorman Condon, p. 50.

<sup>24</sup> Gorman Condon, pp. 49-50.

The system of representative government that imperial and colonial (elite) representatives sought to establish in British North America after the American Revolution was thus authoritarian, and intended to keep democratizing tendencies at bay.<sup>25</sup> The Loyalists' proposals included the naming of a Governor General to oversee the British colonies in North America. Given the distance between the colonies and Britain, royal representation was required closer to home. The leadership of the colony would be in the hands of a small group of propertied men. They were motivated as individuals by the need to re-establish themselves and their families in a new colony, but their prescriptions for New Brunswick also emerged from eighteenth-century ideas regarding social stratification and order. The imposition of rules, through law and political authority, was necessary in order to prevent people's impulses towards self-interest and greed from taking over. Stratification was both inevitable and necessary. As men with strong religious backgrounds, an enlightened education, and experience in leadership, the members of the Loyalist elite saw themselves as well-suited to this task; indeed they considered it their responsibility to provide political leadership.<sup>26</sup> Reverend Charles Mongan, who presented the case of St. John River Loyalist Officers in London, argued that one of the goals of government was "to deliver well meaning people from themselves."<sup>27</sup> As military men, they also had a strong sense of loyalty to each other.<sup>28</sup> Not all Loyalists agreed. Some argued, to the contrary, that the elected assembly should be comprised of "middling men" who could check the power of the executive branch of

---

<sup>25</sup> Bannister, "Canada as Counter-Revolution," p. 104.

<sup>26</sup> Gorman Condon, *The Loyalist Dream*, p. 45-6.

<sup>27</sup> Gorman Condon, *The Loyalist Dream*, p. 47.

<sup>28</sup> Gorman Condon, *The Loyalist Dream*, p. 132.

government.<sup>29</sup> This antagonism of vision manifested in the first election, as will be explored subsequently.

Thomas Carleton, a colonel and the brother to Sir Guy Carleton (who became Lord Dorchester in 1786), was appointed governor of the new colony of New Brunswick. Ten of the twelve members of the council were likewise loyalists: six military men from Massachusetts (including Edward Winslow and Jonathan Sewell), and four Loyalists from the middle colonies. The remaining two seats were taken by representatives of pre-Loyalist inhabitants who had allied themselves with the Loyalists.<sup>30</sup> William Hazen, a merchant, had arrived in 1775 from the Thirteen Colonies, and became royal customs collector for the port of Saint John. His property had been destroyed during the revolutionary war, and he had been imprisoned by the revolutionaries. He was dissatisfied with the Halifax-based governance of the British territories north of the Bay of Fundy, and he found common ground with other elite Loyalists. He also hoped to secure protected trade within the British Empire, and his firm, Simonds, Hazen and White prospered through London connections and mast contracts.<sup>31</sup>

Fault lines would soon appear between the military and mercantile interests in the new colony, but the governor and council were united and worked quickly to create a capital and military base at Fredericton, establish the incoming settlers with land grants –

---

<sup>29</sup> W.S. MacNutt argues that both sides invoked Britishness in the defence of their respective views. W.S. MacNutt, *New Brunswick: A History: 1784-1867* (Toronto: Macmillan of Canada, 1963), pp. 60-61.

<sup>30</sup> In addition to Winslow, Sewell, and Hazen, the other Council members were Daniel Bliss, James Putnam, Joshua Upham, Abijah Willard, George and Gabriel Ludlow, Isaac Allen and Jonathan Odell. Major Guilford Studholm (the other existing inhabitant). Gorman Condon, *The Loyalist Dream*, p. 133.

<sup>31</sup> Gorman Condon, *The Loyalist Dream*, p. 80.

displacing much of the Acadian and Aboriginal population in the process – and divide the colony into eight counties.<sup>32</sup> Justices of the Peace, who played an important role in alcohol licencing, were appointed at the county level by the council executive. In addition to the status afforded by the position, justices held political power within the counties and made appointments at the parish level.<sup>33</sup> The parish, rather than the town, became the basic unit of government in each county. This was done with the intention, as outlined above, of countering the democratic impulses of local government, and in particular the New England town government custom.<sup>34</sup> Parish officers, including fence viewers, pound keepers, constables, assessors and surveyors of roads, commissioners of highways and overseers of the poor, were appointed annually in the general sessions of the county courts.<sup>35</sup> An appointment at the parish level could be an entry-point for men aspiring to public service. They began with minor offices such as pound keeper, and progressed to increasingly responsible offices, including overseer of the poor, before moving to county-level appointments and, potentially, election into the provincial assembly.

The one significant exception to this model of government was Saint John, which was incorporated in 1785 by combining the two settlements of Parr-town and Carleton at the mouth of the St. John River. The city received the first municipal charter in British

---

<sup>32</sup> In the first year before an elected legislature was established, the governor and council heard 1,700 land petitions, mostly involving settlers seeking to acquire the grants they had been promised. Bell, *Loyalist Rebellion*, p. 104.

<sup>33</sup> Klein, Kim, “Paths to the Assembly in British North America: New Brunswick, 1786-1837,” *Acadiensis* 39.1 (winter/Spring - Hiver/Printemps, 2010), para. 17. Accessed online, <http://journals.hil.unb.ca/index.php/acadiensis/article/view/15387/16529>.

<sup>34</sup> MacNutt speculates that the word parish “was perhaps suggestive of the urbane manner in which the villages of England had been governed since the days of Queen Elizabeth, and reminiscent of the English villagers’ obedience to the government.” MacNutt, *New Brunswick*, p. 56.

<sup>35</sup> Klein, “Paths to the Assembly,” para. 15.



North America, with Halifax, Quebec City, Montreal, Kingston and Toronto being incorporated only in the 1840s (and Charlottetown in 1855).<sup>36</sup> The mid-nineteenth century development of these municipal regimes, and the accompanying granting of powers, was part of a conscious experimentation with self-governance and the “territorialisation of state power at the local level” during the decades before Canadian Confederation. Michèle Dagenais has argued that “commonplace issues” associated with daily life, such as street cleaning and snow removal, lighting, firefighting, road maintenance, garbage removal, water distribution, as well as the upkeep of police forces and establishment of schools, were “crucial issues, essential to the proper organization of social and political life.”<sup>37</sup> The New Brunswick context of the 1780s was significantly different, however, in that incorporation was intended to be a mechanism to exert more control over transient and politically-unruly residents through an appointed mayor and local magistrates who had regulatory authority. “I was led by a conviction,” the Governor informed London, “that it was the most efficacious measure that could be adopted to reclaim the multitude and to promote the habits of order and industry...”<sup>38</sup> New Brunswick, with the early incorporation of Saint John, and the discussions and debates among governing authorities regarding local governance in general, provides an interesting lens through which to examine pre-Confederation processes of state formation

---

<sup>36</sup> Michèle Dagenais, “The Municipal Territory: A Product of the Liberal Order?” in *Liberalism and Hegemony: Debating the Canadian Liberal Revolution*, edited by Jean-François Constant and Michel Ducharme (Toronto: University of Toronto Press, 2009), pp. 208, 211.

<sup>37</sup> Dagenais, “The Municipal Territory,” pp. 209-210.

<sup>38</sup> Carleton to Sydney, 13 May, 1786. Quoted in MacNutt, *New Brunswick*, pp. 59, 466.

well before the “colonial leviathan” of the 1840s.<sup>39</sup> This chapter highlights the role of taverns as public spaces in this process, as well as the ways in which the consumption of alcohol was intertwined with political and economic narratives in colonial New Brunswick.

### ***Saint John Public Houses, Drink, Disorder, and the First Election***

Almost five decades separated the British conquest of Nova Scotia and the establishment of the first elected assembly in the province, and almost a decade passed between the founding of Halifax and the first assembly in 1758. On the Island of St. John, the time between the two was much shorter; only four years. In New Brunswick, the gap was smaller still. The Governor and members of the council considered themselves to have an obligation and a right to govern. They were propelled by the notion that Britain’s failure in the Thirteen Colonies had been, in part, a failure to govern, and they set about organizing the mechanism of colonial administration before any significant infrastructure of governance, or settlement for that matter, had been put in place in terms of buildings, roads, or a secure revenue base. As with early patterns of settlement in Nova Scotia and on the Island of St. John, the physical, cultural, political and military landscapes of roads, bridges, tents, wooden houses, taverns, churches and other public buildings, laws,

---

<sup>39</sup> See Alan Greer and Ian Radforth, “Introduction,” in *Colonial Leviathan: State Formation in Mid-Nineteenth-Century Canada* (Toronto: University of Toronto Press, 1992).

cultural practices, encroachment on Aboriginal lands, and military power revealed both the fragility and possibility of empire, and, as an extension of this, colonial authority.<sup>40</sup>

Twenty six assembly seats were allocated in total and, as elsewhere in the British Atlantic world, only adult men could exercise the voting right. Unlike in other British colonies, however, the standard property-owning requirement associated with suffrage was waived because many people had not yet been granted land or town lots. Men over twenty-one years of age who had resided in New Brunswick for at least three months were eligible to vote, with the exception of former slaves.<sup>41</sup> This significantly broadened the franchise, despite the protests of propertied and elite Loyalists who feared the province would be run by men incapable of governing. According to historian David Bell, this “nearly universal manhood suffrage” was likely without precedent in the North Atlantic world.<sup>42</sup> Although they had reason to be concerned in the short term, the protests appear to have been overstated over the course of the period covered by the present study. Kim Klein has examined 152 men who served in the colonial assembly between 1786 and 1837 and concluded that “the paths to the assembly that New Brunswick legislators

---

<sup>40</sup> The concept of both the fragility and possibility of empire borrows from Linda Colley’s analysis of the “paradoxes of the pursuit of global dominance” in her study of the “underbelly” of the British Empire through captivity narratives, in which the invaders/warriors became captives as well as the “encroached upon and invaded.” Linda Colley, *Captives: The Story of Britain’s Pursuit of Empire and How its Soldiers and Civilians were Held Captive by the Dream of Global Supremacy, 1600-1850* (New York: Pantheon Books, 2002), pp.19-20.

<sup>41</sup> Governor Carleton noted that freed slaves, both the few that had served militarily and the refugees who had escaped to the British Lines, were allowed all the privileges of British subjects except for the right to elect General Assembly representatives. PANB, RS 330 A/3C, Vol. 3, 1791-1795. Carleton Letterbooks Vol. 3, Thomas Carleton to Henry Dundas, Fredericton, 13 December, 1791.

<sup>42</sup> An attempt to give voting privileges to army officers and soldiers, in an effort to increase pro-government votes, did not meet with success. Carleton sided with British precedent that those in the pay of the Crown were not entitled to vote. Bell, *Loyalist Rebellion*, pp. 109, 115-6.

followed conformed to those established by assemblymen throughout colonial British America, before and after the American Revolution.”<sup>43</sup> Members of the Assembly were increasingly distinguished by their prominent social origins, records of service in local offices, wealth, and formal education. During the first election, the majority of seats were held by members sympathetic to the vision of the Governor and Council, although the assembly was not without a strong dissenting voice.

The most significant opposition to the elite-Loyalist vision was in the port town of Saint John, where merchants and lawyers, stood in opposition to elite property-owning Loyalists.<sup>44</sup> The antagonisms, however, did not emerge in Saint John only during the first election. The roots of discontent were planted in the tumultuous pre-departure sorting in the United States, and in particular in disagreements regarding land allotments and the petition of 55 elite Loyalists for 5,000 acres each in Nova Scotia.<sup>45</sup> Another group of Loyalists met at Roubalet’s Province Arms tavern on Broadway in New York to draft a counter-petition. In the end, 628 people showed up at the tavern to sign the petition. It became both a pragmatic tool to lobby for land concessions, but also a “mobilizing symbol of what many claimed was a conspiracy to reduce the rank and file of Loyalists to the status of landless ‘slaves.’”<sup>46</sup> Lawyer Elias Hardy was one of the organizers of the counter-petition, and was to play a decisive role, also, in divisions that emerged a few years later in Saint John. Roubalet’s tavern was also the meeting place in New York for

---

<sup>43</sup>Klein, “Paths to the Assembly,” para. 4

<sup>44</sup> Gorman Condon, *The Loyalist Dream*, pp. 146-7.

<sup>45</sup> Bell, *Loyalist Rebellion*, p. 76.

<sup>46</sup> Bell, *Loyalist Rebellion*, p. 77.

Loyalist freemasons, who were closely connected to political discontent in New Brunswick.<sup>47</sup>

As in New York and other colonies of British North America, taverns provided one of the few public spaces where political discussion, debate, and sometimes violent discontent could flourish. Saint John in the 1780s – a quickly-growing seaport town with divisions that extended backwards to New York and beyond -- was no exception. In the Lower Cove of southern Parr-town, on the east side of the river's mouth, where opposition to the Governor and Council was strongest, a tavern toast expressed this discontent: "Damn the Irish Governor and His Yankee Council."<sup>48</sup> Pro-government Loyalists could also attempt to discredit their political adversaries by associating them with establishments frequented by the 'lower orders' of St. John. George Leonard, a Massachusetts Loyalist of high social rank who had received a quarterly support allotment of £50 (as well as an appointment as Sunbury County magistrate), wrote to Edward Winslow in April, 1784, describing the ongoing tensions associated with the division of town lots in Saint John. As new vessels arrived in the harbour, lots had to be subdivided again and again in order to accommodate the burgeoning population. Leonard complained of the collusion between Hardy and Nova Scotia Chief Justice Bryan Finucane, in the subdivision of lots: "For God's sake let us have in our new-expected Province a Chief Justice that will not give credit to every idle report from barbers and Grog shops, as this man has done since he has been here."<sup>49</sup>

---

<sup>47</sup> Bell, *Loyalist Rebellion*, footnote 4, p. 166.

<sup>48</sup> Gorman Condon, *The Loyalist Dream*, p. 146. The Carleton's were Anglo-Irish.

<sup>49</sup> George Leonard to Edward Winslow, Parr, 30 April, 1784, in *Winslow Papers A.D. 1776-1826*, edited by W.O. Raymond (St. John: New Brunswick Historical Society,

Leonard's reference to grog shops was an attempt to further discredit Hardy and Finucane. Although grog shops existed in Saint John, as in Halifax, they existed at one end of the tavern-going spectrum. "Coffee Houses" were on the other, with gradations and nuances in between. Hardy had practiced law in London for five years before embarking for Virginia on the eve of the Revolutionary War. The men with whom he sought alliances (including those in the New York tavern on Broadway), were clearly not the soldiers, sailors, servants, and perhaps transient settlers, who frequented unlicensed taverns.<sup>50</sup> Leonard's missive to Winslow was not intended to imply that Hardy and the Chief Justice frequented grog shops themselves, but rather that their association with the people who did limited their ability to exert proper authority – that is, to govern.

Saint John taverns played a direct role in the evolving narrative of political struggle between middling and elite Loyalists during the first election in New Brunswick, in November, 1785, and the communication between Leonard and Winslow acknowledged the presence of public houses in the pre-election political landscape. The election was to be held through a rotating poll, and taverns – often the only public meeting spaces – could serve as polling stations where electors voted aloud, six people at a time.<sup>51</sup> Flags, badges, handbills, and press propaganda were employed in attempts to persuade voters on each side, and in Saint John, would-be voters were "supplied cheer at

---

1901), pp. 186-7. Finucane spent a month in Saint John in April, 1784. Bell, *Loyalist Rebellion*, p. 89.

<sup>50</sup> Victualing lists from the spring of 1784 in Saint John indicated that Hardy had one servant, and – if a man -- this person may have engaged in idle gossip in grog shops about Hardy's political manoeuvrings. From David Bell's list of Refugee Loyalist Households. D.G. Bell, *Early Loyalist Saint John: The Origins of New Brunswick Politics, 1783-1786* (Fredericton: New Ireland Press, 1983), p. 207.

<sup>51</sup> Bell, *Loyalist Rebellion*, p. 111.

tippling houses” as well.<sup>52</sup> Mallard House on King Street, for instance, was a polling station in the Upper Cove, and a tavern in the Lower Cove owned by a McPherson was also operated as a polling station. It is not clear if this was the same McPherson associated with a coffee house in the Upper Cove, a point that will be returned to below.

Sheriff William Oliver established the poll on 07 November at McPherson’s in the Lower Cove, but moved it to Carleton, and then to Mallard House on King Street after threats of violence. Mallard House was owned by Thomas Mallard, a second lieutenant with the 37<sup>th</sup> Company of Militia, born in England, who would have been in his early thirties at the time. He arrived in New York in 1776, and in New Brunswick in 1783. His household in Saint John included one adult woman, who must have been his wife Ann, three children under ten, and four servants. Mallard received lot P495, but appears to have purchased lot P393 from printer William Ryan on 04 August, 1785.<sup>53</sup> Mallard House was erected on King Street on lot 393, and was one of the first buildings in Parr-town. It was forty feet wide and two stories high. The ‘Long Room’ was used as a theatre, and St. John’s Lodge also met in the upper story hall in the early nineteenth century.<sup>54</sup>

During the election, a fight erupted amidst drinking at McPherson’s in the Lower Cove. The tumult quickly evolved into a march to the Upper Cove (approximately half a

---

<sup>52</sup> Bell, *Loyalist Rebellion*, p. 111, and MacNutt, *New Brunswick*, p. 61.

<sup>53</sup> Thomas Mallard was listed as receiving lot P495 in the List of Parr Grantees. In Bell, *Early Loyalist Saint John*, Appendix VII, p. 165. For the purchase of lot P393, for nine guineas, see *Loyalist Freemasons from the State of New York*,” compiled by R.’.W.’. Gary L. Heinmiller (August/September, 2010), p. 86. Available online. [http://www.omdhs.syracusemasons.com/sites/default/files/history/Loyalist\\_20Freemasons.pdf](http://www.omdhs.syracusemasons.com/sites/default/files/history/Loyalist_20Freemasons.pdf). Accessed 27 January, 2015.

<sup>54</sup> Bell, *Loyalist Rebellion*, p. 76, and “Loyalist Freemasons,” compiled Heinmiller, p. 86.

kilometre away). According to an eye witness account from the king's printer, Mallard House, and the government supporters inside, were besieged by club-wielding Lower Covers. The attackers forced open the door, demolished windows, and injured several "gentlemen" inside, who threw back stones that had been thrown in the house in self defense.<sup>55</sup> Governor Carleton wrote to Lord Sydney on 30 November recounting his version of events. Elias Hardy had convinced people of the Lower Cove to "avoid Government Men" and had also intoxicated "the lowest Class during the continuance of the Poll." In other words, the drinking at McPherson's was not accidental or casual, but according to Carleton had been intentionally instigated by Hardy to rouse the electorate. This, Carleton reasoned, caused the "blows," and the riot that ensued as well.<sup>56</sup> Troops were brought in to restore order, the most active rioters were put in jail, and the poll was temporarily closed.<sup>57</sup> Six candidates accused the government of corruption and "undue influence" and petitioned for a new election, while Governor Carleton wrote to Lord Sydney regarding the "disorderly conduct" of the "motly description of people" that had assembled at Saint John, and called for firm punishment.<sup>58</sup> Lord Sydney supported Carleton in the matter, with an accompanying suggestion that future elections include a property qualification.<sup>59</sup> The lack of a naval guard ship, and the "slender Garrison" of only two companies were both, in Carleton's assessment, factors that left the area vulnerable to disorder. Public injunctions were issued against "opening Houses for the

---

<sup>55</sup> The onlooker's full description, given in Bell, can be found in PANB, RG 15 November, 1785. Bell, *Loyalist Rebellion*, pp. 113, 171.

<sup>56</sup> PANB, RS 330 A/C Carleton Letterbooks Vol 1, 1784-1787. Thomas Carleton to Lord Sydney, St. John's, 20 November, 1785.

<sup>57</sup> Gorman Condon, "Loyalist Arrival, p. 192.

<sup>58</sup> Gorman Condon, *The Loyalist Dream*, p. 148, and PANB, RS 330 A/C Carleton Letterbooks.

<sup>59</sup> Gorman Condon, *The Loyalist Dream*, p. 148.



entertainment of the people” with the “connivance of the Candidates,” as a means to help prevent further disorder.<sup>60</sup> The fallout from the electoral disturbances illuminated the intersections among public houses, disorder, political processes, governance, and military strength (or the lack thereof) in early New Brunswick.

It is difficult to estimate the number of taverns in existence at the time of the election. Although the area had been nominally under British control since 1713, it was not until 1758 that the British established a permanent, fortified presence there. In the mid-1760s, William Hazen and other merchants began trading fur and fish in the area. They also engaged in lime burning, fish building, masting and supplying both the garrison and upriver settlements with provisions.<sup>61</sup> Despite a small population base, there was considerable commercial activity in the area, and most merchants also held civil appointments. Hazen was named High Sheriff, collector of customs, and commissary of the Garrison at Fort Howe. Two of his partners, James Simonds and James White became justices of the peace. When the Loyalists began arriving in 1783, there were approximately 420 residents at the mouth of the river, mostly merchants, soldiers, officers and their families.<sup>62</sup> When the city was incorporated a few years later – the year of the election – over 500 freemen were included on the official list, with very few being added for the next twenty years. There were only two tavernkeepers on the list, but five

---

<sup>60</sup> PANB, RS 330, Carleton Letterbooks, Thomas Carleton to Lord Sydney, St. John’s, 20 November, 1785.

<sup>61</sup>The garrison remained there for ten years. William Hazen and other partners had been granted land in Conway in 1765, and three years later several partners were granted licenses to occupy land at Portland Point. By 1783 the three living partners controlled 60,000 acres at the mouth of the St. John. Bell, *Early Loyalist Saint John*, pp. 35-36.

<sup>62</sup>Bell, *Early Loyalist Saint John*, p. 36.

inn-keepers, as well as three shop-keepers and one brewer.<sup>63</sup> In addition to the Mallard House, McPhersons's tavern in the Lower Cove, and the Exchange Coffee House (described below), Charles Loosley and James Kirk operated taverns in 1784, and John Stinton operated one in 1786.<sup>64</sup>

In theory, only freemen could be employed in the city, although in practice many people, in particular labourers and servants, worked in Saint John without the possession of freedom. City officials were more likely to enforce the prohibition for occupations with the highest status, and those in the middle, including grocers and merchants, received partial protection. Many tavern owners were minor merchants. Inn owners would have been higher up the occupational ladder in terms of status, thus likely accounting for the official number of inn-keepers on the list of freemen.<sup>65</sup> Owners of grogshops, and similar establishments, could have operated below the official radar as did many other people with occupations of lower status.

In the Upper Cove, where loyalty to the government was strongest, and commerce also was the most robust, a Charles McPherson opened an upscale public house in 1784. Two Charles McPhersons resided in Saint John at the time, and two taverns – one in the Upper Town and one in the Lower – were associated with the name McPherson, thus making it difficult to establish clear ties between tavern ownership and specific men. Ship information, lists of Loyalists, and information on New Brunswick freemasons, taken

---

<sup>63</sup>Esther Clark Wright, *The Loyalist of New Brunswick* (Fredericton, 1955), pp. 160-2.

<sup>64</sup> Both the Scots Friendly Society and the freemasons meet at Kirk's tavern in the Lower Cove district. Bell, *Loyalist Rebellion*, pp. 65-6, 83, and PANB, *The Royal Gazette*, 06 June, 1786, p. 3.

<sup>65</sup>T.W. Acheson, *Saint John: The Making of a Colonial Urban Community* (Toronto: University of Toronto Press, 1985), p. 31.

together, help fill in the gaps. In 1783, the McPherson noted above received lot P402, fronting on Prince William and King Streets (the ‘P’ referred to Parr-town). Esther Clark Wright also notes, in her list of New Brunswick Loyalists, that he was a merchant of Scottish origin.<sup>66</sup> Wright’s list only includes one Charles McPherson, but the updated Loyalist list provided by D.C. Bell includes two people of that name. One was a New York merchant and refugee associated with Unit 22 who sailed to Saint John on *Elizabeth*. In New York, his household was listed as including two adults and three servants, and in May, 1784 in Saint John, two adults, three children under ten, and two servants were associated with McPherson.<sup>67</sup> Less is known of the other Charles McPherson, who sailed on the vessel *Camel* with one adult and two children ten years of age or older.<sup>68</sup> As with many other vessels, *Camel* made more than one voyage. The passage with the spring fleet had the largest number of passengers disembarking at Saint John – 110 adults and children ten or older, and 25 children under ten. A second voyage in September carried mostly Baptists and Quakers, but only a few people disembarked, and a late voyage in December resulted in many passengers over-wintering on the ship. It was likely that this Charles McPherson travelled with the spring fleet. The limited extant information on the two McPhersons suggests that the merchant who received lot 402 was better off than the other Charles. More information was recorded about him, including his occupation, the presence of servants in his household, and that he was given a lot in the Upper Cove. Who, then, owned McPherson’s tavern (also referred to in the secondary literature as McPherson’s Coffee House) in the Lower Cove? To further complicate this

---

<sup>66</sup> Wright, *The Loyalists*, p. 314.

<sup>67</sup> Bell, *Early Loyalist Saint John*, p. 221.

<sup>68</sup> Bell, *Early Loyalist Saint John*, p. 221.

question, a list of Loyalists in New York during the American Revolution compiled by the Onondaga and Oswego Masonic Districts Historical Societies in 2010 lists a Captain Peter McPherson (born in Scotland in 1751, and associated with Lodge 169 in New York) as having joined the lodge (PGL) in Nova Scotia in 1786, and as a resident of Parr Town, New Brunswick.<sup>69</sup> As a captain, he would not have appeared on the list of Refugee households along with the other two Charles McPhersons, but he was on the list of Grantees of Parr and Carleton as the recipient of lot P 1119.<sup>70</sup> A closer examination of the Coffee House in the Upper Cove, for which more extant information exists, although not decisively answering the question, does allow for judicious speculation. Given the references to McPherson's tavern in narratives of the election-related disorder in Saint John, the following paragraphs may provide a point of departure for future researchers on this question.

Charles McPherson, New York merchant, was granted lot P402, but did not want to keep it.<sup>71</sup> He attempted to sell it for £15, but was not able to, and on 05 August, 1784 he advertised the "Coffee House" at that location as a place of refreshment. According to John Russell Armstrong, writing in the early twentieth century for the New Brunswick Historical Society, it had taken fifteen months to construct the substantial two-and-a-half story building (plus basement), suggesting that McPherson arrived in Saint John with the

---

<sup>69</sup> "Loyalist Freemasons," compiled by Heinmiller, p. 10.

<sup>70</sup> The list, in turn, was put together from the Samuel Hallett Papers, NBM. Bell, *Early Loyalist Saint John*, pp. 155, 165.

<sup>71</sup> Charles McPherson was also among a group of people who also were granted lots 910-19 in trust for Church of Scotland settlers. Bell, *Early Loyalist Saint John*, p. 81, footnote 44.

spring fleet in 1783.<sup>72</sup> Shortly after opening, Governor Carleton held a ball and supper in the Assembly room of the Exchange Coffee House, with 100 men and 30 or 40 women in attendance. Benjamin Marston noted in his journal that the “ladies were of the best families only, but the gentlemen were of all sorts,” this hinting at the mixed backgrounds of pre-Loyalist and Loyalist inhabitants of the city. Marsten also noted that the room was small for the size of the company being entertained.<sup>73</sup>

McPherson provided a concise description of the Exchange Coffee House in 1789, when he was attempting to sell the establishment. In an advertisement placed in the *St. John Gazette and Weekly Advertiser*, he noted the building faced the public marketplace and ran 50 feet on Prince William Street, and 80 on Kings Street. The Assembly Room on the second floor was 50 by 25 feet. It shared the same floor with a parlour and a bedroom. A third floor contained eight “well finished” bedrooms. On the first floor a 25-square foot room was “comleatly fited up for a Coffee-room.” The main floor also contained a parlour (24 by 15 feet), and adjoining bar room. Another 26 by 15 feet room was being used as a store, and another “well frequented” store was located under the first floor, fronting the street. The store contained a kitchen and a stone cellar.<sup>74</sup> McPherson’s Coffee House was a public house with the pretensions of the Coffee Houses in London, the Crown Coffee House in Boston, the Grand Pontack in Halifax, and perhaps even the ill-fated Hotel Italian palace in Charlottetown, in orientation if not the

---

<sup>72</sup> Unfortunately, not all primary sources are cited in the article. J.R. Armstrong, “The Exchange Coffee House and St. John’s First Club,” *Collections of the New Brunswick Historical Society* Vol. 3 No. 7 (Saint John, The Telegraph Publishing Society, 1907), p. 60.

<sup>73</sup> In Armstrong, “Exchange Coffee House,” pp. 61-62.

<sup>74</sup> Chas. McPherson, “Sale of the Exchange Coffee House,” *St. John Gazette and Weekly Advertiser*, St. John, 01 May, 1789. In Armstrong, “Exchange Coffee House,” p. 62.

full stature. (Both Boston and Montreal opened establishments with the name Exchange Coffee House as well, but not until the nineteenth century.) As noted in Chapter One, coffee houses in the Thirteen Colonies could be simply upscale taverns where alcohol was consumed, sometimes to intoxication. On the other hand, as in London, they were more often sites for elite, “gentlemanly” consumption in the port towns of British America. McPherson’s Coffee House was in keeping with similar elite establishments of British North America, given both its dimensions and its name. It had multiple rooms that encompassed diverse functions, including a store and accommodations for travellers. The store was rented out, and the lodgings may have been also. The establishment contained separate spaces for consumption and socializing that catered to different types of functions, as well as varying clientele, from the Assembly Room and parlour to the bar room, a key factor differentiating it from a tavern.

Mallard House, around the corner and down the street, was an establishment on par with the Exchange Coffee House, with two stories, separate meeting spaces, and theatrical productions. The elite of Saint John would have also gathered to socialize in private homes. Marston, for instance, referred to Ward Chipman’s large house as “Felicity Hall” in a 1785 letter to his cousin Edward Winslow, and also described a social event held there:

Last Wednesday exhibition at the Hall, under the auspices of General Chippy, a monstrous Ball & fine supper to about 36 gentlemen & Ladies such as Governors, Secretaries, Chief Justices, Chancellors & such kind of people with their wives and daughters. We ate, drank, danced, & played cards till about 4 o’clock in the morning. We had everything for supper. It is difficult to conceive how his Gen’lship could collect such a variety of luxurious viands together in such a place as this.<sup>75</sup>

---

<sup>75</sup> Ward Chipman to Edward Winslow, 1785. *Winslow Papers*, edited by Raymond.

The observations regarding theatrical productions at Mallard House, balls at the Coffee House, and elegant dining, drinking and dancing at Felicity Hall, provide insight into elite socializing in early Saint John, including the spaces where people gathered, who was present, what was consumed, and the activities that took place. The McPherson's tavern or coffee house mentioned by historians W.S. MacNutt and David Bell as the Lower Cove gathering place for the faction opposing the government slate in the election would not have been the same establishment described above on lot 402. It is possible McPherson's tavern in the Lower Cove, a public house of less stature than the Exchange Coffee House, was owned by the other Charles McPherson, also a Loyalist. Another possibility is that the references to the tavern and coffee house as both belonging to Charles McPherson represents an error born of association. Captain Peter McPherson also received a lot in Parr-town (1119), and the possibility that he may have been the proprietor of a public house cannot be discounted.<sup>76</sup>

The owner of lot 402 and the Exchange Coffee House may also have owned a tavern in the Lower Cove. His desire to sell the lot he had been granted in the Upper Cove suggested he was interested in setting up shop elsewhere, and only established the coffee house in the emerging mercantile centre of Parr-town when he was unable to sell the lot. Attempting to identify tavern ownership more precisely helps, in turn, to identify political and cultural landscapes of the port town. The binary division between the Lower Cove and the Upper Cove, and the government and anti-government forces corresponding to each, in the secondary literature has perhaps been overstated. Bell, for

---

<sup>76</sup> The lot association is in Bell, *Early Loyalists*, p. 165.

instance, draws the following conclusion regarding tavern landscapes and political allegiances: “In the late eighteenth century, taverns were informal political nurseries, so it’s not surprising that the Upper Covers chose Mallard House as their headquarters. In contrast, [Tertullus] Dickinson’s slate were known popularly as the ‘Lower Covers,’ and they too had a tavern headquarters, Charles McPherson’s coffee house.”<sup>77</sup>

The reality on the ground, of merchants and retailers who adapted to the shifting urban landscape and responded to the practicalities and difficulties of commerce, was more fluid. Two examples give weight to this possibility. In 1786, McPherson leased the Coffee House in the Upper Cove to William Thomson and Alexander Reid for £1,200, a considerable sum. Reid was one of the Lower Cove candidates elected to the Assembly, and yet chose to do business in an Upper Cove establishment that catered to the elite gentlemen Loyalists and their wives (for certain social occasions) who would have been their political adversaries. The Coffee House, again in keeping with similar establishments in the British Atlantic world, including the original coffee house in London, was an establishment for merchants. In 1784, White Raymond (a Connecticut taylor who arrived on *Two Sisters* with one adult woman) petitioned the government of Nova Scotia (through the Sessions of the Peace for Sunbury County) to open a public house of entertainment at Parr-town, on the corner of Sydney and Brittain Streets in the Lower Cove.<sup>78</sup> By 1800, however, he had become Charles McPherson’s tenant in the Exchange Coffee House, where he opened a Coffee-Room “for the reception of the Gentlemen Merchants and others,” where subscribers could read newspapers from

---

<sup>77</sup> Bell, *Loyalist Rebellion*, p.

<sup>78</sup> Oliver Arnold certified that Raymond was “an honest, good man” and “in a situation to accommodate the Public.” Armstrong, “The Exchange Coffee House and St. John’s First Club,” p. 63 and Bell, *Early Loyalist Saint John*, p. 233.



London, Boston and New York. An example of the civilizing influence of commerce, and also in keeping with Klein's assertions regarding 'paths to the assembly,' the social and economic identities of Saint John merchants were more fluid than their early political leanings would suggest. At least four of the Lower Cove candidates, including Richard Lightfoot, Richard Bonsall, Peter Grim and John Boggs, were freemasons.<sup>79</sup> McPherson may have been a freemason, also, and may have wanted to sell his lot in the Upper Cove in order to relocate to the Lower Cove where other freemasons (who were also merchants with political aspirations), had tended to congregate.<sup>80</sup>

The attempt to reconstruct the tavern landscape of early Saint John is a way of filling in the blanks for the historical record. Beyond this, however, it also offers the potential for a historiographical reassessment of the binary association between taverns and politics, and supports the suggestion that tavern ownership and political alignments, along with social and economic mobility, were more fluid than has been suggested in the literature on the subject. In keeping with the mention in Chapter One of micro-and macro-history as well as political, economic and social history, the above discussion connects the micro-level social history of public houses with broader 'macro' political realities. The focus on an emerging mercantile port town of the British Atlantic world also underscores the need to move beyond national 'Canadian' historiographies to examine New Brunswick and other Maritime colonies of British North America in an Atlantic context.

---

<sup>79</sup>Bell, *Loyalist Rebellion*, p. 171, footnote 16.

<sup>80</sup> Thomas Mallard was also a freemason, and was based in the Upper Cove. He was listed among the Loyalist freemasons of New York, as a member of Lodge 210, in 1780. The inauguration of the Saint John Lodge at Mallard House was in 1802, and Thomas Mallard died in either 1793 or 1803. "Loyalist Freemasons," compiled by Heinmiller, pp. 10, 85-6.

### ***Regulating Tavernkeepers: The 1786 Act***

The votes were cast and counted several days after the election of 1785, and the result appeared to add up to a victory for the forces opposing the elite established order. The ‘Upper Cove’ slate, however, demanded a scrutiny of the votes. It was carried out by high sheriff, Sanford Oliver, and enough opposition candidates were deemed not to have met the three-month residency requirement to discount their electoral wins. Despite opposition appeals, six government candidates were voted into the Legislative Assembly for Saint John.<sup>81</sup> The divisions and discord at Saint John continued beyond the first election, becoming a significant cleavage among governing authorities in the 1790s. This had an impact on alcohol through debates around revenue bills, as will be examined subsequently. From the inception of the legislature, however, other ‘rank-and-file’ Loyalists elected to the legislature, and the settlers who voted them in, operated under the assumption that loyalty to Britain, a respect for local leadership, and the right to govern one’s own affairs could all easily co-exist.<sup>82</sup> This tumultuous beginning of the first elected government provided the backdrop for two bills introduced in the legislative assembly in the final years of the 1780s. The first focused on places where alcohol was sold, and the second empowered justices to issue licenses.

Fredericton had been named the capital of New Brunswick, but had not yet become operational in this regard, and the government continued to be based in the province’s principal settlement at Saint John. The Governor, Council and newly-elected

---

<sup>81</sup> For a full discussion of these divisions during the first election, see Bell, *Loyalist Rebellion*, pp. 109-120.

<sup>82</sup> Gorman Condon, “Loyalist Arrival,” p. 192.

House of Assembly held their first legislative session at Mallard's tavern, where the windows broken during the election riot had been repaired.<sup>83</sup> The first act regulating alcohol consumption in New Brunswick, *An Act for Regulating Inn-holders, Tavern-keepers and Retailers of Spirituous Liquors*, was among the seventy-five bills reviewed during this first session.<sup>84</sup> The act was short, with four clauses, and focused on sellers and consumers of alcohol in retail establishments and taverns. The language of the act was almost identical to the 1762 Nova Scotia act of the same title, a point that will be returned to below. Unlike in Nova Scotia, however, where the regulation of the unlicensed selling of alcohol featured much more prominently in early proclamations and statutes, the 1786 New Brunswick statute, and a 1787 statute empowering justices to issue licenses, were the only pieces of alcohol legislation introduced in New Brunswick until the second decade of the nineteenth century. The absence of legislation dealing with unlicensed selling and imbibing of alcohol is a salient feature of alcohol legislation in New Brunswick compared to Nova Scotia. The first statute introduced on the Island of St. John in 1773 (as examined in the previous chapter) appeared to have also borrowed from Nova Scotia legislation, but focussed on the 1758 NS statute that addressed unlicensed sales of rum and other spirituous liquors. The 1773 island legislation also touched upon the problem of drunkenness. The first significant piece of alcohol legislation introduced in both Nova Scotia and on the island thus dealt with unlicensed selling and imbibing, as well as excessive consumption of alcohol. Legislators in New Brunswick were aware of the legislative context of Nova Scotia, and yet chose to not focus on issues of unlicensed

---

<sup>83</sup> Bell, *Loyalist Rebellion*, p. 122.

<sup>84</sup> PANB, RS 3, Published Statutes and Regulations of New Brunswick, "An Act for Regulating Inn-holders, Tavern-keepers and Retailers of Spirituous Liquors."

selling and drinking, or debauchery and drunkenness, in eighteenth-century alcohol legislation. They concentrated, instead, on licensed establishments (in 1786) and on the administrative mechanism for establishing licencing regulation (in 1787). The electoral unrest in Saint John notwithstanding, the government did not consider illegal or excessive consumption to be a significant enough problem to warrant regulation by statute.

In the 1786 act, neither inn-holders, tavern or ale-house keepers, nor retailers, could sell "any wine, strong beer, ale, brandy, rum or other spirituous liquors mixt or unmixt" to soldiers, sailors, servants, "or other person whatsoever" for any amount above five shillings. In identifying a wide range of both fermented and distilled alcoholic beverages, the act mimicked legislation in the other two Maritime colonies. It was not always the case in the British American colonies that no restrictions were placed on the type of alcohol sold. In seventeenth-century Massachusetts, license holders faced restrictions in the type of alcohol they could sell. In Boston in 1677, for instance, only seven of twenty-seven establishments selling alcohol could serve wine. Most served beer and cider, which were considered in keeping with customary cultural practices of consuming beer with meals.<sup>85</sup> With the expansion of the Atlantic trades in alcohol, including West Indian rum and Madeiran wine, it had become more difficult by the end of the seventeenth century to enforce this restriction. The diversity of alcoholic beverages in circulation in northeastern British America in the second half of the eighteenth century, and more importantly the volume of rum in particular being unloaded in Halifax, Charlottetown, Saint John and elsewhere (and the value of rum duties as a source of

---

<sup>85</sup> David Conroy, *In Public Houses: Drink and the Revolution of Authority in Colonial Massachusetts* (Chapel Hill and London: University of North Carolina Press, 1995), pp. 37-38.

colonial revenue) may have accounted for the decision on the part of authorities not to restrict the types of alcoholic beverages consumed.

Another common feature of early legislation in all three Maritime colonies was that no attempt was made to limit the amount of alcohol sold in public houses in terms of the volume of the alcohol itself (although limits existed for retailers). Restrictions did exist in other parts of British North America. In early eighteenth-century Philadelphia, authorities were concerned about both the high demand for tavern licenses and the prevention of vice. In 1704, a partial license was introduced in which license holders could sell rum or beer, but only in small amounts, and where the cost “lay within the reach of impoverished householders.”<sup>86</sup> Limits on the amount of money imbibers could spend, however, did exist. The 5s. limit introduced in New Brunswick, and similar restrictions in Nova Scotia and the Island of St. John, related to curtailing consumption as well as preventing indebtedness.

If inn keepers, tavernkeepers or retailers sold alcohol in amounts above the five shilling limit, they would have no recourse to recover the money. The act also stipulated that soldiers, sailors, servants, bound servants and apprentices leaving pawns or pledges over 5s. as security of payment could complain to a justice of the peace if the pawn or pledge were detained. In addition, a master or mistress could complain to the Justice on behalf of a servant. The Justice was then required to obtain proof of the transaction in the form of an oath from at least one credible witness. He could compel the retailer or tavernkeeper to restore the pledge, through distress and sale of goods if necessary. In addition,

---

<sup>86</sup> Peter Thompson, *Rum Punch and Revolution. Taverngoing & Public Life in Eighteenth-century Philadelphia* (Philadelphia: University of Pennsylvania Press, 1999), p. 25.

the offender was subject to a fine of not more than £5. The fine was or the use of the poor in the town or parish where the offence occurred.<sup>87</sup>

An apprentice or servant was not allowed, under the act, to consume alcohol in either a retail space or tavern without "special order or allowance" from his or her master or mistress. The penalty in this instance fell on the imbiber, not the seller, and consisted of a 10s. fine for each offence (plus the charges of prosecution). This is lower than the forty shilling fine for a first offence in the initial licencing statute introduced on the Island of St. John, and considerably lower than the £10 fine in Nova Scotia's first statute, even though the New Brunswick legislation was introduced later on in both counts. The low fine may have been tied to the practicalities of enforcement. If the fines were directed at servants and soldiers, the legislature would have been aware of the limited abilities of these people to pay a fine of any sum.

The oath of a credible witness, taken before a justice of the peace for the county in question, was required for a conviction, as with the previous clause, stipulating the penalty for pledges, although in this clause other proof could be put forth, as long as it was "to the satisfaction" of the county's justice. The act also contained a standard stipulation regarding the selling of goods and chattels in the event of inability to pay, or time in jail if the person in question did not have goods to sell. The offender was required to spend one month in jail, or until the fine was paid. As with the pledges, any fines collected under this clause of the act were to be paid to the overseers of the poor in the town or parish where the offence took place.

---

<sup>87</sup> PANB, "An Act for Regulating Inn-holders, Tavern-keepers and Retailers of Spirituous Liquors."

Although the act did not differentiate between retailers and tavernkeepers, its fourth and final clause did specify that travellers and boarders were able to receive "necessary refreshment" on credit from retailers, inn-holders, and tavern or ale-housekeepers. The act was brief, clear and focussed, and it contained key elements of the government's intentions, prescriptive or as a response to local circumstances. It targeted consumption in specific buildings, and forbade drinking in more open public spaces such as streets, wharves and sheds. It was aimed at both sellers and imbibers. In the case of the latter, concerns about drinking-related indebtedness, as well as the need for masters and mistresses to control servants' drinking, indicated paternalistic authority in the control of drinking among the "lower orders." This was reinforced in the exemption for travellers and boarders. The exemption also suggested, as was the case in Nova Scotia and the Island of St. John, that the need for accommodation of travellers in an infant colony was an important influence on the act.

The final significant feature of the act was its focus on towns, parishes and the poor. Moneys raised from fines against retailers, tavern and inn-keepers, or servants and other imbibers, did not go to informers and the general treasury of the province, as was more common with early legislation in the other two Maritime colonies. Local justices of the peace investigated potential infringements of the act, and money collected from fines was to be used at the local level, for distribution to the poor.

As noted above, the act was almost identical to the 1762 Nova Scotia statute. Both had the same title and the same four clauses, with minor modifications in the New Brunswick statute. The reference to "negro slave" in Nova Scotia was omitted in New Brunswick. In both places, many freed slaves became servants. Those who had been

granted lots in Saint John found it difficult (as many other Loyalists did) to subsist there once government provisions were exhausted. Some exchanged their lots for fifty-acre land grants, but others found that seeking employment in private households as servants was a less difficult alternative.<sup>88</sup> The Nova Scotia statute referred to “town or precinct,” whereas in New Brunswick “town or parish” were indicated. The 20s. fine for tavernkeepers in 1758 had become a £5 fine in 1786 New Brunswick. Conversely, the 20s. Nova Scotia fine for retailers had been reduced to only 10s. in New Brunswick, although the one-month jail term remained constant. In both statutes, all fines were to go to the overseers of the poor for the town/precinct or town/parish. Although the statutes were almost identical, the contexts of both time and place were different, accounting for the minor differences. The laws passed in the first session of the assembly generally involved updating British laws applicable to New Brunswick, but could include Nova Scotia laws as well, if they were “thought applicable and proper” to New Brunswick.<sup>89</sup> The Legislative Council amended the bill on the third reading, suggesting further that the Nova Scotia statute formed the basis of the act.<sup>90</sup>

The relatively low 10s. fine suggests that the statute was aimed more at establishing order and the mechanisms of governance than revenue generation for the

---

<sup>88</sup> Still others chose to leave the colony for Sierra Leone. Governor Carleton’s assessment of the challenges faced by former slaves in New Brunswick was overly optimistic: “... as Servants wages are very high in this Country, their condition was far from suggesting any grounds of complaint.” PANB, RS 330, Carleton Letterbooks, Thomas Carleton to Henry Dundas, Fredericton, 13 December, 1791.

<sup>89</sup> All the laws of England “passed before the existence of a Colony and applicable to its situation” were considered binding, according to Carleton, although it was necessary to reduce the number of laws to those relevant to the New Brunswick context. PANB, RS 330 Carleton Letterbooks, Thomas Carleton, “General Observations on the Laws passed in the first Session of Assembly in the Provinces of New Brunswick, 1785.

<sup>90</sup> The third reading was on 08 March, 1786. PANB, RS 2 Published Journals of the Proceedings of the Legislative Council of New Brunswick Vol. 1, 1786-1816.



support of the poor. The fine may also have been set at this level to ensure enforcement of the act. As with duties on imported rum and other alcohol, authorities constantly had to weigh the desire to profit from high duties with the fear that excessive duties would contribute to smuggling -- the double bind of regulation with respect to trade and revenue existed also in terms of morals and revenue. Given the hardship faced by the Loyalist refugees and disbanded soldiers, the attempt to raise revenues for the use of the poor at the local level was immediately pragmatic, but also optimistically prescriptive in the late 1780s.

The first licensing act of the New Brunswick's Legislative Assembly was relatively sparse. Why did the government not issue a more comprehensive act regulating alcohol consumption? Why did it not introduce legislation that targeted the unlicensed selling of alcohol in public spaces or public houses, as had been the case in the other two colonies? Nova Scotia laws ceased to be effective in New Brunswick after the first New Brunswick assembly, so the regulatory framework for unlicensed selling of alcohol in Nova Scotia would not have been in effect.<sup>91</sup> Legislators chose to incorporate the 1762 Nova Scotia statute (in modified form), rather than the original 1758 statute, the 1768 act allocating licensing fees and fines towards road building, or the more recently-introduced 1770s legislation focused on duties. New Brunswick had the advantage of the St. John and other navigable rivers (when passable) to reach many new settlements, but the government nonetheless considered roads to be both necessary and lacking. Carleton was

---

<sup>91</sup> The New Brunswick assembly introduced an act stating that no laws passed in Nova Scotia, "before the erection of the province of New Brunswick," would be valid in New Brunswick. PANB, RS 3, "An Act to declare that no Law passed in the General Assembly of the Province of Nova-Scotia, before the Erection of the Province of New-Brunswick, shall be of force in this Province."

particularly interested in roads from “the distant districts” to Fredericton.<sup>92</sup> The governor conceded that it would probably be many years before the roads to the capital would be “fit for carriages,” but surveyors were exploring possible routes so that, at least for the time being, “bridle paths” could be used when the river was not navigable.<sup>93</sup> The omission of statutes that dealt with either the unlicensed selling of alcohol, or the allocation of alcohol licencing revenue, provided an indication – implicit if not explicit – of government priorities and orientations.

### ***Empowering Justices: The 1787 Act***

Another New Brunswick act, introduced the following year, during the second session of the first assembly, also omitted reference to the places where alcohol was sold, legally or otherwise. It did indicate the intention of the legislature to pass more comprehensive licencing legislation, but focussed on justices of the peace. The six-clause 1787 act revealed where legislators chose to fill in the gaps in the 1786 act regulating tavernkeepers.<sup>94</sup> The second statute was not, however, an amendment to the first act, but a distinct piece of legislation addressing the issuing of licenses.<sup>95</sup> “An Act to empower the Justices of the General Session of the Peace, in the several counties in this province, to

---

<sup>92</sup> PANB. RS 330, Carleton Letterbook, Thomas Carleton to Lord Dorchester, No. 8, Fredericton, 22 March, 1787.

<sup>93</sup> PANB, RS 330, Carleton Letterbook, Thomas Carleton to Lord Dorchester, No. 8, Fredericton, 22 March, 1787.

<sup>94</sup> PANB, RS 3, “An Act to empower the Justices of the General Session of the Peace, in the several counties in this province, to grant licences to Tavern-keepers, and Retailers of Spirituous Liquors.”

<sup>95</sup> The bill was read three times by the Council. Only the second and third readings were noted in the Journal of Proceedings, but in neither case was there an amendment to the bill. On 06 March, 1787, the bill was passed, and Justice Allen was ordered to “signify the same to the Assembly.” PANB RS 2 Published Journals, vol. 1.

grant licences to Tavern-keepers, and Retailers of Spirituous Liquors” stipulated, as its title describes, that justices in each county could issue licenses. They could do so at their general sessions, or at a special session. Each justice had discretionary power to issue licenses to people they deemed to be fit and of good character. People could be licensed either to “keep a tavern” or to sell “wine, brandy, rum, beer, ale or any strong liquor whatsoever” in the county in which they lived by retail in quantities under 5 gallons. Justices were also empowered under the act to exercise discretion in the setting of fees, within limits set by the act of between 10s. and £4 for an annual license. Licensing fees for tavernkeepers on the Island of St John during the mid-1780s ranged from approximately £1.5 to £5 per year, and in Nova Scotia, the annual fee had been set at a lower rate of 20s. in 1778, and was carried forward into the 1780s without amendment. The fees set for New Brunswick were thus generally in step with those of the other two Maritime colonies. The fees collected were not for the use of the poor, but were to be paid to the clerk for each county, who would receive 2s. 6d. for the work. The clerk in turn submitted the balance of the funds to the treasurer for that county to “defray necessary contingent expenses,” as directed by the justices in their General Sessions.

The act also required potential license holders (both tavernkeepers and retailers) to provide two sureties to keep an orderly house and obey the rules and regulations established by the justices in the general sessions. A person keeping a tavern without a license received a £5 fine (the same fine for a retailer selling quantities under 5 gallons without a license). The act spelled out the exact meaning of keeping a tavern: “... if any person... shall sell to such person or persons so entertained, any rum, brandy, wine, beer, ale, or any strong liquors, or mixt liquors, to be drank and consumed in his, her or their

house, or any part of such house, such person or persons so offending shall be subject and liable to the same penalty for each and every offence, as persons selling by retail, without licence,..." The wording of this clause suggested that taverns could be tippling houses, as outlined above, and also that women could be proprietors. If a person was granted a license to keep a tavern, the license was also understood to extend to the sale of strong liquor by retail, further suggesting the informality of alcohol purchase and consumption, and a potential association with people's private dwellings.

The act empowered the clerk in each county to read the act at the opening of each Court of General Session of the Peace. The justices were to keep a record of all tavernkeepers and retailers for each county, and give the lists to the grand jurors, who were required to "make diligent enquiry and presentment" of every person in breach of the act, and to proceed against any offenders in the recovery of penalties under the act. Fines were paid to treasurer in each county, and to be used for the same purpose as the license fees. The act did not make any mention of the previous act regulating innkeepers, tavernkeepers and retailers in which fines for receiving pledges from servants were for the use of the poor. A final clause of the act noted that it did not extend to the City of Saint John, where licenses were to be granted according to the directions in the city's charter, and the laws of the common council.

Paul Craven's detailed legal history of Charlotte County reflects the theme of negotiation in rural law, and provides insight into the reception of tavern and licensing legislation at the county level – in particular the discretion of the justices. License fees, for instance, were set at a low rate of 30s. for tavernkeepers and large retailers (and half that amount for smaller retailers), and county clerks were given authority to issue

licenses.<sup>96</sup> In April, 1789, the grand jury presented two Grand Manan widows for keeping disorderly houses. The clerk also summoned people who were thought to be unlicensed, and ordered that any license fees paid would be applied towards fines incurred for selling without a license. Retroactive licensing of defaulters was, according to Craven, a common response well into the nineteenth century.<sup>97</sup> Tavernkeepers could also be barred from keeping a public house. In Saint Andrews, John McPhail was investigated and then presented for retailing without a license and for keeping a disorderly house, and he was forbidden to keep a tavern in the future. He eventually paid the fine for the retailing charge, and Rebecca McPhail was granted a license to keep a tavern.<sup>98</sup> Despite instances of tavernowners keeping disorderly houses, and also complaints from the Church of England rector at Saint Andrews about drunkenness on Sundays, excessive imbibing was not a significant problem in Charlotte County in the late eighteenth century. The county jailer, for instance, had a retail license “for the convenience of inmates” until 1807.<sup>99</sup>

An interesting feature of the regulation of alcohol in Charlotte County was that many justices held licenses, as retailers or tavernkeepers, and they were sometimes presented by the grand jury for infringements of the licensing acts. In 1803 and again in 1804, half of all licenses were held by justices.<sup>100</sup> The reality on the ground, of justices also being tavernkeepers and liquor retailers, blurred the distinction between regulators and sellers of alcohol. The total population of the county was slightly over two thousand

---

<sup>96</sup> Paul Craven, *Petty Justice: Low Law and the Sessional System in Charlotte County, New Brunswick, 1785-1867* (Toronto: Published for the Osgoode Society for Canadian Legal History by University of Toronto Press, 2014), p. 418.

<sup>97</sup> Craven, *Petty Justice*, pp. 419, 422.

<sup>98</sup> Craven, *Petty Justice*, p. 421.

<sup>99</sup> Craven, *Petty Justice*, p. 419.

<sup>100</sup> Craven, *Petty Justice*, p. 421.

up to the 1820s, when Irish immigrants began to arrive, and consisted mostly of Loyalists refugees, as well as military men and their families, and Acadians and Planters.<sup>101</sup> Most people worked in fishing, lumbering, or trade (illicit or otherwise), and each settlement had a small group of elite Loyalists who “dominated commerce, the professions, and officialdom.”<sup>102</sup> This group would have been well-represented among the justices and tavernkeepers. The overlap between the two (regulators and sellers) had some parallel with colonial Philadelphia, where a clear distinction did not always exist between imbibers and tavern owners, as examined in chapter one. This was in contrast with early Massachusetts, where the regulation of alcohol was a component of virtuous authority. Charlotte County, where justices were fined for selling alcohol (by retail or in taverns) without licenses, and even for keeping disorderly houses, thus had more in common with fluid Philadelphia than the more puritanical Massachusetts in this regard.

The sparse legislation introduced in 1786 and 1787 reflected the exigencies of rule in a colony that had arisen quickly and populously, creating a “scattered situation.” Were the governor, council and assembly grappling with the paradox expressed by Jonathan Belcher in Halifax in the 1760s -- that of relying on alcohol (and rum in particular; a “noxious manufacture”) while at the same time having to pass laws to restrain imbibing associated with disorder? In addition to the election incident in Saint John involving alcohol-related disorder in New Brunswick, the governor’s correspondence with imperial authorities in Britain did include other references to alcohol and disorder, although they were not extensive. Carleton also corresponded with

---

<sup>101</sup> Craven, *Petty Justice*, pp. 17-21. Up to half of the almost 2,000 refugees returned to the United States by 1803.

<sup>102</sup> Craven, *Petty Justice*, p. 21.

his brother, Lord Dorchester by this time, for instance, first in December, 1786, and again the following month, about another disturbance in the nascent colony.

This incident involved Wulstukwiuk (Maliseet) people and Loyalist settlers at Meductic, the uppermost settlement on the St. John River at the time. An Aboriginal person in another settlement had been severely beaten by drunken settlers, and in turn, young Aboriginal men “under the influence of intoxication” had threatened the settlers, forcefully stolen their goods, and attempted to kill a Captain Smith.<sup>103</sup> Carleton communicated to Dorchester that the chiefs had not spoken out about the initial incident because it had involved drunkenness and unruly behaviour, and as such was a “private quarrel.”<sup>104</sup> Carleton made it clear to the chiefs that he would not “suffer such bad behaviour to go unpunished,” and also suggested to them that the troubles at Meductic had involved young Aboriginal men wanting to cause trouble for the chiefs. “Let the old prudent men amongst you keep the young men therefore in order, lest the whole Tribe grow disobedient and bring down upon their heads the resentment of the King, which must be there destruction.”<sup>105</sup> He warned that public hanging was the punishment for murder, a punishment that had been recently exercised in the killing of a farmer.<sup>106</sup> He assured them, also, that they would be afforded the same protection under the law for offences committed against them. “Unless you behave friendly to the White People in

---

<sup>103</sup> PANB, RS 330 Carleton Letterbook, Thomas Carleton to Lord Dorchester, Fredericton, 05 December, 1786, and Thomas Carleton to Lord Dorchester, Fredericton, No. 1 and No. 2, 31 January, 1787.

<sup>104</sup> PANB, RS 330 Carleton Letterbook, Thomas Carleton to Lord Dorchester, Fredericton, No. 2. 31 January, 1787.

<sup>105</sup> PANB, RS 330 Carleton Letterbook, From His Excellency the Governor – To the Chiefs and Warriors of the Indian nation on the River St. John, n.d.

<sup>106</sup> Pierre Boneau was the person accused of killing the farmer. Given the name, he may have been Acadian. PANB, RS 330 Carleton Letterbook, From His Excellency the Governor – To the Chiefs and Warriors of the Indian nation on the River St. John, n.d.

your neighbourhood, you cannot stay there: but if they do you wrong I will punish them – for I will protect you so long as you shew yourselves friends, but no longer.”<sup>107</sup> This message had been delivered following another incident in which a young disbanded soldier murdered an Aboriginal person. The soldier was in fact tried and executed after a complaint had been made to the Magistrates in the County of York.<sup>108</sup>

Meductic settlers requested that troops be deployed to the settlement following the incident there. Carleton was reluctant to commit troops for the winter, but did send provisions sufficient for people to collect “in one or two houses” over the winter for their own protection. He also gave assurance that the situation would be dealt with in the spring.<sup>109</sup> The disturbance was localized and short-lived, but the role that alcohol played in both attacks, as well as the explanation put forth by the Chiefs (as reported by the governor) regarding the role of excessive consumption in both incidents, revealed that alcohol could cause, or exacerbate, disturbances and disorder, as had been the case in the Lower Cove in Saint John. The Wulstukwiuk leaders enlisted alcohol to frame the offence against them as a personal matter, thus avoiding a direct confrontation with the colonial state.

In other parts of the province relatively remote from Fredericton and Saint John – whether inhabited by Aboriginal peoples, Acadians, Loyalists or others – the logistics of supplying food, clothing and houseware items, agricultural products, and alcohol were

---

<sup>107</sup> PANB, RS 330 Carleton Letterbook, From His Excellency the Governor – To the Chiefs and Warriors of the Indian nation on the River St. John, n.d.

<sup>108</sup> PANB, RS 330 Carleton Letterbook, Thomas Carleton to Lord Dorchester, Fredericton, No. 2, 31 January, 1787.

<sup>109</sup> PANB, RS 330 Carleton Letterbook, Thomas Carleton to Lord Dorchester, Fredericton, 05 December, 1786.



hampered by poor roads and infrequent or non-existent maritime transport (as in the Island of St. John), which in turn limited the potential for persistent or excessive consumption of alcohol. In the Miramichi area, for instance, the potential for an export trade based on fish and timber was reported on with enthusiasm in the 1780s, but the reality on the ground less inspiring. In addition to the Mi'kmaq, many Acadians had remained in the area during the 1750s, while more returned at the end of the Seven Years' War, and other people also began arriving in the region in the 1760s.

The Scottish merchant William Davidson obtained a large grant from the government of Nova Scotia with the aim of establishing an agricultural base and fishery on the Miramichi.<sup>110</sup> Davidson reported to Governor Carleton in the mid-1780s that he had been the first person, in 1773, to export fish to the Mediterranean from the area in a 300-ton ship there.<sup>111</sup> Unfortunately for Davidson, his vessel and cargo (salmon and cod) had been lost off the coast of Spain during the first voyage. Davidson continued in his attempts to build ships and open trade routes – including the export of fish and timber to the West Indies.<sup>112</sup> His difficulties notwithstanding, Davidson's efforts were illustrative of his conception of the realm of possibilities at his disposal. His mindset of endeavoring to open trade routes from new British settlements – similar to the Port Roseway Association in the 1780s – was in keeping with the time period. In both instance, the

---

<sup>110</sup> Davidson wrote to the governor in the 1780s, when the New Brunswick government was initiating processes of escheat on large tracts of land previously granted to settlers, including Davidson's 100,000 acres in Miramichi. William Davidson to Thomas Carleton, n.d. [1785?] "Historical-Geographical Documents," edited by Ganong, pp. 309-310.

<sup>111</sup> Davidson to Carleton, n.d. [1785?] "Historical-Geographical Documents," edited by Ganong, p. 310.

<sup>112</sup> Davidson to Carleton, n.d. [1785?] "Historical-Geographical Documents," edited by Ganong, p. 310, 318-321.

difficulties associated with this commerce were underestimated, but the intent was there. A key point, in terms of alcohol, is that isolated settlements were difficult to reach by road, river or sea, and lacked basic supplies, let alone Jamaican spirits or Madeira wine. When Davidson reported on his property in 1786, he listed several schooners, a saw mill and other buildings, oxen and cows, several items relating to fishing, lumbering, shipbuilding and household comfort, 6,000 bushels of salt, servants' victuals and wages, and family supplies for the winter. It is possible that the victuals and supplies included alcohol, but the estimate did not indicate the retailing or significant provisioning and storage of alcohol.<sup>113</sup>

The year before, Edward Winslow also received an account of the Miramichi from his cousin Benjamin Marston reported that that the inhabitants thought they could “take 4,000 tierces of salmon,” but, on the other hand, noted (perhaps contrary to Davidson) that there was no shipping “whatever” in the area.<sup>114</sup> A few months later, Marston wrote to Winslow that the number of inhabitants on the Miramichi had been “greatly mis-represented,” and no more than 100 families lived scattered along the banks of the river.<sup>115</sup> He did not see the possibility of a permanent trading post (“a fixed Factorage”) but did report on the possibility of an annual spring pick-up for furs and salmon. Transatlantic vessels had begun calling, and Marston, who was personally

---

<sup>113</sup> “An Estimate of William Davidsons Propertie advanced by him since 1<sup>st</sup> June 1783 with a view to re-establish the settlement of his lands at marimachie and the improvements made by him and the settlers on his Grant likewise the losses sustained by the war and in consequence of the war.” Enclosed with Memorial, William Davidson to Thomas Carleton, Miramichi, 4 April, 1786, in “Historical-Geographical Documents,” edited by Ganong, p. 327-328.

<sup>114</sup> Andrew Kinnear to Edward Winslow, 28 April, 1785, *Winslow Papers*, edited by Raymond, pp. 298-299.

<sup>115</sup> Benjamin Marston to Edward Winslow, Mirimachie Point, 17 July, 1785, *Winslow Papers*, edited by Raymond, p. 307.

invested in the area, was optimistic about the Miramichi's prospects relative to other settlements in the province: "To say it was equal to St. John's might be looked upon as a species of blasphemy but this I dare pronounce that Miramichie Point, & Beaubere's Island are superior to Fredericton. A ship of 250 tons from Italy is now lying just by them."<sup>116</sup> Between 1785 and 1790, the arrival of trans-oceanic merchant vessels coalesced into a more regular annual event. Marston, again writing to Winslow (his cousin "Ned"), this time from London in 1790, made reference to his plan to travel to the Miramichi to deal with property, and transfer himself and his belongings to Leg-horn (Livorno) in the Mediterranean if the "annual ship" was there.<sup>117</sup> With vessels calling only infrequently, it would have been difficult to supply inhabitants with wine. On the other hand, illegal vessels from the United States loaded with West India Produce" – presumably including rum – were frequent visitors.<sup>118</sup>

Alcohol (New England and West Indian rum) was thus available in the Miramichi area, as well as other parts of the province apart from Saint John. Rum smuggling was a persistent problem in the – as yet disputed – border area with Maine as well, as legal commerce with the United States had not yet resumed following the revolutionary war.

---

<sup>116</sup> Benjamin Marston to Edward Winslow, Mirimicie Point, 17 July, 1785, *Winslow Papers*, edited by Raymond, p. 308.

<sup>117</sup> Benjamin Marston to Edward Winslow, London, 17 March, 1790, *Winslow Papers*, edited by Raymond, p. 375-376. Unfortunately for Marston, his fortunes were not made in New Brunswick. Four years later, when Marston passed away, Ward Chipman wrote to Winslow to inform him that Marston had named his cousin as his sole executor. Apart from private books and papers, Marston left only "a few articles of trifling value and his surveying instruments," and was also indebted to Chipman at the time of his death. Ward Chipman to Edward Winslow, St. John, N.B. 13 May, 1794. *Winslow Papers*, edited by Raymond, p. 410.

<sup>118</sup> Marston also did not mention alcohol in his report from the Mi'kmaw Chief. Benjamin Marston to Thomas Carleton, Miramichi Point, 1785, in "Historical-Geographical Documents," edited by Ganong, p. 339.

The governor, however, did not report a concern regarding drunkenness or alcohol-related disorder in most settlements, including Miramichi and Saint Andrews. References to alcohol in Carleton's reports to London were about political unrest and relationships between settlers and Aboriginal peoples. The tavern-related disorder in Saint John associated with the colony's first election was not part of a widespread pattern of drunkenness and debauchery. Saint John, although possessing 1,000 houses by 1788, was not the imperial sailor and soldier town of 1749 Halifax.<sup>119</sup> Incidents involving alcohol among the Wulstikwiuk were imbedded in the dynamics of Aboriginal-settler relations and the encroachment on Wulstikwiuk territory. While the governor did not report incidents of alcohol-related debauchery, other colonial officials (in Nova Scotia) did comment upon excessive consumption and disorder. Debauchery, in other words, was not a significant enough problem for the governor to concern imperial authorities with. This was reinforced by the assembly's decision to not pass a single act focussing on the unlicensed selling of alcohol in New Brunswick in the eighteenth century. The illegal selling of alcohol, and disorder associated with drunkenness, were not absent, but neither did they appear to be salient issues among a largely-refugee population struggling to rebuild after having experienced significant material and personal loss.

### ***Servants, Sundays, and Gaming***

A survey of other statutes introduced during the same first session of the New Brunswick Assembly helps shed light on the motivation of governing authorities with respect to the nascent colony, and how alcohol licensing was woven into this emerging

---

<sup>119</sup> Bishop Charles Inglis made the observation regarding the number of houses in Saint John in his journal. In Gorman Condon, *The Loyalist Dream*, p. 149.

cloth. Three other acts – on regulating servants, Sundays and gaming -- mentioned public houses or alcohol consumption. *An Act for Regulating Servants* immediately followed the licencing act, addressing servants bound by indenture, and the problem of leaving service without a proper discharge. Servants could be required to double their time in service for absenting themselves from their duties, and people knowingly hiring already indentured servants or apprentices could be fined £5.<sup>120</sup> Masters of ships harbouring indentured servants faced double this amount in fines, suggesting that flight from the colony was a concern. The final clause of the act noted that merchants, traders and tavernkeepers could not sell on credit to indentured servants and apprentices. This re-stated the clause in the previous statute regarding tavernkeepers, but framed it slightly differently by including it in the regulation of servants, not alcohol consumption, and by grouping tavernkeepers with merchants and traders, and not inn-keepers and retailers. Nonetheless, the repetition did point to the regulation of tavernkeepers and their relationship with servants as tavern-goers as important.

The first session of the assembly also introduced an act to suppress immorality on Sunday, the Lord's Day. Here, again, there is overlap with tavern-going. Both "frequenting tippling-houses" and "drunkenness" were identified as problem areas in this statute, alongside shooting, gaming, sporting, playing, hunting, servile labour ("works of necessity and mercy excepted"), and disturbance of the public worship of God.<sup>121</sup> A 3s. fine was to be levied for each offence, with a punishment of one to three hours "publicly set in the stocks" for inability to pay. The act applied to "all persons" in the province,

---

<sup>120</sup> Servants could be relieved of service due to cruel treatment. PANB, RS 3, "An Act or Regulating Servants."

<sup>121</sup> PANB, RS 3, "An Act against the Profanation of the Lord's Day, commonly called Sunday, and for Suppression of Immorality."

with the exception of "native Indians," thus including Acadians along with Loyalists and pre-Loyalist, English-speaking settlers. This was the only reference in any of the alcohol-related legislation in New Brunswick to the Wulstukwiuk or Mi'kmaw populations. As noted in Chapter 2, the absence of Aboriginal people in the legislation was in keeping with the other two Maritime colonies, but not with British North American colonies generally. The New York assembly, for instance, passed legislation in 1717 to "prevent the selling and giving of rum or other strong liquors to the Indians." The act focussed on the city and county of Albany, where the use of rum among Aboriginal people had been found to be destructive to both body and mind, depriving them of "the right Use of their natural Understanding and Reason," leading them to vice and immorality, and also making them ungovernable. The £5 fine imposed through the legislation focused on sellers, not imbibers, and failure to pay could lead to either sale of the offender's goods or jail time (standard stipulation in licensing legislation in the three Maritime colonies, also).<sup>122</sup> The legislation was directed at members of the powerful Five-Nations (later Six) Haudenosaunee, who by the early nineteenth century conveyed their own narrative regarding the Devil's bundle of the 'white man's race,' which included playing cards, coins, a violin, a poisoned leg bone, and flask of rum. The last named, according to oral tradition, would "turn their minds to foolishness" and have them "barter their country for baubles."<sup>123</sup> Governing authorities in New Brunswick did on occasion express concern

---

<sup>122</sup> New York (State), "An Act to prevent the Selling and giving of Rum or other Strong Liquors to the Indians," *Acts of Assembly passed in the province of New-York, from 1691-1725, Examined and compared with the originals in the secretary's office* [New York], 1726, pp. 131-133. Accessed online: <http://galenet.galegroup.com.ezproxy.library.dal.ca>, 26 February, 2009.

<sup>123</sup> Quoted in James Axtell, *Beyond 1492: Encounters in Colonial North America* (New York: Oxford UP, 1992), pp. 249-250.

regarding the consumption of alcohol among Aboriginal people (as examined below), but not to the extent that separate statute legislation was enacted.

The Lord's Day legislation described places of consumption as tippling houses. The distinction may have been drawn with the intention of highlighting the immorality associated with drinking and drunkenness on Sundays. A 'Sunday' statute had been introduced in the first year of the Nova Scotia legislature, as well, in 1758, but the language of the legislation was different, focussing on drinking and "idly spending time." The Nova Scotia act, in addition, referred to "publichouses of Entertainment" and tavernkeepers, and not tippling houses. The reference to tippling houses in New Brunswick was a reference to consumption in private dwellings temporarily operating as taverns, as has been noted previously with respect to Newfoundland and Nova Scotia. Although many Loyalist settlers in New Brunswick (and Nova Scotia) built large two-storey Georgian-style homes, most settlers would not have been able to afford these. Various other styles emerged in domestic architecture over the next several decades, but vernacular architecture would have been much more rudimentary initially: "undoubtedly a mere shack with minimal space and certainly little aesthetic pretension."<sup>124</sup> Hannah Ingraham's adult reminiscence regarding the dwelling her father built when the Loyalist family arrived in the woods of New Brunswick as a child attested this. After living in a tent, Hannah expressed joy at seeing the family's "gable end," despite the lack of

---

<sup>124</sup> Other styles included the (mostly New Brunswick Acadian) hall and parlour house, the Cape Cod house, and the Maritime vernacular house, which emerged around 1800. Peter Ennals and Deryck Holdsworth, "Vernacular Architecture and the Cultural Landscape of the Maritime Provinces – A Reconnaissance," in *The Acadiensis Reader Volume One: Atlantic Canada Before Confederation*, edited by P.A. Buckner and David Frank (Fredericton: Acadiensis Press, 1985), pp. 339, 342, 346.

windows, a door, floor or chimney: "... but we had a roof at least."<sup>125</sup> Some other settlers fared better than Hannah and her family, but the tipping houses of the legislation may have been little more than people gathering around the hearth in the evening. The act's final clause stipulated that forfeitures from the act were to be used for the relief of the poor in the city, township or parish where the offence was committed, thus embedding the legislation in the New Brunswick context of local governance with some control over generation and use of revenue. It was in keeping with the act for regulating tavernkeepers in terms of the collection and use of fines.

The third act with a reference to public houses, *An Act to Prevent Gaming*, focused on "gaming or playing cards, dice, tables, tennis, bowls, or other game or games," and on the practice of betting on the sides or hands of game-players. Justices of the Peace were given the authority to enter public houses suspected of keeping gaming tables and order the removal, within forty-eight hours, of the tables on the grounds that they constituted a public nuisance. The act was uncompromising in the authority given the justices: non-compliance with this order gave the justices the power to "break and prostrate" the tables.<sup>126</sup>

In Britain, licensing legislation in the 1780s was influenced by the movement for the reformation of manners and morals of the lower orders. It was during this time that counties and boroughs adopted restrictions and regulations that were influential, to

---

<sup>125</sup> "The Narrative of Hannah Ingraham, Loyalist Colonist at St. Anne's Point, October, 1783," edited and with notes by R.P. Gorham, B.S.A. June, 1933, University of New Brunswick Archives and Special Collections Department. Accessed online. [http://preserve.lib.unb.ca/wayback/20141205161007/http://atlanticportal.hil.unb.ca/acva/loyalistwomen/en/documents/ingraham/hannah\\_ingraham.pdf](http://preserve.lib.unb.ca/wayback/20141205161007/http://atlanticportal.hil.unb.ca/acva/loyalistwomen/en/documents/ingraham/hannah_ingraham.pdf).

<sup>126</sup> PANB, RS 3, "An Act to Prevent Gaming."



greater or lesser degrees, until 1830.<sup>127</sup> Writing in the early twentieth century, Sidney Webb and Beatrice Potter Webb noted that “modern devices” such as early closing, Sunday closing, the refusal or withdrawal of licenses and other measures had been introduced in the 1780s.<sup>128</sup> In the Northern Division of the Lath of Aylesford, Kent, for instance, a public notice appeared in the *Kentish Gazette*, 10 August, 1787, in which justices requested information regarding irregularities at alehouses, including keeping late hours, playing cards, skittles and other prohibited games, and “suffering tippling, especially on Sundays.” Licenses could be revoked, and proceedings initiated against proprietors for failure to maintain proper law and order in the alehouses.<sup>129</sup> Many American colonists had close ties with Britain up to 1776, including some of the Loyalists who arrived in New Brunswick and brought this cultural framework with them.<sup>130</sup> As a new colony with consciously-articulated imperial, legal and cultural ties to Britain, logic dictated that licencing legislation was informed to some degree by the British social and legal context.

Other acts introduced during the first session of the assembly that did not mention alcohol or public houses nonetheless intersected with some themes revealed in the licensing legislation. An act preventing idleness and disorders, for instance, targeted people begging or refusing to work, as well as idle and wandering persons who did not

---

<sup>127</sup> Sidney Webb and Beatrice Potter Webb, *The History of Liquor Licensing in England Principally from 1700 to 1830* (London: Longmans, Green and Co., 1903), p. 49. Reprinted by BiblioBazaar, 2010.

<sup>128</sup> Webb and Potter Webb, *The History of Liquor*, pp. 49-50.

<sup>129</sup> Webb and Potter Webb, *The History of Liquor*, pp. 55-6.

<sup>130</sup> Many Americans continued this association after Independence, with an estimated 5,000 Americans travelling annually to Europe in general by the end of the Napoleonic Wars. Julie Flavell, *When London was Capital of America* (New Haven and London: Yale University Press, 2010), pp. 17-23.

have passes.<sup>131</sup> The latter could include people who had been removed from their town or parish. Idle or disorderly persons could be committed to prison or a house of correction for up to one month, and subject to hard labour during their incarceration. This act did not define "disorderly" persons. However, when taken in conjunction with other legislation aimed at regulating bound servants, gaming, drinking on Sundays, and specific stipulations regarding the drinking of servants in taverns, the legislation collectively revealed a concern for establishing, regulating and maintaining order in the first few years of the colony.

A final salient statute outlined the appointment of town or parish officers in the province's counties. This emphasis on establishing mechanisms of governance at the local level was, as noted at the beginning of the chapter, a defining characteristic of New Brunswick in contrast to Nova Scotia and the Island of St. John in the eighteenth century. The statutes described succinctly the prescriptive vision held by governing authorities in terms of local administration. Justices of the general sessions of the peace in each county were empowered to annually appoint three overseers of the poor, one clerk to record town or parish "matters and things," two or more constables, one clerk of the market, pound keepers, cullers and surveyors, surveyors of lumber and cord wood, one sealer of leather, a "sufficient number" of gaugers of casks and hogreeves, three assessors of rates and taxes, a "sufficient number" of surveyors and weighers of hay and, finally, inspectors and examiners of "any staple commodity in such counties respectively for market or

---

<sup>131</sup> PANB, RS3, "An Act for Preventing Idleness and Disorders, and for punishing Rogues, Vagabonds, and other idle and disorderly persons."

exportation."<sup>132</sup> Officers who neglected their duty or were guilty of misbehaviour in the execution of their duties could be fined 40s., to be used by the poor in the parish or town in question. Since any monies arising from alcohol licensing were for the use of the poor in each parish, the appointment of overseers of the poor in the 1786 statute on local appointments connected public houses, revenue, and local governance directly. It also highlighted the success of the majority of the assembly in implementing their vision of governance in opposition to the executive and council, a point that will be returned to below in the discussion of the 1792 revenue bill.

Taken together, all of these acts informed the regulatory framework for selling alcohol in New Brunswick in the 1780s, and a licensing context centered on the 1786 and 1787 acts relating to tavernkeepers and justices. Neither of the acts was amended until the 1790s, when one clause was added to the 1786 statute (in 1794) regulating inn holders, tavernkeepers and retailers of spirituous liquors.<sup>133</sup> The one-clause act simply stated that the 1786 statute would not extend to prohibiting retailers (i.e people who were not alehousekeepers, tavernkeepers or inn holders) from selling on credit to anyone who was not a soldier, sailor or servant, or from the legal recovery of debt. This would have allowed merchants, such as those profiled below who advertised alcohol sales in newspaper advertisements, to develop commercial connections based on credit.

### ***Consuming and Selling Rum and Wine***

---

<sup>132</sup> PANB, RS 3, “An Act for the Appointment of Town or Parish Officers in the Several counties in the Province.”

<sup>133</sup>PANB, RS 3, “An Act to Alter and Amend an Act, intituled ‘An Act for regulating Inn-holders, Tavern-keepers and Retailers of spirituous Liquors.’”

Alcohol was available, if not widely so, even in difficult-to-reach communities such as Meductic and Miramichi, despite rudimentary roads and intermittent marine traffic (with the exception of smugglers in some areas). The main port of entry for imported alcohol was Saint John, which was also the main commercial centre generally during the eighteenth century, despite the naming of a capital upriver at Fredericton. A sampling of advertisements from the Saint John *Royal Gazette*, in which merchants regularly posted notices of alcohol for sale, from October, 1785 to August, 1786, provides a wealth of information regarding the variety of alcoholic beverages being unloaded and sold in Saint John, in some cases how the alcohol was sold (pipes, hogsheads, casks, bottles etc.), other imported goods sold along with the imported alcohol, who was selling and, in some cases, where goods were being unloaded or sold.<sup>134</sup> An examination of the merchandising of imported alcohol provides a fuller picture of the connection between production, distribution, consumption and regulation of alcohol in colonial New Brunswick.

On 11 October, 1785, for instance, Stanton Hazard (later elected to the first legislative assembly) informed the Saint John public that “Old” sherry wine would be sold by the pipe, and Jamaica spirits by the hogshead, at his store on Prince William Street (the same street as McPherson’s Coffee House). He also had for sale molasses by

---

<sup>134</sup> The newspaper changed names several times over the course of the eighteenth and nineteenth centuries. *The Royal Gazette and New Brunswick Advertiser* (1785 to 1802) became *The Royal Gazette* (1802 to 1807) and then *The Royal Gazette and New Brunswick Advertiser* again from 1808 to 1814. In 1814, it changed again to *Gazette and New Brunswick Advertiser*. PANB, “Publishing Histories.” [http://archives.gnb.ca/Documents/NewspaperDirectory/Publishing\\_History-EN.pdf](http://archives.gnb.ca/Documents/NewspaperDirectory/Publishing_History-EN.pdf). Accessed 04 August, 2009.

the hogshead, salt (in large or small quantities), bricks and dry goods.<sup>135</sup> William Donaldson posted in the *Gazette* on 06 December, 1785, that he, also, had alcohol and other goods to sell, although he did not name the location (suggestion he was known and well-established already). In addition to rum, he also had sherry, port, and Lisbon wines to sell by the dozen or gallon, both Irish and American pork, butter, flour, rye meal and other dry goods, and crockery ware. His goods encompassed the width and breadth of British Atlantic trade: the Iberian wines and fortified wines exchanged for cod, British consumer goods, foodstuffs from the United States, and West Indian rum.<sup>136</sup> William & Thomas Pagan and Co. notified the public of the recent importation of rum, sugar, coffee, limes, Madeira wine in pipes, hogsheads and quarter casks, port wine in bottles by the cask, frying pans, dry goods, and other wares to be sold “on the lowest terms.”<sup>137</sup> James Hayt sold Indian meal and flour, Indian corn, oats and buck wheat, “a few bushels of excellent beans,” butter, cheese, pork, “And a few puncheons high proof Rum.”<sup>138</sup> In addition to crates of earthenware, cordage, flour, crackers, oats, wheat, sugar, tea, and other goods, John Colville & Co were selling “Old Jamaica Spirits,” rum, and a few quarter casks of “excellent TENERIFF WINE” (from the Spanish Canary Islands) in their recently-relocated store.<sup>139</sup>

Merchant companies involved in trade also advertised in the *Royal Gazette* to announce the arrival of goods in the harbour. McGeorge, Elliot and Company, for instance, advertised in December, 1785 that goods just arrived from London were being

---

<sup>135</sup> PANB, *Royal Gazette*, 11 October, 1785, p. 4.

<sup>136</sup> PANB, *Royal Gazette*, 06 December, 1785, p. 3.

<sup>137</sup> PANB, *Royal Gazette*, 18 April, 1786, p. 3

<sup>138</sup> PANB, *Royal Gazette*, 06 June, 1786, p. 1.

<sup>139</sup> PANB, *Royal Gazette*, 06 June, 1786, p. 1.

sold at York Point “by the package.” Most of the goods listed were British imports, including blankets, rugs, Irish linens, women’s scarlet cloaks, petticoats, silk stockings, cutlery, pewter ware and glass ware, iron pots, stationery, and tools for blacksmiths, coopers and shoemakers. The bottom of the advertisement noted that they also had for sale West India rum, muscovado sugar and molasses, and port wine.<sup>140</sup> The advertisement demonstrated, as had those of the retail merchants, that a wide variety of goods (only a few of which have been itemized here) were available in Saint John at the time, and that alcohol was sold in conjunction with non-alcoholic consumer items. The references in the statutes to retailers selling alcohol were aimed at merchants who sold a variety of goods that had been purchased dockside from merchant companies such as McGeorge, Elliot and Company.

The company’s vessel had either loaded all of the goods in London, with the rum, sugar and molasses having made the triangular journey, or stops were made at other ports of call. Both practices were in keeping with the British trade patterns of the eighteenth century. As a port town, Saint John was one of many nodes in the British Atlantic oceanic net. Newspaper advertisements that October and December also announced the departure of the ship *Mary*, Anthony Maddick Commander, for Lisbon, Cork and London, and the brigantine *Carleton*, Jacob Bell, master, for Jamaica.<sup>141</sup> In Saint John, as in Halifax and Charlottetown, merchant vessels with final destinations for their cargos elsewhere nonetheless paid duties on alcohol stored in the ships’ hulls, and received drawback upon leaving the port. The Brig *Three Brothers*, owned by William and Thomas Pagan and sCompany, for instance, stopped in Saint John on a voyage from Jamaica to Quebec (in

---

<sup>140</sup> PANB, *Royal Gazette*, 06 December, 1785, p. 3.

<sup>141</sup> PANB, *Royal Gazette*, 11 October, 1785, p. 4, and 06 December, 1785, p. 3.

this instance, due to distress). A duty of £43. 5s. 10d. was paid on 46 puncheons of rum landed at the port. The duty was re-paid to the merchant company, and the rum re-shipped to Halifax.<sup>142</sup> For vessels landing goods in New Brunswick, the Provincial Treasurer Richard Seaman reminded all masters, owners and agents of the need to adhere to the act for raising a revenue in the province by making a report at the Treasury Office on Germaine Street.<sup>143</sup>

Merchants also combined notices for the sale of imported consumer goods with requests for cargo for the outbound voyage. In June, 1786, Zeph Kingsley advertised the sale of rum, brandy, coffee, tea and sugar, along with linens, woolen drapery and other European goods recently-imported on *New-Hope* arriving from London. He also declared that he would give high prices for beaver, otter, muskrats, moose skins, and other peltry, as well as boards and staves, and “any kind of LUMBER” for the West Indies. He requested payment from clients with outstanding balances, and, finally, that “all those who have any demand against him” send in their accounts for payment.<sup>144</sup>

Not all goods were sold by merchants. In August, 1786, Sheriff W.S. Oliver announced two public auctions (to be held at two different wharves) where the cargo of two sloops and a schooner were to be sold, along with an almost-new ‘gondaloe’ (gundalow) and a whale boat. All three vessels had carried alcohol along with an assortment of ‘necessary’ consumer goods such as Indian corn, bread and flour, pork, salt, earthen and iron ware, sieves and scythes. Out-of-the-ordinary, perhaps ‘luxury’ goods such as, rice, tobacco, ginger, vinegar and chocolate were also being auctioned.

---

<sup>142</sup> PANB, RS 2 Published Journals Vol 1, 11 February, 1801.

<sup>143</sup> PANB, *Royal Gazette*, 06 June, 1786, p.1.

<sup>144</sup> PANB, *Royal Gazette*, 06 June, p. 4.

The advertisement did not mention why the goods were being sold at auction. They were not wartime prize vessels, but were likely involved in illegal commerce from the United States – the alcohol on two of the vessels included New England rum (in puncheons on one vessel, and barrels on the other). The government had also placed an advertisement in the newspaper warning that vessels entering the “ports or harbours of this province” that were not being navigated according to law would be seized and subject to forfeiture.<sup>145</sup> Wine in barrels, cordial in kegs, and cider (one of the sloops contained one barrel of cider, and the schooner five barrels) were also being auctioned.

The sampling of alcohol unloaded and sold in Saint John, as advertised through the *Royal Gazette*, reveals that various rums and wines were sold (and hence consumed), with one mention each of brandy, cordials and cider, but no ale or beer.<sup>146</sup> The merchants’ descriptions revealed nuances in the selling of alcohol as a consumer commodity. The following table provides a summary of the various alcoholic beverages.

Table 4.2: Sample of Alcohol Sellers and Types of Alcohol Sold, Saint John, N.B., 1785-1786.<sup>147</sup>

<b>Seller</b> (as a trade commodity or by retail)	<b>Alcohol Sold</b>
Stanton Hazard (retail)	Old sherry wine / Jamaica spirits
William Donaldson (retail)	Sherry, port and Lisbon wines / common rum
William & Thomas Pagan and Co. (trade)	Rum / Madeira Wine
James Hayt (retail)	high proof rum

<sup>145</sup> The Notice was signed by Jonathan Odell. PANB, *Royal Gazette*, 06 June, 1786, p. 1

<sup>146</sup> Andrew Crookshank sold London Porter and Brown Stout, in addition to high proof Jamaica rum, at the end of the century. PANB, *Royal Gazette*, 09 April, 1799, p. 3.

<sup>147</sup> PANB, *Royal Gazette*, various, 1986.



John Colville & Co. (retail)	Old Jamaica Spirits / Rum / “Teneriff” wine
McGeorge, Elliot and Company (trade)	West India rum / port wine
Zeph Kingsley (trade)	Rum, brandy
Sheriff W.S. Oliver	New England rum / cordial / “cyder”

All of the wines (sherry, port, Madeira, Tenerife) were Portuguese or Spanish (from the Iberian peninsula or the Atlantic Islands), and most were fortified. Tenerife wine had been popular in Britain up to the War of Spanish Succession, and was consumed in British colonies as well, but Madeira, as noted previously, was the Iberian wine most consumed in the coffee houses, public houses and inns of British North America by merchants, lawyers, officers and other elite gentlemen. These imbibers, and the Anglo-distributors who sold fortified wine to the owners of public houses (where toasts were made and commercial deals sealed over Madeira poured from glass decanters), created Madeira as a luxury product over the course of the eighteenth century. Sherry (from southern Spain, and in particular *Jérez de la Frontera*) and port (associated with the mainland town of Oporto in northern Portugal) were often destined for the British market, but Saint John shared the consumption of these Iberian alcoholic beverages with other littoral enclaves of North America.

The alcohol consumed in New Brunswick was produced elsewhere, and arrived in the British colony as a result of both pre-existing and shifting Atlantic trade patterns. Through this trade, New Brunswick was connected to the Iberian Peninsula (including Mediterranean ports), the Iberian Atlantic Islands, Britain, the West Indies, and the United States. Imported Iberian fortified wines indicated an entangled commercial

Atlantic, while West Indian and New England rum (made using Caribbean molasses) connected the Loyalists and other inhabitants of the province to enslaved labour, as was the case in the other two colonies. For some vessels, Saint John was not the final port of call, and they continued up the St. Lawrence to Quebec, for instance, after unloading cargo in New Brunswick.

As noted, no ale or beer was advertised in the sample of newspapers reviewed. Spruce beer (of ambiguous alcoholic content) was, however, produced locally by William Hiltz. He may have been the brewer on the list of Freeman mentioned for the newly-incorporated City of Saint John. The Loyalist Hiltz placed an ad in the newspaper in 1786, informing both his customers and the public in general of his move to a new “Brew-house” where he intended to serve “the very best” spruce beer to gentlemen. He also noted that his “long experience in Canada,” as well as residency in Saint John, had given him “thorough knowledge of the quality of the Spruce.”<sup>148</sup> Spruce beer was not widely consumed in northeastern British America at the time, but it was not unknown, and it could take different forms depending on the location. It had existed in the British North American colonies since the seventeenth century, and was popular in Quebec in particular, where, after the British conquest, soldiers were given spruce beer (or malted beer) in addition to rum rations.<sup>149</sup> Various types of home brews were made in the British

---

<sup>148</sup> PANB, *Royal Gazette*, 01 August, 1786, p. 4. Esther Wright includes William Hiltz, listed as a brewer, in her compilation of the New Brunswick Loyalists. Wright, *The Loyalists*, p. 292.

<sup>149</sup> Heron, *Booze: A Distilled History* (Toronto: Between the Lines, 2003), p. 32.

colonies, using spruce boughs, and also molasses, ginger, dandelions, maple syrup, checkerberries, saffras roots, and hops.<sup>150</sup>

In Quebec, soldiers consumed both spruce beer and rum, while in Newfoundland Able Seaman Aaron Thomas observed a pointed difference between the two beverages. Writing on 03 June, 1794, while in Newfoundland aboard the British Royal Navy frigate H.M.S. *Boston*, Thomas expressed fondness for spruce beer: “a grand and important article, not only in Newfoundland, but in the habitable world!” Unlike rum, which made people “languid” when they worked in the woods, a person could work all day, consume spruce beer, and return from the woods in “the full possession of his health to his family.”<sup>151</sup> Thomas also considered spruce beer to be medicinal. It could cure an intoxication-induced headache, make the body stronger and the mind cool and capacious, and was an “Antiscorbutic,” of particular use to the British Army in America. Thomas also noted that a Quebec merchant, Taylor, had a patent for the sale of the essence of spruce, and had consigned it to a person named only as “Bridge” in London, where it was distributed in great quantities.<sup>152</sup> Thomas’s reference to the Quebec merchant is of note, given Hiltz’s reference to his experiences in Canada. As noted in the introduction, most of the alcohol consumed in northeastern British America was imported, not locally produced, and spruce beer was an exception to this general trend. Thomas noted that it had only been known in England for forty years at the time of writing, and for the first twenty of those it had only been used medicinally. He also made reference to Nova Scotia and Georgia. In Nova Scotia, the use and knowledge of the beer was “of anterior date.”

---

<sup>150</sup> Heron, *Booze*, p. 19.

<sup>151</sup> Aaron Thomas, *The Newfoundland Journal of Aaron Thomas*, edited by Jean M. Murray (Don Mills, Ontario: Longmans Canada Limited, 1968), pp. 60-1.

<sup>152</sup> Thomas, *The Newfoundland Journal*, pp. 61-62.

He referred to mention of the beer in Georgia, in 1732, when General Oglethorpe arrived with settlers. In Newfoundland, the beer was brewed as follows:

The process of making the essence is very simple, nothing more than putting a few Gallons of water in an Iron Pott on the fire, and into this Pott keep throwing the branches of the Spruce Tree. It must be kept constantly boiling and when arriv'd to the consistency of Cream one half pint of it will be a quantity sufficient for thirty Gallons of Beer.<sup>153</sup>

Thomas also noted that he had attempted to brew the beer in England, where he added molasses and ginger. He described the process as similar to that used for making ale. The spruce beer described by Thomas did not have hops, although hops were cultivated in New Brunswick at the time. Benjamin Marston noted their commercial potential in correspondence with Edward Winslow.<sup>154</sup> The gentlemen of Saint John may have been as enamoured with the hopless spruce beer – essentially an American variant of seventeenth-century ale -- as Aaron Thomas (and possibly the British soldiers in Quebec). Hiltz may have experimented with molasses and ginger as well, in addition to other ingredients. The alcohol content would have been very low. Spruce beer was an anomaly as a locally-produced beverage, but it was also infused with Atlantic currents, through the addition of molasses and ginger. Innovation, as with Madeira and West Indian rum, was key in the eighteenth-century production of alcohol as new consumers were carved out in new markets.

---

<sup>153</sup> Thomas, *The Newfoundland Journal*, p. 60.

<sup>154</sup> Given the favourable price for hops in Britain (£5.10 to £8 per hundredweight, depending on the quality), Marston thought the “ordinary” New Brunswick hops would be sufficient to provide the shippers “a very handsome profit.” Benjamin Marston to Edward Winslow, London, 21 November, 1789. *Winslow Papers*, edited Raymond, pp. 372-4.

In addition to being consumed in the taverns of Saint John and other settlements, and in private residences both ornate and ordinary, alcohol was provided as incentive or payment for labour in keeping with normative practices elsewhere in the British Atlantic, such as supplying rum to fishermen in Nova Scotia and on the Island of St. John. When three batteries were built in the early 1790s in Saint Andrews, 4.5 gallons of rum (at a cost of £1. 2s. 6d.), were earmarked for Robert Pagan to cover expenses incurred for rum given to carpenters, labourers and volunteers.<sup>155</sup>

Taken together, the instances of alcohol consumption among both settlers and Aboriginal peoples, indications of illegal trade involving West Indian and New England rum, newspaper notices regarding alcohol sales, and government records indicating both the entry of alcohol into the port and the consumption of rum among labourers, all suggest that alcohol was readily available, if not widely and consistently distributed inland. Despite a shifting mercantile landscape, and also changes in the broader commercial and imperial Atlantic world, no new statutes (apart from the brief amendment in 1794) regulating alcohol selling and imbibing were introduced in New Brunswick until the second decade of the nineteenth century, during the War of 1812. The primary concern of governing authorities in New Brunswick, from the founding of the colony to the end of the century, was in establishing a basic regulatory framework for alcohol sale and consumption within the context of a large influx of population and little accompanying infrastructure. Emphasis was on licensed establishments and the role of local officials, in particular justices, with little regard to questions of unlicensed selling, debauchery and disorder. An interest in revenue generation was present, but not a central

---

<sup>155</sup> PANB, RS 2 Published Journals Vol 1, 11 February, 1796.

concern. A key feature of revenue associated with fees and fines under the licensing acts was the generation and use of funds at the local, or parish, level. Issues relating to revenue, excessive consumption and disorder would become more prominent in the following decades before the temperance movements of the 1830s ushered in yet another phase.

### **The “Double Purpose” – Trade, Taxation, and Rum, 1790s to 1830**

The Loyalist elite envisioned an agricultural colony, but trade was also key, and alcohol was a significant component of colonial commerce. Merchants, as had been the case with Loyalists in Nova Scotia, hoped to engage in direct trade with the West Indies and in particular to capitalize on the closing of British West Indian markets to U.S. merchants after the Revolution. After a decade of peace, however, the Atlantic world was again embroiled in bellicose engagements through the French and Napoleonic wars, with only a few years of relative peace between 1793 and 1815. For New Brunswick, it was a time of mixed fortunes.<sup>156</sup> The removal of provincial troops in 1794 as a consequence of the Duke of Kent’s presence in Nova Scotia was economically and militarily damaging, as for Saint John was the concentration on establishing a political and military capital in Fredericton. The British government’s mid-decade decision to allow American vessels to enter West India markets for the duration of the war, and two years beyond its end (by Jay’s Treaty), was another blow to the loyal province, and a victory for the powerful lobby of West Indian planters. An advertisement appeared in the Saint John newspaper in

---

<sup>156</sup> MacNutt’s three-fold summary was based on the following chronologies: 1793-1803 (despair), 1798-1808 (hope), 1808-1815 (prosperity). MacNutt, *New Brunswick*, pp. 94, 118, pp. 144.

the fall of 1795, informing readers that authentic copies of the just-announced “Treaty of Amity, Commerce and Navigation” were available for purchase. In the same issue, Thomson & Reid advertised that they had recently imported from London (by the ship *Princess Royal* and the brig *Hope*) an assortment of dry goods and groceries. Wine and red port, sherry, and Lisbon (fortified wines) were included in the long list, but no rum. Nor were there any other advertisements for rum in that issue.<sup>157</sup> The treaty underscored the extent to which Britain’s Atlantic empire was both inter-connected and subject to arbitrary change in the peripheries based on political and economic assessments undertaken at the centre.<sup>158</sup>

Trade with the West Indies was a key component of New Brunswick’s economic foundation, as the government continued to insist, despite the louder chorus of West Indian Planters. Carleton referred to the ‘West India trade’ frequently in his correspondence. His letters to London in the 1780s and 1790s contained both descriptions of the context and hopeful mapping out of possibilities based on the balancing of

---

<sup>157</sup> There were also no advertisements for rum in September or December, 1798, but eighteen puncheons of high proof Jamaican rum were for sale in April, 1799. PANB, *Royal Gazette*, 01 September, 1795, 11 September, 1798, 04 December, 1798, 09 April, 1799.

<sup>158</sup> France had engaged in similar assessments in terms of its American colonies at the end of the Seven Years’ War, when the 1763 Treaty of Paris confirmed that the French crown considered the small sugar-producing island of the West Indies (Martinique and Guadeloupe) to be of greater value than the vast fur-trading and agricultural regions of New France, despite the presence of 50,000 French subjects in the later. Eric Nellis, *An Empire of Regions: A Brief History of Colonial British America* (Toronto: University of Toronto Press, 2010), p. 305. The scale was vastly different in the late-eighteenth-century contest between New Brunswick (British North America) and the British West Indies, with France having relinquished territories, but both pointed to the importance of the sugar-producing island of the Caribbean for imperial commerce. Elizabeth Abbott argues that British West Indian planters lobbied in Britain to have Guadeloupe returned to France in order to reduce competition with “their own eroding sugar operations.” Elizabeth Abbott, *Sugar: A Bittersweet History* (Toronto: Penguin, 2008), pp. 171-172.

sometimes competing considerations. Livestock, for instance, was being imported from the United States, but would eventually be exported from New Brunswick to Newfoundland. Livestock, fish, and timber were destined for the West Indies, with British manufactured goods and West India produce, “wanted for consumption,” as imports.<sup>159</sup>

During the 1790s, Saint John continued to be the principal entry point for British manufactured goods and agricultural supplies to other settlements, in addition to being a disembarkation port for New Brunswick commodities, and a ship-building centre.<sup>160</sup>

After the American Revolution, exceptions were made to the trade restrictions with the United States, for necessary consumption goods, including flour, rice and corn, and livestock (and, in 1791, timber), albeit with reluctance. “I hope the time is not remote,” Carleton reflected in 1789, “when the Colony will be in a condition to subsist without any further importations from those Countries” (the “American States”).<sup>161</sup> Virginia tobacco, Asian tea, and New England rum all made their way into New Brunswick through U.S. vessels as well, despite trade restrictions. Customs collector William Wanton held the conviction that trade laws were not to be enforced in the extreme.<sup>162</sup> In addition, much of the Caribbean trade was carried out in British vessels. In the early years of the Loyalist

---

<sup>159</sup>PANB, RS 330, Carleton Letterbook, Thomas Carleton to Lord Dorchester, No. 8, Fredericton, 22 March, 1787.

<sup>160</sup> PANB, RS 330, Carleton Letterbook, Thomas Carleton to W.W. Grenville, Fredericton, 30 September, 1790, and PANB, RS 330 Carleton Letterbook, Thomas Carleton to Lord Dorchester, No. 8, Fredericton, 22 March, 1787, and MacNutt, *New Brunswick*, p. 65.

<sup>161</sup> PANB, RS 330 Carleton Letterbook, Thomas Carleton to Lord Sydney, No. 90, Fredericton, 20 February, 1789. See also Thomas Carleton to Lord Sydney, No. 82, Fredericton, 18 June, 1788. Carleton also mentions trade to both British and foreign West Indian trade. For timber, see MacNutt, *New Brunswick*, p. 84.

<sup>162</sup> MacNutt, *New Brunswick*, p. 65.



province, when farms were not yet well established and New Brunswick had not yet transformed into the “timber colony” of the nineteenth century, much of the trade “developed around the province rather than within it.”<sup>163</sup> Against this backdrop, rum was one of the many commodities singled out for due consideration in terms of its provenance, and its place, in the colony. In the late eighteenth-and early-nineteenth centuries, the government weighed carefully three potential sources of rum: New England, the West Indies, and locally-distilled rum.

Attempts were made, with reasonable but not complete success, to prevent an illicit trade in New England rum. Governing authorities were also concerned about the “considerable portion” of West India rum that was entering the port of Saint John, but being redirected toward the United States, as were the merchants of Saint John, who called for greater fortification of the harbour entrance.<sup>164</sup> Distilleries were discouraged on the grounds that they would make it difficult to uncover contraband rum, but other arguments were advanced as well.

The inhabitants, both settlers and Aboriginal people, were likely to prefer rum from “His Majesty’s West India Islands” over rum distilled from local molasses. Carleton argued that neither New Brunswick nor New England distillers could produce rum equal in quality to West Indian rum. Frederick Smith’s extensive study of Caribbean rum has confirmed that contemporaries differentiated rum according to quality. ‘Old Jamaica spirits,’ advertised in the Saint John newspaper, were superior to New England rum, for instance. Prior to the American Revolution, Barbados, not Jamaica, was the main supplier

---

<sup>163</sup> MacNutt, *New Brunswick*, p. 84.

<sup>164</sup> PANB, RS 330 Carleton Letterbook, Thomas Carleton to W.W. Grenville, Fredericton, 30 September, 1790.

of rum to British North American markets, while British consumers had a preference for Jamaican rum.<sup>165</sup> Changing trade patterns following the American Revolution, and in particular the use of British bottoms in the West Indian trade, led to a greater appreciation in North American markets for Jamaican rum over the distilled molasses-based spirit from Barbados.<sup>166</sup> Carleton walked a fine line in his discussion of rum consumption. He argued, for instance, that Aboriginal people did not consume a significant quantity of rum, but that it would always be advisable, nonetheless, to “withhold from them as much as possible every means of intoxication.”<sup>167</sup> The governor’s understanding of the variability in quality and taste of rum highlighted the extent to which this spirituous liquor, as examined in Chapter One, had become differentiated according to production locations and techniques. It also suggests that the settler perception of Aboriginal consumption patterns outlined by Mancall in *Deadly Medicine* may have had resonance in colonial New Brunswick. Despite the governor’s expressed interest in the nuances of rum, however, his primary objection to local rum production was that it would negatively impact imports from the British West Indies.

---

<sup>165</sup> In 1770, Barbados exported 600,000 gallons of rum to Newfoundland, Quebec, Nova Scotia and the Island of St. John. Ireland was also a key market for Barbadian rum. The British preference for Jamaican rum continued into the nineteenth century. In 1802, Jamaican planters exported more than four million gallons of rum to Britain. Frederick Smith, *Caribbean Rum: A Social and Economic History* (Gainesville: University Press of Florida, 2005), pp. 83-85, 91-2.

<sup>166</sup>Smith, *Caribbean Rum*, p. 92. For an overview of trade in the West Indies in the seventeenth and eighteenth centuries, including the role of the navigation Acts and 1733 Molasses Act, see John J. McCusker and Russell R. Menard, *The Economy of British America, 1607-1789* (Chapel Hill and London: University of North Carolina Press, Published for the Institute of early American History and Culture, 1985), pp. 144-168.

<sup>167</sup> PANB, RS 330 Carleton Letterbook, Thomas Carleton to Lord Sydney, No. 73, Fredericton, 20 October, 1787.

In this latter consideration, the government's primary focus was the potential for the generation of revenue through rum imports. Rum that entered Saint John in 1786 (much of which was advertised in the local newspaper as examined below), for instance, was estimated to be worth more than £15,000 – “a sum of great magnitude” for an “infant colony,” according to Carleton.<sup>168</sup> As the governor of a British colony in an inter-dependent second Empire, Carleton was also responding to the powerful lobby of West India Planters, who had been adversely impacted by the American Revolution, and who were becoming increasingly concerned with the impact of the Abolitionist movement on their exports of sugar, rum and molasses, as well as the distillation of rum in the United States.<sup>169</sup> While reformers seeking to end the trans-Atlantic slave trade focussed their efforts on sugar, they also targeted rum. Abolitionist Andrew Burns, for instance, depicted the body of a roasted slave inside a barrel of Jamaican rum in *A Second Address to the People of Great Britain*.<sup>170</sup> The first four verses of British poet William Cowper's 1788 *Pity for Poor Africans* summarized the dilemma of both trader and consumer when confronted with the moral outrage of slavery:

I own I am shock'd at the purchase of slaves,  
And fear those who buy them and sell them are knaves;  
What I hear of their hardships, their tortures, and groans  
Is almost enough to draw pity from stones.

I pity them greatly, but I must be mum,  
For how could we do without sugar and rum?

---

<sup>168</sup> PANB, RS 330 Carleton Letterbook, Thomas Carleton to Lord Sydney, No. 73, Fredericton, 20 October, 1787.

<sup>169</sup>In Jamaica, for instance, 324 sugar plantations (out of 775) in operation in 1772 were sold, or repossessed after the revolution. In 1787, free ports were established in the British West Indies in order to re-start trade. Abbott, *Sugar*, p.173.

<sup>170</sup> Burns was attempting to draw attention to the perceived practice of adding animal carcasses and human skeletons to rum in order to “meliorate and soften” the spirits. In Smith, *Caribbean Rum*, p. 78.

Especially sugar, so needful we see?  
What? give up our desserts, our coffee, and tea!

Besides, if we do, the French, Dutch, and Danes,  
Will heartily thank us, no doubt, for our pains;  
If we do not buy the poor creatures, they will,  
And tortures and groans will be multiplied still.

If foreigners likewise would give up the trade,  
Much more in behalf of your wish might be said;  
But while they get riches by purchasing blacks,  
Pray tell me why we may not also go snacks?<sup>171</sup>

The public opinion critical of American commodities produced through enslaved labour was accompanied by an increasing discourse around the harmful effects of the consumption of rum. Competing ideas regarding rum's innate qualities – nutritional, medicinal, symbolic, and harmful – had been in circulation since its emergence in the mid-seventeenth century. By the late eighteenth century, however, medicinal opinions regarding the destructive impact of 'kill-devil' were gaining a foothold. The physician Benjamin Rush commented on the detrimental effects of the consumption of rum in his correspondence and pamphlets. In 1772, he wrote that rum, along with the other "luxuries of modern invention" (tobacco and tea), all had "a large share in weakening the stamina of our constitutions, and thus producing a more feeble race of men."<sup>172</sup>

Against this backdrop, New Brunswick authorities persisted in their attempts to generate a strong trade with Caribbean slave-produced rum. The governor's correspondence during this period made no reference to moral dilemmas involved in the production of rum. Notwithstanding, New Brunswick's attempts in the late eighteenth

---

<sup>172</sup> ECCO, Benjamin Rush, *Sermons to the rich and studious, on temperance and exercise. With a dedication to Dr. Cadogan. By a Physician*, London, 1772.

century to gain a foothold in the rum market connected the newly-formed British colony to the broader Atlantic world of the slave trade and slavery. The same was true, of course, for Nova Scotia and the Island of St. John, although the Loyalist migration and their efforts to construct a colony based on trade highlighted this reality in New Brunswick.

In the fall of 1787, Carleton acknowledged his receipt of a copy of a representation to the Lords of the Committee of Privy Council for Trade from West India planters and merchants outlining the “prejudice” to them of rum locally-distilled in the United States or British North America. Carleton assured Lord Sydney that no distilleries had been set up in New Brunswick, although a Mr. Arnold had imported equipment from England to be used to establish a large distillery in Saint John. The first session of the assembly had, in fact, considered enacting legislation to prohibit rum distilling, but the government chose not pursue it because it would be difficult to enforce. Carleton favoured a total prohibition on distilleries in “the three British American Colonies” of New Brunswick, Nova Scotia and ‘Canada’ (he did not mention Newfoundland, Cape Breton or the Island of St. John) on the grounds that this would both “defeat the contraband importer” and allow for excise on imported rum.<sup>173</sup> Carleton was concerned about “English West India Rum” being adulterated, and suggested it would be necessary to establish a “legal mode of discrimination” to distinguish “different sorts of rum.” An act for raising revenue introduced in 1792 did not, however, differentiate between different types of Caribbean rum. It simply stated that importers were to pay a (low) 2d. duty for “every gallon of rum or other distilled spirituous liquor,” (and a 3d. per gallon

---

<sup>173</sup> PANB, RS 330 Carleton Letterbook, Thomas Carleton to Lord Sydney, No. 73, Fredericton, 20 October, 1787.

duty for wine), language in keeping with other similar statutes in both New Brunswick and Nova Scotia.<sup>174</sup> Import merchants, retailers and inn and tavernkeepers did, as outlined above, chose to identify rum (and wine) according to quality and place of production.

### ***Rum and Revenue***

The 1792 revenue act contained extensive information about imported rum.<sup>175</sup> Duties from ships breaking bulk in Saint John were to be paid to the provincial treasurer. For all other ports, the deputy appointed by the treasurer (with approval of the lieutenant governor), collected duties, had the power to seize goods, and received £10 for every £100 received for “trouble and services.”<sup>176</sup> The act also contained anti-smuggling provisions. If a vessel had rum onboard that was destined for a market other than New Brunswick, the duty did not have to be paid. If, however, rum reported for re-export was landed clandestinely, the vessel in question could be seized. For rum that was not immediately re-exported on the same vessel, the act contained a standard drawback clause, tailored to the New Brunswick context.<sup>177</sup> For rum re-exported within three months of being imported, the treasurer would pay the exporter drawback duties “out of the monies arising from the duty on the said rum.” The exporter was required to sign an oath within six months in order to receive the drawback. The oath contained the name of the ship and its master, the number of gallons of rum imported, the day it was entered, a

---

<sup>174</sup>PANB, RS 3, “An Act for raising a Revenue in this Province.”

<sup>175</sup> The original revenue act, introduced in 1786, was meant to be in effect until 1793, and also set the duty at two pence per gallon for rum and three for wine. PANB, RS 3, “An Act for Raising a revenue in this Province.”

<sup>176</sup>PANB, RS 3, “An Act for Raising a Revenue in this Province.”

<sup>177</sup> Nova Scotia statutes also contained drawback clauses.

declaration that the duties had been paid (or secured to be paid) on the rum, that it had actually been landed in New Brunswick and not the United States “to the eastward of Machias harbour.” The latter was a reference to the as-yet unresolved boundary dispute with the United States which both facilitated smuggling and stalled the issuing of land grants to settlers.<sup>178</sup> A person making a false oath was guilty of perjury. In order to prevent fraud, bonds had to be given for twice the value for the rum on board, and the rum could be seized as it was landed. The government had up to one year to prosecute the owner of the rum, with a hefty £50 fine for each offence. The quantity of the rum on board each vessel was determined by legally appointed gaugers who were required to use Gunter’s Callipers. No distinction was made, as noted above, with respect to the quality or provenance of the rum. Duties were paid based on quantity alone.

Finally, the act stated that all money raised through the act (on rum, wine, U.S. wheat or rye flour, sugar, coffee and any other goods), was to stay in the treasury until its use was determined through statute legislation. Although the revenue raised from rum and other alcohol imports was not yet significant, it was one of the few sources of provincially-generated revenue; an increasing concern as the wave of provisions and other support associated with the migration from New York had risen and subsided. According to MacNutt, “the few hundred pounds raised by the legislature from duties on liquors and other imports became the object of first concern” when imperial spending “dried up.”<sup>179</sup>

---

<sup>178</sup> PANB, RS 3, “An Act for Raising revenue in this Province,” and MacNutt, *New Brunswick*, pp. 123-130.

<sup>179</sup> MacNutt, *New Brunswick*, p. 98.

Determining the use of revenue raised from the duties imposed by the 1792 act proved difficult in practice as the 1790s went on, as the impasse between the council and elected assembly manifest in the first election continued into the next decade, albeit in slightly altered form. The primary fault line continued to be between centralizing forces (the authority of the governor and the majority of council) and regionalism (most of the assembly members and their constituencies). The battleground revolved around the raising and allocation of public funds. Salaries for government representatives and restrictions on land grants were also a source of discontent. At a meeting at Van Horne's Tavern in Fredericton in 1795, Stair Agnew, representative for York County, went so far as to lead a meeting to discuss annexation to the United States.<sup>180</sup> Assembly members argued that they should oversee the distribution of government-generated revenue among constituencies, while the governor and council continued to insist on centralized control of funds. When, for instance, Carleton requested funds for a provincial academy in Fredericton, the assembly proposed that each parish receive a £10 grant for educational purposes.<sup>181</sup> Between 1795 and 1799, the council and assembly came to an impasse every year on revenue issues. Road-building came to a standstill, as did the collection of duties on alcohol and other imported goods. The latter had a positive impact on the price of alcohol, and the merchants who sold it. Some argued that the impasse "put hundreds of pounds each year into the pockets of the merchants of Saint John and Saint Andrews," who were accused of 'trafficking in revenue.'<sup>182</sup>

---

<sup>180</sup> MacNutt, *New Brunswick*, p. 97.

<sup>181</sup> MacNutt, *New Brunswick*, pp. 105-6.

<sup>182</sup> MacNutt, *New Brunswick*, p. 109.



West India imports had been put forth as the most favourable option as a source of rum and revenue, and statute legislation in the early 1790s reflected this by outlining specific considerations involved in the importation of rum.<sup>183</sup> The revenue could be raised through a combination of excise taxes and port duties. Carleton considered excise duties preferable, as imposing port duties contributed to smuggling. He conceded, however, that a port duty was necessary, even a low one, because it was “almost the only source of revenue in our present state of poverty.” The governor also acknowledged that the implementation of the port duty had not met with expectations: The duty was “attempted last year, but our scattered situation amongst other causes defeated the expectation formed of it’s [sic] produce.”<sup>184</sup> Concerns over the colony’s “scattered situation” in the late 1780s became more acute in the 1790s. The changing fortunes of war and trade, and the constitutional impasse within the government, made articulated priorities with respect to West Indian rum difficult to bring into policy and practice.

New Brunswick’s prospects began to improve with the beginning of a new century. The supply of masts to the Royal Navy during the Napoleonic Wars marked the beginning of a colonial economy rooted in forest products. Despite the opening of markets for timber, New Brunswick merchants continued to lobby for exclusion of American merchants from the Caribbean trade.<sup>185</sup> Higher costs for both labour and marine insurance in New Brunswick made it difficult for the colony’s merchants to

---

<sup>183</sup> PANB, RS 330 Carleton Letterbook, Thomas Carleton to Lord Dorchester, Fredericton, 22 March, 1787.

<sup>184</sup> PANB, RS 330 Carleton Letterbook, Thomas Carleton to Lord Dorchester, Fredericton, 22 March, 1787.

<sup>185</sup> Saint John merchants presented a petition to the government in 1804, for instance, regarding exclusion of the Americans from trade with the British West Indies. MacNutt, *New Brunswick*, p. 136.

compete in this market, and New Brunswick fish and lumber were sold to Americans who in turn sold rum, sugar and molasses in the province.<sup>186</sup> The context of war exacerbated this tension, and Britain's insistence on the precise definition of U.S. neutrality was met with a U.S. embargo, in 1807, on British trade. Saint John and Saint Andrews (in addition to Halifax and Shelburne) were declared free ports in order to facilitate continued, and now legal, commerce, and the United States withdrew from the West Indies carrying trade.<sup>187</sup> This and an 1806 bounty on New Brunswick (and Nova Scotia) fish bound for the West Indies allowed New Brunswick finally to enter the West Indies trade on terms it had been seeking since its founding in 1783.

The duties on imported rum had been raised, in 1801, to 6d. per gallon, and wine to 9d., with importers paying 8d. per gallon for brandy and 'Geneva' – the latter not having been included at all in the 1792 revenue bill. Mediterranean wine, European brandy and gin, and West Indian rum were all Atlantic commodities contributing to the colonial coffers.<sup>188</sup> In 1807, a new revenue bill added more precise stipulations to the duties on imported alcohol. For rum, the duty was raised to 7½d., plus "an additional one penny half-penny per gallon on all Rum to be imported" when two-thirds of the rum was

---

<sup>186</sup> New Brunswick plaster of Paris destined for the United States, and imports of Virginia tobacco were also important components of these trade triangles. MacNutt, *New Brunswick*, pp. 136-7, 141.

<sup>187</sup> Julian Gwyn argues that the "Americans' unexpected and unilateral resolution to withdraw" from the carrying trade to the Caribbean took place during wartime, but "not because of the war." Julian Gwyn, *Excessive Expectations: Maritime Commerce & the Economic Development of Nova Scotia, 1740-1870* (Montreal & Kingston: McGill-Queen's University Press, 1998), p. 40. See also Margaret R. Conrad and James K. Hiller, *Atlantic Canada: A History*, second edition (Don Mills, Oxford UP, 2010), p. 101.

<sup>188</sup> The 1801 revenue bill contained stipulations similar to the 1792 bill regarding clandestine landings of alcohol, drawback for re-exported commodities, and the use of Gunter's Callipers and sworn gaugers to determine the quantity of alcohol being imported. PANB, RS 3, "An Act for Raising a Revenue in the Province."

not purchased with New Brunswick commodities, or on a New Brunswick vessel.<sup>189</sup> A similar stipulation was put in place for wine. The basic duty remained at 9d. per gallon, with an additional 3d. per gallon added for all wines not purchased with New Brunswick produce or in New Brunswick vessels. The duties on brandy, gin and “other distilled Spirituous liquors” increased to 9d., but with no added stipulations regarding New Brunswick produce and bottoms. The significant jump in duties in fifteen years was an indication of the strength of New Brunswick trade in the few short years between the new century and the outbreak of war with the Americans. That said, illegal imports continued to be a problem. That same year, the government authorized sheriffs to enter houses, stores, and warehouses thought to hold clandestine imports, and to open and seize casks containing prohibited items, in addition to imposing a duty on the goods seized.<sup>190</sup>

Early in 1807, the government examined, in session, the West Indies trade, rum duties and the revenue law, and “the morals of society.” The president of the council in his speech to the Council Chamber and Assembly, noted that import duties from the previous session had “proved productive,” and would be “sufficient to discharge the public debt.”<sup>191</sup> He then drew attention to the renewal of the revenue law and, along with this, the increasing consumption of rum – a practice that “threatened to enervate the

---

<sup>189</sup>PANB, RS 3, “An Act for raising a Revenue in this Province.”

<sup>190</sup> PANB, RS 3, “An Act to Prevent Illicit and Clandestine Trade, and for Imposing a Duty on Articles Illegally imported or brought into this Province, to be levied and paid after the condemnation and sale thereof.”

<sup>191</sup> New Brunswick did not have a lieutenant-governor at the time, and the duties of the office were discharged by the president of the council. PANB, RS2 Legislative Council Journals 1803-1833, Minutes of the Council in General Assembly, Fredericton, 30 January, 1807.

present and rising generation.”<sup>192</sup> Government discourse in the first decade of the nineteenth century had shifted. No longer the isolated incidents of the 1780s and 1790s, the government now expressed concern for an entire generation, and had to sort out balancing this concern with a concomitant increase in alcohol as a revenue source. The “double purpose” of rum – revenue and controlling consumption – was discussed in terms of the appropriate level of port duties. High duties would contribute to smuggling, “a practice already prevalent,” and would “injure the fair importer,” without having an impact on consumption. The proposed solution was to focus on places of consumption by “rating the retailer of spirituous Liquors according to the quantity he sells.”

Great Britain had implemented a similar measure, and the president of the council drew upon this in his speech: “The success attending the... duty on Malt and Wine in Great Britain holds out sufficient encouragement for us to adopt a similar practice.” The “free use of spirituous liquors” was, according to the president, contributing to a growing burden on the poor rates, but the solution could be found within the problem: “... it may perhaps be thought a real relief to the country, should the produce arising from this source in each county be appropriated to the support of the poor.” The address to Council and Assembly finished with the following succinct solution: “Taxation will then contribute to guard the morals of society as well as be the means of its support.”<sup>193</sup>

Almost a half century earlier, Lieutenant-Governor Belcher had open a session of the Nova Scotia legislature with commentary on the “noxious manufacture” the government both relied on and constrained through statute legislation. The context of early-

---

<sup>192</sup> The bounties favouring exports, as well as the exclusion of foreign salted provisions from the West Indies, and permitting direct trade to Gibraltar, were also outlined in thankful terms. PANB, RS 2, Minutes of the Council, Fredericton, 30 January, 1807.

<sup>193</sup> PANB, RS 2, Minutes of the Council, Fredericton, 30 January, 1807.

nineteenth-century New Brunswick differed from that of Nova Scotia in the 1760s, and the language and tone of each address reflected this, but the sharp paradox of alcohol was present in both situations. In Nova Scotia, authorities had come to this realization quickly – Belcher made his address 14 years after the founding of Halifax. In New Brunswick, although the address came much later, it was still only 23 years after the founding of the province. In other words, the realization of the fundamental dilemma around alcohol and revenue was articulated in an early stage of colonial governance in both colonies, albeit over a half century apart. In New Brunswick, duties on alcohol were used to support the poor in each county. Licencing duties, also, were ear-marked for the use of the poor in each county in the first piece of legislation passed in New Brunswick. The uses to which the revenue would be put differed in Nova Scotia and New Brunswick, as did the mechanisms of implementation with respect to liquor income.

In the period from the mid-1790s, when the 1786 licensing statute was lightly amended, to the second decade of the nineteenth century, the government continued to define and redefine its system of taxation of imported goods as a source of colonial revenue. The above discussion highlighted the key role played by alcohol, and West Indian rum in particular, in the government's considerations and deliberations regarding the raising of revenue (outcomes aside). During this time, members of the council and assembly did not give equal consideration to the licensing context. It was not until 1814, when British North America and the United States were at war, that another licensing statute was passed.

The War of 1812 brought economic opportunities, but also new expenditures. In March, 1812, the government prepared for hostilities with the United States by approving

the allocation of £10,000 from the Treasury towards defence of the province.<sup>194</sup> The following year, the assembly also had to deal with the war-time billeting of troops. As in Nova Scotia, taverns were the primary public place for the billeting of officers and soldiers in transit. Justices of the peace would ensure that members of His Majesty's forces and militia forces on march would lodge in taverns if they were available, but other 'dwelling houses' could be used in places where there were not enough taverns.<sup>195</sup> The month before the billeting bill was passed, the Legislative Council discussed the need to set prices for meals that would be fair to both tavernkeepers and soldiers. They also acknowledged that tavernkeepers were the only "Publicans" who were bound by law to provide for travellers, and that no other person could sell "spirituous or strong liquors" to be consumed in their houses.<sup>196</sup>

The 1814 licensing act was thus introduced in the context of the government's war-time priorities. Discussions in the previous decade (and dating back to the 1790s) regarding revenue generation became more pressing when the United States went to war with Britain, and by extension British North America. The licensing bill was amended by the council on the second reading, at the beginning of February, 1814, and was passed the following month, on 7 March.<sup>197</sup> Although the statute covered similar ground to previous legislation, it was not an amendment to either of the acts introduced in the 1780s. The short act did, nonetheless, refer to previous legislation, with a preamble stating that the

---

<sup>194</sup> If the Treasury funds were not sufficient, the act also authorized the funds to be raised by securing a loan. PANB, RS 3, "An Act to appropriate a sum of money as an aid to His Majesty in the Defence of the Province."

<sup>195</sup> PANB, RS 3, "An Act to provide for the accommodation and billeting of His Majesty's Troops and the Militia, when on their March."

<sup>196</sup> PANB, RS 2, Minutes of the Council, Saturday, 13 February, 1813.

<sup>197</sup> The chief justice had introduced a licensing bill in February, 1812 that was read three times and passed without amendments, but there is no extant record of the act.

existing licensing laws were “defective or insufficient for the preventing or correcting abuses and disorders” in inns, taverns and other houses. The bill discussed in 1812 had also included a reference to alehouses, but this was taken out of the 1814 act. Under the new act, all licenses were issued at the General Sessions of the Peace in each county, and set in place for one year. Retailers could be fined 20s. for selling “Wine, Ale, Beer, Brandy, Rum, or other strong or spirituous Liquors” in quantities under one pint.<sup>198</sup>

Tavernkeepers (and retailers) could be fined 40s. for selling on a Sunday to anyone who was not a traveller. The need to provide accommodation for travellers existed in New Brunswick as it did in Nova Scotia and Prince Edward Island. In 1818, John McDougall submitted a petition to the government for £50 to finish the “dwelling house” he was building between Fredericton and Saint Andrews, which he hoped to open for the accommodation of travellers.<sup>199</sup>

The act also dealt with the death of a tavernkeeper holding a one-year license, something not previously included. The license could be passed onto the deceased person’s successor for the duration of the license, provided that the new owner provided two sureties, and with the stipulation that the license was only for the same premises.<sup>200</sup>

---

<sup>198</sup> The oath of at least one credible witness was required, and parish constables were empowered to oversee the sale of the offender’s goods in the event of failure to pay the fine. Up to five days in jail was the other alternative. Half of any monies paid was for the use of the poor, and the other half for the person filing the complaint. PANB, RS 3, “An Act for the Better Regulation of Licenses to Inns, Taverns and Houses for Selling Strong Liquors by Retail.”

<sup>199</sup> PANB, RS 336 Records of George Stracey Smyth, Colonial Administrator and Lieutenant Governor, 1821-1823, Subseries B Petitions, *Petition of John McDougall of Fredericton to His Excellency Major General George Stracey Smyth*, Fredericton, 01 October, 1818.

<sup>200</sup> PANB, RS 3, “An Act for the Better Regulation of Licenses to Inns, Taverns and Houses for Selling Strong Liquors by Retail.”

As with previous legislation, the act also made clear that it did not interfere with the rights and powers given to the Mayor of Saint John to grant licenses. The act was to be in place for two years. It was indeed renewed, with no amendments, in 1816 for another four years, when it was again renewed (with several other acts, as had been the case in 1816).<sup>201</sup> In 1823, the act was again renewed for four years, again with no amendments, but this time with no other acts.<sup>202</sup>

A new statute, however, was introduced only two years later, in 1825 – this time with three amendments. The act’s preamble expressed concern over the low rates at which tavernkeepers and retailers of spirituous liquors took out licenses, and also that the penalties for breaches of licensing legislation were small enough to “have been found prejudicial to the Public Interest.” The legislation seemed to target unlicensed selling, in particular given the reference to abuses and disorder in the 1814 act. It was not until the nineteenth century that New Brunswick enacted licensing legislation focused on disorder and unlicensed selling of alcohol, a significant departure from the other two Maritime colonies, and in particular Nova Scotia. In encouraging more licensed public houses, however, on the surface the statute was contrary in its direction to legislation in other parts of British North America.

In Newfoundland, beginning in the eighteenth century, concerns over disorder and “prejudice to the fishing trade” led to repeated limits on the number of tavern licenses issued. In 1767, Governor Hugh Palliser issued a General Order on the “vending of

---

<sup>201</sup> PANB, RS 3, “An Act to Continue certain Acts of the General Assembly which are near expiring” (1816), and “An Act to Continue several Acts of the General Assembly that are near expiring,” (1820).

<sup>202</sup> PANB, RS 3, “An Act to continue an Act, intituled “An Act for the better regulation of Licences to Taverns, Inns, and Houses for Selling Strong Liquors by Retail.”



spirituous liquors,” that stipulated that no more than eight or ten “Publick Houses” would be licensed for the “Entertainment of Strangers” in St. John’s (the same order was also applied to Bonavista) – with the added stipulation that none would be kept by Roman Catholics.<sup>203</sup> In 1772, Governor Shuldham acknowledged the problem of unlicensed taverns in Placentia, and the drunkenness and idleness among seamen and servants in the fishery that accompanied the establishments, but sought to deal with the problem by limiting the number of licenses issued to 4, rather than formalizing unlicensed establishments.<sup>204</sup> In 1797, Governor King limited the number of licenses in St. John’s to 12, and sent orders to the justices in several districts that the number of public houses “should not exceed more than is absolutely necessary.”<sup>205</sup> In port cities in British North America generally, both civic and clerical leaders linked the control of tavern density to the maintenance of an orderly society.<sup>206</sup> In Boston in 1765, there were 134 tavern licenses – one for every 123 people. In Philadelphia in 1772, it was one tavern for every 133 people (for a total of 164), and in New York in 1759, 287 taverns existed – one for every 55 people.<sup>207</sup> By comparison, tavern densities in Newfoundland (for legal establishments) were significantly lower during corresponding time periods. The act did

---

<sup>203</sup>PANL GN 2/1/A Outgoing Correspondence of the Colonial Secretary’s Office, vol 4, p. 84, Hugh Palliser, *Vending of Spirituous Liquors, General Order on the Subject*, St. John’s, 31 October, 1767.

<sup>204</sup>PANL, GN 2/1/A, Outgoing Correspondence, vol. 5, p. 125, Shuldham, *Order to Prevent People Vending Spirituous Liquors without License at Placentia*, Placentia, 14 August, 1772.

<sup>205</sup>PANL, GN 2/1/A, Outgoing Correspondence, vol. 12, pp. 153-4, Governor R. King, General Order to the Justices of the Peace of St. John’s, 15 September, 1792.

<sup>206</sup>Sharon Salinger, *Taverns and Drinking in Early America* (Baltimore and London: The Johns Hopkins University Press, 2002), p. 184.

<sup>207</sup>Salinger, *Taverns and Drinking*, p. 185.

not point to concerns drunkenness or disorder, but built on the previous 1814 statute that did.

Alcohol continued to circulate in the province, and rum in particular was making its way into the back woods and smaller communities. In 1812, for instance, a lumberman (name unknown) who had business dealings with Saint John merchants, made note in his record book of the purchase of rum (and coffee) for labourers in the timber trade.<sup>208</sup> In the Miramichi region, Scottish-born merchant Lewis Henry made frequent note in his account book from April, 1823 to January, 1824, of sales of rum (as well as molasses, gin, cod fish, tea, tobacco, clothing, cutlery, pine and birch).<sup>209</sup> This was a significant departure from William Davidson's Miramichi a half century or so earlier.

The 1825 act echoed earlier legislation in giving justices discretionary power to set license fees. The lowest possible fee was still 10s. year, but the upper limit was increased from £4 to £10 – to be paid according to the original 1787 act whatever the amount. Legislators also singled out retailers selling alcohol in quantities under one pint. In so doing, they made reference to the 1814 act, and significantly increased the fine from 20s. to £5.<sup>210</sup> Failure to pay could result in a twenty-day jail term. The legislation may have been related to the suggestion, put forth in 1807, of rating retailers according to the quantity of alcohol sold, although the 'rating' was in the form of a fine. The penalty for retailing liquor was brought into closer alignment with the fine for unlicensed selling of alcohol. This section of the act singled out tavernkeepers and retailers, but did not include

---

<sup>208</sup> PANB, MC 799, Unidentified Lumberman's Record Book, 1806-1812.

<sup>209</sup> PANB, MC 693 Lewis Henry Fonds 1823-1824, Inventory, MS 1, Lewis Henry's Account Book, 1823-1824.

<sup>210</sup> PANB, 4 Geo 4<sup>th</sup>, Cap. 8, *An Act to alter and amend the Acts relating to the granting of Licences to Tavern Leepers and Retailers of Spirituous Liquors*, 1825.

any specific stipulations regarding taverns as public houses, suggesting instances where both were under one roof. The coffee house in Saint John, for instance, also housed a store, albeit under a different proprietor.

The final clause dealt specifically with Saint John. Unlike previous acts that simply confirmed the city's jurisdiction in regulating public houses, the 1825 act gave specific and detailed information regarding the exercise of the Charter for the city. No one, other than the mayor, could grant licenses to people fit to operate "a Tavern, an Inn, an Ordinary, a Victualling, or a Coffee House," or to sell "Wine, Brandy, Rum, strong Waters, Punch, Beer, Ale, or any exciseable or strong liquors whatsoever."<sup>211</sup> This was the first legislative mention of both ordinaries and victualing (houses), as well as punch and 'exciseable' liquors. The first three point to changes in consumption patterns and habit, the last to a specific interest in rum as revenue in Saint John. The mayor, as with the justices in the counties, had discretionary power to set fees, with an upper limit of £10 per year, and the funds raised were for public use in the city. The fee for retailing liquor under 5 gallons was up to £4 per year.<sup>212</sup>

The 1820s was a period of transition. The raising of licensing fees may have had as much to do with limiting places to consume alcohol as with an interest in revenue. Raising the fines for unlicensed selling may also have been designed as a disincentive. Discretionary changes introduced at the parish level suggest this trend, also. Craven argues that magistrates in Charlotte County introduced more restrictive regulations in the 1820s, underscoring the local discretion under the laws. Taverns, for instance, required

---

<sup>211</sup> PANB, RS 3, "An Act to alter and amend the Acts relating to the granting of Licences to Tavern Keepers and Retailers of Spirituous Liquors," 1825.

<sup>212</sup> PANB, RS 3, "An Act to alter and amend the Acts relating to the granting of Licences.

identifying signs, and handbills identifying license holders were also posted. In both Saint Stephen and Saint Andrews, shop keepers could not also hold tavern licenses. Magistrates also started making the application process more rigorous in an attempt to limit the number of licenses.<sup>213</sup>

In 1830, a temperance society was formed in Saint John, and the following year a new statute was introduced that repealed all previous laws in the province regulating inns, taverns and houses selling strong or spirituous liquors. The repeal addressed deficiencies in previous acts, including the need for greater clarity. The comprehensive 14-clause act brought together many features of previous acts under the umbrella of one statute. A more comprehensive licensing framework was also in keeping with the rise of social and moral sanctions against the consumption of alcohol that had begun in the 1820s and had coalesced into a movement by the 1830s, when it shifted from a focus on distilled alcohol only to a call for a total abstinence from alcohol. In Saint John, for instance, Evangelicals had begun protesting drunkenness in the 1820s, and had formed a temperance society by 1830.<sup>214</sup> One quarter of Saint John residents were temperance society members by 1843, and a provincial association, based in Fredericton, was formed around the same time. In the following decade, Samuel Leonard Tilley (a temperance advocate since 1839 and future Father of Confederation) introduced a private-members prohibition bill, which became, in 1856, the first prohibition law in British North America.<sup>215</sup>

---

<sup>213</sup> Craven, *Petty Justice*, pp. 422-423.

<sup>214</sup> The also protested “theatricals” and “secular Sabbath activities.” Jan Noel, *Canada Dry: Temperance Crusades Before Confederation* (Toronto: University of Toronto Press, 1994): p. 26.

<sup>215</sup> Noel, *Canada Dry*, pp. 26, 43-44.

## **Conclusion**

Relative to the other two Maritime colonies, the licencing context in New Brunswick was slim and succinct. The legal regulation of alcohol consumption and public houses was not characterized by long, multi-clause statutes, or frequent amendments to existing statutes. Nova Scotia licensing legislation had more acts, and more amendments to existing acts, as well as a greater level of detail in some of the statutes. On the Island of Saint John/Prince Edward Island, the overall volume of statutes was not significant, but both the 1773 and 1785 acts were comprehensive, with 10 and 16 clauses, respectively. Although many similarities existed in the regulation of public houses, New Brunswick followed a different trajectory from Nova Scotia and Prince Edward Island. Rum, wine and other alcohol arrived in the colony, both legally and illegally, from Europe, the Atlantic Islands, the West Indies and the United States, and was consumed in public houses such as the Exchange Coffee House, McPherson's Tavern, Mallard House, and Van Horne's Tavern, as well as in tippling houses, on town work sites, and in backwoods timber camps. Alcohol-related disorder existed, but significant concerns relating to excessive consumption, drunkenness, and the unlicensed selling and public consumption of alcohol articulated in legislation in Nova Scotia were not expressed in eighteenth-century New Brunswick laws. Nor did there emerge an explicit link between licensing revenue and road building, as in Nova Scotia, or the need to establish public houses of entertainment on rural roads for the accommodation of travellers (and their horses) as on the island. From the beginning, the licensing of public houses in New Brunswick was directed from the centre (Saint John before the legislature became established in Fredericton) but rooted at the local level. During the first phase of

licensing, from 1783 to 1795, discretionary power was given to local magistrates, and licensing revenue was allocated by the Overseers of the Poor at the parish level for local use (and by the mayor in the case of Saint John). The focus during this stage was on governance, not disorder or revenue generation. During the second phase of regulation, from the 1790s to the end of the 1820s, both revenue and disorder became central issues. Governing authorities were not able to capitalize on alcohol's potential, and West Indian rum in particular, as a source of revenue, as the first decades were also marked by the end of the transatlantic slave trade and the beginnings of moral prohibitions against imbibing spirituous liquors. Both the Abolitionist and Temperance movements thus came to frame the regulatory context of alcohol licensing in New Brunswick.

## **Chapter 5**

### **Conclusion**

Alcohol played an important role in the three Maritime colonies of northeastern British America between the founding of Halifax in 1749 and the beginning of the temperance movement around 1830, and yet no in-depth study of alcohol prior to the 1830s exists for the region. This dissertation addresses this gap by examining the paradox presented by alcohol as a source of both colonial revenue and social disorder. It has examined the intention of colonial authorities in the regulation of alcohol (in particular the licensing of public houses) in Nova Scotia (from 1749), the Island of St. John/Prince Edward Island and New Brunswick. The dissertation has argued that an alcohol paradox - the dual interests of generating revenue through alcohol while simultaneously curbing alcohol-related disorder -- was present in all three colonies, albeit in nuanced ways. The licensing patterns revealed the responses of colonial authorities to local circumstances associated with establishing ordered colonial societies, including the expansion of trade and settlement. Historians of alcohol have noted (as reviewed in Chapter One), that many of the questions posed in the study of alcohol are universal, but answers are contingent. The broad paradox of revenue and disorder, or fiscality and morality, is a universal question posed by many alcohol historians, and has been posed here as well. The contingent examination of this paradox in the three Maritime colonies reveals both convergences and divergences in the licensing context, and adds a lens through which colonial societies can be viewed and understood. Given the important role alcohol and public houses have played in the region (the former as a trade good and revenue stream, and the latter as a site of alcohol consumption and a public space that facilitated other

functions – including the expansion of settlement), and given the recent emergence of other studies on alcohol in the British Atlantic world, the study of alcohol in this region is timely, and the dissertation makes an important contribution to the historiography of the region.

As the first extensive foray into the topic, selection was an important part of the process. The inclusion of British Nova Scotia prior to 1749 (and in particular Annapolis Royal), Cape Breton from 1780 to 1820 when it was a separate colony, and Newfoundland during the same time period, would have added comparative breadth, while a focus exclusively on Nova Scotia, the first colony to introduce licensing legislation, would have added depth by allowing a more detailed examination of the licensing context, including a study of the implementation of alcohol regulation (in particular in terms of enforcement of licensing statutes). The dissertation represents a compromise between these two poles. The three Maritime colonies of Nova Scotia (from 1749), the Island of St. John/Prince Edward Island and New Brunswick were chosen as the middle ground, and the focus has been on the intention of governing authorities in the regulation of public houses. The dissertation expands our knowledge of the history of alcohol in the region, and is an invitation for further research on aspects of alcohol distribution, consumption and regulation that were beyond the scope of this project.

Studies on alcohol in British North America and the Caribbean undertaken in recent decades have examined, as outlined in the first chapter, imported wine in Newfoundland, heterogeneous taverngoing in Upper Canada, authority and alcohol in Massachusetts, taverngoing and public life in colonial Philadelphia, Aboriginal people and alcohol in early America, taverns and drinking in Early America, the economic and



social history of Caribbean rum, and other topics. The three Maritime colonies studied here have not been included in this recent historiography, and the present study generates knowledge required to be a part of the conversation. It does so by addressing gaps in our understanding of alcohol and its connection to Atlantic-world trade patterns and colonial governance and early state formation – including the arrival, settlement and integration, over a period of eighty years, of settlers and sojourners to an Aboriginal northeast and its transformation to three British colonies embedded in the early modern Atlantic world.

This chapter summarizes the licensing context for each of the three Maritime colonies. It provides a general overview of alcohol licensing – the three colonies at a glance. It then outlines convergences and divergences among the three colonies and summarizes the key regulatory phases in each colony in terms revenue generation, concerns regarding (dis)order, and the apparatus of colonial government. It also reviews two themes explored in the dissertation: the exceptionalism of rum as an alcoholic beverage, and alcohol as a thread in the creation of ordered British societies (or attempts to do so).

Most of the alcohol consumed in the region between 1749 and 1830 was produced elsewhere – in southern Spain, on the Portuguese island of Madeira, on the slave plantations of Barbados, Jamaica and other West Indian islands, in the distilleries of New England, and so on. An average of 78,000 gallons of rum entered Nova Scotia from New England alone between 1768 and 1772. Saint John merchants advertised old sherry, Lisbon, Port, Tenerife and Madeira wines, high proof rum, Jamaica spirits, New England rum, brandy, cordials and cider in the local newspaper in the 1780s. Rum, re-exported from Nova Scotia, was a principal import to Prince Edward Island in the early nineteenth

century. Alcohol, and rum in particular, became a small, but nonetheless important local source of revenue through duties on imports, as well as the fees and fines associated with public houses, as colonial governments sought funds for the expansion of settlement and other expenses. There were, also, peak periods when alcohol was a major revenue stream. In 1822, duties on imported alcohol accounted for slightly over 40% of Prince Edward Island's total revenue.

Regulating alcohol in the three colonies involved a number of activities that, collectively, focused on places where alcohol was consumed (from streets to elite inns) both legally and illegally, tavernkeepers and taverngoers, tavern regulators, revenue collection, implementation and enforcement. Additional statutes dealt with specific issues involving alcohol and public houses, such as drinking on Sundays, billeting militia, or raising funds to build a school. Specific activities could include the establishing of fees and fines, the naming of colonial officials responsible for the implementation of licensing legislation (justices of the peace, clerks of the license, and commissioners of assessment), outlining the processes for proceeding with non-payment of fines, identifying the role of informers, selecting and regulating tavenkeepers, and controlling imbibers through restrictions on access to credit.

Inhabitants of the three Maritime colonies sought opportunities as alcohol sellers and/or tavernowners as a means to earn a living. Unlicensed sellers could include women and children as well as men, while legislation identified the need for sobriety and good character among legal tavernkeepers. Patrons of Anne Richardson's public house in Charlottetown supported her petition for a license by noting her decorum and ability to supply refreshment on credit. People could pursued tavernkeeping in the face of

significant challenges, as was the case for Francis Garobbo, for instance, (who faced both debt and heavy gales) and John Smith (whose rural tavern was too far from the nearest settlement for him to acquire supplies) on the Island of St. John. Although most tavernkeepers were men, women also owned and ran public houses. Tavernkeeping was one of the few avenues open to women to earn an independent living, and women sometimes took over taverns when their husbands died, as was the case with Mary Sinclair in Annapolis Royal. Gradations in social standing separated illegal sellers at one extreme, and elite tavernkeepers on the other, resulting in a broad spectrum of tavernkeepers across time and geography, for instance: James Skinner, fined and whipt for illegal rum selling in Halifax; Thomas Mallard, owner of the two-story Mallard House in Saint John where theatrical productions were held; John Lennox, owner of the Georgian Lennox Tavern and Inn on Fox Street in Lunenburg; Mrs. Fuller, widow and keeper of the Kentville Inn, and; John O'Brien, owner of the Golden Ball in Halifax (O'Brien's Tavern), where the Supreme Court met after the courthouse burned down.

In terms of taverngoers (and imbibers more generally), concerns regarding disorder singled out sailors, soldiers, servants, and slaves, while legislation focused on the expansion of settlement (part of the establishing of an ordered society based on agriculture and trade) highlighted sojourners and travelers, and their need for victualling and accommodations for themselves and their horses. Men frequented public houses more than women, but authorities could also single out women taverngoers, as happened in Nova Scotia in 1799, for instance. Both female servants and disorderly women were identified in the 1799 bill (although only the servants were included in the final act). On

the island sojourner Walter Johnstone noted both women and men drinking rum, some to the point of intoxication, in a public house he visited on a Sunday.

On the other end of the spectrum, merchants, gentlemen, ladies and military and naval officers dined, drank, and toasted in private homes and elite establishment. In 1784, for instance, Governor Carleton held a ball in McPherson's Exchange Coffee House in Saint John attended by ladies of the best families, and Benjamin Marston, Governor Carleton and other gentlemen and ladies attended a supper and ball at Felicity Hall (a private residence) in 1785 that included food, drinking, dancing and playing cards. Both events stood in sharp contrast to the stark material realities faced by Loyalist refugees like Hannah Ingraham and her family, or the role intoxication played (on both sides) in conflicts between settlers and Aboriginal peoples, as had been the case with Meductic settlers and Wuklstukwiuk people. In Nova Scotia, Prince William dined with the Commodore and Captain of the Royal Navy fleet, and other officers inclined toward the conviviality of consumption, at the Golden Ball in 1787.

Public houses (taverns and inns in particular) fulfilled important roles as public spaces beyond sites of sociability and alcohol consumption. Auctions were held in taverns, militia were billeted, government officials met there, and taverns could also be the site of political organizing, as was the case in Saint John during New Brunswick's first election. The statutes, however, focused primarily on the consumption of alcohol and the operation of public houses. Annual fees to operate a licensed establishment where alcohol was sold could cost as much as £10 per year, although most license fees were between £1 and £6, with rural licenses usually costing less than town ones. On Prince Edward Island, an average of £183 per year was collected through tavern licenses

between 1825 and 1830. Although small in comparison to duties on alcohol imports, licensing monies connected the port to the public house and gave governing authorities discretionary income. Monies arising from licensing fees and fines were used to support the poor, build a Grammar School and House of Corrections (in Halifax), build and repair roads, and for general government expenses.

In enacting legislation to license sites of alcohol consumption, authorities in the three colonies responded in both convergent and divergent ways, the former highlighting the common framework and experience of law, order and empire, as well as geographic proximity, and the latter underscoring the need to tailor legislation to local circumstances. In all three colonies, government representatives understood the delicate balancing act involved in legislating alcoholic beverages that financed colonial projects but also contributed to ill health and morals through debauchery and drunkenness, and by extension contradicted the construction of an ordered society.

The three colonies had much in common. All came into being as formal British colonies in the eighteenth century, albeit at different points, where in close proximity to each other, and in lands that had been, and continued to be, inhabited by Mi'kmaq, Wulstukwiuk and Acadian peoples. Settlers arriving in the eighteenth century included Planters and Loyalists, English, Scottish and Irish migrants, German-speaking Foreign Protestants, and others. All three colonies had systems of representative government with a governor, council and elected assembly, and the first licensing statutes in the colonies were introduced within a period of just under thirty years (1758, 1773 and 1785). Governing authorities were aware of activities in the other colonies, and were connected to the British Atlantic world through migration, trade, war and politics. The three

colonies also had strong imperial ties to Britain, albeit to differing extents. None had the town government systems that had developed in other parts of British North America prior to the American Revolution (although New Brunswick had elements of it) and the regulation of alcohol was embedded in the vertical ties between the colonies and Britain.

Each of the three Maritime colonies also faced a particular set of circumstances. Nova Scotia had been formed as a British colony earlier than the other two, and was more directly involved in the imperial and Aboriginal contestations in North America leading up to, and including, the Seven Years' War. Halifax was founded as an imperial garrison town, and this had an impact on the colony in terms of both imperial financial support and the strong presence of sailors and soldiers there, both of which, in turn, influenced questions of disorder and revenue in the licensing context. The Island of St. John did not receive the same initial support from the British crown, and the unique quitrent system of land tenure on the island did not satisfy the fiscal necessities of settling a sparse island and establishing colonial infrastructure. This, also, was interwoven with the licensing context and the need to generate local revenue, as well as the need to provide public houses of entertainment outside of Charlottetown. In New Brunswick, the Loyalist refugees received initial support from Britain in their transition from former British colonies, but the province likewise was required to generate its own revenue base, and actively sought to curb illegal imports from the United States and promote direct legal trade with the West Indies – both of which involved rum as a commercial commodity and article of local consumption. Despite initial efforts at establishing Fredericton as a military center, neither New Brunswick nor Prince Edward Island developed the military and naval presence that existed in Nova Scotia.

The similarities and differences among the three colonies impacted the convergences and divergences in the licensing context and the nuances in the ways the universal question of revenue and (dis)order played out in each place. The dissertation has identified key phases in the licensing context for the three colonies – three for Nova Scotia and two each for the other two colonies – that correspond to anchor licensing statutes. In Nova Scotia, the first phase, from 1749 to 1767 included proclamations for the illegal selling of alcohol in Halifax, and the beginning of licensing through statute legislation in 1758. While this phase identified fines associated with unlicensed selling and included stipulations for monies collected being directed towards the poor, the main focus was on curbing the illegal selling of alcohol in Halifax, and on controlling the disorder associated with excessive consumption of rum in particular. Common tipling houses, streets, wharves, and other places were singled out as sites of illegal consumption of alcohol among sailors, soldiers and servants. Other than fishermen, servants were not to receive wages as spirituous liquors. No fee structure for licenses was introduced, and the legislation did not name clerks of the license or commissioners of assessment, although justices of the peace were empowered to convict persons in breach of licensing regulations.

During the second phase, from 1768 to 1798, alcohol was increasingly identified as a revenue stream, with a specific focus on roads and bridges, although the uses of licensing monies varied. Legislation continued to target unlicensed sellers, but also began to focus on duties for licensed establishments, naming clerks of the license to investigate licensing breaches, establishing a fee structure for licenses in Halifax and elsewhere, and granting justices of the peace authorization to hold special sessions for the issuing of

licenses. Tavernkeepers in Halifax had to provide licensing clerks with certificates of good character signed by at least three justices, who had discretionary authority to issue and limit licenses. This second phase was fluid, with a continued concern for unlicensed selling, but also greater attention to the uses of licensing monies as well as the mechanism of implementation of regulation legislation.

The final licensing phase in Nova Scotia, from 1799 to 1830, made a clear connection between licensing revenue and the building and repairing of roads and ferries. This focus was reflected in both the title and content of the 1799 act. The act reiterated stipulations from previous legislation, including the need for license holders in rural areas to keep public houses of entertainment for travelers, but provided more detail regarding the licensing context, such as the need for tavernowners to hang signs, and the roles and responsibilities of licensing clerks. Concerns regarding disorder were expressed (including assaults on licensing clerks), but regulation during this phase (the 1799 act and subsequent amendments) focused on revenue, roads and the refinement of mechanisms of implementation of the act, indicating an expanding colonial society and maturing licensing context.

On the Island of St. John/Prince Edward Island, two phases of licensing legislation have been identified. The first phase, from 1769 to 1784, was fluid, and focused on the excessive consumption of rum, and concomitant concerns regarding morality and order. It established fines for breaches of the legislation involving unlicensed selling, including the sale of alcohol on credit and the use of alcohol as wages. As with Nova Scotia, an exception was made for the fishery, as it was deemed necessary for fishermen to receive rum during the fishing season. In both places, the cultural



practice of combining alcohol and labour persisted but also overlapped with moral and legal sanctions against this, marking the eighteenth century as a time of transition. This phase focused on the retailing of alcohol and not on tavernkeepers, but nonetheless introduced prohibitions against selling to imbibers to the point of intoxication.

From 1785 until 1830, alcohol regulation on P.E.I. focused greater attention on the unlicensed selling of alcohol by men, women, children, and servants in places other than their personal residences, and linked this issue specifically to the loss of revenue associated with unlicensed alcohol sales. This echoed early legislation in Nova Scotia, even though it was introduced a dozen years after the first licensing statute on the island, and 22 years after the 1763 Nova Scotia statute. The island context of the 1780s warranted looking to Nova Scotia for similar legislation, but the two diverged in terms of the chronologies around legislating unlicensed selling. Taverns were also differentiated from retail stores during this phase, and the law established fines for breaches of the act. The monetary fine for a first offence was relatively low, at 40s., and stipulated jail times for offences was shortened. This was tied to the difficulties involved in enforcement of jail sentences, which in turn revolved around the shortfall in government income. Monies received from London to build a jail were spent on government salaries, and the reference in the act to the loss of income from illegal alcohol selling was a component of the alcohol paradox on the island – the collection of fine monies to cover government expenses to allow for other funds to be spent on enforcing breaches of the licensing act. The legislators did not specifically earmark licensing monies for jails – it went to informers and the treasury.

The connection between licensing revenue and specific uses that developed in Nova Scotia did not materialize on the island, despite the correlation between the shortfall in government revenue and insufficient incarceration infrastructure. Magistrates were responsible for all fines and penalties, and commissioners for assessment set fees. Extant records of the commissioners indicate they met regularly beginning in 1785, and set differential fees for shops and taverns, in Charlottetown and elsewhere. The cost of a tavern license could remain constant, be increased, or be reduced. The latter was the case, for instance, in four settlements outside Charlottetown in 1799, and for Charlottetown in 1822. In 1827, legislators also attempted to introduce differential fees for public houses providing accommodation and those that did not. Of the 67 establishments listed in the 1825 license ledger, approximately two-thirds (65.7% or 44 establishments) were outside the capital, and these would have been the primary focus regarding accommodations and victualling. Beginning in the early 1830s, tavernkeepers had to obtain license certificates indicating the appropriate accommodations for travelers and horses were in place.

The regulatory structure continually sought to balance revenue generation against the realities on the ground, including the desire to establish licensed public houses with tavernkeepers of good moral standing who could contribute to the ordering of colonial society. A magistrate could revoke a license if a person's conduct was questioned, although tavernkeepers also could appeal this decision to the Supreme Court and, if need be, the governor. The mechanisms of implementation of the act involved vertical linkages within the colony. Government business was heavily concentrated in Charlottetown, and the island in turn had strong vertical linkages with Britain. Tavernkeepers, in turn, sought

funds to establish or develop public houses, and nineteenth-century petitions revealed the challenges faced by proprietors in this regard. In choosing to grant people funds to build or complete taverns, inns and other public houses, authorities were investing financially in the development of colonial infrastructure while simultaneously identifying public houses as a revenue stream.

The dissertation has identified two regulatory phases in New Brunswick. The first focused on regulating tavernkeepers, establishing mechanisms for implementation for licensing legislation (in particular empowering justices), and localizing licensing at the parish level. Many of the Loyalists had experiences with local, town government prior to arriving in New Brunswick, and sought to create a political system where loyalty to the crown and the right to govern ones' own affairs could co-exist, although a convergence developed between them and authorities invested in maintaining centralized vertical linkages that checked the power of elected legislatures, as existed in Nova Scotia and on the Island of St. John. This tension was reflected in the first licensing phase in New Brunswick, from 1783 to 1794, in that the regulatory context was localized to some extent from the beginning. Revenue generated through fines was distributed to the poor by local magistrates. For licensing fees, local clerks (who received 2s. 6d. for collecting fees) submitted the revenue they collected to county treasurers, who in turn used it for local contingent expenses. Early legislation in Nova Scotia also stipulated that licensing monies would be allocated to the poor, possibly due to the influence of New England Planters, but this stipulation did not remain a constant thread in Nova Scotia. During this phase, justices in each county were given the authority to issue licenses to people they considered to be of good character, and to set fees. This, also, underscored the local focus

in early New Brunswick legislation. On the island, for instance, the Charlottetown-based committee of licensing commissioners (one that was both small in numbers and remained fairly constant in its composition) had authority to establish tavern license fees well into the nineteenth century. In New Brunswick, justices could also be tavernkeepers and were subject to prosecution under the act.

In addition to the local focus, another salient feature of this phase of legislation was that it did not focus on the unlicensed selling of alcohol or disorder caused by drunkenness, as had been the case in both Nova Scotia and the Island of St. John. A case study of Saint John newspapers in the mid-1780s revealed a variety of alcoholic beverages arriving in port (worth approximately £15,000 in 1786 alone), and alcohol-related disorder existed, in Saint John and Meductic for instance, but it was not enough of a concern to warrant legislative attention. The alcohol legislation did limit (in monetary terms) the amount of alcohol that could be consumed by soldiers, sailors and servants (but not the type), and also required them to have permission from their master or mistress in order to consume alcohol in a tavern or store. Statutes legislation during this phase was not extensive (either in the number of acts and amendments, or in terms of the content of each law), and the first licensing phase in New Brunswick involved establishing a basic framework for licensing legislation that was oriented in part towards local levels of implementation, and as such embedded in the colony's evolving system of governance. The focus on licensed establishments rather than illegal alcohol sales, the regulation of taverngoers, and the local role of magistrates and clerks all pointed to alcohol regulation being oriented towards governance and the establishment of order.

During the second licensing phase in New Brunswick, the government was involved in efforts to redirect rum imports – curtailing the entry of illegal New England rum while promoting an increase in trade with the Caribbean. The governor argued that West Indian rum was preferable in taste and quality, and also discouraged local distilleries. The government became increasingly interested in alcohol, and rum in particular, as a revenue stream, as imperial spending associated with the initial transportation and settlement of Loyalists dwindled (revenue generation was also hampered by center and region divisions within the government). Not surprisingly, this phase also coincided with government concern regarding rum and its potential to weaken the population. The alcohol paradox that had presented itself at an earlier date in the other two Maritime colonies was expressed in New Brunswick at a later date. The government noted, in the early nineteenth century, that excessive consumption (“free use”) of rum was adding to the poor rates (no elaboration was given, but a decrease in labour productivity was implied), and, simultaneously saw the solution to the problem in the direction of alcohol revenue to the use of the poor at the county level – a practice that had been established during the first licensing phase in the province.

A statute introduced in 1814 articulated deficiencies in previous legislation in correcting abuses and disorders, and the act addressed this issue by tightening the regulation of public houses – setting the annual issuing of licenses, outlining fines for selling on Sundays, and dealing with the transfer of licenses of deceased tavernkeepers. Saint John, as an incorporated town, granted its own licenses. Another statute, introduced in 1825, focused on the low rates for obtaining licenses and insufficient penalties under previous acts, thus continuing the spirit of the 1814 act in tightening the licensing

context. The implied focus on unlicensed selling, as well as the references to disorder, in these two acts introduced a new element to the regulatory context in New Brunswick regarding taverns and disorder, although it was not present to the same extent as in the other two colonies. Given the interest in raising revenue through rum, and also concerns regarding the impact of consumption on the poor, as well as the stipulations of the 1814 and 1825 acts, this second phase expressed the alcohol paradox in a way the first phase had not, but not to the extent that was manifest in the first regulatory phase in Nova Scotia. It overlapped with the island in expressing an alcohol paradox during the second licensing phase, which also coincided chronologically (again, unlike Nova Scotia). The contingencies that framed the paradox on the island also related to the importance of rum imports, but did not share with New Brunswick the decentralized regulatory context or focus on the poor.

Rum was at the centre of the alcohol paradox in all three instances. Alcohol in general could contribute towards intoxication and disorderly conduct, but many of the concerns, in the statutes and other government documents as well as in the observations of others, revolved around rum, and as such the exceptionalism of rum has been a thread in the dissertation. In Nova Scotia in 1749, for instance, the problem of unlicensed alcohol sellers in Halifax was tied directly to spirituous liquors, not other alcoholic beverages. Rum was more readily available than London porter, according to a local observer, reflecting the trade patterns that linked Nova Scotia to New England and the Caribbean, as well as Britain, and the ability of rum to store and transport well (as was the case for wines, and especially fortified wines, as well). In 1763, government officials commenting on Nova Scotia's economic reliance on alcohol singled out rum as a

spirituous liquor of noxious manufacture. Fortified Madeira wine, which had by this time become an alcohol of refined, and often elite, consumption, other Iberian wines, French brandy, British ale, and cider were regulated also, but did not represent the same level of concern. Gin, another distilled spirituous liquor, had been a significant concern in Britain in the first half of the eighteenth century, but was not widely consumed in Nova Scotia, and grain-distilled whiskey was produced and consumed on a small scale in Upper Canada during the time period, but not in Nova Scotia in the 1760s.<sup>1</sup> Spirituous liquors, in other words, meant West Indian and New England rum. In 1780, legislators in Nova Scotia again singled out rum in an attempt to decrease the amount of rum sold in stores. On the Island of St. John, the first act introduced in the legislature focused on the excessive use of rum, and did not mention any other alcoholic beverages. Walter Johnstone's nineteenth-century observations on the island included concern over the moral and financial ruin of settlers tied to the practice of rum-drinking in taverns. In New Brunswick, unlike Nova Scotia and the Island of St. John, early legislation did not single out rum, although the grog shops (rum shops) of Saint John were identified by the Loyalist elite as sites that helped foment political discontent. Rum entered the colony from the United States (illegally for a time after the revolutionary war), and New Brunswick's colonial administration attempted to strengthen direct ties to the West Indies, which included rum imports. This was done with the knowledge of the alcohol paradox – that taxation on legal trade would simultaneously contribute to, and guard the morals of, colonial society.

---

<sup>1</sup> Craig Heron, *Booze: A Distilled History* (Toronto: Between the Lines, 2003), p. 20.

In addition to concerns regarding disorder that stemmed from excessive consumption, authorities also addressed a concern for order in the legislation. Although the flip side of the same coin, an orientation towards order was the enlightened cousin of disorder. Regulating alcohol through statute legislation was part of the process of ordering and organizing colonial society. The three colonies all became British in the eighteenth century, and the initial experiences of settlement were at once forceful and fragile – backed by imperial naval and military might and legal frameworks and, to varying degrees, economic support, while simultaneously being characterized by sparse settlement, insufficient or lacking colonial infrastructure (roads, bridges, courthouses, jails, legislatures, public houses, and so on), and difficulties in establishing viable colonial sources of revenue. The regulation of alcohol encompassed both of these poles. The establishing of legislative assemblies and representative government, and the regulation of alcohol consumption through statutes, built upon British systems of governance and law, and provided a powerful (albeit exclusionary) framework for the ordering of society. On the other hand the precariousness of life for newcomers – both Loyalist refugees and others seeking to improve their circumstances, as well as servants, slaves and sojourners, was interwoven with the licensing context. Elite consumption, on the other hand, was not considered to be disorderly or disruptive and was not addressed in the legislation.

Both excessive alcohol consumption among people of lower status, and the reliance on public houses as components of slowly developing colonial infrastructure framed the licensing context into the nineteenth century. When the first proclamations were issued in Halifax in 1749 and 1750, for instance, few British settlements existed in



Nova Scotia. On the island, shipwreck survivor Thomas Curtis was surprised to find humble dwellings and few supplies in New London, and early legislators struggled to find funds for basic colonial buildings such as a courthouse and a jail. Many of the Loyalists that arrived in New Brunswick in the early 1780s slept in tents and other temporary dwellings due to a lack of accommodation – while the imperial presence was symbolically expressed at Felicity Hall and the Exchange Coffee House. Officials regulated other activities apart from the consumption of alcohol, such as unruly hogs and disorderly horseback riders on the Island of St. John. Efforts were made to establish new settlements, to build roads and ferries for people to get there, to help tavernkeepers set up public houses of entertainment on rural roads to provide victualling and accommodation for travelers, and to establish jails, courthouses, and provincial legislative buildings – although many of the latter were not on firm footing until the nineteenth century.

This is the first dissertation to examine the licensing of public houses in the three Maritime colonies of northeastern British America, and the intersections between the regulatory context and the twin concerns of creating order and curbing disorder, the exceptionalism of rum, the role played by alcohol revenue and public houses in the expansion of colonial settlement, and emerging systems of colonial government. Numerous studies in other parts of the British Atlantic world have focused on alcohol, taverns and taverngoing. The Maritime region of northeastern British America has a rich historiography regarding British imperial control, European-Aboriginal engagement, the impact of the Loyalist migration, and the evolution of colonial economies and systems of governance, all of which have been touched upon in the dissertation. This thesis also engages with recent historiography of slavery in the three Maritime colonies and the

study of the British and entangled early modern Atlantics. This is the first study to begin to bring together pre-Confederation Atlantic Canadian history and early modern British Atlantic history through the study of alcohol consumption and regulation. It argues that the regulation of alcohol in general, and the paradox of alcohol in particular, provide a new, albeit nuanced, lens through which to view the history of the region from 1749 to 1830.

## **BIBLIOGRAPHY**

### **Archival Sources**

#### **Dorchester Records Office, Dorset**

D/LEG                      Papers of the Lester-Garland Families. Diaries and Accounts of Benjamin and Isaac Lester, 1761-1802. (Transcript Reproduction, Memorial University of Newfoundland.)

#### **Library and Archives Canada, Ottawa**

CO 194                      Calendar of State Papers Colonial Series, West Indies and America, Volume 23, 1714-1715.

#### **Nova Scotia Archives and Records Management (NSARM), Halifax, Nova Scotia**

##### **Government Records**

RG 1/163-166              Commission and Order Books  
RG 1/173/36-36a          Journals and Letters of Col. Charles Lawrence  
RG 5/A/6                    Petitions and Correspondence  
RG 5/S/1-6                 Records of the Legislative Assembly of Nova Scotia / Statutes

##### **Manuscript Records**

MG 1/ 1882                Laws Relating to Liquor Sales and A List of Inns and taverns in Early Halifax

##### **Newspapers and Other Records**

*The Nova Scotia Royal Gazette* (title changed over time)

*The Statutes at large Passed in the Several Assemblies Held in His Majesty's Province of Nova Scotia, 1758-1804.* Halifax, 1805.

George T. Bates Map, "Old Halifax, 1749-1830."

"Sign from the Stag Inn, Preston."

Woolford, John Elliot. "Spences Inn on the Windsor Road," *Sketches of Nova Scotia*, 1817. Photo No. 78.45.58, Nova Scotia Museum History Collection.

## **Provincial Archives and Records Office (PARO), Charlottetown, P.E.I.**

### **Government Records**

RG 1/4	Lieutenant Governor Correspondence
RG 3/2/1	P.E.I. Statutes
RG 3/2/2	Bills presented to the House of Assembly
RG 6/1/5	Supreme Court Case Papers
RG 7/1/1	License Ledgers
RG 34/1	Commissioners for assessment on licensed retailers of spirituous liquors
Acc. 2702/7	Inns, taverns, Bridges, Ferries
Acc. 2810	Tavern Licenses

### **Newspapers and Other Records**

<i>Weekly Recorder</i>	
Acc. 2566/31	St. John's Lodge
1841 Census	

## **Provincial Archives of New Brunswick (PANB), Fredericton**

### **Government Records**

RS 2	Published Journals of the Proceedings of the Legislative Council of New Brunswick
RS 3	Published Statutes and Regulations of New Brunswick
RS 330/A	Records of Thomas Carleton Lieutenant Governor, Letterbooks
RS 336/B	Records of George Stracey Smyth, Colonial Administrator and Lieutenant Governor, 1821-1823, Petitions

### **Manuscript Records**

MC 799	Unidentified Lumberman's Record Book
MC 693 /MS 1	Lewis Henry's AccountBook

### **Newspapers and Other Records**

*The Royal Gazette and New Brunswick Advertizer* (title changed over time)

## **Provincial Archives of Newfoundland and Labrador (PANL), St. John's**

GN 2/1/A	Outgoing Correspondence of the Colonial Secretary's Office
----------	--

## **Primary Sources – Online and Printed**

### **Eighteenth-Century Collections Online (ECCO)**

<http://galenet.galegroup.com.ezproxy.library.dal.ca>

“An Act for preventing the Selling of Brandy and Rum in Tipling-houses near Broad Paths and High-ways within this Island.” Barbados. *Acts of Assembly, passed in the island of Barbados, from 1648, to 1718*. London, 1721, pp. 62-3.

“An Act for Prohibiting the Selling of Rum or other Strong Liquors to any Negro or other Slave.” Barbados. *Acts of Assembly, passed in the island of Barbados, from 1648, to 1718*. London, 1721,

New York (State), *An Act to prevent the Selling and giving of Rum or other Strong Liquors to the Indians*, Acts of Assembly passed in the province of New-York, from 1691-1725, Examined and compared with the originals in the secretary’s office [New York], 1726, pp. 131-133.

Oldmixon, John. *The British Empire in America, containing the history of the discovery, settlement, progress and present State of all the British Colonies on the continent and islands of America*, Vol. II (London, 1708), p. 145, 336.

*Reasons for the more speedy lessening the national debt, and taking off the most burthensome of the taxes*. London, 1737, pp. 7-8.

Rush, Benjamin. *Sermons to the rich and studious, on temperance and exercise. With a dedication to Dr. Cadogan. By a Physician*, London, 1772.

### **Other**

*The Acts of the General Assembly of Her Majesty’s Province of New Brunswick, 1786-1836*. Printed by John Simpson, Printer to the Queen’s Most Excellent Majesty. Fredericton, 1838.

*The Acts of the General Assembly of Prince Edward Island, Vol. 1, 1773-1852, & Vol. 2, 1853-1862*. Printed by John Ings at the *Royal Gazette* office. Charlottetown, 1862.

*Clarkson’s Mission to America, 1791-2*, edited and with an introduction by Charles Bruce Fergusson. Halifax: Public Archives of Nova Scotia.

Curtis, Thomas. “Voyage of Thos. Curtis.” In *Journey to the Island of St. John*, edited by D.C. Harvey. Toronto: The Macmillan Company of Canada, 1955: 1-69.

Dana, Richard Henry. "From The Journal of Richard Henry Dana, Jr." In *Halifax: A Literary Portrait*, edited by John Bell. Lawrencetown Beach: Pottersfield Press, 1990: 86-94.

"The Diary of Sarah Frost," 1783. Transcribed and edited by R. Wallace Hale.  
<http://preserve.lib.unb.ca/wayback/20141205161007/http://atlanticportal.hil.unb.ca>

Dyott, William. *Dyott's Diary*, edited by Reginald W. Jeffery. London: Archibald Constable and Co., 1907.

Ganong, W.F., ed. "Historical and Geographical Documents Relating to Nova Scotia." *Collections of the New Brunswick Historical Society*. 9. Saint John, Barnes & Co. 1907: 301-343.

*The Gentlemen's Magazine*. [www.bodley.ox.ac.uk/cgi-bin/ilej/psearch.pl](http://www.bodley.ox.ac.uk/cgi-bin/ilej/psearch.pl)

Harvey, D.C. *Journal and Letters of Colonel Charles Lawrence: Being a day by day account of the founding of Lunenburg by the officer in command of the project, transcribed from the Brown manuscripts in the British Museum*. Halifax: Public Archives of Nova Scotia, 1953.

Holmes Whitehead, Ruth. *The Old Man Told Us: Excerpts from Mi'kmaw History 1500-1950*. Halifax: Nimbus, 1991.

Howe, Joseph. *Western and Eastern Rambles: Travel Sketches of Nova Scotia*, edited by M.G. Parks. Toronto: University of Toronto Press, 1973.

Johnstone, Walter. "Letters" and "Travels" Prince Edward Island." In *Journeys to the Island of St. John*, edited by D.C. Harvey. Toronto: The Macmillan Company, 1955.

Moorsom, William Scarth. *Letters from Nova Scotia*, edited by Marjory Whitelaw. Oberon Press, 1986.

"The Narrative of Hannah Ingraham, Loyalist Colonist at St. Anne's Point, October, 1783," edited and with notes by R.P. Gorham, B.S.A. June, 1933, University of New Brunswick Archives and Special Collections.  
<http://preserve.lib.unb.ca/wayback/20141205161007/http://atlanticportal.hil.unb.ca>

Perkins, Simeon. *The Diary of Simeon Perkins, 1797-1803, Vol 4*, edited with an Introduction and Notes by Charles Bruce Fergusson. Toronto: Champlain Society, 1948-1978.

*The Statutes at large, passed in the Several Assemblies held in His Majesty's Province of Nova Scotia. Volume 1, 1758-1804*. Printed by John Howe and Sons. Halifax, 1805.

*The Statutes at large, passed in the Several Assemblies held in His Majesty's Province of Nova Scotia. Volume 2, 1805-1816.* Printed by John Howe and Sons. Halifax, 1817.

Thomas, Aaron. *The Newfoundland Journal of Aaron Thomas: Able Seaman in H.M.S. Boston*, edited by Jean M. Murray. Don Mills, Ontario: Longmans Canada Limited, 196

"Mr. Tutty's Second Letter to the Society." *Collections of the Nova Scotia Historical Society*. Halifax: Morning Herald, 1891.

*Winslow Papers A.D. 1776-1826*, edited by W.O. Raymond. St. John: New Brunswick Historical Society, 1901.

### **Secondary Sources**

Elizabeth Abbott. *Sugar: A Bittersweet History*. Toronto: Penguin, 2008.

Alcoholic Beverage Study Committee. "Beer, Wine and Spirits: Beverage Differences and Public Policy in Canada. The Report of the Alcoholic Beverage Study Committee. A Summary." 1973.

Acheson, T.W. *Saint John: The Making of a Colonial Urban Community*. Toronto: University of Toronto Press, 1985.

Akins, Thomas Beamish. *History of Halifax City*. Dartmouth: Brook House Press, 2002. Originally published as Volume VIII in *Collections of the Nova Scotia Historical Society*, 1895.

Appleby, Joyce. "Consumption in Early Modern Social Thought." In *Consumption and the World of Goods*, edited by John Brewer and Roy Porter, 162-173. London and New York: Routledge, 1993.

Armitage, David. "Three Concepts of Atlantic History." In *The British Atlantic World, 1500-1800*, edited by D. Armitage and M. Braddick, 11-27. New York: Palgrave Macmillan, 2002.

Armstrong, John Russell. "The Exchange Coffee House and St. John's First Club." *Collections of the New Brunswick Historical Society*. 3.7. Saint John: The Telegraph Publishing Company, 1907: 60-78.

Axtell, James. *Beyond 1492: Encounters in Colonial North America*. New York: Oxford UP, 1992.

- Bailyn, Bernard. *Atlantic History: Concept and Contours*. Cambridge: Harvard University Press, 2005.
- Bannister, Jerry. "Assessing the Bloody Code: Movements Toward 'Reform' of the Criminal Law in England, 1748-1752." Paper presented at the conference of the Canadian and Atlantic Societies for Eighteenth Century Studies, 15 October, 1992.
- \_\_\_\_\_. "Canada as Counter-Revolution: The Loyalist Order Framework in Canadian History, 1750-1840." In *Liberalism and Hegemony: Debating the Canadian Liberal Revolution*, edited by Jean-François Constant and Michel Ducharme, 98-146. Toronto: University of Toronto Press, 2009.
- \_\_\_\_\_. *The Rule of the Admirals: Law, Custom, and Naval Government in Newfoundland, 1699-1832*. Toronto: University of Toronto Press. Published for the Osgoode Society for Canadian Legal History, 2003.
- Barr, Andrew. *Drink: A Social History of America*. New York: Carroll & Graf, 1999.
- Bell, D. G. *Early Loyalist Saint John: The Origins of New Brunswick Politics, 1783-1786*. Fredericton: New Ireland Press, 1983.
- Bell, David. *Loyalist Rebellion in New Brunswick: A Defining Conflict for Canada's Political Culture*. Halifax: Formac Publishing, 2014.
- Bell, Winthrop Pickard. *The 'Foreign Protestants' and the Settlement of Nova Scotia*. University of Toronto Press, 1961.
- Bliss, Michael. "Privatizing the Mind: The Sundering of Canadian History, the Sundering of Canada." *Journal of Canadian Studies*. 26 (Winter, 1991-2): 5-17.
- Breen, T.H. "An Empire of Goods: The Anglicization of Colonial America, 1690-1776." *The Journal of British Studies*. 25. 4 (1986): 467-499.
- Brooks, Joanna. "The Early American Public Sphere and the Emergence of a Black Print Counterpublic." *The William and Mary Quarterly* 62.1 (2005): 29 pars.  
Online: <http://www.historycooperative.org/journals/wm/62.1/brooks.html>
- Buckner, Philip. "Limited Identities and Canadian Historical Scholarship: An Atlantic Provinces Perspective." *Journal of Canadian Studies*, Vol. 23 (1988).
- Bumsted, J.M. *Land, Settlement, and Politics on Eighteenth-Century Prince Edward Island*. Kingston & Montreal: McGill-Queen's University Press, 1987.
- \_\_\_\_\_. "The Origin of the Land Question on Prince Edward Island, 1767-1805." In



- The Acadiensis Reader: Volume One. Atlantic Canada Before Confederation.* Third edition, edited by P.A. Buckner, Gail G. Campbell and David Frank, 156-183. Fredericton: Acadiensis Press, 1998: 156-183.
- Burton, Emily. "Portuguese Interest in Settlement in Sixteenth-Century Northeastern North America." M.A. Thesis. Halifax: Saint Mary's University, 2005.
- Campbell, Gail. "Disenfranchised but not Quiescent: Women Petitioners in New Brunswick in the mid-19<sup>th</sup> century." *Acadiensis* 18.2 (1989): 22-54.
- Campey, Lucille H. "*A Very Fine Class of Immigrants, " Prince Edward Island's Scottish Pioneers 1770-1850,"* second edition. Toronto: Natural heritage Books, 2007.
- Clark Wright, Esther. *The Loyalist of New Brunswick.* Fredericton, 1955.
- Clark, Peter. *The English Alehouse: A Social History, 1200-1830.* London: Longman, 1983.
- Conlin, Dan. "A Private War in the Caribbean: Nova Scotia Privateering 1793-1905." M.A. Thesis. Halifax: Saint Mary's University, 1996.
- Conroy, David W. *In Public Houses: Drink and the Revolution of Authority in Colonial Massachusetts.* Chapel Hill: University of North Carolina Press, 1995.
- Cook, Ramsay. "Identities are not Like Hats." *Canadian Historical Review* 81.2 (June 2000).
- Colley, Linda. *Captives: The Story of Britain's Pursuit of Empire and How Its Soldiers and Civilians Were Held Captive by the Dream of Global Supremacy, 1600-1850.* New York: Pantheon Books, 2002.
- Conrad, Margaret R. & James K. Hiller. *Atlantic Canada: A Concise History.* Don Mills: Oxford UP, 2010.
- Cottreau-Robins, Catherine M.A. "Searching for the Enslaved in Nova Scotia's Loyalist Landscape." *Acadiensis* 43.1 (Winter/Spring 2014): 125-136.
- Courtwright, David T. *Forces of Habit: Drugs and the Making of the Modern World.* Cambridge and London: Harvard University Press, 2001.
- Craven, Paul. *Petty Justice: Low Law and the Sessional System in Charlotte County, New Brunswick, 1785-1867.* Toronto: Published for the Osgoode Society for Canadian Legal History by University of Toronto Press, 2014.

- Crowley, John E. *The Invention of Comfort. Sensibilities and Design in Early Modern Britain and Early America*. Baltimore: The Johns Hopkins University Press, 2001.
- José C. Curto. *Enslaving Spirits. The Portuguese-Brazilian Alcohol Trade at Luanda and its Hinterland, c. 1550-1830*, Leiden: Brill, 2004.
- Cuthbertson, Brian C. *The Halifax Citadel: Portrait of a Military Fortress*. Halifax: Formac Publishing, 2001.
- \_\_\_\_\_. "Halifax Homes of the Nova Scotia Supreme Court." In *The Supreme Court of Nova Scotia, 1754-2004*, edited by Philip Girard, Jim Phillips, & Barry Cahill, X. Toronto: Osgoode Society for Canadian Legal History, University of Toronto Press, 2004.
- \_\_\_\_\_. *Johnny Bluenose at the Polls. Epic Nova Scotian Election Battles 1758-1848*. Halifax: Formac Publishing Company, 1994.
- \_\_\_\_\_. "Place, Politics and the Brandy Election of 1830." *Collections of the Royal Nova Scotia Historical Society* 41 (1981).
- \_\_\_\_\_. *Voices of Business: A History of Commerce in Halifax, 1750-2000*. Halifax: Metropolitan Halifax Chamber of Commerce, 2000.
- Dagenais, Michèle. "The Municipal Territory: A Product of the Liberal Order?" In *Liberalism and Hegemony: Debating the Canadian Liberal Revolution*, edited by Jean-François Constant and Michel Ducharme, 201-220. Toronto: University of Toronto Press, 2009.
- Davis, C. Mark. "Rum and the Law." In *Tempered by Rum, Rum in the History of the Maritime Provinces*, edited by James H. Morrison and James Moreira, 40-53. Porter's Lake: Pottersfield Press.
- Dawson, Joan. *Nova Scotia's Lost Highways: The Early Roads That Shaped the Province*. Halifax: Nimbus, 2009.
- De Garine, Igor and Valerie de Garine, eds. *Drinking: Anthropological Approaches*. New York: Berghahn Books, 2001.
- DeLottinville, Peter. "Joe Beef of Montreal: Working Class Culture and the Tavern, 1869-1889." *Labour/Le Travailleur* 8 (1982): 9-40.
- Elections P.E.I. "Prince Edward Island Governors, Lieutenant Governors and Administrators 1769 to May 2009: Pictures and Biographical Information." Elections P.E.I. Office, 2009.

- Ennals, Peter and Deryck Holdsworth. "Vernacular Architecture and the Cultural Landscape of the Maritime Provinces – A Reconnaissance." In *The Acadiensis Reader Volume One: Atlantic Canada Before Confederation*, edited by P.A. Buckner and David Frank, 335- 355. Fredericton: Acadiensis Press, 1985.
- Fingard, Judith. "'A Great Big Rum Shop': The Drink Trade in Victorian Halifax." In *Tempered by Rum, Rum in the History of the Maritime Provinces*, edited by James H. Morrison and James Moreira, 89-102. Porter's Lake: Pottersfield Press, 1988.
- Fingard, Judith, Janet Guildford and David Sutherland. *Halifax: The First 250 Years*. Halifax: Formac, 1999.
- Flavell, Julie. *When London was Capital of America*. New Haven and London: Yale University Press, 2010.
- Forbes, E.R. "Prohibition and the Social Gospel in Nova Scotia." In *Challenging the Regional Stereotype: Essays on the 20<sup>th</sup> Century Maritimes* (Fredericton: Acadiensis Press, 1989), pp. 13-40.
- Gorman Condon, Ann. "1783-1800: Loyalist Arrival, Acadian Return, Imperial Reform." In *The Atlantic Region to Confederation*, edited by Phillip A. Buckner and John G. Reid, 184- 209. Toronto: University of Toronto Press, 1994.
- \_\_\_\_\_. *The Loyalist Dream for New Brunswick: The Envy of the United States*. Fredericton: New Ireland Press, 1984.
- Gould, Eliga H. "Entangled Histories, Entangled Worlds: The English-Speaking Atlantic as a Spanish Periphery." *AHR Forum. American Historical Review* 112. 3 (2007): 1-22.
- Grandin, Greg. *The Empire of Necessity: Slavery, Freedom and Deception in the New World*. New York: Henry Holt and Company, 2014.
- Greer, Allan and Ian Radforth, eds. *Colonial Leviathan: State Formation in Mid-Nineteenth-century Canada*. Toronto: University of Toronto Press, 1992.
- Gwyn, Julian. *Excessive Expectations: Maritime Commerce and the Economic Development of Nova Scotia, 1740-1870*. Montreal & Kingston: McGill-Queen's University Press, 1998.
- \_\_\_\_\_. "Commerce of Rum: West Indian Connections and Rum Runners." In *Tempered by Rum, Rum in the History of the Maritime Provinces*, edited by James H. Morrison and James Moreira, 111-133. Porters Lake: Pottersfield Press, 1988.

- Haliburton, Thomas C. *The Clockmaker*. Toronto: McClelland & Stewart, 1990.
- Hancock, David. "Commerce and Conversation in the Eighteenth-Century Atlantic: The Invention of Madeira Wine." *Journal of Interdisciplinary History* 29. 2 (Autumn, 1998):197-219.
- \_\_\_\_\_. *Oceans of Wine: Madeira and the Emergence of American Taste*. New Haven & London: New Haven Press, 2009.
- Handcock, W. Gordon. *Soe longe as there comes noe women: Origins of English Settlement in Newfoundland*. St. John's: Breakwater Books, 1989.
- Harvey, D.C. Introduction to "Letters" and "Travels," Prince Edward Island," by Walter Johnstone. In *Journeys to the Island of St. John*, 73-85. Toronto: The Macmillan Company, 1955.
- Heron, Craig. *Booze: A Distilled History*. Toronto: Between the Lines, 2003.
- Huskins, Bonnie. "Shelburnian Manners' Gentility and the Loyalists of Shelburne, Nova Scotia," *Early American Studies* (Winter 2015), pp. 151- 188.
- Innis, Harold A. *The Cod Fisheries: The History of an International Economy*. Revised edition. Toronto: University of Toronto Press, 1978.
- Keyes, Carl Robert. "Early American Advertising: Marketing and Consumer Culture in Eighteenth-Century Philadelphia." PhD Dissertation. Baltimore: Johns Hopkins University, 2007.
- \_\_\_\_\_. "The Elaboration and Refinement of Advertising in Eighteenth-Century Philadelphia: Print Culture, Material Culture, Consumer Culture." Paper presented to the Graduate and Faculty Colloquium, Department of History, Dalhousie University, 9 November, 2007.
- Klein, Kim. "Paths to the Assembly in British North America: New Brunswick, 1786-1837." *Acadiensis*. 39.1 (winter/Spring - Hiver/Printemps, 2010).  
<http://journals.hil.unb.ca/index.php/acadiensis/article/view/15387/16529>
- Klein, Lawrence E. "Gender and the Public/Private Distinction in the Eighteenth Century: Some Questions about Evidence and Analytic Procedure." *Eighteenth-Century Studies*. 29.1 (1996): 97-109.
- Krasnick Warsh, Cheryl, ed. *Drink in Canada: Historical Essays*. Montreal and Kingston: McGill-Queen's University Press, 1993.

- \_\_\_\_\_. "‘John Barleycorn Must Die’: An Introduction to the Social History of Alcohol." In *Drink in Canada: Historical Essays*, edited by Cheryl Krasnick Walsh, 3-26. Montreal and Kingston: McGill-Queen’s University Press, 1993.
- Lennox, Jeffers. "An Empire on Paper: The Founding of Halifax and Conceptions of Imperial Space, 1744-55." *Canadian Historical Review* 88.3 (September, 2007).
- Lockerby, Earle. *Deportation of the Prince Edward Island Acadians*. Halifax: Nimbus Publishing, 2008.
- MacDonald, Edward and Carolyn Roberts McQuaid. "‘Spirituos Liquors:’ Brewing and Distilling in 19<sup>th</sup> Century Charlottetown." In *The Island Magazine* (2005): 32-39.
- MacDonald, M.A. *Rebels & Royalists. The Lives and Material Culture of New Brunswick’s Early English-Speaking Settlers 1758-1783*. Fredericton: New Ireland Press, 1990.
- MacNutt, W.S. *The Atlantic Provinces: The Emergence of Colonial Society, 1712-1857*. Toronto: McClelland and Stewart, 1965.
- \_\_\_\_\_. *New Brunswick: A History: 1784-1867*. Toronto: Macmillan of Canada, 1963.
- Mancall, Peter C. *Deadly Medicine: Indians and Alcohol in early America*. Ithica and London: Cornell University Press, 1995.
- Mancke, Elizabeth. *The Fault Lines of Empire: Political Differentiation in Massachusetts and Nova Scotia, CA. 1760-1830*. New York: Routledge, 2005.
- \_\_\_\_\_. "Spaces of Power in the Early Modern Northeast." In *New England and the Maritime Provinces*, edited by Stephen J. Hornsby and John G. Reid, 32-49. Montreal & Kingston: McGill-Queen’s University Press, 2005.
- May, Allyson N. and Jim Phillips. "Homicide in Nova Scotia, 1749-1815." *The Canadian Historical Review* 82. 4 (December 2001): 625-661.
- McCulloch, Thomas. *The Stepsure Letters*. Toronto: McClelland and Stewart, 1960.
- McCusker, John J. & Russell R. Menard. *The Economy of British America, 1607-1789*. Chapel Hill: University of North Carolina Press, 1985.
- McCusker, John James Jr. "The Rum Trade and the Balance of Payments of the Thirteen Continental Colonies, 1650-1775." PhD Dissertation. University of Pittsburg, 1970.

- Miller, Virginia P., "Akomápis, Nicholas," *Dictionary of Canadian Biography*, vol. 4. University of Toronto/Université Laval, 2003). Accessed 25 January, 2015. [http://www.biographi.ca/en/bio/akomapis\\_nicholas\\_4E.html](http://www.biographi.ca/en/bio/akomapis_nicholas_4E.html).
- Mintz, Sidney, W. "The Changing Roles of Food in the Study of Consumption." In *Consumption and the World of Goods*, edited by John Brewer and Roy Porter, 261-273. London and New York: Routledge, 1993.
- \_\_\_\_\_. *Sweetness and Power: The Place of Sugar in Modern History*. New York: Penguin Books, 1985.
- Morrison, James H. & James Moreira, eds. *Tempered by Rum: Rum in the History of the Maritime Provinces*. Porters Lake, Nova Scotia: Pottersfield Press, 1988.
- Morton, Suzanne. *Ideal Surroundings: Domestic Life in a Working-Class Suburb in the 1920s*. Toronto: University of Toronto Press, 1995.
- Mullane, George. "Old Inns and Coffee Houses of Halifax." *Collections of N.S. Historical Society*. (Read 7 March, 1919): 1-23.
- Eric Nellis. *An Empire of Regions: A Brief History of Colonial British America*. Toronto: University of Toronto Press, 2010.
- Noel, Jan. *Canada Dry: Temperance Crusades Before Confederation*. Toronto: University of Toronto Press, 1995.
- Patterson, Stephen E. "Indian-White Relations in Nova Scotia, 1749-1761." *Acadiensis* 24.1 (Autumn/Automne 1993).
- Piers, Harry. *The Evolution of the Halifax Fortress, 1749-1928*. Accessed 2 October, 2007. <http://www.ourroots.ca/e/toc.aspx?id=6086>.
- Pope, Peter E. *Fish into Wine: The Newfoundland Plantation in the Seventeenth Century*. Chapel Hill: The University of North Carolina Press, 2004.
- Pryke, K.G. "Keith, Alexander." *Dictionary of Canadian Biography*. University of Toronto/Université Laval, 2003. Accessed 10 February, 2008. <http://www.biographi.ca>.
- Raddall, Thomas H. *Halifax: Warden of the North*. Halifax, Nimbus Classics, 2007.
- Reid, John G. et. al. *The 'Conquest' of Acadia, 1710: Imperial, Colonial, and Aboriginal Constructions*. Toronto: University of Toronto Press, 2004.
- Reid, John G., with H.V. Bowen and Elizabeth Mancke. "Is There a "Canadian" Atlantic World? *International Journal of Maritime History* 21.1 (June 2009): 263-295.

- Reid, John G. "The Nova Scotia Historian: A Creature of Paradox?" *Journal of the Royal Nova Scotia Historical Society* 2 (1999):106-121.
- \_\_\_\_\_. "Empire, the Maritime colonies, and the Supplanting of Mi'kma'ki/Wulstukwik, 1780-1820," *Acadiensis* 38.3 (Summer/Autumn 2009):78-97.
- \_\_\_\_\_. "Pax Britannica or Pax Indigena? Planter Nova Scotia (1760-1782) and Competing Strategies of Pacification." *The Canadian Historical Review*. 85. 4 (December 2004): 669-92.
- Rice, Prudence M. "Wine and Brandy Production in Colonial Peru: A Historical and Archaeological Investigation." *Journal of Interdisciplinary History* 27. 3 (1997): 455-480.
- Rider, Peter E. *Charlottetown: A History*. Charlottetown and Gatineau: Prince Edward Island Museum and Heritage Foundation and Canadian Museum of Civilization Corporation, 2009.
- Roberts, Julia. "'A Mixed Assemblage of Persons': Race and Tavern Space in Upper Canada." *Canadian Historical Review* 83.1(March 2002): 1-20. Accessed X [www.utpjournals.com/product/chr/831/831-mixed01.html](http://www.utpjournals.com/product/chr/831/831-mixed01.html)
- \_\_\_\_\_. *In Mixed Company: Taverns and Public Life in Upper Canada*. Vancouver: UBC Press, 2009.
- \_\_\_\_\_. "Taverns and Tavern-goers in Upper Canada, the 1790s to the 1850s." PhD Dissertation. University of Toronto, 1999.
- Rorabaugh, W.J. *The Alcoholic Republic: An American Tradition*. New York: Oxford University Press, 1979.
- Salinger, Sharon V. *Taverns and Drinking in Early America*. Baltimore and London: The Johns Hopkins University Press, 2002.
- Scardaville, Michael C. "Alcohol Abuse and Tavern Reform in late Colonial Mexico City." *Hispanic American Historical Review* 60 (1980): 643-671.
- Seltzer, Michael. "Haven an a Heartless Sea: The Sailors' Tavern in History and Anthropology." *The Social History of Alcohol and Drugs: An Interdisciplinary Journal*. 19 (2004): 63-93.
- Sider, Gerald. *Between History and Tomorrow: Making and Breaking Everyday Life in Rural Newfoundland*. Peterborough: Broadview Press, 2003.
- Sismondo, Christine. *America Walks Into a Bar: A Spirited History of Taverns and Saloons, Speakeasies and Grog Shops*. New York: Oxford UP, 2011.

- Smith, Frederick H. *Caribbean Rum: A Social and Economic History*. Gainesville: University Press of Florida, 2005.
- \_\_\_\_\_. "Alcohol, Slavery, and African Cultural Continuity in the British Caribbean." In *Drinking: Anthropological Approaches*, edited by Igor de Garine and Valerie de Garine, 212-227. New York: Berghahn Books, 2001.
- Sutherland, D.A. "1810-1820, War and Peace." In *The Atlantic Region to Confederation: A History*, edited by Phillip A. Buckner and John G. Reid, 234-260. Toronto: University of Toronto Press, 1994.
- Thompson, Peter. "'The Friendly Glass': Drink and Gentility in Colonial Philadelphia." In *The Pennsylvania Magazine of History & Biography* 63. 4 (1989): 449-573.
- \_\_\_\_\_. *Rum Punch and Revolution: Taverngoing and Public Life Eighteenth Century Philadelphia*. Philadelphia: University of Pennsylvania Press, 1999.
- Thorpe, F.J. "Holland, Samuel Johannes." *Dictionary of Canadian Biography*. University of Toronto/Université Laval, 2003. Accessed July 22, 2013 [http://www.biographi.ca/en/bio/holland\\_samuel\\_johannes\\_5E.html](http://www.biographi.ca/en/bio/holland_samuel_johannes_5E.html).
- Valverde, Mariana. *Diseases of the Will: Alcohol and the Dilemmas of Freedom*. New York: Cambridge University Press, 1998.
- Warburton, A.B. *A History of Prince Edward Island From its Discovery in 1534 until the Departure of Lieutenant-Governor Ready in A.D. 1831*. St. John, N.B. Barnes & Co.
- Webb, Jeff A. "William Knox and the 18th-Century Newfoundland Fishery." *Acadiensis* 44.1 (Winter/Spring 2015), p. 116.
- Webb, Sidney and Beatrice Potter Webb. *The History of Liquor Licensing in England Principally from 1700 to 1830*. London: Longmans, Green and Co., 1903. Reprinted by BiblioBazaar, 2010.
- Whitfield, Harvey Amani. "The Struggle over Slavery in the Maritime Colonies." *Acadiensis*, 49. 2 (Summer/Autumn 2012):
- \_\_\_\_\_. and Barry Cahill. "Slave Life and Slave Law in Colonial Prince Edward Island, 1769-1825." *Acadiensis* 38.3 (Summer/Autumn 2009): 29-51.
- Wicken, William C. *Mi'kmaq Treaties on Trial: History, Land and Donald Marshall Junior*. Toronto: University of Toronto Press, 2002.
- Williams, Eric. *Capitalism and Slavery*. London: Andre Deutsch, 1983.



Wynn, Graeme. "1800-1810: Turning the Century." In *The Atlantic Region to Confederation: A History*, edited by Phillip A. Buckner and John G. Reid, 210-233. Toronto: University of Toronto Press, 1994.

\_\_\_\_\_. "Ideology, State and Society in the Maritime colonies of British North America, 1840 – 1860." In *Colonial Leviathan: State Formation in Mid-nineteenth-century Canada*, edited by Allan Greer and Ian Radforth, Toronto: University of Toronto Press, 1992.

### **Websites and Other**

"Alcohol in the Atlantic World: Historical and Contemporary Perspectives." York University, 24-27 October, 2007.

<http://www.Yorku.ca/tubman/ConferencesWorkshops/Alcohol/index>

Cram, Robert. "Restoration of the Lennox Inn." Accessed 03 November, 2010.

<http://www.lennoxinn.com/restoration.html>

"Lennox Inn, 1791." Accessed 03 November, 2010 <http://www.lennoxinn.com>.

"Lennox Tavern." Accessed 02 February, 2010.

[www.historicplaces.ca/visit-visite/affichage-display.aspx?id=1299&page=2](http://www.historicplaces.ca/visit-visite/affichage-display.aspx?id=1299&page=2).

"Loyalist Freemasons from the State of New York." Compiled by Gary L. Heinmiller. Accessed 27 January, 2015

[http://www.ondhs.syracusemasons.com/sites/default/files/history/Loyalist\\_20Freemasons.pdf](http://www.ondhs.syracusemasons.com/sites/default/files/history/Loyalist_20Freemasons.pdf).

PANB. "Publishing Histories." Accessed

[http://archives.gnb.ca/Documents/NewspaperDirectory/Publishing\\_History-EN.pdf](http://archives.gnb.ca/Documents/NewspaperDirectory/Publishing_History-EN.pdf).

"The Sinclair Inn." Accessed 01 November, 2010.

<http://www.annapolisheritagesociety.com/sinclair%20.htm>.

*The Social history of Alcohol and Drugs*. Available online.

<http://www.historyofalcoholanddrugs.typepad.com>

Conversation with Roger Marsters, Marine Curator, Maritime Museum of the Atlantic, Halifax, Nova Scotia, 5 August, 2015.

Interview with Kevin Robins, Army Museum Assistant Curator and Halifax Citadel National Historic Site Interpretive Technician. Halifax, 25 November, 2007.

---

18 August 2015

Royal Nova Scotia Historical Society Journal  
The Royal Nova Scotia Historical Society  
P.O. Box 2622  
Halifax, Nova Scotia  
B3J 3P7

Dear President,

I am preparing my doctoral thesis for submission to the Faculty of Graduate Studies at Dalhousie University, Halifax, Nova Scotia, Canada. I am seeking your permission to include a manuscript version of the following paper(s) as a chapter in the thesis:

“Rum, Revenue and Roads: The Licensing of Public Houses in Nova Scotia, 1749-1831,”  
*Journal of the Royal Nova Scotia Historical Society*, vol. 13 (Halifax: 2010), pp. 80-102, viii.

Canadian graduate theses are reproduced by the Library and Archives of Canada (formerly National Library of Canada) through a non-exclusive, world-wide license to reproduce, loan, distribute, or sell theses. I am also seeking your permission for the material described above to be reproduced and distributed by the LAC(NLC). Further details about the LAC(NLC) thesis program are available on the LAC(NLC) website ([www.nlc-bnc.ca](http://www.nlc-bnc.ca)).

Full publication details and a copy of this permission letter will be included in the thesis.

Yours sincerely,

Emily Burton

Permission is granted for: "Rum, Revenue and Roads: The Licensing of Public Houses in Nova Scotia, 1749-1831" Journal of N.S. Historical Society Vol 13 (Halifax, 2010) pp 80-102

a) the inclusion of the material described above in your thesis.

b) for the material described above to be included in the copy of your thesis that is sent to the Library and Archives of Canada (formerly National Library of Canada) for reproduction and distribution.

Name: Title: James H. Morrison, President, Royal Nova Scotia Historical Society

Signature: Date:

24 August, 2015